

Regular Council

September 11

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 Mrs. Duncan. Mayor Brodie asked that we all remember the victims of 9-11 during this evening's prayer. The Pledge of Allegiance was then 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; 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 August 28, 2017 Regular Council meeting. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Proclamations

A. Honorary Mayor Mason Bowser Day – September 11, 2017

Mason Bowser was chosen as honorary "Mayor for the Day" and has successfully participated in the Toledo Lucas County Public Library's Summer Reading Challenge earning a total of 4,300 points. He was present at tonight's meeting and Mayor Brodie read a Proclamation which proclaimed September 11, 2017 as Honorary Mayor Mason Bowser Day in the City of Waterville.

B. Reading Day – September 12, 2017

Honorary Mayor Bowser read a Proclamation which proclaimed September 12, 2017 as Reading Day and urged all residents, young and old, to continue the library's efforts by supporting the importance of reading and learning activities year round.

C. Ohio Association of High Twelve Clubs Day – September 30, 2017

Mayor Brodie read a Proclamation which proclaimed September 30, 2017 as Ohio Association of High Twelve Clubs Day. She welcomed them to Waterville and urged all residents to join in recognition of this significant occasion.

Executive Session

Mr. Pedro made a motion to move into Executive Session for Conference with the Law Director concerning ORC 121.22 (G)(3) Imminent Court Action at 7:39 p.m. 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.

Regular Council

September 11

17

Return to Regular Session

Mr. Pedro made a motion to come out of Executive Session and resume the regular Council meeting at 7:51 p.m. Mrs. Duncan seconded the motion which carried by unanimous voice vote.

Citizens Comments

Nick Sargent, 439 N. River Road, thanked Council for passing the Golf Cart Ordinance but requested that they pass an amendment to the Ordinance which would allow him to come to town in his golf cart. After discussion, Council determined that the Public Safety Committee will schedule a meeting to review possible amendments to this Ordinance.

Susan Beeman, 250 N. River Road, thanked Council for their service and commitment to represent the citizens of Waterville. She stated that at last November's election, 62% of the voters voted for a Charter Amendment to block the building of the Nexus Pipeline in Waterville. She then respectfully requested a progress report from Council on what is currently being done to honor the decision of the voters.

Mayor Brodie stated that we do have some information on what the City has submitted to Nexus. Mr. Dombey then stated that we received a request from Nexus on August 28, 2017 asking for Street, Alley or Public Way Opening Permit. We responded by acknowledging that FERC has approved a Certificate of Public Convenience and Necessity for the Project but in reviewing their application, we find that it is in conflict with Section 2.03, the City of Waterville Community Bill of Rights, of the Waterville City Charter. As mentioned in the November 10, 2016 letter to Nexus, this Charter provision has now tied the hands of the City with respect to the granting of any permission for infrastructure or transportation supporting the extraction of hydrocarbons, including but not limited to pipelines. We are therefore unable to approve your application. Mr. Dombey added that they have been denied and that copies of the letter are available for anyone that is interested. Mayor Brodie then stated that Nexus has not responded to the City's permit denial.

Wendylea Wyandt, 827 Maple Lane, thanked Council for their transparency. She said that she understands that the City is concerned about law suits but added that the Community Environmental Legal Defense Fund will pay for legal challenges to the Community Bill of Rights. She added that Waterville would be responsible for some small court filing fees, but she would volunteer to head up a fundraising committee to help cover those costs.

Kelly Jacobs, 516 Mechanic Street, stated that she is thrilled with the letter that was sent to Nexus. She also wanted to point out that last November we were able to accomplish something that other communities have tried and failed to do. She added that everyone's eyes are on Waterville right now for taking a stand and putting our health and community first against a pipeline that does not benefit us in any way. She thanked Council for defending the Community Bill of Rights.

Staff Reports

Administration: Mr. Bagdonas

- Stated that he had nothing to add to his report that wasn't agenda specific.

Law Director: Mr. Dombey – No report.

Finance Director: Mr. Gochenour – No report.

Treasurer: Mr. Schult – absent.

Regular Council

September 11

17

Police Chief: David LaGrange

- Reported that the new cars were picked up last Friday and are in service.
- Stated that the first Citizens Police Academy will be held this Thursday from 6 to 10 p.m. We have 16 registered participants.
- Reported that in anticipation of two retirements, the department is the process of putting together an advertisement for the Civil Service Test.

Fire Chief: Patrick Wambo

- Reported that he is currently working on an Ohio BWC non-matching grant which would provide up to \$4,600 worth of equipment.
- Stated that between August 17 and 23, he coordinated a tour for the Monclova Township Fire Department of the planned StoryPoint Senior Living Community. This was performed because they would respond automatically with Waterville Fire for a structure fire at this facility. This same training will be held with the Whitehouse Fire Department as well.
- Prepared for and instructed interior, structural joint-department firefighting training with Whitehouse and Maumee Fire Departments at Maumee's Public Safety Training Center.

Public Works Director: Ken Blair

- Reported that the 2017 paving program will begin on September 18. The streets to be paved are Orchard Drive, Karyl Street, Hickory Lane and School Court.
- Stated that the Public Works Department is busy preparing the downtown area for Roche de Boeuf Day.
- Reminded Council that the Annual Fishing Derby will be held on Saturday, September 16. We are still accepting registrations.

Communications from Council Members/Committees

Mrs. Duncan – No report.

