

CITY COUNCIL MINUTES

November 6, 2014

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

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

OTHERS PRESENT: Mayor Gore, Finance Director Jenny Chavarria, Police Chief Floyd Golden, Battalion Chief Mark Ropp, Law Director Tim Aslaner, Public Service Director Mike Andrako, Acting Clerk Kris Jones.

REPORTERS PRESENT: Ryan Horns-Journal Tribune, Sean Lehoist Thisweek

CITIZENS PRESENT: Peter Griffin, Melissa Smith, Mary Hada, Barbara Taylor, Jami Oliver, Ben Vollrath, Bethany Anderson, Donald Boerger

APPROVAL OF MINUTES: The minutes for the meeting on October 23, 2014 were approved as corrected.

ADMINISTRATIVE REPORT:

Mayor Gore presented Melissa Smith and Jami Oliver from the Pancreatic Cancer Action Network with a proclamation recognizing November as Pancreatic Cancer Awareness Month.

Mayor Gore reported the following:

Fire Division:

All modifications have been made to Ladder 271. It has passed a third-party inspection and is now back in service at Station 271.

Maintenance & Operations:

Raymond Road is closed due to work on the railroad crossing performed by CSX. The roadway is expected to be reopened on Friday, November 7th, weather permitting.

Park restrooms have been winterized and are closed for the season.

The 4th Annual Pumpkin Dash 5k will be held on Thanksgiving Day, November 27, 2014. Additional information about the 5k can be obtained by visiting www.pumpkindash5k.com

The Annual Uptown Christmas Walk and Tree Lighting Ceremony will be held on Monday, December 1st from 5:00 pm to 8:00 pm. Tree lighting will be at 6:30pm at the Union County Courthouse lawn.

The Elks Club will be hosting the Christmas Parade on Sunday, December 7th at 2:00 pm.

Engineering:

Pedestrian Bridge:

- The median barrier walls on US 33 are scheduled to be removed on Monday, November 10th and Tuesday, November 11th. Lane closures will be from 8:00 am to 3:00 pm. The Westbound lane will be closed on Monday and the Eastbound lane on Tuesday.
- At this time, the southern portion of the bridge is expected to be placed during the evening of November 22nd. It has been negotiated with the Contractor that they will install the bike path connecting the Pedestrian Bridge to Valley Drive due to the significant delays (45-60 days) caused by their steel fabricator (Wheeler).
- The stone sub-base will be placed during the Fall 2014 with the asphalt portion being installed in Spring 2015 due to the weather constraints.
- This bike path asphalt composition will match the southern portion that is currently included within the project scope.

There will be an ODOT standard vandal fencing placed along both sides of the bridge to prevent any objects being thrown into oncoming traffic.

Partners Park

- The remaining concrete is expected to start next week. It will take approximately two (2) weeks to finish this task.
- The former City Hall parking lot is expected to be milled and paved next week. This parking lot will be opened to the public after the contractor leaves the site.
- This past weekend UC Signs installed the required brackets necessary to attach the Memorial Hospital sign to the Partners Park pavilion. Per an email the Mayor received from UC Signs, the actual signage will be installed on Saturday, November 8th (weather permitting). Per our request (and concurrence by Memorial Hospital), this signage has been reduced by 25% (from 40' long to +/-30' in length).

Administration:

City offices will be closed on Tuesday, November 11th in observance of Veterans Day.

REPORT OF CLERK OF COUNCIL: Mr. Rausch made a motion that Kristina Jones be appointed Clerk of Council for the remainder of the 2014 calendar year. Mr. Taylor asked for any questions of Council, if there is none then all in favor say "aye". All voted "aye". It was approved.

REPORT OF ECONOMIC DEVELOPMENT: Mr. Phillips gave updates on the Greenway project. The Chamber is going to have an open house during the Christmas Walk.

HEARING OF CITIZENS: Ben Vollrath with DP&L gave a presentation on DP&L Economic Development Fund (see attached).

Barbara Taylor spoke regarding the issue of cats at large. She would like Council to require cat owners to register and license their cats, as well as create a leash law.

DISCUSSION: Mr. Taylor asked Mrs. Groat to speak on the issue about the cats at large. Mrs. Groat gave a background on the issue. Mrs. Groat said she has been working with Ms. Taylor since September, 2013 on this issue. Mrs. Groat thanked Bethany Anderson with the Union County Humane Society for the information she provided which included the Humane Society's position on the issue. Mrs. Groat passed out information about proposals that will not work. The Committee has not gotten to a position where they would like to vote on new legislation. Mrs. Groat said the Public Affairs Committee would like Council as a whole to voice their opinions and see what they feel should be done with the issue of cats at large. Mr. Taylor asked the other council members to take home the information, review it and it will be discussed at the next council meeting. Mrs. Richardson asked what other cities have the leash law and how they enforce it. Mr. Aslaner said if we are going to ban cats at large that is a leash law. What he found in his research and after talking to Bethany Anderson is that leashes can be harmful to cats. Mr. Aslaner said there are issues in provability and enforceability.

