

## Regular Council

April 22

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

The prayer was offered by Mr. Bruno. The Pledge of Allegiance was then recited and led by John Spilker.

Present at roll call were Mary Duncan, Todd Borowski, Anthony Garver, Tim Pedro, Wayne Wagner, John Rozic and Anthony Bruno.

Also present this evening was Jon Gochenour, Municipal Administrator; Katie Tharp, Assistant Law Director, Steve Schult, Treasurer and Shellie McCann, Recording Secretary.

### Staff Present:

Mark Williams – Finance Director

Joe Valvano – Chief of Police

Doug Meyer – 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.

### Proclamation

Mayor Pedro read a proclamation recognizing May 2024 as “Lupus Awareness Month.”

### Approval of Minutes

Mr. Rozic moved to approve the minutes of the April 8, 2024 Regular Council meeting. Mr. Borowski seconded the motion, which passed by a unanimous voice vote.

### Executive Session

Mr. Rozic made a motion to move into Executive Session for Consideration of a Matter per ORC 121.22(G)(1): Compensation of a Public Employee or Official at 7:39 p.m. Mr. Wagner seconded the motion.

Roll Call: Mr. Bruno – yes, Mr. Rozic – yes, Mayor Pedro – yes, Mrs. Duncan – yes, Mr. Borowski – yes, Mr. Wagner – yes and Mr. Garver – yes. The motion passed unanimously.

### Return to Regular Session

Mr. Garver made a motion to come out of Executive Session and resume the regular Council meeting at 8:04 p.m. Mr. Wagner seconded the motion which carried by a unanimous voice vote.

### Citizens Comments

Rev. Teresa Wenrick, of the Waterville United Methodist Church, thanked Council for partnering with the church in organizing the recent the Solar Eclipse Community Event.

### Staff Reports

Administrator: Jon Gochenour

- Stated that the first “Unlimited Pickup Day” in Area A on April 20 went well although a few properties were missed and were picked up today. The second Unlimited Pickup Day for Area B is scheduled for April 27.
- Since the City of Maumee has decided not to participate in the recent ALS agreement with Lucas County, Council will receive a revised ALS agreement from Lucas County for your review at a future meeting.

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Assistant Law Director: Katie Tharp

- No Report

Finance Director: Mark Williams

- Reviewed details from the March 2024 Month End Finance Report highlighting fund balances, investments and income tax revenues.

Treasurer: Steve Schult

- Reviewed details from the March 2024 Month End Treasurer's Report.

Police Chief: Joe Valvano

- Stated April 27, 2024 is "National Drug Drop Off Day" and a drop off will be available at the Police Department rear entrance from 10 a.m. – 2 p.m.
- "Safety City" will be July 16 – 19, 2024.
- The speed trailer is currently down for repairs.

Fire Chief: Doug Meyer

- Stated that "food truck season" is starting and the Fire Department will be conducting more inspections as the weather gets warmer.

Public Works Director: Ken Blair

- Stated that the Department has started flushing the fire hydrants. There are about 500 hydrants to flush and it will take about 2 weeks to complete.
- Final seeding/grading is being completed on the Canal Road Waterline Project.
- Attended Tree City USA Awards in Defiance, Ohio. Waterville had one of the largest groups in attendance.

### Communications from Council Members/Committees

Mrs. Duncan

- Mentioned that the annual joint meeting of the Fallen Timbers Union Cemetery District will be held on May 13, 2024 at 6 p.m. before our regular Council meeting in City Council Chambers.

Mr. Borowski

- Attended Tree City USA Awards with City Staff and Tree Commission members.
- Tree Commission member Nancy Bucher has ordered all the plants for the Dutch Road Roundabouts with planting scheduled sometime after May 15.

Mr. Garver

- No Report

Mr. Wagner

- Also attended the Tree City USA Awards.

Mr. Rozic

- No Report

Mr. Bruno

- No Report

Mayor Pedro

- Thanked Michelle Smith from the Waterville Area Chamber of Commerce for attending tonight's Council meeting.

