

# Minutes of the Vermilion City Council Meeting

Monday, May 7, 2018

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**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; Chris Howard, City Engineer; Tony Valerius, Service Director

## **CALL TO ORDER:**

Steve Herron, President of Council called the Monday, May 7, 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:**

**M. Stark MOVED:** B. Holmes seconded to approve the minutes of the April 16, 2018 meeting. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

## **CORRESPONDENCE:**

G. Fisher reported she received two liquor permits from the Ohio Division of Liquor Control. The first one is a transfer permit to Harbourtown Provisions Co LTD, 5542 Liberty Avenue, Vermilion, OH from Simple Pleasures Food Service LLC. The second permit is for a stock ownership to Valley Harbor Marina Inc., 1295 W. River Road (Patio), Vermilion, OH.

## **PRESIDENT OF COUNCIL'S REPORT:**

S. Herron commented on the city pool and the community's efforts on keeping it open. The city discovered a dire financial situation in February and a difficult decision was made to not fund the pool based upon the low finances. Over the last two months, the city stepped up and got together and received donations from businesses and citizens, and the success of this is a reflection on the City of Vermilion. He stressed that things like this don't happen in every community; things like this happen frankly in very few communities. The City of Vermilion has always stepped up when times have been difficult. When the Ford Plant shut down there was a community effort to help. This city stepped up by donating and volunteering; sometimes anonymously to get this pool open for the summer. They as citizens should be very proud as this is a solid mark on what this city is about. They have a lot of struggles in Vermilion, but the fact of the matter is they have a group of people who will volunteer and work together to make this a better community. He thanked the city for coming together and making the effort to keep the pool open.

## **COMMITTEE REPORTS:**

### **Historic Design & Review Board:**

J. Gabriel reported on the meeting held May 2. The next meeting has been scheduled for June 6, 2018 at 6:00 pm.

### **Planning Commission:**

J. Gabriel reported the May 2 meeting was cancelled. The next meeting has been scheduled for June 6, 2018 at 7:00 pm.

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### **Streets, Buildings and Grounds Committee:**

F. Loucka reported on the meeting held April 23. The next meeting has been scheduled for May 14, 2018 at 7:00 pm.

### **Port Authority:**

F. Loucka reported on the meeting held April 12. The next meeting has been scheduled for May 10, 2018 at 6:30 pm.

### **Utilities Committee:**

S. Holovacs reported on the meeting held April 23. The next meeting has been scheduled for May 14, 2018 at 7:00 pm.

### **Contractors Registration Board of Examiners:**

S. Holovacs reported the next meeting has been scheduled for May 22, 2018 at 6:00 pm.

### **Finance Committee:**

B. Holmes reported the next meeting has been scheduled for May 14, 2018 at 7:00 pm.

### **Parks & Recreation:**

B. Holmes reported on the meeting held April 22. The next meeting has been scheduled for May 15, 2018 at 7:00 pm.

### **Stormwater Advisory Committee:**

S. Herron reported the meeting scheduled for May 14 has been rescheduled to June 11, 2018 at 6:00 pm.

### **Tree Commission:**

S. Herron reported the next meeting has been scheduled for May 9, 2018 at 7:00 pm at Ritter Public Library.

### **Legislative Committee:**

M. Stark reported the next meeting has been scheduled for May 14, 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 May 14, 2018 at 7:00 pm.

### **Board of Zoning Appeals:**

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

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### MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer welcomed Rob Yost as the city's new Wastewater Treatment Plant Superintendent. Rob Yost has his Class 3 Operator's License and was the Operator at Erie County's Wastewater Treatment Facilities at Sawmill Creek and Huron's basin plant. He has evidence of successful compliance with EPA requirements and staff management. Mr. Yost began May 1 after the retirement of Plant Manager Randall Ohley.

He said citizens that pay their utilities bill online received a notice they had a zero balance. The city's fulfillment provider (Invoice Cloud) apparently picked up the wrong batch of invoicing and sent this notice to the utilities' customers. The correct batch was sent out and Invoice Cloud is in the process of sending an email to the affected customers apologizing for the error. This is not the same provider that was responsible for the billing problems they had late last year and early this year.

He said pursuant to an article in the Vermilion Photojournal, the Lorain County Metro Parks Director, Jim Ziemnik reported to him that about a week ago that a black legged tick; the kind that carries Lyme disease, was found on the clothing of someone in the Cassell Reserve of the Lorain County Metro Parks. There has been a nationwide increase in Lyme disease and it's important that Vermilion residents take precaution as these ticks are dangerous. Where there is one, there are certainly thousands of others.

