

RECORD OF PROCEEDINGS

Minutes of the Vermilion Township Board of Trustees' Regular Meeting

Held Wednesday March 5th, 2025

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.

Scott made a motion to approve the minutes from the February 5th 2025 Trustees' Regular Meeting.

Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20250305-01**

Kurtz made a motion to receive the treasury reports. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20250305-02**

Ninety-five bills/warrants totaling \$108,118.25 were submitted for payment. Kurtz made a motion to approve the warrants. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20250305-03**

Vermilion Township Fire Chief Frank Triana reported **52** runs for February & reports have been submitted to the state. Runs include: Gas line struck-1, EMS-42, Hazardous conditions-2, Motor vehicle crashes-5, Barn fire-1, duplicate dispatch-1. Life-Pak 35s are now in service. The Life-Pak 15s will be traded-in. Air-Paks will be tested during March. The Vac-mattress developed a leak and was sent back to Hartwell Medical for evaluation. Even though the warranty had expired, Hartwell sent a new mattress at no charge.

Vermilion Township Administrator & Zoning Inspector Keith Sexton reported issuing three zoning permits in March. The Vermilion Township Zoning Commission and the Vermilion Township Board of Zoning Appeals held their annual organizational meetings February 13th, 2025. Tim King from the Erie Regional Planning Commission gave a presentation. Sexton asked for approval to initiate the bid packet process through the Erie County Engineer's Office for the South Cherry Road Storm Sewer Replacement Project. The scope of work for this project is to replace the deteriorating six-inch clay tile with smooth-walled PVC. The estimated cost of this project is \$309,984.00. Baughman asked the amount of linear feet. Sexton replied 1220 feet. Kurtz made a motion to authorize the Erie County Engineer's Office to initiate the bid process for the South Cherry Road Storm Sewer Replacement Project. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20250305-04**

Vermilion Township Road Crew Foreman Steve Young reported another busy month with snow & ice. Two-hundred-fifty tons of salt were ordered. Two repairs on the Western Star were done in-house. Young asked if the two clothing allowance payments could be combined into one for easier spending throughout the year. Young asked for consideration to sell the twenty-five-year-old backhoe and replace it with a compact loader. Road maintenance & culvert reports have been completed and turn into the Erie County Engineer's Office. Cars parked in the road on Wine Street have become a problem during snow events. Typically, there are ten cars, plus many garbage cans creating too many obstacles to maneuver around with a large snow plow. Young suggested a resolution to forward to the Erie County

Sheriff's Office for ticketing or towing. Baughman mention a parking issue in the past with Haber road, that this issue should be looked at for all roads, not just Wine Street.

Vermilion Township Fiscal Officer Stephanie Johnson reported while reviewing the Township's real property tax, a discrepancy was noticed. After contacting the Erie County Treasurer's Office and the Erie County Auditor's Office, the parcel in question qualified for an automatic exemption. Saving the Township \$1,134.88. Because of this a review was done of the other parcels. A second parcel is available for exemption, but it is not automatic. Johnson is in the process of applying for that exemption. The Board of Embalmers and Funeral Directors are accepting applications for the Indigent Burial and Cremations Support Program. Johnson is in the process of applying to that program for the Township's last indigent burial.

The Township collects Hotel Excise Lodging Tax by means of cash or check directly to the Township office. Erie County has a program to collect this tax on behalf of the Township along with the County portion. Johnson would like to take advantage of the program to simplify the payment process. The Erie County Auditor's Office requires a resolution.

Kurtz would like to make Township Road Department wages comparable to the industry standard. Kurtz made a motion to reestablish the wages for Vermilion Township Roads Assistant Ryan Kohl at a rate of \$28.00 per hour with insurance benefits, vacation days and holidays as outlined in the Vermilion Township Employee Handbook. To be effective for the March 14th, 2025 pay date. Scott seconded the motion. Baughman asked Johnson if this was in the budget, Johnson replied yes. Kurtz stated Kohl is a hard worker & learns quick, when you find good employees you want to keep them. Kurtz & Scott voted to accept the motion. Baughman abstained. **20250305-05**

Kurtz made a motion to reestablish the wages for Vermilion Township Roads Foreman Steve Young at a rate of \$31.00 per hour with insurance benefits, vacation days and holidays as outlined in the Vermilion Township Employee Handbook. To be effective for the March 14th, 2025 pay date. Baughman seconded the motion. Kurtz noted this makes the increases between the two road crew employees equal. Kurtz & Scott voted to accept the motion. Baughman abstained. **20250305-06**

Kurtz made a motion to reestablish the wages for Frank Triana as the part-time Fire Chief for Vermilion Township for 2025. Establishing a salary of \$2124.00 per month with a \$50.00 per month cell phone reimbursement. Wages are based on a 20-hour work week. To be effective for the March 2025 pay period. Baughman seconded. Baughman, Kurtz & Scott voted to accept the motion. **20250305-07**

In regards to the zoning fee review, Sexton has done more research, but doesn't have anything solid to present to the trustees yet and asked for the discussion to be tabled. Baughman stated the fees haven't been adjusted since 2009. He would like to see residential fees go down and PUD/commercial fees go up. One idea is to charge by the acre for PUD/commercial fees.

Patricia Rakoci, vice-president of acquisitions for Redwood Development LLC, along with Davey Resource Group Civil Engineer Matt Duncan and Traffic Engineer Eric Smith were on hand to answer questions in regards to the "Final Development Plan" for their Planned Unit Development (PUD). Kurtz noted the plans were titled *Redwood City of Vermilion*. Before anything is filed it should be changed to *Redwood Vermilion Township*. Kurtz asked about a water easement coming down Wine Street. Duncan replied Erie County required Redwood tie into the water main on Wine Street not State Route 60. Baughman asked who takes responsibility for the final plan to be accurate & right. The final plan states "no gas

wells located on ODNR Well-Viewer”, however the Ohio Department of Natural Resources (ODNR) Oil & Gas Well-Viewer does show a gas well. The well needs to be capped, that requires an ODNR permit and there is no permit yet. Rakoci stated they had a contract with ODNR to have the well capped within the next three weeks and the sellers are aware of the situation. Baughman stated this information was not updated to the trustees. The Township zoning resolution is very specific in the requirement for a PUD. Parameters need to be set so nothing is missed. Duncan said they would update the plans. Baughman continued, for the Township to change the property to PUD it needs to be at the request of the owner. Redwood does not own the property yet, when will that be? Rakoci replied Redwood needs a construction loan from the bank to purchase, but cannot get the loan until they have final approval from the Township. Kurtz commented that typically if there is an option on the property or purchase agreement it will count. Baughman noted there was no documentation of a purchase agreement in the paperwork to the trustees. Baughman complimented the plans but noticed there were no sidewalks parallel to Route 60 and sidewalks need to be six-foot wide. Duncan stated four-foot sidewalks are in the plan. Kurtz stated the sidewalks need to be six-foot wide. Rakoci said they would comply. Baughman continued by asking if the Redwood development on Perkins Avenue in Sandusky is the same design proposed for Vermilion Township. Rakoci confirmed it was. Baughman said the retention ponds at the Sandusky site look deep, steep and very close to the units’ back doors. Duncan said he didn’t know the distance but the ponds have a “flat-top bank”. That is 8-10 feet on the top that is flat. Within the first foot where the water line starts, there is a “safety bench”, where over ten-feet, there is only one-foot of water. All of the proposed ponds have a “safety bench” and ponds are typically six to eight feet deep. Also, they are dug at a 3/1 vertical to horizontal slope. Baughman then asked what Redwood considers open space on the plans. Duncan responded with anything behind the buildings, the pond area and the centralized area. Baughman asked Kurtz if a stormwater retention pond is regarded as open space in regards to density. Kurtz said yes and the ponds serve a purpose, but cosmetically they are water-features. Baughman questioned why have 137 units, as it seems tight. Especially when you take out the ponds, the density seems higher. Duncan stated that is how it is calculated. Baughman asked Kurtz about the zoning code for outbuildings for the units. Rakoci said Redwood does not do sheds and they could put something in the deed-restrictions deeming no sheds. Baughman asked where Redwood would push excess snow when plowing. Rakoci stated they have a plan where snow would be banked. They will supply that plan to the trustees. Baughman questioned why sidewalks will only be on one side of the street, not both sides. Duncan explained that is the pavement section Redwood has chosen to go with. Rakoci stated it is FHA (Federal Housing Administration) compliant and makes for less concrete. Baughman stated the sidewalks are next to and level with the road. How will it be ensured that cars will not park on the sidewalks. Rakoci said that the sidewalks are painted to show they are sidewalks, not road. Baughman stated an Ohio Department of Transportation (ODOT) Access Permit Application Status letter to Redwood states “access permit will be issued after we receive information showing Redwood is the owner of the parcels being developed”. Duncan said an email from ODOT states the plans are approved until Redwood owns the property. Rakoci said the permit goes to the owner, they won’t have the permit until the property is purchased. But the access has already been agreed to and permitted. Baughman then talked about Redwood’s possible one-way emergency access road connecting to the Township Hall’s exit driveway, which ODOT would prefer. Kurtz understands the logic, but said there is no guarantee the Township will always own this property. That would make an access road going into private property. Baughman stated ODOT says there should not be a curb-cut within 1300 feet of an intersection. Redwood is asking for two curb-cuts within that space and getting a waiver for it. If that

