

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermillion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

Monday, June 4, 2018

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**Vermillion 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; Chris Howard, City Engineer

## CALL TO ORDER:

Steve Herron, President of Council called the Monday, June 4, 2018, Vermillion 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;** B. Holmes seconded to approve the minutes of the May 21, 2018 meeting. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

## CORRESPONDENCE:

G. Fisher read a letter dated June 1, 2018, that was submitted to the Rolling Meadows residents from Mayor Forthofer relative to the Mapleview Ditch Hearing that was scheduled for June 5, 2018. He informed the residents the hearing has been cancelled and it will not be rescheduled as cost increases have apparently made the project prohibitive within the current county budget. Petitioners will need to submit their petitions before the project can be reconsidered by the County Engineers. Residents were instructed to direct questions to the Lorain County Engineer's Office, 247 Hadaway Street, Elyria, Ohio 44035; (440) 329-5586. Per the letter, he stated this is short notice as he just received the information. He asked the residents to pass on this information to residents not on the south side of Rolling Meadows who planned on attending the hearing.

Secondly, G. Fisher read a letter addressed to Vermillion City Council which was dated May 22, 2018, and received by City Council on May 29, 2018 from Mayor Forthofer. Per the letter, he stated that he veto's Council Ordinances 2018-16 and 2018-17. As Mayor, he said he has the obligation to veto both legislations as a violation of the City Charter pertaining to the respective rights of Council and the Administration. He and the law director believe these ordinances violate Section IV-4 Duties and Powers of the Mayor item (a).

## PRESIDENT OF COUNCIL'S REPORT:

Steve Herron addressed Resolution 2018R-5 as it honors and recognizes John Hill for his service and contributions to the Vermillion Tree Commission and the community. He personally became involved with the Tree Commission in 2012 and there were a number of goals the Tree Commission had which included educating the community on the value of trees. To utilize Vermillion's tremendous volunteer force with respect to carrying for these trees and getting rid of the ones that are dangerous, and basically working together in making the community look very good, John Hill was very much involved in this. One of the other goals of a Tree Commission in the city is to qualify the city as a Tree City U.S.A. He had the pleasure last month of attending the Tree City U.S.A. meeting and Vermillion received its seventh award in a row. This is a great measure to John's efforts over the years even though he isn't on the Tree Commission now. He said John possessed leadership, knowledge, and a very kind tenacity when it came to doing his job and making sure the goals were met in the Tree Commission. The work of the Tree Commission with John's leadership resulted in a number of things as many dangerous trees have been removed. These were dead trees that had heavy limbs and trunks that were damaging the property around them and they were very dangerous to cars driving by and pedestrians. He said that John was

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instrumental in planting new trees in their place and many trees are getting quite large; they were small when the Tree Commission planted them. He has helped citizen's plant new trees and educating them on what would be a valuable tree on their own property. Many time citizens call the Tree Commission and have questions about what would be a good tree; what would be sturdy and appropriate for the environment. J. Hill has been instrumental in working with the city with the trees downtown. He has always been prepared with information about the budget and the needs of the Tree Commission, their status and what they do. He always picked up the phone to answer questions and has maintained a good relationship with the Department of Natural Resources in Ohio and he has a very good reputation.

Mayor Forthofer said J. Hill's energy alone helped bring them to an exemplary Tree Commission for a city our size. He only wished their streets and water mains could be tracked as well as the trees are in Vermilion. He said J. Hill has been generous of his time in helping his colleagues and recommending a good replacement on the Tree Commission. He thanked John Hill for everything he has done and said the city is better off.

Third Reading - Resolution 2018R-5: A RESOLUTION HONORING AND RECOGNIZING JOHN HILL FOR HIS SERVICE TO THE VERMILION TREE COMMISSION IN THE CITY OF VERMILION, OHIO.

F. Loucka MOVED: B. Holmes seconded to adopt Resolution 2018R-5. Roll Call Vote 7 YEAS. MOTION CARRIED.

## COMMITTEE REPORTS:

### Historic Design & Review Board:

The next meeting has been scheduled for June 6, 2018 at 6:00 pm.

### Planning Commission:

The next meeting has been scheduled for June 6, 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 p.m. at the Service Center on Devon Drive.