The Lorain County Commissioners asked him to attend their final presentation of the Lakefront Connectivity Plan. He was asked to speak with the Commissioners regarding the potential benefit to Vermilion and the city's willingness to support the plan. A copy of the plan can be found on [www.vermilion.net](http://www.vermilion.net). The area targeted for possible development of a park in Vermilion is where the current salvage yard is located at the east entrance into Vermilion on Route 6. While at the meeting, he was made aware that on May 1 there was a meeting of the Lorain County Commissioners, Lorain County Engineers, and residents of Brownhelm Township, along with residents of Vermilion who abut the Maplevue Ditch. He said it was explained by the County Engineer that cleaning out the ditch will be necessary to avoid further flooding. Parts of the Rolling Meadows resident's back yards will be affected as part of the project. Further, Rolling Meadows residents abutting the ditch will possibly be assessed by the county for future maintenance. Rolling Meadows residents were understandably upset and the commissioners will vote on this project at a hearing on June 5. He recommends this subject be added to the committee meeting agenda for May 14. He has also invited someone from the Lorain County Engineer's office to attend this meeting.

With regards to the Fire House progress, legal counsel has approved the solicitation of the city's criteria architect to help choose an architect for the Fire House. An ad for this criteria architect will run beginning next week and will conclude May 31. A ranking matrix will be prepared and the Fire House Building Committee will then meet to review responses before the selection.

He reported Pride Day is May 19 and it's funded partially by the Lorain County Solid Waste Management District. Last year they had around 400 volunteers, churches, service organizations, and the public who participated in the spring cleanup. This year Indian Ridge is painting fire hydrants with the guidance of the Vermilion Fire Department. Parks and beaches need cleaning and if anyone would like to volunteer they were instructed to contact Anne Maiden, Administrative Assistant or Dana Corogin.

The Lorain County Solid Waste Management District awarded grants based on the volume of the community recycling efforts. An application was submitted by Anne Maiden and the grant awarded for 2018 was for \$22,697. He stated that \$15,000 is pledged towards the street cleaner, and \$7,000 goes towards the purchase of recycled supplies for the city.

S. Herron asked with respect to the Maplevue Ditch project if the mayor was of the understanding that this is Lorain County's compliance with the EPA. Mayor Forthofer said it is Lorain County's compliance with the EPA and Lorain County's show all together. S. Herron said there is really nothing the City of Vermilion can do or has done to interfere or help with this project, as the City doesn't pay for it or manage it.

B. Holmes thanked the Lorain County Metro Parks for notifying the city about the black legged ticks. As a safety and education point, he advised the public to check their pets and kids as they like to crawl into

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tight areas, especially around the hairline and the arm pit area. He said when hiking in the woods make sure you wear protective clothing.

B. Brady asked the mayor who would oversee the distribution department now that Rob Yost has assumed the role as Wastewater Treatment Plant Superintendent. T. Valerius said that Gene Baker will still oversee distribution.

B. Brady asked what time coffee and donuts will be served during Pride Day. G. Fisher thought it was around 8:30 a.m., but they would need to confirm this.

M. Stark questioned with regards to the connectivity project as to who owns the property of where the park could potentially be. Mayor Forthofer said the property is owned by IRG. M. Stark asked if the county would have to approach them to purchase the property or would it be an eminent domain situation. Mayor Forthofer said it would not be an eminent domain and there will be discussions between the county, the city, and the owners of the property. The salvage yard is leasing this property, but it's owned by IRG. If IRG is willing to release the property then this is when discussion will begin with the county and the city. M. Stark said in the report there is a lot of sources for funding of support, but some of those sources seemed to come from the city and citizens of the city, so do they know how much the city will be reliable for. Mayor Forthofer said his own personal position is that he is not inclined to have a lot of or any city money going towards something like this. He would hope through partners and obtaining different grants that this would be the primary funding source for this project. M. Stark said it mentioned assessments and taking property for industrial; they want to build business, not chase it away.

### **SERVICE DIRECTOR'S REPORT:**

T. Valerius reported the Showse Park Lighting Project has started and five decorative light poles were purchased last year through the Neighborhood Revitalization Grant. The scope of the project as funded by the Parks Department will include the installation of new light poles and the removal of all the old abandoned wooden poles, including the ones lining the street that holds the transformers and the old street lights. Ohio Edison will be installing new underground wiring and a new transformer will sit on a concrete pad.

He referred to Resolution 2018R-4 regarding the city's participation in the ODOT salt bid. He asked council to suspend the rules and adopt the ordinance by emergency, so it can be submitted to the State in a timely manner.

### **FINANCE DIRECTOR'S REPORT:**

Amy Hendricks reported that Council will be provided with amendments to the 2018 appropriations and Certificate of Estimates Resources at the May 21 meeting. This will reflect the donations for the pool as well as the amount of the transfer to the Watercraft Safety fund to correspond with the DNR match requirements for 2018.

