

RECORD OF PROCEEDINGS

Minutes of the Vermilion Township Board of Trustees' Regular Meeting

Held Wednesday October 2nd, 2024

The meeting was called to order by Chairman Robert Kurtz at 6:30pm

The Pledge of Allegiance was given.

The roll call resulted as follows: Mr. Kenn Baughman, Mr. Robert Kurtz & Mr. Rodger Scott were present.

Kurtz made a motion to approve the minutes from the September 4<sup>th</sup>, 2024 Trustees' Regular Meeting. Scott seconded the motion. Kurtz & Scott voted to accept the motion. Baughman voted against.

**20241002-01**

Kurtz made a motion to receive the treasury reports. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20241002-02**

Ninety-three bills/warrants totaling \$66,620.24 were submitted for payment. Kurtz made a motion to approve the warrants. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion.

**20241002-03**

Main Street Vermilion Marketing & Outreach Director Amy Hoffman spoke about the Lake Erie Shores & Islands Travel Guide. The township has contributed to the advertising for 10 years. Hoffman asked the township for continued support as the advertising helps the township businesses.

Erie County Serving Our Seniors Director Sue Daugherty spoke about the continued need for affordable housing for seniors.

Vermilion Township Fire Chief Frank Triana reported 50 runs for September & reports have been submitted to the state. Runs include: EMS-36, Residential alarm-2, commercial alarm-1, Odor investigation-2, Structure fire-1, Motor vehicle crash-4, Open burn-2, Mutual aid for fire with the City of Vermilion-1, Brush fire-1. Atlantic Fire Equipment completed pump testing. Liberty Ford performed maintenance on squad 813. The State Fire Marshal's Office investigated the site of the structure fire on Darrow Road. The cause is undetermined & under investigation. Four VTFD firefighters participated in Live Fire Training with Perkins Fire Department. The Ohio Board of Pharmacy was on site for an inspection. A narcotic lock-box was installed in Squad 812. Erie County is under a State of Ohio issued burn ban from 6am to 6pm for October and November. Please follow the Ohio Department of Natural Resources (ODNR) guidelines and the State Fire Code. The VTFD will host a pancake breakfast on Sunday, October 6<sup>th</sup>, 8:00am to 12:00pm. The VTFD will be passing out treats from dusk to 8:00pm on Halloween night, Thursday, October 31<sup>st</sup>.

Vermilion Township Administrator & Zoning Inspector Keith Sexton reported issuing five permits in September. An estimate for \$2000.00 was presented from Mike's Tree Service to remove a hazardous tree that is in the right-of-way. Work continues on the Coen Road Drainage Improvement project. Thanks to travelers for their patience. Estimated completion date is 10/11/2024. The township has requested drawings and preliminary estimates from the Erie County Engineer's Office for the following

projects: Stanley Road stormwater roadside improvement; Haber Road pavement improvements; South Coen Road stormwater roadside improvement; South cherry Road stormwater roadside improvement. Sexton thanked Young for identifying necessary repairs to have shovel ready projects. Kurtz reiterated that the tree needing removed is in the right-of-way on a Township road. Kurtz made a motion to authorize Mike's Tree Service remove a hazardous tree in the right-of-way for \$2000.00. Scott seconded the motion. Baughman asked about having a regular tree service instead of always going out to bid. Kurtz replied the Township had one in the past but that company was no longer in business. Baughman stated it is time to find a new company. Baughman, Kurtz & Scott voted to accept the motion.

#### **20241002-04**

Vermilion Township Road Crew Foreman Steve Young reported Micro surfacing on Thompson & Trinter Roads is complete. Road striping should be completed in October. For the Fall clean-up day: two and a half 40-yard dumpsters were filled, one 80-yard dumpster was filled with scrap metal and 88 tires were taken in for recycling. In-house crack-sealing is being done. Part-time snow plow drivers will be needed for this winter. The 2024 Chevy 3500 & the 2022 CV International have been undercoated. Kurtz asked Sexton to advertise for part-time snow plow drivers. Sexton responded that a notice was already on the Township website and he would meet with Young on the best way to advertise. Baughman suggested Sexton contact the applications for the full-time road crew position to see if there is interest. Sexton will oblige.

Vermilion Township Fiscal Officer Stephanie Johnson asked for approval to pay the 2024 Erie County Emergency Management Agency (ECEMA) participation fee of \$4711.29 for Emergency, Haz-Mat and 911 services.

Kurtz made a motion to advertise in the Lake Erie Shores and Islands (LESI) Travel guide through Main Street Vermilion for \$2500.00. The funds come from bed tax, it covers the cost to advertise in the magazine. Scott seconded the motion. Kurtz & Scott voted to accept the motion. Baughman Abstained.

#### **20241002-05**

Kurtz made a motion to participate in the 2024 Erie County Emergency Management Agency (ECEMA) Emergency, Haz-Mat and 911 services for \$4711.29. Baughman Seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **2410-32**

Kurtz opened the floor to the audience.

Candidate for Erie County Clerk of Courts Craig Hecht spoke.

