

Regular Council

August 28

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 Mayor Pedro. The Pledge of Allegiance was then recited and led by resident Brea Wise.

Present at roll call were Todd Borowski, John Rozic, Anthony Bruno, Tim Pedro, Mary Duncan, Barbara 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 – Chief of Police

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.

Executive Session

Mr. Rozic made a motion to move into executive session for consideration of a matter per ORC 121.22(G)(4): reviewing negotiations with public employees concerning compensation and other terms and conditions of their employment and ORC 121.22(G)(3): imminent and pending court action at 7:34 p.m. Mr. Frey seconded the motion.

Roll Call: Mayor Pedro – yes, Mr. Frey – yes, Mr. Bruno – yes, Mrs. Duncan – yes, Mr. Borowski – no, Mrs. Bruno – yes and Mr. Rozic – yes. The motion passed by a vote of 6-1.

Return to Regular Session

Mrs. Duncan made a motion to come out of executive session and resume the regular Council meeting at 8:05 p.m. Mr. Rozic seconded the motion which carried by a unanimous voice vote.

Approval of Minutes

Mr. Rozic moved to approve the minutes of the July 24, 2023 Regular Council meeting. Mr. Borowski seconded the motion, which passed by a unanimous voice vote.

Regular Council

August 28

23

Citizens Comments

Scott Jahns, 1207 Applegate Street, discussed the condition of the sidewalks on Farnsworth Road asked about getting them repaired. Mr. Jahns also stated his concern with the unpaved areas at the Renewed Outdoor yard waste facility.

Mark Dickey, 7867 Dana Rae Drive, discussed the negative aspects of allowing door to door soliciting in the City.

Terri Massucci, 1101 Waterville-Monclova Road, gave an update on the “Waterville Walleye Project” which encourages children to read a book and receive a ticket to paint rocks to add to other rocks that “snake” around the Conrad Park Pavilion. Currently, over 100 rocks make up the “Waterville Walleye Snake”.

Violet Geis, 7050 Anthony Wayne Trail, student from Notre Dame Academy, attended this evening’s meeting and asked several questions for her government class.

Staff Reports

Administrator: Jon Gochenour

- Reported that the 2023 Paving Program is nearly complete. Paving the alley behind Municipal Building will be added to next year’s paving program due to need to replace the waterline. Concord Ave was paved in place of the alley.
- The bid for Parker Square Plaza is being finalized. The project will start in the fall and finish in spring 2024.
- Revisions to the 2012 Comprehensive will start in January 2024.
- Discussed potential additions to the 2023 Sidewalk Program.

Law Director: Phil Dombey

- No Report

Finance Director: Mark Williams –

- Reviewed details from the FY 2023 Second Quarter Budget Report highlighting fund balances, investments and income tax revenues.
- Reviewed details from the July 2023 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 July 2023.

Police Chief: Joe Valvano

- The City has two new cruisers outfitted and ready for the road. Also, the City has 6 new cameras installed in the cruisers
- The Blues, Brews and Brats event went smoothly.

Regular Council

August 28

23

- 4,000 plus people attended Waterville's fireworks display this year.

Fire Chief: Doug Meyer

- The Fire Department completed testing of 9,300 feet of fire hose. Some older hose will need replaced.
- The Blues, Brews and Brats event had 5 calls with only one being transported. The Fire Department was staffed appropriately and the calls went smoothly.
- The Fire Department received mutual aid four times in the past month, three for fires and one for a river rescue. The Waterville Fire Department responded to mutual aid requests 17 times in the past month for 5 different communities.

Public Works Director: Ken Blair

- Sidewalk program proposal bids were received on August 23.
- Canal Road Waterline Replacement Project has started with approximately 100 feet of waterline now instated. School buses are getting through in the mornings and afternoons.
- Generators for the Municipal and Public Works buildings will be coming in mid-September and be installed by November.
- The Fishing Derby is September 16 with registration still open.
- Stated that Prairie Trail and Stitt Park projects will begin after Labor Day.

Communications from Council Members/Committees

Mr. Frey

- No Report

Mrs. Bruno

- Stated the second unlimited pick-up seems too late in the year.
- Asked about getting a sound wall for US 24 by Bridgehampton Woods

Mrs. Duncan

- No Report

Mr. Bruno

- No Report

Mr. Rozic

- Crosswalk signal at Farnsworth/Anthony Wayne Trail is too quick for people to cross.

Mr. Borowski

Regular Council

August 28

23

- Stated the Waterworks Park Overlook stairs are very slippery.

