

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, June 7, 2021

Held

Videos and minutes of council meetings are available to the public to view online at www.cityofvermilion.com under 'meetings' tab (City Meeting Minutes or Videos).

Vermilion City Council: Steve Herron, Council President; Monica Stark, Council At Large; Emily Skahen, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five.

Administrative Staff: Jim Forthofer, Mayor; Tony Valerius, Service Director; Attorney Ben Chojnacki; Chris Howard, City Engineer; Amy Hendricks, Finance Director

CALL TO ORDER:

Steve Herron, President of Council called the Monday, June 7, 2021 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:

F. Loucka MOVED, S. Holovacs seconded to approve the meeting minutes of May 17 & 24, 2021. Roll Call Vote 7 YEAS. MOTION CARRIED.

CORRESPONDENCE:

G. Fisher reported she received a liquor permit transfer from the Ohio Division of Liquor Control to Driftwood Tavern Vermilion LLC, 3674 Liberty Avenue, 1st Floor, Vermilion, Ohio to Barbara L. Wooldridge, DBA Driftwood, 3674 Liberty Avenue.

S. Herron read an email dated May 24, 2021 submitted by Tina Swinehart, an email dated May 24, 2021 submitted by Timothy Johnson, an email dated May 24, 2021 submitted by Lynn & Rick Gigliotti, which are all attached hereto and incorporated herein as the official record of proceedings.

PRESIDENT OF COUNCIL'S REPORT:

S. Herron commended Ayden Bath of Vermilion High School who earned two bronze medals at the state championship at the track. His timing was 14.88 in the hurdles and he did a 6' 5" high jump. He said the community is proud of all the young athletes that go to Columbus and represent the city. Additionally, he commended the Vermilion High School Baseball Team who won regionals which is the first time in the school's history, and they will advance to the state competition beginning Thursday. He wished them good luck.

He addressed the Huron Street bench issue by stating a couple weeks ago he asked for a cooling down period and did not ask anyone to change their minds. He wanted civility and he guessed many people were civil, but some were not, so the cooling down request by him apparently fell on some deaf ears that was very upsetting to him. He said this is not what they are about because it is wrong to do it. They treat each other with respect. They have been through a very difficult year and a half as a country and the city needs to work on this. He has seen a number of things happen last summer and has seen a friend who was wearing her mask get into an argument because somebody chastised her for wearing her mask – she has a baby at home for God's sake. This is happening in the city and it has to stop. Secondly, he admitted that he was incorrect or incomplete in his legal opinion on what the process was involving the general sale of city property. There is an aspect of an auction and he forgot or did not know about this phase until he heard from Attorney Stumphauzer.

He read a letter dated May 27, 2021 from Mayor Forthofer to City Council relative to the Huron Street bench and said this issue needs to be put to an end. The letter is attached hereto and incorporated herein as part of the official records of proceedings. He noted that what is most upsetting about this particular situation is the continuing negative commentary or contact that a particular property owner has

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been dealing with from a few members of the public. He said this affects him because this is where they come to deal with issues like this. You might come before Council or you might come before a Judge, but they come to this room to handle disputes in a civil manner. If you come in here and have something to say, and you are subject to bullying or intimidation outside because of it, he finds it despicable. They are here to do the right thing and they are here to listen to each other talk, and they are here to understand. They do not have to agree on anything. His profession agrees to disagree all the time, but when you are coming into this room you are coming to the right place to have your issues presented – petition your grievances. Too many people have fought for that right for you to come in there so that you can leave and have somebody screaming at you through your window. It is deplorable and he does not think anyone in the room is a person who did this and this is not his point, but they should be safe. This is a safe place for you to come. You are welcome here and your participation is critical, but this is hollow ground, so if you come in here to discuss something that is bothering you about what Council is doing or what the city is doing, or what they can do, your future ideas, anything you want to do – I do not care how old you are or if you are paying taxes – it does not matter. Everybody here makes a difference and everybody here matters.

Mayor Forthofer said he thought a long time and referred to a lot of different people about coming up with a position on the situation at hand as far as the administration goes. He always values and welcomes the input of Council and the public, but in the end the administration's position, and as head of the administration as Mayor he felt the responsibilities are with the property. It is almost clear that individuals have property rights, and the public has a right to use this property. What is not manageable by the city is the interaction by residents. This they cannot regulate or fix in the administration. This is what he is trying to do by creating a forum by which people can work these things out. He is using it as a forum of a Huron Street End Beautification Committee where nominees from up and down the neighborhood can work out how this area should be and how it should look. He is not going to be put into a position for this neighborhood or for any neighborhood in the city to be a referee or to be instrument of slaying someone's alleged offense. He is here to make a decision, and this is a decision he has made as read by President Herron. He welcomed further comments on things or another, but they will all have to decide amongst themselves to get along. He wished they could move forward with the Huron Street End Beautification Committee. He said coming to Council is not going to get them a whole lot further.

S. Herron addressed the Fulper Lot as they have had a lot of discussion and communication. This matter went out to bid and it has been accepted.

Mayor Forthofer said they have been talking about the Fulper Lot for almost two years now and he does not always know what the merchants want, and he works down there and talks to them all the time. Advocates for one use of the old Fulper lot on Division and Grand often say they know what the downtown merchants and restaurants want or need.

So, to satisfy his own curiosity and to not take one particular position or another – he made it his business to find out what the downtown establishments actually are saying. He walked around to 28 downtown merchants and restaurants between June 1st and June 3rd. This is what he found out:

- I surveyed 25 in person establishments.
- Talked to three on the phone.
- Two he could not contact.

The question I asked each was, *"As a business owner, would you like the Fulper Lot on the corner of Grand and Liberty to be...a parking lot...or an art/activities park?"* I then shut up and let them answer unaided.

The tally of those who I contacted (*one per establishment*.) is this:

- 21 said a parking lot.
- Three said an art/activities park.
- Four declined to answer.

Of those 21 who said they wanted a parking lot, more than a few said that they could also see the benefit of some attraction to bring people to downtown but felt that first they needed a place to put the current visitors. One restaurant owner said, "The Fulper Lot is full now. Where are those cars going to go?"

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He raised the observation that the original two-year-old design for the Fulper Lot is multi-use and could accommodate more than either just parking or just an activities and art park. There is a 20-foot-wide walkway to the rear Division/Grand parking lot that lends itself to additional uses and there is a 30-foot green lawn on the Liberty Avenue sign specifically intended for public use.

COMMITTEE REPORTS:

Legislative:

M. Stark reported the next regularly scheduled meeting will be held June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

S. Herron asked council members if they wanted to address the Huron Street bench issue since they did not get to speak on it at the last meeting. M. Stark said first and foremost she is disappointed the bench was allowed to be installed without the property owner abutting the bench being told in advance. Moving forward, if anything is going to happen right next to somebody's property, then she feels they owe them a courtesy to let them know this is going to happen and not get a phone call when they are on vacation from a neighbor saying a bench is being installed outside your dining room window. She thinks they owe a courtesy to their citizens for things that are going to happen like this. She said this was discussed back in 2019, so they knew there was some issues going on with it during those two meetings in 2019 – July 15 & July 22, 2019 the Mayor stated both times there would not be a bench and it would not be a park – this will not be anything like that. She was not sure what changed and why it changed, but in the future, they owe their citizens a courtesy to let them know what is going to be happening. Also, she followed up on what President Herron said as she has raised six children and one of the biggest things she taught them is that if you do not have something nice to say, then keep your mouth quiet. She feels really bad that this family has had to deal with this while sitting on their porch and people coming to the public property. They do not dismiss that this is public property, but people have been bantering at them through their screen and saying some pretty rude things. She thinks this is pretty uncivil and she would like to see this community act in a much better response. They will not always agree, and they will agree to disagree, and they do this a lot, but they have to do it respectfully. So, she asked for the respect of all fellow citizens so they can get along. S. Herron asked the audience members to not engage in conversation because the sound system picks up chatter which makes it difficult when the council clerk is transcribing the official minutes. Also, it is disrespectful to whomever is speaking even if you agree or disagree with the person who is speaking, so please do not do this.

S. Holovacs thanked the mayor for coming forth on his stand on the Huron Street bench as he agrees with it since it has been city property for years. He said he would hope Council could vote on the Fulper Lot contract tonight and pass it to get the project going. He agrees they have other parks and pieces of the Fulper Lot of which they can do other things to and it is a great suggestion of the walkway and front of the building. Maybe they can get a little of everything with it.

E. Skahen didn't understand why the format of the Legislative meeting last month didn't allow Council to ask questions or talk about the bench, but she and other council members spent a lot of time with letters, emails, phone calls, and property visits and council was not allowed to address it at that meeting, but President Herron is asking now, so she said she agrees with Monica as the people at that end of the street that were the most affected should have had some say where the bench was located. She thinks it adds more tension in the neighborhood instead of bringing them together, and the neighborly thing to do would have been to involve them other than waiting for them to get back from Florida. She thought it was disrespectful not to include them.

