

Regular Council

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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 Mr. Bruno.

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; Philip Dombey, Law Director; Steve Schult, Treasurer and Jeni Malaczewski, Recording Secretary.

Staff Present:

Mark Williams – Director of Finance and Administration

Joe Valvano – Police 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

Mr. Frey moved to approve the minutes of the January 23, 2023 Regular Council meeting and the January 30, 2023 Special Council meeting. Mr. Borowski seconded the motion, which passed by a voice vote with Mr. Frey abstaining from the approval of the January 30, 2023 Special Council meeting minutes.

Citizens Comments

Colleen Harrell, 1457 Southridge Dr., made comments about her disappointment with the Mayor and Council.

Wendy Grey, of 3rd Street Blooms, spoke about planning for the proposed 2023 “A Waterville Christmas to Remember” event.

Staff Reports

Administrator: Jon Gochenour

- Stated that he met with representatives from Ohio Department of Transportation to review two future capital improvement projects that the City received grant funding for: a \$148,000 grant for the resurfacing of St. Rt. 64 between Pray Blvd. and Waterville Monclova Road in 2024 and a \$1,233,912 grant for the widening of Waterville Monclova Road between Pray Blvd. and St. Rt 64 in 2025. The grant funding will cover 80% of the cost of each project.

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- Mr. Rozic asked if Canal Road would be repaved once the water line improvements are completed this year. Mr. Gochenour stated that the road would be repaired and resurfaced in the near future.

Law Director: Philip Dombey

- Updated Council regarding the decision of the Lucas County Board of Elections to postpone its decision on the placement of a proposed referendum on the amphitheater development until its meeting in April.

Finance Director: Mark Williams

- No Report

Treasurer: Steve Schult

- No Report

Communications from Council Members/Committees

Mr. Frey

- No Report

Mrs. Bruno

- Asked how many chickens are allowed in the city limits? Mr. Gochenour stated that he would have to check on what the regulations are regarding chickens. Roosters, however, are not permitted because they violate the City's noise control ordinance.

Mrs. Duncan

- Stated that she went to the Buffalo Rock Brewery last Friday night at 5, 7:30 and 9 p.m. and checked the noise level on Overlook Dr. with a decibel meter. There was entertainment at 9 p.m. and her meter read about 50 decibels. Mrs. Duncan stated that she understands that it is winter right now and that there needs to be more due diligence in the summer when the doors are open. As for now, they are completely within the law.

Mr. Bruno

- Thanked our Treasurer Steve Schult for his work with Honor Flight.

Mr. Rozic

- Also thanked Treasurer Steve Schult for his work with Honor Flight.

Mr. Borowski

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- Stated that he attended the Tree Commission meeting and that he sent Stephanie Miller a follow up on a grant request survey.

Mayor Pedro

- Also wanted to thank our Treasurer Steve Schult for his work with Honor Flight.
- Stated that he attended the Waterville Primary School Student Council swearing in ceremony.
- Attended a meeting of the Waterville Chamber of Commerce last week where new board members were elected. 2023 is the 50th Anniversary of the Roche de Boeuf Festival.
- Along with the Administrator, he met with Lucas Commissioner Pete Gerkin regarding changes to the County's Advance Life Support (ALS) ambulance system.

Appointment to Various Commissions, Boards and Committees

Mayor Pedro recommended the appointment of the following individuals to the Charter Review Committee: Scott Jans, Yvonne Johnson, Jennifer Scroggs, David Roman and Steve Pedro. The term of the appointment is for five months.

Mrs. Duncan made a motion to approve the appointments. Mr. Bruno seconded the motion which passed by a voice vote.

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 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.

Mrs. Duncan moved to adopt Resolution 33-22, Mr. Rozic seconded the motion, which passed by a voice vote.

- B. ORDINANCE 13-22 AN ORDINANCE ADOPTING THE ANNUAL APPROPRIATIONS FOR THE MUNICIPALITY OF WATERVILLE FOR

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THE FISCAL YEAR ENDING DECEMBER 31, 2023, AND REPEALING ORDINANCE 14-22, AND DECLARING AN EMERGENCY

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 \$271,780 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.

Mr. Rozic made a motion to suspend the rules to allow for the passage of Ordinance 13-22 as an emergency measure. Mrs. Duncan seconded the motion.