Brian Novotny of State Street stated the (Vermilion Township) Board of Zoning Appeals (BZA) gave him three *Conditional Use* permits: 1) for a "drive-in type business", 2) for "residential in conjunction for commercial use" and 3) "outside display and storage of goods and merchandise with the condition that the area on the west side of the sidewalk along state route 60 to a point 25 feet from the sidewalk remain free of merchandise and goods" and "waving the requirement for a fence or walled enclosure". The Township has issued another violation. The original (Vermilion Township) Zoning Inspector Bob Kurtz had no problem with his buffer. He had over nine months to give a violation. Kurtz had no problem with the length or construction of the buffer. (The next Vermilion Township Zoning Inspector) Bob Baker gave a violation because he did not like the pallets. Pallets can be used in the construction of a buffer. The material used cannot be dictated. Now the current Zoning Inspector has turned the stack of pallets

into a fence and he does not like how it was constructed. Aesthetics is subjective. Novotny expressed the buffer is compliant, he was never given a better alternative.

Kurtz replied that he never said the stack of pallets was ok. Novotny tried to convince Kurtz he found a loop hole in the code and that is why the pallets should be ok. Kurtz never agreed with Novotny. Kurtz worked with the (Erie County) prosecutor's office to draft a violation letter and was instructed by the prosecutor to leave it for the new (Vermilion Township) Zoning Inspector, as Kurtz was leaving the position. Kurtz continued that Novotny did not obtain a variance for a fence, that is 'screening'. Novotny had a variance for a 'buffer', which is the distance the building had to be from the property line. They are two different things.

Diana Ladrach of State Road noted, if mistakes were made by inspectors that were hired and paid by the Township, they should be held responsible for what is going on with Novotny. Ladrach asked who owns the property that the Township Hall and Fire Department sits on. Kurtz and Baughman replied the property is owned by the Vermilion Township Board of Trustees. Ladrach then asked if the trustees have driven all the roads of the Township to meet with the residents.

Dan Ladrach of State Road was concerned about residents discharging firearms in the township with no backstops or towards homes. He reported telephones poles with wires hanging from trees and a safety issue when turning from Mason Road onto State Road/State Route 60 due to trees and brush blocking the view. In regards to the proposed Redwood development, Ladrach stated the residents are demanding 300 feet frontage for commercial businesses and too many cars are parking in the street there. He is still concerned about flooding in that area. Ladrach asked why the other businesses on Route 60 don't have fences, but it is required at Novotny's Farm Market.

The trustees agreed they have no authority over discharging firearms. Residents need to contact the Erie County Sheriff's Office. Baughman stated he has contacts with Ohio Edison, please call him with any wire and pole issues. Each pole has a number on it, if possible, please note the number of the pole. He will notify Ohio Edison. There are two poles that are currently being addressed. Kurtz commented the Route 60 businesses that don't have screening were in place before that code went into effect. Dollar General and the gas station across the street have fences that abut residential properties.

Don Rowe of Kneisel Road asked if Mike's Tree Service was located in the township and noted EcoTree was in the Township. He also asked the status of the State wanting to take over local zoning in regards to residential development and an update on the proposed Redwood development. He agreed the Erie County Sheriff needs to be called for firearm discharges. Rowe stated the fence issue with Novotny Farm Market needs to be resolved and asked if the Vermilion Township Board of Zoning Appeals deemed no fence was required. Kurtz responded in regards to the proposed Redwood Development, he has not seen a new plan, they are in the same place as eight months ago with the preliminary plan approval. Redwood has not formally submitted any final plan to the Township for consideration. Baughman conferred with Sexton that Redwood submitted plans to Erie County and the City of Vermilion for preliminary approval for sewers. Kurtz questioned why submit to the city as that goes through the county. Young commented that EcoTree was contacted, their bid was considerably higher than Mike's Tree Service.

Baughman announced ODOT will be tearing out gravel and replacing with grass seed on the roadside of State Road/State Route 60 from Haber Road to GetGo gas station. This is to prevent drivers from passing on the right side. "No Passing" signs will also be added.

Dan Ladrach asked about some artwork or “Welcome to Vermilion Township” sign on the Vermilion Township Road Crew Garage as it backs up to the freeway. Kurtz liked the idea. Baughman elaborated that the separate salt shed looks like a giant billboard, let’s use it as a giant billboard.

Erie County Commissioner Matt Old spoke.

Kate Schwanitz of Cherry Road ask what can be done to resolve the issue with the Novotny Farm Market. Kurtz responded, from his position Novotny needs to put up a fence. A stack of old pallets is not his idea of a fence. Kurtz asked as a resident, would you want that along your property line? Would you want to look at that? It is something to consider. The Township Zoning Code says he has to have “screening”, which is a fence. At the (Vermilion Township) Board of Zoning Appeals meeting, Novotny said he would put up a row of arborvitae. If that is done, this all goes away.

Kurtz announced the next meeting would be Wednesday November 6th, 2024 at 6:30pm

Kurtz made a motion adjourn at 7:38pm. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion.