

**RECORD OF PROCEEDINGS**

Monday, May 17, 2021

Held

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

**Administrative Staff:** Jim Forthofer, Mayor; Tony Valerius, Service Director; Ken Stumphauzer, Law Director; Attorney Ben Chojnacki; C. Howard, City Engineer; Amy Hendricks, Finance Director; Chris Hartung, Police Chief

**CALL TO ORDER:**

Steve Herron, President of Council called the Monday, May 17, 2021 Vermilion City Council Public Hearing to order for the purpose of:

Request to grant a land use zoning variance (Section 1240.02) to Michael Grisez to allow for a residential use zoning variance in the 'B-3 Highway Commercial District', located at 3564 Liberty Avenue as recommended by the Vermilion Planning Commission on April 7, 2021.

Michael Grisez of 1059 Shawnee Court, Vermilion said the property was previously zoned residential as it had a house on the property that was torn down. He said Tradesman Park is going in around the back and he would like to put up a good-looking pole barn for his personal use (classic car, boat, and toys). He said his intent is to not make this for commercial use. The intent is for residential as it had a home on it already.

Homer Taft of 3972 Edgewater was confused and was hoping it would be clarified because on the agenda it allows a residential use. However, to his understanding this was a non-conforming residential use in a B-3 zoning district. He has concern because if it were in a residential zone, you could not have a storage building on a separate lot – not connected to a residence as prohibited in the residential code. If it is a business use, then his personal view is that it is not a permitted use and for it to be a conditional use, it must be within the purpose of the time of the zoning code, and a storage unit is not, and storage units are specifically called out in the industrial code. He is not clear what is being done and he thinks the opposition of additional rental units along Liberty Avenue with metal buildings is not highly favored by many of them. If it is allowed, then he hopes and trusts that it would be an explicit condition that it be for personal use only. He did not understand what the residential reference is – it does not make sense.

**Tax Budget Hearing:**

Amy Hendricks said Council is having a reading of the Tax Budget as identified in Resolution 2021R10, which is a submission to the Erie County Auditor for verification that they do indeed have need for the property tax dollars they collect for the City of Vermilion. There are several counties in Ohio that have waived the tax budget requirement, but Erie County is still one of them that does require this. This tax budget is for 2022 and the General Fund is estimating a beginning balance of \$3.4 million and a net of expenses for reduction of about \$560,000 - leaving \$2,925,950.00. The Special Revenue Fund totals \$6,309,000 and Debt Service Funds is \$545,945. Furthermore, Capital Projects - \$906,805; Special Assessments - \$216,160; Enterprise Funds (Water, Sewer, Sanitation, Stormwater, EPA fees) - \$2,835,000; Trust and Agency Funds (Contractor Deposits, Cemetery Endowment, Law Libraries, and Unclaimed Funds) - \$141,000. Overall, in all funds they have an estimated balance of \$13,880,000. This budget does not give them any spending authority – it is just an evidence of the need for the collection of the tax dollars.

**Regular City Council Meeting:**

**PLEDGE OF ALLEGIANCE:**

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

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Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

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S. Herron mentioned that Council At Large, Monica Stark was not in attendance due to COVID and is home isolating.

### APPROVAL OF MINUTES:

F. Loucka **MOVED**, S. Holovacs seconded to approve the meeting minutes of May 3, 2021. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

### CORRESPONDENCE:

S. Herron read a letter dated May 12, 2021 from Bill O'Hara of 5831 Huron Street, which is attached hereto and incorporated herein as the official record of proceedings.

### PRESIDENT OF COUNCIL'S REPORT:

S. Herron said there is not a mask requirement based on the CDC's latest information. He said if anyone wants to wear a mask they certainly should. If a person would like to engage in social distancing, then he asked the public to be cognizant of this. If anyone asks someone to move over, then he asked them to be courteous. He said businesses may still have mask requirements based upon the business owner's preference or based upon their insurance company's preference.

Roland VanRijn said he and his wife have been active with public art in Vermilion and he has an educational background in Urban Planning. He said recently they were in Fostoria because of their public art display, and they have something very similar to Vermilion and it is called the 'Fulper Lot'. He handed an example of what they can do with the Fulper Lot. From his understanding and in talking with various people, the Fulper Lot is to be turned into a parking lot with 26 spaces because the merchants and the city feels it is required – they are short on parking spots. At \$5,000 a spot – this is the average cost in the country, which adds up to a lot of money they do not have. The average occupancy of a parking spot in this country is less than five percent, so one must think that they have better things to do than making it a parking lot. In doing research and speaking to some people he asked Tiffany what she thought, and she laughed – he will not say exactly what she said, but basically it is nonsense. When the parking spot that is now opened between Main Street and Grand Street was closed off to the public there was ample parking in this town. Since the city bought it, they have only gained more parking spaces. Nothing has changed in the town – there is no corporate office, no major specific requirements that they need parking – they basically have the luxury of 425 plus parking spaces in Vermilion at a town of 10,000 plus of people. To spend about \$135,000 to pave over the Fulper Lot is a luxury they cannot afford and really do not need. People come through Vermilion to experience Vermilion. People do not come to Vermilion to look at a parking lot. If you come in on Route 6 from the west the first thing you will see is a parking lot. There are much better things they can do, so instead of standing in front of council and ridiculing and questioning all these things on what to do for the Fulper Lot, he and Laura have decided to make \$250,000 available to invest in the Fulper Lot as an alternative to a parking lot. They see the need for an active gathering place so people can come together. They can put in shuffle boards, chest games – things you see in a lot of cities, especially in the big cities. They can have simple games that anybody can use. There has been talk about putting a walkway along the Art Scene building – if you do it right, they can put a nice walkway and interconnect it with Grand Street. His recommendation is to have handicap only parking on Grand Street in a 35-degree angle so somebody driving in has an easy way of getting in. No parallel parking, no big swings into the parking lot – this is what good forward thinking does. Parking is already on the street and they have an opportunity to revisit. He understands he is late in the game so he is requesting they can have a meeting with the committee that oversees such a project. He said two years ago they were talking about putting a building up there and it turned out to be impossible financially. He said now they could do something that is useful – something that enhances this city that people can come to – that visitors can gather and play games at. He said they are prepared to put \$250,000 on the line, but they are requesting that the city will match this – meaning the money they will spend on the Fulper Lot they will put into this. He said they would then have a pot of \$380,000 and at no expense to the city because they were going to spend it anyway. They have an opportunity to rethink this thing and most importantly, bring the young people in this town. He spoke to the art teacher who

thinks this is a great idea to bring kids in because they need the exposure to how city government works and how creativity is applied to a public space. He said, "Let us forget a parking lot. Let us make it a gathering place. Let us do something we can be proud of. The people will remember why they come and visit Vermillion. There has been talk about too many green spots in this town, but green spots make a ~~not parking lots~~ are you kidding me. Let us rethink this thing. He said they will work with the city and will help them find more grant money. He said Fosteria received money locally and through grant money, and fundraising. He said look what the postcard project did in Vermillion. They have the capabilities and have the skill set and the people, so let us use it. Let us not look at asphalt - please! He asked for an opportunity to meet with Council to sit down to look at this and help the city come up with a good program.