RESOLUTIONS:

A resolution "TO INITIATE AN AMENDMENT TO THE ZONING CODE SECTION 1140.08(B)(7), INSTALLATION AND MAINTENANCE, THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE" was presented for one reading only.

Mr. Reams had questions with the wording of the legislation. He did not feel that the wording of legislation is what Council wants. Mr. Taylor requested Mr. Aslaner follow up with Mr. Reams on how the wording should be changed. Mr. Taylor tabled the Resolution to the November 20, 2014 meeting.

Mrs. Groat seconded the motion and the question put, stood:

Mrs. Groat YES;
Mr. Rausch YES;
Mr. Taylor YES

Mr. Reams YES;
Mr. Fogt YES;

Mr. Berbee YES;
Mrs. Richardson YES;

ORDINANCES:

The ordinance "TO AMEND CHAPTER 351, PARKING GENERALLY, TO ALLOW FOR THE REMOVAL OF VEHICLES PARKED IN NO PARKING ZONES OR OTHERWISE PARKED IN VIOLATION OF CHAPTER 351" was presented for third reading, title only.

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

Mr. Reams YES;
Mr. Fogt YES;

Mr. Berbee YES;
Mrs. Richardson YES;

Mr. Rausch YES;
Mr. Taylor YES; Mrs. Groat YES

The ordinance “TO AUTHORIZE THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE CONTRACT TO SELL THE PARCEL OF REAL ESTATE LOCATED AT CHARLES LANE AND BEING A .388 ACRE PARCEL OF LAND NUMBERED 2900044130000 IN THE UNION COUNTY AUDITOR’S OFFICE” was presented for third reading, title only.

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

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

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE BROCK ROAD(CR-16)-16” WATER MAIN IMPROVEMENTS” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE INDUSTRIAL PARKWAY (CR-1)-36” WATER MAIN IMPROVEMENTS” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE JEROME VILLAGE REGIONAL PUMP STATION” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE JEROME VILLAGE-14” FORCE MAIN” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE GLACIER PARK NEIGHBORHOOD SECTION 7, PHASE 1 WATER MAIN IMPROVEMENTS” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE GLACIER PARK NEIGHBORHOOD SECTION 7, PHASE 2 WATER MAIN IMPROVEMENTS” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE GLACIER PARK NEIGHBORHOOD SECTION 6, PHASE 1 WATER MAIN IMPROVEMENTS” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE GLACIER PARK NEIGHBORHOOD SECTION 6, PHASE 2 WATER MAIN IMPROVEMENTS” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE GLACIER PARK NEIGHBORHOOD SECTION 7, PHASE 3 WATER MAIN IMPROVEMENTS” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ACCEPTING THE DEDICATION OF THE RYAN PARKWAY, PHASE 1-16” WATER MAIN IMPROVEMENTS” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE TO AMEND SECTION 925.01 WASTEWATER RATES FOR THE PUBLIC UTILITY DIVISION OF THE CITY OF MARYSVILLE” was presented for second reading, public hearing.

Citizen Comments: None.

Mr. Emery commended the Utility Rate Working Group for all their work. Ms. Chavarria and Mr. Hoyt gave a presentation regarding the water rates (see attached). Mayor Gore thanked the work group. Mayor Gore said no one in this room enjoys raising the rates. Mayor Gore said if something happens and we do not need to raise the rates, then we can go back and change it. Mayor Gore also stated we need to raise the rates because the bonds could be recalled at any time, for the City not following the agreement they signed.

Citizen Comments: Mr. Ben Vollrath asked if when the bonds were put out was it in the guidelines that there would be a rate increase. Mayor Gore said we never anticipated raising the rates so quickly. Mr. Taylor said as a committee member, we did not intend to raise the rates.

Council Questions or Comments: Mr. Rausch said he agrees with Mayor Gore; things have changed since the bonds were issued. This is the same thing that happened to the school system, they built buildings based on the growth and then things slowed down. Mr. Rausch said we could slow down on how much we are paying down on the debt. We could lend money to the Enterprise Fund, but he does not think either of those are great options. Our issue is we have too much capacity for what we actually use. Mr. Rausch said he could see raising the rates for 2015, but he would like to propose an amendment that we go with the effective rate on 2015 and

wait on the 2016 rate. He would like to just take this year-by-year and not every two years. Mr. Rausch proposed an amendment to get rid of 2016 rates and only go up the 3% in 2015. Mr. Taylor said we will hold off on the amendment until after all council members speak.

