

# RECORD OF PROCEEDINGS

Minutes of Minutes of the Vermilion City Council Public Hearing & Regular Council Meeting Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, July 12, 2021

Held

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

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

## CALL TO ORDER:

Steve Herron, President of Council called the Monday, July 12, 2021, Vermilion City Council Public Hearing to order. He advised the residents they would get three minutes to address Council. He noted that Council received phone calls, emails, and letters regarding this matter. He said any emails/letters will be part of the permanent record, which are attached hereto and incorporated herein as reference.

**Third 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.

Kody Herchler representing Brownhelm Creek Realty, LLC, The Barn at Brownhelm Creek LLC, Kory Herchler, Jaimee Senk, and Thomas Zacher provided Council with a handout describing the proposed barn wedding venue on Claus Road. He explained the barn is currently 6,000 square feet and it was purchased from James Northeim. He said they are seeking commercial use to run a wedding venue. He provided drawings from an architectural group in Vermilion and noted there are 71 regular parking spaces and four handicap spaces that will be paved. He said the excess parking out back will be gravel. He said they will have a dining hall with one head table for the wedding party and 19 additional tables for guests so they can house up to 300 people per square foot allowed by a commercial use. He said renovations will be made inside and it noted there is water, and they plan to make it an elegant, high-end, rustic barn venue. They will have interior plumbing, restrooms, bride and groom quarters, janitor closet, warming kitchen, storage room, and office. There will be a serving area and a stage. They will not be changing the footprint on the exterior of the barn as they will keep it a rustic dairy barn to host weddings. He said they applied for the LLC with the state. He said there is an encroachment on the side of the property to the neighbors to the south – there was a concrete driveway that was put in years ago that goes across the property line, so it will be removed when they put up the barrier around the property. The barrier around the property will be pine trees and fences. He said per code pine trees will meet required code of 90% opacity within 12 months of planting, while fencing will allow for immediate 100% opacity. He said they plan to plant mature trees that will fill in and line the property, so that you cannot see in or out. It will be more expensive than a fence, but the trees are helpful with sound. He addressed the letter they submitted to the property owners, which explained who they are and what they are trying to do. He said they bought a house on Claus Road, so they will be seven houses down from the barn and will be a neighbor as well. He addressed the concerns of the neighbors and said the first was a fire hazard due to the proximity to the houses and the road. He said the barn will be equipped with a "Wet Pipe System" on the interior where the bride and groom quarters and restroom will be. He said it will have a sprinkler system throughout per code. He said regarding the increased noise concerns the venue will close at 10:00 p.m. and after cleanup everyone will be gone by 11:00 p.m. according to the noise ordinance of the city. He said this will not be a hillbilly barn venue. The barn will be priced at \$5,000, \$6,000, or \$7,000 per night on the weekends, which is comparable to what the city has. He said the city has the lake, vacation rentals, and local shops and they will utilize all of this and bring it into the barn venue to make it a city favorable barn.

B. Holmes said he sees they have the liquor wedding event liability insurance and asked if they would be applying for a liquor license. Kody Herchler said no as they will not be serving any alcohol or selling any alcohol. They will only serve what the guests provide. The liability insurance is to cover the venue and investors from liability. B. Holmes said there is no septic system and questioned what their plans were. K. Herchler said they will speak to the engineer on this as this is still preliminary, but they will find out what septic system will support what they need. B. Holmes said they will need to have a backup leach field area and with the creek running through it is hard to see where they will put this. K. Herchler said the parking lot proposed is not exactly as what he told the architect, so they would be willing to accommodate a septic system.

E. Skahen asked how many acres the barn sits on. K. Herchler said it is 2.15 acres and they own up to Northeim's farmland on the west side of the creek.

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B. Brady said that all parking has to be hard-surfaced and they cannot use gravel. K. Herchler said this is something they can do. It was their assumption that the handicap spaces only had to be hard-surfaced and the rest could be gravel. B. Brady asked how they would justify hardship when they bought the property as residential. K. Herchler said he is using the property differently than what it is zoned for, so this is why they are requesting hardship legislation.

S. Holovacs said he understands there is no sewer in this section of the city, and it is shame because they will basically need to talk to the county to find out what they will need, so what council was given tonight does not represent what will be there. K. Herchler said in terms of parking it does not. He explained the property will be fully surrounded by trees so they will not be able to see into the property except through the main driveway. He said since the plan is preliminary, they did not want to spend \$10,000 for an engineer, so they will work with the engineer and council to accommodate the parking lot, the venue capacity, and sewers.

B. Holmes said he is familiar with the area, creek, and flooding issues, so are the plans to build this area up. How would they prevent the flooding of the parking lot? K. Herchler said they would seek more drainage, and this is something they will work with the engineer on to sustain the water on the land. If they need to build up the property, then this is something they would do. They cannot see any of these issues now because they have not gotten to that point, but they are flexible in doing whatever it takes. B. Holmes said it may not have the right soil type for the septic system. He admires the enthusiasm, but he did not feel it is the right place. He knows what they do in town with rehab of houses, and they are doing a good job, but without the engineering plan of the septic and how it will work, and how much room this will take up, along with a few other concerns, it is just hard for him to swallow. K. Herchler said the solution for the septic if the soil is bad would be to build above ground and mound it, so this would be better in terms of privacy and the border. It costs more, but in terms of privacy and seclusion this would probably be beneficial.

B. Brady said it is a great idea in a different place, but this is a spot zoning issue. They are not actually zoning the property, but they are changing the permitted use on it, which in essence is rezoning the property. She said they need to look first to protect what is around it - the residents and the neighborhood needs to be the city's first priority. What they want is great and wonderful, but they have to remember this is a spot zoning issue and what has been around it has been there a lot longer than what they are proposing to do. K. Herchler said he totally understands, and they found another barn that is in the exact same situation on Whittlesey Avenue in Norwalk that is surrounded by houses. It is the Palm Tree Barn, and they were told what a great location it was, and it has homes around it, but they were able to work with the neighbors so everyone could agree to get along. He said they sent out a letter in the beginning of this and went door to door, so they are willing to do this. They do not want to come in and bulldoze the houses. They want to work with the neighborhood to accommodate both.

Dan Kaighin of 1450 Claus Road addressed council and read his comments into the record that are attached hereto and incorporated herein as part of the official record of proceedings.

Howard Frederick of 1410 Claus Road addressed council and read his comments into the record that are attached hereto and incorporated herein as part of the official record of proceedings.

Robert Leimbach of 1425 Claus Road addressed council and read his comments into the record that are attached hereto and incorporated herein as part of the official record of proceedings.

Vicki Leimbach of 1425 Claus Road addressed council and read her comments into the record that are attached hereto and incorporated herein as part of the official record of proceedings.

Dorothy Kaighin of 1450 Claus Road addressed council and read her comments into the record that are attached hereto and incorporated herein as part of the official record of proceedings.

Marilyn Brill of 1745 Cooper Foster Park Road addressed council and read her comments into the record that are attached hereto and incorporated herein as part of the official record of proceedings.

Homer Taft of 3972 Edgewater Drive said he was going to say, "Great Idea, Wrong Place", but Ms. Leimbach stole his words. He said his main concern is that the charter and ordinances do not allow this. The charter says that they cannot spot zone, and this is in fact a change of the zoning and he does not know how they treat it as a variance other than the change of zoning, but it is a change of zoning and use of one specific property in a sea of residential and agricultural use to something that is not consistent with that. The ordinances also require a number of things be found; not just hardship as Councilwoman Brady mentioned, but also that there is no detriment to the neighborhood and the neighbors have spoken to this. He pointed out that when they talk about noise, the Chief of Police has already stated before Council on previous occasions that he is effectively unable to enforce the current noise ordinances, so how can they expect to enforce the ordinances when they do not have the necessities to measure it. He said if this venue were in a different area, he is sure there would be different buffering, parking requirements, and land use requirements. Why is it not required here when you are changing the use?

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He said some people said these are secondary roads, but he would say they are church area roads. There is no easy way in and out, even including for emergency vehicles.

Donna Modue said she is new to Vermilion and has been here about a year from Cleveland. She said she loves it here and Vermilion is a wonderful place. If the barn had been used as a party center before the neighbors had bought their homes, then they would have had that choice when they bought the house, but to come in and make it now a place of noise and possible danger, is more than unfair. She felt there were plenty of properties for sale along Route 6 – commercial. There is downtown Vermilion. There are empty buildings behind McDonalds with parking lots, so there are other places they could build. She is all for a nice wedding venue, but she did not think it should be amongst people's homes. She strongly protested the variance. She said perhaps the wedding venue fails and they have already rezoned it and then these people resell it – does this mean a biker bar can move in or a flea market? Council clarified this was not a rezoning – it is changing the permitted use. She asked who could buy this property – anybody?

Katie Baker of Dean Road said she is here in support of her mom and dad and is speaking from a parent's perspective. She said if she was coming to be part of the wedding party or a guest and was parked in the back and had small children or grandchildren, and the barn was on fire, then she would have nowhere to go because her car would be in the back and they could not get past the barn, and they would all be stuck in the parking lot. She felt this puts the residents and participants in a significant danger.

Kody Herchler said to resell, the LLC can only use the mixed use, so the second it sells it immediately reverts back to residential. With concerns of the barn going to flame, there is a full sprinkler system in the interior which is more than sufficient to cover this. The worry about wiring – obviously, it will be completely remodeled and up to date with wiring and plumbing that is per code. He said no building is permitted to go into use with the ability to still burn down after being rewired. The parking lot will dictate the capacity of the barn. He said there is not a berm on the street, so it would be impossible to park on the side of the road. The day of operation is more like 50 – 75 verses the 100 number that was mentioned. The sound deafening concern will be protected by a pod, trees, and plants surrounding the property. He disagreed in terms with what a lot of people see this becoming in terms of litter and a barn fire. He said the venue will be elegant and a tax-generating business for the city.

B. Brady said one big problem is that this property is zoned residential, so all they are doing is changing the permitted use, which means the buffering which would normally be between a commercial building and a residential neighborhood, is not going to be there. So, they have almost no distance between their property line and the next-door property line, and on the other side they have 26' from the building to the property line. If this were a commercial property, what would be the side yard setback. B. DiFucci said the buffering would determine the classes of the adjoining lots, so B-3 to R-3 for example, would be at 25' or 30' and a buffer zone would be permitted. It comes down to checking the chart to see what the current classification to determine how big that buffer zone has to be. B. Brady thought this was a huge problem because they are squeezing this in a small piece of property. She said they only have 72 parking spots, so that is 150 people with two in a car. She thinks the buffer does not work.

Deanne Sprenger of 5356 Park Drive spoke on behalf of her husband Scott and herself as they are investors into this property and she is obviously a minority on speaking to support this event, but she brings excitement to this as it is exciting for a city to get a venue like this. She said they have other wedding venues, and this is a sought-out venue for people getting married. She said she is a mom of five, so she totally gets it. Her children are between 21 and 30 and they are looking at wedding venues, and this is what they are looking at all the time because this is what their kids want. They really wanted to bring something like this to Vermilion to promote the city because it is quaint and wonderful, and they want to be good neighbors. They will not stop their excitement about bringing something like this to Vermilion and maybe this is not the right area, but they are still excited about it, and they want to bring it to the city.

No further discussion was presented, and S. Herron adjourned the Public Hearing.

## CALL TO ORDER:

Steve Herron, President of Council called the Monday, July 12, 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.

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

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## APPROVAL OF MINUTES:

F. Loucka **MOVED**, S. Holovacs seconded to approve the meeting minutes of June 21, 2021. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

## PRESIDENT OF COUNCIL'S REPORT:

S. Herron moved the third reading of Ordinance 2021-41 under his report for the benefit of the audience participants.

**Third 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.

S. Holovacs **MOVED**, B. Holmes seconded to adopt this ordinance. Discussion: F. Loucka said this venue is a great concept, but 2.1 acres at 1440 Claus Road does not seem to be the appropriate location in his estimation. E. Skahen reported that Mr. & Mrs. Canterbury of Claus Road called her to voice their objection against the residential property being used commercially for a lot of the reasons the people already addressed with regards to traffic and littering. She said Mr. Canterbury wanted to suggest using ALCO for this venue. S. Holovacs agreed with F. Loucka by saying it is a great idea but wrong place, and the sewers are not there. M. Stark said this is an amazing idea and she would love to see something like this in Vermilion, but unfortunately not in this location. She did not feel this is the location for it, but she hopes they will continue to find a good place for it. B. Holmes said he loved seeing the council chamber full of people as it speaks volumes of how everybody loves the city and truly would like to see something like this happen in the city. He said he loves the idea of this wedding venue and their enthusiastic ability to create something like this and he would like to see this in the community. However, he wished they could have 100 acres there for them to give. He said if the circumstances were different as far as where the location was, it would certainly be a great and wonderful venue. He said there is a venue on Route 82 – Royalton Road in Eaton Township and the front is an elegant venue, and the back half is a barn venue, and they are booked well into 2023 with the barn venue more than the front venue. He encouraged them to continue to look for another location and to continue this great idea, but this is just not the right area, and he thinks after engineering they would find it is not suitable for the septic system because it would need to be a large septic system for 100 to 300 people. He thanked everyone for their emails, phone calls, and attendance. S. Herron said they did a great job and has every reason to believe it will be safe when they fix it up. However, 71 parking spaces to him is not big enough. He said he went to a wedding venue in Gibsonburg, Ohio and they had four times the space. He feels bad and understands they had the neighborhood in mind, so he appreciates it. He said the distance from the barn to the street was a concern to him as well. Roll Call Vote 7 NAYS. **MOTION FAILED.**

## COMMITTEE REPORTS:

### Legislative:

M. Stark reported the next regularly scheduled meeting will be held July 19, 2021, at 7:00 p.m. at the Vermilion Municipal Complex.

### Utilities:

F. Loucka reported the next meeting is scheduled for July 19, 2021, at 7:00 p.m. at the Vermilion Municipal Complex.

### Port Authority:

F. Loucka reported on the meeting held July 8. The next meeting is scheduled for August 12, 2021, at 6:30 p.m. at the Vermilion Municipal Complex. He said the Port Authority invites everyone to their Dancing on the Docks from 7pm to 10 pm on July 16.

### Finance:

B. Brady reported the next meeting is scheduled for July 19, 2021, at 7:00 p.m. at the Vermilion Municipal Complex.

# RECORD OF PROCEEDINGS

Minutes of the Vermilion City Council Meeting

Minutes of

Meeting

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Form 6101

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Planning Commission:

B. Brady reported on the meeting held July 7. The next meeting has been scheduled for August 4, 2021, at 7:00 p.m. at the Vermilion Municipal Complex. A work session has been scheduled for August 25, 2021 at 7:00 p.m. to discuss the transient rental legislation.

Health & Safety:

B. Holmes reported the next meeting is scheduled for July 19, 2021, at 7:00 p.m. at the Vermilion Municipal Complex.

Parks & Recreation:

B. Holmes reported the next meeting is scheduled for July 20, 2021, at 6:00 p.m. at the Vermilion Municipal Complex.

Stormwater Advisory Committee:

S. Herron reported the next meeting is to be determined.

Historic Design & Review:

E. Skahen reported on the meeting held July 7. The next meeting is scheduled for August 4, 2021, at 6:00 p.m. at the Vermilion Municipal Complex.

Vermilion Tree Commission:

The next meeting is scheduled for July 14, 2021, at 9:30 a.m. at the old Fire Station.

Streets, Buildings & Grounds:

S. Holovacs reported the next meeting is scheduled for July 19, 2021, at 7:00 p.m. at the Vermilion Municipal Complex.

Zoning Board of Appeals:

S. Holovacs reported on the meeting held June 22. The next meeting is scheduled for July 27, 2021, at 7:00 p.m. at the Vermilion Municipal Complex.

Contractor Registration:

S. Holovacs reported the next meeting is scheduled for July 27, 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:

American Recover Plan Reduction

In May, Congresswoman Marcy Kaptur informed me that the City of Vermilion would be receiving \$2,020,00 in Federal money for the relief of COVID's impact on the City. This is called the American Recover Plan. Amount cities have been targeted have been widely published.

