

Minutes of the Vermilion City Council Meeting

Monday, December 4, 2017

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

Administrative Staff: Mayor Eileen Bulan; Brian Keller, Finance Director; Tony Valerius, Service Director; Kenneth Stumphauzer, Law Director; Lynn Miggins, City Engineer.

CALL TO ORDER:

Steve Herron, Council President called the Monday, December 4, 2017, Vermilion City Council Meeting to order.

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF MINUTES:

F. Loucka MOVED; F. Ostrander seconded to approve the meeting minutes of November 6, 2017. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

PRESIDENT OF COUNCIL'S REPORT: No report.

COMMITTEE REPORTS:

Streets, Buildings and Grounds Committee:

J. Forthofer reported the next meeting has been scheduled for December 11, 2017 at 7:00 p.m.

Historic Design & Review Board:

J. Forthofer reported the next meeting has been scheduled for December 6, 2017 at 6:30 p.m.

Planning Commission:

J. Forthofer reported the next meeting has been scheduled for December 6, 2017 at 7:00 p.m.

Legislative Committee:

F. Loucka reported the next meeting is scheduled for December 11, 2017 at 7:00 p.m.

Port Authority:

F. Loucka reported on the meeting held November 9. The next meeting will be scheduled for March 8, 2019.

Board of Zoning Appeals:

The next meeting is scheduled for January 23, 2018 at 7:00 p.m.

Utilities Committee:

The next meeting is scheduled for December 11, 2017 at 7:00 p.m.

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Contractors Registration Board of Examiners:

The next meeting is scheduled for January 23, 2018 at 6:00 p.m.

Health & Safety Committee:

B. Holmes the next meeting is scheduled for December 11, 2017 at 7:00 p.m.

Parks & Recreation:

B. Holmes reported on the meeting held November 21. The next meeting is scheduled for December 19, 2017 at 7:00 p.m.

Stormwater Advisory Committee:

S. Herron reported on the meeting held November 20. The next meeting is scheduled for February 5, 2018 at 6:00 p.m.

Tree Commission:

S. Herron reported the next meeting is scheduled for December 13, 2017 at 9:30AM at Ritter Public Library.

Finance Committee:

M. Stark reported the next meeting is scheduled for December 11, 2017 at 7:00 p.m.

Vermilion Community Services Board:

M. Stark reported the next meeting will be in 2018. She invited everyone to Quaker Steak anytime during the day on December 12 as they are doing their '12 Days of Giving' and 10% of their sales will go to the board for the Share a Ride Program.

MAYOR'S REPORT:

Mayor Bulan thanked all the organizations in the community that have organized all of the Christmas programs and activities throughout the season. She extended a special thank you to the US Coast Guard as they led the icebreaker down the river for the Christmas Tree Ship. She said Pearl Harbor Day is December 7 and the Vermilion Veterans Council will be holding its ceremony at 11AM at the boat ramp and everyone is invited to attend.

Lastly, she thanked everyone for the downtown decorations. The town looks very special thanks to Dana Corogin and the Main Street Vermilion in Bloom volunteers. All these decorations have been made possible by the generous donations of the citizens.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported the administration met with representatives from the Ohio Department of Transportation (ODOT) and the Kleingers Group who is the design engineer for the Vermilion Safe Routes to School project. This project has been resurrected and will be moving forward. Citizens within the area of construction will be receiving a letter informing them that starting December 11, field crews from the group will be performing field reviews and survey work to locate the existing right a ways and property lines. These crews will inform homeowners when they first enter the property and when their work has been completed. The crews will simply be collecting data for the project and any questions should be addressed to him at city hall.

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FINANCE DIRECTOR'S REPORT:

B. Keller reported they have made great progress of the capital asset program and they have shared the cleaned up version with the department heads and they will go through their departments to figure out what they have and don't have.

Secondly, this past Thursday he met with Mike Lennon who does the city's financial statements. They got together to review the bank reconciliations and identified critical components that will help them to reconcile. They also reviewed the city's investment portfolio. He said Mike Lennon will come back for another visit on Thursday.

He reported he will be submitting the final appropriation amendment to Council by December 14 as it will be on the agenda for December 18. He will need this ordinance passed that evening. He then can get the final numbers to the county auditor who will issue the Certificate of Estimated Resources.

