

Minutes of the Vermilion City Council Meeting

Monday, August 6, 2018

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Vermilion City Council: Steve Herron, Council President; Monica Stark, Council at Large; John Gabriel, Ward One; Steve Holoavacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five. G. Fisher, Certified Municipal Clerk. Absent: Frank Loucka, Ward Two

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

CALL TO ORDER:

Steve Herron, President of Council called the Monday, August 6, 2018, 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:

S. Holoavacs MOVED; J. Gabriel seconded to approve the minutes of the July 23, 2018 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

G. Fisher reported she received an email dated July 26, 2018, from Thomas Chufar relative to Edgewater Drive – Stormwater I&I. The email read as follows:

Thank you for finally attending to this protracted stormwater issue. It has been an issue for years on this intersection. Proper planning and proper action this time should result in an outcome with PROFESSIONAL results! The cost benefit difference of this one time, one day, compared to the three previous attempts, along with the lessening of an I&I impact to the sanitary sewer lift station, should result in a lesser cost. This is one very small example of how Vermilion can get itself out of the financial “hole” it is in. As elected and appointed employees you need to know the cost PRIOR to the work, because the cost is OURS, the tax paying bill payers. Sincerely, Thomas P. Chufar.

Secondly, she read into the record a letter dated July 23, 2018, from Reenie Rak of 5217 Risdan Road, Vermilion Township, OH 44089 relative to the Verizon Cell Tower as follows:

Dear Mayor Forthofer and City Council Members,

I have recently learned that there are plans to install a Verizon cell tower at the west entrance of town. I was very surprised to hear that City Council is considering this request.

I am strongly opposed to the installation of any cell phone tower being constructed along scenic (and historic) Route 6 for a number of reasons.

First, volunteers have spent countless hours over many years to beautify this city. They plant, weed and water the hanging baskets and flower beds throughout the City. The dilapidated lighthouse that had been neglected for so long has been restored and serves as a private aide to navigation approved by the Coast Guard. Main Street is working on a Bridge to Bridge project which will beautify Route 6 from downtown Vermilion to Drug Mart. Visitors from all over the world are impressed with the beauty and charm of this small town on a great lake. So why would we put an ugly metal structure near the Vermilion welcome sign at the west end of town? It is a slap in the face of all those who have worked so hard to keep Vermilion beautiful.

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Second, cell towers lower home values. No one wants to see it in their residential areas and Bluebird Beach is not far from the proposed location of this tower.

Third, and most importantly, the jury is still out on the long term health effects of radiation from the cell towers. Some studies have shown an increase in brain cancer and there have been sufficient studies regarding the health effects on children and the elderly. Even studies by the Cancer Society have drawn conflicting results. In the scheme of things, the amount of money Vermilion will be receiving from Verizon does not justify the potential health risks to the residents who live nearby.

I am sure you love the City of Vermilion as much as I do. I implore you to reconsider the location of the Verizon cell tower to an area that will not detract from the beauty of our City and is removed from the residential population. Like everyone else I want great cell phone service, but not at the expense of the City and the health of the people in it.

PRESIDENT OF COUNCIL'S REPORT: No report.

COMMITTEE REPORTS:

Historic Design & Review Board:

J. Gabriel reported on the meeting held August 1. The next meeting has been scheduled for September 5, 2018 at 6:00 pm.

Planning Commission:

J. Gabriel reported on the meeting held August 1. The next meeting has been scheduled for September 5, 2018 at 7:00 pm.

Streets, Buildings and Grounds Committee:

The next meeting has been scheduled for August 13, 2018 at 7:00 pm.

Port Authority:

The next meeting has been scheduled for August 9, 2018 at 6:30 pm.

Utilities Committee:

S. Holovacs reported the next meeting has been scheduled for August 13, 2018 at 7:00 pm.

Contractors Registration Board of Examiners:

S. Holovacs reported on the meeting held July 24. The next meeting has been scheduled for August 28, 2018 at 6:00 pm.

Finance Committee:

B. Holmes reported the next meeting has been scheduled for August 13, 2018 at 7:00 pm.

Parks & Recreation:

B. Holmes reported the next meeting has been scheduled for August 21, 2018 at 7:00 pm.

Tree Commission:

S. Herron reported on the meeting held July 11. The next meeting has been scheduled for August 8, 2018 at 7:00 pm at Ritter Public Library.

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Legislative Committee:

The next meeting has been scheduled for August 13, 2018 at 7:00 pm.

Vermilion Community Services Board: No update.

Health & Safety Committee:

B. Brady reported the next meeting has been scheduled for August 13, 2018 at 7:00 pm.

Board of Zoning Appeals:

B. Brady reported on the meeting held July 24. The next meeting has been scheduled for August 28, 2018 at 7:00 pm.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer reported the city system (maintenance update) will be down on August 8 and utility bills can be paid, but receipts cannot be generated. The Finance Director planned it the best between financial closings and utility closings.

City Hall Operations, phone manuals, and utility window staffing are projects that are in place and Mayor Forthofer will report on them when he has something concrete.

He noted that Councilwoman Brady contacted the administration to report that she received her utility bill today for payment by Friday. He said he hasn't had a chance to investigate it thoroughly, but the documents all left city hall on July 27 in good shape. They conducted their usual spot check review. He said the public can be rest assured there will be no late fee charges for anyone paying late. He said this is a constant source of headaches and it's something that he and the finance director would both see relieved by having one thorough system without things getting through the cracks.

He said economic development and new business is moving along. The Planning Commission approved the lot split in preparation for purchase by Defense Soap and Ed's Equipment has passed their wetlands study.

He requested an executive session to discuss hiring and firing.

B. Brady asked the mayor if he felt it was time to start looking for someone else to do the city's utility billing. Mayor Forthofer said he couldn't say right now if it was a person or a thing as it left their office in good shape. B. Brady said she wasn't saying it was their fault, but it seems like this company has fallen below of what they should expect. Mayor Forthofer said they haven't had time to look into this situation. It's a patchwork system that came at the end of the determination to use Software Solutions and its sort of friends of Software Solutions to fill out the remainder of sequence of events. There should be one system that does the whole thing, but in order to figure out how to the fix the system they need to figure out how the whole system works. He said the finance director would be key in this analysis, but she has been occupied by other things. He thought they improved some of the issues. B. Brady said they are so visual to the community and they are basically being threatened of being penalized, which is the part that bothers her. If they have internal problems the residents don't see it, but this is something that is affecting the resident's pocketbooks. Mayor Forthofer said they will not be charging anyone a late fee. B. Brady said the resident's don't know this. S. Herron said they communicate with the public through water bills on a number of issues, so whatever is happening, it's very important to get these bills out timely for a number of reasons.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported the durapatcher has been out on Vermilion Road from Liberty to North Ridge Road. He reported they have been getting calls from residents in Valleyview and they will be working in that area within the next couple of weeks.

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He advised Council the building department received a request from Rick Kamholz of 620 Ferndale Avenue to extend his fence into the city right of way. He states this will allow more room in his yard for his young children to play and will avoid the fence from being erected in the existing landscaping and a tree stump that he would like to make into a lawn ornament. Only city council can permit a structure being erected in the city right of way and a motion would be needed by council to approve or deny this request.

S. Herron said council would review this matter under 'New Business'.

FINANCE DIRECTOR'S REPORT:

Financial Reports

Amy Hendricks reported the City's 2017 GAAP Financial Statements were submitted to the Auditor of State on July 30 by Lennon and Associates. The public notice will be in the Photojournal this week that it is available for inspection in the Finance Office. A presentation will be made at a future meeting of Council once the final audited version is available.

All field work for the 2017 audit wrapped up on Friday. The final report must be submitted to AOS by the end of the month.

Debt Refinancing

In order to allow for completed 2017 financial information to be included in their Official Statement to accompany the city's refinance offering, it was decided to roll the current notes that are maturing on August 15 for an additional 90 days. The note was sold to First National Bank at 2.31%. Oppenheimer also bid on the issue at 2.4319%.

Work is now continuing on the Official Statement for the complete refinancing transaction with assistance of Sudsina and Associates and Squire Patton and Boggs.

Health Insurance Analysis

NFP received the packet of data from BAC regarding the city's current plan last week and their analyst team has begun the review. They are optimistic that savings opportunities are available. On Friday, the NFP team will meet with Beth Williamson and her to review the internal benefit enrollment and verification practices to make recommendations based on data the city submitted to them directly.

