

RECORD OF PROCEEDINGS

Minutes of _____

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held _____

Monday, September 10, 2018

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; Brian Holmes, Ward Five. G. Fisher, Certified Municipal Clerk. Absent: Barb Brady, 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, September 10, 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:

F. Loucka MOVED: S. Holovacs seconded to approve the minutes of the August 6, 2018 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

G. Fisher reported she received an email dated August 16, 2018, from Thomas Chufar as follows:

Vermilion City Council,

In the consideration of permits and rates by the City of Vermilion (council meeting August 13, 2018) rates are only one small aspect of any permitting process. Permits are a process and of themselves can be useful, or useless, depending on the completeness and accuracy of the information provided on the permit application. ALL permits being ISSUED should be ACCURATE and COMPLETE. ALL PERMIT/INSPECTION FORMS should be sequentially numerated.

Applications of Permits in and of themselves are meaningless unless they are COMPLETE, ACCURATE and ADHERED to by BOTH the permit/property owner and the City in the acceptance of (final inspection), said such property.

Also, the City of Vermilion may possibly want to consider lengthening the record retention of these items. Permits are to protect the citizens/structures and maintain VALUE in the municipality.

Small residential projects, as stated by Barb Brady, done by a property/homeowner, should not be considered "criminal". However, projects being done by contractors for a homeowner on the weekend, under the cover of darkness, is a problem which can lead to many problems with often difficult solutions.

Sincerely,

Thomas P. Chufar

PRESIDENT OF COUNCIL'S REPORT: No report.

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COMMITTEE REPORTS:

Historic Design & Review Board:

J. Gabriel reported on the meeting held September 5. The next meeting has been scheduled for October 3, 2018 at 6:00 pm.

Planning Commission:

J. Gabriel reported on the meeting held September 5. The next meeting has been scheduled for October 3, 2018 at 7:00 pm.

Streets, Buildings and Grounds Committee:

F. Loucka reported the next meeting has been scheduled for September 24, 2018 at 7:00 pm.

Port Authority:

F. Loucka reported the next meeting has been scheduled for September 13, 2018 at 6:30 pm. He reported the Duck Dash was rescheduled from September 9 to September 16, so there is additional time to purchase tickets.

Utilities Committee:

S. Holovacs reported the next meeting has been scheduled for September 24, 2018 at 7:00 pm.

Contractors Registration Board of Examiners:

S. Holovacs reported on the meeting held August 28. The next meeting has been scheduled for September 25, 2018 at 6:00 pm.

Finance Committee:

B. Holmes reported the next meeting has been scheduled for September 24, 2018 at 7:00 pm.

Parks & Recreation:

B. Holmes reported on the meeting held August 21. The next meeting has been scheduled for September 18, 2018 at 7:00 pm.

Tree Commission:

S. Herron reported the next meeting has been scheduled for September 12, 2018 at 7:00 pm at Ritter Public Library.

Legislative Committee:

M. Stark reported the next meeting has been scheduled for September 24, 2018 at 7:00 pm.

Vermilion Community Services Board:

M. Stark reported the next meeting has been scheduled for October 17, 2018 at 6:30 pm at Ritter Library.

Health & Safety Committee:

The next meeting has been scheduled for September 24, 2018 at 7:00 pm.

Board of Zoning Appeals:

The next meeting has been scheduled for September 25, 2018 at 7:00 pm.

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MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer reported the Fire House Committee will resume discussions in the next couple weeks after Council's approval of a contract for a Criteria Architect. He requested emergency passage of Ordinance 2018-62 this evening.

As the utilities department is essentially a billing department, he wanted to remind everyone that it is under the Finance Director. The Service Director generously stepped in when the city was absent a Finance Director. The Mayor and Amy Hendricks will be collaborating on prioritizing projects and streamlining the utility billing operation to ensure accuracy. The Service Director will help where necessary regarding meter readings, shut off's, and other processes.

He reported that Defense Soap has made its way to the Planning Commission with a Lot Split and it should be up for a site plan review in October. Property near German's should be transferring next week.

He reported the property slated for Ed's Equipment has passed a variance by the Board of Zoning Appeals. He believes all requirements should be cleared within the next two months.

He mentioned that he and the City Engineer are working with the Lorain County Community Development Office to define perimeters for the Route 6 Corridor Study. They intend to make the best use of the \$35,000 grant. It can make a big difference to the eastern approach to the city and he thanked County Administrator Jim Cordes and the Commissioners.

He mentioned the proposed Verizon Cell Tower Project has been pushed out; meaning they are reassessing the design for Vermilion and they have advised the city not to waste time on it right now.

