

VERMILION PORT AUTHORITY MEETING MINUTES

April 9, 2020 – 6:30 p.m. @ Zoom Video Meeting

Roll Call: R. Strauss; P. Corogin; D. Miklos; H. Riddle; T. Sommer
Present: B. Yancar, PORT OPERATIONS MGR; F. Loucka, COUNCIL
REPR
Guests: Mayor Forthofer; Bill McCarthy; Lou Friedman, Bob
Collingsworth

Dave Miklos called the meeting of April 9, 2020 to order.

APPROVAL OF MINUTES:

H. Riddle MOVED: D. Miklos seconded to approve the meeting minutes of March 12, 2020. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

CORRESPONDENCE: None.

FINANCIAL REVIEW:

B. Yancar reported as of February 2020 the beginning balance in Fund 214 'Vermilion Port Authority Special Revenue' was \$19,459.00. Revenue is \$13,304.54 and net expenses are \$10,340.22. The increase in revenue is \$7,100, which reflects the leaseholder tax payment. The current ending balance is \$20,495.60 and encumbrances are \$1,900. In the 411 Fund 'Port Authority Capital' there was a beginning balance in 2020 of \$20,946.22, with an encumbrance of \$1,000 leaving an ending balance of \$19,946.22.

B. Yancar noted the YTD Net Revenue for lease/rental fees is \$10,406.44. The total value of leases for Clarion, Riverside and Exchange is \$29,930.00. The lease amount collected to date is \$19,500 and \$10,000 is still outstanding. The street-end leases have all been paid. The Clarion Drive people will be forwarding their payments by the end of the month.

Activity Report:

B. Yancar said he provided the port members with a copy of his activity report via email, which is a running dialogue of open, completed, and status reports of all projects.

P. Corogin addressed the clear well project that has been put on hold but asked the mayor if this project would be revisited this year. Mayor Forthofer said he doesn't know at this point depending on the financial condition throughout the year.

Randy Strauss addressed the dock deterioration and asked if there is a plan. B. Yancar said the plan for 'Mother' is to abandon it as the amount to repair it exceeds the amount of the dock. He is going to contact the donor to see if he would be willing to donate a few more units because he has a pile next to them. At Exchange

Street they have a problem with short dock 'north', which leaks, and its walls are paper thin and it's questionable whether they can repair it as is. He is looking into a secondary welding contact and is looking at taking one of the runners from the dormant courtesy dock which is a 25' runner to have it modified to replace this dock and adding on the gangway which will adapt it to the location. He has touched based with D. Phillips who ensured it's a feasible idea without too much problem. He will look to see how much this will cost.

B. Yancar conveyed that a local church would like to use the Quaker Steak parking lot on Easter Sunday for a formal religious service. Participants will remain in their cars and the conductor of the service will be outside on the patio with a loudspeaker. He noted the port authority and Quaker Steak restrooms will remain closed. He said Quaker Steak corporate approved this request and will be allowing pre-orders of food for after the service. He forwarded all guidelines to the church and to the Mayor for approval. Mayor Forthofer said he approved this event to happen as the first amendment to encourage free speech and religion is allowed and encouraged. They will enforce social distancing. B. Yancar said the organizer is organized and he assured these concerns will be followed. H. Riddle asked if this was a local church. B. Yancar said yes and it's Trinity Gospel. H. Riddle asked if they had a parking lot because she doesn't want to end up in the national news where the Port Authority allowed a big gathering. What control do they have if people get out of their cars – she is concerned about this. B. Yancar said he was assured it would be managed by Quaker Steak & Lube and the church itself, and the participants are aware of the rules not to leave their cars. P. Corogin asked how many participants will be attending. B. Yancar said the normal Sunday service is around 60 – 70 people, but they're not sure how many will attend under this environment. H. Riddle asked if this will be a one-time event. B. Yancar said only on Easter Sunday from 11 a.m. to 1:00 p.m. Mayor Forthofer said there have been drive-in services approved for Easter Sunday, but they don't have any right to deny this. He will notify the VPD to do a drive by to make sure they are exercising social distancing. He said he did check with the Law Director to make sure they are abiding. R. Strauss said he has no problem allowing this since Quaker Steak approved it and is managing it. B. Yancar said he will fill out the event form to keep on file.

