

Minutes of the Vermilion City Council Meeting

Monday, December 17, 2018

Videos and minutes of council meetings are available to the public to view online at www.vermilion.net under meeting videos/minutes.

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

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, December 17, 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:

B. Holmes MOVED: S. Hlovacs seconded to approve the minutes of the December 3, 2018 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

CORRESPONDENCE: None.

PRESIDENT OF COUNCIL'S REPORT: No report.

COMMITTEE REPORTS:

Historic Design & Review Board:

The next meeting has been scheduled for January 9, 2019 at 6:00 pm.

Planning Commission:

The next meeting has been scheduled for January 9, 2019 at 7:00 pm.

Streets, Buildings and Grounds Committee:

F. Loucka reported the next meeting has been scheduled for January 14, 2019 at 7:00 pm.

Port Authority:

The next meeting has been tentatively scheduled for March of 2019 at 6:30 pm.

Utilities Committee:

S. Hlovacs reported the next meeting has been scheduled for January 14, 2019 at 7:00 pm.

Contractors Registration Board of Examiners:

S. Hlovacs reported the next meeting has been scheduled for January 22, 2019 at 6:00 pm.

Finance Committee:

B. Holmes reported on the meeting held December 10. The next meeting has been scheduled for January 14, 2019 at 7:00 pm.

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Parks & Recreation:

B. Holmes reported the next meeting has been scheduled for December 18, 2018 at 7:00 pm.

Tree Commission:

S. Herron reported the next meeting has been scheduled for January 9, 2019 at 9:30 am at the Ritter Public Library.

Legislative Committee:

M. Stark reported on the meeting held December 10. The next meeting has been scheduled for January 14, 2019 at 7:00 pm.

Vermilion Community Services Board:

M. Stark reported the next meeting has been scheduled for January of 2019 and the exact day will soon be announced.

Health & Safety Committee:

B. Brady reported on the meeting held December 10. The next meeting has been scheduled for January 14, 2019 at 7:00 pm.

Board of Zoning Appeals:

B. Brady reported the next meeting has been scheduled for January 22, 2019 at 7:00 pm.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer respectively requested that City Council suspend the rules and adopt Ordinance 2018-81, 2018-83, and 2018-88 (Labor Agreements).

He thanked council for their productive collaboration with the administration this past year as they both went about the work for the Vermilion residents.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported that the Water Tower Stem Project is complete, but the gasket on the hatch is not sealing properly and leaking. A new gasket will be installed tomorrow, which means the tower should be back on line later in the week.

He announced the city received good news today from the Erie Regional Planning Commission that the City of Vermilion will be receiving funding through the State Capital Improvement Program for the Highbridge Road Reconstruction Project, which the city applied for through the Ohio Public Works Commission. This project will consist of the reconstruction of the road from the south side of the bridge to Brownhelm Station Road. S. Herron asked how much the funding was for and T. Valerius said they requested \$487,500 and this total is not quite confirmed yet. M. Stark asked if this was a matching grant and T. Valerius said part of it is a grant for \$325,000 and the other \$162,500 is a loan, so the city's responsibility would be \$340,000. B. Brady asked if the city had this amount and T. Valerius said the city would be groundbreaking in early 2020. A. Hendricks said she was working on finalizing the 2018 budget this afternoon and she didn't get a chance to go through the project spreadsheet, but she thinks it may be possible as this was already included on the spreadsheet.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported that 2,821 letters went out to citizens from the Regional Income Tax Authority to remind them of filings that were due, so residents are encouraged to use the online mechanisms to submit documents or the fax number listed in the letter.

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She thanked all staff members for attending the insurance enrollment meetings and getting their enrollment forms in on time, so they could submit the information to NFP by the deadline.

She noted her attendance on a demonstration and meeting in Sandusky on December 12 for the software and review of the new transient rental tax for lodging. She learned that if Vermilion were to enact a local portion then Erie County could collect the taxes from owners from the Lorain and Erie County sides of Vermilion with the same administration fee for both. She estimated an additional \$20,000 in revenue each year if they enact the 3 percent tax. Erie County would handle all the registration and would do the compliance follow up if a property was referred to them.

