

## Minutes of the Vermilion City Council Meeting

Monday, September 28, 2020

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**Vermilion City Council:** Steve Herron, Council President; Monica Stark, Council at Large; Emily Skahen, Ward One; Frank Loucka, Ward Two; Steve Hlovacs, Ward Three; B. Holmes, Ward Five. Absent: Barb Brady, Ward Four.

**Administrative Staff:** Mayor Jim Forthofer; Amy Hendricks, Finance Director; Tony Valerius, Service Director, Attorney Susan Anderson

### **CALL TO ORDER:**

Steve Herron, President of Council called the Monday, September 28, 2020 Vermilion City Council Meeting to order.

### **PLEDGE OF ALLEGIANCE:**

The members of Council, administrative staff, and audience participants recited the Pledge of Allegiance; a moment of silence followed.

### **APPROVAL OF MINUTES:**

**S. Hlovacs MOVED;** F. Loucka seconded to approve the minutes of the September 14, 2020 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

### **PRESIDENT OF COUNCIL'S REPORT:**

S. Herron thanked everyone for continuing to wear their masks and practice social distancing. It appears that numbers are holding steady and as always, he will continue to monitor the governor's office and the CDC with respect to public meetings.

### **COMMITTEE REPORTS:**

#### Legislative:

M. Stark reported on the meeting held September 21. The next meeting is scheduled for October 19, 2020 at 7pm.

#### Vermilion Community Services:

M. Stark reported the next meeting is still yet to be determined.

#### Utilities:

F. Loucka reported on the meeting held September 21. The next meeting is scheduled for October 19, 2020 at 7pm.

#### Port Authority:

F. Loucka reported the next meeting is scheduled for October 8, 2020 at 6:30pm.

#### Finance:

The next meeting is scheduled for October 19, 2020 at 7pm.

#### Planning Commission:

The next meeting is scheduled for October 7, 2020 at 7pm.

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### Health & Safety:

B. Holmes reported on the meeting held September 21. The next meeting is scheduled for October 19, 2020 at 7pm.

### Parks & Recreation:

B. Holmes reported on the meeting held September 15. The next meeting is scheduled for October 20, 2020 at 6pm.

### Historic Design & Review:

E. Skahen reported the next meeting is scheduled for October 7, 2020 at 6pm.

### Streets, Buildings & Grounds:

S. Holovacs reported on the meeting held September 21. The next meeting is scheduled for October 19, 2020 at 7pm.

### Contractors Registration:

S. Holovacs reported the next meeting is scheduled for October 27, 2020 at 6pm.

### Zoning Board of Appeals:

S. Holovacs reported the next meeting is scheduled for October 27, 2020 at 7pm.

## **MAYOR/SAFETY DIRECTOR'S REPORT:**

### **Safety Director's Report**

Organized theft groups have been entering unlocked cars in neighboring communities. It is a matter of time before they hit Vermilion again. It must be a profitable crime, or they would not keep at it. Prevention is simple. Lock your car. Keep valuables out of sight. It is crime of opportunity. Do not give them the opportunity.

Chief Hartung asked me to pass along that there has been a rash of reckless motorcycle riding at the east end of Liberty. Some speeds up to 130 mile per hour. Events are apparently videoed by individuals who post on Face Book. A rider was arrested after a chase and charged with reckless operation and felony eluding.

Message to the public:

- Don't do it.
- Don't encourage others to do it by glorifying reckless behavior on Facebook.
- Report it to VPD before someone is seriously injured or killed.

### **Mayor's Report**

#### **Help for VOL Residents**

During the Utilities Committee report September 21, the City Engineer's estimated the sanitary sewer lateral replacements needed in VOL on private property. This is part of a larger Administration effort to correct sewer flooding in the VOL area. Councilwoman Brady asked about grants available to help residents. I followed on her request with the Erie County Metropolitan Planning organization. Vermilion cannot apply for Neighborhood Revitalization Grants again until 2022. However, assistance for private lateral replacement is eligible. There is no guarantee our application will be accepted but I will begin meeting with representatives of the Erie County MPO in two weeks to discuss our approach to this application.

#### **New Life at Old BK**

Joe Jesko and Jeremy Crawford of Pavilion are leasing from the Linwood Park Company the 2.35 acres on the corner of Vermilion Rd and Liberty Avenue. The old Burger King, scheduled for demolition, will be renovated. Crawford and Jesko will provide a healthy and hearty quick food menu. The restaurant will be

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called 3-Bs, Bites, Buns and Bowls. The City will walk through the property with Jesko and Crawford to help determine permits and processes needed to make the renovation go smoothly.