### OLD BUSINESS:

A. ORDINANCE 03-24 AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A RESIDENTIAL USE IN A COMMERCIAL ZONING DISTRICT FOR A PROPERTY LOCATED AT 104 SOUTH THIRD STREET ZONED (C-2) DOWNTOWN COMMERCIAL DISTRICT

First Reading Scheduled for April 8, 2024; Second Reading Scheduled for April 22, 2024; Third Reading and Administrative Action Scheduled for May 13, 2024

John Spilker, property owner, has submitted a request for a conditional use permit to allow a former professional office building located at 104 S. Third Street to be used as a single-family residence. If the conditional use permit were approved, Mr. Spilker plans to add approximately 820 square feet of living space onto the existing building. Although the existing building was originally built as a residence in 1898, the parcel is currently zoned (C-2) Downtown Commercial and has been used as a professional office building since 2010. Moreover, located on the corner of S. Third and South Streets, the property is situated in a well-established downtown commercial area with Shawn's Irish Traven, First Federal Bank of Delta and Pisanello's Pizza located at the opposite corners of the intersection. Consequently, the request is unusual since the applicant is seeking to convert a permitted commercial use into a more restrictive residential use which is only permitted with the approval of a conditional use permit under the Waterville Planning and Zoning Ordinance. Likewise, such a request would generally be viewed by the City as contrary to good zoning practice since the applicant is seeking approval of a land use that is not permitted by right in a commercial zoning district. However, unlike a zoning change, approval of the requested conditional use permit would not change the underlying (C-2) commercial zoning or result in changes to the required setbacks or other zoning requirements at 104 S. Third Street or to adjacent commercially zoned properties. Secondly, unlike a zoning change, approval of a conditional use permit would not result in the removal of a commercially zoned parcel and structure from the "Downtown Core Concept Area" as described in the City's 2012 Comprehensive Plan. Although the structure would be used for residential purposes, a future property owner could convert the parcel back to a commercial use and be in compliance with existing zoning regulations and the Comprehensive Plan. All conditional 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 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. Lastly, Mr. Spilker, a long time Waterville resident and business owner, plans on living in the purposed residence after the improvement project is completed. Mr. Spilker has successfully renovated other properties in Downtown Waterville, including the building which he owns next door at 307 South Street.

At their April 1, 2024 public meeting, the Planning Commission recommended approval of the proposed conditional use permit to allow the structure and the parcel located at 104 S. Third Street to be utilized as a single-family, owner occupied residence. Any changes to the structure or parcel, other than its conversion back to a conforming commercial use, would be subject to the future review and approval of the Planning Commission and Council. Since the building is also located within the Waterville Historic District, the final exterior design of the structure is also subject to the final review and approval by the Waterville Historic District Commission prior to the issuance of a zoning permit.

B. ORDINANCE 04-24 AN ORDINANCE AMENDING ORDINANCE 04-18, PURSUANT TO CHARTER SECTION 5.02 ADOPTING PERSONNEL RULES; AMENDING SECTION 5.13 A.1. OF THE WATERVILLE PERSONNEL POLICY AND PROCEDURE MANUAL AND DECLARING AN EMERGENCY

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This Ordinance amends Section 5.13 A.1. of the City's Personnel Policy and Procedure Manual in regard to the eligibility of elected officials to participate in the Employer's health insurance program. Recently, it was discovered that Ordinance 04-18, passed in 2018 which permitted elected officials to participate in the health insurance program, omitted the requirement that elected officials must pay 100% of the premium to participate in the program. The minutes of the February 12, 2018 public meeting when Ordinance 04-18 was passed reflects that this was the intent of Council. Consequently, the proposed ordinance amends Section 5.13 A.1. of the Personnel Policy and Procedure Manual by now requiring elected officials to pay 100% of the required premium to be eligible to participate in the health insurance program effective at a future date to be determined by Council. An alternative version of Ordinance 04-24 is also enclosed which would eliminate elected official participation in the program effective at a future date to be determined by Council. This issue was tabled by Council at its April 8, 2024 public meeting.

