

# CITY COUNCIL MINUTES

FEBRUARY 27, 2014

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

**MEMBERS PRESENT:** Mr. Fogt, Mrs. Richardson, Mr. Rausch, Mrs. Groat, Mr. Reams, Mr. Berbee **EXCUSED:** Mr. Taylor

**OTHERS PRESENT:** Director of Administration Terry Emery, Law Director Tim Aslaner, Public Service Director Mike Andrako, Asst. Finance Director Nancy Myers, Police Chief Floyd Golden, Fire Chief Jay Riley, Clerk Connie Patterson

**REPORTERS PRESENT:** Ryan Horns-Journal Tribune, Amy Rogan-ThisWeek

**CITIZENS PRESENT:** Malin Westfall, Jason Stanford, Ben Vollrath, Martin Pratt, Kirk Decker, Donald Boerger

**APPROVAL OF MINUTES:** There being no additions or corrections, the minutes for the meeting on February 13, 2014 were approved as written.

**ADMINISTRATIVE REPORT:** Mr. Emery reported the following:

## **Income Tax Assistance**

Finance Department staff is available Monday through Friday, 8am to 5:00 pm to provide City Income Tax assistance. Special after-hours, dates and times will be provided on

- Saturday, April 12, 2014 (9am-12pm)
- Monday, April 14, 2014 (5pm-7pm)
- Tuesday, April 15, 2014 (5pm-7pm)

Assistance will be offered at the Customer Service Counter located in City Hall at 209 South Main Street.

## **BWC Safety Grant**

City of Marysville was approved by the Ohio Bureau of Workers' Compensation (BWC) for a safety intervention grant totaling \$29,764.95 towards the purchase of a power-load EMS cot. The City has a 1 to 3 match of this grant, or \$9,921 towards the purchase. The grant allows us to purchase and install a power load cot device that will significantly reduce the lifting requirement for our Firefighter/EMTs and also improves the safety of the patients we transport. The grant also requires us to study the result of the initiative.

## **Statewide Tornado Drill**

The Union County Emergency Management Agency, Union County Sheriff's Office and the City Of Marysville will participate in the Statewide Tornado Drill on Wednesday, March 5<sup>th</sup>. Sirens will be activated at 9:50 a.m. (the time of the Statewide Tornado Drill). This drill will take the place of the weekly siren test that is performed every Wednesday.

Mr. Reams asked if ORW would be participating in this drill. Chief Riley was uncertain if they would be participating or not. They must receive permission from the state in order to participate.

Mr. Emery requested an Executive Session to discuss imminent litigation. No action will be taken.

Mrs. Richardson encouraged Administration to get communication out to residents about the tornado drill.

Mr. Rausch asked if we've got enough salt on hand to take care of the forecasted winter storm coming this weekend. Mr. Emery assured him that our salt supply is good and crews are ready to go when necessary.

**REPORT OF CLERK OF COUNCIL:** No report.

**REPORT OF PLANNING COMMISSION:** Mr. Martin Pratt, Planning Commission Chairman, reported that most items discussed at the February meeting are on tonight's Council agenda. City Engineer Jeremy Hoyt gave the state of the Engineering Department report, and Mr. Eric Phillips will give state of the Economic Development report at the March Planning Commission meeting.

**HEARING OF CITIZENS:** No comments.

### **RESOLUTIONS**

"RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION ON BEHALF OF THE CITY OF MARYSVILLE TO THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES WATERWAYS SAFETY FUND" was presented for One Reading Only. Mr. Emery explained that this is the first step to the process of our ability to secure funds from the Ohio Department of Natural Resources to be able to utilize the reservoir for fishing and boating (boats with 10 HP or less). This is authorization to submit the application. Administration will come back to Council in August or September for further authorization to move forward. Mr. Emery said he will arrange for a representative of ODNR Division of Watercraft and Division of Wildlife to come to Council to talk about their role in this process. ODNR is willing to fund this project at 100%. Staff has visited other reservoirs, Findlay specifically, and they talked very highly of their program. The 100% funding will involve improved parking at the reservoir, ramp improvements up to the boat dock that would be constructed and signage. ODNR will also provide some policing of the area from time to time. This project won't be constructed until early 2016. Design will begin sometime in 2015. Staff will continue to update Council on the project.

Mr. Rausch asked if ODNR would stock the reservoir with fish. Mr. Emery said yes. They will start stocking this year.

