

**Village of Waterville**  
**Minutes of Regular Council Meeting of:**  
**May 12, 2008**

The regular meeting of the Waterville Council was called to order by Mayor Derek Merrin at 7:30 p.m. in the Council Chambers of the Waterville 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, and Mrs. Cherry.

Mrs. Brodie moved to excuse the absence of Mr. Gouttiere. Mr. Guzman seconded the motion, which carried by unanimous voice vote.

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

**Village Staff present:**

Dale Knepper – Director of Finance and Administration  
Bob Selders – Waterville Chief of Police  
Steve Parsons – Chief, Waterville Fire Department  
Ken Blair – Public Works Director

**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 April 28, 2008:

Mayor Merrin made a motion to approve the minutes of the April 28, 2008 Council meeting as written. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

Mayor Merrin read a proclamation declaring May 23 and 24, 2008 as Poppy Days in the Village of Waterville.

**Citizen's Comments:**

Rob Black stated that he is a member of both the Economic Development Committee and the Historic District Commission. He wanted to extend an invitation to the Mayor and Council to attend an Economic Development Committee meeting and witness the dialog that has occurred and will continue to occur between the new members and existing members of the committee. He added that the experienced committee members have been very valuable. He also extended an invitation to a Historic District Commission meeting so that they can better understand how this committee works and possibly give their input. Mr. Black then encouraged the Mayor and Council to attend a meeting of all the committees, at least once a year, to get a flavor of who the people are and how they are committed to the various committees.

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Phyllis Hyder spoke to Council regarding the appointment of the proposed candidate to the Historic District Commission. She questioned the mayor's choice and spoke directly on the qualifications needed for the position. Mrs. Hyder stated that she feels Christine Lonsway would be a better choice and should be reappointed to the committee. She added that the Historic District needs the representation of a homeowner that lives in the district and not another business owner.

Julie Nowak, Yvonne Johnson and Dan Madigan, from the Toledo Farmers Market, came this evening to speak to Council regarding the Waterville Farmers Market and to introduce their new group, the Waterville Area Merchants or WAM. She added that the purpose of WAM is to promote the business district. She stated that they have teamed up with Mr. Madigan and the Toledo Farmers Market and would like to start the Waterville Farmers Market. They are requesting that the Market be held on Tuesday evenings from 4 –7 p.m. on S. Third St. and stated that a map was provided to Mr. Bagdonas. Mrs. Johnson stated that they did do some research and found that Perrysburg and Westgate holds their Farmer's Market on a week night and have been very successful. Mrs. Johnson also added that she and her partner own a business on S. Third and are looking at this as a way to get exposure and more people into town that will also come to their business and shop.

Mr. Madigan stated that this will be great for the community and added that the Farmer's Market is a good social experience. The Farmer's Market Association of Toledo is happy to step in and help out any way that they can to make sure that the Market continues. He stated that they are expecting to have 8 vendors to begin with and that number will increase throughout the season. Mr. Madigan also added that his association has liability insurance and a copy has been provided to the administration.

Mayor Merrin stated that he believes that Mrs. Nowak has consulted with all of the business owners on S. Third and it is his understanding that they all agree except for the bank.

Mrs. Nowak stated that all of the business owners affected have signed the form except for the bank. They plan on closing S. Third from the Villager Beauty Salon down to South St. The Village Vet, Post Office and the two residences will not be affected.

Mrs. Cherry asked if they were planning on closing ½ the block. She asked if they could do this like Perrysburg and have it on the sidewalks.

Mr. Madigan stated that Perrysburg has the real wide sidewalks and Waterville does not.

Discussion continued.

Mr. Bagdonas suggested approving this request on a trial basis.

Mr. Guzman told Mr. Madigan that he appreciate his being a part of this and then asked what his connection is.

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Mr. Madigan stated that the Toledo Farmers Market would manage the Waterville Market in partnership with WAM. The idea is to use our association to provide vendors and contacts and to combine efforts. He added that vendors should contact him if they want to participate.

Discussion continued.

Mayor Merrin thanked them for coming to tonight's meeting. He stated that he believes that the consensus on Council is to let the Administrator, Public Works Director, Fire and Police Chief review this for safety concerns and as Mr. Bagdonas suggested they should revisit this in four weeks and go from there. He then wished them the best of luck.