A motion was made by Mr. Garver to take Ordinance 04-24 off the table for discussion by Council, Mr. Wagner seconded the motion, which passed by a unanimous voice vote.

Council held a lengthy discussion regarding whether participation by Council members in the health insurance program should be continued if elected officials are required to pay 100% of the required monthly premium or if coverage should be ended due to the cost. Moreover, if coverage were ended, what would be an appropriate termination date.

Mr. Bruno made a motion to suspend the rules to pass Ordinance 04-24 as an emergency measure to end the eligibility of Council members to participate in the City health insurance program with an effective date of June 1, 2024. Mr. Rozic seconded the motion.

Roll Call: Mr. Bruno – yes, Mr. Rozic – yes, Mayor Pedro – yes, Mrs. Duncan – yes, Mr. Borowski – abstain, Mr. Wagner – no and Mr. Garver – yes. The motion passed 5-1 with 1 abstention.

Mayor Pedro made a motion to pass Ordinance 04-24 as an emergency measure to end the eligibility of Council members to participate in the City health insurance program with an effective date of June 1, 2024. Mr. Rozic seconded the motion.

Roll Call: Mayor Pedro – yes, Mr. Rozic – yes, Mrs. Duncan – yes, Mr. Borowski – abstain, Mr. Wagner – no, Mr. Garver – no and Mr. Bruno – yes. The motion failed to pass as an emergency measure with a vote of 4-2 with 1 abstention.

After discussion by Council and the Law Director, it was determined that since Ordinance 04-24 did not pass as an emergency measure, the City Charter requires that Ordinance 04-24 must now be considered for passage as a regular measure. Since the Ordinance passed by a majority vote, this would be considered a first reading of this Ordinance. However, the effective date of this Ordinance after the third reading would be July 10, 2024 which conflicts with the June 1, 2024 effective date to end health insurance coverage in Ordinance 04-24.

Mr. Bruno made a motion to suspend the rules and pass as an emergency measure an amendment to Ordinance 04-24 to end the eligibility of Council members to participate in the City health insurance program with an effective date of July 1, 2024. Mr. Rozic seconded the motion.

Roll Call: Mr. Bruno – yes, Mr. Rozic – yes, Mayor Pedro – yes, Mrs. Duncan – yes, Mr. Borowski – abstain, Mr. Wagner – no and Mr. Garver – no. The motion passed 4-2 with 1 abstention.

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Mayor Pedro made a motion to pass Ordinance 04-24, as amended, as an emergency measure to end the eligibility of Council members to participate in the City health insurance program with an effective date of July 1, 2024. Mr. Bruno seconded the motion.

Roll Call: Mayor Pedro – yes, Mr. Bruno – yes, Mrs. Duncan – yes, Mr. Borowski – abstain, Mr. Wagner – no, Mr. Garver – no and Mr. Rozic - yes. The motion failed to pass as an emergency measure with a vote of 4-2 with 1 abstention.

### Meeting Recess

Mayor Pedro asked for a motion for a five (5) minute recess of the meeting. Motion was made by Mr. Bruno to recess the meeting for five minutes at 8:48 p.m. Mrs. Duncan seconded the motion, which passed by a unanimous voice vote.

### Return to Regular Session

Mayor Pedro asked for a motion to return to regular session. Motion was made by Mrs. Duncan to return to regular session at 8:53 p.m. Mr. Rozic seconded the motion, which passed by a unanimous voice vote.

Upon returning to regular session, it was the recommendation of Law Director Tharp to re-number amended Ordinance 04-24 as Ordinance 05-24 with another vote for passage as an emergency measure.

Mayor Pedro made a motion to suspend the rules and pass as an emergency measure Ordinance 05-24 to end the eligibility of Council members to participate in the City health insurance program with an effective date of July 1, 2024. Mr. Rozic seconded the motion.

