

**Village of Waterville**  
**Minutes of Regular Council Meeting of:**  
**August 24, 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.

Mayor Merrin stated that he wanted the Childers Family to know that the thoughts and prayers of Council are with them as they deal with the unexpected death of their 19 year old son, Jacob. He added that he appreciated the contributions that Jacob and the Childers Family have made to our community.

Mrs. Brodie led Council in prayer. The Pledge of Allegiance was recited.

Present at roll call were Mr. Marty, Mr. Guzman, Mayor Merrin, Mr. Valtin, Mrs. Brodie and Mrs. Cherry. Mayor Merrin made a motion to excuse Mr. Gouttiere absence. Mrs. Brodie seconded the motion. The motion passed unanimously by voice vote.

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

Citizens present: Please see Citizens' Sign-In Sheet, Exhibit A, Page 1 for a list of people present.

The minutes of the July 27, 2009 Council meeting were not ready for review and approval at this time.

**Presentation:**

Lisa Lawson-LaPointe addressed Council as representative from the Toledo Fair Housing Center. Lisa explained that the purpose of the TFHC is to end housing discrimination. She explained that approximately a year ago Military status and Veteran status were added to the existing 7 groups of protective classes. They offer free assistance to people facing foreclosures and they deal with it from many different aspects – ensuring fair lending practices are followed, securing lower interest rates, giving referrals to people who may be able to further assist the client, etc. The number of foreclosures in Lucas County alone has skyrocketed to 4,095 this year alone. She distributed brochures to Council members with website and phone number information. Melissa Cook stated that brochures are also available here at the Municipal Building.

**Citizens Comments:**

Judy Pittman said that she came to last month's Council meeting and listened to the citizens' comments that were made by several citizens addressing complaints that they had. She stated that as she listened she didn't understand what who were even referring to with comments such as "power grabbers". She asked Mayor Merrin why he chose to jump ahead of the agenda when allowing these citizens to speak. She stated that she doesn't understand why the legislation that was discussed regarding the Council's option to vote to fill committee positions that remain vacant after 60 days due to a lack of consensus between the Mayor and Council.

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Ms. Pittman gave her opinion regarding the sign ordinance that would lead to charging the downtown businesses half price to put out a portable sign for the day. She asked how these signs are any different than the bags of mulch that sit in front of the Hardware Store. She said both the signs and these bags are forms of advertising.

Lastly, Ms. Pittman told Mayor Merrin that unlike the other members of Council she doesn't see the Mayor at the Village social gatherings.

Mayor Merrin responded to Ms. Pittman's first comment by stating that he will be altering the agenda again tonight and has done multiple times in the past for various meetings. He added that she may not have seen him at the Village social events but that he has attended.

**Staff Reports:**

Administration: Mr. Bagdonas

- Reported that they are currently working on the application for another downtown grant. He added that there will be a meeting of business and property owners regarding this on Thursday @ 7:00 PM in Council Chambers. They are working to meet a deadline of early October.

Law Director: Mr. Dombey

- No report

Finance Director: Mr. Knepper

- Reviewed some of the items on the Second Quarter Finance Report that was included in the Council packet distributed last Friday. This report included the following adjustments and amendments that were previously presented to Council – the change in the distribution of income tax funds, the new health insurance contract, the updated Police and Fire contract and expense budget, and the new solid waste and recycling contract. All of these numbers are now reflected in the new budget. He also shared information regarding interest rates on our investments, income tax collection, the recent Note sale that took place in August, our recent audit, and the FY2010 Budget Schedule.
- Opened the floor to questions and comments from Council.

Treasurer: Mr. Schult

- Reviewed the June 2009 Treasurer's Report. He reported that through October 2008 most of the big project expenses had been paid. He stated that we are holding our own very nicely.

Chief of Police: Mr. Selders

- Reported that over the course of the next two weeks his department will be working with the OVI Task Force in an attempt to crack down on drunk drivers.
- Stated that criminal activity is down somewhat since school has been in session. But, once again he asked that the citizens keep their eyes and ears open to anything unusual that they may see or hear. He asked that residents report anything suspicious in a timely

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manner so that they can respond immediately. He stated “We are there to serve you 24 hours a day/7 days a week. “Let us serve you!”

Fire Chief: Chief Parsons

- Said it has once again been a busy month at the Fire Station with 41 calls for assistance, 36 patients seen, 22 patients transported to area hospitals, 39 EMS calls, and 2 fires (with a total loss of approximately \$45,000).
- Stated that bids for the new squad will open next Monday, the 31<sup>st</sup>.
- Reminded everyone of the upcoming Fishing Derby that they will be working on with the Public Works Department.