The 2018 budget will be submitted in January and he hopes to have council pass it in January or February at the latest. Last year it was passed at the end of March but he would like it passed sooner.

Lastly, Ordinance 2017-62 is on the agenda which is the 2018 temporary budget. He said council can refer this to the finance committee but it's really a formality to get the city through the first three months of expenditures.

M. Stark asked the finance director if the plan is to start bank reconciliations on a monthly basis. B. Keller said yes as it hasn't been reconciled since he started working for the city. His goal is to have a monthly reconciliation put together. Ultimately, he would like to do it weekly if he can. M. Stark thanked him for sending the audit reporting to council and asked if the city had their exit meeting with the auditors. B. Keller said no and wasn't sure when it will be. M. Stark asked if council can be present for this meeting and B. Keller didn't see any reason why not. M. Stark said she would like to know when this meeting occurs so she can attend. Lastly, she said at the last few meetings the finance director had mentioned the Affordable Care Act and that the city may be facing some fines. Why would the city be facing fines, asked Stark? B. Keller said it's coming down to some technicalities but he doesn't think they will. This would be a worst case scenario but there is a group of about four or five employees they have to look at and figure out the ACA terminology, and if those employees fit that full time employee based on the Affordable Care Act. M. Stark said if an employee works more than 30 hours, does that employee have to be awarded full time benefits. B. Keller said maybe; in general yes, but there are two time periods they use, so they are figuring out the time periods of when people were hired in. Some people were hired in during the middle of the year; some haven't worked a full year; some have been a couple years and some are seasonal. So there are a lot of gray areas in the language and they are trying to filter through that. M. Stark said she does ACA at the school so this is why she is wondering. She asked him to let council know once they get more information on this. She noted the school district has been reporting the ACA's and wondered if the city's payroll company had been doing this up until the time the city took the payroll over. B. Keller said there is one employee they are double checking on from two years ago, but worst case is that they will just need to file an amendment on their report, and even then nothing monetarily would happen.

CITY ENGINEER'S REPORT:

L. Miggins said on November 28 she and the mayor attended a meeting that was hosted by FEMA for the lakefront communities in Lorain County. The meeting was held to discuss changes in the Flood Insurance Rates Maps and the Flood Insurance Study for lakefront communities. FEMA undertook a very large and comprehensive coastal study of the flooding that can result along the shores of the Great Lakes. There were eight states involved in this and the idea was to quantify the risks of having a pretty severe storm when they also have high lake levels. As a result of the study, new preliminary maps have been rolled out and these are the maps that show the special flood hazard areas. This new zone is called a VE zone and the new high risk zones do change the map for the City of Vermilion, and raise the flood elevations along parts of the Vermilion River and Edson Creek. It is a very long process to adopt the maps. They were encouraged to share the information with community officials and with the public so she thought it would be a great idea to hold a public hearing during the first quarter of 2018. There is no hurry as she doesn't see the maps being adopted until 2019, but it gives them the opportunity to spread

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the news that we will have newly mapped areas in the Special Flood Hazard area. This means Chapter 1460 entitled "Flood Hazard Reduction" of the Vermilion Codified Ordinances will apply to new areas. The city will need to adopt new ordinances, but she sees this all happening in 2019. The maps are preliminary and the city will be getting a letter from FEMA that says there is an official 90 day comment period, and when the 90 day comment period arises, it gives property owners an opportunity to present any studies they themselves have commissioned that pertain to the Flood Hazard areas for their properties; or the city can present a study that would present data that may differ from what the coastal study presents. There are areas within the Vermilion Lagoons along the lakefront that will be newly mapped into the Special Flood Hazard area and there are some properties along the Vermilion River and Edson Creek that will probably have higher base flood elevations. She hasn't studied this in detail as of yet but she will before a public hearing.

S. Herron asked if this would increase the number of properties owners that will need to have flood insurance. L. Miggins said flood insurance is a completely voluntary product. However, it's not voluntary when you have a mortgage. Almost all mortgagees are going to require federal flood insurance if you're in a Special Flood Hazard area because they resell the mortgages or the mortgages are backed by federal government agencies.

F. Ostrander said on Main Street when they installed the permeable parking they have protrusions that stick out in the street and two are around 7', but one is sticking out about 10' and it looks like a place where the snow plows will be hitting. L. Miggins said she didn't have an answer on this, but would certainly get him one.