B. Holmes said there is a Parks and Recreation Board tomorrow and would encourage them to come to the meeting. He said when they look at this it is a park setting and did not know if Streets, Buildings and Grounds would look at this or if it would fall under the Parks and Recreation Board. He thought they could take the opportunity to speak to the Parks and Rec Board to see what they say about this as well. R. VanRijn said there are many opportunities here and he had heard there was a structure going up and it was not feasible financially. He said it was his fault that he did not dial in when they talked about it being a parking lot, but nothing has been signed and it has been empty for a long time, so a week or a two will not make a lot of difference. B. Holmes advised him that the Parks and Recreation Board meeting will be held tomorrow at 6:00 p.m. in this facility.

S. Holovacs said with no disrespect to Roland or anyone else, but they have been talking about this for two years and he was not on Streets, Buildings, and Grounds when this all came about, but he was involved in it with the committee. They did talk about a building, but nobody wanted to buy it, so then they talked about a parking lot. They passed a motion to authorize the engineering of which the city already paid for and this project is out for bid and they should have answers back in another week. C. Howard said the bid opening is June 3. S. Holovacs said this is a great offer, but it is a little late. If they want to look at other things in the city, they have other parks, but he feels they are too far down the road. His opinion if he had to vote right now would be no because they put this project out to bid and paid for things. R. VanRijn said he is a businessperson, so it is a crap shoot. The contractors who are quoting are just not waiting for this project. They have many other projects. He asked how much they spent on the engineering. S. Holovacs said it is not the issue of how much they spent it is about how far they are in the process. He said he does quotes too and sometimes you get them and sometimes you do not. However, if you look at water lines and streets - contractors are looking for work. Most people in the outside general construction are still looking for work.

F. Loucka said it may be worth having the Parks and Recreation Board look at this. E. Skahen agreed with S. Holovacs on what he said about how far the City is in with this project, but also parking downtown between the festivals, Third Thursday, and with new projects going up, it would not hurt to have more parking, so she is all for the parking lot.

Mayor Forthofer said Mr. VanRijn is a city planner. R. VanRijn said he is an Urban Regional Planner. Mayor Forthofer said the original proposal by Council was to have it as a parking lot, but he proposed they would be better off to have a commercial property, but they could not get any bites on a building, so it was Council's encouragement to make it a parking lot and this is what they have done. Whether it is too late to consider this - they are opening bids on June 3 and he is not sure what this commits them to, but it was Council's direction that took it this way and if Council wants to go a different way, then he is a servant of the people and will do what they say. C. Howard said it Council wants they can stop the bid.

Roland VanRijn said he heard what Emily Skahen said about events - how many do they have - 3 or 4? There is more than enough ample parking in this immediate area. More importantly, if they really feel pressed for parking, there are big parking lot across the bridge and they have buses - the school district has buses, so there is a very inexpensive way to shuttle people back and forth. They should not have to sacrifice their space to make it something that is utilized with 26 spaces at \$130,000.

Chief Chris Hartung addressed some issues with Sweepstakes Terminal Cafes. He did not offer any opinion on how current the businesses in town are operating but there were some observations that came up. On May 12, they assisted investigators from the Lorain County Prosecutors Office and the Ohio Gaming Commission and executed a search warrant at Players Paradise, 4410 Liberty Avenue for some issues. He explained these types of investigations are incredibly complex as far as how the machines are analyzed - whether they are a slot machine or a skill-based machine. It is critical that they have the County Prosecutors level and the Gaming Commission, or members of the Attorney General's office depending on what they are registered. Last year because of COVID they did not get a lot of traction because they were not out doing this. They are having conversations with the agents in casino control, and he sent the City of Vermillion's ordinance to the City of Columbus Gaming Commission to look at it and offer some suggestions. Some of the suggestions that came up is having terminology that matches the Ohio Revised Code. There is a lot of different gaming devices depending on what they are and who

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regulates them. They will want to have a statement that encompasses all different types of the regulated gaming machines. He is requiring that any local license zoning permit require only the appropriate license at the State level. If you are a sweepstakes café you register with the Attorney General's office. If you have skill-based amusement devices, then you register with the Ohio Gaming Commission. If you have a kiosk for lottery you would register with the Lottery Commission. He said the city should have an exclusion saying you cannot have a device that is not licensed at that state level. The preference is for the operators to declare what they are when they open their business. He said there should be no cash prizes and they should include that verbiage. He said if they do not have the strongest ordinance and have four or five of these establishments in the community and the Gaming Commission comes in and shuts them down and does the search warrants and takes all the property, then the IRS is looking at municipalities because they are profiting off these businesses and you are going to pay for them. He said there is case pending now, but if the IRS is getting into it then the Ohio Department of Taxation is not going to be very far behind. He feels there are some liability issues that the City may need to consider. He suggested Council considering a moratorium on allowing any of these businesses to open in the city until they have an opportunity to review and address some of these issues they have in the current ordinance. As far as existing businesses, the Ohio Gaming Commission and the County Prosecutors are who they work with and they take the spear on it. If they are operating and legal, then it is fine, but if they see him with a U-Haul in front of the business there was a problem.

S. Herron asked if some of these cases are still under investigation. C. Hartung said yes. S. Herron asked members of Council to keep this mind if they have questions because there are some things that cannot be divulged.

C. Hartung said the suggestion came from the Gaming Commission after reviewing the city's ordinance. He is getting a lot of great examples to help this process. S. Herron said he will call a Special Legislative meeting on June 7 to address this issue. He asked the administration to provide Council with an ordinance that reflects the Ohio Revised Code and concerns provided by the Gaming Commission. He would like to discuss this matter before the City Council meeting and if there is a potential imminent litigation issue, then Council can go into Executive Session if need be. K. Stumphauzer concurred with the police chief on the moratorium, and they will work on the legislation in conjunction with the Chief.

**COMMITTEE REPORTS:**

Legislative:

A special Legislative meeting will be held on June 7 at 7:00 p.m. The next regularly scheduled meeting will be held June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Utilities:

F. Loucka reported on the meeting held May 10. The next meeting is scheduled for June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Port Authority:

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

Finance:

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

Planning Commission:

The next meeting has been scheduled for June 2, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Health & Safety:

B. Holmes reported on the meeting held May 10. The next meeting is scheduled for June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Parks & Recreation:

B. Holmes reported the next meeting is scheduled for May 18, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

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Stormwater Advisory Committee:

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

Historic Design & Review:

E. Skahen reported on the meeting held May 5. The next meeting is scheduled for June 2, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Vermilion Tree Commission:

E. Skahen reported on the meeting held May 10. The next meeting is scheduled for June 9, 2021 at 9:30 a.m. at the old Fire Station.

Streets, Buildings & Grounds:

S. Holovacs reported on the meeting held May 10. The next meeting is scheduled for June 14, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Zoning Board of Appeals:

S. Holovacs reported the next meeting is scheduled for May 25, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Contractor Registration:

S. Holovacs reported the next meeting is scheduled for May 25, 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:

**Dedication of New Building**

After this Saturday's Fire House 1 Dedication Day, thanks go to Congresswoman Kaptur for presenting to the VFD a flag flown over the Capitol. Also, thanks to State Senator Nathan Manning for presentation of an Ohio Senate proclamation and Ohio Reps Joe Miller and D.J. Swearingen for their Ohio House Speaker's proclamation. We also thank Fr. Ron Brickner giving the invocation and Madeline Long for the beautiful singing of the National Anthem. We had good attendance for the dedication and tour of this beautiful new building.

**Creation of position of Full Time Fire Chief.**

As part of the evolution of the VFD and the increasing demands on firefighting administrators, I am initiating the process of establishing a full-time fire Chief position in our fire department. Working with Council, our Law and Finance Departments I would like to pursue this much needed position.

Chief Stempowski and I have been discussing establishing such a position in this department since before I was Mayor. With 15 years of accomplishments and the respect of his department and the firefighting community, Chief Stempowski would certainly be invited to consider the full time Chief position if his personal obligations allow.

This position will be able to address the post 911 increase more effectively in areas such as reporting, training, equipment, and tactics. A full time Chief will also be able to insure the carrying through of the personnel's team improvement initiatives and help foster growth of our dedicated volunteer fire fighters.

**Sweepstakes Café's**

I am contacted frequently by residents concerned about the increased number of Sweepstakes Café's in Vermilion. The residents who contact me do not see them making a positive contribution to the community. When visiting merchants, I also receive complaints, mostly about trash left by Sweepstake's customers and by Sweepstakes Café customers overwhelming smaller plaza parking lots.

Chief Hartung and I have discussed this issue several times in the past and I am in support of his request for consideration of a moratorium until we can review our City's position on Sweepstakes Cafes.

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**Memorial Day.**

Memorial Day, Monday May 31<sup>st</sup>, the Veterans will conduct a memorial ceremony at Exchange Park at 9:00 am and another at Maple Grove Cemetery at 10:00 am. The Veterans have chosen to forego a parade this year.

**3<sup>rd</sup> Thursday**

The first 3<sup>rd</sup> Thursday in over a year will take place this Thursday the 20<sup>th</sup> from 5:00 – Sunset.

**I ask Council to suspend the rules and pass by emergency two items this evening.**

1. 2021R-9 A resolution for the City and Western Reserve Land Conservancy to seek funding from NatureWorks. This assistance will go toward the purchase of property on Main Street for the future location of the Main Street Beach restrooms and parking lot.
2. 2021R-11 is our annual resolution to be part of the jurisdiction of the Erie County Emergency Management Association's Natural Hazards Mitigation Planning. This will enable Vermilion and other communities in the jurisdiction the ability to apply for grants and funding from FEMA in the case of natural disasters. Funds will be adopted and administered by the Erie County Commissioners.

B. Holmes asked if the Fire Chief's position will be opened internally or will it be a Civil Service test. Mayor Forthofer said they are working out some details with the law department on requirements and qualifications, so it is a work in progress.

**SERVICE DIRECTOR'S REPORT:**

T. Valerius reported that construction on the new 12' water main on Liberty Avenue began last Monday. The contractor plans on boring rather than open digging as much of the project as possible making the construction process less intrusive. Citizens and businesses within the construction zone may experience slight interruptions in service during service line tie-ins, but anyone affected will be alerted with a door hanger. Drivers are asked to please use caution as much of the curb lane will be closed during construction.

He said bids were opened last Friday for the Pilot House auction and the city received one bid which was under the required minimum bid, so it could not be accepted. As such, the administration will be advertising it again for auction, but a minimum bid will not be required this time around.

E. Skahen said a resident in the Woodlands mentioned to her that the fire hydrants in the neighborhood need painting and wondered if a community volunteer group or an Eagle Scout could have these painted and would the city provide the paint. Mayor Forthofer said the Fire Department has strict regulations on what kind of paint to use and how it is to be painted, so volunteers would need to go through the Vermilion Fire Department. T. Valerius said they do have paint in the distribution department that they have given out for volunteers who want to do this work. They can contact the city if they want to do this.

**FINANCE DIRECTOR'S REPORT:**

Amy Hendricks provided her written report to the clerk as read into the record as follows:

**Appropriation and Amended Certificate 2021 Updates**

Highlights include:

**Appropriations:**

Fund 205	Recreation Department	\$7,200 increase appropriation
Fund 602	Wastewater -SCADA Update	\$64,500 increase in appropriation

**Estimated Certificate of Resources:**

Fund 101	Operating	Increase \$77,850 RE Tax \$22,000, Court Fees \$50,000, Misc.
Fund 201	Streets	Increase Gas Tax estimate \$20,000.
Fund 202	State Hwy Maint.	Increase Gas Tax estimate \$3,000.
Fund 605	EPA Fund	Increase Fees \$16,000 due to residential construction.

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Various Misc. increases for Recreation, Court Special Revenues, Misc.

The changes since the first reading on the 3<sup>rd</sup> are summarized as follows:

Funds 200 is adjusted to reflect booking ODOT payments to contractors that carried over from 2020. Fund 224 is a new grant awarded to the Municipal Court. Fund 202 is due to increase cost for the State Highway Maintenance reflected on the bill that just arrived. Fund 205 Rec is again additional programming revenue and expenses since the 3<sup>rd</sup>. Fund 209 Police Boat reflects the final allocations for the boat grant released by ODNR since the 3<sup>rd</sup>. Fund 511 reflects the final numbers from Wednesday's sale of the Storm Water Improvement Bonds. These bonds were sold last Wednesday, and they received a competitive rate, and ended up with \$1,305,000. Of this they will have \$1,275,000 for the projects as \$30,000 was the cost of issuance. Fund 602 reflects adjustments for the net impact of replacing the WWTP truck and selling the existing to Parks.

American Rescue Plan Funding

Final guidelines are out, but there are still interpretations being made. She has participated in two Zoom conferences. Each will have a little bit different information. One of the areas that will need reassessed for Vermilion is that specific formulas and criteria for revenue replacement have been included in the guidelines. They are watching for the city's final allocation and when they will receive funding as it is coming through the state.

Check Fraud

After reporting the initial fraudulent check, a second hit the operating account. She said Detective Holmes has been very helpful and they have sent subpoenas to the banks involved and have started to get some information back. Once again, the positive pay flags stopped the check from being paid. The City has not lost any money. Due to the repeat offense, the VPD escalated the investigation to federal authorities. The investigation is ongoing.

Audit/GAAP 2020

Julian & Grube submitted the Vermilion Port Authority report to the Auditor of State today. The City's report is close behind. They have been very pleased with the work Julian & Grube has done thus far.

Payment Options Going Online

Pool passes, punch cards, and donations are all available by clicking the Pool button in the online payment portal for the City. They will provide the data to the pool staff to verify who has paid so passes may be picked up at the pool when they open.

The Building Department has also adopted online payments for permits.

They have had requests for paperless billing for utilities. This service has been available, but you can enroll at any time. If you have not set up an account in the online payment portal, that is the first step. You do not have to pay online. Simply set up user account and as part of that process, set your preferences to have paperless billing. You will then begin to receive your monthly billing as well as payment reminders via email.

B. Holmes asked if there was anything in the American Rescue Plan Funding regarding equipment for the Vermilion Police and Fire Departments. A. Hendricks said she was not sure. B. Holmes asked if there was funding requiring infrastructure. A. Hendricks said the streets seem to not be a part of the approved uses, unless they are part of a greater project, but they did add stormwater in the one update she attended last week, so they have water, wastewater, broadband for internet services, and this presentation has a few more requirements as to what the specifications are. It appears to possibly have some ties to demographic income factors that Vermilion may or may not qualify for, but then they added stormwater, which was good.

