

**Village of Waterville**  
**Minutes of Regular Council Meeting of:**  
**March 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.

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. Goultiere and Mrs. Cherry.

Also present were Jim Bagdonas, Administrator; Jim Hart, Assistant Law Director; Steve Schult, Treasurer and Jenny 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

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 March 23, 2009:

Mr. Goultiere made a motion to approve the minutes of the March 23, 2009 Council meeting as written. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

Mayor Merrin presented Waterville Primary student, Matthew Krause, with a Certificate of Commendation for his heroic actions at Waterville Primary on September 10, 2008. Matthew is a member of the school's Safety Patrol. He and several other fourth grade students were patrolling in front of the school while cars pulled up in front of them to drop off children for school. When a distressed kindergarten student ran out into traffic in an effort to follow his mother's car, Matthew restrained the student and prevented the child from being hit by an oncoming truck. Several of Matthew's classmates, as well as his principal, teacher, and school counselor attended tonight's meeting to honor Matthew.

**Citizen's Comments:**

Dean Clarke addressed Council to discuss weatherization. He stated that according to a story in the news, various states are going to be given \$5 billion to be used toward weatherization, and it would behoove Council to consider writing a grant. He has done a great deal of research and would be available to assist with the grant writing if needed. The grants are filed through the state governments. There is a timeline as to when this can be done. He believes that Waterville may qualify due to our smaller population. The impact to the public is that many residents could save up to \$1,000 annually on their home heating bills. The government refers to weatherization in factors such as insulation, window replacements, various repairs, etc. He indicated that this program also

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

helps by creating new jobs. Mr. Clarke stated that he recently ran for State Rep and for City Council in Wood County. He has been involved with a weatherization program in Celina, Ohio. This is a free venue available to the public; however, a person cannot qualify on their own. They need to be tied to an established organization. He again offered to assist anyone with this process.

Susan Karnes commented that she was very upset about a comment that Mr. Guzman made at the last Council meeting and asked for an apology. Judy Pittman also addressed Council about the comment and also expressed dissatisfaction that agenda items are being handled on an emergency basis without proper public notification. She commented that one section of Waterville is no better than another. She suggested that the committees work together and even consider posting their agendas in the monthly Canal Post. Andrew Knorr quoted a comment made Mr. Guzman, stating “and I can’t solve everyone’s problems as a Council member”. Mr. Knorr asked Mr. Guzman, “If you can’t solve everyone’s problems, then what exactly is it that you are supposed to do as a Council member?” HazeAnne Karnes also stated that she felt an apology was in order.

**Staff Reports:**

Administration: Mr. Bagdonas

- Discussed the work that is being done with the Sheriff’s office in the handling of our dispatching service. He stated that fliers were distributed to residents indicating that although this is a change, it will be very transparent to them and none of the emergency phone numbers will change.
- Stated that our refuse and recycling contracts will expire the end of May; therefore, they are in the process of writing the specifications for the new bids. This will be discussed with the Public Works Committee in April.

Assistant Law Director: Mr. Hart – No report

Finance Director: Mr. Knepper

- Reviewed the January Month End Finance Report. He stated that Income Tax Collection is down approximately \$28,744 from last year. This is a 10.5 % decrease. However, for February we show a 12.2% increase of \$54,000 compared to last year. The payments that are historically collected at the end of January did not come in until the first of February this year. When considering the two months together, we are tracking where we should be in our year-to-year comparison and also in our budget report.
- Spent a great deal of time in February compiling the State Cash Basis Financial Report that is required to be submitted to the state auditors. He stated that we are on cycle to be audited sometime this year for FY 2007 and FY 2008. This is a very in-depth report, which our audit will be based off of. He offered to field any questions regarding his report – there were none.
- Discussed our involvement with [govdeals.com](http://govdeals.com). About six weeks ago, Council voted to join this auction website and we are now up and running on the site. This website is used by public entities across the country. We have a few items already

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

listed on the site and look forward to using it in the future. He thanked Howard DuSharme for the work that he has put into this project.

