

Regular Council

September 25

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. Duncan. The Pledge of Allegiance was then recited and led by Mr. Frey.

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.

Proclamation

- A. Mayor Pedro read a proclamation in honor of Arbor Day on September 26, 2023 in the City of Waterville.

Approval of Minutes

Mr. Rozic moved to approve the minutes of the September 11, 2023 Regular Council meeting. Mr. Borowski seconded the motion, which passed by a voice vote with Mr. Bruno abstaining.

Citizens Comments

Terri Massucci, 1101 Waterville Monclova Road, discussed the "Frisbee Find Contest" which will kick off on September 30. There are 15 frisbees with each frisbee having instructions on how to collect a prize. Ms. Massucci also thanked all the sponsors that provided the prizes.

Lisa Webber, 7522 Wellsbury Drive, asked if the city could add some bike racks throughout the downtown area.

Michelle Smith, Waterville Area Chamber of Commerce, thanked the City and all of the volunteers for making the 50th Annual Roche de Boeuf such a success. Ms. Smith also stated that the Waterville Area Chamber of Commerce's next event will be the annual Boo-to-do on October 26.

Staff Reports

Administrator: Jon Gochenour

- Reported that Farnsworth Metropark will be starting construction on a new overlook along the Maumee River near the Interurban Roche de Boeuf Bridge. The Roche de Boeuf overlook will be completed by spring of 2024.

Law Director: Phil Dombey

- No Report.

Finance Director: Mark Williams

- Reviewed details from the August 2023 Month End Finance Report highlighting fund balances and income tax revenues.

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Treasurer: Steve Schult

- Reviewed details of the Treasurer's Report for the month of August 2023.

Police Chief: Joe Valvano

- The "Oliver Hazard Day" event was a success.
- August 17 was the first day of school and it went smoothly.
- October 4 will be the first "Bike to School" day event.
- The Waterville Police will be providing an escort for the funeral procession of former Police Chief Lance Martin's funeral on September 30.

Fire Chief: Doug Meyer

- The Fire Department will also be participating in the first "Bike to School" day event on October 4 with the Police Department.

Public Works Director: Ken Blair

- A bid opening is scheduled for October 18 for the River Road Sanitary Pumping Station Improvement Project.
- Canal Road Waterline Replacement Project is moving along smoothly.
- The Fishing Derby on September 16 was a great success.

Communications from Council Members/Committees

Mr. Frey

- The Roche de Boeuf Festival was really great. Our city really shined.

Mrs. Bruno

- The Roche de Boeuf Festival was great.
- Proposed that the City used the opioid settlement payments received to form a program for tributes to those individuals lost due to the opioid epidemic.

Mrs. Duncan

- Great weekend of activities for Roche de Boeuf Festival.

Mr. Bruno

- Enjoyed the 50th Roche de Boeuf Festival.

Mr. Rozic

- Attended the swearing in ceremony for Waterville Primary School Student Council.

Mr. Borowski

- No Report

Mayor Pedro

- Attended the swearing in ceremony for Waterville Primary School Student Council.
- Wanted to recognize the Waterville Area Chamber of Commerce Board for their hard work in making this year's 50th Annual Roche de Boeuf a great success.

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
Third Reading, Public Hearing and Legislative Actions

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.

Mayor Pedro opened the public hearing at 8:07 p.m. and asked if anyone present would like to make any comments on this issue.

Wayne Wagner, 243 Harvest Lane, asked about if this development would lead to a reduction in residential property values and asked if the development was viable considering vacancy rates at other self-storage facilities.

Don Feller of Feller Finch and Associates, project engineer, 1683 Woodland Drive, Maumee, Ohio, provided an overview of the proposed project and answered questions from Council.

Tom Schlachter, project developer, 2780 Centennial Road, Toledo, Ohio, provided an overview of the past development on Pray Boulevard and answered questions from Council.

Mayor Pedro closed the public hearing at 8:50 p.m. Mayor Pedro moved to table Ordinance 08-23 for 60 days. Mrs. Bruno seconded the motion.

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

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

Third Reading, Public Hearing and Legislative Actions

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 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.

Mayor Pedro opened the public hearing at 8:55 p.m. and asked if anyone present would like to make any comments on this issue.

Wayne Wagner, 243 Harvest Lane, asked about the long-term viability of a hotel at this

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location considering the vacancy rates at other hotels in the area.

Gary Yunker, representing the property owner, DFG Waterville Landings, P.O. Box 639, Neapolis, Ohio provided an overview of the proposed project and answered questions from Council.

