

## Regular Council

August 28

17

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. Valtin. 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.

### 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 July 24, 2017 Regular Council meeting. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

### Proclamation

#### A. Prostate Cancer Awareness Month – September 2017

Mayor Brodie read a Proclamation which proclaimed September 2017 as Prostate Cancer Awareness Month in the City of Waterville and urged all residents to join in recognition of this significant occasion.

### Citizens Comments

David Bourland, 105 N. Fourth Street, was present on behalf of P.A.W. (Protecting Air in Waterville). He stated that Nexus has been given the green light to continue building the pipeline. He asked what Council plans on doing about the pipeline when they start drilling underneath the Maumee River toward our City. Mr. Dombey stated that this evening, Council will be going into an Executive Session to begin formulating plans and to discuss our legal options. He added that once we have the opportunity to review the options and the legal facts we will let the citizens know what our plan is.

Paul Wohlfarth, 13244 S. Co. Line, Ottawa Lake, MI, stated that as soon as the Rover Pipeline got their FERC Certificate they were under construction within a week. He also wanted to let Council know that Nexus has their pipe in storage at the Port of Toledo.

Lisa Kochheiser, lead organizer for the Bowling Green Charter Rights Amendment against Nexus, stated that Nexus got their FERC approval on Friday and are now waiting for their 401 Water Permit. The hard deadline from the Ohio EPA to issue the permit is this Thursday. The Rover Pipeline construction began immediately after the company received its FERC permit and water permit. She then urged Council to enforce their Charter Amendment.

Wendylea Wyandt, 827 Maple Lane, Waterville, asked Council what would be lost if we are proactive in protecting our community because she is certain that Nexus is being proactive in protecting their success.

### Staff Reports

Administration: Mr. Bagdonas

- Reported that he attended the August meeting of the TMACOG Transportation Council. The City's application for Federal funds in the amount of \$375,000 for the improvement of the intersections of the Anthony Wayne Trail at

## Regular Council

August 28

17

Farnsworth Road and Mechanic Street was recommended for approval. However, the applications for a northbound, left-turn lane at the intersection of the Anthony Wayne Trail at Canal Road and the improvement of Waterville-Monclova Rd. north of SR 64 did not fall within the fundable range. He stated that the City also received an additional \$31,295 toward the improvement of the intersection of Mechanic Street and River Road as a part of the bridge replacement project.

Law Director: Mr. Dombey – No report.

Finance Director: Mr. Gochenour

- Reviewed details of the Second Quarter FY2017 Budget Report. This report was outlined in a cover memo included in Council's packet.
- Reviewed details from the July 2017 Month End Finance Report highlighting fund balances, investments and income tax revenues.

Treasurer: Mr. Schult

- Reviewed details of the Treasurer's Report for the month of July 2017.

Police Department: Lieutenant Larry Albright

- Reported that seats are still available for the Anthony Wayne Area Citizens Police Academy.
- Stated that the both replacement police cars are at the dealership in VanWert, Ohio. The equipment is now being installed and they should be ready by the end of the week.

Fire Chief: Patrick Wambo

- Stated at the end of July, the Fire Department had 79 more runs than in comparison to July 2016.

Public Works Director: Ken Blair

- Reported that the Anthony Wayne Trail/S. River Road Shared Use Path Project should be substantially completed by the end of the week.
- Stated that the Bowling Green Water Transmission Line Project is now totally complete.
- Reported that the 2017 Pavement Program scheduled start date of August 28 has been postponed. We are waiting for the contractor to contact us with the new starting date.
- Reported that the Crack and Joint Repair Project has been completed.
- Stated that the Annual Fishing Derby will be held on Saturday, September 16 at Waterworks Park. A flier along with a registration form was included in Council's packet.
- Stated that he wanted to extend a "BIG" thank you to the following groups: The Anthony Wayne Arts Commission for planting the Downtown planters; the Anthony Wayne Democratic Club for planting at Pray Park; Countryside Garden Club for planting at Pioneer Point; Nilsson's Landscaping for planting the point at Michigan Ave. and Farnsworth Rd.; Tom and Karen Wiggins and Jim and Toni Stoma for a community service project at Prairie Trail Park and the Waterville Rotary Foundation for their community service project picking up litter along the Anthony Wayne Trail.

