

CITY COUNCIL MINUTES January 27, 2020

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Berbee.

INVOCATION: The Invocation was given by Mayor Berbee.

MEMBERS PRESENT: Donald Boerger, J.R. Rausch, Aaron J. Carpenter, Mark Reams and Henk Berbee. Alan Seymour and Deborah Groat excused.

OTHERS PRESENT: *City Manager Terry Emery, Interim Finance Director Sandy Hoover, Law Director Tim Aslaner, Deputy Police Chief Tony Brooks, Fire Chief Jay Riley, Public Service Director Mike Andrako, City Engineer Jeremy Hoyt, IT Director Aaron Story, Human Resources Director Brian Dostanko, Clerk of Council Rebecca Dible, Journal Tribune Mac Cordell, Union County Daily Digital Tom Stephens, Dave Carpenter, Brad Lutz, Bob Whitman, Nieca Nowels, Jermaine Ferguson, Paige Sponseller, and Aimee Steere.*

APPROVAL OF MINUTES: Councilman Reams moved to approve the January 13, 2020 minutes as presented; affirmative voice vote was unanimous.

COUNCIL APPOINTMENTS & REPRESENTATION:

Mayor Berbee made the following appointments:

Cemetery Advisory Board	Deborah Groat - Term 1/1/17 - 12/31/20
Community Improvement Corporation (CIC)	Henk Berbee
Council of Governments (COG)	Henk Berbee
Enterprise Zone Negotiation Team	J.R. Rausch
Logan-Union-Champaign Reg. Plan. Com. (LUG)	Alan Seymour
Ohio Reformatory for Women Representation	Deborah Groat
Union County Tax Incentive Review Council (TIRC)	J.R. Rausch

Mayor Berbee stated the Committee Appointments would be postponed until the Council Work Session to allow for discussion of meeting times and dates.

BOARD/COMMISSION APPOINTMENTS:

Parks & Recreation Commission:

Councilman Reams moved to appoint Bob Whitman to term 12/1/2019 - 11/30/2022; voice vote in favor was unanimous.

Local Board of Tax Review:

Councilman Rausch moved to reappoint Mark Herd to term 1/1/2020 – 12/31/2021; voice vote in favor was unanimous.

Ad Hoc Zoning Legislation Committee:

Mayor Berbee appointed Julie Kramer as an additional Citizen Member of the Committee.

ADMINISTRATIVE REPORT:

City Manager Emery appointed Brad Lutz as the Finance Director beginning February 18, 2020.

Councilman Reams moved to confirm the appointment, and the question put, stood:

Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES;

Mr. Carpenter YES; Mr. Boerger YES.

Vote 5-0 in favor; Motion carried.

Mr. Lutz addressed City Council:

First, I want to thank you for opportunity to serve as Fiscal Director for the City of Marysville. It is an honor that you place your trust in me to continue the exemplary work of those that come before me in maintaining the City's financial rating and clean audits.

Second, it is clear from my research that there are few cities in Ohio that have taken advantage of their financial position to improve the community in the way you have has councilpersons. Your innovative and open-minded leadership has made Marysville a leader in the region in how to manage growth and opportunity without sacrificing the heritage and history of the community. It does not take long to find other communities with the same resources fail to find that balance and suffer for it. You have set a standard for others to follow and I will strive to be a part of that success moving forward.

Finally, I am a small town guy at heart. I grew up in a village, Sugar Grove, on the southern border of Fairfield County, attended a school where K thru 12 was in the same building (albeit a big one, but still!). However, next to that village was the City of Lancaster.

A place with a proud heritage of historical prominence and vibrant industry that was transitioning into a new economy with Columbus looming large. I understand the challenges that face the County seats in the ring counties surrounding Franklin County.

A balance between those who want to live in the community, but have to work in another. You are striking that balance here with support of new ideas and existing businesses. You ensure that businesses looking to locate in the community will be a part of that balance.

It is an honor to be a part of the leadership team that support those goals and initiatives. I look forward to making Marysville my home for my family and being part of yours for several years to come. Thank you.

City Manager Emery reappointed Kim Kerwin to the Local Board of Tax Review, term 1/1/2020 – 12/31/2021.

City Manager Emery reported the following:

2020 State of the City Address

The 2020 State of the City Address will be held on Thursday, March 19 at Union Rural Electric. Networking reception at 6:00 p.m. State of the City Address will begin at 6:30 p.m. Schedule is as follows:

- Business Update – Union Rural Electric
- State of the City Video
- Panel Discussion on Public Utilities

RSVP's are required due to limited seating, however, we will live stream the event on the City's Facebook page and YouTube channel (City of Marysville, Ohio).

