

CITY COUNCIL MINUTES
November 28, 2016

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

MEMBERS PRESENT: Nevin Taylor, Deb Groat, Tracy Richardson, JR Rausch, Alan Seymour, Mark Reams. Henk Berbee-excused.

OTHERS PRESENT: City Manager Terry Emery, Finance Director Justin Navhi, City Law Director Tim Aslaner, Chief Golden, Chief Riley, Public Service Director Mike Andrako, City Engineer Jeremy Hoyt, IT Director Aaron Story, Zoning Administrator Ron Todd, City Planner Chad Flowers, HR Director Brian Dostanko, and Clerk of Council Kris Jones.

REPORTERS PRESENT: Will Channel- Journal Tribune

CITIZENS PRESENT: Eric Phillips, Molly McPheron, Jack McPheron, John McPheron, Tim Schacht, Todd Foley

APPROVAL OF MINUTES: The approval of the minutes for the meetings on November 7, and November 14 were approved as submitted.

ADMINISTRATIVE REPORT: Mayor Rausch presented a commendation to Jack McPheron for his achievement of attaining his Eagle Scout.

The Administrative team reported the following:

Mr. Emery reported the following:

Events & Recreation

Uptown Pumpkin Dash

The 6th Annual Uptown Pumpkin Dash held on Thanksgiving morning, had a great turnout of over 1,000 runners.

Christmas Walk & Tree Lighting

A special thank you to the following people who helped plan and coordinate tonight's Christmas Walk & Tree Lighting.

Kim Hott, Uptown Merchant Association
Tina Knotts and Corrie Bott, Union County Convention & Visitors Bureau
Kim Heminger, Marysville Art League
Jason Stanford and Donald Boerger, Team Marysville
Bethany Anderson and Nieca Knowles, Marysville Public Library
City of Marysville staff

Also, thank you to Del-Mar Tree Service for their assistance in assembling the tree.

Christmas Parade

The Christmas Parade (hosted by the Elks Club) is scheduled for Sunday, December 4 at 2:00 pm. Mr. Taylor added that if you are walking in the parade meet in the STEM school parking lot, if you have a float you will be lined up in the high school parking lot.

Care Train of Union County

Care Train of Union County will hold their annual live auction on Saturday, December 10 from 9:00 am to 3:00 pm at McAuliffe's ACE Hardware. For additional information, visit www.caretrain.org.

Chief Golden reported the following:

Division of Police

A United Way fundraising event was held at the Mill Valley Elementary School in collaboration with the Marysville Division of Police. A contest was held among all of the classes at the school in which students donated pennies for United Way. The classroom that collected the most pennies would receive a pizza party with Marysville Police Officers. Additionally a drawing would be held within that classroom in which the winner would receive a ride to school with Principal McGlenn and Chief Golden in a police car. A total of \$1342.75 was raised by the school during the event. The entire third grade collected \$348.61 with Mrs. Logsdon's third grade classroom collecting the largest number of pennies of the third grade total. On November 22nd, Mrs. Logsdon's class had a pizza party with Marysville Officers. Third grade student Nevaeh Allen won the ride to school in a police car.

Mr. Emery asked for an executive session to discuss confidential information related to the negotiations with other political subdivisions respecting requests economic development assistance with no action being taken. Must be unanimous that "the executive session is necessary to protect the interests of the applicant or possible investment or expenditure of public funds to be made in connection with the economic development project."

REPORT OF CLERK OF COUNCIL:

REPORT OF PLANNING COMMISSION AND DESIGN REVIEW BOARD: Mr. Schacht reported for both Planning Commission and Design Review Board.

Planning Commission- November 7, 2016

1. Property Owner: Maronda Homes, Inc. Applicant: Chad Buckley, Civil & Environmental Consultants Inc. Location: Keystone Crossing Subdivision (off Chestnut St.) Request: Approval of Final Plat for Keystone Crossing, Phase 2 Motion – Approved

2. Property Owner: Dennis A Schulze Trustee Applicant: Jim Frey, Redwood Acquisitions
Location: Vacant land south of Lora Lee Drive and adjacent to Milford Crossing
Apartments. Request: To hear a Planned Unit Development application for Development
Plan approval for a +/- 19.428 acre parcel on property located south of Lora Lee Drive
and adjacent to the existing Milford Crossing apartment development-Approved
3. Property Owner: Dr. Carl Coleman Applicant: Skip Weiler, The Robert Weiler Company
Location: Southwest corner of Dunham Street and Columbus Avenue. Request: To hear
a Planned Unit Development application for Sketch Plan approval for a +/- 107 acre
mixed-use development-tabled to next meeting
4. Proposed Zoning Code Amendment (Text) to Chapter 1137.13 Medium Density Single
Family Residential District (R-2) Request: To hear a proposed Zoning Code amendment-
Approved.

Design Review Board- November 9, 2016

1. **Certificate of Appropriateness in the Historic Design Review District:** An application for
new signage at 411 W 5th Street (Dave's Pharmacy) in the BR (Business Residential)
zoning district- Denied.
2. **Certificate of Appropriateness in the Historic Design Review District:** An application for
new signage at property located at 220 E Fifth Street (Richwood Bank) in the B-3
(Central Business District)- Approved
3. **Certificate of Appropriateness in the Historic Design Review District:** An application for
exterior building modifications to the existing brick on the rear elevation at 119 N Main
Street in the B-3 (Central Business) zoning district- Approved.
4. **Certificate of Appropriateness in the Historic Design Review District:** An application to
remodel an existing rear deck and bring it into ADA compliance at 315 W 5th Street in
the O-R (Office Residential) zoning district- Approved.
5. **Certificate of Appropriateness in the Historic Design Review District:** An application to
demolish the existing rear garage structure located at 315 W 5th Street in the O-R
(Office Residential) zoning district- Approved.

COMMITTEE REPORTS: Mrs. Groat reported that Public Affairs met tonight, they discussed the Council of Governments which Mr. Phillips will be speaking about on the agenda, discussed residential permit parking concerns, discussed blocking sidewalks a violation in Chapter 351.03 and lastly they discussed increasing the Mayor's salary to which Mrs. Groat added there will be a dissenting opinion being presented to Council.

Mr. Taylor mentioned the next Finance Committee meeting will be December 15, 2016.

Mrs. Richardson reported the following for Public Service. She said it was a lengthy meeting. The Committee heard a lengthy presentation by WOW! Cable Installation. In December, WOW intends to begin work on locating here in Marysville, hoping to be finalized in July. We discussed their customer service and how they will be notifying residents when they will be working in easement and right-of-way close to private property- via doortags. They will be making sure they contact local utilities etc. to flag current lines and they fully intend to repair property they dig up with peat moss and seed. They mentioned also that they will be additional pedestals installed which they plan to landscape when complete. WOW would appreciate the assistance of the City in getting the word out about their installation here so that residents will not be surprised when they see their trucks out working.

Second item on the agenda was revisions to the Delco Emergency Service Agreement: The committee had no objections to allowing additional property to remain outside the service area for the City. We simply do not have the infrastructure to access the properties at this time.

The Committee discussed the dedication of Adena Pointe, which is on the agenda for tonight. We heard the recommendation to accept the maintenance of the property that has been one year under review. The committee had no objections.

There was an update on the widening of State Route 31. The City is in the design stage of widening SR 31 from Mill Road to Millwood Blvd. We are looking at funding from ODOT for most of this project. Right-of-way acquisition is planned for 2017 with completion of the expansion planned for 2018. We also discussed the possibility of using OPWC funding to expand from Millwood to Creekview in the future.

An explanation of the Master Plan for Sewage Treatment Plan found in the 2017 budget was given. This was mentioned in the Strategic Workforce Plan. The money will be spent on creating a plan that will meet our future growth needs as we expand.