Public Works Director: Mr. Blair

- Reported that the 2009 CDBG Formula Grant construction has been completed with the exception of the ‘punch list’. The total grant amount was \$19,500.
- Stated that the 2010 CDBG Grant has been approved by the county and “we are just waiting for Columbus to Rubber Stamp it”.
- Also reported on the 2009 Paving Program and the State of Ohio Stimulus projects.
- Reminded everyone that the 4<sup>th</sup> Annual Fishing Derby is scheduled for September 12<sup>th</sup> at Waterworks Park. There is still room for more registrations.

Mayor Merrin announced that he was adjusting Council’s agenda to honor Officer Joseph Valvano and Police Canine Chaco for their eight years of service together and all that they have accomplished. Mayor Merrin shared that Officer Valvano and Chaco have taken part in over 3,000 program presentations, over 225 drug arrests, and are responsible for taking the equivalent \$1.8 million of drugs off our streets. The Mayor, Council, and visitors all gave Officer Valvano and Chaco a standing ovation in recognition of their tremendous work on behalf of our village.

Former Mayor Peyton asked to speak. Mr. Peyton was the acting Mayor of Waterville when Chaco first joined the WPD. He shared a funny story involving Chaco and wished him a very Happy Retirement.

Several (if not all) members of Council added their comments of appreciation and best wishes as well. Mrs. Cherry spoke of how important these efforts to get drugs off the streets and away from our children are. She added that through Anthony Wayne’s AWAKE program, it has become very clear that we have a serious drug problem at Anthony Wayne and there is a lot of work needed to overcome this. Mr. Guzman stated that he is very grateful to the business community for their contributions which allowed this opportunity to be available to us. He reminded everyone of “the strong financial support that these businesses offered when Chaco first came on board”. He also commended Officer Valvano for taking on this 24/7 task of training Chaco. He stated that this requires a special individual willing to take on this full time responsibility.

The approval of Resolutions 38-09 and 39-09 were moved ahead in the agenda as well as a” Presentation of Certificate of Commendation” to formally recognize the outstanding service of Officer Valvano and Police Canine Chaco over the past eight years.

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- G. RESOLUTION 38-09** – A Resolution to Recognize the Years of Service of Police Canine Chaco, to Grant a Conditional Gift for His Remaining Years and to Provide for His Retirement from Active Service

Mr. Marty made a motion to approve Resolution 38-09 and Mrs. Brodie seconded the motion, which was approved by unanimous voice vote.

- H. PRESENTATION OF CERTIFICATE OF COMMENDATION** – Officer Joseph Valvano and Police Canine Chaco for Eight Years of Outstanding Service

- I. RESOLUTION 39-09** – A Resolution to Authorize the Purchase of Police Canine Buster to Replace Police Canine Chaco Who Is Retiring from Active Service with the Waterville Police Department

Officer Valvano has donated his own time and obtained and trained a replacement canine named Buster. Buster is certified by the State of Ohio and trained as a dual-purpose narcotic detection canine and Officer Valvano would like to donate him to the Village.

Mrs. Cherry made a motion to approve Resolution 39-09, which Mr. Valtin seconded. This resolution was also approved by unanimous voice vote.

Once again, Officer Valvano and Chaco were honored with a round of applause.

**Communication from Council:**

Mrs. Cherry

- Reported that the Tree Commission continues to work on the removal of the Ash Trees in the public Right-of-Way. She stated that there are still 8 or 9 of these trees to be removed.
- Addressed the consideration given to memorial trees and a possible inside walking path by the Tree Commission.
- Stated that she is coordinating volunteers for the Fishing Derby and to let her know if anyone would like to volunteer to help at this fun family event.
- Reported that the Summer Rec Program was a great success.
- Spoke about the possibility of making available soccer space at Prairie Trail. The estimated cost of leveling the land and making it usable for sports practices is around \$30,000.
- Reported that consideration is also being given to the possible installation of a sand volleyball court. The Parks and Recreation committee needs to evaluate the level of interest in such a venture. Input is needed by the community.
- Stated that the Music in the Park events was very well attended this summer.

Mr. Valtin

- No report

Mrs. Brodie

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- Thanked Mr. Bagdonas, Mr. Knepper, Mr. Schult, the department heads and everyone involved for doing a really good job this year of being conservative in their spending and putting off some of their expenditures.
- Stated that issues of the recent Safety Committee meeting will be addressed later in the agenda.

Mr. Guzman

- Put in another plug for the upcoming Family Fun and Derby event that will be held at Waterworks Park on September 12<sup>th</sup> (8:00 AM – 1:00 PM). He stated that even the rain that they experienced last year wasn't able to detract from the fun that the children, parent and grandparents had. He asked that even people who may not have children or grandchildren to bring consider coming to join the fun. He said there will be lots of displays and lots of fun.

