

Regular Council

September 11

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 Mrs. Bruno. The Pledge of Allegiance was then recited and led by John Rozic.

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

Mrs. Duncan made a motion to excuse the absence of Mr. Bruno. Mr. Rozic seconded the motion, which passed by unanimous voice vote.

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

Citizens Present:

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

Approval of Minutes

Mr. Borowski moved to approve the minutes of the August 28, 2023 Regular Council meeting. Mr. Frey seconded the motion, which passed by a unanimous voice vote.

Citizens Comments

Aaron Christy, 1080 Farnsworth Road, discussed the condition of a neighbor's home. According to Chief Valvano, the City has attempted to work with the property owner to clean up his property for several months. Photos and other documentation will be referred to the Law Director for legal action.

Violet and Eric Geis, 7050 Anthony Wayne Trail, student from Notre Dame Academy and her father, attended this evening's meeting and asked several questions for her government class including the possibility of reducing the speed on the Anthony Wayne Trail between Dutch Road and Mechanic Street.

Sam Ansara, 1240 Applegate Street, discussed the upcoming kick off events for the 50th annual Roche de Bouef Festival. Pre-Roche de Bouef Party will start with a 5K race, food trucks, a band and beer tent in Parker Square.

Staff Reports

Administrator: Jon Gochenour

- Reported that the Prairie Trail Park parking lot paving is currently under way.
- Stitt Park parking lot paving is scheduled to start September 18.

Law Director: Phil Dombey

- No Report

Treasurer: Steve Schult –

- No Report

Communications from Council Members/Committees

Mr. Frey

- No Report

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Mrs. Bruno

- Shared information from Madison, Mississippi regarding their design standards for commercial development.

Mrs. Duncan

- Walley the Snake is now complete. Thank you to those who participated.
- Frisbee Hunt to start in the next couple weeks.

Mr. Rozic

- No Report

Mr. Borowski

- Stated he is looking into a service that comes and cleans the trash totes. This could possibly be done twice a year.
- Spoke with Mike Stormer at the Lucas County Engineer's Office about killing the weeds in the roundabouts on Dutch Road.

Mayor Pedro

- Attended Lucas County Health Department and 911 Committee meetings

OLD 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

Second Reading

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 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.

In addition to the conditions recommended by the zoning office staff, Councilman Rozic offered the following additional conditions on the operation of the proposed conditional use:

1. No outdoor storage of any kind on the property outside of a rental unit, including, but not limited to, boats, vehicles, trailers, equipment, etc.
2. No public access to the facility between the hours of 11 p.m. and 7 a.m.
3. No on site auctions of any items stored, abandoned or delivered to the facility.

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

Second Reading

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 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.

NEW BUSINESS:

A. ORDINANCE 10-23 AN ORDINANCE AMENDING ORDINANCE 07-23, THE AMENDED FY 2023 ANNUAL APPROPRIATION ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the second amendment to the 2023 Appropriations. Significant items included in this amendment are: increased utility income tax settlement revenue (\$49,000); grant revenue (\$29,625) and expense (\$10,000) for the purchase of medical equipment for the Fire Department; expense (\$21,000) related to legal litigation and collective bargaining negotiations, expense adjustments to various line item to cover anticipated expenses for the remainder of the year and other routine items. Detailed information on this amendment was enclosed with this ordinance.

Mrs. Bruno made a motion to suspend the rules to allow for the passage of Ordinance 10-23 as an emergency measure. Mr. Rozic seconded the motion.

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

Mrs. Duncan made a motion to move for the passage of Ordinance 10-23 as an emergency measure. Mrs. Bruno seconded the motion.

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

B. RESOLUTION 42-23 A RESOLUTION REQUESTING THE AUDITOR OF LUCAS COUNTY, OHIO TO ISSUE ADVANCE PAYMENTS ON THE CURRENT COLLECTION OF TAXES DUE TO THE CITY OF WATERVILLE DURING CALENDAR YEAR 2024

This Resolution is the City's annual request to the County Auditor to release property taxes collected to the City of Waterville in advance of the usual March and August 2024 distribution dates. This request will allow the City to receive our property tax revenue as soon as it is available. The County Auditor has requested the passage of this legislation at this time for the next calendar year.

Mr. Borowski moved to adopt Resolution 42-23, Mr. Rozic seconded the motion, which passed by unanimous voice vote.

C. RESOLUTION 43-23 A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

This item is an annual piece of legislation which approves and accepts the tax rates set by the Lucas County Budget Commission for the inside and outside property tax millage that is collected based on the approved millage and the property valuations within the City.

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Mr. Borowski moved to adopt Resolution 43-23, Mrs. Bruno seconded the motion, which passed by unanimous voice vote.

D. RESOLUTION 44-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT WITH SMITH PAVING AND EXCAVATING, INC. FOR THE 2023 SIDEWALK REPLACEMENT PROGRAM

This Resolution would authorize a contract with Smith Paving and Excavating, Inc. of Norwalk, Ohio for the 2023 Sidewalk Replacement Program at a cost of \$29,700. The project involves the replacement of approximately 85 sidewalk sections at various locations throughout the City. The cost of this project was included in the 2023 Capital Improvement Program Budget. Smith Paving and Excavating has successfully completed several past construction projects in the City of Waterville. Mud jacking of 33 sidewalk sections will also performed this year by another contractor. The bid results and the engineer's recommendation letter were included with this legislation.

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

E. RESOLUTION 45-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A CONTRACT WITH STRYKER MEDICAL FOR THE PURCHASE OF MEDICAL EQUIPMENT FOR THE FIRE DEPARTMENT

This Resolution authorizes the purchase of a "LUCAS Chest Compression System" from Stryker Medical of Chicago, Illinois at a cost of \$39,492.44 for emergency medical use by the Fire Department. The City received a \$29,619.33 safety grant from the Ohio Bureau of Workers Compensation for this purchase.

Mr. Borowski moved to adopt Resolution 45-23, Mr. Rozic 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 8:30 p.m. Mr. Rozic seconded the motion, which carried by a unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Timothy G. Pedro, Mayor