

Minutes of VERMILION MUNICIPAL PLANNING COMMISSION on June 3, 2020
7:00 pm ~ Zoom Video Meeting

PRESENT: *Jim Chapple, Heather Shirley, Joe Williams, Heidi Strickler (late arrival), Jeff Hammerschmidt*

In ATTENDANCE: *Bill DiFucci, Building Inspector; Barb Brady, Council Representative; Chris Howard, City Engineer*

GUESTS: *Mayor Forthofer*

Call to Order:

Joe Williams, Chairman called the Wednesday, June 3, 2020 meeting to order.

Approval of Minutes:

J. Chapple MOVED; J. Hammerschmidt seconded to approve the minutes of the April 29, 2020 meeting. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

NEW BUSINESS:

Latham E. Pfeiffer _ PP# 01-00-016-118-001 (Improvement Plans for Sanitary Sewer Connection)

Latham Pfeiffer of 1120 Vermilion Road explained he is the property owner of the Maple Grove Marina and is before the commission requesting approval of a sanitary sewer connection. Rich Fredrickson (Design Firm PE) said they are aware of the city engineer's comments and they understand the need to submit to OEPA for PTI approval, as well as benchmarks that need to be added to the Improvement Plans. Their lift station is above the base flood elevation of 585. Additionally, they will make the necessary changes as outlined in the engineer's correspondence dated June 1, 2020.

C. Howard, City Engineer conveyed this will be a privately-owned lift station and the responsibility of it falls on the owners.

J. Chapple asked how long it will take to put this in. R. Fredrickson said he assumes this project will take two days by the roadway and start to finish should be about a three-week project.

H. Shirley asked if there will be any damage to Vermilion Road as it's a new section that was recently done. R. Fredrickson said they're not anticipating any damage to the road and the city engineer had made a comment in the letter that if there was damage then they would need to backfill with LSM. They should be able to bore into the manhole with minimal interference of the roadway. H. Shirley asked if this would create traffic issues. R.

Frederickson said they're not anticipating any, but if they do, then the contractor would need to set up traffic control during the entire time period. J. Chapple asked if this would impact the new construction that is occurring on Vermilion Road. R. Fredrickson said it will not as it's in the Phase 1 area. H. Shirley asked what the projected start date is. L. Pfeiffer said doing it during the season is out of the question, so it will probably be in October or November. H. Shirley asked if this will tie into the city's sanitation system. C. Howard said this is correct and confirmed there is no issues with this. The plant would have an issue only if it were directly discharged all at once.

B. Brady asked how they would bill sewer if the grey water is not from their water department. R. Fredrickson said they have a specific meter system to be metering the sewage flow into the city's sewer system. C. Howard said they asked Riverside to do the same thing too – they're asking for flow meters at the lift station, so they can track how much is being pumped up.

H. Shirley MOVED: J. Hammerschmidt seconded to approve the Sanitary Sewer Improvement Plans contingent upon the applicant meeting all the requirements as outlined in the city engineer's correspondence dated June 1, 2020. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

Dan Roth – Coal & Ice – 5693 Liberty Avenue (Final Site Plan)

Dan Roth said they submitted their final set of plans which they believed included everything they needed and were asked for, so they were before the Planning Commission for final approval. He realizes they will need final building inspections, but their plans were all submitted. He said they received a letter from the city engineer and one of the concerns was for them to identify the final grade and storm water runoff. As previously stated, they didn't do anything to change the grade of the property and if you stand on the property you can see that they sit below both adjoining properties, so they definitely aren't running any water off onto those properties.

J. Williams asked the engineer if he was more worried about the pervious versus impervious runoff. C. Howard said no, as the big concern was obviously them impacting adjoining neighbors. When it rains where does the water go – the plan did not show any grades, so this was the concern. J. Williams said the city engineer's letter addressed setbacks and asked if this was an issue. C. Howard said he was merely stating the applicant received variances from the Board of Zoning Appeals for setbacks. D. Roth said they stayed further inside of what the setbacks were.

