

RECORD OF PROCEEDINGS

Minutes of _____

Minutes of the Vermillion City Council Meeting

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held _____

Monday, November 5, 2018

Videos and minutes of council meetings are available to the public to view online at www.vermilion.net under meeting videos/minutes.

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

Administrative Staff: Jim Forthofer, Mayor; Amy Hendricks, Finance Director; Tony Valerius, Service Director; Attorney Susan Anderson; Chris Howard, City Engineer

CALL TO ORDER:

Steve Herron, President of Council called the Monday, November 5, 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: M. Stark seconded to approve the minutes of the October 22, 2018 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

CORRESPONDENCE: None.

PRESIDENT OF COUNCIL'S REPORT:

Jon Logue addressed Ordinance 2018-72 which involves an easement between the City of Vermillion and the Erie Metroparks. He explained this easement is on a parcel that Western Reserve Land Conservancy has acquired on behalf of the City which is near the beach. It's another piece in the City's long-term vision of creating more green space and protective green space around the beach area to maintain public access, so residents and visitors can enjoy the beach. He said it's a small parcel and simple easement just like the easement that's on the Wakefield property and the old museum property. The only difference in this easement is that the Wakefield Metro park is owned by Erie Metroparks and Western Reserve Land Conservancy holds the easement. The museum property is owned by the City of Vermillion and the WRLC holds the easement. This particular parcel will be owned by the City of Vermillion and the easement will be held by the Erie Metroparks. He asked council if this ordinance could be adopted tonight. It's all grant/private funded and they are scheduled to close on this on November 16, so at the closing time this is when it gets transferred to the City of Vermillion and then the reimbursed grants get paid back. He helped managed this project and he is leaving the Western Reserve Land Conservancy for a new job, so he really wants to get this done before he leaves as he has the contacts with the city.

B. Brady asked if there would be public access to this parcel and J. Logue said it's all public access because it's owned by a public partner, so the museum property that is owned by the City is public access. There was an opportunity to acquire this parcel, so the city could hold onto these parcels as they become available. B. Brady asked how you would access this parcel and J. Logue said it's right off the beach. B. Brady asked who will maintain this and J. Logue said once it's owned by the City they will maintain it.

S. Herron thanked J. Logue for the fantastic job he has done in coordinating this project and noted he will entertain the motion for passage this evening.

COMMITTEE REPORTS:

Historic Design & Review Board:

The November 7, 2018 meeting has been cancelled.

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Planning Commission:

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

Streets, Buildings and Grounds Committee:

F. Loucka reported the next meeting has been scheduled for November 19, 2018 at 7:00 pm.

Port Authority:

F. Loucka reported the next meeting has been scheduled for November 8, 2018 at 6:30 pm at the South Street Ramp.

Utilities Committee:

S. Holovacs reported the next meeting has been scheduled for November 19, 2018 at 7:00 pm.

Contractors Registration Board of Examiners:

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

Finance Committee:

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

Parks & Recreation:

The next meeting has been scheduled for November 20, 2018 at 7:00 pm.

Tree Commission:

S. Herron reported the next meeting has been scheduled for November 14, 2018 at 7:00 pm at Ritter Public Library.

Legislative Committee:

M. Stark reported the next meeting has been scheduled for November 19, 2018 at 7:00 pm.

Vermilion Community Services Board:

M. Stark reported the next meeting will be held in January, but the date and location has not been announced at this time.

Health & Safety Committee:

B. Brady reported the next meeting has been scheduled for November 19, 2018 at 7:00 pm.

Board of Zoning Appeals:

B. Brady reported on the meeting held October 23. The next meeting has been scheduled for November 27, 2018 at 7:00 pm.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer thanked everyone for attending the Highbridge Road Bridge Open House, including council and past administrations for working on this project. Most of the initial responses of the bridge have been favorable. The streets department installed additional 25 mph speed limit signs on Highbridge Road between Liberty Avenue and Vermilion Road and the VPD has been generous in issuing tickets to those exceeding the speed.

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He reported the Fire House Committee plans to meet on November 6 as they are closing in on a site recommendation and the committee is committed to the request for bid.