Mr. Reams asked if ODNR funds this at 100%, then there would be no funds expended by the city, which means that City Council would not have any involvement at that time. Mr. Emery said Council would need to authorize Administration to enter into the agreement.

Mr. Aslaner said this resolution says that we have to obligate the funds for potential overage, but we can ensure the details of the actual project in the agreement. It would be a good idea to bring the agreement before Council so everyone sees that the projects that are expended are completely covered.

Mr. Reams expressed concern that ODNR will fund this at 100% only if we agree to allow motorized boats. Motorized boats are his concern. He has no problem with fishing or boats, such as sail boats or row boats. This is our water supply and everybody in this room is concerned with the rates that we charge for water and the cost to treat our water, and there is nothing about a boat in the water that's going to bring those costs down. The only thing it's going to do is increase our cost for treating that water. Mr. Reams is not in favor of allowing boats on the water.

Mr. Emery said he is not opposed to tabling this Resolution and have someone from ODNR come in and talk to Council to answer questions or concerns.

Mr. Reams said that the 100% funding requires that we allow motorized boats in order to receive 100%. Mr. Emery agreed. Mr. Reams said knowing that, there is nothing that ODNR reps can say to make him change his mind.

Mrs. Richardson asked if anyone has addressed Mr. Ream's concern about the cost of cleaning or purifying the water. She'd like for staff to come back with some numbers. She also asked if this project has been run through the Parks & Recreation Commission. Response was it has not. She suggested that we get input from Parks & Recreation. Mr. Rausch commented that the reservoir is not city property and is located outside the city limits. Mrs. Richardson said we have to assume residents of the city would have some interest.

Mr. Fogt said he doesn't want to hold up this process too long. Taking it through Parks & Recreation may take a couple of months and he doesn't feel it's necessary to go through Parks & Rec. Mr. Fogt asked if there was any consideration of only electric motors and not gasoline.

Mr. Emery said he would have to have further discussions with ODNR. The other reservoirs visited had gasoline motors on boats. Findlay's Water Superintendent said you continue to treat the water.

Mr. Emery offered to have Scott Sheppard come in to talk to Council. He was involved in initial discussions with ODNR and reservoir visits.

Mr. Reams said we don't allow people to take dogs to walk on the top of the reservoir, because when a dog does its business, it runs into the water. "If we're going to have rules like that, I don't see how we can say a gas powered boat is acceptable."

Mr. Rausch said most other reservoirs allow people to recreate on the reservoirs.

Mrs. Groat moved to table this Resolution until March 27<sup>th</sup> and asked Mr. Emery to invite an ODNR rep to answer some concerns from Council. It will also give Mr. Taylor an opportunity to give input in this very important vote, and the question put, stood:

Mrs. Richardson YES Mr. Rausch YES Mrs. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Fogt YES

Motion passed. Resolution is tabled to March 27, 2014.

Mr. Reams requested three readings on this Resolution so that opportunity is given for public input.

Mr. Fogt asked if the tabling of this Resolution and the three readings would delay this too much. Mr. Aslaner said ODNR has to have this resolution, but the meat of the project will be in the agreement that the City has to enter into with ODNR. Mr. Emery will check with ODNR to make sure the delay doesn't hurt our chances for the grant.

Mr. Reams moved to have three readings on this Resolution, and the question put, stood:

Mr. Rausch YES Mrs. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Fogt YES Mrs. Richardson YES

Motion passed.

"RESOLUTION AUTHORIZING THE CITY OF MARYSVILLE TO ADVERTISE FOR SALE CERTAIN REAL PROPERTY DESCRIBED AS PARCEL #29-0004413.0000 ON CHARLES LANE, MARYSVILLE, OHIO" was presented for One Reading Only. Mr. Emery said this property was previously before Finance Committee. It is located in the strip right next to McDonalds. The City does not need the property for any municipal purpose. Mr. Berbee moved to pass the legislation and the question put, stood:

Mrs. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Fogt YES Mrs. Richardson YES Mr. Rausch YES

Resolution 3-14 passed.

The resolution "TO ACCEPT THE COLLECTIVE BARGAINING AGREEMENT WITH FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, LODGE #171 FOR YEARS 2014-2016 AND DECLARING AN EMERGENCY" was presented for first reading, title only. Mr. Emery noted a couple of amendments minor in nature. Council received corrected copies.

Mrs. Richardson noted that the agreement makes mention of the role of the Mayor. She asked if at the end of the contract, will we still have a Mayor in effect. Mr. Emery said it's a three-year contract, therefore, it will overlap at a time that we transition. Mr. Dostanko said we may need some form of MOU. Also, the Bargaining Agreement is not an issue unless there is an issue with it, meaning a grievance.

