

**City of Waterville**  
**Minutes of Regular Council Meeting of:**  
**October 12, 2015**

The regular meeting of the Waterville Council was called to order by Mayor Lori Brodie at 7:32 p.m. in the Council Chambers of the Waterville Municipal Building.

A prayer was offered by Mr. Pedro. The Pledge of Allegiance was recited.

Present at roll call were Mr. Rozic, Mr. Valtin, Mayor Brodie, Mrs. Bruno, Mr. Larkins and Mr. Pedro.

Mayor Brodie moved to excuse the absence of Mrs. Krise. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

Also present were Jim Bagdonas, Administrator; Phil Dombey, Law Director; Steve Schult, Treasurer; and Melissa Cook, Recording Secretary.

Staff Present:

Jon Gochenour – Director of Finance and Administration, Clerk of Council

David LaGrange – Police Chief

Patrick Wambo – Fire Chief

Ken Blair – Public Works Director

Citizens Present:

Please see Citizens' Sign-In Sheet, Exhibit A, Page 1 for a list of people present.

Approval of Minutes:

Mr. Larkins moved to approve the minutes of the September 28, 2015 Regular Council meeting as amended. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

**Citizen's Comments:**

Mr. Pedro, Mayor Brodie and members of Council welcomed several students from Notre Dame Academy who were in attendance at this evening's meeting to work on getting hours required for their Government class. Each student then introduced themselves to Council.

**Staff Reports:**

Administration: Mr. Bagdonas

- Stated that he placed a flier in front of each Council member's chair announcing the Waterville Economic Development Corporation annual meeting which will be held next month at Browning.
- Reported that included in Council's packet was a document from Nexus Gas Transmission, LLC regarding the proposed pipeline which crosses at the very southern edge of the city. They have asked us to enter into a "letter of understanding" which they have called a "letter of no objection" to the company's crossing of city-owned water and sewer lines. They would like a

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document that specifically outlines, not the overall construction of the pipeline, but the city-owned facilities it will crossover. He stated that he forwarded the document to Mr. Dombey who made some suggestions which resulted with the addition to the document that there would be no open cuts of city roadways and that nothing is to interfere with the city's construction of the 16" Forst Rd. waterline. Mr. Bagdonas added that he also placed in front of Council aerial photos that show the route of the line.

Mr. Rozic expressed that he believes that a different title would be appropriate. He stated that there are many people who object to the pipeline and the compressor station. Mr. Larkins agreed stating that if we issue a "letter of no objection" residents might get the impression that Council agrees or approves of the pipeline. He added that he believes that we need to make it clear that we are not taking a position. After discussion, Council agreed to authorize Mr. Bagdonas and Mr. Dombey to proceed with an outline of stipulations for Nexus which they would have an opportunity to review before it is sent.

Law Director: Mr. Dombey – No report.

Finance Director: Mr. Gochenour –

- Reviewed details of the September 2015 - Month End Finance Report highlighting Fund Balances, Investments and Income Tax Revenues.
- Reported that staff is currently working on the proposed 2016 Five-Year Capital Budget. It will be presented to the Finance Committee at their Friday, October 16<sup>th</sup> meeting at 7:30 a.m.

Treasurer: Steve Schult – No report.

Police Chief: David LaGrange

- Reported that the Sergeants exam has been completed. The scores should be back by late afternoon on Tuesday.
- Stated that the city's new police officer will start on Monday, October 19<sup>th</sup>.

After his report, the Chief answered questions from Council regarding a juvenile runaway and an apparent upswing in domestic dispute service calls.

Fire Chief: Patrick Wambo

- Reported that the Fire Department's run total is up 100 from last year at this time.
- Stated that the City of Waterville was awarded a new severe weather siren by the Lucas County EMA. It will be installed near SR64 west of US24.
- Reported that there is a strong possibility that the city will obtain a free jet ski from Yamaha East in Maumee due to a grant from the Department of Natural Resources. The city would be responsible for maintenance costs.

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Public Works Director: Ken Blair

- Reported that 2015 Paving Program was completed last week.
- Stated that Michigan Ave. has been closed due to the waterline replacement project but should be reopened by the end of this week. He thanked local businesses and residents for their patience and added that the project should be completed within the next couple weeks.
- Reported that the Annual Leaf Collection Program started today and will continue through November 20<sup>th</sup>.
- Stated that the city received a \$500.00 settlement as part of a class action lawsuit against Morton Salt for prices on road salt in 2008-2010.

