

**Village of Waterville**  
**Minutes of Regular Council Meeting of:**  
**March 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, Mayor Merrin, Mr. Valtin, Mr. Gouttiere and Mrs. Cherry. Mrs. Brodie arrived during the meeting.

Approval of the minutes of the Regular Council Meeting held February 23, 2009:

Revised copies of the minutes of this meeting were distributed and reviewed by Council. Mrs. Carter pointed out a change on Page 4 regarding a more descriptive account of the comments made by Mr. Gouttiere. Mr. Marty clarified a statement that Mr. Marty made regarding Resolution 09-09.

Mayor Merrin made a motion to approve the revised minutes from the February 23, 2009 meeting of Council. Mr. Gouttiere 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:

Susie Karnes addressed Council regarding the "No Parking on Edgerton Issue". She did not see this issue listed on any of the Council agendas and asked why it was being handled as an emergency. Mayor Merrin explained that it was addressed as an emergency, with just one reading, because Chief Parsons expressed concern regarding the ability of fire safety vehicles to get down the road if needed. He stated that this was approved by the Safety Committee. Ms. Karnes asked which agenda this issue was on. She was told that it was Ordinance 07-09 on the February 23, 2009, agenda. Ms. Karnes stated that an article in The Blade stated that this issue pertained to garbage pick up. Mr. Marty explained that there were 2 different "no parking" issues and one of them pertained to garbage collection on Mt. Vernon Court. This issue only involves a short span of time on garbage collection days. Mrs. Cherry said that she also read the article in The Blade that Ms. Karnes is referring to and that it was confusing. Mayor Merrin and Melissa Cook arranged to get a copy of the legislation to Ms. Karnes.

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James Bergfeld feels that the Ordinance “is a good idea but that it needs to be tweaked”. His first concern is for an elderly resident who lives across the street for him on Edgerton Drive. He stated that if the Ordinance were passed as is her visitors would need to park two houses away from her. He feels that the sign should refer to the area between 127 and 133 Edgerton Drive. He said this would not “go into the curb and it would allow her at least 1 parking spot”. He doesn’t feel this change would cause a hazard. His second concern refers to 121 Edgerton Drive. He said that the gentleman residing at this address only has space for one car in his driveway. He said the sign indicates that there is to be no parking between the sidewalk and the curb. He doesn’t understand how this could be considered a hazard as long as the car is parked off the street. He added that visitors to 121 Edgerton Drive would need to park half a dozen houses away or on the other side of Michigan Avenue. Mayor Merrin stated that since this issue is on tonight’s agenda Council will discuss this further and can make changes to it if they feel they are needed.

Linda Wayne lives on Wilkshire Drive and she addressed Council regarding the grant to build a pavilion in Conrad Park. She takes issue with the claim that neighbors were called about this. She stated that she did not receive a call and that several of her neighbors also told her that they were not called and were unaware of this. She said this was not discussed in the Village newsletter, The Mirror or The Blade. She is concerned about why they feel that there is a need for a pavilion. She asked what studies have been done that would indicate a need for a pavilion.

Mayor Merrin said that he heard about this himself just 2 weeks prior; however, this only refers to the choice to simply apply for the grant, not to actually build a pavilion. Mayor Merrin stated that at this point he would probably be inclined to vote against this issue; however, he has not yet seen drawings or exact details for this and, again, this is only to apply for the grant, not to build. Ms. Wayne stated, “In these economic times, when the state is having difficulty even issuing paychecks, this is not the best decision”. She is concerned that if the grant application is approved that the decision will be to build it. She stated, “If the purpose is for the YMCA, they already have property on Dutch Road which they plan to build on”. She said that when the new fire station was about to be built residents were told that the old fire station was going to be used as a senior center but this has not happened. She said that if we are going to do anything in the park, she would rather we fix what is already there.

Mrs. Cherry addressed many of Ms. Wayne’s concerns. She stated that the P&R Committee looked for several years for ways to rehab the old Fire Station so Senior Citizens could use it, but the cost was too great. That was the intention of Mayor Myerholtz from the very beginning. They hired an architect to draw a plan and it was determined that the Village was spending \$17,000 each year for utilities for one group to use it each night per week. They opened a bidding process to the public for anyone interested in the building. The Scouts, YMCA, Rotary, and others all bid. The best bid came from the YMCA. They were willing to take over the liability, the maintenance, etc. The best situation was to let the YMCA put their money into it and use it. She stated that

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the plan is for the fire station to stay put as long as it is usable. It is her understanding that if the YMCA builds and operates on the Dutch Road property; the plan is to still use the fire station as well.

