

Regular Council

September 23

19

The regular meeting of the Waterville Council was called to order by Vice-Mayor Barb Bruno 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, Vice-Mayor Bruno, Mr. Frey, Mr. Rozic, Mr. Pedro and Mrs. Duncan.

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

Also present this evening were Jon Gochenour, Administrator and Clerk of Council; Philip Dombey, Law Director; Steve Schult, Treasurer and Melissa Cook, Recording Secretary.

Staff Present:

Mark Williams – Director of Finance and Administration.

Citizens Present:

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

Approval of Minutes

Mrs. Duncan moved to approve the minutes of the September 9, 2019 Regular Council meeting. Mr. Bruno seconded the motion, which passed by unanimous voice vote.

Proclamation

A. Arbor Day – October 4, 2019

Vice-Mayor Bruno read a Proclamation which proclaimed October 4, 2019 as Arbor Day in the City of Waterville. She urged all residents to renew our pledge to respect, protect, and enhance our natural surroundings and to encourage our residents to plant a tree to enrich the quality of life for all residents.

Citizens Comments

A. Matt Heyrman, Lucas County Commissioners' Office

Lucas County Commissioner Gary Byers introduced Matt Heyrman, Director of Public Safety with the Lucas County Commissioners' Office, who was at this evening's meeting to discuss the proposed merger and consolidation of 911 services in Lucas County. Mr. Heyrman then presented the final version of the Consolidated Lucas County 911 Proposal Document to Council and answered questions. Council had received a copy of the latest version of this proposal prior to the meeting. Mayor Atkinson of the Village of Whitehouse was in attendance also and spoke in favor of the 911 consolidation proposal. He offered to represent the smaller municipalities on the board. Mr. Heyrman then requested that Council pass a resolution appointing a representative to the 911 Consolidation Committee within the next 60 days.

Staff Reports

Administration: Mr. Gochenour

- Stated that the Ohio Department of Transportation (ODOT) will be holding a public meeting in regards to the safety and future of the Roche de Boeuf Interurban Bridge on Wednesday, November 20 from 5:00 p.m. to 7:00 p.m. at the Waterville Primary School.

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Mr. Rozic asked what the outcome was of the meeting Mr. Gochenour attended to discuss the impact of growth in the Anthony Wayne School District Community. Mr. Gochenour stated that the Superintendent invited area leaders and business people to discuss the school district's concerns about growth in the area. They agreed to meet again in the future to continue the discussion.

Law Director: Mr. Dombey – No report

Finance Director: Mr. Williams – No report

Treasurer: Mr. Schult –

- Reviewed details from the July 2019 Monthly Treasurer's Report.

Communications from Council Members/Committees

Mr. Bruno – No report.

Mr. Frey – No report.

Mr. Rozic – No report.

Mr. Pedro –

- Reported that the next WEDC Roundtable will be held on Thursday, September 26 at 5:00 p.m. at StoryPoint in Waterville.

Mrs. Duncan –

- Reminded Council and residents that the Roche de Boeuf Festival will be held this coming Saturday, September 28 from 9 a.m. to 5 p.m.

Mrs. Bruno –

- Reminded residents that the fall unlimited trash pick-up will be held on Saturday, October 5.
- Stated that this year's Fishing Derby was very successful and well attended. A great time was had by all!

OLD BUSINESS:

- A. ORDINANCE 18-19 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. This ordinance would rezone 43 of the 117 acres owned by the City from (A-1) Agricultural 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 4-0 vote 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.

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Mr. Dombey noted that a proposal is now being recommended to reduce the area suggested to be rezoned from 43 to approximately 23 acres. The location of the area proposed to be rezoned would now be approximately 675 feet to the north of the nearest residentially zoned area. Maps were made available for citizens to review. Mr. Dombey briefly went over the changes. Mrs. Bruno stated that Council took residents' concerns into consideration when changing the map.

Several residents were in attendance (sign-in sheet attached) at this evening's meeting to voice their opposition to the proposed zoning change citing concerns about decreased home values, noise, pollution, traffic and quality of life.

