

## Regular Council

January 23

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The regular meeting of the Waterville Council was called to order by Mayor Timothy Pedro at 7:30 p.m. in the Council Chambers of the Waterville Municipal Building.

The prayer was offered by Mr. Frey. The Pledge of Allegiance was then recited and led by Mrs. Bruno and citizen Grace Jeffers.

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

Also present this evening was Jon Gochenour, Municipal Administrator; Katie Tharp, Assistant 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:

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

### Approval of Minutes

Mrs. Duncan moved to approve the minutes of the January 9, 2023 Regular Council Meeting. Mr. Rozic seconded the motion, which passed by a voice vote.

### Citizens Comments

Matt Harrell, 1457 Southridge Dr., made comments about the "Finding of Fact" document in regards to the amphitheater.

Wayne Wagner, 243 Harvest Ln., made comments on the proposed Taco Bell and how the possible round about at the Anthony Wayne Trail and Dutch Road would affect the construction of Taco Bell.

Anthony Garver, 22 Mattatuck Way, made comments on running for City Council due to how unsatisfied he is on how the City is being run.

Mark Dickey, 7867 Dana Rae Dr., asked that Council to let the amphitheater move forward. Waterville has been changing for decades and he is encouraged that the City is moving forward.

### Staff Reports

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Administrator: Jon Gochenour

- The Anthony Wayne Art Commission would like to bring back “Food Truck Tuesdays” again this year at Conrad Park. The dates would be June 13, July 11 and August 8. It was the consensus of Council to approve the proposed dates for this popular event. Mr. Pedro stated that he volunteered himself and Council to support and possibly add some additional activities to the event.

Assistant Law Director: Katie Tharp

- A “Challenge of Right to Vote and Correction of Registration” hearing was held at the Lucas County Board of Elections in regards to Council Member Anthony Bruno residency on January 17. The Board voted unanimously to deny the challenge to his residency and affirmed his residency in the City of Waterville.
- Due to the ongoing litigation in regards to Ordinance 10-22, she advised that Council limit their comments on this issue.

Finance Director: Mark Williams

- Reviewed details from the December 2021 Month End Finance Report highlighting fund balances and income tax revenues.

Treasurer: Steve Schult

- Reviewed details of the Treasurer’s Report for the month of December 2022.

Police Chief: Joe Valvano

- The Department is preparing for the 2023 “Safety City” program.
- The next “drug drop off day” is in April.
- The City currently has 2 candidates for Police Officers in the background check stage of hiring.
- Attended a ceremony for Whitehouse Police Chief McDonough who is leaving for a new position in Sidney, Ohio.
- Mr. Rozic asked if the “School Bus Safety Brochure” is available. Chief Valvano stated that Officer AJ Glover is managing this program and more brochures will be available on our website.
- Mr. Borowski asked if the school bus stop issues were any better this year. Chief Valvano stated that the cases are easier to prosecute now due to the new camera systems on Anthony Wayne School Buses.

Fire Chief: Doug Meyer

- Successfully completed CPR training with Police and Fire Departments. Working on Public Works Department next.
- Commented on the new “Haas Alert System” which is equipped on the new tower and engine trucks. The system alerts other vehicles with certain Waze, Apple or Google Maps apps that these trucks are approaching with their lights

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and sirens on up to a mile away.

- The City has 2 candidates for full-time fire positions in the health physical stage of the hiring process.
- Attended the swearing in of 9 new firefighters at Monclova Township.

Public Works Director: Ken Blair

- Recognized employee Wes Martin for finishing his freshman class at the Ohio Tree Commission Academy.
- Employees will be undertaking CPR training with the Fire Department.
- The Department will have a chainsaw operation safety class February 22. Also, aerial lift truck and confined spaces training will be scheduled for new employees.
- Mr. Borowski asked if the lights on Pray Blvd which are out are the City's responsibility or Toledo Edison's lights. Mr. Blair stated that they are Toledo Edison's lights and that this issue was reported to them several months ago. Edison is very slow in completing street lighting repairs.
- Mr. Frey asked about where the City is with the meter replacement project. Mr. Gochenour stated that City is finalizing the final payment request. There are still a small number of residents who have not cooperated with the City on getting their meters replaced.

