

Special Council

October 10

22

The special meeting of the Waterville Council was called to order by Mayor Timothy Pedro at 7:30 p.m. at the Waterville Primary School.

The prayer was offered by Rod Frey. The Pledge of Allegiance was then recited and led by Waterville resident Lisa Webber.

Present at roll call were Todd Borowski, John Rozic, Anthony Bruno, Mayor Tim Pedro, Mary Duncan, Barb Bruno and Rod Frey.

Also present this evening was Jon Gochenour, Municipal Administrator; Phil Dombey, Law Director; Steve Schult, Treasurer and Melissa Cook, Recording Secretary.

Staff Present:

Joe Valvano – Police Chief

Doug Meyer – Fire Chief

Citizens Present:

Due to the large number of residents in attendance at this evening's meeting, a sign in sheet was not provided.

Approval of Minutes

Mrs. Bruno moved to approve the minutes of the September 26, 2022 Special Council meeting. Mr. Rozic wanted the minutes to include a comment that the additional conditions that he presented for the developer of the Amphitheater at the last meeting were compiled and written by him but were discussed with each council member. He added that the way they were written in the minutes was accurate. Mr. Frey seconded the motion, which passed by unanimous voice vote.

Citizens Comments

None

Staff Reports

Administrator: Jon Gochenour –

- Reported that Council members received a copy of his report and that he didn't have anything to add that wasn't agenda specific.

Mrs. Bruno stated that Mr. Gochenour has been very busy. She added that there are a lot of big projects going on in the City of Waterville at this time. She then stated that Parker Square looks great. Mr. Gochenour stated that the work in Parker Square is about 80% complete adding that some landscaping and the final railing on the outlook along the river still need to be installed. Mr. Rozic then stated that in Mr. Gochenour's

Special Council

October 10

22

report, he stated he is working on finalizing \$90,000 in Transit Enhancement Funding from the Toledo Area Regional Transit Authority. He asked if any of these funds could be used to bring back the “Muddy Shuttle” to Waterville. Mr. Gochenour stated TARTA is providing grants to its member communities over the next 10 years for infrastructure improvements. The City plans to use these funds to replace a portion of waterline on Farnsworth Road and repave Farnsworth Road between the Anthony Wayne Trail and River Rd. Mr. Gochenour explained that this is the first year of the TARTA grant program.

Law Director: Phil Dombey –

- Stated that no action would be taken tonight on Ordinance 10-22. He added that the third and final reading as well as the public hearing of Ordinance 10-22 will be held on October 24, 2022 at 6 p.m. At the public hearing, only Waterville residents who are sworn in by the Law Director or the court reporter will be permitted to testify and be part of the public record.

Finance Director: Mark Williams – Not in attendance.

Treasurer: Steve Schult – No Report.

Communications from Council Members/Committees

Mr. Bruno – No report.

Mrs. Bruno – No report.

Mrs. Duncan – No report.

Mr. Rozic – No report.

Mr. Frey – No report.

Mr. Borowski –

- Reported that he is working with a citizen to redesign the landscaping in both Dutch Road roundabouts in Waterville Township. He stated that they will be meeting again next week and added that he will have more information to present to Council at a future meeting.

Mayor Pedro noted that the City has also been in touch with Waterville Township since the two roundabouts are located in the Township and not in the city. He also stated that the Lucas County Engineer Mike Pniewski has agreed to the concept to remove the current landscaping at the two roundabouts to prepare for a new design next spring.

Special Council

October 10

22

Mayor Pedro –

- Apologized for failing to read Ordinance 10-22 at the September 26, 2022 Council meeting. The second reading of the Ordinance was necessary in order to move forward to the third reading, public hearing and administrative action.
- Stated that he had an opportunity to attend last Monday's meeting of the Waterville Rotary Club. He then stated that this group is responsible for new signage as you come into Waterville as well as new park benches throughout the city. He added that this is a great service organization.

