

## Regular Council

May 22

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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.

Mayor Brodie moved to excuse the absence of Mr. Pedro. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

Also present this evening were Jim Bagdonas, Administrator; Phil Dombey, Law Director; Steve Schult, Treasurer; Pat Wambo, Fire Chief and Melissa Cook, Recording Secretary.

### Citizens Present:

Please see Citizens' Sign-In Sheet, Exhibit A, Page 1 for a list of people present.

### Presentations:

- A. Waterville Fire Association – David Beakas
  - 1. Waterville Fire Association Scholarships
    - Olivia Barrett
    - Conner Buraszkeski
    - Samuel Drees
    - Summer Drees
  - 2. Carl Conrad Memorial Scholarship
    - Gretchen Rudolph

Chief Wambo welcomed everyone to this evenings meeting and then introduced David Beakas. Mr. Beakas, along with members of the Waterville Fire Association, presented the Waterville Fire Association Scholarships as well as the Carl Conrad Memorial Scholarship to the selected recipients.

### Approval of Minutes

Mrs. Duncan moved to approve the minutes of the May 8, 2017 Regular Council meeting. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

### Citizens Comments

Joy Hester, 946 Prouty Ave., Toledo, OH 43609, was at tonight's meeting representing Vision Ministries. She stated that they recently located their church at the Waterville Primary School and are working with Council and the Red, White and Boom Committee to bring the festival back to Waterville on the Fourth of July. They will be making more announcements on this event as it gets closer to July.

Mayor Brodie stated that Resolution 27-17 is on this evening's agenda for discussion and Council's consideration. She then stated that this item will be moved up on the agenda for citizen's comments and discussion at this time.

### NEW BUSINESS:

- D. RESOLUTION 27-17 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

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Metro FC of Toledo has made a proposal to continue the use of 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 this Resolution. The Agreement would be for a two year term. Other provisions of the Agreement are the same as in the Agreement that will expire on July 31, 2017.

Citizens present to speak: Brandon Wunderley, 7951 Royal Hampton; Janet Nofzinger, 7041 Shadowridge Dr.; Mary Beth DeMatteo, 7048 Shadowridge Dr.; Elaine and Doug Parrish, 7027 Shadowridge Dr.; Carrie Langenderfer, 7040 Shadowridge Dr.; Don Myers, 1028 Farmview Dr.; and Chris Barnswell, 1016 Farmview Dr. These residents all came to tonight's meeting to ask Council to not approve the Metro FC's proposed agreement for the use of Prairie Trail Park for soccer practices and games. They each stated their reasons for their opposition which included: safety, litter issues, noise, traffic and parking as well as the use of the space at no charge to Metro FC. A list of proposed conceptual ideas for the greenspace was also offered to Council and is attached to the minutes.

Andy Pollack, 7848 Dana Rae Dr., was at tonight's meeting to represent Metro FC. He stated that he has met with Waterville Community Church pastor, Mike O'Shea, and representatives of Anthony Wayne United. As a result of this meeting, some of the Metro FC soccer games will be moved to the Waterville Community Church at Dutch Rd. and Waterville-Monclova Rd. which should help to alleviate traffic and parking issues at Prairie Trail Park.

Mrs. Duncan asked if it was legal to park on Royal Hampton Rd. in which Mr. Bagdonas stated that it is legal to park on both sides. Mr. Rozic stated that he will refrain from participating in this discussion because he is on the board for the Anthony Wayne Youth Foundation. He added that he appreciates all the comments.

Mr. Valtin stated that he believes that organized sports in parks can work for practices. He added that traffic and parking are issues at the park with game days causing most of the problems. Even if we limit it to one game at a time, he does not believe that the parking available now is sufficient. The amount of people that show up for the games cannot be controlled. He then stated that the land use agreement that they are proposing does not have any limits in it as to how many games or practices can be held at the same time. He suggested that this issue be tabled tonight to see if limits can be added to the agreement because we need to be able to control the noise and traffic.

Mrs. Bruno stated that we cannot ignore the safety concerns that residents are expressing. She added that the space at Prairie Trail Park is not big enough and she cannot support any games being played there. She then stated that this is a public park and should be used and enjoyed by all residents and she is favor of tabling it until more details can be sorted out.

Mr. Larkins stated that there has not been a plan for Prairie Trail Park and that the park is going to change. The use of the park by the soccer club was never supposed to be a long term solution but rather an opportunity for kids to play soccer. He then urged the neighbors who came to this evening's meeting to apply for assignment to the Parks and Recreation Committee in order bring forth their ideas. He also urged Council to budget more funds for parks in order to meet the growing city's needs.

Mayor Brodie stated that this was a one-year trial for a reason. It was a good way for us to find out if this plan would work. She added that having lined fields and soccer goals in place at all times for the community to use was an added bonus. She then stated that traffic is a problem and that she feels that the park space just isn't big enough for games and that she is not in favor of adding more parking. She stated that she really appreciated that some of the residents in attendance this evening came

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prepared and offered some great ideas and solutions.

Mr. Valtin made a motion to table Resolution 27-17. Mrs. Bruno seconded the motion, which passed by voice vote. Mr. Rozic abstained.

