

Regular Council

July 25

16

The regular meeting of the Waterville Council was called to order by Vice-Mayor Jim Valtin 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. Larkins, Mrs. Bruno, Mr. Valtin, Mr. Rozic, Mr. Pedro and Mrs. Duncan.

Mr. Valtin moved to excuse the absence of Mayor Brodie. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

Also present this evening 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 June 27, 2016 Regular Council meeting. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

Citizen's Comments

Michele Myerholtz, Assistant Director of the Lucas County Board of Developmental Disabilities, came to this evening's meeting to familiarize Council and the Anthony Wayne community with the Lucas County Board of Developmental Disabilities. She proceeded by explaining all of the services that are available through the County Board.

David Bourland, 105 N. Fourth St., came to this evening's meeting on behalf of P.A.W. (Protecting Air in Waterville), which is a group of concerned Waterville residents that are opposed to the planned placement of a natural gas pipeline through the City of Waterville. He stated that at the last Council meeting he submitted to Council over 300 signatures in order to place a referendum on the November ballot. He asked Council when they will be voting on this and then presented written, proposed draft ballot language that was prepared by their attorney to Law Director Dombey. Mr. Bourland stated that their referendum is modeled after other cities and has some similarities in that it seeks to protect the rights/health of humans but it also looks at protecting nature and the impact on the Maumee River watershed if this pipeline comes through. He added that we have to speak for nature since it has no voice.

Mr. Valtin added that the proposed Charter Amendment is on tonight's agenda and will be considered under new business later in the meeting.

Lori Lindau, 145 Water St., asked Council for assistance in removing two hazardous trees in front of her home that are in the right of way. She added that she contacted the Tree Commission last year and also came to one of their meetings and was told that they would look at the trees and get back with her. She has not heard from anyone. Mr. Bagdonas stated either Mr. Blair or someone on his staff will look into this and get back with her.

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George Willford, 1036 Farmview Drive, voiced his concern over the flags that have been placed in the common area north of his home for a potential parking lot that would be used for additional parking for soccer games and practices at Prairie Trail Park. He stated that the stone parking lot that exists at the park currently is underutilized. He added that he doesn't have an issue with the proposed soccer fields but suggested that if more space is needed they widen the existing lot or put in a nicer looking parking lot with access off of Waterville-Monclova Rd.

Vice-Mayor Valtin stated that consideration of the use of Prairie Trail Park for soccer with Metro FC is on tonight's agenda for a one-year trial period. At this time the thought is to hold off on any parking lot expansion to see if this is going to work for both sides.

Staff Reports

Administration: Jim Bagdonas

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

Law Director: Phil Dombey – No report.

Finance Director: Jon Gochenour

- Reviewed details from the June 2016 Month End Finance Report highlighting fund balances, investments and income tax revenues. He also briefly discussed the change orders necessary for the purchase of two (2) F-250 trucks for the Public Works Department.

Treasurer: Mr. Schult

- Reviewed details from the Monthly Treasurer's Report for the month of June 2016.

Police Chief: David LaGrange

- Reported that this year's Safety City was a great success. The morning session was full and only one spot was left open for the afternoon session.
- Stated that the new police vehicle is scheduled to come off the line on August 6. It will be put into service shortly after that date.
- Explained the process for issuing door-to-door solicitor's permits.

Fire Chief: Patrick Wambo

- Reported that the total number of runs for 2016 is 327.
- Stated that he just finished an online application for a power cot and power cot loader for Medic 6. He will be working with Mr. Gochenour to complete the hard copy portion of the application so that it can be submitted.

Public Works Director: Ken Blair

- Reported that the notification for invitation to bid on the 2016 Sidewalk Program will be going out sometime this week.
- Gave Council an update on the progress of the Bowling Green Water Transmission Line Project.

Communications from Council Members/Committees

Mrs. Duncan – No report.

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Mr. Pedro –

- Attended the Chamber of Commerce Golf outing.
- Reminded Council and residents that this Saturday, July 30, the Waterville Rotary and Third Street Cigar will be hosting the Blues, Brews and Brats on Third Street in Downtown Waterville.

Mr. Rozic – No report.

Mrs. Bruno –

- Reported that the “Waterville-Whitehouse Residents against Nexus” will be holding the “Stand up, Speak up and Be Heard awareness campaign on Sunday, August 7 from 12-5 p.m. at 8736 Noward Rd. Free food and entertainment will be available throughout the day. Participants can walk, run or bike the route of the pipeline and see the location of the proposed compressor station. She added that FERC will be holding a public comment meeting at Swanton High School on August 10 at 5:00 p.m. on the Nexus pipeline and compressor station.

Mr. Larkins – No report.

