

Regular Council

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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 Mr. Bruno. The Pledge of Allegiance was then recited.

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

Also present this evening were Jim Bagdonas, Administrator; Philip 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

Mr. Rozic moved to approve the minutes of the January 8, 2018 Regular Council meeting. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Citizens Comments

Jeff Lohse and Mike Pniewski with the Lucas County Engineer's Office asked Council to consider sending a resolution of support to the Lucas County Commissioners. The resolution would ask for an increase in license tag fees by \$5.00 and would help fund the rising costs of construction and maintenance of County roads and bridges. Council asked the Administrator to bring something forward for their consideration at the next scheduled Council meeting in February.

Dave Webb, representing Third Street Cigar, asked Council to approve a TREX (Economic Development Transfer Form) for a liquor license owned by Third Street Cigar to Kroger in Waterville. Mr. Webb explained that their business has owned a license for the past year but has no immediate plans for its use. Kroger is opening a bar in its newly expanded store and needs a license. Kroger in return will provide a D-1/D-2 (beer and wine) license for Third Street Cigar when a decision is made for its use. Mayor Brodie made a motion to approve the Economic Development (TREX) Transfer Form. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

Executive Session

Mr. Valtin made a motion to move into Executive Session for Consideration of a Matter per ORC 121.22(G)(4): Reviewing Negotiations with Public Employees Concerning Compensation and Other Terms and Conditions of their Employment and a Conference with the Law Director concerning ORC 121.22(G)(3), Imminent Court Action at 7:46 p.m. Mrs. Bruno seconded the motion.

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

Return to Regular Session

Mrs. Duncan made a motion to come out of Executive Session and resume the regular Council meeting at 8:25 p.m. Mr. Bruno seconded the motion.

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

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Staff Reports

Administration: Mr. Bagdonas

- Reported that construction of the Waterville Bridge replacement has begun with the demolition of two structures. Within the next few weeks, ODOT will begin building a causeway into the river on the Wood County side in order to build piers. Completion date for the total contract is September 30, 2020. They expect that the bridge will be complete by September 13, 2019. A 30-day closure is expected this summer along with a weekend closure in 2019.

Law Director: Mr. Dombey

- Stated that when Council agreed to not issue a permit to Nexus in order to construct a pipeline in August, Nexus filed a lawsuit in the U.S. District Court. On December 28, 2017, Judge John Adams granted a partial summary judgement to Nexus and gave the City of Waterville 28 days to make a decision on how they were going to proceed. Mr. Dombey stated that he never felt that the city could win this fight but we wanted to defend the Charter to the best of our ability. He then went over several reasons why going forward with an appeal would not be in the city's best interest. He stated that there are only a couple of appeals out of dozens remaining and it is obvious that the courts will be siding with Nexus. He also stated that initially the city was offered \$3,050 by Nexus to settle this lawsuit. After that the offer was declined and with further negotiations, the settlement offer was raised to \$20,000. He added that discussion is under way to use this settlement to create a fund for a high-tech air monitoring system and for additional first responder training. Mr. Dombey also added that the city's elected officials did the best they could with a very bad situation and the outcome in the end was the best that was humanely possible under the circumstances given the state of the law.

After discussion, Council agreed that moving forward with an appeal would be an uphill battle that would probably end with the city paying Nexus' legal fees and quite possibly sanctions. They agreed that Council did all that they could and that there didn't seem to be a hope of an outcome where the city would prevail.

Mayor Brodie made a motion to accept the settlement from Nexus for \$20,000 and that the money is to be placed in the 325 Capital Fund. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Finance Director: Mr. Gochenour – No report

Treasurer: Mr. Schult – No report

Communications from Council Members/Committees

Mrs. Duncan – No report.

Mr. Pedro – No report.

Mr. Rozic – No report.

Mr. Valtin – No report.

Mrs. Bruno – No report.

Mr. Bruno – No report.

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NEW BUSINESS:

Mayor Brodie asked that this item be moved up on the agenda.

- A. ORDINANCE 01-18 AN ORDINANCE AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT TO SELL CERTAIN REAL ESTATE KNOWN AS 6824 ANTHONY WAYNE TRAIL (PART EAST OF RAILROAD) AND TO COMPLETE SUCH SALE, AND DECLARING AN EMERGENCY

The portion of the property at 6824 Anthony Wayne Trail that is between the railroad and the Anthony Wayne Trail (approximately 8.4 acres) was advertised for bids in accordance with the applicable provisions of the Ohio Revised Code. One responsive bid from Matthew E. Nagel in the minimum bid amount of \$176,000 was received. This Ordinance would authorize the sale of the property to Mr. Nagel.