Telephone Cost Savings

Dale Reising has been reviewing the city's monthly telephone bill for charges since stepping into his expanded technology role. She and the mayor met with him last week and reviewed his recommendations. It appears there are a number of inactive lines that have continued to be billed for some time. They are working with CenturyTel and have initiated disconnect orders on several; effective immediately. Dale also scheduled an upcoming meeting with the city's account representative at CenturyTel to evaluate the city's remaining service plans to assure they are getting the best pricing. Once they have a complete savings estimate, Council will be updated.

Business Practices

Amy Hendricks said has spent "hands on" time in the last few weeks with accounts payable processes due to concerns about timely payment to vendors. While she is still peeling the onion, she has been communicating with department heads, reviewing outstanding invoices to resolve issues, and will be eliminating redundancies in the process that are slowing processing. It is unacceptable to her that vendors (especially local) are waiting for payment and work continues.

J. Gabriel asked if another health care committee meeting has been scheduled and Mayor Forthofer said a meeting has not been scheduled as there is nothing further to discuss at this time.

CITY ENGINEER'S REPORT:

C. Howard reported there is a first reading of Ordinance 2018-53 on the agenda to amend the traffic control map to authorize the removal of the stop sign on Sunnyside Road (north of the tracks) where Brownhelm Station Road merges into Sunnyside Road from the east, and to authorize the installation of a

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stop sign on Brownhelm Station Road that intersects with Sunnyside Road. This is a request made to the City by the Ohio Department of Transportation (ODOT).

J. Gabriel stated this will be a big change in traffic pattern for the public so he would hope they make the resident's aware in some fashion. C. Howard said they could put up flags and B. Holmes suggested putting up a sign advising the public of the traffic pattern change.

B. Brady asked the service director if the traffic lights were corrected yet and T. Valerius reported not yet as they are waiting for Pedestrian Crossing Signs so they can be mounted. B. Brady said Sandusky Street is horrible and traffic is stopped in all directions. T. Valerius said the timing will be changed so the whole area gets cleared. B. Brady asked him to check the timing on the north/south streets that still seem pretty long in some areas.

S. Holovacs said he heard there was damage done on some of the city's signs. T. Valerius said there was damage at one of the crosswalks and a post got loosened and it will be tightened when the company comes back into town. They also will add reflective strips on the box.

LAW DIRECTOR'S REPORT:

K. Stumphauzer said he submitted to Council and the Mayor information he obtained during the Annual Law Director's Seminar which was held in Columbus. On the issue of foods trucks this can be a complicated issue and he understands council is considering this, but a lot of this goes back to safety and inspecting these food trucks. He said the City of Columbus has come up with a comprehensive program because some of these units are homemade and they may not have equipment in them that make them safe. He has information to help assist in preparing legislation if council is interested.

Secondly, there is cell tower legislation that was passed by the State of Ohio which is also complicated. He said they have experts in their firm that have developed prototype legislation that adapts to local municipalities. He suggested that the city not take a significant period of time before passing this type of legislation because the absence of legislation still gives the installer the right to go forward and the City can't control what they do. If the city passes legislation they have control, but if they don't they lose control.

He pointed out that Marsy's Law was passed in February of 2018 which advances protection for the victims of crime as they have the right to be notified of hearings. It's amazing how many municipalities have not implemented necessary regulations and reporting systems. He said the City of Vermilion has implemented these regulations and they work extensively with the Police Department. S. Herron agrees Marcy's Law is a great thing but a challenge, and is glad the City has taken the lead.

OPEN TO THE AUDIENCE:

Charl Gabel of 5487 Liberty said it came to their attention this summer that Vermilion is the only city around that has no flags flying. She and Paul Habermehl have put together a challenge that they will have flags in place by next Memorial Day. She said they talked with the mayor and a local person who sells flags who will provide them with a bid. She was told she needed to come to council for approval. S. Herron said he was approached by some people who were interested in sponsoring a flag. C. Gabel said it's a great idea and they can look into this but they have a plan in place. They are looking at doing a couple major fundraisers so the flags can be up by May of 2019. Mayor Forthofer was all in favor of something like this and said the city would donate time. He admired her ambition in wanting to do this. M. Stark thought it was a great idea and noticed they have flag hooks on a lot of their poles down the main streets. She said it was a shame that Vermilion doesn't have flags, so she would fully support this; it's great! C. Gabel said there are not a lot of businesses that fly a flag; shame on them. S. Herron said that's their choice and C. Gabel agreed. S. Holovacs said he had no problems with this as he was involved years ago with this, but he did suggest they get a group together after a storm, so the torn flags get addressed right away. B. Holmes encouraged them to get Boy Scout Troops 409 and 447 involved. He said it would be a great Eagle Scout project.

