

Regular Council

March 14

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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.

Mayor Brodie asked for a moment of silence to honor the late Les Disher who was a Waterville Township Trustee. She sent condolences to his family and asked that we keep him and his family in our thoughts and prayers.

A prayer was offered by Mrs. Krise. The Pledge of Allegiance was recited.

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

Mr. Pedro moved to excuse the absence of Mrs. Bruno. Mrs. Krise 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

Lt. Larry Albright – Police Department

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 February 22, 2016 Regular Council meeting. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

Citizen's Comments

Council welcomed Tai Brock from Notre Dame Academy who was in attendance at this evening's meeting to work on getting hours required for her government class.

Nicholas Sargent, 439 N. River Rd., came to tonight's meeting to ask Council if a decision has been made on what will happen to the old Fire Station formerly occupied by the YMCA. Mayor Brodie responded by saying that they have had inquiries by different individuals, groups and businesses who are interested, but nothing has been decided at this time.

Staff Reports

Administration: Mr. Bagdonas

- Stated that the Annual Easter Egg Hunt will be held this coming Saturday, March 19 at 10:30 a.m. in Conrad Park. The event is sponsored by the Waterville Gas Co., Waterville Bodyworks and Folio.
- Reported that April 28, 2016 is the tentative bid opening date for the Bowling Green Water Transmission Line Project. The permits from the U.S. Army Corps of Engineers, the Ohio Department of Transportation and the Wood County Engineer have been received. The Ohio EPA permit and two property easements are expected to be received soon.

Law Director: Mr. Dombey – No report.

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Finance Director: Mr. Gochenour

- Reviewed details of the RITA Income Tax Reports for January and February 2016 highlighting the current collections in comparison to January and February 2015. The City has collected approximately \$36,872 more in income tax revenue in comparison to the same period in 2015.
- Stated that RITA will be at the City of Waterville Municipal Building/Council Chamber on Wednesday, March 16 from 1:00 p.m. to 7:00 p.m. to offer free assistance with Municipal Income Tax Return preparation.

Treasurer: Mr. Schult

- Reviewed details of the monthly Treasurer's Report for the month of December 2015.

Police Department: Lt. Larry Albright

- Presented Police Department report on behalf of Chief LaGrange who is ill.

Fire Chief: Mr. Wambo

- Stated that he has been working with Mr. Bagdonas on an application for the Local Government Safety Capital Grant Program through the Ohio Development Services Agency. This grant would cover a portion of the cost to replace the Fire Department standby generator, install a new standby generator at the Police Station/Municipal Building and replace approximately 3,000-feet of fire hose. The grant will be awarded in May.
- Reported that the Waterville Police Department will begin to carry Narcan for the emergency treatment of opioid overdoses. Training will be provided by a city volunteer firefighter who is also a Toledo Police Officer. Narcan is provided free by Lucas County Health Department.
- Thanked Mr. Pedro for attending their drill last Tuesday. He stated that all of their training drills are held on Tuesday evenings from 7 p.m. to 9 p.m. and invited Council and members of the public to attend.

Public Works Director: Mr. Blair

- Reported that he recently met with the city engineer to review the city's streets for our annual paving program. He then handed out copies of the list of 15 streets recommended to be improved over the next five years. He added that they are planning to move the May Public Works Committee meeting to April in order to look at the list and receive any comments before going out to bid on this year's project. He encouraged Council to take a look at the proposed streets and e-mail him with any questions or comments.

Communications from Council Members/Committees

Mrs. Krise – No report.

Mr. Pedro –

- Attended a training drill at the Fire Station last Tuesday. He added that he enjoyed himself and thanked our safety forces for their efforts.

Mr. Rozic –

- Reminded everyone that tomorrow is the primary and encouraged everyone to get out and vote.

Mr. Valtin – No report.

Mr. Larkins – No report.

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Mayor Brodie -

- A. Discussion - Raising the Legal Purchase Age of Tobacco Products from 18 to 21.

Council members asked to have this item placed on the agenda for further discussion.

Mrs. Krise stated that she believes it might be a good idea to get input from local business owners. She added that she feels that if we enforce this rule, people will just take their business to Whitehouse.

Mr. Larkins stated that the Maumee City Council was moving toward adopting this, but pulled back due to business objections. We know that tobacco is not a good thing and has devastating effects, but agrees that if we adopt this people will just go elsewhere. He added that this needs to be addressed statewide and not locally.

Mr. Rozic agreed that this is an issue of statewide concern.

Mr. Valtin agreed it is more appropriate to deal with this issue at the state level.

Mayor Brodie stated that she agrees that this is state issue and it would be very difficult to enforce this locally. She added that at this point it probably does not need to be put back on Council's agenda.

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 was discussed at the March 7 Planning Commission meeting and at that meeting, by a vote of 3 to 0 with one member absent and one abstention, the Planning Commission recommended approval of the proposed amendment subject to the conditions stated in the March 3, 2016 letter from the City Engineer.

Mr. David Subleski of Browning Masonic Community and Mr. Greg Feller of Feller, Finch and Associates presented a slide show to Council on the new project and answered questions from Council.

Mr. Pedro moved to adopt Ordinance 37-15. Mrs. Krise seconded the motion.

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

- 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

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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. Additional information from the applicant's consultant was discussed at the March 7 Planning Commission meeting, and at that meeting, by a vote of 4 to 0 with one member absent, the Planning Commission recommended approval of the proposed amendment subject to the conditions stated in the February 25, 2016 letter from the City Engineer.

