

RECORD OF PROCEEDINGS

Minutes of _____

Minutes of the Vermilion City Council Meeting

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held _____

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

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

CALL TO ORDER:

Steve Herron, President of Council called the Monday, March 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 as led by some of Mr. Griffin's Social Studies (Junior Class) students – Issac Lindo, Brock Fisher, Kailey Logue; Claudia Wilson, Matt Dittmer and Alexis Herchler; a moment of silence followed.

APPROVAL OF MINUTES:

S. Holovacs MOVED; B. Holmes seconded to approve the minutes of the February 25, 2019 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

S. Herron read the following email into the record dated February 26, 2019:
Dear Ladies and Gentlemen:

The City of Vermilion, Ohio owns a small beach at the west end of Huron St. The city cannot afford to maintain this beach as well as the large Main St. Beach. Huron St. Beach is accessed by walking west at the west end of Huron St. about fifty feet on property that appears to be owned by the adjacent home owner but is actually city property and then going down a fire escape ladder with a low bent pipe handrail on one side.

The beach is in a small cove and is about twenty some feet below the surrounding area. The beach is totally protected from east, west and south winds. The beach also has an old boating pier.

In a tourist town having such a beach should not be a secret.

The present stairway looks pretty in the picture, but it is an old fire escape that was removed from a building when it was no longer safe to use. The 18- inch wide fire escape was set on the slope to the beach and some pipe was set up as a handrail. The steps pitch down into the slope. The knee-high handrail is not much use. The whole unit awkward somewhat dangerous and is rusting away.

A new wooden stairway four feet wide with good handrails on each side is needed for safe access to the beach.

Huron Street Beach Inc. is non-profit organization of Vermilion Residents is trying to raise money for a good stairway to access the beach so that residents and tourists can enjoy this beach. All money raised will be used for the stairs to access the beach.

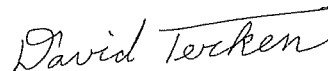
There is a Facebook page Huron St. Beach Inc.

Phone calls from people interested in helping to save the beach or who are just curious may be made to David Terken at 440-320-3966.

Tax deductible donations can be sent to Huron Street Beach Inc. address 1042 State St., Vermilion, Ohio 44089-1243.

Let's save this special unusual asset so that it can be enjoyed.

Sincerely,



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PRESIDENT OF COUNCIL'S REPORT: No report.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer was happy to report that the Vermilion Police Department has reported arrests in the rash of car trespassing's and thefts. Patrolmen Chandler, Davis, Reising, and Kowal are to be commended. Residents are reminded that these crimes can be stopped simply by locking your car doors.

He reported they are resuming the Joint Health Care Committee as of March 15. The purpose is to receive feedback on the new health care program from the City's union members.

He conveyed he has been working with the Legacy Food Truck to get them into the new system and he met with the property owner today to fill out an application to go before the Planning Commission on March 20. G. Fisher clarified the Planning Commission application deadline is March 27 and the Planning Commission meeting will be held on April 10 at 7pm.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks said she has been working to get things setup with the Erie County Auditor's office for the transient rental tax provisions, which seems to be going well. Also, she has made email contact with some businesses that were listed with this type of operation. She said they will continue to get the word out this year to get registered with Erie County.

LAW DIRECTOR'S REPORT: No report.

OPEN TO THE AUDIENCE:

Tom Chufar of 4373 Edgewater Drive said he sent correspondence via email that was read by G. Fisher at a prior council meeting related to questions on Showse Park and Sanitary Sewer Overflows. He said he was looking for this information as a records request. He sent an email to the Mayor relative to these issues and wondered what type of a timeframe he could expect to get a reply for the erosion project that was performed at Showse; along with associated costs and the contractor. Also, the SSO information on Edgewater Drive on the VOL area. He hasn't heard anything back and asked when he could expect to hear something as it's been approximately a month. Mayor Forthofer said he did respond by email and had suggested that he put this public records request in by a form and T. Chufar had responded back that he would do this. T. Chufar said he would if need be but also on the form it does say it's not necessary, but if the Mayor wants, he shall. Mayor Forthofer said this is what he thought he said he would do, and this is all they been waiting for. T. Chufar said he will fill out this form. G. Fisher said she could fill the public records request for Showse Park, but she would need to go back in the records from 2012 and hopes to have it filled by the end of the week. T. Chufar said he would greatly appreciate this and would turn the public records request form into Anne Maiden.

