

City of Waterville
Minutes of Regular Council Meeting of:
June 1, 2015

The regular meeting of the Waterville Council was called to order by Mayor Lori Brodie at 7:30 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, Mrs. Krise, Mayor Brodie, Mrs. Bruno, Mr. Larkins and Mr. Pedro.

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

Staff Present:

Dale Knepper – Director of Finance and Administration, Clerk of Council

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. Pedro moved to approve the minutes of the May 11, 2015 Regular Council meeting. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

Oath of Office:

Mayor Brodie administered the Oath of Office to the City of Waterville's new Deputy Fire Chief Doug Meyer. His helmet was presented by his father, Bruce Meyer and his father-in-law Kenny Blair and his wife, Amber Meyer, pinned his badge.

Citizen's Comments:

None

Staff Reports:

Administration: Mr. Bagdonas

- Stated that he didn't have anything to add to his report that wasn't agenda specific.

Law Director: Mr. Dombey – No report.

Finance Director: Mr. Knepper –

- Reviewed details of the May 2015 Income Tax Revenue Report containing a Year-to-Date and Month-to-Date Actual Collection Comparison which was outlined in his attached cover memo.

Treasurer: Mr. Schult – Absent

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Communications from Council Members/Committees:

Mr. Pedro –

- Reported that he attended the Waterville Primary Mock Council Meeting on Wednesday, May 20th where he encouraged the third graders to get involved and to take part in their city government.
- Thanked all who attended the Waterville Economic Development Corporation luncheon that was held at Fallen Timbers on Thursday, May 14th from 11:30 a.m. to 1:00 p.m.

Mr. Larkins – No report.

Mrs. Bruno – No report.

Mrs. Krise – No report.

Mr. Valtin – No report.

Mr. Rozic –

- Congratulated Doug Meyer on his appointment as the Deputy Fire Chief of Waterville.

OLD BUSINESS:

- A. **ORDINANCE 09-15** - 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 KENSINGTON GARDEN FROM R-1 RESIDENCE DISTRICT TO R-3 RESIDENCE DISTRICT

Third Reading, Public Hearing and Legislative Action

Council previously referred this rezoning request to the Planning Commission for a recommendation. At the May 4 Planning Commission meeting, the Commission voted 3 to 1 with one member absent to recommend disapproval of the rezoning request. A number of written comments the City has received on this issue were included in Council's packet.

Mayor Brodie opened the Public Hearing at 7:41 p.m.

Mr. Mercurio, owner of Kensington Garden and who was in attendance at this evening's meeting, has requested a change in zoning from R-1 to R-3 because under the R-1 designation his villas, which have two units per building, are considered a non-conforming use which he states will significantly devalue his property. This would pose a problem if he wanted to refinance or sell the units in the future. An R-3 designation would allow him in the future to convert the rental units into condos to sell. Several residents came this evening to speak both for and against Mr. Mercurio's request. Some

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who opposed stated that they would only support the change if restrictions remain in place.

Mayor Brodie closed the Public Hearing at 8:05 p.m.

Mr. Pedro suggested that the vote be tabled tonight so that more conversation can take place with the interested parties and that perhaps Council can vote on this at their next meeting. He stated that Mr. Mercurio has built what he said he was going to build and he believes that folks are pleased with what they have that but the voters also spoke and we need to take that into account.

Mr. Valtin stated that this went to the voters on an initiative and the voters decided to make a zoning change. The voters should decide if this is going to be changed back to R-3. He added that he doesn't feel that tabling this would change anything. He then stated that he believes that the group that wants the zoning changed to R-3 could go through the same process as the group before and circulate a petition to have it put on the ballot. He added that he doesn't know how Council could change something that was decided upon by the voters.

Mr. Larkins asked if it was possible for Council to place the issue on the ballot themselves in which Mr. Dombey responded yes.

Mrs. Bruno asked how this issue went to the voters in which Mr. Bagdonas responded that an initiative petition was presented to Council. It was determined that there were sufficient signatures of registered voters for Council to take legislative action to place it on the ballot.

Mr. Rozic stated that whether the voters or Council change the zoning to R-3 it will not accomplish what the opposition is requesting which is some restrictions on the deed.

After further discussion, Mr. Mercurio stated that he did not receive a copy of the document that was sent to Council by the opposition listing some of the restrictions that they would like to impose.

Mayor Brodie quickly read the requested restrictions that were submitted by Mr. Kiser. Mr. Mercurio then briefly looked it over and stated that he could agree with most but doesn't want to be overly restricted. He then stated that he would like more time to look the letter over and that he didn't want to make any snap decisions.