She stated she met with Michael Prcela and Greg VanWagnen from Sudsina & Associates to discuss financing options for the proposed fire station project. She also inquired about financing options at the request of the Parks Board for the restroom project under discussion. While this project would be too small alone to be cost effective, it could be combined with the fire station. For the new issues, the city would be going before Moody's again for ratings review. She asked Sudsina to provide samples of debt and cash reserve policies they have recently done for other clients. She said 2018 has been a year of rebuilding the city's finances that has been difficult for everyone. Having these policies in place would limit the amount of debt issued in the future so those payments do not continue to drain cash needed for operations.

She said the final appropriations for 2018 along with the Certificate of Estimated Resources were provided to Council per Ordinance 2018-91 and asked for suspension and adoption so the ordinance would become effective immediately.

B. Brady asked who would be responsible for finding the rental properties in Erie County. A. Hendricks said Erie County has had a lot of people registered already and they will do research on others who have not registered. She said if Vermilion does something on a local level they should get information out through the local media to let people know there is a local portion that will include Lorain properties as well. B. Brady asked if there are penalties in place if people don't register and A. Hendricks said there is, and Sandusky seems to be different than others, but they encourage other municipalities to provide the same type of penalty structure, so it makes it easier to administer. B. Brady asked if somebody is aware of a rental property should they contact the administration with the information. A. Hendricks said they should contact Erie County and report it to them, so they can do the investigation. F. Loucka asked if Erie County will do the research on the Lorain County portion as well and A. Hendricks said if it's within the Vermilion limits then they will do this. She said she asked Erie County for sample legislation from adjoining communities and would work with the Clerk on coming up with something for Vermilion.

CITY ENGINEER'S REPORT:

C. Howard asked council to consider suspending the rules and adopting Ordinance 2018-89 (Change Order for the Water Tower Stem Replacement Project).

LAW DIRECTOR'S REPORT:

K. Stumphauzer noted that Ordinance 2018-85, 2018-86, and 2018-75 regarding the ambulance contracts should proceed to their next reading as they are in the process of finalizing the purchase agreement for the Ambulance Garage. He said North Central EMS will continue their contract until everything has been finalized with the real estate transaction as this will trigger the contract with Lifecare Ambulance and will also trigger the termination of the contract with North Central EMS. S. Herron said Ordinances 2018-85 and 86 will proceed to a third reading and he will entertain a motion to table the third reading of Ordinance 2018-75. It was reiterated that there will be no disruption to ambulance service to the community.

OPEN TO THE AUDIENCE:

Thomas Chufar of 4373 Edgewater Drive conveyed to council that he sent in an email for a response on a situation that is not being answered. Typically, when somebody applies for a permit there is a process that goes on. Part of the entire permitting process is not just the issuance of the permit, but it's also the information that gets brought back in; whether it's correct or not – sometimes things are not completely or accurately filled out. Part of the entire permitting process is inspection. It seems to be very important to

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the citizens and to the council that they keep hearing on permits and they hear about inspections. They are very concerned about inspections on food trucks; they're concerned about public health and safety. Health and Safety! Safety is a huge thing. So, when somebody builds something that's not on their property and a citizen asks to find information about it and you don't get an answer or a reply back...he has asked for it since Memorial Day; since Memorial Day. It's a long time and he has been going through a long process; back and forth down to Lorain County getting lots of information. He said everybody here is well-aware of what he is talking about. He is talking about the Elberta Beach Park and they have a resident who has been for whatever reason granted the opportunity to infringe upon property that is not his. He said the city has not responded back to him as to why they are not taking action to inspect this property. It could be something that would be under safety, so what's the liability to the city...the city had their insurance man here last week and he is sure he might be interested and wonder about the insurance rating that could happen to the city with the liability of allowing a structure that's not on that homeowner's property. So why is he not getting a reply? It's not just him. The Elberta Beach Park is for the residents of the Elberta Beach neighborhood; it says so in the deed and it's plain and simple. There are 146 lots back there and the ownerships of all those lots are going to be plus or minus, but it's going to be less because some of those lots are combined. He has all the information and paperwork! He is trying to get a simple reply and he asked it respectfully and nicely, so will somebody please give him an answer.