can be minimized down to one, it is better for ODOT. Baughman would like to see a turn-out lane for cars exiting Redwood like at Wine Street, it is much safer. Right where the Redwood proposed entrance/exit is to be, is the most accident-prone area in Vermilion Township. Baughman noted there is to be a mound or berm, sidewalk and ditch running parallel to Route 60 and asked how tall the mound would be and how snowfall is to be managed. Duncan clarified the mound is about four-feet tall with landscaping. Rakoci said the mound was asked to be included, but could be removed. Baughman said something needs to be in place between Route 60 and the backdoors of the units for privacy and sound blocking. The plans show the berm in the right-of-way. Duncan stated ODOT does not allow anything in the right-of-way, except for the drainage ditch. Baughman inquired about the plan showing pavers for the emergency access road. Kurtz thought ODOT originally wanted a stone access road, to which he would not approve. Duncan clarified that Redwood wanted to install pavement. However, ODOT went from requiring stone to reinforced concrete pavers. The pavers would hold the load of emergency equipment and also not look like an actual road, as to discourage regular drivers from using the access road. Baughman continued, Ohio Fire Code Appendix D states if there are more than 100 units, two entrances are needed, but there is not enough room for two. Kurtz commented that Triana has the ability to wave those type of requirements. Kurtz also agreed with some type of landscaping along Route 60, also to mitigate car headlights from shining into the units. He asked if ODOT would let Redwood enclose the ditch. Duncan replied ODOT wants just the main entrance and the emergency access road. Kurtz noted the other developments on Route 60 have two turn-out lanes and thinks Redwood should have this too. It is not a deal breaker, but would be beneficial to the residents. Duncan stated Wine Street is a public road, where this would be a private drive. Baughman said Wine Street has two turn-out lanes for less than one-hundred units. Redwood will have 137 units making two turn-out lanes necessary. Baughman inquired how much greenspace will there be and asked Erie County Assistant Prosecutor Charles Bennett to weigh in on the rules. Kurtz said there is something in the coding. Bennett stated he is not able to confirm there is a percent requirement, but ORC 519.021 says "it is important that we have consideration for open space for the community. Every PUD must have some open space." It appears that is part of the proposal. Rakoci stated there is open space and ponds with fountains. Bennett asked if the open space details were in the application, when is it determined, so there are no surprises. Duncan referred Bennett to the site plan. Baughman noted Redwood was deeming the backyards as open space. Rakoci included the interior as open space. Baughman replied the interior was a pond. Duncan said there is over nine-acres of open space and that includes the ponds. Kurtz referred back to the sidewalks along Route 60 wanting to be sure they are six-feet wide, or that the sidewalks need to match the existing ones on Route 60. New sidewalks have been put in as part of the *Safe Routes to School Program* and they are six feet. Duncan and Rokoci said they would comply. Kurtz continued, he knows there are a lot of opinions, but he thinks this is a good thing. The parcels abutting this property on the north, west and part of the south are all residential; it makes sense this also be residential. Currently it is zoned C-2, which means a permitted use could be a motel or a 24-hour truck stop. Kurtz thinks the residents that live around this would feel the same, that is why he supports it. Baughman asked Kurtz if he thought it was too dense. Kurtz replied no, he sees the same everywhere. Baughman commented he is not against Redwood, but it is too dense for the property and feels the trustees should not give approval until Redwood owns the property. Kurtz said having a signed purchase agreement contingent on receiving the necessary approval is normal. Baughman noted they don't have that. Kurtz replied if we got to this point, there is a signed purchase agreement. Rakoci stated to come before the board for final development approval, Redwood has spent \$380,000.00, on site-plan, engineering,

