

Regular Council

January 25

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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 Mrs. Krise. The Pledge of Allegiance was recited.

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

Also present were Jim Bagdonas, Administrator; Phil Dombey, Law Director; 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

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 January 11, 2016 Regular Council meeting. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

Citizen's Comments

Stacy Owen, 6423 Berkey-Southern Road in Whitehouse, OH, attended tonight's meeting to ask Council to send a letter to the Ohio EPA requesting that they hold a public hearing on the proposed air permit for the NEXUS Compressor Station planned to be built on Moosman Drive in Waterville Township.

Mr. Rozic made a motion to send a letter requesting a public hearing with the Ohio EPA regarding the issuance of an air permit for the NEXUS Compressor Station. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

Diane Durbin, Chair of the Waterville Tree Commission, made a presentation to Council regarding the 2016 Appropriations and the Tree Commission's Hazard Tree Inventory. She provided Council with information on the Tree Risk Assessment Hazard Priority 1 Pruning and Removals Spreadsheet, the ODNR Division of Forestry Executive Summary of Waterville's Tree Risk Assessment, Tree Risk Assessment Budget Estimates and a copy of a September 2015 letter sent to Mr. Patrick Gfell, 34 S. Melody Ln., in response to his request to change the hazardous assessment for trees located in the right-of-way in front of his property. Ms. Stephanie Miller, Urban Forester with the ODNR was also present and answered questions from Council.

Dr. Amy Thompson, representing the University of Toledo, came to this evening's meeting to speak to Council again about raising the legal purchase age of tobacco products from 18 to 21. She asked Council to consider passing an ordinance to change the legal age to purchase tobacco in Waterville.

Mr. Larkins asked that this issue be placed on Council's agenda for further discussion.

Staff Reports

Administration: Mr. Bagdonas

- Reported that he attended a meeting of the Ohio Public Works Commission's Local District Integrating Committee where he was informed that the City's application for a \$124,406 grant toward the Anthony Wayne Trail/South River Road turn lane/shared use path project was recommended to the OPWC for approval.

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- Stated that detailed construction plans for the Bowling Green Water Transmission Line Project are now over 90% complete. The tentative bid date is scheduled for the middle of March subject to receiving approval from the U.S. Army Corps of Engineers and the necessary easements.

Law Director: Mr. Dombey – No report.

Finance Director: Mr. Gochenour – No report.

Communications from Council Members/Committees

Mrs. Krise – No report.

Mr. Pedro -

- Reported that he attended a TMACOG meeting this afternoon where they discussed, among other things, shared services.

Mr. Rozic – No report.

Mr. Valtin – No report.

Mrs. Bruno – No report.

Mr. Larkins – No report.

OLD BUSINESS:

A. RESOLUTION 54-15 A RESOLUTION APPROVING AND ADOPTING THE CITY OF WATERVILLE FY 2016 FIVE-YEAR CAPITAL PLANNING PROGRAM FOR ALL MUNICIPAL FUNDS AND DEPARTMENTS

This is the annual 5-Year Capital Planning Program. The Finance Committee discussed and recommended approval of the program at a meeting on October 16, 2015. This item is for ongoing discussion throughout the budget preparation process.

Mr. Bagdonas stated that Council did receive revised pages 35-36 reflecting the change requested by Council at the January 11 meeting in their packets. The decision was to change from two specific projects in 2017 in the Parks and Green Space Fund to one item entitled “Unspecified Park Improvements” in the amount of \$56,500.

Mayor Brodie stated that she would recommend removing this item from the 2017 Capital Planning Program until a consensus is reached by Council on the priority of improvements needed for the parks. The money will remain in the fund and the balance will continue to go up until it is allocated.

After further discussion on the Five-Year Capital Planning Program, Mr. Rozic made a motion to remove the line item identified as “Unspecified Parks Improvements” for budget year 2017 in the amount of \$56,500. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Mrs. Krise moved to pass Resolution 54-15 as amended. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

B. ORDINANCE 39-15 AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATIONS FOR THE MUNICIPALITY OF WATERVILLE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND REPEALING ORDINANCE NO. 40-15, AND DECLARING AN EMERGENCY

Third Reading and Legislative Action

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A copy of the proposed FY 2016 Appropriations was included in the December 14, 2015 Council packet. The Finance Committee reviewed the budget at their November 20, 2015 meeting and unanimously recommended approval. Replacement pages for the FY 2016 Annual Appropriations Document, reflecting modifications resulting from Mayor Brodie's recent meeting with the Municipal Administrator are included in the Council packet. These modifications were made due to the ending balance in the General Fund for 2015 being approximately \$300,000 over last year's original projection. This increased amount is the result of a combination of several factors in both City revenues and expenditures. Some of the more significant items include higher than expected income tax receipts, local government fund revenues and rescue squad charges and lower than expected legal expenses, incarceration costs and vehicle fuel costs. The recommended use of the \$300,000 is to add this amount to the transfer from the General Fund to the 5-Year Capital Fund for the purpose of reducing the debt on the Fire Department Tower Truck by \$100,000, and adding \$200,000 to the appropriations for 2016 for additional street repair work.

Mayor Brodie made a motion to accept the replacement pages to amend the FY 2016 Appropriations. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

Mayor Brodie made a motion to suspend the rules to allow for the passage of Ordinance 39-15 as an emergency measure. Mr. Pedro seconded the motion.