Mr. Pedro moved to table Ordinance 01-18 until Council's February 12 meeting. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

OLD BUSINESS:

- A. RESOLUTION 51-17 A RESOLUTION APPROVING AND ADOPTING THE CITY OF WATERVILLE FY2018 FIVE-YEAR CAPITAL PLANNING PROGRAM FOR ALL MUNICIPAL FUNDS AND DEPARTMENTS
Public Hearing held November 27, 2017

This is the annual 5-Year Capital Planning Program. The Finance Committee discussed and recommended approval of the program at a special meeting on October 20, 2017. 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 be taken at this meeting.

Council discussed at length the Five-Year Capital Planning Program. They questioned Chief Wambo and his department's need for a new ambulance and a car for the Deputy Fire Chief. They also discussed the need for a new generator at the Municipal Building on Second Street.

Mr. Pedro made a motion that Council move forward with the Budget Appropriations for 2018 and keep the Assistant Fire Chief's vehicle in the budget, eliminate the ambulance for now and have Mr. Bagdonas come back to Council with an alternative for the generator.

After discussion, Mr. Pedro restated his motion that Council move forward with the 2018 Appropriations and remove the ambulance and the generator from the Appropriations. The motion was withdrawn by Mr. Pedro due to lack of a second.

After further discussion, Mr. Valtin made a motion to remove the generator from the 2018 Appropriations. Mr. Pedro seconded the motion, which passed with Mr. Valtin, Mr. Pedro, Mayor Brodie, Mr. Bruno, Mrs. Duncan and Mr. Rozic voting "yes" and Mrs. Bruno voting "no."

Council agreed to wait until the next Council meeting to have a final vote on this Resolution.

- B. ORDINANCE 26-17 AN ORDINANCE AMENDING CHAPTER 172 OF THE WATERVILLE MUNICIPAL CODE OF ORDINANCES REGARDING MUNICIPAL INCOME TAX IN COMPLIANCE WITH OHIO HOUSE BILL 49

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Currently Tabled

The Ohio General Assembly has passed House Bill 49 (HB 49), which makes changes to municipal income tax laws. The Regional Income Tax Agency (RITA) has prepared an update to local income tax ordinances to comply with the provisions of HB 49. This Ordinance would adopt the changes as recommended by RITA.

On December 21, 2017, the Franklin County Common Pleas Court issued an Agreed Order delaying the effective date for municipalities to reconcile their income tax ordinances in accordance with HB 49 until February 24, 2018 or until further order of the Court, whichever is sooner. However, according to the Ohio Municipal League, “the decision is binding on all municipalities which are a party to the litigation. However, those municipalities not a party to the litigation are not guaranteed the state will not try to enforce the reconciliation provisions of H.B. 49 after January 31, 2018.” Based on this information, since Waterville was not a party to the litigation, passage of the Ordinance is recommend at this time.

Mr. Valtin made a motion to take Ordinance 26-17 off the table. Mrs. Bruno seconded the motion.

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

Mrs. Duncan moved to adopt Ordinance 26-17. Mr. Rozic seconded the motion.

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

C. ORDINANCE 27-17 AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATIONS FOR THE MUNICIPALITY OF WATERVILLE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND REPEALING ORDINANCE NO. 28-17, AND DECLARING AN EMERGENCY

Third Reading

A copy of the proposed FY 2018 Appropriations was included in the December 11 Council packet. The Finance Committee reviewed the budget at their November 17 meeting and unanimously recommends approval. A revised FY 2018 Annual Appropriations Document is included in the Council packet. This document reflects a number of modifications including updating the “Current 2017 Appropriations” column with actual 2017 year-end totals, changing the column heading to “2017 Actual,” and revising the various employee salary and benefit line items to reflect the actual raises included in the new collective bargaining agreements. A summary of other significant changes is provided on page 2A of the revised FY 2018 Annual Appropriations Document.

Council took no action in regard to Ordinance 27-17.

D. RESOLUTION 06-18 A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 20 BARGAINING UNIT AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO SAID COLLECTIVE BARGAINING AGREEMENT (Tabled)

The collective bargaining agreement for the Teamsters Bargaining Unit is attached to the Resolution for City Council’s authorization. The proposed agreement contains base wage increases for each of the next three years of 3.25%, 3.25%, and 3.0%.