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S. Herron clarified that a fraudulent check is a fictitious item; it is not just a bounced check. A. Hendricks agreed and said it is when people are attempting to defraud the city of money.

**CITY ENGINEER'S REPORT:**

C. Howard reported the Sunnyside Road Resurfacing Phase 1 project is tentatively scheduled to start the first week of June.

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

**RESPONSE TO THE AUDIENCE:** No response.

**OPEN TO THE AUDIENCE:**

Bill O'Hara of 5831 Huron Street said the existence of the bench has created ill-will, animosity, and some hard feelings which they are deeply saddened by. He said that if he or Debby has caused or contributed any of the hard feelings, they would like to offer their sincere apology to everyone. Secondly, he noted the situation was not very transparent and they did not know about the existence of the bench or the installation of the bench. He apologized to Heidi Riddle and Tina Swinehart for notifying the police. If they had known something about it – they were out of state at the time it was installed, and they had no idea of what was transpiring. The bench is located in a precarious position at the top of embankment. It is not only 10' from their home, but it is also about 3' or 4' from an embankment that goes down maybe 25' to 30', which is very dangerous. He reported that one woman has in fact fallen over the embankment after dark and she came to their home the next morning to report that she had fallen over the embankment and suffered severe scratches and lacerations to her arms and legs. She also lost one of her shoes and her billfold that contained her drivers license and credit cards. They helped her search but were unable to find those items. He said parents with small children are playing at edge of this embankment which is frightening to them as well. He would hate to see someone tumble down the embankment that could be injured or possibly die from injuries. Obviously, the bench is located within 10' of their patio and dining table inside their home. They do feel when people are sitting there, they have lost the comfort, privacy, and security in their own home. Their bedroom is directly above the bench and they can hear everything and anything that transpires out there especially after dark, and sound carries close to the water. What breaks their hearts is the fact that their grandchildren will not only sit outside if there is a stranger on the bench, but they now refuse to sit at their dining table inside their home. They enjoy breaking bread with their children and grandchildren, and having fellowship and working on their bonding relationships, and they absolutely refuse to sit there if there are strangers because those strangers can see and hear everything they have to say and vice versa. In reference to maintaining their tree lawn, they have maintained it for 10 years and when he brought it to the attention of the Mayor that someone had cut down some trees and bushes that they had planted to hold the soil from erosion, he suggested that they create a Beautification Committee and that they put together six or eight people and in the spring they should submit a plan for planting and for maintenance of the plants; something that he and Debby already do free of cost to the city. He does not think this is necessary and was of the impression that this committee would only have application to their tree lawn and not every tree lawn in the City of Vermilion. They have had permission to do it for 10 years and welcomed everyone to come and see it. They maintain it and mow it, and Barnes Nursery services it and it looks beautiful, and they would like to leave it as is. They do have an interest in purchasing a piece of land directly in front of their home and they think this would eliminate today's problem and future problems as well. He invited each member of Council to their home to see the bench and to visualize it, and to invite them into their home to sit at their dining room table to visualize the same situation.

E. Skahen said she would like to ask some questions. S. Herron said no, and understands they have done this before, but under their Charter they are not supposed to.

Jim Batchelder of 5841 Huron Street requested that Council develop guidelines for the use of tree lawns and to endorse the three suggestions that Bill and Debby O'Hara put forth. Some may be wondering what the big issue is about a bench on a tree lawn – well it is not about public access to the lake or the beach. The stairs were built, and many people use them – this issue was solved. The bench on the O'Hara tree lawn is wrong for so many reasons. Two of them – the Mayor already declared in July of 2019 by stating the end of Huron Street is not a park and there will be no picnic tables, grills, benches, or

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signs because the city does not have the money to properly make the area safe nor provide police patrol. Also, there is not adequate parking. Main Street Beach was to serve that purpose, and nothing has changed with that rationale. Secondly, there was not an opportunity for O'Hara's or any immediate property owner to provide input on the decision. As Bill said, no one from the city administration had reached out in advanced and asked what any of the adjoining property owners thought – even knowing the controversial 2019 history of that same bench. There are two main issues for Council to address tonight that should not be delegated to the administration. First, who controls the tree lawn in front of your home – can another person control it? Their understanding is the City owns the tree lawn, but the resident is required to take care of it. They take frequent walks around town and notice all types of uses of the tree lawns reflecting the preferences of the responsible owner. Why is the tree lawn in front of the O'Hara's different than those with rose gardens, potted plants, decorative bikes, swings, and commercial parking for private parking? Was it fair to allow a person down the street and another from across town to sneakily place a bench in front of the O'Hara's home close to their indoor and outdoor eating areas without their knowledge or input? Should not all residents be entitled to the quiet enjoyment of their homes. They feel it is a fair statement that all residents should be allowed the quiet enjoyment of their home. The bench is an attractive nuisance bringing kids, smokers, couples enjoying or not enjoying each other too close to home. Last year they had an especially frightening situation down at the public beach in front of their home that caused them to call the police fearing for the safety of the couple who were loudly breaking up. Having a bench so close to their home and the O'Hara's would pull this type of situation closer and it would have more opportunities like this to adversely affect the quiet enjoyment that they and every homeowner deserves. It is unfortunate that Council must be involved in this matter. They were hoping that clear guidelines regarding tree lawns would resolve this once and for all. This is a polarizing issue in the neighborhood, and it is very sad. However, it is avoidable with the guidelines. Finally, he and his wife Jackie endorse the proposed three solutions that Bill and Debby O'Hara have shared. First, immediately move the bench onto the micro-beach above the high-water mark. The sandstone base will keep it in intact and this allows the O'Hara's to have quiet enjoyment of their patio and home, and those using the bench to sit above the high-water mark on the beach to also have quiet enjoyment of the beach. This will also improve safety as the bench is currently located close to a steep embankment without any railing. He asked the City to allow the O'Hara's to continue to maintain their tree lawn; if anything, they should be given an award for making it so beautiful at no expense to the City. He said they are being hassled and someone chopping the lilacs and other trees is unbelievable and likely criminal under the Vermilion municipal codes. He asked the city to allow the O'Hara's to purchase the section of land directly in front of their home and on the paper street. It is past time to clean up this confusing situation. There is no Huron Street in front of their house or O'Hara's house. Council and the Mayor have other matters to deal with and this issue keeps coming up. Let us put an end to it and begin the healing process in the neighborhood. They appreciate the chance to share their perspective and to listen to others. They will gladly work with Council and the zoning department to establish guidelines for the use of tree lawns. It is very well within the Mayor's desire to update the building code.

Pat Stein of 5718 Huron Street said she has a swing on her tree lawn, which she is very happy to share with anyone. She told Mr. Batchelder, "Welcome to the neighborhood. S. Herron asked her to direct her comments to City Council. P. Stein said this is a place where people come and walk and look, and that is part of living in Harbour Town. The fact that the bench is 10' from your dining room is part of living in the neighborhood. The tree lawn is city property. I have people on my tree lawn all the time looking in. This is part of living in Harbour Town. She made a correction in what Debby O'Hara wrote – the statement was made that she did not want grills and picnic tables, but this was agreed that grills and picnic tables would not be put on the beach. As far as cleaning up and beautifying – a group of them in the neighborhood have just been discussing prior to all this happening that they would go down and have a beach cleanup. They did this at the end of Perry Street a couple years ago and it made a big difference. As far as drawing the wrong kind of people – she hears people arguing outside her house all the time. She picks up litter all the time – it is part of living in a neighborhood where people come and let loose, and this is just part of being in Harbour Town. As far as the children being afraid to sit out front – who made them afraid? What made them afraid? What made them not want to eat in the dining room? It must go further than just a bench. As far as comfort and privacy they all live in a close neighborhood – the houses are on top of each other. She said the idea of them buying city property – they went through this many times before and it is ludicrous. She said the gentleman who spoke about the art in the proposed parking lot – back in her days a composer/singer named Joni Mitchell had a song "And they put up a parking lot".

