

Regular Council

February 22

16

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. Rozic. 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; Steve Schult, Treasurer; and Melissa Cook, Recording Secretary.

Staff Present:

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

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 February 8, 2016 Regular Council meeting. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

Proclamation

Mayor Brodie read a proclamation declaring March 2016 as MS Awareness Month in the City of Waterville. The proclamation urged all residents to learn more about multiple sclerosis and what they can do to support individuals with MS and their families.

Janet Mohrmann, 428 Hickory Ln., came to this evening's meeting to thank Council and the City of Waterville for the Proclamation declaring March 2016 as MS Awareness Month. She stated that she is a Waterville resident who is living with multiple sclerosis and for the past 11 years she has served on the National Multiple Sclerosis Society Board; Ohio Buckeye Chapter.

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. Gochenour

- Stated that Council received a copy of the FY2015 Fourth Quarter Budget and Financial Report which covers the period of January through December 2015. This report was also presented to the Finance Committee at their February 19, 2016 public meeting.
- Reminded Council that the Ohio Ethics Commission Financial Disclosure Statement must be completed and submitted to the State of Ohio by Monday, May 16, 2016.
- Reviewed details from the December 2015 Month End Finance Report highlighting fund balances, investments and income tax revenues.

Treasurer: Mr. Schult – No report.

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Communications from Council Members/Committees

- A. Appointment of James Stoma to unexpired Historic District Commission term effective April 1, 2016 and ending December 31, 2016

This appointment proposed by the Mayor would fill a vacancy for an unexpired term on the Historic District Commission due to the resignation of Debbie Hanna effective March 31, 2016. A copy of Mr. Stoma's Application for Volunteer Services was included in Council's packet.

Mayor Brodie moved to approve the appointment of James Stoma to the unexpired Historic District Commission term. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

Mrs. Krise – No report.

Mr. Pedro –

- Reported that February 21-27, 2016 is National Engineers Week.

Mr. Rozic –

- Attended the Public Works Committee meeting held on Tuesday, February 16. He added that Mr. Blair provided the members with a detailed listing of all of the Public Works Department's current projects and those that have been recently completed.

Mr. Valtin – No report.

Mrs. Bruno – No report.

Mr. Larkins –

- Attended a presentation by the Metroparks.
- Stated that at the last Council meeting he skipped over the Smoking Ordinance agenda item that was recently proposed. He added that he believes that it needs to be placed back on Council's agenda for discussion and consideration.

Mayor Brodie stated that Council should have received an e-mail regarding this year's fireworks and asked if Council wanted to discuss this item further. She then stated that there is \$18,000 in this year's budget and that will be used against any donations.

Mr. Bagdonas stated that we will probably have our first budget amendment at the next Council meeting. We talked previously about keeping the expenditure item as is but recognized that we are probably going to get less in donations this year. He then stated that we should actually reduce the revenue line item for donations by whatever decreased amount we anticipate receiving this year. This figure can then be incorporated into our budget amendment.

Mrs. Bruno stated that the Fireworks Committee has met and is convinced that we will be able to raise funds by selling calendars. She added that we won't be able to ask businesses to fund both 2016 and 2017 in the same fiscal year. We are asking Council for a "by-year" and that adjusting that revenue side for this year would be helpful. She stated that the goal would be to have the calendar ready for 2017 and then the fireworks should be self-supporting again.

Mr. Bagdonas stated that if that is the direction that Council wishes to go we can incorporate that into the upcoming budget amendment. He then asked Council if they would like to see the smoking ordinance issue back on the agenda and if so in what form.

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Mr. Larkins and Mr. Rozic both stated that they believe that Council needs to discuss what was presented to them and would like for it to be put back on the agenda as a discussion item.

Mayor Brodie stated that she prefers we put this on the agenda as a discussion item rather than an ordinance. She added that we have plenty of time to put this into ordinance form after discussion if we choose.

OLD BUSINESS:

- A. 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

Legislative Action Scheduled for March 14, 2016

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 and February 1 meetings. Additional information from the applicant's consultant as requested at the January meeting has not yet been received. Discussion on the proposed amendment will continue at the next Planning Commission meeting that is scheduled for March 7. Final legislative action is now scheduled for the March 14 Council meeting which will occur after Council receives the Planning Commission's recommendation. Information on the proposed Special Use Permit was included with the December 14 Council packet and additional information was contained in the January 25 Council packet.

- B. 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

Legislative Action scheduled for March 14, 2016

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 1 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. Final legislative action is scheduled for March 14 Council meeting which will occur after Council receives the Planning Commission's recommendation. Information on the proposed Special Use Permit was included with the December 14 Council packet.

