

CITY COUNCIL MINUTES

June 25, 2015

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

MEMBERS PRESENT: J.R. Rausch, Dan Fogt, Tracy Richardson, Nevin Taylor, Deborah Groat, Mark Reams, and Henk Berbee.

OTHERS PRESENT Director of Administration Terry Emery, Finance Director Jenny Chavarria, Chief Floyd Golden, Chief Jay Riley, Public Service Director Mike Andrako, Law Director Tim Aslaner, City Planner Chad Flowers, Wastewater Superintendent Richard Felton, Public Information/Administrative Assistant Anna Krutowskis, IT Director Aaron Story and Clerk Kristina Jones

REPORTERS PRESENT: Taylor Evans-Journal Tribune

CITIZENS PRESENT: Barbara Taylor, Scott Zwiezinski, Alan Seymour, Ben Vollrath

APPROVAL OF MINUTES: The minutes for the meeting on June 11, 2015 were approved.

ADMINISTRATIVE REPORT:

Mr. Taylor presented Mr. Fogt with a plaque for his fifteen years of service to the City of Marysville. After the presentation, Mr. Taylor asked Mr. Fogt to Chair the meeting and he agreed.

Mr. Emery introduced Richard Felton the new Wastewater Superintendent to Council as well as Chad Flowers the new City Planner.

Mr. Emery reported the following:

Finance Department

The City of Marysville was notified that its 2015 Budget qualifies for the Government Finance Officers Association of the United States and Canada's (GFOA's) Distinguished Budget Presentation Award. This is the first year that the City submitted its Annual Budget to GFOA for consideration. This award represents a significant achievement and reflects the commitment of the Administration to meeting the highest principles of governmental budgeting.

Division of Police

United States of America flags will be flown at half-staff tomorrow, June 26, 2015, in honor of the life and service of Cincinnati Police Officer Sonny Kim.

The Division of Police will hold a Women's Self Defense class on Thursday, August 6, 2015 from 6:00 p.m. – 8:00 p.m. in the Police & Court Community Room. The class is free and open to any female, 14 years or older. To register, email Officer Findley at afindley@marysvilleohio.org

Maintenance & Operations

Work is wrapping up on the construction of the McCarthy Park Shelter. It will be available to rent in July.

Flooding on the Jim Simmons trail last week caused only minor damage including washing out part of the infield for City Field D.

Dog Park Update: Park sign to be installed soon and the Maintenance & Operations Center parking lot will be crack sealed, seal coated and restriped. Grass is coming in nicely and benches will be installed soon. Opening is planned for early August.

Engineering

4th & 5th Waterline Update: Crews are progressing eastward on 4th St. and plan to be to the intersection of Court St. by the week of July 6th (weather permitting). Recent rains have washed out the stone in some of the trenches; we have met with the contractor and addressed the issue. We plan to review the stone backfill daily until the areas can be paved. Paving is planned for mid-July (weather permitting).

Events & Recreation

The Music on Main Summer Series is every Thursday (excluding the weeks that we have Friday Nights Uptown) from 6:00-9:00 p.m. at Partners Park. Tonight's entertainment is James Robert Davis. Concessions by Pig Eaters BBQ. The full summer schedule is available on the City's website, Facebook page and on the events rack card available at City Hall.

Concert in the Park is Sunday, June 28 at American Legion Park starting at 5:00 p.m. Music by Razzamatazz & Jazz.

The next Friday Nights Uptown, Chalk the Block will be held Friday, July 10 from 6:00 p.m.-10:00 p.m. Music by Steel Creek.

Administration

The Connie Patterson Beautification Program applications are available online at www.marysvilleohio.org and at City Hall. Applications and documentation are due by Monday, July 13, 2015.

City offices are closed Friday, July 3 for the Independence Day holiday.

The 4th of July Parade steps off from American Legion Park at 10:00 am on Saturday, July 4. The parade route travels East on 5th St. to Plum St., South to 6th Street, turning West and ending at the Union County Courthouse parking lot.

