

**Village of Waterville**  
**Minutes of Regular Council Meeting of:**  
**September 28, 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, Mr. Guzman, Mrs. Brodie, Mayor Merrin, and Mrs. Cherry. Absent at roll call were Mr. Gouttiere and Mr. Valtin.

Mayor Merrin moved to excuse the absence of Mr. Gouttiere. Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

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

Village Staff present:

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

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 September 14, 2009:

Mrs. Brodie made a motion to approve the minutes of the September 14, 2009 Council meeting as written. Mayor Merrin seconded the motion, which passed by unanimous voice vote.

**Citizen's Comments:**

None were offered.

**Staff Reports:**

Administration: Mr. Bagdonas

- Stated that he didn't have anything to report that wasn't agenda specific.

Law Director: Mr. Dombey – No report

Finance Director: Mr. Knepper

- Reviewed the details of the August 31, 2009, Month End Finance Report.
- Reported that the total fund balances are holding as expected.
- Highlighted investment interest rates, investment earnings, and year to date income tax collections.

Treasurer: Mr. Schult

- Reported that the total fund balance at the end of August was \$2,715,613.81.
- Reported that the fund balance compared to the previous year is down slightly but reflects the capital construction projects we have completed over the last year.

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**Communications from Council Members/Committees:**

Mrs. Cherry –

- Stated that she believes we had a great Roche de Boeuf weekend.
- Reported that the weekly trash collection was held today. Due to high winds there seemed to be quite a lot of trash blown around town. She expressed that she was very impressed by Stevens Disposal for making an effort in picking it up.

Mrs. Cherry asked Mr. Bagdonas if the report that was provided to them from Chief Selders was different from the one they previously received.

Mr. Bagdonas stated that this is just a more detailed breakdown of the Chief's recommendations of the funds received from the U.S. Dept. of Justice.

- Mentioned that she will be attending the Ohio Municipal League Conference this week in Columbus and will be sitting in on several workshops. She asked members of Council to let her know if they have any questions or topics they would like for her to bring up while she is there. She also wanted to let Council know that she is spending her own funds to order to attend the conference.

Mrs. Brodie – No report.

Mr. Guzman –

- Attended the Roche de Boeuf Parade and Festival and stated that they were well attended. He added that the car show was wonderful and that Council's choice for Best in Class was a 1965 GMC Pick Up Truck.

Mr. Marty –

- Reported that there are many dead ash trees around the village. He asked Mr. Bagdonas if he could speak with Mr. Blair to see if it would be possible to open the opportunity for residents to harvest the dead trees. It would be a substantial cost savings for the village and at the same time allow people to get firewood for the winter.

**OLD BUSINESS:**

A. **ORDINANCE 29-09** - AN ORDINANCE AMENDING SECTION 351.14(D) IN CHAPTER 351 – PARKING GENERALLY OF THE TRAFFIC CODE OF THE VILLAGE OF WATERVILLE

*Third Reading and Legislative Action*

Mayor Merrin stated that this Ordinance has been endorsed by the Public Safety Committee and addresses safety issues dealing with angled parking.

Mr. Marty moved to adopt Ordinance 29-09. Mrs. Brodie seconded the motion.

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Roll Call: Mr. Marty – yes, Mrs. Brodie – yes, Mr. Guzman – yes, Mayor Merrin – yes, Mrs. Cherry – yes. Motion passed unanimously.

- B. **ORDINANCE 30-09** - AN ORDINANCE AMENDING THE ZONING MAP OF THE VILLAGE OF WATERVILLE BY AMENDING HEALTH CARE & RETIREMENT CORPORATION OF AMERICA'S SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A GAZEBO ON THE PROPERTY LOCATED AT 8885 BROWNING DRIVE, AND DECLARING AN EMERGENCY

*Third Reading and Public Hearing*

The Village received an Application for a Special Use Permit. At its September 8 meeting, the Planning Commission voted 4 to 0 with one member absent to recommend the approval of this Special Use Permit amendment.

Mayor Merrin opened the meeting to a Public Hearing. He then asked if anyone would like to speak or ask any questions regarding this issue.

Mr. Bagdonas then stated that the applicant has requested that Council pass this Ordinance as an emergency measure to allow them to begin construction 30 days sooner to take advantage of more favorable weather conditions.

