

Regular Council

April 8

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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. Wagner. The Pledge of Allegiance was then recited and led by Mr. Rozic.

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 Jeni Malaczewski, Recording Secretary.

Staff Present:

Joe Valvano – Chief of Police

Citizens Present:

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

Approval of Minutes

Mr. Borowski moved to approve the minutes of the March 25, 2024 Regular Council meeting. Mr. Wagner seconded the motion, which passed by a 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 7:32 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. Borowski made a motion to come out of Executive Session and resume the regular Council meeting at 8:15 p.m. Mr. Rozic seconded the motion which carried by a unanimous voice vote.

Citizens Comments

Terri Massucci, 1101 Waterville-Monclova Rd., gave an update on the Solar Eclipse Event that was held earlier in the day at Prairie Trail Park.

Staff Reports

Administrator: Jon Gochenour

- Stated that the City only received one bid for the Farnsworth Road Waterline Replacement and Resurfacing Project. The bid was over the City Engineer's cost estimate and per the Ohio Revised Code will need to be re-bid.
- Stated that proposed improvements to the alley running north and south between Farnsworth Rd. and Michigan Avenue, just west of John St., is estimated to cost approximately \$95,000 mainly due the need to install a storm sewer. He recommended including it in the 2025 City paving program.

Assistant Law Director: Katie Tharp

- No Report

Finance Director: Mark Williams

- Not Present

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Treasurer: Steve Schult

- No Report

Communications from Council Members/Committees

Mrs. Duncan

- Stated she drove through the City on Monday noticing several cars parked in front of trash containers which prohibited Republic Services from emptying them. Mrs. Duncan asked that the citizens avoid parking on the street and blocking access to trash and recycling containers.

Mr. Borowski

- Met with Nancy Bucher of the Tree Commission and got pricing for perennial plantings for the Dutch Rd. Roundabouts. He stated that volunteers are also needed to help with planting.
- Thanked all those that organized and volunteered for the Solar Eclipse event.

Mr. Garver

- No Report

Mr. Wagner

- No Report

Mr. Rozic

- Thanked all those that organized and volunteered for the Solar Eclipse event.

Mr. Bruno

- Thanked all those that organized and volunteered for the Solar Eclipse event. It was a great event.

Mayor Pedro

- Thanked all those that organized and volunteered for the Solar Eclipse event.
- Thank you to Michelle Smith from the Waterville Area Chamber of Commerce for attending the Council meeting.
- May 13 will be the Fallen Timbers Union Cemetery District Joint Meeting at 6 p.m. in the City of Waterville Council Chamber.
- Comprehensive Plan Committee's first meeting went very well with a great amount of discussion.

NEW 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 Section 139.03 (I) of 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. In addition, the adjacent vacant lot to the south, 112 S. Third Street, is also owned and maintained by Mr. Spilker.

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

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 required premium to be eligible to participate in the health insurance program effective May 1, 2024. An alternative version of Ordinance 04-24 is also enclosed which would eliminate elected official participation in the program effective May 1, 2024.

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Mayor Pedro moved to table Resolution 04-24, Mr. Bruno seconded the motion, which passed by a voice vote.

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.

Other Business

None

Adjournment

There being no further business to come before Council, Mrs. Duncan made a motion to close the meeting at 8:36 p.m. Mr. Bruno seconded the motion, which carried by a unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Timothy G Pedro, Mayor