- Reported that the framework is now completed for the village's new website. The company that is doing this for us is now working on pictures, of which they will need more. They are starting to work on the text content for each department. The site will be much more user friendly and should be up and running in the next month or so. Mr. Gouttiere asked if additional links could be added to our site. Mr. Knepper responded that the company that we are working with will be hosting the site and will be able to add links as needed. He also stated that we will have a lot of flexibility and will be able to make many changes ourselves.

Treasurer: Mr. Schult

- Stated that due to our recent large projects, we are down \$125,000 from December 31<sup>st</sup> to January 31<sup>st</sup>. We spent \$86,000 of this on rock salt this winter.

**Communications from Council:**

Mrs. Cherry

- Asked about the notice from the Division of Liquor Control that was included in the Council packet. She asked if there were any businesses in town with which there is concern. Mr. Bagdonas stated that he discussed this with Chief Selders and was told that the chief didn't feel that there were any issues at this time that were significant enough to raise to the state.
- Reported that the Tree Commission met last week and that they are working on plans for Arbor Day. She invited everyone to come and participate. They have combined Earth Day and Arbor Day celebrations this year. On Saturday, April 25<sup>th</sup> @ 10:00 am they will be planting trees in Conrad Park. There will be refreshments at the Rec Building and tree seedlings will be handed out. She said this is always a fun event and invited everyone to come.
- Reported that on Saturday, March 28<sup>th</sup>, the Village Easter Egg Hunt will take place @ 10:30 am in Conrad Park. She invited everyone to bring their children and come enjoy watching them hunt for eggs.
- Attended the Economic Development Committee meeting on Thursday. There will be an event next Tuesday @ Community of Christ Church in Whitehouse sponsored by AWAKE. The drug and alcohol survey results will be shared at this meeting. The survey is taken every two years and is compiled from data collected from students in 5<sup>th</sup> through 12 grades. The event is intended for parents and there will be babysitting for children over 3 years of age. A light supper will also be served. Mayor Merrin said that he attended this event last year and found it to be very informative.

Mr. Gouttiere

- Reported that approximately \$16,000 has been pledged toward the US24 mural and \$8,400 has already been collected. The Waterville Senior Center has pledged the largest amount so far with a donation of \$5,000. They asked if they could

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

make payment in June when their CD matures. He stated that we are progressing rather well toward collecting the \$20,000 in private funds.

He also reported that he received a response to a letter he had written to the Anderson Foundation Trustees asking if they would consider making a donation toward the mural. They replied that they have forwarded this request to the Anderson Corporation for consideration.

He heard that the students at Waterville Elementary are working toward making a contribution to the mural also. He took the opportunity to thank the students attending tonight's meeting for their efforts.

Mr. Valtin

- Congratulated Matt Krause for setting a great example to both students and adults through his act of heroism. He said that this is a good reminder for people to think of others before themselves.
- Spoke regarding the earlier comments that were made to Mr. Guzman. Mr. Valtin stated that he lives in the neighborhood. He said that he is neither defending nor opposing Mr. Guzman's comments; but that sometimes when Council members are speaking from the platform they say things that come to mind and don't necessarily formulate them very well. He asked that people take the comments with a grain of salt. He said that he agrees with the residents that it is a good neighborhood, and he thinks Mr. Guzman does also.

Mrs. Brodie

- Also congratulated Matt Krause. She said that she has been hearing about this all year because she has a daughter in Matt's class. She told Matt that he did a great thing and that she hopes he will always remember this. She also thanked Matt's teacher, Mrs. Worline, for her efforts in contacting all of the parents so that Matt's classmates could come to this meeting to surprise him. Lastly, she thanked the students and everyone who came to help honor Matt.