Mayor Merrin closed the Public Hearing.

Mr. Guzman made a motion to suspend the rules to allow for the passage of Ordinance 30-09 as an emergency measure. Mrs. Brodie seconded the motion.

Roll Call: Mr. Marty – yes, Mrs. Brodie – yes, Mayor Merrin – yes, Mrs. Cherry – yes, Mr. Guzman – yes. Motion passed unanimously.

Mr. Guzman made a motion to move for the passage of Ordinance 30-09 as an emergency measure. Mrs. Brodie seconded the motion.

Roll Call: Mr. Marty – yes, Mrs. Brodie – yes, Mrs. Cherry – yes, Mayor Merrin – yes, Mr. Guzman – yes. Motion passed unanimously.

**NEW BUSINESS:**

- A. **ORDINANCE 32-09** - AN ORDINANCE AMENDING ORDINANCE NO. 18-09, THE AMENDED FY 2009 ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the second amendment to the 2009 appropriations. The amendment includes changes in the following areas: reduction of estimated income tax revenue to 1.6% over 2008 from 1.7%, reduction of estimated property tax revenue, reduction of estimated state local government fund revenue, changes related to the 2009

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resurfacing program, the addition of revenues and expenditures related to the sanitary sewer relining ARRA project, the addition of an expenditure for the replacement of obsolete water meter reading equipment, an increase in the appropriation for the new ambulance, the addition of revenues and expenditures related to the forfeited funds received through the US Department of Justice and the restoration of an advance from the 325 5 yr. Operating Budget Capital Fund to the General Fund.

Mrs. Brodie had several questions regarding the changes, which included street resurfacing and the relocation of the two force mains due to the US 24 bypass.

Mayor Merrin encouraged Council members and residents to go up to Overlook Dr. to see the resurfacing work that was done. He added that it looks really nice and was a much needed improvement.

Mrs. Brodie made a motion to suspend the rules to allow for the passage of Ordinance 32-09 as an emergency measure. Mr. Marty seconded the motion.

Roll Call: Mr. Marty – yes, Mr. Guzman – yes, Mayor Merrin – yes, Mrs. Cherry – yes, Mrs. Brodie – yes. Motion passed unanimously.

Mrs. Cherry made a motion to move for the passage of Ordinance 32-09 as an emergency measure. Mrs. Brodie seconded the motion.

Roll Call: Mr. Marty – yes, Mr. Guzman – yes, Mrs. Brodie – yes, Mayor Merrin – yes, Mrs. Cherry – yes. Motion passed unanimously.

**B. ORDINANCE 33-09 - AN ORDINANCE TO APPROVE AND ADOPT  
CURRENT REPLACEMENT PAGES TO THE MUNICIPAL CODE, AND  
DECLARING AN EMERGENCY**

This item comes before Council once a year as a routine matter. We update the Municipal Code book annually to reflect the changes and new code items approved by Council during the preceding year.

Mayor Merrin stated that if anyone is interested they can go to the Village's website where there is a link that will take you to right to the Municipal Code.

Mayor Merrin made a motion to suspend the rules to allow for the passage of Ordinance 33-09 as an emergency measure. Mrs. Brodie seconded the motion.

Roll Call: Mr. Marty – yes, Mr. Guzman – yes, Mrs. Brodie – yes, Mayor Merrin – yes, Mrs. Cherry – yes. Motion passed unanimously.

Mr. Marty made a motion to move for the passage of Ordinance 33-09 as an emergency measure. Mrs. Cherry seconded the motion.

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Roll Call: Mr. Guzman – yes, Mrs. Brodie – yes, Mayor Merrin – yes, Mrs. Cherry – yes, Mr. Marty – yes. Motion passed unanimously.

**C. ORDINANCE 34-09 - AN ORDINANCE AMENDING CHAPTER 1140 OF THE PLANNING AND ZONING CODE WITH RESPECT TO THE COMMERCIAL OVERLAY DISTRICT**

*First Reading*

When the Commercial Overlay District (COD) was first adopted in 2001, the Village did not have a Historic Overlay District (HOD), which was adopted in 2006. The two districts overlap in the downtown area. Permit applications for this overlap area receive two separate reviews conducted by the Planning Commission and the Historic District Commission. This process duplicates efforts, delays final action and requires applicants to attend two separate meetings. This Ordinance would designate the Historic District Commission as the review board for the COD for those portions of the COD that are also within the HOD. In addition, with the recent updating of the Village Sign Code, the review of signs as part of the COD process is no longer necessary. This Ordinance would remove signs from the COD review. The Planning Commission will formally discuss these issues at the October 5 meeting.

