

**Village of Waterville**  
**Minutes of Regular Village Council Meeting of:**  
**October 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; Phil Dombey, Law Director; Steve Schult, Treasurer and Melissa Cook, Recording Secretary.

Village Staff present:

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

**Approval of Minutes**

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

**Citizen's Comments:**

None

**Staff Reports:**

Administration: Mr. Bagdonas

- Reported that the Village did conclude its Roche de Boeuf survey. A drawing was held for the 77 who participated and a Carruth piece was presented to Lisa Ellison of Waterville. He added that the results will be shared with Council, the Comprehensive Plan Steering Committee and the Chamber of Commerce once they are tabulated.

Law Director: Mr. Dombey – No report.

Finance Director: Mr. Knepper

- Stated that the highlights of the Third Quarter Finance Report are detailed in the cover memo that was attached. Mr. Knepper then read a statement that the Finance Committee made after reviewing the report, quote “Capital Budget pre-funding reserves are still dropping even as sharp cut-backs in projects and purchases have been made. At risk is the deterioration of the village infrastructure and equipment used in the service delivery to the residents and businesses.” Mr. Knepper then covered the Income Tax Collections Report.

Treasurer: Mr. Schult

- Presented his monthly Treasurer's Report for September 2010. He then explained that the drop in balance was due partially to a large payment for the

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sewer lining construction project. He stated that we expect to receive, before the end of the year, reimbursements for part of that project and for the CDBG Grant for the Downtown Revitalization Project.

**Communications from Council:**

Mr. Guzman –

- Presented the Tax Alternatives and Revenue Enhancement Committee Report to Council. He read the cover page of the Committee's report and then went over in detail the two pages of findings brought forth by the Committee and also summarized Exhibits A, B, C and D. The report in total is attached to the minutes. Mr. Guzman wanted to recognize and thank the members of the committee for all their time and effort. He also thanked Mr. Gouttiere for recommending the formation of the committee and Council for their unanimous support.

Mr. Marty stated that the report was well done and provides Council with very good information that can be used as a tool for months to come. He then stated that Exhibit D shows surrounding municipalities and lists how many full time employees they have per 1000 residents. He asked if we had a breakdown of how many of those employees were in the Police Department, Fire Department, Public Works, etc.

Mr. Guzman stated that Mr. Parrish provided the information and he will follow up with him to see if he can give us that breakdown.

Mr. Gouttiere stated that in looking over the committee's recommendations he noticed that there are a number of taxes or assessments that would require a dedicated fund. If the income tax credit rate were changed it would generate revenue for both the General Fund and the Capital Fund but most would lighten the burden of the General Fund. He then asked how you would compensate the Capital Fund, which has been running less than its 25% allocation for the past 2 years. He also asked that if a Residential Services Fee were put in place can some portion of that be allocated to the Capital Fund.

Mr. Guzman stated that the key is that any of these are applicable to help out the General Fund. A dedicated fund has to be used for the purpose of the fund only, thereby relieving that expense from the General Fund. By relieving the General Fund of these expenditures we would be able to return to the 75-25 income tax split which would increase the revenue to the Capital Funds.

Mr. Gouttiere thanked Mr. Guzman and the committee for their time and efforts in putting out a report that is thorough, well thought out and well presented.

Discussion continued.

Mr. Gouttiere –

- Requested, on behalf of some residents, that a speed trailer be placed on

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Wilkshire Dr.

Mr. Metzger –

- Thanked Mr. Guzman and members of the T.A.R.E. Committee for their service.

Mr. Valtin –

- Thanked all of the members of the T.A.R.E. Committee for all of their hard work. He added that they were able to provide Council with some very useful information.

Mr. Marty –

- Stated that he was asked by a resident where the funds are coming from to pay for a Village Police Officer to be posted periodically at the new Kroger Store.

Mr. Bagdonas stated that the officer's that have been posted are off-duty and are being paid directly by Kroger. He then mentioned that a traffic signal was always planned for the intersection of SR 64 and Pray Blvd. and the timing was intended to coincide with the opening of US 24. Kroger officials and the developers have decided that they would like to install a temporary signal sooner than the opening of US 24. We are working with them and ODOT to expedite the installation of the temporary signal.

Mr. Marty then asked when the Village will hold Trick or Treat.

Mr. Bagdonas stated on Sunday from 6 p.m. to 8 p.m.

