

Minutes of the Vermilion City Council Meeting

Monday, June 18, 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; John Gabriel, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; G. Fisher, Certified Municipal Clerk. Excused: Brian Holmes, Ward Five

Administrative Staff: Jim Forthofer, Mayor; Amy Hendricks, Finance Director; Chris Howard, City Engineer

CALL TO ORDER:

Steve Herron, President of Council called the Monday, June 18, 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. Holovacs MOVED; F. Loucka seconded to approve the minutes of the June 4, 2018 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

Steve Herron read an email that City Council received from the Council Clerk on June 15, 2018, regarding a phone call she received asking her to relay the following to City Council to be addressed at this meeting:

Council,

I received a phone call from Jim Machkoff relative to an extensive list of concerns that I listed below that he would like council to address publically at next week's council meeting to the administration, as he would like to see it documented in the minutes and what course of action will be taken.

He stated he contacted Anne Maiden a while ago regarding at least 20 street lights that are out on Liberty Avenue and about 50 in total are out throughout the city. She told him she would handle it and nothing still has been done to address this.

Secondly, they have only mowed around the pump station property across from his property one time and all other pump stations haven't been touched either. Why has it not been a priority to get the city mowing done, whether it's using city crews or contracted individuals?

The durapatcher has been out a lot and the loose gravel has not even been attempted to be picked up, especially on Liberty Avenue. He's afraid that a motorcycle or bike will crash and somebody will get killed or seriously hurt. He said the street sweeper hasn't even been down on Nautical or the hill. Is the street sweeper down?

He talked to the building inspector about junk boats and trailers at Key Harbour and three weeks ago they were told to remove them and nothing still has been done and now it's worse than ever. Will action be enforced to get these removed?

He wanted it stated that the mayor is never in his office and nothing is getting addressed, so if he doesn't want to do his job than he should vacate the position.

PRESIDENT OF COUNCIL'S REPORT: No report.

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COMMITTEE REPORTS:

Historic Design & Review Board:

J. Gabriel reported on the meeting held June 6. The next meeting has been scheduled for July 10, 2018 at 6:00 pm.

Planning Commission:

J. Gabriel reported on the meeting held June 6. The next meeting has been scheduled for July 10, 2018 at 7:00 pm.

Streets, Buildings and Grounds Committee:

F. Loucka reported the next meeting has been scheduled for June 25, 2018 at 6:30 pm at the Service Center on Devon Drive.

Port Authority:

F. Loucka reported the next meeting has been scheduled for July 12, 2018 at 6:30 pm.

Utilities Committee:

S. Holovacs reported the next meeting has been scheduled for July 16, 2018 at 7:00 pm.

Contractors Registration Board of Examiners:

S. Holovacs reported the next meeting has been scheduled for June 26, 2018 at 6:00 pm.

Finance Committee:

The next meeting has been scheduled for July 16, 2018 at 7:00 pm.

Parks & Recreation:

The next meeting has been scheduled for June 19, 2018 at 7:00 pm.

Tree Commission:

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

Legislative Committee:

M. Stark reported on the meeting held June 11. The next meeting has been scheduled for July 16, 2018 at 7:00 pm.

Vermilion Community Services Board:

M. Stark reported the next meeting has been scheduled for July 18, 2018 at 6:30 pm at Ritter Public Library.

Health & Safety Committee:

B. Brady reported on the meeting held June 11. The next meeting has been scheduled for July 16, 2018 at 7:00 pm.

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Board of Zoning Appeals:

B. Brady reported the next meeting has been scheduled for June 26, 2018 at 7:00 pm.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer thanked the Chamber of Commerce, Merchant Donors, and Safety Departments for a well-run Fish Festival, and perfectly executed Fireworks.

He reported the Joint Health Care Committee met Wednesday and the Finance Director presented the city's finances in health care cost increases. The union and administrative representatives raised questions regarding what can be done to help reverse the health care increase trend. A discussion gravitated to the type of coverage the city has; what other cities have and what provider options may be available to the city. He believed the committee is achieving its desired purpose of mutual awareness of health care issues; both on the union and administrative side.

The Fire House Committee met Thursday and five applicants for criteria architect were distributed for review and ranked by the committee members. They will reconvene with their rankings on June 21. Chief Stempowski submitted the Vermilion Fire Department's wish list for the new Fire House and the Finance Director submitted some possible financial options for funding.

Pursuant to development on Liberty Avenue, people have been asking him about the property across from the Vermilion Boat Club. The old Sunoco station property was purchased and will be a Shell Gas Station. He was given a tour of the gas station by the new owner and he is planning to have gas pumps, food service and a walk-in cooler inside the building, a brick courtyard with tables at the back of the building, as well as an electric vehicle recharging station. The owner is appearing before the Planning Commission in July.

Mayor Forthofer said on another subject of economic development, a business is considering moving to Vermilion which could possibly be a new build. The prospective builder is also looking in another community and he has attended meetings with the Lorain County Community Development Director, and they will meet with the prospective owner on Wednesday to make it worth the owner's wild to choose Vermilion over the other communities. He will get back to Council with forthcoming details.

He said he has also been approached by a lot of people pertaining to the experience they have had regarding the timing of the new traffic lights on Liberty Avenue. There is good timing on the lights east to west. He has traveled on Liberty from Main Street to Giant Eagle at the speed limit and did not need to stop for a light. However, the north and south timing is different at the Liberty Avenue intersections. On July 29, the Service Director, K.E. McCartney, and ODOT will be meeting to review the timing of the traffic lights; particularly at the north/south intersections.

SERVICE DIRECTOR'S REPORT: Not present.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported on Friday that City Council received a copy of the April 30 financial reports. They are currently working on the May financials to have them distributed by month end, and will provide preliminary balances for all of the Utilities' funds for review. She told council not to hesitate in contacting her with any questions as they can discuss them at the July 16 finance committee meeting.

Another item received by City Council was the 2019 Tax Budget, which is on the agenda for a first reading. This document is submitted to the County Budget Commission as evidence of the taxes that are assessed and collected through the County. There will be Public Hearing on the Tax Budget on July 16 at 7:00 pm.

She stated she has been involved with the Health Care Insurance Committee and the Fire House Committee and has provided them both with data, as well as working on the Debt Restructuring Project.

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S. Herron said he was contacted by a citizen concerned about the Tax Budget about possibly moving money from parks to the general fund. He asked if this issue will be discussed at the public hearing on the Tax Budget or pursuant to Ordinance 2018-33 concerning an amendment to the 2018 appropriations. A. Hendricks said there is a first reading of the Tax Budget, but Ordinance 2018-33 is the current year's appropriations that are in place. The modifications include minimal items related to the pool donations, the change in the ODNR funding for the watercraft safety boat, and another special revenue fund. There is nothing in this ordinance that affects direct parks operating funds.

J. Gabriel said he noticed the water funds are getting slightly healthier; assuming it's because of the big leaks that are being fixed. He is aware there are fire hydrants that will be fixed, but this is an encouraging and hopeful sign.

CITY ENGINEER'S REPORT:

C. Howard reported the City received notice from Norfolk Southern Railroad that Vermilion Road will be closed from June 20 – June 25, so repairs can be made at the crossing. Traffic will be detoured to Sunnyside and Jerusalem Road during the closure.

He reported there was a leak yesterday at the water tower stem and city crews repaired it. They are getting the plans together to go out to bid, but the plans can't be done until the pressure reducer valve is purchased and installed.

S. Herron said whenever a railroad crossing is repaired this is the railroad that does the repair and they decide when a road is closed, so the blame falls on the railroad for this situation. C. Howard said the city received notice on Friday and you can't argue with the railroad.

LAW DIRECTOR'S REPORT:

K. Stumphauzer said his firm has been requested to review two ordinances regarding laterals and food trucks and their comments will be submitted to Council by the end of this week via email.

Secondly, he advised Councilman Loucka that he would like to speak with him at the conclusion of the meeting regarding a matter that was brought to his attention involving the Port Authority.

OPEN TO THE AUDIENCE:

Thomas Chufar of 4373 Edgewater Drive asked the clerk if she received an email dated June 2, 2018 from him and the clerk didn't recollect the particular email he was referring to. Therefore, he provided a copy of the email to Barb Brady who confirmed that Council did receive this particular email from the clerk.

