

CITY COUNCIL MINUTES
September 23, 2019

The meeting was called to order by Mayor Rausch at 7:00 p.m.

The pledge of allegiance was led by Mayor Rausch.

The invocation was given by Mayor Rausch.

MEMBERS PRESENT: Nevin Taylor, Deborah Groat, Scott Brock, J.R. Rausch, Alan Seymour, Mark Reams, and Henk Berbee.

OTHERS PRESENT: *City Manager Terry Emery, Police Chief Floyd Golden, Finance Director Justin Nahvi, Law Director Tim Aslaner, Fire Chief Jay Riley, Public Service Director Mike Andrako, City Engineer Jeremy Hoyt, City Planner Ashley Gaver, Zoning Administrator Ron Todd, Clerk of Council Rebecca Dible, Journal Tribune Mac Cordell, Bobb Alloway, Chad Wolniewicz, Connie Godwin, Paul Lazenby, Scott Zwiezinski, Josh Bochkor, Tony Eufinger, Ginger Turner, Vanessa Martin, Jason Martin, Steve Legron, Tracey Legron, Karen Legron, Vanessa Prentice, Matthew Legron, Jouanna Howard, Billie Hinkle, Craig Nicol, Jason Stanford, Mike Lynch, Michelle Anderson, Debbie Meadows, Mela Kircher, Jason Willis, Jermaine Ferguson.*

APPROVAL OF MINUTES:

Mrs. Groat moved to approve the September 9, 2019 minutes as presented; affirmative voice vote was unanimous.

APPOINTMENT:

Mr. Taylor moved to appoint Chad Wolniewicz to the Planning Commission.
Affirmative voice vote was unanimous.

Mr. Emery appointed Chad Wolniewicz to the Design Review Board.

LEFT BLANK
INTENTIONALLY

Mayor Rausch gave the following:

PROCLAMATION:

Whereas, suicide is the tenth leading cause of death in Ohio claiming the lives of over 47,000 people; and

Whereas, on average, one person dies by suicide every five hours in Ohio; and

Whereas, suicide is the second leading cause of death among those between the ages of 10-34; and

Whereas, suicide is the fourth leading cause of death in individuals between the ages of 35-54; and

Whereas, in 2017 more than five times as many people died by suicide in Ohio than in alcohol related motor vehicle accidents; and

Whereas, there were more than twice as many suicides (47,173) in the United States in 2017 as there were homicides (19,510); and

Whereas, suicide cost Ohio an average of \$1,206,840 per suicide death in 2010; and

Whereas, too many are affected by this tragic loss of life and more must be done to raise awareness and prevention:

Now, Therefore, I, J.R. Rausch, MAYOR OF THE CITY OF MARYSVILLE, on behalf of a concerned community, want to take this opportunity to raise awareness regarding suicide, as this tragic loss of life deeply impacts families in every community across our country, hereby recognizing September 2019, as

SUICIDE AWARENESS MONTH

In Marysville in order to help raise awareness of suicide and encourage our residents to learn the warning signs of suicide in order to prevent this tragic loss of life.

In Witness Thereof, I have hereunto set my hand and caused the Great Seal of the City of Marysville, Ohio to be hereto affixed this 23rd day of September, 2019.

J.R. Rausch, Mayor
City of Marysville

LEFT BLANK
INTENTIONALLY

Mayor Rausch read the following into the minutes:

September 10, 2019

Japan-Midwest U.S. and Midwest U.S.-Japan Associations 51st Annual Joint Meeting Joint Statement

“The 51st Annual Joint Meeting of the Japan-Midwest U.S. and Midwest U.S.-Japan Associations convened in Tokyo from September 8-10, 2019. The meeting was attended by approximately 350 representatives from Japan and the Midwest U.S. region. Lively discussions centered on the main theme, "Japan - Midwest U.S.: Looking to the Next 50 Years of Success." The conference was co-chaired by Yuzaburo Mogi, Honorary CEO and Chairman of the Board of Directors of Kikkoman Corporation, and Tommy Thompson, CEO of Thompson Holdings.