B. Brady said she was not at that meeting and she did not see what went on there, but certainly nobody wants to be yelled at in their house, but it is any property owner's responsibility to know what it around them when they buy property. If you buy lakefront property you have lakefront property. If you buy property that abuts the city property you do not have lakefront property. It is a simple black and white issue as far as she is concerned, and she does not think the city should ever sell lakefront. They worked on this when Phillips' owned this property or abutted to this property and George Phillips did a lot to maintain it for years, but the city at that time was not willing nor should be. Plus, they would open a can of worms as they have a lot of street ends in this city. Where are they going to stop and start – we are going to give or sell one and then what are they going to do about Parsons or Chez? There are a lot of those street ends out there that people she is sure would love to have that river or lakefront.

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It is one of those situations that is sad and too bad. If the people put an addition on their house and came so close to the property line, they should have been aware that people would be walking right outside their window. "I'm sorry. I have sympathy for them but at the same time I think to some extent it is a buyer beware situation, but again I was not at that meeting, so I don't have the information".

M. Stark said there was a little bit of misunderstanding because the small bit of property that they have offered to buy is not lakefront property. It is not the steps – it is the grassy area right at that top. It is not the beach. There is a much larger area that would remain public property, so they are not looking to buy lakefront property – just the grassy area right outside their windows. B. Brady said the top is what is lakefront – part of it is on the beach when the water covers it, and it is not owned by anybody. M. Stark said they do not want to buy down to the public area or take the public access away. B. Brady said the VOL Clubhouse has property that is behind five homes to the east and once the land at the top is gone, then the land is gone because what is at the water's edge belongs to the state (ODNR), so you have to keep the uphill property.

Utilities:

F. Loucka reported the next meeting is scheduled for June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Port Authority:

F. Loucka reported the next meeting is scheduled for June 10, 2021 at 6:30 p.m. at the Vermilion Municipal Complex.

Finance:

B. Brady reported the next meeting is scheduled for June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Planning Commission:

B. Brady reported on the meeting held June 2. The next meeting has been scheduled for July 7, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Health & Safety:

B. Holmes reported the next meeting is scheduled for June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Parks & Recreation:

B. Holmes reported the next meeting is scheduled for June 15, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Stormwater Advisory Committee:

S. Herron reported the next meeting is scheduled for June 21, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Historic Design & Review:

E. Skahen reported on the meeting held June 2. The next meeting is scheduled for July 7, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Vermilion Tree Commission:

E. Skahen reported the next meeting is scheduled for June 9, 2021 at 9:30 a.m. at the old Fire Station.

Streets, Buildings & Grounds:

S. Holovacs reported the next meeting is scheduled for June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Zoning Board of Appeals:

S. Holovacs reported the next meeting is scheduled for June 22, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

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Contractor Registration:

S. Holovacs reported the next meeting is scheduled for June 22, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer provided his written report to the clerk as read into the record as follows:

Most of the matters I would report to Council are in other department head's reports. The few items I have are:

Main Street Beach Demolition

The City has had the opportunity to work with some very professional contractors. But I want to give a special public recognition to R&D Excavators who were the contractors who won the bid to do demolition work at Main Street Beach. They finished their work ahead of schedule, remained in constant communication with the Service Director and by all accounts, were very accommodating and courteous to the Main Street Beach neighbors. Neighbors actually invited them onto their patios for refreshments. They did an excellent job.

Zoning Review

The RFQ for a City-wide zoning review is being prepared by the City Engineer. When the RFQ process is completed and a bidder approved, we will move to assemble an advisory committee to assist.

Moratorium

I encourage Council to pass the moratorium on Sweepstakes Cafes and Gaming establishments in the City. In addition to Chief Hartung's reasons for requesting the moratorium, recent conversations with Ohio Gaming personnel cause me concern regarding our City's current legislation governing these establishments. The proposed moratorium will give Council and the Administration time to review these ordinances.

I request an Executive Session regarding personnel.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported that another great job was done by the contractor who recently finished crack sealing in the city. A large portion of the work was dedicated to Sunnyside, Jerusalem, West River, and Sanford Street. They also sealed Douglas and Grand Streets and four streets in the VOL area.

The street department continues to durapatch when the weather is good and they clean catch basins and jet storm lines when the weather is not too good. They have also been mowing the roadside ditches on a daily basis.

He reported that Kovilic Construction Company, Inc. who will be performing the rehabilitation of the east pier at the mouth of the river has been begun mobilizing. Their initial work will be to install screen fencing at the staging site and they will be making a video of Portage Drive and laying crane mats on the beach. Pier work will begin shortly thereafter with most of it being done from a barge in the river. However, concrete trucks will need to access the site from Portage Drive when the time comes. This portion of the project will not happen until after the Fourth of July and it should only take about three to four days. The project is solely funded by the federal government through the Army Corp of Engineers.

Lastly, the bid opening for the Pilot House was last Friday and the City received two bids and the winning bid was \$4,600 coming from Bileve LLC of Copley, Ohio. Bill and Eve Gribble who own the company are regular dockers in Vermilion and plan on incorporating the Pilot House as an entry to their facility.

B. Brady asked what the contractor's responsibility is to Portage Drive when they are done. T. Valerius said the contractor took a video of the street and they will provide it to the city for review. Once the project is complete, they will take another video to compare to see if there were any damages. If there are damages, then it is the contractor's responsibility to fix it. Mayor Forthofer said the city has a Legal Memorandum of Understanding with the contractor. He said 21 trucks could be traveling at half load on Portage Drive, so they have to restore it to whatever condition it was when they videoed it.

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M. Stark asked when the street striping is scheduled in the city. T. Valerius said it is scheduled for this year and he will get with the finance director to check on funding. They would be looking at doing the work at the end of the season.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks provided her written report to the clerk as read into the record as attached hereto and incorporated herein as part of the official record of proceedings. Additionally, she noted pursuant to the Operating Fund, originally, she had estimated \$247,450.00 in possible revenue replacement out of the ARP Fund. The information that is coming out now with the 151 pages of preliminary guidelines is that the City may not be able to claim all of those. There are specific formulas that they are prescribing for those calculations. Those have not been made available yet in completion, so she does not look for this number to go up, but rather for it to go down once they receive the final numbers. Once more information is available, she will update Council. This may make the city break even or a possible deficit for the current year in the general fund for operating.

F. Loucka asked if the ARP funds can still be used for water and sewer improvements. A. Hendricks said this is correct.

CITY ENGINEER'S REPORT:

C. Howard reported that with regards to the Liberty Avenue Watermain Replacement Phase 1 the contractor is currently just west of Speedway and by the end of the week they are hoping to have some borings at EWA and Minnie Wawa completed weather permitting. They are still progressing towards completion by the end of the month. The Sunnyside Road Resurfacing Phase 1 pavement planning was completed, and the contractor is working on pavement base repairs. Weather permitting, they will put the intermediate course down this week. They are on schedule to be completed with this work by the end of July.

He reported on the bid opening of the Liberty Avenue/Grand Street Parking Lot Improvements and noted the city received four bids. He mentioned Council needs to amend Ordinance 2021-40 to award the contract to the low bidder – Abraham/Miller Excavating in the bid amount of \$182,056.50. The apparent low was Herk Excavating, Inc. but they had a math error, so they were actually higher in their bid. He noted Abraham/Miller has a \$16,000 contingency amount, so he would recommend that if Council wants to proceed that they hire Abraham/Miller Excavating.

Lastly, he reported the Mapleview Drive Reconstruction Phase 1 is currently out for bid and the bid opening date is June 24.

S. Herron asked the city engineer if he would like council to adopt the Abraham/Miller contract tonight. C. Howard said per the contract the city has 60 days to award the contract. However, the completion date for the project is August 30. S. Herron said this would have a lot to do with getting the job started before the cold weather hits.

B. Brady asked how far the waterline is going on Liberty Avenue. C. Howard said from South Shore Court to Vermillion Road.

LAW DIRECTOR'S REPORT: No report.

RESPONSE TO THE AUDIENCE: No response.

OPEN TO THE AUDIENCE:

Heidi Riddle of 5778 Huron Street said the mayor's letter addressed the points she was going to make, but she too thinks it is unfortunate that if the O'Hara's have experienced any inappropriate comments or behavior, then she too agrees with Mr. Herron that this is poor and very bad, and she would hope they could work with the beautification committee and work with the O'Hara's and Batchelder's in the future. She said their neighborhood will be on the healing mode now.