Roll Call: Mayor Pedro - yes, Mrs. Duncan – yes, Mr. Bruno – yes, Mr. Borowski – yes, Mr. Frey – yes, Mrs. Bruno – yes and Mr. Rozic - yes. The motion passed unanimously.

Mayor Pedro made a motion to move for the passage of Ordinance 13-22 as an emergency measure. Mr. Rozic seconded the motion.

Roll Call: Mrs. Bruno – yes, Mr. Frey – yes, Mr. Borowski – yes, Mr. Bruno – yes, Mrs. Duncan – yes, Mayor Pedro – yes and Mr. Rozic - yes. The motion passed unanimously.

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

Third Reading, Public Hearing and Legislative Actions

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

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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 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 also included 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 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 the 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 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.

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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 an additional 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.

Mr. Bruno moved to adopt Ordinance 01-23. Mayor Pedro seconded the motion.

Roll Call: Mayor Pedro – yes, Mrs. Duncan – yes, Mr. Bruno – yes, Mr. Borowski - yes, Mr. Frey – yes, Mrs. Bruno – yes and Mr. Rozic – yes. The motion passed unanimously.

NEW BUSINESS:

- A. RESOLUTION 03-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH PROUDFOOT ASSOCIATES INC. FOR ENGINEERING SERVICES TO PREPARE PLANS, SPECIFICATIONS AND BID DOCUMENTS FOR THE 2023 CITY PAVING PROGRAM

This resolution would authorize the Municipal Administrator to enter into an agreement with Proudfoot Associates, Inc. to prepare plans, specifications and bid documents for the 2023 City Paving Program. The proposed 2023 City Paving Program plans to resurface the following areas: Independence Drive; Patriot Drive East and West; Farmview Drive, from Waterville-Monclova to Buckeye; the Alley running north and south behind the Municipal Building and the connecting Municipal Parking Lot and Police Department Drive. An alternate bid will be requested for Mt. Vernon Drive and Mt. Vernon Court. Pavement rejuvenating agent will also be applied to the following streets paved last year: Continental Drive; Heritage Lane; Colonial Court and the Alley between Farnsworth Road and South Street. The cost of the proposed work is \$33,136.

Mr. Borowski moved to adopt Resolution 03-23, Mrs. Bruno seconded the motion, which passed by a voice vote.

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B. RESOLUTION 04-23 A RESOLUTION WITHDRAWING THE OBJECTION TO THE TRANSFER OF A LIQUOR PERMIT FROM GLOBAL PARTNERS OF OHIO LLC TO AKSOY LLC FOR THE PROPERTY LOCATED AT 300 FARNSWORTH ROAD

This resolution allows for the withdrawal of the objection to the transfer of a liquor permit from Global Partners of Ohio, LLC to Aksoy, LLC for the property located at 300 Farnsworth Road. Since the original objection to the liquor permit transfer was filed by the City, the property owner has made improvements to the property and has leased it to Aksoy, LLC. Aksoy, LLC intends to operate the property as a gas station and convenience store and seeks to obtain a liquor license for the property located at 300 Farnsworth Road.

Mayor Pedro moved to adopt Resolution 04-23, Mrs. Bruno seconded the motion, which passed by a voice vote 6-1 with Mr. Borowski voting no.

Other Business

None

Executive Session

Mr. Bruno made a motion to move into Executive Session for Consideration of a Matter per ORC 121.22(G)(3): Pending Court Action and ORC 121.22(G)(2): Purchase or Sale of Property for Public Purpose at 8:37 p.m. Mr. Rozic seconded the motion.

Roll Call: Mayor Pedro – yes, Mr. Frey – yes, Mr. Bruno – yes, Mrs. Duncan – yes, Mr. Borowski – yes, Mrs. Bruno – yes and Mr. Rozic – yes. The motion passed unanimously.

Return to Regular Session

Mrs. Duncan made a motion to come out of Executive Session and resume the regular Council meeting at 9:53 p.m. Mr. Bruno seconded the motion which carried by unanimous voice vote.

Adjournment

There being no further business to come before Council, Mrs. Duncan made a motion to close the meeting at 9:53 p.m. Mr. Bruno seconded the motion, which carried by unanimous voice vote.

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Jon D. Gochenour, Clerk of Council

Timothy G. Pedro, Mayor