

RECORD OF PROCEEDINGS

Minutes of _____

Minutes of the Vermilion City Council Meeting

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

Monday, February 4, 2019

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; John Gabriel, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Brian Holmes, Ward Five; G. Fisher, Certified Municipal Clerk. Excused: B. Brady, Ward Four

Administrative Staff: Jim Forthofer, Mayor; Amy Hendricks, Finance Director; Tony Valerius, Service Director

CALL TO ORDER:

Steve Herron, President of Council called the Monday, February 4, 2019 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. Holovacs MOVED; F. Loucka seconded to approve the minutes of the January 28, 2019 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

PRESIDENT OF COUNCIL'S REPORT: No report.

COMMITTEE REPORTS:

Historic Design & Review Board:

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

Planning Commission:

The next meeting has been scheduled for February 6, 2019 at 7:00 pm.

Streets, Buildings and Grounds Committee:

The next meeting has been scheduled for February 11, 2019 at 7:00 pm.

Utilities Committee:

The next meeting has been scheduled for February 11, 2019 at 7:00 pm.

Contractors Registration Board of Examiners:

The next meeting has been scheduled for February 26, 2019 at 6:00 pm.

Finance Committee:

The next meeting has been scheduled for February 11, 2019 at 7:00 pm.

Parks & Recreation:

The next meeting has been scheduled for February 19, 2019 at 7:00 pm.

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Tree Commission:

S. Herron reported the next meeting has been scheduled for February 13, 2019 at 9:30 am at Ritter Public Library.

Legislative Committee:

The next meeting has been scheduled for February 11, 2019 at 7:00 pm.

Vermilion Community Services Board:

The next meeting has been scheduled for April 17, 2019 at 6:30 pm at the Ritter Public Library.

Health & Safety Committee:

The next meeting has been scheduled for February 11, 2019 at 7:00 pm.

Board of Zoning Appeals:

The next meeting has been scheduled for February 26, 2019 at 7:00 pm.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer thanked Main Street Vermilion and the Ice-A-Fair Committee for a successful 11th Annual Ice-A-Fair. There were about 4,000 people in attendance and all the merchants and restaurants were open and reported a successful day. Additionally, the Friends of Ritter Library hosted a Chocolate Festival and they sold out in a couple hours. This fundraiser supports the reading programs at the library.

The ambulance service through Lifecare will begin on February 6. The ambulance subscriptions will be honored through Lifecare. He reported the Mapleview Ditch Program will be discussed on February 5 in the Lorain County Commissioners Office, 226 Middle Avenue, Elyria, Ohio. He will attend to represent the City of Vermilion.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported he was in contact all weekend with employees from South Shore Dredge and Dock as they broke ice at the mouth of the river back to the Liberty Avenue bridge on Saturday, and on Sunday they broke ice from the bridge to Valley Harbor Marina. The river has a decent flow, but he recently heard from Sgt. Adams an hour ago that there was an ice jam reported in the Mill Hollow area. He cautioned the residents to stay alert. He will send out a text to the community of this notice after the meeting. J. Gabriel asked the administration if they could include in the text a statement encouraging the residents of Riverside to move their vehicles this evening.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks asked residents to check their mail as they should have received a postcard from RITA last week that has instructions on filing deadlines, email addresses, websites, and phone numbers, which should be a helpful tool in the community. She reminded residents who work out of town to check to see if they are required to do a quarterly estimated filing to avoid penalties that could be assessed.

She said the 2018 financial year has been closed and the auditor's staff has been on site for two weeks doing a routing financial audit, which adds to the busy days of providing them with records and answering questions. She said the 2019 Budget is on the agenda as Ordinance 2019-6 for a second reading. Only change from last week was an additional \$50,000 in the water fund to cover the engineering costs that were accrued for the Adams Street project.

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OPEN TO THE AUDIENCE:

Thomas P. Chufar of 4373 Edgewater Drive provided council with a copy of a building permit as he has been addressing truth, honesty and integrity, and was talked down and belittled directly. He noted the building permit application was something he brought up in May in the mayor's office. He said the permit shows the size and exact location agreed to by signature signed by the person doing the work and the city. He said B. Kurtz did sign a permit, but he didn't sign "THE" permit (the one in question). He signed for the zoning of the location in the neighborhood and it's a big difference. He also said the guest speaker at last week's meeting didn't give full disclosure as to what was asked. He said the length on the permit was there, but it does have the line for the property line, which is located per the deed. He asked which signature was on the permit because it becomes the city's issue and there has been no inspection performed. Why would the city allow such a thing? He said it's not necessarily the mayor's fault, but it is his problem to address correctly, honestly, with the integrity that is expected.

Kelly Wooten of 2558 Edgewater Drive said she is before Council because of an article that was written in the Vermilion Photojournal on January 17. There were comments from her neighbor Patty. She said she does run an Airbnb and has been for two years. She said this property has always been rental property and she bought it as a rental property 14 years ago and is now doing an Airbnb with it, which has been very successful. It has brought a lot of business into Vermilion and she encourages her guests to enjoy the restaurants and everything Vermilion has to offer. She is there to meet her guests when they arrive and Patty had said there was a drug problem, which she would like this to be corrected because it was not with an Airbnb guest; Patty came to council to address Airbnb and she had a permanent resident there last year and he did have an issue and was asked to leave after this problem arose. It did not have anything to do with Airbnb, and Patty 100% knew this when she came before Council and said it was an Airbnb issue. She conveyed that she spoke with Patty face to face as a neighbor and told her when she ever has any problems that she has her number and she can easily call her for any problems she ever has with her Airbnb venture or any problem on her property. She now has her Pastor and his wife living there this year, so it's a much better year. There have been many questions...Patty mentioned that the current drug traffic problem shouldn't be the portal for the police to deal with, which she completely agrees since it wasn't with her Airbnb issue, yet Patty called the police on her for leaning a fence on her property. There are many things she has an issue with and she understands the Airbnb issue will be discussed in committee next week. She feels the statements are unfair and she has been there to meet and greet every guest that have come in within two years, except for three. She told council to look her up online at Lakeside Getaway and Lakeside Getaway II, which are her two units that are online. She said it's been a wonderful venture and she is ecstatic that it has been far better than renting yearly like she had for 14 years. She said it's unfair that Patty is pointing out that there was a drug issue; yes, there was, but he left the property, but it had nothing to do with Airbnb.