T. Chufar said he didn't get an answer on three questions that was actually printed in the Photojournal and wondered if he will ever get a response on this. He keeps hearing about the people that accepted the permit, checked the permit, signed the permit, but they still don't know anything about the completion as to the inspection. It's very interesting as to how something can be built but not inspected, and if it was inspected, how can they allow it to be built outside of what the permit stated that it was going to be. Is this a standard operating procedure in Vermilion? He would just like to know! Law Director Ken Stumphauzer said when he is done he has a response, so hopefully they can put this to bed. T. Chufar said if he has a response to those three questions that were actually printed in the paper.

Law Director K. Stumphauzer responded as follows:

**RESPONSE TO CONCERNED CITIZEN
re: 4318 EDGEWATER BOULEVARD, VERMILION, OHIO
AND ELBERTA BEACH ASSOCIATION**

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1. The issue of a possible encroachment of a deck on the property at 4318 Edgewater Boulevard, Vermilion, Ohio, is an executive function and not a legislative function.

2. If there is an encroachment of the deck from the property located at 4318 Edgewater Boulevard, Vermilion, Ohio, onto the Elberta Beach Association property, it is a private legal matter. (K. Stumphauzer asked T. Chufar if he understood this. T. Chufar said it could not be because it couldn't have been inspected...S. Herron interrupted by saying 'Open to the Audience' is not a back and forth; you've asked a question. K. Stumphauzer said he just wants to know if T. Chufar heard the statement; did you hear the statement I just read? It's not complicated. No response by T. Chufar).

3. The city has no authority to remove a deck that encroaches from 4318 Edgewater Boulevard, Vermilion, Ohio, onto the Elberta Beach Association property. (K. Stumphauzer asked T. Chufar if he understood this statement. No response by T. Chufar).

4. The Mayor is not required to disclose the manner, method or course of action, if any, taken or that may be taken, with respect to the above issues, but he is (or his designees are) required to produce any public records pertaining to same. This includes when or whether the property will be inspected by the Building Inspector or any actions to address the issue with the builder or property owner. Any public records regarding the above issues have been produced. (K. Stumphauzer asked T. Chufar if he understood this statement. No response by T. Chufar).

T. Chufar said, "So back to my three questions. When will they be answered? How can something be allowed to be built off property if an inspection hasn't been done and how can a city allow a project to continue if it's being done outside of the approval of the permit. It's pretty simple and it's just like bringing in food trucks. If they're not going to meet the proper standards, the city shouldn't allow them to come in if they are unsafe. If they're outside the scope. Isn't that correct?" K. Stumphauzer said what he just read, which was researched very thoroughly, answers Mr. Chufar's questions completely. S. Herron said he agrees. K. Stumphauzer said if the issue continues to be brought up then it should be noted that Mr. Chufar is out of order. S. Herron said Mr. Chufar is allowed five minutes, so he has a couple more minutes to speak. Mr. Chufar said he will refer to those three questions as they have not been fully, completely, and properly answered. A statement is one thing, but an answer is another. You can go ahead and put off that the city is not going to do it now, however, it's still not proper and it isn't right. People can do things that are wrong, but it doesn't make it right. Just because you want to say it's right when it's wrong, doesn't make it right; it's simple. The world I live in is; you're either doing something wrong and illegal or you're doing some right and correct. It's simple and the laws do say that. Now people who want to bend it and twist it, and manipulate; well there's positions for that, but the world that most of us that pull our socks on and go to work every day, we expect straight-forward stuff to be done. I don't think that's outside the scope of what's realistic or what you do proper in the City of Vermilion. There's a lot of good people here, but apparently there is some people who want to stay on the outer bounds and other's that stay inside. At any rate, these three questions do remain, and I will continue asking until those answers are properly given. In closing, he said he would hand in his records request tomorrow to Anne.