Mayor Pedro

- Ballfield improvements to Waterworks Park are great; citizens are happy.
- The 50 Annual Roche de Boeuf Festival is coming up on September 22-23.
- Have a safe Labor Day weekend.

NEW BUSINESS:

- A. ORDINANCE 08-23 AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A SELF-STORAGE UNIT FACILITY FOR A PROPERTY LOCATED IN THE 1400 BLOCK OF PRAY BOULEVARD *First Reading Scheduled for August 28, 2023; Second Reading Scheduled for September 11, 2023; Third Reading, and Public Hearing and Legislative Actions scheduled for September 25, 2023*

DFG Waterville Landings LLC, property owner, has submitted a Conditional Use Permit application for a proposed 538-unit, self-storage facility to be located on a 6.7-acre portion of a vacant 36.97-acre parcel located in the 1400 block of Pray Boulevard adjacent to the Waterville Place Apartments and across the street from the Story Point Senior Living Facility. The planned project will consist of seven (7) buildings and will require conditional use, lot split and site plan review approval from the Planning Commission and City Council. A variance from Section 1145.05 (d) (l) (F) "Off-Street Parking and Loading Requirements" was approved by the Board of Zoning Appeals (BZA) on July 13, 2023. The variance was requested due to the applicant's desire to reduce the number of parking spaces required for self-storage units. The City Zoning Ordinance currently requires five (5) parking spaces plus one (1) for each ten (10) storage units. With a total of 538 units planned, 59 parking spaces would be required for this development. The recent variance approval by the BZA reduced the number of required parking spaces from 59 to nine (9). In reviewing the parking requirements for self-storage units in other local communities, the BZA believed that Waterville's regulations were much more restrictive than necessary. For example, most neighboring communities require four (4) spaces per facility plus 1 additional space per employee. On January 9, 2023, City Council denied a request to rezone 12.57 acres of this parcel from commercial to multi-family residential since the change was contrary to the goals of the 2012 Comprehensive Plan.

A review of the site plan indicates that it lacks the required detail needed for final site plan approval. Due to the uncertainty of final project approval, the developer

Regular Council

August 28

23

has stated that the information provided on the site plan is for Conditional Use Permit approval only. Consequently, if the proposed Conditional Use Permit were approved by City Council, the applicant would submit a more detailed site plan for final approval by the Planning Commission and City Council which would address all of the requirements contained in Chapter 1146 of the City Zoning Ordinance including landscaping, lighting, signage and utility improvement plans. The submittal of a detailed landscaping/screening plan is particularly important due to the generally unattractive exterior view of such facilities. In addition, the turning radius around the corners of the proposed storage buildings appears to be too narrow to accommodate a fire truck. Also, due to the large number of storage units planned, a waterline needs to be extended to a central location on the site for fire protection purposes. If the site is planned to be enclosed by a fence, the design should be appropriate and not detrimental to the surrounding development. Lastly, the site plan should indicate how equipment will access the planned detention pond area to perform future maintenance.

Under the City Zoning Ordinance, the following criteria shall be used in considering a conditional use application by the Planning Commission and Council: (a) The conditional use is necessary or desirable for the public convenience at the location; (b) the conditional use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; (c) the conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and; (d) the conditional use conforms, with the exception of planned developments, to the applicable regulations of the district in which it is to be located, including yard and height restrictions, and also conforms to the requirements for off-street parking and loading facilities as set forth in Section 1145.05.

In addition to the criteria mentioned above, the Planning Commission may recommend and Council may provide "conditions of approval" on the construction, location and operation of the proposed conditional 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. At their August 7, 2023 public meeting, the Planning Commission recommended disapproval of the proposed conditional use permit for the development by a vote of 4-0 with one member absent.

Regular Council

August 28

23

B. ORDINANCE 09-23 AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A HOTEL FOR A PROPERTY LOCATED IN THE 600 BLOCK OF PRAY BOULEVARD

First Reading Scheduled for August 28, 2023; Second Reading Scheduled for September 11, 2023; Third Reading, and Public Hearing and Legislative Actions scheduled for September 25, 2023