Ken Stumphauzer said there is no Elberta Beach Association as the Charter was revoked a number of years ago. He said T. Chufar made a public records request and that public records request was responded to twice. He believes he is looking for a written opinion from him (law director) as to why certain events occurred. The reality is, he represents the Mayor and City Council and not T. Chufar, so there is going to be nothing in writing from him regarding this issue; it's that simple. S. Herron said the question was specific from this citizen, and they can answer him at the next meeting under 'Response to the Audience', but the question is – Is there civil liability for the city? K. Stumphauzer said no he doesn't see any civil liability and as far as these inspections he understands the building inspector did make the inspections, but he sees no liability period and you also must be a real party of interest to bring this issue up.

New Business:

S. Herron MOVED: S. Holovacs seconded to table the third reading of Ordinance 2018-75. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Reading of the Ordinances:

Tabled - Second Reading – Ordinance 2018-63: AN ORDINANCE ENACTING NEW CHAPTER 872 ENTITLED "MOBILE FOOD SERVICES" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY. (*Referred to the January 14, 2019 Legislative Meeting*)

Tabled - Third Reading – Ordinance 2018-75: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO RECEIVE A SUBSIDY FROM BROWHELM TOWNSHIP, LORAIN COUNTY, OHIO FOR EMERGENCY MEDICAL SERVICES THROUGH THE CITY OF VERMILION'S CONTRACT WITH LIFECARE AMBULANCE, INC. OF ELYRIA, OHIO FOR THE PERIOD OF JANUARY 1, 2019 THROUGH DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

Third Reading -Ordinance 2018-73: AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, STATE OF OHIO, DURING THE THREE-MONTH PERIOD BEGINNING JANUARY 1, 2019 AND ENDING MARCH 31, 2019 AND DECLARING AN EMERGENCY.

S. Holovacs MOVED: F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Third Reading – Ordinance 2018-74: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO A RENEWAL CONTRACT WITH ALLEN-THORLEY-DELLOYD INSURANCE COMPANY OF VERMILION, OHIO, PER ORDINANCE 2014-86 FOR THE PURPOSE OF INSURANCE COVERAGE COMMENCING JANUARY 1, 2019 AND EXPIRING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

M. Stark MOVED: F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

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Third Reading – Ordinance 2018-76: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH JCI JONES CHEMICALS, INC. OF SARASOTA, FLORIDA FOR THE PURCHASE OF LIQUID CAUSTIC SODA AND CHLORINE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

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

Third Reading – Ordinance 2018-77: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH USALCO ASHTABULA PLANT, LLC OF BALTIMORE, MARYLAND FOR THE PURCHASE OF POLYALUMINUM CHLORIDE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

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

Third Reading – Ordinance 2018-78: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH KEMIRA WATER SOLUTIONS, INC. OF LAWRENCE, KANSAS FOR THE PURCHASE OF LIQUID FERROUS CHLORIDE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

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

Third Reading – Ordinance 2018-79: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH BONDED CHEMICALS, INC. OF COLUMBUS, OHIO FOR THE PURCHASE OF HYDROFLUOSILICIC ACID TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Third Reading – Ordinance 2018-80: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION TO ENTER INTO AN AGREEMENT WITH SOUTH SHORE DREDGE & DOCK INC. OF LORAIN, OHIO TO PROVIDE ICE BREAKING SERVICES ON THE VERMILION RIVER FOR THE PERIOD OF JANUARY 1, 2019 THROUGH FEBRUARY 28, 2019 AND DECLARING AN EMERGENCY.

F. Loucka MOVED; S. Holovacs seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Second Reading – Ordinance 2018-81: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE OHIO PATROLMAN'S BENEVOLENT ASSOCIATION AND DECLARING AN EMERGENCY.