### Communications from Council Members/Committees

#### A. Proposed Changes to Public Tree Maintenance Responsibilities

A listing of changes to public tree maintenance responsibilities and a summary of the changes proposed by the Mayor are included in the Council packet. These changes

## Regular Council

August 28

17

would make the responsibility for street tree maintenance the same as the responsibilities that already exist with regard to the maintenance of sidewalks and lawn areas within the public right-of-way.

Council discussed Mayor Brodie's proposal. She asked Council to look over the proposed changes and bring their questions and recommendations to the next Council meeting for further discussion.

Mr. Larkins –

- Reported that the Parks and Recreation Committee meeting was held on August 1. In attendance at that meeting was Will Monroe, Waterville Boy Scout Troop 101. He gave a slide show presentation on a proposed Eagle Scout project called a "GaGa" Ball Pit that he would like to build at Baer Park.

Mrs. Bruno – No report.

Mr. Valtin – No report.

Mr. Rozic – No report.

Mr. Pedro –

- Reported that the Public Safety Committee did not meet in August as scheduled. That meeting will be rescheduled soon.
- Stated that the Waterville Economic Development Committee will be meeting tomorrow.
- Reminded Council and residents that school has started. He asked Lt. Albright if there have been any issues and if they would have a bike safety class this fall. He responded that officers are up at the school every day and that there have been no issues. He stated that the department held a bike safety class and inspection at Zion Lutheran Church this summer.

Mrs. Duncan – No report.

### OLD BUSINESS:

- A. ORDINANCE 14-17 AN ORDINANCE ENACTING SECTION 331.45 OF THE TRAFFIC CODE WITH RESPECT TO PERMITTING THE USE OF GOLF CARTS AND OTHER LOW SPEED VEHICLES ON PUBLIC STREETS WITHIN THE CITY OF WATERVILLE AND DECLARING AN EMERGENCY

#### *Third Reading and Legislative Action*

In 2013, the Ohio General Assembly passed legislation with an effective date of January 1, 2017 allowing golf carts and other low speed vehicles to operate on public streets within certain criteria if the local authority has granted permission for such operation. The criteria established by the City may be more restrictive than the State's, but cannot be less restrictive. This Ordinance would allow the use of golf carts and other low speed vehicles on City streets if they are operated in accordance with the State requirements and with two additional City requirements. The additional requirements are that the vehicles cannot travel on any City street where the speed limit is higher than 25 miles per hour (the state requirement is 35 mph) and that the vehicles shall display lighted headlights and tail lights at all times when operating on a City street. This action was unanimously recommended to Council by the members of the Public Safety Committee at the June 22 meeting. This Ordinance did not receive the minimum five votes specified by the City Charter to be passed as an emergency measure at the June 26 Council meeting.

## Regular Council

August 28

17

Council held a lengthy discussion on the passage of this Ordinance. It was the consensus of Council to possibly review the success of this issue after a year's time if needed.

Mr. Larkins moved to adopt Ordinance 14-17. 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 but was not passed as an emergency measure.

### NEW BUSINESS:

- A. REFERRAL TO PLANNING COMMISSION – REZONING OF 708 SOUTH RIVER ROAD FROM C-1 TO R-1 (*MOTION*)

Mr. Pedro moved to refer this to the Planning Commission. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

- B. ORDINANCE 15-17 AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE CITY OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND KNOWN AS 708 SOUTH RIVER ROAD (PARCEL NO. 96-03277) FROM C-1 COMMERCIAL DISTRICT TO R-1 RESIDENCE DISTRICT AND DECLARING AN EMERGENCY

#### First Reading

An Application has been received from Trisun Land Services LLC, Trustee to rezone this property from C-1 to R-1. This is the same parcel that was rezoned from R-1 to C-1 at Trisun's request in 2016. A referral by Council to the Planning Commission for a recommendation is necessary at this time to begin the rezoning process. The next Planning Commission meeting is scheduled for September 5. Assuming the referral is approved, a first reading of the Ordinance has been scheduled for this meeting. The Public Hearing and third reading would occur at the September 25 Council meeting after Council receives the Planning Commission's recommendation. The applicant has requested that the rezoning be passed as an emergency measure.

- C. ORDINANCE 16-17 AN ORDINANCE AMENDING ORDINANCE NO. 07-17, THE AMENDED FY 2017 ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the third amendment to the 2017 appropriations. Significant items included in this amendment are changes in the Water Capital Fund reflecting actual costs for the Water Transition Improvement project currently under construction, the installation of street lights in a new subdivision (cost reimbursed by developer), adjustments in plan review and water tap revenues to reflect increased activity in those areas and the renewal of a License Agreement for a sanitary sewer crossing railroad property.