He conveyed that Ed's Equipment has submitted their site plan to the Planning Commission which will be on their agenda November 7. Additionally, Defense Soap is moving forward, and he requested that Council considered passing Ordinance 2018-69 by emergency.

He mentioned Ordinance 2018-72 which was summarized above by J. Logue and asked council for favorable passage as well.

He reported that the administration had its first Labor Negotiations session on November 2. He requested that City Council adjourn into executive session to discuss labor contracts.

J. Gabriel stated he would like the city engineer to look at Fire Station #2 to get an assessment of the life span of this building prior to January 1 and final discussions related to a new Fire House.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported that a new bar screen has been delivered and is currently being installed at the W.W.T.P. which is a relief to the crews who have been cleaning the existing screen by hand. Also, they installed new EPA mandated flow meters at the plant which measures the outgoing flow and automatically makes chemical adjustments to the system when the plant is not manned. The other big improvement at the plant is the lighting. There are 32 exterior lights and less than a quarter of them were in working condition which made for unsafe conditions for when the crews came in during the middle of the night for lift station alarms as they often had to use their truck headlights as they couldn't see very well. Currently, about three quarters of the light fixtures have been replaced and installed with LED bulbs and photosensors. The remainder of the lights will be changed out in the coming weeks.

He conveyed that the streets crew is on their last tank of emulsion, which means the Durapatcher will soon be retired for the season. He mentioned that Hart Asphalt will be in town this week repairing several areas where the streets were dug up from main breaks.

B. Brady asked for explanation on the dam repair on east Liberty and T. Valerius said the engineer will address it in his report.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks said six weeks ago they received a request from the Auditor of State's Office relative to evaluating port authorities statewide and how they were chartered to determine if there should be a change in their audit status; whether they should have separate audits or if they could be part of the city's audit. Therefore, she noted the clerk of council helped compile information that was sent to the auditor's office and they did determine that the Vermilion Port Authority was going to require a separate individual audit. There could be 20 additional hours spent on this audit and she has asked the auditors to itemize this, so it can be allocated to the Port Authority. There is also a State Auditor Review that is separate, but she wasn't sure what the costs would be.

She addressed Ordinance 2018-71 which establishes a new fund (Fund 217) for Playground Donations which has been requested by the Parks and Recreation Board to hold funds and make appropriate associated expenses from donations and fundraising for playgrounds that serve the community. It was initiated for the specific project that has begun with Sherod Park, but the fund could be used for any parks within the community that have needs.

She noted Ordinance 2018-73 is on the agenda for a first reading as it pertains to the temporary appropriations during the three-month period beginning January 1, 2019 and ending March 31, 2019. These numbers mirror the tax budget that was approved earlier in the fall. The general fund is about \$300,000 less than the 2018 current appropriations, but they did have the limitation of matching the amended certificate.

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In conveying good news, the City received results of the Moody's rating review on October 23 and the City was upgraded from an A2 rating to an A1 rating, which is great news for the City. Timing couldn't have been better because the City's bonds were selling the following week, so as direct correlation, Sudsina & Associates had eight parties register and bid on those bonds, which has been the best they have done in recent years. Because of this competition, the City was able to save .02% on the interest rates over what was originally estimated and shared at the last meeting. This is resulting in just under \$100,000 over the life of those bonds for the general obligations for the City, and then the 2004 bonds that were refinanced have a savings of \$9,410 through the remaining life of those. This should help the City in stabilizing some of their debt and helping them to budget on a going forward basis as well as helping in moderating the City's cash flow.

J. Gabriel congratulated A. Hendricks on the A1 rating as he has been around for downgrades and this now is his first upgrade.

CITY ENGINEER'S REPORT:

C. Howard reported he should have breakdowns on the final costs (change orders) for the Highbridge Road Bridge Project by the November 19 committee meetings.

