

Special Council

September 26

22

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

The prayer was offered by Mrs. Duncan. The Pledge of Allegiance was then recited and led by Waterville resident Norm Witzler.

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 Jeni Malaczewski, Recording Secretary.

Staff Present:

Mark Williams – Director of Finance and Administration

Joe Valvano – Police Chief

Doug Meyer – Fire Chief

Ken Blair – Public Works Director

Citizens Present:

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

Approval of Minutes

Mr. Bruno moved to approve the minutes of the September 12, 2022 Regular Council meeting. Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

Staff Reports

Administrator: Jon Gochenour –

- Mr. Gochenour stated that a tax incentive plan for the Downtown Redevelopment District has been finalized with the Anthony Wayne School District. A similar agreement needs to be finalized with the Penta Vocational Career Center as well before the issue can be brought to Council.
- The City submitted a joint application with Lucas County to participate in the Federal Highway Administration Safe Streets and Roads for All grant program. This application will permit municipalities and townships in Lucas County to apply for federal grants for roadway safety improvements.

Law Director: Phil Dombey –

- Stated that no formal action will be taken tonight on Ordinance 10-22, it will be a reading only. The public hearing is scheduled for October 10, 2022. At that time, in order for anything to be considered by Council, only Waterville

Special Council

September 26

22

residents who are sworn in by himself or the court reported will be permitted to testify and be part of the public record.

Finance Director: Mark Williams –

- Reviewed details from the August 2022 Month End Finance Report highlighting fund balances and income tax revenues.

Treasurer: Steve Schult –

- Reviewed the details of the Treasurer’s Report for the month of August 2022. Mr. Schult stated that expenditures in the Capital Improvement, Water and Sewer Capital Funds increased last month due to payments for capital projects and debt service payments.

Police Chief: Joe Valvano –

- Chief Valvano stated that the Roche de Boeuf Festival was well attended with no incidents to report. The Police Department had a tent where they handed out informal packets and safety material for the kids.
- The Police Department will be participating in Waterville Primary School “Bike to School Day” on October 5.

Fire Chief: Doug Meyer –

- Chief Meyer also stated the festival went well with no fire/EMS incidents to report.
- The Fire Department will also be participating in Waterville Primary School “Bike to School Day” on October 5.
- The City has had interest from potential purchasers for the old latter truck.

Public Works Director: Ken Blair -

- Mr. Blair also stated that the Roche de Boeuf Festival was well attended; some of the largest crowds he has seen in years.
- The City’s annual leaf pick up will start on October 18. The schedule is in the Canal Post.
- Stated he will be meeting with the City Engineer to begin evaluating residential streets for the 2023 Paving Program.
- The Rotary Fishing Derby was a great success.
- Mrs. Duncan inquired about who was responsible for the trash at the end of the Roche de Boeuf Festival? Mr. Blair stated that it is usually taken care of by the Chamber of Commerce, but the Public Works Department picked it up on Monday morning since it was still sitting out.
- Mr. Frey asked Mr. Blair if he was aware of a low spot in the Parkers Square Parking Lot that is collecting water? He said that the City has met with the Contractor and it will be corrected before this phase of the project is completed.

Special Council

September 26

22

Portions of the sidewalk along River Road will be replaced next year.

- The Waterworks Park Storm Sewer Project is nearly complete. All that is remaining is the headwall by the river, clean up and seeding.

Communications from Council Members/Committees

Mrs. Bruno –

- Thank you to the Waterville Chamber of Commerce, the Rotary and all of the volunteers for their tremendous efforts with this year's festival.

Mrs. Duncan – No Report

Mr. Borowski –

- The Roche de Boeuf Festival was a great event.
- At the Public Works Committee meeting, they welcomed new member Janelle McDonald. The Urban Tree Canopy Project will start on November 15 with 142 trees being planted throughout the City.

Mr. Bruno – No Report

Mr. Frey –

- The Roche de Boeuf was one of the best attended that he has seen in years. Mr. Frey was able to ride on the new Police Department golf cart in the parade. He commented that he really liked the set up with all the vendors in one area and all the food trucks in another.

Mr. Rozic –

- Stated that Roche de Boeuf was really a terrific event.
- He also encouraged all the citizens to register and be sure to go vote.

Mayor Pedro –

- The annual Fishing Derby was held on Saturday, September 17 at Waterworks Park. This was a great event that helped to get kids outside.
- Mr. Pedro attended the Waterville Primary Student Council Election Ceremony.
- The Downtown Redevelopment District is nearly finished and will be presented to Council within the next few weeks which contains a plan to rebuild our downtown.

NEW BUSINESS:

- A. RESOLUTION 27-22 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO FILE AN APPLICATION AND ENTER INTO AN

Special Council

September 26

22

AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE FARNSWORTH ROAD RESURFACING AND WATERLINE IMPROVEMENTS.

This Resolution would authorize the submission of an application for financial assistance from the Ohio Public Works Commission for the replacement of the waterline and pavement on Farnsworth Road between the Anthony Wayne Trail and North River Road. The project involves the replacement of the existing 1920's era 6-inch waterline with approximately 1,150 feet of new 8-inch waterline, installation of required valves, 3 fire hydrants, the reconnection of 6 water services and the resurfacing of approximately 1,225 feet of pavement on Farnsworth and North River Roads. These improvements will improve water flow, fire protection, and eliminate future water main breaks. The application is for a grant of 49% or \$225,400 of the project's estimated \$511,825 total cost. The City's remaining \$256,425 share of the project will be offset by utilizing \$90,000 in Transit Enhancement Funding from TARTA. TARTA proceeds will be for roadway resurfacing, pavement striping and ADA Curb Ramp replacements on this project. If the application for financial assistance is successful, construction on this improvement project would begin in the Spring of 2024.