Taro Kono, Minister for Foreign Affairs, Kenichi Okada, Consul General at Chicago, and Tsutomu Nakagawa, Consul General in Detroit, gave guest speeches. Hirofumi Takinami, Parliamentary Vice Minister of Economy, Trade and Industry, and Joseph M. Young, Charge d'Affaires of the U.S. Embassy in Japan, delivered keynote speeches.

The Japanese delegation included Nagano Governor Shuichi Abe, Shiga Governor Taizo Mikazuki, Chiba Governor Kensaku Morita, Saitama Governor Motohiro Ono and representatives from ANA Holdings, Keizai Doyukai (Japan Association of Corporate Executives), Teijin, NEC, Toyota, JETRO, Mitsui Sumitomo Insurance and Marubeni.

The Midwest U.S. delegation included Ohio Governor Mike Dewine, Wisconsin Governor Tony Evers, Indiana Governor Eric Holcomb, Nebraska Governor Pete Ricketts, Minnesota Governor Tim Walz, Illinois Deputy Governor Daniel Hynes and representatives from United Airlines, BG Japan, US Japan MedTech Frontiers, SpotHero, Boston Scientific Japan, CLAYCO/Lamar Johnson Collaborative, and Dow Japan.

Since 1967, the Annual Joint Meeting of the two associations has served as the principal forum for trade and investment discussions between Japan and the Midwest U.S. region.

Panel discussions centered on the themes, "Success through Mutual Cooperation" in the first session, "Cutting-Edge Technologies for Growth" in the second session, and "Expanding Trade and Investment" in the third session.

Discussions noted that creating value is necessary to grow businesses sustainably, but it is not easy for a company to achieve this alone. The discussions highlighted the importance of a collaboration between Japanese and U.S. companies, working to enhance each other's strengths. The importance of collaboration between industries and academia was also emphasized. The meeting also showed the importance of enhancing exchanges between political and business leaders from both countries and nurturing the next generation of leaders to further future relations.

Technological innovation is also important in creating new value. Examples included the viewpoints to realize a smart society by sharing high quality data, and innovative approaches to mobility technologies and medical treatments.

During the meeting, examples of how trade and investment have contributed to economic development in Japan and the U.S. were shared. Discussions also noted the current economic frictions, and pointed out the importance of establishing a fair, free and mutually beneficial international trade system. The meeting also stressed the importance of deepening mutual understanding on national, regional and private sector levels between Japan and the U.S.

Delegates from Japan and the Midwest U.S. reaffirmed their commitment to encourage bilateral trade and investment through mutual cooperation, based on the strong trust cultivated over the years.

Delegates agreed to meet in Chicago, Illinois, for the 52nd Annual Joint Meeting to be held in September 2020. It was also announced that Yuzaburo Mogi will resign as Chairman of the Japan-Midwest U.S. Association and Takeo Inokuchi, Honorary Advisor of Mitsui Sumitomo Insurance, will take over. “

ADMINISTRATIVE REPORT:

City Manager Emery reported the following:

Events & Recreation

Friday Nights Uptown

Friday Nights Uptown – Rocktoberfest will be held on October 4 from 6-10 pm at Partners Park. Entertainment by Zack Attack; Event sponsored by Bob Chapman Ford.

Movie in the Park

Movie in the Park featuring Hocus Pocus, takes place Saturday, October 12 at Legion Park Amphitheater. Movie begins at dusk.

Trick or Treat

Thursday, October 31 from 6-8 pm. Rain or shine!

Mr. Andrako reported the following:

Public Service Department

BMX Track

The EPA approved the City's work plan for the BMX track last Friday. Street crews are working today to lay the fabric barrier and install the 6" of dirt cover. This is anticipated to be completed early next week. More details regarding the track opening were discussed per Mr. Brock's request.

Joint Rec Ball Fields

Work continues on the construction of the natural ball fields at Joint Rec. Fencing will be installed this week. We have also seeded the outfields.

Water Main Install

Water crews continue work to install the water main on N Plum St (4th St to 5th St). Mr. Hoyt confirmed that these cast iron replacements had been expected in the budget.

