

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

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

A prayer was offered by Mr. Guzman. The Pledge of Allegiance was recited.

Present at roll call were Mr. Marty, Mr. Guzman, Mrs. Brodie, Mayor Merrin, Mr. Valtin, Mr. Gouttiere and Mrs. Cherry.

Also present were Jim Bagdonas, Administrator; Philip Dombey, Law Director; Steve Schult, Treasurer and Melissa Cook, Deputy Clerk of Council.

Village Staff present:

Dale Knepper – 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 the minutes of the Regular Council Meeting held January 14, 2008:

Mrs. Brodie made a motion to approve the minutes of the January 14, 2008 Council meeting as written. Mr. Marty seconded the motion, which passed by unanimous voice vote.

Mayor Merrin presented Joe Beckler with a Certificate of Commendation and the Village's Carruth presentation piece honoring him for over 12 years of service to the Village of Waterville as Council Member.

Citizen's Comments:

Les Disher, Eileen Sullivan and Dr. John Grainger spoke to Council regarding the upcoming Anthony Wayne School levy. The three spoke to the details of the levy and of upcoming informational Townhall meetings. They closed by asking Council to consider passing a Resolution in support of the school levy.

Nancy Soper expressed to Council and the citizens of Waterville the need to continue their support of public transportation.

Staff Reports:

Administration: Mr. Bagdonas

- Stated that at the last Council meeting there was a question regarding the schedule of the installation of a traffic signal at the intersection of Waterville-Monclova and Dutch Rd. He added that he checked with the Lucas County Engineers' Office and was told that the County Engineers' 2008 budget does not include that traffic signal. The primary reason given was the City of Toledo has failed to reimburse the county \$500,000 for some work in connection with a project on N. Jerome Rd. adjacent to some land owned by the City of Toledo. If that changes

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

they will modify the budget.

- Said that construction has started on the Prairie Trail trunk sanitary sewer. The developer has contracted to install that sewer and this will ultimately serve the area west of Waterville-Monclova Rd. along the future Pray Blvd.

Law: Mr. Dombey – No report

Finance: Mr. Knepper –

- Presented to Council the fiscal year 2007 end of the year finance report. He briefly highlighted and summarized several revenue and expense items. He covered investment earnings and income tax collections.

Treasurer: Mr. Schult –

- Explained to Council the role of the Treasurer. He stated that the Finance Director does a great job in handling internal roles and financials and also day to day activities. The treasurer role is more of an oversight role and reports directly to and is appointed by Council. He is responsible, along with the Administrator, for signing all checks. If either of them is not available then the Police or Fire Chief can sign in their place. The treasurer also receives all bank statements at his home for independent review. He is then responsible for reconciling bank statements and occasionally responsible for reporting to Council the status of the financial accounts. He also added that he is one of 5 CPA's that sits on the Finance Committee.
- Mr. Schult passed out to the members of Council an audit report from the State for 2005-2006. He stated that that he would like them to look at the 10 pages of notes to the financial statements and added that they give a very good summation of how the Village finances work.

Communications from Council:

Mrs. Cherry stated that she supports passing a resolution for the Anthony Wayne School Levy and added that the burden falls on the teachers. She then made a motion to pass a Resolution that Council support the upcoming school levy for operating expenses for the Anthony Wayne School System.

Mayor Merrin stated that he believes it can wait until the next Council meeting if we have a majority of Council members that want to put it on the agenda.

Mrs. Cherry asked Mr. Disher when they would be announcing the organizations that are supporting the levy and when they would need to have this Resolution.

Mr. Disher stated that they would like to make an announcement at the February 11th board meeting.

Mr. Gouttiere seconded the motion and stated that due to time constraints he believes

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

they should have a discussion this evening.

Mr. Guzman stated that he wanted to applaud Dr. Grainger for the tough choices that he has made and for the money that has been saved.

Mrs. Brodie stated that she would also like to thank Dr. Grainger and would like to see Council pass something to support them and the levy.

Mr. Gouttiere stated that Anthony Wayne is an excellent school system and is one of the reasons why he and his family moved to Waterville. He added that the levy seems to be tailored in size to a responsible amount that meets the need of the school district without going overboard. Mr. Gouttiere stated that he believes it would be incumbent upon this Council to pass a resolution in support of the school system for the benefit of all the citizens.

ROLL CALL: Mr. Marty – yes, Mrs. Brodie – yes, Mrs. Cherry – yes, Mr. Gouttiere – yes, Mr. Valtin – yes, Mayor Merrin – no, Mr. Guzman – yes. Motion passed.

Mrs. Cherry continued by stating that she would like to express her condolences to the family and friends of Herb Mericle. She thanked Mrs. Soper for her comments on the need for public transportation. She added that she attended the Waterville Township Trustee meeting on Wednesday. Mrs. Cherry stated that park benches have been ordered for the playground area at Conrad Park. They are being donated by Waterville Bodyworks as part of their 20th anniversary funds from their car show that was held 4 ½ year ago. She added that they are planning on bringing their 25th anniversary car show to Conrad and Baer Parks this summer. Mrs. Cherry mentioned the article in the Mirror on the AWAKE Coalition and stated that she is now an officer of the Board of Directors. She added that the purpose of AWAKE is to “wake” up the citizens of the community to the problems of drug and alcohol abuse as well as providing alternate activities to promote healthy lifestyles. She asked members of the community for their help and support.

Mr. Gouttiere also thanked Mrs. Soper for her very well written remarks on the need for public transportation and added that we need to look at the needs of the community as a whole. Mr. Gouttiere commented on trash that is left behind after trash pick up on Fridays and questioned the efficiency of Allied Waste drivers. He also commented on the issues of the intersection at Waterville-Monclova and Dutch Rd. and strongly suggests that the county look into some type of traffic management at that intersection.

Mrs. Brodie suggested that Lucas County consider a lower cost option such as a three-way stop sign if a traffic signal is not in their 2008 budget. She added that it would be an adjustment for residents and suggested that the speed limit would need to be lowered. Mrs. Brodie stated that we must do what we can even though most of it is out of our control. She added that we are part of Lucas County and we need to keep asking

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

questions regarding traffic signals and stop signs and other temporary measurers. Mrs. Brodie also mentioned that Downtown Waterville, Inc. along with the Village and Debbie Hanna meet last week and stated that they are on target.

Mr. Guzman commented that a stop sign on the corner of Waterville-Monclova and Dutch cannot be used to slow down traffic and is illegal. He added that the Village should continue to push for the traffic signal that Lucas County committed to installing regardless of their budget. Mr. Guzman also wanted to thank the residents of Waterville who through the years have volunteered their time and expertise to the various committees. Mr. Guzman also stated that he has served on the Public Safety Committee for the past 14 years and wanted to thank the members of that committee for their passion and service.

Board/Commission/Committee Appointments:

Mayor Merrin stated that he wanted to add to his list of committee appointments Tom Bridges for Parks and Rec and Steven Miller for Public Safety. He also added that he is very excited about the new people that we have. He added that this is not a final list and he is still working on it. There are several more people that he still has to call and ask to serve again. He urged residents to keep applying for committees because we are still looking for people. He then told the members of Council that he would like to approve this list on one vote but if any one Council person objects to a single appointment we can do that on an individual vote. He then asked if there was a motion to accept the list of appointments.

Mr. Marty made a motion to accept the appointments. Mrs. Brodie seconded the motion.

Mrs. Cherry stated that there were 49 members on this list of appointments and of that 49 there were only 5 reappointed to the original committees that they served on. She stated that she looked over the 38 applications that they received today and there are a lot of individuals that have a lot of experience. She stated her concern is that there are some Council reps assigned to committees in which they have no experience. She also added that there are some committees who have not met their quota in which previous members have applied. She asked if the reason being was that they want to give others a chance. She also asked if there was a reason why others have been overlooked. Mrs. Cherry added that she has received comments from previous members who are wondering what they did wrong. She stated that never has any committee been flushed away and started from scratch. If there were vacancies it was because someone moved on. She then stated that since they have just received new applications and part of these committees are still in the process why don't we table this for another two weeks until they are all secure.

Mayor Merrin stated that he picked the best and most qualified people to serve on the committees. There is not a quota for residents to serve on most of the committees. The Council rules state that a minimum of two Council people need to be on each committee and I have fulfilled that requirement. He went over the preferences of the Council

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

members in which committees they wanted to serve and the difficulties in filling those slots and pleasing everyone. He added that in the past Council members have not received committee applications and are not aware of who is being appointed until they were recommended by the mayor at the meeting and then asked for a vote. He added that he does not understand the double standard. Mayor Merrin then stated that the people he selected are more than qualified to serve. There are several committees that are starting within a week and they need to be approved. He then stated that we are not tabling it and if we need to go through each individual person to vote on it we will.

Mr. Guzman stated that he expressed interest in only the Public Safety Committee and was rejected and replaced by Mrs. Brodie and Mr. Marty neither of which have any experience in Public Safety. He added that Jan Lowe, Steven Imes and Irma Shoemaker are also on his list of appointments for Public Safety.

Mayor Merrin stated that Donald Clark is on the list and Steven Miller was added today.

Mr. Guzman stated that the only qualifications that Jan, Steven and Irma have to serve on Public Safety are that they were political supporters and contributors to your campaign. He asked Mayor Merrin to look at their background and tell him that they are better qualified than the other candidates that have been serving on the Public Safety Committee.

Mayor Merrin stated that they are more qualified and he has full confidence that they can do the job. He added that in regards to Mr. Guzman's request to serve on the Safety Committee, five of the six people on Council asked to sit on that Committee. He can place a maximum of three but tried to give everyone two responsibilities so that leaves four people that will not sit on that Committee. It is not possible to satisfy everyone on Council's request to serve on the Committee that they would like. Mayor Merrin stated that Donald Clark has served the Toledo PD for over 27 years and is more qualified than anyone that sits on the Safety Committee. He applied in 2005 and is still not on it. He added that he did not know Mr. Clark and he did not support his campaign and it is outrageous that he has been waiting 3 yrs. to serve the community. Stating that we want the most experienced people on the committees is not the case because the most experienced people in this town have not been allowed to serve.

Mr. Guzman stated that is one example.

Mayor Merrin stated that all of these people are more than qualified. He added that he is not sure what Mr. Guzman considers to be a prerequisite on the Safety Committee because he is not sure that he has any prerequisites himself before he served. Mr. Marty has been in Safety Mgmt. for over 15 yrs. at UPS. Mrs. Brodie & Mrs. Glaza are more than qualified. Jan Lowe is a paralegal, Steven Imes has a bachelor's degree and manages 15 employees on a daily basis and Irma Shoemaker is an upstanding woman of our community. He added that he is reappointing Steven Miller who was an acting Police

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

Chief in Waterville. These people are more than qualified to sit on this committee. He added that of the 21 people that he wants to appoint five of them donated to his campaign. Fifty four people donated to my campaign so five out of 54 were appointed. He added that he did some research and found that there are 17 people that currently serve on committees or represent a commission that contributed, or had spouses that contributed to the former mayor's campaign.

Mr. Guzman asked how Mayor Merrin can tell them that Tom Titus doesn't deserve to be on the Finance Committee.

Mayor Merrin stated he is not applying to be on the Finance Committee. There is one position available.

Mr. Guzman stated that he is applying for the Finance Committee, Personnel Board and Economic Development. Read this information and you might understand it.

Mayor Merrin asked which one he would like for him to examine first.

Mr. Guzman then stated, "You can read, right?"

Mayor Merrin asked that it please be put on the record that he cannot read. Mayor Merrin then stated that there is one position available on the Finance Committee and he is reappointing the incumbent. He continued to go over his appointments and restated that he is not finished with the list and is still working on it.

Mrs. Brodie asked Mr. Bagdonas to go over the committees and how they are seated.

Mr. Bagdonas stated they he divides the boards and commissions into two categories. The first are those that are created by either Charter or Ordinance. That would include the Finance Committee, the Tree Commission, the Historic District Commission and the Planning Commission. Typically on those boards and commissions the terms are a little bit longer and set up on a staggered basis. There are a fixed number of members on those boards and commissions and in the case of the Finance Committee there are specific positions that certain members fill such as the Treasurer, the Administrator and the Tax Commissioner. These people are on there because of their position with the Village. At this time in the cycle there is one citizen member of the Finance Committee whose term expired last December 31st. The other boards and commissions which include Public Works, Solid Waste and Recycling, Parks and Recreation, Public Safety and Economic Development have their roots in the Rules of Council and generally speaking there are to be at least two but not more than three members of Council in each and at least 3 members in total. There is no maximum limit on the number of positions on those committees and all of the terms are up every two years coincidental with the municipal elections. That is how we got to the point where these particular vacancies are open.

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

Mayor Merrin then asked Mr. Bagdonas if Mr. Titus was still on the Finance Committee.

Mr. Bagdonas stated yes.

Mr. Valtin stated that he could care less who contributed to which mayors campaign. When he looks through the list applications and looks at the list of people who were not selected to be appointed it is kind of a who's who of Waterville. There are people who have been in the Village for a long time and have been active in different committees and have given their time. He stated he has a real issue that so many of those people are left out. His second issue is that he doesn't believe it makes sense to appoint a partial list. If we are going to look as the committee as a group we need to know who is going to be in it. His third issue is that he has been on committees where they have been entirely replaced with new people and his experience is that this doesn't work. It take a long time for people to get up to speed. He added that he doesn't believe we can completely scrap these committees.

Mayor Merrin asked which committees have been completely scrapped. On the Public Works Committee there is still one individual who has served that he is planning on calling.

Mr. Valtin stated there are committees where there is only one person remaining on it and that is about as close to being scrapped as you can get. He added that he believes that some of these committees need to be revisited and doesn't feel comfortable going forward.

Mr. Gouttiere stated the he doesn't believe they are ready to go forward tonight and confirm the candidates that are being offered. There should be a chairman of a committee who has some experience. We need to have people on the committee who have some experience if for no other reason then for the community memory of the committee. He also added that when we fill these vacancies we should fill all of them. Mr. Gouttiere proceeded to go over some of Mr. Merrin's appointments on the Public Safety Committee.

Mayor Merrin stated that he cannot help that there is going to be a chairman on a committee that doesn't have experience. He explained that the administrator and department heads are there to explain past results so the committees are not in the dark. He also stated that there are not technically vacant seats because there are not a set number of people on these committees. He added that Council does not have to approve his list of appointments but if you think there are going to be more names added for you to choose from you are mistaken. He presented his list and if you do not want to appoint these people they won't be appointed but your people won't be appointed either.

Mr. Gouttiere stated that he understands that in some instances you may not have an experienced chair of a committee. But that is one reason why you want to have some

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

continuity with people of experience. There ought to be someone in addition to the chairman that has experience. There are a number of people who have been on them in the past who are not on now and it would be a benefit to have them on there for the benefit of institutional memory.

Mayor Merrin stated that he appreciates Mr. Gouttiere's advice but if you want the responsibility to make these appointments then you should run for Mayor.

Mrs. Brodie offered suggestions on how to resolve this to avoid putting the committees in a stalemate. She suggested that they add a couple of the existing members who have been on and allow some of the new members to come on since there are not limits to the numbers. She stated that they might need to have a further discussion and an additional meeting in the future to decide what is reasonable.

Mr. Gouttiere stated he would be open for an extra meeting. He added that it would be nice going into this if we knew how many people the Mayor was intending on appointing. It is the Mayor selection but it does have to be approved by Council. It sounds like it is going to have to be a collaborative process.

Mayor Merrin told Mr. Gouttiere that he does not know if he didn't make himself clear before. You are not going to grant me the courtesy of putting these people on the committees. There is not going to be another person for you to have an option to put on. If you are not going to approve these people then there will not be any one else to approve.

Mr. Guzman called for the question. Mr. Gouttiere seconded.

ROLL CALL: Mr. Marty – yes, Mr. Guzman – no, Mrs. Brodie – yes, Mayor Merrin – yes, Mr. Valtin – no, Mr. Gouttiere- no, Mrs. Cherry – no. Motion failed.

Mayor Merrin stated that there are several committees that we have to have people on and wanted to draw their attention to the Lucas County Improvement Corporation Board which meets in a couple days. He added that we need Mr. Bagdonas to be our representative.

Mr. Guzman made a motion to appoint Mr. Bagdonas as the Village representative to the LCIC. Mrs. Brodie seconded the motion. Motion carried by unanimous voice vote.

Mayor Merrin stated that the Planning Commission meets within the next week. He asked if there was a motion to appoint Richard Roach to the Planning Commission.

Mrs. Brodie made a motion to appoint Richard Roach to the Planning Commission. Mayor Merrin seconded the motion, which failed by voice vote with Mr. Marty, Mayor Merrin and Mrs. Brodie voting 'yea' and Mr. Gouttiere, Mr. Valtin, Mr. Guzman and

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

Mrs. Cherry voting 'nay'.

Mayor Merrin then called for a roll call vote for an accurate count.

Mr. Guzman asked if there was time for discussion. He stated that he thinks that it is great that Mr. Roach applied for the Planning Commission but it looks like there are other applicants who applied, in particular Dr. Roetter, who has a lot of experience.

Mayor Merrin stated that is not a decision that he has to make because Dr. Roetter is not up for a vote Mr. Roach is up for vote. You are not voting on Dr. Roetter you are voting on Richard Roach.

Mr. Gouttiere stated that he doesn't have sufficient information on Mr. Roach to form an opinion. He doesn't have anything specifically against him but what he sees them doing is going through this on a piece meal fashion and backdooring that decision. He stated that if the roll is called he is likely to vote against him for lack of information.

