

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, March 19, 2018

Held

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; Brian Holmes, Ward Five; G. Fisher, Certified Municipal Clerk

Administrative Staff: Jim Forthofer, Mayor; Ken Stumphauzer, Law Director; Amy Hendricks, Finance Director

CALL TO ORDER:

Steve Herron, Council President called the Monday, March 19, 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:

B. Brady MOVED; M. Stark seconded to approve the meeting minutes of March 5, 2018. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

G. Fisher read a letter into the record from Teresa Mosley which is attached hereto and incorporated herein as part of the official record of proceedings.

PRESIDENT OF COUNCIL'S REPORT:

S. Herron noted that Jamie Starcher, Ehowe Marine Trades School Representative was going to be in attendance to address council, but was unable to make it, so he will be invited to a future meeting.

COMMITTEE REPORTS:

Historic Design & Review Board:

J. Gabriel reported on the meeting held March 7. The next meeting has been scheduled for April 4, 2018 at 6:00 pm.

Planning Commission:

J. Gabriel reported on the meeting held March 7. The next meeting has been scheduled for April 4, 2018 at 7:00 pm.

Streets, Buildings and Grounds Committee:

F. Loucka reported the next meeting has been scheduled for March 26, 2018 at 7:00 pm.

Port Authority:

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

Utilities Committee:

S. Holovacs reported the next meeting has been scheduled for March 26, 2018 at 7:00 pm.

RECORD OF PROCEEDINGS

Minutes of _____

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held _____

[

[

[

RECORD OF PROCEEDINGS

Monday, March 19, 2018

Held

Contractors Registration Board of Examiners:

S. Holovacs reported the next meeting has been scheduled for March 27, 2018 at 6:00 pm.

Finance Committee:

B. Holmes reported on the meeting held March 12. The next meeting has been scheduled for April 9, 2018 at 7:00 pm.

Parks & Recreation:

B. Holmes reported the next meeting has been scheduled for March 20, 2018 at 7:00 pm.

Stormwater Advisory Committee:

S. Herron reported the next meeting has been scheduled for May 14, 2018 at 6:00 pm.

Tree Commission:

S. Herron reported on the meeting held January 10. The next meeting has been scheduled for April 11, 2018 at 9:30 am at Ritter Public Library.

Legislative Committee:

M. Stark reported on the meeting held March 12. The next meeting has been scheduled for April 9, 2018 at 7:00 pm.

Vermilion Community Services Board:

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

Health & Safety Committee:

B. Brady reported on the meeting held March 12. The next meeting has been scheduled for April 9, 2018 at 7:00 pm. B. Holmes commented that the Vermilion Fire Department has guys on the County Swift Water Team, and this Saturday the boats were out in the water and working, so the new boat ran fine and did a great job. He commended the Fire Department as the whole set-up was an envy of a lot of the other fire departments.

Board of Zoning Appeals:

B. Brady reported the next meeting is scheduled for March 27, 2018 at 7:00 pm.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer said in follow up to the February goal setting meeting, the first of the Service Department reports pertaining to water loss has been prepared by Service Director Tony Valerius who is presently attending the Ohio Building Officials Conference in Columbus. There's some difficulty with the report, which will be detailed later. The Service Director will be available to answer any questions pertaining to any of these reports, including the amount of man hours that are spent on water main breaks. He will address this at the Utilities Committee.

He recognized the finance director for her long hours put into the city's financials since she assumed her position on February 1. His hope is that once they carefully navigate this very tight year, they can all budget 2019 in a better position.

He said if council approves the 2018 budget he will send a letter to all employees regarding budget enforcement, which will go out tonight. All purchase orders of any kind must be supported by a budget

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermillion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

Monday, March 19, 2018

line and recommendations for additional spending must be accompanied by a recommended cost reduction, and anything else needs to be approved by him.

He said letters will be going out to union representatives inviting them to start meeting regarding the health care. As previously stated, the goal of the committee will be to understand the structure of the city's health care plan and to identify cost reduction opportunities. A member of Council is required to be on this committee, along with the finance director and himself. S. Herron said he would have a name of a council member to him tomorrow on whom he will appoint to this committee.

J. Forthofer asked Council to approve a Memorandum of Understanding with the Lorain County Board of Commissioners to implement an emergency notification system. The agreement will enable residents to subscribe to the text alert system for Lorain County regarding weather alerts, etc.

He asked Council to pass a Resolution to support Erie County in modeling Ottawa Counties Resolution, for the purpose of collection of taxes on units with as few as one bed. This is pursuant to the recommendation of the Erie Regional Planning Committee of which he is a member. The ordinance will reach the Air B&B's. The effort to do this was largely initiated by Sandusky and Huron because they have a lot of Air B&B's.