**Staff Reports:**

Administration: Mr. Bagdonas

- Stated that the Village staff worked with the Village Engineer to prepare an updated zoning map. Council members now have a copy for future reference.
- Reported that the public pre-construction meeting for the downtown project will take place on May 21<sup>st</sup> at 7:00 p.m. in Council Chambers. Flyers will go out within the next couple of days to the merchants, residents and property owners along N. Third St. The contractor on the streetscape has indicated that they expect to start work the week of May 27<sup>th</sup>.

Law Director: Mr. Dombey – No report

Finance Director: Mr. Knepper

- Reported on the First Quarter Budget and Finance Report, which was presented and reviewed by the Finance Committee. He summarized budget revenue and expenses in the general fund, 5-yr capital fund and for all funds. He also highlighted fund balances, the income tax report and investments.

Treasurer: Mr. Schult – No report

Police Chief: Mr. Selders

- Reported that during the month of April the department took 28 incident reports, one juvenile report, 2 traffic reports, 4 traffic crash reports, 10 assist fire department, 16 traffic citations were issued, 28 warnings, 2,964 public service details, 340 complaints were investigated, 2 warrants from other agencies, 8 criminal arrests, 13,347 miles were patrolled and 3 felony's.
- Stated they have already received quite a few applications for Safety City.

Fire Chief: Mr. Parsons –

- Reported that during the month of April they took 31 calls, 27 patients were seen, 19 were transported to area hospitals, 4 fires with no dollar loss, and 1 MVA.

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- Stated that new AED's have recently been installed at the Public Works building and at Town Hall. Training on this equipment, for some Village staff members who are trained in CPR, was completed today.
- Reported that they are preparing for the Public Service Day, in conjunction with the Mock Council that will be held at the Fire Station.

Public Works: Mr. Blair –

- Requested that any Council member planning on attending the Mock Council Meeting on May 22<sup>nd</sup> contact Jodi Szydlowski. He added that her e-mail address is listed in their packets.
- Reported that a pre-construction meeting will be held in May for the restoration of the water tower on Sycamore Lane. Work is scheduled to begin the first part of June.
- Reported that a bid opening is scheduled this month for the 2008 paving program. The program will include Cherry Lane as well the concrete sections of Hickory and Cedar Lanes.
- Thanked the Waterville Fire Department personnel for their help in cleaning up and completing some landscape work around the Fire Station. The Public Works Department will be pitching in as well to get some other things done prior to Public Safety Day.
- Thanked Mr. Marty for his help in Clean-up Waterville Day.
- Congratulated Melvin "Skip" Fredericks for his 30 years of service on the Village of Waterville's Public Works Department.

Mr. Guzman stated that 30 years of employment should be applauded and wanted to extend his thanks to Mr. Fredericks for his service to the Village.

**Communications from Council:**

Mrs. Cherry reported that on May 1<sup>st</sup> she attended the AWAKE kick off along with several representatives of the Village. She stated that the Tree Commission held their monthly meeting on May 8<sup>th</sup>, added that they will have a booth at the Roche de Bouef Festival and are also preparing articles to contribute to the Canal Post. Mrs. Cherry also reported that there is a vacancy on the Tree Commission and encouraged people to submit their application if interested. The first meeting of the new Parks and Recreation Committee took place on May 6<sup>th</sup>. Eight of the 10 members were in attendance and the meeting was very productive. She stated that the annual Fishing Derby would be held this fall on Saturday, September 13<sup>th</sup>. The Summer Recreation Program is now full with 11 children on a waiting list. Melanie Grohowski, with the Waterville Branch YMCA, asked Mrs. Cherry to share that the SPLASH program registration is now underway. This is a free community wide swim lesson and water safety program that the Waterville Branch will operate out of Camp Courageous the week of June 16<sup>th</sup> – 20<sup>th</sup>. It will be held from 5 – 8 pm in half hour sessions. Anyone can register for the program and forms are available at the YMCA and the elementary school.

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Mr. Valtin stated that the Parks and Recreation Committee did discuss the topic of a dog park in Waterville. Some of the members of the committee were trying to decide if this is something that the residents of the Village would be interested in. He stated that he would encourage anyone who has a thought, either positive or negative, to let one of the committee members know. Before we go down the path of trying to figure out where we would put it and what it would cost and entail, we really want to know if this is something that people would want to see in the Village.