Finally, they approved a consent item. They discussed using 12k in remaining 2016 funds for sidewalk repairs. These funds are in our current sidewalk program. The thought is that we can use the funds to shave and not replace uneven sidewalks. Thus improving sidewalk mobility.

Our Public Service Team looked to Green Pastures first but is returning to the committee to consider other sidewalks within the City as well.

PARKS & RECREATION REPORT: Mr. Reams reported that new playground structures have been placed in McCarthy and Greenwood Parks. He also mentioned that the Master Plan surveys have went out to community members.

Mrs. Richardson thanked the Service Department for placing temporary restrooms in Mill Valley South Park and Mill Valley Central Park during the winter for people using the Jim Simmons trail.

HEARING OF CITIZENS:

RESOLUTIONS:

1st Reading TO ACCEPT THE COLLECTIVE BARGAINING AGREEMENT WITH FRATERNAL ORDER
Title Only OF POLICE OHIO LABOR COUNCIL, LODGE 171; DATED JANUARY 1, 2017
THROUGH DECEMBER 31, 2019, AND DECLARING AN EMERGENCY

Administration Comments: Mr. Emery stated the following: The City has successfully negotiated a collective bargaining agreement (or CBA) with the FOP/OLC. We held several meetings with the union and have agreed to terms on all 42 articles. The union has voted in favor of this CBA. The agreement goes into effect January 1, 2017 and takes us through December 31, 2019.

In looking back at our records, the City has not had one previous CBA process that did not necessitate the use of an appointed fact finder (or a neutral) to help finish the CBA process. Not only did we negotiate without the use of an outside neutral earlier this year for the Fire CBA, but we have done it a second time now with the Police union.

This is due to the great management/union relationship in both the Marysville Police Division and Fire Division. There is a true collaborative spirit in place that we will continue to foster.

This Police agreement is also due to the sound leadership of Police Chief Floyd Golden and his command staff (Deputy Chiefs Bo Spain and Tony Brooks) as well as the FOP/OLC union leadership. Their bargaining representatives are, Sergeant Chad Seeberg, Police Officers Craig Nicol and Nate Stone, and Dispatcher Brent Middleton.

I would like to thank Council for their support throughout this process. Mr. Dostanko is here tonight to answer any questions.

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

**Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES;
Mr. Seymour YES; Mr. Reams YES**

Council Comments: Mr. Taylor asked if everything in the agreement is what was in the budget. Mr. Dostanko answered yes.

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

**Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES; Mr. Seymour YES;
Mr. Reams YES; Mr. Taylor YES**

Mrs. Richardson asked about preventive services. She said it looks like we went from having an allergy shot to now paying for preventive services in full. Mr. Dostanko asked where in the document she was reading from. Mrs. Richardson was not sure. Mr. Emery suggested that Mrs. Richardson find the section and contact Mr. Dostanko tomorrow to discuss the section.

1st Reading Title Only A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF DUBLIN, OHIO, UNION COUNTY, OHIO, AND THE MARYSVILLE-UNION COUNTY PORT AUTHORITY FOR THE PURPOSE OF ESTABLISHING THE NORTHWEST 33 INNOVATION CORRIDOR COUNCIL OF GOVERNMENTS

Administration Comments: Mr. Emery stated Mr. Phillips is going to outline this a little for you like he did in Public Affairs. Mr. Emery said we have discussed this a few months ago, so this is nothing really new. As we continue to advance in our technology along the corridor including the 16.8 million dollar project that we are getting ready to embark on we believe it is very important and important to State officials that we have a structure in place to help oversee and manage the infrastructure. This Council of Governments can do so.

Mr. Phillips stated this legislation has been a long time coming as Mr. Emery stated. He said this COG has been come more important within the last few months as we continue to develop the fiber with ODOT. Mr. Phillips explained the four parties involved, and the fifth member will be from one of the parties voted on by all the parties. Mrs. Richardson inquired who will be the Port Authority individual. The answer was Mr. Phillips.