Public Service Director Andrako reported the following:

Snow/Ice Event

Street Crews responded to a snow and ice event on 1/26 using 9 operator hours and 18.5 tons of salt. This brings the season totals to 374 operator hours and 352 tons of salt.

REPORT OF CLERK OF COUNCIL: Clerk Dible asked Council Members to bring their Council Information Binders to the February 3rd Work Session as she had updated documents to distribute.

FINANCE COMMITTEE REPORT: Committee Chairman Reams reported the Committee met and accepted the December 2019 Financial Report. Several items were discussed and sponsored; these items will be on the next Council agenda.

HEARING OF CITIZENS:

Mrs. Sponseller read the following letter to City Council:

City Council Members,

As an abutting neighbor to the 222 East 8th Street my husband, Eric Sponseller and myself, Paige Sponseller feel compelled to express our concerns about the new brewery, Walking Distance, that plans to occupy and open this coming fall.

We bought our newly built Habitat home on October 29th, 2019. We came to Marysville in hopes to settle down with our 4 boys, Elias age 10, Korenthian age 9, Amare age 6 and Grady age 4. We quickly felt right at home! The staff at Northwood, where our children go to school, helped build our home and have went out of their way to make us feel comfortable, as new residents in Marysville. With our boys playing Marysville Youth Football, Elite FC soccer and basketball at Better Than Yesterday, it gave us the opportunity to meet other families and really set the feeling in stone of this town being our forever home.

In the last week of December 2019, we were caught off guard while at dinner. Not knowing anything about what neighbors we are about to receive, we were informed by another local restaurant owner, a brewery was already approved to be placed in the building directly behind our home. This wasn't something we were expecting and was upsetting to find out. Our minds started racing about all the issues this will cause us and our children.

We had already planned to report a constant banging coming from the building's eroding exterior. We weren't sure if it was coming from the old broken windows or the metal roof that was coming off, as the wind blew, but it was becoming a problem for our children to sleep at night, due to the noise. While at City Hall reporting the noise issue, we asked more about the brewery. Zach Andrews, Marysville's Code Enforcement Officer emailed us all the public documentation for the project. That was when we realized Habitat had been notified of the Public Hearing for the zoning. Unfortunately, we were never informed of this hearing or we would have been there, due to the building being in direct view of our bedroom windows and touching the backyard that our 4 children and 2 dogs will be playing in, for years to come.

In this email we were able to view the plans for the brewery's patio. Due to the awkward shape of our yard, this is directly next to where our children's trampoline will be placed, in the upcoming warm months. We will also be placing 2 large climbing toys on our side yard between us and our neighbors at 316 South Plum Street. I believe, anyone with children would understand my concerns about my children playing next to a brewery, daily. This patio will also be next to our neighbor's swing set.

Mrs. Sponseller continued:

After speaking with Doug Olsen, the owner, directly, he told us that he isn't set in stone about hours of operation for brewery, but was thinking closing for the weekdays would be 9pm and weekends would be 10 or 11pm. Our children have been going to bed at 8:30pm, every night, for their entire lives. Having people and small bands making noise on the patio, of the brewery, would be a major disruption to their lives. Them not having enough sleep or the sleep their bodies are accustomed to can cause issues with their behavior and ability to learn at school.

Mr. Olsen also expressed that the brewery would not a full kitchen, but would have appetizers. In our and a large majority of our close neighbor's eyes, a brewery with appetizers is no different than a bar. In the plan presented at the Zoning Hearing, this brewery was supposed to be similar to Leon's Garage. Without a full meal, we don't believe this was a good comparison. With a large number of young children living in eye sight proximity and a school bus stop being on the corner of 8th Street and South Plum Street, I'm sure most parents would agree with me and my neighbors this is not the ideal location for a bar.

We also have concerns of the condition of the building and Mr. Olsen's ability to repair the building and construct the brewery, so quickly. From my understanding, in the recent years, the building was condemned. Viewing the building from the outside, you can easily see the brick mortar is disintegrated in areas and the bricks are sloping downward, looking as if the building is collapsing in those areas. The roof, until just this past week, was blowing off of the building. Windows are broken and there are wires hanging all over the roof. It is hard to believe the building can be fixed, up to code and have an open brewery, in just a handful of months. We chose this very, lot to build our home on, to be able to walk to community events, the library, parks and restaurants. We have such high hopes and plans for our family in this home. I sincerely hope the City of Maryville will give us the opportunity to live out those hopes and plans.

Councilman Reams inquired if Habitat for Humanity had been informed of the neighbor's planned land use, Administration confirmed Habitat for Humanity had been notified. Councilman Boerger was concerned she hadn't been aware of her neighbor's business plans when she recently purchased her home from Habitat for Humanity. He recommended she attend the Design Review Board Meeting the following month. City Manager Emery stated Administration would continue discussions with Mrs. Sponseller and Mr. Olsen.