Mayor Merrin stated that the reason we are going in this fashion is because there are some committees that are meeting sooner than others. Planning Commission is meeting in a week and needs to be filled and if you are not going to fill it then there will be a vacancy and there will continue to be a vacancy.

Mr. Guzman asked if it needs to be filled. Is there a minimum of amount of members that needs to be on at the next meeting?

Mayor Merrin stated there has to be a quorum of at least three. The committee is still operable and can meet.

Mr. Valtin asked if there are committees that they have to appoint members to tonight.

Mr. Bagdonas stated that he would suggest they take a look at the Tree Commission because at their next meeting we will be talking about the Downtown Project. There are two members that are going to be reappointed. Because of the major project that is coming to them and since these are reappointments you might want to want to look at them.

Mayor Merrin thanked Mr. Bagdonas and asked to finish up with Mr. Roach's appointment and asked if there were any more questions.

ROLL CALL: Mr. Marty – yes, Mr. Guzman – no, Mrs. Brodie – yes, Mayor Merrin – yes, Mr. Valtin – no, Mr. Gouttiere – no, Mrs. Cherry – no. Motion failed.

Mayor Merrin asked Mr. Gouttiere if he had enough information on the Tree Commission reappointments.

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

Mr. Gouttiere stated yes.

Mrs. Cherry made a motion to approve the reappointments of Nancy Bucher and Laura Nilsson to the Tree Commission. Mr. Guzman seconded the motion, which passed by unanimous voice vote.

Mrs. Brodie made a motion to approve the reappointment of Sonja Delaney to the Finance Committee. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Mayor Merrin stated seeing that we have no consensus on any of the other appointments we will move on to the agenda.

OLD BUSINESS:

- A. **ORDINANCE 30-07** - AN ORDINANCE AMENDING PART THREE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WATERVILLE – SCHEDULE II OF THE TRAFFIC SCHEDULES: SPEED LIMITS REGARDING WATERVILLE-MONCLOVA ROAD

- B. **ORDINANCE 31-07** - AN ORDINANCE AMENDING PART THREE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WATERVILLE – SCHEDULE II OF THE TRAFFIC SCHEDULES: SPEED LIMITS REGARDING DUTCH ROAD

The Lucas County Engineers’ office is doing an internal evaluation of the speed limits on the roads involved. Council has tabled both Ordinances.

C. N. THIRD ST. SIDEWALK ASSESSMENTS

Mr. Bagdonas went over his Council memo concerning the details of the proposed sidewalk assessment options. Council continued with a brief discussion.

Mr. Gouttiere made a motion to move forward with the process using option one with the option of a 10-year assessment. Mrs. Cherry seconded the motion, which passed by voice vote with Mr. Marty, Mr. Guzman, Mrs. Cherry, Mrs. Brodie and Mr. Gouttiere voting ‘yea’ and Mr. Valtin and Mayor Merrin voting ‘nay’.

NEW BUSINESS:

- A. **RESOLUTION 05-08** - A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO CERTIFY A “THEN AND NOW” CERTIFICATE FOR B.P. PRODUCTS NORTH AMERICA IN

Village of Waterville
Minutes of Regular Council Meeting of:
January 28, 2008

EXCESS OF \$3,000.00 FOR APPROPRIATED FUNDS PREVIOUSLY
AUTHORIZED BY ORDINANCE 34-07

Mr. Guzman made a motion to adopt Resolution 05-08. Mayor Merrin seconded the motion. Motion carried by unanimous voice vote.

Mrs. Cherry explained to the new Council members that in the past each Council member has submitted a list of goals that they would like to see accomplished for the next budget year and suggested that they also submit a list.

Executive Session:

Mrs. Brodie made a motion to go into executive session at 9:45 pm to consider a personnel matter. Mr. Guzman seconded the motion.

ROLL CALL: Mr. Marty – yes, Mrs. Brodie – yes, Mrs. Cherry – yes, Mr. Valtin – yes, Mr. Gouttiere –yes, Mayor Merrin – yes, Mr. Guzman – yes. Motion carried.

Return to Regular Session:

Mrs. Cherry made a motion to resume the regular Council meeting at 10:07 p.m. Mr. Gouttiere seconded the motion which carried by unanimous voice vote.

Adjournment:

There being no further business to come before council, Mr. Gouttiere made a motion to close the meeting at 10:08 pm. Mrs. Cherry seconded the motion. Motion carried by unanimous voice vote.

Melissa Cook
Deputy Clerk of Council

Derek Merrin
Mayor