

## Regular Council

October 10

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. Duncan.

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  
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. Rozic moved to approve the minutes of the September 26, 2016 Regular Council meeting. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

### Proclamation

Mayor Brodie read a proclamation declaring October 14, 2016 as Arbor Day in the City of Waterville. The proclamation urged all to renew their pledge to respect, protect and enhance our natural surroundings and to plant a tree to enrich the quality of life for all residents.

### Citizen's Comments

Diana Waugh came to tonight's meeting to inform Council about the upcoming Anthony Wayne Area Arts Commission's second annual Veteran's Art Expo. She stated that art will be displayed in several Anthony Wayne area businesses during the week of November 7 – 11 and will conclude on Saturday, November 12 with dinner at the Whitehouse American Legion.

Andy Pollock, representing Metro FC of Toledo, thanked the city for posting the "No Parking on Grass" signs at Prairie Trail Park. He added that this has greatly helped him to control the parking. He then noted that the season is winding down with just three more weeks of practice. The last home game for the season will be held on Saturday, October 29.

### Staff Reports

Administration: Mr. Bagdonas

- Thanked residents for their patience and understanding during the recent water boil advisory due to the water line repair on Waterville-Monclova Rd by Lucas County/City of Toledo. He added that he called the Lucas County Sanitary Engineer after the incident was over and requested a post-incident analysis and review meeting.

Law Director: Mr. Dombey

- Reported that the Lucas County Commissioners accepted the city's petition to annex 19.183 acres of property currently in Waterville Township. The annexation hearing is scheduled for December 6, 2016 at 2:00 p.m.

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Finance Director: Mr. Gochenour

- Reviewed details from the September 2016 Month End Finance Report highlighting fund balances and income tax revenues.

Treasurer: Mr. Schult – No report.

Police Department: Lt. Larry Albright

- Presented Police Department report on behalf of Chief LaGrange who is recovering from an injury.

Fire Chief: Mr. Wambo

- Reported that an ISO (Insurance Service Office) representative will visit the city on Friday, October 14 to review the city and fire department service and equipment to provide a risk analysis. The rating is from 10 to 1, with a 1 being the best. He stated that the last rating was issued in 1998 and the City was rated a 6. If the rating is reduced to a 5, this could positively impact insurance rates for the city and its residents.

Public Works Director: Mr. Blair

- Reported that street maintenance program with Reclamite, which is an asphalt rejuvenation and preservation product, was completed last week. A pre-construction meeting for the 2016 street resurfacing program was held on September 29 with construction scheduled to begin on Monday, October 17.
- Reported that the Bowling Green Water Transmission Line Project is on schedule.
- Reported that the Annual Leaf Collection Program began today.
- Stated that information on the 2016 Fishing Derby sponsors, volunteers and winners was included in Council's packet.

### Communications from Council Members/Committees

Mrs. Duncan – No report.

Mr. Pedro –

- Reported that the Waterville Economic Development Corporation will hold their Annual Meeting on Wednesday, November 9 at the Browning Complex.

Mr. Rozic – No report.

Mr. Valtin – No report.

Mr. Valtin – No report.

Mrs. Bruno – No report

Mr. Larkins – No report

### OLD BUSINESS:

- A. ORDINANCE 23-16 AN ORDINANCE REVISING WATERVILLE CODIFIED ORDINANCES PART ELEVEN-PLANNING AND ZONING CODE CHAPTER 1145 REGULATIONS APPLYING TO ALL DISTRICTS TO PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MARIJUANA FOR THE PURPOSE OF MEDICAL USE IN ALL ZONING DISTRICTS OF THE CITY OF WATERVILLE AND DECLARING AN EMERGENCY

*Third Reading, Public Hearing and Legislative Action*

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Substitute House Bill No. 523, passed by the Ohio General Assembly and subsequently signed by Governor Kasich on June 9, 2016 authorized the use of marijuana for medical purposes. The legislation included a provision that allows municipalities to adopt restrictions regarding the cultivation, processing and retail dispensing of medical marijuana. This Ordinance would prohibit those activities in all zoning districts within the City. At their August 22 meeting, the Planning Commission approved a motion by a vote of 4-0, with one member absent, to recommend the adoption of this Ordinance.

