

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, April 16, 2018

Held

*Videos and minutes of council meetings are available to the public to view online at [www.vermilion.net](http://www.vermilion.net) under meeting videos/minutes.*

**Vermilion City Council:** Steve Herron, Council President; 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; G. Fisher, Certified Municipal Clerk

**Administrative Staff:** Jim Forthofer, Mayor; Ken Stumphauzer, Law Director; Amy Hendricks, Finance Director; Chris Howard, City Engineer; Tony Valerius, Service Director

**CALL TO ORDER:**

Steve Herron, President of Council called the Monday, April 16, 2018, Ethics Training and Vermilion City Council Meeting to order.

**PLEDGE OF ALLEGIANCE:**

The members of Council, administrative staff, and audience participants recited the Pledge of Allegiance; a moment of silence followed.

**APPROVAL OF MINUTES:**

**F. Loucka MOVED:** S. Holovacs seconded to approve the minutes of the March 19 and April 2, 2018 meetings. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**CORRESPONDENCE:** None.

**PRESIDENT OF COUNCIL'S REPORT:** None.

**COMMITTEE REPORTS:**

**Historic Design & Review Board:**

J. Gabriel reported on the meeting held April 4. The next meeting has been scheduled for May 2, 2018 at 6:00 pm.

**Planning Commission:**

J. Gabriel reported on the meeting held April 4. The next meeting has been scheduled for May 2, 2018 at 7:00 pm.

**Streets, Buildings and Grounds Committee:**

F. Loucka reported the next meeting has been scheduled for April 23, 2018 at 7:00 pm.

**Port Authority:**

F. Loucka reported on the meeting held April 12. The next meeting has been scheduled for May 10, 2018 at 6:30 pm.

**Utilities Committee:**

S. Holovacs reported the next meeting has been scheduled for April 23, 2018 at 7:00 pm.

**Contractors Registration Board of Examiners:**

S. Holovacs reported the next meeting has been scheduled for April 24, 2018 at 6:00 pm.

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**Finance Committee:**

B. Holmes reported on the meeting held April 9. The next meeting has been scheduled for May 14, 2018 at 7:00 pm.

**Parks & Recreation:**

B. Holmes reported the next meeting has been scheduled for April 17, 2018 at 7:00 pm.

**Stormwater Advisory Committee:**

S. Herron reported the next meeting has been scheduled for May 14, 2018 at 6:00 pm.

**Tree Commission:**

S. Herron reported on the meeting held April 11. The next meeting has been scheduled for May 9, 2018 at 9:30 am at Ritter Public Library.

**Legislative Committee:**

M. Stark reported on the meeting held April 9. The next meeting has been scheduled for May 14, 2018 at 7:00 pm.

**Vermilion Community Services Board:**

M. Stark reported the next meeting has been scheduled for April 18, 2018 at 6:30 pm at Ritter Public Library.

**Health & Safety Committee:**

B. Brady reported on the meeting held April 9. The next meeting has been scheduled for May 14, 2018 at 7:00 pm.

**Board of Zoning Appeals:**

B. Brady reported the next meeting has been scheduled for April 24, 2018 at 7:00 pm.

**MAYOR/SAFETY DIRECTOR'S REPORT:**

Mayor Forthofer reported that Erie County Commissioner Matt Old contacted him regarding the city's discussion regarding the use of cameras to inspect storm sewer lines. Commissioner Old offered the county camera crew from the sewer department to work in Vermilion at the city's direction and at no charge. He thanked Commissioner Old for reaching his hand in assisting the City of Vermilion. Also, Main Street Vermilion and the Lake Erie Shores & Islands will be installing a camera at the corner of the lighthouse to provide a 24 hour webcam feed to Main Street Beach and the lake for the Lake Erie Shores & Islands home page. This is a part of a program to promote tourism; Lake Erie Shores & Islands does this for other tourist areas.

