

Village of Waterville
Minutes of Regular Council Meeting of:
September 8, 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. Guzman, Mrs. Brodie, Mayor Merrin, Mr. Valtin, Mr. Gouttiere and Mrs. Cherry. Mr. Guzman made a motion to excuse Mr. Marty from the meeting due to travel. Mrs. Brodie seconded the motion, which passed by unanimous 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
Steve Parsons – Chief, Waterville Fire Department
Ken Blair – Public Works Director

Mr. Gouttiere stated that two corrections were required to the August 25, 2008 minutes – first, a correction of the spelling of Mr. Arkebauer's name; and second, near the top of Page 5 it is stated that Mr. Gouttiere and Mr. Valtin met with Tom DuVall. Mr. Bagdonas attended this meeting rather than Mr. Valtin.

Mrs. Cherry asked why Council was given a second set of the July Meeting Minutes. Mrs. Carter explained that after the Council packets had been delivered to Council members she noticed that the names of two Council members had been omitted from one of the vote roll calls. Therefore, new minutes were drafted and distributed allowing for this correction.

Approval of the minutes of the Regular Council Meeting held August 25, 2008:
Mayor Merrin made a motion to approve the minutes of the August 25, 2008, Council meeting including the above-mentioned corrections. Mrs. Brodie seconded the motion, which passed by unanimous voice vote

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

Citizens Comments:

Mike Roetter addressed Council regarding Ordinance 33-08 Mr. Roetter feels that if the intent is to restrict the location of sexual offenders the passage of this Ordinance would actually be forcing them to live in areas (ex: Cedar Lane, Maple Lane, and Sycamore Lane) that have a high population of elementary school student traffic. Many of these areas include paths that children travel to go to the ice cream store, the shopping areas, the swimming club, etc. He posed many questions regarding the urgency of this matter

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and why a stricter standard would be required than the standard that has been set by the State of Ohio, how the length of 1000 feet was established, etc. Mayor Merrin addressed some of these questions and concerns and stated that he is aware that this ordinance is not perfect but Council is attempting to provide changes that would best protect the citizens while staying within the boundaries set by state law. He also stated that the map that had previously been proposed is being altered and would be less restricted. If this ordinance passes, all sex offenders currently living in Waterville would be grandfathered from this ordinance.

Joe Cerva spoke to Council as a representative of the Riverwalk Condominium Association regarding the permit being considered for the wholesale bakery at 8326 Waterville-Monclova Road. Their property backs up to this property. Their concerns include possible noise coming from large refrigeration units, truck deliveries and compressors, the hours of operation, any plans to expand the business and whether a noise barrier would be established if noise became an issue.

Mayor Merrin invited Mr. Toedter to address the concerns of the Association. Mr. Toedter expressed that the hours of operation would be 8 am – 5 pm. The bakery does have an outside freezer that may be used for retail purposes in the future but they are currently using an indoor freezer. They have requested a truck dock to be installed at some point in the future. They have no large compressors and he stated that noise should not be an issue at all. He added that they would like to install a fence. Mr. Gouttiere asked if the business should be successful would the work hours increase. Mr. Toedter stated that they might increase the hours but that his preference is to expand the daytime operations. He stated that they have plenty of space to expand the daytime shift. When asked when they expect to begin operations, Mr. Toedter explained that they will be operating a facility out of California also and the California facility will be the first location to open which is expected to be sometime in November. The Waterville location will service the eastern half of the U.S. Mr. Gouttiere welcomed Mr. Toedter to Waterville.

Dave Myerholtz addressed Council regarding the village making national news due to the visit of John McCain. He pointed out that our police department was only given approximately 2 hours notice prior to Mr. McCain's visit. The Police Chief and The Fire Chief were sworn to secrecy and told that if a large crowd was awaiting Mr. McCain they would not make the stop in Waterville. Mr. Myerholtz thanked the Police Chief, the Fire Chief and the officers for making this visit possible. He also spoke regarding the important disaster relief work being handled by ISOH (International Services of Hope). This operation is staffed completely by volunteers. ISOH has made the decision to move operation to Levis Park but they will continue to use the Waterville location as a functioning unit with a drop off point and a staging unit. He encouraged that we work with this important organization. They are looking for volunteers to also help with the improvements that they will soon be making to the Waterville building. Donations of both time and money are very much needed. Mayor Merrin stated that he also had spoken with Mrs. Green (Operator of ISOH) regarding their needs and plans.