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David Terken of 1042 State Street said there is a compromise possible when people move up on public property and do not like the public coming onto their property. They can maintain their property so the public knows where the limits of the public property are and then they can stay off, or they can mark their property so the public will stay off. If some inconsiderate member of the public acts improperly the landowner or the police can handle the situation. Once a person is in the news for paying a \$500 fine for criminal trespass it will address the situation very quickly. If property owners are afraid to stand up for their rights, they will not have them because that is how you get your rights as standing up for them. If a member of the public officials stand up for a single person with an inappropriate complaint or a single family over the rights of the community at large – that official's capacity to fill their oath of office needs to be looked at, but public property should be available to be used by the public and special agreements with individuals are not appropriate. Members of the public who act in ways contrary to good order and discipline can be handled very effectively. He said Council is doing a very good job in that parking lot question.

Diane Firestone of 5720 Lake Street said they have lived in their home for 53 years in this neighborhood and have been married almost 55 years and have raised three children and have eight grandchildren from 24 to 14. All of them grew up with Mumsie (Diane) and they have gone to the secret beach a lot from the time they were toddlers. She was happy to hear that the mayor has made some decisions on this matter and very happy to hear Barb Brady who seems to have a very clear idea of how things can mushroom, and if they do not take care of their public grounds, then what will become a public grounds for the common guy – the ordinary person – the person who likes to take their fishing pole and go down to the end of the street and throw their line in, and they are not bothering anybody. Of course, it is apparent that there are people who have offended the people who had asked to purchase the end of Huron Street, but the reality is and the agreement with those who feel that public property needs to remain public property. If they set a precedent for one person, then what will happen to the end of Washington Street. They have a lovely bench dedicated to the Masin family – what will happen to the end of the street at Perry Street where Judy Williams has a bench there. People love to go down there, and she and her husband do a lot of biking and has gone down to sit on the beach and sit in front of Bill and Debby's place. She rides her bike around the north end about seven times every day just for fun, and she looks at this bench every time she goes around and has never seen more than one or two people sitting there. As she has explained to many people sitting in the room – her house is basically on the sidewalk. She has a pizza wedged size little plot of land in front of her porch windows – not unlike the home in question or the homes in question here, and it has suited them for 53 years just fine and people walk by. Once in awhile dogs pee on her shrubs and once in a while somebody goes by with a stogie and poisons her air because she is a non-smoking, non-drinking, non-drug taking boring person. Sometimes people will go by and spit on her sidewalk and her son learned long ago – they do not spit on people's sidewalks, but she is not going to ask for the city to let her buy her sidewalk because somebody spit on it. In closing, she said the moon belongs to everyone – the best things in life are free – Lake Erie waves and sunsets are there for you and me.

Karen Rossi of 5789 Huron Street said she has lived her entire life in the neighborhood and is glad the mayor made a decision because two weeks ago when she came to a meeting, she heard her neighborhood described as a place where litter and vandalism is happening, and it is overcrowded. She has lived here her whole life and can see the lake from her house and can see the bench. She and her husband sit out every night and personally has not seen anyone at the bench. She said there are always two sides to every story, and it is public property, and it should be opened to everybody. They should not try to hide it – they should open it up and let people enjoy it and reach out. This is what it is all about. She felt like their neighborhood is getting a bad rap and feels like only one side of the story is being told, and she is not going to tattletale, but sometimes there is two sides to a story, so please do not think their neighborhood is fighting and mean. Maybe there are a few – honestly, she does not know, but please they are not that bad, and they can mend. She said she will be more than happy to have a neighborhood party like they did in the olden days at the dead-end street so if anyone wants to join her, they can do this. She said public beaches are a treasure and they should keep it that way.

Pat Stein of 5718 Huron Street personally volunteered to be on the Beautification Committee. She feels strongly about landscaping, gardens, flowers, and beautification. She is pleased to hear that even though there is parking lot going in, the city is leaving enough green space because when she was grant coordinator for the city this is one of the things Ohio recommended that they not have a parking lot right up to the sidewalk and there would be green space, so when people first enter, they do not just see a

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parking lot. She said they are mending, and they are good people, and they love where they live, and they want to keep it that way.

Marilou Suszko was present on behalf of Main Street Vermilion and the Board of Director's as their Executive Director, 685 Main Street to address the Fulper Lot. Main Street and its partner programs – Vermilion in Bloom, Shore Thing, The Arts Guild, and Public Art Vermilion all work together to get more to downtown through beautification, tourism, marketing, art, economic development, and preservation efforts. This is part of their mission and this is what they do because it is important to pay attention and save their small genuine downtown because nobody builds genuine historic downtowns anymore. They made their position known on the development of the Fulper Lot to City Council and City Hall a couple years ago and it is reflected in the council minutes. Instead of reminding everyone of all the reasons why parking lots are not important – they are very well on the features of a great small town. People do not come to small towns for their parking lot. They are also low on the list as far as an economic development tool. She asked if everyone was familiar with the concept of placemaking. She explained that placemaking is something that all of the Main Street communities in Ohio consider their responsibility. It is the process of creating quality spaces and places where people want to live, play, and learn in, as well as do business in. Placemaking is about atmosphere, art, elements of surprise, interaction, opportunities to engage with others, the ability to relax, the chance to gather to enjoy activities, events, and more. So, thoughtful approaches to placemaking make communities distinct, they make them destinations for visitors and a source of pride for the residents and business owners. The decision to move forward with the parking lot suggests they look a little closer at this important urban planning concept that is placemaking and why it is important in downtown revitalization, which is a never-ending, ever-evolving process. This is really important at a time when they are talking about developing two properties right now – one is the Fulper Lot and other is the Harborview Park. She said creative placemaking is what brings people to Vermilion – not parking lots. Having a parking lot in one of the most visible areas of downtown provides little incentive for anyone to stop, linger, and explore Vermilion or spend their time or money here. Well thought out downtowns and public spaces that invite people to visit and gather are important tourism draws. Tourism itself is one of the purest forms of economic development. Tourism invites people to experience their community, the downtown, the people who live here, and our neighborhoods. When people visit here, maybe they find a community that they want to visit again, or maybe they want to vacation here regularly, or maybe they want to buy a house and pay taxes here, or maybe they want to start a business here. She sees this all the time at Main Street as people will come in and say, "We are brand new here and we just love this community, and we found it when we were visiting here one time". She asked, why do they visit. They visit for the experiences which includes the dining, shopping, the lake, places, and spaces together to engage and to enjoy. So, when it comes to creative public spaces, the community is the expert. Main Street asks businesses if they want more parking. Some do and some do not, and some do not think it is necessary. They should also be asking the residents what they want. What do they want in their community? They are the ones that are going to tell you what is needed in the downtown. Tapping into this information at the beginning of the process will help create a sense of community ownership in the project that can be of great benefit to both the project sponsor and the community. The goal is to create a place that has a strong sense of community and a comfortable image as well as a setting or activities. What are the things that could happen here in the public spaces that they create? Partners are very critical to the future success and image of a public space improvement project like they are looking at with the Fulper Lot and art view. Whether they want partners at the beginning to help plan for projects or you want to brainstorm and develop scenarios with a dozen partners who might participate in the future. They are invaluable in providing support and getting a project off the ground. They can be local institutions, museums, schools, private citizens, and donors. Did we engage with our potential partners? The vision needs to come out of the community – essential or vision for any public space is the ideas of what activities they want to see happening in that space. The space should be comfortable, and it should have a good image, and it should be an important place where people want to be, and it should instill a sense of pride in everyone. This is where we live and work. She said they always market themselves as a walkable downtown and she has never had one complaint about parking in the five years she has served as Director. She has had complaints about problems of inconvenience – they cannot park in front of somebody's store and get what they need and then leave. She said this is not what they want in downtown. They want people walking around and experiencing what the city has. She asked if they really need a parking lot for 26 cars and trucks in the heart of the highly visible portion of downtown? She expressed multiple times to the mayor, city engineer, and service director that if this has to be a parking lot, which she thinks this is where

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they are moving – this has got to be the best parking lot they have never seen. They do not want to see a parking lot. She thanked the city for the green space and alley way.

Laura Gongos of 5413 Portage Drive said Marilou has said it all actually. She said in reading the sign on the wall it says, "Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it is the only thing that ever has. Yet, she was here more than two years ago with Peter and Marilou talking about this very issue and giving Council all the reasons why they should not take a very center city spot and turn it into a parking lot and yet here we are today turning it into a parking lot. This saddens her. She said it saddens her especially given the fact that her husband was here a month ago offering the city on a silver platter \$250,000 to contribute towards this lot to turn it into something very special for the city, and nobody on Council gave them even five minutes of time to sit down and talk about it. Nobody called them, nobody came and said they wanted to hear more about their ideas. Nothing! She asked Council when the last time anyone came to them and said, "Here is \$250,000 for the city to do something. When did that ever happen before? She said it makes her wonder what kind of message this sends to taxpayers and what kind of message it sends to people like herself who has volunteered hundreds of hours to Vermilion to try to beautify it. She is on the Public Art Committee and they have worked really hard raising money and putting 15 beautiful nostalgic postcards throughout the City. They have more projects planned and she is asking herself, "What is the motivation for her to be committed to doing this in the city that does not even want to take one hour of time to hear why they want to give the city \$250,000 to further beautify it. She repeated Pat Stein's quote from the last meeting – "Paved paradise and they put up a parking lot".