Mayor Brodie stated that a decision this evening would be too quick for both sides. She stated that she would agree with tabling which would give everyone time to get together.

Mr. Pedro moved to table Ordinance 09-15 to allow us to have a follow up discussion within the next 20 days. Mrs. Bruno seconded the motion.

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Mrs. Krise stated that Council received the letters of support in their packets on Friday. She then stated that until then she was under the assumption that everyone in Waterville was totally against the zoning change. She added that if we have more time to marinate on the notion that people are in support of this, the outcome might be different then if we were to vote tonight.

Mr. Mercurio stated that he is not opposed to more discussion as long as people are being reasonable and it doesn't get out of control. He added that he doesn't have an issue with some of the restrictions but doesn't want more things added.

Mayor Brodie stated that she felt that Mr. Pedro was asking to table the Ordinance so that maybe an agreement can be reached and that the opponents are actually asking for some things that Mr. Mercurio is actually already doing.

Mr. Rozic asked what the outcome of the vote was when the zoning change was put on the ballot in which Mr. Mercurio responded 134 for the change and 84 against. Mr. Rozic then stated that he appreciates all that Mr. Mercurio has done with the property but is concerned that if there are no restrictions on the property what will happen if it changes ownership.

Mr. Mercurio stated that he has no problem doing what everyone else is required to do and would even do a little more but asked if this Council placed the same restrictions on the R-3 residential development they recently approved (The Colony). He added that he doesn't like being singled out and would like to be treated just like every other developer that builds in Waterville.

Discussion continued.

Roll Call: Mr. Pedro – yes, Mrs. Krise – yes, Mr. Valtin – no, Mayor Brodie – yes, Mr. Larkins – yes, Mrs. Bruno – yes, Mr. Rozic – yes. The motion passed.

- B. **RESOLUTION 27-15** - A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX OUTSIDE THE 10 MILL LIMITATION FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, REPAIR AND APPURTENANT WORK TO STREETS, ROADS AND ALLEYS IN THE CITY OF WATERVILLE OR ACQUIRING OWNERSHIP INTEREST IN LAND NECESSARY FOR THE FOREGOING IMPROVEMENTS, AND REQUESTING THAT THE QUESTION OF THE ADDITIONAL TAX LEVY BE SUBMITTED TO THE ELECTORS AT THE GENERAL ELECTION TO BE HELD NOVEMBER 3, 2015 (*Tabled from the May 11, 2015 Meeting*)

This Resolution is the second and final step in placing a 1.90 mill levy for street improvements on the November 2015 ballot. The language in the previous Resolution referencing sidewalks, walkways, etc. has been removed as Council requested. The County Auditor has certified that a 1.90 mill levy will produce annual revenue of

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\$229,846. According to the Ohio Revised Code, this Resolution will require an affirmative vote by two-thirds of the members of Council (5 votes) for passage.

Mrs. Krise made a motion to take Resolution 27-15 off the table. Mayor Brodie seconded the motion, which passed by unanimous voice vote.

Mr. Titus, member of the Finance Committee, Waterville resident and former Treasurer, spoke to Council updating the data of the sources of general fund revenues, noting that for the last several years they have been flat. He added that while income tax has generally increased, the loss in the Local Government Funds from the state as well as the inheritance and personal property taxes, has kept General Fund revenues level. While inflation has caused expenditures to rise slightly, it is the city's careful budgeting that has kept the General Fund in its strong position.

Council members then voiced their opinions for and against placing the issue on the ballot for the voters to decide. After further discussion, Mr. Valtin made a motion to adopt Resolution 27-15. Mr. Larkins seconded the motion.

Roll Call: Mayor Brodie – no, Mr. Valtin – yes, Mr. Larkins – yes, Mrs. Krise – no, Mr. Pedro – no, Mrs. Bruno – no, Mr. Rozic – yes. The motion failed.

C. RESOLUTION 28-15 - A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR COLUMBIAN VILLAGE AT WATERVILLE LANDING PLAT ONE SUBDIVISION

Farnsworth Investors, LLC has submitted a preliminary plat for the Columbian Village at Waterville Landing Plat One subdivision. At the May 4 Planning Commission meeting, the Commission voted 4 to 0 with one member absent to recommend the approval of the Preliminary Plat, subject to the conditions stated in the April 21, 2015 review letter from City Engineer Proudfoot Associates, except for the three items as stated in Resolution 28-15. The City Administrator and Engineer are not in favor of the waivers contained in exception items one and two. In fact, as a part of the new US 24 construction, sidewalks have already been installed on both sides of Dutch Road under the bridge carrying US 24 over Dutch Rd.