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Katrin Fish approached council again regarding the consideration to change Second Street from a one-way to a two-way street. She wanted to clarify that the Safety Commission's vote to make this change was a 5-4 vote to approve rather than the 9-0 vote as stated at a previous meeting. Also, she feels that the Safety Commission should be more concerned about the results of 2 traffic studies than concerns regarding the Historical Commission. She feels that funneling traffic through the 3-way stop at River Road would be safer than funneling traffic from Second Street onto Farnsworth Road. She feels that safety would definitely be compromised as well as the continued success Smedlaps. She stated that she knows that the Mayor promotes Waterville Businesses and this would jeopardize this long-time restaurant. Mayor Merrin responded that there are many businesses in Waterville – some support this change and some do not.

Ferd Seipel, former owner of Peddler's Alley and former owner/operator of Smedlaps Smithy, stated that he is opposed to making the change to Second Street. He feels that the one business that originated this change has other options regarding their entrance(s) and that it doesn't make sense to cause all of this upheaval over the preferences of just one business. He feels they can solve the problem themselves. Mayor Merrin stated that he was just presented a petition with approximately 70 signatures and that Bill's Gun Shop was also proposing this change. Mr. Seipel stated that Bill's Gun Shop is not located in close proximity to the area of concern.

John Memmer spoke in favor of the proposed change to Second Street. He shared pictures (that he had taken) with Council showing that there are a few cars parked in these spots at varying times of the day and the change would not cause a negative parking issue. He disagrees with Mrs. Fish because he said that other than some needed trimming of hedges the alley is not in disarray. He also stated that the buffalo and the horse should be moved regardless of this change because they are in the right-of-way.

Judy Pittman spoke regarding the use of cell phones during council meetings. She asked that they be shut off or silenced because they are disruptive to the work of Council

William Albert spoke regarding Ordinance 33-08. He has lived in the 800 block of Maple Lane for 27 years and states that this block alone is "loaded with children and most of them walk to the elementary school and to the Fallen Timbers Rec Center." He feels that this should be a restricted area (from sex offenders). He questioned the 1,000-foot radius. He is not in favor of this ordinance and stated that there should not be exclusions to where they should or should not live with the exception of areas such as schools and parks. He feels this would cause polarity in our village. Mr. Gouttiere asked Mr. Albert what he would do if the decision were his. Mr. Albert stated that he feels that Council should look at the accuracy of the distances on the map that has been drawn up. Mayor Merrin responded that this legislation has passed all across Ohio and across the nation. The result in these areas has not been that groups of sex offenders gather in certain areas as a result.

Craig Eiben stated that he has lived in Waterville most of his life. His concern is that we can't always see the unintended consequences of changes caused by ordinances such as

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Ordinance 33-08. If we provide particular areas where sex offenders are allowed they could certainly concentrate in these areas. School children in the area where he lives (Maple Lane) are not given the option of bussing and must walk to school. He respects that Council is attempting to make the village safer but he doesn't feel it is wise to make these changes because of the possibility of unintended consequences.

Elaine Blackwood spoke to Council in favor of these changes again. She stated that The Wellness Center has over 700 clients from other states and villages and it can be difficult to find their business. She feels that more traffic would result in more new business being brought to our town. She stated that the passage of Ordinance 32-08 would not benefit their business alone as stated by others earlier. She stated that the biggest and best issue in favor of this passage is that the Safety Committee feels that changing Second Street into a two-way street would make it driving in this area safer. She stated that people are avoiding the street now because it is a one-way street. She said that she couldn't see how this change would hurt any businesses or residences on Second Street.

Mrs. Blackwood's husband, Al Blackwood, said that making this change could be a win-win situation. He stated that he had proposed a sign be placed but was told that this wouldn't be allowed because it would be in the right-of-way.

Tom Venis, owner of Peddlers Alley, also spoke to Council again. He stated that the Buffalo and the Horse have been Waterville icons for 30 years and when they were loaned out a few years ago people questioned where they were.

Win Sturgeon asked Council, "Why not ban homosexuals? Why not burn the books in the library that have sexual content in them?" His point was that we cannot start picking on one group of people. He feels that passage of this ordinance would be blasphemous.

Laura Henry stated that she sees Pisanellos' delivery trucks park in front of their store and make deliveries and it is not a problem. She said that people pass these trucks using common courtesy without any problem.

Staff Reports:

Administration: Mr. Bagdonas:

- Reported that construction on the Prairie Trail Sanitary Trunk Sewer will start this week.
- The flashing beacon that was ordered for the all-way stop at the Dutch Road/Waterville-Monclova intersection was delivered. The County Engineer's Department will handle the installation, which is planned for September 16th.
- Brought Council members up to date on the progress of the Downtown Improvement Project. The building contractor expects to be done soon. Plans for a ribbon cutting ceremony are being made. Stated that he and Mr. Blair met with representatives of the County Engineer's Office and discussed applications for Ohio Public Works commission and TMACOG Federal Transportation

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Funds regarding the improvements to the Dutch Road and Waterville-Monclova intersection. He explained some of the funding process.

