

## Regular Council

January 9

23

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 Mr. Rozic.

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  
Zach Bingham – Deputy Fire Chief

### 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 December 12, 2022 Regular Council Meeting and December 20, 2022 Special Council meeting. Mrs. Bruno seconded the motion, which passed by voice vote. Mr. Frey abstained from the December 20, 2022 Special Council Meeting vote.

### Citizens Comments

Before opening the portion of the meeting for citizen comments, Mayor Pedro stated regular Council meetings are held twice per month on the second and fourth Monday of each month. In June, July, August and December, Council only meets once a month. All dates and times for regular Council Meeting are scheduled at the beginning of each year and are listed on the website. Due to the large number of people present this evening, Council is limiting comments from citizens to 2 minutes with a total citizen comment period of 10 minutes. If you intend to speak on a topic which has already been discussed, please considering moving on to the next item.

Mayor Pedro stated that the City has recently received a referendum petition regarding Ordinance 10-22 to be put on a ballot. This petition has been forwarded to the Lucas County Board of Elections for verification of signatures. As of today, the City has not received any further information on the status of the petition. Moreover, Council will not be speaking about the amphitheater since the City is currently in litigation on this

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issue.

Jackie Schluter, 1499 Southridge Dr., asked if there would be any kind of discussion as to if there will be a TIF or TIF district for funding the amphitheater. Mayor Pedro stated that there have been no discussions about a TIF at this time.

Matt Harrell, 1457 Southridge Dr., made comments about the “Finding of Fact” document in regards to the amphitheater. Mr. Pedro thanked Mr. Harrell for his comments.

John Curtis, 1532 Henline Way, asked questions about the proposed multi-family rezoning request on the agenda this evening in the 1400 block of Pray Boulevard. Mayor Pedro mentioned that the Planning Commission has recommended denying this request. Mr. Pedro stated that he would be able to ask additional questions when Ordinance 07-22 is being discussed later on the agenda.

Lisa Webber, 7522 Wellsbury Dr., made comments in regards to the amphitheater and how Council and the administration have this handled the process.

Jerry Hannewald, 209 N. River Rd., expressed his concerns about the recent rate increase for refuse pick up. Mr. Hannewald also commented on improving access to information for citizens.

Leo Frosch, 378 Overlook Dr., requested that conditions be enforced requiring only acoustic music be permitted to be played at the Buffalo Rock Brewery.

### Staff Reports

Administrator: Jon Gochenour –

- Reported that the City will receive \$37,500 from the 2022 Local Investment in Transit Enhancement Program Fund for the Farnsworth Road Resurfacing and Waterline Improvement Project. In addition, the City will be receiving an additional \$90,000 in 2023 for this project from this fund totaling \$127,000. The City is also requesting a \$255,400 grant from the Ohio Public Works Commission for this project. The total cost for the Farnsworth Road Resurfacing and Waterline Project is \$511,825.
- Mr. Frey asked about the status of the water meter project. Mr. Gochenour stated that there are approximately 8 residential meters remaining to be installed. The City will be scheduling a final meeting with the contractor to finalize this project.
- In regard to the water meter project, Mrs. Bruno asked how the City is handling non-compliant citizens who have refused to allow the City to replace their meters. Mr. Gochenour stated we will continue to try to work with the small

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number of residents who have not been cooperative.

- Mr. Rozic asked if the City is prepared to move forward in the spring with Phase 2 of improvements to Parker Square/Memorial Park. Mr. Gochenour stated that a presentation is planned at the next Parks and Recreation Committee meeting for the plaza entry area. A final presentation will then be made to Council prior to putting the project out to bid in the spring.
- Mr. Borowski asked how the Police interviews were coming along. Mr. Gochenour stated that 2 days of interviews are scheduled later this week. The City will be hiring three new officers.

Assistant Law Director: Katie Tharp – No report.

Finance Director: Mark Williams

- Reviewed details from the November 2022 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 November 2022.

### Communications from Council Members/Committees

Mr. Rozic –

- Encouraged continued public comments. Mr. Rozic stated that the City Charter states that Council should not comment on each citizen comment at the time it is made. He wanted to reassure the citizens that although Council might not comment, they are taking notes and listening. They are paying attention and their responses will come later after they have had time to consider each issue and review it with the Administrator.

Mr. Bruno –

- A special meeting of the Parks and Recreation Committee is scheduled for January 24 and two community work days are scheduled for this year. One will be at Waterworks Park and the other to be determined later by the members of the Committee.

Mr. Frey –

- Mr. Frey wanted to recognize National Law Enforcement Day and thanked our Police Department for their hard work.

Mrs. Bruno –

- Wanted citizens to know that Council is listening to all of their concerns.

