

CITY COUNCIL MINUTES
March 23, 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.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT: *City Manager Terry Emery and Clerk of Council Rebecca Dible. Chief of Police Floyd Golden, Fire Chief Jay Riley, and Human Resource Director Brian Dostanko entered the room for updates when applicable however did not remain in the meeting room in order to adhere to Governor DeWine’s mandate.*

APPROVAL OF MINUTES:

Councilman Reams moved to approve the March 9, 2020 Council Meeting minutes as presented; affirmative voice vote was unanimous.

ADMINISTRATIVE REPORT:

City Manager Emery reported the following:

In response to State issued orders by Governor Mike DeWine, the City of Marysville is taking every possible precaution to protect the health and safety of its residents and employees, while continuing to provide quality customer service.

Closures

Currently City Hall is closed to the public. The City of Marysville asks residents who normally visit City Hall for services to conduct their business over the phone, online, or utilizing the drive-thru drop box behind City Hall.

The following city facilities are closed to the public until further notice:

- City Hall (including Council Chambers)
- Oakdale Cemetery Office (no walk-ins; call 937- 645-7349 for an appointment)
- Partners Park Restrooms
- Police and Municipal Court Community Room
- Decker Fire Station Training Room is currently closed to the public

Regarding Public Meetings

Marysville City Council meetings will continue as scheduled, but will not be open to public attendance.

All Council Committee, Board, and Commission meetings are cancelled until further notice (effective March 17, 2020).

City Manager Emery's report continued:

Income Tax Returns

With the indefinite closure of City Hall, tax payers will be offered alternative methods to receive assistance from the Income Tax Division. In lieu of our typical walk-in service, a drop-off return preparation service is now available. If you need assistance with your City of Marysville return, you can leave your tax information in the drop box located behind City Hall. Our team will then prepare your return, contact you with results, and mail 2 copies of the prepared return (one to be signed and returned to our office and the other for your records). This service remains free of charge. We are still available to answer your city tax questions by phone at 937-645-7350 (option 4). Taxes may also be filed online at www.marysvilleohio.org.

Utility Shut-Offs Postponed

The utility shut-off process will be postponed for the month of March. This is for utility delinquent accounts that were scheduled to be shut-off on 3/19/20. We will continue to monitor the situation and provide updates as necessary.

Income Tax & Utilities Payments

Although City Hall is closed to public access during this health emergency, Income Tax & Utilities Payments can be made by the following ways:

- Drive-thru drop box behind City Hall
- Online (marysvilleohio.org)
- Phone (937-645-7350)

Email utilities@marysvilleohio.org for questions related to Utilities.

Email incometax@marysvilleohio.org for questions related to Income Tax.

*Remind residents that it is critical that we continue to support our local businesses during this crisis.

Finally, I would like to encourage citizens to follow the Union County Health Department on Facebook or Twitter for the most recent information related to COVID-19. We will also keep you posted on the City's response to the COVID-19 situation on our website and Facebook page.

Public Service Department

Public Service Director Andrako reported the following:

Play Structures & Park Shelters

For the health and safety of the public, the City of Marysville will be prohibiting the use of City-owned play structures until further notice. Councilman Reams noted concern for anyone utilizing Bark Park, as the gate could be a major point for COVID-19 exposure.

In addition to play structures, park shelters will also be prohibited from being used by groups of 10 or more people and will not be available for reservations.

Tree Clearing

Tree clearing work is occurring adjacent to Maclvor Woods as part of Residences at Bethel Woods development, clearing limit was verified by me, Jeremy and Andy.

COVID-19 Response Update

Fire Chief Jay Riley reported the following:

He provided an update on Union County's COVID-19 response from the Emergency Operation Center (EOC). The EOC has been open since March 12th to assist in the massive amount of information coming in and public health guidance being pushed out. He thanked Union County Health Commissioner Dr. Jason E. Orcena, all fire/EMS, law enforcement, and EMA partners for standing together during this crisis.

If you have general questions about COVID-19, go to [Coronavirus.Ohio.gov](https://www.coronavirus.ohio.gov) or call the Ohio Call Center at 1-833-427-5634. For information on local efforts or local questions, please follow the Union County Health Department on Facebook, Twitter, Instagram, at www.uchd.net, or call the Union County Health Department at 937-642-2053.

REPORT OF CLERK OF COUNCIL:

Clerk Dible reported the following:

Liquor Permit Request

New D4 & D5 permits were requested by Grain LLC at 404 S Oak Street. Neither the Division of Police nor City Council objected.

PARKS & RECREATION REPORT:

Councilman Carpenter reported the following:

The meeting had been canceled due to lack of agenda items. He also agreed with Councilman Reams' previous comments and asked people to take precautions when passing through the gate at Bark Park.

PLANNING COMMISSION REPORT:

City Manager Emery reported the following:

1. To hear a zoning amendment application to rezone 18.393 acres of Parcel #2900191410000 located off of State Route 4 and Payne Road from the existing Traffic Oriented Commercial (TOC) to Agricultural Residential District (A-R).

Approved: 6 - yes, 0- no

Additional summary:

The zoning amendment request meets the goal of the vision for the preferred land use as outlined in the City’s Comprehensive Plan, as well as, the future zoning district (Agricultural Residential District) in the City’s update to the Zoning Code and Map.

2. To hear a major subdivision application for the final plat for Professional Parkway Right of Way at the Woodside Development for Parcel #2900230110000 and 2900031230000.

Approved: 6 - yes, 0- no

3. Motion for reconsideration to hear a Planned Unit Development (PUD) application to revise the PUD zoning code within ‘Sub-Area E’ of Parcel #2900090015000 of the existing Cooks Pointe PUD. This parcel is situated along Cooks Boulevard between SR 4 and SR 31.

(Motion for reconsideration was granted by Planning Commission in order to follow the Zoning Code requirements for PUD process, which requires a Commission member to state their reason for disapproval on record (Section 1145.17), and Planning Commission shall take the PUD Criteria into consideration while reviewing the application (Section 1145.18). Additional information presented by the Cooks lawyer, and public input was heard at the meeting. Planning Commission reconsidered and re-voted.)

Approved: 4 - yes, 2- no

Reasons for No Votes:

1. Commission member did not feel that the application met Criteria #1:
Section 1145.18 (A)(1) - The development is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained and the uses proposed will not be detrimental to present and potential surrounding uses;
2. Commission member felt this would cause a lack of variety of housing types and did not meet Criteria #7:
Section 1145.18 (A)(7) The proposed development meets the objectives set forth in Section 1145.01.

Additional summary:

Multi-family is currently a permitted use in ‘Sub Area E’ of the Planned Unit Development (PUD). The applicant is requesting a conversion from condos (owner occupied units) to apartments (rental units) for the remaining 10 acres within ‘Sub Area E’.

PLANNING COMMISSION REPORT:

City Manager Emery reported the following:

1. Home Improvement Reimbursement Grant Application: An application for improvements located at 475 Damascus Road, in the Green Pastures subdivision, zoned R-2 (Medium Density Residential).
Approved: 6 - yes, 0- no (1 Board Member late to meeting)
2. Home Improvement Reimbursement Grant Application: An application for building improvements located at 601 Scott Farm Blvd, in the Scott Farms subdivision, zoned R-3 (High Density Single Family Residential).
Approved: 6 - yes, 0- no (1 Board Member late to meeting)
3. Certificate of Appropriateness in the Historic Design Review District: An application for renovation of an existing structure to be used as a Brewery/Brewpub (Walking Distance Brewery) at the property located at 222 E. 8th Street in the U-T (Uptown Transitional) zoning district.
Approved with conditions: 7 - yes, 0- no
4. Certificate of Appropriateness in the Historic Design Review District: An application for a new sign at 333 S. Main Street (Vandre Professionals Plaza) in the U-T (Uptown Transitional) zoning district.
Approved with conditions: 7 - yes, 0- no

Councilman Rausch asked that if Administration determines there was a safe way to meet, that the Boards & Commissions continue to meet, as not to delay projects. City Manager Emery stated staff had been requested to evaluate proposed addenda items to determine if meetings were necessary until the stay-at-home order was lifted. Councilman Carpenter stated the Federal Government has encouraged citizens to stop the curve (spread of COVID), not stop the economy. The meetings were discussed at length and City Manager Emery stated the situation was ever changing and he would keep Council updated.

