

STREETS, BUILDINGS & GROUNDS COMMITTEE MINUTES
OF APRIL 8, 2019

Municipal Council of the City of Vermilion
Municipal Complex, 685 Decatur Street, Vermilion, Ohio 44089

In Attendance: *Vermilion City Council: Steve Herron, President of Council; Monica Stark, Council at Large; John Gabriel, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five*

Administration: Jim Forthofer, Mayor; Tony Valerius, Service Director; Amy Hendricks, Finance Director; Police Chief, Chris Hartung; Chris Howard, City Engineer; Chris Stempowski, Fire Chief

Call to Order: Frank Loucka, Chairman, RESOLVED THAT this Streets, Buildings, & Grounds Committee comprised of the committee of the whole does now come to order.

TOPIC ONE: **Rock City (Sign Appeal)**

F. Loucka conveyed that business owner, Shawn Perry is appealing to council the decision of the Historic Design & Review Board on his sign proposal. He said there will be no decision made tonight on the appeal as it will be formally made at the April 15 City Council meeting. He referenced Vermilion Codified Ordinances - Section 1274.02 and 1224.04.

Shawn Perry of 546 Highbridge Road distributed photographs to Council on his sign and surrounding signs. He also brought an article of an actual controversial sign in Perkins Township. He said there are a lot of perspectives of not only his sign, but the Millett Auction House which is located next to his and they are almost the same size. Also, the Vermilion Fire Station which is used in the local park next to St. Mary's; all the signs are roughly the same size in the area. Also, there are pictures of every sign in the area that is of the same construction.

He said he was before City Council to ask why there are being special rules applied to his building and his sign. His sign meets city code and it has been approved twice previously by the Historic Design & Review Board and now suddenly, it's coming up being controversial and inappropriate. The building is far larger than the past two buildings they were at and the sign was approved for those two properties. He also provided pictures of signs above the awning at Swan Creek, which is a much larger sign than his, except his is located on the frontage at Town Hall. He also included pictures of the signs on the front of Main Street Vermilion, which by his count has seven (7) signs. He is wondering why they're allowed to have these many signs in front of their building.

S. Herron said the issue is going to be to what extent does this sign fit this building and does each council member defer to the group of volunteers that looked at this sign and made their independent evaluation of it. He told S. Perry that he might be given seven different opinions and he himself hasn't decided. He has driven by the sign, but he will go up and look to make an independent decision prior to his vote. He said based upon his review of the minutes of the Historic meeting and S. Perry feeling they are imposing a

special rule on his sign – he thinks there is a difference of opinion as to whether it fits that building or not. He said arguments can be made both ways, so it's just going to be one of those situations where they're going to get independent opinions on it and he doesn't think the Historic Design and Review Board imposed special rules on him.

S. Perry said if the city has standards for what size of a sign they allow, then why do they pick and choose on personal ... (inaudible). F. Loucka said according to Section 1274.14(d) of the Codified Ordinances it states that all signs within the Harbour Town Historic District should be of a color scheme compatible with the buildings, of wood or metal construction, with the use of plastic to be discouraged, and should incorporate graphic symbols and styles typical of the era when the building was constructed and expressive of the business enterprise. S. Perry said his sign is historic and to the 50s; it's not historic to the 1860s, but it still is a historic thing. There is nothing inappropriate on it. If a sign like the sign in Perkins Township was approved, then why are they even arguing over his sign. There is no point for it. As far as the size of the sign goes, they are in the process of trying to get a million dollars' worth of grants. Why are they going to do that to be denied signage in front of the businesses that are going to be inside of there – it's ridiculous! They're in this building because it's iconic and they need signs that are visible from the road. He's sorry if it bothers them if there's going to be signs in pictures, but this is how it goes. People don't put businesses anywhere when they're denied signage. The entire concept is ridiculous.

J. Gabriel said in his view he doesn't think either side is wrong in this; it's just a matter of opinions. They have a Historic Design & Review Board who has a specific mission to try to preserve what they can and residential properties glide by and commercial properties are held to a much higher standard the way the code was written. He doesn't fault any of the volunteers who work hard to try and preserve that aspect, but on the other side of the same coin, he doesn't think S. Perry is in the wrong either because branding and logos for a business is extremely important. If anybody came to him and tried to take away the Romp's swivel in his font than he wouldn't be up for that. He said council will try to figure out the best way to take these various opinions...it may be too late for a compromise, but this is what he will be basing his opinion on as he understands both sides of the coin. In his view, he hates for either side not to win this argument, but unfortunately somebody is going to be on the downside of this decision.