- C. 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

Third Reading and Legislative Action

- D. 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

Third Reading, Public Hearing and Legislative Action

E. 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

Third Reading, Public Hearing and Legislative Action

Currently, the planting of street trees in new subdivisions is handled in the same way as other public improvements (streets, water lines, sewers) in the subdivision. Any of these items that are not completed at the time of the Final Plat approval are covered by a bond or escrow agreement until their completion. In most subdivisions, this becomes difficult with respect to street trees since the tree planting is not typically done all at once, but in a piecemeal fashion adjacent to 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, 02, and 03-16 would implement this new procedure.

Mr. Pedro moved to adopt Ordinance 01-16. Mr. Rozic seconded the motion.

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

Mayor Brodie opened the Public Hearing for Ordinance 02-16 and Ordinance 03-16 at 8:09 p.m. After discussion the Public Hearing was closed at 8:12 p.m.

Mr. Pedro moved to adopt Ordinance 02-16 and Ordinance 03-16. Mr. Valtin seconded the motion.

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

NEW BUSINESS:

A. SECTION 907.13 APPEAL – TREE COMMISSION DECISION TO REMOVE A SILVER MAPLE TREE AND A LINDEN TREE IN THE PUBLIC RIGHT-OF-WAY IN FRONT OF 34 S. MELODY LN. (PATRICK MICHAEL GFELL, APPELLANT) (MOTION)

Mr. Gfell of 34 S. Melody Ln. is appealing the Tree Commission’s decision to remove a silver maple tree and a linden tree in the public right-of-way in front of his house. A copy of his email containing the appeal and additional information from the Tree Commission can be found in the Council packet. Section 907.13 of the Waterville Codified Ordinances provides that “Any person may appeal from any ruling or order of the Tree Commission to Council who may hear the matter and make a final decision.”

After a lengthy discussion, it was the consensus of Council to table the discussion in order to obtain a cost estimate from an arborist to acquire a possible “second opinion” on condition of these street trees.

Mr. Pedro made a motion to table this discussion for up to 30 days. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

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B. RESOLUTION 05-16 A RESOLUTION AMENDING THE SCHEDULE OF FEES AND DEPOSITS CHARGED BY THE CITY OF WATERVILLE FOR VARIOUS SERVICES BY ADDING A FEE FOR THE PLANTING OF STREET TREES ADJACENT TO THE FRONTAGE OF A BUILDING SITE

Assuming Ordinance 03-16 is passed by Council, Section 1147.03(f) enacted thereby provides for a street tree planting fee “as determined from time to time by Council.” This Resolution would add the street tree planting fee to the City’s fee schedule. The Tree Commission recommends that the fee be set in the amount of \$450 per tree. The Resolution as currently written does not contain a fee amount. Council will need to insert an amount into the Resolution by motion prior to passage.

Mr. Rozic moved to adopt Resolution 05-16. Mr. Larkins seconded the motion, which passed by voice vote with Mr. Rozic, Mrs. Krise, Mr. Larkins, Mr. Pedro, Mr. Valtin and Mrs. Bruno voting “yes” and Mayor Brodie voting “no.”

C. RESOLUTION 06-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO STATEWIDE FORD-LINCOLN, VAN WERT, OHIO, FOR THE PURCHASE OF ONE 2016 FORD UTILITY POLICE INTERCEPTOR

This Resolution would authorize the purchase of a replacement Police Vehicle. The new vehicle is included in the approved FY 2016 appropriations and Five-Year Capital Program. The purchase would be made through the State of Ohio Cooperative Purchasing Program.

Mayor Brodie moved to adopt Resolution 06-16. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

D. RESOLUTION 07-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE A CONTRACT EXTENSION AGREEMENT WITH BERMEX, INC. FOR WATER READING SERVICES

In March 2013, the City entered into a three-year contract with Bermex, Inc. for water meter reading services. The contract will expire at the end of April 2016. The City has been very satisfied with the services provided under this contract. Bermex, Inc. has indicated a willingness to extend this contract for one year, keeping all other contract terms the same, including keeping the same year three unit prices for the extension year. This Resolution would authorize a Contract Extension Agreement with Bermex, Inc. to extend the contract to April 30, 2017.

Mrs. Krise moved to adopt Resolution 07-16. Mr. Larkins 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)(3), Imminent Court Action at 8:44 p.m. Mr. Valtin seconded the motion.

Roll Call: Mr. Pedro – yes, Mrs. Krise – yes, Mr. Valtin – yes, Mayor Brodie – yes, Mr. Rozic – yes, Mrs. Bruno – yes, Mr. Larkins – 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 9:15 p.m. Mrs. Bruno seconded the motion which carried by unanimous voice vote.

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Adjournment

There being no further business to come before Council, Mrs. Bruno made a motion to close the meeting at 9:15 p.m. Mr. Valtin seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Lori Brodie, Mayor