Vice-Mayor Bruno moved to remove Ordinance 08-19 from the table. Mr. Rozic seconded the motion. Roll Call: Mr. Frey – yes, Mr. Bruno – yes, Mrs. Duncan – yes, Mr. Pedro – yes, Vice-Mayor Bruno – yes, Mr. Rozic – yes. The motion passed unanimously.

After discussion, it was decided to table Ordinance 08-19 until the Monday, December 2, 2019 for further consideration. Mrs. Duncan made a motion to table Ordinance 08-19 until December 2, 2019. Mr. Pedro seconded the motion.

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

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
Tabled until September 23, 2019

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 33-35 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. Consequently, approval of the Conditional/Special Use permit would not result in the permanent removal of potential future commercial space from the downtown area. As requested at the last Council

meeting, an additional condition of approval was added requiring the property owner to keep the property free of debris and other nuisances. 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.

Vice-Mayor Bruno moved to remove Ordinance 14-19 from the table. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

Vice-Mayor Bruno moved to adopt Ordinance 14-19. Mr. Rozic seconded the motion.

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

C. ORDINANCE 15-19 AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 505 OF THE GENERAL OFFENSES CODE WITH RESPECT TO ANIMALS AND FOWL
Third Reading and Legislative Action

This Ordinance amends 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 Parks and Recreation Committee.

After discussion, Vice-Mayor Bruno made a motion amend Section 1 (a) (5) to state “controlled at all times on a leash not more than six (6) feet long” to eight (8) feet long. Mr. Rozic seconded the motion. Vice-Mayor Bruno then made a motion to adopt Ordinance 15-19 as amended. Mr. Rozic seconded the motion.

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

NEW BUSINESS:

A. ORDINANCE 16-19 AN ORDINANCE AMENDING ORDINANCE 07-19, THE AMENDED FY 2019 ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the third amendment to the 2019 Appropriations. Significant items included in this amendment are: the addition of a street light to the Downtown Lighting Improvement Project (\$20,000), the BWC Fire Grant Project (\$16,150), Computer Replacement (\$23,000), 2019 TIF Service Payment (\$34,747) and a change order for the Michigan Avenue Waterline Project (\$15,000). This amendment finalizes the prior approval by Council of the additional street light and the change order in the budget.

Vice-Mayor Bruno made a motion to suspend the rules to allow for the passage of Ordinance 16-19 as an emergency measure. Mr. Frey seconded the motion.

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

Vice-Mayor Bruno made a motion to move for the passage of Ordinance 16-19 as an emergency measure. Mr. Pedro seconded the motion.

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

B. RESOLUTION 26-19 A RESOLUTION REQUESTING THE AUDITOR OF LUCAS COUNTY, OHIO TO ISSUE ADVANCE PAYMENTS ON THE CURRENT COLLECTION OF TAXES DUE THE CITY OF WATERVILLE DURING CALENDAR YEAR 2020.

This Resolution is the City’s annual request of the County Auditor to release property taxes collected to the City of Waterville in advance of the usual March and August 2020 distribution dates. This request will allow the City to receive our property tax revenue sooner. The County Auditor has requested the passage of this legislation at this time for the next calendar year.

Vice-Mayor Bruno moved to adopt Resolution 26-19. Mr. Pedro seconded the motion, which passed by unanimous voice vote.

C. RESOLUTION 27-19 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

This item is an annual piece of legislation which approves and accepts the tax rates set by the Lucas County Budget Commission for the inside millage property tax that is collected based on this approved millage and the property valuations within the City. The property tax rates contained in this Resolution are the same as last year.

Vice-Mayor Bruno moved to adopt Resolution 27-19. Mr. Frey seconded the motion, which passed by unanimous voice vote.

Other Business

None

Adjournment

There being no further business to come before Council, Mrs. Duncan made a motion to close the meeting at 9:20 p.m. Mr. Frey seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Barbara Bruno, Vice-Mayor