Bill Yancar announced that through the Mayor's office he was contacted by the Erie County Health Department as they have taken a position with the Governor's orders that out of state boaters/fisherman are not complying with the 14-day quarantine, so they're sending signs to the Port Authority saying they will not accept any people out of state at any marina facilities. This sign includes phones numbers for enforcement. The local boaters will probably help to enforce this. D. Miklos stated that ODNR did suspend out of state licenses for fishing temporarily, so this might help stop this activity. R. Strauss asked if this could be a problem by asking our people to enforce this. B. Yancar said they will just watch through the envelope system that this isn't being violated. He just thinks local boaters will help enforce this by calling the phone number provided. P. Corogin said something is in place on the Maumee River where people are shoulder to shoulder and they're doing something like this to make sure people aren't coming down from Michigan.

Email Addresses – Computer Access:

B. Yancar said he is formally opening the South Street Ramp. He is working with IT to get things updated and phones working. His computer is accessible to the city's system. There was an issue with email addresses, and he is dealing with IT on this and he feels this will be resolved. It involves the banking system, but they'll work through this. D. Miklos said he had discussions with B. Yancar about creating free email addresses, so they can be tracked on the credit card software. B. Yancar said it's nominal to get the email address, but he thinks they'll be able to work through this with a unique Gmail address. He will get this ironed out with IT, but they might need one Office 365 license.

Water Works Clear Well:

No further comment.

Ramp Restroom Expansion Project Update:

B. Yancar said the restroom project is awaiting a response from the Charitable Foundation. This should be in some time around mid-May to late May. This is the main issue as to whether they will proceed or not. It's a total of \$10,000 and it's critical to whether the economics are there. Once this comes through, he will be able to present the total financials to the board. R. Strauss said he hasn't heard back from the city on whether the flood permit was approved. He wondered if the grant that was extended for another year, will be extended again. He thought the Port should ask if this will be extended. B. Yancar agreed this was a good idea to ask if it will be extended, especially if they don't meet the criteria as they will have to send the money back. D. Miklos asked how long they have until they must send the money back. B. Yancar believed it was September. P. Corogin agreed they should touch base to see if it can be extended. He said going back to the design, T. Bodde isn't doing anything on getting drawings ready for a permit on the existing design. His position is that he would rather not be involved in this and he understands why as he is an architect that wants to put his signature on projects. Therefore, they will have to find someone else if they stick with the existing building design. He is sure R. Strauss could find somebody in his contacts. He said if they are going a different route, as they had ideas, and everyone thought it was a little too heavy. Tom Bodde said he would lower the roof and do some other things, but he just stopped spending money because they haven't authorized him to spend any money. There is really nothing happening on the design to get the permit on the existing design or to finalize an enhanced roof design. This will cost a little bit more money, so they get into the issue as to whether they have enough money, or do they fundraise to get this additional funding. He thinks within the last couple weeks fundraising has come to a halt. D. Miklos felt they could table this issue until they hear about the grant. They hopefully can shoot for another deadline of Fall or next year. He asked Bill to contact the Charitable Foundation to see if they can get another extension. B. Yancar said he will follow up.

New Grants:

B. Yancar said he still has one more grant they need to finalize through FEMA with regards to Port security. They originally thought they could have WIFI tied to the cameras, but the best they can do is cameras. The deadline of the grant has been extended. IT will be assisting him with getting all the components he needs to finalize this grant. He said they are still waiting to hear back on the trash grant.