M. Stark addressed the traffic signal project and asked if it's typical that it's taking so long since they started the project in the summer. L. Miggins said the long wait time items are the mast arms for the signal poles and the understanding is that those will arrive in the month of December and she wasn't sure if this is still the schedule, but the contractors have been held hostage by the supplier of these materials. She said the underground work is complete and the contractual completion date is in March, but she believes the city will need to give the contractor an extension into the spring because they won't be able to get the final grading and final concrete items poured in March.

LAW DIRECTOR'S REPORT:

K. Stumphauzer asked council to recess into executive session to discuss imminent litigation the city may be interested in participating in involving recently enacted state statutes.

OPEN TO THE AUDIENCE: No participation.

NEW BUSINESS:

S. Herron MOVED; M. Stark seconded to recess into executive session after the "Reading of the Ordinances" to discuss imminent litigation. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

READING OF ORDINANCES:

Tabled: Third Reading – Ordinance 2017-41: AN ORDINANCE AMENDING CHAPTER 860 ENTITLED "PEDDLERS, CANVASSERS AND SOLICITORS" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO, AND DECLARING AN EMERGENCY

Second Reading – Ordinance 2017-57: 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, 2018 THROUGH FEBRUARY 28, 2018, AND DECLARING AN EMERGENCY.

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

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

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Second Reading – Ordinance 2017-58: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH KEMIRA WATER SOLUTIONS 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; M. Stark seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

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

Second Reading – Ordinance 2017-59: 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.

J. Forthofer MOVED; F. Loucka seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

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

Second Reading – Ordinance 2017-60: 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 AND CARBON TO BE USED IN THE VERMILION UTILITIES DEPARTMENT, AND DECLARING AN EMERGENCY.

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

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

Second Reading – Ordinance 2017-61: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH USALCO, LLC OF BALTIMORE, MARYLAND FOR THE PURCHASE OF POLYALUMINUM CHLORIDE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT, AND DECLARING AN EMERGENCY.

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

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

First Reading – Ordinance 2017-62: 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, 2018 AND ENDING MARCH 31, 2018 AND DECLARING AN EMERGENCY.

F. Loucka MOVED; J. Forthofer seconded to suspend the rules. Roll Call Vote 4 YEAS (Forthofer, Loucka, Holmes, & Herron); 2 NAYS (Stark and Ostrander). **MOTION FAILED.**

M. Stark said she would like the opportunity to review this at the next finance meeting. The temporary budget will be referred to the December 11th finance committee agenda.

First Reading – Resolution 2017R-15: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT REGARDING THE ACQUISITION OF PROPERTY INTERESTS FROM WILBERTO AND DEBRA TORRES FOR THE LOR-HIGHBRIDGE ROAD PROJECT THROUGH AN APPROPRIATION AUTHORIZED BY ORDINANCE NO. 2016-59; AND DECLARING AN EMERGENCY.

J. Forthofer MOVED; F. Loucka seconded to suspend the rules. Roll Call Vote 5 YEAS; 1 NAY (Ostrander). **MOTION CARRIED.**

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

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First Reading – Resolution 2017R-16: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT REGARDING THE ACQUISITION OF PROPERTY INTERESTS FROM DANIEL AND DEANNA WALTHER FOR THE LOR-HIGHBRIDGE ROAD PROJECT THROUGH AN APPROPRIATION AUTHORIZED BY ORDINANCE NO. 2016-59; AND DECLARING AN EMERGENCY.

J. Forthofer MOVED; F. Loucka seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

J. Forthofer MOVED; F. Loucka seconded to adopt this resolution by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Executive Session:

S. Herron called the regular meeting back to order at the conclusion of executive session.

M. Stark MOVED; J. Forthofer seconded to authorize the City of Vermilion to enter into litigation that is set to be filed approximately next week in the Lorain County Common Pleas Court seeking to join the State of Ohio from going through House Bill 49, which involves the collection of local income tax. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

ANNOUNCEMENT OF MEETING DATES:

December 11, 2017 - Vermilion City Council Committee Meetings (All) – 7:00 pm

December 18, 2017 – Vermilion City Council Meeting – 7:00 pm

December 25, 2017 – Christmas – City Offices Closed

ADJOURNMENT:

Upon no further business, Council President Steve Herron adjourned the Vermilion City Council meeting.

Gwen Fisher
Certified Municipal Clerk