Next spring, Crawford and Jesko plan an outdoor beer garden on the picturesque corner of Liberty and Vermilion Rd. It will overlook Romps, the Lagoons the river and Linwood. The beer garden is planned to have paver pathways, picnic tables, atmosphere lighting and their famous Pavilion Food Truck. They will need to secure a liquor license.

### **Railway Barbershop**

October 2<sup>nd</sup> is the Grand Opening of Railway Barbershop in the old Bailey Hardware on Grand Street. Local resident and Vermilion High School graduate Kevin Smith will open this second shop for men and boys with his first shop remaining in Avon. Mr. Smith offers discounts for seniors and veterans. Vermilion has not had a barbershop downtown for several years.

### **SERVICE DIRECTOR'S REPORT:**

T. Valerius reported that 750 water meters will be replaced. Any homeowner that has an inside water meter should have received a letter this past week asking them to call NECO and scheduled an appointment for the change. When the scheduled appointment day arrives, the installer will enter the home using all the necessary COVID precautions when replacing the meter. This process should take approximately 30-45 minutes. If the installer arrives for the appointment and the homeowner is not home, a blue door hanger will be placed on the door and the homeowner will need to reschedule. If after the first letter is sent and the homeowner has failed to schedule an appointment, a second letter will be sent urging the resident of this. If NECO still has not been contacted they will replace a red door hanger on the door stating that an appointment must be schedule for meter replacement to avoid water service interruption. At this point, NECO has done everything they can to get the resident to comply. If there is still no response the city will hang a door hanger stating that the water service will be terminated in three days unless they allow access for replacement.

### **FINANCE DIRECTOR'S REPORT:**

Amy Hendricks asked council to consider suspending the rules and adopting Resolution 2020R-13 as this resolution needs to be submitted to the Budget Commission by the end of September.

### **CARES Funding**

Legislation is on Governor DeWine's desk to sign authorizing the distribution of another round of CARES funding to local governments. According to media reports, that would bring an additional \$210,000 to Vermilion. Timelines for spending have not been given.

### **BWC to Issue 2<sup>nd</sup> Rebate**

On Friday, BWC voted to extend a second rebate in 2020 to assist employers with COVID-19 challenges. Our spring rebate was just under \$90,000, as a projection of the upcoming round as well. BWC has stated that they do not expect to issue a rebate in 2021 due to the second \$1.5 million round in 2020.

### **Utility Accounts**

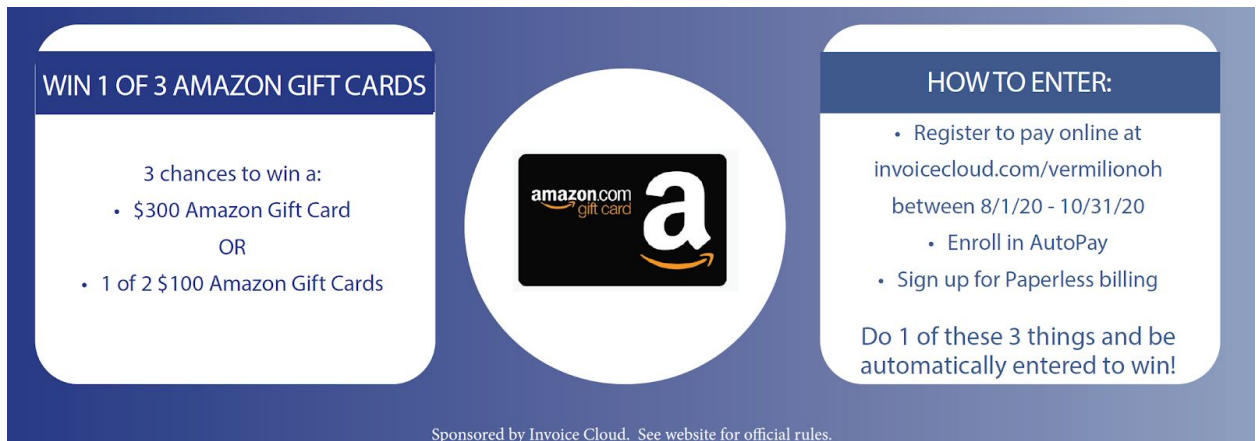
We were able to get 18 of the past due utility accounts set up on payment plans. We will continue to monitor unpaid balances.