Mrs. Cherry stated that since she has been attending the Planning Commission and the HDC meetings she has noticed that we do put the applicants through the ringer. One meeting is in the evening and the other is two days later at 7:30 a.m. It is good that we are streamlining this process and making our policies user friendly.

Mayor Merrin stated that when he came into office one meeting was scheduled for the first week of the month and the other was scheduled for the third week. He proposed to Mr. Bagdonas that the meetings be held in the same week. We have since done that and cut down the sign permit process by 20 days.

**D. PUBLIC HEARING & RESOLUTION 49-09 - A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION OR APPLICATIONS WITH THE STATE OF OHIO TO PARTICIPATE IN THE DEPARTMENT OF DEVELOPMENT DOWNTOWN REVITALIZATION GRANT PROGRAM AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE A CONTRACT WITH THE STATE OF OHIO**

*Public Hearing and Legislative Action*

Mr. Bagdonas stated that this is the same grant program that we utilized to do the project on the N. Third St. There are two main components, the public portion and the private rehabilitation grants that are available to property and business owners within a designated area for façade work and also building code improvements. Those grants are not limited just to the area of the public infrastructure improvements; it is a larger target area that encompasses most of the downtown. The proposed project will be very similar to the last downtown grant, with private rehabilitation grants and public improvements (S. Third between South St. and Farnsworth Rd.). The allocation of the \$400,000 grant funds is

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currently estimated to be: \$60,000 – Administration, \$180,000 – Public Capital Improvements and \$160,000 – Private Rehabilitation Grants. Since the cost of the public capital improvements is currently estimated to be \$657,820, the Village will be responsible for financing \$477,820 of that amount.

Mayor Merrin opened the meeting to a Public Hearing.

Danielle Steinhauser of Poggemeyer Design Group stated that we are still in the process of putting this application together and wanted to let Council know what would happen to the funds that we have so far. She asked Mr. Bagdonas if the budget tables were included in their Council Packets.

Mr. Bagdonas stated that they are an attachment to the Resolution.

Ms. Steinhauser stated that the grants are not due to the state until next week and that this is the week where we try to pull everything together. She stated that the good news is that we did receive about \$124,000 worth of projects today. Ms. Hanna is still continuing to work with the property owners and has about 9 other buildings that may or may not be included so the numbers may flex a little.

Mr. Bagdonas stated that the projects that the private property and business owners are looking at are very important to the possibility of us being successful in the grant application.

Ms. Steinhauser continued to go over the Grant Application and the numbers.

Discussion continued.

Ms. Steinhauser congratulated the Village for the monitoring report that they received from the State of Ohio with no findings or corrective actions. She thanked Mr. Bagdonas, Mr. Knepper and Ms. Hanna for the work that they did in administering the last grant.

Mayor Merrin closed the Public Hearing.

Mr. Guzman stated that he has received many positive comments on the transformation of N. Third St. He encouraged the village to put all of our efforts into going after funds that are available to do the work on the other side of Third St. and the rest of downtown Waterville.

Mr. Marty stated that he would support the application process but if there is no more light in the tunnel of America's economy when the decision comes down he would not be able to continue to support this unless we see a more positive economic trend.

Mr. Guzman moved to adopt Resolution 49-09. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

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- E. **RESOLUTION 50-09** - A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC)

This Resolution would authorize the submission of an application for a grant and a loan from the Ohio Public Works Commission for the rehabilitation of the Conrad Park 100,000 gallon elevated water tank. The application is for a \$14,000 grant and a \$126,000 0% interest loan toward the \$286,000 project. The deadline for applications is October 10.

Mr. Guzman moved to adopt Resolution 50-09. Mrs. Cherry seconded the motion, which passed by unanimous voice vote.

- F. **RESOLUTION 51-09** - A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH NEPTUNE EQUIPMENT COMPANY FOR THE PURCHASE OF WATER METER READING EQUIPMENT AND SOFTWARE

The model of the two handheld water meter-reading devices used by the Village has been discontinued. One of the two units recently malfunctioned, cannot be used and cannot be repaired. This leaves the Village with one obsolete unit and no backup. This Resolution would authorize the purchase of two new handheld meter-reading units with the associated chargers and software.

Mrs. Cherry moved to adopt Resolution 51-09. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

- G. **RESOLUTION 52-09** - A RESOLUTION AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO CERTIFY A "THEN AND NOW" CERTIFICATE FOR PROUDFOOT ASSOCIATES, INC. IN EXCESS OF \$3,000.00 FOR APPROPRIATED FUNDS PREVIOUSLY AUTHORIZED BY ORDINANCE 18-09 AND CONTRACTED APPROVAL AUTHORIZED BY RESOLUTION 44-09

Due to the time constraints of the American Reinvestment and Recovery Act (ARRA) program, it was necessary to have Proudfoot Associates begin working on the plans and application materials prior to Council's September 14, 2009 Council authorization. While the necessary funds are contained in the FY 2009 appropriations, in situations such as this, it is necessary for Council to authorize a "Then and Now" certificate.

Mrs. Brodie moved to adopt Resolution 52-09. Mr. Merrin seconded the motion, which passed by unanimous voice vote with Mr. Marty abstaining from the vote.

- H. **RESOLUTION 53-09** - A RESOLUTION ACCEPTING A UTILITY EASEMENT (PRAY BOULEVARD) AND THE OWNERSHIP OF THE STORM AND SANITARY SEWERS AND WATER LINES CONTAINED THERIN FROM MIDLAND AGENCY OF NORTHWEST OHIO, INC., TRUSTEE

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Storm and sanitary sewers and water lines to serve the new Kroger store and other commercial development along SR 64 east of the US 24 Bypass have been constructed along the alignment of Pray Boulevard extending to Waterville-Monclova Road. Except for the first 735-feet north of SR 64, Pray Boulevard has not yet been platted. In order for these utilities to be owned and maintained by the Village in the interim period until the dedication of Pray Boulevard, the property owner must provide a utility easement and formally transfer ownership of the utilities. This Resolution would accept the easement and ownership of those utilities.

Mr. Marty moved to adopt Resolution 53-09. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

- I. **RESOLUTION 54-09** - A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

This item is an annual piece of legislation which approves and accepts the tax rates set by the Lucas County Budget Commission for the inside millage property tax that is collected based on this approved millage and the property valuations within the Village.

Mr. Guzman moved to approve Resolution 54-09. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

- J. **RESOLUTION 55-09** - A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT TO HELMS AND SONS EXCAVATING, INC. FOR GRADING AND DRAINAGE WORK IN PRAIRIE TRAIL PARK

This Resolution would authorize a contract with Helms and Sons Excavating, Inc. for grading and drainage work in Prairie Trail Park. This construction project was advertised and we received ten competitive bids, which were opened on Thursday, September 24<sup>th</sup>. It was determined by the Village Engineer and administrative staff that Helms and Sons Excavating, Inc. submitted the best and most responsive bid, therefore the recommendation to award them the contract. This project began with the investigation of placing temporary soccer fields on Moses-Schlachter property across Waterville-Monclova Rd. from Bridgehampton Woods. A location at the south end of Choctaw Dr. was examined next. After review by the Parks and Recreation and Economic Development Committees, it was recommended that this work be performed on land permanently intended for park and open space uses such as Prairie Trail Park. \$25,000 to be used for this contract was originally budgeted for an electronic message sign. The balance will come from the unencumbered balance in the Park and Green Space Fund.

Mrs. Cherry asked Mr. Bagdonas when they would begin the work.

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Mr. Bagdonas stated sometime this fall.

Mr. Marty moved to adopt Resolution 55-09. Mrs. Brodie seconded the motion, which passed by unanimous voice vote.

**Other Information/Unscheduled Business**

None.

**Adjournment:**

There being no further business to come before Council, Mr. Guzman made a motion to close the meeting at 8:30 p.m. Mrs. Brodie seconded the motion, which carried by unanimous voice vote.

*Dale D Knepper*  
Clerk of Council

*Derek Merrin*  
Mayor