He reported the first meeting of the joint health care committee met on April 13. He along with the Finance Director, Councilman Gabriel, and Attorney Anderson represented the city. Members of the Local 860 and the Ohio Patrolman Benevolent Association were in attendance. He explained the purpose of their committee was to address the rising health care costs and the other places where those health care dollars could be used to help people in the operation of their jobs. He said Councilman Gabriel brought a spreadsheet to review the rate of the health care cost increase over the past several years. He noted that union members had some questions and then the union members asked to take back the Memorandum of Understanding to their members to specifically identify union committee members that will sit on the committee and discuss the purpose of the committee. The next meeting has tentatively been scheduled for April 24, and they invited Tom Forrester of BAC to discuss the current health care plan.

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He said pursuant to continuing education all city employees and City Council attended Ethics Training today. He said he had asked Attorney Anderson who was the instructor of the program to discuss use of electronic communication and records retention, so employees are more aware.

Finally, he noted that donations are being accepted to the pool fund and checks can be made payable to the City of Vermilion (pool fund in the memo line) and the check can be given or mailed to Anne Maiden at City Hall. He stated that donations are tax deductible. A Spaghetti Fundraiser will be held at German's Villa on April 22, 2018, from 12:30 p.m. to 3:00 p.m. The Law Director, Municipal Judge, Fraternal Order of Police, Council President, and the Mayor have donated and he encouraged everyone, including council to do so if they already haven't.

S. Herron thanked the administration as a whole as there have been a lot of issues coming before Council regarding the budget, and there have been a lot of requests for information. The administration has been very good about responding. He said Council members are busy and when something comes to their minds they want to get the information, but he thought they could all work together to try to reduce it, but if it's an important issue then everyone wants to have as much information as possible.

S. Herron asked if the city had policies on retention of email communications in the event there is litigation or a public records request. Mayor Forthofer said the policy is very old and there is one that is active in the police department, but for the rest of the city the policy needs to be reworked. S. Herron suggested the city review other cities that have one. K. Stumphauzer said the city had a records retention committee and they work with the Ohio Historical Society to come up with time parameters for preserving certain documents, so it should be relatively simple to conform with this as this probably was already established.

J. Gabriel asked the mayor to refrain from listing people who donate to the pool fund or not. He said people make donations and it's the persons individual choice or not, and some people when making donations want to remain anonymous. J. Forthofer said if somebody wants to remain anonymous then he'll certainly respect that. J. Gabriel said but to list which councilman donates and which don't...this is just his personal opinion.

## SERVICE DIRECTOR'S REPORT:

T. Valerius advised the residents on the east side of the river that the distribution department will begin flushing hydrants next week which will continue through the month of May. The residents may experience low water pressure or a slight discoloration; if so, then he advises they run water until it clears before drinking it or doing laundry.

He reported the street department had their emulsion tank filled today, so the durapatcher will be out patching roads as soon as the weather permits. S. Herron asked what a good temperature is when the durapatcher can be out and T. Valerius said around 50 degrees.

F. Loucka asked if the street will be swept a few weeks after the durapatcher has been used and T. Valerius said they will let it set for a couple weeks and they will go sweep the street.

B. Brady informed the administration that a sanitary overflow occurred in the Vermilion on the Lake this past weekend and she would like copies from the last overflow as well as this one that was reported to the EPA.

## FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported no changes have been made to the General Fund at this time as she continues to evaluate revenue estimates.

The majority of the changes are directly related to true available balance once 2017 was closed. She and the Mayor will work with the departments as well as Council Committees to prioritize where the funds will be allocated. This will include first working through the priority list of items that they were not able to fund in the initial allocations.

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She said council will see amounts budgeted to some funds that may have been inactive recently due to cash balances that are remaining. She wants to begin cleaning those up and then close them out permanently. Examples include Funds 506 and 507 in Special Assessments. She has consulted with Bond Counsel and the remaining funds can be used for other current debt service. Funds 230 and 231 are old CHIP projects that it will take some research to determine if these were transfers or advances originally from the General Fund, that were never repaid, etc.

