

Village of Waterville
Minutes of Regular Council Meeting of:
June 1, 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, Mrs. Brodie, Mayor Merrin, Mr. Gouttiere and Mrs. Cherry.

Also present were Jim Bagdonas, Administrator; Philip Dombey, Law Director; and Jennifer Carter, Clerk of Council.

Village Staff present:

Dale Knepper – Director of Finance and Administration

Steve Parsons – Chief, Waterville Fire Department

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 April 27, 2009:

Mrs. Brodie made a motion to approve the minutes of the April 27, 2009, Council meeting as written. Mr. Gouttiere seconded the motion, which passed by unanimous voice vote.

Mayor Merrin made a motion to excuse Mr. Guzman and Mr. Valtin from tonight's meeting. He explained that Mr. Guzman was on a business trip and Mr. Valtin and his wife are possibly having their baby tonight or very soon. Mrs. Brodie seconded the motion, which passed unanimously.

Chief Parsons explained that each year the Waterville Fire Association sponsors fundraising events to provide the opportunity for the Department to provide scholarships to graduating seniors. WFA President, Doug Meyer, presented three scholarships totaling \$1,500 to three graduating high school students. Louise Mills-Strasser and Jaime Renard each received the Waterville Fire Association scholarships, and Alex Lohse was presented the Carl Conrad Memorial Scholarship. The WFA is the caretaker of the Carl Conrad Scholarship. Mr. Meyer invited Jim and Arlene Conrad to present the Carl Conrad Memorial Scholarship. Pictures were taken for The Mirror and the honorees were invited outside for additional picture taking. Mrs. Cherry thanked the WFA for their efforts in raising the funds to support these scholarships. Mayor Merrin and Council members congratulated the graduates on this accomplishment.

Citizens' Comments:

Beth Hyder, Jason Zajac, Sherry Howard and Douglas Saltz (all Canal Road residents) addressed Council regarding legislation to install "No Dumping" signs along Canal Road.

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They explained that natural composting materials (yard waste, etc) were being placed across the road and that this was not to be considered “dumping” because it is for the good of the soil. Lengthy discussion took place regarding the issue. Ms. Hyder stated that the residents of Canal Road did not receive any phone calls, letters, or any other form of communication regarding this issue and insinuated that Council handled it “behind closed doors – in private”. She gave a lengthy history lesson explaining that residents have been doing this for centuries and no one ever felt the need to hide their actions – because this has been “for the good of the land”. Mr. Zajac thanked Council for the work that they do for the Village. He stated two concerns regarding the posting of signs: 1) He feels the signs are an eyesore and lead people to poor perception, and 2) He feels the signs are unnecessary. He believes that individuals should be approached if they are “inappropriately dumping”. Sherry Howard is also a Canal Road resident and she agrees that residents are putting clippings in this natural space to improve the land – not “dumping”. She said that this creates a nice habitat for animals, etc. She agrees with Mr. Zajac that residents should be dealt with on an individual basis if they are dumping inappropriate material. Mr. Saltz stated that he also found the posting of signs to be offensive.

Ms. Hyder also initiated lengthy discussion regarding who has legal rights to the land on the side of the street opposite their homes. She said that the Village never contacted the residents regarding any change of ownership of this property – and resident’s still claim ownership of the property that was always thought to be theirs. The conversation concluded with Mr. Dombey explaining the efforts that he and other village employees went to research actual ownership rights of this property. He explained that this issue of ownership has stretched over many, many years and all the facts are unknown. He said that many surveys have been conducted over the years and many varying boundary lines were “established”. They researched ODOT surveys which dated back as far as 1939. This particular survey makes it appear that the Village is the actual owner of the property across the road. He feels that it would be fruitless to go through the process of paying for attorneys, additional surveys, lawsuits, etc. Mrs. Brodie thanked the Canal Road residents for coming to the meeting. She stated that “nothing was done behind closed doors”. She explained that doing so is not allowed. She agrees with Mr. Dombey that there is no need to spend a lot of time and money figuring out where the exact boundaries lie. She indicated that she is oblivious to the dumping that was discussed earlier and that she has not noticed any eyesore.

