

Village of Waterville
Minutes of Regular Council Meeting of:
January 26, 2009

Mayor Derek Merrin called the regular meeting of the Waterville Council to order at 7:30 p.m. in the Council Chambers of the Waterville Municipal Building.

Mrs. Brodie led Council in prayer. 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 January 12, 2009:

Mayor Merrin made a motion to approve the minutes of the January 12, 2009, Council Minutes. Mrs. Brodie seconded the motion, which passed by unanimous voice 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 – Fire Chief

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: None

Staff Reports:

Administration: Mr. Bagdonas

- Reported that the Browning Masonic Home will be making some changes to bonds that were issued in 2001. Browning's main facility is located in Springfield, Ohio, and they also operate facilities in Waterville and Medina. In late 2000 Council passed legislation related to the bonds. These changes require that a Public Hearing be held. The Hearing will take place in Council Chambers on February 6th at 10:30 a.m. Representatives from Browning will be on hand to answer any questions that people may have

Law Director: Mr. Dombey - No Report.

Finance Director: Mr. Knepper

- Reviewed the 4th Quarter Budget and Financial Report for FY2008. He stated that all expenditures fall within the last 2008 budget amendment, which took place on December 8th. He made an appropriation comparison between the final appropriation and the original appropriations for this document.
- Highlighted the activity of five of the major funds: General Fund, Street Construction Maintenance & Repair Fund, 5- Year Capital Fund, and Water

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Operating & Water Capital Funds. He summarized some of the activity within these funds during FY2008.

- Commended the department heads and employees for spending Village money wisely.
- Stated that the approach that they take to budget conservatively has paid off.
- Stated that the income tax collected was \$34,000 over budget. We collected 101.3% of our budgeted income tax.
- Welcomed questions, phone calls and/or e-mails regarding any questions that any of the Council members may have.

Treasurer: Mr. Schult

- Reported that the December Cash Accounts are reconciled with the exception of a couple of very minor year-end cleanup items.
- Reported that we are approximately a half million dollars down from where we were last year. This is not surprising because we saw a lot of money go out due to some very good, solid projects that we undertook.

Communication from Council:

Mrs. Cherry

- Complimented Mr. Blair and the street crews for keeping our streets clean and also for handling the issue of the temporary scheduled power outage that some (approximately 127) residents experienced approximately ten days ago.
- Drew attention to a TV segment that she saw on WTOL regarding a new business in town, “The Silver Linings Gallery”. She encouraged residents to be sure to stop in the gallery. She stated that they “keep things affordable” and also highlight local artists.
- Welcomed Mr. Witzler and two members of Boy Scout Troop 101 - Josh Brown (Star Scout) and Connor (2nd Class). Josh is very close to earning the rank of Eagle Scout, as is Connor’s brother.

Mr. Gouttiere – No Report

Mr. Valtin – No Report

Mrs. Brodie – No Report

Mr. Guzman

- Stated that he will hold his comments regarding the issue of dispatching until the legislation is discussed later in the meeting.

Mr. Marty – No Report

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OLD BUSINESS:

- A. **ORDINANCE 46-08** – An Ordinance Adopting the Annual Appropriations for the Municipality of Waterville for the Fiscal Year Ending December 31, 2009, and Repealing Ordinance No. 45-08, and Declaring an Emergency
Third Reading

Mr. Bagdonas apologized for having a couple of revisions. The main change in this last revision is that they have now incorporated the 2008 actual figures versus the 2008 appropriations. He explained the result of the revisions and stated that they were able to do some fine-tuning. In most cases the changes were very minor. The Finance Committee has recommended approval of this ordinance.

Mayor Merrin stated that he thinks that the new system is definitely good and that he thinks it is good that we have actual balances and are able to properly appropriate for the next year.

Mr. Marty asked for clarification regarding the decreased balances. He expressed concern that the beginning fund balances have decreased each year for the past couple of years and that our total expenditures have exceeded our total revenues. Mr. Bagdonas stated that the major projects are driving these numbers. He explained that when we borrow money for these projects through our note issue which occurs in August. We only do that once a year, so to a great extent, that inflates those balances until the time that the project comes online and the money gets spent. It appears that our balances have dropped dramatically, but it, many times, is a reflection that we borrowed the money one year and the project actually occurs the following year. The Downtown Project was a good example of that happening: we actually sold the notes for that project in 2007, but we spent the money in 2008. Mr. Marty questioned this further indicating that it appears that our shortfall is larger than it has been the past few years. He stated that his intention is not to micro-manage but to encourage Council to proceed cautiously.

Mrs. Cherry again addressed the issue of the amount of money being budgeted for the YMCA Summer Recreation Program. She asked Council to consider adding 50% of the decreased amount back into the budget. She indicated that she would take this decision back to the Parks Committee at their next meeting

Mrs. Cherry made a motion that Council increase the budgeted amount from \$10,000 to \$11,200. Mr. Valtin seconded the motion.

Mr. Guzman asked for clarification of the amount. Mrs. Cherry stated that the YMCA is also experiencing added expenses and that they are working at cutting costs (ex: walking to the Fallen Timbers Family Recreation Club rather than transporting them).

Mr. Marty stated that he is in support of what Mrs. Cherry is suggesting but he feels that they need to look for another area of the budget to make up for that additional \$1,200 expenditure. Mr. Gouttiere asked Mr. Marty if he had any ideas where that \$1,200 might come from because Mr. Gouttiere has an idea of his own. Mr. Marty initiated discussion

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regarding the need for the bucket truck that is included in the budget. He asked Mr. Blair if it would be possible that we might purchase a small bucket truck and trade services of our equipment with the Village of Whitehouse. He suggested that maybe if both villages had only occasional need for a small or large bucket truck that maybe we could share this equipment. Mr. Marty stated that “we have to think outside the box”.

Mr. Marty asked Mr. Blair again if there is anything that we could do to reduce heat costs in any of the village buildings (ex: using timers to set the heat back when no one is in the building). Mr. Blair stated that he could take a look at this, but he said that often times it costs as much to reheat the area (from the lowered setting) than it does to keep the temperature consistent. He stated that they keep the thermostats set pretty low and that he has directed his staff to keep the bay doors open only for as long as is necessary.

Mr. Bagdonas said that the bucket truck comes out of a different fund than the Parks Program and that money cannot just be arbitrarily shifted among funds. Mr. Marty stated that the monies all feed into/out of the same grand total in the end. Mr. Gouttiere asked Mr. Marty if he had any recommendation where they could come up with the additional money - from the operations fund - to support the YMCA. Mr. Marty indicated that he didn't have a recommendation because he didn't know that this was going to be discussed tonight.

Mayor Merrin drew Council's attention back to the motion that was made by Mrs. Cherry and seconded by Mr. Valtin to add \$1,200 back into the YMCA proceeds.

Mr. Guzman asked Mrs. Cherry how many children participate in the YMCA program. Mrs. Cherry stated that 60 children participated last year and that all of the children were Waterville residents. She said that this is taxpayer money going back to the taxpayers. She explained that the cost for non-resident children (even township residents) to attend is substantially higher. Mayor Merrin stated that the bottom line is that the YMCA program is a luxury. It does not fall within the same category as basic maintenance, lights, and fire and police protection. He said that the budget shows that we do not have room for such luxuries. Mrs. Cherry responded that the YMCA has proven to her that this is not a daycare luxury. She stated that most of these children are being engaged in physical activities that are active, challenging, and that take the children away from the TV. She stated, “this is an investment in the children of our village”.

Mayor Merrin called for a vote on whether to adopt the amendment to the ordinance. The amendment passed by a vote of 6 to 1 with Mayor Merrin voting against the amendment.

Mayor Merrin drew Council's attention to a budgeted expenditure of \$1,100 allocated for “conference and training”. He stated that he was not planning to address this expenditure but because they just voted to increase the expenditures by \$1,200 this could be a good way to offset this additional cost. He stated that he has never used taxpayer dollars to travel, pay for gas or hotel rooms, and he feels that this should not be included in the budget.

Mayor Merrin made a motion to eliminate the Line Item of “Conference and Training”.

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Mr. Marty seconded the motion.

Mr. Guzman stated that he doesn't have an issue with this; but he feels that although it is good to "think outside the box" sometimes going to conferences allows new ideas to be heard and sometimes something new is learned that more than offsets the cost of attending. He added that new Council members in particular could greatly benefit by attending various conferences. Mr. Gouttiere echoed Mr. Guzman's comments. He referred to an Ohio Municipal League Conference that he attended last year. He said that he learned things at this conference that were very beneficial. He stated that, like Mr. Guzman, he also doesn't have an issue with this expenditure being removed from the budget.

Mr. Bagdonas said that \$1,151 was spent last year on this type of expenditure. He said the cost per person for this week's TMACOG General Assembly is \$50 and he does have one reservation thus far. Mrs. Cherry stated that while attending the Ohio Municipal League Leadership Training Academy she learned a lot about bond funding, notes, personnel issues, communications, and insurance. She also feels it is an excellent source for networking with other small towns that are having similar types of issues that we may be experiencing. She said she feels much more knowledgeable and feels that it was money well spent. She suggested that even if there is no money in the fund that newly elected members take advantage of these conferences/seminars like she did when she was newly appointed to Council. She also said that it also gave her an appreciation for our staff of administration and finance when seeing how much farther ahead we are than many of the other small towns.

Mayor Merrin repeated the motion he made earlier to eliminate the \$1,100 Line Item of "Conference and Training" under "Council's Expenditures". The motion passed unanimously.