NEW BUSINESS:

- A. RESOLUTION 28-22 A RESOLUTION REQUESTING THE AUDITOR OF LUCAS COUNTY, OHIO TO ISSUE ADVANCE PAYMENTS ON THE CURRENT COLLECTION OF TAXES DUE TO THE CITY OF WATERVILLE DURING CALENDAR YEAR 2023

This Resolution is the City's annual request of the County Auditor to release property taxes collected to the City of Waterville in advance of the usual March and August 2023 distribution dates. This request will allow the City to receive our property tax revenue more quickly. The County Auditor has requested the passage of this legislation at this time for the next calendar year.

Mrs. Duncan moved to adopt Resolution 28-22. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

- B. RESOLUTION 29-22 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 Resolution is an annual piece of legislation which approves and accepts the tax rates set by the Lucas County Budget Commission for the inside and outside property tax millage that is collected based on the approved millage and the property valuations within the City.

Mr. Rozic moved to adopt Resolution 29-22. Mr. Frey seconded the motion, which passed by unanimous voice vote.

- C. RESOLUTION 30-22 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE A CONTRACT AND MEMORANDUM OF UNDERSTANDING WITH THE LUCAS COUNTY SHERIFF'S OFFICE AUTHORIZING PARTICIPATION IN THE LUCAS COUNTY OVI TASK FORCE

Special Council

October 10

22

This Resolution is an annual piece of legislation which authorizes an agreement with the Lucas County Sheriff's Office to participate in the Lucas County OVI Task Force. The City has been participating in this operation for several years in areas throughout Lucas County.

Mr. Borowski moved to adopt Resolution 30-22. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

D. RESOLUTION 31-22 A RESOLUTION APPROVING THE PLAT OF FIDDLERS GREEN AT WATERVILLE LANDING PLAT TWO AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO SIGN SAID PLAT

This Resolution authorizes the approval of the final plat of Fiddlers Green at Waterville Landing Plat Two. Approval of the final plat for this subdivision was recommended by the Planning Commission at their October 3, 2022 public meeting by a vote of 5-0 contingent on the conditions of approval specified in the Resolution. An engineering review letter from the City Engineer was included with this legislation indicating the purposed plat is acceptable.

Mrs. Bruno moved to adopt Resolution 31-22. Mr. Borowski seconded the motion, which passed by voice vote 6 -1 with Mr. Rozic voting "no."

E. RESOLUTION 32-22 A RESOLUTION APPROVING THE RE-PLAT OF COMMERCE VILLAGE AT WATERVILLE LANDING PLAT ONE AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO SIGN SAID PLAT

Jason Hall, of Prism Engineering, agent for the Kroger Company, has submitted a request to subdivide the existing Lot 3, the Kroger parcel, of the Commerce Village at Waterville Landing Plat One commercial subdivision in order to create a new 1.108 - acre lot to permit the construction of a 7,381 square foot Auto Zone Auto Parts retail store. The proposed new lot, "Lot 3B" is presently a parking lot for the Kroger store and is located just north and adjacent to the existing Farmers and Merchant Bank. At their October 3, 2022 public meeting, the Planning Commission approved the lot split and the "re-plat" of the Commerce Village commercial subdivision by a vote of 5-0 contingent on the submittal of a revised plat drawing reflecting the comments of the City Engineer. Attached with the Resolution is the review letter from the City Engineer and a copy of the proposed re-plat of Commerce Village at Waterville Landing Plat One commercial subdivision for Council's reference.

Mr. Bruno moved to adopt Resolution 32-22. The motion failed due to the lack of a

Special Council

October 10

22

second.

OLD BUSINESS:

- A. ORDINANCE 07-22 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A 12.527 ACRE PORTION OF PARCEL 96-5653 LOCATED IN THE 1400 BLOCK OF PRAY BOULEVARD FROM (C-3) HIGHWAY COMMERCIAL TO (R-4) MULTI-FAMILY, HIGH DENSITY RESIDENCE DISTRICT

Tabled 6/27/2022; First Reading Scheduled for July 25, 2022; Second Reading Scheduled for August 22, 2022; Third Reading, Public Hearing and Legislative Action Scheduled for September 12, 2022; Tabled until October 24, 2022