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Heidi Riddle of 5778 Huron Street made a correction to Bill O'Hara's letter by saying her only involvement was with the bench. She said in 2014 the Harbour Town resident had a vision to beautify several street ends in the neighborhood. Benches were placed in several locations for people to enjoy the lakefront. This resident organized a cleanup crew at Huron Street and cut down some trees and overgrown areas and cleared all of that out. Subsequently, he was able to borrow two benches from the Port Authority and they remained at the end of Huron Street for over a year and a half. Unfortunately, the Port Authority needed those benches, and they were removed and the gentleman who spearheaded this also sold his house and moved, so nobody took charge again to replace the benches. This shows that Huron Street has had benches in previous years. In 2019, neighborhood residents came to City Council wanting to replace the stairs at Huron Street and neighbors raised the money for the materials for the stairs as well a bench. The new stairs were installed by the City. However, the bench installation was delayed a year due to the COVID. It has been almost two years since the new stairs have been in place and they have not seen a huge increase in traffic or incidents for that area. On April 12 of this year, they received permission from the mayor to install the bench and were told not to put it near the paved street. The bench was installed on city property placing it in a spot that there is a lake view. Elderly neighbors who cannot negotiate the stairs are very pleased they can sit and enjoy the lakeview. She is here to represent many neighbors who are in support of retaining access to public property at the end of the Harbour Town street ends. They acknowledge that the property owners have landscaped and cared for their city properties at street ends, but they want to make sure that all taxpayers in the neighborhood can enjoy and have access to their lakefront city property, especially at the end of Huron Street where there is a beach and sunset views. They need to preserve public space for all and in the future.

Homer Taft of 3972 Edgewater Drive said it was his understanding that Council was planning to defer the transient ordinances to Planning, so he will not spend a lot of time on this, but if he does miss a meeting, he wanted to express that he still has problems. He mentioned that when it was 28 days for every month-to-month rental as it was covered, but now it is 30 days, and it is going in the wrong direction. It needs to be 27 days if they pass it as he is not pleased with the idea of passing it, but if Council passes a transient regulation, then it really needs to require some parking on the property for people other than the people staying there especially if they are going to have parties and like. It really does require some level of density of occupancy based on either the square footage of the premises through the square footage of the lot because it is crazy to allow somebody in his neighborhood to have 30 or 40 people to party on a 45' lot. It does not make sense. Next, he told Council and the Mayor they are unpaid. He was not sure it was reported to Council by the Charter Review Commission, but they discussed the fact that Council does not receive sufficient remuneration. They suggested the mayor does not either. He said if Council were to consider, which he thinks they should – an increase in pay, then they should do it before the filing deadline for the election and before the end of the year going into the next term. His opinion is that Council members should get at least \$500 a month, which is a \$100 more, and the President of Council should probably get more than that – he is not sure if it would be \$650 or \$700, but he will let Council figure that out. Also, perhaps the mayor before the beginning of the next term should also receive some consideration. He knows there has not been an increase in several years and knowing what every member of council does, he is pretty sure they do not make minimum wage and if they get the increase, they probably still will not make minimum wage, but they really should get an increase. Lastly, he mentioned the Fulper Lot and questioned whether they needed a lot 12 months out of the year as he addressed this in the past, but the one thing he does not understand that with all the needs for infrastructure in this city – Lord knows he can mention some in VOL and Elberta Beach – they are spending \$135,000 of public money on this. If the merchants truly want it – why aren't they kicking in?

Dave Terken of 1042 State Street said about these properties by the lake, a lot of things have gone on and the city has allowed several of them to make many variances that would not be allowed on many other properties. It may not have always been the best decision by all the parties concerned to allow all these changes to take place. It used to be that you could walk from Huron Street around the corner and back onto the other street. If you are a person who regards other people's rights, you think you are walking on somebody's personal property where you have no right to be. He is a person that does not like to trespass on people's personal property and the way those properties look when he walks on the public property there, he feels as though he is trespassing. He does not like this sensation. He understands people not liking people close to their property, but when you buy an unusual property and you build an unusual home on that unusual property, there are certain problems that you face. He would love to close Route 60 because it is close to his property, but he is not going to try to do it, and some people going to the beach by your property when you are located close to the lake, is part of what you are

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going to experience. He thinks the people who have spoken already have said nicely that this is city property, and it belongs to the people of the city, not to the individual who lives close by.

Drew Werley of 5016 Timberview said he did not get the invitation to the bench party, but he is here, and it is good to see everyone here and he wishes they would all come regularly to see what happens around the city. He spoke on the transient rental and feels they are giving far too much power to the building inspector with this ordinance. The one-hour travel time they have in the ordinance – that you must be within one hour of the property is ridiculous. If he is renting out his property he cannot go to Toledo or the east side of Cleveland while the property is being rented. He does not think this is right and he thinks they should change the expiration date of the permit – right now it is set for the 31<sup>st</sup>, but it will probably be June until they pass it. He said he likes when Emily Skahen speaks of the fee being too high because he feels it is too high as well. He still thinks they should put provisions in there for administrative warrant for the records of the clients. He thinks they are setting themselves up for litigation. He does not see anything for an appeals process for the building inspector with the cease-and-desist orders if he sees there is a violation. He said Council knows how he feels about private property rights. He said he does not like this ordinance and eventually Council will pass it and they will petition at that time.

Candy Fischer of 5872 Liberty Avenue feels they are part of the neighborhood and they are all very fortunate to live in this neighborhood – not because the houses are mansions or because there is Mercedes in the driveways or yachts parked by the houses. These houses tend to be small, and they are close together, and the streets are narrow. One of the reasons it is a very nice place to live is because most of the people there are careful about making this a good place for everyone to live. They do not things that annoy their neighbors and they do not do things that make the neighbors afraid to live in their own homes. However, she too has experienced the same thing that Mr. O'Hara described in his letter – not to the same extent, but she has had to ask people to leave her property because they thought it was public property, but it was her home. She has occasionally felt at risk because there are people there that are questionable and that have alarmed her. It happened too when her husband was very ill and at home. She also has spent time cleaning up the beach along the front of her house and picking up trash, such as cigarette butts, hypodermic needles, and used condoms. Again, one of the reasons she feels their neighborhood is very good is because of what she just described. However, now some decisions are being made and actions are being taken, and she thinks people have not thought through the consequences of those decisions and she thinks they have disregarded the feelings of the people who are most affected by these actions, and consequences can be unpleasant including being afraid to live in your own home, and not being able to enjoy your home. She has had some experience in living other places and when people both elected and unelected make decisions that affect other people without regard to their feelings – what happens is that soon a lot of people do not care how their actions affect their neighbors. Then their neighborhood becomes not a very nice place to live. She is hoping the conversation tonight will help a little bit to alleviate this situation and this is the reason she decided to speak.