Mr. Marty

- Reported that the Safety Committee has asked the Police Chief to take a look at safety issues regarding the intersection where Fifth Street, Michigan Avenue and Farnsworth Road come together. They are looking at ways that we might be able to improve safety at that intersection. He reported that there was a serious accident at that intersection in July and another high-impact accident there again today.

Mayor Merrin expressed his proposal of the appointment of Debbie Hanna to the vacancy on the Historic District Commission. A Copy of her Application for Volunteer Service is included in the Council packet. If appointed, Mrs. Hanna would fill the unexpired term of Peggy Ross. Mrs. Hanna's term would continue into 2010. She would be acting as the representative and treasurer of the Historical Society. Mayor Merrin shared that he feels is strongly qualified and would make a great addition to this commission.

Mrs. Brodie made a motion to appoint Debbie Hanna to the Historic District Commission. Mr. Mary seconded the motion, which was approved by a unanimous voice vote

**OLD BUSINESS**

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

This ordinance had been previously tabled pending the review and recommendation from the Public Safety Committee. The Committee voted not to approve this ordinance, but to replace it with Ordinance 29-09.

Mrs. Brodie explained the reasoning of the Public Safety Committee's decision.

Mr. Guzman made a motion that Ordinance 15-09 be removed from the agenda. Mrs. Brodie seconded the motion. The motion passed.

- B. ORDINANCE 19-09** – An Ordinance Enacting Part Nine, Title One, Sections 927.02 and 927.99 of the Codified Ordinances of the Village of Waterville Regarding Trimming of Ground Cover Vegetation and Penalties for Noncompliance

*Third Reading*

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Mayor Merrin explained that this ordinance would make it the resident's responsibility to mow and maintain the grass in the public right-of-way.

Mr. Guzman made a motion to approve Ordinance 19-09. Mrs. Brodie seconded the motion and it was unanimously approved.

- C. **ORDINANCE 28-09** – An Ordinance Amending the Zoning Map of the Village of Waterville by Amending a Special Use Permit to Hanifan-Obenauf Builders and by Granting a Special Use Permit to John T. and Bonnie J. Hanifan for a Temporary Parking Lot to be Located at 8276 Neapolis-Waterville Road

*Second Reading*

Mr. Bagdonas explained that the Village received an Application for a Special Use Permit as described above. The property is zoned M-1. At its August 3rd meeting, the Planning Commission voted 3 to 0 with two members absent to recommend the approval of this Special Use Permit, including comments 1 and 3 in Thomas Yurysta's July 27, 2009 letter. The Planning Commission chose to omit comment 2 in Mr. Yurysta's letter, which pertains to bumper blocks and striping, from its recommendation. Section 1145.05(k) (6) of the Planning and Zoning Code requires striping in all parking areas with more than two spaces. The code requires bumper blocks only when a parking lot extends to a property line.

On August 14, the applicant submitted a revised drawing of the proposed parking lot. The revision reduces the size of the parking lot from 16 spaces (72' x 44') to 10 spaces (45' x 63') and changes the pavement from asphalt to concrete. Mr. Bagdonas added that he would recommend a turnaround area (8' x 15') be required on the east end of the parking lot to provide vehicles in the end spaces maneuvering room to back out and exit the lot.

Mr. Bagdonas stated that a Third Reading and Public Hearing will be held on September 14<sup>th</sup>

Mrs. Cherry asked about the choice to use concrete versus asphalt. Brian Geffe (representative from Moser Construction) stated "we are a concrete contractor, not an asphalt contractor).

**NEW 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

*First Reading*

Mr. Guzman asked for clarification as to how the specifics of this ordinance vary from Ordinance 15-09 (which was removed from the agenda earlier in the meeting). Mr. Bagdonas explained that the current ordinance does not prohibit backing into spots. It does require that when you park your car, the right front wheel of your car cannot be farther than 12" from the curb. Concerns such as the possibility of a longer vehicle hitting and damaging our newly installed streetscape (ex: trash receptacles, poles, etc.) were addressed. Lengthy conversation ensued.

- B. **REFERRAL TO PLANNING COMMISSION** – Application by Comte Construction Co. to Amend Special Use Permit for Health Care & Retirement Corporation of America to Construct a Gazebo on the Property Located at 8885 Browning Drive (*Motion*)

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Mrs. Brodie made a motion to make the referral to the Planning Commission. Mr. Valtin seconded the motion, and it passed by unanimous voice vote.