Rick Kamholz of 620 Ferndale Avenue said he would like to extend his white picket fence around the perimeter of his property, but he was told it's in the City right of way. He has maintained the property for

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27 years and he would like to keep the kids in the yard. On the Ferndale side he will only go 2' over into the right of way to get around the trunk of his tree. On the Elmwood side he would like to keep the fence symmetrical with the neighbor's existing fence. He said it's a white picket fence that can be removed immediately if needed. B. Brady asked if his neighbors had a problem with this and R. Kamholz said they are all okay with it. J. Gabriel said the city maintains the easement for utilities and asked how he would feel if he went to the expense of putting up a fence and the city came along and said they had to take the fence out at their expense. R. Kamholz said if the city was doing it for improvements then he would be all for it. He said there are utilities only on the Ferndale side and no utilities on the Elmwood side.

NEW BUSINESS:

S. Herron MOVED; M. Stark seconded to adjourn into executive session after the 'Reading of the Ordinances' to discuss personnel matters (hiring/firing). Roll Call Vote 6 YEAS. **MOTION CARRIED.**

S. Herron stated he will refer the request to erect a sign in the City right of way at the August 13, Streets meeting for additional review by council. B. Holmes said the only concern is the right of way and utilities, so they need to keep this in mind. He said if they open up the flood gates then what else will they get. S. Holovacs said he was on council when Mr. Nord came before council with a similar request and council turned him down. He said so when other people come with a similar request it's hard to not say no. He understands where Mr. Kamholz is coming from, but it's easier to not approve it because they have turned down so many other people and it's not fair to them. S. Herron said if the administration has a position on this matter they can present it at the Streets, Buildings, and Grounds Committee meeting, and Mayor Forthofer said he would comment at that time.

M. Stark MOVED; J. Gabriel seconded to adjourn into executive session after 'Reading of the Ordinances' to discuss personnel matters (hiring, firing, compensation, and discipline. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

M. Stark MOVED; J. Gabriel seconded to adjourn into executive session to discuss pending and imminent litigation. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

READING OF ORDINANCES:

Second Reading – Ordinance 2018-48: AN ORDINANCE AMENDING CHAPTER 475 ENTITLED "GOLF CARTS" AND DECLARING AN EMERGENCY.

Second Reading – Ordinance 2018-49: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANTS, AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-50: AN ORDINANCE AMENDING SECTION 222.03 ENTITLED "INVESTMENT POLICY" OF CHAPTER 222 ENTITLED "DEPARTMENT OF FINANCE", OF THE CODIFIED ORDINANCES OF VERMILION, AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-51: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO AN INVESTMENT MANAGEMENT AGREEMENT WITH MEEDER PUBLIC FUNDS, INC., AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-52: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO A US BANK CUSTODY ACCOUNT AGREEMENT, AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-53: AN ORDINANCE AMENDING CHAPTER 406 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, ENTITLED "TRAFFIC CONTROL MAP" AND SECTION 406.01(d) ENTITLED "ESTABLISHED", AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; M. Stark seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

J. Gabriel MOVED; B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

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Announcement of Meeting Dates

August 13, 2018 - Vermilion City Council Committee Meetings (All) – 7:00 pm
August 20 & 27 – No Meetings – City Council Break
September 3, 2018 – Labor Day – City Offices Closed
September 10, 2018 – Vermilion City Council Meeting – 7:00 pm
September 17, 2018 – No meeting
September 24, 2108 – Vermilion City Council Committee Meetings (All) – 7:00 pm

ADJOURNMENT:

Upon no further business coming before the body at the conclusion of Executive Session, Steve Herron, President of Council adjourned the Vermilion City Council meeting.

Gwen Fisher, Certified Municipal Clerk