Tina Swinehart of 4867 Shoreline Way said she is not a resident on Huron Street, but she clarified that she was involved in placing the bench at the end of Huron Street as an individual and not as a member of any group or no family involvement, but the reason she did this is because she believes that public spaces need to be made public. She is here because she is a resident that loves the parks and beaches – the lake and river access, and the green spaces that they are so fortunate to have in town. She said she is grateful to the City Administrators and the employees, and for all the volunteers who work hard to maintain and to improve the city property for the enjoyment of everyone. It is really a truly a big part of what makes Vermillion a special town to visit. Lake Erie certainly is what draws many people to the area and the public parks and beaches are visited and enjoyed year-round. Many people enjoy a lake view in areas throughout the city and she took pictures of various benches that are at the street ends, including Ewa and Minnie Wa Wa, Washington Street, Perry Street, and Huron Street where they watch people taking advantage of the access to the lake. She said four years ago she was lucky enough to purchase a small cottage on the lake in Nokomis Park and her front yard abuts the park. It has magnificent views, but she does not have the burden of lakefront property taxes. The park needed a little help and with permission from the city officials she started landscaping it and she mows and cares for the property. It is really a nice little neighborhood, but it is public access and there are steps that go down to the beach, and she also has had incidents where there has been noises and commotion, but for the most part she has really enjoyed meeting all the people that come and go and chatting with them. She has donated four chairs and two benches, and they sit out as a neighborhood watching the sunset and enjoying the area.

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Tonight, they are hearing opinions from homeowners whose property also abuts city land on the lakelfront, and they enjoy the same benefits she does. When she moved there, she realized where she was living, and she realized what this might bring about and she thinks these people had to have done this as well. Does this mean that they should have the prevailing opinion on how the residents could use the area? Does not every resident deserve the ability to comfortably use city property and is it a hardship to a lot of the people that sit on the bench. The benches are in front of her house as well. She said it all depends on their viewpoint and it really should not depend on the opinion of a few to the detriment of many. It is public property, and she thinks public should be allowed to enjoy it.

S. Herron said they will put this issue on the Streets, Buildings and Grounds Committee for June 14 and he will be opening for discussion the possibility of any of the three options that Mr. O'Hara presented – keeping in mind the balance of an entire community – what is best for the community. He said there is a mechanism in the law that would allow selling the property to this individual. He asked the administration and the public to consider this – it does not mean they have to agree or like it, but there are other options available. He said they have a month for a cooling off period to keep in mind a resident has a right to the personal use and enjoyment of his or her property. They also have city property where somebody may not be able to use the stairs, which can use this bench. This is city property, and this is not an easy answer, but he said everyone needs to keep in mind that there is another side to this, and they want to do the right thing. The entire community has a right to have these disputes settled and dealt with in a civil way, so he asked everyone to do this. If they see a problem down there that should not be going on, then they have a police department that will do their job.

**NEW BUSINESS:**

**F. Loucka MOVED**, S. Herron seconded to table the third reading of Ordinances 2021-28, 2021-29, and 2021-30 and refer them to the Vermilion Planning Commission. G. Fisher clarified that only Ordinance 2021-29 and 2021-30 will be referred to Planning Commission. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

**S. Holovacs MOVED**, F. Loucka seconded to untable the third reading of Ordinance 2021-31. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

C. Howard asked Council what they want the administration to do with the Grand/Liberty Parking Lot because it is out to bid, and Council does not meet again until after the bid opening on June 3. He asked Council if they want to stop the bid because if they get bids, they cannot go through awarding somebody. K. Stumphauzer asked if they have the right to withdraw or reject all bids. C. Howard said they can reject all bids. S. Holovacs asked how long the city has until all the bids come in. C. Howard said it is within 30 days. C. Howard said he did not want somebody to go through the effort of putting a bid in and then the city not awarding it. Mayor Forthofer said if they reject the bids, then they will have to start all over again if they choose to go forward with the Fulper Lot. If they do not open the bids, then they are not awarded from what he understands, so they could not open on June 3, but he did not know what legal implications that would have. S. Holovacs said it is not fair to a contractor to let him bid and spend two weeks working on it to get a job for them to say no! They spend money and it is bad enough when an architect asks them to do some general pricing and they do all this work and still do not get the job. Well now they are asking them to do all this work and turn in a bid, and it is like, "Well that was just for fun!" Maybe next time when they want to quote the job, they will not get a good pricing because you threw them out. He has been in the business long enough to know and guys do not like when it comes down to the end and you throw their bids out. E. Skahen said if they have 30 days to turn it down, then they should be okay because the meeting will be before that. Mayor Forthofer said by turning it down, they would open the winning bid and then 30 days later say no. C. Howard said yes this could happen. S. Herron said he has no interest – this does not mean he has any interest in the project presented tonight, but this matter has been before Council for quite a long time, and they have a process they go through, and he does not believe in stopping it at this point. He said they got really good information, but he wishes they would have gotten it earlier. It is not that it was made in bad faith and it is not that it is a bad idea, but they proceed in a lot of matters with plenty of time and with plenty of opportunity for input. He does not believe this is a situation they should make a change. Mayor Forthofer said the administration went out to bid at the direction of City Council and now to do anything else other than continue, they will take that direction. B. Holmes said maybe they could do a hybrid version with Mr. VanRijn to create a hybrid parking lot with what he envisioned. S. Holovacs said this is not what they are bidding on. He said with all the

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engineering council asked them to do and to go out to bid – they would need to reengineer it, so the costs keep going up. If they make it an art area, then they will want the city's money anyway – this is what he asked for – the \$130,000 and they still do not have a parking lot. He said it is Council's decision and there are only five of them tonight, but it is not fair to what process they have done. S. Herron said if Council is not interested then they will not take no action. If somebody would like to make a motion, then they could entertain it and put it on for a special meeting on the 24<sup>th</sup> or the next committee meeting. He did not see any reason, but if somebody looks at it differently... Mayor Forthofer said if Council does nothing and they proceed as directed by Council to open the bids and award to the best bidder, then it does not matter what they discuss in committee. S. Holovacs MOVED to leave this the way it is. S. Herron said he would say they should just leave it the way it is and not make a motion. S. Holovacs said okay as he does not want to take any action because they need to proceed with the process. S. Herron asked the Mayor to advise Mr. VanRijn to the decision that Council did not act. F. Loucka agreed this came too late with the money they spent in the plan. He said the parking lot will be screened with a path going through there and it can be used for art projects and other things. It will be used for many other social functions. Mayor Forthofer suggested they could talk with Mr. VanRijn on the opportunities to work with the current plan they have, which includes 30' of green space towards the front, which was intentionally left there for things like art. He may not be interested in donating to this, but it is available for multiple public uses.

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.

Third Reading – Ordinance 2021-21: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT FOR MANAGEMENT SERVICES FOR THE OPERATION AND MAINTENANCE OF THE CITY'S CEMETERIES.