### Port Authority:

F. Loucka reported on the meeting held May 10. The next meeting has been scheduled for June 14, 2018 at 6:30 pm.

### Utilities Committee:

S. Holovacs reported the next meeting has been scheduled for June 11, 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:

B. Holmes reported the next meeting has been scheduled for June 11, 2018 at 7:00 pm.

### Parks & Recreation:

B. Holmes reported on the meeting held May 15. The next meeting has been scheduled for June 19, 2018 at 7:00 pm.

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**Stormwater Advisory Committee:**

S. Herron reported the next meeting has been scheduled for June 11, 2018 at 6:00 pm.

**Tree Commission:**

S. Herron reported the next meeting has been scheduled for June 13, 2018 at 7:00 pm at Ritter Public Library.

**Legislative Committee:**

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

**Board of Zoning Appeals:**

B. Brady reported on the meeting held May 22. The next meeting has been scheduled for June 26, 2018 at 7:00 pm.

**MAYOR/SAFETY DIRECTOR'S REPORT:**

Mayor Forthofer addressed the correspondence pertaining to the Mapleview Ditch and noted it was delivered to all the Rolling Meadows residents Friday afternoon.

Under the category of economic development, he noted that Councilwoman Brady recently reported that Ed's Equipment was approved by the Zoning Board of Appeals and the next step is to proceed on to the Planning Commission. He clarified the Consent Judgment will not be reviewed at the Planning Commission as it's separate. Also, under economic development, the Lorain County Economic Development Partnership meeting was held with a seminar on Zoom, which is a state-wide selection database; a multiple listing service for commercial properties. They were reviewed on the entry processes of getting businesses and properties into Zoom for the state-wide selection. He feels this holds real potential for their property owners and people who own buildings that should be for sale or may be for sale. As he learns more about this he hopes to get a list of the property owners/building owners to see if they know of this and if they don't, he will ask them if they want to participate in this to get them on the state-wide list. There are agents that go out around the country and overseas to push Ohio and drive them into this database. This is a way to make Vermilion look a little bit larger than it is as far as the economy.

He reported with regards to the Lakefront Connectivity Plan as he is in discussions with the Industrial Realty Group regarding proposed development of the site at Vermilion's east entrance.

He said if anyone missed the Memorial Day celebration they missed small town America at its best. A. Bartlett and the Veterans Council did a very colorful job. He reported last Friday the Vermilion Local School Field House was dedicated to the Veterans at the ceremony.

He said with regards to the Division Grand Parking Lot he consulted with Dana Corogin, Parks Director and Marilou Susko, Executive Director of Main Street Vermilion regarding signage and possible landscaping for the entrances. Main Street is researching appropriate signage and the Service Director has assigned the street crew to remove old metal pipes and islands. The crews have done a great job and the intention is to create a cleaner looking entrance with appropriate signage and more green space. He will take the proposal to the Historic Design and Review Board for their approval.

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He reported the ADA Kayak Launch Dedication was held on June 3 at the boat launch. The Port Authority arranged all of this and it's a valuable recreation waterway as it makes kayaking in Vermilion more accessible to all members of the community. He congratulated the Port Authority and Chairman Peter Corogin, and expressed a big thank you to the Lake Erie Electronics Corporation Grant Fund for donating the \$40,000 cost.

S. Herron thanked everyone involved with the ADA Kayak Launch. He complimented Mayor Forthofer on his constant effort to bring business and income investment to the city. He knows he attends a lot of meetings and he is keeping Vermilion's name out there. Lastly, he asked the Mayor to provide an updated budget for the Stormwater Meeting for June 11.

### SERVICE DIRECTOR'S REPORT:

T. Valerius said another great job was done by GE Contractor this year. They finished the crack sealing last week with a large portion of the work being dedicated to Liberty Avenue. They also sealed a section of Sunnyside Road and the worse areas on Edgewater Boulevard. The street department is also focusing their attention on Liberty Avenue and by the end of the week they will be finished durapatching it from one end of the city to the other. They will then begin to work on the side streets and in the neighborhoods. They have received several complaints regarding the condition of Highbridge Road. The heavy trucks bringing in the fill dirt for the bridge construction has been wreaking havoc on portions of the road. Mosser Construction has been doing a decent job of keeping it drivable for the citizens and on Thursday they will be digging out the worse sections of the street and will replace it with compacted asphalt grindings. He said they appreciated the citizen's patience during the construction period.

