

STREETS, BUILDINGS & GROUNDS COMMITTEE MINUTES
OF FEBRUARY 11, 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; City Engineer, Chris Howard

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: **ODOT Req's for Safe Pedestrian Crossing – Route 6 Overpass**

F. Loucka said as mentioned in the last council meeting looking toward future pedestrian access as the city proceeds going eastward, the one major issue is the ODOT requirement for the city to put sidewalks on the overpass. C. Howard said he reached out to ODOT and obviously they must review and approve any improvements on the bridge. He noted there is a new bridge engineer in the district, so he is trying to schedule a meeting with him as soon as possible to go over the options of what is allowed, and what funding options there are if any for allowing this. He will report to council once he meets with ODOT.

B. Brady asked if the city has a list of the accidents that have occurred on the bridge. Chief Hartung said they have this data, which is also reported to the state. B. Brady asked if this data would help the city and C. Howard said unfortunately it will because this is how ODOT looks at this, as fatalities score higher.

Don Nieding of 715 Foxwood Drive said the bridge before it was torn down had sidewalks on both sides. He said the city had comments about the fact people don't want sidewalks, but he said they don't need to be a rinky dink town – we got to have sidewalks! He said the car wash guy claims he doesn't want sidewalks, but he's big on the Bridge to Bridge and they need sidewalks. He said when somebody develops land they should be told to extend the sewer, streets, and utilities because they're going to have big problems when they start developing the industrial area, so they should have legislation on all of this because this is the only way the city is going to progress. He said Vermilion needs to look at progressive cities like Avon Lake. They've had legislation on this for years (Projection of Improvements on Adjacent Lands), and everyone wonders why they're developing so nicely; well there it is! He said the developers need to extend the lines because adjacent property owners will be forced to do the same thing. Lastly, he said he respects the salt on Foxwood Drive, so he doesn't fall.

Homer Taft of 3972 Edgewater Drive said he is in favor of pedestrian, bicycles and all forms of access everywhere, but specifically relating to the Liberty corridor and this bridge, he's concerned because there is a county study on the Route 6 corridor in making it more bike friendly. It's going to happen sometime – not yet. This will suggest changes and now they are looking at other changes and those things aren't going to be coordinated, so he would hope that council would make sure they are able to coordinate all these things to make it not just pedestrian, vehicle, golf cart and bicycle friendly, but friendly for everybody in some way that works together. He thinks they need to look carefully at the whole plan rather than working in conflict with each other.

C. Howard addressed Resolution 2019R-2 that was adopted last week relative to the sidewalk program on Liberty Avenue (South). He wasn't at the meeting, but he understood that council moved the deadline back another year to June 1, 2021. He said this extra year seems like a lot as they had the deadline established for May of 2020 and now people will wait another year to do the work and the costs will increase. He said there were concerns addressed at the last meeting about filling in ditches, but the city will work with the owners to see what's the best location for their sidewalk. They don't want to impact their business, but at the same they want to create a walking corridor, so he didn't know if council really wanted to wait until 2021. F. Loucka asked the engineer if he is saying that there is a lot of right of way and there is not necessarily the requirement to completely fill in ditches for the sidewalk. C. Howard agreed and said the Liberty dealership has the largest frontage and they could move on either side of the ditch without having to fill the whole ditch in. The city will work with the businesses, but they want to make sure they do the work.

M. Stark MOVED, F. Loucka seconded to amend Resolution 2019R-2 to make the deadline to install sidewalks by May 1, 2020. Discussion: B. Brady asked if sidewalks can go onto private property even if that is a more convenient avenue. C. Howard said they want to keep it within the right of way. B. Brady asked if there is plenty of right of way to avoid the ditch and C. Howard said yes. B. Brady asked if it matters as far as drainage as to which side the ditch is on. C. Howard said when they install the sidewalks they will want to pitch it to the ditch. J. Gabriel said he is the one who suggested giving the property owners an extra year. He said not one of them stopped and polled a single business and they don't know their conditions, so he thinks an extra year will give these folks a chance to plan. They usually don't plan year by year but go out a couple years. This will give these folks the opportunity to get their costs and numbers in order and know what's coming. He respected the city engineer's opinion and knows it will be done in a positive fashion, but he doesn't want to drop a hammer on these folks and dropping an expense on them without knowing their condition. He didn't see where an extra year would hurt at this point. S. Herron agreed as they don't know the financial situations of these businesses. The city has posed a lot of duties on many of the business owners over the past couple years, so he would agree waiting another year. He agrees the costs will go up, but if that business can get the work done this year then great, but if they must wait a year and finance the work, then this is where he is coming from. B. Brady asked if the city will do the engineering of the sidewalks. C. Howard said they can stake the right of way for them and will work with them individually. Roll Call Vote 3 YEAS (Holvacs, Loucka, Stark) 4 NAYS (Brady, Gabriel, Holmes, Herron). MOTION FAILED therefore the deadline will remain June 1, 2021.