Mrs. Groat moved to accept the amendments and the question put, stood:

Mr. Reams YES Mr. Berbee YES Mr. Fogt YES Mrs. Richardson YES Mr. Rausch YES Mrs. Groat YES

Motion passed.

Mrs. Richardson moved to pass the emergency and the question, put stood:

Mr. Berbee YES Mr. Fogt YES Mrs. Richardson YES Mr. Rausch YES Mrs. Groat YES  
Mr. Reams YES

Emergency passed.

Mr. Reams moved to waive second reading, public hearing and the question put, stood:

Mr. Fogt YES Mrs. Richardson YES Mr. Rausch YES Mrs. Groat YES Mr. Reams YES  
Mr. Berbee YES

Motion passed.

Mr. Dostanko thanked Mayor Gore for his leadership, which was instrumental in the negotiations. Also, Mr. Emery sat in on every bargaining session, which isn't the norm for city administrators. There is a very good relationship between Chief Golden and his Deputy Chiefs, as well as with the Union. It was a great team effort.

Mr. Fogt moved to waive third reading, title only and the question put, stood:

Mrs. Richardson YES Mr. Rausch YES Mrs. Groat YES Mr. Reams YES Mr. Berbee  
YES Mr. Fogt YES

Motion passed.

Mrs. Richardson moved to pass the legislation and the question put, stood:

Mr. Rausch YES Mrs. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Fogt YES Mrs.  
Richardson YES

Resolution 4-14 passed.

"A RESOLUTION APPROVING AN ENTERPRISE ZONE AGREEMENT BETWEEN UNION COUNTY, OHIO, CITY OF MARYSVILLE, OHIO AND HERITAGE COOPERATIVE INC." was presented for first reading, title only. Mr. Emery said the Enterprise Zone Negotiating team is recommending a 75%, ten-year tax abatement, based on our incentive policies. The team feels it is a fantastic project for the city.

Mr. Malin Westfall, Corporate Sales Manager for Heritage, addressed Council. He displayed some renderings of the proposed facility. Heritage Cooperative is excited about this project and the ability to add to Union County's number one industry, which is agriculture. The Board has approved this project pending permitting and finding an incentive package. The property is approximately 277 acres, referred to as a Jobs Ready Site. The proposal is to build a full agriculture campus and research farm. There will be a lot of test plots that will remain

agricultural along Scottslawn Road as it is today. He noted the extensive driveways which will lead to the business. There will be enough space to line up approximately 40/50 semi trucks on their own property in their busy seasons, which will keep them off the roads from a safety perspective. He noted a loop track will be built where the train can come in, make an entire loop, load or unload and then go back out. This loop track allows them to get the trains off the main line and keep traffic flowing and not provide safety hazards on their end. All grain will be stored inside.

Mrs. Groat asked what will happen to the current Marysville Heritage site once this project is completed. Mr. Westfall said as of today, there are no prescribed plans to dismantle, tear down or cease operations at the existing facility. He said small elevators like the one in Marysville provide an opportunity to preserve the identity of certain grains, whether it be non GMO's (non-genetically modified), etc.

Mr. Berbee serves on the negotiating team and said it's pretty customary that 75%-ten years is offered. He noted it only affects the schools; it does not affect the income tax for the City of Marysville. Where we benefit from it is through the construction. If it's a \$38M project, there may be \$4/5M dollars in labor, which will generate income tax from that, and then once it reaches its full capacity, it may be \$1.25M in wages, so we can expect almost \$18,000 from that without actually having to provide a whole lot of service, aside from safety services. It is a win-win for the City of Marysville.

Mr. Fogt asked if there will be a double track by the fertilizer buildings. Mr. Westfall said no, it will be a single track, however, there may be a requirement of the railroad for a small portion of a double track in order to move a car which may be damaged or that may need work, so it will be able to be pushed out of the way onto that portion of the double track.

Mr. Fogt asked if the fertilizer is wholesale or retail. Mr. Westfall said as Heritage Cooperative, it would be retail to their member customers. They have been approached by other firms that would like to wholesale out of it. They would be receptive to it.

Mr. Rausch asked if there will be any road infrastructure that needs to be looked at. Mr. Westfall said it's not definite at this point. They would have to average over 100 trucks a day every day of the year before additional road infrastructure would be needed.

Mr. Fogt said at one point in time, we talked about three lanes. Mr. Emery said no, not as a part of this project.

