

# RECORD OF PROCEEDINGS

Minutes of \_\_\_\_\_

Minutes of the Vermilion City Council Meeting

Meeting \_\_\_\_\_

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, January 22, 2018

Held

*Videos and minutes of council meetings are available to the public to view online at [www.vermillion.net](http://www.vermillion.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; Tony Valerius, Service Director; Margaret O'Bryon, Prosecutor; Chris Howard, City Engineer.

**CALL TO ORDER:**

Steve Herron, Council President called the Monday, January 22, 2018, 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:**

**S. Holovacs MOVED:** F. Loucka seconded to approve the meeting minutes of January 2 & 11, 2018. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**PRESIDENT OF COUNCIL'S REPORT:**

S. Herron noted the traffic lights by Dominoes and the three-way intersection by West River are not working and asked the citizens to be careful.

**COMMITTEE REPORTS:**

**Historic Design & Review Board:**

J. Gabriel reported on the meeting held January 3. The next meeting has been scheduled for February 7, 2018 at 6:30 pm.

**Planning Commission:**

J. Gabriel reported on the meeting held January 3. The next meeting has been scheduled for February 7, 2018 at 7:00 pm.

**Streets, Buildings and Grounds Committee:**

F. Loucka reported on the meeting held January 8. The next meeting has been scheduled for February 5, 2018 at 7:00 pm.

**Port Authority:**

The next meeting has been scheduled for March 8, 2018 at 6:30 pm.

**Utilities Committee:**

S. Holovacs reported on the meeting held January 8. The next meeting is scheduled for February 5, 2018 at 7:00 pm.

**Contractors Registration Board of Examiners:**

S. Holovacs reported the next meeting is scheduled for January 23, 2018 at 6:00 pm.

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## Finance Committee:

B. Holmes reported on the meeting held January 8. The next meeting is scheduled for February 26, 2018 at 7:00 pm.

## Parks & Recreation:

B. Holmes reported on the meeting held January 16. The next meeting is scheduled for February 20, 2018 at 7:00 pm.

## Stormwater Advisory Committee:

S. Herron reported the next meeting is scheduled for February 5, 2018 at 6:00 pm.

## Tree Commission:

S. Herron reported the next meeting is scheduled for February 14, 2018 at 9:30 am at Ritter Public Library.

## Legislative Committee:

M. Stark reported on the meeting held January 8. The next meeting is scheduled for February 5, 2018 at 7:00 pm.

## Vermillion Community Services Board:

M. Stark reported they met on November 17 and she will report at the next meeting on those minutes.

## Health & Safety Committee:

B. Brady reported on the meeting held January 8. The next meeting is scheduled for February 5, 2018 at 7:00 pm.

## Board of Zoning Appeals:

B. Brady reported the next meeting is scheduled for January 23, 2018 at 7:00 pm.

## MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer reported the City has been awarded the Ohio Public Works Commission grant for Hollyview Drive (from Sanford to Forestview) in the amount of \$412,000, and the Adams Street Water Main Replacement in the amount of \$175,000. He understands the streets budget is pretty well shot for this year. However, these grants are good for one year from the date of issue and the city hasn't received the formal paperwork yet, which they expect it will arrive in June, so it means it wouldn't be until next June when something would need to happen. Therefore, if in 2019, the Streets Committee decides they want to supplement the grant for Hollyview, they could do this and still would make it under the wire.

Secondly, he thanked Superintendent Phil Pempin for helping with the smooth process of securing a finance director since he alerted him to the fact that Amy Hendricks was available. He reported that Amy will start on February 1. He asked former finance director Larry Rush to step in and assure they don't face any unexpected surprises.

He reported the City Engineer's contract has been signed and council was provided with a copy. Chris Howard has seamlessly integrated in the city operations.

He asked council and the residents to remember that during sub-zero weather; though they all may be inconvenienced by a boil alert, to remember there are distribution crews that roll out of a warm bed and slush around in water in below freezing temperatures to get the city back on track. Also, snow plows spend the night clearing streets and still report for work at the usual time the next morning.

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He reported he has a seat on the board of the Erie County Economic Development Corporation. This is successful private non-profit organization that aids businesses in Erie County. He has attended their meetings and what they bring to Erie County is remarkable, so he will make sure Vermillion's interests are represented on this board.

The first meeting of the committee to develop the Main Street beach area, including reducing the old museum structure met two weeks ago. The committee reports to the Parks Board and he is participating on the committee because he feels it is a critical step of general interest to the whole community, and noted that Councilman Loucka also serves on the committee.