Lastly, he reported that hydrant flushing should wrap up in another week or so.

F. Loucka asked how the durapatcher is administered; are they taking a survey of the streets or is it complaint based. T. Valerius said if its complaint based they try to take care of it right away. He noted that Vermilion Road is in really bad shape which needs some attention, along with other portions of the city.

B. Brady asked the status of the mowing and T. Valerius said the mowers are up and running and they have spare parts if something else happens. They are mowing every day. B. Brady asked if they will be trimming around hydrants and such and T. Valerius said yes.

M. Stark asked if the complaints on Highbridge are mostly south Highbridge and T. Valerius confirmed.

### CITY ENGINEER'S REPORT:

C. Howard reported on the status of the Highbridge Road Bridge and noted the contractor is working on the abutment wing walls on the south side along with backfilling. The contractors are waiting for Centurylink to relocate their poles. They are waiting for railroad approval and they are hoping this doesn't delay the project. He said he will present the Highbridge Road Bridge changes orders at the June 11 committee meetings.

### OPEN TO THE AUDIENCE:

Thomas Chufar of 4373 Edgewater Drive said the guys did a good job flushing hydrants, but he advised the city to know their performance; how many gallons did they run with water, what are their overtime hours, what are the costs of any repairs, and what fire hydrants need replaced. He advised the city to look at their costs and know what they are, and the efficiency of it. He said the city has been flushing for about a month, but during the flushing there are a lot of things they can do to get better performance out of the guys doing it. Do they do water quality tests at the same time? T. Valerius said no. T. Chufar said these are things the city should look at. He told the city to find curb boxes and missing valves in the area. There are a lot of good efficiency things they can do. He said water is not free; it's expensive.

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**NEW BUSINESS:**

S. Herron explained that according to the city charter when a Mayor chooses to exercise his or her right to veto an ordinance adopted by council, the next step is for council to reconsider or override the mayor's veto.

**S. Holovacs MOVED;** M. Stark seconded to override the Mayor's disapproval (Veto) of Ordinance 2018-16 relative to the Mayor's letter dated May 22, 2018. Discussion: J. Gabriel stated this is not typically the way he likes to do business, but he thinks it's important because it has a tremendous savings and involves qualifications. These are two pieces that are important to him. This issue got bigger than he would have chosen it to be, but at this point he will vote to save money. His vote is about financial savings and qualifications. M. Stark read the following: *Charter: SECTION V-1. General Provisions. A Department of Public Safety, a Department of Public Service, a Department of Finance, and a Department of Law are hereby established, and this Council shall provide by ordinance for their organization. The Council may establish by ordinance additional departments or divisions and, except for the Departments of Public Service, Public Safety, Finance, and Law, may abolish departments or divisions. With the exception of the Departments of Public Service, Finance, and Law, the Council may combine departments or divisions as it may deem necessary and may authorize one person to be the head of two or more of such departments or divisions.* She said this tells her that council does have the right to do this, so this is why her vote will be a yes. S. Herron said they are in a fundamental disagreement and everybody has had their opportunity to be heard and he appreciates everybody's civility and agrees with Councilman Gabriel that this is not an easy situation or way to do business that they would want as a habit or routine by council. Roll Call Vote 7 YEAS. **MOTION CARRIED.** (Ordinance 2018-16 stands as approved by council on May 21, 2018).

**S. Holovacs MOVED;** B. Brady seconded to override the Mayor's disapproval (Veto) of Ordinance 2018-17 relative to the Mayor's letter dated May 22, 2018. Discussion: F. Loucka said there are some legal grey areas in the Charter which is subject to a variety of interpretations. His suggestion is that they work together to make a Charter amendment to put it on the November ballot to make this issue clearer for the future. Roll Call Vote 7 YEAS. **MOTION CARRIED.** (Ordinance 2018-17 stands as approved by council on May 21, 2018).

**READING OF ORDINANCES:**

**Third Reading – Ordinance 2018-31:** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT ON BEHALF OF SAID CITY WITH THE TOWNSHIP OF BROWNHELM, LORAIN COUNTY, OHIO TO PROVIDE FIRE PROTECTION FOR THE PERIOD OF JULY 1, 2018 THROUGH JUNE 30, 2019 AND DECLARING AN EMERGENCY.