We received notification from the State of Ohio that the City of Vermilion's allocation from ARP will be reduced from \$2.02mil to \$1,088,782 under Ohio House bill 168. The State is redistributing funds to townships and villages that were not originally allocated funds. Cities over 50,000 population will not have their allocations reduced.

The Administration has been preparing a list of proposed allocations of the original \$2,020,000 for COVID impacted City needs as permitted by Federal guidelines. We met last Friday to cut those in half. The Finance Director is prepared to share that proposal with Council in her report. The State and Federal Governments are making additional dollars available to municipalities for infrastructure needs. We hope to benefit from some of these dollars in order to continue with some of the projects we cannot now do due to the ARP reduction.

Fulper Lot

The construction meeting with the contractor for the Fulper Lot was held Thursday of last week.

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

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Monday, July 12, 2021

As you know, the Fulper Lot project is designed to be primarily a parking lot of 26 spaces with additional public use space. The City Engineer, Service Director and I met with Marilou Suszko and Dana Corrigan who requested infrastructure additions to the lot to enable better use of the common areas in the Fulper Lot. Vermilion in Bloom and Main Street are responsible for much of the beautification of downtown. The parking lot has green frontage on Liberty that is 30' deep and 20' walkway to the rear parking lot as public areas for development. At the request of Ms. Suszko and Corogin, an additional walkway off Liberty, an additional water line and change in the walkway width were accommodated pending a meeting with the contractor to minimize design change and cost.

## Sheri Haponek passing

I want to take a moment to observe the passing of Ms. Sheri Haponek. Ms. Haponek served the Vermilion community in many ways including as a member of Vermilion City Council, the Charter Review Commission, Vermilion in Bloom, the Lighthouse Preservation Committee, and many other community organizations. The Administration's sympathies go out to her husband David Haponek and the entire Haponek family. We are grateful for Shari Haponek's example of community service.

I request an Executive Session for discussion of employee hiring/firing and also compensation.

## SERVICE DIRECTOR'S REPORT:

T. Valerius said that he and the city engineer met with representatives from ODOT regarding the Urban Paving Project which will consist of new asphalt paving on Liberty Avenue within the Erie County portion of the city and on State Route 60 from Liberty south to the city limits. Mobilization and signage will begin the first week of August with construction to start the week of August 8.

He said the day of the bridge closure has not yet been announced, but the city has been told they should find out as early as this week.

He updated Council on the Sunnyside Road Reconstruction Project as the paving portion of the project has been completed and the berm material has been laid. Later this week, the contractors will be raising monument boxes and beginning the small items still on the punch list before striping which will be the final item. This project is slated to finish on schedule.

He stated he received an email from the Army Corp of Engineers stating that mobilization and dredging of the river will start sometime during the week of the 19<sup>th</sup>. Their plan is to dredge to a depth of 12' in the mouth of the river and extend the depth to approximately the location of the water plant and then continue upriver to the bridge at a depth of 8'.

He was informed last week that due to the lack of computer chips of the manufacturing of new vehicles, the chassis for the next plow truck the city ordered is now estimated to be completed in February, which unfortunately means the city will not see it on the road for this upcoming winter.

Lastly, he mentioned the water tower has been washed by National Wash Authority. They removed the dark mildew and algae that had accumulated on its underside. This project was performed not only for aesthetic reasons, but more so to help protect and preserve the paint.

E. Skahen asked if the dredging was July 19 or August 19. T. Valerius said it will be done in July.

S. Herron asked him to send an email to council once he finds out the date of the bridge closure. S. Holovacs asked how long the bridge will be closed. T. Valerius said 45 days.

## 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. In addition to her submitted report and in reviewing the ARPA funding allocation, she noted that LifeCare EMS requested a piece of equipment that would assist the EMS to give better potential options for care. She said Brownhelm Township has been approached to share these costs in the same proportion they do with the actual ambulance service. She noted the bulk of the \$1,088,782.51 has been dedicated to the Wastewater Treatment Plan

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

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Improvements, including the study that is currently out for qualifications, tanks, and additional needs based on this study and assessment.

Pursuant to the initiative petition that was submitted to the Finance Director, B. Brady asked when the city would know whether they had enough signatures to put this on the ballot. A. Hendricks said the city needs to file the initiative with the Boards of Elections by August 4, but she was not sure what their timeline was in certifying the actual signatures.

G. Fisher stated she forwarded a copy of a quote to her from BIS Digital for the sound system upgrades. She explained the mixer no longer works, and the microphones will amplify so the audience can hear the proceedings. She said the quote came in at \$7,710.65, which includes a mixer, amplifier, assisted listening device, cables, annual support, set-up, training, and installation.

M. Stark referenced the request made by LifeCare for equipment and asked if this was a service contract the city has through them. Therefore, will this be equipment be owned by the city? A. Hendricks said they could also put it in the city's rescue vehicle, but it will be city-owned equipment.

## CITY ENGINEER'S REPORT:

C. Howard updated council on the Liberty Avenue Watermain Replacement Phase 1 as the contractor will be working on the connection on the west side of Vermilion Road this week. In addition, and weather permitting, they will start the curb replacement, drives, and sidewalks along the project.

He provided council with a bid recommendation letter for the Maplevue Drive Reconstruction, Phase 1 Project. The bid opening was on June 24 and the city received three bids. A bid was received from Buckeye Excavating & Construction, Inc., Herk Excavating, Inc., and Tri Mor Corporation. The base bid of the Maplevue Drive was from Hollyview Drive to just west of Forestview Drive. They had an alternate bid, which was from 345' west of Maplevue Drive towards Sanford Street. They also bid the project based on asphalt and concrete and he provided council with a breakdown of each price. The low bidder was Buckeye Excavating. The city did receive OPWC funding in the amount of \$412,500. He asked for council's consideration of passing this bid award this evening.

S. Holovacs said council needs to make a decision on what they want to do because of the alternates with either asphalt or concrete, and then the extension of the 345'. He said in the past they have used stormwater money because they have removed the stormwater system to replace it. He said if they don't proceed with the additional 345', it could be \$75,000 to \$100,000 added onto this amount to help support the street. He thought about this and felt the life of concrete exceeds asphalt. They would be looking at 12-15 years of good asphalt and 20 years for concrete, but the city has extended concrete to 40-50 years. His suggestion to council was to proceed with concrete and to approve the additional 345' because they will never come back and do it. He said they need to get this done right. The next time they would do asphalt they could be spending twice the amount. He works with a concrete company, but he does not sell concrete, so he is not trying to put a plug in for the company he works for, but the other streets they have done in the last few years they have not sold a yard. He is supporting this for the longevity and the best dollar buying the best thing you can get.

S. Herron said if the city decides to proceed with the remaining 345' are they looking to add (Alternate No. 2) Concrete Pavement, plus (Alternate No. 5) Concrete Pavement. S. Holovacs said yes, and it would cost \$867,970.50. He said Council needs to remember they are getting \$412,000 from the grant/loan and there will be stormwater money involved, so whatever they do, they will subtract this money from the city's portion. He asked the finance director if the city has the money to do this project. A. Hendricks said the city does and the administration discussed this last week and also discussed taking roughly \$100,000 from stormwater to do this portion of the project. She said they are starting to see an uptick in the fuel tax monies, so she is confident they will be okay with this project with the alternates selected. C. Howard said the base bid has a \$60,000 contingency and obviously the goal is not to spend this. He said the alternate has a \$20,000 contingency.

S. Herron agreed that concrete lasts longer and they will get the entire road done. B. Brady said they have had so much trouble in Valley View in the past where they end up paying more because they have not gone deep enough. Are they doing the project right? C. Howard said this would be a complete

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Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

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Monday, July 12, 2021

Held

replacement/tear out and they would be putting subbase in; similar to what they did on Hollyview. B. Brady asked if the city would be able to do any more streets if they do this project. A. Hendricks said they are doing the other half of Urban Paving in 2022, so this is something they have been accumulating money for over the last few years, so they would have enough for this project. This is a priority to get this project done in 2022. B. Brady said the city is putting a million dollars into this street and they are getting money from OPWC to do the main streets, but they have a lot of side streets that are terrible, so they need to save some money to do some of those – one or two a year. She said Edison Estates needs a lot of repairs that will turn into a million-dollar street if they do not repair it. They have a lot of side streets that are in horrible shape and maybe \$100,000 would take care of them. If they dump all this money into one street – what do they have left for the rest of the city? A. Hendricks said from a financial standpoint before the pandemic hit with the increase in the funding with additional fuel tax – they were looking to get a stable read on how much this was going to bring in per year and possibly make consideration to use this toward some debt service payments, so the city could borrow some money and use the increased revenue for those payments. Obviously, with the pandemic this has put this behind, so hopefully this will be something they can plan for in 2022. This could be an additional option to expedite projects.

M. Stark asked if the water lines are under the street on Maplevue and should council consider replacing water lines as they are doing this. C. Howard said the water lines are outside the roadway in the tree lawn area. They are replacing the fire hydrants up to the watch valve because they do have problems, and the sanitary manholes are being replaced as they found a gas line running through one of the sanitary lines. M. Stark said B. Brady mentioned the city was spending a million-dollars, but it looks like the city's portion will be around \$355,000 – minus the \$100,000 from stormwater. She asked what the life expectancy is with asphalt and concrete. C. Howard said if you maintain asphalt with crack sealing, then you should get 20 years if you have a good base. Concrete should last 25 years if you maintain it, but it could last longer. Obviously, the city has a lot of concrete streets that are lasting longer than this. He said a lot of the concrete streets do not have a subbase or subsurface drainage which causes the problems. S. Holovacs said in the last four or five years they have been putting the subbase underneath the street and they have been putting side drains in. A majority of the streets even in Edison Estates have no side drains; it is not a good base. If you look at the streets that were poured in 1999 in Valley View – those streets are still in good shape because they were tore down 18" – 24" and they put a base in with drainage. If they do this, then the 25 years on the concrete could double because it is not going to move. This is saving the city money in the long run. He said Bramhall will be watching the project to make sure they do the project right.

B. Brady said she is struggling and understands the difference between asphalt and the longevity and understands they can repair an asphalt street for a lot less than what they can do on a concrete street. She said they do not seem to maintain the concrete streets very regularly, so she is torn on this. C. Howard said this is totally up to council and this is why they bid the project both ways.

S. Holovacs said if the petroleum prices keep going where it is at, then concrete is almost even with it. As long as your petroleum prices keep going up, then asphalt stays competitive with concrete, and you get a better job with concrete.

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

**OPEN TO THE AUDIENCE:**

Marilou Suszko of 685 Main Street said a few years ago she recalls when they were talking about parking downtown the Mayor did a count of downtown parking spaces and came up with approximately 340 parking spaces. She said the direction then was to find a commercial use for the Fulper Lot for a variety of reasons. She said this is going to be a parking lot and this is its primary purpose. It is their goal to work with the city to make this space as good as it can be. This is a discussion they have been having for a long time, but another goal they continue to reach for is to capture as much green space as they can to make sure this space can function as a benefit to the neighborhood and the community. This space will house 26 cars on an asphalt lot and that they can use it as an event space. It can host a variety of different events and they know there is a dedicated alleyway 20' split off from the Art Scene that will connect Liberty foot traffic to the Grand Division Parking Lot in back, so this can be a walkable gallery for public art installations and some seating. What they need is some more green frontage to soften the reality that this is an asphalt parking lot. In the midst of their downtown over the past 20 years, they have

# RECORD OF PROCEEDINGS

Minutes of the Vermilion City Council Meeting

Meeting

Minutes of

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, July 12, 2021

Held

seen so much improvement in terms of beautification, restoration, and revitalization. Currently, there is 30' of green frontage on the plan, but when you add a fence or a barrier to shield the parking lot you reduce this 30' of space into 20' of space, and this is not a whole lot more than the front lawn that maybe a homeowner has. She said the mayor, the service director, and the city engineer has helped to make sure they have done a lot of things to improve this space, including running utilities to different points within the plan. The plan would greatly benefit from more green space up front and would create a potential for comfortable seating, a gathering, more distance from the road, room for trees, shrubs, small patio, small water feature – all more welcome space from Liberty Avenue than cars parked in a lot. This afternoon, she counted the parking spaces around the city block that holds the Fulper Lot. Along Main, Liberty, Grand and the Grand Division Parking Lot there are 58 spaces and if you add the 26 that are slated for the Fulper Lot, then they are looking at 84 spaces in one city block. Every major city in the United States when faced with an empty space of every shape and size, turns to the idea of green space before blacktop. She offered council and the mayor every defense she knows against creating more of a parking lot and less green space. Green space makes more sense for the community, and it has all the potential to bring people together where a parking lot is just somewhere to house your car. She asked council to help them gain more green space in the design of the Fulper Lot. The most you have to lose is two or four parking spaces and it will change the way this space and downtown looks and feels. She said the historic downtown is genuine. They do not build historic downtown's anymore, and this is what they have, and they need to take care of what they have. What they add or what they take away certainly matters.

Dana Corogin representing Vermilion in Bloom reiterated the importance of what Marilou said. Without having a landscape architect that has been working on the full development of this property, they have been trying to think ahead to all the infrastructure that might be necessary for not only events, but for reflection and to make it more attractive and appealing to residents and people coming into town. She said this administration has been working with them on this, but it is important to consider the extra minimum of 10'. On Liberty the setback is so very important to how this feels when you come into the city and going into this space. If anyone sat on Liberty in front of the Pavilion Grill – if you are in Friendship Park in the front of it – you know how loud it is. The motorcycles that go through, the cars that go through, the trucks that go through. It is a major thoroughfare, and it is loud, so sitting back even just 10', 15', or 20' makes a huge difference. If they are expecting the public to enjoy this space, she is begging council to consider making this a little bit larger. Even putting a buffer – this parking lot if you stood at the Jailhouse building and looked to Liberty, is enormous. When you look at Key Bank, the whole west side of this is 14 spaces and you are talking about that times two – it is huge. So, giving up a 10' more in the front will make a huge difference in how that feels. She asked council to consider the request to expand the amount of green space in the front. Secondly, with the increase of golf carts and recreational vehicles being used in town – Bicycle Bills is selling Ebikes and motorcycles, so if they could allocate some of the parking in the lot for the smaller vehicles, this would mean they are not taking up the prime spaces in front of the businesses with a full-sized parking space. Even striping some of these spaces for the smaller vehicles would make a difference in a big way. In winter, those hopefully will not be used as much to allow snow removal. Additionally, she was concerned about maintenance because not many towns are choosing to put a parking lot in the center of their town, but the ones that do have them are barely maintained. She said from her experience with working with the city on Parks, that the city common property does not seem to have money allocated just for this. It comes from the Streets department or the Parks department – whoever has extra time in their schedule is the one who mows. She said it might be that the courthouse gets attention every six weeks. If you look at it now, it is so overgrown and the street ends and common areas that are not park land have to be maintained in some way. She is concerned this will be a prime location in town and do they have an employee that will be assigned to this weekly to clean up all the litter and to maintain any green space to make sure it is beautiful for events or for the people to gather in. She asked the city to look at what the maintenance is going to be and where that money is going to come from. She said Vermilion in Bloom is more than happy to pay for trees and help landscape it and to come up with special features that make it beautiful and enjoyable, but they cannot be responsible for maintaining it. They would love to see irrigation put in, so that it remains green. She said there are no trees on the site at all and in Urban Planning this is not good for storm water, so they have to put trees surrounding the whole parking lot and have a buffer. There has to be green space and vegetation in this plan. They would be happy to help the city get grant money and help in anyway for all of this, but they just cannot do the maintenance.

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, July 12, 2021

Held

Homer Taft of 3972 Edgewater Drive discussed two ordinances in respect to the admission of charter review proposals to the voters. Since he is a lawyer, he wanted to address the filing of the petition to have an initiative ordinance on storage which starts the 20-day period. Ten days for public inspection and 10 days for each of the Boards of Elections to certify signatures, so July 29 is the magic day. After which the Boards of Elections has to report to the finance director their results and the finance director needs to report to the Lorain County Board of Elections before August 4 the number of signatures that have been validated, so it can be placed on the ballot. On behalf of himself and the committee of five they remain available to council to discuss this if anyone has any better ideas. He addressed the charter review process and suspects the law director, and the administration are of the opinion that council is advised to put this on the ballot as an administrative matter based on a provision of the charter. He pointed out there is a prior provision – the preceding section of the charter contravenes that opinion, and it says it will under state law, and anything in the next section has to be modified by the previous section. And, state law is two-thirds of this council, so he knows there is some discussion that there might be litigation if council does not do this and this is true, but he would suspect particularly if it were not two-thirds of council that would vote for it – there could be some litigation. He does not know if there is an obligation by council, but there is reference to two-thirds in state law. If this goes on, whether it is through council or anything else, particularly to the provision as to the Boards and Commissions Clerk – he believes this Council has unanimously adopted and unanimously has overridden a veto that would be contrary to the provisions that come up in this charter amendment. He thinks that council should and indeed has an obligation to speak to the public as a body about this at least by resolution. He believes their better practice would be by two-thirds majority to propose their own better provisions. Also, on executive session he thinks it is exceedingly ill-advised to say that under all circumstances no matter what the mayor has to be a part of executive session. He thinks any time the mayor requests an executive session he should be allowed, but there have been things that have come in the past and there will be things that come up in the future where the council as a majority of the members might decide that this should not be the case in a particular instance. He thinks council needs to put on something since there is already debate as to whether the current charter says that. The council needs to put something on that plainly says that by majority vote they can exclude anybody, except members of council. He would hope council would do these things before August 4.

He commented on the spending of \$400,000, \$600,000 or \$800,000 in Valley View, and \$500,000 for a sanitary sewer to Main Street. He said they have less than a \$500,000 project that is 15 years of sewage overflow in VOL that has not been addressed for over 15 or possibly 20 years. They are still waiting. He said not all the money can be spent downtown. Not all the money can be spent in certain areas, and they are hurting. They need some money saved back for this and he believes the addressing of five streets would solve the overflow. He also believes the Environmental Protection Agency has a permit application before it, but he has not been able to find this out, so he asked the administration through council on the status of the permit inspecting the wastewater treatment plant because at this point, he intends to speak to the EPA because what is being done is a violation of law.

Bill McCourt of 4135 Menlo Park Lane advised council that the Vermilion Call to Action group has submitted their petitions to the Director of Finance on July 9. Those petitions are close to 20 percent above the minimum required signatures, which are in excess of 525 signatures. He said it is not too late for council to act on this and he wanted to give council the opportunity and make them aware of it. He thanked all the signers of the petition that showed their interest in supporting their petition.

Drew Werley of 5016 Timberview Drive addressed the charter review proposals and just like he said at the charter review meetings, he thinks giving the mayor the opportunity to join any executive session makes zero sense to him. He thinks they need to trust their elected officials to allow anyone they choose into executive session. He said in the charter the mayor can call one himself, but to just give him full reign to join in every single one makes no sense to him. Also, almost the majority of council voted against the charter review amendment with regards to the Clerk of Council and Clerk of Boards and Commissions. He said she has done a fantastic job so far, so he does not see any reason to change this at all. He thought Steve Holovacs made a good point regarding Maplevue Drive and he agreed it made good financial sense to go the concrete route. He thought the EPA threatened the city with what is going on in VOL. He said he could be wrong, but he thought he remembered this. He said it sounds like a crappy situation.

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, July 12, 2021

Held

## NEW BUSINESS:

S. Herron MOVED, S. Holovacs seconded to adjourn into executive session to discuss personnel matters (hiring/firing) after the reading of the ordinances. Roll Call Vote 7 YEAS. MOTION CARRIED.

B. Brady proposed charter review amendments to allow Council to make the decision on who goes into executive session. She does not understand the legalities, but it sounded like Council could do this. S. Herron said Council can do this up until August 4. Attorney Chojnacki said there is no prohibition on the number of pieces of legislation to charter amendments they can make. It is Council's constitutional right to do this. S. Herron said Council can pass this to comply with the Charter and then they can put their own amendment to the two matters as addressed by H. Taft earlier before the voters. B. Brady said she has two proposals. S. Herron said Council can schedule a Special City Council meeting next week after committees and put it on the legislative agenda. He asked her to submit the changes to the clerk so that she could prepare the proposed ordinances. B. Brady said she could not be there but asked council to address this next week. G. Fisher said after she prepares the legislation, she will submit it to Attorney Chojnacki for final review to make sure it is prepared correctly to form.

B. Holmes asked if council needs to make a motion to make changes to the Fulper Lot. S. Herron said it is an administrative function as the project is out to bid.

S. Holovacs said he got with the clerk with regards to Ordinance 2021-46 as these were suggestions he made, so the clerk prepared the legislation and sent it to the law director for review. It is on the agenda for a first reading. One of the amendments is to change the appointment process of the Charter Review Commission, whereby, the mayor makes three of the appointments and council makes two of the appointments so there is a blend. Additionally, another amendment was to include that any charter amendments must be approved by two-thirds majority vote in order to put it on the ballot – not automatically voted through. Therefore, in the future if the Charter Review recommends amendments and Council does not agree, then it will take a two-thirds majority vote for the ordinance to pass.

B. Brady asked what the hashed-out section of the proposed brick/paver walkway is on the parking lot plans. It is not a parking spot, so is it just a hashed-out area? C. Howard said this will be striped so anyone backing up has the ability to pull into this spot. B. Brady asked if this area could be green space. C. Howard said they just are adding a paved area to help when people are backing up.

## Reading of the Ordinances:

Tabled - Third Reading – Ordinance 2021-4: AN ORDINANCE AMENDING SECTION 1260.06 "DEFINITIONS," 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," 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

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, July 12, 2021

Held

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 2021-38: 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.

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

Second Reading - Ordinance 2021-43: AN ORDINANCE TO OFFICIALLY SUPPLEMENT THE MINIMUM CONTRACTUAL SERVICES TO BE PERFORMED BY BRAMHALL ENGINEERING & SURVEYING COMPANY BY VIRTUE OF ORDINANCE 2018-5 ADOPTED JANUARY 2, 2018, BY AUTHORIZING PROFESSIONAL ENGINEERING AND SURVEYING SERVICES RELATED TO THE RECONSTRUCTION OF VERMILION ROAD PHASE 4a; PRESCRIBING THAT THE FIRM SHALL BE PAID FOR ADDITIONAL SERVICES IN ACCORDANCE WITH THE RATE SCHEDULE SET FORTH IN THE PROPOSAL DATED JANUARY 3, 2018, IN A TOTAL AMOUNT NOT TO EXCEED EIGHTY-NINE THOUSAND EIGHT HUNDRED SEVENTY-SIX DOLLARS (\$89,876.00).

Second Reading - Ordinance 2021-44: AN ORDINANCE TO AUTHORIZE FINANCE POLICIES TO PROVIDE FOR THE EFFICIENT AND EFFECTIVE OPERATIONS OF THE CITY OF VERMILION BUSINESS FUNCTIONS IN COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS.

First Reading - Ordinance 2021-45: 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.

F. Loucka MOVED, B. Holmes seconded to suspend this ordinance. Discussion: S. Herron said this ordinance is to do what they are mandated to do and whether he likes it or not is inconsequential, but he thinks they have to do it. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Herron MOVED, F. Loucka seconded to adopt this ordinance by emergency. Discussion: M. Stark said because the charter is written the way it is currently, it requires they pass this ordinance, and she will be voting yes in protest as she does not agree with this whatsoever. B. Brady agreed and said she will vote no at the polls. Roll Call Vote 4 YEAS (Loucka, Holmes, Stark, Herron); 3 NAYS (Skahen, Brady, Holovacs). MOTION CARRIED. G. Fisher noted the ordinance passes and goes into effect on August 12 as it did not pass by emergency. However, the deadline to submit charter amendments to the Board of Elections is August 4.

First Reading - Ordinance 2021-46: AN ORDINANCE SUBMITTING TO THE ELECTORS OF VERMILION A PROPOSAL BY THE VERMILION CITY COUNCIL TO AMEND SECTION XI-9 OF THE CHARTER OF VERMILION; AND DECLARING AN EMERGENCY.

First Reading - Ordinance 2021-47: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH BUCKEYE EXCAVATING AND CONSTRUCTION, INC. OF NORWALK, OHIO FOR THE MAPLEVIEW DRIVE RECONSTRUCTION PHASE 1 PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED SIXTY-SEVEN THOUSAND NINE HUNDRED SEVENTY DOLLARS AND FIFTY CENTS (\$867,970.50) 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. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading - Ordinance 2021-48: AN ORDINANCE TO OFFICIALLY SUPPLEMENT THE MINIMUM CONTRACTUAL SERVICES TO BE PERFORMED BY BRAMHALL ENGINEERING & SURVEYING COMPANY BY VIRTUE OF ORDINANCE 2018-5 ADOPTED JANUARY 2, 2018, BY AUTHORIZING CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES RELATED TO THE MAPLEVIEW DRIVE

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, July 12, 2021

Held

RECONSTRUCTION PHASE 1 PROJECT, PRESCRIBING THAT THE FIRM SHALL BE PAID FOR ADDITIONAL SERVICES IN ACCORDANCE WITH THE RATE SCHEDULE SET FORTH IN THE PROPOSAL DATED JANUARY 3, 2018, IN A TOTAL AMOUNT NOT TO EXCEED FORTY-EIGHT THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$48,750.00), AND DECLARING AN EMERGENCY.

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

B. Holmes MOVED, E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

## Announcement of Meeting Dates:

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

-August 2, 2021 – Vermilion City Council Meeting – 7:00 p.m.

-August 9, 2021 – Vermilion City Council Committee Meetings – 7:00 p.m.

*(Council Summer Break – Remainder of August unless a special meeting is required)*

Council adjourned into executive session.

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

## Adjournment:

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

*Transcribed by Gwen Fisher, Certified Municipal Clerk*

EEK  
300 people / square foot

~~77 vehicles~~

Handskip:

no sewer yet but will  
work with Enginer



→ will have to go to planning for final sign plan review if approved

**RENOVATIONS FOR  
THE BARN AT BROWNHelm CREEK**

CLAUS ROAD  
VERMILION, OH 44089



DESIGNER: CLARK

**DATE: 1/20/89**

**PROJECT: BARN**

**OWNER: CLARK**

**DESIGNER: CLARK**

**RENOVATIONS FOR  
THE BARN AT BROWNHelm CREEK**

CLAUS ROAD  
VERMILION, OH 44089



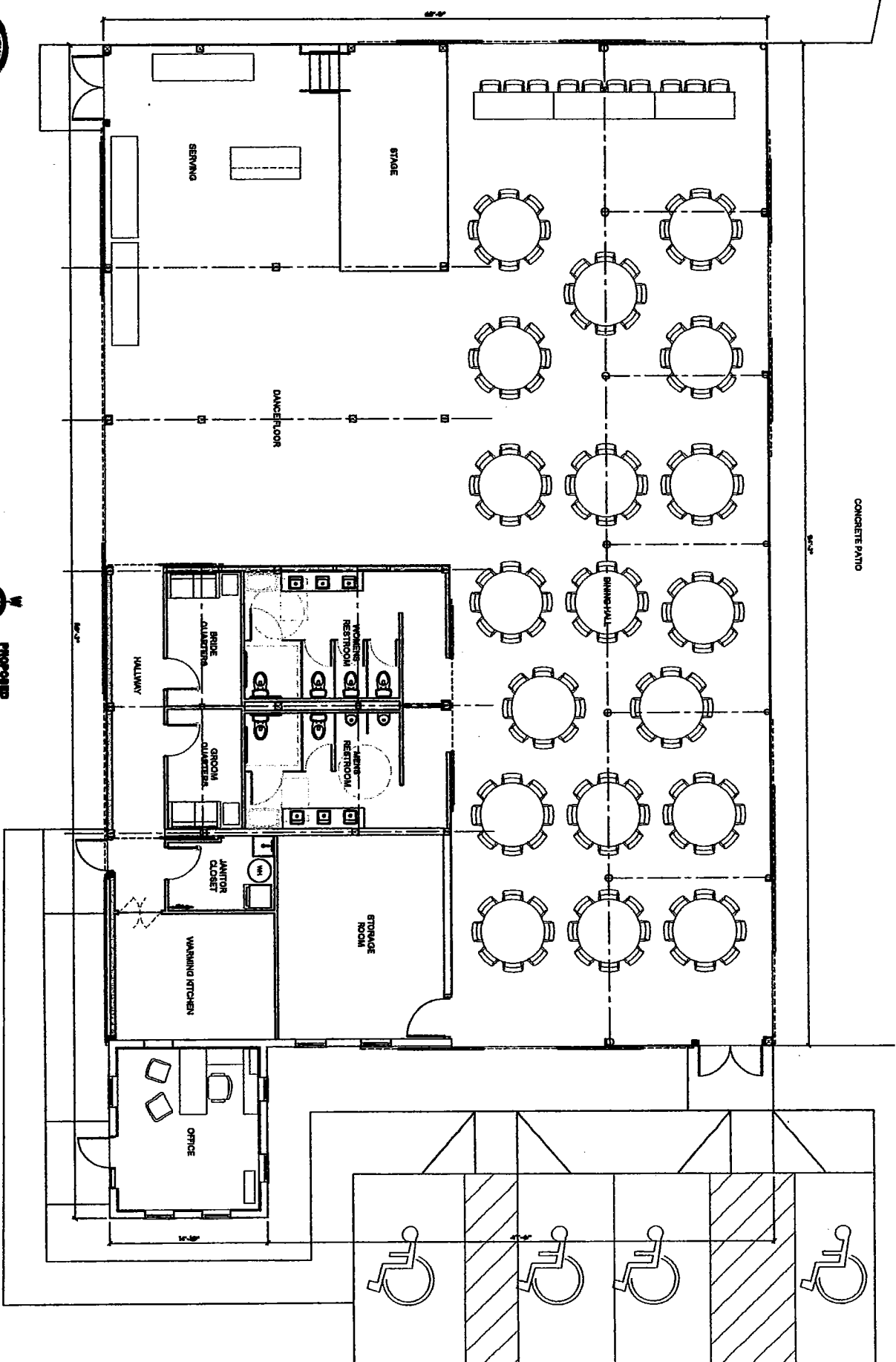
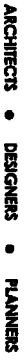
DESIGNER: CLARK

**DATE: 1/20/89**

**PROJECT: BARN**

**OWNER: CLARK**

**DESIGNER: CLARK**



REGISTERED STATE:

OHIO

PENNSYLVANIA

MICHIGAN

INDIANA

ILLINOIS

WISCONSIN

NORTH CAROLINA

SOUTH CAROLINA

TRAVIS P. HAYES

5418 OH. AVE. SUITE 66

VERMILION, OHIO 44089

PHONE: 216.786.8262

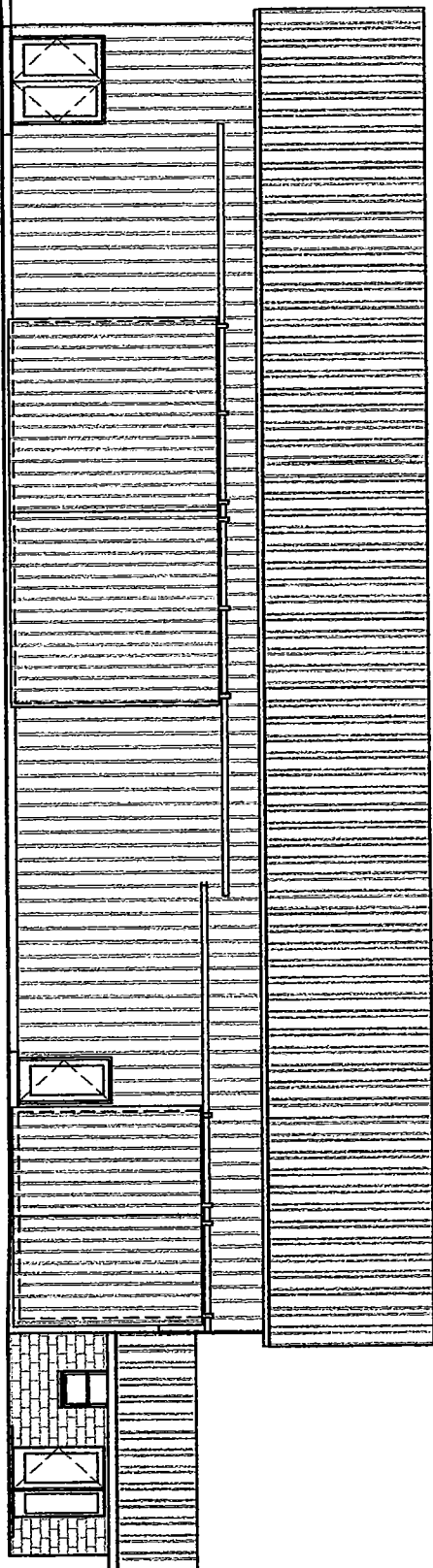
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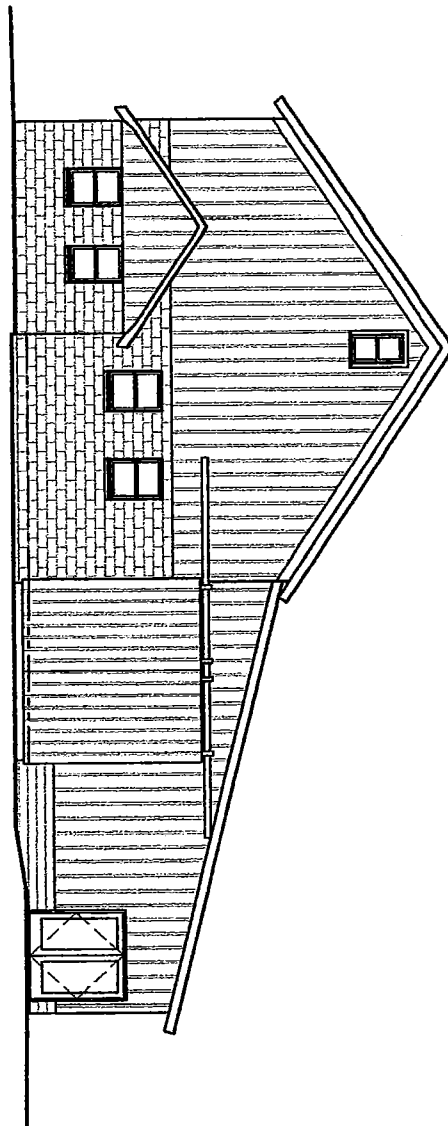


ARCHITECTS • DESIGNERS • PLANNERS

**EAST ELEVATION**  
SCALE: 1/8"=1'-0"



**NORTH ELEVATION**  
SCALE: 1/8"=1'-0"



RENOVATIONS FOR  
**THE BARN AT BROWNHELM CREEK**  
CLAUS ROAD  
VERMILION, OH 44089



THOMAS P. LAUER  
LICENSED PROFESSIONAL ENGINEER  
STATE OF OHIO  
NO. 10452  
DATE 12/23

EXPERIENCED DESIGN  
OHIO  
INDIANA  
MICHIGAN  
WISCONSIN  
NORTH CAROLINA  
SOUTH CAROLINA

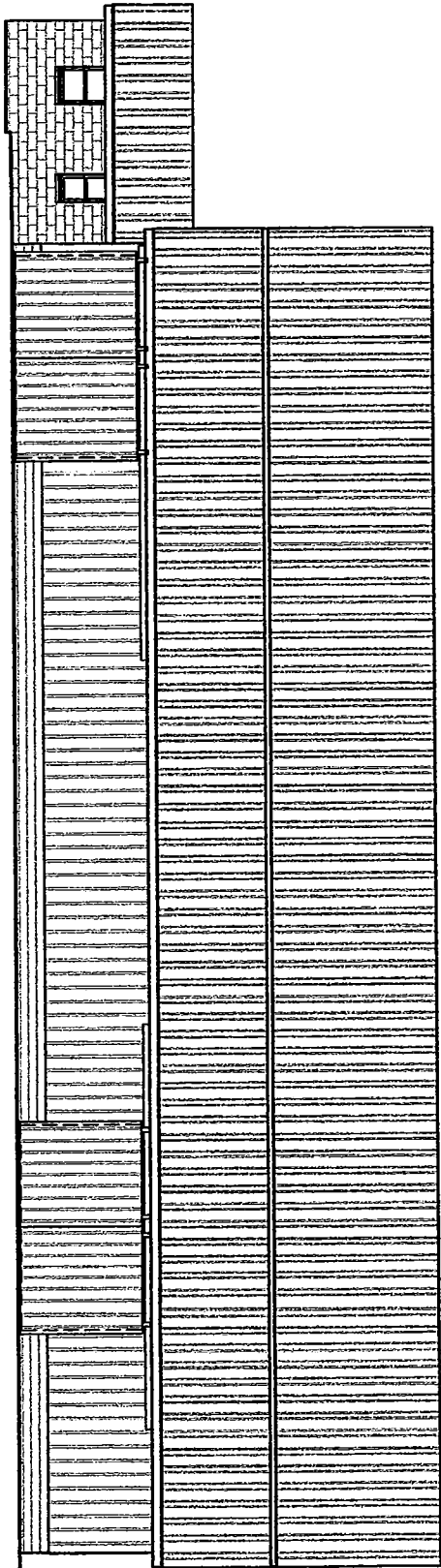
DATE	DESCRIPTION
12/23	1. SITE PLAN
12/23	2. FLOOR PLAN
12/23	3. ELEVATIONS
12/23	4. SECTION
12/23	5. DETAIL
12/23	6. CONSTRUCTION
12/23	7. MATERIAL
12/23	8. FINISH
12/23	9. LANDSCAPE
12/23	10. SIGNAGE
12/23	11. LIGHTING
12/23	12. MECHANICAL
12/23	13. ELECTRICAL
12/23	14. PLUMBING
12/23	15. HEATING
12/23	16. COOLING
12/23	17. INSULATION
12/23	18. ROOFING
12/23	19. EXTERIOR
12/23	20. INTERIOR

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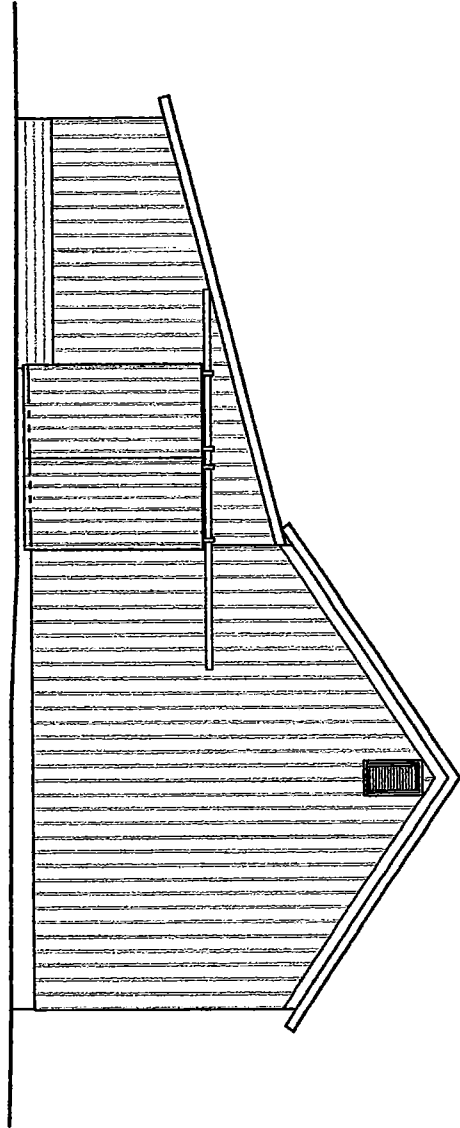


ARCHITECTS • DESIGNERS • PLANNERS

**WEST ELEVATION**  
SCALE 1/4"=1'-0"



**SOUTH ELEVATION**  
SCALE 1/4"=1'-0"



NO.	DATE	DESCRIPTION
1	10/15/01	100% COMPLETE
2	10/15/01	100% COMPLETE
3	10/15/01	100% COMPLETE

**RENOVATIONS FOR  
THE BARN AT BROWNHELM CREEK**  
CLAUS ROAD  
VERMILION, OH 44089



JOHN R. JAYNE  
VERMILION, OH 44089  
PHONE 330.382.2222  
FAX 330.382.2222  
E-MAIL jayne@waterarchitect.com

DATE	DESCRIPTION
10/15/01	100% COMPLETE
10/15/01	100% COMPLETE
10/15/01	100% COMPLETE

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DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	CERT	COPY
06/17/2021	202116703994	DOMESTIC FOR PROFIT LLC - ARTICLES OF ORG (LCP)	99.00	0.00	0.00	0.00

**Receipt**

This is not a bill. Please do not remit payment.

MANSOUR GAVIN LPA  
NORTH POINT TOWER, 1001 LAKESIDE AV  
SUITE 1400  
CLEVELAND, OH 44114

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, Frank LaRose**  
**4698885**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**THE BARN AT BROWNHELM CREEK LLC**

and, that said business records show the filing and recording of:

Document(s)

**DOMESTIC FOR PROFIT LLC - ARTICLES OF ORG**

Effective Date: 06/16/2021

Document No(s):

**202116703994**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio this  
17th day of June, A.D. 2021.

**Ohio Secretary of State**

# McSteen

LAND SURVEYORS

1415 E. 286th Street

Wickliffe, Ohio 44092

W mcsteen.com

P 800.250.3451 F 800.897.9722

**PREPARED FOR:** OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
FIRST FEDERAL OF LORAIN

**PRESENT OWNER:** NORTHEIM PROPERTIES LLC

**NEW OWNER:** THOMAS R. ZACHER AND KODY HERCHLER

**OCCUPIED BY:** Vacant

**WORK:** None Observed

**STREET IMPROVEMENTS:** None Apparent

**TITLE CO. FILE #:** 34375

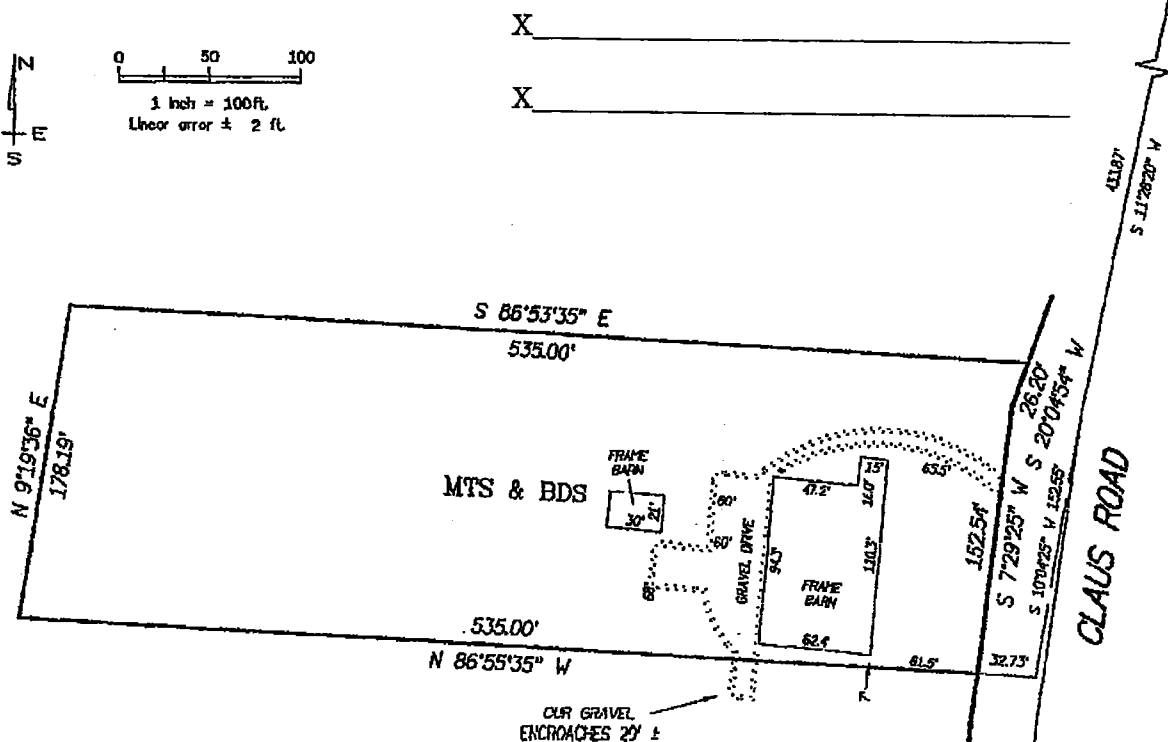
**PROPERTY ADDRESS:** CLAU ROAD, VERMILION, OH 44089

**DATE:** 02/15/21 **TIME:** 12:23 PM **FILE #:** 576839

SEE ENCROACHMENT BELOW  
CITY OF VERMILION, COUNTY OF LORAIN  
PART OF ORIGINAL BROWNHELM TOWNSHIP  
LOT No. 21



1 inch = 100 ft.  
Linear error  $\pm$  2 ft.



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Proudly Surveying all 88 Ohio  
Counties

ENGINEERS & SURVEYORS  
SINCE 1970



THIS SURVEY IS A MORTGAGE LOCATION SURVEY PREPARED IN ACCORDANCE WITH CHAPTER 4733-38, OHIO ADMINISTRATIVE CODE AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE. A MORTGAGE LOCATION SURVEY DOES NOT LOCATE OR DETERMINE BOUNDARY LINES AND IS INTENDED FOR LENDING AND UNDERWRITING PURPOSES ONLY. ANY OTHER USE OF THIS SURVEY IS UNAUTHORIZED, AND THE USER ASSUMES ALL RISK. LIABILITY FOR THIS SURVEY IS LIMITED TO FEES CHARGED IN PREPARATION.

Hey there, neighbors!

Our names are Kody, Jaimee, Baby Beckett, and Kory Herchler. We are a family in the process buying the brick home down the street at 1800 Claus road. We are also the family that has recently purchased the old dairy barn next door from the Northeim family.

We are currently petitioning with the city to get approval to turn the old, beautiful barn into a wedding venue. Currently, the property is zoned residential to be built on, as we initially bought the property to build our family's forever home, but have decided to purchase the property down the road. We have petitioned and are going through the process of getting the barn property approved to be run commercially as a wedding venue. Seeing as we will be living down the street and have owned many homes in both Vermilion and Brownhelm Township growing up over the years and into adulthood, we thought it would be a great family-owned business right down the road from our future forever home!

Currently as the barn sits vacant, we are able to see what a beautiful property and what amazing potential the building has as a wedding venue. Our plans are attached, but ultimately, we are striving to create the most rustic and family-oriented barn venue in the area! We seek to keep the barn as original as possible in terms of its rustic roots and beautifully aged exterior. The same goes for the interior in terms of keeping it as original as possible, but we will have to do some updates per commercial code to get running water, electricity, and restrooms inside! Again, we don't plan to change anything cosmetically inside or out to any great extent, as we would love to keep the barn as original as possible! The big changes on the exterior would include a new gravel driveway and parking lot, as well as shrubbery to line the property on both sides to add a touch of elegance, but also to add privacy from both sight and sound from our neighbors (you all)!

We have come by today to simply ask that you envision what an amazing property this old, beautiful barn could become in its optimistic future as a wedding venue. We believe it could bring a lot to Brownhelm and Vermilion as a whole, but especially to this historic section of Claus Road! Soon, you will be receiving a letter from the city as we are requesting a variance to be permitted to run this family-owned commercial business on this land. We hope that you all may have no objections to us on the use of this land and this hopefully very popular business venture! Please keep in mind, we will be in constant contact with you, our neighbors, every step of the way of this project and will do everything in our power to appease the concerns and pay our utmost attention to keeping your properties as quiet, peaceful, and beautiful as they are today.

Please review the attached packet and call us if you have any concerns or questions! We ask you allow us to do this as we continue to try and grow our small family and family-owned businesses. We also own local remodeling companies, so can assure you that we have an amazing vision of what this property can become with your help in permitting us to do so!

Thank you so much for your time!