Mrs. Cherry –

- Reported that the Tree Commission met last week and based on their discussions regarding tree maintenance and funds, they are recommending that the Village hold off on any new plantings for the rest of this year and possibly next. She added that if any resident wants to remove a tree in the tree lawn, they should first petition the Tree Commission for permission.
- Attended the October meeting of the Public Works Committee.
- Attended the Waterville Chamber of Commerce Luncheon at the 180<sup>th</sup> ANG Base.

Mr. Gouttiere stated that a Whitehouse resident approached him and asked if it were possible to install a street light at the intersection of Pray Blvd. and SR 64.

**OLD BUSINESS:**

- A. **ORDINANCE 15-10** - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE VILLAGE OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND GENERALLY LOCATED IN SECTION 19, NORTH OF SR 64, EAST OF THE FUTURE US 24 BYPASS AND WEST OF WATERVILLE-

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MONCLOVA RD. AND OWNED BY MIDLAND AGENCY OF NORTHWEST OHIO FROM R-4 RESIDENCE DISTRICT TO MX MIXED USE DISTRICT

*Tabled pending Staff recommendation*

- B. **ORDINANCE 16-10** - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE VILLAGE OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND GENERALLY LOCATED IN SECTION 19, NORTH OF SR 64, EAST OF THE FUTURE US 24 BYPASS AND WEST OF WATERVILLE-MONCLOVA RD AND OWNED BY MIDLAND AGENCY OF NORTHWEST OHIO FROM R-4 RESIDENCE DISTRICT TO MX MIXED USE DISTRICT

*Tabled pending Staff recommendation*

- C. **ORDINANCE 17-10** - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE VILLAGE OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND GENERALLY LOCATED IN SECTION 19, NORTH OF SR 64, EAST OF THE FUTURE US 24 BYPASS AND WEST OF WATERVILLE-MONCLOVA RD AND OWNED BY MIDLAND AGENCY OF NORTHWEST OHIO FROM R-3 RESIDENCE DISTRICT TO MX MIXED USE DISTRICT

*Tabled pending Staff recommendation*

- D. **ORDINANCE 18-10** - AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP OF THE VILLAGE OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND GENERALLY LOCATED IN SECTION 19, NORTH OF SR 64, EAST OF THE FUTURE US 24 BYPASS AND WEST OF WATERVILLE-MONCLOVA RD AND OWNED BY MIDLAND AGENCY OF NORTHWEST OHIO FROM R-2 RESIDENCE DISTRICT TO MX MIXED USE DISTRICT

*Tabled pending Staff recommendation*

Farnsworth Investors, Inc. (Moses Schlachter Group) had requested changes in zoning for 15.397 acres from R-4 to C-3, 19.603 acres from R-4 to MX, 14.062 acres from R-3 to MX and 68.711 acres from R-2 to MX within the Villages at Waterville Landing development due to the interest they have received from potential buyers. A copy of the Application for Zoning Change and two maps showing the proposed changes were included in the May 24 Council Packet. At the June 7 meeting, the Planning Commission by a vote of 2 in favor and 3 against did not recommend the changes. The minutes of the Planning Commission meeting were included in the June 28 Council Packet. Included in the July 26 Council packet was a letter from Feller Finch & Associates requesting an amendment to the original rezoning request. With the amendment, they are requesting to change all of the property currently zoned R-2, R-3

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and R-4 to MX. The C-3 and R-1 areas would not be changed. This amendment was considered by the Planning Commission at the August 2 meeting and a motion to recommend that Council approve the zoning changes as amended passed unanimously. Ordinances 15-10 through 18-10 as currently revised would enact the changes recommended by the Planning Commission.

In June 2007, the developers completed a Traffic Impact Study for the Villages at Waterville Landing project. If the proposed zoning changes are approved, land uses within the development will likely be significantly different from those contemplated in the Traffic Impact Study. There have also been other changes in conditions since the study was prepared, such as the timing of the opening of the US 24 Bypass and the state of the economy. The Village has requested that the developers prepare an addendum to the Traffic Impact Study to address the various changed conditions and their effects on the study's recommendations. Ordinances 15-10 through 18-10 have been tabled until such an addendum to the Traffic Impact Study has been completed and reviewed by the Village Engineer, at which time the Village Staff will make a recommendation to Council concerning the proposed rezoning.

Mr. Bagdonas stated that he has received an e-mail from the developer today stating that they are withdrawing their change of zoning request. He added that there is no need now to act on these Ordinances.

Mr. Gouttiere made a motion to remove Ordinances 15-10 through 18-10 from the agenda. Mr. Metzger seconded the motion, which passed by unanimous voice vote.

**NEW BUSINESS:**

- A. ORDINANCE 33-10 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 changes in State law and the changes and new code items approved by Council during the preceding year. The replacement pages were included in Council's packet.

Mr. Gouttiere made a motion to suspend the rules to allow for the passage of Ordinance 33-10 as an emergency measure. Mrs. Cherry seconded the motion.

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

Mr. Gouttiere made a motion to move for the passage of Ordinance 33-10 as an emergency measure. Mr. Valtin seconded the motion.

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

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unanimously.

**B. RESOLUTION 48-10 - A RESOLUTION AUTHORIZING THE CITY OF PERRYSBURG TO WITHDRAW FROM THE TOLEDO AREA REGIONAL TRANSIT AUTHORITY**

The City of Perrysburg has requested the other eight members of the Toledo Area Regional Transit Authority (TARTA) to give their consent to allow Perrysburg to withdraw from TARTA. The TARTA Board authorized the TARTA General Manager to send a draft Resolution to this effect to the eight member communities for their consideration. This Resolution is based on the draft received from TARTA. Both TARTA and Perrysburg have been informed that this item will be on the agenda for this meeting. There is no deadline for the member communities to take action on this matter. Mr. Gee, General Manager of TARTA, and Lori Brodie, the Village's representative to TARTA, were in attendance at this evening's meeting.

Mayor Merrin stated that there isn't a deadline for us to act on this Resolution. He added that there are many communities that are reviewing this and feels that it is an important enough issue to have another meeting so that more residents will be allowed to express their position.

Mr. Gee stated that Perrysburg did approach the TARTA Board and the other member communities requesting that they be allowed to opt out of the Transit Authority. The TARTA Board of Trustees at their most recent meeting passed a Resolution formally requesting that the member communities of TARTA take action on this issue. The TARTA Board is not taking a position on this issue and are following the process that is outlined in the Ohio Revised Code.

Mr. Gouttiere asked if Perrysburg has proposed any member to take their place.

Mr. Gee stated that they have not. He then added that per the ORC all member communities of TARTA have to agree to allow Perrysburg to opt out of the Transit Authority.

Mrs. Brodie stated that this issue is pretty straight forward and that all the member communities must agree and pass a Resolution to allow Perrysburg to opt out. She then stated that since Perrysburg donates more than they use to TARTA she is concerned on what this will cost them. She added that if Perrysburg leaves and TARTA does not take on new members it is probably going to affect operations.

Mr. Gouttiere asked Mrs. Brodie what her opinion was on this Resolution by Perrysburg.

Mrs. Brodie stated that TARTA would be losing a large amount of money. She added that her first thought was that this would not be a good thing because it would cause a

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deficit but we are all different on how we utilize the service. She then stated that you have to ask what will happen to the structure of TARTA if Perrysburg leaves.

Mr. Gee stated that Perrysburg, as a Community, contributes approximately 1.3 million dollars in property tax toward TARTA and receive approximately \$800,000 in service. The difference would be a shortfall to the Authority and would have to be made up somehow by reducing other expenses. Discussion continued on funding, expenses and available services.

Sarah Soper, Waterville resident, explained to Council that she depends on TARPS and Call-a-Ride to get to and from work and also to area businesses. She politely challenged Council to think of how they might feel if they were not able to get around on their own and their only means of transportation were taken away. She added that TARTA makes it possible for people to live a full and assessable life and to also live in a nice community like Waterville.

Cari Arellano, Village resident, also expressed that she depends on and appreciates the services that TARTA provides. She stated that TARTA is an asset to the community that a lot of people use for many different reasons.

Mayor Merrin asked that this Resolution remain on the agenda and that they hold a public hearing on this item at the next scheduled Council Meeting.

**C. RESOLUTION 49-10 - A RESOLUTION ACCEPTING THE DONATION OF 0.03 ACRES OF REAL PROPERTY IN THE VILLAGE OF WATERVILLE FROM BETTE J. LOVE, TRUSTEE**

Bette J. Love, the owner of a 0.03-acre triangular-shaped parcel of land directly north of Mad Anthony's Tavern is offering to donate the property to the Village. The Waterville Rotary Club is interested in undertaking a project to enhance the property if the Village assumes ownership. There is a \$4,243.50 outstanding assessment against the property for the 2008 downtown project.

The discussion continued on the pros and cons of accepting the land donation.

Mr. Gouttiere moved to adopt Resolution 49-10. Mr. Metzger 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. Gouttiere made a motion to close the meeting at 8:54 p.m. Mr. Metzger seconded the motion, which carried by unanimous voice vote.

*Dale D Knepper*  
Clerk of Council

*Derek Merrin*  
Mayor

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