Mr. Berbee voiced his concern about the bridge on State Route 31 over US 33, when you come out of Mill Valley. Mr. Emery asked if he was concerned about the condition of the bridge. Mr. Berbee said when they make a bridge they have an expansion and the metal seems to be coming up. Mr. Emery asked Mr. Andrako to look into this issue.

REPORT OF CLERK OF COUNCIL:

REPORT OF PLANNING COMMISSION/DESIGN REVIEW BOARD: Mr. Alan Seymour spoke on behalf of Planning Commission. He stated they did not have an update because they did not meet in June, however, they are excited to work with Mr. Flowers. Tim Schacht spoke on behalf of Design Review Board. He said they had one item on their June agenda, which was a signage request for five additional canopy signs on top of the two already permitted for 318 W. Fifth Street. The vote was 4-2 in favor of the variance, but failed because it did not get the required five votes.

HEARING OF CITIZENS: Mr. Ben Vollrath with DP&L spoke about the new sustainability program through DP&L. Mrs. Richardson asked if there was a website for the program. Mr. Vollrath said it is bringyourgreen.com.

RESOLUTIONS:

A Resolution "TO AUTHORIZE THE MAYOR OR CITY ADMINISTRATOR TO ENTER INTO A FACILITY ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION, INC. AND DECLARING AN EMERGENCY" was presented for first reading, title only.

Administration Comments: Mr. Emery said the next two items are not the typical way we like to bring through Council because they appear to be rushed. He said these were two areas that we just received notice on. Mr. Emery said he and Mr. Fogt at one of the last committee meetings had a discussion about legislation that comes forward that does not necessarily have to go to Committee.

He said they are trying to be proactive and provide a synopsis about what the legislation is about. He was unfortunately out of town until late last night so he was unable to get anything out for these two pieces of legislation.

Mr. Emery said the company is moving quickly through the City, so we would like to put this through fairly quickly. This agreement gives the City permission to work within the easement of the railroad. We will perform a jack and bore. He said the reason for the delay was the question whether it should come through Council. He had legal counsel review it right before he left and they thought it would be a good idea to run it through Council. Mr. Berbee had asked Mr. Emery about the insurance requirements in the agreement. Mr. Emery talked with Ms. Chavarria and the City is covered in those areas. Mr. Emery said we have everything in place to proceed with this agreement.

Council Comments:

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

Mrs. Groat YES; Mr. Reams NO; Mr. Berbee YES; Mr. Rausch YES;
Mr. Fogt YES; Mrs. Richardson YES; Mr. Taylor YES;

Mrs. Richardson thinks this would have been a good item for the Public Service agenda. She said it sounds like it might have come in too late. She said this would benefit us all if items like this were brought to committee first. Mr. Emery said it arrived in his office the day after the Public Service committee meeting, and he immediately took it to Mr. Aslaner to review. He agreed with Mrs. Richardson that this is not the preferred way to bring items to Council.

Mrs. Richardson said since we are signing this agreement and we are not doing the work, how do we know that the contractor will follow the agreement? Mr. Emery said we will have inspectors there to make sure that the contractor is following the terms of the agreement. Mr. Andrako said we have a 100% inspection on this project and we have a full time inspector, Steve Geer, who watches this project. Mr. Andrako said he will be there during the jack and bore process as well as most of the Public Service Department because they would like to watch the process.

Mr. Taylor moved to waive 2nd reading, and the question put, stood:

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

Citizen Comments:

Council Comments: Mr. Reams said the agreement states it was made and effective June 2, 2015. He is a little confused because we were told it was received after the date of our meeting. Mr. Andrako said the clarification there is that June 2, 2015 is when they sent it to us. We were under the impression that we could just sign it, but when we sent it up to get signed, but it was determined it needed to go before Council. Mr. Andrako had already sent out his updates for the Public Service Committee.