He reported the last Third Thursday of the summer will be on September 20 and he thanked Terry and Barb Brady, and the Chamber for putting on this event. S. Herron echoed what a fine job everyone does with regards to Third Thursday's.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported employee training on the traffic lights was held two weeks ago, which means the Traffic Light Project is complete. Representatives from both the street department and the police department took part in this training. They had the maximum green light time increased on Main Street by 12 seconds, which resulted in a 12 second decreased green light time on Liberty; allowing less wait time on Main Street. He noted "Watch for Pedestrians in Crosswalks" signs were installed at Liberty and West River. They had a five second delay between Sandusky and West River lights enacted to clear the small area in front of the store. However, when that change was made the Programmer recognized the city was exposing themselves to a conflict at the left turn light, so they immediately turned it back to its present status. All in all, the system meets ODOT specifications and they may have to wait a little longer on the side streets, but once on Liberty, you don't have to stop for any unnecessary red lights anymore and you often get a green light all the way. He noted the project came in under budget.

He made the citizens aware that modifications to the Sunnyside/Brownhelm Road intersection on the north side of the tracks has been made. The stop sign on Sunnyside has been removed and was placed on Brownhelm Station Road where it intersects into Sunnyside. This came to the city's attention through ODOT, as they asked the city to investigate the issue. There are warning signs posted advising of a new traffic pattern and flags are mounted on top of the stop signs to make motorists aware. These additional signs will be removed after two weeks.

He reported that Great Lakes Pipeline Service was in town last week completing the CCTV inspection of the sanitary laterals on Harcourt Street. Approximately 40 laterals were inspected, and the city will be provided with a full report on any signs of infiltration that may appear.

The ditch enclosure work on Sunnyside Road will begin early next week. This work is necessary because the lip of the road is narrow, and the edge is crumbling into the ditch. Along with the ditch enclosure, catch basins and a stone berm will be installed.

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The new pressure reducing valve and vault were installed two weeks ago at the east end of town at the city's water main connection. The new valve was tested last week during a day-long water plant shut-down and functioned as intended. An initial inspection of the clearwell was also done during the shut-down. On Wednesday, the Water Plant will be shut down again, so the EPA mandated repairs may begin. A new access hole will be cored in clearwell #2 so that both equipment and personnel can enter more easily. All three clearwells will be cleaned; followed by a full inspection and necessary repairs made. He expects the plant to be down for approximately one week during this period and the City will be receiving its water from Erie County and the City of Lorain.

M. Stark asked if the warning signage on Brownhelm Station Road could be left up longer than two weeks; possibly six weeks as many don't travel this area on a regular basis and may miss the notification. T. Valerius didn't see a problem with this.

FINANCE DIRECTOR'S REPORT:

Financial Reports

Amy Hendricks reported the Audited 2017 Financial Statements were submitted to the Auditor of State by C.E. Harris on August 31. The compliance areas cited were:

1. Need to maintain more accurate capital assets – This is not just a Finance responsibility as departments need to assist with keeping records up to date.
2. Negative cash balances at year end in three funds – With the improvement in timely month end closings, and ongoing monitoring, this should be corrected for 2018.
3. Weaknesses due to the original GAAP statements not including a new lease from January 2017, as well as including the amount of the ODOT funds that were paid directly in to contractors in the final value of a project – These are items easily related to the timing of the change in Finance Directors and will not be ongoing.

A Post-Audit meeting will be held soon with our Auditors to discuss their recommendations. Once the final Financial Health Indicators are available from AOS, a summary will be presented.

Software Training

Finance and Utility Department staff will be attending the Software Solutions Annual Workshop held at Kalahari Wednesday through Friday this week. This is a great opportunity to learn more about our VIP Software as well as network with peers to get tips and ideas.

Due to this training, the Utility Payment window will be closed September 12-13, but payments may be dropped in the secure drop box, online or by mail.

Utility/Fee Payment Updates Reminder

Changes have been announced for the City Offices regarding payment options to increase the city's ability to serve customers as conveniently and cost effectively as possible for everyone.

1. Effective September 17, payments at the window will be accepted with checks, credit/debit cards, and money orders only. Eliminating cash minimizes transaction time at the window as well as risk of loss by increasing internal controls (no counting errors on payments, duplicate staff counting to prepare/verify deposits and reduced trips for staff to the bank). Cancelled checks or credit card processing receipt will serve as the customer's receipt.
2. Credit/debit card payments will not be accepted by calling the City Offices. Customers may call the number listed on the website or make their payment using these methods online. This keeps credit card information more secure. The transaction fee charged to use our online systems go directly to the processing company to cover their services. Other companies charge anywhere from \$10 to \$20 per transaction to personally process these payments by phone.
3. By enrolling in our auto-pay program, monthly payments are made FREE from your checking or savings. Also, using your online bill payment options with your personal bank can also be free to process your payments.

