

Village of Waterville
Minutes of Regular Council Meeting of:
February 25, 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 Mrs. Brodie. The Pledge of Allegiance was recited.

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

Also present were Philip Dombey, Law Director; Jim Bagdonas, Administrator and Melissa Hart, 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 February 11, 2008:

Mrs. Cherry asked that the minutes be changed to reflect that council excused her absence at the last meeting. Mr. Guzman made a motion to approve the minutes of the February 11, 2008 council meeting with the change. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

Citizen's Comments:

The Waterville Chamber of Commerce offered a special presentation recognizing all of the people and sponsors who have been involved in the Waterville Farmer's Market since its inception in 2001. The organization also presented a check to the village for \$1,000 to be used for an informational sign at Conrad Park. Mayor Merrin thanked everyone for their hard work and that their donation would be used for their intended cause.

Marcus Ricci of the Lucas Soil and Water Conservation District and the Swan Creek Pilot Watershed Project offered a special presentation to inform council about the intentions of the project and how the board could show their support. Council referred the matter to committees in order to receive recommendations on moving forward. The issue will come back to council on May 1, 2008.

Resident Beth Hyder spoke on behalf of the summer YMCA program. She said she had heard a rumor that council might vote to stop financial support from the village for the program. Mayor Merrin responded that he never said publicly that he wanted to cut the program. He said he has supported the program the past two years and planned to vote in favor of it again at this meeting.

Resident Steve Imes of Pennsylvania Avenue said he is concerned about the committees being approved by council. He wants council to cast votes in favor of the current proposed list so he can serve.

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Staff Reports:

Administration: Mr. Bagdonas

- Reported he has been working on scheduling performances for the summer Music in the Park program. The village has agreements with four groups and verbal commitments from two others.
- Said the advisory committee met regarding health insurance. There will be a 12 ½% increase rather than the budgeted 10%, so the change will be included in the next appropriations amendment that will come before council.
- Stated that the Lucas County Engineers are having a supply problem regarding salt for the roads, so they are asking the village to conserve. The public works department will have to use the salt for mostly the main roads rather than including all of the side streets from this point forward this year.

Law: Mr. Dombey – No report

Finance: Mr. Knepper – No report

Treasurer: Mr. Schult – No report, absent

Communications from Council:

Mrs. Cherry expressed condolences for the family of Sheri Hendel, an attorney who has served the area for many years who recently passed away. Mrs. Cherry then expressed her support for the Herb Mericle memorial to be created at Memorial Park. Lastly, she mentioned the council goals discussed at the first of the year and many rumors of cutbacks in various programs and departments that are circulating. She would like to be able to give accurate information to the residents, so she would like to see better communication to all council members regarding the direction council and the village is taking.

Mr. Goutierre thanked all of the citizens who attended the meeting and all who have been involved in the Farmers Market. He encouraged feedback from the residents.

Mr. Valtin said he believes such programs as the summer YMCA program more than pay for themselves, so it would not make sense to cut them. He said he is glad everyone came to the meeting and their opinions are being heard. He welcomes calls from the residents.

Mrs. Brodie thanked the people from the Farmer's Market and said she appreciates the amount of time it takes for them to volunteer and make the program a success. She said she was also impressed by how the school children recently raised money for the memorial for Herb Mericle. Lastly, she suggested that if residents hear a rumor, they should check with the administration, council members or committee members to see if it is true.

Mr. Guzman congratulated the Farmer's Market and all of the volunteers. He said one of the things the council and mayor need to understand is the need to work together and

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communicate. Communications are going out that are not making it to all members, so the need to communicate fully and have honesty is important to have trust within the council board. He especially mentioned the TARTA initiative that Mayor Merrin went on record as supporting even though council had not discussed the issue. He said everyone on council is equal, all have the same vote and the body needs to be considered a “we” not a “me.” Mayor Merrin responded by asking if Mr. Guzman was invited to the meeting of the mayors he attended. He said he did not speak for council, but instead gave a personal opinion to The Blade newspaper.