He reminded the public that the Ice-A-Fair is scheduled for February 3 and several downtown merchants say this is the busiest day of the year, and they feel it is bigger than Whollybear and Third Thursday.

S. Herron remarked that it was great news on the grants? B. Brady asked if these are matching grants (80/20). Mayor Forthofer said it's a straight \$412,000, but if it costs more, than they can roll it into next year's budget to get this project done. B. Brady asked if the OPWC assigns the engineer on this project and Mayor Forthofer said it will go out to bid by the City. B. Brady said they also need to keep in mind they have to set aside the engineering for this project and asked the engineer to provide an estimate. Mayor Forthofer said they came up with the estimated engineering costs some time ago for this section of Hollyview. M. Stark asked if the project needs to be started or completed by June 1 and Mayor Forthofer said the city needs to start the project by then.

M. Stark asked if city council has any say on the museum property. Mayor Forthofer said at such time city money is spent, it will need to come before council. He feels there will be very little of the Parks budget used as it will come mostly from donations and grants.

## SERVICE DIRECTOR'S REPORT:

T. Valerius reported that on January 23, the mast arms for the traffic signal installation project will be delivered, and the contractor will start erecting them on Wednesday.

He reported that Mosser Construction has provided sufficient evidence to Norfolk Southern Railroad of obtaining Builder's Risk Insurance for the Highbridge Road Bridge Project. They are currently in the process of coordinating with the railroad to provide flaggers, so they can begin clearing trees at the site.

Since the weather has been cooperating lately, the street department has been out filling potholes with cold patch and they will also be making repairs to any areas that may have been turfed by the snowplow.

Lastly, he directed council to Ordinance 2018-12, which is an addendum to the Memorandum of Agreement with Erie Soil & Water Conservation District to provide for an intern this summer. He asked council to suspend the rules and adopt this ordinance by emergency. S. Herron asked what the intern will do and T. Valerius said per the NPDES permit they have to go around to every outfall in the city and do a dry weather inspection. To clarify, the total is \$2,000 additional to the \$10,000 for the year 2018.

S. Holovacs addressed issues relative to bulk garbage pickup as a lot of the residents followed what the notice said on the water bill about bulk pickup being on January 10, when it actually was January 3. Therefore, some residents put their bulk trash out on January 10. He noted he asked the clerk to find out what actually happened and in the process he found out about the letter that was given to residents who didn't pick their garbage back up from the curb. He said 50% of this issue falls on the administration because they had mixed signals with the residents and the other 50% falls on the residents because once their garbage didn't get pick up on the 10<sup>th</sup> then they should have realized it and brought the garbage back to their house. However, to send out a letter to the residents giving them from January 17 to January 22 to remove the garbage or they will be fined, seemed a little stiff. He said when he was notified about the letter this is why he requested the clerk to obtain a copy. He thinks they should be a little softer with the residents. He said if a person has been evicted and the garbage is on the curb for three weeks then this is a different issue. He said this was mixed communications from what was on the water bill to what actually happened and he hopes the holiday schedule will be posted to the rest of the building so residents will see it. G. Fisher noted she submitted the holiday schedule and bulk pickup dates to the city website administrator once she received a copy of it. B. Brady said apparently Anne Maiden called

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Republic and they told her January 10, so there is some responsibility on Waste Management and questioned why they weren't willing to bring another truck around to pick up the bulk trash when they gave out the wrong information. G. Fisher clarified the Utilities Clerk contacted the Call Center to confirm the bulk pickup date and she was told it was January 10. T. Valerius said the confusion came from the holiday falling on Monday. B. Brady said they just need to make it right to the residents.

F. Loucka asked if the icebreaker was working because the ice is jammed and the river stopped moving.

**CITY ENGINEER'S REPORT:**

C. Howard asked council to consider passing Ordinance 2018-8 (Change Order #3 for Abraham Miller for the Main Street Water Main Improvements) so the contractor can receive final payment. Secondly, he asked council to pass Ordinance 2018-11 which is the consent agreement to give ODOT approval to perform guardrail upgrades on Route 6 over Edson Creek. He noted there is no cost to the city.

S. Holovacs commented that he had no problem with approving the change order for Abraham Miller as the contractor needs to be paid.

