

Village of Waterville
Minutes of Regular Council Meeting of:
August 25, 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 Mrs. Brodie. 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 July 28, 2008:
Mrs. Brodie made a motion to approve the minutes of the July 28, 2008, Council meeting as written. Mr. Marty seconded the motion, which passed by unanimous voice vote

Also present were Jim Bagdonas, Administrator; James Hart, Assistant 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
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.

Citizens Comments:

Jennifer Slates addressed Council regarding Ordinance 30-08, which refers to amending the zoning map to grant a conditional use permit to operate a wholesale bakery on property that abuts up to her property. Ms. Slates is not opposed to the current bakery request but was concerned about future use of this property and how this zoning change might open the door to unfavorable businesses (ex: a bar) that would be allowed in the future. Mr. Bagdonas explained that this permit only pertains to the wholesale bakery that is being requested. Any other requests would be subjected to the same process of approving an ordinance.

Jim Favorite, new owner of Smedlaps Smithy, expressed his concern to Council regarding the possibility of making Second Street a two-way street. He purchased the restaurant just two weeks ago and feels that this change could negatively affect his business and other businesses within Peddlers Alley. He said that the availability of close on-street parking was a big factor when considering this purchase. Senior Citizens make up a large part of the clientele and if parking close is not an option for them they may choose not to frequent those businesses. Mayor Merrin thanked Mr. Favorite for coming and sharing his concerns. This issue is scheduled for discussion later in the meeting.

Tom Venis, owner of Peddlers Alley, also addressed Council regarding the possibility of making Second Street a two-way street. He discussed the inability of his beer and food delivery trucks to turn around. He also stated that he has allows Tarta bus riders to park

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in his parking spots; but, if he loses the street parking he wouldn't be able to allow this because he would need the parking for his own clients.

Kate Fish lives on Second Street and she also stated that she wants the street to remain a one-way street. At a prior meeting she felt the concern was the speeding in the alley. She suggested that maybe the speed limit could be lowered or speed bumps could be installed instead of making this change to Second Street. She also feels that turning onto Farnsworth could be tricky and it would be difficult seeing up the hill. She stated that it would be confusing to people if part of the street is one-way and the other part is two-way. She also said that if parking were not available on the street for residents then maintaining the alley would need to become a more important priority than it is now (ex: fixing potholes and snow plowing). She stated that the traffic study that was conducted 15 years ago recommended that this street be designated one-way as it is now.

Al Blackwood addressed Council representing The Wellness Center and stated that they "started all this". They have a concern about convenience – Google Mapping says to turn down Second Street but this can't be done because it is a one-way street. He said that according to Poggemeyer one-way streets disrupt traffic flow and should not be in a Historical District. The primary concern that they addressed with the Safety Committee is the safety issue of turning down the alley and turning left onto Farnsworth during rush hour.

Barrie Rhodes, from Hite Concrete, spoke to Council regarding the leveling of sidewalks/concrete. He wanted to make Council aware that there are different ways to level sidewalks. "Posting of slabs" is one of the quickest and effective and inexpensive ways to do this. He has several years of experience in this line of work and would be willing to show our city maintenance workers the correct way to do this. Mayor Merrin asked if Mr. Rhodes' company had submitted a bid to the Village for the sidewalk work – Mr. Rhodes stated that they had.

Mayor Merrin welcomed three special guests to the Council Meeting – County Commissioners Wozniak, Konop and Gerken.

Mr. Konop expressed that the Commissioners try to make themselves accessible for open communication with the citizens and they try to learn what goes on in the communities and determine how the commissioners can best serve them.

Mr. Gerken said it was a pleasure to see how other organizations of government function and how they handle various issues. He expressed that they are pleased to meet with their partners in government around the county.

Ms. Wozniak expressed her pleasure in being invited to attend this meeting of Council and thanked Mr. Konop for choosing Waterville as the first sight for their community visits. She shared a few of the economic development projects that they will be embarking on. One of these projects is called "Career Advancement Accounts" which is

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for people who are displaced from their job. They can receive up to \$3,000 in federal dollars to be used for training and certification to get these people back to work.

Each of the members of Council thanked the Commissioners for coming. They were invited to visit our local businesses. Mr. Gouttiere and Mr. Valtin both expressed their praise of Shad Williams (LCIC) and stated that he has taken great initiative and has run with it. Mrs. Brodie opened discussion regarding our county's high dog licensing fees. She suggested the alternative of the county to "chip" dogs for life in order to lowering the cost rather than yearly licensing. Mr. Konop confirmed that the county's licensing fees are among the highest and that he was surprised how many question he gets regarding this. He stated that Lucas County does not pull from the General Fund to cover these costs, as do some communities. Lucas County has chosen to solely have the dog owners pay for these expenses. Mr. Gerken said that the dog licensing fees were raised \$5 so they didn't have to tap into the General Fund. These fees are used to pay for Dog Warden operations. Oddly, since they have raised the fees they have had a record number of dogs being licensed. The Dog Warden is part of the law enforcement system. The police departments no longer handle these dog issues – they call the Warden's office. Mr. Guzman stated that he felt the current system was appropriate and that our Dog Warden does a very difficult job very well. Mr. Guzman also indicated that this is the first time in his 13 years of Council service that all 3 of the Commissioners have visited and this pleased him. He also asked that they focus on jobs and economic development in a way that we all are pulling in the same direction. He stated that he feels that in the next 4-5 years we have an opportunity to recast Waterville in this part of Lucas County as far as economic development. He looks forward to the county support. Mayor Merrin encouraged the Commissioners to scrutinize the levies that are on the ballot. He stated that corporate sponsors wage campaigns against working people and too often the government entities are using citizen tax dollars to run their own campaigns. He stated that some people in Waterville are tired of being outvoted by other communities and want the election results to stand – rather than being put on the ballot again. Mr. Konop pointed out that regarding COSI he felt that the \$5/average household investment offers us the ability to give science, technology and mathematics education to our children. Four major businesses are partnering with COSI because they feel this will ultimately give Lucas County an economic boost. When COSI was on the ballot it was voted down 49.5% to 50.5%, which is obviously showing that half of the voters do want to support COSI. He feels that the current process is an appropriate democratic system. Mr. Gerken agreed with Mr. Konop. He stated that he would rather error on the side of democracy one too many times than one too few times.

Staff Reports:

Administration: Mr. Bagdonas:

- Reported the Downtown Revitalization Project continues to be on schedule.
- Stated that he expects to begin receiving inquiries regarding when Waterville will celebrate Halloween. Council agreed with his suggestion of the standard October 31st (6-8PM) time frame.
- Asked that Council members complete and return their forms regarding the 2009 Council Goals so the budget can be determined.

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- Made note that the all-way stop at Dutch/Waterville-Monclova Road signs will be installed the week of Sept 8th. The flashing beacons have been ordered.

Assistant Law Director: Mr. Hart – No report

Finance Director: Mr. Knepper

- Reviewed the Second Quarter Budget Report. The Fund balance at the end of June is holding quite well and is holding where we expected. Our investments are also holding well. Our revenues are tracking where we generally expected them to be.
- Stated that our Income Tax collections are remaining strong.
- Gave a quick update on the Village Web Page re-design, which is much needed. We have signed a contract with a Maumee firm to work on the base design. Our goal is to make it more users friendly with a common sense approach. It is expected to be up and running around October 1st. We will be able to constantly update the Web Page.
- Highlighted fiscal year 2009 Budget Schedule. On Fri, Oct 3rd- a special FC meeting will be held to review the first phase of the budget (5-year Capital Plan). On Mon, Nov 10th this plan will be presented to Council for discussion and public hearings. On Fri, Nov 14th the FC will review the operating side of the budget and that will be presented to Council on Mon, Dec. 8th. Due to the amendment that the voters approved we will allow us to have our final budget in place by Jan. 31st. The first budget document will be presented to Council to be adopted as a temporary budget, which will be used for the first 30 days of the fiscal year. By Jan. 31st we will have our final fiscal year budget in place. This will be the first year that this process will be in effect.

Treasurer: Mr. Schult - No report

Chief of Police: Mr. Selders

- Stated that due to computer problems the reports that were generated were incorrect. Corrected reports will be presented at the next Council Meeting.
- The crime report that was reported in the newspaper is correct.
- Encourage citizens to call and request use of the Village's speed trailer to monitor driving speeds.

Mr. Marty thought he saw a bike officer shooting radar. Chief Selders indicated that this was not a radar unit; it was a hand held laser. They have started incorporating that with the cyclists in the residential areas. They can flag down motorists and advise them of their violations.

Fire Chief: Mr. Parsons

- Reminded citizens that school is open and to drive safely.
- Stated that July was a very busy month. Due to 45 calls for assistance (3 were EMS Runs), 30 patients seen (30 of these patients were transported to area

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- hospitals), 9 Fire Runs with little to no fire loss (most of which involved downed power lines) and minor injuries on the MVA Runs.
- Reported that they have been busy working on many activities – (Ex: Roche de Boeuf Day Festival and the upcoming Fishing Derby)

Public Works Director: Mr. Blair

- Gave project updates:
 - The Water Tower Restoration Project is done. The Tower is back in service.
 - Prior to school they began the stripping of stop bars and crosswalks will continue throughout the next month.
 - The restoration of the Baer Park basketball courts and tennis courts begin today. This is expected to be a 30-day project.
 - The Sept 13th Annual Fishing Derby is approaching. Derby hours are 8:00am-1:00pm. He welcomes everyone to come.
 - He shared a Letter of Commendation for Rick Hannum

Communications from Council:

Mrs. Cherry:

- Attended the last two Music in the Park concerts. She stated that there were approximately 170 people in attendance at both concerts. She felt it was a very successful season.
- Attended August meetings of the Planning Commission, Safety Committee, Tree Commission, Historic Commission, Finance Committee, and Public Works Committee in an attempt to gain knowledge of how they function, what concerns they have, etc.
- Stated that the HC meeting was very enlightening. She learned that 34% of the district is comprised of residential homes.
- Talked to Mr. Moses and discussed the demand for open green space. Mr. Moses was open to the idea of allowing use of several acres across from the fire station in the next year for sports practices, etc
- Reported that the summer Rec program had a successful season. They received 60 registrations. They were approached by the township regarding township children being included in the program.
- Said that The Parks and Recreation Committee are still looking for options for dog park areas. They discussed park rules.
- Reported that the Parks Commission and Public Works discussed the possibility of a Bike Trail along Waterville Monclova from Kroger out to Farnsworth Park.
- Asked if we were doing “Hometown Hero” this year?

Mr. Gouttiere:

- Thanked Mr. Venis for his comments and welcomed Mr. Favorite as the new owner of Smedlaps.
- Feels that nominating someone for “Hometown Hero” is a good idea.
- Congratulates Randy Sikorski and John Spilker for showing off Waterville so well for all of the people who came from far distances for the “Cruisin’ In the

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Park” event. He also thanked all of the volunteers.

- Reported that the Economic Development will be meeting this Thursday. He feels that there is good support within the Committee and that they are headed in the right direction.
- He reported on a meeting that he and Mr. Bagdonas had with Tom DuVall. They are working on a 6-panel brochure to focus on the Fallen Timbers Business Park and other Commercial opportunities that are available in Waterville. It will point out reasons someone would want to move to Waterville, Tax Credits, Economic Incentives, etc. The brochure should be ready sometime in September. They have a citizen who is helping them with this.
- Met with Shad Williams from LCIC. He and Mr. Valtin were very pleased with Shad’s follow through.
- Pointed out that several Waterville residents saw an article in The Blade that stated that Jerry Arkebauer, an expert formerly with the Lucas County Port Authority, retired and was recruited by an entity that has been formed by several counties to take advantage of economic development possibilities along Rt. 24. A luncheon was put together with Mr. Arkebauer and many people benefited from attending.

Mr. Valtin:

- Invited residents to attend the EDC meeting this Thursday.
- Thanked the residents and business owners who came in to speak at the meeting. He stated that one of the things he likes most about being on Council is that residents and business owners can come forward and get involved in government. He always welcomes citizens’ comments.

Mrs. Brodie:

- Met with Jim Bagdonas – the City of Rossford contacted Jim regarding how we obtained our grant for the work on Third Street. Jim contacted Mrs. Brodie and former councilwoman Pauline Glaza to pick their brains regarding the grant. Mrs. Brodie noted that people notice all of the hard work that people like Mr. Bagdonas, other staff members and all the volunteers put into projects like this.

Mr. Guzman:

- Echoed on behalf of the Public Works Committee, reports on the completion of the Water Tower project and the continuation of the Downtown Revitalization Project. He noted that you will notice that you don’t trip as much now while walking the downtown sidewalks.
- Stated that he appreciates the feedback on the one-way/two-way street issue. He recognizes that everyone has their own vested interest in this decision and all of these will be discussed and considered.
- Congratulated Mr. Favorite on his purchase of Smedlaps and said that this is a Waterville Icon. He knows that Mr. Favorite has good restaurant experience and he looks forward to him restoring Smedlaps to what it has been in the past.

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OLD BUSINESS:

- A. **ORDINANCE 17-08** - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE VILLAGE OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND GENERALLY LOCATED IN SECTION 19, NORTH OF SR 64, EAST OF THE FUTURE US 24 BYPASS AND WEST OF WATERVILLE-MONCLOVA RD. AND OWNED BY MIDLAND AGENCY OF NORTHWEST OHIO FROM R-3 RESIDENCE DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT

Third Reading

Mr. Bagdonas explained how Ordinances 17-08 & 18-08 go together and how Ordinance 29-08 is also related. Mr. Moses continued with the explanation and answered council members' questions.

Mrs. Cherry made a motion to approve Ordinance 17-08. Mrs. Brodie seconded the motion Roll Call: Mr. Marty-yes, Mrs. Brodie-yes, Mayor Merrin-yes, Mr. Valtin-yes, Mrs. Cherry-yes, Mr. Gouttiere-yes, Mr. Guzman-yes. Motion passed unanimously.

- B. **ORDINANCE 18-08** - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE VILLAGE OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF CERTAIN PARCELS OF LAND GENERALLY LOCATED IN SECTION 19, NORTH OF SR 64, EAST OF THE FUTURE US 24 BYPASS AND WEST OF WATERVILLE-MONCLOVA RD. AND OWNED BY MIDLAND AGENCY OF NORTHWEST OHIO FROM R-2 RESIDENCE DISTRICT TO R-4 RESIDENCE DISTRICT

Third Reading

Mrs. Cherry made a motion to approve Ordinance 18-08. Mr. Guzman seconded the motion Roll Call: Mr. Marty-yes, Mrs. Brodie-yes, Mayor Merrin-yes, Mr. Valtin-yes, Mrs. Cherry-yes, Mr. Gouttiere-yes, Mr. Guzman-yes. Motion passed unanimously.

- C. **ORDINANCE 19-08** - AN ORDINANCE AMENDING PART THREE, TITLE SEVEN, CHAPTER 351 – PARKING GENERALLY OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WATERVILLE

Third Reading

Mr. Guzman made a motion to approve Ordinance 19-08. Mrs. Brodie seconded the motion Roll Call: Mr. Marty-yes, Mrs. Brodie-yes, Mayor Merrin-yes, Mr. Valtin-yes, Mrs. Cherry-yes, Mr. Gouttiere-yes, Mr. Guzman-yes. Motion passed unanimously.

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- D. **ORDINANCE 28-08** - An Ordinance Amending Sections 1159.01 and 1159.02 of the Planning and Zoning Code Regarding the Board of Zoning and Building Appeals.

Second Reading

Mr. Bagdonas explained how this would create a category of zoning exception in certain situations and that the Board of Zoning Appeal would have final say on these exceptions.

Mrs. Cherry explained what took place at the Zoning and Planning Commission and that this would allow the Village to meet other communities' procedures.

- E. **ORDINANCE 29-08** - An Ordinance Amending the Municipal Zoning Map of the Village of Waterville to Change the Zoning Classification of a Certain Parcel of Land Generally Located in Section 19, North of SR 64, East of the Future US 24 Bypass and West of Waterville-Monclova Rd. And Owned by Midland Agency of Northwest Ohio from R-2 Residence District to R-3 Residence District.

Second Reading

- F. **ORDINANCE 30-08** - An Ordinance Amending the Zoning Map of the Village of Waterville to Grant a Conditional Use Permit to William and Peggy Toedter to Operate a Wholesale Bakery from Property Located at 8326 Waterville-Monclova Road

Second Reading

A representative from the bakery spoke and explained that they make organic cheesecakes and ice cream cheesecakes. Council members welcomed them to Waterville and wished them success.

- G. **PLANNING COMMISSION RECOMMENDATION** - Proposed change to appointment procedure for Historic District Commission members (Council direction to Staff needed)

Mr. Bagdonas directed council members to the July 25th memos in their Council packets regarding accommodations from the PC and the HDC. Mr. Gouttiere asked if we made the change of language would it require 3 readings. Mr. Bagdonas stated "yes". Mr. Hart suggested that a change of language would be required. Mr. Valtin stated that he is more interested in seeing that an exit would be related for all committees if Council decides to change it for one committee. Extensive discussion followed regarding whether to deal with making a change in language for all committees at once or dealing with them one at a time. Mr. Guzman stated that he felt that 60 days is not a long enough period of time and 180 days is too long. He asked if 90 days seemed appropriate. Mayor Merrin encouraged members to put sample language and legislative format on the agenda for the next Council meeting and put it to a vote. Mrs. Brodie stated that she stands behind her stance at the last meeting that it is unfair to make a change to only one committee. Mr. Marty stated that he feels that Council does not need to make a change at all. He feels that this

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takes away the rights and responsibility of the Mayor. Conversation continued on this matter.