- C. **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

*First reading*

- D. **RESOLUTION 35-09** – A Resolution Authorizing the Municipal Administrator to Award a Contract to E. H. Taylor Construction for the 2009 Waterville Sidewalk Program
- E. **RESOLUTION 36-09** – A Resolution Authorizing the Municipal Administrator to Award a Contract to A-1 Concrete Leveling for the 2009 Waterville Sidewalk Mud-Jacking Program

Mayor Merrin explained that both Resolution 35-09 and Resolution 36-09 are annual Resolutions allowing the authorization of contracts for the year’s sidewalk construction and repair program. Mayor Merrin stated that if any resident would like to see a listing of the affected sidewalks, Mrs. Carter can provide them a copy.

Mr. Valtin made a motion to approve Resolutions 35-09 and 36-09. Mrs. Brodie seconded the motion, which was unanimously approved by voice vote.

- F. **RESOLUTION 37-09** – A Resolution Authorizing the Municipal Administrator to Enter Into a Contract with Hylant Administrative Services, Inc., Administrator of the Ohio Government Risk Management Plan, For Comprehensive Property, Casualty and Liability Insurance Coverages

Mayor Merrin stated that we have been with Hylant for several years, we have a good track record with them, and the cost has decreased. Mr. Bagdonas stated that Mr. Knepper has provided supporting information which is attached to the Resolution.

This Resolution addresses the Village’s annual renewal of comprehensive property, casualty and liability insurance coverage’s. This matter was reviewed and recommended for approval by the Finance Committee.

Mrs. Brodie made a motion to approve Resolution 37-09. Mr. Marty seconded the motion, which passed unanimously by voice vote.

- J. **RESOLUTION 40-09** – A Resolution Authorizing the Municipal Administrator to Award a Contract to Charlie’s Dodge, Inc., Maumee, Ohio, for the Purchase of a 2009 Dodge Dakota Pickup Truck for the Public Works Department

Mayor Merrin explained that the 2009 Dakota would replace the 1996 Chevrolet Blazer that Mr. Blair has driven for many years. This purchase is within the budgeted amount as stated in the FY 2009 Appropriations. Mrs. Brodie thanked Mr. Blair for driving the 1996 Blazer for so long.

Mr. Guzman made a motion to approve Resolution 40-09 and Mr. Marty seconded the motion, which was approved by unanimous voice vote.

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**K. DESIGNATE COUNCIL MEMBER TO SERVE ON COMPREHENSIVE PLAN STEERING COMMITTEE (Motion)**

Council approved the formation of this Committee at the July 27<sup>th</sup> meeting. The 12-member Committee provides for a representative from Council in addition to the Mayor. Mayor Merrin added that Mrs. Brodie is currently a member of the committee as a representative of the Safety Committee.

Mr. Marty nominated Mr. Guzman to be a member of the Steering Committee. He stated that with Mr. Guzman's extensive experience, he feels he would be a wise choice. Mr. Guzman stated that he would be honored to accept this position. Mayor Merrin stated that he felt that this is a great recommendation and he would be proud to second the nomination. The motion was approved by a unanimous voice vote.

**L. ACCEPT RESIGNATION OF CLERK OF COUNCIL (Motion)**

As Council members were previously informed via email, Jenny Carter is resigning from the Clerk of Council position. As a procedural matter, Council should vote to accept this resignation.

Mayor Merrin made a motion to accept Mrs. Carter's resignation as Clerk of Council for the Village of Waterville. Mrs. Brodie seconded the motion. The motion passed by unanimous voice vote.

**Other Information/Unscheduled Business**

\*On behalf of the Waterville Police Department and himself, Chief Selders expressed his thanks to previous administrations, Mayor Merrin, current members of Council, and current administrators for their support of the Police Department and of their Canine Unit. Chief Selders introduced Buster. Officer Valvano shared that Buster was rescued from a kennel in Detroit. The kennel was being used as a front for illegal activity. Buster came to the WPD when he was 10 weeks old and he began training when he was 9 months old. He is currently 1 ½ years old.

\*Mr. Bagdonas asked for direction from Council regarding the fulfillment of the duties of the Clerk of Council. He stated that in some communities (Maumee, Sylvania and Perrysburg) the Finance Director is technically the Clerk of Council. The taking and transcribing of minutes may be handled by a member of the clerical staff. He stated that he has made some calculations and it appears that the annual overtime costs for a Village employee would likely be less than the current annual Clerk of Council salary. He stated that he has discussed this with Mr. Knepper. He would like to receive direction from Council in this matter. Mayor Merrin asked Council members if anyone was opposed to the administration exploring this possibility. No one objected.

**Adjournment:**

Mayor Merrin made a motion to adjourn at 8:43 p.m. Mrs. Cherry seconded the motion, which carried by unanimous voice vote.

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*Dale D Knepper*  
Clerk of Council

*Derek Merrin*  
Mayor