

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Public Hearing

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Monday, June 13, 2022

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 at Large; Pat Stein, Ward One; Greg Drew, Ward Two; Teresa Mayle, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five. Absent: Monica Stark, President of Council (ill)

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

Mayor Forthofer reported that Chief Bill Brown assumed command and will be the first full time fire chief in the history of the Vermilion Fire Department. He also mentioned that David Coen, Assistant Fire Chief retired after 46½ years on the job. He is 76 years old and in a department of thirty, is the top five incident responders. Whether it is the middle of summer or the middle of winter, he gets up and responds to the call. Dave was going to retire January 2, but when Chief Stempowski had an injury, he decided to stay on to physically help him out. Mayor Forthofer read something Dave wrote by saying it is has been his honor and privilege to serve the city and the citizens that live here. He has made many great friends that have become family. Being a firefighter and officer, he met amazing men that will follow you into a fire and risk their lives to save others without hesitation. The memories made will forever be with him. Mayor Forthofer said there were many hugs and moist eyes as they said goodbye to this legendary firefighter, and he thanked Dave Coen for his service to the community.

CALL TO ORDER:

Steve Herron, Council at Large called the Monday, June 13, 2022, Public Hearing to order with regards to:

Ordinance 2022-41: AN ORDINANCE PURSUANT TO SECTION 1240.02 OF THE CODIFIED ORDINANCES OF VERMILION GRANTING A LAND USE (ZONING) VARIANCE TO RUSSELL MAURER IN ORDER TO ADD A RANCH HOME IN THE I-1 LIGHT INDUSTRIAL DISTRICT, LOCATED AT 5890 HABER ROAD, VERMILION, OHIO.

Russ Maurer of 502 Portside Drive addressed 5890 Haber Road, which is the corner of his family's farmland out on the west end of Haber Road. It is currently being farmed and it is zoned industrial on the other side, but he does not think anyone wants industry there. He feels residential is the obvious use and he would like to build a three bedroom and three-bathroom ranch home (1700 sq. ft.) with a 100' setback, which is standard in the township. He plans to keep his neighbors happy.

Ordinance 2022-40: AN ORDINANCE REZONING PROPERTY AT SUNNYSIDE ROAD IN VERMILION AND LORAIN COUNTY, OHIO OWNED BY CORNER LOT PROPERTIES, LLC AND COLLECTIVELY CONTAINING AN AREA OF APPROXIMATELY 120.6 ACRES FROM R-1 ESTATE RESIDENCE DISTRICT, RESPECTIVELY, TO A PLANNED UNIT DEVELOPMENT DISTRICT.

Dan Kelley of Corner Lot Properties, LLC explained he has been working on this project for a while and has been checking all the boxes required to do what they need to do to bring a quality project to the City of Vermilion. They will be extending the sewer south of the railroad tracks and when they extend the sewer it will afford a lot of opportunities for the city in the future. In the meantime, he is partnering up with one of the better National Homebuilders (Ryan Homes). They can deliver quality homes in a timely fashion to the end user which is the buyer. The reason for the request for the zoning to the PUD subdivision is because today's homebuyers do not want larger lots. He noted the type of home structure that Ryan Homes puts in will be discussed by Emily Katcher. He said the buyers are looking for a lifestyle. They are not looking for major care in their yard and maintenance, but they are looking for lower maintenance and more of a lifestyle type of need. This is the product in the size of the lot that the consumer in today's market is buying, and they are buying them up at a rapid rate. They are trying to feed the demand that is present in the City of Vermilion. There are a lot of developments in neighborhoods in existence in the City of Vermilion that have lot sizes and density like what he is proposing. There are over sixty-five streets in the City of Vermilion that have the majority of the home sites on 55' frontages or less, so it has the same density or greater density than what is being proposed. There has been a lot of research and thought into this project and he welcomed questions from the audience and council.

B. Brady said the sewers is one of her biggest problems. D. Kelley said the city engineer has confirmed capacity and he would let him address this. B. Brady said there is a 10" line. C. Howard corrected this statement by saying there is a 15" sanitary line. B. Brady asked what happens when it gets to Liberty – is there where it comes across? C. Howard said yes. B. Brady asked if they were okay there too. C. Howard said yes as it was designed for this

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area for future expansion. B. Brady said the question then becomes the plant. C. Howard said the plant is being studied right now and the city has made the consultant aware of this potential project, so in their analysis they are considering this development in the evaluation of the plant. Mayor Forthofer said the goal for the consultants is to anticipate future expansion of both residential and commercial. They still do not know what is going to happen in certain areas of the city.