Mrs. Krise made a motion to take Resolution 28-15 off the table. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

Mrs. Krise stated that she drove by the property and decided that she agrees with the Planning Commission in that the sidewalks and sewer extension is unnecessary. She then made a motion approve Resolution 28-15. Mrs. Bruno seconded the motion.

Mrs. Bruno stated that she agrees with Mrs. Krise. She added that she doesn't feel we should put undue burdens on developers who are trying to help us grow our city.

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Mr. Pedro stated that he is glad that we tabled the discussion because it gave us the opportunity to get involved first hand. He then stated that he will be voting in favor of this Resolution.

Mr. Rozic asked if the shared use path will run the entire length of the subdivision on Waterville-Monclova Rd. to Dutch Rd.

Mr. Feller stated that the shared use path ends at Dresden Way in which Mr. Bagdonas responded that he doesn't believe that was part of the Planning Commission's waiver. Mr. Bagdonas added that the sanitary sewer that Mr. Feller said was included is not shown on here as well. Mr. Feller stated that he misspoke and that he thought that they had shown it. Mr. Bagdonas stated that he was questioned about that at the last meeting and Mr. Feller said more than once that it was included. Mr. Feller stated that the Planning Commission was presented with this preliminary drawing and approved it with the waiver of the installation of the sidewalk along Dutch Rd. and the extension of a sanitary sewer north to Dutch Rd.

The discussion continued on the extension of the shared use path and the sanitary sewer. Even though the preliminary plat drawing did not show the shared use path along Waterville-Monclova Rd. the entire length of the plat and the extension of the sanitary sewer along Dresden Way to Waterville-Monclova Rd. it was incorporated in Tom Yursta's comments in his October 21, 2014, July 3, 2014 and April 21, 2015 letters of review of the preliminary plat and was not part of the Planning Commission's three exceptions listed in the Resolution. The Planning Commission recommended the approval of the Preliminary Plat subject to the conditions of Mr. Yursta's review letter except for the three items listed in Resolution 28-15. Mayor Brodie stated that she wanted to make it clear to the developer that if this Resolution passes as it is now with the Planning Commission's recommendations it will be correct because it will not include the sanitary sewer north to Dutch Rd. or the sidewalk on Dutch Rd. but it will include a shared use path on Waterville-Monclova Rd. up to Dutch rd. and the sanitary sewer on Dresden Way to Waterville-Monclova Rd. Mr. Bagdonas stated that that is the way that the Resolution is set up and is consistent with the Planning Commission's recommendation.

The motion made to approve Resolution 28-15 passed with Mr. Rozic, Mayor Brodie, Mrs. Krise, Mr. Larkins, Mr. Pedro and Mrs. Bruno voting "yay" and Mr. Valtin voting "nay".

NEW BUSINESS:

- A. **ORDINANCE 13-15** - AN ORDINANCE AMENDING PART THREE OF THE CODIFIED ORDINANCES OF THE CITY OF WATERVILLE SCHEDULE V OF THE TRAFFIC SCHEDULES, RESTRICTED OR PROHIBITED PARKING (PRAY BOULEVARD)

First Reading

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Police Officers have observed semi-trucks parked along the curb of Pray Boulevard, especially south of SR 64. This creates problems for the drivers of other trucks when entering or leaving nearby driveways. This Ordinance would prohibit all on-street parking on both sides of Pray Boulevard from the southerly end of the pavement south of State Route 64 to a point 1,500-feet north of the northeasterly corner of Commerce Village at Waterville Landing Plat One Lot 2 (Farmers & Merchants Bank parcel). This would prohibit on-street parking on Pray Boulevard north to a point approximately midway between the two curves north of SR 64. This action was unanimously recommended to Council by the Public Safety Committee at the May meeting.

Other Information/Unscheduled Business: None

Executive Session:

Mr. Rozic 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 and for Consideration of a Matter per ORC 121.22(G)(1): To Consider the Appointment of a Public Employee at 9:15 p.m. Mr. Pedro seconded the motion.

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

Return to Regular Session:

Mr. Pedro made a motion to come out of Executive Session and resume the regular Council meeting at 9:39 p.m. Mrs. Krise seconded the motion which passed by unanimous voice vote.

Adjournment:

There being no further business to come before Council, Mr. Larkins made a motion to close the meeting at 9:39 p.m. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

Dale D Knepper
Clerk of Council

Lori Brodie
Mayor