

**Village of Waterville**  
**Minutes of Regular Council Meeting of:**  
**November 23, 2009**

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, Mrs. Brodie, Mr. Guzman, Mayor Merrin, Mr. Valtin, Mr. Gouttiere and Mrs. Cherry.

Also present were Jim Bagdonas, Administrator; Phil Dombey, Law Director; Steve Schult, Treasurer and Melissa Cook, Recording Secretary.

Village Staff present:

Dale Knepper – Director of Finance and Administration, Clerk of Council

Bob Selders – Waterville Chief of Police

Ken Blair – Public Works Director

Steve Parsons – Waterville Fire Chief

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 November 9, 2009:

Mr. Gouttiere made a motion to approve the minutes of the November 9, 2009 Council meeting as written. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

**Citizen's Comments:**

Lisa Exner, co-owner of Silver Lining Art Gallery, came to this evening's meeting to invite Council and the public to the Downtown Waterville "Holiday Happenin'" on Saturday, December 5<sup>th</sup> from 11 a.m. – 6 p.m. She went over the variety of different events and activities that will be held that day and added that they would also be holding a food drive that will benefit the Anthony Wayne Food Pantry. All non-perishable items can be dropped off at The Wellness Center & Day Spa.

**Staff Reports:**

Administration: Mr. Bagdonas

- Reported that our Request for Qualifications for the Comprehensive Plan Update is out for responses from consultants. We have received several inquiries and all responses are due by December 4<sup>th</sup>. A Comprehensive Plan Steering Committee meeting is scheduled for December 15<sup>th</sup> to review those qualification statements once they are received.
- Stated that he recently attended a meeting of the Ohio Public Works Commission District 12 Integrating Committee. At this meeting he was appointed the District Integrating Committee's representative on the District Natural Resources

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Assistance Council (NRAC), which oversees the application and ranking process for Clean Ohio Conservation Fund applications. He will be involved in this process for the next three years.

Mrs. Cherry stated that in his report he wrote that he prepared a list of expiring Board/Committee/Commission appointments. She asked him if current committee members could continue to serve if they choose too.

Mr. Bagdonas stated that he would be sending letters to all the committee members whose terms are expiring. In the letter he will be asking them to notify us if they are interested in continuing. If we have a volunteer application that is more than a year old on file we will send them a blank application that they will need to complete and turn back in.

Law Director: Mr. Dombey – No report

Finance Director: Mr. Knepper

- Presented the October 31<sup>st</sup> Finance Report.
- Highlighted the Investments and Income Tax Collection Reports.

Treasurer: Mr. Schult

- Reported that all bank accounts are reconciled and Fund Balances are holding.
- Highlighted Debt Services.

**Communications from Council:**

Mrs. Cherry –

- Reported that the Parks and Recreation Committee meeting was held on November 10<sup>th</sup>. At this meeting the committee continued their discussion on General Park Rules that they would like to see posted at Village Parks. They also discussed the Conrad Park Grant Application for the Pavilion and Rec Building that was rejected by the Department of Natural Resources. They will be meeting again in the near future to discuss any other proposals that need to be submitted by December 15<sup>th</sup>.
- Reported that she attended both the November Tree Commission and Finance Committee meetings.
- Stated that she visited the new Waterville Gas Company Office Building.
- Reported that Cliff Murphy, owner of Murphy's Place Jazz Club and a Village resident, was featured in the December issue of "Beautiful Ohio" Magazine.

Mr. Gouttiere – No report.

Mr. Valtin –

- Reported that a Dog Park meeting will be held on December 3<sup>rd</sup> at 7:00 p.m. at the Waterville Chamber of Commerce.

Mrs. Brodie – No report.

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Mr. Guzman –

- Reported that the November Public Works Committee Meeting was cancelled due to lack of business.
- Reported that the Village's salt supply is strong and the leaf pick up is still on going.

Mr. Gouttiere asked how much salt we had left at the end of last winter.

Mr. Blair stated that we purchased 1,500 ton from Lucas County last year and out of that we used approximately 650 ton. Our usage was down considerably due to the new Winter Salt Priority Schedule Program that we implemented last year. We currently have a credit of 864 tons with the county and 50 ton in the shed in addition to another 200 ton that we co-op with ODOT. Our total available salt is approximately 1,040 ton. This should be more than enough to last us this winter and into next.

Mr. Marty –

- Suggested posting the Village's Salting Program on the website again this year. He stated that as an added bonus the new program does a lot less damage to the Village streets without sacrificing safety. He thanked Mr. Blair for his efforts.

**NEW BUSINESS:**

- A. **PUBLIC HEARING – RESOLUTION 59-09** - A RESOLUTION APPROVING AND ADOPTING THE VILLAGE OF WATERVILLE FY2010 FIVE-YEAR CAPITAL PLANNING PROGRAM FOR ALL MUNICIPAL FUNDS AND DEPARTMENTS (*Legislative Action scheduled for December 14, 2009*)

This is the annual 5-Year Capital Planning Program. The Finance Committee discussed and recommended approval of the program at a meeting on October 2<sup>nd</sup>. The Finance Committee is in the process of reviewing the 2010 operating budget and has scheduled a special meeting for December 11 to continue this discussion. Since the Finance Committee's final recommendation on the operating budget may affect items in the FY2010 Five-Year Capital Planning Program, legislative action on this Resolution will be scheduled for the December 14<sup>th</sup> Council meeting.

Mr. Bagdonas highlighted several items. Mayor Merrin then opened the meeting to a Public Hearing and asked if anyone had any questions or comments regarding this issue.

Mr. Gouttiere asked how the current budget structure would affect the CDBG Block Grant if we are awarded it and would we be in a position to take advantage of it.

Mr. Bagdonas stated that this Capital Program does not include that project. If we are successful with the grant, with respect to the year 2010 that would be budget neutral. The Grant would be coming in and then the Village has a local share that is funded though a

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combination of cash from our balance and additional borrowing. In 2010, we will be getting the revenue in from those various sources whether it is issuing new notes or a grant. The first year it will have an impact will be 2011 when we will begin paying the debt on that note. If we are successful in getting the grant and Council accepts it, in 2011 we will have about \$36,000 more in debt service each year.

Mr. Marty stated that the Grant Application for the Conrad Park Pavilion and Recreation Building Improvements was rejected for 2009. He asked Mr. Bagdonas if it was renewed for 2010.

Mr. Bagdonas stated that it was simply rolled over and the Dept. of Natural Resources has been asked to consider it for their next round.

Mr. Marty stated that if we get the grant the Village match is shown as \$22,650. Is the grant all or nothing or would it be possible to get a partial grant.

Mrs. Cherry stated that she believes you have to accept what you ask for.

Mr. Marty stated that if the Village match is \$22,650 why would we budget \$50,000.

Mr. Bagdonas stated that he would check into this.

Mayor Merrin closed the Public Hearing.

- B. **RESOLUTION 60-09** - A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE A CONTRACT AND A MEMORANDUM OF UNDERSTANDING WITH THE LUCAS COUNTY SHERIFF'S OFFICE AUTHORIZING PARTICIPATION IN THE LUCAS COUNTY OVI TASK FORCE

This resolution authorizes an agreement with the Lucas County Sheriff's Office to participate in the Lucas County OVI Task Force. The Village has been participating in this operation for several years (formerly known as the DUI Task Force). In the Waterville area, it focuses on US24 and SR 64.

Mayor Merrin made a motion to approve Resolution 60-09. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

**OLD BUSINESS:**

- A. **ORDINANCE 35-09** - AN ORDINANCE ENACTING SECTION 751.02 OF THE BUSINESS REGULATION CODE REGARDING THE ALLOCATION OF VIDEO SERVICE PROVIDER (VSP) FUNDS

*Second Reading*

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At the October 15<sup>th</sup> meeting of the Finance Committee, a discussion of the allocation of Video Service Provider (“Franchise”) Fees took place. These fees are in the amount of 5% of the cable TV companies’ gross revenues and are estimated to total \$67,000 in 2009. All of the fees have traditionally been deposited in the Parks and Green Space Fund. The temporary modification of the allocation of this revenue to a 50-50 split between the General Fund and the Parks and Green Space Fund was discussed. The Finance Committee made a unanimous recommendation to Council that the allocation be changed from 100% to the Parks and Green Space Fund to 50% General Fund – 50% Parks and Green Space Fund for calendar year 2010. The recommendation also contains a provision that absent legislative action by Council in future years, the allocation of Video Service Provider Fees will automatically return to 100% to the Parks and Open Space Fund. This Ordinance reflects both aspects of the finance Committee’s recommendation.

At the November 13<sup>th</sup> meeting of the Finance Committee, as a part of the discussion of the FY 2010 Operating Budget, a question was raised as to whether a 50-50 split would be sufficient in 2010 or if a greater amount up to 100% would need to be allocated to the General Fund in 2010. The Finance Committee set a special meeting for December 11 at which additional expenditure cuts and revenue enhancements will be discussed. A final recommendation concerning the allocation of Franchise fees for 2010 is expected to be made at that meeting.

**B. ORDINANCE 36-09 - AN ORDINANCE ENACTING SECTION 171.14(d) OF THE ADMINISTRATIVE CODE REGARDING THE ALLOCATION OF INCOME TAX FUNDS FOR CALENDAR YEAR 2010**

*Second Reading*

Village income tax receipts are normally split 75% to the General Fund and 25% to the 5-Year Capital Fund. Earlier this year, Council acted upon a recommendation of the Finance Committee and changed the allocation to 85% General Fund and 15% 5-Year Capital Fund for 2009. Work on the 2010 Budget has progressed to the point that due to overall economic conditions, at least an 85-15 split will be needed in 2010 as a partial offset of reduced property taxes and state revenues. The 2010 operating budget will be further discussed at the December 11 Finance Committee meeting. The possibility of continuing the temporary modification of the allocation of income tax revenue between the General Fund and the 5-Year Capital Fund will be discussed. This Ordinance would implement the 85-15 split for 2010 only. The third reading and legislative action on this Ordinance will take place after the Finance Committee makes a final recommendation concerning this matter.

**C. ORDINANCE 37-09 - AN ORDINANCE AMENDING SECTION 1157.06(A) OF THE PLANNING AND ZONING CODE WITH RESPECT TO THE EXEMPTION OF CERTAIN SIGNS FROM THE HISTORIC DISTRICT REVIEW PROCEDURE**

*Second Reading*

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In considering recent Certificate of Appropriateness (C of A) applications, the Historic District Commission discussed the necessity of issuing a C of A for temporary banners that otherwise meet the regulations specified in the Village Sign Code. As a result of this discussion, the Historic District Commission unanimously passed a motion to recommend that Council amend the Historic District review procedure to exempt signs of this type. This Ordinance would implement the Historic District Commission's recommendation. Planning Commission members will make a recommendation of this issue at the December 7<sup>th</sup> meeting.

**D. ORDINANCE 38-09 - AN ORDINANCE ENACTING CHAPTER 161 OF THE ADMINISTRATIVE CODE REGARDING THE ALLOCATION OF FUNDS FROM THE SALE OF MUNICIPAL REAL PROPERTY AND ESTABLISHING THE ECONOMIC DEVELOPMENT FUND**

*Second Reading*

The concept of establishing a separate Economic Development Fund and allocating a portion of the proceeds from the sale of Village-owned real estate to this fund has been discussed at the last several Economic Development Committee meetings. Council Member Gouttiere prepared this Ordinance to implement the Committee's recommendation.

A lengthy discussion was held amongst Council with the following comments highlighted.

Mr. Guzman stated that if we were fortunate at some point to have money in the fund it could definitely be used to attract needed businesses to Waterville.

Mr. Marty stated that he is in favor of having the resources in a fund to help attract businesses. He is all for Economic Development but is concerned that once the money goes into the fund it can't come back out for any reason other than Economic Development. He suggested that we might consider budgeting money to spend on Economic Development or set up the fund but place a cap on it so that if it goes over that cap it can be directed back to the General Fund. He also asked Mr. Gouttiere how much money the Economic Development Committee expects this Ordinance to generate in terms of revenue for economic development efforts in the Village.

Mr. Gouttiere responded that he is not trying to be evasive as to how much they are expecting to come in. The question the EDC still has is will we be able to sell the property and when is this likely to generate some income.

Discussion continued on the value of the property its future sale.

**Other Information/Unscheduled Business:**

None

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**Executive Session:**

Mrs. Brodie made a motion to move into Executive Session at 8:45 p.m. to discuss a matter with the Law Director - ORC 121.22(G) (2), Purchase or Sale of Property for Public Purposes. Mr. Guzman seconded the motion, which carried by unanimous voice vote.

**Return to Regular Session:**

Mr. Valtin made a motion to come out of Executive Session and resume the regular Council meeting at 9:07 p.m. Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

**Adjournment:**

There being no further business to come before Council, Mrs. Brodie made a motion to close the meeting at 9:08 p.m. Mr. Guzman seconded the motion, which carried by unanimous voice vote.

*Dale D Knepper*  
Clerk of Council

*Derek Merrin*  
Mayor