OLD BUSINESS:

- A. ORDINANCE 10-16 AN ORDINANCE GRANTING TO THE WATERVILLE GAS & OIL COMPANY, AN OHIO CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO LAY, CONSTRUCT, MAINTAIN, OPERATE, REPAIR AND REMOVE MAINS, PIPES, REGULATORS AND ALL OTHER FIXTURES, APPLIANCES AND APPURTENANCES IN, OVER, THROUGH AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF WATERVILLE, OHIO, FOR TRANSMISSION AND SUPPLY OF GAS OR THE MANUFACTURING OF GAS FOR LIGHT, FUEL OR POWER PURPOSES FOR SAID CITY AND ITS INHABITANTS FOR A PERIOD OF FIVE (5) YEARS.

Third Reading and Legislative Action

- B. ORDINANCE 11-16 AN ORDINANCE FIXING THE PRICE AT WHICH GAS SHALL BE FURNISHED TO THE CITY OF WATERVILLE, OHIO, AND ITS INHABITANTS BY THE WATERVILLE GAS & OIL COMPANY, AN OHIO CORPORATION, AFTER ACCEPTANCE HEREOF AND UNTIL FIVE YEARS THEREAFTER

Third Reading and Legislative Action

Ordinance 10-16 and 11-16 are related to the Waterville Gas Company’s five-year franchise agreement with the City. The franchise agreement will expire on September 12, 2016. The Finance Committee has recommended the passage of these Ordinances. The rate Ordinance specifies a Customer Charge of \$12.50 per month, an increase from the current \$11.00. The Ordinances contain very minor changes from the current franchise, including a provision regarding customers that use large volumes of gas from May to October and provisions addressing the reimbursement of gas facility relocation costs for private developments.

Mrs. Bruno moved to adopt Ordinance 10-16. Mr. Pedro seconded the motion.

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

Mrs. Duncan moved to adopt Ordinance 11-16. Mr. Larkins seconded the motion.

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

C. ORDINANCE 13-16 AN ORDINANCE AMENDING, REPEALING AND ENACTING CERTAIN SECTIONS OF CHAPTER 1501 OF THE FIRE PREVENTION CODE

Second Reading

The Fire Chief has undertaken a comprehensive review of Waterville Codified Ordinances Chapter 1501, the Fire Prevention Code. This Chapter has not been updated for many years. This Ordinance reflects Chief Wambo's recommendations for amendments to the Fire Prevention Code to bring it up to date and to make it consistent with the Ohio Fire Code. These amendments will be reviewed by the Public Safety Committee before the third reading of this Ordinance.

D. ORDINANCE 14-16 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE BY GRANTING A SPECIAL USE PERMIT TO OPERATE A COMPLETE AUTOMOTIVE RESTORATION FACILITY AT 218 MECHANIC STREET UNIT C AND DECLARING AN EMERGENCY

Second Reading

An Application has been received for a Special Use Permit to operate a complete frame-off automotive restoration facility including auto body repair and operation of a paint booth at 218 Mechanic Street Unit C. The property is zoned M-1. Additional information on the proposed Special Use Permit was contained in the June 27 Council packet. At the July 6 meeting, the Planning Commission approved a motion by a vote of 4-0 with one member absent to recommend the granting of this Special Use Permit with two conditions that are specified in the revised Ordinance.

NEW BUSINESS:

A. ORDINANCE 21-16 AN ORDINANCE FOR SUBMISSION OF PROPOSED AMENDMENT TO CHARTER AND DECLARING AN EMERGENCY

First Reading

The Clerk of Council submitted the petitions for the Community Bill of Rights Charter Amendment to the Lucas County Board of Elections. The Board validated 395 signatures, which is equal to 20.28-percent (395/1948) of the electors voting at the last municipal election. Since the petition has been found to be sufficient, and the petition was signed by more than 20-percent of the electors voting at the last municipal election, the City Charter requires Council to submit the legislation to the electors at the November 8, 2016 election.

Vice-Mayor Valtin made a motion to suspend the rules to allow for the passage of Ordinance 21-16 as an emergency measure. Mr. Pedro seconded the motion.

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

Vice-Mayor Valtin made a motion to move for the passage of Ordinance 21-16 as an emergency measure. Mr. Rozic seconded the motion.

Council and the Law Director discussed the proposed amendment.