Mr. Pedro –

- Reported that the last Public Safety Committee meeting was cancelled. That meeting will be rescheduled soon.
- Reminded Council that the Annual Roche de Boeuf Festival will be held on Saturday, September 23.

Mr. Rozic – No report.

Mr. Valtin – No report.

Mrs. Bruno –

- Asked if it would be possible to grant a variance that would allow golf carts on North and South River Road for Roche de Boeuf Day. After discussion, it was decided that this was not a legal possibility.

Mr. Larkins –

- Thanked Bob and Mary Beth DeMatteo, long-time residents of Waterville who are moving, for all their service to the City.

OLD BUSINESS:

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 was included in the August 28 Council packet. These changes 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

Regular Council

September 11

17

areas within the public right-of-way. An April 26, 2017 email from the Tree Commission Chair was included in Council's packet.

Council agreed that they would continue to look over the proposed changes and bring their questions and recommendations to the next Council meeting for more discussion.

- 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

Second 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. At their September 5 meeting, the Planning Commission approved a motion by a vote of 4-0 with one member absent to recommend the rezoning of the property. The Applicant has requested that the rezoning be passed as an emergency measure.

- C. 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

Second Reading

An Application has been received from StoryPoint for a second amendment to their Special Use Permit to relocate the temporary leasing center trailer. At their September 5 meeting, the Planning Commission approved a motion by a vote of 4-0 with one member absent to recommend the amendment of this Special Use Permit. The Applicant has requested that the amendment be passed as an emergency measure.

NEW BUSINESS:

- A. ORDINANCE 18-17 AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE CITY OF WATERVILLE BY ESTABLISHING THE PERMANENT ZONING OF CERTAIN RECENTLY ANNEXED PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF THE ANTHONY WAYNE TRAIL AND DUTCH ROAD AS C-4 MIXED USE BUSINESS DISTRICT

First Reading

- B. ORDINANCE 19-17 AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE CITY OF WATERVILLE BY ESTABLISHING THE PERMANENT ZONING OF CERTAIN RECENTLY ANNEXED PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF THE ANTHONY WAYNE TRAIL/HUTCHINSON DRIVE AND DUTCH ROAD AS C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

First Reading

- C. ORDINANCE 20-17 AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE CITY OF WATERVILLE BY ESTABLISHING THE PERMANENT ZONING OF CERTAIN RECENTLY ANNEXED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE ANTHONY WAYNE TRAIL AND DUTCH

ROAD AS A-1 AGRICULTURE DISTRICT

First Reading

These three Ordinances deal with the establishment of permanent City zoning of the area in the vicinity of the intersection of the Anthony Wayne Trail and Dutch Road that was recently annexed. At their September 5 meeting, the Planning Commission approved a motion by a vote of 4-0 with one member absent to recommend the annexed area be zoned a combination of C-4 Mixed Use Business District, C-1 Neighborhood Commercial, and A-1 Agriculture District. Prior to the annexation, the area was zoned a combination of commercial and agricultural in Waterville Township.

D. RESOLUTION 42-17 A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR FIDDLERS GREEN AT WATERVILLE LANDING SUBDIVISION

The Moses and Schlachter Group have submitted a preliminary plat for the Fiddlers Green at Waterville Landing subdivision. The City Engineer and the Planning Commission have reviewed the proposed preliminary plat and have recommended that it be approved, subject to the conditions stated in the August 29, 2017 review letter from City Engineer Proudfoot Associates.

Mr. Larkins moved to adopt Resolution 42-17. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

E. RESOLUTION 43-17 A RESOLUTION APPROVING THE PLAT OF WATERVILLE MEADOWS PLAT TWELVE 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 NWO, LLC 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.

Mrs. Duncan moved to adopt Resolution 43-17. Mr. Larkins seconded the motion, which passed by unanimous voice vote.

F. RESOLUTION 44-17 FINAL RESOLUTION – COOPERATION WITH OHIO DEPARTMENT OF TRANSPORTATION – IMPROVEMENTS TO INTERSECTION OF SR 64 AND RIVER ROAD.

This Resolution authorizes a contract and the payment of \$73,826 to the Ohio Department of Transportation as the City's share of the Mechanic Street/River Road intersection improvements that will be constructed as a part of the Waterville Bridge replacement project. The City had approved the preliminary legislation for this project through the passage of Ordinance No. 27-15 on September 14, 2015.

Mr. Pedro moved to adopt Resolution 44-17. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

G. RESOLUTION 45-17 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH BHM CPA GROUP, INC. AND THE OFFICE OF THE AUDITOR OF THE STATE OF OHIO REGARDING THE PERFORMANCE OF ANNUAL AUDITS OF THE CITY OF WATERVILLE FOR THE FISCAL YEARS 2017 THROUGH 2021

Regular Council

September 11

17

The City is subject to an annual audit by the State of Ohio. In the past, the audits have been conducted by the staff of the State Auditor’s Office. The Auditor has decided to “outsource” Waterville’s audits for the next five years. They have solicited proposals and have selected BHM CPA Group, Inc. to perform this work. This Resolution would authorize the City’s execution of a Memorandum of Agreement with the auditing firm and the State Auditor’s Office.

Mr. Pedro moved to adopt Resolution 45-17. 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 and ORC 121.22 (G)(3) Imminent Court Action at 8:38 p.m. Mr. Pedro 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

Mr. Larkins made a motion to come out of Executive Session and resume the regular Council meeting at 9:03 p.m. Mrs. Bruno 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 9:03 p.m. Mrs. Bruno seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Lori Brodie, Mayor