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

**Third Reading – Ordinance 2018-32:** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT FOR MANAGEMENT SERVICES FOR THE OPERATION AND MAINTENANCE OF THE CITY'S CEMETERIES.

**S. Holovacs MOVED;** B. Brady seconded to adopt this ordinance. Discussion: B. Brady said Riddles have done a great job of managing the cemetery and is thrilled the finance director is looking at the long-term contract and savings plan, so when the cemetery is full they will have some money to take care of it. It has come up in the past, but nobody made any movement. B. Holmes agreed they are doing a good job and recently he received some calls and thanked T. Valerius and his crew for doing some work there as well. It's an effort by the city and the Riddles. S. Herron agreed what a good job they are doing. It's an awesome service they have provided for the community for many years. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**Second 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.

**Second 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.

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Second 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.

Motion - Ordinance 2018-29:

S. Holovacs MOVED; B. Brady seconded to put Ordinance 2018-29 back on the agenda for a third reading. Roll Call Vote 7 YEAS. MOTION CARRIED.

Third Reading - Ordinance 2018-29: AN ORDINANCE AMENDING ORDINANCE 2018-4 AND ORDINANCE 2010-5 REESTABLISHING THE HOURLY RATES THAT THE LAW FIRM OF WALTER HAVERFIELD LLP OR ANY OTHER LAW FIRM MAY CHARGE FOR VARIOUS LEGAL SERVICES AND ESTABLISHING THE SALARY OF THE CITY OF VERMILION PROSECUTOR AND THE HOURLY COMPENSATION FOR THE ADMINISTRATIVE ASSISTANT/PARALEGAL TO THE PROSECUTOR, AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; B. Brady seconded to adopt this ordinance by emergency. Discussion: J. Gabriel appreciates what folks do in the city; he doesn't even really know the details of these jobs. He knows a generality of what they do, so it's very difficult for people to assess people's salaries who are not directly involved in their day to day operations, so they kind of take people's word. He stated he has tremendous respect for Mr. Stumphauzer and the service he provides, but to him it's a timing thing right now. If they can just get through this fiscal year and get their feet under them, then next year as part of their overall budget review they probably will see some savings with any luck through healthcare and bonds. There are many positive aspects as to what they are trying to accomplish and they have labor negotiations coming up as well. He said it's a no for him, but it's a no saying they can talk about this later, but just not today. B. Brady said it's awkward because they passed by ordinance the hourly rates earlier in the year, so it's odd they are readjusting this mid-stream. She agrees they need to wait for budget discussions in the following year and then they can address it. She said it's too bad this is all jumbled up together in one ordinance, so they have to vote yes or no on the whole ordinance, which is unfortunate. S. Herron said he certainly respects and understands what his fellow members of council are saying but the requested raise in the hourly rate of the law director is competitive with other communities. He said \$250 an hour is pretty standard; some communities have higher. He stated that Ken Stumphauzer has been a law director for many communities for many years and does an outstanding job. He himself has held the position of a prosecutor for municipalities and frankly the increase of pay to them was coming from the law director as he wasn't asking for more money from the city. He thinks the two prosecutors cover a couple different areas that come before the court. They are both very well thought of in the community and are both very dependable, and they do a good job, so in a fundamental disagreement with Councilwoman Brady, the fact that this is in one ordinance is actually a benefit because it puts everybody under the authority and accountability of the law director who is accountable to the mayor. Any issues any person in the community would have with the prosecutors go right to that chain of command and he thinks this ordinance reflects what the proper way to do things is. As far as the timing issue, he doesn't think they have to wait, so with respect he will be voting yes on this. Roll Call Vote 5 NAYS (Brady, Holovacs, Gabriel, Stark, Holmes) 2 YEAS (Loucka, Herron). MOTION FAILED.

- 18. Announcement of Meeting Dates Steve Herron
-June 11, 2018 - Stormwater Advisory Committee - 6:00 p.m.; Vermilion City Council Committee Meetings (All) - 7:00 p.m.
-June 18, 2018 - Vermilion City Council Meeting - 7:00 p.m.
-June 25, 2018 - Streets, Buildings & Grounds - Tour of City Service Center - 5335 Devon Drive, Vermilion, OH - 6:30 p.m.

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