Mrs. Brodie stated that the Public Safety Committee recently held their first meeting with its new members and added that we will be addressing our recommendations later in the agenda. She also stated the Finance Committee meeting was held last week and everything looked good for the last quarter. Mrs. Brodie reported that Downtown Waterville Inc. had a monthly meeting and the list is still full of business/building owners who are using the funds in the Downtown area. This project will wrap up by September 30<sup>th</sup>.

Mr. Guzman reported that the first meeting of the Public Works committee will be held next Monday at 7:00 p.m. He invited all who are interested to attend. He also added that he feels that before we invest in a Dog Park we need to make sure we get opinion of Village residents.

**Board/Commission/Committee Appointments:**

Mayor Merrin stated that he is recommending that Peggy Ross be appointed to the Historic District Commission.

Mr. Marty moved to appoint Peggy Ross to the Historic District Commission. Mayor Merrin seconded the motion.

Mrs. Brodie stated that she appreciates the Mayors efforts in trying to get business owners on this Commission to further economic development. She added that this is not the goal of this committee but is probably a by-product if done correctly. Being a member of this committee is a lot of work. You do not need to be an expert but you do need to have an education in it. She added that she wants to make sure that the person who accepts the appointment understands that there is quite a bit of work involved. Mrs. Brodie also stated that she is worried that we are losing people on this committee who have knowledge and a passion for preservation.

Mayor Merrin stated that he does not view the Historic District Commission as an economic development tool. He stated that he gets irritated when people make accusations on what he believes or thinks when they have absolutely no idea what his opinion is. He added that he has a BA in History and cares about history and the historic heritage in Waterville. He wants to appoint people to the commission who have a vested interest in the Village and he believes that Peggy Ross would do an excellent job. He then added that no one is being replaced on the Historic District Commission as well as the other committees. People are on terms, which mean they are on the committee for a

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specific amount of time.

Mrs. Cherry stated that she looked at the specifics of the language covering the duties of the Historic Commission. She then proceeded to read over some of those duties and how they could be represented by different groups and individuals of the Historic District. Mrs. Cherry stated that she is concerned that there is not one homeowner or resident on the committee representing the Historic District. Mrs. Cherry added that we need people with experience and expertise to serve on this committee.

Mr. Valtin stated that at one point Christine Lonsway was on the list of people to appoint to the HDC. She has since been dropped from the list and the search has continued. He asked Mayor Merrin to explain what it was about her that made him remove her from the list.

Mayor Merrin stated that when he initially tried to get the new volunteers appointed to the various committees, Council repeatedly blocked them. He was willing to compromise and one part of that compromise was to put Mrs. Lonsway on the HDC. The compromise was broken at a Council meeting and her name was removed.

Mr. Valtin asked if it was fair to state that when you put her on the list you were comfortable that she was qualified to do the job.

Mayor Merrin stated that she is more than able to do the job.

Mr. Valtin then asked if he was then doing what he felt was best for the Village.

Mayor Merrin stated that he was doing what he felt was best for the Village in allowing over 20 people through who wanted to serve on various committees and he was going to compromise to do that.

Several members of the audience, who are residents in the Historic District, stated that that they have nothing against Mrs. Ross but feel that a resident of the District should be appointed to the Commission so that they are also represented.

Mr. Guzman stated that there needs to be balance and believes that a resident of the Historic District needs to be appointed to the Commission. He stated that he believes that not only should they be a resident but possibly a member of the Historical Society and he feels that Christine Lonsway fits that bill.

Mr. Marty stated that Mrs. Ross is a 49 year resident of Waterville. He knows that she is very concerned about preserving the history of this town and he wants to make sure that everyone knows that being a business owner is not the reason why she wants to be on this committee. He added that he supports her nomination.

Mrs. Ross stated that she doesn't understand how people can say she is not qualified to do this job until people give her a chance to prove it. She added that you can't say that

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because I've never been active before on these particular issues concerning the Historic District that I am not interested in them or will not do a good job. It is very difficult to get on these committees because once people get on they stay on forever.