B. Brady said when they run the sewers under the railroad tracks – who owns the sewer? C. Howard said the sewer will be owned by the city. After it is constructed and accepted by the city, then it becomes a city line and there would be no recouping of costs.

D. Kelley said it is an expensive proposition and they are dealing with the railroad, and they must follow their lead, which causes a larger expense. He believes it will be a win-win project for the city or he would not be standing before council. When the sewer gets extended to this area, it will have the capacity to serve other parcels in that area. It will go right up to Route 2, which already has a stub at Jerusalem Road (Sunnyside Road exit). There is a lot of potential good revenue and job producing opportunities down the road when this sewer gets extended. You need a starter project to get the sewer extended south of the tracks and this project will allow this to happen and when that happens, he thinks the city will have other growth opportunities for this area within reason that the city will approve upon, but it takes one step and then the next to get to this point, so this is a good step in the right direction for the city when it comes to producing income.

B. Holmes said as a developer would they be willing to collaborate with nearby neighbors to create a buffer such as a mound or something of that nature. D. Kelley said their intent is to have each phase of the project go through engineering and the Planning Commission for approval. It is their intent to collaborate with the neighbors. Most of the land is farmland without much of any neighbor. Route 2 is the largest neighbor. The neighbors that would be there would be on the east side of Sunnyside Road, and they most definitely will work with them. The multi-generation family owner of the property that is investing to him has already parceled off land for them and they would be willing to do what they need to do to have a buffer within reason.

B. Brady said originally the PUD request was for 160+ acres and they pulled out 40 acres. D. Kelley said this is not correct. It was always for the 120 acres and the first time he went before the Planning Commission was preliminary for concept. He was a little bit off on having everything one hundred percent to the tee, so he is proposing 120 acres for residential. B. Brady said out of curiosity for density – is it lot size that creates the density? She explained that she lives in VOL and the lots are 45', but the homes on this property will be much larger than the homes sitting on the 45' lots in the VOL. D. Kelley said he will let Emily address this, but from a square foot capacity it absolutely will be, but from a footprint standpoint he does not believe this is necessarily the case. The widest home they will have there would be a 40' wide home, and he doesn't believe every home there will be 40', so from an appearance standpoint he thinks they will have a lot of green space. In the plans, they have parks with playground areas for the children of the development, walking trails, dog parks, a gazebo area overlooking some water. So, there is a lot of green space and walking trails throughout the entire project, so it is not as tight as one would suspect.

S. Herron asked where the water would be coming from. C. Howard said this would be the service area of Northern Ohio Rural Water, and the only thing they requested at Planning Commission is that fire hydrants would be required, and they will need to work with Rural Water directly.

P. Stein asked how many homes they are planning to build. D. Kelley said it is approximately 429 homes.

B. Brady asked if they would keep ownership of the streets. She knows they are doing snow removal and mowing – it is like a 55 year and over type community, so does this mean they are going to keep the streets, maintain them, and clear the snow off the streets. Are they dedicated streets? D. Kelley said they are public streets and the lifestyle portion on the west side of Sunnyside is something that is being deliberated on as far as how much amenities are being provided to the residents there from the lawn service to the snow removal. This was being provided on their property, but not on the streets themselves. B. Brady asked how the administration felt about assuming these amounts of streets for snow plowing. T. Valerius said he has not looked into how many added streets there will be but feels the streets crew can handle it. Mayor Forthofer said with the additional residents, there will come additional tax dollars and those revenues can attribute to the services, such as snow plowing. D. Kelley said when it comes to any city services on the streets, your cost per resident is lower in a PUD development then it would be in a traditional R-4 zoning because of the lot sizes, so for each individual resident that is there, the tax dollar they are generating for the city to cover those services the city provides, is greater.

T. Mayle asked if this development would be in the Vermilion School District. D. Kelley said it is Firelands School District and it is in the City of Vermilion. B. Holmes noted that Vermilion has open enrollment.

