

Regular Council

May 13

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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. Borowski. The Pledge of Allegiance was then recited and led by Scott Jahns.

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; Phil Dombey, 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

Citizens Present:

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

Approval of Minutes

Mr. Garver moved to approve the minutes of the April 22, 2024 Regular Council meeting. Mr. Wagner seconded the motion, which passed by a unanimous voice vote.

Citizens Comments

Terri Massucci, 1101 Waterville-Monclova Rd, suggested that the city remove some of the planters throughout the downtown area. Ms. Massucci discussed a new community event "Play Ball" sponsored by BluSky Restoration.

Scott Jahns, 1207 Applegate St., discussed shrubs overgrowing the sidewalk at the Columbia House. Mr. Jahns also voiced opposition to Council healthcare coverage continuing until the end of the year.

Staff Reports

Administrator: Jon Gochenour

- Stated that the waterline repair in the alley behind the Municipal Building will start this week.
- Stated that the Public Works Department completed a citywide hydrant flushing program. There are 3 hydrants that need replaced.
- Met with Lucas County Engineer to discuss plans for a proposed roundabout on Anthony Wayne Trail at Dutch Road scheduled for construction in 2028.

Law Director: Phil Dombey

- Stated that the Plowman Case is at the Court of Appeals and all briefs have been submitted. The appellant has requested oral arguments.

Finance Director: Mark Williams

- No Report

Treasurer: Steve Schult

- No Report

Police Chief: Joe Valvano

- Stated that 27 pounds of medications were dropped off at the "Drug Take Back Day" on April 27.
- May 15 is National Peace Officer Day.
- Bike to School Day is scheduled for May 16.

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Fire Chief: Doug Meyer

- The Shoemaker Family donated the home on Waterville-Swanton Rd, across from Rite Aid, to the State Fire School for training.
- Stated that there are four fire candidates in the background check process.

Public Works Director: Ken Blair - absent

Communications from Council Members/Committees

Mrs. Duncan

- Discussed Maumee Senior Center Meals for Seniors Program coming to Waterville. These will be grab and go meals available for Waterville citizens ages 60 and up. Meals can be picked up at 12:45 on Mondays and Fridays at the Waterville Library.

Mr. Borowski

- Dutch Road Roundabouts plantings are scheduled near the end of May.

Mr. Garver

- No Report

Mr. Wagner

- Terri Massucci has done a great job with the planters and landscaping on Third Street. There still is more to do and volunteers are needed.

Mr. Rozic

- Stated that the Fire Co-Op meeting was postponed due to proposed changes in the County EMS Contract. It will be rescheduled in June.

Mr. Bruno

- Park Clean-up Day will be June 1 at Bear Park.

Mayor Pedro

- A Memorial Day Ceremony will be held on May 27 at 11 a.m. at Wakeman Cemetery.
- Working with resident Haley Voight on setting up an ad hoc committee for inclusive playground equipment.

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
Third Reading and Administrative Action

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 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.

Mrs. Duncan made a motion to approve the request for a conditional use permit for the property located at 104 S. Third Street as recommend by the Planning Commission. Mr. Borowski seconded the motion.

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

B. ORDINANCE 05-24 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

Second Reading

This Ordinance amends Section 5.13 A. I. 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. Ordinance 05-24 ends the eligibility of Council members to participate in the City health insurance program with an effective date of July 1, 2024. Although originally introduced as an emergency measure at your April 22, 2024 public meeting, Ordinance 05-24 failed to pass as an emergency measure. As a result, the City Charter requires that Ordinance 05-24 must now be considered for passage as a regular measure. Since the Ordinance passed by a majority vote at your April 22, 2024 meeting, this would be the second reading of this Ordinance.

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NEW BUSINESS:

A. ORDINANCE 06-24 AN ORDINANCE AMENDING ORDINANCE 13-23, THE FY 2024 ANNUAL APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the first amendment to the 2024 Appropriations. Significant items included in this amendment are: additional expenses for fire vehicle (\$10,500) and fire equipment maintenance (\$10,000); bank service fees (\$14,000); additional anticipated costs for the 2024 Shared Use Path Project and other routine items. Detailed information on this amendment is enclosed with this ordinance.

Mayor Pedro made a motion to suspend the rules to allow for the passage of Ordinance 06-24 as an emergency measure. Mrs. Duncan seconded the motion.

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

Mrs. Duncan made a motion to move for the passage of Ordinance 06-24 as an emergency measure. Mr. Rozic seconded the motion.

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

B. RESOLUTION 14-24 A RESOLUTION AMENDING RESOLUTION 09-24 AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH LUCAS COUNTY REGARDING THE PROVISION OF COUNTYWIDE ADVANCED LIFE SUPPORT EMERGENCY MEDICAL SERVICES IN LUCAS COUNTY, OHIO

Due to the decision of the City of Maumee to not participate in the new Advanced Life Support (ALS) Emergency Medical System Operating Agreement which was recently approved by Council, Lucas County has prepared a revised agreement for the review and approval of the remaining political subdivisions electing to continue to participate in the new ALS system. The revised agreement is enclosed for your review with the changes highlighted in red. The primary changes to the prior agreement are: the removal of the participation of the City of Maumee; all participating entities will receive their first payment no later than December 31, 2024; the final distribution of County EMS assets will be made by November 30, 2024; the effective date of the agreement is now August 5, 2024; the effective date to give notice to withdraw from the agreement is now August 4, 2027 and a "severability" section was added to the agreement. Although the decision of Maumee not to participate is unfortunate, it is still in the best interests of the City of Waterville to continue the cooperation and collaboration with Lucas County and surrounding political subdivisions in maintaining a countywide ALS emergency medical system.