He announced he has been contacted by a business looking to relocate to Vermillion. A machinery dealer wants to build at Route 2 and Baumhart Road (southwest corner). They will operate a machinery showroom and renovation facility. Owner Ed Urbanick is currently in Cuyahoga Heights and they employ 10 people. They need a larger facility and they will need to hire more people. A 30,000 square foot building will have a lawn, landscaping, and a fountain out front. They want to be visible from Route 2 and this is why they are choosing this parcel of land. Their business is similar to a car dealership; they sell wood chipping equipment for forestry, municipalities, and industries. He seen this company in a trade magazine and they are leaders in their industry. Mr. Urbanick said he has been coming to Vermillion for years and loves Vermillion. He noted that Mr. Urbanick's architect has been in discussions with the building department and is receiving the maximum cooperation from Building Inspector Bill DiFucci. He will be entering the Boards and Commissions process beginning this month to apply for and receive the necessary approvals. Economic growth is essential for Vermillion's future and he encourages all Boards and Commissions members to give this their full attention in the support of a possible new neighbor. B. Holmes asked what the name of the business is and Mayor Forthofer stated "Ed's Machinery Company".

He asked Council to consider adjourning into Executive Session to discuss salaries.

B. Brady asked for verification that the bed tax is only on the Erie County side of Vermillion and Mayor Forthofer advised yes. She said they also need to be looking at extending it on the Lorain County side as well. J. Gabriel asked where the funds from the bed tax end up. Mayor Forthofer believed they return 2% to the city. M. Stark asked how the people will know they need to start reporting this. Mayor Forthofer said this will currently affect the people who already pay taxes on five beds or more. However, they will need to figure out how to get this out to others. B. Brady said they do have rental registration on the books, but M. Stark said they are not enforcing this. Mayor Forthofer said he told Erie County that Vermillion doesn't have the resources to go digging these people out.

SERVICE DIRECTOR'S REPORT: Not present

FINANCE DIRECTOR'S REPORT:

Amy Hendricks emphasized the budget represents a working document and they will continue to review both revenues and expenditures and they go forward, and they will discuss any changes that could be proposed. They will keep council informed on the status of the document as they go forward to make sure they are adhering to it. They have identified close to \$100,000 in open purchase orders that really are not viable at this point that they will be cancelling, which will free some funds for 2018.

She expressed her appreciation for the words by Council, but also expressed her appreciation for all the patience, professionalism and cooperation from Council, to the committees, and to the department heads throughout the city who have helped her get a grasp on some of the nuances that was going on with the

RECORD OF PROCEEDINGS

Monday, March 19, 2018

Held

City of Vermilion and everyone's willingness to do with what they could to work within their means and come up with suggestions. She said this was definitely a team effort.

She had previously reported the 2017 audit was scheduled to begin the week of April 30. She was contacted last week by Charles E. Harris asking if they could move the start date up to April 2. She could have said no, but she felt that even though it will be a bit more hectic, she also feels it's a quantum leap towards their transition into 2018. It gives them a heads up by a few weeks of any situations they may need to resolve and feels it could reap benefits in the end.

M. Stark said going back to the Mayor's report relative to the budget and approval of purchase orders; what is the approval process for purchase orders and does each department head have a budget they are given and work within. A. Hendricks said each department head has access to the budget and they can also inquire as to what their expenditures were last year or the current year as well. The final approval before being converted into a purchase order actually comes through her office and she will maintain this going forward. It's an educational process to her as well as she is trying to make sure they are following the guidelines. The software eventually will be capable of stopping a requisition if it exceeds the amount of budget available. It currently has been set on a warning, but once the actual figures are put into the software they will be stopped until they contact her or come up with a recommendation or other alternative.

S. Holovacs congratulated the finance director for all her hard work and asked if council can have quarterly budget reviews and A. Hendricks said absolutely. S. Holovacs said he also would like to see appropriation ordinances as they are needed instead of waiting till the end of the year to pass them.

S. Herron said with retrospective to the pool he would like to review this in a month and keep an eye out in case something is possible to make it happen.

CITY ENGINEER'S REPORT: Not present.

LAW DIRECTOR'S REPORT:

K. Stumphauzer said in view of the City's budget this year, he was going to present council with an ordinance that might have adjusted the prosecutor's compensation levels since they haven't had a raise in eight years. However, in view of the current status he prefers not to address this issue now. He would like to present a correct ordinance to Council because it provides for a different hourly rate for litigation and collective bargaining, which is confirmation of what it was last year.