T. Chufar said the email was in regards to a letter that he received from a neighbor down the road which ties together with attachments sent to Council, the Mayor, and the Law Director. He received a letter from a resident stating for fact that with knowledge property that does not belong to somebody, is being said in fact by the city that it belongs to them. This allowed a cause of action to happen that was an illegal dumping. He can no longer get a garbage truck and go dump on somebody's property; nor would that be allowed, unless it's on his property and he had a proper permit to do it. Nor can he go onto somebody's property and do work unless he had their permission and then a permit. He had something happen and unfortunately he did have to call the Vermilion Police Department to have them come out and they did a great job. He gave them great kudos and said he spoke to the Chief about it and they reviewed the video of it. They did a great job; other than holding the law. He said you cannot do something illegal and not be fined, punished, and ticketed for it. He doesn't know why it didn't happen. He would like an explanation as to how the city knows this property belongs to these people; yet still actually belongs to what they call the Elberta Beach Homeowner's Association; which is incorrect. It's actually a trusteeship. He has this deed as well. He has pulled all the deeds on all this information; houses, the beach, and the park. It's not just a beach; it's a park, and the walkway down is a pathway. Huron Lane is not a road; it's not a dedicated road, it is a pathway as such; 20.06 feet wide. He said a sign was erected this past week claiming city property. City property; is that what that is? Is that really city property? He can't get an answer about it. He is very thankful that there was recognition that it's unsafe because the person that

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did that work previous without a permit; that he was supposed to have gotten from ODNR, which never did get or speak to. These are all problems and Vermilion did this. He said that he and his wife traveled from Maine through Texas to find a home. "I don't do this stuff at my house, but you guys allow this?" It's no problem putting a 'For Sale' sign up. Some people may cheer that, but if that happens, it will be bitter. This kind of stuff is uncalled for. Small Town USA – great place to drop Anchor? "I think something else got dropped and it stinks; it stinks to high heavens, stated Chufar. That's not something to be proud of and he doesn't understand how this could be allowed to happen. He even told the gentleman who was doing the work; don't do it, but do it the right way. He says you do something wrong and then you tell a lie, and then you get in more trouble. That's the way life works. God doesn't want us to do that but if they're going to operate that way, woe to the people that do and woe to those who allow it. Wake up! He thanked council for recognizing that they saw the email. He said he would love to get an explanation. His phone and email is available and he would love to sit down in a meeting and have a chat about it, of which he did try. He said he would love to find out about the sign and what's going on with that. Anybody that can give explanations to these things, please do.

Paul Strama of 4550 Newbury Drive provided council with pictures and a description of a side by side buggy showing engine specifications and the weight. He showed council three pictures of different Go Kart styles. He said the city allows golf carts on city streets which he loves. The golf carts can't go past Salem Drive to get to Giant Eagle, so they will travel down Salem to Newbury where he lives and they are always festive and wave. He said it's fun seeing the golf carts in town by the beach. He has a side by side buggy that is a one cylinder 150 cc vehicle. They have a lower center of gravity as they are on a wider platform. They have a complete steel roll cage around them and they are safe. They have the same speeds and with a golf cart you just have a single seatbelt, but with these you actually have a harness. He would like to see these utility vehicles added to the wording of the ordinance. He talked with the Chief who was all for it, but he advised the title has to say 'Golf Carts' and these are 'Go Carts' or side by side buggies. They are nice little utility vehicles and they can haul four people with a carrying compartment in the back. His is a two-seater that will carry two adults and it does about 30 mph. S. Herron asked what the specific name is of this vehicle. P. Strama said it's either a side by side, a two-seater or four-seater side by side, or a Go Cart is what the manufacturer lists it as. He said you can get a four-seater side by side for about \$2,000 - \$3,000 and a decent golf cart runs around \$7,500. You still are required to have the windshield and eye protection. They have turn signals, speedometers, horns, etc. S. Herron referred this issue to the July 16, Legislative Committee meeting for discussion.

READING OF ORDINANCES:

Third Reading – Ordinance 2018-33: AN ORDINANCE AMENDING ORDINANCE 2018-15 ADOPTED MARCH 19, 2018, TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO, AND DECLARING AN EMERGENCY.