Mrs. Richardson said she is in agreement with Mr. Rausch's statement. She asked how much of the 517 (page 5 on handout) in the storm water budget is actually going to be paid by the City. Mr. Hoyt said the only project we had funding for was the Amrine-Mill Road culvert for 100k.

Mrs. Richardson said, looking at the chart on page 2, how did we get to this place? Was it an increase in expenses? Ms. Chavarria said it was not and that we have been very diligent in monitoring the expenses. It is because we did not raise the rates as projected in the study in those years. The study proposed a rate increase of 8.5%, 10%, and 18.5%, and we did 5%, 10% and 1%. So we did not raise the rates high enough.

Mrs. Richardson said she likes the idea of waiting on 2016 until next year. It gives us a chance to look at charge backs and eliminating them, which would give us a whole year to plan for it.

Mr. Berbee said we can always go back to the voters and tell them that we are not going to need the 3% increase. To keep the bond holders happy we need to keep the legislation stating an increase for 2015 and 2016.

Mr. Reams said we have not met our bond requirements for a couple of years, and now we face the risk that they could be recalled. With the two year increase, we will meet our bond requirements and get back in the black.

Mr. Fogt said we have construction that we have not seen water use accounted for yet. He is not sure if those buildings have been factored in. Mr. Reams said yes, as much as they could be projected.

Mrs. Groat said she trusts the Administration's decision to raise the rates. She has hope that there will be growth in the community.

Mr. Taylor asked Ms. Chavarria, if we accept the amendment is that acceptable to you? What is the best signal to send. Ms. Chavarria agreed with Mr. Reams that we are addressing the issue now. We are showing bond holders that we are taking control of the situation. She said if we have a large development come in and we do not need the increase, it will be easier to go back and remove it.

Mr. Taylor said we have an amendment on the floor to strike the 2016 from the legislation.

Mr. Rausch YES;
Mr. Taylor NO;
Mr. Berbee NO

Mr. Fogt NO;
Mrs. Groat NO;

Mrs. Richardson YES;
Mr. Reams NO;

The amendment did not pass.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE TO AMEND SECTION 937.18 ESTABLISHMENT OF STORM DRAINAGE SERVICE CHARGES” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: Mr. Taylor said Council, you have the information and you are looking at fifty cents per month.

Mr. Fogt asked how many of the projects are absolutely necessary. Mr. Hoyt said if they are on the list then they are necessary, they are replacing decaying infrastructure. Mayor Gore said we have not raised this rate since 2004, when we put it in place. Mr. Fogt said it was put in place to help pay for the projects, not to pay for every single one. Mr. Reams said Mr. Hoyt went through the projects and prioritized them.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ESTABLISHING A SPECIAL REVENUE FUND ENTITLED ACCRUED LEAVE FUND AND A CAPITAL FUND ENTITLED CAPITAL RESERVE FUND” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ADOPTING AN ANNUAL OPERATING BUDGET FOR 2015” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AN ORDINANCE ADOPTING A CAPITAL BUDGET FOR 2015” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: Mr. Taylor asked Chief Golden if everything got corrected? Chief Golden said everything got corrected.

This will be back for third reading, title only on November 20, 2014.

“2015 ANNUAL APPROPRIATION ORDINANCE” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

“AMENDING ANNUAL COMPENSATION ORDINANCE FOR ALL CITY EMPLOYEES-2015” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

The ordinance “ACCEPTING DEDICATION OF CERTAIN REAL PROPERTY, SITUATED IN THE STATE OF OHIO, COUNTY OF UNION AND CITY OF MARYSVILLE, PARCEL NO. 2900080800000” was presented for second reading, public hearing.

Citizen Comments: None.

Council Questions or Comments: None.

This will be back for third reading, title only on November 20, 2014.

The ordinance “AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$1,665,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING CERTAIN IMPROVEMENTS OF A SEWAGE COLLECTION SYSTEM, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND APPROVING RELATED MATTERS” was presented for first reading, title only.

Administration Comments: None.

Council Questions or Comments: Mr. Taylor asked Ms. Chavarria whether this is the one that we do annually and record it? Ms. Chavarria said yes, and we will be paying \$120,000 towards the principle this year.

This will be back for second reading, public hearing on November 20, 2014.

The Ordinance “TO AMEND SECTION 931.02(E) OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE, BULK WATER RATE” was presented for first reading, title only.

Administration Comments: Ms. Chavarria said this was before Finance Committee at the October meeting. This is just a slight increase to provide bulk water. We are proposing this goes up twenty-five cents from \$9.75 to \$10.00.

Council Questions or Comments: None.

This will be back for second reading, public hearing on November 20, 2014.

