

## Special Council

September 12

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.

The prayer was offered by Mr. Frey. The Pledge of Allegiance was then recited and led by Waterville resident Mary Beth Wittenberg.

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 Shellie McCann, Recording Secretary.

### Staff Present:

Mark Williams – Director of Finance and Administration

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. Duncan moved to approve the minutes of the August 22, 2022 Regular Council meeting. Mr. Borowski seconded the motion, which passed by unanimous voice vote.

### Staff Reports

Administrator: Jon Gochenour –

- Reported that he reviewed the proposed concept drawings with a consultant for Phase 2 of the Parker Square Memorial Park Improvement Project. He then reviewed the major components of Phase 2 of this project.

Law Director: Phil Dombey –

- Stated that the third and final reading as well as the public hearing of Ordinance 10-22 will be held on October 10, 2022. At this time, in order for anything to be considered by Council, only Waterville residents who are sworn in by himself or the court reporter will be permitted to testify and be part of the public record.

Finance Director: Mark Williams –

- Reviewed details from the FY 2022 Second Quarter Budget Report, covering

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1/1/2022 – 6/30/22, highlighting Fund Balances, Investments and Income Tax Revenues. A detailed cover memo of this report was included in Council's packet.

Treasurer: Steve Schult – No Report

### Communications from Council Members/Committees

Mrs. Bruno –

- Thanked everyone for coming this evening. Council members are not perfect and that we do the best that we can for Waterville. She added that this position is not easy and then encouraged all citizens to think about running for office and/or volunteering for a City committee.

Mrs. Duncan –

- Reported that she attended the last Tree Commission meeting filling in for Mr. Borowski. She added that they will be hosting an Arbor Day Celebration again this year on September 28, 2022 at the Waterville Primary School at 10:00 a.m. The Fourth Grade class will be participating in the ceremony. The Tree Commission will also be putting on a “Pruning Seminar” on October 15, 2022 from 9:00 a.m. to 11:30 a.m. at the Waterville Fire Department Community Room.
- Stated that she had a few comments that she wanted to make regarding the proposed amphitheater project. She stated that she lives in Mill Creek Farms and that her home has been vandalized twice. She added that this is very upsetting to her and that she would like for whoever is responsible to stop! She then stated that there are things that have been posted on social media that are not true and are not being corrected by the administrators of this site. She added that the new turn lanes being built on the Anthony Wayne Trail are not being built for the amphitheater, but is an ODOT project that the City received grants for and was approved several years ago. She then stated that Council members have not or will not personally benefit financially from the amphitheater project. She then asked the public not to believe everything that you read on social media and do your research. This is not an easy job nor is the amphitheater project an easy decision and it is definitely not a done deal.

Mr. Borowski –

- Thanked everyone for attending this evening's meeting. He also thanked Mrs. Duncan for her comments.

Mr. Bruno –

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- Stated that the Parks and Recreation Committee will be establishing a date for a Community Planting Day at Waterworks Park.
- Stated that he has not seen much progress regarding the weed growth and dead trees along Waterville-Monclova Rd. at the Waterville Landing development. He then asked the Administrator if he has heard back from the developer or from Bowers Landscaping. Mr. Gochenour stated that Bowers Landscaping has been contracted by the developer to do the work. The developer has stated that they are waiting for cooler weather to complete the landscaping improvements as requested. He added that he will be following up with developer again for an update.

Mr. Frey – No report.

Mr. Rozic –

- Mentioned that there is a lot of false information on social media and encouraged Waterville residents not to rely on everything that you read on Facebook. He stated that this project has brought out the worst in some people. He added that your Council members encourage and welcome factual information, comments and questions.

Mayor Pedro –

- He stated that we have an active Council and are listening and talking to the public about the amphitheater.
- Reported that that Downtown Redevelopment District will be coming to Council with a plan that will help rebuild our downtown.
- Stated that a recent Council meeting, Wendy Gray of Third St. Blooms along with her team of volunteers asked the city to invest \$10,000 for new decorations for downtown and the Waterville Christmas Celebration.
- Reported the 49<sup>th</sup> Annual Roche De Boeuf Festival will be held on September 24, 2022.
- Reminded Council and residents that the Annual Fishing Derby will be held on Saturday, September 17 at Waterworks Park. Details and applications are available on the City's website and at the Municipal Building.
- Stated that the decision of Clean Wood Recycling to end its contract with the City was an unfortunate decision. He asked again that the public not believe everything that you hear and read regarding what took place. He stated that on the Thursday before Clean Wood closed the recycling site, he personally met with the owners to try and reach a compromise agreement. He then stated they refused. He added that City Council and the Administration are working on bringing another tenant to the site but, in the meantime, we have contracted with the recycling center in Perrysburg for yard waste disposal.

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### 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*

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.

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 maintain 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

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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 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 applicant was not able to attend this evening's meeting and has asked for Ordinance 07-22 to be tabled until October 24, 2022 at 7:30 p.m. Mayor Pedro then made a motion to table Ordinance 07-22 and schedule the third and final reading for the October 24, 2022 Council meeting as requested by the applicant. Mrs. Duncan seconded the motion.

Roll Call: Mr. Borowski – yes, Mr. Frey – abstained, Mr. Bruno – yes, Mrs. Duncan – yes, Mayor Pedro – yes, Mrs. Bruno – yes, Mr. Rozic - yes. The motion passed with six members voting “yes” and one abstention.

### NEW BUSINESS:

#### A. RESOLUTION 26-22 A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR MILL CREEK FARMS PLAT 7 AND 8

Wade Smith Preserve Properties has submitted a preliminary plat for Mill Creek Farms Plat 7 and 8. At their August 1, 2022 public meeting, the Planning Commission reviewed and recommended approval of the preliminary plat subject to the conditions stated in the July 25, 2022 review letter from the City Engineer.

Mr. Frey made a motion to move for the passage of Resolution 26-22. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

#### 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

Mayor Pedro stated once again this is the first reading of Ordinance 10-22 and that

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nothing has been decided.

Mr. Frey stated to the Mayor, City Administrator and City Law Director the following: "I would like the minutes to reflect that I will be recusing myself from making decisions about or influencing how Ordinance 10-22 is resolved. My recusal shall be include discussing, reviewing, recommending, inspecting, investigating or taking any other action on the matter. In addition, I will be abstaining from all voting as to Ordinance 10-22."

Mayor Pedro then gave those in attendance his email address and cell phone number for any comments or concerns.

Mrs. Bruno and Mr. Rozic both stated all Council Members' e-mail addresses and phone numbers are available to the public on the City's web site at [www.waterville.org](http://www.waterville.org).

### 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, safety issues, bringing "undesirables" to Waterville, the burden on rescue services, the impact on the city's infrastructure, declining property values and drug concerns. 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 was also 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, Mr. Rozic made a motion to close the meeting at 9:25 p.m. Mr. Bruno seconded the motion, which carried by unanimous voice vote.

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Jon D. Gochenour, Clerk of Council

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Timothy G. Pedro, Mayor