Mrs. Duncan moved to adopt Resolution 19-22. Mr. Borowski seconded the motion, which passed by unanimous voice vote.

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 96-56053 LOCATED IN THE 1400 BLOCK OF PRAY BOULEVARD FROM (C-3) HIGHWAY COMMERCIAL TO (R-4) MULTI-FAMILY, HIGH DENSITY RESIDENCE DISTRICT *Third Reading, Public Hearing and Legislation Action Scheduled for September 12, 2022; Tabled until October 24, 2022*

Nathan Waggner of Cash Waggner and Associates, agent, is seeking to rezone a 12.57-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.

Special Council

September 26

22

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 12.57 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 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 enviably overburden emergency services, traffic capacity, 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 with the U.S. 24 Concept Area to be non-residential. In addition, three of the proposed seven apartment buildings in the current 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 meeting at the request of the applicant.

Mayor Pedro stated that Ordinance 07-22 was tabled at the last Council meeting at the request of the applicant until the October 24, 2022 Council meeting.

- B. ORDINANCE 10-22 AN ORDINANCE GRANTING A CONTIONAL 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 COMMERICAL DISTRICT LOCATED IN THE 600 BLOCK OF PRAY BOULEVARD

Special Council

September 26

22

Second Reading

DFG Waterville Landings 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 Road. 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 for each performance. 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 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 operations 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.

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.

This issue was first considered by the Planning Commission at their August 15, 2022

Special Council

September 26

22

public meeting. The requested conditional use permit issue was continued by the Planning Commission to their next public meeting held on September 12, 2022. At this meeting, the Planning Commission recommend 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 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 146 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

Special Council

September 26

22

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;
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 indicates that 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

Special Council

September 26

22

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 approved of the City Engineer;

10. Agreement to all of the conditions of approval by the developer/operator are necessary for the issuance of a final zoning permit for this project by the City of Waterville;

After reading the Planning Commission's ten recommended conditions for potential approval, Mayor Pedro stated that City Council can modify, remove or add additional conditions of approval. Mayor Pedro stated that Mr. Rozic had compiled a list of potential additional conditions that Council would like to present to the applicant. The following potential conditions are in addition to the conditions recommended by the Planning Commission:

- Limit the number of events to not more than two per week;
- Prohibit events on Monday, Tuesday, and Wednesday;
- Prohibit events on Fridays after August 15 each year;
- Based on the representation of the applicants that all events will take place between the hours of 5:30 and 10:30 p.m., prohibit festivals, multi-day festivals, or similar events which involve events, performances, or activities outside of those hours;
- Monitor tailgating in the parking lot and provide adequate security;
- Prohibit camping at the venue;
- If the venue will charge for parking, add the charge to each ticket to discourage parking in locations other than at the venue;
- Prohibit unloading and loading of equipment by road crews and installation and removal of the temporary stage between the hours of 11:00 p.m. and 7:00 a.m.
- Install a gate or gates at access points to the parking lots to prevent activity

Special Council

September 26

22

when the venue is idle;

- Provide adequate security at the venue when it is idle;
- Provide a detailed explanation of the construction of the temporary stage. Explain whether the stage will be installed and removed for each performance. Explain if and when a permanent sound shell will be constructed;
- If fireworks or pyrotechnics are included in any performance, provide proof of insurance, and restrict fireworks and pyrotechnics to hours before 10:30 p.m.;
- Control the flow of traffic on the Pray Boulevard Roadway Extension;
- Prevent traffic from exiting an event onto Waterville-Neapolis Road;
- Provide detailed drawings and specifications for construction and exterior facades of permanent structures;
- Provide detailed diagrams and drawings of landscaping, ponds, fountains, and walkways;
- The applicants indicated that naming rights for the venue may be for sale. Require approval of the city for granting of naming rights;
- Include an on-site first aid center;
- Provide a “kill switch” for performances;
- Explain whether seat licensing will be offered;
- Provide detailed description of suites and the number of suites;
- Describe the menu and cost of items to be offered at concessions;
- What is the exit plan for the facility in the event that the amphitheater is not successful;
- Will skateboarding or other activities be allowed or prevented in the parking areas when the amphitheater is idle?
- Earthen mounding at a minimum height higher than ten feet;

Special Council

September 26

22

- Confirmation of arrangements for traffic control before and after each event;
- Expense to the City of traffic control;
- Decorative fencing surrounding the property.

Citizens Comments

Residents of the City of Waterville, Waterville Township, and the Village of Whitehouse came to this evening's meeting to voice their opinions about the amphitheater project citing noise, traffic and safety issues, the burden on rescue services, the impact on the city's infrastructure, declining property values and drunk driving concerns. There were also residents of the City of Waterville in attendance who were in favor of the amphitheater project. They asked that Council do their due diligence and plan for its impact on the community and that the idea to keep Waterville small will harm future businesses from coming to Waterville.

Other Business

None

Adjournment

There being no further business to come before Council, Mr. Bruno made a motion to close the meeting at 9:09 p.m. Mr. Rozic seconded the motion, which carried by unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Timothy G. Pedro, Mayor