Council Comments:

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

**Mrs. Richardson YES; Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES;
Mr. Taylor YES; Mrs. Groat YES**

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

**Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES; Mr. Taylor YES;
Mrs. Groat YES; Mrs. Richardson YES**

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

**Mr. Seymour YES; Mr. Reams YES; Mr. Taylor YES; Mrs. Groat YES;
Mrs. Richardson YES; Mr. Rausch YES**

2nd Reading RESOLUTION TO APPROVE THE CONTINUANCE OF ENTERPRISE ZONE TAX
Public Hearing INCENTIVE AGREEMENTS WITH VARIOUS COMPANIES AND TO REPORT SUCH
FINDINGS TO THE OHIO DEVELOPMENT SERVICES AGENCY

Administration Comments:

Council Comments:

Citizen Comments:

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

**Mr. Reams YES; Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES;
Mr. Rausch YES; Mr. Seymour YES**

2nd Reading RESOLUTION AUTHORIZING THE CITY MANAGER TO COOPERATE AND ENTER
Public Hearing INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR
THE LOGAN/UNION/FRANKLIN- SMART MOBILITY AND DECLARING AN
EMERGENCY

Administration Comments:

Council Comments:

Citizen Comments:

ORDINANCES:

1st Reading TO AMEND CHAPTER 1137.13 (b) MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
Title Only DISTRICT (R2) TO ADD COMMERCIAL RECREATION AS A CONDITIONAL USE

Administration Comments: Mr. Flowers stated that the recommendation in front of you was heard before Planning Commission on November 7th. The code as we currently have it has recreation as a noncommercial use. He said if we look around the City where recreation would be allowed, it is very limited. He said when you look at all the zoning districts there is definitely a void in that regard.

Council Comments: Mrs. Richardson asked why R-2, there seems some places that the use would not make sense. Mr. Flowers explained that is why they have to go through Planning Commission and BZA before the conditional use will be approved.

1st Reading TO APPROVE A ZONING MAP AMENDMENT TO REZONE 19.428 ACRES (PARCEL #
Title Only 2900191220000) FROM HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (R-5), MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-2), AND LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (R-1) TO A PLANNED UNIT DEVELOPMENT (PUD) ON PROPERTY LOCATED SOUTH OF LORA LEE DRIVE AND ADJACENT TO THE EXISTING MILFORD CROSSING APARTMENT DEVELOPMENT

Administration Comments: Mr. Flowers introduced Mr. Foley with Redwood. Mr. Foley gave the attached presentation. Mr. Emery stated he is very comfortable with moving forward with this project because Mr. Fry was so quick to fix the concerns that were brought to him. Mr. Rausch stated he is very impressed with phase one. Mrs. Richardson asked if the roads will be maintained during the winter. Mr. Foley answered that they will maintain the streets in the winter time.

Council Comments:

2nd Reading ACCEPTING THE DEDICATION OF THE ADENA POINTE, SECTION 4 PUBLIC
Public Hearing INFRASTRUCTURE

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading TO REPEAL CHAPTER 701, DANCES AND DANCE HALLS, OF THE CODIFIED
Public Hearing ORDINANCES OF THE CITY OF MARYSVILLE

Administration Comments

Council Comments:

Citizen Comments:

2nd Reading TO REPEAL CHAPTER 705, ELECTRICIAN LICENSING, OF THE CODIFIED
Public Hearing ORDINANCES OF THE CITY OF MARYSVILLE

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading TO REPEAL CHAPTER 725, TAXICABS, OF THE CODIFIED ORDINANCES OF
Public Hearing THE CITY OF MARYSVILLE

Administration Comments:

Council Comments:

Citizen Comments:

2nd Reading AUTHORIZING ADDITIONAL APPROPRIATION TRANSERS, ADDITIONAL
Public Hearing APPROPRIATIONS, REDUCTION IN APPROPRIATIONS, AND MODIFYING THE 2016
ANNUAL BUDGET

Administration Comments: Mr. Nahvi explained that after the last amendment he found more clean up items with regard to debt services that occurred over the second half of the year.

Council Comments:

Citizen Comments:

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

Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES;
Mr. Seymour YES; Mr. Reams YES

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

Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES; Mr. Seymour YES;
Mr. Reams YES; Mr. Taylor YES

3rd Reading ADOPTING A CAPTIAL BUDGET FOR 2017
Title Only

Administration Comments:

Council Comments:

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

Mrs. Richardson YES; Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES;
Mr. Taylor YES; Mrs. Groat YES

3rd Reading ADOPTING AN OPERATING BUDGET FOR 2017
Title Only

Administration Comment:

Council Comments:

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

Mr. Rausch YES; Mr. Seymour YES; Mr. Reams YES; Mr. Taylor YES;
Mrs. Groat YES; Mrs. Richardson YES

3RD Reading 2017 ANNUAL APPROPRIATION ORDINANCE
Title Only

Administration Comments:

Council Comments:

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

**Mr. Seymour YES; Mr. Reams YES; Mr. Taylor YES; Mrs. Groat YES;
Mrs. Richardson YES; Mr. Rausch YES**

3rd Reading AMENDING ANNUAL COMPENSATION ORDINANCE FOR ALL CITY
Title Only EMPLOYEES- 2017

Administration Comments:

Council Comments:

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

**Mr. Reams YES; Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES;
Mr. Rausch YES; Mr. Seymour YES**

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

Mrs. Groat stated August 10, 2019 will be our bicentennial.

Mrs. Richardson stated did you know after the November election, there are now 28 states that have some form of legalized marijuana. Until Election Day this year, only Alaska, Colorado, Washington, Oregon and the District of Columbia had legalized marijuana for recreational purpose. Recently, California, Massachusetts, Maine, and Nevada also legalized marijuana....that doubled the amount of states. Arizona is the only state in the recent election that voted down legalization. Mrs. Richardson read the following quote from the Drug Free Coalition "The rapidly changing landscape of the acceptance of marijuana has both potential benefits and negative implications for states."

The temptation of the tax revenues have been one of the driving factors for states to allow for legalization. But allowing marijuana business continues to have unwanted side effects such as public health and environmental concerns for pesticides, youth use, impaired driving and continued black market sales. One of the largest concerns is the juxtaposition between state and federal laws regarding the legality of use and how to handle financial transactions. As recently as this fall the Drug Enforcement Administration maintained that marijuana is a Schedule I drug, despite pressure to change the classification. As Ohio's laws regarding medical marijuana begin to take shape in the coming months, local governments will need to carefully consider the possible implications."

Mr. Seymour expressed his appreciation for the Collective Bargaining to be completely agreed upon by both parties without having a third party come in.

Mr. Taylor stated there is a lot of commercialism, he would like you to shop local, and be safe, but remember the real reason for the season.

Mr. Rausch announced the December Council meeting dates, we will have meetings on December 12th at 7pm and December 20th at 7pm.

Mr. Emery expressed his appreciation for the budget process that we have completed. He thanked Council for their support and questions. There were some good questions and interactions. He wanted to thank the executive staff for the work they did on the budget and Mr. Nahvi for the short time he has been here he grabbed the budget and ran with it. He has shown Mr. Emery a lot of what he will bring to the City of Marysville over time.

Mr. Taylor moved to go into executive session and Mrs. Richardson seconded, and the question put, stood:

Mr. Taylor YES; Mrs. Groat YES; Mrs. Richardson YES; Mr. Rausch YES;
Mr. Seymour YES; Mr. Reams YES

ADJOURNMENT: There being no further business to come before Council, the meeting was adjourned to Executive Session at 8:24 p.m. Being no further business to come before Council, the executive session was adjourned at 9:13pm. The meeting was adjourned at 9:13pm.