Bill O'Hara of 5831 Huron Street clarified and let everyone know that he came tonight with a heavy heart with several ongoing sensitive matters. He said they can all agree to disagree; however, they need to do it in a respectful fashion. He addressed the mayor's letter as read tonight knowing that he is firmly against the sale of the city property directly in front of their home. He pointed out this is not lakefront land, and it would have no affect on the end of Huron Street, the stairs, or easy access to the beach. He said that Tina Swinehart also submitted a letter indicating that he and his wife would like to purchase a portion of the city property, but just enough to not have lakefront taxes. He said this is not lakefront property and it would not be subject to lakefront taxes. He clarified that the addition on their home, which was added in 2011 was built on the same foundation footprint as the original house. The only variance applied or approved by the city dealt with a one-foot increase in the size of the rear porch, which is on the south side of their house, and it had nothing to do with the lake side north or the west side of their house. He provided Council with a historic aerial view image from 1956 confirming the north side of the house has always been right against the sidewalk. Secondly, he questioned the need for a Beautification Committee to oversee the planting and maintenance of their tree lawn. He and his wife have been mowing it with the city's permission at their own cost for the last 10 years. Before the steps were constructed, the Mayor offered compliment to the appreciation of their efforts. They have taken great pride in this and they understand it is city property, but they are happy to continue to afford the cost and provide the labor and take care of it. He clarified the location of the stairway was changed at the last minute to make them more visible from Huron Street to offer easier access and to offer a safer use as well. The additional cost incurred for changing the direction of the stairway was donated by him and his wife and Jim and Jackie Batchelder.

Jim Batchelder of 5841 Huron Street read his letter into the record which is attached hereto and incorporated herein as part of the official record of proceedings. S. Herron asked the administration to respond to the questions asked by Jim Batchelder and if they cannot have all the answers by the next meeting, then to let him know they need additional time.

Rita Young of 5662 Huron Street said she loves her community, and the people are wonderful. It makes her sad there is conflict, but she realized this has gone on for a long time and it started with the variance and there was controversy about the variance because the community did not want it. She said she would like to meet Emily Skahen who is the ward one council representative and asked if she would help coordinate the Beautification Committee within the community as their council person. She said there is actually the Jefferson Street ending, the Washington Street ending, and the Perry Street ending. She suggested to Council to make a Beautification Committee for this neighborhood so they all can be addressed by the people, and this would not occur again with private owners. She calls these secret sanctuaries, and she has two sides of her property that abut city property by the beach, and she understands and gets tons of people walking in her driveway, and cars zooming down the street, and cars

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always blocking their driveways. She said this is where the parking problem is – in our little neighborhood, but they know it because they live there. She is paying for a surveyor so she can put up a little fence to make her feel safer. She said the neighbors are wonderful and people are also taking care of those other ones and paying money for it. She said they need guidance by City Council to get the first organization going and perhaps one meeting to plan.

Judy Williams of 5752 Lake Street said she lives one block east of the property they are talking about and she also lives on a dead-end street. The dead-end street goes into Lake Erie. She said many times she is on the corner of Lake Street and Perry Street where she has a butterfly garden. She talks to a lot of tourists that walk by and she encourages them to go to the bench to enjoy public property. She this is the way to bring more people back to Vermilion because they love this area. She said the city property is too much for her to take care of, but when her husband was living, he mowed the lawn and took care of it, but she cannot do it. However, approximately 30-40 neighbors from the north end got together on June 18, 2015 to take care of the ditch along the west side of Grob's property and the end of the street. She said last year they did this again, so they are trying to keep up the property to the best of their ability and they are doing it as a group of concerned citizens and caring neighbors. She said this shows they can be successful, and they can bring their neighborhood and community to the forefront by doing what is right.

Drew Werley of 5016 Timberview said he went down to the bench after the last meeting, and it is the perfect sunset. He felt bad it was next to the O'Hara's house, but it is public property/private property and everyone knows what he feels about that. He said when they talk about private property rights and public rights, but yet all the time it seems like the city...he said he was glad that Monica Stark was back in good health. This is the first time they have had a full council here – he cannot remember – it has been a while. But constantly the city is passing laws to limit people's private property rights on these businesses, and he thinks this is wrong and says this every time he is at Council meetings. He said another group talked about wanting to have a moratorium on storage units and he does not agree with this. They are talking about a moratorium on the sweepstakes places, and he does not agree with this. He said he would like a moratorium that they halt all laws limiting businesses, private properties, and increasing taxes and fees.

Homer Taft of 3972 Edgewater Drive discussed Ordinance 2021-40 and his reasons for Council not to adopt this is because he does not believe long term this is the highest and best use of the property, and he does not think it is wise to put \$180,000 into permanent parking. If the downtown merchants truly want the parking lot, then they can contribute \$7,000 to \$9,000 and get some parking. However, the second reason is financial because they are talking about spending \$180,000 of public money. The city has a tremendous embarrassing amount of infrastructure problems – serious infrastructure problems. He said he is going to be selfish – one of them is in front of his house and Council is well aware of it. On Edgewater Drive at the west end of VOL and other streets as well are impacted by sanitary sewer overflows that prevent them from using their sewers that overflow into the streets that flow into Lake Erie, and that are violations of laws. He said \$180,000 would pretty much fix two of the five streets that have to be fixed to reduce this to probably nothing. He is not saying this is all the streets in the community, but the first five streets if they did not have stormwater intrusion – this is the only place that these overflows at least occur. This is the end of town where people are denied the use of their sanitary sewers. So, before they go spending \$180,000 downtown for a parking lot that some people want and some do not, and apparently do not want to pay for – he thinks they need to take care of all of their infrastructure all over town.

NEW BUSINESS:

S. Herron MOVED, F. Loucka seconded to adjourn into executive session to discuss personnel matters relative to hiring, firing, discipline, and compensation. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Herron MOVED, M. Stark seconded to amend Ordinance 2021-40 to substitute the name Herk Excavating, Inc. with Abraham/Miller Excavating and to add the amount of \$182,056.50. Roll Call Vote 7 YEAS. MOTION CARRIED.

Reading of the Ordinances:

Tabled - Third Reading – Ordinance 2021-4: AN ORDINANCE AMENDING SECTION 1260.06 "DEFINITIONS," 1270.01 "A-1 AGRICULTURAL DISTRICT," SECTION 1270.02 "R-1 ESTATE RESIDENCE DISTRICT," SECTION 1270.03 "R-2 RURAL RESIDENCE DISTRICT," SECTION 1270.04 "R-3 SUBURBAN RESIDENCE DISTRICT,"

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SECTION 1270.05 "R-4 URBAN RESIDENCE DISTRICT," SECTION 1270.06 "R-4A TWO-FAMILY URBAN RESIDENCE DISTRICT," SECTION 1270.07 "R-5 APARTMENT RESIDENCE DISTRICT," SECTION 1270.08 "R-6 SPECIAL FAMILY RESIDENCE DISTRICT," SECTION 1270.09 "RS SPECIAL RESIDENCE DISTRICT," SECTION 1270.10 "RL-1 EXISTING LAGOON DISTRICT," SECTION 1270.11 "B-1 NEIGHBORHOOD BUSINESS DISTRICT," SECTION 1270.12 "B-2 CENTRAL BUSINESS DISTRICT," SECTION 1270.13 "B-3 HIGHWAY COMMERCIAL DISTRICT," SECTION 1270.14 "B-4 MOTORIST SERVICE DISTRICT," SECTION 1270.15 "I-1 LIGHT INDUSTRIAL DISTRICT," SECTION 1270.16 "I-2 HEAVY INDUSTRIAL DISTRICT," SECTION 1270.17 "I-3 INDUSTRIAL PARK DISTRICT," SECTION 1270.18 "I-U UTILITY DISTRICT," SECTION 1270.19 "FP FLOOD PLAIN DISTRICT" AND SECTION 1272.17 "TEMPORARY STORAGE CONTAINERS," OF THE PLANNING AND ZONING CODE OF THE CITY OF VERMILION TO DEFINE AND PROHIBIT MODULAR STORAGE UNITS.

Tabled - Third Reading - Ordinance 2021-28: AN ORDINANCE AMENDING CHAPTER 1484 "ENTITLED "RENTAL REGISTRATION" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO.