HEARING OF CITIZENS:

Dave Creviston appreciated the ability to call in to participate in the Council Meeting telephonically. He gave recommendations to improve the meeting procedure, such as asking Council Members to state their names prior to speaking which would allow those listening to better follow the conversation. Mr. Creviston also encouraged the City to tighten up the budget this year as much as possible and further agreed with the decision to not hold any unnecessary public meetings to prevent unnecessary spread of COVID-19.

Councilman Reams moved to add consent legislation to the agenda: TO DECLARE A STATE OF EMERGENCY IN THE CITY OF MARYSVILLE, DUE TO THE COVID-19 PANDEMIC AND TO EMPOWER THE CITY MANAGER WITH EXTRAORDINARY POWERS DURING THE STATE OF EMERGENCY AND TO DECLARE AN EMERGENCY, and the question put, stood:

Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES;
Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES.

Vote 7-0 in favor; Motion carried.

RESOLUTIONS:

One Reading TO DECLARE CERTAIN EMERGENCY PROCEDURES NECESSARY FOR THE
Only CONTINUED GOVERNANCE OF THE CITY DURING THE CURRENT NATIONAL STATE
OF EMERGENCY

Councilwoman Groat moved to pass the emergency clause, and the question put, stood:

Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES; Mr. Seymour YES;
Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES;

Vote 7-0 in favor; Motion carried.

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

Mr. Reams YES; Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES;
Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES.

Vote 7-0 in favor; Motion carried.

Intentionally Left Blank

ORDINANCES:

1st Reading TO DECLARE A STATE OF EMERGENCY IN THE CITY OF MARYSVILLE, DUE TO THE
Title Only COVID-19 PANDEMIC AND TO EMPOWER THE CITY MANAGER WITH
EXTRAORDINARY POWERS DURING THE STATE OF EMERGENCY AND TO DECLARE
AN EMERGENCY

Human Resources Director Dostanko explained the purpose of this legislation and gave Council an update on the current state of the City in regard to the COVID-19 pandemic. He answered several questions asked by Council.

Councilman Reams moved to pass the emergency clause, and the question put, stood:
Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES;
Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES.
Vote 7-0 in favor; Motion carried.

Councilman Rausch moved to waive third reading, and the question put, stood:
Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES;
Mr. Reams YES; Mr. Carpenter YES; Mr. Seymour YES.
Vote 7-0 in favor; Motion carried.

Councilman Reams moved to waive second reading, and the question put, stood:
Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES;
Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES.
Vote 7-0 in favor; Motion carried.

Councilman Rausch moved to pass the legislation, and the question put, stood:
Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES;
Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES.
Vote 7-0 in favor; Motion carried.

Intentionally Left Blank

1st Reading Title Only TO ACCEPT THE DEDICATION OF THE ADENA POINTE SECTION 8, PART 3 PUBLIC INFRASTRUCTURE

Councilwoman Groat moved to waive third reading, and the question put, stood:
Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES;
Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES.
Vote 7-0 in favor; Motion carried.

Councilman Rausch moved to waive second reading, and the question put, stood:
Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES;
Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES.
Vote 7-0 in favor; Motion carried.

Councilman Seymour moved to pass the legislation, and the question put, stood:
Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES;
Mr. Reams YES; Mr. Carpenter YES; Mr. Seymour YES.
Vote 7-0 in favor; Motion carried.

1st Reading Title Only TO ACCEPT THE DEDICATION OF THE ADENA POINTE SECTION 9, PART 1 PUBLIC INFRASTRUCTURE

Councilwoman Groat moved to waive third reading, and the question put, stood:
Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES;
Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES.
Vote 7-0 in favor; Motion carried.

Councilman Seymour moved to waive second reading, and the question put, stood:
Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES;
Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES.
Vote 7-0 in favor; Motion carried.

Councilwoman Groat moved to pass the legislation, and the question put, stood:
Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES; Mr. Seymour YES;
Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES.
Vote 7-0 in favor; Motion carried.

Intentionally Left Blank

1st Reading TO ACCEPT THE DEDICATION OF THE WEAVER RIDGE PHASE 2 PUBLIC
Title Only INFRASTRUCTURE

Councilwoman Groat moved to waive third reading, and the question put, stood:
Mr. Reams YES; Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES;
Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES.
Vote 7-0 in favor; Motion carried.