Mayor Brodie opened and closed the Public Hearing at 7:56 p.m.

Mrs. Duncan made a motion to suspend the rules to allow for the passage of Ordinance 23-16 as an emergency measure. Mr. Rozic seconded the motion.

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

Mrs. Duncan made a motion to move for the passage of Ordinance 23-16 as an emergency measure. Mr. Rozic seconded the motion.

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

### NEW BUSINESS:

#### A. ORDINANCE 24-16 AN ORDINANCE TO APPROVE AND ADOPT THE 2016 REPLACEMENT PAGES TO THE MUNICIPAL CODE, AND DECLARING AN EMERGENCY

This item comes before Council once a year as a routine matter. We update the Municipal Code book annually to reflect changes in State law and the changes and new code items approved by Council during the preceding year. The replacement pages were included in Council's packet.

Mr. Pedro made a motion to suspend the rules to allow for the passage of Ordinance 24-16 as an emergency measure. Mr. Valtin seconded the motion.

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

Mr. Valtin made a motion to move for the passage of Ordinance 24-16 as an emergency measure. Mr. Larkins seconded the motion.

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

#### B. ORDINANCE 25-16 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 2 ON THE PROPERTY LOCATED AT 8883 BROWNING DRIVE

##### First Reading

An Application has been received from the Browning Masonic Community, Inc. for an amendment to their Special Use Permit to construct 20 additional villa units on their property at 8883 Browning Drive. At the October 3 Planning Commission meeting, by a vote of 4 to 0 with one abstention, the Planning Commission recommended approval of the proposed amendment.

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David Subleski, director of Browning Masonic Community, explained to Council why they are requesting an amendment to the Special Use Permit that was used to build the villas in Phase One. He stated that they are all leased and that Browning is proposing to build either six more duplexes or possibly freestanding villas.

**C. ORDINANCE 26-16 AN ORDINANCE AMENDING SECTIONS 931.03(b) AND (c) OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE REGARDING WATER RATES**

*First Reading*

**D. ORDINANCE 27-16 AN ORDINANCE AMENDING SECTION 935.07 (f) (1), (2) AND (3) OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE REGARDING SANITARY SEWER RATES**

*First Reading*

In 2008 and 2012, the Village/City conducted water and sanitary sewer rates studies. A schedule of rates for the periods 2009 through 2012 and 2013 through 2016 were then adopted. These rate schedules were examined and adjusted as needed during those intervals. Jones and Henry Engineers, Ltd. has prepared a Water and Sanitary Sewer Rate Study for 2017 through 2020. The Finance Committee reviewed the study at a special meeting on September 30 and recommends adoption of the rates outlined in the study. A copy of the study was included in Council's packet.

Tim Warren of Jones and Henry was in attendance at this evening's meeting to present the rate study. He then took questions and comments from Council members.

**E. ORDINANCE 28-16 AN ORDINANCE AMENDING SECTION 1315.09 (a) (1) OF THE CITY OF WATERVILLE SIGN CODE**

*First Reading*

The City Sign Code currently specifies a maximum size of six square feet for all real estate and temporary construction signs within residential zoning districts. This has resulted in several requests to the Board of Zoning Appeals for larger signs in multi-family developments and single-family subdivisions under construction where larger sites would justify larger signs. This Ordinance would separate real estate and temporary construction signs into two separate categories. The first category would be for R-1 and R-2 Zoning Districts with existing structures (typical single-family neighborhood) where the current six square foot maximum would remain in effect. The second category would be for all other Residential Zoning Districts where the maximum size would be increased to 32 square feet. At the October 3 meeting, the Planning Commission vote 5-0 to recommend this change to City Council.