Tabled - Third Reading - Ordinance 2021-29: AN ORDINANCE AMENDING "PERMITTED USES" IN SECTION 1270.01 "A-1 AGRICULTURAL DISTRICT," SECTION 1270.02 "R-1 ESTATE RESIDENCE DISTRICT," SECTION 1270.03 "R-2 RURAL RESIDENCE DISTRICT," SECTION 1270.04 "R-3 SUBURBAN RESIDENCE DISTRICT," SECTION 1270.05 "R-4 URBAN RESIDENCE DISTRICT," SECTION 1270.06 "R-4A TWO-FAMILY URBAN RESIDENCE DISTRICT," SECTION 1270.07 "R-5 APARTMENT RESIDENCE DISTRICT," SECTION 1270.08 "R-6 SPECIAL FAMILY RESIDENCE DISTRICT," SECTION 1270.09 "RS SPECIAL RESIDENCE DISTRICT," SECTION 1270.10 "RL-1 EXISTING LAGOON DISTRICT," SECTION 1270.11 "B-1 NEIGHBORHOOD BUSINESS DISTRICT," SECTION 1270.12 "B-2 CENTRAL BUSINESS DISTRICT," SECTION 1270.13 "B-3 HIGHWAY COMMERCIAL DISTRICT," SECTION 1270.14 "B-4 MOTORIST SERVICE DISTRICT," SECTION 1270.15 "I-1 LIGHT INDUSTRIAL DISTRICT," SECTION 1270.16 "I-2 HEAVY INDUSTRIAL DISTRICT," SECTION 1270.17 "I-3 INDUSTRIAL PARK DISTRICT," SECTION 1270.18 "I-U UTILITY DISTRICT," AND SECTION 1270.19 "FP FLOOD PLAIN DISTRICT" OF THE PLANNING AND ZONING CODE OF THE CITY OF VERMILION TO PERMIT TRANSIENT OCCUPANCY AND TRANSIENT RENTAL.

Tabled - Third Reading - Ordinance 2021-30: AN ORDINANCE AMENDING CHAPTER 1260 ENTITLED "GENERAL PROVISIONS AND DEFINITIONS AND SECTION 1260.06 DEFINITIONS OF THE PLANNING AND ZONING CODE OF THE CITY OF VERMILION.

Third Reading - Ordinance 2021-32: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO CLOSE FUND 809 "MISCELLANEOUS TRUST" AND TRANSFER THE BALANCE TO FUND 850 "UNCLAIMED FUNDS".

S. Holovacs MOVED, B. Holmes seconded to adopt this ordinance. Roll Call Vote 7 YEAS. MOTION CARRIED.

Third Reading - Ordinance 2021-33: AN ORDINANCE AMENDING CHAPTER 1060 ENTITLED "CEMETERIES" AND SECTION 1060.01 ENTITLED "PRICES FOR CEMETERY LOTS AND SERVICES OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO.

S. Holovacs MOVED, B. Brady seconded to adopt this ordinance. Roll Call Vote 7 YEAS. MOTION CARRIED.

Third Reading - Ordinance 2021-35: AN ORDINANCE SUBMITTING TO THE ELECTORS OF VERMILION A PROPOSAL BY THE VERMILION CHARTER REVIEW COMMISSION TO AMEND SECTIONS III-7, IV-4(b), AND IV-6 OF THE CHARTER OF VERMILION; AND DECLARING AN EMERGENCY.

S. Herron MOVED, F. Loucka seconded to adopt this ordinance by emergency. Discussion: S. Herron said he disagrees with the proposals to change the Charter. However, this commission was duly enacted, and they worked hard, and they came to a decision. But, while he does not agree with it, it was lawfully put forward in the way they do things. At the end of the day while he disagrees with it and will advocate on what should not pass, it is at the end of the day up to the people in his opinion. F. Loucka agreed. B. Brady said they do not have much way except rejecting it to make this known. What can they do? They did not want to make a statement when this came out, but they rejected this as a Council, so how do they let the public know that they are not in favor of these charter amendments. It is changing something that is not broken. How do they do this - do they do this with a letter to the Editor? She was not sure this was appropriate and feels her only option is to vote against it. S. Herron said he respects this position and agrees with what she is saying, but he is a citizen and has a voice to the editor and they have a first amendment right to come to a conclusion and it is up to the people. S. Holovacs said he agrees with Barb Brady because through the years sitting on Council and voting on these same type of ordinances for the other Charter Review's - this is the first time he has ever saw Council as a whole disagree with what came out of Charter Review in no disrespect to the Charter Review Board. He has sat on the board twice and it is grueling because they go through every section of the charter. If he votes yes, then it sounds like he supports it when he is in disagreement with it, so he will vote no. Again, the voters will determine what happens with it and let them decide. Roll Call Vote 2 YEAS (Herron, Loucka); 5 NAYS (Skahen, Stark, Holovacs, Brady, Holmes). MOTION FAILED. G. Fisher asked the attorney what this means at this point. Attorney Chojnacki said this will not go to the ballot at

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this point. It can be reintroduced – alternatively there are procedural mechanisms of which a taxpayer could initiate an action to compel Council or the Board of Elections to put the questions of the Charter Review Commission on the ballot. Alternatively, the Charter Review Commission could convene and take this action as a body or as a taxpayer.

Second Reading – Ordinance 2021-36: AN ORDINANCE VACATING A PORTION OF THORNWOOD ROAD, EAST SIDE OF HIGHBRIDGE ROAD IN THE CITY OF VERMILION, LORAIN COUNTY, OHIO, AS THE SAME HAS BEEN FAVORABLY RECOMMENDED BY THE VERMILION MUNICIPAL PLANNING COMMISSION. (Public Hearing – June 21, 2021 @ 7pm)

First Reading – Ordinance 2021-38: AN ORDINANCE AMENDING ORDINANCE 2021-8 ADOPTED MARCH 15, 2021 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021 AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2021-39: AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE NEW OPERATION OF, AND THE CITY'S ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY APPLICATIONS FOR BUSINESS LICENSING, ZONING, OCCUPANCY, AND/OR BUILDING PERMITS THAT MAY CONTEMPLATE THE OPERATION OF, ANY SWEEPSTAKES TERMINAL DEVICES, SKILL-BASED AMUSEMENT MACHINES, OR ANY OTHER GAMING DEVICES WITHIN THE CITY; AND DECLARING AN EMERGENCY.

F. Loucka MOVED, S. Holovacs seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Holovacs MOVED, F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Ordinance 2021-40: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH ABRAHAM MILLER EXCAVATING OF VERMILION, OHIO FOR THE LIBERTY AVENUE AND GRAND STREET PARKING LOT IMPROVEMENTS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN AN AMOUNT NOT TO EXCEED \$182,056.50 AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, F. Loucka seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

M. Stark MOVED, S. Holovacs seconded to adopt this ordinance by emergency. Discussion: B. Holmes thanked the mayor for going around to the downtown businesses. He went around as well and spoke to several other folks in the city who sees both sides of the issue. He thanked the family who would like to donate money to the city. They do have other areas that they certainly would like to get developed such as Main Street Beach, and they would gladly welcome them to attend the Vermilion Parks & Recreation Board meeting that begins at 6:00 p.m. in this facility to come and speak to Parks and Rec about their generous donation to areas the Parks & Recreation Board oversee and take care of. They would gladly like to hear from them about their generous donation. He said he visits several areas – South Haven and Saugatuck, Michigan that are very much like the City of Vermilion. They also have several places that have an art sitting area right along the river and Lake Michigan. They also provide enough public parking in those areas, so people can visit the boutiques, the stores, the bars, and the restaurants. He sees Vermilion in some areas lacking this type of public parking for people to visit the town. With this being said, he encouraged the folks wanting to donate to come to the Parks and Recreation meeting on June 15 at 6:00 p.m. to discuss this and the possibility of creating a site down along Main Street Beach and along the lake. What a great view they will have to sit and enjoy this. F. Loucka said he will be voting in favor of this because the plan does have sizeable green space, buffers, and screening in the walking path. There is no driveway access to Liberty, and it will be completely screened. The parking lot itself as indicated before can be used for other purposes rather than possibly having to block off Main Street, which is a major artery through the historic downtown. Also, per the mayor's survey, a sizeable majority of the local businesses in the immediate area are in favor of the project. B. Brady said she is torn because she did Third Thursday for years and this parking lot was important. There is a lot of parking that is not used in the city by the Police Department, but they cannot get people to park there. This is a visible lot, and she does not have a picture of how the green space is going to work. It is along Liberty Avenue and there is a walking path, but she does not know how she feels about this, so she is torn on what this should be. It is an awfully visible place in the city, and she is struggling with this. S. Holovacs said with this money it is also cleaning up Grand Street and the parking that is along the street. M. Stark thanked the mayor for taking time to talk to the businesses in town. She has been a huge advocate for a parking lot here and so many times when she goes downtown – not always during the busy summer months, she has to park two blocks away to just pick up lunch to take back to the office. She thinks the design is perfect with the green space and it provides a dual purpose, so she 100 percent supports this. S. Herron said he will vote for this because about three years ago they have several business owners come to council that were upset with the number of events that the city had that impacted their parking. There are many things that go on in the streets and on the sidewalks, which he is all for, but

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what happened is that it impacted the parking on a weekend in front of their business. One gentleman kept listing off these events and he said these are all Saturdays or Sundays and parking in front of his business was impeded, so he certainly hopes they can have a beautification application to what they do here, but he believes more parking is needed. B. Holmes said to give history, he did grow up in Vermilion and remembers when it was the Fulper Lot. Back when he grew up in town with the festivals, he remembers they had to park on the east side of the bridge to walk in to get to the festivals. Now, with Third Thursday and additional great programs and events he is happy on how many people come to this city and how many come that park all over. It is great they can provide a place for people to come to enjoy events, but he also hears people cannot find a place to park. He said parking has always been an issue in the City of Vermilion for as long as he has been here. B. Brady said it is nice when people park further away because they walk past more of the businesses and if they make this lot just a parking lot – and she is not against making part of it a parking lot, but she thinks making some green space where there can be a band or whatever, would be a good thing because it does not create a nothing space. They do not want a blank space. She would like more of it to be a usable space on Liberty Avenue. Roll Call Vote 6 YEAS, 1 NAY (Brady). MOTION CARRIED.

