

Regular Council

November 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.

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

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

Mr. Rozic made a motion to excuse the absence of Mr. Pedro. Mr. Valtin 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

Mrs. Duncan moved to approve the minutes of the October 24, 2016 Regular Council meeting. Mr. Rozic seconded the motion, which passed by voice vote. Mr. Valtin abstained.

Staff Reports

Law Director: Phil Dombey

- Mayor Brodie requested the Law Director to provide his report first this evening. Mr. Dombey stated that the "Community Bill of Rights" ballot initiative, also known as Issue 3, was approved on Election Day. Once the results are certified by the County Board of Elections, the City Charter will automatically be amended with this amendment becoming part of the Waterville City Charter. Due to the passage of this initiative, Mr. Dombey stated that the City sent out a letter denying NEXUS' application for a permit to work within the City's right-of-way.

Citizen's Comments

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. Mr. Bourland requested that the City take further action against NEXUS due to the passage of the ballot initiative to enforce the prohibition of the placement of a pipe line in the City.

Mr. Dombey stated that since NEXUS has not taken any action in regard to the denial of its right-of-way permit or engaged in any construction activities, it was his opinion that any further action by the City at this time would be premature.

Terry Lodge, 316 N. Michigan St. Toledo, Ohio, an attorney representing the Community Environmental Legal Defense Fund (CELDF), stated that CELDF is prepared to defend Waterville's Community Bill of Rights in court at no cost to the City. Mr. Lodge stated he would be contacting Mr. Dombey in regard to this issue.

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Staff Reports: Continued

Administration: Mr. Bagdonas

- Reported that he received a phone call from an Attorney Examiner with the Public Utilities Commission of Ohio regarding setting a Public Hearing on the City's request to exempt the four railroad crossings in the City from the requirement that school buses and certain other vehicles stop at crossings. The Hearing has been set for December 8, 2016 at 1:00 p.m. in the Council Chamber.

Finance Director: Mr. Gochenour

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

Treasurer: Mr. Schult

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

Police Chief: Mr. LaGrange

- Reported that Trick or Treat in the city went very well this year. It was fairly quiet and there are no incidents to report.

Fire Chief: Mr. Wambo

- Reported that the power lift cot and loader will arrive sometime between the months of January or February 2017.
- Reported that the Fire Department needs more staffing. He stated that with work, family and school commitments it is getting much more difficult and challenging to get volunteers out to calls. He then stated that he believes that with the addition of StoryPoint, the new villas at Browning Masonic, new apartments and businesses on Pray Blvd. and the addition of several housing developments underway in Waterville the number of EMS calls will significantly increase. He added that he believes that this problem could be solved by adding 2 more part-time employees that would work from 7:00 p.m. to 7:00 a.m. rather than relying on volunteers. The Fire Department is currently staffed by two part-time employees working 7:00 a.m. to 7:00 p.m., plus one part-timer working 7:00 p.m. to 7:00 a.m. on weekends.

After further discussion, Mrs. Bruno made a motion to direct the administration to add two additional, part-time staff members as recommended by the administration. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

Public Works Director: Mr. Blair

- Reported that the street resurfacing program is complete except for the Farnsworth Rd. crossing and the path between Conrad and Baer Park.
- Reported that the Bowling Green Water Transmission Line Project is on schedule.
- Reported that the Annual Leaf Collection Program is still in progress. The Public Works Department will continue to pick up leaves until they are all gone or until weather no longer permits us to.

Communications from Council Members/Committees

Mrs. Duncan – No report.

Mr. Rozic –

- Thanked the voters for getting out and voting this year.
- Wanted to inform the public that Council is not reluctant to deal with the pipeline

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issue.

Mr. Valtin –

- Stated that he also wanted to let residents know that Council will be acting on what they voted on. He added that we do intend on doing exactly what the voters asked us to do in regards to the pipeline.

Mrs. Bruno – No report

Mr. Larkins –

- Stated that before P.A.W. (Protecting Air in Waterville) came into existence we took a position on this issue. He added that he offered an amendment at that time stating that there is no public purpose in building the pipeline permitting the use of eminent dominion. He wanted to inform the residents that we are going to be on top of this and to be patient.
- Reported that the Parks and Recreation Committee met on November 1. The use of Prairie Trail Park by Metro FC was an agenda item and was discussed. He stated that he also talked with an adviser of an organization called Interact, which is a group of 150 students associated with the Waterville Rotary Club. They are looking for a hands-on service project this spring.

OLD BUSINESS:

- A. PUBLIC HEARING – 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

Third Reading, Public Hearing and Legislative Action

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.

Mayor Brodie opened and closed the Public Hearing at 8:26 p.m.

Mr. Valtin moved to adopt Ordinance 25-16. Mr. Larkins seconded the motion.

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

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

Third Reading and Legislative Action

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

Third Reading and Legislative Action

In 2008 and 2012, the Village/City conducted water and sanitary sewer rate 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

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special meeting on September 30 and recommends adoption of the rates outlined in the study. A copy of the study was included in the October 10 Council packet. Pages 1 and 2 of Appendix B of the study have been revised to reflect final changes in the City's proposed FY 2017 Five-Year Capital Program. These changes included offsetting revenue and expenditure items that have no effect on the rates as previously recommended. Copies of the revised pages were included with the October 24 Council packet.

Mr. Larkins moved to adopt Ordinance 26-16. Mrs. Bruno seconded the motion.

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

Mr. Rozic moved to adopt Ordinance 27-16. Mr. Larkins seconded the motion.

