

Village of Waterville
Minutes of Regular Council Meeting of:
October 27, 2008

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

Mrs. Cherry led Council in prayer. Boy Scouts from Pack 101 attended the meeting to fulfill a requirement of their Citizenship and Community merit badges. They led the Pledge of Allegiance.

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

Approval of the minutes of the Regular Council Meeting held October 13, 2008

Mayor Merrin made a motion to approve the minutes of October 13, 2008, Council meeting. Mr. Marty seconded the motion, which passed by unanimous voice vote

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

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

Scout leader, Mr. Witzler, explained that the nine Boy Scouts attended the meeting to learn about the rules and workings of Village Council. One of the scouts is working on his Communications merit badge. Mayor Merrin welcomed the scouts and told him that he will be speaking at their next scout meeting.

Staff Reports:

Administration: Mr. Bagdonas:

- Reported that he, the Public Works Director and the Village Engineer made a presentation to the TMACOG Transportation Enhancement Committee. We have made application for a grant for some work on Third Street between South Street and Farnsworth Road similar to the Streetscape that was just completed.
- Received a call from the developers of the Villages at Waterville Landings project regarding the creation of a second TIF area to encompass the territory that has been rezoned from residential to commercial since the original TIF was set up.
- Discussed the letter that he received from the Ohio Department of Transportation regarding a proposed mural for the retaining wall on the US24 Bypass. The letter indicated that they were requesting an answer by the middle of November. Each one of the scenes on the mural would depict a place of interest in Waterville (Ex: The Train Depot, the Columbian House, Perkins Mill, the gazebo). Mayor Merrin stated that this may be more money than he would suggest spending on a project like this. Following discussion it was suggested that we could make this an agenda item for the next Council meeting to allow for public input

Law Director: Mr. Dombey - No report

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Treasurer: Mr. Schult - No report

Communications from Council:

Mrs. Cherry:

- ♣ Attended the meeting of the Board of Zoning Appeals meeting.
- ♣ Noted that the Shops at Fallen Timbers are members of the Chamber of Commerce, which she was pleased to see. She discussed how nice it will be working together.
- ♣ Discussed Red Ribbon Week. The AWAKE organization has provided Red tulips to be planted at some of our schools to symbolize the "Plant the Promise Program" regarding making the choice to make good healthy choices.
- ♣ Thanked the Scouts for attending the meeting.
- ♣ Stated that people are asking her what is going on across from the fire station. Many people thought that the work pertained to the new bypass.

Mr. Gouttiere:

- ♣ Thanked the scouts and scout leaders for coming and for all of their hard work and commitment to the scouting program.
- ♣ Asked Mr. Bagdonas about the installation of the sewers up to Pray Blvd. He was wondering if the project was running on time. Mr. Bagdonas stated that this is not our contract but he did know that they had run into some rock and were running behind schedule.

Mr. Valtin:

- ♣ No report

Mrs. Brodie:

- ♣ Reported that the next quarterly Safety Committee meeting is scheduled for Thursday, November 6th.

Mr. Marty:

- ♣ Asked that Mr. Guzman's absence from the meeting be excused because Mr. Guzman is out of town. Mr. Marty made a motion that this be approved. Mr. Gouttiere seconded the motion. All approved by unanimous voice vote.

OLD BUSINESS:

- A. **ORDINANCE 33-08** - An ordinance Enacting Section 533.14 of Part Five - General Code of the Codified Ordinances, Prohibiting Sexually Oriented Offenders from Establishing a Residence or Occupying Residential Premises in the Municipality of Waterville within 1000 Feet of Certain Properties in and near the Municipality of Waterville, Adopting the Determinations and Intent Articulated in

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Section 2950.02 of the Ohio Revised Code, establishing Injunctive Relief for Violations

Currently Tabled

This Ordinance remains tabled after being sent back to the Public Safety Committee for review at the September 8th Regular Council Meeting. The Committee is scheduled to meet on November 6th.

- B. **ORDINANCE 36-08** - An Ordinance Amending the Zoning Map of the Village of Waterville to Grant a Conditional Use Permit to the Kroger co. to Operate a Supermarket Greater than 75,000 Square Feet in the Villages at Waterville Landing Development Located at the Northeast Corner of State Route 64 and the Proposed US 24 Bypass

Second Reading

- C. **ORDINANCE 37-08** - An Ordinance Amending Chapter 1157 of the Planning and Zoning Code with Respect to the Historic District Commission.

Second Reading

- D. **ORDINANCE 38-08** - An Ordinance Enacting Chapter 153 of the Administrative Code with Respect to the Historic District Commission

Second Reading

- E. **ORDINANCE 39-08** - An Ordinance Amending Section 151.02 (b) of the Administrative Code with Respect to the Tree Commission.

Second Reading

- F. **ORDINANCE 40-08** - An Ordinance Amending Section 121.03 of the Administrative Code with Respect to the Rules for Advisory or Study Committees.

Second Reading

Ordinances 37-08 through 40-08 deal with the appointment process for the Historic District Commission, the Tree Commission and the Advisory or Study Committees created under the Rules of Council (currently the Economic Development Committee, the Parks and Recreation Committee, the Public Safety Committee and the Public Works Committee). The current process would be modified so that if a vacancy is unfilled for 60 days or more, the members of Council approving an individual that has been nominated by a Council member could fill it. Charter amendments would need to be placed on the ballot and approved by the voters to implement similar changes for those four groups.

NEW BUSINESS:

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- A. **ORDINANCE 41-08** - An Ordinance Levying Assessments pursuant to the Ohio Revised Code Chapter 727 for the Sidewalk Improvement Program included in the Downtown Revitalization Program on North Third Street

First Reading

Construction has been completed on the program. This ordinance approves the assessments to the property owners as previously listed in the Resolution of Necessity. Mr. Bagdonas explained that this is a step that must be taken before the bills are sent.

- B. **RESOLUTION 45-08** - A Resolution Authorizing the Municipal Administrator to Approve Change Order Number One to a Contract with American Suncraft Construction Company for the Rehabilitation of the Sycamore Lane Elevated Water Tank

During the course of this project, addition work became necessary due to originally unforeseen conditions. This work is described in the Proudfoot Associates letter attached to the Resolution. The Change Order will result in a net increase of \$10,300 in the contract. Including the amount of the increase, the project will remain within its previously approved appropriation.

Mrs. Brodie made a motion to approve Resolution 45-08. Mrs. Cherry seconded the motion. The motion carried by a unanimous voice vote.

- C. **RESOLUTION 46-08** - A Resolution Adopting an Identity Theft Policy

When Congress passed the Fair and Accurate Credit Transactions Act of 2003 (FACTA), it charged the Federal Trade Commission (FTC) with enacting rules regarding identity theft. On November 7, 2007, the FTC enacted the final rules, known as "Red Flag" rules, which had an effective date of November 1, 2008. On October 22, 2008, the FTC granted a six-month delay of enforcement of the "Red Flag" rules until May 1, 2009. These rules require certain municipal departments to enact policies and procedures regarding identity theft. Even though a six-month delay has been granted, the Village is ready to implement an Identity Theft Policy as outlined in this Resolution.

Mrs. Cherry made a motion to approve Resolution 46-08. Mr. Gouttiere seconded the motion. The motion carried by unanimous vote.

- D. **RESOLUTION 47-08** - A Resolution Adopting a Plan under the Ohio Public Employees Deferred Compensation Program (OPEDCP) Administered by the OPEDCP Board for Participation by "Eligible Employees" of the Village of Waterville

Since 1983, Village employees have been able to participate in a deferred compensation plan through the International City Management Association (ICMA). The OPEDCP

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offers a virtually identical but with the advantage of more personalized customer service. These plans are commonly referred to as 457 Plans since they comply with the Internal Revenue Code 457. This Resolution would give Village employees a choice of either plan. Voluntary deferrals to the plans are taken from an employees's pay with a Village match of up to 2 1/4 %. There will be no additional cost to the Village by offering two plans instead of one.

Mrs. Cherry made a motion to approve Resolution 47-08. Mr. Gouttiere seconded the motion. The motion carried by unanimous vote.

- E. **RESOLUTION 48-08** - A Resolution Authorizing the Municipal Administrator to Purchase Treated Bulk Deicing Salt from the Lucas County Engineer for the 2008-2009 Winter Season

For several years, the Village has received the benefit of the large volume purchasing power of the Lucas County Engineer's (LCE) Office to purchase road salt for the winter season. This Resolution would authorize the purchase of treated bulk deicing salt from the LCE at the unit price of \$86.50 per ton. It is anticipated that approximately 1,000 tons will be needed for the 2008-2009 winter season. Since last year's unity price was \$35.00 per ton and we have been told that we may not be able to purchase more than 1,000 tons, we are evaluating our salting practices in order to reduce our salt usage. This will likely result in limiting our "bare pavement" salting policy to main streets and salting intersections, sharp curves and cud de sacs on local streets.

Mr. Bagdonas explained the importance of purchasing this salt now. If we wait we run the risk of it not being available and/or the cost being higher. When asked, Mr. Bagdonas and Mr. Dombey stated that it is not available at a lower price on the open markets. It is less expensive to buy it from the LCE because they buy in bulk. This cost will be factored into the 2009 budget. Mr. Blair will likely speak to Council about this at the next Council meeting. Mr. Marty asked about educating the public via our website and Mr. Bagdonas agreed that this is a good suggestion. We are planning on putting an article and a map in The Canal Post.

Mr. Valtin made a motion to approve Resolution 48-08. Mrs. Brodie seconded the motion. The motion carried by unanimous vote.

- F. **RESOLUTION 49-08** - A Resolution Authorizing the Municipal Administrator to Retain the Lucas County Engineer to Provide Pavement Marketing Services for Village Roadways

This is a routine annual item where the Village utilizes the LCE to perform pavement marketing services on various Village streets. This year's cost is \$5,275.00

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Mr. Marty made a motion to approve Resolution 49-08. Mrs. Brodie seconded the motion. The motion carried by unanimous vote.

G. **RESOLUTION 50-08** - A Resolution Authorizing the Municipal Administrator to Enter into a Contract with Dunbar Mechanical Inc. to Remove a Damaged Pump and to Install a Replacement Pump at the Dutch Road Sewage Pumping Station

Sanitary sewage from all Village customers flows through the Dutch Road Sewage Pumping Station. One of the three pumps needs to be replaced due to the failure of a locking mechanism on the pump impeller, which allowed the impeller to back off of the shafting resulting in damage to both the impeller and the pump housing. Dunbar Mechanical Inc. has previously performed similar work at the Dutch Road Sewage Pumping Station; therefore, they are familiar with the close quarters and the 36-foot depth of the work site. This Resolution would authorize a contract with Dunbar Mechanical Inc. in the amount of \$5,697.00 to remove the existing pump and to install the new pump in accordance with their proposal. With the significant increase in construction costs over the past three years, Council may wish to consider raising the \$5,000 limit whereby the Municipal Administrator in certain situations is authorized to enter into contracts without specific Council action. Such a change would involve amending Section 133.03 of the Codified Ordinances.

Mr. Gouttiere made a motion to approve Resolution 50-08. Mrs. Brodie seconded the motion. The motion carried by unanimous vote.

Adjournment:

There being no further business to come before Council, Mayor Merrin made a motion to close the meeting at 8:03 p.m. Mr. Marty seconded the motion, which carried by unanimous voice vote.

Jennifer Carter
Clerk of Council

Derek Merrin
Mayor