Columbarium

The Columbarium was placed last week. Parks and Grounds crews are working on installing landscaping and a sidewalk around it. We will also create a fact sheet and update the cemetery booklet with information on the columbarium.

Mr. Andrako reported the following:

Engineering Department

Construction updates:

- W 5th St - Striping to be complete this week. Electric installation for street lighting continues.
- Taylor Ave Sewer - Sewer installation complete. Working with contractor to get a schedule on paving. Mr. Seymour asked if the sewer line could be extended to adjoining properties due to homeowner request, which Mr. Hoyt confirmed the occurrence.

REPORT OF CLERK OF COUNCIL:

Mrs. Dible stated a new permit request was received for "Slushed Up LLC" of 116 N Main Street. Ron Todd stated the owners currently owned and operated another business which was in good standing with the City. Chief Golden had no objections, nor did Council.

PARKS & RECREATION REPORT: None

PLANNING COMMISSION REPORT:

Ms. Gaver reported the following:

1. Property Owner: Ewing Meadows Project I, LLC Applicant: Jonathan Buchanan, P.E., DESO, Inc, Location: Parcel # 2900190480010 & 2900190480030 Request: To hear a major subdivision application for the final plat for a single family development at Ewing Meadows Phase 2.
Approved; Vote: 6-0
2. Property Owner: Chestnut Crossing Developers, LLC Applicant: Kevin Braun, Braun Holdings Meadowwink, LLC Location: Parcel # 2900030720000 Request: To hear a Planned Unit Development (PUD) application for a Sketch Plan approval for a +/- 28.28 acre single family development.
Approved; Vote: 6-0
3. Property Owner: John B. Albers Trustee Applicant: Matt Callahan, Pulte Group Location: Parcel # 2900180180010 and 2900180490010 Request: To hear a Planned Unit Development (PUD) application for a Sketch Plan approval for a +/- 120.20 acre single family development.
Approved with conditions; Vote: 6-0

DESIGN REVIEW BOARD REPORT:

Mr. Lynch reported the following:

1. Exterior Plan/Landscape Plan: An application for proposed new apartments (Maryway Apartments) located at Woodside off Columbus Avenue in a Planned Unit Development.
Tabled; Vote: 5-0
2. Home Improvement Reimbursement Grant Application: An application for building improvements located at 123 E. 5th Street in the U-C (Uptown Commercial) zoning district.
Approved; Vote: 5-0
3. Certificate of Appropriateness in the Historic Design Review District: An application for exterior improvements at 116 N. Main Street in the U-C (Uptown Commercial) zoning district.
Tabled; Vote: 5-0
4. Exterior Plan/Landscape Plan: An application for proposed new building, pavement, landscape, utilities and stormwater facilities (Sunbelt) located at 1329 E 5th St in the SD1 (Special District One) zoning district.
Approved with conditions; Vote: 5-0
5. Exterior Plan/Landscape Plan: An application for proposed new multi-family residential development (Kenmore Place) located at Parcel #2900230291170 located at Coleman's Crossing in a Planned Unit Development (PUD).
Approved with conditions; Vote: 5-0
6. Exterior Plan/Landscape Plan: An application for proposed new development including two buildings, pavement, utilities and stormwater facilities located off Innovation Way in the M-2 (Heavy Manufacturing District) zoning district.
Approved with conditions; Vote: 5-0

PUBLIC SAFETY/SERVICE COMMITTEE REPORT:

Mr. Seymour stated the Committee reviewed the right-of-way abandonment on E. 5th Street, easement modifications at Innovation Park and the utility infrastructure acceptance at Jerome Grande at Jacquemin Farms and that all three items were supported by the Committee.

FINANCE COMMITTEE REPORT:

Mr. Taylor stated the Committee had reviewed supplemental appropriations for the Parkland Development Fund and in relation to a BWC premium refund as well as the establishing of the TIF Capital Improvement Fund. He stated these items were on the agenda that evening. August financials had been accepted and Council as a whole reviewed the 1st draft of the 2020 recommended budget.

