

Village of Waterville
Minutes of Regular Council Meeting of:
November 9, 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; Jim Hart, Assistant 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

Citizens present:

Mike Metzger- Village Resident

Judy Pittman – Village Resident

Approval of the minutes of the Regular Council Meeting held October 26, 2009:

Mrs. Cherry made a motion to approve the minutes of the October 26, 2009 Council meeting as written. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Citizen's Comments:

None were offered.

Staff Reports:

Administration: Mr. Bagdonas

- Reported that progress has been made on the design of the SR 64/Waterville-Monclova Rd. Intersection Improvement Project. Letters have been sent to the abutting property owners. There are a couple of owners on the north side of SR64 west of the intersection that we need to acquire a right-of-way strip from. We are looking at beginning construction the middle of next year.
- Stated that the Village will be advertising and soliciting bids for the farming of the Village owned 120-acres within the month.
- Reported that the Village's Fire & EMS contract with Waterville Township will expire on 12/31/09. The Fire Chief and the Director of Finance and Administration have begun their meetings with the Township. Their contract with Whitehouse will expire in June 2009 and there is an effort to have some coordination and consistency with our new contract and what the Twp. might do with Whitehouse next year.
- Reported that he had a conversation with the attorney that we dealt with in the past

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on the Tax Increment Financing Agreement from the Village's of Waterville Landing. They are interested in discussing some amendments to the agreement relating to the start of the payments and the area included in the TIF and also the scope of the improvements. Any amendment will need to come to Council.

Law Director: Mr. Hart – No report

Finance Director: Mr. Knepper

- Presented the 5-year capital budget. He briefly covered the highlights of the cover memo and stated that details will be discussed at the next council meeting where a Public Hearing is scheduled.
- Reported that due to budget constraints it had been discussed that the annual Holiday Dinner be cancelled this year. However, the dinner will be held as Council members came forward and will personally cover the costs of the dinner.

Treasurer: Mr. Schult – No report

Police Chief: Mr. Selders

- Stated that the Village was very busy on Halloween but he is happy to report that no calls were taken that evening. He thanked residents for their cooperation.

Public Works: Mr. Blair

- Reported that the grading and drainage improvements for Prairie Trail Park are underway and should be completed by the end of this week. The Village will be seeding the area in house to keep the costs down.
- Stated that on the agenda is the legislation for the Phase III Sanitary Sewer Lining. The bid opening was held on November 5th.
- Stated that he recently received word that the 2009 CDBG Formula Grant Application submittal has been approved by Lucas County. This is a 100% Grant totaling \$24,708.00 which will replace 34 ADA ramps in Bridgehampton Woods.
- Reported that the Leaf Collection Program is still in progress. He thanked residents for not putting their leaves in the street and added that the program ends November 23rd but will continue if needed and weather permitting.

Communications from Council:

Mrs. Cherry –

- Reported that the next Parks and Recreation Committee meeting will be held tomorrow evening at 7:00 p.m.
- Reported that she attended the November meetings of the HDC and Safety Committee. She stated that the members of the HDC and 2 business owners who attended the meeting expressed interest in developing a “Cheat Sheet” for all new businesses coming into the Village.
- Stated that she attended the Ribbon Cutting Ceremony at the Ohio/Indiana line for the western segment of the US-24 bypass.

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Mr. Gouttiere –

- Commented that he would enjoy the opportunity to work with the Historic District Commission, Planning Commission and the Economic Development Committee to put together some information that would help simplify opening a business in the Village.
- Expressed congratulations to the re-elected incumbents and newly elected council members from the November 3rd election. He also thanked those who were not elected for their time and efforts.

Mr. Valtin –

- Also wished to congratulate the re-elected incumbents and new elected council members and thank those who ran. He added that whether you won or lost you made a difference.
- Reported that a meeting for those interested in having a Dog Park in Waterville will be held on December 3rd at 7:00 p.m. at the Waterville Chamber of Commerce.

Mrs. Brodie – No report.

Mr. Guzman – No report.

Mr. Marty –

- Reported that the Safety Committee held their last meeting on November 4th. The Police Department along with the Public Works Department have taken some time and have come up with some ideas for some potential improvements that can be made to the intersection of Michigan and Farnsworth. These suggestions will need to be reviewed by the Village Engineer and by the Ohio Department of Transportation.

NEW 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

First Reading

At the October 15 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 \$63,000 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 the Video Service

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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.

- 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

First 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, an 85-15 split will again be needed in 2010 as a partial offset of reduced property tax and state revenues. The 2010 operating budget will be discussed at the November 13 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 second and third readings and legislative action on this Ordinance will take place after the Finance Committee makes a recommendation concerning this matter.

- C. **REFERRAL TO PLANNING COMMISSION** - Recommendation of the Historic District Commission to Exempt Certain Signs from the Historic District Review Procedure (Motion)

Mrs. Brodie made a motion to refer this Ordinance to the Planning Commission. Mr. Gouttiere seconded the motion, which passed by unanimous voice vote.

- D. **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

First Reading

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. If Council wishes to consider this amendment to the Planning and Zoning Code, the passage of a motion to refer this issue to the Planning Commission for their recommendation is needed. This Ordinance would implement the Historic District Commission's recommendation.

Mayor Merrin thanked Mr. Bagdonas for his efforts to help remove any unnecessary delays for businesses and at the same time maintain the integrity of the process.

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E. **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

First 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.

Discussion was held amongst council with the following comments highlighted:

Mr. Gouttiere explained how all costs would be deducted from the sale first and 15% of the net profit would be deposited into a special Economic Development Fund to promote economic development within the Village.

Mrs. Brodie stated that she understand the premise but is concerned about locking ourselves into too many special funds.

Mayor Merrin agreed with Mrs. Brodie in that once that money is put into a special fund it cannot be transferred.

Mr. Guzman stated that he believes this makes a lot of sense and he fully supports it. We have real issues and should be doing all we can to help bring businesses to Waterville as well as help the businesses that are here now. He added that he believes that this idea is well thought out and is a good first step.

F. **RESOLUTION 57-09** - A RESOLUTION AUTHORIZING THE EXTENSION OF THE EXPIRATION DATE OF THE ESCROW AGREEMENT IN LIEU OF PERFORMANCE BOND FOR COMMERCE VILLAGE AT WATERVILLE LANDING PLAT ONE.

The developers of the Commerce Village at Waterville Landing (new Kroger shopping center) project have requested a time extension from November 1, 2009 to July 1, 2010 to complete the remainder of the public improvements associated with this plat such as landscaping, sidewalks and a shared-use path. This Resolution would authorize the extension. All other terms and conditions of the original Escrow Agreement would remain the same.

Mr. Gouttiere made a motion to approve Resolution 57-09. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

G. **RESOLUTION 58-09** - A RESOLUTION AUTHORIZING THE MUNICIPAL

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ADMINISTRATOR TO TENTATIVELY AWARD A CONTRACT TO MILLER
PIPELINE CORPORATION FOR THE SANITARY SEWER LINING PHASE 3
PROJECT

This Resolution would tentatively authorize a contract with Miller Pipeline Corporation for the installation of a sewer liner in sanitary sewers on North River Road, Michigan Avenue and Karis Street, collectively referred to as Sanitary Sewer Lining Phase 3. Funding for this work is through a combination of a loan from the Ohio Water Pollution Control Loan Fund and a grant from the American Reinvestment and Recovery Act (Federal stimulus). This construction project was advertised and we received three bids, which were opened on Thursday, November 5. It was determined by the Village Engineer and administrative staff that Miller Pipeline Corporation submitted the best and most responsive bid, therefore the recommendation to award them the contract. The engineer's letter including the bid summary and recommendation is included with the copy of the legislation. As noted in the engineer's letter, although LiquiForce Services submitted a lower bid, their bid did not meet the project specifications. The award is characterized as tentative because Ohio Environmental Protection Agency approval is also needed.

Mr. Guzman made a motion to approve Resolution 58-09. Mr. Gouttiere seconded the motion, which passed by unanimous voice vote.

Other Information/Unscheduled Business - None

Executive Session

Mrs. Brodie made a motion to move into Executive Session at 8:36 p.m. to discuss a matter with the Law Director - ORC 121.22(G) (2), Purchase or Sale of Property for Public Purposes. Mr. Valtin seconded the motion, which carried by unanimous voice vote.

Return to Regular Session

Mrs. Cherry made a motion to come out of Executive Session and resume the regular Council meeting at 9:06 p.m. Mr. Valtin seconded the motion, which carried by unanimous voice vote.

Adjournment:

There being no further business to come before Council, Mayor Merrin made a motion to close the meeting at 9:06 p.m. Mr. Marty seconded the motion, which carried by unanimous voice vote.

Dale D Knepper
Clerk of Council

Derek Merrin
Mayor