Kody, Jaimee, Baby Beckett, and Kory Herchler

(440) 258-2870

# Claus Road Neighbors, Please Attend this Meeting!

## Public Hearing For Claus Rd. Barn Use Variance

July 12, 2021 at 7:00 pm  
Vermilion Municipal Complex, 600 1st St., Vermilion

On July 12, Vermilion City Council will hold a Public Hearing on Ordinance 2021-41, which seeks a commercial-use variance for property at 1440 Claus Road.

This 2.17 acre residential lot is the location of an old dairy barn which the owners want to turn into a wedding venue. This 6000 sq ft barn could host as many as 300 people at one time.

We, the immediate neighbors, object to this use for the property, and this is why:

- 1) **Fire hazard.** One home is only 75 feet away on the south side—need we say more?
- 2) **Increased noise/drinking/disturbance most weekends.** Our three homes are all within 220 feet or less of the barn (see map). We don't want to give up our peaceful neighborhood.
- 3) **Increased automobile traffic.** Likely parking on the road sides, due to sheer volume of cars vs limited parking lot size. Cars constantly turning around in our driveways.

- 2) **Increased car traffic to and from above-mentioned cars.** Making it too loud, or through someone's yard, in the dark because there are no sidewalks out here.
- 3) **Sudden appearance of strangers in our neighborhood.** How can that be good for us?
- 4) **Extra cars, etc.**

We will be attending the City Council meeting on Monday, July 12, to express our side of this issue. Won't you please join us?

If you have any questions, please leave a voicemail at 440-988-8410 (landline) and we'll get back to you ASAP.

Sincerely,  
Bob & Margaret  
Howard Finckel  
Dan & Dorothy Kiehn

## Concerns of the Neighbors

- 1 ) Fire hazard
  - The barn will be equipped with a "Wet Pipe System."
  - Wet pipe sprinkler systems—or traditional fire sprinklers—are the most common across residential and commercial buildings. When a fire begins, the heat activates the nearest sprinkler head, releasing pressurized water stored in the pipes. Each sprinkler head is activated independently, reducing water damages in the event of a false alarm. Wet pipe systems are an inexpensive, low-maintenance option appropriate for offices, schools, and commercial properties.
- 2) Increased noise / drinking / disturbances on weekends
  - The barn will operate 6 months a year from May through October on Fridays and Saturdays with hours of operation being from 11am-11pm and on Sundays from 11am-7pm. The weddings will be shut down by 10pm / 7pm and all music and celebrating will end, with clean-up being from 10pm-11pm / 6pm-7pm when the guests will be required to leave.
  - The barn will function in coordination with the city's noise ordinance (quiet time beginning at 11pm) and be within the allowed decibel for sound within the city (8:00 a.m. to 6:00 p.m. of 61 dB(A) and 6:00 p.m. to 8:00 a.m. of 55 dB(A)), as allowed by the Sound Permit that will be purchased to host amplified music.
- 3 and 4) Increased automobile traffic and foot traffic
  - Per the attached proposed blueprints, the size of the parking lot will be in coordination with the maximum occupancy of the barn, both for the handicapped accessible parking, as well as the regular parking lot. There will be no overflow parking. With proper signage and direction, guests will not be turning around in driveways, as with the proximity of the barn to the road, the venue location will be quite apparent.
- 5) Strangers in the neighborhood
  - The venue will operate as any business does with guests who will be strangers to the neighbors and neighborhood, but hopefully the amount of money the venue will bring to the city will outweigh that fear, such as property tax, income tax, patronizing local businesses with vending options, additional guests to our local shops, restaurants, florists, bakeries, and other places of business, and an overall increase of city appeal to tourists, which is by far the driving economic factor for our quaint, historic lakefront town.
- 6) Litter
  - The barn, as all other high-class businesses in the town, will be properly stocked with garbage receptacles. With the barn rental costing upwards of \$8,000 per booking, we can assure the town and the neighborhood the property will be very clean and well maintained. Please refer to other venues in the area such as German's Villa, The Vermilion Boat Club, Paper Moon Winery, and the Vermilion-

**on-the-Lake Clubhouse. Our venue will be very high-end and pristine in all regards, both inside and out, from upkeep and landscaping, to the guests hosted and aura of the venue itself.**

## Interior

- Dining hall with 1 large head table for wedding part and 19 additional tables for guests, allowing for 200 people  
(max capacity of 299 people based on square footage)
- Stage to allow for entertainment
- Serving station
- Dance floor and cocktail area
- ADA compliant bathrooms for men and women
- Separate bride and groom quarters for pre-wedding
- Warming kitchen, janitor closet, storage room, and office
- Wet Pipe Sprinkler System in interior pod with Dry Pipe System throughout hall

## Exterior

- Gravel parking lot to house 71 vehicles behind the barn to the West with 4 additional paved handicap accessible on North side
- Pine trees and fencing to line North and South property borders and parking lots for increased appeal, seclusion, and privacy for both neighbors and venue
- Pine trees will meet required code of 90% opacity within 12 months of planting, while fencing will allow for immediate 100% opacity
- Cocktail patio will accompany the existing pavilion that will be repurposed for additional exterior covered space

## Hours of Operation

Friday & Saturday

11am - 11pm

Sunday

11am - 7pm

*Owners will help guests setup from 11a-1p and tear down  
from 10pm-11pm/6pm-7pm, with all guests required to leave  
the property by 11pm/7pm at closing.*

## Availability

May through October

*Based upon bookings*

## Event Operations

- All events to be catered by licensed vendors with servers provided by guests
- All alcohol will be provided and served by guests without monetary exchange
- The Barn at Brownhelm Creek event coordinator will be on site at all times to ensure safe and successful operations
- Event coordinator will organize and maintain thorough clean-up process before and after every booking
- No real, live flame in or around the barn at any time
- Event insurance will be required when booking by guests to ensure a safe, family-friendly environment
- Offer security services by local off-duty police officers if requested

### What We Offer

- A beautiful country setting in our nearly 6,000 square foot rustic dairy barn to host your dream wedding from start to finish.
- Our team sets up the barn to your specified seating arrangement and covers your tables. When you arrive in the morning, you get to do the fun stuff by choosing from hundreds of decorations to decorate

### What's Included

- Exclusive access to the beautiful property in specified times
- Elegantly decorated barn with white lights, chandeliers, white drapery, and hundreds of rustic decorations
- Tables and chairs for up to 250 guests
- The Barn at Brownhelm Creek team members throughout your evening to assist on making magic happen
- Two unique dressing areas
- Security if requested
- Clean-up by team members after caterers have finished
- Indoor bathrooms (wheelchair accessible)

Venue Rental Fees

Friday

\$6,000.00

Saturday

\$7,000.00

Sunday

\$5,000.00

# 1496 Whittlesey Ave

Building

- Directions
- Save
- Nearby
- Send to your phone
- Share

- 4496 Whittlesey Ave, Norwalk, OH 44857
- Suggest an edit on 4496 Whittlesey Ave
- Add a missing place
- Add your business
- Add a label

## Photos



## Visit this location

he Palm Tree Barn LLC.  
8 ★★★★★ (45)

4496 Whittlesey Ave,  
Norwalk, OH 44857

White Wedding Video

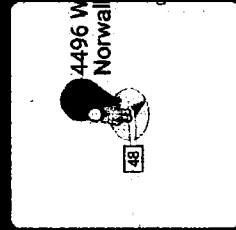
4496 Whittlesey Ave

Street View & 360°

All



4496 Whittlesey Ave  
Norwalk, Ohio



Google

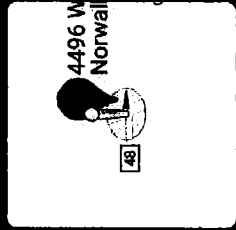
4496 Whittlesey Ave

Street View & 360°

Ali



4496 Whittlesey Ave ::  
Norwalk Ohio  
Google  
Street View



Google

Insure Your Wedding Now!

**Get a Quote**

**WedSafe Wedding Liability Insurance Coverage**  
**Commercial General Liability (\$1,000 Property Damage Deductible)**

	Limit Options					
Each Occurrence	\$500,000	\$1,000,000	\$2,000,000	\$3,000,000	\$4,000,000	\$5,000,000
Damage to Premises Rented to You (Fire Legal Liability)	\$500,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Medical Expense	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000

## Wedding Event Liability Insurance - Liquor Liability Insurance

Couples today are opting for unconventional wedding venues such as parks, museums, historic mansions and private estates. Many of these venues now require event hosts to purchase liability insurance. Most will also require a host liquor liability provision that extends coverage for alcohol-related incidents.

No worries, we've got it covered.

With limits available **up to \$5,000,000**, WedSafe was designed in consultation with leading venues to ensure the coverage satisfies industry-standard requirements.

### Wedding Liability Insurance:

- Required/preferred by wedding venues
- Affordable coverage
- Protects you in the event of injuries or property damage
- Offers host liquor liability to protect against alcohol-related accidents (alcohol liability insurance for weddings)
- Allows for wedding ceremony, reception and rehearsal dinner venues to be named as "Additional Insured" for one low price\*
- Can be purchased up to the actual day of your wedding\*\*
- Purchase online for coverage in minutes; the certificate of liability insurance can be emailed directly to your venue\*\*\*
- This coverage is primary for both you and your venue; if you have a covered claim, your



**WedSafe® policy will pay first, before other insurance you may have.**

The top wedding insurance program in the USA, WedSafe has been protecting couples and their investments since 1999.

To view a sample policy, click [here](#).

[Get your quote today](#)

Refer to this chart to review WedSafe liability insurance coverage limit options. If you have questions, call [1-877-723-3933](tel:1-877-723-3933), Monday through Friday, from 9:00 a.m. – 8:00 p.m. ET, to speak to a Client Relationship Specialist.

\* Rehearsal dinner must occur within 48 hours of the ceremony in order to be included on the same policy.

\*\* Please note: Some coverage options and limits are not yet available in all states. Use the Get a Quote button to see available coverage options and limits for your state, or contact customer service for more information.

\*\*\* In some cases, if your venue requires special wording to be added to the Certificate of Insurance, we will need to review the wording before a special certificate of insurance can be issued. This may take up to one (1) business day. When your wording is approved we will send your certificate via email.

### **15% Discount Wedding Day Protection Package**

Purchase Event Liability Coverage with Cancellation/Postponement Coverage and receive up to a 15% discount on your premium!

The information contained here is for illustrative purposes only and coverage under the WedSafe Program is expressly subject to the restrictions, limitations, exclusions and terms of the policy documentation issued by the insurer. Availability of this program is subject to a state's approval and coverage may vary by state. This program is underwritten by Nationwide Mutual Insurance Company and affiliated Companies.

[Return to Top](#)



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VERMILION CITY COUNCIL - SIGN IN SHEET

PLEASE PRINT

NAME

ADDRESS

Public  
Hearings

Don KAIGHN

1450 CLAUS RD.

HOWARD FREDERICK

1410 CLAUS RD

Vicki Leimbach

1425 Claus Rd

Marilyn Brice

1445 Cooper Foster

Robert Leimbach

1425 Claus Rd

DOROTHY KAIGHN

1450 CLAUS RD

1450 CLAUS ROAD  
VERMILION, OHIO 44089  
JULY 12, 2021

TO THE VERMILION CITY COUNCIL

REMARKS RELATIVE TO THE PROPOSED ORDINANCE 2021-41

FROM DAN AND DOROTHY KAIGHIN

MY NAME IS DAN KAIGHIN. I LIVE WITH MY WIFE AT 1450 CLAUS ROAD IN VERMILION, AND HAVE BEEN THERE FOR ALMOST 48 YEARS. I 'M HERE TO EXPRESS MY OPPOSITION TO THE PROPOSED LAND-USE VARIANCE ORDINANCE 2021-41 WHICH HAS BEEN REQUESTED BY THE BROWNHelm CREEK REALTY, L.L.C., HEREAFTER REFERRED TO AS "THE REALTY." THEY ARE THE OWNERS OF THE PROPERTY AT 1440 CLAUS RD, JUST NORTH OF OUR HOUSE. THEIR PROPERTY INCLUDES A BARN THAT IS MORE THAN A CENTURY OLD AND SITS IN A FIELD 2.1 ACRES IN SIZE. SADLY, IF THIS ORDINANCE IS APPROVED, THE REALTY WILL BE ALLOWED TO CHANGE AN EXTREMELY TINDER-DRY DAIRY BARN INTO A WEDDING VENUE WHICH IS PLANNED TO ACCOMMODATE UP TO 300 PEOPLE PER EVENT.

I HAVE GIVEN YOU TWO HAND-OUTS. THE FIRST INCLUDES PHOTOGRAPHS NUMBERED 1 THROUGH 4. PLEASE FOLLOW ALONG WITH ME AS I CONTINUE. PHOTO # 1 IS AN AERIAL VIEW OF THE PROPERTY IN QUESTION, WITH THE BARN, OUR HOUSE, HOWARD FREDERICK'S HOUSE AND THE LEIMBACH HOMESTEAD ALL PLAINLY MARKED.

OUR MAIN CONCERN IS THAT THE BARN PRESENTS A DEFINITE FIRE

HAZZARD. IF THE BARN BURNS, IT PLACES OUR HOUSE, (PHOTO #2,) JUST 75 FEET FROM THE BARN, IN VERY SERIOUS DANGER. THIS INCLUDES THE FREDERICK HOUSE, (PHOTO # 3,) 140 FEET FROM THE BARN, AND THAT OF THE LEIMBACH HOMESTEAD, (PHOTO # 4,) 220 FEET ACROSS THE ROAD FROM THE BARN. ALL THIS DANGER OBVIOUSLY INCLUDES ALL OF US WHO LIVE THERE, AND, OF COURSE, ALL THOSE AT THE BARN.

THE OTHER HAND-OUT THAT I REFERRED TO A COUPLE MINUTES AGO CONTAINS - A COPY OF THIS LETTER, A LIST OF OUR CONCERNS AND A PHOTOGRAPH WHICH I WILL SHOW YOU AT THIS TIME. THIS IMAGE IS ONE OF A BARN VERY SIMILAR TO THE ONE NEXT TO US.- - WE BELIEVE, THAT AFTER SEEING THIS PHOTOGRAPH, YOU CAN READILY UNDERSTAND OUR DEEP CONCERN ABOUT THE PASSAGE OF THE LAND-USE VARIANCE THAT HAS BEEN REQUESTED.

ANOTHER CONCERN WHICH WE HAVE WILL DOVETAIL WITH OUR FIRST ONE. I'M REFERRING TO THE USE OF ALCOHOLIC BEVERAGES AT THE PARTIES. THE REALTY PEOPLE HAVE ASSURED US THAT THEY WILL NOT PROVIDE A BAR FOR THOSE EVENTS. IS THAT SUPPOSED TO MEAN THAT THERE WON'T BE ALCOHOL THERE? THAT IS VERY DIFFICULT FOR US TO BELIEVE BECAUSE MANY PEOPLE BRING THEIR OWN. IN OUR MINDS, MORE PEOPLE, MORE ALCOHOL; MORE ALCOHOL, MORE RISK OF ACCIDENTS; MORE ACCIDENTS, MORE RISK OF FIRES.

OTHER CONCERNS THAT WE HAVE ARE LISTED ON A SEPARATE PAGE ATTACHED TO THIS LETTER.

FINALLY, ON JUNE 9<sup>th</sup>, THE REALTY OWNERS CAME TO OUR DOOR TO INTRODUCE THEMSELVES TO US. THEY GAVE US A PACKET OF INFORMATION WHICH INCLUDED A LETTER OF INTRODUCTION AND A BRIEF PLAN OF THEIR INTENDED USE OF THE PROPERTY. IN THE LETTER, THEY PROMISED, AMONG OTHER THINGS, TO DO EVERYTHING IN THEIR POWER TO APPEASE OUR CONCERNS AND TO PAY THEIR UTMOST ATTENTION TO KEEPING OUR PROPERTIES AS QUIET, PEACEFUL AND BEAUTIFUL AS THEY ARE TODAY. LADIES AND GENTLEMEN, WE CERTAINLY AGREE WITH THEIR DESIRE TO KEEP EVERYTHING THE SAME IN OUR NEIGHBORHOOD; AND WE BELIEVE THAT THE BEST WAY FOR THEM TO DO THAT IS TO DO NOTHING AT ALL TO CHANGE OUR COMMUNITY.