HEARING OF CITIZENS:

Ms. Kircher presented Council with a handout (Attachment A) and expressed concern that she believed the City had shifted its purposes and uses for Maclvor Woods over the years. Mr. Reams asked why Ms. Kircher had waited so long to express concern to Council. Ms. Kircher stated she had been speaking with Mr. Andrako regarding her concerns for quite some time, which Mr. Andrako confirmed. Mr. Andrako stated that he had explained the City is comfortable with what has been created which allows people to enjoy and experience nature. The City Law Director, Mr. Aslaner, stated it is his strong opinion that the City is not in violation of the terms or spirit of the easement. Mr. Taylor stated he would try to get ahold of the United States Humane Society for insight, as Ms. Kircher's attempts had proved futile. He also stated he would like to know the opinion of the Maclvor family. Mr. Eufinger stated the deed of conservation easement could be found with the Union County Recorder Document 156 Page 165; he specifically noted document page number 662, paragraph G, noting the United States Humane Society was the grantee.

LEFT BLANK
INTENTIONALLY

RESOLUTIONS:

1st Reading TO AUTHORIZE THE CITY MANAGER TO SIGN THE MODIFIED AGREEMENT NUMBER
Title Only 31772 WITH MICHAEL BAKER INTERNATIONAL, ASSOCIATED WITH US 33 SMART
MOBILITY AND CONNECTED MARYSVILLE

Administration Comments: Mr. Nahvi explained this and the following resolution were both necessary as they were tied to the Mobility Grant tied to the smart corridor.

Council Comments: Per Mr. Taylor’s request, Mr. Nahvi confirmed these resolutions were in relation to the allocation of grant funds, and they were not authorizing an increase in City dollars spent. Mr. Brock stated it was his privilege to attend the NW33 COG meeting and this was excellent for the City and community.

Mr. Taylor moved to waive 3rd reading, and the question put, stood:

Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES; Mr. Brock YES;
Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES.

Vote was 7-0 in favor; Motion carried.

Mr. Taylor moved to waive 2nd reading; there were no citizens who wished to comment, and the question put, stood:

Mr. Taylor YES; Mrs. Groat YES; Mr. Brock YES; Mr. Rausch YES;
Mr. Seymour YES; Mr. Reams YES; Mr. Berbee YES.

Vote was 7-0 in favor; Motion carried.

Mr. Taylor moved to pass the legislation, and the question put, stood:

Mrs. Groat YES; Mr. Brock YES; Mr. Rausch YES; Mr. Seymour YES;
Mr. Reams YES; Mr. Berbee YES; Mr. Taylor YES.

Vote was 7-0 in favor; Motion carried.

1st Reading TO AUTHORIZE THE CITY MANAGER TO SIGN AMENDMENT ONE TO AGREEMENT
Title Only NUMBER 31557: LPA FEDERAL LOCAL-LET PROJECT MANAGEMENT AGREEMENT
WITH THE OHIO DEPARTMENT OF TRANSPORTATION, ASSOCIATED WITH THE HIRING
OF THE PROGRAM MANAGEMENT CONSULTANT (PMC) FOR THE US 33 SMART
MOBILITY PROJECT

Mr. Brock moved to waive 3rd reading, and the question put, stood:

Mr. Brock YES; Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES;
Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES.

Vote was 7-0 in favor; Motion carried.

Mrs. Groat moved to waive 2nd reading; there were no citizens who wished to comment, and the question put, stood:

Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES; Mr. Berbee YES;
Mr. Taylor YES; Mrs. Groat YES; Mr. Brock YES.

Vote was 7-0 in favor; Motion carried.

Mr. Taylor moved to pass the legislation, and the question put, stood:

Mr. Seymour YES; Mr. Reams YES; Mr. Berbee YES; Mr. Taylor YES;
Mrs. Groat YES; Mr. Brock YES; Mr. Rausch YES.

Vote was 7-0 in favor; Motion carried.

2nd Reading TO APPROVE THE CONTINUANCE OF ENTERPRISE ZONE TAX INCENTIVE AGREEMENTS
Public Hearing WITH VARIOUS COMPANIES AND TO REPORT SUCH FINDINGS TO THE OHIO
DEVELOPMENT SERVICES AGENCY

Administration Comments:

Council Comments: Mr. Taylor stated he was pleased with the agreements and numbers that had been agreed upon and come to fruition. He encouraged the passing of the legislation.