Andrew Gardner, of Bird and Bull Engineering, and Erin Fisher, both representing Kroger were in attendance to answer any questions from Council.

Mr. Rozic moved to adopt Ordinance 38-15. 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. The motion passed unanimously.

- C. 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. was present to discuss his appeal from 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 were included in the February 22 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." Mr. Gfell has now informed us that a certified arborist from Envirocare has given him an opinion that both trees should be removed. After discussion, Mr. Gfell stated that he is withdrawing his appeal. He may be willing to share in the cost of new trees. Mayor Brodie stated that Council will be taking a closer look at the appeal process.

Mr. Bagdonas advised that if an appeal is withdrawn, no Council action would be necessary regarding the removal issue. The removal schedule and new tree planting matters should be referred to the Tree Commission since those questions in this case have not been before them.

Mr. Pedro made a motion to refer the removal and new tree planting schedule issues to the Tree Commission. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

NEW BUSINESS:

- A. ORDINANCE 04-16 AN ORDINANCE APPROVING THE FY2015 CARRY-OVER PURCHASE ORDERS AND INCORPORATING THEM INTO ORDINANCE NO. 05-16, THE FY2016 AMENDED ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance will allow the FY2015 year-end purchase orders needed for ongoing operating expenses, capital projects and capital purchases to be carried forward and incorporated into the FY2016 Budget. Our accounting software does not allow carry-over purchase orders to be charged against the previous budget, therefore, it is necessary to carry forward the balances of these purchase orders and re-appropriate them into the next budget year. There is a detailed attachment with Ordinance 04-16 listing purchase orders and amounts involved with the procedure.

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Mayor Brodie made a motion to suspend the rules to allow for the passage of Ordinance 04-16 as an emergency measure. Mrs. Krise seconded the motion.

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

Mayor Brodie made a motion to move for the passage of Ordinance 04-16 as an emergency measure. Mr. Valtin seconded the motion.

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

B. ORDINANCE 05-16 AN ORDINANCE AMENDING ORDINANCE NO. 39-15, THE FY2016 ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the first amendment to the 2016 appropriations. This amendment includes increasing the appropriations by the amounts needed to accommodate the FY2015 year-end purchase orders described in Ordinance 04-16 and a number of minor budget adjustments. Detailed financial 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 05-16 as an emergency measure. Mr. Larkins seconded the motion.

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

Mayor Brodie made a motion to move for the passage of Ordinance 05-16 as an emergency measure. Mr. Rozic seconded the motion.

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

C. RESOLUTION 08-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO FILE AN APPLICATION FOR A LOCAL GOVERNMENT SAFETY CAPITAL GRANT AND TO ENTER INTO AN AGREEMENT WITH THE OHIO DEVELOPMENT SERVICES AGENCY

The city's current Five-Year Capital Program includes the replacement of the standby generator at the Fire Station in 2016, the installation of a standby generator at the Police Station/Municipal Building in 2020 and the replacement of 3,000-feet of fire hose between 2017 and 2020. In February 2016, the Ohio Development Services Agency announced a Local Government Safety Capital Grant Program "for the purchase of vehicles, equipment, facilities, or systems needed to enhance public safety." The generators and fire hose are items eligible for funding through this grant program. This Resolution would authorize grant applications for this equipment.

Mr. Pedro moved to adopt Resolution 08-16. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

D. RESOLUTION 09-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO PURCHASE FIVE (5) PORTABLE RADIOS WITH APPURTENANCES FOR THE FIRE DEPARTMENT FROM MOTOROLA SOLUTIONS, INC.

The Fire Department currently has five portable radios that are nine years old. These radios have become less reliable and replacement parts are getting difficult to obtain.

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Five replacement radios are included in FY2016 of the Five-Year Capital Program. This Resolution would authorize the purchase of the five radios through the Ohio Cooperative Purchasing Program.

Mr. Valtin moved to adopt Resolution 09-16. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

E. RESOLUTION 10-06 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A LEASE EXTENSION AGREEMENT WITH CLEAN WOOD RECYCLING, INC. FOR 4.66 ACRES OF LAND ON THE WEST SIDE OF THE ANTHONY WAYNE TRAIL (6730 ANTHONY WAYNE TRAIL) TO OPERATE A YARD WASTE TRANSFER FACILITY

The original five-year lease between the City and Clean Wood will expire on May 31, 2016. The lease contains an option for a series of five one-year extensions upon mutual agreement. Clean Wood has indicated a desire to extend the lease. This Resolution would authorize a one-year lease extension with an increase in rent from \$175 per acre per year to \$200 per acre per year. There would also be a change in the closing time on Thursday and Fridays from 6:00 PM to 5:00 PM after the end of daylight savings time in the fall due to the lack of outside lighting at the facility.

Mayor Brodie suggested that the facility be open on Monday instead of Thursday so that residents that do yard work on Sunday do not have to wait until Thursday to dispose of their yard waste.

Mrs. Krise moved to adopt Resolution 10-06. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

Other Business

None

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 8:24 p.m. Mrs. Krise seconded the motion.

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

Return to Regular Session

Mr. Rozic made a motion to come out of Executive Session and resume the regular Council meeting at 9:22 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 9:22 p.m. Mrs. Krise seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Lori Brodie, Mayor