- Stated that the September issue of the Canal Post was mailed this week. Mr. Bagdonas expressed his thanks to Melissa Cook for handling this while Jenny Valentine is out on sick leave.
- Reported a call that he received from the Lucas County Sanitary Engineer regarding a joint Ohio Public Works Commission application for replacement of the waterline located on N. River Road. The waterline is approximately 60 years old and is prone to breaks.

Mrs. Cherry noted mention in Mr. Bagdonas' report regarding gas rates actually decreasing. She stated how fortunate our community is that we have a franchise that is willing to fluctuate the rates in conjunction with what the company pays for gas

Law Director: Mr. Dombey had no report.

Finance Director: Mr. Knepper had no report.

Treasurer: Mr. Schult

- Reported on the June Treasurer's Report. We are about \$200,000 behind where we were at the beginning of the year, which is reasonable considering the major project expenses.
- Stated that he was asked to give a brief history on the Waterville Community Foundation, of which he is a board member. The Foundation was originally put in place because people had relatives pass away who stated that they would like to give something for the benefit of Waterville. There are several of these Foundations across the country. The intention is to build for the future to do good things for the Community of Waterville. Currently the fund balance is approximately \$50,000. He said that we need to get pamphlets in the attorneys' offices so people can make arrangements when preparing their wills. This Foundation is a subsidiary of the Toledo Community Foundation. The goal is that when the fund balance nears \$100,000 and we branch out on our own we would create our own 501-C3 Fund independent from the Toledo Foundation.

Chief of Police: Mr. Selders

- Stated that the WPD will be assisting the Township and Lucas County Sheriff's Department with the 3-way stop at Dutch & Waterville-Monclova Roads with the enforcement process.
- Commented that the WPD will be assisting the Public Work Department with the upcoming Fishing Derby (meeting the public, handing out brochures, etc.)
- Stated that he was approached by the Whitehouse Police Department regarding their department setting up their own Safety City next year. The Waterville Police Department would teach them how this process works.

Fire Chief: Mr. Parsons

- Stated that August wasn't quite as busy as the prior months have been. There were 36 calls for assistance (28 were EMS Runs), 29 patients seen (24 of these

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- patients were transported to area hospitals), 1 MVA and 7 Fire Runs. Total fire loss for the month was approximately \$10,000.
- Discussed a lock out incident that took place involving children locked in a vehicle. The Police Department no longer unlocks cars – partially for safety reasons due to the side air bags. The WFD assisted with this incident.
 - Reported that they have been helping get the pond ready and will be helping the Public Works Department with the Fishing Derby.
 - Reported that the WFA will hold their annual Roche de Boeuf party at Conrad Park in addition to participating in the parade.
 - Pointed out the approaching date of September 11th. He asked that we all take time to remember the victims and the members of EMS, Law Enforcement and Fire Associations for their sacrifices.
 - Briefed Council members on the need and request to replace the Heart Monitors/Defibrillators. The current units are 16 & 10 years old. He explained the Trade-In allowance and Federal Grant involved. These units have features that the old units do not have.

Public Works Director: Mr. Blair

- Reminded everyone of The Annual Fishing Derby that will be held on September 13th. Derby hours are 8:00am-1:00pm. He invited everyone to come.
- Reported that the 2008 Sidewalk Repair program will begin on September 22nd.
- Also reported that the 400,000-gallon water tower is back in service but there is still some restoration work to be done.
- Stated that they are preparing for Roche de Boeuf Day.
- Reported that they are working on the 2009 Budget.

Communications from Council:

Mrs. Cherry:

- Thanked the residents that came to address Council.
- Stated that in regards to the Second Street issue, Council could change the sign legislation to help Mr. & Mrs. Blackwood.
- Offered her condolences to Chief Selders for the passing of his father. She stated that he was greatly admired and will be dearly missed. She stated that while dealing with his father's death Chief Selders also managed to deal with all that was involved with the visit of John McCain. We appreciate his dedication to the Village.
- Reported that the Awake Coalition (which she is a member of) is meeting tomorrow at 4:00 PM in the AWHs conference room. They will be making plans for the upcoming school year that will involve students and parents and the involvement of alcohol.
- Stated that she has been working with a River Road resident whom she met at a Town Hall meeting regarding pursuing sidewalks.

Mr. Gouttiere:

- Also thanked the residents who came to address Council tonight for their valuable

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insight helping him to make well-informed decisions. He appreciates hearing different perspectives.

- Offered Chief Selders his condolences as well. He also stated that he has had occasion where Police Officers have been of help to him and he is appreciative of that.
- Reported that the Economic Development is drafting a brochure and he expects it to be finished within the next two weeks. They will be meeting with the writer and the graphic artist working with them. The intent of the brochure is to highlight the Fallen Timbers Business Park, but also refers to other commercial site opportunities in Waterville.
- Stated that the next time the ECD meets (at the end of the month) they hope to finish their goals and objectives regarding how to best market Waterville.