Citizen Comments:

Back for third reading, title only on Monday, October 14, 2019.

ORDINANCES:

2nd Reading TO ACCEPT THE DEDICATION OF THE WOODS AT MILL VALLEY NORTH PHASE 1,
Public Hearing SECTION 1-18 PUBLIC INFRASTRUCTURE

Administration Comments:

Council Comments:

Citizen Comments:

Back for second reading, public hearing on Monday, October 14, 2019.

2nd Reading TO ACCEPT THE DEDICATION OF THE WOODS AT MILL VALLEY NORTH PHASE 1,
Public Hearing SECTION 1-18 PUBLIC INFRASTRUCTURE

Administration Comments:

Council Comments:

Citizen Comments:

Back for second reading, public hearing on Monday, October 14, 2019.

2nd Reading TO ACCEPT THE DEDICATION OF THE WOODS AT MILL VALLEY NORTH PHASE 1,
Public Hearing SECTION 1-19 PUBLIC INFRASTRUCTURE

Administration Comments:

Council Comments:

Citizen Comments:

Back for second reading, public hearing on Monday, October 14, 2019.

2nd Reading TO ACCEPT THE DEDICATION OF THE WOODS AT MILL VALLEY NORTH PHASE 1,
Public Hearing SECTION 1-20 PUBLIC INFRASTRUCTURE

Administration Comments:

Council Comments:

Citizen Comments:

Back for second reading, public hearing on Monday, October 14, 2019.

2nd Reading TO ACCEPT THE DEDICATION OF ADENA POINTE SECTION 8, PART 1 PUBLIC
Public Hearing INFRASTRUCTURE

Administration Comments:

Council Comments:

Citizen Comments:

Back for second reading, public hearing on Monday, October 14, 2019.

2nd Reading TO ACCEPT THE DEDICATION OF ADENA POINTE SECTION 8, PART 2 PUBLIC
Public Hearing INFRASTRUCTURE

Administration Comments:

Council Comments:

Citizen Comments:

Back for second reading, public hearing on Monday, October 14, 2019.

2nd Reading TO ESTABLISH THE BIKE ROUTE GRANT FURND (FUND 491) AS WELL AS AUTHORIZE
Public Hearing SUPPLEMENTAL APPROPRIATIONS FOR THE BIKE ROUTE GRANT FUND AND MODIFY
THE 2019 ANNUAL BUDGET

Administration Comments:

Council Comments:

Citizen Comments:

Back for second reading, public hearing on Monday, October 14, 2019.

2nd Reading TO AUTHORIZE SUPPLEMENTAL APPROPRIATIONS FOR THE COURT CLERK
Public Hearing COMPUTERIZATION FUND (FUND 242) AND MODIFY THE 2019 ANNUAL BUDGET

Administration Comments:

Council Comments:

Citizen Comments:

Back for second reading, public hearing on Monday, October 14, 2019.

3rd Reading TO REZONE PARCEL NO. 2900190800020 TOTALING 14.03 ACRES, MORE OR LESS,
Public Hearing FROM TRAFFIC ORIENTED COMMERCIAL (TOC) TO A PLANNED UNIT DEVELOPMENT
(PUD) ON PROPERTY LOCATED OFF W. 5TH STREET, BEHIND KROGER MARKETPLACE

Administration Comments:

Council Comments:

Citizen Comments: [On behalf of the developer] Mr. Eufinger, in response to Mr. Reams' inquiry, stated that they respectfully heard Mr. Reams concerns that all units should be owner-occupied, they ask the Homeowner Association be extended the courtesy to address that issue internally. Mr. Eufinger further stated he believed economics would prevent these homes from becoming rentals.

Mr. Reams moved to amend the legislation by placing a 25' easement between the development and Maclvor Woods; Much discussion ensued.

Mr. Taylor moved to table all actionable and pending legislation, including the amendment, until the next scheduled Council meeting on October 14, 2019, and the question put, stood:

Mr. Reams YES; Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES;
Mr. Brock YES; Mr. Rausch YES; Mr. Seymour YES.

