

## Regular Council

October 23

23

The regular meeting of the Waterville Council was called to order by Vice Mayor Rod Frey 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 Mr. Bruno.

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

Mr. Frey made a motion to excuse the absence of Mayor Pedro. Mrs. Duncan 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

Doug Meyer – Fire Chief

Kenny 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. Rozic moved to approve the minutes of the October 9, 2023 Regular Council meeting. Mr. Bruno seconded the motion, which passed by a voice vote.

### Citizens Comments

None

### Staff Reports

Administrator: Jon Gochenour

- Stated that Finance Committee has recommend approval of the 2024 Five-Year Capital Budget to Council. The Five-Year Capital Budget is a five-year plan for capital expenses, equipment, and debt service.
- The recommendation from the Finance Committee is for how the budget is put together not for what capital projects or expenses are proposed in the budget.

Law Director: Phil Dombey

- No Report.

Finance Director: Mark Williams

- Reviewed details from the September 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 September 2023.

Police Chief: Joe Valvano

- "National Drug Take Back Day" is scheduled for October 28 from 10 a.m. to 2 p.m. with the drive through location located behind the police station.
- "Pancakes with Police" will be held on November 14 from 9 to 11 a.m. at the Browning Masonic Community Center.
- Stated that background checks are being conducted for 3 potential police candidates.
- Trick or Treat will be October 31 from 6 to 8 p.m.

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Fire Chief: Doug Meyer

- Stated that Fire Department personnel will begin hosting “American Heart Association Heart Saver” CPR/AED classes. Four classes will be scheduled through Deputy Chief Bingham.

Public Works Director: Ken Blair

- Stated that there will be a pre-construction meeting for the upcoming Sidewalk Program on October 26.
- Canal Road Waterline Replacement Project is going well and should be done by the end of November.
- Stitt and Prairie Trial Park Improvement projects have both been finished.
- Leaf collection has started and will continue through November 22.

### Communications from Council Members/Committees

Mr. Frey

- No Report

Mrs. Bruno

- Clarified that members of Council and the Mayor do not make \$70,000 per year. Council members receive about \$740 per month and the Mayor receives approximately \$999 per month.

Mrs. Duncan

- Discussed the complaint sent to the Ohio Ethics Commission in regards to funding used for Mrs. Duncan’s golf cart for the Roche de Boeuf Parade. Mrs. Duncan clarified that no funding from the Waterville Chamber of Commerce or donated funds from the City of Waterville were used for the golf cart. The golf cart was rented by Mrs. Duncan herself.

Mr. Bruno

- No Report

Mr. Rozic

- Reviewed two of the proposed amendments to the City Charter that will be on the November 7 ballot. One refers to the “Citizen’s Bill of Rights” which deals with the City’s regulation of the extraction of fossil fuels. Similar charter statues have been found to be unconstitutional in the State of Ohio. The other issue involves updating the process for recall petitions to conform with existing state laws regarding the submittal of petitions and holding recall issues on regular elections rather than special elections.
- The Waterville Chamber of Commerce is holding a Candidates’ Night at Browning Masonic on October 19 at 6:30 p.m.

Mr. Borowski

- Stated that Lucas County is working on the landscaping for the two Dutch Road Roundabouts which should be finished by this week.

### 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 Administrative Action (Tabled 9/25/23)*

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

*Third Reading, Public Hearing and Administrative Action (Tabled 9/25/23)*

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.

NEW BUSINESS:

A. ORDINANCE 11-23 AN ORDINANCE AMENDING ORDINANCE 10-23, THE AMENDED FY 2023 ANNUAL APPROPRIATIONS ORDINANCE AND DECLARING AN EMERGENCY

This Ordinance would authorize the third amendment to the 2023 Appropriations. Significant items included in this amendment are: increased TIF revenue (\$46,575) and expense (\$46,575); increased RITA retainer expense (\$18,000) for income tax administration; increased expenses (\$32,000) for computer contract services; sanitary sewer lift station repairs (\$10,000); increased township tax sharing expense (\$9,105); health care expense adjustments; expense adjustments to various line items to cover anticipated expenses for the remainder of the year and other routine items. Detailed information on this amendment is enclosed with this ordinance.

Mr. Frey made a motion to suspend the rules to allow for the passage of Ordinance 11-23 as an emergency measure. Mr. Rozic seconded the motion.

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

Mr. Frey made a motion to move for the passage of Ordinance 11-23 as an emergency measure. Mr. Rozic seconded the motion.

Roll Call: Mrs. Bruno – yes, Mr. Frey – yes, Mr. Borowski – yes, Mr. Bruno – yes,

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Mr. Rozic – yes and Mrs. Duncan – yes. The motion passed unanimously

**B. RESOLUTION 50-23 A RESOLUTION AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO AWARD A CONTRACT WITH PETERSON CONSTRUCTION COMPANY FOR THE RIVER ROAD PUMPING STATION IMPROVEMENTS**

This Resolution would authorize a contract with Peterson Construction Company of Wapakoneta, Ohio for the River Road Pumping Station Improvement Project at a cost of \$197,000. The project involves the replacement of existing pumps, pump controls, valves, electrical updates and the installation of a bypass chamber for maintenance purposes. The City secured a \$88,100 grant from the Ohio Department of Development and \$108,900 in American Rescue Plan funds to cover the cost of this project. Peterson Construction has successfully completed numerous water and waste water construction projects throughout northwest Ohio and specialize in this type of work. The bid results and the engineer's recommendation letter are included with a copy of this legislation.

Mrs. Duncan moved to adopt Resolution 50-23, Mrs. Bruno seconded the motion, which passed by a 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 8:06 p.m. Mr. Rozic seconded the motion, which carried by a unanimous voice vote.

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Jon D. Gochenour, Clerk of Council

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Timothy G Pedro, Mayor