B. Brady said she had to go back and read the PUD because the city has not done this in a long time, but she advised they have two years to start building. She asked if this was a reasonable period. D. Kelley said it is more

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than reasonable if everything goes as anticipated and they could begin in June of 2023 with the first model. B. Brady asked if they would put all the streets in at one time, as she sees they build after somebody buys. D. Kelley said as the developer he is improving the site, so he will work closely with the city to make certain that everything is going under the ground the way the city would want it to be done, and the concrete is going in to the grade the city wants it to be, so everything is done to the specs that the city would want. He said the sale and the build of the homes would be done by Ryan Homes for the consumer. Emily Katcher of Ryan Homes said the street will be done in phases, so 40 to 60 lots or home sites per phase on either side of Sunnyside Road, so this would also allow the plows and everybody to ease into it. It is not all sudden where there will be four hundred people living there. B. Brady asked if these are concrete streets with curbs and gutters. D. Kelley said yes.

Emily Katcher of Ryan Homes said they are excited about this project for a variety of reasons. She mentioned this is way homeowners are living in both product lines currently. On the one side there will be two-story homes ranging from 1,400 to 2,200 square feet, which includes three to five bedrooms with two and a half baths, and a two-car attached garage. Ideally, these homes are going to start in the \$230,000 - \$250,000 price range and by the time the infrastructure is in it could be in the \$250,000 - \$270,000 range, but hopefully costs regulate a little bit. This side of the property will include sidewalks and a playground for the children. People on the side of the two-stories still want to know their neighbors and have community parties, and to borrow sugar. She said it has changed from what they have seen for over 18 years and what they saw when she started and from what they see today which is vastly different. They want affordable and less maintenance because nobody wants to spend all afternoon mowing two acres and they want to be out doing things. She said the kids could be playing four or five sports, or they have travel, so they really want the more reasonable yard size. On the ranch side of the property, it is a lifestyle, and they want their yard mowed and their driveways and sidewalks plowed by a HOA management company which will take care of all of this. She said they spend more time vacationing and they have seen neighborhoods that have bridge clubs and walking groups. People who move out of two-stories want to be in a certain area and they want to be with other like-minded people to improve the stance of their lives. They are also seeing people move away from their cities and coming to areas which offer more of a vacation land, which Vermilion is really the first place off Route 2 that they start to call a vacation land. She said the people want to be part of a small town and want to be regulars at a restaurant, and this is what they are hoping this community can start to provide. S. Herron asked if this development is for fifty-five and up. E. Katcher said it will not be required to be fifty-five and up. She said they call it 44 to 75 and they would be surprised on the percentage of people who are buying in their thirties and forties. She said it is called 'Age in Place,' so you do not have to move again. She said the outlets and the sinks are higher. Everything is so they can age in their home without having to relocate.

Marilyn Brill of 1745 Cooper Foster Park Road said she lives in the Brownhelm section of the city and is concerned about the existing property owners on Sunnyside who will be affected by this sewer. Will they be allowed to remain with their septic systems, or will they have to tie into the new sanitary sewer. C. Howard said per EPA requirements if the foundation of your house is within 300' of the right of way sewer, then you are required to tie in. M. Brill said this is a cost of \$1,300 to the homeowner because she checked. She expressed concerns with traffic - traffic has not been mentioned at all and even though Route 2 is right there, they still have a lot of country roads out there and there are a lot of children in the area, so they're going to add 429 homes - a lot of children will be added to this area, so this is another concern. She understands the city needs growth and she knows it is coming, and she appreciates the housing development better than what they have talked about for the last two years.

Ken Cassell of Cassell Homes said he is not present to oppose what the developers are proposing to put in, but he is trying to gather information because he owns several parcels of land in Vermilion, and the other parts he will be developing. He does have a 50-acre site near the Pit Restaurant and wants to see what is being proposed and what council is willing to accept for this because what is good for one area hopefully will be good for the other area. He understands the streets and improvements will be done to city standards that they all comply with. He noticed in the literature that in one spot it called for the 50' right of way and the 10' is one of the required, but another spot only required for 50', so he thought there might be a typo on the literature as it conflicts with what was given to council, so he wanted to make sure it was on the record as such.