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

Third Reading – Ordinance 2018-34: AN ORDINANCE AMENDING CHAPTER 860 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION ENTITLED "PEDDLERS, CANVASSERS, AND SOLICITORS," AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; J. Gabriel seconded to adopt this ordinance by emergency. Discussion: J. Gabriel wanted the public to know that this ordinance has been cut down to a 'Do Not Call List' and some basic registration, and he thinks it's the best way to go about it and is pleased how this turned out. He thanked the legal staff for their advice. S. Herron feels the ordinance modernizes everything and puts it in line with case law and keeps the city from being sued. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Third Reading – Ordinance 2018-35: AN ORDINANCE AMENDING ORDINANCE 2015-7 ADOPTED FEBRUARY 23, 2018, BY AUTHORIZING ANY AND ALL ENGINEERING FIRMS TO PERFORM ENGINEERING AND BIDDING SERVICES RELATED TO PROJECTS WITHIN THE CITY OF VERMILION, OHIO; AND TO AUTHORIZE THE ADMINISTRATION TO SEEK QUALIFICATIONS FOR CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES FOR SUCH PROJECTS; AND DECLARING AN EMERGENCY.

F. Loucka MOVED; B. Brady seconded to adopt this ordinance by emergency. Discussion: B. Brady explained this is a minor change but in the past council passed an ordinance so the design and inspection could not be done by the same engineering firm, so they gave the council the right to not do this; to use the same firm if they felt that it was the right thing to do. S. Holovacs clarified that if it's ODOT money, then whoever designs it, cannot be the

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construction manager, which is an ODOT rule. J. Gabriel clarified said it's a caveat that council can use for very small projects instead of going out for professional bidding, which can be costly and timely. F. Loucka said it's basically a logical safety valve. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2018-38: AN ORDINANCE AMENDING ORDINANCE 2018-4 ADOPTED JANUARY 2, 2018 TO REESTABLISH THE HOURLY RATES THAT THE LAW FIRM OF WALTER HAVERFIELD LLP MAY CHARGE FOR VARIOUS LEGAL SERVICES, AND DECLARING AN EMERGENCY.

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

B. Brady MOVED; F. Loucka seconded to adopt this ordinance by emergency. Discussion: S. Herron said council is basically going to the rate that was in effect until January 1, 2018. B. Brady said they are reinstating what was paid in the past. S. Holovacs said according to a motion in December of 2015, these rates were approved. However, it was missed under the new appointment of city officials because it was a motion and never made part of the ordinance as an amendment. Therefore, by keeping it within the ordinance it will not be missed in the future. It got overlooked because it was in motion form, so they are reinstating the fees previously approved. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2018-39: AN ORDINANCE TO OFFICIALLY SUPPLEMENT THE MINIMUM CONTRACTUAL SERVICES TO BE PERFORMED BY BRAMHALL ENGINEERING & SURVEYING COMPANY BY VIRTUE OF ORDINANCE 2018-5 ADOPTED JANUARY 2, 2018, BY AUTHORIZING PROFESSIONAL ENGINEERING AND SURVEYING SERVICES RELATED TO THE VERMILION ROAD REHABILITATION PHASE 2 PID 100432 PROJECT; PRESCRIBING THAT THE FIRM SHALL BE PAID FOR ADDITIONAL SERVICES IN ACCORDANCE WITH THE RATE SCHEDULE SET FORTH IN THE PROPOSAL DATED JUNE 8, 2018, IN A TOTAL AMOUNT NOT TO EXCEED SEVENTY SIX THOUSAND FOUR HUNDRED DOLLARS(\$76,400.00), AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-40: AN ORDINANCE AMENDING CHAPTER 1042.05 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "USE OF PUBLIC SEWERS", AND DECLARING AN EMERGENCY.

First Reading – Resolution 2018R-6: A RESOLUTION APPROVING THE 2019TAX BUDGET AND DECLARING AN EMERGENCY. (Public Hearing – July 16, 2018 @ 7:00 pm)

Announcement of Meeting Dates

June 25, 2018 – Sts., Buildings & Grounds Committee Meeting – Tour of City Service Center, 5335 Devon Drive – 6:30 p.m.

July 9, 2018 – Vermilion City Council Meeting – 7:00 p.m.

July 16, 2018 – Vermilion City Council Committee Meetings (All) – 7:00 p.m.

July 23, 2018 – Vermilion City Council Meeting – 7:00 p.m.

July 30, 2018 – No meeting

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