### Communications from Council Members/Committees

Mr. Frey

- No Report

Mrs. Bruno

- No Report

Mrs. Duncan

- YouTube is up and streaming Council meetings.

Mr. Bruno

- Asked Chief Meyer about getting the Hass Alert System installed on all of the fire trucks. Chief Meyer stated that he does like the system, but is trying to determine its effectiveness versus the cost of installing it on all of the other vehicles. The 2 medic units that the City has would benefit greatly with the system.

Mr. Rozic

- Addressed the barricades that were set out in the morning prior to the meeting.

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Mr. Rozic believed that the barricades were put out for protection and as an efficient entry way for the citizens and the Police Officers during the meeting.

Mr. Borowski

- No Report

Mayor Pedro

- Gave a “State of the City” address at the Chamber of Commerce on January 17.
- In 2022, the City received over \$1 million dollars in grant monies towards City capital improvement projects.
- The City is growing. The current valuation for the City is over \$201 million. The City has taken time to manage this growth.
- In 2023, the City will be doing better at communicating.

### NEW BUSINESS:

- A. RECALL OF ORDINANCE 10-22 OR PASSAGE OF RESOLUTION 02-23 AUTHORIZING SUBMITTAL OF REFERENDUM INITIATIVE TO THE LUCAS COUNTY BOARD OF ELECTIONS

The Clerk of Council submitted referendum initiative petitions for Ordinance 10-22, which approved a Conditional Use Permit for the proposed amphitheater, to the Lucas County Board of Elections for the verification of signatures. The Board validated 952 signatures which meets the requirement specified in Section 9.02 of the City Charter that referendum petitions must be signed by not less than 20% of the total electors of the City that voted in the last regular municipal election. Since the petition has been found to be sufficient, Council is required to either “reconsider” Ordinance 10-22 or refer it to the Board of Elections for placement on the ballot.

Mayor Pedro moved to adopt Resolution 02-23, Mr. Rozic seconded the motion, which passed by a voice vote with Mr. Frey abstaining.

### OLD BUSINESS:

- A. RESOLUTION 33-22 A RESOLUTION APPROVING AND ADOPTING THE CITY OF WATERVILLE FY 2023 FIVE-YEAR CAPITAL PLANNING PROGRAM FOR ALL MUNICIPAL FUNDS AND DEPARTMENTS

This is the annual 5-Year Capital Planning Program. The Finance Committee discussed and recommended approval of the program at a special meeting on November 4. This item is for ongoing discussion throughout the budget preparation

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process. According to the typical annual budget schedule, Council action to approve this Resolution would not be taken until the second Council meeting in January.

B. ORDINANCE 13-22 AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATIONS FOR THE MUNICIPALITY OF WATERVILLE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023, AND REPEALING ORDINANCE 14-22, AND DECLARING AN EMERGENCY

*Third Reading and Legislative Action*

A copy of the proposed FY 2023 Appropriations was included in Council's packet. The Finance Committee reviewed and recommended approval of the budget at their December 2, 2022 public meeting. The 2023 Appropriations have been revised to include actual 2022 ending balances. As expected, most of these actual 2022 ending balances have resulted in increased "beginning balances" for 2023 over earlier budgetary projections. The budget has been revised from the original budget submittal to include increases in income tax and local government aid revenue. Significant changes in proposed budgetary expenditures include an additional police car, \$74,000 for more residential street paving and an additional \$100,000 for Phase 2 improvements to Parker Square/Memorial Park. The deadline set by the City Charter for Council adoption of the 2023 Operating Budget is March 1, 2023.

No legislative action was taken by Council on Ordinance 13-22 this evening.