Ed Williams of 3385 Cooper Foster Park Road said he lives in the Brownhelm section of Vermilion. He had concerns about zoning implications that this will set a precedent and will impact ward five. They have a two-acre requirement currently in ward five and he is not sure this is for the entire ward, but it is a two-acre requirement with a 150' frontage. He said there is still a lot of farmland in this area and he would hate to see this eventually change. He was also concerned about the traffic as Sunnyside because it is not in the best shape. It is nice that sewers are going to go in and natural gas he would assume, but there is traffic - especially if you go south of Cooper Foster Park. It is difficult for two vehicles to pass, and it drops off into no man's land.

Kyle Williams of 4542 Howard Drive and son of Ed Williams said he grew up on Cooper Foster, but currently lives with his wife on Howard Drive, which is in the city off Vermilion Road. His interests in this rezoning request are because they bought five acres on Sunnyside Road with the intention to build their dream home, which he thought would be the most affected lot. He is looking potentially to build a three-quarter million-to-two-million-dollar home and they thought with the farmland around there a home like theirs they have always dreamed of would help draw

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more expensive home builders – people that have the same idea. He said they just met a couple from Avon that bought land off Sunnyside to develop, so he thinks the opportunity for individuals to come in and develop the land naturally is something the city should consider and be interested in because with the history of Brownhelm Township – he was not excited when the city annexed the township in the early 2010s, but he has been impressed with the city administration and he thinks if the city does decide to go forward with this, they will do it thoughtfully and make it a very nice project. However, it may deter them from building, but the land value may go up so he may end up good. He said this is something to consider for the beauty of Brownhelm and keeping it a one-acre requirement for build. He said to rezone as a PUD it is asking for a lot of people to own the homes and rent them out. Nationally a bad trend happening is mutual funds and banks are starting to buy homes in this lot size and price range because they are looking at it as a worthwhile investment. If there is way to prevent that from happening with the project that would be thoughtful. He addressed comments from the developer as they said the city already has many homes in this lot size range, but he didn't think this was a factor in the conversation because those lots are not in ward five and Brownhelm Township, and to use this as a supporting reason for the city to move forward with a project like this doesn't necessarily make sense to him. The other comment relative to people wanting lot sizes like this – he doesn't see this as accurate or true, but he knows developers will know more about the market then he does, but he thought the beauty of the vacation land as they put it, is they have this space and if they get away from that, then they're getting away from the vacation land feel that Vermilion offers.

Jay Kiska of 2740 Cooper Foster Park Road said he is not against development at all, but he has questions and concerns as several times on the weekend there are trains stopped on the tracks because of the switching yard, so this also entails houses on fire and police getting out there, and then there is a different route they must take. He did not know if anyone took this into consideration. He said there is a 15' sewer line that will be extended and it is large enough to support those homes, but they also heard the words 'future growth' and there are several plots down the road and if they authorize another PUD and another 400 homes go in, then you would have to tear up the entire line and replace it. He said if the city is going to do this now and they are going to allow these homes to go in, then they might as well replace the whole line for future development because there is no way they are going to support commercial down the road on this same line. Down the road who is going to pay for it – the taxpayers? He knows the city will get tax revenue from everything, but at some point, the city is going to lose money because they will have to change the infrastructure down the road, so if you are going to do this, do it ahead of time. He said on Sunnyside there is a 6' ditch on one side of the road and when it rains it is full to the top and the road buckles because there is a natural spring under it, so let alone the 429 homes and he is sure they will divert water and maybe put in some retention ponds or something, but this is another thing the city might want to consider because you have a lot more water dumping into the 15' line when it rains. This road may need to be replaced or repaired. He understands this will be a HOA and he was in a Ryan development, and he was on the HOA board when it was brand new. He can give his side, which there are a lot of problems and issues. The thought is that many people want to live close together, but it also creates a lot more problems because people do not know their neighbors anymore. Reality is – you can be a mile down the road from each other or 50', but they still have problems and when you put people closer together, you can have a lot more problems. Now, granted the HOA did take care of a lot of these problems because a lot of them were silly – basketball hoops, bikes left in the neighbors' lawns, but these silly things do escalate, so you must think about police response times. This is a development going in out in the country – it is not in town. If you put it in town, it is a lot easier to maintain and control, but it is a separate entity out in the country and it takes away the country feel because what about the farmers that still farm. They are going to be farming and they may have chickens and goats – his son in his development is now getting hay fever because of the crops – there are many silly arguments that happen, but they happen because you are trying to match two different things. A small town and country together at the same time and the city is going to have many issues with this. He said he is not against development, but he thinks they need to be smarter about it. The PUDs were initiated later in life, and they put the other zoning districts in place for certain reasons to maintain a type of living in that area. Now they are going to change them, so if they change them, let's change all of Vermilion to a PUD, so somebody like Mr. Cassell does not have to come back later and argue to get something.