Councilman Rausch moved to waive second reading, and the question put, stood:
Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES;
Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES.
Vote 7-0 in favor; Motion carried.

Councilwoman Groat moved to pass the legislation, and the question put, stood:
Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES;
Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES.
Vote 7-0 in favor; Motion carried.

1st Reading TO LEVY AN ADDITIONAL FIVE DOLLAR (\$5.00) MOTOR VEHICLE LICENSE TAX FOR
Title Only THE CITY OF MARYSVILLE, OHIO PURSUANT TO SECTION 4504.06 OF THE OHIO
REVISED CODE

Councilman Rausch moved to table the legislation until April 27, 2020, the motion was
seconded by Councilman Reams, and the question put, stood:
Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES;
Mr. Reams YES; Mr. Carpenter YES; Mr. Seymour YES.
Vote 7-0 in favor; Motion carried.

1st Reading TO LEVY AN ADDITIONAL FIVE DOLLAR (\$5.00) MOTOR VEHICLE LICENSE TAX FOR
Title Only THE CITY OF MARYSVILLE, OHIO PURSUANT TO SECTION 4504.172 OF THE OHIO
REVISED CODE

Councilwoman Groat moved to table the legislation until April 27, 2020, the motion
was seconded by Councilman Rausch, and the question put, stood:
Mr. Boerger YES; Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES;
Mr. Carpenter YES; Mr. Seymour YES; Mrs. Groat YES.
Vote 7-0 in favor; Motion carried.

1st Reading Title Only TO REZONE PARCEL NO. 2900191410000 TOTALING 18.393 ACRES, MORE OR LESS, FROM TRAFFIC ORIENTED COMMERCIAL (TOC) TO AGRICULTURAL RESIDENTIAL DISTRICT (A-R) ON PROPERTY LOCATED AT THE CORNER OF PAYNE ROAD AND SR 4/36

Councilman Seymour moved to table the legislation until April 27, 2020, the motion was seconded by Councilman Reams, and the question put, stood:

Mr. Berbee YES; Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES;
Mr. Seymour YES; Mrs. Groat YES; Mr. Boerger YES.
Vote 7-0 in favor; Motion carried.

1st Reading Title Only TO APPROVE A PLANNED UNIT DEVELOPMENT (PUD) APPLICATION TO REVISE THE PUD ZONING CODE WITHIN 'SUB-AREA E' OF PARCEL NO. 2900090015000 OF THE EXISTING COOKS POINTE PUD

Councilman Reams moved to table the legislation until April 27, 2020, the motion was seconded by Councilman Carpenter, and the question put, stood:

Mr. Rausch YES; Mr. Reams YES; Mr. Carpenter YES; Mr. Seymour YES;
Mrs. Groat YES; Mr. Boerger YES; Mr. Berbee YES.
Vote 7-0 in favor; Motion carried.

COMMENTS OF THE CITY MANAGER AND COUNCIL PERSONS AND GENERAL DISCUSSION:

Councilwoman Groat:

Invited all citizens to participate in her less-formal meetings for Ward 3 Residents on the first Tuesday of each month, held at the Public Library at 6:30 p.m. in meeting room B.

Councilman Boerger:

Encouraged all to continue listening to Governor DeWine's order to stay-at-home and applauded the Governor for his leadership.

Councilman Rausch:

Expressed appreciation regarding the City's form of government during a crisis situation. He applauded the City Manager, Police & Fire Chiefs, Union County Health Department, Emergency Medical Personnel, and others for their efforts regarding the COVID-19 situation.

Councilman Reams:

Spoke to the current challenging times all were facing. He stressed the importance of thinking through choices, making sure all were minimizing contact with others, placing health and safety first.

Councilman Carpenter:

Conveyed his trust in the excellent leadership of the President, Ohio leadership, the City Manager, and Administrative staff. He asked the City clarify directives to citizens at this time and stressed the importance of not putting a full stop on the City's economy.

Councilman Seymour:

Asked Administration to explain to citizens how the City's recommendations align with the State's mandates.

Mayor Berbee:

He asked Administration to explain how the current COVID situation affected procedures regarding EMS calls. He also reiterated the importance of all reporting in the 2020 Census.

ADJOURN: There being no further business to take before Council, Councilman Rausch moved to adjourn at 8:48 p.m.; the voice vote in favor was unanimous.