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Mr. Bagdonas stated that the Teamsters have not yet voted on this and recommended that it stay on the table. Resolution 06-18 remained tabled.

NEW BUSINESS:

- B. ORDINANCE 02-18 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE BY GRANTING A SPECIAL USE PERMIT TO CONSTRUCT A BUILDING ADDITION AND PARKING LOT MODIFICATIONS AT THE WATERVILLE PRIMARY SCHOOL (457 SYCAMORE LANE)

First Reading

The City received an Application for a Special Use Permit as described above. The property is zoned R-1. At the January 9 meeting, the Planning Commission approved a motion by a vote of 3-0 with two members absent to recommend the granting of this Special Use Permit as described in the Ordinance and approval of the site plan for this project, subject to the comments noted in the January 4, 2018 letter from Thomas Yurysta.

- C. RESOLUTION 08-18 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A MUTUAL AID AGREEMENT FOR ADDITIONAL FIRE AND EMERGENCY MEDICAL SERVICE PROTECTION WITH THE CITY OF TOLEDO

This Resolution would authorize a new Mutual Aid Agreement for Fire and EMS services with the City of Toledo. Toledo has proposed this new agreement to consolidate their various mutual aid agreements in one standard document. The Fire Chief and the Administrator recommend that the City enter into this agreement.

Mrs. Duncan moved to adopt Resolution 08-18. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

- D. RESOLUTION 09-18 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH PROUDFOOT ASSOCIATES INC. FOR ENGINEERING SERVICES TO PREPARE PLANS, SPECIFICATIONS AND BID DOCUMENTS FOR THE MICHIGAN AVENUE WATERLINE REPLACEMENT – PHASE TWO

The District 12 Integrating Committee has recommended a \$35,340 grant and a \$53,010 zero (0%) percent interest loan for this \$465,000 project through the State Capital Improvement Program (SCIP) administered by the Ohio Public Works Commission. In order to meet the schedule for the grant and loan, design work should begin at this time. This Resolution authorizes an Agreement with Proudfoot Associates for this work.

Mrs. Duncan moved to adopt Resolution 09-18. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

- E. RESOLUTION 10-18 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO APPROVE CHANGE ORDER NUMBER SIX TO A CONTRACT WITH GEDDIS PAVING & EXCAVATING, INC. FOR THE ANTHONY WAYNE TRAIL/SOUTH RIVER ROAD WIDENING AND SHARED USE PATH

This project was bid with unit prices and estimated quantities in accordance with the usual method for work of this type. This Change Order will adjust the quantities of the

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items to the actual measurements of the completed work, with a corresponding net increase of \$36,384.51 in the total contract price. A majority of the increase in cost was due to a larger than expected quantity of rock excavation. There will be one or two additional Change Orders for this project to make the final unit price and quantity adjustments.

Mrs. Duncan moved to adopt Resolution 10-18. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

Other Business

Mayor Brodie stated that she recently had a discussion with Phil Barone, President of the Toledo Food Truck Association, about bringing four food trucks to Waterville on Tuesday evenings in the summer, using the parking lot behind the old fire station by Conrad Park.

Mayor Brodie made a motion to refer this request to the Parks and Recreation Committee for discussion at their next meeting. Mrs. Duncan seconded the motion, which passed by unanimous voice vote.

Matt Nagel, 8066 Trentlock Dr., asked Council if there was a reason why Ordinance 01-18 was tabled earlier and wondered if there were questions that Council had that he could answer tonight. Mr. Pedro stated he asked that it be tabled so that he could gather more information and further evaluate it. He also was questioning why the Ordinance needed to be passed as an emergency.

Mr. Valtin announced his resignation from Council effective at the end of tonight's Council meeting. He stated that he accepted a position as acting judge in Maumee Municipal Court and according to the Ohio Supreme Court; a judge cannot hold another public office at the same time.

Mayor Brodie made a motion to accept Mr. Valtin's resignation. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

Executive Session

Mr. Valtin made a motion to move into Executive Session for Consideration of a Personnel Issue – ORC 121.22(G) (1), Compensation of Public Employees or Officials at 9:52 p.m. Mr. Rozic seconded the motion.

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

Return to Regular Session

Mr. Valtin made a motion to come out of Executive Session and resume the regular Council meeting at 10:40 p.m. Mr. Pedro seconded the motion which carried by unanimous voice vote.

Adjournment

There being no further business to come before Council, Mr. Bruno made a motion to close the meeting at 10:40 p.m. Mrs. Bruno seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Lori Brodie, Mayor