**Communications from Council Members/Committees**

Mr. Pedro –

- Reported that the Waterville Economic Development Corporation will hold its annual meeting on November 12<sup>th</sup> from 4 p.m. – 6 p.m. at the Browning Complex.
- Thanked Mr. Blair and Chief Wambo, under the leadership of the Administrator, for continuing to look for grants that benefit the City of Waterville.

Mr. Larkins – No report.

Mrs. Bruno – No report.

Mr. Valtin –

- Reported that a group from the Parks and Recreation Committee, along with Mr. Blair, had a scheduled work day at Waterworks Park this past Saturday. He added that they painted the dugout and picked up branches and brush. He then thanked the volunteers and also Mr. Blair for picking up supplies for them during the week and also for volunteering his off time to help.

Council then held discussion on Waterworks Park, which suffered some damage from spring floods that washed away infields and damaged other areas. It was suggested that the Parks and Recreation Committee discuss the park's use and its long-term plans.

Mr. Rozic – No Report.

**OLD BUSINESS:**

- A. **ORDINANCE 26-15** - AN ORDINANCE AMENDING SECTION 905.02 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE WITH RESPECT TO THE EXEMPTION OF LAND USED FOR THE RETENTION OR DETENTION OF STORMWATER FROM THE REQUIREMENT TO PERIODICALLY CUT AND CLEAR VEGETATION THEREON  
*Third Reading and Legislative Action*

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Section 905.02 of the Codified Ordinances currently requires the periodic cutting and clearing of certain vegetation on lands within the City. However, when contained in areas designed for the detention or retention of storm water, many types of vegetation are beneficial in several ways as described in the Ordinance. In consideration of the current design approach to vegetation in such areas, this Ordinance would modify the requirement to cut and clear vegetation within areas used for storm water retention or detention by exempting those areas.

Mr. Larkins moved to adopt Ordinance 26-15. Mrs. Bruno seconded the motion.

Roll Call: Mr. Pedro – yes, Mr. Valtin – yes, Mayor Brodie – yes, Mr. Larkins – yes, Mrs. Bruno – yes, Mr. Rozic – yes. The motion passed unanimously.

**B. ORDINANCE 30-15 - AN ORDINANCE AMENDING SECTIONS 931.03(B) AND (C) OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE REGARDING WATER RATES**

*Second Reading*

Effective October 11, 2014, the City of Toledo's water rates paid by Waterville increased approximately 68-percent, in accordance with the provisions of the Toledo-Lucas County Water Contract. As a result of the Toledo increase, Waterville's rates were increased effective with the bills rendered on and after April 1, 2015. Due to a combination of factors, the April increase has not produced the additional revenue necessary to maintain a positive balance in the City's Water Fund. In addition, financing for the Bowling Green water transmission line was not a factor at the time of the April increase. Debt service payments for that project are now scheduled in both 2015 and 2016, before any savings from the change in water sources will be realized. A copy of the September 21, 2015 update of the Rate Study prepared by Proudfoot Associates is attached to the Ordinance. The update recommends an increase in the consumption rate from \$6.70 per 1,000 gallons to \$8.58 per 1,000 gallons and an increase in the capital rate from \$8.00 per month to \$10.88 per month for a typical 5/8 inch meter. These proposed rates would result in an overall increase in an average (3,500 gallons per month) customer's monthly bill of \$9.46 or 17-percent. The recommended rates that would take effect with the water bills rendered on December 1, 2015 are contained in the Ordinance.

Mr. Thomas Yurysta, Proudfoot Associates, was in attendance at tonight's meeting to briefly go over the recommended adjustments in the schedule of water rates for December 2015 and the year 2016 and to ask questions from Council.