Secondly, he said there were a number of questions posed regarding legislation relative to canvassers, peddlers, and solicitors which his department tried to address. However, if council wants a member of his firm to attend a committee meeting that researched every facet of this ordinance, he will have somebody in attendance. If council would rather address their questions in writing, then they can email them to his firm. G. Fisher said she emailed council's questions to a member of his firm and received an email today relative to those concerns. S. Herron said he would like a member of his firm available at the April 9 meeting.

S. Herron asked if it was possible for Attorney Susan Anderson to attend the Council meeting of either April 16 or 23 at 6:00 pm. for ethics training. K. Stumphauzer said he would check with her.

OPEN TO THE AUDIENCE:

David Terken of 1042 State Street addressed an opinion that was recently in the Vermilion Photojournal relative to the water/sewer department charges as he feels the city should stress this information to the paper. He told council he appreciated the work they were doing.

NEW BUSINESS:

M. Stark MOVED; S. Holovacs seconded to amend Ordinance 2018-14; Section 1080.08(a) from forty percent (40%) to fifty percent (50%). Roll Call Vote 7 YEAS. MOTION CARRIED.

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, March 19, 2018

Held

S. Herron MOVED; B. Holmes seconded to adjourn into executive session after the 'Reading of the Ordinances' to discuss compensation. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

S. Holovacs asked if they could appoint a council representative to be part of the design build for the Fire Station. Mayor Forthofer said he had intentions of asking someone from council. S. Herron said he would submit a name tomorrow.

F. Loucka said in light of the legal opinion from the law director could they refer Ordinance 2018-16 and 2018-17 back to the legislative agenda to interpret the exact meaning and language in the ordinance. It was noted the third reading of the ordinance can be tabled at the first meeting in April.

READING OF ORDINANCES:

Third Reading - Ordinance 2018-14 - AN ORDINANCE AMENDING CHAPTER 1080 ENTITLED "STORMWATER MANAGEMENT" AND SECTION 1080.08 (a) ENTITLED "DEPOSIT AND PROCEEDS OF COLLECTIONS" OF THE CODIFIED ORDINANCES OF VERMILION, OHIO, AND DECLARING AN EMERGENCY.

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

Third Reading - Ordinance 2018-15: AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY.

F. Loucka MOVED; M. Stark seconded to adopt this ordinance by emergency. Discussion: M. Stark said she appreciated all the hard work Amy Hendricks put into the budget. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Second Reading - Ordinance 2018-16: AN ORDINANCE REPEALING SECTION 260.02 ENTITLED "ADMINISTRATIVE CLERK OF BOARDS AND COMMISSIONS" OF CHAPTER 260 ENTITLED "BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES GENERALLY", OF THE VERMILION CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY. (Referred to Legislative meeting of April 9)

Second Reading - Ordinance 2018-17: AN ORDINANCE AMENDING SECTION 210.04 ENTITLED "CLERK OF COUNCIL" OF CHAPTER 210 ENTITLED "COUNCIL", OF THE VERMILION CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY. (Referred to Legislative meeting of April 9)

B. Brady thought the attorney from the law firm attending the committee on April 9 could answer any questions they have pertaining to the legal opinion.

Second Reading - Ordinance 2018-18: AN ORDINANCE DESIGNATING KEY BANK, FIFTH THIRD BANK, HUNTINGTON BANK, AND NORTHWEST BANK, ALL OF VERMILION, OHIO; AND MULTI BANK SECURITIES, INC., OF NEW YORK, NEW YORK, AS DEPOSITORIES OF THE INTERIM AND INACTIVE DEPOSITS OF THE CITY OF VERMILION, OHIO FROM THE PERIOD COMMENCING APRIL 1, 2018 AND CONTINUING TO AND INCLUDING APRIL 1, 2023, AND DECLARING AN EMERGENCY.

Second Reading - Ordinance 2018-19: AN ORDINANCE AMENDING EXHIBIT "A" OF CHAPTER 882 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION REGARDING MUNICIPAL INCOME TAX.

Second Reading - Ordinance 2018-20: AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE VERMILION CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

First Reading - Ordinance 2018-21: AN ORDINANCE AMENDING CHAPTER 1030.09 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "GRADES ON DEDICATED STREETS" AND DECLARING AN EMERGENCY.

First Reading - Ordinance 2018-22: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LORAIN COUNTY BOARD OF COMMISSIONERS TO IMPLEMENT AN EMERGENCY NOTIFICATION SYSTEM, AND DECLARING AN EMERGENCY.