Mr. Guzman

- Extended his congratulations to Matt also. He told Matt that he hopes he goes all the way to Washington DC. He said all it takes is somebody who is willing to step out for another person.
- Responded to some of the comments that were made earlier. He said that his comments were not directed to the No Parking area. They were directed toward another Council Member who suggested that we remove the boulevard to allow for more parking for the people who live on that boulevard. He said his comments were that the individuals who bought the houses on Wilkshire and on the boulevard knew that this was a high-traffic area that didn't have any parking when they bought their homes. He said that this tells him that they likely got a better deal than they would have if the home were in another area that did have parking and was not in such a high-traffic area. He stated that he simply said that he is not going to tear up a boulevard to allow parking for houses that the buyers

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

knew didn't allow for parking when they bought the home. He said that he does not remember using the word "pristine" and that it is not a word that he would normally use. Several residents argued that he did use the word.

Mr. Marty

- Reported that the "Second Annual Clean-Up Waterville Day" is tentatively scheduled for Saturday, May 2<sup>nd</sup>. He encouraged anyone who would like to volunteer to come and help clean up the parks and neighborhoods. He said that if residents have brush remaining from the winter windstorms that they should take it to the curb and the volunteers will pick it up on that day. He added that he will be speaking with Mr. Blair and hopes to arrange a leaf pick up on the following Monday.

**OLD BUSINESS**

- A. **ORDINANCE 06-09** – An Ordinance Enacting Section 171.14 (C) Of the Administrative Code Regarding the Allocation of Income Tax Funds for Calendar Year 2009 Fees

*Third Reading*

Mayor Merrin explained that currently the Income Tax is divided with 75% going into the General Fund and 25% going into the Capital Fund. The Finance Committee has recommended that the split be changed to 85% going into the General Fund and 15% going into the Capital Fund. This applies only for Calendar Year 2009. This issue will be discussed again when preparing the 2010 budget. No further discussion followed.

Mrs. Cherry moved to adopt Ordinance 06-09. Mrs. Brodie seconded the motion, which passed unanimously.

- B. **ORDINANCE 08-09** – An Ordinance Enacting Section 521.12 of the General Offenses Code Regarding the Obstruction of Fire Hydrants

*Second Reading*

Mr. Marty authored this legislation. He explained that this ordinance is the result of an incident where some fire hydrants were physically blocked following a snowstorm. Mr. Marty stated that this legislation would make it illegal to physically block or block the view of a fire hydrant from the street. This would apply to snow or any other material. Following conversation, Mr. Marty explained that the hydrant must be accessible and be able to be seen from a reasonable distance. He added that although the Fire Department knows where most of the hydrants are located, they don't want to be forced to dig out a hydrant while a house or business is burning.

Several residents were openly voicing opinions. Mayor Merrin asked that if a citizen wishes to speak they must raise their hand to be called upon.

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

- C. **ORDINANCE 09-09** – An Ordinance Enacting Section 1145.13 of the Planning and Zoning Code with Respect to Swimming Pools, Ponds and Water Gardens  
*Second Reading*

Mr. Bagdonas explained that this legislation would update the Village regulations in the planning and zoning code with respect to fencing around swimming pools. There were regulations dating back to around 1964; however, sections of this legislation were inadvertently omitted from the code around 1998, which coincides with the time the Village changed from one ordinance codification company to another one. A Public Hearing is scheduled for April 13<sup>th</sup>.

- D. **ORDINANCE 10-09** – An Ordinance Amending Part Three of the Codified Ordinances of the Village of Waterville Schedule V of the Traffic Schedules, Restricted or Prohibited Parking  
*Second Reading*

Mayor Merrin explained that the purpose of this Ordinance is to expand parking on Edgerton Drive on the west side. He stated that he supports this Ordinance and wants to assure all of the residents that he takes this issue very seriously. He said that safety is the first consideration but beyond that we need to maximize parking as much as we can. He stated that he would be very upset if he weren't allowed to park on his street. He stated that he, Mr. Marty, Mrs. Cherry, and Mr. Bagdonas went to the site to investigate whether or not there was enough space for emergency vehicles to pass and they concluded that there is. He said that this Ordinance would repeal another Ordinance that was more restrictive.