Roll Call: Mayor Pedro – yes, Mr. Rozic – yes, Mr. Bruno – yes, Mrs. Duncan – yes, Mr. Borowski – yes, Mr. Wagner – yes and Mr. Garver – yes. The motion passed 7-0.

Mayor Pedro made a motion to pass Ordinance 05-24 as an emergency measure to end the eligibility of Council members to participate in the City health insurance program with an effective date of July 1, 2024. Mr. Rozic seconded the motion.

Roll Call: Mayor Pedro – yes, Mr. Rozic – yes, Mrs. Duncan – yes, Mr. Borowski – abstain, Mr. Wagner – no, Mr. Garver – no and Mr. Bruno – yes. The motion failed to pass as an emergency measure with a vote of 4-2 with 1 abstention. This is the first reading of this ordinance.

### C. RESOLUTION 11-24 A RESOLUTION APPROVING THE LUCAS COUNTY SOLID WASTE MANAGEMENT DISTRICT'S DRAFT AMENDED SOLID WASTE MANAGEMENT PLAN

The draft plan was prepared by the Lucas County Solid Waste Management District in accordance with Ohio Revised Code Section 3734, the State of Ohio's Solid Waste Management Plan and guidelines from the Ohio EPA. The Plan provides strategies and programs that will be implemented by the District to meet or exceed minimum waste reduction goals and objectives of the State of Ohio. A summary of the draft plan goals was included with this legislation. Council members also received an electronic copy of the entire draft plan by e-mail. Under Ohio law, ratification of the draft plan requires the approval of a combination of municipalities and townships with a population comprising at least 60 percent of the District. The County Commissioners and the City of Toledo must also recommend approval for final ratification of the draft plan. This issue was tabled by Council at its April 8, 2024 public meeting.

A motion was made by Mr. Garver to take Resolution 11-24 off the table for discussion by Council. Mr. Wagner seconded the motion, which passed by a unanimous vote.

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Mayor Pedro moved to adopt Resolution 11-24, Mr. Garver seconded the motion, which passed by a voice vote of 6-1 with Mr. Rozic voting no.

NEW BUSINESS:

- A. RESOLUTION 12-24 A RESOLUTION AUTHORIZING PARTICIPATION IN THE OHIO DEPARTMENT OF TRANSPORTATION CONTRACT FOR ROAD SALT AWARDED IN 2024

The Village/City has participated in the Ohio Department of Transportation's Cooperative Purchasing Program for the purchase of road salt since 2009. This arrangement has worked very well for the City by minimizing the unit price paid for road salt and by providing a degree of stability to the availability of salt. Starting in 2016, ODOT modified the program and now characterizes it as local participation in the ODOT purchase contract rather than the Cooperative Purchasing Program. This Resolution would authorize participation in the ODOT contract for 2024.

Mayor Pedro moved to adopt Resolution 12-24, Mr. Wagner seconded the motion, which passed by a unanimous voice vote.

- B. RESOLUTION 13-24 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO GERKEN PAVING, INC. FOR THE 2024 STATE ROUTE 64 RESURFACING PROJECT

This Resolution authorizes a contract with Gerken Paving, Inc. of Napoleon, Ohio for the State Route 64 Resurfacing Project at a cost of \$165,827.50. Bids were opened on April 17, 2024 and the City received only one competitive bid for this project from Gerken Paving which was under the City Engineer's estimate of \$170,000. Consequently, it is recommendation of the City Engineer and administrative staff to award the contract for the State Route 64 Resurfacing Project to Gerken Paving, Inc. Gerken Paving has successfully completed numerous projects in the City over the years.

Mr. Borowski moved to adopt Resolution 13-24, Mr. Wagner seconded the motion, which passed by a 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 9:40 p.m. Mr. Bruno seconded the motion, which carried by a unanimous voice vote.

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Jon D. Gochenour, Clerk of Council

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Timothy G Pedro, Mayor