One of the most exciting upgrades is the city will be remotely depositing all checks to the bank. This service is being done at no added cost to the city. The city has all the software and equipment in place. The checks are already being scanned and stored as a part of the payment processing. They are taking one additional step and uploading a secure file to the bank for deposit.

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This will eliminate the time preparing lengthy deposit slips each day and the banks charge lower fees to process this type of deposit versus the per check charge when physically deposited at a branch. They will also be able to use this same system for checks that come into the Building and/or Finance Departments as well.

M. Stark commented on the Financial Audit as she is aware some of the items had been on the audit in previous years and knows the current finance director walked into this after that financial year had finished, so a lot of work from the finance director from then to now has been getting everything in line and she told Amy that she appreciates everything she has done. She's confident that next year's audit will be much smoother.

J. Gabriel said there is an accounting that the State requires that says we have \$8 million dollars of retirement obligation that is not our retirement obligation, but it's counted towards the city; it's something they take care of, so he advised council not to go into panic mode when reading this. A. Hendricks explained there was a change in the accounting standards on a federal basis a few years ago and it affected school districts, cities, and other smaller political subdivisions. It assumes the local entity would be responsible for paying if something were to happen to one of those public pension systems. They would be responsible for paying for the health insurance and the monthly benefits to the retirees. The disclosure is now required in the Financial Statements.

CITY ENGINEER'S REPORT:

C. Howard reported the Highbridge Road Bridge Project has a tentative completion date of October 19.

He requested that Council consider adopting Ordinance 2018-61, which is the bid recommendation for the water stem fill pipe replacement. Also, he asked for consideration to adopt Resolution 2018R-8, which is to submit application to participate in the OPWC State Capital Improvement Program and/or Local Transportation Improvement Program(s) for the Highbridge Road Resurfacing, and as for the same for Resolution 2018R-9, which is for the Liberty Avenue Water Main Project. Additionally, he asked for Council's consideration in adopting Resolution 2018R-10, which expresses City Council's support on behalf of Erie County, Ohio to prepare and submit application to participate in the OPWC State Capital Improvement Program for the Haber Road Bridge Replacement Project.

LAW DIRECTOR'S REPORT: No report.

OPEN TO THE AUDIENCE:

Brian Crandall of 657 Main Street (The Silly Goose) said Councilman Holmes had previously directed him to attend the Parks Board meeting on August 21 and the board really didn't understand why they were there, but they expressed their concerns. He said they just ended up their season and it was a bad season! When he heard about the Food Truck debate, he hoped to hear the same debate about the retail businesses on Main Street. He knows of no other place in the city that has their businesses blocked for different events, and there are three. The worse event in their opinion is the Farmer's Market and the other is the car show. It's a bad time to have a car show during the Fourth of July holiday as it's the biggest week in retail, and business is way down. They have been down for quite some time during these events. He said then they have the Chalk Walk and what's being missed is the events he hasn't spoken about that are doing good; the Ice-A-Fair, Third Thursday's, the Wine Walk, and Beer, Bacon & Buckeyes which are all working. However, as business owners this is not working, and they need the city's help. He said at the parks meeting it was mentioned that because trash cans were overflowing after the Chalk Walk there must have been a lot of people downtown. Well, he doesn't know of anybody that sells cardboard, garbage bags and solo cups downtown. If a group has an event in the downtown, then they should clean it up. He said it was told that if the merchants wanted to contact Main Street then they are open to discussion. He said Art Shattuck had circulated a petition and other retail business owners had spoken with Main Street, and a year or so later, others spoke with Main Street, and his wife last year was asked to go to Main Street and he had told council at a previous meeting how that turned out. He isn't here to waste anybody's time, but this concerns their livelihood. He said as Councilman Gabriel had previously stated, they have a limited amount of time to make a bulk of their money and they cannot make a bulk of their money when they are continually hampered by these events. When you have business owners that are told they can't park in the spaces that are reserved for their buildings because of a car

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show...He noted he has a video of these events and how it affects their business. He said they don't oppose the Farmer's Markets if they sell fruits, vegetables, or olive oils, but one person suggested they take products out of their store. However, he is not going to rent a U-Haul and haul their products down to a Farmer's Market and set it up. They pay rent, utilities, and taxes, and they will not load up a vehicle and set up their merchandise in the park. This is not how they conduct business.