Mr. Valtin:

- Reported on an after-hours event hosted by the Chamber of Commerce last week. Embarq co-sponsored the event, which was well attended (approx 80-100 people). It gave people a chance to get to know each other and network.
- Thanked the residents and business owners who came to speak. He said that addressing Council as a group is so much more effective than addressing issues with just one member. He stated that this is the perfect way to get involved in government.

Mrs. Brodie: No report

Mr. Guzman:

- Stated that he appreciates the residents who come forward, stepped out of their comfort zone, and spoke what's on their hearts. He commented on the passion that these people feel for their family and stated, "that's what it's all about". He said there were 14 people who came to speak tonight and he is appreciative of them. This helps Council make the decisions that are important to our village.
- Also offered his condolences to Chief Selders.

OLD BUSINESS:

- A. **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.

Third Reading

Mrs. Cherry made a motion to accept Ordinance 28-08. Mrs. Brodie seconded the motion. A roll-call was held, the motion passed by unanimous 6-0 vote.

- B. **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

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Midland Agency of Northwest Ohio from R-2 Residence District to R-3 Residence District.

Third Reading

Mrs. Cherry made a motion to accept Ordinance 29-08. Mr. Gouttiere seconded the motion. A roll-call was held, the motion passed by unanimous 6-0 vote.

- C. **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

Third Reading

Mr. Gouttiere made a motion to accept Ordinance 30-08. Mr. Guzman seconded the motion. A roll-call was held, the motion passed by unanimous 6-0 vote.

- D. **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.

Second Reading

- E. **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.

Second Reading

- F. **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

Second Reading

NEW BUSINESS:

- A. **ORDINANCE 34-08** - An Ordinance Amending Ordinance No. 20-08, the FY 2008 Amended Annual Appropriations Ordinance and Declaring an Emergency.

Mayor Merrin made a motion to suspend the rules to pass Ordinance 34-08 as an emergency. Mrs. Brodie seconded the motion. The motion passed by unanimous voice vote

Mayor Merrin made a motion to accept Ordinance 34-08. Mr. Guzman seconded the motion. A roll-call was held, the motion passed by unanimous 6-0 vote.

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- B. **RESOLUTION 34-08** - A Resolution Authorizing the Municipal Administrator to Award a Contract to Bound Tree Medical LLC for the Purchase of Two Heart Monitor/Defibrillators and a Two Bay Battery Charger/Analyzer

Mr. Gouttiere made a motion to accept Resolution 34-08. Mr. Guzman seconded the motion. The motion passed by unanimous voice vote

- C. **RESOLUTION 35-08** - A Resolution Declaring the Necessity for the Transfer of Funds from the Capital Improvement Fund (Fund 320) to the Five-Year Operating Budget Capital Fund (Fund 325)

Mayor Merrin made a motion to accept Resolution 35-08. Mrs. Cherry seconded the motion. The motion passed by unanimous voice vote

- D. **RESOLUTION 36-08** - A Resolution Declaring the Official Intent and Reasonable Expectation of the Village of Waterville on Behalf of the State of Ohio (the Borrower) to Reimburse its Capital Improvement Projects Fund, for the OPWC-CL201, the 2008 Pump Station Standby Generators Program with the Proceeds of Tax Exempt Debt of the State of Ohio

Mr. Guzman made a motion to accept Resolution 36-08. Mr. Gouttiere seconded the motion. The motion passed by unanimous voice vote

- E. **RESOLUTION 37-08** - A Resolution Authorizing the Municipal Administrator to Approve Change Order Numbers Two, Three and Four to a Contract with Spieker Co. for the Construction of the North Third Street Enhancement Phase 2 (Restroom/Clock Tower Building)

Mr. Gouttiere made a motion to accept Resolution 37-08. Mrs. Brodie seconded the motion. The motion passed by unanimous voice vote

- F. **RESOLUTION 38-08** - A Resolution Authorizing the Municipal Administrator to Make Application for a Transportation Enhancement Fund Program Grant.

Mr. Bagdonas explained that this resolution addresses S. Third Street between South Street and Farnsworth Road. This would be a different source of funds than was pursued for the current project – this is federal transportation money. This could provide 50% of the cost of the project. We would also pursue some additional sources as well.

Mrs. Brodie made a motion to accept Resolution 38-08. Mr. Guzman seconded the motion. The motion passed by unanimous voice vote

Adjournment:

There being no further business to come before Council, Mayor Merrin made a motion to close the meeting at 9:57 p.m. Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

Jennifer Carter
Clerk of Council

Derek Merrin
Mayor