H. Shirley said the site plan is supposed to state the proposed grades on the property and asked D. Roth if they were able to add this to the site plan. D. Roth said he has not talked to a surveyor and if you stand on the property it's very obvious that they are not anywhere close to the adjoining properties; they run onto them, so it's just another expense that didn't seem necessary. J. Hammerschmidt asked if it's a requirement to have a storm tie in. C. Howard said it is a requirement per code to show the grades – proposed and existing. J.

Hammerschmidt asked if this is the same for downspouts and any yard drains. C. Howard said the applicant should show this.

H. Shirley conveyed the boundary survey is required per code as well, so they would need to add this. She said the city engineer's letter addressed the fact that the site plan needs to show location, height, orientation, and square footage of any free-standing sign. She asked if the Historic Design & Review Board approved the signs. D. Roth said they did go through the Historic Design and Review Board on all their signs and received approval. H. Shirley asked if he knew what day this was approved, and D. Roth said he didn't know the date off the top of his head. G. Fisher confirmed they received approval of the signs brought before the board. H. Shirley asked if they added any additional signs since that meeting. L. Roth said they went twice before the board. J. Chapple asked if all signs were approved by the Historic Design & Review. L. Roth said absolutely.

H. Strickler said every other business in the downtown area had to show the existing and proposed grades on the property, which is a requirement for every business. C. Howard confirmed by saying this is part of the zoning certificate and code. D. Roth said they put down very little hard surface and it's all grass, and they didn't change any grade whatsoever from the property of how it has sat for the last 15 years because it was vacant. H. Strickler asked if there was site plan that had the grade on it from the past 15 years that would be a record. D. Roth didn't know if the city retains those records or plans. When they tried to find the water and sewer lines they were not where they were told they were, so he doesn't know if there are any additional plans that have this information. G. Fisher thought they would need to go by the current owner on record. B. DiFucci said these records would be kept in a file folder and they can look through them, but he said the lot was undeveloped, so the city engineer is trying to say that when you develop a piece of property you're required to show what the existing grade is before you start and then show what it's going to be when you finish, so that's the piece they're missing as nothing was shown what was there before they started to make sure the drainage is correct. It could have sat there for years and been incorrect. Once you develop it, you're required to bring it to code and make it correct. D. Roth said they won't make it correct because that would mean they would have to lower or raise their grade to the level of the adjoining property owners that dump onto them. He doesn't think this is something they're able to make happen. B. DiFucci said by showing what is there and that they are not taking their water and allowing it to flow on the adjacent properties shows the before predevelopment and the post development topo. J. Hammerschmidt said they're asking for a boundary survey which is pretty common for grades and sewers to be seen. J. Williams said he would recommend that if they didn't have a civil engineer layout, then they should hire an engineer to lay it out formally with the grades, which is a protection for the applicant as well as the neighbors. D. Roth said he can say this, but common sense tells him that if they want to stand out there on a rainy day, they can find out the same information and save a couple thousand dollars. They're trying to get the business open and they have 10 people hired, and they want to train them, but if they have to wait 30 days to resubmit, then they might as well wait until next year. They have put money into something during a pandemic to try to open a business in town and they have been in contact with everybody