C. ORDINANCE 01-23 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERVILLE TO CHANGE THE ZONING CLASSIFICATION OF A CERTAIN PERCEL OF LAND KNOWN AS 6521 HUTCHINSON DRIVE FROM (C-1) NEIGHBORHOOD COMMERCIAL TO (C-4) MIXED USE BUISNESS COMMERCIAL

*Second Reading*

Daniel Stone, of Van Horn, Hoover and Associates, Inc., agent for Taco Bell Corporation and the property owner, is requesting a zoning change from Neighborhood (C-1) Commercial to Mixed Use Business (C-4) Commercial in order to construct a proposed 2,074 square foot Taco Bell Restaurant with a drive-through window located on a 1.14 acre lot on the corner of Hutchinson Drive and Dutch Road approximately 120 feet east of the intersection of the Anthony Wayne Trail and Dutch Road. The planned new restaurant will be located directly across the street from an existing McDonalds drive-through restaurant on Dutch Road which is zoned Mixed Use Business (C-4) Commercial. The proposed restaurant provides the required 10 vehicle stacking spaces for the drive-through with the main entrance and exit driveway aligned with the existing McDonalds driveway to the north. An additional entrance and exit

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driveway is also provided at the rear of the property onto Hutchinson Drive. The site provides 17 parking spaces with a 25-foot drive aisle which allows two-way vehicle traffic to enter or exit the site off of Dutch Road or Hutchinson Drive. The applicant has provided a landscaping plan which meets the City's requirements and also provides a 6-foot high privacy fence along the eastern property line up to the drive through window to further screen vehicle noise from the adjacent residence located to the east. An on-site detention pond is being provided on the western portion of the property between the parking lot and Hutchinson Drive to meet storm water management requirements. Since the parcel is located in the City's Commercial Overlay District, the applicant has also provided elevation drawings of the building along with the types of exterior materials and colors to be used which appear to be comparable to the recently remodeled McDonalds located across the street. A monument sign will be provided on Dutch Road along with wall signage on the building and directional signage for vehicles entering and exiting the site. In keeping with the standards of the Commercial Overlay District, the proposed monument sign will be mounted on a brick or stone base rather than a pole attached to the ground. A lighting plan was provided as well, which indicates that the lighting will be directed downward and away from the residential properties located to the east toward River Road.

Due to the nature of the proposed use, the developer has submitted a traffic impact study for the project. The study indicates that Taco Bell will generate approximately 100 vehicle trips each day during the a.m. and p.m. peak traffic hours. The study recommends extending the west bound Dutch Road left turn lane at the Anthony Wayne Trail an additional 75 feet due to existing traffic conditions not because of the proposed development. However, the planned Taco Bell is expected to add 13 additional left turns at this intersection during the a.m. peak hour (7:15 to 8:15 a.m.) and 28 during the p.m. peak hour (4:30 to 5:30 p.m.) which will make the need to extend the left turn lane even more important. According to the study, "when the turn lane lengths are too short, queue lengths exceeding the provided storage length can cause capacity and safety issues for the whole approach. Any proposed improvements to the intersection should include changes to the turn lane lengths along Dutch Road". Moreover, the study documented 25 vehicle crashes at Dutch Road and Anthony Wayne Trail Intersection between 2017-2021. Of these 25 crashes, 11 were injury crashes. Although only 1 of these crashes, a rear end crash, occurred on the west bound approach from Dutch Road. The developer's consulting traffic study engineer, DGL Engineers of Maumee, Ohio, is recommending that Lucas County and the City of Waterville pursue funding from the ODOT Highway Safety Improvement Program to conduct a safety study.

At their January 3, 2023 public meeting, it was the recommendation of the Planning Commission, by a vote of 4-0-1, to Council to approve the requested zoning change from Neighborhood (C-1) Commercial to Mixed Use Business (C-4) Commercial and

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the site plan as presented for a proposed 2,074 square foot restaurant with a drive-through window located on a 1.14 acre lot on the corner of Hutchinson Drive and Dutch Road. The requested zoning change was found to be compatible with the existing C-4 zoning on the McDonald's parcel located across the street on Dutch Road. The recommendation for approval was contingent on the applicant installing the proposed monument sign on a stone or brick base, extending the length of the westbound Dutch Road left turn lane at the Anthony Wayne Trail by 75 feet as recommended by the City Engineer and as warranted by ODOT design standards in the traffic study and the submittal of detailed construction, engineering and utility plans for final review and approval by the City Engineer.

### Other Business

None

### Adjournment

There being no further business to come before Council, Mrs. Duncan made a motion to close the meeting at 9:10 p.m. Mr. Rozic 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