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

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, March 19, 2018

Held

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

First Reading – Resolution 2018R-3: A RESOLUTION TO SUPPORT ERIE COUNTY IN MODELING OTTAWA COUNTY'S RESOLUTION #03-55, FOR THE PURPOSE OF COLLECTION OF TAXES ON UNITS WITH AS FEW AS ONE BED, INCLUDING UNITS IN VERMILION, OHIO, AND DECLARING AN EMERGENCY.

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

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

ANNOUNCEMENT OF MEETING DATES

Steve Herron

March 26, 2018 – Vermilion City Council Committee Meetings (Utilities & Streets, Buildings & Ground) – 7:00 p.m.

April 2, 2018 – Vermilion City Council Meeting – 7:00 p.m.

April 9, 2018 – Vermilion City Council Committee Meetings (Health & Safety; Legislative & Finance) – 7:00 p.m.

April 16, 2018 – Vermilion City Council Meeting – 7:00 p.m.

April 23, 2018 – Vermilion City Council Committee Meetings (Streets, Buildings & Grounds; Utilities) – 7:00 p.m.

ADJOURNMENT:

Upon the conclusion of executive session, no further business came before the body and Council President Steve Herron adjourned the Vermilion City Council meeting.

Gwen Fisher, Certified Municipal Clerk

Received in Council office
on May 19, 2018.
Muriel Fisher

Members of Council,

I am writing to inform you of a chain of events that preceded the provisional hire of Beth Williamson. I am deeply disturbed at what took place, and concerned for my own future with the City of Vermilion.

Prior to the return of Ms. Triana from maternity leave, Jason Watts (payroll clerk) and I were asked if Ms. Williamson could be used in our department on a permanent basis. We stated that no, there wasn't enough work to fill a day for her in either of our departments. We were told by Brian Keller to provide her with small tasks. We did so with filing, opening mail, making copies and some simple organizing.

When those tasks were completed, it was then Mr. Keller's decision to assign Ms. Williamson to the capital assets. He had ordered and received a report from Industrial Appraisal eight months earlier. No attempts were made to take any action with that information prior.

During this time, Jason brought to Brian's attention the issues with the ACA the City could face, and advised him that hours needed to be reduced by for several part-time employees. They were, for with the exception of Beth Williamson.

Later, Jason was called to a meeting with the administration. At that meeting were he, Eileen Bulan, Brian Keller, ^{and} Tony Valerius. Jason was given a 'last chance agreement' and told that he had to agree to the terms, or he would be terminated - right then and there. I know two of the conditions; one - he couldn't have any unauthorized absences and two - he had to report his daily tasks completed at work, hourly, for a

year. Jason had been working with his doctors on some health issues. While doing so, Brian was allowing him to make up the time after normal business hours. At no time was Jason told his behavior was unacceptable, nor were there ever any warnings issued to him.

I asked Jason to share a copy of the 'last chance agreement' for this letter. He said he would like to, but the agreement contains a statement that no one other than he, Eileen Bulan, Brian Keller, Tony Valerius, and Ken Stumphauer were to have any knowledge of it.

There are email references to it in Jason's email; providing proof of its existence.

I don't think the administration expected Jason to sign the agreement, but he did. It's my belief that they (the administration) expected to give Beth the position that day. I also believe that Beth was kept informed of these events by Tony-her brother.

Being put in the position he was, Jason did seek and find other suitable employment. He prepared his notice, and went to deliver it to the Mayor in person. Jason hadn't even returned to his office from that meeting when Tony came rushing upstairs to let Beth know that the payroll position would be available. My office was next to the one she was occupying at the time, and I overheard the conversation. In addition, after Tony left, I asked Beth myself if she was told about Jason. She replied 'yes'.

You are all aware of the events that took place from there with the exception of one. There was no reason to immediately fill the position of payroll clerk.

I, having experience with processing the City's payroll manually since 2011, and also previous experience with an accounting firm at which I had 45 payroll clients, offered to step in and do the processing until the Civil Service testing process could be done.

If an administration will go to these lengths for friends and family, what protections do any of the other classified employees really have?

I attended the most recent Civil Service meeting, at which, it was communicated to me that the commission believed that the hiring was done in 'result order'. They thought the number one candidate was offered the job. In my ten years with the City - I've never seen that happen. I'll be writing a separate letter to the commission with my concerns.

With no policies in place governing the expectations or treatment of employees, it's my belief what actions were taken against Jason could be repeated.

I also know that there will be consequences for me writing to you, but I felt that you should all be aware of the circumstances surrounding the provisional hire of Beth Williamson.

The Service Director - having no authorization or oversight of the Finance Department - should never have been involved. In addition, he shared first hand knowledge of what was happening with his sister, Beth Williamson.

Respectfully,

Irwan Mosley