

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 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. Brodie led Council in prayer. 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.

Approval of the minutes of the Regular Council Meeting held October 27, 2008

Mr. Gouttiere made a motion to approve the minutes of October 27, 2008, Council meeting. Mrs. Cherry 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.

Village Staff present:

Dale Knepper, Director of Finance and Administration

Robert Selders – Waterville Chief of Police

Keith Moosman – Ass't. Chief, Waterville Fire Department

Ken Blair – Public Works Director

Several members of the media were also present.

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

A large number of citizens gathered in Council Chambers to express their opinions about Ordinance 33-08. This Ordinance had been tabled pending a Public Safety Committee recommendation concerning revisions. Mayor Merrin assured the residents that everyone would be given a chance to speak. The residents who turned in a request form to address Council will be called on first, with anyone else wishing to speak to follow. He asked that everyone be respectful of those speaking so they can be heard.

Mr. Gouttiere suggested that they should consider passing a microphone rather than having speakers try to make their way to the podium. It was decided that residents should speak from the podium so that the television viewers would be able to see the speakers.

Bill Albert stated that he lives on Maple Lane has been a resident of Waterville for 27 years. He was upset that he had not been notified by the Village Administration regarding Ordinance 33-08. He felt that he should have been given adequate notice of the meeting and that notification should have been posted at Village Hall, the Post Office and the Library. He stated that there was not a map available for him to view. He feels that the Village is in full compliance with the state mandate and stated that this ordinance goes beyond the state law, which is not necessary. He stated that according to The Blade there is only one sex offender living in Waterville and the Waterville Police Department

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

confirmed that he had committed this crime many years ago and has not reoffended. Mr. Albert stated that his neighborhood has a high concentration of children and attracts young families with small children due to the large number of starter homes. He stated that this street is outside the proposed area and is traveled by many children on their way to the Library, Conrad Park, Fallen Timbers Rec Center, the supermarket and the Ice Cream Store. He stated that property values would likely be decreased because this neighborhood would have the potential to become a haven for sex offenders. He referred to the Mayor's statement in The Blade about that ordinance being misunderstood is "double speak". He feels this ordinance does nothing to protect the citizens because most sex offenders are known by their victims.

Jan Lowe said that as a mother and grandmother she fully supports this legislation. She stated that the Safety Committee voted 9-0 in favor of this legislation. She reported that they all agreed that this was best for all of Waterville. She asked that Council not yield to a few streets to oppose this but to do what is right for Waterville. She thanked Mayor Merrin for caring enough "to take this issue on" and stated that she wished there were more elected officials who cared about her family as much as he does. She urged Mayor Merrin to "stand his ground because the children of Waterville are counting on you".

Michael Metzger applauded Jan Lowe for having the guts to stand up and speak. He lives on Maple Lane and he said that no one doubts that this legislation was created with "a good heart and the best intentions", but he feels that this creates a substantial risk. He acknowledged that he wore a badge for 16 years and he has talked with the victims of sex offenses and he "does not want to see that happen in Waterville". He and his wife moved to Maple Lane two years ago because this is "a low crime area, a harmonious community". He stated that sex offenders would come here in droves if we pass this legislation. He repeated that he does not question that this legislation was created with the best intentions, but that when Mayor Merrin was running for office he (the mayor) told him (Mr. Metzger) to let him know if there was ever anything that he could do for him. Mr. Metzger asked Mayor Merrin to "not do this to the community"

Peg Ryan also lives on Maple Lane and fears for the value and marketability of her home. She stated, "that unless this ordinance blankets the entire village it is wrong to impose the restrictions in most areas, thereby, creating the perception that those unrestricted areas are less safe within our village". She stated that it has been reported, "that 80% – 90% or more of all child molestations are committed by people who know their victim" and that this ordinance will not protect our children. She feels that this ordinance would only cause her home to be considered less valuable than a similar home in a restricted are.

Laura Aossey lives on Mattatuck Way. She referred to a comment made by Mr. Marty at a previous meeting when he said that he had a responsibility to protect the citizens of this community. She said that he has a responsibility to protect all citizens, not just some. She referred to a comment that Mayor Merrin had made to her via e-mail. He said "the goal is not to herd sex offenders into specific areas, but to protect susceptible areas". She replied that all areas of Waterville are suspect. The homes in the unrestricted areas cost less than those in areas such as Bridgehampton Woods and this makes them more

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

affordable for the sex offenders to live there. There are rental homes on Naugatuck Way which makes this area more susceptible to sex offenders. She disagrees that home values are not decreased in unrestricted areas and that research establishes that. She gave the example that if 2 comparable homes were for sale for the same price, one in the restricted area and 1 in the non-restricted area, that the home in the restricted area would be sure to sell first.