Leases:

B. Yancar said there are two Riverside leases that are in default. There are two different issues - one issue with one leaseholder is the high-water situation and he's unable to install his dock for the unforeseeable future. The leaseholder is asking the port members to acknowledge his lease. He is not paying the fee for the dock and is asking for the port to waive the \$100 penalty for non-payment. He identified some considerations, but from an administrative standpoint he has a legal document to enforce and it identifies all the parameters of the lease and he is saying they should go by the lease. He's agreeable to the fact that the leaseholder doesn't want to lose his rights to the property. He isn't planning on leasing this property to anyone else. As a courtesy, he would tell him if someone would inquire about the property, then he'll give him the opportunity to pay for the lease. Lou Friedman said he pretty much hit all the bullet points with the exception with the consideration of being in default of the lease. Whereas, looking at this under Ohio Revised Code relative to leasable properties, and obviously this isn't an apartment. Under the thought of it being unusable and with an apartment it may have been a fire or flood, it just seems that a landlord is under suspension of the lease is normal protocol. He would love to use it and hopes it works out, but it appears from last year to this year it will be unusable. He like would like to view it as an unused entity. He lives in Vermilion and this is his home and he would like some guarantees of access and how the board feels about these things. He doesn't feel he breached the lease. He contacted Bill Yancar on March 16 to try to work through this before the payment came due.

P. Corogin asked if this would be the second year, he couldn't use the dock. L. Friedman said this is correct. He couldn't use it last year, but he made the payment. Earlier in the spring he was able to put the floating dock in, but for all practicable purposes, it was literally under water 6" to 12", and this year it's already under water and he spoke with Dave Phillips and there is some concerns with safety or even the possibility of pushing the dock down to even get it pinned. P. Corogin said the Riverside leases are only available to the person whose home is adjacent because there is no parking. The chances of someone leasing the area is probably slim especially with the high water, but there is no parking next to Lou's house. If he just drops off, then it will probably sit empty for some time until he comes back. He asked Lou how long he has leased this. L. Friedman said since he's been here, probably around 2008. P. Corogin asked B. Yancar if they have ever had issues with no payments. B. Yancar said no they have not had issues at all. He said he isn't trying to be negative, but with the general use of the property there are different situations along the road and there may be parking or no parking and some have

them outfitted with picnic tables and grills. He just wants to make sure he is consistent because they have another case. P. Corogin said this is a fair position to take. D. Miklos said B. Yancar's proposal is to leave the lease intact and pay the lease as executed. B. Yancar said the board would have to cast a resolution on this matter because this is a legal document to administer. The possibilities are to walk away from the lease for year, but in the past the leaseholder was responsible for any past dues before they would renew a lease. It's not a real clean thing to define or administer. L. Friedman said the issue isn't the dock – it's the issue of access to it from the property he owns, so if the board is willing to waive the \$100 penalty, then he will pay the lease. He thinks it's a waste of money and he would rather donate it to the food bank, but it sounds like he really doesn't want to be on the pressure of something that might change in a year, so he will just pay it to resolve it. T. Sommer said case #2 looks completely different than case #1 where you have three properties. Are they functional on case #2? B. Yancar believed they are. T. Sommer said this is completely different to Lou's situation as it's under water. B. Yancar said the only similarity is the fees. B. McCarthy confirmed it's hard to put a dock in when it's under water and explained the process. D. Miklos asked B. Yancar of the proximity of the other three properties. Lou Friedman asked if the other properties are upriver from him and next to Bill McCarthy. B. McCarthy said he doesn't know anything about the other two properties. L. Friedman asked because he spent time and money on the one next to him and both of those docks are in poor shape, and at one point the one next to him was unsafe, and he put up a fence himself. He knows he is responsible for maintaining his dock, but the others are in ill-repair and they're not functionable. He added that when he designed his docks, he is close to the handicap ramp at McGarvey's so when that floods he floods. H. Riddle said because Lou has been in contact with Bill Yancar and he's agreeable to paying for it, then she would suggest they waive the \$100 penalty and take his proposal to pay for the dock for the year. P. Corogin was in favor of Heidi's recommendation.

H. Riddle MOVED; P. Corogin seconded to waive the \$100 penalty for Lou Friedman and to accept his proposal to pay for the dock this year. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

B. Yancar addressed lots 29, 30 and 35 and stated he has had no contact with this leaseholder. The leaseholder has only paid \$450. In the past, there has been partial payments, but he doesn't know of any constraints on the use of the property. The leaseholder hasn't communicated anything and historically they have had problems with collecting fees. D. Miklos said it was addressed to him that the docks are under water and the leaseholder didn't feel they were usable and felt he shouldn't have to pay from them. Therefore, D. Miklos advised him that this is something the board will need to discuss. He leans towards consistency on the black and white nature of the lease. B. Yancar said since the board voted to waive the \$100 penalty on the Friedman lease, then he thinks they should be consistent and make an offer to come forward to make full payment. P. Corogin felt this was a good idea and thought they should contact him on the matter.