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S. Herron commented by stating that he will not repeat everything that was said weeks ago as those questions have been asked and answered. He gets they questions are not answered to this citizen's satisfaction, but as far as he is concerned he works every day and puts his socks on. The law of the land is civil in nature at this point and this is the way it is. He's not going to entertain these questions anymore in Council, so be that as it may – he's pretty much had it. He's has tried to make this point as civilly as he could several weeks ago, but apparently that point was not brought forward. He agrees that any further reference to this property – relative to encroachment on civil property is out of order and considers this point as not relating to city business.

Gerard Papp of 5206 Park Drive spoke relative to an issue that went before the Planning Commission with deeper affect with City Council. He said he has been a resident of Ottawa County for 10 years; Erie County for four years and Vermillion is his adoptive home. His background is being involved in addiction for several years. He started the problem in Columbus and hopes he is now part of the solution. He has been trying to get his arms around the addiction situation in the northern three counties. He works in Cuyahoga County and has treated a lot of people addicted in Lorain County, and has even seen some people from his neighborhood. He addressed the article in the Vermillion Photojournal on February 21 and checked it against the minutes of the Planning Commission meeting, (Clerk's Notes: The clerk sent the Planning Commission minutes to the Photojournal which were reported on as such) and under 'New Business' the Planning Commission was asked to look into medical marijuana which peaked his interest. He said medical marijuana came down to a zoning issue and he believes there was a six-month moratorium on this. The explanation is whether they will allow medical marijuana in the City as it looks like they are looking for a site appropriate for this, which peaked his interest. He treats people with marijuana addiction; it's a combination and he is aware of the science behind marijuana; not the economics. They all understand the economics but until you have been there and done that... He feels worse for the parents that must bury those individuals. They have quite a few parents in Vermillion who have buried their children because of this issue. They have three waves going on – the wave of prescription opioids and they bent that curve, then they had the heroine epidemic and they have kind of bent that curve, but now they're dealing with synthetics and that curve has gone up so rapidly that they lose 400,000 people in the United States per year. Now it's going to be 700,000, so they have a real critical problem. He has attended meetings at the Erie Ottawa Board and has looked at their long-term plan. He has been to task force meetings and he has looked at the health department statistics that don't look good. Vermillion looks a little bit worse than Erie County in general, but maybe it's because half of them are in Erie County and half are in Lorain County. As a city they are not doing anything about it. He said they need to decide on whether they are going to allow this and then they need to look at their resources. He said G. Fisher was supposed to look at the task force, but he gets this every month and it looks like the dispensaries are in Elyria (northeast quadrant 1) and Sandusky (northwest quadrant 8), and an application in Huron. He said they need to think about whether they want to grow this in Vermillion. What would upset him the most is seeing a dispensary because they have a serious problem with the young people, so he is suggesting they consider whether they are going to allow this. They need to look at the science and not the economics. If you look at the economics you're going to be seeing billions of

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dollars in health care costs that are wasted. How many times do they get EMS calls for overdoses – they hit them with Narcan and bring them back, and then tomorrow it's the same thing. We cannot afford this, and we can't continue to lose life. He suggested that the city look at what the health department is doing and their statistics, and game plan. The Mental Health Addiction Board doesn't like him because he brings the science. You've got to look at what the clinical effects are when you use. He offered to help the city out as he has done this a long time. He said they are behind the curve, so maybe they need to look at some type of educational process and the scientific evidence before the city decides participating in this endeavor for economic reasons only.