MEANWHILE, WE RESPECTFULLY ASK YOU TO VOTE AGAINST THE PROPOSED LAND-USE VARIANCE ORDINANCE 2021-41.

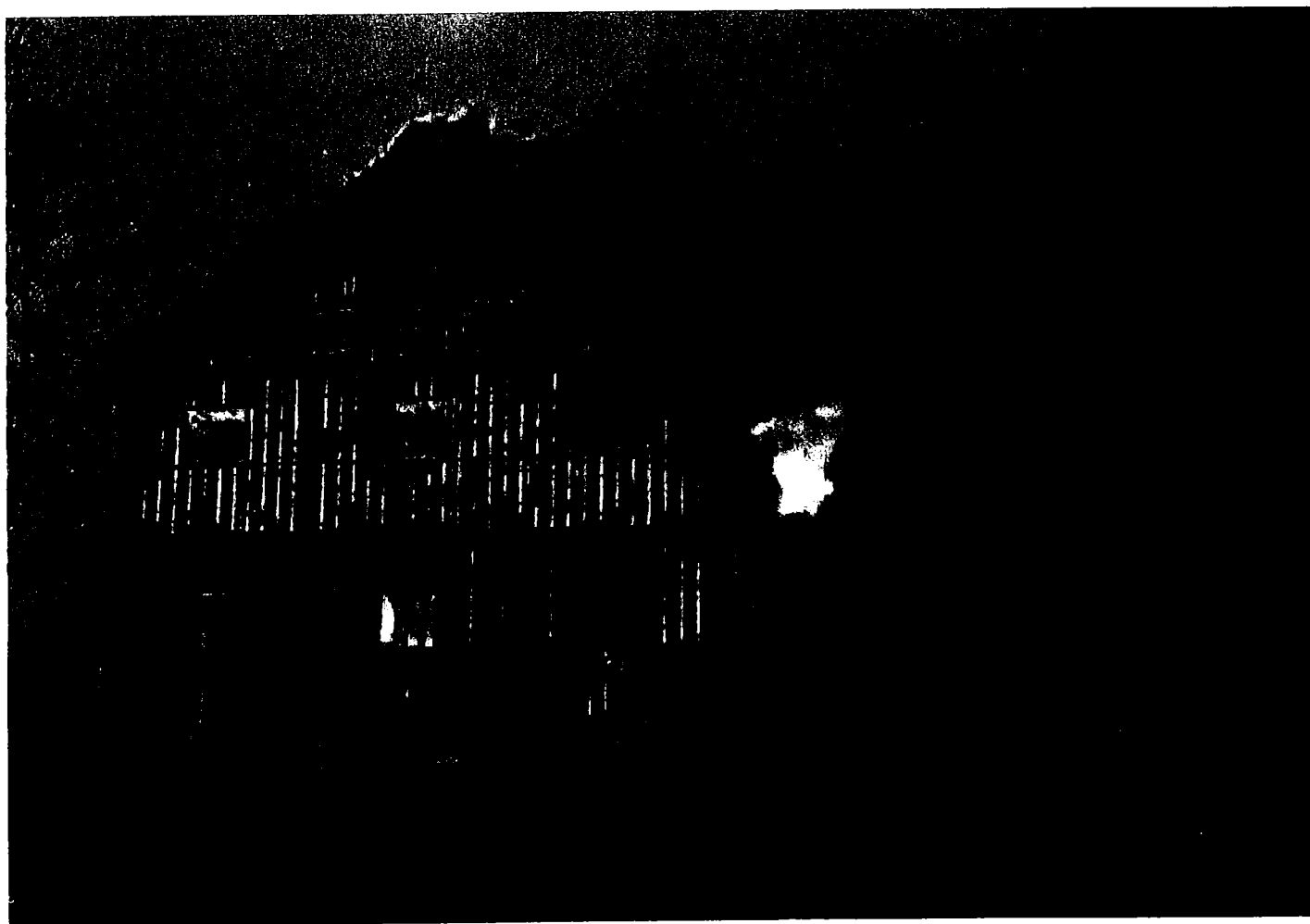
THANK YOU VERY MUCH FOR LISTENING.

LIST OF CONCERNS OF DAN AND DOROTHY KAIGHIN RELATIVE TO  
PROPOSED ORDINANCE 2021-41 OF THE VERMILION CITY COUNCIL.

JULY 12, 2021

- 1) FIRE HAZZARD – The barn is well over 100 years old , is extremely dry and appears to be a huge tinder box waiting for an accidental spark to occur from any open flame, cigarette, heating device or electrical malfunction. If the barn burns, it will place the three inhabited houses near the barn and their occupants (us) in extreme danger.  
This obviously includes anyone in and around the barn.
- 2) NOISE - This includes loud band music in and outside the barn, people's loud voices, car/motor cycle engines, etc. every week-end from 200-300 partiers.  
Probably very little enforcement of anti-noise ordinances.
- 3) ALCOHOL CONSUMPTION – People, parties and alcohol usually equals trouble. We were told “No bar at the events.” But people like to bring their own.
- 4) NOT ENOUGH SECURITY – We don't expect any Security at the events to make sure partiers act responsibly and to abide by departure time; also to guard against VANDALISM.
- 5) DISPOSAL OF REFUSE – Garbage left for collection invites animals which will wander over to our yard and onto/into our house.
- 6) BRIGHT LIGHTING AROUND AREA – Very unsettling for us at night.
- 7) PARKING – Cars/motor cycles parking in other than designated places.
- 8) BARN/PROPERTY RENOVATION-ANIMALS – When renovation takes place animals in the barn (mice, rats, snakes, raccoons, squirrels, etc.) leave the barn and try to live in/on our house. It has happened before. We don't want a repeat.
- 9) NO PRIVACY - Not withstanding shrubs, bushes and trees in place, we will have no privacy before, during and after the planned events.
- 10) MISDIRECTED REPORTING OF PROBLEMS – Many times people have come to us with concerns involving the barn, thinking we own the barn. We foresee that happening when there are problems during the party. Instead of going to the owners, they'll come to us.
- 11) SEPTIC SYSTEM PROBLEMS (ODOR/OVERFLOW) – Near our property?  
NO THANK YOU!!!
- 12) PROPERTY VALUES DETERIORATING

IMAGE OF A BARN SIMILAR TO THE ONE AT 1440 CLAUS ROAD



75 FEET FROM THE KAIGHIN HOUSE

140 FEET FROM THE FREDERICK HOUSE

220 FEET FROM THE LEIMBACH HOMESTEAD



#1

#2

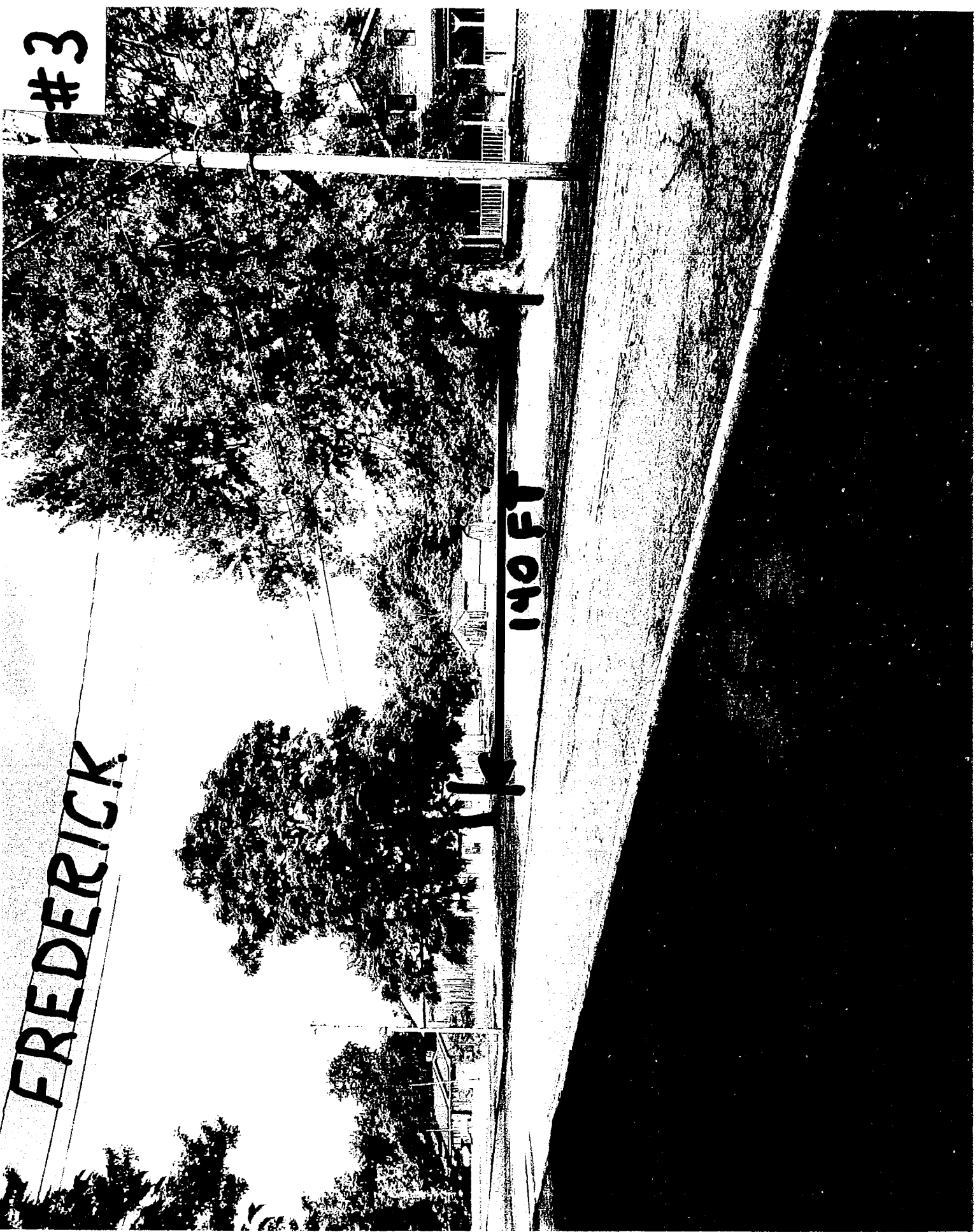
KAIGHIN

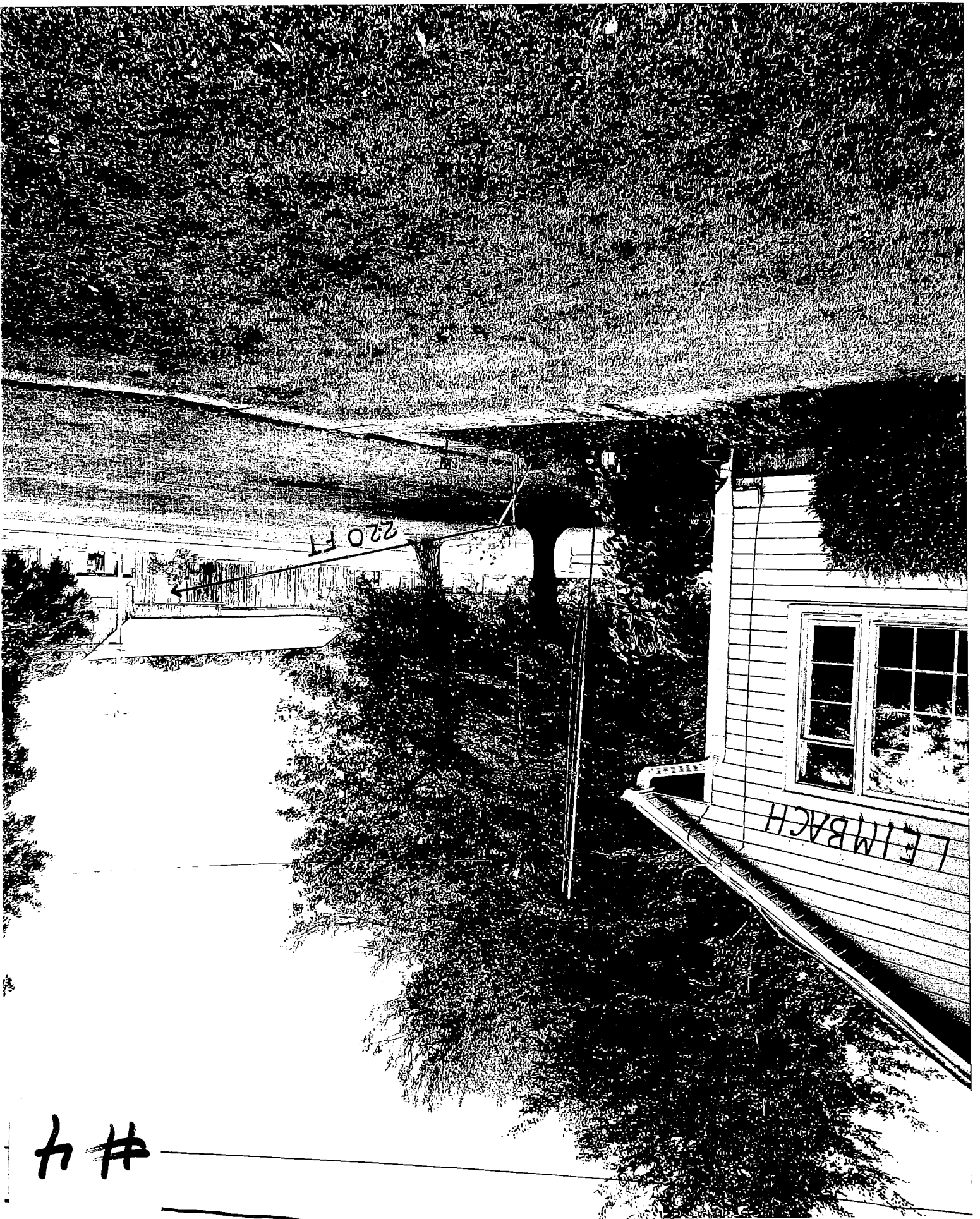


FREDERICK

#3

140 FT





#4



Howard Frederick

1410 Claus Rd

Vermilion, Oh 44089

**There are more neighbors than was portrayed to the Municipal Planning Commission.**

According to the Minutes of the Vermilion Municipal Planning Commission of June 2, 2021 @ 7:00PM.

Per Jim Chapple's question about what was on either side of the property: K. Herchler said north of the property is a vacant house and to the south an older couple lives there, and to the east there is 90 acres of farm field. In fact: To the north is Howard Frederick's home, he has lived there continuously since 1994 (over 27 years)—it hasn't been vacant during any of that time. To the south is Dan & Dorothy Kaighin's home. Across the street is Bob and Vicki Leimbach's home and lawn. The Leimbach's lawn extends past the Kaighin's home. The 90 acres doesn't begin until the other side of the Kaighin's home.

According to census data, noise is the number 1 reason people move from their homes

**These Wedding Receptions will be LOUD.**

- 200-300 People Drinking With Music is Loud
- This Venue is Likely To Be Louder Than Average For A Wedding Reception Venue
  - Former dairy barn was not designed to eliminate or even reduce noise pollution to surrounding areas. Owner's intent is not to reduce noise—hedges will do next to nothing.
  - Bands Are Required To Play To The Loudness Of the Drums
  - In a venue with Thick Carpets and Heavy Drapes, Drums Don't Sound As Loud, the other Instruments Don't Have To Play as Loud
  - In a venue with Hard Surfaces, such as Stone, Concrete, Drywall, Wood, Drums sound louder and the accompanying instruments must play louder.
  - In a more elegant venue, guests are more likely to behave according to the venue.
  - A barn is almost certain to attract a less restrained customer base. Customers will feel more comfortable letting loose, and being loud—anyone holding their wedding in a barn, will feel the venue itself eliminates noise considerations.
  - In the summer, they are likely to open those barn doors for ventilation, and noise will be completely unrestrained.
- Highly Amplified Low Frequency Sound – Thumping Music – Even more of a concern—this type of sound has been used as weapons, and was notoriously used when the US arrested Manuel Noriega in Panama.

**This is one of the least compatible commercial businesses with residential housing.**

- Compare this with a tax service – where people drop off their tax records. It increases traffic, but except for the cars is quiet.