S. Holovacs MOVED; F. Loucka seconded to adopt this ordinance. Roll Call Vote 5 YEAS. MOTION CARRIED.

Third Reading – Ordinance 2021-27: AN ORDINANCE PURSUANT TO SECTION 1240.02 OF THE CODIFIED ORDINANCES OF VERMILION GRANTING A LAND USE (ZONING) VARIANCE TO MICHAEL GRISEZ IN ORDER TO ALLOW FOR A RESIDENTIAL USE ZONING VARIANCE IN THE B-3 HIGHWAY COMMERCIAL DISTRICT, LOCATED AT 3564 LIBERTY AVENUE, VERMILION, OHIO.

S. Holovacs MOVED; S. Herron seconded to adopt this ordinance. B. Holmes clarified this was personal use only. M. Grisez confirmed as such. B. Holmes asked if it was in combination with what is going on with his brother next door. M. Grisez said Tradesman Park did not want this piece of land, so he will clear it and use it only for his personal use. It will not be a cheap metal barn, but it will look very nice, and he will clean up the area. His brother and the gas station next door are excited about this beautifying the area. Roll Call Vote 4 YEAS, 1 NAY (Loucka). MOTION CARRIED.

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

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DISTRICT," SECTION 1270.12 "B-2 CENTRAL BUSINESS DISTRICT," SECTION 1270.13 "B-3 HIGHWAY COMMERCIAL DISTRICT," SECTION 1270.14 "B-4 MOTORIST SERVICE DISTRICT," SECTION 1270.15 "I-1 LIGHT INDUSTRIAL DISTRICT," SECTION 1270.16 "I-2 HEAVY INDUSTRIAL DISTRICT," SECTION 1270.17 "I-3 INDUSTRIAL PARK DISTRICT," SECTION 1270.18 "I-U UTILITY DISTRICT," AND SECTION 1270.19 "FP FLOOD PLAIN DISTRICT" OF THE PLANNING AND ZONING CODE OF THE CITY OF VERMILION TO PERMIT TRANSIENT OCCUPANCY AND TRANSIENT RENTAL.

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

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

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

Second Reading - Ordinance 2021-34: 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; B. Holmes seconded to suspend the rules. Roll Call Vote 5 YEAS. MOTION CARRIED.

S. Holovacs MOVED; F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 5 YEAS. MOTION CARRIED.

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

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

First Reading - Resolution 2021R-9: A RESOLUTION AUTHORIZING THE CITY OF VERMILION TO EXECUTE AND FILE AN APPLICATION WITH THE STATE OF OHIO FOR FINANCIAL AID ASSISTANCE UNDER THE NATUREWORKS GRANT PROGRAM AND DECLARING AN EMERGENCY.

F. Loucka MOVED; B. Holmes seconded to suspend the rules. Roll Call Vote 5 YEAS. MOTION CARRIED.

S. Holovacs MOVED; E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 5 YEAS. MOTION CARRIED.

First Reading - Resolution 2021R-10: A RESOLUTION TO APPROVE THE 2022 TAX BUDGET AND DECLARING AN EMERGENCY.

F. Loucka MOVED; S. Holovacs seconded to suspend the rules. Roll Call Vote 5 YEAS. MOTION CARRIED.

F. Loucka MOVED; E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 5 YEAS. MOTION CARRIED.

First Reading - Resolution 2021R-11: A RESOLUTION ADOPTING THE ERIE COUNTY NATURAL HAZARDS MITIGATION PLAN AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; F. Loucka seconded to suspend the rules. Roll Call Vote 5 YEAS. MOTION CARRIED.

F. Loucka MOVED; E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 5 YEAS. MOTION CARRIED.

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Announcement of Meeting Dates:

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

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

Adjournment:

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

*Transcribed by Gwen Fisher, Certified Municipal Clerk*

To: Vermilion City Council

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

May 12, 2021

My wife, Debby O'Hara, and I have owned our house, built in 1910, for the last 10 years. During the first year of ownership, we completed a major renovation project. At that time our contractor secured permission from the city to plant grass and to add some landscaping to our tree lawn. Permission was granted based on us paying for and maintaining said improvements.

Two years ago several residents went to the mayor with a request to condemn and replace stairs that were located in our tree lawn. The stairs accessed a 25-30 foot by 50-60 foot micro beach at the west end of Huron Street. The stairs had been there for nearly 50 years and were very serviceable. The Mayor advised the city had no money, but if the dollars were provided he would consider approval. We, the adjacent property owners, were never made aware of this plan. Once the money was raised and the plan was approved, word finally reached us. Our only input was the location of the new stairs. We felt the location should be directly off the end of Huron Street giving all users a clear, visible and easy access. The Mayor indicated this would create an increase in costs which Debby and I and Jim and Jacquie Batchelder (adjacent property owners to the west) voluntarily paid.

The Mayor ultimately approved the stairs with the provision our tree lawn would not become a park and there would be no picnic tables, grills or park benches. He wanted this to remain a quiet street end with no signage. He did not want people migrating from the Main Street Beach, etc. He also requested we continue to maintain our tree lawn and that we were free to add additional landscape to camouflage the new stairs.

Numerous residents and several businesses in the historic district have encouraged visitation to the street end. We, the adjacent owners, can attest to a substantial increase in foot traffic to and from the beach. None of us have ever deterred or denied anyone to access the beach.

With ever increasing traffic, we are witness to more noise, especially after dark, more littering and more nefarious activity. We and the adjacent neighbors do pick up litter and bury dead fish in an effort to keep the beach clean and safe.

The increase in traffic has led to more trespassing on the adjoining three private beaches to the west. We brought these concerns to the Mayor who requests we pass these on to the police. We would need a "direct line" if we reported every incident.

We are also concerned about retaliations. One adjacent property owner requested trespassers vacate the private beach only to come home to broken windows a short time later. Another neighbor has experienced at least two break-ins since installation of the new stairs.

Again, let me remind you, that when the new stairs were approved (19 months ago), the Mayor specified our tree lawn would not become a park and that there would no signage, picnic tables, grills or benches. In addition we could add any landscaping we chose to conceal the new stairs.

Debby and I travelled to Florida on Tuesday, April 20<sup>th</sup>. On Thursday our neighbor contacted us indicating two women, Heidi Backus Riddle and Tina Swinehart (Ann Maiden's sister) were digging sod out of our tree lawn, pouring gravel and preparing to install a bench within 10 feet of our home. We immediately contacted the Mayor's office and left numerous messages. Ann Maiden eventually called and advised us she was unaware of the situation and the Mayor was at the demolition of the Museum on Main Street. We then called the police requesting they investigate the situation. We eventually reached the Mayor. We asked him if there had been any recent conversation on our tree lawn or a bench – he replied "no". We asked if he had any direct conversation with anyone on the subject – he replied "no". We finally asked him if he gave permission to anyone to install a bench and again he replied "no"! He advised us he would investigate the matter and call us with an update.

The Mayor called several hours later confirming a bench had been installed in our tree lawn. Again, we asked if there had been recent dialogue on the matter and he admitted "yes". We asked if had had direct conversation on the matter and he said "yes". Finally we asked if had authorized the installation of the bench and again he replied "yes". He indicated he had authorized it one week earlier. We reminded him that we had previously requested, as a courtesy, that he keep us posted on any discussions on this subject. He assured us he would, however, he failed to do so indicating he was very busy!?!

In addition to installing the bench, we believe Heidi Backus Riddle and Tina Swinehart cut down to ground level small trees and a new lilac bush that we planted. We planted and nurtured these to beautify the area and in an effort to minimize erosion on the embankment.