**C. ORDINANCE 31-15 - AN ORDINANCE ADOPTING CHAPTER 172 AND AMENDING CHAPTER 171 OF THE WATERVILLE MUNICIPAL CODE OF ORDINANCES REGARDING MUNICIPAL INCOME TAX IN COMPLIANCE WITH OHIO HOUSE BILL 5**

*Second Reading*

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Substitute House Bill 5, passed by the 130<sup>th</sup> Ohio General Assembly earlier this year, takes effect on January 1, 2016. There are a number of items that must be amended in the Waterville Municipal Income Tax Code prior to January 1 to conform with the changes in the state law. The Regional Income Tax Agency (RITA) has prepared a model Ordinance for its members. This Ordinance reflects the changes as recommended by RITA while retaining the provisions of the existing Waterville Tax Code where permissible. Chapter 171 is the existing Waterville Income Tax Code. It must remain in place as amended by this Ordinance until taxpayers can no longer file tax returns for 2015 and prior years. This Ordinance also enacts a new Chapter 172 containing the Income Tax Code for 2016 and future years. Mr. Gochenour prepared the Ordinance and answered questions from Council.

**NEW BUSINESS:**

- A. **ORDINANCE 32-15** - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE CITY OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND KNOWN AS 9060 WATERVILLE-SWANTON ROAD (PARCEL NO. 91-04321) FROM C-3 HIGHWAY COMMERCIAL DISTRICT TO A-1 AGRICULTURE DISTRICT

*First Reading*

An Application has been received to rezone this property from C-3 to A-1. The property owners are planning to store agricultural equipment in the existing buildings on the site. While this use is permitted in a C-3 district, the property owners would like to reduce the real estate taxes on the property through this proposed zoning change. By a vote of 4-0 with one member absent, at their October 5 meeting, the Planning Commission voted to recommend this change. A Public Hearing on this issue is scheduled for the November 9 Council meeting.

- B. **ORDINANCE 33-15** - AN ORDINANCE AMENDING ORDINANCE NO. 29-15, THE AMENDED FY 2015 ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the fifth amendment to the 2015 appropriations. Significant items included in this amendment are: an additional temporary advance from the Water Debt Fund to the Water Fund (\$75,000) to address a cash flow issue in the Water Fund and reduced appropriations in the Water Debt Fund to place costs for the Michigan Ave. waterline replacement in the proper account (\$178,875) and to eliminate construction costs on the Bowling Green water transmission main from the 2015 appropriations since they will occur in 2016 (\$2,245,000). Detailed information on this amendment is attached to the Ordinance.

Mayor Brodie made a motion to suspend the rules to allow for the passage of Ordinance 33-15 as an emergency measure. Mr. Rozic seconded the motion.

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Roll Call: Mayor Brodie- yes, Mr. Valtin – yes, Mr. Larkins – yes, Mr. Pedro – yes, Mrs. Bruno – yes, Mr. Rozic - yes. The motion passed unanimously.

Mayor Brodie made a motion to move for the passage of Ordinance 33-15 as an emergency measure. Mr. Rozic seconded the motion.

Roll Call: Mayor Brodie – yes, Mr. Larkins – yes, Mr. Valtin – yes, Mr. Pedro – yes, Mrs. Bruno – yes, Mr. Rozic - yes. The motion passed unanimously.

**C. RESOLUTION 52-15 - A RESOLUTION AUTHORIZING THE ADVANCE OF CASH FUNDS FROM THE WATER CAPITAL/DEBT FUND (640) TO THE WATER OPERATING FUND (610)**

Although inter-fund advances and transfers are authorized by the 2015 appropriations as amended, the State Auditor has issued a bulletin requiring specific legislative action to ratify such actions. This Resolution would meet that requirement with respect to an advance authorized by the fifth amendment to the 2015 appropriations.

Mr. Larkins moved to adopt Resolution 52-15. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

**Executive Session:**

Mr. Pedro made a motion to move into Executive Session for a Conference with the Law Director concerning ORC 121.22(G)(2), Purchase or Sale of Property for Public Purposes at 8:10 p.m. Mr. Rozic seconded the motion.

Roll Call: Mr. Larkins – yes, Mr. Valtin – yes, Mayor Brodie – yes, Mr. Pedro – yes, Mrs. Bruno – yes, Mr. Rozic – yes. The motion passed unanimously.

**Return to Regular Session:**

Mrs. Bruno made a motion to come out of Executive Session and resume the regular Council meeting at 8:38 p.m. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

**Adjournment:**

There being no further business to come before Council, Mrs. Bruno made a motion to close the meeting at 8:38 p.m. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

*Jon D Gochenour*  
Clerk of Council

*Lori Brodie*  
Mayor