**F. RESOLUTION 44-16 A RESOLUTION APPROVING THE PLAT OF WATERVILLE MEADOWS PLAT ELEVEN AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO SIGN SAID PLAT**

A Preliminary Plat for this property was approved by City Council on April 13, 2015. MB Investments of NOW, LLC has now submitted a final plat for this subdivision. The City Engineer and the Planning Commission have reviewed the proposed plan and have recommended that it be approved with conditions, as specified in the Resolution. A signed original of the Final Plat will not be released by the City until these conditions are met.

Mr. Valtin moved to adopt Resolution 44-16. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

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**G. RESOLUTION 45-16 A RESOLUTION APPROVING THE PLAT OF FARNSWORTH VILLAGE AT WATERVILLE LANDING PLAT ONE AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO SIGN SAID PLAT**

A Preliminary Plat for this property was approved by City Council on December 14, 2015. Midland Agency of Northwest Ohio, Inc., Trustee has now submitted a final plat for this subdivision. The City Engineer and the Planning Commission have reviewed the proposed plat and have recommended that it be approved with conditions, as specified in the Resolution. A signed original of the Final Plat will not be released by the City until these conditions are met.

Mr. Pedro moved to adopt Resolution 45-16. Mrs. Duncan seconded the motion, which passed by unanimous voice vote.

**H. RESOLUTION 46-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE A LICENSE AGREEMENT WITH THE ESTATE OF JAMES R. BERNTHISEL, JR. REGARDING A FENCE LOCATED IN THE ANTHONY WAYNE TRAIL RIGHT-OF-WAY**

In 2004, a fence was installed by the owner of 311 Anthony Wayne Trail. Land surveying work performed in connection with the City's Anthony Wayne Trail/South River Road improvement project revealed the location of the fence to be in the right-of-way of the Anthony Wayne Trail. This Resolution would authorize a License Agreement to allow the fence to remain in its current location. The license would be revocable at any time by the City. The Law Director and the Municipal Administrator recommend approval of the License Agreement.

Mrs. Bruno moved to adopt Resolution 46-16. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

**I. RESOLUTION 47-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE A CONTRACT AND A MEMORANDUM OF UNDERSTANDING WITH THE LUCAS COUNTY SHERIFF'S OFFICE AUTHORIZING PARTICIPATION IN THE LUCAS COUNTY OVI TASK FORCE**

This resolution authorizes an agreement with the Lucas County Sheriff's Office to participate in the Lucas County OVI Task Force. The City has been participating in this operation for several years (formerly known as the DUI Task Force). In the Waterville area, it focuses on the Anthony Wayne Trail and SR 64.

Mr. Larkins moved to adopt Resolution 47-16. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

**J. RESOLUTION 48-16 A RESOLUTION AUTHORIZING THE TRANSFER OF CASH FUNDS FROM THE GENERAL FUND (100) TO THE EMPLOYEE RETIREMENT BENEFITS FUND (275)**

Although various inter-fund transfers were authorized by the 2016 appropriations as amended, the State Auditor has issued a bulletin requiring specific legislative action to ratify such actions. This Resolution would meet that requirement for the fund transfer described in the Resolution.

Mr. Larkins moved to adopt Resolution 48-16. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

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**K. RESOLUTION 49-16 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

This item is an annual piece of legislation which approves and accepts the tax rates set by the Lucas County Budget Commission for the inside millage property tax that is collected based on this approved millage and the property valuations within the City. The property tax rates contained in this Resolution are the same as last year.

Mrs. Duncan moved to adopt Resolution 49-16. 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 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 8:51 p.m. Mr. Rozic seconded the Motion.

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

Return to Regular Session

Mr. Larkins made a motion to come out of Executive Session and resume the regular Council meeting at 9:18 p.m. Mrs. Duncan 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 9:18 p.m. Mr. Pedro seconded the motion, which carried by unanimous voice vote.

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Jon D. Gochenour, Clerk of Council

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Lori Brodie, Mayor