

**Village of Waterville**  
**Minutes of Regular Council Meeting of:**  
**February 9, 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.

Mr. Guzman 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 26, 2009:

Mr. Gouttiere pointed out two corrections to be made to the minutes. Mrs. Brodie made a motion to approve the minutes of the January 26, 2009, Council Minutes with the corrections indicated by Mr. Gouttiere. Mayor Merrin 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

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

**Citizens' Comments:**

Nancy Wronkowitz addressed Council regarding the Village's Capital Water Charge. She doesn't feel that it's fair that she is being charged \$6.50 for each of her two water meters each month. She asked if she could possibly be charged only for the months that she uses water from the second meter because she doesn't use it during most of the year.

Mr. Bagdonas explained that the capital charge is a minimum monthly charge and is not based on flow. He used the example of "the electric company having to generate so much energy so that we have the option of using their service and when we flip the light switch it allows for the ability of the lights to come on". He explained that we have elevated tanks and pump stations that we maintain, which, of course, costs money. He offered the suggestion that she may want to consider changing the plumbing so that it all goes through to one meter, therefore, avoiding the second charge. She stated that she feels that a \$13.00 monthly cost is exorbitant. Mr. Marty said that he agrees with Mrs. Wronkowitz.

Mrs. Brodie explained that as a member of the Finance Committee, she can see that the Village doesn't have much choice due to the incredibly high maintenance costs. She said that they try to spread it as inexpensively as possible. She said she wondered how many other people have 2 meters and are not using the second meter very often – ex: like Mrs.

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Wronkowitz, they don't have a swimming pool, sprinkler system, etc. Mrs. Brodie said that the cost plan is developed to be fair to all residents. Mayor Merrin stated the Ms. Wronkowitz' points are well taken and that they would be researched and given consideration.

Norm Witzler approached Council regarding an agenda item pertaining to the request to build a borrow pit. He stated that they may be called lakes or ponds, but they are actually just borrow pits. He feels that a better option for the use of these 23 acres would be to build homes and generate income for the Village. He estimates that 78 homes could be built on this land, and these homes would generate approximately \$188,000 in income tax each year for the Village. He stated that borrow pits are taxed at the lowest Lucas County tax rate. He urged Council to "turn down this legislation". He asked that they "not allow this virtual eyesore. Don't make the Village poor while making the developer rich".

**Staff Reports:**

Administration: Mr. Bagdonas

- Reported that he recently attended the TMACOG General Assembly. At this meeting he was reappointed to the Transportation Council as the representative of the Villages in both Lucas County and Wood County. He was also reappointed to the TMACOG Board of Trustees.
- Prepared notices last week of the proposed tax increment financing (TIF) area amendment. He said that this would be coming in front of Council at the next meeting for an addition of 17 acres to the TIF area that was previously approved. He delivered these notices to the superintendents' offices of Anthony Wayne Schools and Penta County.
- Stated that Mrs. Brodie, Mr. Gouttiere and Mr. Bagdonas made a presentation tonight at the Anthony Wayne Board of Education meeting on the proposed TIF amendment and answered questions. He felt they seemed supportive of the amendment.

Law Director: Mr. Dombey – No Report.

Finance Director: Mr. Knepper – No Report

Treasurer: Mr. Schult – No Report

Chief of Police: Chief Selders

- Stated that approval has been received for Officer Rogers to attend the Block Watch Training Program in March. Once that is completed, we plan to set up our own Block Watch Program in Waterville.
- Will be attending a meeting next week regarding a change of procedure in transporting prisoners. Beginning March 1<sup>st</sup>, the Lucas County Sheriff's Office will no longer be transporting prisoners (who have not yet been sentenced through the court) from jail to court and back. This applies to any prisoners from outside agencies. He stated that the Village has approximately 4 or 5 of these prisoners

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each month that need transportation and we will now be responsible for handling this process which can often times keep an officer occupied for 4-5 hours. Hopefully, we can work together as a team with other outside agencies to share the transport. This will be discussed at next week's meeting. Mr. Guzman responded, "this is another example of Lucas County's cutting costs but taking tax dollars from the citizens of Waterville". Chief Selders said that under state law the County is only responsible for transporting prisoners who have been sentenced. Mr. Dombey said some courts are using videotaped arraignments to alleviate part of the problem. This can help avoid some of the "down time" that is involved waiting. Mr. Guzman encouraged using technology wherever we can to keep these costs to a minimum. Chief Selders said that he will have more information to share after he attends the meeting.