S. Herron conveyed this matter will be on for further discussion in committee on February 11. He said they will address regulations and encourage everyone to come in and ask questions. K. Wooten said she has been paying all her taxes and is not behind, so she is onboard with all of that. She has always been a rental and she is not trying to skirt that issue in any way; she's upfront and doesn't want to cheat anyone out of anything - certainly not the city that she loves living in. J. Gabriel informed her the legislation as proposed is for everybody across the city, so it will be as level as it can be; it's one page and he thinks she will find it agreeable. It says you'll have to get a permit in the future and if a behavior becomes a nuisance to the neighbors, then the permit could be revoked. He told K. Wooten that the legislation wasn't written specifically for her. He encouraged her to come to the committee meeting to add to this conversation. K. Wooten said this issue has to do with way before Airbnb; this has nothing to do with Airbnb - it's just being used as "their" in. There has been issues for the last 14 years. She said it's a shame that neighbors treat each other this way in the United States; divided we fall.

Reading of the Ordinances:

Third Reading - Ordinance 2019-3: AN ORDINANCE ESTABLISHING FUND 510 'MASTER SIDEWALK PROGRAM FUND' AND DECLARING AN EMERGENCY.

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

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Second Reading – Ordinance 2019-5: AN ORDINANCE ENACTING NEW CHAPTER 873 ENTITLED "TRANSIENT ACCOMMODATION, ROOMING OR BOARDING HOUSES" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY. (Referred to Finance Committee of February 11, 2019)

Second Reading – Ordinance 2019-6: AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019, AND DECLARING AN EMERGENCY. (Referred to Finance Committee of February 11, 2019)

Second Reading – Ordinance 2019-7: AN ORDINANCE TO AMEND CHAPTER 886 ENTITLED "HOTEL/MOTEL LODGING EXCISE TAX" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY. (Referred to Finance Committee of February 11, 2019)

First Reading – Ordinance 2019-12: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2019 ENERGIZED COMMUNITY GRANT(S) FUNDS AND DECLARING AN EMERGENCY.

Third Reading – Resolution 2019R-2: A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING CONCRETE SIDEWALKS FOR THE 2019/2020 SIDEWALK PROGRAM AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; B. Holmes seconded to adopt this ordinance as amended and by emergency. Discussion: J. Gabriel said he is for the sidewalk program but worries they are not being level about it. He said properties that are similar that you only have to put a sidewalk down on flat land is one thing, but there are properties in this stretch where they are going to have stormwater issues; there are culverts they will need to address and that's a different cost entirely, so he asked Councilman Loucka and the rest of Council to consider adding an additional year or possibly longer to the folks who have a condition where they will have to enclose a ditch because of the additional expense, and will require additional contract services. He didn't want to rush into this and put those folks in a big disadvantage, especially the costs will be bigger for them. S. Herron said this did cross his mind because he thinks this will be an expense. This has been a law since 1961 that the property owner is responsible for that, but he agrees it will cost more for some property owners. He said they could table it to committee if council desired. F. Loucka said they have talked about this matter in committee, so he would suggest amending the ordinance to add another year by making the deadline June 1, 2021. Mayor Forthofer said the administration thinks this is a good idea and the drainage concerns will always be an issue but changing the deadline to 2021 is a good idea, so they can figure these issues out along the way. The members of council agreed to making their motion as amended to June 1, 2021. M. Stark said she will be voting no on this ordinance as she was in complete disagreement of pulling the car wash off. If they are going to make all the businesses along Liberty put in sidewalks; just because one person came in and wasn't happy they took this business off. She said they have emails from the mayor about wanting to possibly extend a sidewalk program farther east, and if they're going to be doing this in the future, then why are they going to tell one business that they don't have to do it, but yet they're going to take it further down the road and ask all the businesses to do this. She doesn't agree that one business doesn't have to do it, but everybody else does. F. Loucka said the city engineer is working with ODOT to see what the requirements are for the city to put a sidewalk across the bridge, so when that gets worked out then the sidewalk will continue at the Car Wash and the lot, and the sidewalk program can proceed. Right now, that's an obstacle the city engineer is working on with ODOT. He said this will be an ongoing follow up regarding the bridge because a lot of people are walking there and there is no official designated safe barrier, and once they find out what ODOT requires the city needs to proceed. He agrees with M. Stark, but they must start somewhere. M. Stark said there is a buffer with the empty lot that is by the Car Wash, so it's not going right up to the bridge. So, if they ask the Car Wash to put the sidewalks on their property, then it doesn't take them directly to the bridge to drop you off in nowhere. It still ends into a dirt lot that is not a welcoming thing to let people walk on the bridge. She totally supports the program, but firmly disagrees in allowing one business to not have to do it and therefore she is voting no. Roll Call Vote 5 YEAS; 1 NAY (Stark). **MOTION CARRIED.**

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Announcement of Meeting Dates

Steve Herron

- February 11, 2019 – Vermilion City Council Committee Meetings (All) – 7pm
- February 18, 2019 – President's Day – City Offices Closed
- February 25, 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