The bench is located within 10 feet of our outdoor patio and equal distance from the dining room table "inside" our home. The occupants of the bench have no privacy nor do we. We can directly see and hear each other's conversations. If there are more visitors than the bench will hold, many will move our patio chairs for their personal use.

We are concerned about security as well, especially after dark. Our grandchildren refuse to sit outside at our patio table or even inside at our dining room table if the bench is occupied. They describe it as scary and creepy. We have been forced to close our doors and windows based on conversation levels, cigarette smoke, etc. Again, we are hesitant to continuously call the police for fear of retaliation. Many visitors will ask who owns the bench. They are shocked to hear it belongs to the city, especially since it is located so close to our home. Many have declined to use it based on the proximity to our home.

Since the bench has been installed, we collect drink cups, food wrappers, cigarette butts, etc. on a daily basis. We expect further issues as the awareness of the bench increases, warmer weather sets in and vacation season begins.

It appears all residents in Vermilion who have a tree lawn have unilaterally chosen how to make best use of it. Some have grass to extend their lawns, some have gravel to create additional parking, and others have planted trees, shrubs, bushes and flowers.

Please note, no one in town has a city bench, located within close proximity to their home in their tree lawn.

The instigators and participants in this covert action live from blocks to miles from our tree lawn area. Many of us adjacent property owners are disappointed and devastated by these events. I hate to admit it, but it has affected our eating habits, our sleep and our overall quality of life. We've lost the comfort, the privacy and the security of our home. We wake up every morning wondering what is next, vandalism, theft, more park benches, grills, picnic tables, a pavilion, etc.

We are at the beginning of another crossroad. After consideration and thoughtful prayer, we offer the following solutions:

1- Move the bench onto the beach. This would ensure the users of their comfort and privacy. The stairs were constructed to create safe and easy access to the beach. This would allow visitors to sit closer to the water, to enjoy the sunsets, and all the lake has to offer. There are plenty of areas on the beach to locate the bench above high water levels. Our resident photographer, Scott Dommin, takes his photographs from this beach area believing it is by far the best vantage point. This would also give the adjacent property owners the comfort, security and privacy we deserve.

2-Allow Debby and I to continue to maintain our tree lawn just like everyone else in town. We have done this for 10 years providing labor and absorbing all costs as other residents do to their own tree lawns. We take great pride in our tree lawn and do not feel we need to be supervised by a new Beautification Committee recommended by the Mayor. We recommend we continue with the current arrangement for the benefit of all.

3-Debby and I are interested in purchasing a section of the land directly in front of our home. We propose purchasing land from the sidewalk north to a line even and equal to the width of the tree lawn of the neighbor to the east. This would have no effect on the end of Huron Street, the stairs, or easy access to the beach. We would absorb all costs such as surveyor, appraiser, legal documents, etc.

We believe three things in human life are important: The first is to be kind, the second is to be kind and the third, is to be kind.

We trust you will give our solutions due consideration. We invite all Council Members into our home enabling you to visualize and experience the situation. We look forward to your timely response.

Sincerely,  
Bill and Debby O'Hara

See photos attached below.



Bench installed within 10 feet of our patio.



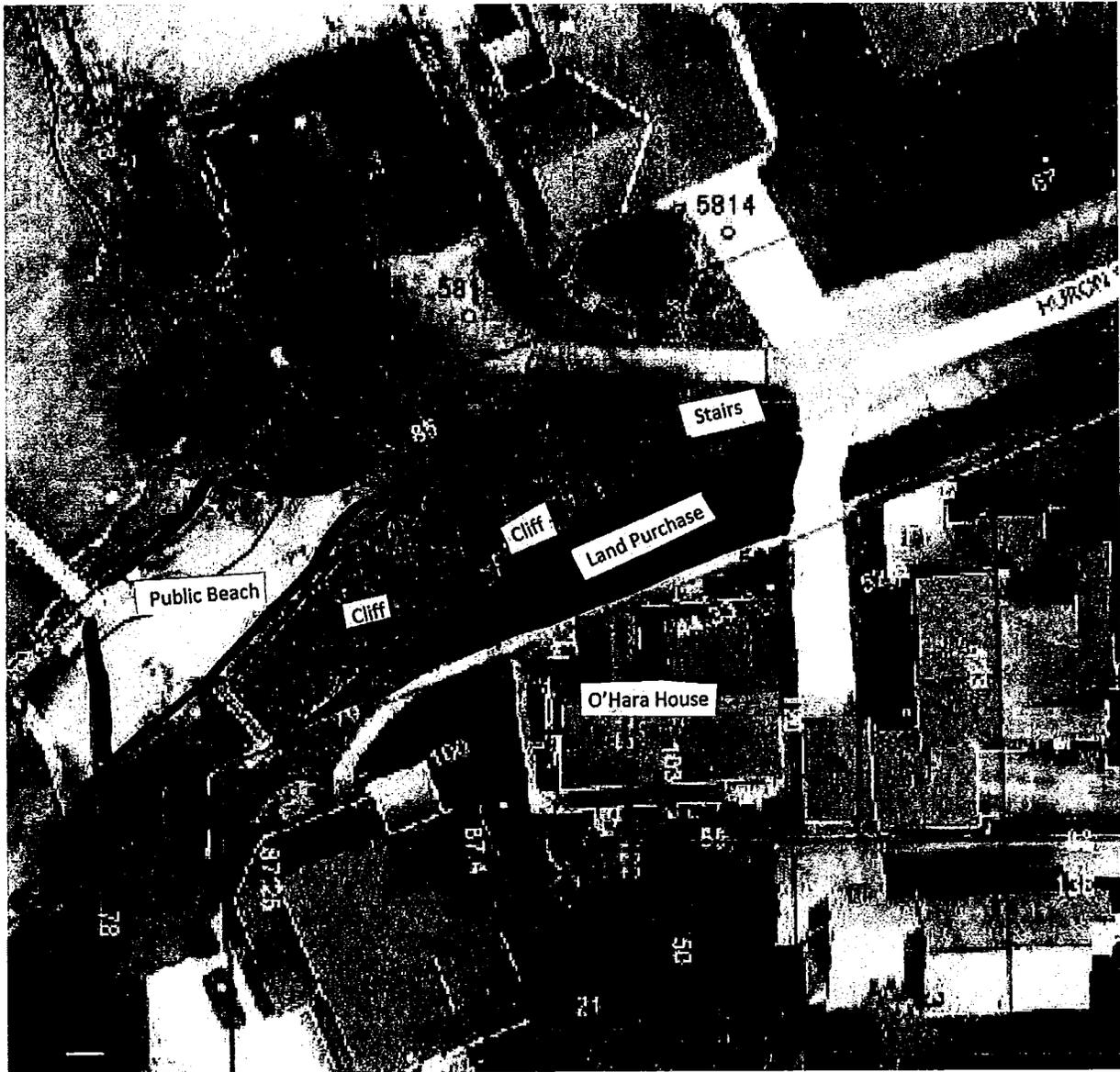
View looking west

Proposed purchase of tree lawn equal in depth to the adjoining neighbor's tree lawn.



View looking east

Propose purchasing land from the right side of the fire hydrant to the sidewalk equal in depth to the neighbor's tree lawn to the east.



Plat Map O'Hara House  
5831 Huron Street