Fire Chief: Chief Parsons

- Reported a total of 35 runs for the month of January - 29 EMS Runs, 3 Fire Runs (with no fire loss) and 3 MVA's. Thirty-three patients were seen and 21 of those were transported to area hospitals.
- Said that the sledding hill has been very popular and there have been no accidents reported.
- Reported that the "Adopt a Hydrant" program has gone very well and that he appreciates the help of the residents. The sources of advertising which were used – marquees and TV Channel 5 – alerted residents of the program.
- Stated that they are closely monitoring the water levels of the Maumee River. Spring thawing could obviously lead to flooding.

Mayor Merrin explained that Mr. Blair is unable to attend tonight because he has a family member who is gravely ill. He asked that we keep his family in our thoughts and prayers.

**Communication from Council:**

Mrs. Cherry

- Reported that February is "committee meeting time". The Parks and Rec Committee met last Tuesday. They discussed possible implementation of park rules, a dog park and a grant proposal regarding the recreation building at Conrad Park.
- Stated that the Tree Commission meets next Thursday. There is a Pruning Class scheduled to teach residents how to properly prune trees. Proper pruning tends to reduce storm damage and allows healthier growth of the trees. She explained that the Village benefits from this teaching because all the extra hands can get more work done than our Public Works staff could do alone.
- Reported that there are Saturday openings for the Tree Commission Academy and mayors can attend free of cost.
- Attended the Planning Commission and Safety Committee meetings.
- President of the Chamber called her regarding the President and CEO of St. Luke's Hospital will be speaking this Wednesday at noon at the Wakeman

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Building. She feels that this is a good opportunity for networking while also gathering some interesting information

- Also attended the TMACOG dinner with Mr. Bagdonas. The keynote speakers were from Monroe County, Michigan. They encouraged there are counties to “erase the border and embrace the border” – meaning that all of the counties can work together and not allow the county lines to be a deterrence.

Mr. Gouttiere

- Reported that, as of tonight, \$7,452 has been pledged toward the US RT 24 mural project and \$3,052 has already been received. Thirty-one people have made contributions. All of this has been accomplished in just over 30 days. He thanked these people for the wonderful response and reminded residents that their contributions are tax deductible.

Mr. Valtin – No Report

Mrs. Brodie – No Report

Mr. Guzman – No Report

Mr. Marty

- Reminded residents to only burn dry, seasoned firewood in their fireplaces and to get an annual inspection on their chimney if they feel that it may not be safe. He stated that Chief Parsons had previously reported that they’ve dealt with a number of chimney fires. Mr. Marty asked that residents share this information with others.

**OLD BUSINESS:**

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

*Third Reading*

As he explained in prior Council meetings, Mr. Bagdonas said that beginning in 2005, an effort has been made to remove specific dollar amounts from various sections of the Codified Ordinances and substitute the language “such fees shall be in amounts as determined from time to time by Council.” Council then enacts the actual fee amounts through the passage of a Resolution. This will make it easier to update the fees over time. The Police Chief brought to the attention of Mr. Bagdonas that Section 505.02(b)(1) still contains the specific fees for pick-up and impoundment of animals. This Ordinance would substitute the “as determined from time to time by Council” language for the specific fees. A companion Resolution (03-09) will be discussed later in the meeting.

Mrs. Cherry made a motion to accept Ordinance 01-09. Mrs. Brodie seconded the motion, which passed by unanimous vote

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

*Third Reading*

Mr. Marty made a motion to adopt Ordinance 02-09. Mr. Valtin seconded the motion, which approved by unanimous vote.

- C. **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

*Third Reading*

Mayor Merrin opened the Public Hearing.

The Planning Commission recommended approval of this Special Use Permit by a vote of 3-1. Mr. Tom Schlachter was in attendance tonight and allowed Council members to address their questions and concerns to him. Mr. Schlachter answered that:

- stone would be placed around the pond at the water line.
- the pond would be maintained by the adjoining land owners
- it is true that the pond will be an “attractive nuisance” during the building process.
- there will be restrictions imposed. The only people legally able to use the pond are the landowners.
- the Village submits restrictions as part of every plan.
- the Police Department will likely be handling trespassing issues until the homes are built around the lake.
- the installation of a pond tends to attract higher income people who build higher-end homes; consequently resulting in more tax dollars for the village.
- the approximate xxx date will be driven by the process and cost of moving the dirt. He is guessing that the process could be started in June or July.
- 1/2 million yards of dirt will be taken.
- the maximum depth would be approximately 12 feet and the maximum depth could go as deep as 20 feet. Blue clay and wet sand have been found during testing, but no rock.