Mayor Merrin stated that the motion to appoint Mrs. Ross has been seconded.

The motion failed with Mayor Merrin and Mr. Marty voting 'yea' and Mrs. Cherry, Mr. Guzman, Mrs. Brodie and Mr. Valtin voting 'nay'.

Mr. Marty made a motion to approve the appointment of Robert DeMatteo to the Board of Zoning Appeals. Mrs. Brodie seconded the motion, which passed with Mayor Merrin, Lori Brodie, Ann Cherry, and Jeff Marty voting 'yea' and Mr. Guzman and Mr. Valtin voting 'nay'.

**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

The issue of speed limits was discussed at the May 1 meeting of the Public Safety Committee. A representative of the Lucas County Engineers Office presented the results of a speed warrant study for Waterville-Monclova Rd. Although the speed calculated in the study is 53 mph, the Engineer's office is recommending a speed limit of 45 mph for the entire roadway segment between a point 200-feet north of Farmview Dr. and Dutch Rd. The result would be a uniform speed limit of 45 mph for both directions of the road between 200-feet north of Farmview Rd. and Dutch Rd. The Public Safety Committee concurred in the recommendation of the County Engineer. To implement the Public Safety Committee's recommendation, Council would remove Ordinance 30-07 from the agenda without taking final legislative action and would hold a first reading on Ordinance 12-08.

Mrs. Cherry made a motion to remove Ordinance 30-07 from the agenda. Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

- 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

*Third Reading*

This Ordinance is recommended by the Public Safety Committee. It would establish a speed limit of 50 mph for those portions of eastbound Dutch Rd. within the Village. The Lucas County Engineer's Office conducted a speed warrant study for Dutch Rd. from a

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point 0.26 miles west of Waterville-Monclova Rd. (South) to River Road. Based on the study, the Engineer's Office is recommending a speed limit of 50 mph for this entire roadway segment. Ordinance 31-07 is consistent with the results of the speed warrant study. The result will be a uniform speed limit of 50 mph for both directions of this portion of Dutch Rd.

Mrs. Brodie moved to adopt Ordinance 31-07. Mayor Merrin seconded the motion.

Roll Call: Mr. Marty – yes, Mr. Guzman – yes, Mrs. Brodie – yes, Mayor Merrin – yes, Mr. Valtin – yes, Mrs. Cherry – yes. Motion passed unanimously.

C. **ORDINANCE 08-08** - AN ORDINANCE AMENDING SECTION 1157.05 (a) (1) OF THE PLANNING AND ZONING CODE BY ADDING THE PROPERTY KNOWN AS 11 NORTH FOURTH STREET TO THE HISTORIC OVERLAY DISTRICT

*Third Reading*

Property owner Ruth Allen requested the addition of her property at 11 N. Fourth St. (the John Pray house) to the Historic Overlay District. On March 10, Council referred this matter to the Historic District Commission and the Planning Commission. Both groups have now considered the request and have recommended the Council approve it.

Mr. Marty moved to adopt Ordinance 08-08. Mr. Guzman seconded the motion.

Roll Call: Mr. Marty – yes, Mr. Guzman – yes, Mrs. Brodie – yes, Mayor Merrin – yes, Mr. Valtin – yes, Mrs. Cherry – yes. Motion passed unanimously.

D. **ORDINANCE 11-08** - AN ORDINANCE AMENDING SECTIONS 1141.01 (a) AND 1141.01 (m) AND ENACTING SECTION 1141.01 (n) OF THE PLANNING AND ZONING CODE WITH RESPECT TO PERMITTED USES IN THE M-1 INDUSTRIAL DISTRICT

*Second Reading*

The Waterville Gas Company is considering relocating their offices to a new building they would construct on property owned by the gas company in the vicinity of Farnsworth Rd. and Ohio St. The property is zoned M-1. Offices are currently neither a permitted nor a conditional use in the M-1 Industrial District. The Planning Commission has considered this issue and unanimously recommends the actions contained in Ordinance 11-08.