Mr. Rausch noted an amendment to the agreement deleting "and \$300,000 for furniture and fixtures" in #2 on the second page of the agreement. Mrs. Richardson moved to accept the amendment and the question put, stood:

Mrs. Groat YES Mr. Reams YES Mr. Berbee YES Mr. Fogt YES Mrs. Richardson YES  
Mr. Rausch YES

Motion passed.

## **ORDINANCES**

“ORDINANCE TO REPEAL SECTION 1501.04, FIRE CODE BOARD OF APPEALS, OF THE MARYSVILLE CODIFIED ORDINANCES” was presented for third reading, title only. Mrs. Groat moved to pass the legislation and the question put, stood:

Mr. Reams YES Mr. Berbee YES Mr. Fogt YES Mrs. Richardson YES Mr. Rausch YES  
Mrs. Groat YES

Ordinance 4-14 passed.

The ordinance “TO AMEND MARYSVILLE CODIFIED ORDINANCES TO ESTABLISH A SEWER DISTRICT UNDER OHIO REVISED CODE SECTION 727.44 TO BE KNOWN AS THE ADENA POINTE SEWER DISTRICT” was presented for third reading, title only. Mrs. Richardson moved to pass the legislation and the question put, stood:

Mr. Berbee YES Mr. Fogt YES Mrs. Richardson YES Mr. Rausch YES Mrs. Groat YES  
Mr. Reams YES

Ordinance 5-14 passed.

“AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE 2013 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PUBLISH THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY” was presented for second reading, public hearing.

The ordinance “TO ADD SECTION 1139.26, SIDEWALKS FOR RESIDENTIAL DWELLING UNITS, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE” was presented for second reading, public hearing. Mr. Pratt explained that this change is for clarification and consistency within the code. When the code was written many years ago, sidewalks were addressed in PUD’s and new construction. They were never addressed for new construction homes in older areas of town.

Mr. Fogt asked if a bike path would suffice instead of a sidewalk. Mr. Pratt was unsure. He will check and report back. The idea of this code change is to complete the areas where you have sidewalks, then no sidewalks.

**Amended 3/13/14** - Mrs. Richardson raised a question/concern to Mr. Pratt about the wording of the legislation (regarding sidewalks in new construction). Specifically, the legislation reads that any new construction will require the installment of a sidewalk. Her question is whether new construction in an older neighborhood, as the result of selling a formerly vacant lot, will require sidewalk creation? If yes, the newly installed sidewalk would be the only sidewalk in the immediate area of the neighborhood.

The ordinance "TO AMEND SECTION 1143.17(E)(6), SIGNS IN AR, BR AND OR ZONING DISTRICTS, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE" was presented for second reading, public hearing. This addresses a conflict in the code. The code does allow two business signs, but when you get into these two sections, it mistakenly says one, so this legislation and the next piece of legislation addresses the issue.

Mrs. Richardson asked if these are permanent signs. Response was yes. She asked if this had anything to do with the certain amount of square footage to be used for window signs. Mr. Pratt said these would be on the building themselves, however, one of these signs could be a window sign, in which case it would fall within the total square footage allowed.

The ordinance "TO AMEND SECTION 1143.171(d)(6), SIGNS IN HMD ZONING DISTRICT, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE" was presented for second reading, public hearing.

The ordinance "TO AMEND SECTION 1144.08, DESIGN REVIEW DISTRICTS ESTABLISHED, OF THE CITY OF MARYSVILLE PLANNING AND ZONING CODE" was presented for second reading, public hearing. When the Design Review District was put in place, the idea was to require businesses and commercial establishments to come forward to have their designs approved. This legislation will clarify that if there is a single family house or residential within a commercial district, they are not required to come to Design Review Board.

The ordinance "ACCEPTING DEDICATION OF CERTAIN REAL PROPERTY, PARCEL NO. 17-0012013.1010, ON WHICH THE CITY-OWNED JEROME VILLAGE REGIONAL PUMP STATION IS LOCATED" was presented for first reading, title only. Mr. Emery explained that this is property on Wells Road that the city would like to accept ownership of as a part of the pump station on that property. This is about two years overdue.

Mrs. Richardson asked what the advantage is of having this, because to her it looks like a maintenance burden. Mr. Emery said we currently have our infrastructure in the area of this property. Mr. Andrako said it's required because the force main to the sewer from the Jerome Village development sewer and water line.

Mr. Aslaner added that this ordinance accepts the dedication of the land, not the pump station.