Mr. Witzler reiterated that this pond:

- would be an attractive nuisance,
- cause our Police Department to police it (per the developer, approximately 12 times per month / 5 times per week, and
- will likely not have much building taking place anytime soon as a result of our current economy.

He again asked Council to consider all of these factors.

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There were no additional citizens' comments. The Mayor declared the Public Hearing closed.

Mr. Guzman made a motion to accept Ordinance 03-09. Mrs. Brodie seconded the motion.

Mayor Merrin said that he supports this ordinance because he feels that the residents want to keep Waterville small and that they would prefer a pond versus more homes being built. He takes a neutral position and does not see this as a negative. He also supports this because he is a big believer of private property and he feels that any American citizen has the right to develop their property as they choose unless there is a significant hazard involved.

Mr. Guzman said that he completely agrees with Mayor Merrin. He stated that in the past the Village actually purchase and set aside land for the purpose of controlling the growth that they felt was getting out of hand. He also stated that if anyone thinks that residential growth is the way to go, they're wrong. He said that business growth is what should encourage. This is what brings a lot more tax base to a community and, therefore, takes the burden off homeowners. He stated that he has always been in favor of the US 24 bypass and he sees this process as supporting 1) US 24 and the hope of stimulating of new economic activity for our area, and 2) this allows the "dirt" cost to be lessened. He realizes that there will be some policing required but he feels that there are many reasons that his pond should be considered an asset rather than a negative.

A vote was taken and the Ordinance 03-09 was approved unanimously.

**NEW BUSINESS:**

- A. RESOLUTION 03-09** – A Resolution Amending the Schedule of Fees and Deposits Charged by the Village of Waterville for Various Services by Establishing the Fees for Animal Redemption and Impoundment

Mayor Merrin explained that this is a companion resolution to Ordinance 01-09, which was passed earlier in the meeting. This Resolution does not cause an increase in fees.

Mr. Marty made a motion to adopt Resolution 03-09. Mrs. Brodie seconded the motion.

Mr. Guzman asked if we are charging enough for this process. He feels that a fee of \$4 per day seems low to him. He would like to actually discourage residents from allowing their animals to run loose. Mr. Gouttiere jokingly stated that "you could just let your dog loose when you're going away for a week" rather than paying higher kennel fees. On a serious note, he agreed that, when put in this context, maybe the fee is set too low. Mr. Marty feels that it's really not fair to punish someone whose pet has escaped. Mr. Bagdonas said that this issue doesn't come up very often. However, upon researching this, he and Chief Selders found that Maumee charges a \$15 pick-up fee and \$20, \$25 and \$35 respectively for first, second and third offenses. Perrysburg's fees include a \$2 pick-

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up fee and \$10, \$15, and \$25 respectively. When Mr. Gouttiere asked, Chief Selders explained how the monitoring process works. He explained that if this becomes a repeat offense, the resident is charged with a minor misdemeanor and has to appear before a judge and pay additional fees. Mr. Guzman questioned whether this covers cats also Mr. Bagdonas read that it states “dog, cat, or any other animal”. Chief Selders stated that we do not have an impound for cats so this makes for an impossible monitoring system. Conversation continued.

Resolution 03-09 passed by unanimous voice vote.

**B. RESOLUTION 04-09** – A Resolution Reapproving the Preliminary Plat for The Villages at Waterville Landing Subdivision

Mr. Bagdonas explained that the original approval of this Preliminary Plat has expired and the developers have requested an extension or reapproval. There have been no changes whatsoever made since the original approval was granted. This reapproval was recommended by a vote of 4-0 by the Planning Commission.

Mrs. Cherry made a motion to adopt Resolution 04-09. Mrs. Brodie seconded the motion. The vote passed unanimously.

**Executive Session**

Mayor Merrin made a motion to enter into Executive Session to discuss a matter with the Law Director. Mr. Gouttiere seconded the motion, which was agreed to by unanimous vote. The meeting was adjourned at 8:37 pm.

Mr. Guzman made a motion to reconvene the regular meeting of Council. Mr. Valtin seconded the motion, which was agreed to by unanimous vote.

**Adjournment:**

There being no further business to come before Council, Mrs. Brodie made a motion to close the meeting at 9:32 p.m. Mr. Valtin seconded the motion, which carried by unanimous voice vote.

*Jennifer Carter*  
Clerk of Council

*Derek Merrin*  
Mayor