Mr. Rausch moved to waive 3rd reading, 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

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

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

A “FINAL RESOLUTION AUTHORIZING THE MAYOR TO COOPERATE AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF US-36 FROM CHAMPAIGN COUNTY LINE TO COLLINS ROAD AND DECLARING AN EMERGENCY” was presented for first reading title only.

Administration Comments: Mr. Emery said Mr. Andrako saw this the day after the Public Service meeting. ODOT sent legislation through in March for this project, but it did not have the exact amount of what the project is or will cost. This legislation lists the exact cost of the project. ODOT has requested this back by July 2, 2015. Mr. Emery said it is very similar to previous legislation that you have already passed. It is just stating that our portion is \$19,498.00. Mr. Reams asked what the City will be getting for \$19,000.00. Mr. Emery said this covers our portion of the project, which is in front of Bunsold School. Mr. Reams asked if that was their deadline. Mr. Andrako said this is the bidding deadline to keep the project on schedule. He said ODOT apologized and said they need it back by July 2, 2015. Milford Center also had the same short deadline.

Council Comments: Mr. Taylor stated he did not want to delay the process by not approving the emergency clause, but would like it noted that we would like more notice. Mrs. Richardson asked if the amount was right along with what was budgeted. Mr. Andrako said it is actually under what we budgeted for the project.

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

Mr. Fogt YES; Mrs. Richardson YES; Mr. Taylor YES; Mrs. Groat YES;
Mr. Reams NO; Mr. Berbee YES; Mr. Rausch YES

Mr. Rausch moved to waive 2nd reading, and the question put, stood:

Mrs. Richardson YES; Mr. Taylor YES; Mrs. Groat YES; Mr. Reams NO;
Mr. Berbee YES; Mr. Rausch YES; Mr. Fogt YES

Citizen Comments:

Council Comments:

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

Mr. Taylor YES; Mrs. Groat YES; Mr. Reams NO; Mr. Berbee YES;
Mr. Rausch YES; Mr. Fogt YES; Mrs. Richardson YES

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

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

ORDINANCES:

An ordinance "TO AMEND CHAPTER 135, CIVIL SERVICE COMMISSION, OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE" was presented for second reading, public hearing.

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

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

An ordinance "TO AMEND SECTION 351.21 OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE" was presented for first reading, title only.

Citizen Comments:

Council Comments: Mr. Berbee did research and explained to Council that changing this section will not affect the residents who live uptown.

Back for third reading, title only on July 9, 2015.

An ordinance “TO REPEAL SECTION 351.14 OF THE CODIFIED ORDINANCES OF THE CITY OF MARYSVILLE” was presented for first reading, title only.

Citizen Comments:

Council Comments:

Back for third reading, title only on July 9, 2015.

An ordinance “AUTHORIZING ADDITIONAL APPROPRIATION FOR THE IMPROVEMENTS TO LEWIS PARK AND MODIFYING THE 2015 ANNUAL BUDGET” was presented for first reading, title only.

Citizen Comments:

Council Comments: Mrs. Richardson asked what the Parkland Fund balance is after the additional appropriation. Mr. Andrako said he spoke with Ms. Chavarria prior to requesting the additional funds. Ms. Chavarria will look into the amount in the Parkland Fund and email it out to Council.

Back for third reading, title only on July 9, 2015.

An ordinance “AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$4,400,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF (I) PAYING COSTS ASSOCIATED WITH DESIGNING, CONSTRUCTING, FURNISHING AND EQUIPPING A NEW FIRE STATION, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCE THERETO; AND (II) PAYING COSTS ASSOCIATED WITH DESIGNING, CONSTRUCTING, FURNISHING, AND EQUIPPING A NEW MUNICIPAL FACILITY, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCE THERETO; AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND AUTHORIZING THE APPROVING RELATED MATTERS” was presented for first reading, title only.

Citizen Comments:

Council Comments:

Back for third reading, title only on July 9, 2015.