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Mr. Borowski –

- He moved to Waterville because it's such a great community. He was asked to run for Council because of his involvement in the community. He is trying to do the best he can to represent the City. He has been truly saddened by all of the bullying he has witnessed to date due to the amphitheater issue.

Mayor Pedro –

- Stated the Christmas event in downtown Waterville was a great success and proves what the community can do if we work together.
- Attended the Polar Bear plunge and saw the citizens having fun.
- Commended our Fire Department for opening up as a warming station during the power outage on December 23. The Fire Department also helped Story Point when their backup generator failed.
- The Chamber of Commerce is sponsoring the “State of the City” address on January 17.
- Stated that 2023 offers a great opportunity for all of us to do better as a community. Let's celebrate our success.

Mrs. Duncan –

- Addressed several concerns expressed to her by citizens who support or have no opinion on the amphitheater. An elderly gentleman, who has served our community on numerous committees, is being mocked publicly for his support. On December 15, a neighbor called frantically because a man was at her door knocking, and when she did not answer, he looked through her windows to see a TV on and started knocking again. She was scared and called the police because he would not leave and continued to knock. On December 16, another neighbor called and stated that she called the police because there was a man knocking on her door and flashing a light through her window. Individuals opposed to the amphitheater shamed her on social media for calling the police. If you are out canvassing for signatures, please have some consideration and do not go out after dark and frighten other people in our community.

### OLD BUSINESS:

- A. ORDINANCE 07-22 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF WATERTVILLE TO CHANGE THE ZONING CLASSIFICATION OF A 12.527 ACRE PORTION OF PARCEL 96-56053 LOCATED IN THE 1400 BLOCK OF PRAY BLVD. 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*

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### Legislative Actions scheduled for September 12, 2022; tabled until 1/9/2023

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 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

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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 and tabled again at the request of the applicant until the October 24, 2022 Council meeting. The third reading of this ordinance was scheduled for October 24, 2022. The applicant has again requested that this issue be tabled until the January 9, 2023 Council meeting.

Mr. Bruno moved to adopt Ordinance 07-22. Mrs. Bruno seconded the motion.

Roll Call: Mayor Pedro – no, Mrs. Duncan – no, Mr. Bruno – no, Mr. Borowski - no, Mr. Frey – abstained, Mrs. Bruno – no, Mr. Rozic – no. The motion failed.

### B. 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 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.

### C. PUBLIC HEARING - 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

#### *Second Reading and Public Hearing*

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. A public hearing on the appropriations is scheduled for the January 9, 2023 Council meeting.

Mayor Pedro opened the public hearing at 8:49 p.m. After hearing no comments from the public, closed the public hearing at 8:50 p.m.

#### NEW BUSINESS:

### A. 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

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### HUTCHINSON DRIVE FROM (C-1) NEIGHBORHOOD COMMERCIAL TO (C-4) MIXED USE BUSINESS COMMERCIAL

First Reading Scheduled for January 9, 2023; Second Reading Scheduled for  
January 23, 2023; Third Reading, and Public Hearing and Legislative Actions  
scheduled for February 13, 2023

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 driveway is also provided at the rear of the property on to 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.)

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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 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.

- B. RESOLUTION 01-23 A RESOLUTION DECLARING THE INTENT AND AUTHORIZING THE SALE OF MUNICIPALLY OWNED PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES, ROAD MACHINERY, EQUIPMENT, TOOLS OR SUPPLIES, WHICH IS NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, DURING THE CALENDAR YEAR 2023 BY INTERNET AUCTION, PURSUANT TO OHIO REVISED CODE SECTION 721.15 (D)

The Ohio Revised Code, specifically Section 721.15(D), requires a yearly resolution of intent to sell municipally owned personal property when sold by internet auction. In November 2008, Council approved Resolution 54-08 authorizing a contract with GovDeals, Inc. to conduct internet auctions to sell municipally owned personal property on behalf of the City. Due to the yearly requirement, this Resolution is one of our annual legislative “housekeeping” items.



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Mrs. Duncan moved to adopt Resolution 01-23. Mr. Borowski seconded the motion, which passed by unanimous voice vote.

### Executive Session:

Mr. Borowski made a motion to move into Executive Session for Conference with the Law Director in consideration of a matter per ORC 121.22(G)(3), Pending Court Action at 9:13 p.m. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

### Return to Regular Session

Mrs. Duncan made a motion to come out of Executive Session and resume the regular Council meeting at 10:43 p.m. Mr. Bruno seconded the motion, which passed by unanimous voice vote.

### Other Business

None

### Adjournment

There being no further business to come before Council, Mrs. Bruno made a motion to close the meeting at 10:43 p.m. Mr. Frey 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