Regarding the Nature Works grant, Mrs. Cherry stated that she sent an e-mail to all of the P&R Committee members with all of the grant information. They had a very productive meeting in August. They discussed the February deadline and shared a lot of different ideas. At the February meeting, they met with the administration, engineers, Mr. Blair, and other. They worked on a "wish list". They felt that rather than apply for odds and ends at Baer Park, it would make better sense to apply for making an investment at Conrad Park which is home to the Parks Program, Music in the Park (rain shelter), and lots of other uses. They felt that this improved the odds of being approved for the grant. The P&R Committee met again 2 weeks later and she believes that the vote was 7-1 to apply.

Ms.Wayne said that one of the things that the grant does not show is the \$6,500 engineering fee and it also doesn't address the safety issues of the road being so close to where the pavilion would be. Mrs. Cherry told her that safety issues have been considered. She invited Ms.Wayne to attend the P&R Committee meetings.

Ms. Wayne personally does not want the pavilion because she feels parks should be open and quiet space; however, she realizes this is only one opinion.

Mr.Valtin responded that if she were to ask him (as a resident whose home backs up to the park) if he wants the pavilion to be built, he would respond "no". However, he needs to vote as a Council Member representing the residents of the Village. He stated that if we don't apply for the grant, then we don't have a choice at all. He reiterated what other Council Members have said, "if we are awarded the grant, then we will have to make a decision regarding whether or not to accept it and build." ". She said that she doesn't understand why we spent money on engineering fees for a new plan to be drawn when we already had a plan in place that we also had to pay for. Mrs. Cherry explained that the Master Plan is only a generalized plan. Discussion continued.

Kathy Wielinski also lives on Wilkshire Drive and she stated some safety concerns she has regarding the people using the park. She feels that this was handled hastily and that it would be a good idea to go look at the actual site for various considerations. Mr. Valtin repeated, "If we don't apply, then we can't ever get to the point of discussing it. Discussion continued.

**Staff Reports:**

Administration: Mr. Bagdonas

- ♣ Reported again he has been working with our Public Works Director and Village Engineer on applications for Federal Stimulus projects. Council was given a list of

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these projects. They also received updated information and will continue to receive new information and rules regarding these projects, as this is a work in progress.

- ♣ The farmer who farms the 120 acres of land that is owned by the Village is interested in renewing the current lease for an additional year at the same term. No additional action is needed, so unless Council objects they will go ahead with that plan. Later in tonight's meeting, Council will be discussing a related issue of temporarily using a few acres of land for soccer fields. This decision is related because it would decrease our revenue. We currently receive \$130 per acre in farm rental income.

Law Director: Mr. Dombey - No Report.

Finance Director: Mr. Knepper - No Report

Treasurer: Mr. Schult - No Report

Chief of Police: Mr. Selders

- ♣ Reported that the department is currently investigating a break-in to a business on Industrial Parkway and two other break-ins to other businesses in the outlying areas of Waterville. There is a possibility that these break-ins may have been committed by the same individual.

Mr. Guzman asked if we have cleared the hold up at the Marathon Gas Station. Chief Selders said that we are still not getting any cooperation from the business or the people who work there and there are a lot of doubts about this investigation.

Fire Chief: Mr. Parsons

- ♣ Stated that they had 42 total calls in February - 34 of which were EMS calls. A total of 36 patients were seen and 18 were transported to area hospitals. There were 6 fires with very little fire loss - 2 of them were chimney fires. There was 1 MVA with minor injuries. They had 1 Stand by where they posted a fire truck in the Monclova Fire Station on the day of the school bus accident. They were there approximately 1-½ hours.
- ♣ Reported that on March 8<sup>th</sup>, they had a water rescue. The call came in as a kayak in trouble. Once they located it they discovered that it was actually just a pool toy with no one in it. The caller was very apologetic for having made the call, but Chief Parsons told the caller that they would much rather receive a call and find out that it was not an emergency than to have find out several hours later that someone was missing and by that time it's dark
- ♣ Shared that he had been shown a picture that was taken from the Haskins area on a blackberry showing a funnel cloud toward Waterville. It wasn't able to be determined whether it was in rotation but it was estimated to be over Mill Creek Farms. Didn't set down and there was no damage.