Howard Frederick

1410 Claus Rd—Right next door to the proposed wedding reception venue, immediately to the north.

There are more neighbors than was portrayed to the Municipal Planning Commission.

These Wedding Receptions will be LOUD.

- 200-300 People Drinking With Music is Loud
- Louder Than Average For A Wedding Reception Venue
  - Former dairy barn was not designed to eliminate or even reduce noise pollution
  - Bands Are Required To Play To The Loudness Of the Drums
    - Thick Carpets and Heavy Drapes, drums don't sound as loud
    - Concrete Floors and Wood walls, require accompanying instruments to play louder
  - Guests
    - Elegant venue, guests are more likely to be restrained
    - A barn is almost certain to attract a less restrained customer base
      - Expect to be able to make noise
  - Summer Ventilation – Open Front and Back Barn doors – No damping of sound at all
- No Buffer Space – Not on farm, this is a 2 acre residential lot, with neighbors on both sides and across the street.

Least compatible commercial businesses with residential housing –

- Tax Service – More traffic, but quiet
- Office Space – Used from 9-5 Monday thru Friday; Quiet on evenings and weekends
- Will be very intrusive on weekend evenings—you can't do anything to escape, other than leave your home

Barn Property Owners should buy commercial property, and rebuild the barn there

- Residential Zoning Exists to Protect Residents From Exactly This Type Of Situation – Please Recognize and Respect That

According to census data, noise is the number 1 reason people move from their homes.

Please don't allow this business

- I don't want to have to leave my home every weekend or move

- Compare it with many businesses that have their activities during the week, and during the day.
- Nearly everyone wants to enjoy their weekend, this will pretty much eliminate the option of staying home for nearby residents, or even opening the windows during wedding receptions.

### **Nearby neighbors aren't the only residents affected**

#### **Noise**

##### **Sound travels.**

- There is a home at the intersection of Brownhelm Station road and Claus Rd, where the residents played very loud music. Even with the buffer of the elevated train tracks, estimated to be 12-15 feet high, the music was audible inside the Frederick house, albeit with the windows open. This is about 0.4 miles away.
- All of the neighbors on Claus Rd, Arndt Rd, and Old Claus Rd south of Brownhelm Station Rd, and north of Route 2, will be able to hear the music of these wedding receptions.

### **Impacts Other Than Noise to Nearby Neighbors**

#### **Parking**

- Parking will be limited on the site of the barn
- 100-150 cars will exceed on-site parking. Because the driveway is so near the property line, some people may attempt to park in the Frederick lawn
- As parking fills up, others will park on the side of the road. Since there is no parking, they will likely park in the Kaighin, Leimbach, or Frederick lawns.
- Overflow parking
  - Still others will be likely to park in the Township lot north of the Frederick home. They will then be forced to walk 70-90 yards to the Barn. There are no sidewalks, forcing them to walk on the street, or through the Frederick lawn.
  - On the return trip, when it is likely to be dark, there is a street light in front of the barn, and a street light in front of the Frederick driveway—it is not well lit, increasing traffic danger for those walking.
  - Will the city install sidewalks and extra lighting to alleviate this safety? Or are the guests who must make this walk expected to walk in poor lighting and either on the street or through the Frederick lawn?

#### **Kids**

- Many kids will be minimally supervised during the reception
- The Kaighin home has a pond in the back yard, kids may be attracted to that.

- Brownhelm Creek Runs through the Kaighin lawn, along the Barn property line, and through the Frederick back yard. Some kids will likely be attracted to the creek. In the spring, and after rainstorms, that creek can be raging, and quite dangerous. Parents, enjoying the wedding reception, and unfamiliar with the area, may not appreciate the dangers.

### **Garbage**

- If a wedding occurs Friday, Saturday, or Sunday, there will likely be garbage in a dumpster, until the pickup date—typically Wednesday. There are already sizeable numbers of raccoons in the area, as well as mice, and black snakes. This could attract more.
- Litter may well become a problem, as people may want to eat outside, with napkins, plastic cups, etc get blown by the wind.

### **Safety**

- The barn is highly flammable
  - The barn is an old dairy barn, they can be quite flammable. One cigarette, carelessly placed, can cause an extremely dangerous fire.
  - If a fire occurs, guests inside the barn could be in significant danger.
  - If a fire occurs, the propane tank, supplying heat to the Kaighin's home is very close to the barn, and could explode. 10 gallon propane tank explosions have levelled homes, a 500 gallon tank explosion could be catastrophic.
  - If a fire occurs, both the Kaighin and Frederick homes would be at extreme risk.

### **Property Values Increased for Barn, but Destroyed For Nearby Homes**

- Property Values of the Frederick, Leimbach, and Kaighin homes will be significantly reduced with such a loud and heavily trafficked venue next door to their homes.
- Property value of the barn, and accompanying lot, will be increased.
- Is there anybody that would want such a venue next door to their house. Loud parties EVERY WEEKEND, with 200-300 guests, most of whom will not have any ties to the neighborhood. Lots of drinking, and the only way to escape the noise is to leave your home—every weekend.

### **Property Values – Noise suppresses property values**

- The Vermilion Municipal Planning Commission may be in the process of defining a corridor of low income housing—intentionally or unintentionally.
- Property Values are suppressed on Brownhelm Station Rd, Arndt Rd, and Claus Rd near the train tracks, due to the noise of the trains.
- Property Values near Route 2 are suppressed due to the noise.
- Property Values near the Shooting Range on Cooper Foster, on the east side of Baumhart Rd have been significantly reduced, due to the noise. The noise from that shooting range is clearly audible on Claus Rd, 0.75 miles away, sitting inside with the windows closed. When people are shooting, it sounds like we live next to Beirut.
- Property values near a noisy venue such as the barn will certainly get suppressed.
- The whole area is becoming a much less attractive place, entirely due to noise, much of which could be avoided with proper residential zoning restrictions.

- Future development opportunities could be restricted, particularly for residential housing, because of surrounding noise—most people simply want a quiet place to live.

## **Infrastructure**

People walk for exercise through this area of Claus Rd frequently. Is the city going to put in sidewalks so the pedestrians aren't in more danger from a mixed use (commercial & residential zoning) environment? Or are pedestrians supposed to monitor the traffic, and determine whether to assume the additional risk, or stop altogether?

People ride bicycles. Kids, sometimes parents with kids, sometimes people for exercise. Is the city going to widen the roads, and put in bicycle lanes for their safety? Or, are they expected to monitor the increased traffic, and either assume the additional risk, stop altogether, or modify their habits and ride elsewhere?

Drinking – There are going to be large amounts of people drinking, most of which won't live in the immediate area. Are increased police presences expected, both for misbehavior and drunken driving or excessive speeds in residential neighborhoods?

Sewage - 300 Guests Need Bathrooms – Is the city going to run sewer lines prior to allowing the wedding reception to commence operations?

## **Residents accepted tradeoffs to living in a more rural setting; those benefits are invalidated with so much noise**

- Benefits
  - Laid Back Lifestyle; Away From The Hustle and Bustle
  - Quiet
  - Less Traffic
- Detriments
  - Further to travel to get anything
  - No Natural Gas
  - No Sewer Lines
  - No Sidewalks
  - Snow Clearance In Winter Won't Get Same Priorities As More Heavily Traveled Streets

If this venue is permitted, we will have all of the detriments of living in the country, but none of the benefits. Likewise, we will have the drawbacks of living near a commercial district, with none of the benefits—lots of noise and traffic, no privacy on weekends. No benefits of nearby restaurants or shopping.

**What has been a good place to live, will become a terrible place to live.**

**Barn Property Owners should buy commercial property, and rebuild the barn there**

If the Property Owners of the Barn would like to create a wedding venue, they should buy a commercially zoned lot, take the barn down, and reconstruct it on that lot—rather than destroying the livability of the surrounding homes on the lot where the barn currently sits.

**Residential Zoning Exists to Protect Residents From Exactly This Type Of Situation – Please Recognize and Respect That**

Dear Council Members,

This seems like a good time to talk about neighborhoods. Ours is being threatened.

This little chunk of land on Claus Road is where I grew up. I am the fifth generation Leimbach to live here- my great-great-grandfather built his cabin on the farm in 1847, if I have my numbers right, and we have been here ever since. The farm is mostly gone now, but the family home and our barn remain.

The John Love family operated the farm across the street. It was a typical small dairy setup supported by grain farming, same as we had here. That's gone now but the barn remains.

The farmhouse is still standing, too, built in 1857. A different owner lives there, and has since 1994.

To the south, a new house, built in 1973, lies practically in the shadow of the old barn. The original owners still live in that house, having raised a family and creating memories. This couple enjoys watching eagles soar as they sit on the deck in their back yard.

These three homes, and the serenity they have provided for years, are in jeopardy. What used to be a dairy barn, slouching its way into oblivion, is now being promoted as The Next Big Thing for Vermilion. This 'jewel in the rough', across the street at 1440 Claus, is to be transformed into a charming wedding venue. Right now, all we see is the 'rough'- a big old rundown barn on a too-small lot- but not the 'jewel'. But with a little imagination, we neighbors are told, "it could bring a lot to this historic section of Claus Road". I am sure it could.

It could bring:

1. A lot of traffic. As many as 100 ( or more?) cars at one time driving down this crumbling road to get to it on a typical Saturday night. Because of its 6000 square foot size, occupancy could be as high as 300 people. How big would the parking lot on this 2.17 -acre lot need to be to hold every single car? You do the math. There is no other parking nearby without either infringing on the neighbors' property or parking on the side of a narrow road, and then walking through their yards. Deliberately baking such a problem into this cake is not indicative of good planning.
2. A lot of angst to the families who have lived here for so long. The new owners failed to mention it when applying for the variance, but there are homes on all three sides. One home is very close, and would become essentially unlivable every single day that there is an event scheduled in the barn. Which would be most Fridays (setup), Saturdays (the blessed event), and Sunday mornings (tear down and cleanup). A vote for this ordinance is essentially a vote to condemn this house. Both of the other homes would suffer to a somewhat lesser extent. The neighborhood would suffer too. But, happily, the owners would not, because their 'forever home' will be out of earshot a half mile away.
3. A lot of alcohol-related behavior. There is a certain 'casualness' associated with a rural wedding that makes people think the neighbors' yards are the perfect repository for that empty beer can. And maybe relieve the ol' bladder, too, since you're outside anyway.

4. A lot of noise. Did I mention there are three families living within 220 feet of this barn? Which would have NO insulation, and open doors in the summer? Bands, large crowds, and a beer or two can create a pretty high dB level. Are they going to turn off the amps at sundown?

5. A lot of risk for a major fire. This barn is more than 150 years old, full of hay and dry wood. If you look up the word "tinderbox" in the dictionary, there is probably a picture of it. And this one has a house, with a 500-gallon propane tank, located just 75 feet south of it.

One thing, however, there is not a lot of:

Common sense. It makes no sense to put all the time, effort and expense into an old building on an undersized residential lot if there is no hope of recouping those expenses. There is no room for expansion. There are no sewer or gas lines, the roads are a mess, it is difficult to get to. The lot is not big enough to handle the potential volume of people (sewers), or cars (parking), or noise it could generate. In my opinion, the only way this site makes sense is by assuming the neighbors will be forced out. Is that what Vermilion stands for now?

Please reconsider this ordinance. This business is totally unsuitable for our residential neighborhood. I like old barns, and would love to see this one saved. But not in this way. If they want to make this barn into a wedding venue, the owners should dismantle it and move it to an appropriate piece of land. There are many available. And they do not involve uprooting three established households.

Do it the right way.

Sincerely,

Bob Leimbach  
1425 Claus Road  
Vermilion

Vermilion City Council  
Public Hearing 7/12/2021  
Regarding: Ordinance 2021-41

Vicki Leimbach  
1425 Claus Road, Vermilion, Ohio

I live directly across the road from the proposed wedding venue. I oppose passage of Ordinance 2021-41, allowing an R-1 residential lot to be used for a large commercial venue.

I have 3 very brief points.

#1. I appreciate the opportunity to say this ON RECORD.

The location of this proposed venue is dangerous for the 300 wedding guests, especially children, for the neighbors and for the safety forces. There's a creek on the back side and a road with traffic very close on the front side.

Danger for children.

#2. Devaluation of property. It's difficult to describe our neighborhood. We have trains, Route Two and the gun range noises. Yet, it's a PEACEFUL place to live. We have cyclists, joggers, dog walkers and Moms pushing strollers. On our little section of Claus Road there is an absolute respect of privacy and property. An influx of 300 strangers every weekend would be an assault.

Monetarily, I'll let 75 feet speak for itself. This venue would make Kaighin's property uninhabitable and unsellable. I've also attached public records indicating the devaluation of properties in Vermilion affected by another unpopular noisy neighbor.

#3. Sometimes it's a delicate balance. Sometimes decisions must be made that hurt one homeowner for the

benefit of the city. For example, a tree may need to be cut down to create more drainage for a neighborhood or a road closed to repair a bridge. There is no delicate balance here. Three homeowners and a neighborhood would suffer. How does that help the City?

This entire public hearing could have been avoided by 2 simple things...1. A knock on the door... We would gladly have listened to plans and would have been excited. But we would have pointed out flaws and possible solutions.

Great idea but wrong location! Thanks to a creative historical association member, we have located most of the barns in Brownhelm. Would one of these be better suited for you? We know three barns that have been moved. We love this barn and want it saved. #2. A simple phone call...hey your neighborhood is going to be on the agenda at the planning meeting. We would have been there and would have brought an aerial map.

I don't want public officials taking their time dealing with a project that is not viable. I want my public officials concentrating on safe neighborhoods, protecting homeowners and businesses and building a city.

There's room for progress and growth. There's room for home owners. There's room for tourism. There's room for creative businesses. There's room for industry if they love our city. There's room for great churches and good schools. But, in my opinion, there's NO ROOM for wasting time, and that's what we're doing.

I love old buildings. I live in one. I love old barns. I love weddings. This is just not the right location.

Thank you for listening.

Supporting  
Info #2

Kaighin Residence - 75 feet from barn

Enough Said



LORAIN COUNTY BOARD OF REVISION  
226 Middle Avenue, 2nd Floor  
Elyria, OH 44035  
440-329-5289 Phone  
440-329-5335 Fax

June 27, 2018

THOMAS C & ANNE M PALMER  
1680 COOPER FOSTER PARK RD

VERMILION, OH 44089

Dear THOMAS C & ANNE M PALMER:

This cause came on to be heard on the complaint of assessment of real property through the Lorain County Board of Revision.

Case No. 2018-L00275 Date / Time of Hearing May 31, 2018 3:15 PM

Said cause having been argued by the Complainant and after due consideration and review of the evidence presented, the decision of the Board of Revision is as follows:

Parcel No.	Property Address	From Value	To Value	Reason
01-00-027-030-056	1680 COOPER FOSTER PARK RD VERMILION, OH 44089	232,420	230,000	Analysis Auditor's Apprais

This is to certify that the Lorain County Board of Revision officially made this entry for the 2017 tax year. This value will remain in place until the next triennial update or reappraisal unless the property is altered in some way (i.e. new construction, demolition etc.). Any further appeal as to this decision must be made within 30 days from the date of this letter to the Ohio State Board of Tax Appeals or the Lorain County Common Pleas Court.

Sincerely,

Lorain County Board of Revision

mr

Via certified mail. 8900900276070036716

*Permission to use -  
information is from reduction in Value  
because of gun range noise.*

*Thomas C Palmer*

October 5, 2018

J. Craig Snodgrass, CPA, CGFM  
Lorain County Auditor  
226 Middle Avenue - 2<sup>nd</sup> Floor - Elyria, Ohio 44035

BRILL, EDWARD A & MARILYN L  
1745 COOPER FOSTER PARK RD  
VERMILION, OH 44089-3531

**Notice of Revised Assessment  
For the 2018 Tax Year, Payable in 2019**

The revised assessment of parcel 01-00-027-000-013 has been changed for the 2018 tax year, payable in 2019, for the following reason(s): Revaluation

	Prior Value - 2017		Revised Value - 2018	
	511 - SINGLE FAM DW 0-9 ACR		511 - SINGLE FAM DW 0-9 ACR	
	100% Market	35% Assessed	100% Market	35% Assessed
Land	31,190	10,920	26,630	9,320
Building	80,170	28,060	68,360	23,930
Total Value	111,360	38,980	94,990	33,250

\*\*\*These values are not yet certified by the State of Ohio\*\*\*

**Right to Appeal the Assessment** - You may appeal this assessment with the Lorain County Board of Revision between January 1, 2019 and April 1, 2019. Complaint forms and instructions are available online at [loraincounty.com/auditor](http://loraincounty.com/auditor) or from the Board of Revision Office at 226 Middle Avenue, Elyria, OH 44035. The complaint forms must be received by the board office prior to the end of business at 4:30 p.m. on April 1, 2019 to be considered for the 2018 tax year.