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

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B. RESOLUTION 35-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE A LICENSE AGREEMENT WITH METRO FC OF TOLEDO LLC, A DOMESTIC FOR-PROFIT LIMITED LIABILITY COMPANY, REGARDING THE USE OF A CERTAIN PORTION OF PRAIRIE TRAIL PARK

Metro FC of Toledo has made a proposal to place soccer fields in a portion of Prairie Trail Park for practices and games. The Parks and Recreation Committee recommend approval of the proposal in the form of the Land Use Agreement attached to the Resolution. The Agreement would be for a one-year term as a trial period. At the end of this term, the parties would determine if a longer term Agreement is appropriate and whether any modifications to the Agreement are needed.

Andy Pollock, representing Metro FC of Toledo, was available at this evening's meeting to answer questions from Council. He stated that the cost to put in an additional parking lot will be \$10,000 - \$13,000 project. He added that they are going to delay the installation of a new parking lot until the one-year trial period is over. He then stated that the parking lot is slightly overgrown and he would like to pull weeds and spray some round-up to make some additional space. He would also like mark the current parking lot to make approximately 50 parking spaces with paint.

Mrs. Duncan moved to adopt Resolution 35-16. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

C. RESOLUTION 36-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO SIGN AN ANNEXATION PETITION ON BEHALF OF THE CITY OF WATERVILLE AS A PROPERTY OWNER

According to a 1996 agreement between the Village of Waterville, the Peinerts and McDonald's regarding the development of the property at the northeast corner of the Anthony Wayne Trail and Dutch Road, they and future owners of those properties will cooperate to obtain annexation of their property to Waterville. The City is the owner of two parcels of land in the southwest quadrant of that intersection. A petition has been prepared to enable the annexation of the land parcels owned by a total of six owners in the vicinity of the Anthony Wayne Trail/Dutch Road intersection as shown on the map attached to the Resolution. The three property owners covered by the 1996 agreement have been contacted and one has signed the petition to date. This Resolution would authorize the Municipal Administrator to sign the annexation petition on behalf of the City as a property owner.

In a related matter, the Village of Waterville and Waterville Township executed an "Agreement on Future Annexation Policy" in 1997. There is an area identified in the 1997 agreement ("Area B"), where "the Township agrees not to oppose, or take any actions prejudicial" to annexations in the area. The properties within this proposed annexation are within "Area B."

Mr. Rozic moved to adopt Resolution 36-16. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

D. RESOLUTION 37-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH NORFOLK SOUTHERN RAILWAY COMPANY, A VIRGINIA CORPORATION, FOR 29.83 ACRES, MORE OR LESS, OF REAL PROPERTY FOR USE AS PART OF THE CITY PARK SYSTEM

In 2015, Norfolk Southern Railway (NS) received approval from the federal Surface Transportation Board to discontinue service on its rail line in the City. This designation is not an abandonment; the track remains in place although NS has no plans for any

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future rail traffic on the line. The Village/City has had a long-standing interest in obtaining control of the railroad property since it separates Conrad and Baer Parks, its condition affects many adjacent properties along the right-of-way and the three public roadway crossings have ongoing maintenance issues. NS has agreed to lease 29.83 acres of the railroad right-of-way to the City, beginning at the southern end of their property at milepost 15 to milepost 13.3, which is approximately 750-feet south of Dutch Road, for an annual payment of \$19,000. The City would have control of the property and would be responsible for maintenance such as mowing. The walking path between Conrad and Baer Parks could be restored and the public roadway crossings could be paved over. NS has advised that the track will remain in place so that in the highly unlikely event a need arises, rail service could be restored. This Resolution would authorize the Municipal Administrator to execute the Lease Agreement on behalf of the City.

A discussion was held on the lease agreement.

Mr. Valtin moved to adopt Resolution 37-16. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

E. RESOLUTION 38-16 A RESOLUTION SUPPORTING THE ESTABLISHMENT OF THE MAUMEE RIVER WATER TRAIL AS A DESIGNATED WATER TRAIL BY THE OHIO DEPARTMENT OF NATURAL RESOURCES

As previously mentioned to Council, the Metroparks of the Toledo Area and the Defiance County Soil and Water Conservation District have proposed the establishment of the Maumee River Water Trail, including the entire river within the State of Ohio. The official designation would be made by the Ohio Department of Natural Resources. The designation would make the trail eligible for funding for map/brochure printing and signage. There are also educational, economic and environmental benefits to the designation. A map of the proposed water trail showing public access sites is attached to the Resolution. Access sites within the City are Farnsworth Metropark, Waterworks Park and Memorial Park. This Resolution would constitute the City’s official support for the establishment of the water trail. The City would be responsible for installation and maintenance of signage at the two public access points owned by the City.

Mr. Larkins moved to adopt Resolution 38-16. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

Other Business

None

Adjournment

There being no further business to come before Council, Mr. Larkins made a motion to close the meeting at 8:56 p.m. Mr. Rozic seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Jim Valtin, Vice- Mayor