Nathan Waggner of Cash Waggner and Associates, agent, is seeking to rezone a 12.527-acre portion of a vacant 36.972- acre parcel located in the 1400 Block of Pray Boulevard from Highway Commercial District (C-3) to (R-4) Multi-Family, High Density Residence District in order to construct Phase 3 of the Waterville Place Apartments. If the zoning change request is successful, the applicant would split off the planned 12-acre portion from parcel 96-56053 and submit a site plan to construct a four building, 144-unit apartment complex. This development would be adjacent to Phases 1 and 2 of the existing Waterville Place Apartments to the east which will consist of seven buildings and 252 units once it is completed.

Although located next to the existing Waterville Place Apartment Development, a review of the proposed zoning change from commercial to multi-family, high density residential would appear to be contrary to the intent of the City of Waterville's 2012 Comprehensive Plan. Unlike the existing Waterville Place Apartments, which are located on parcels that were zoned multi-family residential prior to their construction in accordance with the goals of the Comprehensive Plan, the current 36-acre site is located within the U.S. 24 Concept Area. In the Comprehensive Plan, the U.S. 24 Concept Area is intended for nonresidential uses due to its close proximity to the U.S. 24 Interchange and nearby commercial and office developments. Rezoning this parcel would not only add 144 additional units within approximately 500 feet of 528 existing multi-family units, it would remove 12.527 acres of potential commercial development from the U.S. 24 Concept Area which is key to the City maintaining a strong, diversified tax base into the future. Moreover, the requested zoning change would seem premature considering that a significant portion of Phase 2 of the adjacent Waterville Place Apartments still remains unfinished, including three apartment buildings, landscaping and other required infrastructure.

In light of the considerable amount of existing multi-family housing in the City of

Special Council

October 10

22

Waterville, including the 528 units currently located within 500 feet of this proposed apartment project, it would seem that there is an adequate supply of this type of housing for a small community of 6,000 residents. Moreover, rapid and unplanned residential growth will inevitably overburden emergency services, traffic capacity and school enrollments and have a negative fiscal impact on the City budget. In an effort to ensure balanced growth and a strong diversified tax base, the 2012 Comprehensive Plan envisions development for parcels within the U.S. 24 Concept Area to be nonresidential. In addition, three of the proposed seven apartment buildings in the Waterville Place Apartments Complex still remain unfinished after nearly three years of development. Consequently, it was the recommendation of the Planning Commission at their June 6, 2022 public meeting to deny the proposed zoning change request for a 12.527-acre portion of a 36.972-acre parcel located in the 1400 Block of Pray Boulevard from Highway Commercial District (C-3) to (R-4) Multi-family, High Density Residence District since the request is contrary to good planning practice and the promotion of the goals contained in the 2012 Comprehensive Plan. This issue was tabled at the June 27, 2022 Council meeting at the request of the applicant and tabled again at the request of the applicant until the October 24, 2022 Council meeting. The Third reading of this Ordinance is scheduled for October 24, 2022.

B. ORDINANCE 10-22 AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO PERMIT THE OPERATION OF AN OUTDOOR ENTERTAINMENT FACILITY ON A PARCEL ZONED (C-4) MIXED USE BUSINESS DISTRICT AND (C-3) HIGHWAY COMMERCIAL DISTRICT LOCATED IN THE 600 BLOCK OF PRAY BOULEVARD

First Reading Scheduled for September 12, 2022; Second Reading scheduled for September 26, 2022, continued until October 10, 2022; Third Reading, Public Hearing and Administrative Action Scheduled for October 10, 2022, continued until October 24, 2022