S. Perry said if Council reads the minutes, there seems to be a fair amount of overreach. When you have Historic suggesting that they change their logo and hire a completely different sign company when they've had the same sign hanging in the Historic District for almost six years. How is this part of their mission statement? J. Gabriel replied by saying it's because volunteers rotate, and therefore they get into these types of situations. S. Perry understood this. J. Gabriel said obviously his sign has been approved twice which weighs heavily in his opinion in one direction. He understands they have a different group of volunteers who are trying to do the best of their abilities.

S. Perry said one of the members of the Historic Board who voted against this said she has a hard time processing how photoshop drawings work and she couldn't vote on this based on that. How is this allowable on that board? How can you be part of board that has to vote on designs every month if you don't understand the process of proofs. How do you even allow that?

S. Herron said as far as S. Perry's accusation of overreaching, he encourages the Historic Design & Review Board to work with the citizens, and many times it's an informal discussion where they ask the individual to think about things. It's not an insult or a put down to somebody. It's an effort by people to say they want to work with somebody. He doesn't have a problem with the board doing this, but if it bothers him then obviously he doesn't have to take their suggestion. S. Perry said as a business owner it bothers him for anybody to say that. S. Herron said they have a job to do and as far as he's concerned they are doing it, but it doesn't mean they have to agree with them and they can make a different decision, and that's the law too. However, he doesn't know if he would call that overreaching. S. Perry asked him how many times he suggested a company change their logo. S. Herron said many times there are discussions about a color of a house or something in a residence and the board suggests to them to look at things in a different way. He feels this informal discussion is good, so if he takes it as their statement to change his logo, then don't change your logo. You don't have to accept that. He just thinks this act and this practice is a good thing in this community.

Susan Cairns, Vice Chair of the Historic Design & Review Board said she finds the comments about her understanding and capabilities on the board offensive from the standpoint that they as volunteer members still submit a resume, which is reviewed by the Mayor. They still must have a certain skill set to be a part of these proceedings. She said if they look at her resume she comes from a different county, but she was the President elect for about six years for Family & Children First Council where a large sum of money runs through it, so she understands how a lot of these proceedings work. Her point that she feels got missed, was that it's very hard as a Council person or a volunteer trying to make a choice to look at a photoshopped representation and be able to know everything about that. If they have a question – they never know when somebody gets ready to put the sign in if there is going to be a wire in the way, is there going to be something underground that will prevent them from doing it; exactly the way they talked about at this meeting, and this is the only point she was trying to make. She totally understands they can only do so much, and they can't put up something before they know what's it supposed to be, but on the other hand they just must be careful. They had been given pictures that had two different signs in it; one for the ballet school and one for the music shop, and they didn't know which one was going to exist as far as the ballet school. She thinks there was some misunderstanding at the meeting, but if anyone would like to see her resume she would be happy to share it.

Marilou Suszko, member of the Historic Design & Review Board said she has a copy of Shawn Perry's letter to the Vermilion City Council and there are a couple of inaccuracies that she would like to point out. One thing he said is that, "Suszko said she was concerned that this sign was near a park (whatever that means?). M. Suszko explained her comment on this which too was reflected in the minutes, as she said she was concerned about how far forward he could move his sign, so people could see it. She said that S. Perry also said that Mayor Forthofer seems to be the only voice of reason on the dais, interrupted Ms. Suszko and Ms. Cairns and said, "I don't want to waste anybody's time; why don't we grant a provisional permit and revisit this the next meeting? M. Suszko said she is the one who said, "Let's give Shawn a 30-day permit because as it's also reflected in the minutes, she knows that it's hard to do business without signage and she doesn't want anybody thinking that the Historic Design & Review Board, Main

Street, or the City is business unfriendly; we're not. She had asked for the 30-day permit. She said that Shawn states in his letter that he immediately received compliments on the sign, both in person and on social media. She also received comments on the sign and they weren't positive, so again, this is a matter of two different opinions. She has said from the beginning that she's a little confused about what's happening there because it's supposed to be the Harbourtown Fine Arts Center and she's very excited about the forward movement of this project. She thought it was a great idea and she loves the youthful energy that's in it. The question is the sign, and it's not even the sign. She said she likes the sign and she liked it in the first two locations because it was a sign for the façade and it was up, and it was big, and it looked great. In her opinion, the Historic Design & Review is to exercise aesthetic judgement to maintain a desirable character in the Historic District, but she thinks the sign is out of context for the building. When the board voted with three members present, they did not all agree. There were two votes no and one vote yes, so it comes down not to one person, but the whole board. She said she had asked S. Perry if his sign was going to set the pace for the rest of the signage that was going to go up and he said yes, his was going to set the pace for it. This was at the first meeting when they discussed this. She said this issue came back to a second meeting before the Historic Board and she's concerned about two large signs in front of this historic building that is a much-photographed building and very identifiable with Vermilion. She thinks these two signs are too big for this space. This is her opinion. She said if this is a Fine Arts Center by all information she has about Fine Arts Center; is that it is not just a location for 'Rock City' and the Harbourtown Dance. It is a location for multiple disciplines involving the art; music, visual arts, performance arts. What standard do you set if suddenly, you've got two signs that big? How do you say no to anything after that? How do you change the rules after that? She thinks there needs to be discussion on this and she cannot equate it with what's happening in Perkins Township; that would have never made it through Vermilion. She is happy to talk about this at some point on the record. She thinks the entire Historic Design & Review Board would be happy to talk about it. What they do is done as a volunteer board and they do it according to the points that are given to them to review all projects before them, and they're also guided by the Secretary of the Interior's Standards for Rehabilitation, and signage is one of the items. It says, signs should be viewed as (inaudible)... bracket system for the building. They do not have to do the work by themselves. The building's form, name and outstanding features both decorative and functional support the advertising functions. Signs should work with the building and not against it.