First Reading – Ordinance 2021-41: AN ORDINANCE PURSUANT TO SECTION 1240.02 OF THE CODIFIED ORDINANCES OF VERMILION GRANTING A LAND USE (ZONING) VARIANCE TO BROWNHelm CREEK REALTY, LLC, THE BARN AT BROWNHelm CREEK, LLC, KODY HERCHLER, KORY HERCHLER, JAIMEE SENK, AND THOMAS ZACHER IN ORDER TO ALLOW FOR A COMMERCIAL USE ZONING VARIANCE IN THE R-1 ESTATE RESIDENCE DISTRICT, 1440 CLAUS ROAD, PERMANENT PARCEL NUMBER 0100021000061, VERMILION, OHIO. (Public Hearing – July 12, 2021 @ 7:00 p.m.)

New Business resumed:

E. Skahen reported she had a Harbour Town resident approach her with a complaint regarding the noise of the Olde Prague that she wanted to address. Even though this was reported to the police and it continues, this resident would like to know if this can be enforced in any way. Mayor Forthofer said they have had similar complaints in the past and every time the police responds the Olde Prague complies. He is not sure about this particular one, but he will look it up. E. Skahen said she is not sure about the date, but the person is stating the noise continues, so is there way to enforce it and fine them. Mayor Forthofer said there is no way to measure the noise volume. There is no device by which they can measure, and the noise is different in different locations. He said complaints should be made – they should not be sat on, and the officers will act on those again. There is no way to mitigate a noise level. E. Skahen said the time of night has also been mentioned. She asked how many complaints the city can get with the same issue. Mayor Forthofer said so far there have been no fines to his knowledge because there have not been enough actionable complaints that would warrant a pattern. However, they have to prove the noise is too loud or out of the allowable time.

E. Skahen said the same resident stated that when the Olde Prague put their additions on outside they did not get a permit and when they checked with the building department, they were told they did not get a permit and the work was already done. She said there has been talk about them expanding outside some more. She asked if they received a double permit charge. T. Valerius said the building department has looked into this and thinks the building inspector spoke with them and sent a letter to them. E. Skahen said if they expand, how does the city make sure they go through the proper process. T. Valerius said if they expand, they will have to supply a set of drawings and apply to the Planning Commission if the footprint is changing. They will need approval from Planning and building drawings will need to be approved by the Building Official before moving forward with any construction.

S. Holovacs said during the time he has been a representative to the Contractors Board this has never come to them and nothing has been said. Usually if somebody is caught without a permit, they get double fined – it is \$500 and then they have to get a permit. He said they need to go the whole 10 yards and get a permit, even if it was a year or two ago. He asked if the city has inspected the building – if this was allowed to be built without any inspection or permits...He said this was built right across from City Hall, so he would be ashamed. He said they do need to come back and get a license and pay the fines just like any of the other residents in the City that build.

Council adjourned into executive session.

Upon the conclusion of executive session, S. Herron reconvened the regular Council meeting.

Announcement of Meeting Dates:

- June 14, 2021 – Vermilion City Council Committee Meetings – 7:00 p.m.
- June 21, 2021 – Stormwater Advisory – 6:00 p.m.
- June 21, 2021 – Public Hearing (Street Vacation) – 7:00 p.m. followed by Vermilion City Council Meeting
- July 12, 2021 – Public Hearing (1240.02) – 7:00 p.m. followed by Vermilion City Council Meeting
- July 19, 2021 - Vermilion City Council Committee Meetings – 7:00 p.m.

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(All meetings will be held at the Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH)

Adjournment:

S. Herron adjourned the regular council meeting upon no further discussion.

Transcribed by Gwen Fisher, Certified Municipal Clerk

Gwen Fisher

From: Steve Holovacs
Sent: Monday, May 24, 2021 6:09 PM
To: Gwen Fisher
Subject: Fwd: Fulper Lot Development

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From: Tina Swinehart <tswine@yahoo.com>
Sent: Monday, May 24, 2021 2:00 PM
To: Steve Herron; Monica Stark; Emily Skahen; Frank Loucka; Steve Holovacs; Barb Brady; Brian Holmes; Jim Forthofer; Tony Valerius; info@vermillion-news.com
Subject: Fulper Lot Development

Dear Mayor Forthofer, City Council and Editor,

I am writing in regard to the plans for the Fulper lot development. I attended the May 17 City Council meeting and listened to the proposal from Vermilion resident Roland VanRijn which included his offer to donate \$250,000 to develop the property into a community park/art and interactive gathering place. I was shocked to hear the offer so quickly declined because bids on the project are due to be opened on June 3. Is it in the best interest of taxpayers to reject a private donation for a project that will have a lasting effect on the downtown area and our community? Why wouldn't the city consider the concept? I understand that it would be time consuming to revisit a plan that has been in place for a while, but I don't think it is too late to consider Mr. VanRijn's proposal and incorporate it into a project with a better outcome for the city. A compromise with some parking and green space could be explored.

Please place this project on hold and make the best decision possible using the private donation as a springboard for what could be a unique and exciting space in our downtown. Rejecting a donation does not make sense to me as a taxpayer.

Sincerely,

Tina Swinehart
4867 Shoreline Way
440-231-5558

Gwen Fisher

From: Timothy Johnson <timothyjohnson1983@yahoo.com>
Sent: Monday, May 24, 2021 6:15 PM
To: Steve Holovacs; Jim Forthofer; Steve Herron; Monica Stark; Emily Skahen; Frank Loucka; Barb Brady; Brian Holmes; Gwen Fisher; Tony Valerius
Subject: 860 Douglas St concern

Vermilion City Council,

I'm emailing you concerning 860 Douglas St. This property is now owned by Herchular Homes and is a complete eye sore. The neighbor is sick and tired of looking at the condemnable residence. Herchular homes is planning on renovating this into a rental air B and B. I'd like to know how the city is planning on keeping my children and other children in the community safe. This property is on a street where the schools are located and school children are walking by daily. How can city council keep our neighborhood safe. How can the city provide protection from sexual offenders or other bad people? This is not something that needed in a small tight knit community like Vermilion. It's been brought to my attention that Air B and B's in the city of Vermilion is operating year round and are not suppose to be. It's also been brought to my attention that the Herchular's other rental properties have a lot of issues and parties happening weekly and continuous police presence. Has the city come up with any solutions to these issues? Also this property has not been mowed this year by Herchular homes. There's been a notice on the door from the city for more than a week. There's animals living in the foundation, birds living in the holes in the side of house, porches are falling down, piles of trash behind the house. I'm starting to wonder if the city really cares. You guys keep allowing these hacks to keep going. Please review the pictures and see what we have to deal with on a daily basis. I've wrote the mayor and building inspector numerous times in the past about this property but nothing ever happens. I was told by the mayor last week that he only implements the law that city council puts into place. Please provide me with some kind of plan of action. My next step will be to take the issue public. Please show me the city that we care about so much cares about its permanent residence. I feel like if this was any of your neighbors this issue would be resolved. Thanks

Tim And Julia Johnson
850 Douglas St.
Vermilion Ohio 44089
440-371-1715

Gwen Fisher

From: Steve Holovacs
Sent: Tuesday, May 25, 2021 3:03 PM
To: Gwen Fisher
Subject: Fwd: City Property at the end of Huron, Jefferson & Perry Streets

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From: Steve Holovacs <sholovacs@vermillion.net>
Sent: Tuesday, May 25, 2021 1:52 PM
To: cppts@aol.com
Subject: Fwd: City Property at the end of Huron, Jefferson & Perry Streets

Check this out

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From: Rick Gigliotti <r_gigliotti@hotmail.com>
Sent: Tuesday, May 25, 2021 12:12 PM
To: Steve Herron; Jim Forthofer
Cc: Monica Stark; Emily Skahen; Frank Loucka; Steve Holovacs; Barb Brady; Brian Holmes
Subject: City Property at the end of Huron, Jefferson & Perry Streets

I am contacting you to confirm comments Council President Steve Herron made regarding selling city land at the end of Huron street to adjoining landowners. I have not read the full article in the VPJ, but my neighbor, Martha Marshall, relayed Mr. Herron's comments/intentions, and I share her disappointment this subject is coming up "again". The previous owner, Delores Phillips, also approached the City with a request for the land, and after MUCH objection from neighbors and constituents, council and Mayor Forthofer, decided this land **would remain city property**.