DFG Waterville Landing LLC, property owner, has submitted a request for a Conditional Use Permit for the construction of an outdoor amphitheater facility located off of Pray Boulevard south of St. Rt. 64/Waterville-Swanton Rd. The proposed location is south of the Meijer property on the west side of a planned 1,200-foot roadway extension of Pray Boulevard. The amphitheater would be seasonal and contain 5,199 permanent seats, a lawn area for general admission and have a maximum capacity for 9,375 attendees. According to the site plan, the 61,000 square foot facility will be set approximately 7-feet below grade and be oriented to the southwest toward U.S. 24 to mitigate the noise level away from the residential areas of the City. The amphitheater will not have a permanent stage with the stage being put up and taken down after each season. The only permanent buildings on the site will be concession stands, restrooms, ticket booths and an operations office. Renderings of these buildings were also included with the site plan. The site will provide paved parking for 2,533 vehicles with parking areas located on the east and west sides of the new Pray

Special Council

October 10

22

Boulevard roadway extension. The operator of the facility, HB Concerts, plans to hold 20 to 25 events per season with concerts being held Thursday through Sunday. According to the operator, the facility would open at 5:30 p.m. with concerts starting at 7 p.m. and ending at approximately 10:30 p.m. HB Concerts has also provided information outlining the general operation of the amphitheater, staffing, security and the potential economic impact to the City. A traffic impact study was provided with the application which analyzes current traffic conditions on U.S. 24, St. Rt. 64 and Pray Boulevard, potential traffic volumes during “peak hour” arrival times to the site and provides a suggested “maintenance of traffic plan” to safely manage vehicles entering and leaving the facility after the event is over. If the Conditional Use Permit was approved by City Council, the applicant would submit a “roadway dedication plat” for the proposed extension of Pray Boulevard to the Planning Commission for final approval. The City Engineer has reviewed the Pray Boulevard extension plans, the proposed storm water management and drainage report and the original and revised traffic impact studies, his comments were enclosed in Council’s packet.

Due to the size and potential impact of the planned development on the City of Waterville, the approval of a Conditional Use Permit is required for this project. Under the City Zoning Ordinance, the Planning Commission may recommend to Council “conditions of approval” on the construction, location and operation of the proposed use. All approved Conditional Uses shall incorporate by reference a detailed site plan and any deviation from or modification of the site plan shall require Planning Commission review and Council approval. Any approved conditional use shall be subject to periodic review by the Planning Commission and Council to ensure that such use continues to be compatible with the permitted uses in the zoning district.

The issue was first considered by the Planning Commission at their August 15, 2022 public meeting. The requested conditional use permit was continued by the Planning Commission at their next public meeting held on September 12, 2022. At this meeting, the Planning Commission recommended approval of the proposed conditional use permit to Council, by a vote of 3 votes to 2, with the following recommended conditions needed for the potential approval by Council:

1. The maximum capacity of the amphitheater will be 9,375 or a smaller size if requested by the developer. The traffic study references a maximum capacity of 10,300 seats while media reports have also provided different information in regards to capacity size. The maximum capacity of 9,375 of the facility will be used to determine the required amount of parking which will be based on the ratio of 2.5 tickets per vehicle which is the standard used in determining the number of vehicle trips entering the site in the original traffic impact study. Since the 2,533 paved parking spaces for vehicles indicated on the current site plan will not provide enough parking spaces to accommodate the amphitheater’s maximum capacity of 9,375 ticket holders or the additional

Special Council

October 10

22

parking spaces required for employees, the capacity of the amphitheater will be limited to 5,200 ticket holders. If or when the developer obtains more land for additional parking, the capacity may be increased to a maximum capacity of 9,375 after the final review and approval of the Planning Commission and City Council;