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- ♣ Stated that the Village's sirens are outdoor sirens and are not intended to wake residents. They are used as a "seek shelter" alert. They are set off by the county for the entire county. Chief Parsons has to call the dispatcher for specific details regarding where (in the county) the sighting has taken place or is in jeopardy of possible dangerous weather conditions. Our sirens are not used for fire or EMS related events. Chief Parsons asked that any resident who lives near any of our 4 sirens and notices that it doesn't go off to please call and report this.

Mr. Guzman wanted to make residents aware that all members of our Fire Department are called in and are posted all around the village "to do sky watch". He thanked our Fire Fighters for putting themselves at risk while protecting the residents of Waterville during these potentially dangerous events.

Members of our Police Department immediately go unlock the doors at three of the churches in town - Zion Lutheran Church, Waterville Methodist Church, and Presbyterian Church -so that residents who need to seek safe cover can do so. Currently there is no "all clear" alert other than what we hear broadcast on TV and Radio.

Public Works Director: Mr. Blair

- ♣ Reviewed a Winter Storm Report showing comparisons between 2007-2008 and 2008-2009. The storm events were pretty similar both years, but the amount of salt used was significantly reduced this year. Last year, 1213 tons of salt was used versus 574 tons this year. This is also true for the number of man hours spent Lucas County will reimburse us but it will be with a salt credit rather than a dollars credit. Mr. Blair stated that he is very impressed with these figures.
- ♣ Reported that the Yard Waste Program curb pick up begins April 6<sup>th</sup> and the Mock Council Meeting /Public Works Open House is scheduled for Waterville Primary School third grade students on May 21<sup>st</sup>. This will be hosted at the Fire Station.

**Communication from Council:**

Mrs. Cherry

- ♣ Reported that the Parks Committee met again. They have had many requests for practice field use at Prairie Trail Park. She said that last year, when Mr. Moses was at a Council meeting, she asked him if we could possibly use a few acres of land for temporary practice fields. He graciously agreed. The affected area is at the end of the business park off of Dutch Road on the farmland that Mr. Bagdonas spoke of earlier in the meeting. These fields would need to be graded, leveled out and seeded before they would be usable for use in the fall.

Mr. Valtin reiterated that the intention is only for temporary use. He wants to make it

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clear that temporary means only until the final use is determined. There wouldn't be any buildings, lighting, etc - just temporary grassy fields. This will be referred to the Economic Development Committee.

Mr. Marty asked if there would be any volunteers that might be willing to help us save on the costs of equipment and/or labor of preparing this land. Mr. Bagdonas said that the costs were yet to be determined and that we would probably need to hire some outside services in addition to the Village forces.

- ♣ Stated that the Tree Commission has set the tree lines along the properties that back up to Conrad Park. Their primary focus right now regards the cleanup, plantings, etc. for this area. Mrs. Cherry thanked the residents for their communication.
- ♣ Stated that as President of the AWAKE Coalition, she would like to mention that they are partial sponsors of an event this is going to be held at St. Luke's Hospital tomorrow night at 7:00 PM and at Anthony Wayne High School on Wednesday night at 7:00 PM. The woman who will be speaking lost her husband to violence. She has reached out and forgiven the man who killed her husband. She speaks on topics relating to youth, alcohol, lack of youth supervision, and violence. She gives an overwhelmingly powerful message on changing a perspective of hate to one of forgiveness. She will also be speaking to both Anthony Wayne and Springfield students.

AWAKE is also sponsoring an event on March 31<sup>st</sup> (6:00 - 7:30 PM) that will be held at Community of Christ Church on Dutch Road. The event is intended for parents and is free and open to the public. The topic regards underage drinking and is intended to help parents see some of the hidden signs that their child might be partaking in alcohol. Results of a drug and alcohol survey will also be shared.

Mr. Guzman

- ♣ Expressed concern that this is the first time that he has seen the proposed map regarding the soccer fields. Mrs. Cherry said that the Parks and Rec Committee met last week at a special meeting and discussed this. Mr. Guzman has concern about bringing a potential customer to the Business Park and having to tell them about the temporary soccer fields backing up to their property. He is concerned that what is intended to be temporary sometimes doesn't end up that way. He said he personally thinks allowing soccer fields are a bad idea. He said that they've invested a lot of money into that area and he wants to see businesses there, not soccer fields. He feels this sends a poor message to potential business customers. He said that maybe some property that the Village owns in another location could be a better choice - and maybe even to be considered for a permanent soccer field(s).