Mr. Marty initiated discussion regarding exactly what took place at the last meeting regarding a motion that he made pertaining to some changes to the Ordinance as written. Mayor Merrin said that the motion was never tabled. He said the motion that was made was to remove the emergency clause. He said a motion was made by Mr. Marty to change the Ordinance and seconded by Mayor Merrin, but ultimately was withdrawn.

Discussion ensued regarding the investigation that Mr. Marty initiated to demonstrate whether the safety vehicle was able to safely pass through the proposed expanded area. He said that the Tower Truck was easily able to get through the area while having Mr. Marty's personal vehicle parked in the area under consideration. The Tower Truck was chosen because it is the largest of the safety vehicles.

Much discussion followed but was complicated by a dispute as to whether Mr. Marty's vehicle was parked in front of 133 Edgerton Drive or 137 Edgerton Drive. Mr. Marty, Mr. Bagdonas and resident HazeAnne Karnes were in disagreement as to where the vehicle was parked.

After consulting with Mr. Bagdonas, a motion to amend Ordinance 10-09 (changing the wording in the "From/To" section to read 133 Edgerton rather than 143 Edgerton) was

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

made by Mr. Marty. Mayor Merrin seconded the motion and reiterated that he was an eyewitness to the Tower Truck being able to easily pass through this area.

Before a vote was taken Mr. Valtin expressed concern that Council had essentially delegated this decision to the Police and Fire Chiefs and that their decision was to use 137 Edgerton and 143 Edgerton as boundaries. He is concerned that Council is overriding a decision that the chiefs felt allowed for safety in order to gain one parking spot. He stated that, as was mentioned with the previous Ordinance pertaining to being able to locate the fire hydrants, seconds count. He said that he doesn't feel it is worth the risk of possibly having to move a vehicle that is prohibiting a safety vehicle from being able to get to where it needs to be to gain only one parking spot. Mr. Marty said that he's not exactly sure what prompted the Chief's decision but he would share the facts as he (Mr. Marty) knows them to be. He stated the involved dimensions and said that there are a hundred streets in Waterville with the same exact measurements so he doesn't know what it is about this specific spot. He said that there was almost enough room between his vehicle and the Fire Truck to drive a vehicle between them. He reiterated that he is in no way questioning the Chief's authority or ability to make a good decision, but he knows what he saw and the facts are the facts. He feels that this citizen can be helped without jeopardizing safety.

Mr. Valtin pointed out that this is only the second reading and that they could discuss this with the Chief. Mr. Guzman questioned Mr. Marty as to why his decision varies from the decision that he made as a member of the Public Safety Committee. Mr. Guzman said that the Public Safety Committee not doing their homework prior to bringing issues before Council is becoming more of a trend. Mrs. Brodie interjected that one PSC member who has been there the longest recommended this. She stated that she has decided that in the future she will really scrutinize what he recommends. She added that he was under the tutelage of the previous people and, as she recalls, he brought it up, not the fire chief, and she feels that he was incorrect. She stated that what she has learned from this is that she will scrutinize certain people making a suggestion and take a lot of time to look at it before she will accept their recommendation. Mayor Merrin told Mr. Guzman that in all fairness if the PSC is going to be held to that standard then the Fire Chief would also need to be held to that standard because this is his recommendation. He added that people make mistakes. Mr. Marty responded to Mr. Guzman's comment. He said that the PSC only meets every three months, and it was passed as an emergency because it was deemed to be a threat to the public safety as the law was written at the time. He said they didn't want to take 6 weeks of Council meetings to pass that legislation because they were under the impression that this was an emergency and needed to be fixed. He said that the residents felt it needed to be tweaked and approached them about it. He said that they went out, took a look, and talked with residents. He said they went out a second time to look again at which time Mr. Marty made arrangements to set up a meeting with Mr. Bagdonas, the Fire Chief, and others. They brought the largest safety vehicle and did a demonstration, took pictures, repeated the process and made their decision. Conversation, and disagreement, continued regarding meeting the requests of residents versus ensuring safety.