RESOLUTIONS:

2nd Reading TO ACCEPT THE COLLECTIVE BARGAINING AGREEMENT WITH FRATERNAL ORDER OF
Public Hearing POLICE, OHIO LABOR COUNCIL, LODGE 171; DATED JANUARY 1, 2020 THROUGH
DECEMBER 31, 2022 AND DECLARE AN EMERGENCY

Administration: Human Resources Director Dostanko explained the Collective Bargaining Unit Agreement had a minor adjustment, because the Fraternal Order of Police wanted a \$39 increase in annual salary for one job classification.

Council:

Citizens:

Councilman Rausch moved to amend the legislation as emailed to Council earlier that day, and the question put, stood:

Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES;

Mr. Boerger YES; Mr. Berbee YES.

Vote 5-0 in favor; Motion carried.

2nd Reading TO ACCEPT THE COLLECTIVE BARGAINING AGREEMENT WITH
Public Hearing FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, LODGE 171;
DATED JANUARY 1, 2020 THROUGH DECEMBER 31, 2022 AND
DECLARE AN EMERGENCY

Administration:

Council:

Citizens:

Back for third reading, title only on Monday, February 10, 2020.

3rd Reading TO ESTABLISH THE SECONDARY METER GRANT PROGRAM
Title Only

Administration:

Council:

Councilman Rausch moved to pass the legislation, and the question put, stood:

Mr. Reams YES; Mr. Carpenter YES; Mr. Boerger YES;

Mr. Berbee YES; Mr. Rausch YES.

Vote 5-0 in favor; Motion carried.

ORDINANCES:

2nd Reading TO AUTHORIZE THE ISSUANCE AND SALE OF NOT TO EXCEED \$50,000,000 WATER
Public Hearing SYSTEM MORTGAGE REVENUE BONDS, SERIES 2020, OF THE CITY OF MARYSVILLE,
OHIO, UNDER SECTION 12 OF ARTICLE XVIII OF THE OHIO CONSTITUTION, FOR THE
PURPOSE OF ACQUIRING, CONSTRUCTING, EXPANDING, REHABILITATING, AND
IMPROVING THE CITY OF MARYSVILLE'S MUNICIPAL WATER SYSTEM; TO AUTHORIZE
THE EXECUTION OF A SIXTH SUPPLEMENTAL INDENTURE OF MORTGAGE TO SECURE
SAID SERIES 2020 BONDS; AND APPROVE RELATED MATTERS IN CONNECTION WITH
THE ISSUANCE OF THE BONDS

Administration:

Council: Mr. Berbee stated this legislation was for the water system mortgage.

Citizens:

Back for third reading, title only on Monday, February 10, 2020.

2nd Reading TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED \$3,090,000 OF NON-TAX REVENUE
Public Hearing BONDS FOR THE PURPOSE OF CONSTRUCTING CERTAIN PUBLIC INFRASTRUCTURE
IMPROVEMENTS IN CONNECTION WITH THE WOODSIDE DEVELOPMENT, INCLUDING BUT
NOT LIMITED TO (I) ROADWAY IMPROVEMENTS, WATER, SANITARY SEWER, LIGHTING,
SIGNALIZATION, AND OTHER RELATED UTILITY IMPROVEMENTS, AND GRADING
CONSTRUCTION ON OR ABOUT COLUMBUS AVENUE, DUNHAM AVENUE, AND
PROFESSIONAL PARKWAY, AND (II) OTHER INFRASTRUCTURE IMPROVEMENTS RELATING
THERETO; TO AUTHORIZE THE EXECUTION OF A FIRST SUPPLEMENTAL TRUST AGREEMENT
TO SECURE SAID BONDS, IF NECESSARY; TO AUTHORIZE A BOND PURCHASE AGREEMENT
AND AN OFFICIAL STATEMENT APPROPRIATE FOR THE OFFERING AND SALE OF SUCH
BONDS; TO AUTHORIZE THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY, IF
DESIRED, IN CONNECTION THEREWITH; AND TO APPROVE RELATED MATTERS IN
CONNECTION WITH THE ISSUANCE OF SAID BONDS

Administration: Mr. Emery reminded Council that as stated at the January 13th
Council Meeting, there was a request to amend the legislation which would alter the
not to exceed amount from \$3,090,000 to \$3,600,000.

Council:

Citizens:

Councilman Rausch moved to amend the legislation as referenced in the Council
Packet, and the question put, stood:

Mr. Carpenter YES; Mr. Boerger YES; Mr. Berbee YES;
Mr. Rausch YES; Mr. Reams YES.