### Staff Reports

Administration: Mr. Bagdonas

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

Law Director: Mr. Dombey – No report.

Finance Director: Mr. Gochenour

- Mr. Gochenour was not in attendance at this evening's meeting. A copy of the April 2017, Month End Finance Report was included in Council's packet.

Treasurer: Mr. Schult –

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

### Communications from Council Members/Committees

Mrs. Duncan – No report.

Mr. Rozic – No report.

Mr. Valtin

- Reported that both the Public Works Department and the Parks and Recreation Committee were out working in Conrad Park last week. The park was cleaned and trimmed up and new mulch was put down. He added that they did a fantastic job and that the park looks great.

Mrs. Bruno – No report.

Mr. Larkins –

- Stated that the Parks and Recreation Committee met and painted the picnic tables at Conrad Park. He added that they turned out great and that the Committee will be holding another clean-up day in the fall.

Mayor Brodie –

- Attended the Friday, May 19 Finance Committee meeting.
- Reminded Council that the Waterville Primary School Third Grade Mock Council meeting will be held on Tuesday, May 23.

### OLD BUSINESS:

- A. ORDINANCE 05-17 AN ORDINANCE LEVYING ASSESSMENTS PURSUANT TO THE OHIO REVISED CODE, SECTIONS 729.01 THROUGH 729.10, FOR THE 2016 SIDEWALK REPAIR AND CONSTRUCTION PROGRAM

#### Third Reading and Legislative Action

This Ordinance is the final step in the 2016 Sidewalk Repair and Construction Program and will approve the assessments to the property owners as previously listed in the Resolution of Necessity.

Mr. Larkins moved to adopt Ordinance 05-17. Mrs. Bruno seconded the motion.

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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 06-17 AN ORDINANCE APPROVING A ROADWAY DEDICATION PLAT FOR ADDITIONAL RIGHT-OF-WAY ON MECHANIC STREET (SR 64) AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO SIGN SAID PLAT**

*Second Reading*

Since the replacement of the State Route 64 Bridge over the Maumee River will be located just upstream from the existing bridge, the alignment of Mechanic Street will be permanently shifted to the south of its current location. The new alignment will occupy approximately one-third of an acre of land that is owned by the City of Waterville but is not dedicated public right-of-way. The process of converting the land from simple City ownership to public right-of-way is through the recording of a roadway dedication plat. This Ordinance would approve such a plat. The plat was approved by the Planning Commission on May 1.

**C. RESOLUTION 23-17 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO GEDDIS PAVING & EXCAVATING INC. FOR THE CONSTRUCTION OF THE ANTHONY WAYNE TRAIL/SOUTH RIVER ROAD WIDENING AND SHARED USE PATH (Tabled on May 8, 2017)**

Bids were opened for this project on April 26, 2017. The engineer’s letter containing the bid summary and recommendation is included with the copy of the legislation. Federal funds of \$707,920 and an Ohio Public Works Commission grant of up to \$124,406 have been secured for the work. The low bid is within the amount included in the FY 2017 budget for construction. This project is anticipated to be completed this year. The Ohio Department of Transportation has now approved the awarding of this contract.

Mayor Brodie made a motion to take Resolution 23-17 off the table. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Mayor Brodie moved to adopt Resolution 23-17. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

**D. RESOLUTION 24-17 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE MANNIK & SMITH GROUP, INC. FOR CONSTRUCTION ENGINEERING SERVICES FOR THE ANTHONY WAYNE TRAIL/SOUTH RIVER ROAD WIDENING AND SHARED USE PATH (Tabled on May 8, 2017)**

This Resolution is related to the Anthony Wayne Trail/South River Rd. improvement project to be awarded by Resolution 23-17. The Ohio Department of Transportation (ODOT) requires Waterville to use the ODOT “Local Public Agency” (LPA) program for the construction inspection and administration. This means that ODOT has determined that Waterville has the “qualifications and ability to administer the project.” Under this program, the LPA contracts for the work and is reimbursed for the allowable federal share. As part of the LPA Program, we must therefore procure construction engineering services.

For these services, we were required to follow the ODOT consultant selection process. Letters of interest were solicited from engineering firms and the respondents were rated based on five categories. As the firm that designed the project, Proudfoot Associates is not eligible to perform the construction engineering services. Six letters of interest were received and the Mannik & Smith Group, Inc. was the highest rated firm.

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Mannik & Smith then submitted a proposal using their ODOT approved rates. With the Ohio Department of Transportation's approval of the award of the construction contract, we may proceed as well with this contract.

Mayor Brodie moved to take Resolution 24-17 off the table. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

Mayor Brodie moved to adopt Resolution 24-17. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

**NEW BUSINESS:**

- A. ORDINANCE 08-17 AN ORDINANCE ACCEPTING THE ANNEXATION OF THE TERRITORY PROPOSED FOR ANNEXATION BY THE PETITION FILED BY PHILIP L. DOMBEY, AGENT (ANTHONY WAYNE TRAIL/DUTCH ROAD AREA), ON SEPTEMBER 21, 2016 WITH THE LUCAS COUNTY BOARD OF COMMISSIONERS

*First Reading*

On September 21, 2016, a petition was filed for the annexation of 19.8 acres in the vicinity of the Anthony Wayne Trail and Dutch Road. The Lucas County Commissioners approved the petition on December 6, 2016. The City Clerk received the written notice of the Commissioners' approval on May 3, 2017. The City must accept the annexation not less than 60 nor more than 120 days from the day the written notice was received. The July 24 City Council meeting will be the first meeting after the 60 days have elapsed. This Ordinance would formally accept the annexation as approved by the Commissioners.