**NEW BUSINESS:**

A. **ORDINANCE 12-08** - AN ORDINANCE AMENDING PART THREE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WATERVILLE –

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SCHEDULE II OF THE TRAFFIC SCHEDULES: SPEED LIMITS  
REGARDING WATERVILLE-MONCLOVA ROAD

*First Reading*

The Lucas County Engineer's Office is recommending a speed limit of 45 mph for the entire roadway segment between a point 200-feet north of Farmview Dr. (the northerly limit of the existing 35 mph zone) and Dutch Rd. This includes the existing 45 mph zone, the portion of the south bound section that was recently annexed and the existing 55 mph northbound section the remains outside the Village. The result will be a uniform speed limit of 45 mph for both directions of the road between 200-feet north of Farmview and Dutch. The Public Safety Committee concurred in the recommendation of the County Engineer.

B. **ORDINANCE 13-08** - AN ORDINANCE AMENDING PART THREE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WATERVILLE SCHEDULE I OF THE TRAFFIC SCHEDULES, STOP AND YIELD STREETS AND DECLARING AN EMERGENCY

The issue of traffic control at the two Dutch Rd./Waterville-Monclova Rd. intersections was discussed at the May 1 Public Safety Committee meeting. A representative of the Lucas County Engineer's office was in attendance and presented the results of their analysis of the intersections for multi-way stop control. The westerly intersection meets the requirements multi-way stop control while the easterly intersection currently does not. This Ordinance would authorize multi-way stop control at the Dutch Rd./Waterville-Monclova intersection. The Ordinance is recommended by the Public Safety Committee.

Mayor Merrin moved to adopt Ordinance 13-08 as an emergency. Mrs. Brodie seconded the motion

Roll Call: Mrs. Brodie- yes, Mayor Merrin – yes, Mrs. Cherry – yes, Mr. Valtin – yes, Mr. Marty – yes, Mr. Guzman – yes. Motion passed unanimously.

Mayor Merrin moved to adopt Ordinance 13-08. Mrs. Brodie seconded the motion.

Roll Call: Mrs. Cherry – yes, Mr. Valtin – yes, Mr. Marty – yes, Mrs. Brodie – yes, Mr. Guzman – yes, Mayor Merrin – yes. Motion passed unanimously.

C. **ORDINANCE 14-08** - AN ORDINANCE ENACTING SECTION 1129.03 (c) (35) OF THE PLANNING AND ZONING CODE WITH RESPECT TO THE DEFINITION OF PUBLIC UTILITY FACILITIES

*First Reading*

The Planning Commission is recommending the adoption of a definition of “public utility facilities” as contained in Ordinance 11-08.

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- D. **RESOLUTION 23-08** - A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO APPROVE A FINAL CHANGE ORDER TO A CONTRACT WITH GERKEN PAVING, INC. FOR THE 2007 PAVING PROGRAM AND WATERLINE REPLACEMENTS PROJECT

Although work on the 2007 Paving Program has been completed for sometime, the Village Engineer, Village staff and the Contractor have been reviewing the final quantities until they recently were able to reach an agreement. This Final Change Order includes \$97,361.26 of additions and \$31,819.10 of deletions for a new amount of \$65,542.16. Funds for this change order are included in the FY 2008 Appropriations.

Mrs. Brodie moved to adopt Resolution 23-08. Mrs. Cherry seconded the motion, which passed by unanimous voice vote.

- E. **RESOLUTION 24-08** - A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO PYROTECNICO COMPANY IN THE AMOUNT OF \$15,000.00 FOR PROFESSIONAL SERVICES RELATING TO A DISPLAY OF FIREWORKS ON JULY 4, 2008 FOR THE VILLAGE OF WATERVILLE.

This resolution is for approval of a contract for our annual 4<sup>th</sup> of July fireworks display. The \$15,000.00 is included in our approved FY 2008 Appropriations. In the past, the Village has also received donations from several local businesses and individuals to help offset this expense. The fireworks shoot zone for the display will be held at the same location, on the Village's farm property at the south end of Choctaw Dr.

Mrs. Cherry moved to adopt Resolution 24-08. Mr. Marty seconded the motion, which passed by unanimous voice vote.

**Adjournment:**

There being no further business to come before Council, Mrs. Brodie made a motion to close the meeting at 9:24 p.m. Mayor Merrin seconded the motion, which carried by unanimous voice vote.

*Melissa Cook*  
Deputy Clerk of Council

*Derek Merrin*  
Mayor