J. Gabriel thanked both board members for their time and service as volunteerism is tough and he appreciates it. He said he has no idea of how the rest of council is thinking about this matter. This is a subjective thing where everybody has their own opinion and views, so it will be interesting to see how this plays out.

B. Holmes agreed and noted there are good things happening at this place and they like to see it happen and would like it to continue even though one party may be on the downside of this issue. He would like to see what's going on in this building to continue because it is something great. Both of his daughter's attend the dance and it's great for Vermilion.

B. Brady asked if both signs (Rock City and Dance Studio) as shown were proposed to the Historic Board. M. Suszko said it was not proposed. It was given to the board at the

second meeting in response to S. Perry saying the 'Harbourtown Dance Studio' sign would mirror his. S. Perry said this was correct. B. Brady asked if the Dance Studio has come before the Historic Board yet and M. Suszko said no.

S. Perry said they were asked to provide drawings for a potential Dance Studio sign to see if it would fair to vote on whether his sign should stay or go, whether a potential second sign may go up or may not, so this was provided to the board as a complete courtesy. He said the only two things in this building that are constant and that are actual renters in that building is his business and the Dance Studio. Everything else that happens in that center is run off their business. If they have somebody in there for a painting seminar they will not have signage. It's ridiculous. They're the only two permanent businesses in there and everything else is something that comes and goes for special events. He doesn't know why this point keeps coming up.

M. Stark asked if he was part of Vermilion Fine Arts. S. Perry said he is on the Board of Directors. M. Stark asked if the Vermilion Fine Arts plan to put a sign in the yard for their organization. S. Perry said no not to his knowledge. He explained the non-profit (Harbourtown Fine Arts Center) exists to purchase this building. To his knowledge, and this may change in the future because who knows what will happen, but the non-profit exists to provide the venue to the arts. At this point, the Harbourtown Fine Arts Center doesn't provide any services; he and Brittany provide services and they bring in special features for other services. So, there is no Harbourtown Fine Arts Center sign to put out there, so the building itself would be the Fine Arts Center and they're providing the arts and special programs that go inside there. In the meantime, he and Brittany pay rent and bills and as they're getting the non-profit together the non-profit will purchase the property, but they don't necessarily provide a service. M. Stark said then the non-profit is not 'Rock City' and not the 'Harbourtown Dance Studio'. S. Perry said it's not. He said at this point, this is a complete non-discussion because they don't hold a lease on the building and they aren't paying any expenses. It's a future thing as they are still waiting on the 401C-3. M. Stark asked if there's any plan for signage at this time and S. Perry said nope and to his knowledge there won't be any for the future. The only time this would be the case would be if the non-profit becomes a self-funding entity to where they're getting all the money and they are able to pay him and Brittany for their services. At that point that's fine; yank their signs and put one up that says 'Harbourtown Fine Arts Center', but at this point they have no control over anything. It's a thing they put together to purchase that property, but that's going to be way off either way.

TOPIC TWO: Fire Station #1 Committee Recommendation

Mayor Forthofer reported the Firehouse Committee that was formed in early 2018 has completed its work of recommending a site for Fire Station #1 on the corner of Devon and Douglas Drive. Tonight, the Firehouse Committee recommends to Council a partner in the design-build of this project. After receiving qualifications, the committee met with the three finalists on March 19, 20, and 21. The committee then met to make its recommendation. The committee represents the interests of the residents of Vermilion by making a good selection. They included engineering and architectural professionals with an understanding of design-build and the Finance Director helped the committee

stay on track regarding the city's resources and most importantly the end-users themselves. The Fire Chief and the Vermilion Fire Department firefighters actively participated in this selection. The committee's selection was unanimous, and they recommended Thomas & Marker Construction of Bellefontaine and Columbus, Ohio. He requested that Council adopt legislation authorizing the Mayor to enter into an agreement with Thomas & Marker by suspension of the rules. He asked City Engineer Howard and Fire Chief Stempowski to give further details on this selection.

Chief Stempowski said this was a really long process and very thorough. It was a dedicated group of people. It was a unanimous decision to select this group and he recommended favorable passage by City Council. He thanked the committee for their involvement.

S. Holovacs agreed with the Mayor and Fire Chief as it was a long process and they hired Mark Wagner from Poulos & Schmid Design Group, Inc. who was a great help to the entire committee. Therefore, he recommends this contractor for the project.

M. Stark said when Mark Wagner came before Council to show them his design of the Fire Station, he made a comment that the design wasn't exactly what it would look like, so is it like what they're deciding on. C. Howard said this was just a basis to give the design-build team something to bid on, so they had an idea. It's not 100% and it will change on their input and the city's input and requirements going forward. Mayor Forthofer said much of this will be driven by the Finance Director who says this will cost too much money and they may have to make some changes. C. Stempowski said the initial design was a starting point and this firm has a lot of experience in design-build of fire stations, so they thought it may be good for them to design-build better or beyond. C. Howard said they will need to come before the Planning Commission. This project will take some time. S. Holovacs said realistically they are probably looking at March or April of 2020 before this project is complete. C. Howard said the firm must give the city their final proposal before they approve it and he believes they will the city their end date.

TOPIC THREE: Liberty Avenue Bridge (Sidewalk)

C. Howard reported that he and the Service Director met with ODOT representatives regarding the possibility of adding a sidewalk across the railroad bridge on Liberty Avenue. This is an ODOT bridge, so any improvements require their approval. ODOT states this bridge was built in 1995 and it's a unique structure due to the skew of the railroad tracks. Per ODOT, the legal speed over the bridge is 50 mph and this is considered high speed and the standards for this sidewalk become more complicated; meaning you would have to put up a barrier to protect pedestrians on the bridge. He recommended the city doing a speed zone study to lower the speed limit to 40 mph from north Berkeley Road to just east of the bridge. They can pick a location to increase the speed and then they can request ODOT to allow this, and then they can find out what's required. He said there will be costs associated. If the legal speed is reduced to 40 mph or 45 mph the city must develop a sidewalk typical cross-section and submit it to ODOT for approval. Once they approve it, then the city must have a bridge analysis done to

make sure it can handle it because it's a different super structure. The first step would be to perform a speed zone study to look at reducing the speed limit to 40 mph.

J. Gabriel asked if there would be any additional cost with the speed zone study to look at the west side. He said people have asked if the city could look at lowering the speed limit beyond Giant Eagle to make this area more accessible for smaller vehicles such as golf carts. He wondered if this could be included. C. Howard said he can ask for a price on this and would need clarification on what area it would be.

F. Loucka said maybe 35 mph up to Berkeley would allow golf carts to come from that area. M. Stark said during the speed study could they would look at how school buses and vehicles turn into the Woodlands and come to a complete stop at times on Liberty before being able to make the turn into Woodlands. C. Howard said they take into consideration accident reports, but he isn't sure they will look at the interchange with Woodlands, but he is aware it's a difficult intersection. F. Loucka said lowering the speed limit would very much help the Woodlands area. M. Stark agreed as there are a lot of houses and condos in the area.

B. Brady asked the engineer if he had any idea of how much the sidewalks would cost on this bridge. Before the city spends money on studies, will they have the money to put the sidewalks in. C. Howard said these are the steps they must go through just to determine how much it's going to cost unfortunately because there are so many variables. He said ODOT did tell them there is potential for some grant money maybe later this year, but there's no guarantee. B. Brady said she would hate to spend \$10,000 if the sidewalks are going to cost \$300,000 that the city doesn't have. F. Loucka said lowering the speed limit either way might help since people walk across this bridge all the time.

C. Howard said he is getting a proposal for the speed zone study based on ODOT's recommendation. He asked council if they wanted to choose Berkeley to Highbridge Road or do they prefer extending it further. M. Stark suggested lowering the speed to Overlook at the light, and then past the light increase the speed. She noted there isn't much distance from Highbridge to the light, so it wouldn't make sense increasing the speed in such a short span. B. Holmes pointed out there is an active crosswalk at Overlook now. Chief Hartung said based on any interaction he has had with the state, he thinks the composition and the volume will be problematic being able to lower the speed in that zone, but he will defer to the engineer's expertise. B. Holmes suggested everything east of Highbridge should be 50 mph. B. Brady said M. Stark is correct in saying that Overlook isn't that far from Highbridge and it there is a light and crosswalk there. C. Howard said he will have a conversation with ODOT to see if it makes sense to go to Overlook.

C. Howard said he would bring a proposal for the speed study to council.

Chairman Frank Loucka adjourned the meeting after no further discussion came before the committee.

Next meeting: May 13, 2019 @ 7:00 p.m.
Gwen Fisher, Certified Municipal Clerk