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

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

**NEW BUSINESS:**

**F. Loucka MOVED;** S. Holovacs seconded to appoint Gwen Fisher, Certified Municipal Clerk, as Council's designee in attending the Certified Public Records Training on March 7, 2018, in Tallmadge, Ohio, pursuant to Ohio Revised Code Section 109.43(B); attendance to a three-hour mandatory training is required by the elected official or by their designee. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**READING OF ORDINANCES:**

**Third Reading – Ordinance 2017-64:** AN ORDINANCE ACCEPTING AND APPROVING THE RE-SUBDIVISION PLAT OF SUBLOTS 14, 15 AND 16 IN TERRACE BEACH ALLOTMENT, PLAT VOLUME 10, PAGE 26 OF LORAIN COUNTY PLAT RECORDS, FOR RECORDING PURPOSES ONLY AND DECLARING AN EMERGENCY.

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

**First Reading – Ordinance 2018-7:** AN ORDINANCE ACCEPTING AND APPROVING THE RESUBDIVISION PLAT OF ELBERTA BEACH COMPANY'S ELBERTA BEACH SUBDIVISION NO. 1; SUBLLOT 1 AND PART OF SUBLLOT 2 FOR RECORDING PURPOSES, AND DECLARING AN EMERGENCY.

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

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

**First Reading – Ordinance 2018-8:** AN ORDINANCE AMENDING ORDINANCE NO. 2017-34 ADOPTED JULY 17, 2017, BY ADOPTING CHANGE ORDER NUMBER THREE WHICH IS AMENDATORY TO THE ORIGINAL CONTRACT WITH ABRAHAMMILLER EXCAVATING, LLC OF VERMILION, OHIO, FOR THE MAIN STREET GREEN INFRASTRUCTURE ENHANCEMENTS AND WATER MAIN IMPROVEMENTS AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE ADDITIONAL AMOUNT NOT TO EXCEED THIRTY FIVE THOUSAND FIVE HUNDRED THIRTY EIGHT DOLLARS AND TWENTY THREE CENTS (\$35,538.23), AND DECLARING AN EMERGENCY.

**B. Brady 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. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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First Reading – Ordinance 2018-10: AN ORDINANCE AMENDING CHAPTER 1268 ENTITLED "DISTRICTS GENERALLY AND ZONING MAP" AND SECTION 1268.02 ENTITLED "ZONING MAP" IN ORDER TO BRING CURRENT THE OFFICIAL ZONING MAP OF THE CITY OF VERMILION, OHIO AS PREPARED BY BRAMHALL ENGINEERING AND SURVEYING COMPANY.

S. Holovacs MOVED; F. Loucka seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

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

First Reading – Ordinance 2018-11: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PERFORM GUARDRAIL UPGRADES ON US ROUTE 6 OVER EDSON CREEK IN THE CITY OF VERMILION IN ERIE COUNTY, OHIO, AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; M. Stark seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

F. Loucka MOVED; S. Herron seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Ordinance 2018-12: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO AN ADDENDUM TO MEMORANDUM OF AGREEMENT WITH THE ERIE SOIL & WATER CONSERVATION DISTRICT FOR THE ERIE COUNTY NPDES PHASE II PROGRAM, AND DECLARING AN EMERGENCY.

B. Brady MOVED; B. Holmes seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Holovacs MOVED; F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Resolution 2018R-1: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ACCEPT THE TERMS AND CONDITIONS OF A CERTAIN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES RELATIVE TO THE ALLOCATION OF FUNDS FOR THE MAINTENANCE OF A MARINE PATROL AND DECLARING AN EMERGENCY.

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

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

ANNOUNCEMENT of Meeting Dates

Steve Herron

Note: As amended per President of Council on January 23, 2018:

- Monday, January 29, 2018 – No Meeting
Monday, February 5, 2018 – Stormwater Advisory Meeting @ 6pm; Vermilion City Council Committee Meetings @ 7pm
Monday, February 10, 2018 – Vermilion City Council Goal Setting Meeting @ 9:30a-12:30p (Ritter Library – Lower Mtg. Room)
Monday, February 12, 2018 – Vermilion City Council Meeting @ 7pm
Monday, February 19, 2018 – President's Day – City Offices Closed
Monday, February 26, 2018 – Vermilion City Council Public Hearing & Special Finance Work Session (w/possibility of regular Council meeting if needed) @ 7pm

B. Brady noted they are having committee meetings on one night and wondered if they could start splitting up the committee meetings in two nights. S. Herron said he thought about considering this in March, but will determine the meeting schedule if certain committees have topics that are long.

ADJOURNMENT:

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

Gwen Fisher
Certified Municipal Clerk