

## Regular Council

March 25

19

The regular meeting of the Waterville Council was called to order by Mayor Brodie at 7:30 p.m. in the Council Chambers of the Waterville Municipal Building.

A prayer was offered by Mr. Frey. The Pledge of Allegiance was then recited.

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

Mr. Pedro made a motion to excuse the absence of Mrs. Bruno. Mrs. Duncan seconded the motion, which passed by unanimous voice vote.

Also present this evening were Jon Gochenour, Administrator, Director of Finance and Administration and Clerk of Council; Phil Dombey, Law Director; Steve Schult, Treasurer and Michelle McCann, Recording Secretary.

### Citizens Present:

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

### Approval of Minutes

Mr. Pedro moved to approve the minutes of the March 11, 2019 regular Council meeting. Mr. Rozic seconded the motion, which passed by a voice vote.

### Citizens Comments

Judy Ubben-Genzman, 15932 Roachton Rd., Perrysburg, OH, came to this evening's meeting because of her interest in Ordinance 03-19. She asked Council to consider, in addition to what is being addressed in the Ordinance, that the lot split of 11 N. River Rd. be 8 ft. on the south side so that it would be a conforming lot. Mr. Gochenour stated that the lot is zoned C-2 Commercial so there are no setbacks. Any additional setback you and the seller agree to can be administratively approved by the city. The lot split recommended to Council by the Planning Commission was to make it a conforming C-2 Commercial lot which has a legal setback of zero feet. He added a setback can be added but that is up to you to negotiate with the property owner. If an agreement is reached to change the setback, a new legal description and survey of the property will have to be provided to the City for approval.

Jim Stoma, representing the Waterville Historical Society, asked if the lot is conforming the way the split is now. Mr. Gochenour stated that the lot split was presented with a 5 ft. setback on the south side when you were asking for an R-2 Residential zoning change. Since the zoning request now is to keep in at its original zoning of C-2 there is no setback. As long as each building is on its own lot it conforms to the zoning code.

Rachel Allison, a student from Notre Dame Academy, was in attendance at this evening's meeting to work on getting hours required for her government class.

Victor Coleman, Jr., the City of Waterville's new First Energy External Affairs Representative, came to this evening's meeting to introduce himself to Council.

### Executive Session

Mrs. Duncan made a motion to move into Executive Session for Consideration of a Matter per ORC 121.22(G)(1): Consultation with Law Director Regarding the Conduct of a Regulated Individual or Licensee at 7:40 p.m. Mr. Pedro seconded the motion.

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

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### Return to Regular Session

Mr. Pedro made a motion to come out of Executive Session and resume the regular Council meeting at 7:54 p.m. Mrs. Duncan seconded the motion.

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

### Staff Reports

Administration: Mr. Gochenour

- Stated that with Council's approval, he would like to schedule this year's summer Council meetings on the first Monday of June (June 3<sup>rd</sup> in place of the fourth Monday of May that falls on Memorial Day) and the fourth Mondays of June, July and August (June 24, July 22 and August 26). This schedule works well with the timing of the legislation needed for our annual note issue in late July. Council approved of the schedule.
- Reported that the State Attorney General's annual training seminar on Ohio's Sunshine and Public Records laws is coming up. Attendance at one of these sessions is required for all elected officials or their "appropriate designees" during each term of office. He stated that if Council members are not planning to attend one of the training seminars, he would suggest that Council specify the Municipal Administrator by motion as the designee of the Council members for the purpose of this training. Mrs. Duncan made a motion to appoint Mr. Gochenour Council's designee. Mr. Pedro seconded, which passed by unanimous voice vote.

Law Director: Mr. Dombey – No report.

Finance Director: Mr. Gochenour –

- Reviewed details from the January 2019 Month End Finance Report highlighting fund balances, investments and income tax revenues.

Treasurer: Mr. Schult – No report.

### Communications from Council Members/Committees

Mr. Bruno – No report.

Mr. Frey – No report.

Mr. Rozic – No report.

Mr. Pedro – No report.

Mrs. Duncan –

- Asked that Phil Barone, President of the Toledo Food Truck Association, communicate via their Facebook Page if the Food Truck Tuesday event at Conrad Park will be cancelled because of weather.

#### A. Appointments to Various Commissions, Boards and Committees

An appointment proposed by the Mayor for Council's approval was included in the Council packet. The following reappointment was proposed: Board of Zoning Appeals: Raymond Luk, 4 year term.

Mayor Brodie moved to adopt the reappointment as presented to Council. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

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Mayor Brodie stated that she received a letter stating that the City of Waterville, on behalf of the Arbor Day Foundation, has earned the 2018 Tree City USA Recognition.

**OLD BUSINESS**

- A. ORDINANCE 03-19 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE BY GRANTING A CONDITIONAL /SPECIAL USE PERMIT TO ALLOW A RESIDENTIAL USE ON A PARCEL ZONED (C-2) COMMERCIAL DISTRICT LOCATED AT 11 N. RIVER ROAD.

*Third Reading, Public Hearing, and Legislative Action*

An application has been received from the Waterville Historical Society for a Conditional/Special Use Permit to allow the first and second floors of a vacant commercial structure located at 11 N. River Road to be used as a residence. Unlike its prior two requests before the Planning Commission to change the zoning classification, the requested Conditional/Special Use Permit would not change the underlying (C-2) Commercial zoning or result in changes to the required setbacks or other zoning requirements at 11 N. River or adjacent commercially zoned properties. Moreover, the requested Conditional/Special Use would not be contrary to the goals of Waterville’s 2012 Comprehensive Plan since the existing commercial zoning of the parcel and structure would remain in place. Although the structure would be used for residential purposes, a future property owner could convert it back to a commercial use and be in compliance with existing zoning regulations. Approval of a residential Conditional/Special Use permit would not result in the permanent removal of potential future commercial space from the downtown area. Lastly, all Conditional/Special Uses are subject to periodic review by the Planning Commission and Council to ensure that they conform to their original conditions of approval. If a Conditional/Special Use is discontinued for a period of more than two (2) years, it will expire and require new conditional use permit approval from the City. At their February 4 public meeting, the Planning Commission recommended approval of the Conditional/Special Use Permit request and a lot split by a vote of 5-0. Approval of the lot split will make the Historical Society’s two parcels at 11 and 9 N. River legal conforming commercial lots.

Mayor Brodie opened and closed the Public Hearing at 8:02 p.m.

Mrs. Duncan moved to adopt Ordinance 03-19. Mr. Bruno seconded the motion.

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

- B. RESOLUTION 07-19 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A CONTRACT WITH THE MAAKIL GROUP FOR CONSTRUCTION ENGINEERING SERVICES FOR THE 2019 STATE ROUTE 64 URBAN PAVING PROGRAM.

This Resolution is related to Resolution 03-19 which recently awarded a contract to Crestline Paving for the resurfacing of State Route 64 under the Ohio Department of Transportation’s (ODOT) Urban Paving Program. For this project, ODOT requires Waterville to use its “Local Public Agency” (LPA) program for 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 City contracts for the work and is reimbursed for the allowable federal grant share. As part of the LPA program, the City is required to hire a firm to perform construction engineering and administration services for this project. For these services, letters of interest were solicited from four engineering firms and three firms responded. The firm that designed the project, Proudfoot Associates, was not eligible to perform the

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construction engineering services, but assisted the staff in evaluating each firm's fees and hours for the project. Although not the lowest bidder, it is the recommendation of the staff to award the contract to the MAAKIL Group as the most responsive bidder based on the actual amount of time required to perform this work effectively and efficiently based on ODOT requirements. The bid submitted by the low bidder, TTL, provided an unrealistically low estimate of the amount of time required for the Construction Engineer to oversee and supervise the construction of this project. Information from our last LPA Project, AWT/S. River Road Widening and Shared Use Path Project, which documents some of the activities performed by a Construction Engineer on a LPA ODOT project, was included in Council's packet.

Mr. Rozic made a motion to remove Resolution 07-19 from the table. Mr. Frey seconded the motion, which passed by voice vote.

Mr. Rozic asked if all issues pertaining to the Resolution have been resolved in which Mr. Gochenour stated yes, as far as he knows.

Mayor Brodie moved to adopt Resolution 07-19. Mr. Frey seconded the motion, which passed by voice vote. Mr. Pedro abstained.

### NEW BUSINESS

- A. RESOLUTION 09-19 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A LEASE EXTENSION AGREEMENT WITH CLEAN WOOD RECYCLING, INC. FOR 4.66 ACRES OF LAND OF THE WEST SIDE OF THE ANTHONY WAYNE TRAIL (6730 ANTHONY WAYNE TRAIL) TO OPERATE A YARD WASTE TRANSFER FACILITY

The one year lease between the City and Clean Wood will expire on May 31, 2019. The lease contains an option for a series of five one-year extensions upon mutual agreement. Clean Wood has indicated a desire to extend the lease. This Resolution would authorize a one-year lease extension with no other changes to the terms of the lease.

Mrs. Duncan moved to adopt Resolution 09-19. Mr. Bruno seconded the motion, which passed by unanimous voice vote.

- B. RESOLUTION 10-19 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ASSIGN THE CONTRACT FOR SOLID WASTE COLLECTION DISPOSAL AND RECYCLING FROM STEVENS DISPOSAL AND RECYCLING SERVICE, INC. TO REPUBLIC SERVICES, INC. FOR SOLID WASTE COLLECTION DISPOSAL AND RECYCLING

Our current refuse and recycling contractor, Stevens Disposal, is in the process of selling a portion of its assets to another refuse collection company, Republic Services, Inc. As part of this sale, Stevens has requested the City of Waterville to consent to the "assignment" of our current refuse contract to Republic Services. Republic would then operate the residential collection of refuse and recycling services in the City under the same terms and conditions specified in the Stevens' contract until it expires on May 31, 2020.

Scott Cabauatan, Municipal Services Manager for Republic Services, was in attendance to give Council a brief overview of their company and services and to answer any questions.

Mr. Rozic moved to adopt Resolution 10-19 approving the assignment of the Refuse and Recycling contract to Allied Waste Services of North America, LLC dba Republic

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Services of Toledo. Mr. Frey seconded the motion, which passed by unanimous voice vote.

Other Business

Mayor Brodie reminded Council that a meeting is scheduled with Waterville Township and the Village of Whitehouse to discuss the completed Joint Fire District Feasibility Study on Wednesday, April 4 at 7:00 p.m. at the Anthony Wayne High School Auditorium.

Adjournment

There being no further business to come before Council, Mrs. Duncan made a motion to close the meeting at 8:25 p.m. Mr. Bruno 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