Lisa Webber, 7522 Wellsbury Drive, stated that the City needs a “higher end” hotel at this location.

Mayor Pedro closed the public hearing at 9:15 p.m. Mayor Pedro moved to table Ordinance 09-23 for 30 days. Mrs. Bruno seconded the motion.

Roll Call: Mrs. Bruno – yes, Mr. Frey – abstain, Mr. Borowski – yes, Mrs. Duncan – no, Mr. Bruno – yes, Mayor Pedro – yes and Mr. Rozic - yes. The motion passed.

NEW BUSINESS:

- A. RESOLUTION 46-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE WATERVILLE MONCLOVA ROAD IMPROVEMENT PROJECT

This Resolution would authorize the submission of an application for financial assistance from the Ohio Public Works Commission (OPWC) for the Waterville Monclova Road Improvement Project. The project involves the widening of Waterville Monclova Road from two lanes to three lanes to provide a continuous center, two-way left turn lane starting 280 feet north of St. Rt. 64 to approximately 300 feet north of Pray Boulevard. A 10-foot wide shared use path will be installed along the west side of the road which will complete the connection of the existing path between Dutch Road and St. Rt. 64. Street trees, concrete curbs and gutters will also be installed along the length of the 0.64-mile project. The City is requesting a \$293,285 grant for this project from the OPWC which is estimated to cost \$1,532,848. The City has already secured a \$1,086,278 federal grant for this project. Construction on this improvement project is expected to start in 2025.

Mr. Borowski moved to adopt Resolution 46-23, Mr. Rozic seconded the motion, which passed by unanimous voice vote.

- B. RESOLUTION 47-23 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 2025 WATERVILLE MONCLOVA ROAD IMPROVEMENT PROJECT

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 2025 Waterville Monclova Road Improvement Project. As mentioned under the consideration of Resolution 46-23, the project involves the widening of Waterville Monclova Road from two lanes to three lanes to provide a continuous center, two-way left turn lane starting 280 feet north of St. Rt. 64 to approximately 300 feet north of Pray Boulevard. The cost of this proposed engineering work is \$125,000 which was included in the 2023 Capital Program Budget. The Proudfoot proposal was enclosed with this resolution for your review.

Mr. Bruno moved to adopt Resolution 47-23, Mr. Rozic seconded the motion, which passed by unanimous voice vote.

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C. RESOLUTION 48-23 A RESOLUTION AMENDING RESOLUTION 34-23, APPROVING PROPOSED AMENDMENTS TO THE OPERATING AGREEMENT OF THE LUCAS COUNTY REGIONAL COMBINED HEALTH DISTRICT AND AUTHORIZING THE MAYOR TO SIGN SAID AGREEMENT

This Resolution amends recently passed Resolution 34-23 which approved proposed amendments to the operating agreement of the Lucas County Regional Combined Health District by establishing term limits for representatives appointed to serve on the health district board. Under the agreement recently approved by Resolution 34-23, there were no term limits on representative appointments. Under the new agreement, each community representative would be limited to three (3) four (4) year terms. The renewal agreement passed at your July 24, 2023 public meeting contained four (4) primary changes to the prior agreement: the effective date of the agreement is January 1, 2023 to December 31, 2028; "alternate" community representatives are allowed to attend meetings on behalf of appointed members; the allocation of costs beginning in 2024 will be based on population and, lastly, the agreement identifies specific "in-kind services" provided by the City of Toledo and Lucas County. A copy of the revised agreement with requested terms limits was enclosed with the Resolution for your review.

Mrs. Duncan moved to adopt Resolution 48-23, Mr. Rozic seconded the motion, which passed by 6-1 voice vote with Mrs. Bruno voting no.

D. RESOLUTION 49-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINSTRATOR TO ENTER INTO A MUTUAL AID AGREEMENT FOR ADDITIONAL FIRE AND EMERGENCY MEDICAL SERVICE PROTECTION WITH THE 180th FIGHTER WING FIRE AND EMERGENCY SERVICES DEPARTMENT

This Resolution would authorize a mutual aid agreement for fire and emergency medical services with the 180th Fighter Wing Fire and Emergency Services Department located at the Toledo Express Airport. A copy of the mutual aid agreement was enclosed with the Resolution for your reference.

Mr. Borowski moved to adopt Resolution 49-23, Mrs. Duncan 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 9:20 p.m. Mr. Rozic seconded the motion, which carried by a unanimous voice vote.

Jon D. Gochenour, Clerk of Council

Timothy G. Pedro, Mayor