- B. RESOLUTION 25-17 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO PROVIDE VIDEO SYSTEMS INC. FOR THE COUNCIL CHAMBER AUDIO VIDEO SYSTEMS UPGRADE PHASE III

Bids were opened for this work on May 18, 2017. The engineer's letter containing the bid summary and recommendation is included with the copy of the legislation. The low bid is within the amount included in the FY 2017 budget for the project.

Mrs. Duncan moved to adopt Resolution 25-17. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

- C. RESOLUTION 26-17 A RESOLUTION AUTHORIZING APPLICATIONS AND CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR CONGESTION MITIGATION AND AIR QUALITY FUNDS FOR THE IMPROVEMENT OF THE INTERSECTION OF THE ANTHONY WAYNE TRAIL AND CANAL ROAD, THE ADDITION OF A TWO-WAY LEFT TURN LANE AND A SHARED USE PATH TO A PORTION OF WATERVILLE-MONCLOVA ROAD AND THE IMPROVEMENT OF THE INTERSECTIONS OF THE ANTHONY WAYNE TRAIL AT FARNSWORTH ROAD AND MECHANIC STREET.

This Resolution would authorize the submission of three applications for grants of Federal Congestion Mitigation and Air Quality (CMAQ) Funds for the construction of a northbound left turn lane on the Anthony Wayne Trail at Canal Road, the addition of a two-way left turn lane and a shared use path to a 3,430-foot long portion of Waterville-Monclova Road north of State Route 64 and to improve the intersections of the Anthony Wayne Trail at Farnsworth Road and Mechanic Street. The total project costs are estimated to be \$906,000, \$1,629,031 and \$691,000 respectively. The applications would be for grants toward the construction and construction inspection

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costs in the amounts stated in the Resolution and attachments. The City would be responsible for the remainder of the costs and the full cost of project preparation, although it is likely that the City would seek grant funds from the Ohio Public Works Commission to assist with the local share. The deadline for applications is June 2. These projects would be scheduled for construction in 2021 (Anthony Wane Trail/Canal and Anthony Wayne Trail/Farnsworth/Mechanic) and 2022 (Waterville-Monclova). It is possible but unlikely that the City will receive more than one of these grants.

Mr. Rozic moved to adopt Resolution 26-17. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

**E. RESOLUTION 28-17 A RESOLUTION AUTHORIZING THE TRANSFER OF CASH FUNDS FROM THE GENERAL FUND (100) TO THE FIVE-YEAR CAPITAL/DEBT FUND (325) AND THE SCMR FUND (210)**

Although various inter-fund transfers were authorized by the 2017 appropriations as amended, the State Auditor has issued a bulletin requiring specific legislative action to ratify such actions. This Resolution would meet that requirement.

Mayor Brodie moved to adopt Resolution 28-17. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

**F. RESOLUTION 29-17 A RESOLUTION ACCEPTING TWO CEMETERY SPACES IN HIGHLAND MEMORY GARDENS FROM THE BUCHER FAMILY IRREVOCABLE TRUST UNDER AGREEMENT DATE 12/11/12**

The City has a statutory responsibility concerning the burial of indigent residents of the Municipality. Therefore, the City has a need for cemetery spaces from time to time to fulfill this responsibility. The Trustee of the Bucher Family Irrevocable Trust would like to donate two cemetery spaces in Highland Memory Gardens to the City. This Resolution would accept this donation.

Mrs. Duncan moved to adopt Resolution 29-17. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

**G. RESOLUTION 30-17 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO BUCK PAVEMENT RESTORATION, LLC, FOR THE 2017 CRACK SEALING PROGRAM**

As discussed earlier this year, the City planned to include crack sealing in the 2017 street maintenance program. This Resolution would authorize a contract with Buck Pavement Restoration, LLC for crack sealing on 16 streets. Three bids were received by the May 17 deadline. It was determined by the City Engineer and administrative staff that Buck Pavement Restoration, LLC submitted the best and most responsive bid, therefore the recommendation to award them the contract. The engineer's letter of the bid summary and recommendation is included with the copy of the legislation.

Mr. Larkins moved to adopt Resolution 30-17. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Other Business

None

Executive Session

Mr. Rozic 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, at 9:13 p.m. Mr. Larkins seconded the motion.

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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.

### Return to Regular Session

Mr. Larkins made a motion to come out of Executive Session and resume the regular Council meeting at 9:53 p.m. Mr. Rozic seconded the motion which carried by unanimous voice vote.

### Adjournment

There being no further business to come before Council, Mr. Larkins made a motion to close the meeting at 9:53 p.m. Mr. Rozic 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