Mr. Witzler spoke of two recent break-ins on Karyl and Karis streets. He asked for information regarding these events. Mayor Merrin stated that the Police Chief was not present at the meeting. Mr. Bagdonas said that the police are still following up on leads and are stepping up enforcement. He stated that there was a rash of break-ins in several surrounding areas. He said that at the last Council meeting, the Chief asked residents to be very vigilant and watch for any type of suspicious activity. Mr. Marty said that he feels that if the Police Chief were at the meeting, he would tell residents to call the Police

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if they see or hear anything suspicious (dogs barking, etc). He said to try to get a license number of any suspicious vehicles, but not to “take the law into your own hands”.

Mayor Merrin addressed the residents who spoke on behalf of the Canal Road residents. He said that the issue of positing signs on Canal Road has been discussed for months. He stated, “if the Village had wanted the signs up, they would be up”. However, when they heard that the Canal Road residents were planning to attend this meeting, they chose to wait to hear their opinions before taking any form of action. He explained that the issue came up due to citizen complaints. He read a sampling of the emails that he received that would explain why the issue was being addressed. Mrs. Cherry asked if Council had come to any type of resolution. She added that there are other properties in Waterville that could be improved upon (ex: The Columbian House). She encouraged all property owners to take pride in and maintain their properties. Mr. Gouttiere commended the Canal Road residents for banning together in an effort to address this issue. He feels that there are actually several issues to be addressed such as weeds that need to be cut, Toledo Edison’s terrible job of trimming trees, limbs that need to be hauled from the right-of-way, etc. He added that when the trees are not in bloom, the hill doesn’t look very attractive. He suggested the possible solution of a line of trees providing a barrier. Mrs. Cherry stated that as a member of the Tree Commission, she would suggest the possibility of tree plantings, etc. One (unidentified) resident said that he feels that the e-mails that the Mayor received may be a result of trash (ex: McDonald) being thrown from vehicles more so than yard clippings. Mayor Merrin said that because all Council members were not at the meeting, legislation action could not be taken but that this would be discussed further. He also indicated that letters were going out to ask residents to be considerate and to use common sense. He added that they have spoken to some offenders. Phyllis Hyder added that the tremendous amount of poison ivy on the hill causes great difficulty in the effort to keep the hill clean.

Staff Reports:

Administration: Mr. Bagdonas

- Stated that it was his honor to give a presentation at the Waterville Chamber of Commerce Golf Outing dinner. He discussed issues, such as the US23 mural and other issues involving the Village.
- Reported that the Tier 2 Preliminary Threshold Application was submitted to the Ohio Department of Development on May 22nd.
- Discussed the change of contractors handling the Village’s refuse and recycling program. He reviewed the possibility that the new contractor may follow a different route, thus affecting the timing of pick up. The Fire Association has agreed to distribute the new recycling bins.
- Stated that letters had been sent out asking for donations for the upcoming Fireworks display.
- Reported that the first “Music in the Park” will take place on June 14th @ 6:30 pm in Conrad Park. He reviewed the 4 upcoming concerts.

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- Stated that the US24 project has been awarded and that ODOT has scheduled an informational meeting to be held this Thursday @ 7:00 pm at the Anthony Wayne High School. He said work is expected to begin the middle of this month – this will include the moving of dirt and roads closing.
- He is planning to attend the State Attorney General's Training Seminar on Ohio's Public Records law at Owens Community college on June 29th. Substitute House Bill 9 requires all elected officials or the designees to attend one of these meeting during each of their terms of office. He added that he can be appointed as the designee for the Council members, they may do so.