Vote 5-0 in favor; Motion carried.

2nd Reading TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED \$3,600,000
Public Hearing OF NON-TAX REVENUE BONDS FOR THE PURPOSE OF CONSTRUCTING
CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN CONNECTION WITH
THE WOODSIDE DEVELOPMENT, INCLUDING BUT NOT LIMITED TO (I)
ROADWAY IMPROVEMENTS, WATER, SANITARY SEWER, LIGHTING,
SIGNALIZATION, AND OTHER RELATED UTILITY IMPROVEMENTS, AND
GRADING CONSTRUCTION ON OR ABOUT COLUMBUS AVENUE, DUNHAM
AVENUE, AND PROFESSIONAL PARKWAY, AND (II) OTHER INFRASTRUCTURE
IMPROVEMENTS RELATING THERETO; TO AUTHORIZE THE EXECUTION OF A
FIRST SUPPLEMENTAL TRUST AGREEMENT TO SECURE SAID BONDS, IF
NECESSARY; TO AUTHORIZE A BOND PURCHASE AGREEMENT AND AN
OFFICIAL STATEMENT APPROPRIATE FOR THE OFFERING AND SALE OF SUCH
BONDS; TO AUTHORIZE THE PURCHASE OF A MUNICIPAL BOND INSURANCE
POLICY, IF DESIRED, IN CONNECTION THEREWITH; AND TO APPROVE
RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS

Administration:

Council:

Citizens:

Back for third reading, title only on Monday, February 10, 2020.

2nd Reading TO AUTHORIZE THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED
Public Hearing \$4,535,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF (I)
ACQUIRING, DESIGNING, IMPROVING AND CONSTRUCTING VARIOUS PUBLIC SERVICE
RELATED PROJECTS, (II) CONSTRUCTING AND INSTALLING ROAD AND TRAFFIC
SIGNALIZATION IMPROVEMENTS, WITH RELATED SITE IMPROVEMENTS AND
APPURTENANCES THERETO, (III) CONSTRUCTING, RECONSTRUCTING, WIDENING,
OPENING, IMPROVING, RESURFACING, AND PAVING VARIOUS STREETS, ROADS,
CURBS AND SIDEWALKS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES
THERETO, AND (IV) CONSTRUCTING AND RECONSTRUCTING VARIOUS CAPITAL
PROJECTS IN INNOVATION PARK, INCLUDING ELECTRICAL, LANDSCAPING AND
STREETSCAPING IMPROVEMENTS, WITH RELATED SITE IMPROVEMENTS AND
APPURTENANCES THERETO; AND TO RETIRE NOTES PREVIOUSLY ISSUED FOR SUCH
PURPOSE; AND TO AUTHORIZE AND APPROVE RELATED MATTERS

Administration:

Council:

Citizens:

Back for third reading, title only on Monday, February 10, 2020.

2nd Reading TO ACCEPT THE DEDICATION OF THE VILLAGE NEIGHBORHOOD SECTION 5, PHASE 1
Public Hearing WATER MAIN IMPROVEMENTS

Administration:

Council:

Citizens:

Back for third reading, title only on Monday, February 10, 2020.

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

Councilman Carpenter:

He thanked Mrs. Sponseller for coming to Council to address her concerns and asked to speak with her after the meeting. He further stated this situation gave the City the opportunity to see how the process can be improved in the future. Councilman Carpenter then referenced the recent, unexpected death of Kobe Bryant and encouraged everyone to hug their family and not take them for granted, as “we are only guaranteed yesterday.”

Councilman Rausch:

He referenced an excellent article in the Columbus Dispatch regarding a housing study. Councilman Rausch noted the importance of moving forward with affordable housing to bring in the workforce, stating things needed to be done at the City level to help reduce house prices.

Councilman Boerger:

Commented the new streetlight on 5th Street looked nice and asked if the old one would be taken down. Public Service Director Andrako confirmed it would. Councilman Boerger asked why there was not a stop sign on the first street heading north and south, to the east of the Kroger Marketplace. Mr. Andrako explained that it was a private street and the City had been emailing the owner to see if a stop sign could be placed.

Mayor Berbee:

He urged Council to review the Rules of Council and to take their Information Binders to the upcoming Work Session. He also welcomed Brad Lutz as the soon to be Finance Director.

City Manager Emery:

He stated Mr. Lutz had done very well all through the interview process for the Finance Director position and he was excited to see Mr. Lutz had done his homework. City Manager Emery also commended Human Resources for doing a phenomenal job through the hiring process and positioning the City to bring in the best candidates possible for hires.

ADJOURN: There being no further business to take before Council, Councilman Rausch moved to adjourn at 7:46 p.m.; the voice vote in favor was unanimous.