Roll Call: Mayor Brodie – yes, Mr. Valtin – yes, Mr. Larkins – yes, Mrs. Krise – 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 39-15 as an emergency measure. Mr. Pedro seconded the motion.

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

C. PUBLIC HEARING – ORDINANCE 37-15 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE BY AMENDING THE SPECIAL USE PERMIT OF THE BROWNING MASONIC COMMUNITY, INC. TO ALLOW THE CONSTRUCTION OF THE COMMUNITY VILLAS PHASE 1 ON THE PROPERTY LOCATED AT 8883 BROWNING DRIVE
Third Reading and Public Hearing

An Application has been received from the Browning Masonic Community, Inc. for an amendment to their Special Use Permit to construct 14 villa units on their property at 8883 Browning Drive. The Planning Commission members discussed this amendment at their January 4 meeting but requested additional information from the applicant. Discussion on the proposed amendment will continue at the next Planning Commission meeting that is scheduled for February 1. The Public Hearing and third reading will occur at this meeting. Final legislative action is now scheduled for the February 8 Council meeting which will occur after Council receives the Planning Commission's recommendation.

Mayor Brodie opened the Public Hearing at 9:10 p.m.

Greg Feller of Feller, Finch and Associates, representing the applicant, stated that they are hoping to get approval from the Planning Commission at their next meeting on February 1. He then stated that the Browning Masonic Community would like to build 14 ranch style villa units (2 units attached) on their property off of Browning Drive. The units will be owned and maintained by Browning.

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Mayor Brodie closed the Public Hearing at 9:12 p.m.

- D. ORDINANCE 38-15 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE BY AMENDING A CONDITIONAL USE PERMIT GRANTED TO THE KROGER CO. TO OPERATE A SUPERMARKET GREATER THAN 75,000 SQUARE FEET IN THE VILLAGES AT WATERVILLE LANDING DEVELOPMENT AND LOCATED AT 8730 WATERVILLE-SWANTON ROAD

Third Reading and Public Hearing

An Application has been received from The Kroger Co. for an amendment to their Conditional Use Permit to construct a 43,000 square foot addition to their supermarket at 8730 Waterville-Swanton Road. The Planning Commission members discussed this amendment at their January 4 meeting but requested additional information from the applicant. The additional information was not received by the closing date for the February Planning Commission meeting. Discussion on the proposed amendment will continue at the March 7, 2016 Planning Commission meeting, assuming the information is received by February 22. The Public Hearing and third reading will occur at this meeting. Final legislative action is now scheduled for the March 14 Council meeting which will occur after Council receives the Planning Commission's recommendation.

Mayor Brodie opened the Public Hearing at 9:14 p.m.

Andrew Gardner, of Bird and Bull Engineering, stated that what is being proposed is a 43,000 square foot expansion to the existing Kroger Store which will make it the size of other current "Kroger Marketplace" stores in the area. They are planning to expand the pharmacy drive-through and add a Click List, which is an online sales and pick up area as well. He then added that a small parking lot expansion is also being proposed. We are working through some items with the Planning Commission in regard to our traffic study. We will be resubmitting materials prior to the February 22 deadline that will be discussed at the Planning Commission meeting on March 7 and will hopefully be in front of Council by March 14. He then presented a site plan for the expansion project and answered questions from Council.

Mayor Brodie closed the Public Hearing at 9:20 p.m.

NEW BUSINESS:

- A. ORDINANCE 01-16 AN ORDINANCE AMENDING SECTION 907.04 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE WITH RESPECT TO STREET TREES IN NEW SUBDIVISIONS

First Reading

- B. ORDINANCE 02-16 AN ORDINANCE AMENDING SECTION 1117.02(b)(5) AND REPEALING SECTION 1117.05 OF THE PLANNING AND ZONING CODE WITH RESPECT TO FINAL PLATS

First Reading

- C. ORDINANCE 03-16 AN ORDINANCE ENACTING SECTIONS 119.10(1) AND 1147.03(f) OF THE PLANNING AND ZONING CODE WITH RESPECT TO STREET TREES

First Reading

Currently, the planting of street trees in new subdivisions is handled in the same way as other public improvements such as streets, water lines and sewers. Any of these items that are not completed at the time of Final Plat approval are covered by a bond or escrow agreement until their completion. In most subdivisions, this becomes difficult with respect to street tree planting since the trees are not typically planted all at once, but in a

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piecemeal fashion on each lot as a structure is built. There have also been problems with the quality of the trees and the planting methods.

The Tree Commission has recommended a new procedure to handle the planting of street trees in connection with the issuance of a zoning permit. This procedure would require the applicant for a zoning permit to pay the City a fee in an amount as determined by City Council for each street tree adjacent to the frontage of the building site. The City would then plant the trees at an appropriate time, giving consideration to weather conditions and nearby construction activities. Ordinances 01-16, 02-16 and 03-16 would implement this new procedure. A Resolution to establish the fee would be considered for passage by Council at the February 22 meeting.

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 and ORC 121.22(G)(3), Imminent Court Action at 9:31 p.m. Mr. Larkins seconded the motion.

Roll Call: Mr. Rozic – yes, Mayor Brodie – yes, Mrs. Krise – yes, Mr. Larkins – yes, Mr. Pedro – yes, Mr. Valtin – yes, Mrs. Bruno - 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 9:45 p.m. Mrs. Krise seconded the motion which carried by unanimous voice vote.

Adjournment

There being no further business to come before Council, Mr. Rozic made a motion to close the meeting at 9:45 p.m. Mrs. Krise seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Lori Brodie, Mayor