Mrs. Cherry made a motion to designate Mr. Bagdonas as designee of the members of Council to attend the State Attorney General's Training Seminar on Ohio's Public Records law at Owens Community college on June 29th. Mr. Gouttiere seconded the motion, which passed by unanimous voice vote.

Law Director: Mr. Dombey – No report

Finance Director: Mr. Knepper – No report

Treasurer: Mr. Schult was not at the meeting due to a business trip.

Communications from Council:

Mrs. Cherry

- Reported that the Tree Commission held discussed the ability to receive the Tree City award again. Again, she stated that she would take the Canal Rd concerns to them.
- Reported on the meetings that she had attended throughout the month and that the Memorial Day celebration was incredibly moving - in particular, hearing Jenny Morrison (Police Officer Dave Morrison's daughter) speak of her time in Iraq. Jenny is only 24 years old.
- Attended a YMCA forum at St. Luke's where the needs of our community, ranging from our children to our Senior Citizens, were discussed.
- Attended the Chamber of Commerce Golf Outing dinner and found Mr. Bagdonas' presentation to be very informative as he promoted the village. George and Deb Carruth also attended and shared their story about starting their business out of their garage and building it into the multi-million dollar business that it is today.
- Reported on the elementary school's Third Grade Mock Council / Public Works Day and the great suggestions and concerns that the students presented. She shared some of the many suggestions that were made (placing more flags in our parks, the condition of the Blue Bird train cars, installing drinking fountains, energy conservation, etc).

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Mr. Gouttiere

- Also attended the Waterville Elementary School's Mock Council Meeting and found it to be very interesting and was impressed by the caliber of the meeting. He thanked them for the invitation to attend.
- Reported that the Economic Development Committee is interested in any information anyone could give them regarding obtaining copies of the Historical pictures that are hung on the Chamber walls. They are considering the possibility of generating revenue from the sale of (copies of) these photos or any other historical pictures regarding the Village and its residents.
- Noticed that the Blue Bird Train was running at 11:30 am last Saturday. He expressed his concern of any inspections (if any) that have been done and the need for that. Mr. Bagdonas stated that he was not aware of any inspections taking place.

Mrs. Brodie – No report.

Mr. Marty – No report.

OLD BUSINESS:

- A. ORDINANCE 14-09** - An Ordinance Enacting Part Nine, Title One, Chapter 929 of the Codified Ordinances of the Village Of Waterville – Consumption of Alcoholic Beverages in Third Street Right-of-Way
Third Reading

Mayor Merrin briefly reviewed the need for this Ordinance. No further discussion took place.

Mr. Gouttiere made a motion to enact Ordinance 14-09. Mrs. Brodie seconded the motion. The motion passed unanimously.

- B. ORDINANCE 15-09** – An Ordinance Enacting Section 351.14(f) in Chapter 351 – Parking Generally of the Traffic Code of the Village of Waterville

Second Reading

Mr. Marty expressed his reasons for his opposition to this Ordinance. He feels there are already too many signs on Third Street. He and Mr. Bagdonas have discussed this issue and he has requested accident statistics to be available at the next Council meeting. He stated how difficult it is to back out of the parking spots on that street because of the inability to see oncoming traffic. He feels that it is actually safer to back into a parking spot than it is to back out and that is why so many people back in. Mr. Marty made a motion to table this legislation and to send it to the Safety Committee for review before taking legislation action. Mr. Gouttiere seconded the motion and it passed by unanimous voice vote. Mayor Merrin explained why he is opposed to this Ordinance. It was discussed that this suggestion did not come from the Police Chief.