Mayor Merrin directed discussion back to Ordinance 46-08.

Mr. Gouttiere initiated discussion regarding Council's decision at a previous meeting to decline an offer from ODOT to make a \$50,000 contribution to a proposed project involving a 300-foot mural on the retaining wall of the new US 24 bypass. ODOT proposed that the village would contribute 20% of the total needed funds of approximately \$250,000. The remaining \$200,000 would be covered with federal funds. Mr. Gouttiere reviewed the sentiments of Council members when that decision was made: he felt that the general consensus was that they were in favor of the project and considered it to be a worthwhile investment but that felt that, particularly in these economic conditions, they did not feel comfortable spending \$50,000 of the taxpayer's money.

Since that time, Mr. Bagdonas has been in discussion with Mike Ligibell (ODOT) and negotiated the required contribution. The original requirement of \$50,000 has been reduced to \$20,000. Mr. Gouttiere believes that this is a bargain, particularly considering how long it will last.

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Mr. Gouttiere has discussed the proposal of the mural with some long-time Waterville residents and already has 23 supporters who have agreed to make private donations totaling over \$4,000 toward funding this project. The contribution amounts vary between \$2 and \$500. Two residents have already given checks to Mr. Gouttiere. He stated that they would advertise and send letters out to the citizens.

Mr. Gouttiere made a motion to make an administrative change to Exhibit A of Ordinance Number 46-08 by changing Revenue Account #325-000-48090, Miscellaneous Revenue, from \$0 to \$5,000 and by changing Expenditure Account #325-501-53990, Other Contracted Services, from \$71,750 to \$91,750. Mr. Valtin seconded the motion.

Mr. Marty asked if Mr. Gouttiere has found a place to recoup the \$20,000 from the budget. Mr. Gouttiere said that he feels confident that the citizens will cover this expense with private donations. Mr. Marty said that although he feels that this is a good plan, he is not in favor of passing legislation but would see more people step forward to underwrite the project – and he feels that that is possible. Mr. Gouttiere responded that they need to make a commitment to ODOT by February 18th and that does not allow enough time to raise the needed funds. The bids are going to be open around February 19th. He stated that the village couldn't buy advertising for \$20,000 and that this is a good solid investment. He added that the State of Ohio would maintain the mural year after year. He stated that he completely understands that decisions on how to spend money in these economic times are not easy. But he feels that during these tough times it is important to take leadership and make these types of decisions. He pointed out the recent expenditure of the Downtown Revitalization Project as an example. He feels that they should take this out of the 5-year budget until the private funds are secured. Mr. Marty asked if we could approve the budget tonight without this amendment. Mr. Gouttiere explained why this wasn't possible. Mr. Marty wants to revisit this on February 9th and stated that he could not vote in favor of this tonight. Mr. Valtin said he agrees that this is a bargain but that we can't assume that our expense would be less than \$20,000. However, he would support this because it is a "one shot deal". Mayor Merrin thanked all of the people who have made a contribution to this project. He stated that he takes issue with the fact that the mural would not be in Waterville. He also stated that the reason the federal deficit is so high is due to expenses such as this. He said that he couldn't support this project.

Mrs. Brodie stated that her major reservation regarding this project is the total cost of \$250,000. She said that as a finance committee member she could not support this project. Mr. Guzman complimented Mr. Gouttiere for all of his hard work and initiative on this project – particularly considering that he is a fairly new member of Council. Mr. Guzman said you have to do whatever you have to do to promote your community and that seeing federal tax dollars coming back to our community is a good thing. He believes that considering the momentum that Mr. Gouttiere has going they will be successful in collecting the \$20,000. He used the example of the first time they requested donations for the village firework display. Mrs. Cherry stated that a comment that Mr. Guzman made using the term "gateway" reminded her of Poggemeyer telling of the

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importance of needing gateways into communities. She suggested using approaches such as 50/50 raffles at Roche de Boeuf or other social events to add to the money that is collected through citizen contributions.

Conversation returned to Mr. Gouttiere's earlier motion to amend the budget. The amendment passed 4-3, with Mayor Merrin, Mrs. Brodie and Mrs. Brodie opposing.

Discussion returned to Ordinance #46-08. Mrs. Brodie referred to Mr. Marty's earlier request for clarification regarding the account balances decreasing each year. She said that the balances have decreased due to She commended our administrator and fiancé director for the wise decisions that they make considering things such as the timing of proposed projects. She suggested that Council consider that if there were to be a change and there were different people in those positions things could be very difficult. She suggested the need to start looking at "are we balancing to our revenue?"

Mrs. Brodie made a motion to suspend the rules and pass Ordinance 46-08 as an emergency. Mr. Guzman seconded the motion, which passed by unanimous vote.

Mrs. Brodie made a motion to accept Ordinance 46-08 as an emergency. Mr. Gouttiere seconded the motion, which passed by unanimous vote

B. **ORDINANCE 49-08** – An Ordinance Amending the Zoning Map of the Village of Waterville to Grant a Special Use Permit to River of Faith Church to Operate a Church from Property Located at 1 South River Road

Third Reading

Mayor Merrin opened the meeting to a public hearing. No discussion ensued and the public hearing was closed.

Mayor Merrin made a motion to adopt Ordinance 49-08. Mr. Guzman seconded the motion, which approved by unanimous vote.

Mr. Guzman thanked the Pastor for spending so much time at the Council meetings. Mayor Merrin welcomed him to town.

C. **ORDINANCE 01-09** – An Ordinance Amending Section 505.02(B)(1) of the General Offenses Code with Respect to Animal Impoundment Fees

Second Reading

Mr. Bagdonas explained again that as in the past they have attempted to take the specific amounts out of our Codified Ordinances and have those handled by resolutions. This ordinance would take the specific dollar amounts out of this section for animal impoundment fees and substitute the language "such fees shall be in amounts as determined from time to time by Council."

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- D. **ORDINANCE 02-09** – An Ordinance Amending Section 935.12 of the Streets, Utilities and Public Services Code Regarding the Allocation of Sewer Charges Collected

Second Reading

Mr. Bagdonas stated that this is a housekeeping measure. The current Ordinance specifies that \$19,102 in capital charges be moved into the operating fund. This is no longer appropriate because the payment that is represented by those charges has been taken out of the Capital Fund for quite a few years. Changing this Ordinance would reflect our current practice.

- E. **ORDINANCE 03-09** – An Ordinance Amending the Zoning Map of the Village of Waterville to Grant a Special Use Permit to The Moses Schlachter Group, Inc. to Extract Fill Dirt and to Construct a 23-Acre Permanent Lake or Pond at a Location within the Proposed Villages at Waterville Landing Development

Second Reading

The next Planning Commission meeting is scheduled for February 2. A Public Hearing will take place at the February 9th after hearing the recommendation of the Planning Commission. Mr. Gouttiere expressed his concern of the location of the pond. He is concerned that this will cause the sound coming from the truck traffic on US 24 amplify. Mr. Schlachter explained multiple reasons why relocation would not be possible.

Mr. Valtin asked how much land would there be between the right of way and the water's edge. Mr. Schlachter said this is determined by the height of the berm. Mr. Valtin stated that the goal is to get the water as close to the right-of-way as is reasonably possible. Mr. Schlachter confirmed his statement.

Mr. Marty asked Mr. Schlachter what is going to stop the noise. He asked if a tree line might help. Mr. Dombey stated that trees to nothing to stop noise. Mr. Schlachter said he really didn't know but in his experience, placing evergreens on the top of a mound led to them dying. Mr. Schlachter re

NEW BUSINESS:

- A. **RESOLUTION 02-09** – A Resolution Authorizing the Municipal Administrator to Enter into an Agreement with the Wood County Sheriff for Police, Fire/EMS and Public Works Radio Dispatching Services

Mr. Valtin stated that it is his understand that we need to certain things to wrap up business with Lucas County before switching with Wood County. He wanted to know what happens if we don't get the approvals from Lucas County. Mr. Bagdonas stated that there are two separate functions and went on to explain. Mr. Gouttiere asked what leads us to believe that we will be any more successful with this change. Mr. Bagdonas stated

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that there is no guarantee because they have to staff and fund their own dispatching service. He also didn't feel that the sheriff's office could handle this without more staff and the funds to do so. Mr. Guzman expressed his displeasure with Tina Skeldon for coming here and asking what she could do to work with us and then "throwing us under the bus". He stated that Maumee has done a wonderful job of dispatching for us. He feels it is a loss for Maumee because now they have to fund \$245,000. He stated that we are willing to pay for the service but we are not willing to pay for Lucas County politics. He stated," the Sheriff of Wood County should be applauded for thinking outside of the box". Mr. Bagdonas stated that his calls to Lucas County have not been returned. He also stated that the Village of Whitehouse, Springfield, Berkey, and other communities receive their services from Lucas County for free. Resolution 02-09 is better than paying \$250,000 to the City of Maumee. Mr. Marty asked Chief Parsons if he feels confident that we won't have any problems. Chief Parsons responded that he does feel confident. Mr. Marty echoed Mr. Guzman's comments and thanked Chief Parsons and Mr. Bagdonas for all of their work on this issue. Mayor Merrin stated that both Chief Parsons and Chief Selders are fully in support of this.

Mayor Merrin made a motion to adopt Resolution 02-09. Mrs. Brodie seconded the motion; which 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 9:30 p.m. Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

Jennifer Carter
Clerk of Council

Derek Merrin
Mayor