A. BOARD/COMMISSION/COMMITTEE APPOINTMENTS

Discussion:

Mayor Merrin said Mr. Myers asked to have his name withdrawn from the historic commission.

Mrs. Cherry said Mr. Pingle was appointed to the Board of Zoning Appeals and the parks and recreation committee, which is against the village charter. She also has big concerns about the parks and recreation committee since there is only one experienced member remaining, which is the person who has served the least time. She said the committee has a lot of responsibility and meets very often. She said she does not feel the committee can pick up six new members and move forward with projects in a timely manner.

Mr. Guzman said the key is having a good balance of new and experienced people. He again mentioned the dramatic change in the public safety committee. He said the whole reshuffling of committees including throwing out experience and bringing in very inexperienced people does not make sense. He added a business could never be run that way. He mentioned Ed Winzeler who has 20 years experience and would like to serve on the public works committee as well as others who want to serve who have years of experience. He asked council to reevaluate the whole situation.

Mayor Merrin said Mr. Roach, who was nominated for the planning commission, does have experience. He said there is not a current council member who has experience on public works committee, but he had to put two people there.

Mr. Marty said he believes everyone on the committees will be fine. He said council cannot keep making comments about experience.

Mr. Valtin wanted to clarify that Mayor Merrin wanted to move forward with the list taking Harold Myers off of the historic commission and keeping Mr. Pingle serving on two committees.

Mr. Dombey said he did not have a chance to look at the situation, but it would be inappropriate to have someone serve on two committees.

Mayor Merrin said council does not want to make a mistake, so he proposed taking Mr. Pingle off of the BZA.

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Mr. Valtin said he wanted to clarify council would be moving forward with openings on the BZA and the historic commission.

Mr. Marty made a motion to approve the committee appointments including Russ Scherzer on the public works committee and leaving two openings, one on the historic commission and one on the Board of Zoning Appeals and Mrs. Brodie seconded the motion.

Mr. Goutierre clarified that a person must be a resident of the village for two years to sit on the BZA, which was confirmed. He said council was given a memo from legal counsel just before the meeting regarding the appointment of people to committees and he would like time to review it.

Mr. Goutierre made a motion to take a ten minute recess to review the memo and Mr. Guzman seconded the motion. The motion passed by unanimous voice vote at 8:38 p.m.

Council resumed the meeting at 8:48 p.m. with a roll call vote called by Mayor Merrin. Mr. Marty-yes, Mr. Guzman-yes, Mrs. Brodie-yes, Mayor Merrin-yes, Mr. Valtin-yes. Mr. Goutierre-yes and Mrs. Cherry-yes.

Mrs. Cherry asked if reappointing people to committees had to be done separately or simply by an amendment to the motion to approve the committees. Mr. Dombey said the motion on the floor must be dealt with first.

Mr. Valtin asked if people could be approved and added to the committees that do not have a maximum number of people allowed. Mr. Dombey said yes.

Mr. Goutierre said the ability to add people who reapplied for committees is not a new option, just an existing option that came to light.

Mr. Valtin asked if the current motion could be withdrawn before moving on. Mr. Dombey said yes.

Mrs. Brodie said there are four people who reapplied, two for the safety committee and two for the economic development committee.

Mayor Merrin called a vote on the motion, which failed four to three. Mayor Merrin, Mrs. Brodie and Mr. Marty voted in favor.