NEW BUSINESS:

- A. **ORDINANCE 31-08** - An Ordinance Amending Part Three of the codified Ordinances of the Village of Waterville Schedule III of the Traffic Schedules, One-Way-Streets.

First Reading

Mr. Marty explained that the Safety Committee discussed the pros and cons and the committee recommends that the street be made a two-way street. He stated that the SC made their decision based solely on the issue of safety. Conversation continued.

- B. **ORDINANCE 32-08** - An Ordinance Amending Part Three of the Codified Ordinances of the Waterville Schedule V of the Traffic Schedules, Restricted or Prohibited Parking.

First Reading

Council discussed the pros and cons of changing Second Street from a one-way to a two-way street.

- C. **ORDINANCE 33-08** - An Ordinance Enhancing Section 533.14 of Part Five – General Offenses 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

First Reading

Mayor Merrin stated that this Ordinance was unanimously recommended for approval by the Safety Committee with a vote of 9 to 0. Mr. Marty and Mrs. Brodie attended the above-mentioned meeting. Mrs. Brodie shared the highlights of their discussion. Mayor Merrin stated that he does support this ordinance, particularly in reference to the daycare centers and the parks He states that this is intended to deny a sex offender the opportunity to stand in their own property and having immediate access to either run back into their home after committing an offense or taking a victim into their home and committing an offense. He did state that portions of the Ordinance overlap and consideration should be given to reducing some of the areas. Extensive conversation continued

- D. **RESOLUTION 29-08** - A Resolution Adopting a Schedule of Fines Related to the Municipal Traffic Code.

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This Resolution contains the specific fines referred to in Ordinance 19-08 regarding parking violations. Mr. Gouttiere expressed that he felt one of the fees was excessive. Chief Selders explained that they researched other municipalities and are matching their fees.

Mr. Guzman made a motion to accept Resolution 29-08. Mr. Marty seconded the motion. The motion passed by unanimous voice vote

- E. **RESOLUTION 30-08** - A Resolution Amending the Schedule of Fees and Deposits Charged by the Village of Waterville for Various Services by Establishing the fee for a Demolition Permit.

The current fee and deposit schedule does not contain a specific fee for a demolition permit. Zoning Permit fees, which include building “alterations”, have a flat fee and a charge based on the square footage of the building. This Resolution would add a separate category for a Demolition Permit fee, which would be equivalent to the Zoning Permit flat fee without the variable square footage fee.

Mr. Guzman made a motion to accept Resolution 30-08. Mrs. Brodie seconded the motion. The motion passed by unanimous voice vote

- F. **RESOLUTION 31-08** - A Resolution Authorizing the Municipal Administrator to Award a Contract to Smith Paving and Excavating, Inc. for the 2008 Sidewalk Program

Mr. Gouttiere made a motion to accept Resolution 31-08. Mrs. Cherry seconded the motion. The motion passed by unanimous voice vote

- G. **RESOLUTION 32-08** - A Resolution Authorizing the Municipal Administrator to Award a Contract to A-1 Concrete Leveling for the 2008 Waterville Sidewalk Mud-Jacking Program

Mr. Bagdonas explained that we received two bids for this and this is the lower bid.

Mr. Guzman made a motion to accept Resolution 32-08. Mr. Gouttiere seconded the motion. The motion passed by unanimous voice vote

- H. **RESOLUTION 33-08** - A Resolution Authorizing the Municipal Administrator to Enter Into a Contract with Hylant Administrative Services, Inc., Administrator of the Ohio Government Risk Management Plan, For Comprehensive Property, Casualty and Liability Insurance Coverages

Mr. Bagdonas states that this Resolution addresses the village’s annual renewal of comprehensive property, casualty and liability insurance coverages. Hylant Administrative Services, our current longtime carrier, has again made a very

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favorable proposal for renewal of our coverage. The Finance Committee has recommended approval of this Resolution

Mr. Marty made a motion to accept Resolution 33-08. Mrs. Brodie seconded the motion. The motion passed by unanimous voice vote

Adjournment:

There being no further business to come before Council, Mr. Guzman made a motion to close the meeting at 11:02 p.m. Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

Jennifer Carter
Clerk of Council

Derek Merrin
Mayor