Mr. Valtin responded that at the meeting he jokingly suggested that maybe we

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should call the area “Temporary Park” to make sure that people know that this is only temporary. Like Mr. Guzman, he too has some concern that the issue of “temporary” use has some potential for problems.

Mr. Gouttiere - No Report

Mr. Valtin - No Report

Mrs. Brodie - No Report

Mr. Guzman - No Report

Mr. Marty

- ♣ Pointed out to residents that the deadline to submit Lucas County real estate property evaluation appeals is March 31<sup>st</sup>. Residents may go to the Lucas County Auditor’s website and follow simple instructions on how to complete the forms to attempt to lower their property values for County tax purposes. He stated that he can’t guarantee the results but he can guarantee that it’s worth the time to try. He offered his assistance to anyone needing help with this.

**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

*Second Reading*

**NEW BUSINESS**

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

*First Reading*

Mr. Marty said this first came about at a Safety Committee meeting due to seeing fire hydrants that were all or partially blocked visibly or physically by snow. There was concern that the fire hydrants wouldn’t be able to be located in a timely manner in the case of an emergency. There was discussion regarding whether the hydrants need to be cleared from all sides or if it is acceptable, for example, to plant flowers/shrubs on the side facing the house. Mr. Bagdonas said that this might need to be handled on a case-by-case basis. Typically, it is acceptable to plant flowers/shrubs on the side facing the house, but planting in a semi-circle may be too restrictive. The Safety Committee has recommended this Ordinance.

- B. **ORDINANCE 09-09** - An Ordinance Enacting Section 1145.13 of the Planning

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and Zoning Code with Respect to Swimming Pools, Ponds and Water Gardens  
*First Reading*

Mr. Bagdonas explained that the Village was under the understanding that the Lucas County Building Inspections Department monitored and enforced regulations regarding pool fencing. We recently discovered that this is not true. Regulations were in place in our Codified Ordinances in the past, but at some point fell out of code.

This Ordinance brings the code up to date with current language. The Planning Committee recommended this Ordinance 4-0 at their March 2<sup>nd</sup> meeting.

Mr. Guzman commented that the Ordinance is pretty lengthy but he feels it is “a bit gray” and unspecific. He cited Section 1 (g) regarding lighting and noise. Mr. Dombey explained that the language “reasonable man/woman” is often used in the writing of laws and “reasonable” needs to be determined in each case. Mr. Guzman asked why the issue of noise needs to be included in this Ordinance when we already have noise Ordinances in place. Mr. Dombey explained.

C. **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 and Declaring an Emergency

Mr. Bagdonas explained that this Ordinance refers to the No Parking zone on the west side of Edgerton Drive beginning at Royalton to the line between properties at 137 Edgerton Drive and 143 Edgerton Drive. This issue has drawn a great deal of communication from/with the residents, and has, therefore, been addressed as an emergency.

There was lengthy conversation during the Citizens Comments at the start of this meeting. After very lengthy conversation among Council and various opinions being addressed on both sides of the issue, Mr. Marty made a motion to move the No Parking Restriction to the south side of the driveway at 133 Edgerton Drive from the current side of 143 Edgerton. Mayor Merrin seconded the motion. No vote took place. Lengthy discussion continued.

Mr. Gouttiere made a motion that this issue be sent back to the Public Safety Committee. The motion died for lack of a second and the discussion continued. Mayor Merrin made a motion to remove the Emergency clause and address this as a First Reading. Mrs. Brodie seconded the motion. Council members agreed and Mr. Bagdonas agreed to notify the affected residents.

D. **RESOLUTION 10-09** - A Resolution Authorizing the Municipal Administrator to Enter into an Agreement with Proudfoot Associates Inc. for Engineering Services to Prepare Plans, Specifications and Cost Estimate for the North River Road

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Waterline Replacement

Mr. Bagdonas stated that the waterline between the North corporation line and Dutch Road is very old and has had many breaks. This waterline is the Village's responsibility. He explained that stimulus funds are intended for projects that are ready to go quickly; however, this Resolution covers us in case the stimulus funds aren't received in time. Funds are needed to start the design work now so the project can be kept on schedule

Mr. Gouttiere made a motion to approve Resolution 10-09. Mr. Guzman seconded the motion. The motion passed by a vote of 6-0 with Mr. Marty abstaining.