2. The developer/operator will establish general hours of operation for all concert events held at the amphitheater which is subject to the approval of the City of Waterville. The operator has indicated that the general hours of operation for concert events is 5:30 p.m. to 10:30 p.m. Thursday through Sunday. In order to deter performances from exceeding the agreed upon ending time, a financial penalty would be imposed for each minute a performance goes beyond its scheduled ending time as determined by City Council. The establishment of hours of operation will be necessary to ensure that adequate resources are available to manage the flow of traffic into and out of the facility and allow for the advance scheduling of law enforcement personnel to direct traffic and provide required security;
3. The developer will submit a revised and detailed site plan which addresses the requirements contained in Chapter 1146 of the City Zoning Ordinance including a landscaping plan prepared by a landscape architect registered in the State of Ohio and an exterior lighting plan prepared by a professional engineer registered in the State of Ohio for approval by the Planning Commission. The landscaping plan shall provide a landscaping buffer of approximately 1,254 feet along the eastern property line of the parcel consisting of earthen mounding at a minimum of 10 feet in height with staggered plantings of evergreen trees at a minimum of 15 inches on center to block music, parking lot lighting and vehicle noise from residential areas located to the east of the property;
4. The submittal of a final traffic access and vehicle management plan approved by the City of Waterville which incorporates the comments of the City Engineer including the construction of a second westbound lane on the north side of St. Rt. 64, between Pray Boulevard and the U.S. 24 northbound on ramp, for a distance of approximately 1,100 feet, to ensure the safe and efficient flow of traffic out of the amphitheater. Any traffic control signage, traffic cones or other equipment used to manage and direct traffic into and out of the amphitheater will be purchased and maintained by the operator and be installed and removed by the operator's employees or contractors for each concert event. All exiting traffic will be required to turn left only onto St. Rt. 64 from Pray Boulevard and enter the north or southbound on ramps of U.S. 24 after each event. The developer/operator will reimburse the City of Waterville for all expenses incurred by the City associated with law enforcement directing traffic into and out of the facility;

Special Council

October 10

22

5. The submittal of a final public safety plan for the amphitheater approved by the City of Waterville which mandates that there will be a specific number of off duty uniformed police officers and private security personnel at each concert event based on a ratio of ticket holders in attendance. The outline provided by the operator indicated that the 11 uniformed, off duty officers and 23 private security personnel would be provided at the amphitheater. The safety plan will also specify that there will be one (1) private EMS ambulance, fully staffed on site for each event, which will assume the primary responsibility for BLS medical transport emergencies. The plan will also provide details on how the operator will respond to weather events, medical, police and other potential emergency situations;
6. The developer/operator will submit a noise mitigation study prepared by a professional engineer registered in the State of Ohio to determine if the depth and orientation of the amphitheater site is sufficient to prevent excessive noise from adversely affecting adjacent properties. The developer/operator will make all required improvements recommended in the study to the site, including increased landscaping, mounding or other noise mitigation methods, necessary to ensure excess noise does not adversely affect adjacent properties;
7. The developer will submit a “roadway dedication plat” to the Planning Commission and City Engineer for final approval for the extension of Pray Boulevard as a public roadway;
8. The developer/operator agrees to and will cooperate with the City of Waterville in the establishment of an “Admission Tax”, as provided under the Ohio Revised Code, to offset any indirect costs incurred by the City due to the operation of the amphitheater site. Upon request, the developer/operator agrees to provide financial information to the City to verify the accuracy of admission tax receipts submitted to the City;
9. Detailed engineering and construction drawings for all roadway, water, sanitary and storm sewer improvements to be maintained by the City of Waterville shall be submitted for the review and final approval of the City Engineer.
10. Agreement to all of the conditions of approval by the developer/operator is necessary for the issuance of a final zoning permit for this project by the City of Waterville.

Council members were provided with copies of the current site plan, renderings of facility buildings, a traffic impact study as well as grading and site utility plans. The applicant has not provided a noise study to the City as of today’s date.

Special Council

October 10

22

Citizens Comments

Residents of the City of Waterville, Waterville Township and the Village of Whitehouse came to this evening's meeting to voice their concerns and opinions about the amphitheater project citing noise, traffic, lighting, safety issues, bringing "undesirables" to Waterville, the burden on rescue services, the impact on the City's infrastructure and the environment, declining property values and drug concerns. Petitions with signatures opposing the Amphitheater were also presented to Council but cannot be considered as evidence. There were also residents of the City in attendance who were in favor of the amphitheater project asking Council to do their due diligence and plan for its impact on the community. It has also been stated that the idea to keep Waterville small will harm future businesses from coming to our city.

Other Business

None

Adjournment

There being no further business to come before Council, Mrs. Duncan made a motion to close the meeting at 8:50 p.m. Mr. Borowski seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Timothy G. Pedro, Mayor