If you have questions regarding this notice, please call  
Appraisal Department 440-329-5488  
Phone

Office Hours: 8:00 a.m. to 4:30 p.m. - Monday through Friday

Note: Value changed from \$116,170 to \$94,990 for 2018. Value reduced based on Informal Review.

*You have my permission to  
use this on July 12, 2021*  
*Marilyn Blue*

**Ed & Marilyn Brill**

---

**From:** "Ed & Marilyn Brill " <brownhelm12@roadrunner.com>  
**Date:** Sunday, July 11, 2021 5:14 PM  
**To:** "Marilyn/Ed Brill" <brownhelm12@roadrunner.com>  
**Subject:** July 12, 2021

To President of Council, Steve Herron and other Council Chairs and to the City Administrators:

Thank you for allowing us, the residents of the City, to share our concerns about a simple plot of land in the country with an old barn on Claus Road.

Tonight we hope you will realize that this area should remain just that – a simple plot of land in the country with good neighbors next to and across from this old empty barn! I wonder where the planning commission were when they described that location as an empty house to the north, an elderly couple to the south and 90 plus acres of farm land to the east! Who of you, present tonight, has even driven by this location to actually see why we are here to voice our concerns?

It's time for each of you to LISTEN, - yes, LISTEN to the words already spoken and ~~these~~ <sup>any</sup> words yet to be said by these residents! If you are listening than you will make the right decision to allow this neighborhood to stay the same, quiet, safe and comfortable! Would you like this change to happen in your back yard? To *approve* a change and use this, just over 2 acres, for something not listed in the zoning books seems more like a "hardship" to the residents than to those who want to convince the city for this unusual variance!

Do you know what the modern day dictionary lists for the noun, "hardship"? Hardship as difficult and unpleasant! Yes, it will be unpleasant and very difficult for the property owners around this 'old empty barn' on Claus Road!

About fifteen years ago I was here in this place with many of our neighbors about another property on Baumhart and Cooper Foster Park Roads. Those land owners wanted to change the zoning from R1 to B3. Today that area remains undeveloped so I guess that B3 zoning change never should have happened. Many of you weren't here on council to represent your wards but most of our neighbors still live here and each of us are very watchful about any further changes to those 13.79 acres.

7/11/2021

Sure times have changed since then and there are new concerns like an empty barn as well as annoying noises from a nearby gun range within the industrial park of Brownhelm Township . So, our neighbors will continue to ban together, as several have applied to the L.C. Auditor's office to have our real estate taxes reduced because of the 'sounds of a war zone'! The tax appraisers LISTENED and now it is time for all of you to LISTEN!

Some say 'you can not fight city hall' but we are sure are going to try. Hopefully you have heard and have LISTENED to the concerns from these residents. Don't make the wrong decision and regret their safety, their welfare and their health in their Claus Road neighborhood! Thank you, from all of us country folks!

My name is Dorothy Kaighin. I live at 1450 Claus Rd.

In 1973 we purchased 2.3 acres of land from the John Love family. The Love family came to the area around 1840 to farm. They built a home and the barn to raise cows and had many acres to raise crops. The front part of the 1440 Claus Rd. barn is the original Love family barn. The plot of land we bought was the pasture located next to this dairy barn.

☪ We built our forever home and raised our 3 boys and 2 girls on this land. The kids played, climbed trees, rode bikes on the trails in our woods near the creek. They loved the wintertime and building snow forts and sledding and playing in the snow caves down by the creek. ☪ We had many family gatherings in our yard and on our deck with relatives and friends. As our children became adults, we became grandparents of 13 and great-grandparents of 3 little ones. ☪ Through these years we had larger gatherings, picnics and clambakes in our yard. Lovely sunsets and bald eagles entertaining us with their Fly-overs gave us real sense of belonging and peace. ☪ Meanwhile the barn next to us was rapidly aging and ~~slowly~~ falling to pieces.

During high winds, sometimes pieces of wood break off and land in our yard. We have had pieces of the tin roof come off a couple times. Two large wood planks ripped off and the hole left open attracted buzzards which liked to sit on the hole ledge and stare down at us as we left our side door. The planks were off for months. Other birds and many animals like skunks, raccoons, ground hogs, mice, and snakes like to call the barn home. It is funny to see the babies, especially ground hogs babies, hear us open the side door and try to squeeze back into the gaps in the foundation rocks without getting stuck.

☪ In 2015, we had a shock when we came home from church on Easter Sunday morning to discover someone had broken into our house and violated our precious home. ☪ It was a VERY FRIGHTENING experience that we do not want to repeat. ☪ It is our concern that with a large increase of strangers wandering around the barn property next to us, there would be a definite increased risk that the unwanted repeat would occur.

Fast forward to June 9<sup>th</sup> of this year. We received a letter from Gwen Fisher inviting us to this meeting.

☪ Before Dan and I had a chance to even discuss this shocking news that the barn had been sold, there was a knock on our front door and there were three people and a baby on our porch. ☪ They introduced themselves and told us they were the new owners of the barn and lot next to us and planned to make the barn and property into a wedding venue. They had a packet for us about this idea and they told us a little of their plans and asked us if we had any questions. We asked a couple questions and they answered them and left us. ☪ Dan and I were absolutely shocked. <sup>FLOOREN</sup> Telling our son later, he said to his father, "Dad, I am stunned, absolutely stunned that anyone would even think to put something like a

wedding venue that would have up to 300 people in a barn over 150 years old just 75 feet from your home.

You have heard from Dan, Howard Fredrick, and Bob & Vicki Leimbach speak on just some of the many concerns we have to oppose this variant. There may be more speaking after I finish. *+ Fisher*

- ( If this is a successful venue and they book a wedding every Friday and Saturday that would mean that Dan and I may have to vacate our home for about 100 days through the year because of fear of fire, loud music and noise, lack of privacy, fear of vandalism, increase of traffic coming and leaving, etc.etc.etc.

Since we received the certified letter from Gwen Fisher, this has been a nightmare for us.

Based on these concerns presented, we ask you vote no on ordinance 2021-41.

Thank you very much

**Appropriation and Amended Certificate 2021 Updates**

The appropriation amendments are included for approval this evening for June after 1<sup>st</sup> Reading as well as discussion at Finance Committee last week:

Fund 101	General Fund	Increase \$58,700	Tree Comm, Fulper Project
Fund 200	Streets	Increase \$89,876	Vermilion Rd Ph4a Engineer
Fund 212	Cemetery	Increase \$ 7,000	Transfer Tree Trimming
Fund 224	Court Computer Fund	Increase \$6,600	Equipment
Fund 238	American Rescue Plan	Increase \$1,088,782.51	Grant Rev/Exp
Fund 240	Tree Commission	Increase \$10,000	Transfer from General
Fund 405	Museum Fund	Increase \$4,600	Canopus Sale proceeds
Fund 508	Fire House Construction	Reduce \$450	
Fund 602	Sewer Fund	Increase \$20,000	Centrifuge Repair Rental

**ARPA FUNDING ALLOCATION**

As Mayor Forthofer had indicated in his report, the allocation to be received by the City is substantially reduced after the State's distribution to other political subdivisions. The administrative team met again on Friday to prioritize where the funds could have the greatest impact.

ARPA ALLOCATION				
Total Allocation			\$ 1,088,782.51	
Projects				
General Fund Revenue Replacement			\$ 247,450.00	
LifeCare EMS Equipment Request			\$ 32,221.10	Discussion to share with Brownhelm Twp
Sewer/Water Infrastructure Main St. Beach Proj			\$ 100,000.00	
Water Plan Improvements (sludge tube)			\$ 200,000.00	
Waste Water Treatment Plan Improvements			\$ 509,111.41	
(Study, pumps, tanks, needs based on assessment)				
Total			\$ 1,088,782.51	

**Initiative Petition Received**

On Friday afternoon, the petitions to put the citizen's initiative limiting storage facilities in the city was received. This will ultimately be delivered to the Board of Elections in each county.

## Gwen Fisher

---

**From:** Steve Herron  
**Sent:** Tuesday, July 13, 2021 4:34 PM  
**To:** Gwen Fisher  
**Subject:** Fwd: Wedding venue

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**From:** Steve Herron <sherron@vermilion.net>  
**Sent:** Monday, July 12, 2021 5:02:54 PM  
**To:** Erica gedridge <elfchick7@hotmail.com>; Monica Stark <mstark@vermilion.net>; Emily Skahen <eskahen@vermilion.net>; Frank Loucka <floucka@vermilion.net>; Steve Holovacs <sholovacs@vermilion.net>; Barb Brady <bbrady@vermilion.net>; Brian Holmes <bholmes@vermilion.net>  
**Subject:** Re: Wedding venue

Hello, Ms Gedridge, thank you for the information and letting us know how you feel.

Steve Herron  
Council President

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---

**From:** Erica gedridge <elfchick7@hotmail.com>  
**Sent:** Monday, July 12, 2021 4:48:22 PM  
**To:** Steve Herron <sherron@vermilion.net>; Monica Stark <mstark@vermilion.net>; Emily Skahen <eskahen@vermilion.net>; Frank Loucka <floucka@vermilion.net>; Steve Holovacs <sholovacs@vermilion.net>; Barb Brady <bbrady@vermilion.net>; Brian Holmes <bholmes@vermilion.net>  
**Subject:** Wedding venue

Dear Council members,

I am writing as a resident of Brownhelm township to voice my opposition to the wedding venue being planned for Claus Rd. This is a peaceful community that would be greatly disturbed by the influx of strangers to our area. This venue poses a fire hazard to the other nearby houses, we would undoubtedly suffer noise disturbances and increased traffic would lead to more accidents in our quite area. This rural area is not the place for a commercial wedding venue. I hope you take these things into consideration when voting on this variance, as our community does not want to bring commercialism to our neighborhood. We moved to the country for a reason, let's keep it that way.

Thank you  
Erica Gedridge  
2225 cooper foster park rd  
Vermilion, OH 44089  
440-429-5921

## Gwen Fisher

---

**From:** Steve Herron  
**Sent:** Tuesday, July 13, 2021 4:35 PM  
**To:** Gwen Fisher  
**Subject:** Fwd: Barn wedding venue on Claus Road

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**From:** Julie Harris <julharris14@gmail.com>  
**Sent:** Sunday, July 11, 2021 7:36:52 PM  
**To:** Steve Herron <sherron@vermilion.net>  
**Cc:** Monica Stark <mstark@vermilion.net>  
**Subject:** Barn wedding venue on Claus Road

Mr. President,

This issue was brought to my attention by a couple of neighbors. I truly thought, this can't be true, and of course, would never come to fruition. I hear now, it's possible, and possible in the very near future.

Vermilion hasn't even cleaned out the ditch on our road with many many calls for help during the "years". Vermilion does not tend to us on the outskirts of Vermilion very well, but takes our taxes for all of those services we are suppose to obtain. The water dept. is down here, looking, when it rains hard. But does nothing.

How could the city ok a wedding venue in our neighborhood on such a small lot with not enough parking, fire hazard, (extremely old dry barn), alcohol, noise, water, bathrooms, no sewer, garbage on property possibly, and so many more reasons why NOT!

It would be so unsafe for guests and for the neighborhood. For children. We have no sidewalks. Three hundred people and 60 parking spots?? Really? You have to count on 5 people coming in one car. People will park on the road or the dead end streets. I do believe the police may be getting many calls on parking and conduct, etc., taking away from other emergencies.

As a resident of Vermilion for approx. 48 years, please don't let this happen.

Thank you,  
Julie Harris  
1560 Claus Road  
Vermilion

Sent from my iPhone

## Gwen Fisher

---

**From:** Steve Herron  
**Sent:** Tuesday, July 13, 2021 4:35 PM  
**To:** Gwen Fisher  
**Subject:** Fwd: Subject: Claus Rd. Barn use variance: I am totally against the rezoning of this property from residential to commercial. This is a quiet neighborhood and allowing this property to be used for wedding receptions . There are too many unanswered ques...

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**From:** Marge Dull <mergeone4332@gmail.com>  
**Sent:** Sunday, July 11, 2021 2:33:37 PM  
**To:** Steve Herron <sherron@vermillion.net>  
**Subject:** Subject: Claus Rd. Barn use variance: I am totally against the rezoning of this property from residential to commercial. This is a quiet neighborhood and allowing this property to be used for wedding receptions . There are too many unanswered questions...



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## Gwen Fisher

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**From:** Steve Herron  
**Sent:** Tuesday, July 13, 2021 4:35 PM  
**To:** Gwen Fisher  
**Subject:** Fwd: Public Hearing

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**From:** Steve Herron <sherron@vermilion.net>  
**Sent:** Sunday, July 11, 2021 1:59:48 PM  
**To:** Shelly Hill <shellyhill.622@gmail.com>  
**Subject:** Re: Public Hearing

Hello Ms Hill,

This matter is set for a public hearing Monday night at 7:00 pm. I am not clear as to why you assume I believe it is a good idea. I have made no public commentary regarding this issue.

Steve Herron  
Council President

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**From:** Shelly Hill <shellyhill.622@gmail.com>  
**Sent:** Sunday, July 11, 2021 1:32:44 PM  
**To:** Steve Herron <sherron@vermilion.net>  
**Subject:** Public Hearing

Dear Steve Herron,

Hello our name is Tom and Shelly Hill residing at 2395 Cooper Foster Park Rd, Vermilion, OH 44089

I'm emailing in regards to the Claus Rd. barn use variance. This is an outrage and should not be permitted. Sound travels especially at night and we do not look forward to listening to music. We like to preserve the beautiful sounds of nature. It's bad enough we have to contend with the gun range now this? We also don't appreciate bringing strangers into the neighborhood racing up and down our sleepy streets. Why would you allow this to happen within 220 feet of faithful tax paying citizens? How could you possibly think this would help keep people in our lovely community?

Sincerely,  
Shelly and Tom Hill  
440 396-7674

## Gwen Fisher

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**From:** Steve Herron  
**Sent:** Tuesday, July 13, 2021 4:35 PM  
**To:** Gwen Fisher  
**Subject:** Fwd: Claud Road Barn Use Variance

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**From:** Sharon Ross <sharon1650@netscape.net>  
**Sent:** Saturday, July 10, 2021 4:47:58 PM  
**To:** Steve Herron <sherron@vermillion.net>  
**Cc:** Monica Stark <mstark@vermillion.net>  
**Subject:** Claud Road Barn Use Variance

Council Members:

My name is Sharon Ross. I live at 1650 North Ridge Road and I have been a Brownhelm resident for 44 years. I have experienced the joys and downside to small rural community living. Because the downside includes longer response times in emergencies and limited water availability when dealing with fire, I strongly request that you disallow this land use variance.

This site is far too small to provide adequate parking space for up to 300 people without causing huge disruption to the neighbors as well as obstructions to possible emergency vehicles. The increase in traffic, both vehicle and by foot, and very likely invasion of property should be considered as well.

This old barn will always be a fire hazard when used as a wedding venue. We all can concede that candles, lanterns, and such are lovely to provide atmosphere but are an ever present fire possibility. Smoking will also be a threat even if the management declares a No Smoking policy indoor and out.

This venue, if allowed, will also bring increased noise and disturbance that these near neighbors should not be expected to deal with each weekend.

Please consider all these objections and the others raised by these neighbors and disallow a commercial-use variance for the property at 1440 Claus Road.

I am unable to appear at this Public Hearing but strongly support the neighbors who are objecting to this variance. Thank you for your time and attention.

Sharon A. Ross

Sent from my iPhone