Daniel Wallhead of 1263 Sunnyside Road said he is south of the railroad tracks and has 600' of frontage, thus being said he has 600' of property that will be up against this property line. He said he grew up in Brownhelm Township and participated in 4-H and FFA and raised everything but cattle his whole life. He has small kids and eventually wants to get them involved with 4-H and FFA, but his property would be right up to these houses, which may be an issue for the homeowners. Obviously, as zoned currently he is allowed to do this, but they may have issues with what this area is and what he is able to do, so this is something for the city to think about. He said this is changing the way of life for this area, including him who has been there for 10 years. He understands the city wants the growth and the tax income, but it is changing what Brownhelm Township is and the way of life for the people that do reside there currently. He said they are throwing this development right on top of him and it is something to think about.

S. Herron said he works all over the State of Ohio and people ask him if Vermilion is a farming town, a suburban feel, a lake town, or a vacation town, and he tells them yes to all.

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Tim March of 1350 Sunnyside Road said he is right across the street from this proposed development and has lived here since the 1966 and it has been a blessing – it is country. He identified all his neighbors and said it has been excellent. The problems they have had is flooding during heavy downpours and the ditches fill up, which floods the road that happens yearly. They have the railroad tracks with the trains stopping all the time during the day and night, so rerouting emergency vehicles could be an issue. He said they have the Eagle's Nest, which is in the middle of the field, so what the is the city going to do about this. Do you want to destroy an Eagle's Nest? They have four eagles that live there, and they sit in his trees, so he would hate to see them go because they have been there for many years. He said they can see the floods in the fields. He does not see the storm sewers managing this as there is way too much. He does not see a development in front of them and he just sees a whole bunch of problems.

S. Herron said they understand it is not just about housing, but a change of life, and the quiet enjoyment of somebody's life is changed when something out there happens. He thanked the public for coming in and expressing their comments.

B. Brady asked the administration to react to the storm water and fire response issues. C. Howard said they are required to do stormwater management for the development, and fire access is why the Highbridge Road Bridge was put in, so they have access to the south side. B. Brady asked if they need retention and C. Howard said yes. B. Brady said it should not be any worse than it is now. C. Howard said it should help the situation of the ditch along the frontage because they will be going to their own stormwater facilities onsite. Mayor Forthofer said he mentioned this event to Chief Brown and advised him it may impact the population to some degree, and Chief Brown said he has this on his radar to plan for. C. Howard said Sunnyside Road was paved last year and Phase 2 is being worked on now and that is a 2025 project, which will go further north towards Liberty.

B. Holmes asked if the sewer line looking towards the future is something they need to evaluate. C. Howard said currently to get to the south side of Route 2, you must pump it across, but he does not foresee this in the near future. It would be everything north, and as you go down Brownhelm Station Road as you get closer to Vermilion Road, there is a sewer there, so if there were future development, they would go in that direction too.

Pat Stein asked where the Eagle's Nest is located. Tim March said it is in the middle of the field across from his house.

TAX BUDGET HEARING

Resolution 2022R-8: A RESOLUTION TO APPROVE THE 2023 TAX BUDGET.

Amy Hendricks, Finance Director explained the purpose of the Tax Budget is to support the need to the County Budget Commission for the levying of the property taxes that are in place. For example, in the general fund, the city's estimated 2023 revenue is just under \$2.5 million and the total budget for the general fund is projected for next year to be \$6.1 million. The other funds represented are the fire levies, the police pension levy, and parks operating. These funds use monies from other sources as well for other balances, so they can represent to Erie County that the city has a need for the Budget Commission to levy those taxes. This is just an asking budget, and it does not give them any spending authority or anything of this nature.

Upon no further discussion, Steve Herron adjourned the public hearing.

Transcribed by: Gwen Fisher, Certified Municipal Clerk