PARKS & RECREATION REPORT: Mr. Rausch said the Committee has approved the five year plan and will be bringing it to the July Finance Committee meeting. Mrs. Richardson asked what the plans were for the Mill Valley South playground equipment. Mr. Andrako explained that we originally had \$25,000 in the budget for that playground, which would be a pretty small playground. He said they looked at doing some adaptive play area, because we do not have an adaptive playground. The \$25,000 was not enough for the adaptive play area. Parks & Rec decided to use the money that they had budgeted for a slide at the pool this year (which was in anticipation of a donor coming in to help fund the project) and they combined that amount with the \$25,000 making it \$55,000.00 to build an adaptive playground. Mr. Andrako said he will provide to Mrs. Richardson a copy of the rendering for the playground. He said they are still hoping to be able to get it put in by this fall. Mrs. Richardson asked if it was still going to be placed behind the restrooms like originally planned. Mr. Andrako said yes, to the east just between the restrooms and the homes.

Mr. Rausch said this is in response to two ladies who came to a Parks & Rec. meeting a couple months ago and said there is not really any adaptive equipment in the parks for children. He said just because it is adaptive, it does not mean it is only for children with disabilities. All kids would be welcome to play on it.

Mr. Berbee said since we are talking about Parks & Rec. the Parkland Fund has an unencumbered balance of \$123,000.

COMMENTS OF THE MAYOR AND COUNCIL PERSONS AND GENERAL DISCUSSION:

Mr. Emery thanked Mr. Fogt for his passion for the City of Marysville. He has only been here a little over four years, and he always knew where Mr. Fogt stood on items.

Mr. Berbee thanked Mr. Fogt for all of his service in the Community, not just for his time on Council.

Mr. Reams asked about the condition of the dog park. With all the rain, do we have any problems with it flooding? Mr. Andrako answered the dog park was good, there were a few wet spots that we need to install some additional drainage to take care of. Mr. Reams congratulated Mr. Fogt on his move and he has enjoyed working with him.

Mrs. Groat thanked Mr. Fogt. She said we always knew where he stood on issues. There is not a stronger more morally sound statesman in this City. She said they will miss his focus and balance.

Mrs. Groat said the Connie Patterson Memorial is a topic that has come before Council, not for City consideration. As a group of seven individuals, we would ask that you look at the paperwork and with Council's permission we will be talking to Mr. Patterson about which park would be the best to consider. Then we will talk with City Staff about the best way to go through the process. She said this is personal and not City funded. We wanted this to go in front of the community because we wanted everyone to know we are doing something for Connie and we will not be using City funds.

Mrs. Groat said the Public Affairs Committee met June 22, 2015 and talked about mowing concerns that have come before that committee. She reminded citizens that nine inches is the maximum that grass should reach before it is mowed in accordance with Code 1309.7(e). If you are a renter check, with the owner of the property, check your lease/rental agreement to see who's responsible for mowing. If you are the owner of the property, it is your responsibility.

Mrs. Groat said the normal Ward 3 meeting on July 7th will be cancelled. She said to contact her through the website or her home phone number, which is in the phone book.

The Exterior Property Maintenance Commission deadline is July 13th. This was Connie Patterson's personal focus and we would like it to be well represented.

Mrs. Richardson thanked Mr. Fogt. She said he was an incredible member to the team and he will be sorely missed. Mrs. Richardson called him a true public servant.

Mrs. Richardson prepared and read a statement regarding the Drug Free Coalition with respect to the alcohol permit vote at the last meeting for the House of Cigar. Council received information from the head of the Drug Free Coalition. The statement read as follows:

"My friends and colleagues... I regrettably was not able to attend our last Council Meeting due to unforeseen circumstances. Tonight, let's talk about our vote in the last Council meeting to approve a liquor license for a local establishment.