**E.     RESOLUTION 11-09 - A Resolution Authorizing the Municipal Administrator to Execute an Agreement with the YMCA of Greater Toledo for the Village of Waterville Summer Recreation Program**

Mr. Bagdonas explained that this issue regarding our agreement with the YMCA handling our summer rec program is handled annually. The revised amount of \$11,200 was approved in the 2009 annual appropriations.

Mrs. Cherry made a motion to approve Resolution 11-09. Mr. Gouttiere seconded the motion. The motion passed unanimously.

**F.     RESOLUTION 12-09 - A Resolution Approving the Plat of Commerce Village at Waterville Landing Plat One and Authorizing the Municipal Administrator to Sign Said Plat**

Mr. Bagdonas stated that this would be the final plat in the first series of final plats. This includes 4 of the common lots between Route 64 & Pray Blvd and the dedication of Pray Blvd. itself. The Planning Commission has approved this Resolution; however, some of the conditions referred to in Section 1 of the Resolution have not yet been satisfied.

Mr. Gouttiere asked Paul Thatcher for dates regarding the Kroger project. Mr. Thatcher explained that he is employed by Moses Schlachter, not Kroger. Therefore, he did not know the exact dates. The actual size of the new Kroger store has not yet been approved within Kroger Co. He didn't know when ground would be broken.

Mr. Guzman stated that he thought that the Kroger representative who attended a former Council meeting had stated that this store was going to be one of their largest stores. Mr. Dombey said he believes that due to the economic times Kroger may need to downsize to a smaller store. Mr. Bagdonas said that Kroger's outlook has changed somewhat over the past 2 months.

Mrs. Cherry made a motion to approve Resolution 12-09. Mr. Marty seconded the motion. The motion passed unanimously.

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- G.     RESOLUTION 13-09 - A Resolution Authorizing the Municipal Administrator to Execute a License Agreement with Swiss Co. Ltd, an Ohio LLC, Regarding a Sign Located in the Mechanic Street Right-of-Way**

The Board of Zoning Appeals, the Planning Commission and the Historic District Commission have all approved the signage with some proposed changes. Mr. Dombey explained that if at some future time the Village wishes to have the sign removed that it would be removed at no cost to the Village. Mr. Gouttiere said that there is clearly a lot of expense put into the sign. Mr. Bagdonas said the Historic District Commission tabled the issue last month and then, with some changes, voted 3-2 last week to issue a Certificate of Appropriateness to the new owner, Mrs. Charlotte Sargeant. The approval came with the condition that the 3 lines would be repaired. Mrs. Sargeant addressed Council stating that the sign will be fixed. Mr. Bagdonas pointed out that Mrs. Sargeant brought 4 brand new jobs to our community. She likes Waterville and wants to be a contributor.

Mr. Guzman thanked Mrs. Sargeant for all of the time and effort that she has put into this - including the time spent at various Council meetings. He stated that he remembers when the Bait Shop stood on that property.

Mrs. Cherry stated that she attended several of the meetings where this issue had to be addressed. She respects all that is required and needs to be considered. She stated that getting it passed through the Historic District Commission was the hardest.

Mayor Merrin said that the Village gave its blessing regarding this 8 or 9 years ago. He stated that it is important that the Village stand by its word. He addressed the issue of people who have a problem with decorative landscaping.

Mayor Merrin made a motion to approve Resolution 13-09. Mr. Guzman seconded the motion, which passed unanimously.

- H.     RESOLUTION 14-09 - A Resolution Approving Participation in the Ohio Department of Transportation Cooperative Purchasing Program for Rock Salt for the Winter Season 2009-2010 and Authorizing the Municipal Administrator to Execute a Participation Agreement**

Mayor Merrin made a motion to approve Resolution 14-09. Mr. Guzman seconded the motion. The motion passed unanimously.

- I.     RESOLUTION 15-09 - A Resolution Authorizing the Municipal Administrator to Enter into a Service Agreement with Clean All Technologies, Inc. for Janitorial Services for the Municipal Administrative Building**

Mayor Merrin explained that bids were received for the cleaning services for the Municipal Building. This Resolution would result in a savings because it would reduce service from being provided three days each week to two day each week.

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Mayor Merrin made a motion to approve Resolution 15-09. Mr. Marty seconded the motion. The motion passed unanimously.

**Adjournment:**

There being no further business to come before Council, Mayor Merrin made a motion to close the meeting at 9:36 p.m. Mr. Guzman seconded the motion, which carried by unanimous voice vote.

*Jennifer Carter*

Clerk of Council

*Derek Merrin*

Mayor