

Village of Waterville
Minutes of Regular Council Meeting of:
January 25, 2010

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 Mr. Guzman. The Pledge of Allegiance was recited.

Present at roll call were Mr. Gouttiere, Mr. Guzman, Mr. Metzger, Mayor Merrin, Mr. Valtin, Mr. Marty and Mrs. Cherry.

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

Bob Selders – Waterville Chief of Police

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 Minutes - Approval of the minutes of the Regular Council Meeting held January 11, 2010.

Mr. Marty made a motion to approve the minutes of the January 11, 2010 Council meeting. Mrs. Cherry seconded the motion, which passed by unanimous voice vote.

Citizen's Comments:

Peg Ryan and Mary Beth DeMatteo, of the Waterville Tree Commission, came to this evening's meeting to invite Council to attend the Tree Commission Academy, which is provided by the Ohio Department of Natural Resources, Division of Forestry. She explained that this service was designed to give citizens who are responsible for planning and managing city trees the skills and knowledge they need to meaningfully contribute to their community. This pilot program is the only one of its kind in the country and was designed specifically for Ohio to introduce basic urban forestry concepts and resources. It is anticipated that the completion of this education by community leaders will better position the Village in grant opportunities through the State as well as assist Waterville in its revitalization efforts. She informed Council that the next session is scheduled for next week in Northwood and future sessions are scheduled in neighboring communities this spring.

Staff Reports:

Administration: Mr. Bagdonas

- Reported that the Village started work on the Downtown Revitalization Public

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Improvement Project. Stated that we are anticipating a schedule that is very similar to the last project downtown which will be to get the design done soon, begin construction in early summer and have the project done by Roche de Boeuf Day.

- Mentioned that Congressman Latta will be in Council Chambers on Monday, February 1st from 9:30 a.m. to noon to meet with any citizen who is interested in a one on one session to assist with Federal agencies and voice any concerns.

Law Director: Mr. Dombey – No report

Finance Director: Mr. Knepper – No report

Treasurer: Mr. Schult

- Presented his report for the month of December and stated all balances are reconciled.
- Stated that the year end balance is down about \$300,000 from December mainly due to a \$250,000 check for the Dutch Rd. Pump Station standby generators.

Public Works Director: Mr. Blair –

- Stated that he wasn't able to attend the last Council meeting and wanted to congratulate re-elected council members Ann Cherry and Jeff Marty and newly elected council member Mike Metzger
- Reported that due to light snow fall over the past couple weeks our salt usage is down. Last year at this time we used approximately 452 tons of salt. We are currently at 332. If we don't have frequent or significant snow falls this winter we should be in great shape.
- Reported that 318 trees were collected during our curbside holiday tree collection.
- Stated that they are getting close to finalizing the Public Works Year End Report and will have it ready for the February 8th Council meeting.

Communications from Council:

Mr. Gouttiere – No report.

Mr. Guzman –

- Reported that the Comprehensive Plan Steering Committee conducted interviews with three prospective consultants. The Committee will be making a recommendation to Council later this month. He encouraged anyone who might be interested to attend the future Public Meetings that will be held in connection with the Comprehensive Plan Update.

Peg Ryan asked Mr. Guzman what the consultants were interviewed for.

Mr. Guzman explained that every 10 years the Village does a long term comprehensive plan. This plan is referred to and used by the Administration and Council to help us make sure we are making decisions that are consistent in what we say we are going to do. We

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hire consultants who specialize in this to assist us with this long term plan. He added that we give them direction and they help us put it together.

Mr. Metzger –

- Reported that he has received his copy of the Waterville Code and is looking forward to reading it.

Mr. Valtin – No report.

Mr. Marty – No report.

Mrs. Cherry –

- Recognized the members of the Waterville Tree Commission who were in attendance at this evenings meeting. She thanked them for their dedication and for their hours of service.
- Reported that the AWAKE Coalition along with the Village of Waterville, Waterville Twp. and Whitehouse Law Enforcement Officers are working cooperatively with DARE Officers to address some of the issues that are facing our young people in the community. She added that we have come together to work on different programs and are looking at different opportunities to help our kids make safer choices. She added that the whole process has been very encouraging.

BOARD/COMMISSION/COMMITTEE APPOINTMENTS

Mayor Merrin stated that he made a concerted effort to not only get everyone who applied on a committee but also on the priority committee that they wish to serve on. He added that all committees are full except for Public Works. He stated that we have a lot of great qualified people not only that are returning to their committees but new people who are willing to step up and serve.

Mrs. Cherry stated that she noticed that the Public Works Committee is not full. She also stated that one of the committee members is serving on two committees and thought that Council had decided that each member should only serve on one. She questioned the fact that two of the applications were received just in the past few days when she thought the cut off date for applications was January 4th. She added that she told a couple individuals who tried to hand her their applications at the last meeting that unfortunately the deadline to turn them in had passed. She asked if it would be possible to open this up again for the next two weeks to others to submit their applications.

Mayor Merrin stated that he put everyone who applied to serve on Public Works on that committee. This committee is short simply because we didn't receive enough applications from people who wanted to serve on this committee and he didn't want to put someone on there that didn't specifically apply it.

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Mrs. Cherry asked Mayor Merrin if the applicants who did not apply for specific committees were contacted to see if they were interested. She stated that Mrs. Glaza applied for the Safety and Parks and Recreation Committees and she was appointed to the Finance Committee.

Mayor Merrin stated that we received Mrs. Glaza's application at the last minute and the committees that she applied for were already filled. I informed her that there was a vacancy on the Finance Committee and asked her if she would be interested.

Mr. Bagdonas stated that there isn't a deadline for the Village to receive committee volunteer applications. We will always accept them and keep them on file. He explained that in early December a letter went out to all committee members whose terms were expiring on December 31st. That letter mentioned a date of January 4th mainly for the village's ability to determine if many of those incumbent committee members were interested in being reappointed.

Mr. Guzman and Mr. Valtin both stated that they believe the Mayor did a nice job and thanked him for his efforts.

Mr. Marty made a motion to approve the appointments. Mr. Guzman seconded the motion, which carried by unanimous voice vote.

OLD 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

Tabled pending Legislative Action scheduled for January 25, 2010

At the October 15th 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 \$69,000 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 Video Service Provider Fees will automatically return to 100% to the Parks and Open Space Fund.

At the November 13th meeting of the Finance Committee, as a part of the discussion of the FY 2010 Operating Budget, a question was raised as to whether a 50-50 split would be sufficient in 2010 or if a greater amount up to 100% would need to be allocated to the General Fund in 2010. The Finance Committee met on December 11 to discuss additional

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expenditure cuts and revenue enhancements. An allocation of 100% of the Video Service Provide Fees was among the items that the Finance Committee recommends that Council consider including in the FY 2010 Operating Budget. This Ordinance reflects an allocation of 100% of the Video Service Provider Fees to the General Fund in 2010 with a return to a 100% allocation to the Parks and Open Space Fund in 2011 absent any further action by Council.

Mayor Merrin stated that before this evenings Council meeting a joint meeting between Council and the Finance Committee was held. He then made a motion to remove this item from the table. Mr. Valtin seconded the motion, which passed by unanimous voice vote.

Mr. Guzman stated that the Village is facing some big challenges. He doesn't want to take funds from Parks and Recreation but feels we need to do this for this year.

Mrs. Cherry stated that she was at the Finance Committee when the discussion was held that they take 50%. It was then that she suggested that they take 100%. She added that she believes they need to move on this so that we can tell our finance staff that they can count on this.

Mrs. Cherry moved to adopt Ordinance 35-09. Mr. Gouttiere seconded the motion.

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

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

Tabled pending Legislative Action scheduled for January 25, 2010

Village income tax receipts are normally split 75% to the General Fund and 25% to the 5-Year Capital Fund. In 2009, 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 only. Work on the 2010 Budget has progressed to the point that due to overall economic conditions, a share greater than 75% to the General Fund will be needed again in 2010 as a partial offset of reduced property tax and state revenues. The 2010 operating budget was further discussed at the December 11th 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 was discussed.

Now that actual 2009 year-end fund balances are known, the current appropriation recommendation includes an 82-18 income tax split and this Ordinance would implement such a split for 2010 only.

Mr. Gouttiere moved to remove this from the table. Mr. Guzman seconded the motion, which passed by unanimous voice vote.

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Mr. Gouttiere stated that there is an allocation of 25% of the revenue of the Village to the 5-Year Capital Fund and we are reducing that down to 18% to balance the budget for 2010. What we are really doing is borrowing against the 5-year fund so that five years out we can pay cash for the streets or whatever capital improvements the Village needs. He added that he is going to support this legislation but only as a stop gap measure. This cannot go on indefinitely because what we are basically doing is borrowing from tomorrow to pay for today.

Mayor Merrin stated that we are going to be making more changes to the budget which can ultimately change these final numbers. He suggested that we hold off until we have further concrete numbers.

Mr. Guzman moved to retable Ordinance 36-09. Mr. Valtin seconded the motion, which passed with Mayor Merrin, Mr. Guzman, Mrs. Cherry, Mr. Marty, Mr. Metzger, and Mr. Valtin voting 'yea' and Mr. Gouttiere voting 'nay'.

C. **RESOLUTION 59-09** - A RESOLUTION APPROVING AND ADOPTING THE
VILLAGE OF WATERVILLE FY2010 FIVE-YEAR CAPITAL PLANNING
PROGRAM FOR ALL MUNICIPAL FUNDS AND DEPARTMENTS
Legislative Action scheduled for January 25, 2010

This is the annual 5-Year Capital Planning Program. The Finance Committee discussed and recommended approval of the program at a meeting on October 2nd.

Mr. Bagdonas stated that as things stand now he doesn't see the 5-Year Capital Plan for the year 2010 changing much regardless of what is ultimately done with the General Fund.

Mayor Merrin stated that in the Capital Plan there is \$80,000 set aside for resurfacing. He added that is one item that can be flexible when we put together the budget. He asked Mr. Bagdonas to clarify that if the Resolution is passed can we come back in the actual adoption of the budget and change that \$80,000 figure.

Mr. Bagdonas stated yes but if that is being contemplated he would suggest leaving it on the table for now.

Mayor Merrin stated that this item will be left on the table and addressed at the next meeting.

D. **ORDINANCE 01-10** - AN ORDINANCE AMENDING THE MUNICIPAL
ZONING MAP OF THE VILLAGE OF WATERVILLE TO CHANGE THE
ZONING CLASSIFICATION OF THREE PARCELS OF LAND ON THE
SOUTH SIDE OF FARNSWORTH ROAD AND GENERALLY KNOWN AS
1101 AND 1121 FARNSWORTH ROAD FROM P-1 PARKS AND GREEN

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SPACE DISTRICT TO R-2 RESIDENCE DISTRICT
Second Reading

The owners of the subject property in this Ordinance have requested this zoning change. At its January 4th meeting, the Planning Commission voted 4 to 0 with one vacancy on the Commission to recommend the approval of the zoning change.

NEW BUSINESS:

- A. **ORDINANCE 02-10** - AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATIONS FOR THE MUNICIPALITY OF WATERVILLE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010 AND REPEALING ORDINANCE NO. 39-09, AND DECLARING AN EMERGENCY

First Reading

The Finance Committee reviewed the budget at their November and December meetings and unanimously recommended approval except for the General Fund.

- B. **ORDINANCE 03-10** - AN ORDINANCE APPROVING THE 2009 CARRY-OVER PURCHASE ORDERS AND INCORPORATING THEM INTO ORDINANCE NO. 02-10, THE FY2010 ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance will allow for the FY2009 year-end purchase orders needed for ongoing operating expenses, capital projects and capital purchase to be carried forward and incorporated into the FY2010 Budget. Our accounting software does not allow for carry-over purchase orders to be charged against the previous, budget, therefore, it is necessary to carry forward the balances of these purchase orders and reappropriate them into the next budget year. There is a detailed attachment with Ordinance 03-10 listing purchase orders and amounts involved with this procedure.

Mr. Guzman made a motion to suspend the rules to allow for the passage of Ordinance 03-10 as an emergency measure. Mr. Metzger seconded the motion.

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

Mr. Guzman made a motion to move for the passage of Ordinance 03-01 as an emergency measure. Mr. Gouttiere seconded the motion.

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

- C. **RESOLUTION 05-10** - A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A CONTRACT WITH POGGEMEYER DESIGN GROUP FOR THE ADMINISTRATION OF A CDBG TIER 2 DOWNTOWN REVITALIZATION GRANT

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Mr. Bagdonas stated that this Resolution would authorize a contract with Poggemeyer Design Group for the overall administration of the Grant itself. This is a grant eligible expense.

Mr. Marty asked if the cost of this service would be covered by the grant money in which Mr. Bagdonas responded yes and in fact it is in the budget for the grant.

Mr. Gouttiere moved to adopt Resolution 05-10. Mr. Guzman seconded the motion, which carried by unanimous voice vote.

Other Information/Unscheduled Business - None

Adjournment:

There being no further business to come before Council, Mr. Gouttiere made a motion to close the meeting at 8:25 p.m. Mrs. Cherry seconded the motion, which carried by unanimous voice vote.

Dale D Knepper
Clerk of Council

Derek Merrin
Mayor