DFG Waterville Landings LLC, property owner, has submitted a Conditional Use Permit application for the construction of a hotel located off of Pray Boulevard south of St. Rt. 64/ Waterville Swanton Road. The proposed location is south of the O'Reilly's Auto Parts Retail Store on the east side of the road at the current dead end of Pray Boulevard. According to the enclosed site plan, the hotel would be located on the undeveloped 2.96-acre portion of the proposed amphitheater parcel. The planned hotel would be four (4) stories and contain 100 guest rooms. Based on the number of rooms indicated, the hotel is required to provide 125 on-site parking spaces; 144 spaces are provided. The hotel is located slightly to the north of an existing 30-foot telephone utility easement which crosses the southern portion of the site. The preliminary elevation drawings illustrate the hotel's exterior design with a planned building height of 50 feet. Although the colored elevation drawing indicates "TownePlace Suites by Marriott" as the hotel operator, the applicant has stated that no specific franchise affiliation has been selected at this time. A review of the site plan indicates that it lacks the required detail needed for final site plan approval. Due to the uncertainty of final project approval, the developer has stated that the information provided on the site plan is for Conditional Use Permit approval only. Consequently, if the proposed Conditional Use Permit were approved by City Council, the applicant would submit a more detailed site plan for final approval by the Planning Commission and City Council which would address all of the requirements contained in Chapter 1146 of the City Zoning Ordinance including landscaping, lighting, signage and utility improvement plans. Moreover, with approval of a Conditional Use Permit, final elevation drawings would also be provided illustrating the exterior design of the building since a franchise affiliation could then be finalized for the operation of the hotel.

Although the planned hotel would obviously benefit from and support the operation of the proposed amphitheater, the applicant has also submitted a market feasibility study which indicates that a hotel would be successful due to its location in the metro Toledo hospitality market with or without the construction of the planned amphitheater. This conclusion seems logical considering the close proximity of Pray Boulevard to U.S. 24 which is only a few miles from the I-75

Regular Council

August 28

23

and Ohio Turnpike Interstate Highway Systems which carry thousands of vehicles per day. Moreover, the development conforms with the City's 2012 Comprehensive Plan which emphasizes nonresidential development in this area and encourages land uses which will diversify and strengthen the City's tax base. Even without the amphitheater, construction of a hotel at this location would allow the City to take advantage of its existing 3% hotel tax and serve as an anchor for future dining, cultural, shopping or other entertainment opportunities which will create new jobs and benefit from nearby interstate vehicle traffic.

Under the City Zoning Ordinance, the following criteria shall be used in considering a conditional use application by the Planning Commission and Council: (a) The conditional use is necessary or desirable for the public convenience at the location; (b) the conditional use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; (c) the conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and; (d) the conditional use conforms, with the exception of planned developments, to the applicable regulations of the district in which it is to be located, including yard and height restrictions, and also conforms to the requirements for off-street parking and loading facilities as set forth in Section 1145.05.

In addition to the criteria mentioned above, the Planning Commission may recommend and Council may provide "conditions of approval" on the construction, location and operation of the proposed hotel 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. At their August 7, 2023 public meeting, the Planning Commission recommended approval of the proposed conditional use permit for the development by a vote of 4-0 with one member absent.

- C. RESOLUTION 35-23 A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH THE WAWTERVILLE PROFESSIONAL FIREFIGHTERS INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 5409 AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO THE PROPOSED COLLECTIVE BARGAINING AGREEMENT

Regular Council

August 28

23

This Resolution authorizes the approval of the initial collective bargaining agreement with the Waterville Professional Firefighters International Association of Firefighters Local 5409 which represents the full-time employees of the Fire Department. The tentative agreement has been ratified by the bargaining unit. The proposed 3-year agreement would be effective through August 31, 2026.

Mrs. Duncan moved to adopt Resolution 35-23, Mr. Borowski seconded the motion, which passed by unanimous voice vote.

D. RESOLUTION 36-23 A RESOLUTION AUTHORIZING INSURANCE IN LIEU OF SURETY BONDS FOR CITY OFFICERS AND EMPLOYEES

Section 3.061 of the Ohio Revised Code allows for the City to obtain coverage through an insurance policy to protect against losses, errors, acts or omissions of City officers and employees that would otherwise be protected against through the issuance of individual surety bonds for that particular employee. The Resolution authorizes adoption of "employee dishonesty and faithful performance of duty policy coverage" under the City's comprehensive property, casualty and liability insurance policy. This coverage is included in the proposed renewal of the City's policy under consideration by Council at tonight's meeting. Currently, a surety bond is obtained on an annual basis for the City Treasurer as provided in Section 3.03 of the City Charter.

Mr. Rozic moved to adopt Resolution 36-23, Mr. Frey seconded the motion, which passed by unanimous voice vote.