Mr. Batchelder has already taken liberties and extended a concrete drive into city property at the end of Jefferson Street. When I asked, Mayor Forthofer stated he approved the concrete even though the homeowner did not follow the normal construction process for approval (somewhat disappointing).

Everyone wants lakefront property without paying for it- this land is very valuable, and I hope the city learned its lesson from the Phillip's request (apparently not Mr. Herron). It's my understanding the Mayor and council as a majority would have to agree to sell, and the Mayor is not in favor- thank god! I hope the rest of council will take notice and NOT follow Mr. Herron's lead.

I plan to attend the upcoming meeting on 6/14 regarding this subject. I would also like this letter to serve as notice that I would like to speak at the next meeting where the subject is discussed.

Lynn & Rick Gigliotti

611 Perry Street

440-453-3758



City of Vermilion

Jim Forthofer, Mayor

May 27, 2021

Dear President Herron and Councilmembers:

Council's opinions and insights on existing matters before the Administration are always welcome. While I would like to hear Council's input regarding the Administrative issues brought before Council during the May 17th meeting pertaining to the City property at the Huron Street End, I would like to share my position on the matters.

1. I am firmly against the sale of City property on the north side of 5831 Huron Street which is owned by Bill and Debbie O'Hara. According to the Ohio Department of Natural Resources, only 20% of Ohio's Lake Erie lakefront remains accessible to the public. This reality inspired the last Administration to acquire the old Inland Seas Museum lakefront property to insure lakefront access for the use of future generations of Vermilionites. I see the City property in front of 5831 Huron as similarly valuable lakefront land that is of benefit to the public.

It requires both the Administration and Council to mutually deem City property to be "of no further use to the City," before City property is placed for auction. I believe the City property in question is of use and value to the public. No auction should occur.

2. In 2011, the property owners at 5831 Huron Street built an addition to their house. The addition placed their dinning room within sixteen inches of the property line and sidewalk. Creating this addition also placed their dining room closer to City property on the north side of that sidewalk. If the construction of this addition has created a situation where activity on the City's property is determined by the property owners to be too close to their dining room, that is a situation of their own making and does not necessitate the City Administration to deny the public's use of City property.

I believe that no action is required by the Administration regarding either of these matters.

I renew my invitation for interested parties to join a small Huron Street End Beautification Committee to propose and maintain landscaping on City property in the area. This may help avoid misunderstandings between neighbors such as the "hacking of lilac bushes." A collaborative approach may also keep the burden of Huron Street End property maintenance from falling on one homeowner. The Administration will review proposed plans twice a year and be of assistance to the committee where possible.

Sincerely,

Jim Forthofer
Mayor



Jim Batchelder
5841 Huron Street Vermilion, Ohio 44089

Vermilion City Council

June 7, 2021

Dear Council:

Last evening I learned that a petition had been circulated that does not include any signatures of abutting property owners to the beach. The petition includes information that is different from what various members of Council had shared with us. For example, the petition states it is a City owned parcel and that Huron Street ends at O'Hara's driveway. Council members had stated it to be a paper street and tree lawn. The tax map provided by the Erie County Auditor's office also showed a paper street. (see attached) Huron St Beach Inc. stated the beach is actually the right of way of Huron Rd. before erosion changed the shape and elevation of the land. (see attached Facebook post dated February 20, 2019.) The blurring of facts and opinions by the various parties is making it difficult to resolve the matter once and for all.

I respectfully request that the City answer the following questions for the benefit of Council, Huron St. Beach Inc and abutting homeowners and that the matter be deferred to a future Council meeting so the rules are followed and the decisions are fact based:

1. What is the legal status of the property known as the Huron Street beach and Huron Street-end?
2. What is the City's proof as to the ownership of Huron Street? If the street is owned by the City, what right does the City have to put an obstruction (ie...bench) in a street meant for vehicular traffic?
3. Was Huron Street abandoned westward past the O'Hara's driveway? If so was an ordinance involved? What legal process was followed?
4. What are the rules of a paper street?
5. What are the rules of a tree lawn?
6. If there is a parcel number for Huron Street beach, when was that number established?
7. What is the process for the City to sell a parcel owned by the City?
8. What other parcels has the City sold in the last 5 years and what process was followed?

9. If the land is a City-owned parcel what are the City's obligations to pay to maintain it?
10. What do those maintenance obligations include generally? And specifically, do those maintenance obligations include permitting and resetting the wave breakers, maintaining the dock and beach, trimming the dead trees, providing and emptying trash receptacles, maintaining the bluff?
11. Is parking permitted on the side of a street without curbs where a fire hydrant is located? What are the restrictions on parking by a fire hydrant?

Finally, my reputation means the world to me and I will do what it takes to defend it. A rumor is circulating that I threw the bench to the beach and busted it up. This is false. The bench was delivered on my property and Mayor Forthofer was not aware it had been delivered. Per my September 6, 2019 email to Mayor Forthofer, we moved the bench to the "end of Jefferson" per the Mayor's Report in the August 8, 2019 Photojournal. That same bench is now on O'Hara's tree lawn and in fine shape.

We can disagree on opinions but it is critical we agree on the facts and follow the rules. This matter has gone on for years and new people have become involved not knowing the facts. I hope the Mayor and Council work together and answer these 11 questions and then give interested parties an opportunity to work out a mutually acceptable solution- including addressing any legislative gaps in missing laws. We all want access to the Lake for the public and we all want reasonable enjoyment of our property- we should be able to work from there.

Respectfully submitted,
Jim Batchelder

From: **Jacquie Batchelder** jfbatchelder@gmail.com
Subject: **Text from FaceBook post about the beach**
Date: **Jul 21, 2019 at 8:53:43 PM**
To: **Home batch@sssnet.com**



Huron St. Beach Inc.

February 20 ·

Huron Street Beach

The city of Vermilion, Ohio owns a small beach at the west end of Huron St. The city cannot afford to maintain this beach as well as the large Main St. Beach. Huron St. Beach is accessed by walking west at the west end of Huron St. about fifty feet on property that appears to be owned by the adjacent home owner but is actually city property and then going down a fire escape ladder with a low bent pipe handrail on one side. The beach property is approximately 170 feet long east to west. The east to west length of the beach is ninety feet. The north south section of the waterline is too steep to be a beach. The beach property is actually the right of way of Huron Rd. before erosion changed the shape and elevation of the land. Jefferson St. runs north to Huron St., but the land is washed away so that the north end of Jefferson St. is hard to recognize. The west end of the beach is clearly defined by a concrete wall in the sand. The property beyond the beach is privately owned. Some of the property owners west of the beach are not eager to see more of the public using the public beach.

The beach is in a small cove and is about twenty some feet below the surrounding area. The beach is totally protected from east, west and south winds. The beach also has an old boating pier. The beach is beautiful and needs to be seen to be appreciated.

In a tourist town having such a beach should not be a secret.

The present stairway looks pretty in the picture, but it is an old fire escape that was removed from a building when it was no longer safe to use. The 18- inch wide fire escape was set on the slope to the beach and some pipe was set up as a handrail. The steps pitch down into the slope. The knee-high handrail is not much use. The whole unit awkward somewhat dangerous and is rusting away.

A new wooden stairway wide with good handrails on each side is needed for safe access to the beach.

Huron Street Beach Inc. is non-profit organization of Vermilion Residents who are trying to raise money for a good stairway to access the beach so that residents and tourists can enjoy this beach. All money raised will be used for the stairs to access the beach.

Phone calls from people interested in helping to save the beach or who are just curious may be made to David Terken at 440-320-3966.

Huron St. Beach inc. is a non-profit incorporation and is tax exempt. Donations can be sent to Huron Street Beach Inc. address 1042 State St., Vermilion, Ohio 44089-1243.

Let's save this special unusual asset so that it can be enjoyed.

To: Vermilion City Council

From: Bill O'Hara
5831 Huron Street
Vermilion, OH 44089
513-763-0301

June 7, 2021

Dear Council Members:

I come before you tonight again with a heavy heart on several ongoing, sensitive matters. We can all agree to disagree, however, let's all do it in a respectful fashion.