Mr. Garver moved to adopt Resolution 14-24, Mr. Wagner seconded the motion, which passed by a unanimous voice vote.

C. RESOLUTION 15-24 A RESOLUTION APPROVING THE 2024 FINAL PLAN FOR THE OPERATION OF 911 EMERGENCY SERVICES IN LUCAS COUNTY, OHIO

Recently, the Ohio Legislature passed House Bill 33, which amended Chapter 128 of the Ohio Revised Code, which now requires each county in the State of Ohio to convene a "911 Program Review Committee" which is required to meet at least once

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on annual basis for the purpose of maintaining or updating each county's Final Plan for 911 Emergency Services. The final plan is required to contain all of the information specified in Section 128.07 of the Ohio Revised Code. The Lucas County 911 Program Review Committee met on March 12, 2024 and adopted the proposed Final Plan for 911 Emergency Services for Lucas County for 2024. After adoption, the Lucas County Program Review Committee is required to provide a copy of the plan to the legislative authorities of each political subdivision in Lucas County for their review and approval. The 2024 Lucas County Final Plan for 911 Emergency Services is enclosed with this legislation for your review and potential approval.

Mrs. Duncan moved to adopt Resolution 15-24, Mr. Rozic seconded the motion, which passed by a unanimous voice vote

D. RESOLUTION 16-24 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO SOUTHEASTERN EQUIPMENT COMPANY, INC. FOR THE PURCHASE OF A 2024 CASE 580 BACKHOE TRACTOR FOR THE PUBLIC WORKS DEPARTMENT

This Resolution authorizes the purchase of a 2024 Case 580 Backhoe Utility Tractor through the joint purchasing program authorized by state law. The purchase of this equipment was included in the 2024 Appropriation Ordinance. The final cost of this equipment is \$107,927.60 after the trade in of a 2001 Case 580 Backhoe Tractor (\$22,000). Information on this equipment is included with this Resolution for your reference.

Mr. Wagner moved to adopt Resolution 16-24, Mr. Rozic seconded the motion, which passed by a unanimous voice vote

E. RESOLUTION 17-24 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO INFRATECH SOLUTIONS LLC FOR THE PURCHASE OF SEWER CAMERA EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT

This Resolution authorizes the purchase of a S-200C Sewer Camera System from Infratech Solutions LLC of Wilmington, North Carolina for a purchase price of \$56,500. The purchase of this equipment was included in the 2024 Appropriation Ordinance. Information on this equipment is included with this Resolution for your reference.

Mr. Borowski moved to adopt Resolution 17-24, Mr. Garver seconded the motion, which passed by a unanimous voice vote

F. RESOLUTION 18-24 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO HOWELL RESCUE SYSTEMS, INC FOR THE PURCHASE OF HYDRAULIC RESCUE EQUIPMENT FOR THE FIRE DEPARTMENT

This Resolution authorizes the purchase of new hydraulic rescue equipment from Howell Rescue Systems, Inc. of Dayton, Ohio for a purchase price of \$66,995. The purchase of this equipment was included in the 2024 Appropriation Ordinance. Hydraulic rescue tools and related equipment, often referred to as the "jaws of life" aid in the extraction of individuals involved in vehicle accidents, fires or other emergency situations. Information on this equipment is included with this Resolution for your reference.

Mrs. Duncan moved to adopt Resolution 18-24, Mr. Borowski seconded the motion, which passed by a unanimous voice vote

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G. RESOLUTION 19-24 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO HENRY W BERGMAN, INC FOR THE 2024 SHARED USE PATH IMPROVEMENT PROJECT

This Resolution authorizes a contract with Henry W. Bergman, Inc. of Genoa, Ohio for the 2024 Shared Use Path Improvement Project at a cost of \$558,597.30. Bids were opened on April 17, 2024 and the City received two competitive bids for this project with Bergman's bid being lowest bid. Although over the City Engineer's estimate of \$510,000, it is the recommendation of the City Engineer and administrative staff to award the contract for the 2024 Shared Use Path Improvement Project to Henry W. Bergman, Inc. Henry W. Bergman, Inc. has successfully completed several projects in the City over the years. The City has also secured a \$396,000 grant to offset the cost of this project. The bid results and the engineer's recommendation letter are included with a copy of this legislation.

Mrs. Duncan moved to adopt Resolution 19-24, Mr. Borowski seconded the motion, which passed by a unanimous voice vote

H. RESOLUTION 20-24 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO GEDDIS PAVING AND EXCAVATING, INC FOR THE 2024 PAVING PROGRAM

This Resolution authorizes a contract with Geddis Paving and Excavating, Inc. of Toledo, Ohio for pavement improvements to Freedom Lane, between Cedar and Sycamore Lanes, Lexington Avenue and the Alley between Mechanic Street and Farnsworth Road. Pavement rejuvenating agent will also be applied to the following streets paved last year: Independence Drive, Patriot Drive East and West, Farmview Drive between Waterville Monclova and Buckeye, Mount Vernon Drive and Mount Vernon Court. The City received three (3) competitive bids for this project with Geddis submitting the lowest bid of \$225,395.64. The City Engineer's estimate for this project was \$225,000. It is the recommendation of the City Engineer and administrative staff that Geddis Paving and Excavating submitted the lowest and most responsive bid and should be awarded the contract. Geddis Paving has successfully completed several paving projects in the City over the years. The bid results and the engineer's recommendation letter are included with a copy of this legislation.

Mr. Wagner moved to adopt Resolution 20-24, Mr. Rozic seconded the motion, which passed by a unanimous voice vote

Other Business

None

Adjournment

There being no further business to come before Council, Mr. Garver made a motion to close the meeting at 8:45 p.m. Mr. Wagner seconded the motion, which carried by a unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Timothy G Pedro, Mayor