E. RESOLUTION 37-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A CONTRACT WITH HYLANT ADMINISTRATIVE SERVICES, INC., ADMINISTRATOR OF THE OHIO GOVERNMENT RISK MANAGEMENT PLAN FOR COMPREHENSIVE PROPERTY, CASUALTY AND LIABILITY INSURANCE COVERAGE

The Village/City has had contracts for comprehensive property, casualty, and liability insurance coverages with Hylant Administrative Services since 1988. The City has received a proposal from Hylant, using the Ohio Plan of Government Risk Management, for the renewal of our insurance coverage from August 31, 2023 to August 31, 2024. This Resolution authorizes a contract renewal for a one-year term with an increase in the total premium from \$57,699 to \$61,376. The \$3,677 increase is primarily due to the increase in property and vehicle values, new coverage in lieu of surety bonds as well as increases

Regular Council

August 28

23

associated with inflation.

Mrs. Bruno moved to adopt Resolution 36-23, Mr. Rozic seconded the motion, which passed by unanimous voice vote.

- F. RESOLUTION 38-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO EXECUTE A CONTRACT AND MEMORANDUM OF UNDERSTANDING WITH THE LUCAS COUNTY SHERIFF'S OFFICE AUTHORIZING PARTICIPATION IN THE LUCAS COUNTY OVI TASK FORCE

This Resolution is an annual piece of legislation which authorizes an agreement with the Lucas County Sheriff's Office to participate in the Lucas County OVI Task Force. The City has been participating in this operation for several years in areas throughout Lucas County.

Mr. Frey moved to adopt Resolution 38-23, Mr. Rozic seconded the motion, which passed by unanimous voice vote.

- G. RESOLUTION 39-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE WATERVILLE PLAYSHOP FOR THE LEASE OF THE FORMER FIRE STATION AT 808 MICHIGAN AVENUE

The Waterville Playshop's two-year lease of the former fire station has expired. The Playshop is interested in renewing their lease for an additional two-year term. The provisions of the new lease would be identical to those in the current lease. The Waterville Playshop would continue to be responsible for paying all utilities used at the building, all repairs under \$10,000 and the City's insurance cost for the building.

Mrs. Duncan moved to adopt Resolution 39-23, Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

- H. RESOLUTION 40-23 A RESOLUTION AUTHORIZING AN APPLICATION AND CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION ALTERNATIVE FUNDS (TA) FOR SHARED USE PATH IMPROVEMENTS TO THE ANTHONY WAYNE TRAIL BETWEEN CANAL AND DUTCH ROADS

This Resolution would authorize the submission of an application for a grant from the Transportation Alternative Fund (TA) for the construction of a new

Regular Council

August 28

23

4,300-foot shared use path along the Anthony Wayne Trail from Canal to Dutch Roads. The total project cost is estimated to be \$535,000. The application would be for a grant toward 80% of the construction and construction inspection costs with the City responsible for the remaining 20% of the project cost. If awarded grant funding, the project would be scheduled for construction in 2026.

Mr. Bruno moved to adopt Resolution 40-23, Mr. Borowski seconded the motion, which passed by unanimous voice vote.

I. RESOLUTION 41-23 A RESOLUTION AMEDNING THE SCHEDULE OF FEES AND DEPOSITS CHARGED BY THE CITY OF WATERVILLE IN REGARD TO EMERGENCY AMBULANCE TRANSPORTATION SERVICE CHARGES

This resolution would amend the City's current "Schedule of Fees and Deposits" by increasing the service charge fees for Basic (BLS) and Advanced (ALS) Life Support ambulance transports and emergency medical treatment without transport made by the Fire Department. The Resolution would increase the (BLS) transport fee from \$360.00 and \$10.00 per mile to \$550.00 and \$14.00 per mile. The (ALS) transport fee would be increased from \$450.00 and \$10.00 per mile to \$750.00 and \$14.00 per mile. The fee charged for emergency medical treatment without transport would be increased from \$100.00 to \$275.00. The increase in fees is recommended to help offset anticipated increases in operating and personnel costs expected in the near future. Moreover, the current rates have not been increased since 2015 and the proposed new transport rates are the same as currently being charged by the Village of Whitehouse.

Mr. Rozic moved to adopt Resolution 41-23, Mr. Bruno seconded the motion, which passed by unanimous voice vote.

Other Business

None

Adjournment

There being no further business to come before Council, Mr. Bruno made a motion to close the meeting at 9:25 p.m. Mrs. Duncan seconded the motion, which carried by a unanimous voice vote.

Regular Council

August 28

23

Jon D. Gochenour, Clerk of Council

Timothy G. Pedro, Mayor