Secondly, he addressed the Lake Haven Dam as there is work proceeding on the south side of Liberty (east of Sunnyside Road). He has calls into ODNR to try to figure out what's going on as the City has no plans. He spoke with the Attorney General's office and they didn't want to share too much information with him as they have filed a complaint against the property owner. However, he noted that ODNR inspects the dam every five years and in 2014 they performed an inspection and there were emergency repairs that had to be done that were not done. In 2016, a Notice of Violation was sent to the property owner and in September of 2018 there was a meeting onsite with ODNR, a representative from the Attorney General's office, and the property owner and there was a consent agreement that the property owner wouldn't sign, so this is the reasoning why the complaint was filed. He is trying to get a set of the plans and noted the property owner is required to fix the dam. As soon as he hears more from ODNR he will advise council.

LAW DIRECTOR'S REPORT: No report.

OPEN TO THE AUDIENCE:

Richard Kime of 1387 Birchview thanked council for their service and working hard to make the country a little better. He addressed an issue that has bothered him as it has been in the paper for the last several months over the business issue versus Main Street, versus the parks, versus the Farmer's Market that was thrown into Council's lap. He said J. Gabriel has been working hard in trying to clear this up. He noted he is a retired educator and businessman. He owned one of the largest statuary dealerships in western New York. They came to Vermilion because it's a dynamic city and as a retired teacher he could have moved anywhere in the country, but they picked Vermilion because they love the community. They have been here four years and other than the streets and sidewalks, they think this is a perfect community. Unfortunately, business owners today are in very dire straits and no matter what you say or do, they're under attack. Small businesses in Vermilion are suffering and there is nothing anybody can do about it; it's our economy and we are changing, and you've got to change with it or you die. Unfortunately, small businesses are the first places to go and you can't blame that on Main Street or the Farmer's Market; it's just the way things are going in the United States today. They called it Farmer's Market and he doesn't think this term has existed in the last five years. He said the Quarry Hill Farm Market is no longer a Farm Market as they have canned goods and baked goods and Hilltop has a complete store; flowers and everything you can imagine as they must diversify to become relevant in today's world. He said the City has done that by having 'Third Thursday' and by trying to get people downtown and to come into stores. He said the Farmer's Market, which is changed to the 'Community Market' tries to bring people downtown. They want to come into town for something different or unusual and maybe that will help downtown. He wishes there was an answer for all the controversy going on; there is no answer. It's just the way things are going, but he thinks council has done a great job in trying to moderate this and trying to do the best they can. He wished he had a solution as well, but he knows from experience that they joined up with their Community Market to try to increase their visibility and he thought they should encourage some of the business owners to do the same thing to increase their

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visibility. He said, 'Don't give me the hypocrisy of telling him you're against something and then in the next word you're holding your own special little craft show to raise money for flags to put in front of businesses; let's join up; let's do it together. He thinks this is a great idea and he thinks Main Street, Council and everyone could come into this. He said America is under attack from different sources; let's be proud!

New Business:

S. Herron MOVED; F. Loucka seconded to table Ordinance 2018-63 and refer it to the December 10 Legislative meeting as not all members of Council will attend the November 19 committee meetings. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

S. Holovacs MOVED; F. Loucka seconded to adjourn into Executive Session after the 'Reading of the Ordinances' to discuss labor contracts. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Reading of the Ordinances:

Tabled - Second Reading – Ordinance 2018-63: AN ORDINANCE ENACTING NEW CHAPTER 872 ENTITLED "MOBILE FOOD SERVICES" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY. *(Referred to the December 10, 2018 Legislative Meeting)*

Second Reading – Ordinance 2018-68: AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR AND THE VERMILION PARKS AND RECREATION BOARD OF CHAD KUHN AS RECREATION DIRECTOR TO THE CITY OF VERMILION FOR THE 2019 RECREATIONAL PROGRAMS; ESTABLISHING A SALARY FOR SUCH APPOINTEE; ESTABLISHING COMPENSATION OF CERTAIN AUTHORIZED POSITIONS WITHIN THE VERMILION DEPARTMENT OF PARKS AND RECREATION AS HAVE BEEN FAVORABLY RECOMMENDED BY THE CITY'S PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

Second Reading – Ordinance 2018-69: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION TO ENTER INTO AN AGREEMENT, PURSUANT TO CHAPTER 5709.61 ET. SEQ. OF THE OHIO REVISED CODE, WITH DEFENSE SOAP HOLDINGS LLC DBA DEFENSE SOAP (THE "ENTERPRISE") UNDER WHICH THE ENTERPRISE AGREES TO CONSTRUCT A NEW FACILITY AND CREATE NEW EMPLOYMENT OPPORTUNITIES IN CONSIDERATION OF THE CITY OF VERMILION PROVIDING TO THE ENTERPRISE THE INCENTIVE OF A TAX EXEMPTION ON REAL PROPERTY AND DECLARING AN EMERGENCY.

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

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

Second Reading – Ordinance 2018-71: AN ORDINANCE ESTABLISHING FUND 217 'PLAYGROUND DONATIONS' AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-72: AN ORDINANCE AUTHORIZING THE MAYOR OF VERMILION, OHIO TO ENTER INTO A GRANT OF CONSERVATION EASEMENT BETWEEN THE CITY OF VERMILION (GRANTOR) AND ERIE METROPARKS (GRANTEE) AND DECLARING AN EMERGENCY.

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

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

First Reading -Ordinance 2018-73: AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, STATE OF OHIO, DURING THE THREE-MONTH PERIOD BEGINNING JANUARY 1, 2019 AND ENDING MARCH 31, 2019 AND DECLARING AN EMERGENCY.

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First Reading – Ordinance 2018-74: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO A RENEWAL CONTRACT WITH ALLEN-THORLEY-DELLOYD INSURANCE COMPANY OF VERMILION, OHIO, PER ORDINANCE 2014-86 FOR THE PURPOSE OF INSURANCE COVERAGE COMMENCING JANUARY 1, 2019 AND EXPIRING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-75: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO APPROVE THE CONTINUATION OF THE CONTRACT PASSED ON DECEMBER 21, 1998, PURSUANT TO ORDINANCE 98-89 TO RECEIVE A SUBSIDY FROM BROWHELM TOWNSHIP, LORAIN COUNTY, OHIO FOR SUBSCRIPTION AMBULANCE SERVICE THROUGH THE CITY OF VERMILION'S CONTRACT WITH NORTH CENTRAL EMS OF MILAN, OHIO FOR THE PERIOD OF JANUARY 1, 2019 THROUGH DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-76: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH JCI JONES CHEMICALS, INC. OF SARASOTA, FLORIDA FOR THE PURCHASE OF LIQUID CAUSTIC SODA AND CHLORINE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-77: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH USALCO ASHTABULA PLANT, LLC OF BALTIMORE, MARYLAND FOR THE PURCHASE OF POLYALUMINUM CHLORIDE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-78: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH KEMIRA WATER SOLUTIONS, INC. OF LAWRENCE, KANSAS FOR THE PURCHASE OF LIQUID FERROUS CHLORIDE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-79: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH BONDED CHEMICALS, INC. OF COLUMBUS, OHIO FOR THE PURCHASE OF HYDROFLUOSILICIC ACID TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-80: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION TO ENTER INTO AN AGREEMENT WITH SOUTH SHORE DREDGE & DOCK INC. OF LORAIN, OHIO TO PROVIDE ICE BREAKING SERVICES ON THE VERMILION RIVER FOR THE PERIOD OF JANUARY 1, 2019 THROUGH FEBRUARY 28, 2019 AND DECLARING AN EMERGENCY.

Announcement of Meeting Dates

Steve Herron

*November 12, 2018 – Veterans Day – City Offices Closed – No Meeting
November 19, 2018 – Vermilion City Council Committee Meetings (All) – 7pm
November 26, 2018 – Thanksgiving – No Meeting*

Executive Session:

At the end of executive session, City Council reconvened in regular session.

S. Herron MOVED: J. Gabriel seconded to agree to a tentative agreement dated November 2, 2018 between the City of Vermilion and the Ohio Patrolman's Benevolent Association for the successor collective bargaining agreement between the parties for the term of January 1, 2019 to December 31, 2019. Roll Call Vote 6 YEAS.
MOTION CARRIED.

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