Penalties will resume on October 16 for past due accounts.

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### Enter Sweepstakes



The graphic is a blue banner with white text and a central image. On the left, a white rounded rectangle contains the text 'WIN 1 OF 3 AMAZON GIFT CARDS' and '3 chances to win a:' followed by a bulleted list: '\$300 Amazon Gift Card' and '1 of 2 \$100 Amazon Gift Cards', separated by 'OR'. In the center is a circular image of an Amazon.com gift card. On the right, another white rounded rectangle contains the text 'HOW TO ENTER:' followed by a bulleted list: 'Register to pay online at invoicecloud.com/vermillionoh between 8/1/20 - 10/31/20', 'Enroll in AutoPay', and 'Sign up for Paperless billing'. Below this list, it says 'Do 1 of these 3 things and be automatically entered to win!'. At the bottom center, small text reads 'Sponsored by Invoice Cloud. See website for official rules.'

**CITY ENGINEER'S REPORT:** No report.

**LAW DIRECTOR'S REPORT:** No report.

### **OPEN TO THE AUDIENCE:**

Marilyn Brill of 1745 Cooper Foster Park Road said she is part of the Brownhelm Historical Association and they did 'Adopt a Highway' on September 19 and they cleaned up along the county road of North Ridge Road and a few of them went to Brownhelm Cemetery to rake around the trees and pick up debris. She said it doesn't seem like the cemetery is maintained as well as they expect it to be. They saw many trees that need a lot of attention. So, they have a cemetery walk coming up this weekend on Sunday and she hopes that Riddle Funeral Home will pick up the five huge trash bags of debris from the trees. She asked if the trees in the cemetery will be addressed sometime soon.

Additionally, she said that her back yard on Cooper Foster Park abuts up to a property at 1910 Baumhart Road, which has been vacant for three years because of litigation because the parents have passed. As they sit in their back yard, they look at weeds and debris higher than the shed that is in that back yard, so they are wondering what can be done to that property.

Lastly, she addressed the striping on Cooper Foster Park Road as from Sunnyside east it has never been striped. She said you go east from Sunnyside, down Claus to Baumhart Road – it's not striped.

T. Valerius, Service Director advised her that the trash bags have been picked up. Regarding the trees, he met with a representative from Edwards Tree Service last Wednesday and they have approved them removing three trees and a split branch. He will speak with the City Engineer on the striping to see whether this is something they can do next year or the year after. M. Brill asked why it hasn't been done. T. Valerius said probably because it hadn't been done for quite some time. M. Brill said when the road was paved it was done, but not since then. T. Valerius said the building department had been mowing the property located at 1910 Baumhart. M. Brill thought a private company came in to take care of it. T. Valerius said possibly at some point in time. M. Brill said several pine trees are down on their property that are dead and if they fall on her property then she will be back to City Council.

S. Herron asked the administration to answer these questions at the next council meeting. T. Valerius said he would speak with Bill DiFucci regarding the property at 1910 Baumhart Road. S. Herron said it annoys him that the bank that owns the property does not take care of it.

Annette McCreedy of 5830 Ohio Street said she has come before City Council several times regarding the neighbors at 5842 Ohio Street that began paving a driveway on the front of her property on 6/27. As

of last week, they were still pouring little cans of blacktop sealer onto the ground, gravel, and grass. She brought pictures that show they are extending it further and further over to her driveway, and now they are using her driveway as well – they are backing off the pavement and pulling into her driveway. She has been trying to find city ordinances that apply to her situation. What she found is that prior to installing the driveway, residents are to receive a letter from the city engineer. There was never a permit for this drive to be placed on the front of her property. She said that driveways are to extend up to a property line and

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they are totally within all her property – 90 percent of her frontage, so they have crossed over her property line. She said driveways should be at a 90 degree angle perpendicular to the road and some other ordinances state that vehicular approaches are subject to approval by the zoning inspector to protect adjacent land owners and no land should be used in a manner which is objectionable and adversely affects the adjoining properties. One other ordinance she found is that there is a code that requires all single-family dwellings to have at least two off-street parking spaces in front of their residence, which she has no parking place in front of her residence. She motioned City Council to notify the neighbors at 5842 Ohio Street of the illegal and improper drive and that they be given 90 days to remove the pavement.

Jon Clark of 5125 Liberty Avenue said his house is in between the bridge and Romps (the old Snell property). He said his house is up for sale and in the process of researching it they found out that the parking area he uses extend into the old highway right of way that has been abandoned by the State of Ohio and is now in the control of the City, but the City has never done anything with it. He said the city has required him to go through an extensive boundary survey, which he has prepared. He asked City Council to consider his request to allow an easement to use the area on the south side of his house to the middle of the old road, which is the old Liberty Route 6. He said this has been a nightmare to him and selling his house is in jeopardy because of the timing of this. He explained there is a little encroachment into the right of way (the middle of the road – the old Lake Road). He said with regards to the piece next to it – several years ago under the Davis' administration he made an agreement with the city that he would put in all the sidewalks from the bridge down to Romps Putt Putt in return for them deeding over that piece of property that they didn't want and the City's deed actually goes to the middle of the old road, so there is no functional use on the City's part as it hasn't been used for 100 years when the bridge was built. He asked Council to consider passing this ordinance on October 5 allowing him to encroach a couple feet with his building and allow him to park his cars on the northern half of the old highway, which is about 30' x 50' of property that he has been taking care of for the last 18 years. T. Valerius said there is an easement on this parcel and the two adjacent parcels moving towards the east are already his and they do come down to that same centerline that he is referring to. He was required to submit a Boundary Survey and Legal Description, which was provided to the clerk. T. Valerius said the city engineer will review the drawings and if there are any questions they can be addressed. S. Herron said they will prepare an easement ordinance for October 5.

Homer Taft of 3972 Edgewater Drive spoke briefly about the Dog Park fund as he wishes Council would table this ordinance until they decide if they are going to have a Dog Park. He said there is some controversy about it and where it should go, and there is some opposition. He thought they should know before people start raising money, much less calling it an emergency. Speaking of emergencies, he doesn't understand the emergency on a lot of ordinances, and he wishes they would stop designating everything as an emergency, particularly where the people might want to vote.

He addressed zoning and said he has had the joy of reading the zoning ordinances over the past week. In respect to the rezoning that is currently before Council, as he reads the ordinances, storage isn't a compatible or included use within B-3 or any business zoning. Those that even come close are B-4 and B-5, where there is much more substantial setback from side yards for service stations and other things. He said if they find anything for a storage type, it is in the industrial zoning. It's the only place in the code that refers to storage, so he would submit to Council that this is improper in the first place to be thinking about a B-3 for storage, and he thinks Council has the right and the obligation to say no, unless they wish to change B-3 everywhere. Secondly, rezoning an additional 300 feet surrounded by residential zoning that are on either side of it, strikes him as even more inappropriate, so he really hopes they consider saying no on this.

He said when the transient issue was discussed he wanted to give Councilwoman Brady credit for having raised the fact that home occupations are considered, or home use of your occupation is considered non-conforming to some extent. It requires the Zoning Board of Appeals permission and if there is traffic

in and out of the property, and if there are customers/clients in and out of the property – if there are truck deliveries to the property then he can understand the concern with this. In the days of COVID he would have to say, “Really?!” They have just made it criminal for probably 25 percent of the people in this city with the way the ordinance reads. He encouraged Council while looking at zoning to look at home occupation and distinguish between somebody simply working from home, which many are doing a lot right now – so they are all kind of illegal. He is told that it costs \$250 to get the whole thing inspected. He

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read one place in the ordinance that said \$50, but he is told with all the add-on’s that it is more. He thinks Council needs to think about whether they want to prohibit all work at home.

He said he was sorry he missed the discussion of the VOL laterals last week at committee but thanked the City for giving it considerable thought. He said in case he doesn’t make it to another meeting, he would strongly encourage at the earliest possible time for the city to consider at the very least, at the head end the first two streets (Rowland and Aldrich) – going ahead for less than \$150,000. This might make a substantial difference and at least they will know a little bit of what they are getting into.

Bill McCreedy of 12206 Darrow Road brother to Annette McCreedy said he went over to his sisters to build a porch for her and he parked in the front, and the neighbors came out with a lot of vulgarity and them telling him he was parking on their property. He said it got heated, so he just left for the day because he doesn’t need the cops called. He asked whose property this is – in front of her house between the road and the sidewalk where it is paved. They are saying it is theirs and he doesn’t want to get in trouble with the cops, so he wanted to know the answer to this question. T. Valerius said it is considered the city right of way, so it’s city property. B. McCreedy said then he can park there. He said it could be a safety concern for the neighbors if they are going to continue using that driveway. He said if they park in front of the driveway in their big truck and they can’t get out of their driveway, then who will get up into the house with the ambulance. He said this is just a safety comment, but it is an issue that could come up should something happen. S. Herron said it is his opinion that he can park there. T. Valerius said it is gravel and it is a parking area. B. McCreedy said they put the blacktop on there now, so they’re going to say that this is their driveway because this is what they told him. Attorney Anderson asked if he was talking about him parking on the paved driveway area or next to it. B. McCreedy said it was 50/50. S. Herron advised him to let the police chief know that this is a problem in his review because the driveway was built on city right of way and it cannot affect the ingress/egress of the street. He said they brought this problem on themselves because they don’t have any say at all. F. Loucka said there is an unused driveway on the other side of the neighbor’s house, but they refuse not to use it. He said it is outrageous.

### **Reading of the Ordinances:**

**Tabled - Third Reading – Ordinance 2020-30:** AN ORDINANCE TO AMEND SECTION 618.01 ENTITLED “DOGS AND OTHER ANIMALS RUNNING AT LARGE, DANGEROUS AND VICIOUS DOGS” OF CHAPTER 618 ENTITLED “ANIMALS” OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO AND DECLARING AN EMERGENCY.

**Third Reading – Ordinance 2020-31:** AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO AN AGREEMENT FOR ASSISTANCE IN COMPILATION FOR THE BASIC FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) FOR A PERIOD OF THREE YEARS BEGINNING WITH THE PERIOD ENDING DECEMBER 31, 2020 FOR THE CITY OF VERMILION AND THE VERMILION PORT AUTHORITY AT A COST OF ELEVEN THOUSAND NINE HUNDRED DOLLARS (\$11,900.00) PER YEAR AND DECLARING AN EMERGENCY.

**F. Loucka MOVED.** S. Holovacs seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**Second Reading – Ordinance 2020-34:** AN ORDINANCE ESTABLISHING FUND 234 “DOG PARK” AND DECLARING AN EMERGENCY.

**Second Reading – Ordinance 2020-35:** AN ORDINANCE AMENDING SECTIONS 1270.01 THROUGH 1270.06, 1270.09 AND 1270.10 OF CHAPTER 1270 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED “DISTRICT REGULATIONS”. (*Referred to Planning Commission meeting of October 7, 2020*)

**Second Reading – Ordinance 2020-36:** AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE VERMILION CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2020-37:** AN ORDINANCE ENACTED PURSUANT TO CHAPTER 1266 OF THE CODIFIED ORDINANCES OF VERMILION, REZONING LAND IN VERMILION, OHIO, AND CONTAINING AN AREA OF APPROXIMATELY 8.837 ACRES FROM R-3 “SUBURBAN RESIDENCE DISTRICT” TO B-3 “HIGHWAY COMMERCIAL DISTRICT” LAND USE CLASSIFICATION AS FAVORABLY RECOMMENDED BY THE VERMILION MUNICIPAL PLANNING COMMISSION; AUTHORIZING THE CITY ENGINEER TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF VERMILION TO CONFORM HEREWITH AS SAID MAP HAS

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BEEN ESTABLISHED BY SECTION 1268.02 CODIFIED ORDINANCES OF VERMILION UPON THE EFFECTIVE DATE HEREOF. (Public Hearing – Rezoning – October 26, 2020 @ 6pm)

**Second Reading – Resolution 2020R-13:** 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.

**M. Stark MOVED,** F. Loucka seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**S. Holovacs MOVED,** F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

#### **Announcement of Meeting Dates:**

October 5, 2020 - Vermilion City Council Meeting – 7:00 p.m.  
October 12, 2020 – Columbus Day – City Offices Closed (No Meeting)  
October 19, 2020 - Vermilion City Council Committee Meetings – 7:00 p.m.  
October 26, 2020 – Public Hearing (Rezoning) – 6:00 p.m. followed immediately by Vermilion City Council Meeting

#### **Adjournment:**

Upon no further business coming before the body, Steve Herron, President of Council adjourned the Vermilion City Council meeting.

*Transcribed by Gwen Fisher, Certified Municipal Clerk*