S. Herron explained Council does have a moratorium on the books and the advantage of this is a temporary non-permission of a dispensary in Vermillion, but they really want to see what the new Governor is going to do, if anything. He said Mr. Papp is 100% right; the notion that marijuana is harmless – that recreational use is harmless, is complete nonsense and they must be very careful and make sure that they educate the young people because they are getting the message that because it has been legalized in certain places, that it's okay and that it's not without consequence. This is the biggest load of untruth that he can think of to send to young people. The other thing they must balance out – in his family he has lost two people to cancer and have watched through the hospice stage, and if marijuana would have helped alleviate their pain, then he would have gone out and gotten it, so they must balance this out. It's an extremely difficult situation because the people of the state have said yes, but the federal government stills says no. So, it's very difficult to decide what to do and what's the best way to move forward. As far as the education, he couldn't agree with Mr. Papp more as this is a crucial element to this. He thanked Mr. Papp for his comments.

New Business:

S. Herron explained there is a minor amendment to the Mobile Food Truck Ordinance 2018-63 as they need to include that applicants wishing to place food trucks on public spaces are required to obtain a park use permit. He noted that Ordinance 2019-17 amends Ordinance 2018-63 to include this language.

S. Herron MOVED; B. Holmes seconded to add Ordinance 2019-18 to the agenda as first reading. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Reading of the Ordinances:

Third 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.

S. Holovacs MOVED; B. Brady seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Second Reading – Ordinance 2019-13: AN ORDINANCE ESTABLISHING FUND 218 "PARKS & RECREATION OPERATING LEVY" AND DECLARING AN EMERGENCY.

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First Reading – Ordinance 2019-16: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO A RENEWAL CONTRACT WITH MIDWEST COMPOST, INC. OF CLYDE, OHIO TO HAUL SLUDGE FROM THE VERMILION WATER POLLUTION CONTROL PLANT TO LOCATIONS APPROVED BY THE EPA; PROVIDING SUCH SERVICES BE AVAILABLE FIVE (5) DAYS PER WEEK FOR A RENEWAL PERIOD OF ONE (1) YEAR COMMENCING APRIL 18, 2019 THROUGH APRIL 18, 2020, AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT THEREFORE AS INVOICES ARE APPROVED BY THE DIRECTOR OF PUBLIC SERVICE AND DECLARING AN EMERGENCY.

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

S. Holovacs MOVED; F. Loucka seconded to adopt this ordinance by emergency. Discussion: B. Brady asked if there is any change to the current contract terms. G. Fisher explained this is just a contract renewal for one year and there is no change in costs, but the administration will need to go out to bid for these services next year. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2019-17: AN ORDINANCE AMENDING ORDINANCE 2018-63 ADOPTED JANUARY 14, 2019; SECTION 872.08(a) ENTITLED "REGULATIONS" OF CHAPTER 872 ENTITLED "MOBILE FOOD SERVICES" AND DECLARING AN EMERGENCY.

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

M. Stark MOVED; B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2019-18: AN ORDINANCE AMENDING SECTION 252.01 ENTITLED "VACATIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY. (Referred to the March 11 Finance Committee Agenda)

Second Reading – Resolution 2019R-3: A RESOLUTION AUTHORIZING THE CITY OF VERMILION, OHIO TO ENTER INTO A PARTNERSHIP AGREEMENT WITH ERIE COUNTY, OHIO, AS THE GRANTEE, TO ADMINISTER AND IMPLEMENT THE FY 2019 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM GRANT IF FUNDED BY THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT (OCD), AND DECLARING AN EMERGENCY.

Announcement of Meeting Dates

Steve Herron

- March 11, 2019 – Vermilion City Council Committee Meetings (All) – 7pm
- March 18, 2019 – Vermilion City Council Meeting – 7pm
- March 25, 2019 – No Meeting
- April 1, 2019 – Public Hearing (Farmland Renewal Applications) – 7pm - followed by Vermilion City Council Meeting
- April 8, 2019 – Stormwater Advisory – 6pm - Vermilion City Council Committee Meetings (All) – 7pm
- April 15, 2019 – Vermilion City Council Meeting – 7pm
- April 22 & April 29 – No Meetings

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