I'd like to share with you statements made by the Mayor from the minutes of the Council and Streets, Buildings & Grounds Committee meetings of July 15 & 22, 2019.

1) Mayor Forthofer stated he is in favor of creating a safe stairway, but not promoting it as they will have people migrating from the Main Street Beach to the Huron Street end area.

** 2) They are not turning it into a park and not infringing on anyone else's property.

3) He does not want anything that simulates a park being formed at the top. He heard people talking about placing picnic tables, benches, and grills but this is not going to happen because there is no parking at the top or facilities for trash. He doesn't think the chief wants to start ticketing 50 people per day.

4) The area at the end of Huron Street remains a city street end. It is not a park. There is absolutely no parking available. The Parks Dept. does not have the resources to start maintaining the site nor the city.

The Mayor indicates he is firmly against the sale of city property directly in front of our home. Let me point out the area is not lakefront land and it would have no effect on the end of Huron Street, the stairs, or easy access to the beach.

Tina Swinehart indicates we would like to purchase a portion of the city property but just enough to not have lakefront taxes. Again, this not lakefront property.

I would like to clarify the addition to our home in 2011 is built on the same foundation footprint as the original house. The only variance approved by city dealt with a one foot increase in the size of the rear (south side) porch and had nothing to do with lake side north or west sides.

I am attaching a Historical Aerial View Image from 1956 confirming the north side of our home has always been right up against the sidewalk long before we owned it.

Members of Council advised us this area is "tree lawn" and encouraged us to explore purchasing a section of this land in an effort to eliminate this issue and subsequent matters.

We question the need for a Beautification Committee to oversee the planting and maintenance of the tree lawn. Debby and I have been doing this with the city's permission, at our cost, for the last 10 years. Before the stairs were constructed, the Mayor offered compliments and appreciation for our efforts. He also advised we were free to add additional landscaping for privacy.

Please note the location of the stairs was changed at the last minute to make them more visible from Huron Street, easier access and safer to use. The additional cost was donated by my wife, Debby, myself and Jim and Jacquie Batchelder.

The new stairs were installed nineteen months ago to allow everyone safe passage to and from the beach. We have gone from a quiet street end to a heavily traveled destination. Everyone desires to be close to the water, however, there is no seating on the beach. The adjacent property owners suggest the bench be relocated to the beach permitting everyone (residents and guests) to enjoy some sense of privacy and give beach visitors a place to comfortably sit and relax.

We look forward to your thoughts. We believe our (all adjacent property owners) recommendations are offered in the spirit of compromise and reflect a very reasonable final solution to all issues.

Sincerely,
Bill O'Hara

July 22, 2019 Council Minutes

Huron Stairs

After Ms. Marshall of Harbortown and Mr. Terken of Rt. 60 came to me over a year ago with a request for a stairway access to the water through City property at the end of Huron Street. I told them City could not invest the funds but if they came up with the quoted amount for wooden stairs we would reconvene. The group came to the July 8th Council meeting stating they had the money. Since then, other neighbors in the Harbortown area have voiced concerns and proposed an alternate plan. They came to my office this past week. To ensure whatever direction, we go does not expose the City to unnecessary liability, I have asked the Law Director to give an opinion on our options. Councilman Gabriel has been kept up to speed. I have a check in hand, when we have a legal opinion, my intention is to recommend action or non-action on these stairs. Either way, the area at the end of Huron Streets remains a City Street end. It is not a park. There is absolutely no parking available at the street end. The Parks Dept does not have resources to start maintaining the site nor will the city. I am against the talked about, picnic tables and grills and City signage advertising the beach. I want to avoid visitors from Main Street Beach migrating down Huron to this beach where there are no accommodations to support them.

July 15 Streets, 2019

TOPIC ONE: West Huron Street Beach Access Proposal

Margaret Wakefield Worcester read a letter into the record dated July 15, 2019 that is attached hereto and incorporated herein as the official record of proceedings. An aerial view of lots west of Jefferson Street to Edson Creek, as well as a Quit-Claim Deed were attached as well. At the conclusion of reading her letter, she said the only access they have is on Huron Street and going to Jefferson Street.

J. Gabriel wasn't aware there was that much confusion about this issue. M. Worcester said very much so and the people that were in attendance at the Council meeting last week all believe the public beach has 400' of beach, and this is why people donated to the stairs because they want to open up the public beach with the idea that they have this much beach to enjoy. However, this is all private property. J. Gabriel said typically it is up to property owners to post private property signs.

Mayor Forthofer said M. Worcester is right as there are additional considerations from what was expressed in the meeting last week, and really none of the residents that border this proposed area where the beach stairs will be, were apparently represented. He is meeting Wednesday at 1:00 p.m. in City Hall with the City Engineer and Service Director to review the placement of the stairs because of the additional information that has been brought to light. This is not a done issue until he is satisfied. They are not turning it into a park and are not infringing on anyone else's property. They have been working on this issue for over a year with certain individuals, but there are other people who have a say in this and hopefully some of them will be present at the meeting on Wednesday. He said M. Worcester brought up some relevant points and those are the ones they are going to consider. Just because the people raised the money and said they are ready to go; it's largely an administrative issue to decide what they are going to do on this problem.

M. Worcester said the property owners that about the property are very happy to remove the two staircases.

Mayor Forthofer said one of the reasons the city is in favor of some type of staircase someplace is because it's on city property and people are using the existing staircases that are hazardous. One is a fire escape that has been jammed into the side of the hill and the other is rusting away. Anything is better than what is there, but when and where is still an undecided issue. He does not want anything that simulates a park being formed at the top. He heard people talking about placing picnic tables, benches, and grills, but this isn't going to happen because there is no parking at the top or facilities for trash. He doesn't think the Chief wants to start ticketing 50 people a day, so again, they need to proceed carefully. Just because the money has been raised doesn't mean they're ready to pull the trigger.

M. Stark asked if the current staircase is on public property and M. Worcester said both staircases are. M. Stark said it's a very hidden road to find and M. Worcester said Jefferson is a driveway. M. Stark said it's actually a street and M. Worcester agreed it's a street, but really a one-car driveway. M. Stark said the aerial map shows that a portion of the driveway was erected on city property. Mayor Forthofer said where the driveway was put in on Jefferson Street itself was horribly eroded and the city was never going to get around to patching this when they have so many other highly traveled streets, so the owner's asked if they could extend concrete at their expense to patch these parts on Jefferson Road. He said it remains a city street, it's just that he patched it with concrete when he poured his driveway, and the Mayor told him that this sounds like a good deal to him. M. Stark asked if this area is open for anyone to walk down to the beach and not be told they're in someone's driveway. B. Brady said it's a road. M. Worcester said the property owners along that driveway know this is a road. M. Stark thought somebody came before them a month ago that lived on street end asking for permission to place landscaping, and city council approved this, but this issue was never brought before Council, so she questions why Council approved Edgewater and not this. C. Howard said the property owner owned the property adjacent to the dead-end street, which can never be built on. He couldn't vacate the property because it's next to the railroad tracks. M. Stark asked how this would be any different because Jefferson Street is a dead-end street as well. C. Howard said at Edgewater the property owner was only planting stuff in the right of way to beautify the area and there is no public access to the lake. M. Stark still questioned why Council had to approve one and not the other or had any clue this was happening on city property. Mayor Forthofer said it cost the city no money to do this and it's still a city street. M. Stark said the one on Edgewater is a city street as well. She thinks this is a huge conflict where one was allowed, and one didn't come before council for approval. M. Worcester said the concrete is not impeding the way for anyone to walk down the street.

B. Brady said the city should post something to let people know there is a public access point to the beach. Mayor Forthofer said he's in favor of creating a safe stairway, but not promoting it as they will have people migrating from Main Street Beach to the Huron Beach area. B. Brady said the city made the Nest go through hoops to pave his parking lot when it was a city street. It had to be paved according to specs to build the city street. M. Stark said they were improving city property just like this one. B. Brady agreed this was an identical situation and they should have been made to build the street to city specs. As stupid as that would seem, it's still a city street and the city would be liable if something happened on that piece of property.

S. Herron said they have had several things coming up which are individual issues, but he is in favor of safe stairs. Mayor Forthofer will report to council after his meeting.

J. Gabriel said as a government group they only see one side of the fence and then the other side comes in. It's like a solution looking for a problem and he doesn't see where the problem is. Everybody knows where the lines are, and everybody is neighbors.



Ohio Department of Natural Resources
Office of Coastal Management

Historic Aerial Imagery

Address: 5841 Huron Street

CEA Frame / Transect: 476 / 04 to 05

City: Vermilion, Ohio

Aerial Photo Year: 1956

PPN: 1800953000

Parcel Data: Erie County Auditor

Scale: 1 inch = 40 feet

Prepared By: trapp 7/23/2018