permitting, etc. Redwood has done everything according to the Township's code. Preliminary plan approval was given, parameters were given and Redwood has come before the board with those. The Township can turn Redwood down, but they have done everything according to code. Duncan interjected there is a signed purchase agreement included in the first paperwork, it was not included in the latest documentation. Rakoci noted it was with the Preliminary Plan Application and there are two purchase agreements because there are two parcels. Baughman replied \$380,000.00 is a big number, but with 137 units at approximately \$2,000.00 to \$2,500.00 per unit, that will be recouped in two months. Rakoci said that was not true, Redwood is a 30-million-dollar project. Baughman reiterated the retention ponds were too close to the back doors. There was no offer to fence them, as previously discussed.

Kurtz made a motion to approve the final development plan for Redwood with conditions that 1) the sidewalk along Route 60 is six-feet wide, 2) there is a deed restriction prohibiting any type of out buildings, and 3) the paperwork is amended to reflect that it is not in the City of Vermilion. Rakoci agreed to the conditions. Baughman asked for sidewalks on both sides of the streets within the development. Kurtz said it is a private street. Scott seconded the motion. Baughman stated Trustees have a duty to follow the zoning code very specifically, and that was not done. Kurtz said they do have purchase agreements, typically a purchase agreement is a legally binding option to take ownership of the property. Kurtz & Scott voted to accept the motion. Baughman voted against. **20250305-08**

Baughman introduced Resolution 2025-06 and moved it forward. *A Resolution Authorizing the Fiscal Officer to Enter Into An Agreement With The Erie County Auditor's Office For The Purpose Of Collecting The Hotel Excise Lodging Tax.* WHEREAS, Ohio Revised Code Section 5739.08 allows Townships to collect up to 3% Hotel Excise Lodging Tax; and WHEREAS, Vermilion Township has collected this Hotel Excise Lodging Tax with payments to the Township permitted only by check or cash; and WHEREAS, many of the Township hotel/lodging establishments have expressed a desire for an easier and more convenient method to pay the required tax; and WHEREAS, the Erie County Auditor's Office has a program in place to assist the Township's with the collection of this tax using their on-line LocalGov lodging tax software. NOW THEREFORE BE IT RESOLVED, the Vermilion Township Board of Trustees authorize the Fiscal Officer to enter into an agreement with the Erie County Auditor's Office for the purpose of collecting the Township's portion of the Hotel Excise Lodging Tax, with the monies collected on behalf of the Township through the program being submitted to the Township quarterly for their portion of the collected tax amount. Kurtz seconded the resolution. Baughman, Kurtz & Scott voted to accept the resolution.

20250305-09

Baughman made a motion to amend the clothing allowance to a one-time annual payment without changing the amount. Kurtz seconded the motion. Baughman, Kurtz & Scott voted to accept the motion.

20250305-10

Kurtz opened the floor to the audience.

Baughman read the following statement: on election day an elected official is given an important responsibility to represent their community to the best of their ability. After that day & every day of their term you must actively work to gain the confidence of the people in the community you represent. Confidence in any elected official must always be earned. Every day by every single act, by every single deed, no matter how large or small. It is a fundamental trust that can never be violated. When a resident reaches out to you, you must be there to answer their plea and to act. Sometimes actions or

situations require an elected official to go above and beyond what is generally expected. But elected officials are always required to be fair, honest, direct and act within the framework of the law. Anything less is a dereliction of duty and a violation of the solemn oath every elected official must take before holding their office. To earn my respect and confidence you should know that I am the one that sets the bar to the higher standard, that I believe must be met. I expect every elected official and every public employee I come in contact with and everyone else I work with in all levels of government to meet or exceed that same standard. My respect and my confidence in you will always be built upon your integrity, your actions and your guiding principles. In every public meeting we hold, we say the pledge of allegiance. It is in the last line of the pledge that everyone who still believes in democracy can find their truest guiding principle, in how they choose to act towards each other. With liberty and justice for all. We have to behave respectfully to all the people we represent. We are here to listen and sometimes some of us miss that mark.