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

Mrs. Cherry expressed her concerns and added that she would like to wait for the chief's input. Mr. Gouttiere thanked Mr. Marty for his efforts in setting up the demonstration. He said that he understands where Mrs. Shank and Mr. Bergfeld are coming from; however, he said that other issues such as fire safety, school buses, etc. need to be considered. He stated that Council is a legislative body, not an operational body; therefore, they don't carry out the laws that they pass. Mr. Gouttiere responded to Mr. Guzman's comment about legislation coming to Council without the homework being done. He stated that if the homework had been done on the sex offender issue before it was brought before Council a lot of time could have been saved. He said that he doesn't take issue with the members of the PSC or the chairperson. He added that his comments apply across the board, not just to the PSC. He said that the practical application of this parking issue needs to be looked at and his inclination is to defer to the Chief since he has to carry this out.

Mrs. Brodie thanked Mr. Gouttiere for his remarks and said they were well taken and understood. She commented that they never know what the "hot button" issues will be. She feels that they did go through the proper channels regarding the sex offender issue. She added that looking back it was not the right homework, but it is relatively new legislation not only to the Village but across the country as well. She stated that they went through the channels of the solicitor, Mr. Dombey, and they felt the research that he had had it covered, but now know that it didn't. Mrs. Brodie also added that she doesn't want to waste their time rehashing issues pertaining to committee appointments.

Mayor Merrin stated that it is clear to him that they can safely change the legislation to add the additional parking spot and that if we are going to eliminate all risk then we will have to prohibit parking on all Village streets.

Mayor Merrin referred Council back to the motion on the table to amend Ordinance 10-09. Roll call was taken. The motion failed 2-5 with Mayor Merrin and Mr. Marty voting in favor of passage. The Ordinance remains intact as currently written and a third reading will be held on April 13<sup>th</sup>.

**NEW BUSINESS**

A. **ORDINANCE 11-09** – An Ordinance Amending Part Three of the Codified Ordinances of the Village Of Waterville Schedule V of the Traffic Schedules, Restricted or Prohibited Parking (Riverwalk Court)

*First Reading*

Mr. Bagdonas explained that this Ordinance is a result of a request made by the residents on Riverwalk. He explained that when this legislation was considered before, it was written pertaining to the north and west sides of the street rather than the south and east sides of the street as intended. He added that the residents on Riverwalk have made it known that they would like the signs put up as soon as possible.

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

- B. **ORDINANCE 12-09** – An Ordinance levying assessments pursuant to the Ohio Revised Code, Sections 729.01 through 729.10, for the 2008 Sidewalk Repair and Construction Program  
*First Reading*

This Ordinance is in regard to the final step of our annual Sidewalk Repair and Construction Program. Mr. Bagdonas explained that this would approve the assessments to the property owners as is listed in the Resolution of Necessity.

- C. **RESOLUTION 16-09** – A Resolution Authorizing the Municipal Administrator to Approve a Change Order to a contract with A-1 Concrete Leveling for the 2008 Sidewalk Mud Jack Repair Program

Mr. Bagdonas explained that this Resolution authorizes the Final Change Order with the contractor for the sidewalk leveling.

Mr. Valtin moved to adopt Resolution 16-09. Mr. Marty seconded the motion. The motion passed by unanimous voice vote.

**Other Information/Unscheduled Business**

Mrs. Cherry pointed out that the next Council meeting is scheduled for April 13<sup>th</sup> and asked if there were any Council members that would be traveling due to spring break. Mrs. Brodie indicated that she would be out of town.

**Adjournment:**

There being no further business to come before Council, Mayor Merrin made a motion to close the meeting at 8:45 pm. Mr. Marty seconded the motion. Motion carried by unanimous voice vote.

*Jennifer Carter*  
Clerk of Council

*Derek Merrin*  
Mayor