involved and thought they had everything they needed – as they keep submitting these plans and hiring architects to do additional plans, but once they get up to \$10,000 before they actually can even buy a piece of equipment just in fees and drawings - it's a concession stand. You guys move the city concession stand and drag it with a tractor and sit it over at the beach and nobody goes through any of this. They are basically a concession stand; and he thinks a little bit of common sense would prevail and they would look at what they're talking about here, and if they would want to stand on the property without a surveyor they can feel it with their eyes closed – they can walk it and tell which way it runs. H. Strickler said common sense always doesn't stand up in a court of law and she doesn't have a problem with passing this tonight contingent on the items needing to be addressed, so it doesn't slow up his opening; maybe giving him 60 days or so. However, if they pass a site plan without this information on it, then every business that comes before them afterward will expect the same. She said they are a lenient group. She asked when they were planning to open. D. Roth said in about two weeks. H. Strickler said she doesn't want to close them down, but she also wants to make sure the site plans are correct and legal, and doesn't want anybody who may open a business up in two months say, "Well you didn't make Dan Roth do this and it's the good ole' boy system and all of that. She said she would consider a 30 to 60-day contingency. D. Roth said there are projects that go on all over and he doesn't know if they all go to Planning whether it's raising docks on a weekend along the river; does all this stuff goes through floodplain – he's just assuming that this seems obvious to him and he understands if he needs to incur surveyor costs, but he's just trying to get open. If they would have known what was going on then he certainly wouldn't have tried to start a business, and if he had known how hard it was getting through all the hoops, then he probably wouldn't have. They have had 16 other commercial properties before and they have never had anything like this, but again, he's never built one.

H. Shirley said she appreciates what they are doing and thinks it's wonderful that they're bringing this business to Vermilion, but she agrees with H. Strickler that in order for them to pass this and then to open their business that they need to include the rest of what is required per the city engineer letter. She would recommend they would pass this contingent upon them doing this and she would say 30 days, so if he can get this done quickly as possible then he could open and he wouldn't need to come back to the Planning Commission. D. Roth said they have no choice unless they sell it and give it to somebody else to do this and let them open, so they have no real choice. H. Shirley said they need to give them a deadline so he can get this done as quickly as possible. D. Roth said he has not called anyone, so he doesn't know how long it takes. He knows things are taking longer with the way they are and getting people out. This is their holdup now – Coca Cola delivery is furloughed, so he doesn't know the timeline in getting this done, but they can look into it. H. Shirley asked if they have an engineer that could complete this for him. D. Roth said he doesn't as he has been working with an architect. C. Howard said that Rich Fredrickson would probably love to talk to them. R. Fredrickson said they could talk with him and would do work there.

J. Williams asked if they were acceptable to the Planning Commission passing a proposal that would put a timeframe on this. D. Roth said they really don't have a choice.

L. Roth asked if the Boat Club and Moes went through Planning Commission for their raised docks - it happened really quickly. D. Roth said it's in the floodplain and he isn't trying to throw someone else under the bus, but it seems on this project they have done nothing but go back and forth with the architect. J. Hammerschmidt said he does a lot of new construction and deals with a lot of cities and the information being asked for is very A-typical; it's just today. He said the key is that it is a new site, not existing and if you create something new you've got to dot the I's and cross the T's. J. Williams said just because somebody doesn't bring something to the Planning Commission, it's not their jobs to find those problems.

H. Shirley MOVED; J. Chapple seconded to approve the application as submitted contingent upon the applicant addressing the items put forth by the city engineer in his correspondence dated June 1, 2020. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

B. DiFucci said he will need to do the final inspections prior to issuing of the Certificate of Occupancy. J. Hammerschmidt said if this can be done within the next two weeks, will he be able to get open. J. Chapple said the motion states they have up until 30 days to resubmit. D. Roth confirmed they can open ahead of time. B. DiFucci said yes, as long as they pass their final inspection and once they do, they will receive their Certificate of Occupancy, but within 30 days they need to resubmit so the city engineer can perform his final review.

Mayor Forthofer said he would like to reconvene the meetings in July at the regular location and said people can wear masks if they have them and everyone should respect the social distancing. The board was acceptable to meeting July 1 at the Vermilion Complex.

Adjournment:

J. Williams adjourned the meeting after no further discussion came before the commission.

Next Meeting:

The next meeting has been scheduled for Wednesday, July 1, 2020 at 7:00 p.m. at a location to be determined.