M. Stark MOVED; S. Herron seconded to amend Resolution 2019R-2 (Sidewalk Program/Liberty South) to not exclude 4185 Liberty Avenue (Liberty Soft Cloth Auto Wash) from the project. Discussion: Originally, council amended the ordinance to exclude this property from the program and it was adopted, but she would like the Auto Wash to be required to install sidewalks in front of their property just as they are asking the other businesses to do. F. Loucka said this portion doesn't include the empty lot east of the car wash; it's just the Auto Wash lot. S. Herron said he had voted for the ordinance which excluded 4185 Liberty Avenue, but based on M. Stark's comments, he has spent the week thinking about it and he agrees this property should not be exempt from the sidewalk program. D. Nieding said if they are going to have sidewalks down Liberty Avenue, then the car wash shouldn't be exempt. He said he would like to see a nice width as this is the main road going into the city, so he wants to make sure it's nice and wide. B. Brady asked for confirmation that the sidewalk will just go across the car wash property, but it will stop at the empty lot and F. Loucka said yes at this time. B. Brady said it appears the sidewalk would dead-end into something that would be useful. F. Loucka said they need to start somewhere and right now they don't have the ODOT regulations for the bridge. J. Gabriel said he wants to maintain a buffer between the railroad tracks and that walk until they can get a sidewalk across the bridge. Right now, he doesn't want to see sidewalks on the empty lot because he doesn't want to encourage kids to cross the railroad tracks. M. Stark said it's not easy to cross the tracks due to the trees and growth, but she doesn't want to see sidewalks right up to the bridge when they don't have a plan in place for the bridge. Once the city has a plan in place and the bridge is pedestrian safe, then at that point she would want that lot to have sidewalks to connect. However, she thinks the car wash is a great place to stop because it makes that buffer. She said she lives in this area and there are always people walking over the bridge. C. Howard said they could also make it contingent upon ODOT's recommendation. If ODOT gives the city a timeframe that the city can do something, then maybe the city can state that the vacant lot has a year from that ODOT approval, so they are forced to put in sidewalks. F. Loucka said the city would need to put sidewalks in on the other side of the bridge as well. D. Nieding said he has a vacant lot too and he is not fighting this sidewalk program; they need to have sidewalks. They are a city and they should have had sidewalks 20 years ago. He said this is a joke that this guy doesn't want to put in sidewalks. Roll Call Vote 7 YEAS. **MOTION CARRIED** - therefore, 4185 Liberty Avenue is required to install sidewalks on his property in front of his business.

TOPIC TWO: Sidewalk Mini-Corridor Plan

Mayor Forthofer said prior to council's recent issue of sidewalks on Liberty Avenue, he was faced with the dilemma in the area further east of that; from the NS railroad overpass to the city line on the far east end at Baumhart Road. It's been repeatedly brought up to him that the Liberty section of this town is a mess. He said Liberty Avenue/Route 6 east represents the largest amount of undevelopable land they have in the city. However, this section also has some irregular and occasionally unattractive frontage. He said sidewalks, setbacks, and signage seems inconsistent at points. The real dilemma comes from the fact that the building department consists of 1.5 people and compliance opportunities are overwhelming in this section of town. Currently, the

section of town on Liberty Avenue east of the overpass does not inspire new businesses who are looking to relocate in Vermilion. He suggested the first step is that the administration should begin a series of mini-corridors. The first established would be on the east side of Vermilion at the intersection of Liberty and Sunnyside to make that a standard attractive frontage. This section comprises of components of several enterprises including retail, business, and residential. It's zoned R-5 and Highway Commercial B-3. The action he suggests is to enforce sidewalk requirements on frontage in that section of Liberty near Sunnyside as illustrated – it's estimated to be about 1,623 feet of frontage. The city would use the established sidewalk ordinances to enforce visual discipline along the corridor. This is where sidewalks are instruments of creating better frontage; it's not so much the sidewalks themselves, but establishing sidewalks redefine where the right of way is. He said right now they can't tell just by looking. If they put sidewalks in compliant with the code; combined with what those property owners are obligated to do; it defines the right of way and they can start to green up the area from the sidewalk to the street; possibly plant trees or do whatever to make it an attractive corridor just in this one little section. He said the new Vintage Crossings (old Sand Bar) is in this area and he has spoken to them about this and they think it's great. He said Homeworks already have sidewalks, as does the Vermilion Farm Market. However, the truck repair business does not have sidewalks. Across the street on the north side, Whispering Shores does not have sidewalks, but they're obligated to have them. They could end up with a nice corridor with filling in the gaps of which they can start to green up and create an avenue where the residents can visit the Farm Market or Vintage Crossings. Also, the Cassell development is obligated to put in sidewalks down to Liberty, so they would be creating a mini community. Once this area is done, then they can pick another intersection and eventually this section of Liberty will look nice. He said nothing is going to happen unless the city wants it to. He thought it was great they have so many entities who are offering to help Vermilion; the county level corridor study, the connectivity plan driven by the commissioners. He said nothing is going to happen unless the administration allows it to happen and unless council allows it to happen – we're in control and we'll make it happen. He noted he doesn't need any approvals from council as the ordinances are already on the books. He welcomed any suggestions by council.

F. Loucka said in looking at the current sidewalk code (1024.04), it says upon decision by resolution of council, certain specified sidewalks shall be constructed, and the Clerk of Council shall cause a written notice of the passage of such a resolution to be served on the owner or agent as set forth in Ohio Revised Code 729.02. Mayor Forthofer said there will not be any sledgehammer approach to this as they will meet with each of these businesses.

TOPIC THREE: Phased Sidewalk Inspection/Repair Program

F. Loucka said the maintenance of current sidewalks had been addressed previously by Councilwoman Brady, so he just wanted to point out that Vermilion has an extensive existing sidewalk repair legislation on the books. It's rather detailed and it's defined in Section 1020.01 Cleaning and Repairing Sidewalks of the Codified Ordinances. He said the City of Amherst this past year required a major sidewalk repair replacement project

in their downtown district; especially along Cleveland Avenue. He suggested Vermilion should look at a phased approach to sidewalk repair/replacement. For example, the city could be divided up into certain districts and then based upon priority each district would be focused upon for sidewalk inspection. The priority list could be published, and the effort could last over several years, depending on available manpower. Property owners would then be made aware of which district they would be in and of course would be notified if their sidewalk needed to be addressed.

S. Holovacs said this has been on the books for years and it's nothing new. It comes down to a situation that if they're going to inspect and you give a deadline and they don't do it, then at that point, the city is responsible to replace the sidewalks and assess their taxes. However, if the city doesn't have money set aside, this is a waste of time. He said under Section 1020.01 (s) it states corrective action for repair of sidewalks must have an ½" or wider gap between pieces or slabs. He thought this was a joke because if you're pouring concrete and you put in a ½" expansion joint, concrete shrinks, so now the ½" expansion joint is rotted, so a then a new sidewalk in two or three years is in violation of the city's code. He said if the city has the money then let's enforce the sidewalk code.

B. Brady said in places like the Edison Estates development there are no sidewalks in certain sections, so people must walk out into the street to get around. She said at some point in time when a development is 99% developed, that even those empty lots should have sidewalks. F. Loucka said Resolution 2019R-2 indicates that when 75% of an area is developed, sidewalks would be required, so council could very well introduce a resolution to have that property put that sidewalk in.

TOPIC FOUR: Dumpster/Grease Cart Screening

F. Loucka addressed quality life in Vermilion with quality businesses and asked council to visualize the attractive dumpster enclosure adjacent to Chez Francois, which matches the architecture of the main building. He said they should compare this with the two dumpsters in a gravel lot next to the restaurant just east of the Route 6 railroad overpass. Which view reflects the image that Vermilion wants to show to the residents and visitors? Upon investigation, he has learned that Vermilion has no regulations for screening dumpsters. He said cities such as Avon Lake, Sheffield Lake, and other surrounding communities do have regulations for dumpster screening. Some are very strict, and some are not so strict. He provided council with a suggested proposed ordinance for review and comment. He said in the proposed legislation it states that no screening is required if the dumpster is located behind the building and out of the site line of the public right of way. Although a permit and inspection are required, it is suggested that no fee is required. He said in his mind a quality business helps attract other quality businesses and he feels this is another step in the city's attempt to be competitive with surrounding communities such as Avon Lake, Sheffield Lake, and Bay Village to name a few.

J. Gabriel understands he is trying to create a positive thing for the city, but his only issue is the timing. Council just adopted legislation for business owners on the south side of Liberty Avenue to install sidewalks, and now they are being asked to pour a pad

and build a fence for their dumpster. He said in 2017, they had record stormwater increases on businesses and in 2018, they received commercial permit increases. Therefore, the timing is off and to introduce it less than a week after they just put sidewalks on the businesses – he would rather see the approach that if there are dumpsters that offend people’s eyesight, then the city should just approach the business and see if there is any chance they are in favor of moving the dumpster. Also, if they pour a pad it’s not consistent, because the city says their stormwater is based on hard surfaces, but you want to pour a pad and put a dumpster on it. F. Loucka said this is just suggested legislation and if he would want to change it to three years and eliminate the pad that’s an option. J. Gabriel said if they look down into the river businesses, he doesn’t know how they could obscure a dumpster with a fence to shield it from the street because you can see the entire river valley from West River Road. He said these are things to consider because it’s not simple.

S. Holovacs said they could look at requiring screening dumpsters on all new construction. G. Fisher said the Boards and Commissions have been requiring dumpsters to be screened when new businesses come in. F. Loucka said what do they do with existing dumpsters. He said they can enforce this in three years if desired.

J. Gabriel said he contacted the building department today to find out how many dumpster complaints the city has had in the last five years or so and he was told there were two, but they were roll offs from construction sites. F. Loucka said to him it’s all about the aesthetics and quality of businesses.

Don Nieding said Huron passed legislation that residential neighborhoods must have their garbage cans behind their property. He said Vermilion has them sitting in front yards. F. Loucka said Vermilion requires them to be on the side or back of the property per ordinance. D. Nieding asked who he should contact about this and council told him to contact the building inspector.

S. Herron said they can review this again next month to see if they want to make the enforcement for three years.

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

Next meeting: March 11, 2019 @ 7:00 p.m.

Gwen Fisher, Certified Municipal Clerk