P. Corogin MOVED; D. Miklos seconded to waive the \$100 penalty on lots 29,30 & 35. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

B. Yancar addressed Clarion Drive and noted that all leaseholders are subject to a pre-payment (non-refundable) in 2019. They've collected all those fees. He contacted all the leaseholders in 2020 to advise them to pay their leases. They're not subject to the \$100 late fee, so this isn't an issue. However, one of the new leaseholders who has been on time with his payments brought up a situation that is unique to him, in that he is renting a 45' length at Clarion. His boat is like a residence and when they come in, they use the McGarvey's restroom/shower, including restaurants. With the Coronavirus there is concern that this is unacceptable to them, and they're questioning whether it's worthwhile to pay their second half of the lease. He wants to keep the rights of the property and except for the \$100 penalty, his lease contract is the same as the Riverside Drive contracts. H. Riddle said the marina restrooms are closed to people and it really depends on where this is going, and she felt they shouldn't suspend his second half. She asked if he has a head on board and B. Yancar said yes, it's livable – he has water and electric service. R. Strauss didn't think they offered restroom facilities to Clarion. B. Yancar said they do, and the one-year leases are available to any port facilities. R. Strauss didn't think they were closing these facilities. B. Yancar said he is not going to offer the shower portion of their restrooms. R. Strauss didn't think they could even open the bathrooms which is coming from higher authority than what the Port Authority can do. B. Yancar said he is going under the premise of good cleaning and sanitizer. He said the city opened their downtown restroom. G. Fisher said they closed the restrooms downtown. Mayor Forthofer said the Health Department told them they had to close the Comfort Station unless they could sanitize it after each use, which isn't going to happen. B. Yancar said this makes his position easier. D. Miklos asked the board if they would be in favor of suspending the second half. He asked when he plans to bring his boat. B. Yancar said the leaseholder was thinking the pandemic might resolve in the July timeframe, so if that's the case, he would like to put his boat in. D. Miklos said this could be resolved in May, June or October. They're just projecting and guessing. B. Yancar said if a leaseholder is not going to use his property for 24 hours or more, they are to notify the dockmaster so they can use it for transient dockage, so if he isn't there he will look for transient usage and he already has had a couple people asking him about this space. D. Miklos said if somebody is looking for a dock and this leasehold defaults on his lease, then theoretically they can rent it to somebody else. B. Yancar said this is correct as it's part of the lease, but he thinks this person would rather pay the lease, so this doesn't happen. H. Riddle said she is in favor of B. Yancar's recommendation in that they administer to the letter of the lease.

P. Corogin MOVED: D. Miklos seconded to administer to the letter of the lease on the Clarion lease as discussed above. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

Mayor Forthofer said the administration had plans to do maintenance and repair on the water tower/navigational aid, but since the city no longer has a good view of what the revenues are for the year, he has put this off to the side. The engineering company that inspected the water tower said there is no eminent danger of it falling.

B. Yancar said it appears that someone repainted the base/bolts. It has improved the visuals above ground. Mayor Forthofer said it wasn't the city.

P. Corogin asked B. Yancar if he was going to do anything at McGarvey's to keep people from walking on the boardwalk when it's under water. B. Yancar said if they're going to do anything, he would like to have signs made up. He thought it was good idea to say the area is closed. He will take care of this. He said the new refurbished signs are due in by May 1.

P. Corogin told B. Yancar said he did a nice job at the launch ramp office and launch ramp itself. B. Yancar extended his thanks to the crew for their help.

ADJOURNMENT:

Chairman D. Miklos adjourned the meeting upon no further discussion.

NEXT MEETING:

Regular Meeting: May 14, 2020 @ 6:30pm at location to be determined.

Transcribed by: Gwen Fisher, Certified Municipal Clerk