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

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

Third Reading, Public Hearing and Legislative Action

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 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 voted 5-0 to recommend this change to City Council.

Mayor Brodie opened and closed the Public Hearing at 8:30 p.m.

Mr. Valtin moved to adopt Ordinance 28-16. Mrs. Duncan seconded the motion.

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

NEW BUSINESS:

A. ORDINANCE 29-16 AN ORDINANCE AMENDING ORDINANCE NO. 22-16, THE AMENDED FY 2016 ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the fourth amendment to the 2016 appropriations. This amendment includes adjustments to various accounts to more accurately reflect the actual revenues and expenses to date in those areas. The amendment also includes a \$250,000 temporary advance from the Capital Improvement Fund (325) to the Water Operating Fund (610) as mentioned in discussions on the water and sewer rate study. This advance will be repaid in 2017.

Mayor Brodie made a motion to suspend the rules to allow for the passage of Ordinance 29-16 as an emergency measure. Mr. Rozic seconded the motion.

Roll Call: Mr. Larkins – yes, Mrs. Duncan – yes, Mr. Valtin – yes, Mayor Brodie – yes,

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Mrs. Bruno – yes, Mr. Rozic - yes. The motion passed unanimously.

Mayor Brodie made a motion to move for the passage of Ordinance 29-16 as an emergency measure. Mr. Rozic seconded the motion.

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

B. RESOLUTION 52-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO STRYKER EMS EQUIPMENT, PORTAGE, MICHIGAN, FOR THE PURCHASE OF A POWER COT AND POWER COT LOADER TO BE USED BY THE WATERVILLE FIRE DEPARTMENT.

The City has been approved for a grant of \$30,037.42 from the Ohio Bureau of Workers' Compensation for the purchase of a power cot and power cot loader for one of the City's medic units. This would greatly assist in the loading of patients into the medic unit while reducing the risk of Fire Department staff injuries. The cost of the equipment is \$38,223.86 and installation will cost \$1,825.50. This Resolution would authorize the purchase of the equipment through the State Cooperative Purchasing Program.

Mrs. Duncan moved to adopt Resolution 52-16. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

C. RESOLUTION 53-16 A RESOLUTION AUTHORIZING THE ADVANCE OF CASH FUNDS FROM THE FIVE YEAR CAPITAL FUND (325) TO THE WATER OPERATING FUND (610)

Although inter-fund advances and transfers are 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.

Mr. Larkins moved to adopt Resolution 53-16. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

D. RESOLUTION 54-16 A RESOLUTION APPROVING AND ADOPTING THE CITY OF WATERVILLE FY2017 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 21. This item is for ongoing discussion throughout the budget preparation process. According to the typical annual budget schedule, Council action to approve this Resolution would not be taken until the second Council meeting in January 2017.

Mr. Bagdonas went over the recommendations for the Five-Year Capital Program. Mr. Bagdonas then briefly covered the spreadsheet on the 325 Fund Pre-Funding Schedule for the Five-Year Capital Program that is also included in FY 2017 Five-Year Capital Program document.

E. RESOLUTION 55-16 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A THREE-YEAR AGREEMENT WITH D & S FARMS LLC OF BOWLING GREEN, OHIO FOR THE LEASE OF 108.6 ACRES OF AGRICULTURAL LAND OWNED BY THE MUNICIPALITY AND LOCATED AT 6730 AND 6824 ANTHONY WAYNE TRAIL

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The Village/City has contracted for the farming of the property at 6730 and 6824 Anthony Wayne Trail since its original purchase by the Village in 2000. New bids were recently solicited for this lease. A tabulation of the three bids received and a copy of the proposed lease are attached to the Resolution.

Mrs. Bruno moved to adopt Resolution 55-16. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

F. RESOLUTION 56-16 A RESOLUTION DESIGNATING THE SERVICES THE CITY OF WATERVILLE WILL PROVIDE TO THE TERRITORY PROPOSED FOR ANNEXATION BY THE PETITION (NO. 2016-3) FILED SEPTEMBER 21, 2016 WITH THE LUCAS COUNTY BOARD OF COMMISSIONERS

This Resolution is related to the annexation petition that was recently filed for approximately 19.813 acres in the vicinity of the intersection of the Anthony Wayne Trail and Dutch Road. A map of the territory proposed to be annexed is included in the Council packet. The annexation petition was filed on September 21 under Sections 709.02 to 709.11 of the Ohio Revised Code, which refers to a “Regular Annexation”. One of the requirements is that a resolution designating the municipal services to be provided in the annexed area be passed by the legislative authority at least 20 days before the hearing by the County Commissioners. The hearing is scheduled for December 6, 2016.

Mr. Larkins moved to adopt Resolution 56-16. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

G. RESOLUTION 57-16 A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO CERTIFY A “THEN AND NOW” CERTIFICATE FOR PROUDFOOT ASSOCIATES, INC. IN EXCESS OF \$3,000.00 FOR APPROPRIATED FUNDS PREVIOUSLY AUTHORIZED BY ORDINANCE 29-16

Due to the developer’s schedule to begin construction activities on the Farnsworth Village at Waterville Landing Plat 1 subdivision, it was necessary to have Proudfoot Associates begin plan review services prior to the issuance of a Purchase Order for the work. While the necessary funds are contained in the FY 2016 appropriations, and the cost of this work is fully reimbursed by the developer, in situations such as this, it is necessary for Council to authorize a “Then and Now” certificate.

Mrs. Duncan moved to adopt Resolution 57-16. Mr. Valtin 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 8:50 p.m. Mr. Rozic seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Lori Brodie, Mayor

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