The ordinance “TO REZONE PARCEL 2900021401040 (173 PROFESSIONAL PARKWAY) FROM B-1(BUSINESS SERVICE) TO R-5 (HIGH DENSITY MULTI-FAMILY) AND PARCELS 2900021401030, 2900021401020 AND 290002140101 (203-243 PROFESSIONAL PARKWAY) FROM OR (OFFICE –RESIDENTIAL) TO R-5 (HIGH DENSITY MULTI-FAMILY)” was presented for first reading, title only.

Administration Comments: None.

Council Questions or Comments: Mr. Fogt said he has concerns about the traffic flow through the area. There might need to be a stop light installed and Walnut Street might need to be widened.

This will be back for second reading, public hearing on November 20, 2014.

A public hearing is scheduled for Thursday, December 4, 2014 at 7:00pm per Section 1131.08 of the Planning and Zoning Code

PARKS & RECREATION REPORT: Mr. Rausch said they still have one spot open, and will hopefully have that filled by the next council meeting.

COMMENTS OF THE MAYOR AND COUNCIL PERSONS AND GENERAL DISCUSSION:

Mayor Gore reported that a car drove around the barriers on Raymond Road and got stuck and hit by a train. No one was injured. He stated that no one enjoys raising rates, but this is what you

were elected to do, make decisions. He commended Finance Committee for having a plan and stepping up.

Mrs. Richardson said she agrees that no one wants to raise the rates. There has been very deliberate, conscientious hard work on the part of the team, no doubt about it. She wants the record to state there has been an enormous amount of work. "We can't reduce debt, increase our General Reserve Fund balance, maintain a highly efficient staff to provide all of the services we want for citizens and protect the Enterprise Funds all at once." Something naturally surfaces to our priorities, she wants that something to be protecting Enterprise Funds and thereby keep us from having to raise rates. This prioritization is indeed critical and essential to achieve the goal of keeping hard earned dollars in the pockets of our residents. In particular, what she would like to ask is that we look very specifically in the next year at these issues. In particular, the chargebacks, and make some concerted effort to minimize or reduce them in 2016.

Mrs. Richardson spoke about teen drug and alcohol abuse. The Drug Free Coalition wants to encourage parents to start talking to teens about their choice of friends and avoid tricky situations where substance use might be involved. Drug use in teens often starts as a social behavior. Below are some tips:

- Make sure your teen knows your rules and the consequences about alcohol and drug use before the rules are broken.
- Give your kid an out. Practice responses with your teen that make you, the parents, the "bad guy" before they are in a situation where they have to make tough choices.
- Set up a code word or phrase just between you, so that if your teen is in a situation involving alcohol or drugs they can text you and you will know they need to leave.

Keep this in mind and keep talking. We want a drug free and substance abuse free community.

Veteran's Day is that one day a year when we pause to recognize the personal sacrifices made by our men and women in uniform on behalf of our freedom. Mrs. Richardson said she never realized how much the holiday meant until she became a veteran. "Please know that those wearing the uniform and their families past and present must endure and have endured hardships so that our nation may lead the world as a defender in freedom. Keep them in your positive thoughts and prayers as we celebrate this November 11th. Happy Veteran's Day."

Mr. Fogt said Veteran's Office is going to celebrate Veteran's Day on Sunday, November 9, 2014 at 2pm at the Memorial on the courthouse lawn. On drugs, many of you know that my wife and I participate in prison ministry and drugs are a terrible problem. We see this every time we go into the prison. Many of these young people are there because of drugs. They were committing crimes to pay for their drugs.

Mr. Rausch congratulated all the public servants that were elected Tuesday night and for all of you that exercised your right to vote. It is something that we take way to lightly in this country.

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The polls show that not enough people get out on Election Day. Please think about it for next year. There was a CIC meeting last night, he learned something from Mr. Phillips that he did not know. Since 1980, the income growth in Union County is number one in Ohio and number forty-nine in the country.

Mr. Reams said Public Safety Committee will be meet on Monday, November 10, 2014. We will be meeting on three topics: blocking sidewalks, snow removal, and street light outages.

Mr. Berbee said Finance Committee will be meet on Thursday, November 13, 2014. The door is still open if anyone has questions on the budget. Tonight, we saw democracy at work. We are a team of seven people and we should be able to express our thoughts and walk out the door tonight and say we did the best we could.

Mr. Taylor asked Council if they felt they needed another work session regarding the budget? No one responded that it was necessary. Mr. Taylor requests that the work session that was tentatively set for November 13th be removed from the calendar and website. Christmas parade is December 7, 2014, step off will be at 2pm and the route will be the same as it has always been. "We are the home of the free because of the brave. Those who have gone and those who are still serving us today. Too often we just think about them." Mr. Taylor said take a moment and remember the families of those individuals.

ADJOURNMENT: There being no further business to come before Council, the meeting was adjourned at 8:45 p.m.