Specifically, I would like us to pause and to consider our role, as leaders in the request for Alcohol permits within our City. We are asked to approve or to disapprove the request for a respective local business to sell alcohol within their premises. Why do you suppose we are asked for our input? If every permit request was expected to be granted based solely upon the legal right of a business to sell alcohol, I wonder why we would be approached for a recommendation at all. My conclusion to this question is that there are a few reasons but one of the most compelling is because we are expected to reflect the values, culture, and goals, of the residents within the community. *We are a government by the people and for the people which means we have a voice in doing what we believe benefits our municipality on behalf of the individuals who reside here. I sincerely assert that part of our responsibility in this process is to protect the values of our community.*

I would like to now share with you comments sent to me by the Union County Drug Free Coalition:

“The Union County Drug Free Coalition seeks to reduce the risk and harm that occurs with substance abuse among youth in our community. The Coalition recognizes that alcohol is the #1 abused substance among youth in Union County with 25% of 11th grade students and 20% of 9th grade students reporting drinking in the past 30 days. ^{YRBS 2014}

On the 2014 Youth Risk Behavior Survey, 22% of youth who reported drinking, also report buying alcohol, while another 10% report stealing it. Limiting commercial access to alcohol through stores and restaurants is one way to reduce underage drinking. Currently there are already 10 stores and restaurants that sell alcohol within a 1 mile radius of the House of Cigars.

On a related note, the Coalition is concerned about marijuana use and the reduced perception of harm among youth regarding marijuana. The Coalition recognizes a correlation between alcohol and marijuana use, particularly among teens.

Recently, members of the Coalition and students from Youth 2 Youth participated in an environmental scan of retail outlets that sell alcohol and tobacco products in Marysville.

House of Cigars and Smoker’s Paradise were 2 of over 10 locations visited in Marysville. Both were noted as having a “*considerable amount*” of paraphernalia associated with marijuana and illicit drug use including bong, pipes, rolling papers, glass vials, pill grinders, scales and items to conceal use.

Though these products were marked as being “For tobacco use only” and were only available for individuals 18 and older, community norms that allow for the sale of paraphernalia and other products known to be associated with marijuana and other illicit drug use is a concern.”

The Coalition represents the best interest of our community and suggests that we think carefully before recommending permits for alcohol sales when youth are at risk and there isn’t a compelling need for sales in the area.

According to our Council Rules and Procedures, only an individual who voted with the prevailing side of an issue can motion to reconsider the vote. While the vote at this point may be moot, I hope this leadership team will consider the goal of minimizing youth exposure to Drugs and Alcohol in any future voting opportunities. This way, we can do our part to help keep our youth Drug and Alcohol Free.”

Mrs. Richardson said on July 3rd the historical marker will be dedicated in the American Legion Park. This is the marker that Mrs. Stolte spoke to Council about. The ceremony will be in the morning and everyone is invited.

Mrs. Richardson said Independence Day is coming and we work for a wonderful nation. Many individuals have fought and died to support the freedom of this nation. Have a wonderful celebration and be safe.

Mr. Taylor said he is going to step back in as president for a moment. He assigned Public Affairs Committee to review the e-cigarette topic. He asked Mr. Aslaner to prepare example legislation for Public Affairs to review regarding the location of Marijuana sales, if the legislation gets passed.

Mr. Taylor said we are losing a friend, but not really losing. He will be watching from a distance. He said to those candidates who might be in the audience tonight, we will be interviewing you next weds. July 1st.

We all know the definition of a neighbor is someone you are going to invite over to have ice tea with, they're gone you mow their yard. He said within the last week he has had five individuals contact him about the people that live "there". He said their concerns are simple, if you have an outside gathering, shut it down at a decent time. Make sure you clean up your mess before it becomes your neighbors mess.

Mr. Taylor said Independence Day is coming and a lot of people gave their lives for our freedom.

Mr. Rausch thanked Mr. Fogt for everything and his counsel throughout the years. He wanted to add to what Mrs. Groat said and it is not just residents that need to mow. Commercial properties and vacant properties need to be mowed as well. He said if you do not want to mow it, the City will mow it and bill the owners.

Mr. Fogt said he appreciates his fellow council members who have all worked as hard as me, and the staff is great. The citizens have put faith in me.

ADJOURNMENT: There being no further business to come before Council, the meeting was adjourned at 8:02 p.m.