F. Loucka MOVED; B. Holmes seconded to suspend the rules. Roll Call Vote 5 YEAS; 1 ABSTENTION (Holovacs). **MOTION CARRIED.**

M. Stark MOVED; F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 5 YEAS; 1 ABSTENTION (Holovacs). **MOTION CARRIED.**

Second Reading – Ordinance 2018-83: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 860 AND DECLARING AN EMERGENCY.

F. Loucka MOVED; B. Holmes seconded to suspend the rules. Roll Call Vote 5 YEAS; 1 ABSTENTION (Holovacs). **MOTION CARRIED.**

M. Stark MOVED; B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 5 YEAS; 1 ABSTENTION (Holovacs). **MOTION CARRIED.**

Second Reading – Ordinance 2018-84: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE VERMILION LOCAL SCHOOL DISTRICT FOR AN EARLY TERMINATION OF A LEASE AGREEMENT OF THE REAL PROPERTY LOCATED BEHIND SOUTH STREET ELEMENTARY SCHOOL IN ACCORDANCE WITH ORDINANCE 2001-21 ADOPTED JUNE 4, 2001 AND DECLARING AN EMERGENCY.

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Second Reading – Ordinance 2018-85: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN NORWALK AREA HEALTH SERVICES, AN OHIO NOT-FOR-PROFIT CORPORATION, D/B/A NORTH CENTRAL EMS AND THE CITY OF VERMILION, OHIO IN ACCORDANCE WITH ORDINANCE 2015-34 ADOPTED JUNE 22, 2015 AND DECLARING AN EMERGENCY.

Second Reading – Ordinance 2018-86: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO MAKE AND ENTER INTO AN AMBULANCE SERVICE AGREEMENT WITH LIFECARE AMBULANCE, INC. OF ELYRIA, OHIO FOR EMERGENCY MEDICAL SERVICES FOR THE BENEFIT OF THE RESIDENTS OF THE CITY AND BROWNHELM TOWNSHIP AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-88: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE FRATERNAL ORDER OF POLICE AND DECLARING AN EMERGENCY.

F. Loucka MOVED; B. Brady seconded to suspend the rules. Roll Call Vote 5 YEAS; 1 ABSTENTION (Holovacs). **MOTION CARRIED.**

B. Brady MOVED; M. Stark seconded to adopt this ordinance by emergency. Roll Call Vote 5 YEAS; 1 ABSTENTION (Holovacs). **MOTION CARRIED.**

First Reading – Ordinance 2018-89: AN ORDINANCE AMENDING ORDINANCE NO. 2018-61 ADOPTED SEPTEMBER 10, 2018, BY ADOPTING CHANGE ORDER NUMBER ONE WHICH IS AMENDATORY TO THE ORIGINAL CONTRACT WITH PITTSBURGH TANK & TOWER CO., INC. OF HENDERSON, KENTUCKY FOR THE 1,000,000 GALLON SPHEROID FILL PIPE REPLACEMENT PROJECT (HIGHBRIDGE ROAD); AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE ADDITIONAL AMOUNT NOT TO EXCEED FIVE THOUSAND TWO HUNDRED DOLLARS (\$5,200) AND DECLARING AN EMERGENCY.

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

M. Stark MOVED; B. Brady seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2018-90: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO AN AGREEMENT WITH MCPc OF CLEVELAND, OHIO TO PROVIDE IT SERVICES IN AN AMOUNT NOT TO EXCEED FORTY-EIGHT THOUSAND DOLLARS (48,000) COMMENCING JANUARY 1, 2019 AND EXPIRING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-91 – AN ORDINANCE AMENDING ORDINANCE 2018-15 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018 AND DECLARING AN EMERGENCY.

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

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

Announcement of Meeting Dates

December 24, 2018 - No Meeting

December 31, 2018 – No Meeting

January 7, 2019 – Vermilion City Council Meeting – 7pm

January 14, 2019 – Vermilion City Council Committee Meetings (All) – 7pm

January 21, 2019 – Martin Luther King Jr. Day – City Offices Closed

January 28, 2019 – Vermilion City Council Meeting – 7pm

ADJOURNMENT:

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

~ Gwen Fisher, Certified Municipal Clerk