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- C. **ORDINANCE 16-09** – An Ordinance Amending Part One, Title Five, Section 133.03(A) of the Codified Ordinances of the Village of Waterville

Second Reading

Mayor Merrin explained that this Ordinance would raise the current threshold of \$5,000 for the Municipal Administrator to enter into contracts exceeding that amount. This legislation would change the maximum from one-fifth of the bidding limit specified in Ohio Revised Code to one-third of the ORC limit. The result of this would be to change the maximum to \$8,333.33. Mr. Bagdonas addressed a question that was asked at the last meeting regarding how many times this would have come up. He researched this and found that since the beginning of last year, 10 purchases that would have been affected in addition to 9 other routine purchases that are expected to exceed the current \$5,000 limit in the near future. Mrs. Brodie asked if the wording of the current legislation states that this increases yearly. Mr. Bagdonas said that it does not. Mayor Merrin asked when this was last amended. Mr. Knepper confirmed that the last time was in 1998. Mr. Gouttiere again (as at the last meeting) asked if we should consider rounding the amount – for example, to \$8,500. Mr. Bagdonas said that it could be done but we would eventually end up rounding it again and again.

NEW BUSINESS

- A. **ORDINANCE 17-09** – An Ordinance Enacting and Amending Certain Sections of Part Thirteen, Chapter 1315 – Sign Code of the Codified Ordinances of the Village of Waterville

First Reading

Mayor Merrin explained that this Ordinance refers to the placement of A-frame signs within the public right-of-way. These signs are currently prohibited by the Village's sign code. After Mr. Hannewald and Mr. Bagdonas conducted some research of other sign codes, the staff concluded that in limited circumstances, such as a downtown area, certain A-frame signs could be beneficial to businesses without causing serious problems for the public. Mr. Bagdonas stated that this was discussed at tonight's 6:15 pm Planning Commission meeting. They unanimously passed a motion to recommend Sections 1, 2 and 6 of the legislation. They feel that the A-frame signs would be "clutter on the sidewalks" and they thought that in order to have an effective sign it would have to be rather large. It could only pertain to the C-2 Zoning District, which is downtown.

Mayor Merrin expressed his opinion that allowing these signs is being "business friendly" and that they allow our merchants to let people know what products they have. Mrs. Brodie stated that the size of the current signs is bigger than this would allow. Mr. Dombey explained that the concern of the Planning Commission was that if every business were to use these signs, the landscape would not look the way we had intended. He reviewed some of the conversation that took place at the PC meeting.

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B. RESOLUTION 28-09 – A Resolution Declaring the Necessity of Improving Certain Streets by the Construction and/or Repair of Sidewalks; and Approving Plans, Specifications and Estimates of Cost of the Improvement

Mayor Merrin explained that this legislation would identify which sidewalks that will be improved and give the authority for levy assessments for the property owners involved. The affected property owners would be notified and given the opportunity to repair their sidewalks themselves. If they don't make the repairs, the Village will do so. The property owners would also be given the choice to pay cash for their portion of the project or to have an annual assessment added to their tax duplicate for 5 years to pay their share. This is the usual procedure we have been using the last several years.

Mr. Gouttiere made a motion to approve Resolution 28-09 and Mrs. Brodie seconded the motion. The motion passed by a vote of 4-1, with Mayor Merrin voting "no".

C. RESOLUTION 29-09 – A Resolution Authorizing the Municipal Administrator to Approve Change Order Number One to a Contract with Retzke/Snyder, Inc. for the Replacement of Stand-By Generators, Motors and Drives at the Sanitary Pump Stations

Mayor Merrin stated that this appropriation would be in the area of \$3,300. Mr. Bagdonas explained the Resolution further and stated that this money is available in the fund.

In February, Council approved a contract to replace the standby generators at the Dutch Road and North River Road sanitary pump stations. The Public Works department later found out that additional work would upgrade the motors at the North River Road pump station and this would add to the gallons per minute of capacity.

Mr. Gouttiere made a motion to approve Resolution 29-09. Mrs. Brodie seconded his motion, which passed by a unanimous vote.

Adjournment:

There being no further business to come before Council, Mayor Merrin made a motion to close the meeting at 8:57 p.m. Mr. Gouttiere seconded the motion. The motion carried unanimously.

Jennifer Carter
Clerk of Council

Derek Merrin
Mayor