Diana Ladrach of State Road said she attended the Redwood Public Hearing and first meeting in January of 2024 and was told there would be another public hearing. Kurtz stated he wouldn't have said there was another public hearing, but another meeting. There is a two-phase approval process. Ladrach is disappointed in the chair and vice-chair. Ladrach stated Scott did not preside well over the February meeting. Scott has been a public official for a long time and should know how to run a meeting; then asked for him to resign.

Nancy Sauer of State Road said February's meeting was a disgrace and called for Scott's resignation.

Dan Ladrach of State Road said the Vermilion Township Zoning Commission approved a 300-foot set back for Redwood, but that was dismissed. The Township needs retail businesses. The residents never seem to get their way. Two telephone poles at the American Legion came down and many more are ready to fall over with wires hanging. Brush is overgrown at the Darrow Road & Mason Road intersections of Route 60, making it hard to navigate. Ladrach asked what is being built on the empty side of Chardonnay Circle. The ponds and ditches at the Sandusky Redwood location have never been cleaned.

Brian Novotny of State Road was looking for answers to his questions from the last meeting. Kurtz asked about the questions. Bennett also asked what the questions were. Novotny stated Scott said he would have answers at this meeting and the questions were in the January Meeting Minutes. Kurtz stated he would look at the minutes and give answers in writing through Sexton's office. Novotny asked why Scott said there were complaints about him, but there is no proof. Kurtz stated the complaints were verbal, so no written record; names were not identified for fear of retaliation.

Don Rowe of Kneisel Road commented Young does a great job and his new wage should be higher. He commended the Road Department on their job handling all the snow and ice this winter. Rowe praised the Fire Department, particularly in light of the many recent accidents and fires, and stated a levy for the department should be pursued for the next election. Rowe was not happy the Redwood representatives left after their approval was granted and residents didn't get to ask questions. It was embarrassing when (Rakoci) attacked a trustee. Rowe is on the Vermilion Township Zoning Commission, has been at every meeting and it seems the Redwood final plans are not complete. At the first Redwood zoning meeting the representative had no answers. At the Redwood "firehouse" meeting he asked the trustees how they would vote if the plans were not acceptable and complete; the trustees all said they would turn it down. Rowe asked if the plans are complete. Kurtz responded they are typical for this type of project.

Rowe asked if Redwood would assume the cost of the upkeep of sidewalks in the first Redwood development as previously discussed.

Kurtz gave notice of a special forum discussion on how real estate taxes are calculated, at Ritter Public Library, Friday March 7th, 2025 from 1:30-3:00pm for Vermilion Township residents. Contact Erie County Serving Our Seniors for more information.

Baughman and Kurtz agreed there is so much work that goes into running a successful levy campaign. Baughman suggested consulting with a professional. Diana Ladrach said a fire levy is needed, however the local schools are already placing a \$37 million levy on the ballot. Baughman asked Triana the age of the current fleet, the typical lifespan of a truck and the cost of a new truck. Triana said the current fleet is twenty-plus years. The lifespan is usually twenty-years. Trucks are regularly examined and can stay in service as long as the testing is passed. Depending on the type of truck, new ones are around \$1 million.

Baughman asked about putting Vermilion Township Zoning Commission and Board of Zoning Appeals minutes on the Township website. Kurtz responded they should be on the new website. Sexton stated the website developer is adding trustee feedback, it should be ready within the month.

Baughman noted the law is going to change in regards to ORC §519.21 vs. Senate Bill 122 for agriculture and chickens. The Township should wait until this law is in effect to update Township rules. Kurtz agreed and that 519.21 is the worst code written.

Kurtz announced the next meeting would be Wednesday April 2nd, 2025 at 6:30pm

Kurtz made a motion adjourn at 8:05pm. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion.