

## Regular Council

September 9

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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. Frey. The Pledge of Allegiance was then recited.

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

Also present this evening were Jon Gochenour, Administrator and Clerk of Council; Mark Williams, Director of Finance and Administration; Phil Dombey, Law Director and Melissa Cook, Recording Secretary.

### Staff Present:

Joe Valvano – Police Chief

Doug Meyer – Deputy 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 August 26, 2019 Regular Council meeting. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

### Citizens Comments

None

### Staff Reports

Administration: Mr. Gochenour

- Reported that he discussed moving the date of the City's next unlimited pick up day with Republic Services to Saturday, October 5. The last unlimited pick-up, held on a Monday (regular trash day), did not go as planned and took three days to complete. He and the Public Works Director agree that by moving it to a Saturday, Republic should be able to do a much better job of collecting. Council did not object to moving the date but asked that it be advertised on the City's website, on upcoming water bills and be put on the Pray Park Sign.

Mr. Pedro asked Mr. Gochenour how much the City expects to get from the new gas tax that began on July 1. Mr. Gochenour stated that the State of Ohio projects that the City will receive \$100,000 more annually. He then asked the amount of time that Mr. Gochenour spends working on the Fallen Timbers Union Cemetery District's finances. Mr. Frey stated that this was discussed at this evening's Cemetery District meeting and Mr. Gochenour is now tracking the time spent working on the District's finances for possible future reimbursement until a Clerk Treasurer for the District is hired. Mrs. Bruno asked Mr. Gochenour if the zoning issues that he addressed in his report have anything to do with the rezoning of the City's property off of Choctaw Dr. Mr. Gochenour stated the zoning issues he addressed were regarding nuisance complaints by residents.

Law Director: Phil Dombey – No report.

Finance Director: Mr. Williams –

- Thanked Council for giving him an opportunity to work for the City of Waterville. He stated that everyone has been very welcoming and he is hopeful that he can contribute positively to the city.
- Reviewed details from the July 2019 Month End Finance Report highlighting

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fund balances and income tax revenues.

Treasurer: Steve Schult – Absent

Police Chief: Joe Valvano

- Reported that the Police Department is working on getting their booth ready for the Roche de Boeuf Festival.
- Stated that they are scheduling the civil service testing for the new police officer position in October.

Deputy Fire Chief: Doug Meyer

- Reported that the department is in the process of scheduling civil service testing for the open, full-time firefighter/paramedic position

Public Works Director: Ken Blair

- Reported that the 2019 Paving Program is now complete. He will be meeting with the City Engineer this week to complete a project punch list.
- Thanked Nilsson's Landscaping for their work in caring for the flower beds at Pray Park and at the point at Farnsworth and Michigan Ave. He also wanted to thank the Countryside Garden Club for planting and care for the flowers at Pioneer Point and the Anthony Wayne Area Arts Commission for planting the downtown planters on Third St.
- Reported that the Annual Fishing Derby will be held on Saturday, September 21 at Waterworks Park. Registration is still open and the forms are available at the Municipal Building and the library.

### Communications from Council Members/Committees

Mr. Bruno –

- Recapped for Council the discussion items at the last Parks and Recreation Committee meeting. The Committee unanimously voted in favor of the proposed leash law and discussed the addition of "Pickle Ball" courts at Prairie Trail Park in Waterville. He added that the Committee will look into applying for grants that will help pay for the courts.

Mrs. Bruno – No report.

Mr. Frey – No report.

Mr. Rozic – No report.

Mr. Pedro –

- Reported that he will be attending the student council elections at Waterville Primary School on Friday, September 20.
- Stated that the next regular monthly meeting of the Waterville Economic Development Committee will be held at J & R Contracting on Tuesday, September 24 at 7:30 a.m.
- Reported that the next WEDC Roundtable will be held on Thursday, September 26 at 5:00 p.m. at StoryPoint in Waterville.

Mrs. Duncan – No report.

Mayor Brodie –

- Reported that a meeting for the 911 Consolidation will be held in Maumee on September 12. She stated that there was no further information about the meeting at this time, but will keep Council updated as more information becomes available.

OLD BUSINESS:

- A. ORDINANCE 08-19 AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE CITY OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN 43 ACRE PARCEL OF LAND KNOWN AS THAT PART OF 6730 AND 6824 ANTHONY WAYNE TRAIL LOCATED WEST OF THE RAILROAD (PART OF PARCELS 96-25959 AND 96-25961) FROM (A-1) AGRICULTURE DISTRICT TO (M-1) INDUSTRIAL DISTRICT

*Tabled until September 23, 2019*

This area is approximately 43 acres and comprises the eastern portion of City owned parcels 96-25959 and 96-25961 located directly west of the railroad and the Clean Wood Yard Waste Facility. Access to this area is from the end of Choctaw Drive. This ordinance would rezone 43 of the 117 acres owned by the City from (A-1) Agriculture District to (M-1) Industrial District. At their July 1, 2019 public meeting, the Planning Commission recommended approval of the zoning change from (A-1) Agricultural to (M-1) Industrial contingent on a 50-foot buffer strip being provided along the area that is adjacent to residential parcels by a vote of 4-0 with one member absent. The City’s 2012 Comprehensive Land Use Plan recommends that the area should be developed for light manufacturing or business park use. Office or “business park” type uses are permitted in (M-1) Zoning Districts. After the public hearing on July 22, 2019, Council voted unanimously to table this ordinance until September 23, 2019 for further study and consideration.

Mr. Pedro asked if would be possible to table this Ordinance for a few more weeks in order for him to be able to gather more data. Mr. Gochenour stated that the City has heard from residents who are planning on attending the September 23 meeting. Mayor Brodie stated that some ideas and thoughts have come up about possibly of not rezoning the whole parcel. She then stated that this might be a possible solution and feels it would be best to leave it on the agenda for their next meeting as planned.

- B. ORDINANCE 14-19 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL USE ON A PARCEL ZONED (C-2) COMMERCIAL DISTRICT LOCATED AT 33-35 N. RIVER ROAD

*Third Reading, Public Hearing and Legislative Action*

An application has been received from Charles Plymale, property owner, for a Conditional/Special Use Permit to allow a vacant commercial space located in his building at 33-35 N. River Road to be used as a residential apartment. The property is zoned (C-2) Downtown Commercial and contains three (3) apartment units, two upstairs and one on the first floor next to the commercial space. Mr. Plymale is seeking to convert the vacant commercial space into a residential use since he has been unsuccessful in renting or leasing the space to a commercial tenant. This request comes to Council as a result of the success of the Waterville Historical Society in obtaining approval of a conditional use permit for a first floor residential use for their commercially zoned property located at 11 N. River Rd. At their July 1, 2019 public meeting, the Planning Commission recommended approval of the conditional use permit to allow the conversion of the commercial space into one (1) single residential apartment contingent on the unit meeting all current building and fire codes by a 4-0 vote with one member absent.

Like the Historical Society’s earlier request at 11 N. River, 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 33-

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35 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.

Mayor Brodie opened the Public Hearing at 7:55 p.m.

Mrs. Bruno stated that she would like to table this Ordinance. She then stated that she didn’t see any restrictions on the maintenance of the exterior of the property built into the legislation. She added that since this is a Special Use Permit she would like to see more control put into the Ordinance. She will have more information to share regarding this request at their next meeting. Mr. Frey asked if this request is similar to the one that they recently approved for a property on N. River Rd. Mr. Gochenour stated that it is and that Mrs. Bruno would like to take a look at some of the exterior conditions on this particular property and possibly add some additional conditions of approval.

Chuck Plymale, owner of 33-35 N. River Rd., stated that since they have owned the building, they have painted it, replaced the windows and roof. There are four units in the building and out of the four, there is only one unit that he has been told cannot be rented as residential. He added that he has tried for years to find a commercial renter but has had no luck. He also stated that regardless of the conditions that are put in the legislation, he will not take care of the building any differently. More discussion followed.

Mayor Brodie closed the Public Hearing at 8:05 p.m.

Mrs. Bruno made a motion to table Ordinance 14-19 until the September 23, 2019 Council Meeting. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

**C. ORDINANCE 15-19 AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 505 OF THE GENERAL OFFENSES CODE WITH RESPECT TO ANIMALS AND FOWL**

***Second Reading***

This Ordinance would amend certain sections of Chapter 505 of the General Offenses Code with respect to animals in order to clearly indicate that all such animals, especially dogs, must be under the control of their owner at all times when off of the owner’s property by means of a leash. The proposed legislation also states that the term “dangerous dog” has the same meaning as in Section 955.11 of the Ohio Revised Code. These changes were reviewed by the City Law Director and recommended by the Park and Recreation Committee. Committee member Ron Reitz spoke in favor of the proposed amendments at the July 22 Council meeting.

**NEW BUSINESS:**

**A. RESOLUTION 25-19 A RESOLUTION DESIGNATING THE MUNICIPAL ADMINISTRATOR AS AGENT FOR PARTICIPATION IN THE FLOOD MITIGATION ASSISTANCE (FMA) GRANT PROGRAM**

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This Resolution designates the Municipal Administrator to act as the agent of the City of Waterville for participation in the Flood Mitigation Assistance (FMA) Grant Program for a proposed mitigation project on South River Road.

Mrs. Duncan moved to adopt Resolution 25-19. Mr. Rozic seconded the motion, which passed by voice vote. Mrs. Bruno abstained.

### Other Business

Mr. Frank L. Wright, Sr., 8129 Donnington Dr., asked the Mayor if he could ask a few questions at the end of this evening's meeting. He asked why Republic Services was chosen as the City's new refuse collection company and wondered if there was a possibility that they could pick up Bridgehampton Woods earlier in the day. Mr. Gochenour stated that Republic took over the previous company's contract and that the City is working with them on service issues. Mr. Wright then stated that there are residents in the subdivision that are extending their driveways further than what is allowed in their deed restrictions. He asked why the City is approving the permits that allow this. Mr. Dombey stated that the City does not enforce deed restrictions. The homeowners' association would need to hire an attorney to help enforce restrictions on residents in the subdivision that are enlarging their driveways.

### Executive Session

Mr. Pedro made a motion to move into Executive Session for a Conference with the Law Director concerning ORC 121.22 (G) (2), Purchase or Sale of Property for Public Purposes at 8:22 p.m. Mr. Frey seconded the motion.

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

### Return to Regular Session

Mr. Bruno made a motion to come out of Executive Session and resume the regular Council meeting at 8:50 p.m. Mr. Frey seconded the motion which carried by unanimous voice vote.

### Adjournment

There being no further business to come before Council, Mr. Pedro made a motion to close the meeting at 8:50 p.m. Mr. Frey 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