Month end financial reports for all funds have been provided to Council for January and February, 2018. The Finance Department staff is planning to close March by May 16 and April by May 29. This will bring monthly reports current and they will continue to be processed within 30 days of month end in the future. This is being accomplished through re-alignment of duties and more fully utilizing the accounting software.

Based on the timing of her start with the City and the necessary reconciliation needed in order to close 2017, a 60 day extension for filing the city's 2017 Financial Statements has been submitted to the Auditor of State.

She reported she had one phone conference with the Sudsina staff and Squires bond counsel since the presentation at the Finance Committee meeting. One of the plans discussed in addition to some of the specific issues eligible for refinancing was the need for a rating update with Moody's. In lieu of a group representing the City to travel to Chicago; Michael Prcela suggested that we bring Moody's representatives to visit the City of Vermilion in mid-July. They have done this with other coastal communities during the summer and it really allows the spirit of the community to be showcased.

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She reported she met with Mark Riddle last week to review the finances of cemeteries under their management. One of the key takeaways from the meeting was learning the origin of a certificate of deposit at 5/3 Bank that has been rolling over at the minimum interest for about 10 years. These funds were set aside from a portion of each cemetery lot sale for long term maintenance of the cemetery grounds after it is full and no longer generating revenue. This type of fund is required for private cemeteries in Ohio, but not government owned. The CD had matured recently and A. Hendricks was unable to re-invest in a CD for the small amount and was considering options. She has now opened an account at STAR Ohio designed for Cemetery Maintenance that is currently earning 1.83% on a daily basis. She is able to add future payments at any time as well as withdraw funds if needed. This reinvestment increases the annual income from \$75 to over \$900 per year.

### **CITY ENGINEER'S REPORT:**

C. Howard reported he did attend the onsite public meeting with regards to the proposed Mapleview Ditch restoration. The meeting was run by the Lorain County Engineer's office and the Commissioners and residents were in attendance. Prior to the meeting, the county had proposed clear cutting all the trees within the proposed 50' easement, removing approximately 2' of sentiment in the ditch and re-grading the ditch from just south of Mapleview Drive to W. River Road (approximately 1,200'). There are numerous fences and sheds that need to be removed and relocated. There are two garages that are shown to a main. It was explained that there are over 100 parcels that were included in the assessment project of which 18 parcels are within the city. The public meeting is scheduled for June 5, 2018 at 9:30 a.m. at the Administration Building in Elyria (Lorain County Commissioners).

B. Brady said obviously this ditch is going to carry more water and the water is coming into the city at West River, so is the city able to handle the additional volume. C. Howard said the county is saying that West River Road has no flooding issues and the size is adequate. The problem is that there has been so much sentiment built up over the years, so they need to lower the ditch to make it flow. There is some opposition from the residents because of the grading work in their back yards, plus all the trees are getting cut down. B. Brady asked the engineer if he felt the city could handle the additional flow into the city and C. Howard said yes because they are just going from that parcel south of Mapleview along the ditch to W. River Road. He feels it is sized adequately.

B. Holmes said he has seen this type of project done by the County and it does turn out nice and it does improve the stormwater drainage, and the area. There are a lot of trees in the ditch that are impeding the flow of water which is flooding the back yards. C. Howard said this will be a perpetual easement which is maintained by the county. Right now there is no easement and nobody has the right to go in there. It's truly for the safety and welfare of the public to get this work done.

S. Herron reiterated that city officials have no say in this project. C. Howard said it was his understanding that this was a petition the township asked the county to do. S. Herron thought it was something that had to be done according to the EPA, but it can be addressed next week by the county.

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

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

### **READING OF ORDINANCES:**

**Second 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.

**First 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.

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**First 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.

**First Reading – Resolution 2018R-4:** A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO WRITTEN AGREEMENT TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) ANNUAL WINTER ROAD SALT BID (018-19) IN ACCORDANCE WITH OHIO REVISED CODE 5513.01(B); AGREEING TO ALL TERMS AND CONDITIONS IN ITS PARTICIPATION OF THE ODOT WINTER ROAD SALT CONTRACT, 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.**

**First 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.

**Tabled Ordinances – Referred to May 14, 2018 – Legislative Committee**

**Third 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.

**Third 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.

**18. Announcement of Meeting Dates**

**Steve Herron**

*May 14, 2018 – Vermilion City Council Committee Meetings @ 7:00 p.m.  
May 21, 2018 – Vermilion City Council Meeting @ 7:00 p.m.  
May 28, 2018 – 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*