Jessica Rochte said that this seems like a really good idea in theory and that she wishes that we could figure out a way together to make this work. She said that the report in The Blade stating that there is only 1 sex offender in Waterville is wrong and that if you look at the Ohio State website it reports that there are 4 sex offenders living in Waterville.

Chastity Armola lives on Cherry Lane and she has been a residence of Waterville since 1986. She feels that this ordinance puts our children's safety in jeopardy. She stated that not all sex offenders are registered even though law requires it.

Raul Flores also lives on Cherry Lane. He felt that a lot of great ideas have been shared at recent meetings.

Fred Anderson lives on Cherry Lane. He disagreed with Mayor Merrin's statement that only a handful of residents are upset about this ordinance. Most residents in non-restricted areas were not aware of this until two meetings had already been held. He said that approximately 400 homes would be negatively affected by this proposal as well as small businesses (ex: Sweet Retreat, Franklins, and The Movie Gallery). He said that the children and parents would no longer feel safe when the children are playing outside.

Phil Enderle lives on Cedar Lane and he said that this ordinance scares him. He said that four of the 9 members of the Safety Committee voted against what the citizens said they wanted. He said the citizens are not going to sit by and let this happen. He feels this legislation is not based on facts or research. He said that the school board would not be happy with this. He stated that if it weren't for Bill Albert going door to door, the neighbors would not even be aware that this was happening because no notice was given by the administration. He asked how much money has been spent drawing up maps for this pending legislation. Mayor Merrin stated that Proudfoot Associates was hired to draw up the maps and Mr. Bagdonas confirmed that 3 or 4 maps had been drawn at a cost of approximately \$150 - \$200 per map

Laura Hibbard stated that during a phone call with Mayor Merrin he told her that a lot of prestigious areas in Ohio have this in place. She stated that she asked Mayor Merrin if this was part of a political agenda to promote himself. Mayor Merrin responded that before he made that statement he said that this is important because children are important.

Norm Witzler lives on Mattatuck Way and he stated that we do not need this legislation because we are covered by the state legislation. He said that at the meeting on Thursday a psychologist said", once we do something like this word will be out across the internet

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

that Waterville is a safe haven for predators because the Village will not be able to get rid of them". He said that he's pretty sure that this ordinance will not pass because most Council members are not in favor of it so he is putting his trust in them.

Carl Anderson lives on Cherry Lane and has lived in the village for 40 years. He stated that "People Finder" indicates that there are 4 predators living in Waterville (not 1 as The Blade reported) and none of them live in the restricted areas.

Tom Bloomquist and his wife moved to Karis Street two months ago because they knew this was a safe, affordable area with good schools. Their first priority was to live in an area that was safe for kids.

Dean Barley lives on Liberty St. He realizes that this ordinance was started with good intentions but the state law, which already covers areas such as schools, day cares and pre-schools, already governs us. In the end this new ordinance is going to attract sexual offenders rather than detract them. He is an advocate of minimum government and asked that we not waste money

Michelle Patterson lives on Cherry Lane and she spoke to Mayor Merrin on the phone. She is concerned that the ramifications of this ordinance may not be apparent until years down the road. She also feels that her children's friends' parents may not want their children to come to play at her house because their home is in an unrestricted area. She told Council that she hopes that they will vote against this ordinance and asked, if they do that, what other safety measures are they considering.

Chris May lives on Cherry Lane. He mentioned Waterville's designation as "one of the top 10 best cities to raise children". He wants his children to experience what he had as a child living in Waterville. His daughter, Emily, later stated that she agrees with her dad and she told Council that she wants Waterville to "stay safe".

Brad Hibbard, Jennifer Wood, Jeanne Duby, Jeff McVicker, Cindy Favorite, Meg Kennedy, Becky Squire, AnnMarie Minnick, and Ryan O'Toole also expressed their opinions to Council. Comments included: the importance of Waterville not being a welcome wagon to predators, that we can't make a comparison between Waterville and Ottawa Hills, that this ordinance would put special needs children at risk, and that citizens will be very watchful of Council's decisions.

One resident tearfully addressed Council and spoke of her experience as the victim of a sexual predator who seriously harmed herself and a lot of other people. She stated that predators do not register as they are required to do. She said that she would never be comfortable letting her grandson, nieces or nephews play outside without her being with them. She asked Council to please not pass this ordinance.

Laura Aossey addressed Council for the second time and asked that "Child Safety Zones" be considered to allow for added protection to the state mandate.

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

Communication from Council:

Mrs. Cherry

- Stated that agrees with the citizens and she remains opposed to the passage of Ordinance 33-08. She thanked the citizens for coming to this meeting.
- Discussed the AWAKE program, of which she is President
- Acknowledged that there had been discussion about all of the residents being notified regarding the sex offender ordinance but it wasn't done because of the type of ordinance that it is.

Mr. Gouttiere

- Said that he one of the major reasons he and his family moved to Waterville was safety also. He also agrees that the sex offender ordinance would put kids in these targeted areas at risk. He stated that the citizens have given him 13 good reasons to vote against this ordinance tonight – and he thanked them for their insight.

Mr. Valtin

- Stated that he also grew up in Waterville and he knows a lot of the citizens that are here tonight. He agrees with everything that has been said tonight and he feels that we do not need this ordinance. He doesn't see how this would make kids any safer. He will be voting against this ordinance and he hopes we never see this issue on the agenda again.

Mrs. Brodie

- Appreciates the citizens coming and not choosing to yell at Council. She explained that when she first heard about the sex offender legislation it sounded good, but after she researched it she is against it. She does believe that there are things we can do (ex: the Chief of Police is working on a Block Watch Program). She explained that this legislation had to go through the proper procedure to get to the point of voting on it. She also stated that we don't need this attention (media) to our town.

Mr. Guzman

- Acknowledged that he enjoyed serving on Council.
- Stated that he has been opposed to this legislation from the beginning.
- Enjoyed all of the citizens coming to Council today with their well thought out comments.
- Stated that 98% of the offenses against children are made by family and friends. This ordinance would create a false sense of security and it does not stop the transient offenders. He reiterated that the offenders are among us and we must keep an eye out for them.

Mr. Marty

- Also thanked the citizens for giving 1, or for some 2, entire evenings to come and discuss this ordinance. He stated that he is a member of the Safety Committee and that they did have the best of intentions with this ordinance. The wanted to

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

make Waterville a safer place – and that is a common goal amongst everyone. He stated that he will be voting no on this ordinance tonight.

Mayor Merrin

- Mayor Merrin once again welcomed all residents to speak. He realizes that this is not perfect. He stated “Believe it or not, we all have the same goal – to keep sexual predators out of Waterville”. He does not want a predator to be able to easily stand on his or her property and snatch a child out of a park and quickly take them into their house. This was a noble cause. He stated that communities that have passed this type of ordinance have reported that property values have increased – not decreased.

- He attempted to continue with his explanation of his reasons for feeling that this ordinance should be passed. However, the residents did not allow his voice to be heard over their insistence that Council take the vote. He expressed his displeasure that after allowing over thirty residents to speak that he was not given the same courtesy.

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

This Ordinance had previously been tabled and sent back to the Public Safety Committee for review. The Committee met on November 6th. A motion was made by Mrs. Cherry to remove Ordinance 33-08 from the table. Mr. Valtin seconded the motion. This motion was approved by a 7-0 vote.

Mr. Marty made a motion to remove Ordinance 33-08 from the agenda. The motion died from lack of a second.

Further discussion continued with each Council member offering further comments regarding Ordinance 33-08.

Mayor Merrin made a motion to adopt Ordinance 33-08. Mr. Gouttiere seconded the motion, which failed 6-1. Mayor Merrin voted for the Ordinance.

An informal break in the meeting took place while residents left Council Chambers and members of the media spoke to the Mayor, members of Council, and the residents. The meeting resumed at 9:22 pm.

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

Mayor Merrin explained that due to the length of conversation regarding Ordinance 33-08, the agenda was being altered.

- 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

Third Reading

Mr. Guzman mentioned that Council appreciates Kroger's willingness to invest in our community.

Mrs. Brodie made a motion to adopt Ordinance 36-08. Mr. Guzman seconded the motion, which passed unanimously.

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

Third Reading

After explaining her vote, Mr. Brodie and Mr. Marty both feel that there is not a need for this legislation. Mr. Gouttiere explained why he proposed the 60-day time period and he does not feel that 60 days is too short. Mayor Merrin stated that this ordinance is a prime example of history repeating itself and that this takes power away from the Mayor and gives it to the Council Members. He stated that this legislation discriminates against him and the office of the Mayor. Mrs. Cherry said that this falls under the need for "checks and balances". She said this may never have to be used at all but it ensures that people can come to Council with their concerns and is another tool for people to protect their rights. Mayor Merrin disagreed and said this actually takes away the "checks and balances" process. Mr. Gouttiere stated that the sex offender issue that was dealt with tonight is an example of why this is needed – "because the Public Safety Committee did not do their job".

Mr. Gouttiere made a motion to adopt Ordinance 37-08. Mrs. Cherry seconded the motion, which passed 3-4. Mr. Marty, Mrs. Brodie and Mayor Merrin voted against the ordinance.

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

Third Reading

Mr. Valtin made a motion to adopt Ordinance 38-08. Mrs. Cherry seconded the motion, which passed 3-4. Mr. Marty, Mrs. Brodie and Mayor Merrin voted against the ordinance.

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

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

Third Reading

Mr. Gouttiere made a motion to adopt Ordinance 39-08. Mr. Guzman seconded the motion, which passed 3-4. Mr. Marty, Mrs. Brodie and Mayor Merrin voted against the ordinance.

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

Third Reading

Mr. Gouttiere made a motion to adopt Ordinance 40-08. Mr. Guzman seconded the motion, which passed 3-4. Mr. Marty, Mrs. Brodie and Mayor Merrin voted against the ordinance.

- G. **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

Second 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.

NEW BUSINESS:

- A. **ORDINANCE 42-08** - An Ordinance Authorizing the Village of Waterville to Provide the Ohio Department of Transportation up to \$50,000 for a 20-Percent Local Match of a Federal Enhancement Grant for a Proposed Retaining Wall Mural on the US 24 Relocation Project, Amending Ordinance No. 34-08, the FY 2008 Amended Annual Appropriations Ordinance and Declaring an Emergency.

As discussed at the last two Council meetings, the Ohio Department of Transportation (ODOT) has proposed a mural that would be located on one of the concrete retaining walls in the area where the US 24 Bypass will connect with the existing US 24 roadway between the 2 Johns Manville plants. The cost of the mural is estimated at \$250,000 of which \$200,000 would be paid by Federal transportation enhancement funds. In order to include the mural in the project, ODOT is asking the Village to provide \$50,000 for the 20-percent matching funds required for the enhancement grant. A response from the Village was requested by the middle of this month. This Ordinance would authorize the payment of up to \$50,000 by the Village toward the cost of the mural, as well as amending the annual appropriations to accommodate this expenditure.

Mr. Guzman made a motion to suspend the rules and declare an emergency. Mr. Valtin seconded the motion. The motion passed 5-2 with Mr. Marty and Mayor Merrin voting against it.

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

Mrs. Cherry explained that this was only to declare an emergency. Mayor Merrin explained that his “no” vote was because every ordinance requires 3 readings except in extreme circumstances and that voting on it now would not allow for 2 more readings where people would be given the opportunity to speak.

Mr. Guzman made a motion to adopt Ordinance 42-08. Mrs. Cherry seconded the motion. The motion failed 6-1 with Mr. Guzman voting in favor.

B. **ORDINANCE 43-08** - An Ordinance Amending Section 931.03 of the Streets, Utilities and Public Services code Regarding Water Rates
First Reading

C. **ORDINANCE 44-08** - An Ordinance Amending Section 935.07 (f) of the Streets, Utilities and Public Services code Regarding Sanitary Sewer Rates
First Reading

In 2003, the Village conducted a water and sanitary sewer study. A schedule of rates for the period 2003 through 2008 was then adopted. Proudfoot Associates has prepared a Water and Sanitary Sewer Rate Study for 2009 through 2012. Thomas Yurysta spoke to Council introducing the rate study. A Public Hearing and a more detailed presentation by Mr. Yurysta are planned for the November 24 Council meeting.

D. **RESOLUTION 51-08** - A Resolution Authorizing the Municipal Administrator to Execute a Contract and a Memorandum of Understanding with the Lucas county Sheriff's Office Authorizing Participation in the Lucas County OVI Task Force

This resolution authorizes an agreement with the Lucas county Sheriff's Office to participate in the Lucas County OVI Task Force. The Village has been participating in this operation for several years (formerly known as the DUI Task Force). In the Waterville area it focuses on US 24 and SR 64. The Sheriff's Office has succeeded Sylvania Township as the lead agency for the grant covering this program.

Chief Selders explained that this program has been underway for a month. Overtime is paid 100% by the task force – there is no cost to the Village.

Mr. Gouttiere made a motion to adopt Resolution 51-08. Mr. Cherry seconded the motion, which passed unanimously.

E. **RESOLUTION 52-08** - A Resolution Authorizing the Municipal Administrator to Enter into a Contract with Toledo Fence & Supply Co. to Replace Fencing at the Baer Park Tennis and Basketball Courts

Replacing the fencing at the Baer Park Tennis and Basketball Courts was planned as part of the overall improvement project that included the resurfacing of the courts. Village staff removed the old fence and the old posts and rails have been repainted by Village

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

Staff. This Resolution would authorize the installation of new fencing using the repainted posts and rails. The two proposals received for this work are attached to the Resolution. There were questions and discussion about replacing the chain link fencing with vinyl coated fencing. Mr. Bagdonas stated that the vinyl coated fencing requires much less maintenance. It was stated that the fence at Baer Park has been up for 38 years and has only been painted once.

Mr. Guzman made a motion to adopt Resolution 52-08. Mr. Cherry seconded the motion, which passed 6-1 with Mr. Marty voting against it.

Staff Reports:

Administration: Mr. Bagdonas

- Reported that it appears that 3 of the 4 grants will be funded.

Law Director: Mr. Dombey

- Reported that the situation regarding the water tower overspray is about to be finalized.

Finance Director: Mr. Knepper

- We are tracking close to budget.
- October Income Tax collections are up approximately \$60,700 from a year ago.

Treasurer: Mr. Schult

- We have obviously had a lot of projects taking place and we are expecting more grant money coming in the near future.

Chief of Police: Mr. Selders

- Reported that there have again been “smash and grab” incidents at the metro parks. Several arrests have been made.
- Advised that everyone keep a close eye on their purses while in Krogers. There have been 2 thefts at Krogers in the past 2 weeks.
- Reminded everyone to lock valuables up and not leave them in clear view for thieves to see.
- Reported that there were no problems related to Halloween.
- Reported that there are scams taking place regarding calls about Lottery winnings and bogus checks are being issued. He asked that all incidents be reported to the WPD so that they can report them to the FBI.
- Also reported that there are prank calls leading to credit card scams taking place also. Do not give out credit card numbers or PIN numbers.

Assistant Fire Chief: Mr. Moosman

- Reported that there were 40 calls for assistance, 35 EMS Runs, 37 patients seen, 25 patients transported to the hospital, 2 MVA’s, and 2 Fire Runs with a total loss of approximately \$1,000.

Village of Waterville
Minutes of Regular Council Meeting of:
November 10, 2008

Public Works Director: Mr. Blair

- Stated that his department is preparing for snow removal and ice control.
- Reported that they are making every attempt to keep up with leaf collection and to please be patient with them.
- Reported that there will be new banners and lighting on N. Third Street and near the clock tower. He hopes everyone will be pleased with the new decorations.
- Stated that they had to reconsider the “Bare Pavement” Policy. Last year’s salt cost was \$35/ton. This year’s cost is \$67.48/ton.
- Explained about the new GO Salt that works in much lower temperatures. We can expect to use much less salt. This could also result in a substantial savings in overtime costs. Mr. Bagdonas and Mr. Blair reiterated that all roads will still be plowed as usual and that if we get an ice storm everything gets covered. Mr. Gouttiere asked if we could get more salt in the case that we have an ice storm. Mr. Blair stated that he couldn’t be sure of that.

Adjournment:

There being no further business to come before Council, Mayor Merrin made a motion to close the meeting at 10:37 p.m. Mr. Guzman seconded the motion, which carried by unanimous voice vote.

Mr. Guzman reminded everyone that today and tomorrow are both very important days in history. Today is the birthday of the Marine Corp and tomorrow is Veterans’ Day. He reminded everyone to be sure to thank a Veteran.

Jennifer Carter
Clerk of Council

Derek Merrin
Mayor