Mr. Reams asked if the city owns the property that our other pump stations are on. Mr. Andrako said for the most part we either own it or it's an easement. We would need to have access to it one way or another.

Mr. Fogt asked if the maintenance of the pump station and the line is the City's responsibility. Mr. Andrako said from the pump station to our facility is our responsibility. The line to the home is not our responsibility.

Mr. Reams said it looks like we already have an easement on this. Mr. Aslaner doesn't recall if we own the easement or not. He'll check and report back.

**PARKS & RECREATION REPORT:** Mr. Rausch reported that Parks & Rec Commission met on February 18<sup>th</sup>. Mr. John Howard was elected Chairman and Ms. Carrie Milroy elected Vice Chair. Staff updated the Commission on what's going on in the Park system, as well as an update on Partner's Park.

Mrs. Groat said that she is actively working on finding someone in her ward to fill the vacancy on Parks & Rec.

**COMMENTS OF THE MAYOR AND COUNCIL PERSONS AND GENERAL DISCUSSION:**

Mrs. Richardson said she wants to encourage the community to start talking about a serious issue, substance and drug abuse. Marysville recently lost another teen to a drug overdose. It is a very real issue in our community. The local Drug Free Coalition is working to educate and assist in preventing drugs and substance abuse. The idea is if we work together, we can minimize drug abuse. The state of Ohio recently launched an initiative called "Start Talking." The idea is that everyone can have a voice in drug prevention. Statistics show that children of a parent that regularly talk about drugs can amount to 50% reduction in drug use. The message to our youth is that we want them to live healthy, drug-free lives. She challenged everyone to start talking about it and making it something that is important. There is a website, [www.starttalking.ohio.gov](http://www.starttalking.ohio.gov). Ms. Richardson talked to Anna Bloomberg who was recognized for the Martin Luther King writing contest. She was selected by the state because of what she wrote. "While drugs and violence may always exist, I know the least we can do is decrease the rate (inaudible). All it takes is everyone, young and old, putting in a little effort."

Mrs. Richardson thanked law enforcement for their prompt response to car break-ins. Please be sure cars are locked.

Mrs. Richardson said that Community Care Day is scheduled for Tuesday, May 20, 2014. A request form is available online.

Mr. Berbee gave a shout out to the Chamber of Commerce for the negotiations. There were numerous items discussed and they were very well prepared. Last year there were 90+ homes built. On City Gate, the Nationwide Children's Hospital is being built, the new urgent care for Memorial Hospital is being built and the Meijer is coming. This is the kind of land that we need in the city. In a meeting with Mr. DeLong, he said in Marysville we have about 5200 rooftops, which might mean the prison, a rooftop, which houses over 2,000 people. We have a budget of about \$15M so it comes out to about \$3,000 per rooftop. We need to have industry, we have houses and some major employers that utilize our services.

Mr. Reams said society is changing. Last night he read in the Police report about a suicide threat and various other crimes, and then he read a section of what happened 100 years ago. The news was somebody cut down a giant log, and if you wanted to see picture of it, it was at the bookstore. That's how much society has changed.

Mr. Reams noted a big snow storm is predicted for the weekend. He reminded everyone to shovel their sidewalks.

Mrs. Groat will hold a Ward 3 meeting on Tuesday, March 4<sup>th</sup>, 6:30 to 8:00 p.m. at the Public Library. She invited people to come and talk about motorized boats on the reservoir.

Mrs. Groat thanked Mr. Andrako and his staff for the incredible job they do of clearing snow from the city streets. Recently she was in North Carolina and they do not enjoy the same level of consideration for snow removal.

Mr. Rausch attended a CIC meeting this week where the Rt. 33 Corridor was discussed. There is going to be another headquarters going in off of Rt. 42. There are other opportunities going in, and anytime one of those opportunities goes in, we benefit here in the City of Marysville because a lot of those workers come and live in our community, plus we get to provide the water and sewer.

He reminded people to get out and be neighborly. Help those that cannot shovel snow.

Mrs. Richardson moved to go into Executive Session at 8:07 p.m. to discuss imminent litigation, seconded by Mr. Fogt and the question put, stood:

Mr. Fogt YES Mrs. Richardson YES Mr. Rausch YES Mrs. Groat YES Mr. Reams YES  
Mr. Berbee YES

Motion passed.

Executive session adjourned at 8:35 p.m.

Regular session reconvened at 8:35 p.m.

**ADJOURNMENT:** There being no further business to come before Council, the meeting adjourned at 8:35 p.m.