

**Village of Waterville**  
**Minutes of Regular Council Meeting of:**  
**September 22, 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. Gouttiere and Mrs. Cherry. Mrs. Brodie made a motion to excuse Mr. Valtin from the meeting due to travel. Mrs. Cherry seconded the motion, which passed by unanimous vote.

Mayor Merrin explained that the approval of the minutes of the Regular Council Meeting held September 8, 2008, will be delayed until next Council Meeting due to a computer problem.

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

Village Staff present:

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:**

John Memmer, Jan Lowe, Christine Lonsway and Tom Venis addressed Council regarding Ordinance 31-08, the proposed change to Second Street. Mr. Memmer spoke in favor of the Ordinance and encouraged Council to follow the recommendation that was handed down by the Safety Committee. He stated that the suggested lack of adequate parking is not an issue. Mrs. Lowe lives on S. Third Street and is in favor of the Ordinance. She feels the real decision maker should be safety – not the business success of Smedlaps or The Wellness Center. Mrs. Lonsway provided a report, which included detailed photos, her comments, and her suggestions for addressing this issue. She feels that passing this Ordinance would be a “lose-lose” outcome for all involved. She offered some suggestions for The Wellness Center that could address their concerns about loss of potential clients. Mr. Venis owns Smedlaps and he presented a petition containing signatures of the tenants of Peddlers' Alley. Mr. Venis stated that the business owners were not made aware of this proposed change. Mayor Merrin, however, clarified that Mr. Bagdonas hand delivered notices to all of the businesses in Peddlers' Alley and invited them to the Safety Committee meetings.

Craig Eiben addressed Council regarding Ordinance 33-08. He asked what specific evidence the Safety Committee used to make their decision. He referred to an article that he read in The Blade and stated that “The Blade misses the point”. He said that property values are not the main issue – the issue is the safety of the residents and children. Mayor

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Merrin responded to Mr. Eiben's question regarding seeing 3 different maps. Mayor Merrin also explained that when the issue comes back to Council it will be the Third Reading. It may be amended at that time and require other meetings and readings. This issue could likely be discussed over the next couple of months. Mr. Gouttiere invited Mr. Eiben and all citizens to attend the Safety Committee meeting on November 6<sup>th</sup> at 7:00 PM.

**Staff Reports:**

Administration: Mr. Bagdonas:

- Reported that a pre-construction meeting took place regarding the construction of Pray Blvd. They have begun construction and hope to complete the work in the spring of 2009.
- Reported that on September 16<sup>th</sup> the County Engineers Office installed the all-way stop at the Dutch /Waterville-Monclova Road intersection. The Waterville Police Department and the County Engineers Office will be monitoring the traffic in this area. It was suggested that the bridge repair that is currently taking place on Stitt Road could cause some of the traffic backups during peak hours.
- Stated that the ribbon cutting for the downtown project will take place this Thursday at 8:00 AM in the new parking lot.
- Explained "cash to tap" fees in regards to the Fire Station. Mr. Bagdonas has thoroughly reviewed the situation and is in agreement that we do owe the money to the developer of the Bridgehampton Woods subdivision Discussion followed.

Mr. Guzman made a motion to pay the "cash to tap" fees that the village owes. Mr. Gouttiere seconded the motion, which passed by unanimous vote.

Assistant Law Director: Mr. Hart had no report.

**Communications from Council:**

Mrs. Cherry:

- Commented that the downtown area looks wonderful as a result of the revitalization. She thanked everyone involved.
- Stated that she has witnessed some of the traffic backups as a result of the new 3-way stop at the Dutch & Waterville Monclova intersection, but knowing that you are going to get through the intersection safely is what is important.
- Reported that the Waterville and Whitehouse Tree Commissions met jointly at the Toledo Zoo. Nancy Bucher, a member of the Waterville Tree Commission and Director of Horticulture, gave them excellent advice.
- Reported that the Village Fishing Derby was a success despite the weather. Forty-seven children, parents, and grandparents, attended while standing in the rain for over two hours – but they had a great time. Mrs. Cherry thanked all of the volunteers who helped with the derby, including those who donated prizes.
- Attended the HDC meeting and the Chamber of Commerce breakfast at Chowders. Candidates running for state office were at the breakfast and it was very interesting to hear their perspectives on issues that affect our community.

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- Discussed a breakfast meeting that she had with the Lucas County Commissioners. The topic was what parents can do to raise successful kids.

Mr. Gouttiere:

- Complimented and thanked everyone involved with making the Fishing Derby a success.
- Thanked the residents who came to address Council tonight. He appreciates their input, regardless of which side of the issues they are on.
- Agreed that Third Street looks great.
- Reported that one citizen in particular has contacted him several times regarding her difficulty getting out of the Children's Discovery Center driveway. She stated that making a left turn out of the driveway is even more difficult than before the 3-way stop was implemented.
- Reported that the Economic Development is scheduled to meet at 7:00 PM on Thursday, October 2<sup>nd</sup>. They are hopeful that the brochure will be finished at this time

Mrs. Brodie: No report

Mr. Guzman:

- Thanked Christine Lonsway for taking the time and effort involved in presenting her research regarding the Second Street issue in a way that takes the emotion out and just states the facts. He appreciates that she provided possible solutions.
- Stated that the 3-way stop has gotten off to a pretty rough start, but he feels that over time the citizens will be educated. He came through the intersection at 6:10 PM and there was no back up. He encouraged the media to alert citizens that some drivers may not be paying attention, and therefore, may not notice the new signage. He hopes all citizens will be careful at this location. He added that he feels that the Lucas County Engineers have done everything they could do to make it safe, but it is going to take awhile for the citizens to be educated.

Mr. Marty: No report

**OLD 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.

*Third Reading*

Mrs. Brodie stated that she voted no on this issue at the Safety Committee meeting. She thinks it seems rather silly to have one section of Second Street one-way, while the rest of the street is two-way. Mayor Merrin agreed with Mrs. Brodie and stated that he feels it is the right decision for the residents and also for citizens to have easy accessibility to the Municipal Building.

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Mrs. Cherry stated that while conducting an unofficial survey the most number of cars she has seen in The Wellness Center parking lot has been 3 – and sometimes 0, 1 or 2. She discussed different issues that helped her make her decision – which is a “no” vote.

Mr. Guzman stated that the Historical Report said that one-way streets are not preferred, but the engineering study said that they saw no benefit to make this change. He realizes that there will be some lost parking, but these business owners knew that Second Street was a one-way street when they bought their businesses. He feels that Council should attempt to help The Wellness Center with issues such as signage.

Mr. Marty indicated that he did vote for this proposal at the Safety Committee meetings only based on the issue of safety. He felt this change would alleviate some of the traffic flow and he still supports this Ordinance – for safety issues.

Mr. Gouttiere thanked Mrs. Lonsway for the evidence that she provided, which allowed him to see some things that he had previously overlooked. He stated that he is not in favor of this change and that the street has been one-way for 30 years without any major accidents. He is concerned about anything that could possibly adversely affect any of our businesses. He would like to see Council work with The Wellness Center to add signage. Mr. Bagdonas addressed the issue of Village codes in regard to signage.

Mayor Merrin thanked everyone from both sides of this issue. He stated that this ordinance was brought back to Council because of the lack of opportunity to present both sides. This is a good example of citizens being given an opportunity to make their case. He doesn't feel that there is a definite answer in this circumstance.

Mr. Marty made a motion to adopt Ordinance #31-08. Mayor Merrin seconded the motion, which failed by a roll-call vote of 2 – 4. Mr. Marty and Mayor Merrin voted Yea, while Mrs. Brodie, Mr. Gouttiere, Mrs. Cherry and Mr. Guzman voted Nay.

- 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.

*Third Reading*

Due to the failure of Ordinance #31-08, this Ordinance is no longer applicable. Mayor Merrin made a motion to remove Ordinance #32-08 from the agenda. Mr. Guzman seconded the motion, which was agreed to by a unanimous vote.

- 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

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Ordinance #33-08 is currently tabled pending the November Public Safety Committee meeting.

**NEW BUSINESS:**

- A. **ORDINANCE 35-08** - An Ordinance to Approve and Adopt Current Replacement Pages to the Municipal Code, and Declaring an Emergency

This item comes before Council once a year as a routine matter. We update the Municipal Code book annually to reflect the changes and new code items approved by Council during the preceding year.

Mayor Merrin made a motion to suspend the rules to allow Ordinance 35-08 to be passed as an emergency. Mrs. Brodie seconded the motion. A roll-call was held, the motion passed by unanimous 6-0 vote.

Mayor Merrin made a motion to accept Ordinance 35-08, Mrs. Brodie seconded the motion. A roll-call was held, the motion passed by unanimous 6-0 vote.

- B. **RESOLUTION 39-08** - A Resolution Authorizing the Municipal Administrator to File Applications and Enter into Agreements with the Ohio Public Works Commission (OPWC)

This Resolution would authorize the submission of three applications for grants and a loan from the OPWC (Issue 2). The application deadline is October 10<sup>th</sup>. Details of the applications are included in the attachments to the Resolution.

Mr. Guzman made a motion to adopt Resolution 39-08. Mr. Gouttiere seconded the motion, which passed unanimously.

- C. **RESOLUTION 40-08** - Accepting Tax Rates for FY 2009

This item is an annual piece of legislation which approves and accepts the tax rates set by the Lucas County Budget commission for the inside mileage property tax that is collected based on the approved millage and the property valuations within the Village.

Mrs. Cherry made a motion to adopt Resolution 40-08. Mrs. Brodie seconded the motion, which passed unanimously.

- D. **RESOLUTION 41-08** - A Resolution Authorizing the Municipal Administrator to Execute an Agreement Amendment with Lucas County Regarding the Boundaries of the Waterville Sanitary Service Area

Mr. Bagdonas explained Resolutions 41-08 and 42-08 together as parallel resolutions.

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Mrs. Cherry made a motion to adopt Resolution 41-08. Mrs. Brodie seconded the motion, which passed unanimously.

- E. **RESOLUTION 42-08** - A Resolution Authorizing the Municipal Administrator to Execute a Memorandum of Understanding with Lucas County and the Village of Whitehouse Regarding Water Service Area Boundaries

Resolutions 41-08 and 42-08 would authorize the execution of the documents necessary to expand the Village's water and sanitary sewer service area boundaries as discussed over the past sever years. The two service areas would be identical and are shown on the maps attached to each Resolution.

Mrs. Brodie made a motion to adopt Resolution 42-08. Mr. Gouttiere seconded the motion, which passed unanimously

- F. **REFERRAL TO PLANNING COMMISSION** - Application for Conditional Use Permit for New 90,000 sq ft initial and 123,000 sq ft future Kroger Supermarket (1139A.03 (g) – Structure greater than 75,000 sq ft in area) (Motion)

The Kroger Co. has made application for a Conditional Use Permit for a new store to be located at the northwest corner of SR 64 and the future Pray Blvd. This would be a conditional use in the C-3 Zoning District since the store will be larger than 75,000 square feet in area. A motion to refer the application to the Planning Commission for a recommendation is necessary at this time.

Mr. Guzman made a motion for referral to the Planning Commission. Mrs. Brodie seconded the motion, which passed unanimously.

**Adjournment:**

There being no further business to come before Council, Mayor Merrin made a motion to close the meeting at 8:57 p.m. Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

*Jennifer Carter*  
Clerk of Council

*Derek Merrin*  
Mayor