Vote was 7-0 in favor; Motion carried.

COMMENTS OF THE CITY MANAGER, COUNCILMEN, AND GENERAL DISCUSSION:

Mrs. Groat announced the Ward-3 Meeting at the Marysville Public Library, Meeting Room B on Tuesday, October 8th 6:30pm-8pm, to which all citizens were invited. She thanked Mr. Reams for his spirit of cooperation in regards to the PUD legislation. Mrs. Groat then thanked Mela Kircher for the excellent guide she had compiled and distributed to Council. She also noted that she had concerns regarding keeping Maclvor Woods clean.

Mr. Taylor thanked the developer for his cooperation and thanked Ms. Kircher for addressing her concerns with Council. He stated he would try to speak with the Humane Society and the Maclvor family. Mr. Taylor stated that however opinions and decisions may differ, he greatly appreciated her honesty. He then wished luck to all candidates who were up for election.

Mr. Brock addressed the developer, stating Council's goal was to get it right, and he greatly appreciated the developer's patience.

Mr. Seymour welcomed the Mayor, Vice-Mayor, and City Manager back from their Japan trip.

Mr. Reams thanked Chief Golden and all who kept the City running well while several had been away on the Japan business mission trip. He also thanked all who'd been involved in the 5th Street Project.

Mr. Berbee echoed Mr. Reams thanks regarding the 5th Street Project. He congratulated those involved on how well the Plum Street Project had turned out. Regarding Maclvor Woods, Mr. Berbee stated that he believed it was a tribute honoring Dr. Maclvor and a gem for the City; He asked others to be patient with what was happening surrounding the area, as nature naturally corrects itself.

Mayor Rausch stated he was looking forward to sharing with Council information about the Japan business mission trip, as the relationships had grown significantly in the past six years. He also gave an update regarding Blackie's Gang, stating \$27,000 of the needed \$50,000 had been raised.

City Manager Emery thanked Council for the opportunity to go to Japan to build business relationships.

EXECUTIVE SESSION: at 8:26pm

Mrs. Groat moved to adjourn to executive session to discuss negotiations regarding a collective bargaining agreement, was seconded by Mr. Brock, and the question put, stood:

Mr. Berbee YES; Mr. Taylor YES; Mrs. Groat YES; Mr. Brock YES;

Mr. Rausch YES; Mr. Seymour YES; Mr. Taylor YES.

Vote was 7-0 in favor; Motion carried.

The meeting adjourned to open session at 8:46 p.m.

ADJOURN: There being no further business to take before Council, Mr. Taylor moved to adjourn at 8:47 p.m.; the voice vote in favor was unanimous.

Maclvor Woods Conservation Easement Highlights

1. Purposes: “This ... conservation easement is made solely and exclusively for conservation purposes ... in order to prevent any future use of the Property that will significantly impair or interfere with the wildlife habitat and open space values of the Property.”

3. “Prohibited Uses. The property shall be maintained in its natural and undeveloped state in order to provide habitat for wildlife and in order to maintain the condition of the Property as open space. Any activity on or use of the Property which is inconsistent with the purpose of this Easement shall be prohibited, except where specifically allowed by any Provision of the Easement.” “... the following activities and uses are expressly prohibited”

3d. “Development of the Property, including the placement or construction of any buildings, structures, or other improvements of any kind...”

3g. “Removal, filling, or other disturbances of soil surface, nor any changes in topography, surface or subsurface water systems ... except as specifically necessary to achieve or further any of the reserved rights as provided in paragraph 4.”

Note: Paragraph 4 is “Reserved Rights of Use by Grantors” (i.e. the Maclvors.)

8. “Public Access. No right of access by the general public to any portion of the Property ..., except to the extent the Grantee [Humane Society Wildlife Trust] may permit limited access for educational purposes”

Given the unequivocal wishes of the Maclvor’s (as detailed in the Easement) how does the city justify the development of Maclvor Woods and the unrestricted access by the public to the Woods for recreational and convenience purposes?