Shortly after her arrival, real estate tax bills were received for 14 parcels owned by the City. She believes after talking to legal counsel that all, but with exception of the property for the current Quaker Steak, should be exempt from taxation. With the help of the Service Director, they have now been able to document the usage of each of the parcels so that exemption applications can be submitted to the Ohio Department of Taxation. The total of the current year's taxes was \$4,375 that had to be paid until the exemptions are approved. They should then be able to receive a refund of up to three prior years of payments (approximately \$13,000).

She stated that a series of reports were discussed at the Goal Setting session in February. The first on the timeline was monthly financials by April 30. At that time, she did not estimate that the actual closing of 2017 would stretch out as it did. Those reports have been provided to Council. She is hoping to be able to get monthly financial reports on schedule by May 31. The budget to actual reports will be a part of that processing as well.

She spoke with a representative today regarding Ohio Checkbook and they have set her up so she can upload 2017 information into the checkbook on the website.

**CITY ENGINEER'S REPORT:**

C. Howard asked for council's consideration in passing Ordinance 2018-30 by emergency. This ordinance authorizes the Mayor to enter into an agreement with Norfolk Southern Railroad for the resurfacing over Norfolk Southern Railway at Vermillion Road. This is a standard agreement from Norfolk Southern Railroad. B. Brady asked if there is any cost to the city. C. Howard said there is some costs when the project goes to construction for flaggers. Whenever you work within a certain radius or distance from the railroad tracks, it's required to have a flagger for the contractor, so there was \$6,000 in a force account that will be paid by the city. He said this is part of a MPO project with the state so it's an 80/20 split.

B. Holmes asked how the Highbridge Road Bridge project is coming along. C. Howard said they are still drilling the shafts on the south side and they will flip over to the north side. The project is moving forward.

**LAW DIRECTOR'S REPORT:** No report.

**OPEN TO THE AUDIENCE:** No participants.

**OLD BUSINESS:**

S. Holovacs stated the Law Director had mentioned previously that he issues opinions rather than orders, and he did provide a reworked ordinance. However, S. Holovacs said he would like to see Council have control over Gwen's position as Clerk of Council and Boards and Commissions as she is currently doing all the work for both positions out of the council office at a significant savings to the city. He was in favor of proceeding with Ordinance 2018-16 that repeals the Administrative Clerk of Boards and Commissions, and to proceed with Ordinance 2018-17 as drafted by the clerk. Technically, the Boards and Commissions Clerk is not defined within the City Charter, nor is it defined within the Planning Commission, Zoning Board, and so on. The Mayor by Charter appoints the members of those boards and this ordinance wouldn't combine the Planning Commission or Zoning Board as one, or any other Board to that affect, as way of example given by the law director.

The Boards and Commission Clerk is defined in the Administrative Code. By Charter, Council may establish, may abolish, and may combine departments or divisions, and may authorize one person to be the head of two or more of such departments or divisions.

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Therefore, Ordinance 2018-16 abolishes the Department of Administrative Clerk of Boards and Commission and Ordinance 2018-17 as drafted by the Clerk, combines both the duties of the Council Clerk in a Council capacity, as well as it assigns her with the additional duties of Boards and Commissions, and in the Boards and Commissions capacity those duties may be directed by Council, the Mayor, and the Chairman's of Boards and Commissions.

He said if council chooses to combine the two positions within one ordinance, then he feels Council should have the right to appoint the Clerk of Council and Assistant Clerk in the Council role, as well as the Clerk of Council and Assistant Clerk in her role of Boards and Commissions. It's one individual at this point doing all the work and she only needs seven council members overseeing her. As the ordinance is written, the Mayor and the Chairman of Boards and Commissions can direct additional duties in the Boards and Commissions role.

He would like to see section (b) of Ordinance 2018-17 reflect language by adding "the Mayor" in the second sentence as it's written in section (a). He feels this simplifies the role of both positions for one individual and there are other communities that do it this way as well.

S. Herron said this is on for discussion at the May 14, Legislative meeting. F. Loucka said there is draft legislation that was introduced by the Law Director which can be reviewed as well.

**READING OF ORDINANCES:**

**Third Reading - Ordinance 2018-21:** AN ORDINANCE AMENDING CHAPTER 1030.09 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "GRADES ON DEDICATED STREETS" AND DECLARING AN EMERGENCY.

**B. Brady MOVED;** J. Gabriel seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**First Reading - Ordinance 2018-28:** AN ORDINANCE AMENDING ORDINANCE 2018-15 ADOPTED MARCH 19, 2018, TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO, AND DECLARING AN EMERGENCY.

**F. Loucka MOVED;** M. Stark seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**M. Stark MOVED;** F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**First Reading - Ordinance 2018-29:** AN ORDINANCE AMENDING ORDINANCE 2018-4 AND ORDINANCE 2010-5 REESTABLISHING THE HOURLY RATES THAT THE LAW FIRM OF WALTER HAVERFIELD LLP OR ANY OTHER LAW FIRM MAY CHARGE FOR VARIOUS LEGAL SERVICES AND ESTABLISHING THE SALARY OF THE CITY OF VERMILION PROSECUTOR AND THE HOURLY COMPENSATION FOR THE ADMINISTRATIVE ASSISTANT/PARALEGAL TO THE PROSECUTOR, AND DECLARING AN EMERGENCY.

**First Reading - Ordinance 2018-30:** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO AN AGREEMENT WITH NORFOLK SOUTHERN RAILROAD FOR THE RESURFACING OVER NORFOLK SOUTHERN RAILWAY AT VERMILION ROAD, AND DECLARING AN EMERGENCY.

**J. Gabriel MOVED;** F. Loucka seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**S. Holovacs MOVED;** B. Holmes seconded to adopt this ordinance by emergency. Discussion: F. Loucka said it's interesting that in order to comply with the railroad's rules they have 15 pages of documents along with charts to protect the right of way. He said as a point of contention he wished their Public Relations Department would want to cooperate with the city when they're doing work because they destroy the pavement markings and one of the crews last summer left their plastic bottles. He wished their housekeeping worked a little better with communities to keep the railroad crossings looking good and not destroying city property when they're doing their work. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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**Tabled Ordinances – Referred to May 14, 2018 – Legislative Committee**

**Third Reading – Ordinance 2018-16:** AN ORDINANCE REPEALING SECTION 260.02 ENTITLED "ADMINISTRATIVE CLERK OF BOARDS AND COMMISSIONS" OF CHAPTER 260 ENTITLED "BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES GENERALLY", OF THE VERMILION CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

**Third Reading – Ordinance 2018-17:** AN ORDINANCE AMENDING SECTION 210.04 ENTITLED "CLERK OF COUNCIL" OF CHAPTER 210 ENTITLED "COUNCIL", OF THE VERMILION CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

**18. Announcement of Meeting Dates**

**Steve Herron**

*April 23, 2018 – Vermilion City Council Committee Meetings (Streets, Buildings & Grounds; Utilities) @ 7:00 p.m.*

*May 7, 2018 – Vermilion City Council Meeting @ 7:00 p.m.*

*May 14, 2018 – Vermilion City Council Committee Meetings (All) @ 7:00 p.m.*

*May 21, 2018 – Vermilion City Council Meeting @ 7:00 p.m.*

*May 28, 2018 – No Meetings*

**ADJOURNMENT:**

Upon no further business that came before the body, Steve Herron, President of Council adjourned the Vermilion City Council meeting.

*Gwen Fisher, Certified Municipal Clerk*