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

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Tabled

- 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

Tabled

- C. **ORDINANCE 02-08** - AN ORDINANCE AMENDING SECTION 1159.01 OF CHAPTER 1159 OF THE PLANNING AND ZONING CODE WITH RESPECT TO THE BOARD OF ZONING AND BUILDING APPEALS

Second Reading

- D. **ORDINANCE 03-08** - AN ORDINANCE AMENDING SECTION 1145.04 OF CHAPTER 1145 OF THE PLANNING AND ZONING CODE WITH RESPECT TO MAXIMUM HEIGHT REGULATIONS

Second Reading

NEW BUSINESS:

- A. **ORDINANCE 05-08** - AN ORDINANCE ENACTING SECTIONS 913.04 THROUGH 913.09 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE REGARDING SIDEWALK CONSTRUCTION AND REPAIR

First Reading

- B. **RESOLUTION 08-08** - A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE YMCA OF GREATER TOLEDO FOR THE VILLAGE OF WATERVILLE SUMMER RECREATION PROGRAM

Mrs. Cherry gave packets to council regarding the history of the summer recreation program. A representative of the YMCA said the program has grown every year and that the Y has received excellent comments from parents. The representative also answered several questions from council about the length and hours of the program as well as what is offered for the cost.

Mrs. Brodie made a motion to adopt the resolution and Mrs. Cherry seconded the motion which passed by unanimous voice vote.

- C. **RESOLUTION 09-08** - A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO CERTIFY A THEN AND NOW CERTIFICATE FOR THE LUCAS COUNTY OFFICE OF MANAGEMENT AND BUDGET IN EXCESS OF \$3,000 FOR APPROPRIATED FUNDS PREVIOUSLY AUTHORIZED BY ORDINANCE 34-07.

Mr. Bagdonas said Mr. Knepper gave council a memo regarding jail expenses. The

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resolution covers purchase orders for services rendered during the last calendar year.

Mayor Merrin made a motion to adopt Resolution 09-08 and Mr. Goutierre seconded the motion, which carried by unanimous voice vote.

UNSCHEDULED BUSINESS

Mrs. Brodie made a motion for an additional ten minute recess beginning at 9:14 p.m. to further examine the memo given to council by legal counsel regarding committee appointments. Mr. Goutierre seconded the motion, which carried by unanimous voice vote.

Council resumed at 9:25 p.m. with a roll call vote called by Mayor Merrin. Mr. Marty-yes, Mr. Guzman-yes, Mrs. Brodie-yes, Mayor Merrin-yes, Mr. Valtin-yes, Mr. Goutierre-yes and Mrs. Cherry-yes.

Mr. Valtin said council received information that they can reappoint people to certain committees with or without the mayor's endorsement if people reapplied to the committees. The were who reapplied for the economic development committee, public safety committee and public works committee, all of whom served on those committees in the past. None of the committees have a maximum limit of members.

Mr. Valtin made a motion to reappoint Mr. Seipel and Mr. Titus to the economic development committee, Mr. Sikorski and Mr. Pritchett to the public safety committee and Mr. Winzeler to the public works committee. Mr. Goutierre seconded the motion.

Mayor Merrin said he feels council needs to decide the maximum number of people who can serve on a committee. He said he would not vote in favor of the reappointments because the people were not on the agenda and there was not enough time to review and scrutinize them. Mr. Valtin said the people have been scrutinized not only by council members but also by former mayors and council members. He said the applications were out for review for quite a while and a matter of public record. Mr. Goutierre said he had the last three weeks or better to study the applications and the applicants are known quantities who have served before.

Mayor Merrin called for the vote, which passed four to three. Mr. Guzman, Mr. Valtin, Mr. Goutierre and Mrs. Cherry voted in favor.

Mayor Merrin made a motion to approve the rest of the appointments with the same changes as mentioned in the earlier motion made by Mr. Marty. Mrs. Brodie seconded the motion.

Mrs. Cherry said she wanted to exclude the parks and recreation committee until council could discuss and rectify the issues with the committee as was done with other committees. She was also concerned about the vacancies on the BZA and historic commission. Mayor Merrin said the issues could be addressed at future meetings.

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Mayor Merrin called for the vote, which failed four to three. Mayor Merrin, Mrs. Brodie and Mr. Marty voted in favor.

Mr. Goutierre suggested voting on each committee separately.

Mayor Merrin made a motion to approve the public works committee and Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

Mayor Merrin made a motion to approve the finance committee and Mr. Marty seconded the motion, which carried by unanimous voice vote.

Mrs. Brodie made a motion to approve the tree commission and Mayor Merrin seconded the motion, which carried by unanimous voice vote.

Mr. Marty made a motion to approve the parks and recreation committee and Mrs. Brodie seconded the motion. The motion failed by a vote of four to three. Mr. Marty, Mrs. Brodie and Mayor Merrin voted in favor.

Mr. Marty made a motion to approve the appointment of Mr. Roach to the planning commission and Mayor Merrin seconded the motion, which carried by a vote of five to two. Mr. Guzman and Mrs. Cherry voted against the motion. Mr. Guzman thanked Mr. Roetter for his 25 years of service to the commission.

Mr. Guzman made a motion to approve the administration evaluation committee and Mayor Merrin seconded the motion, which carried by unanimous voice vote.

Mr. Marty made a motion to approve the public safety committee and Mrs. Brodie seconded the motion, which carried by a vote of five to two. Mr. Guzman and Mr. Goutierre voted against the motion.

Mrs. Brodie made a motion to approve the public works committee and Mayor Merrin seconded the motion, which carried by unanimous voice vote.

Mayor Merrin said he wanted to let people begin serving on the parks and recreation committee and put it on the agenda for the next meeting to talk about changing the charter to include more people on the committee. Mrs. Cherry said she is asking for two more dedicated and experienced people not ten and she cannot accept the committee appointments as is. Mayor Merrin said people could attend the meetings and participate until the charter could be changed. Mrs. Cherry said it would be like going back to kindergarten to teach the people what has been going on with the projects, which will impact the effectiveness of the group. Mr. Valtin said they could put Mr. Pingle on the BZA instead of the parks and recreation committee to allow an opening for an experienced member on the committee, which would solve several issues. Mayor Merrin said Mr. Pingle wants to serve on the parks and recreation committee. Mr. Goutierre said Mr. Pingle could be put on the BZA until the charter could be changed and then he could

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join the parks and recreation committee when more people are allowed on the committee.

Mayor Merrin made a motion to approve the parks and recreation committee and Mr. Marty seconded the motion. The motion failed four to three with Mayor Merrin, Mr. Marty and Mrs. Brodie voting in favor.

Mr. Valtin asked Mrs. Cherry how long she had chaired the parks and recreation committee. Mrs. Cherry said ten years. Mr. Valtin asked if she felt the number of members could be increased. She said up to ten members would be OK.

Mr. Guzman said Janice Braida would be appropriate to consider for reappointment to the historic district commission opening. Mayor Merrin said he plans to review applications and bring suggestions to the next meeting. Mr. Marty asked if Mrs. Braida is a resident of the village. Mrs. Braida said no, the township, but she represents the Waterville Historical Society and there are others who represent village businesses who do not live in the village. Mr. Guzman also suggested Mr. Roetter as an excellent candidate for the BZA opening. Mayor Merrin said he could be considered.

Mr. Bagdonas asked if council was going to give direction to the staff about an ordinance changing the charter regarding committees. He said council could repeal 957.05 that states there are five members of the community at large and two council members, which would make it like the other rules of council committees. After some discussion, council agreed Mr. Bagdonas should bring an ordinance to the next meeting repealing that section. Mr. Goutierre also asked that the ordinance make the parks and recreation committee a council advisory and/or study committee so there will be elasticity as to size and to allow council to reappoint members without the appointment of the mayor.

Adjournment:

There being no further business to come before council, Mayor Merrin made a motion to close the meeting at 10:00pm and Mr. Goutierre seconded the motion. Motion was carried by unanimous voice vote.

Melissa Cook
Deputy Clerk of Council

Derek Merrin
Mayor