Mr. Pedro made a motion to suspend the rules to allow for the passage of Ordinance 16-17 as an emergency measure. Mr. Rozic seconded the motion.

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

Mayor Brodie made a motion to move for the passage of Ordinance 16-17 as an emergency measure. Mr. Valtin seconded the motion.

**Regular Council**

**August 28**

**17**

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

**D. REFERRAL TO PLANNING COMMISSION – STORYPOINT OF WATERVILLE REQUEST TO AMEND SPECIAL USE PERMIT WITHIN THE RESIDENTIAL OVERLAY DISTRICT (*MOTION*)**

Mr. Pedro made a motion to refer this request by StoryPoint to the Planning Commission. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

**E. ORDINANCE 17-17 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE BY AMENDING A SPECIAL USE PERMIT TO CONSTRUCT A BUILDING ON A 14.846 ACRE PARCEL OF LAND (1470 PRAY BOULEVARD) ZONED R-4 FOR A SENIOR LIVING COMMUNITY AND DECLARING AN EMERGENCY**

***First Reading***

An Application has been received from StoryPoint for a second amendment to their Special Use Permit to relocate the temporary leasing center trailer. A referral by Council to the Planning Commission for a recommendation is necessary at this time to begin the Special Use Permit amendment process. The next Planning Commission meeting is scheduled for September 5. A first reading of this Ordinance has been scheduled for this meeting. The Public Hearing and third reading would occur at the September 25 Council meeting after Council receives the Planning Commission's recommendation. The Applicant has requested that the rezoning be passed as an emergency measure.

**F. RESOLUTION 40-17 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A CONTRACT WITH HYLANT ADMINISTRATIVE SERVICES, INC., ADMINISTRATOR OF THE OHIO GOVERNMENT RISK MANAGEMENT PLAN, FOR COMPREHENSIVE PROPERTY, CASUALTY AND LIABILITY INSURANCE COVERAGES**

The Village/City has had contracts for comprehensive property, casualty and liability insurance coverages with Hyland Administrative Services since 1988. We have again received a very favorable proposal from Hylant Administrative Services, using the Ohio Plan of Government Risk Management, for the renewal of our insurance coverage for the September 1, 2017 to August 31, 2018 period. This Resolution would authorize a contract for the renewal for a one-year term at a reduction in the total premium from \$43,950 to \$43,892 including adjustments due to property and equipment that has been added or deleted during the past year and claims history.

Mr. Larkins moved to adopt Resolution 40-17. Mrs. Duncan seconded the motion, which passed by unanimous voice vote.

**G. RESOLUTION 41-17 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH CIVICA CMI, ENGLEWOOD, OHIO FOR THE PURCHASE AND MAINTENANCE OF COMPUTER SOFTWARE FOR FINANCE, PAYROLL AND UTILITY BILLING ACCOUNTING SYSTEMS**

The City's current finance, payroll, and utility billing software has been in use for over ten years and will no longer be supported by the vendor after December 31 of this year. \$110,000 has been included in the 2017 appropriations to replace the software. After investigating several software options and scheduling a full-day on-site demonstration, an Agreement with CIVICA CMI is recommended for the replacement software at a cost of \$96,000. This recommendation was discussed at the August 18 Finance

## Regular Council

August 28

17

Committee meeting. Maumee, Perrysburg, and Napoleon are among the local cities that currently use software from this company. The finance, payroll, and utility billing components of the new software will be installed in phases, with the finance and payroll programs completed before the end of this year and the utility billing program scheduled for early 2018.

Mr. Larkins moved to adopt Resolution 41-17. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

### Other Business

None

### Executive Session

Mrs. Duncan made a motion to move into Executive Session for Conference with the Law Director concerning ORC 121.22(G) (3), Imminent Court Action at 8:44 p.m. Mr. Larkins 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.

### Return to Regular Session

Mrs. Bruno made a motion to come out of Executive Session and resume the regular Council meeting at 9:37 p.m. Mayor Brodie seconded the motion which carried by unanimous voice vote.

### Adjournment

There being no further business to come before Council, Mrs. Bruno made a motion to close the meeting at 9:37 p.m. Mayor Brodie 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