Julie Horn of 5910 Fisher Street was present to talk about the golf cart legislation that is on the agenda for a third reading. She said recently she was informed about the age restriction on golf carts and they purchased their golf cart two years ago. She noted she has a six-year-old and they have always had her on their golf cart because they were never told any different that they couldn't have her on it. She contacted several cities that allow golf carts (Wakeman, Put in Bay) to find out what their laws and restrictions are. Three of the places (Wakeman, Kelley's Island, and Put in Bay) have no age restrictions for the passenger. Actually, Put in Bay and Kelley's Island both said they prefer car seats, but they're not enforced. Wakeman doesn't require car seats at all; they just ask you use common sense and not have an infant on the seat while driving a golf cart, but every single person must have a seatbelt on. She found out that Vermilion is basically the only city that has an age restriction on golf carts. Every other city that allows golf carts goes by the State of Ohio Motor Vehicle laws. She also researched motorcycles and it turns out that motorcycles have no age restriction. It says that a child of any age can be on the motorcycle if they can put one leg on each side of the bike and they need to have a helmet or eyewear. She said she is disappointed to find out her daughter can't ride on the golf cart with her and Vermilion is the only city that has age restrictions on the golf carts. She and other residents feel the age restriction should not be in place for passengers and with Vermilion being a tourist town the age restriction could possibly limit some boaters or people coming into the town that want to explore with possibly bringing children with them. With golf carts you save on parking spaces as they are smaller, so she feels it limits tourists as to where they can go, and at some point, they can even have people who rent golf carts to tourists. There are some people who may not have the ability to walk around town and they may have children too, so it would be easier for them to see Vermilion and go from store to store if they were able to use a golf cart and bring their children.

She said she was driving her daughter to and from school on the golf cart because it was easier and quicker when picking and dropping children off at school in long lines. In the winter it's not an option, but she was using it until they had snow. It helped the school with the long lines and they told her it would be great if other parents did that because it makes the line go much faster.

She feels they live in a great country with the freedom to make their own responsible choices for their family and as a parent her freedom to make the safe choices for her child is being infringed upon. She is known of an overprotected mom; also known as a 'helicopter mom' and feels placing age limits on a golf cart is taking away the parents right to make safe choices for their children. She feels she is a good parent and is very particular about the safety of her daughter. It is her job as a parent to keep her daughter safe in her life and she feels this local age restriction restricts her from making this choice for her child.

She proposed that the city reconsider the age limit on the golf carts; it really doesn't serve a purpose for having an age limit, other than not having an infant laying on the seat; that's common sense. Again, Vermilion is the only city that has an age restriction that she could find. Every other city just follows the State of Ohio laws for motor vehicles. She agrees that golf carts should be street legal and that every rider should have a seatbelt on; this is common sense. In Wakeman, they have an etiquette clause that they give out which is common sense courtesy stuff.

She said they all pay the taxes to use the golf carts and they can share the road nicely. She has had a couple issues on the golf cart where people complain they go too slow and noted they aren't permitted to travel in areas over 45 mph, which she agrees with as it wouldn't be safe. The State of Ohio also permits that golf carts are not permitted on highways above 45 mph. However, the people who are complaining about the speed of golf carts in 35 mph zones are driving over 35 mph; at least the ones she has been around. She has been passed in no passing zones with people doing well over the speed limit. This is where she finds the safety issues to be, so the golf carts are not the issue - it's the people who are in such a hurry that they go above the street limit. If you're paying attention and driving the speed limit you should see a golf cart in front of you and should not pass them in no passing zones. She doesn't feel that

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golf carts are an issue because downtown has two lanes and you can easily pass a golf cart on the roads that are permitted for passing. If it's a single lane road then drive the speed limit and don't pass them.

In closing comments, she asked council to consider changing the age restrictions as she has a six year old at home that is heartbroken as she no longer can enjoy going to family outings uptown and going to lunch with mommy and daddy, and then visiting the local parks on the golf cart, and that she can no longer ride to school on the golf cart when it is nice outside. She asked her to please talk to the nice policeman and ask if she can please ride on the golf cart with mommy and daddy because she always wears her seatbelt and always listens to mommy and daddy to be safe on the golf cart. She is here for her daughter and promised her that she would do what she could to change the age restriction in Vermilion, so they can go back to their family trips on the golf cart to the 'Movies in the Park' - 'Third Thursday' - Ice Cream at Dairy Dock and the store at Linwood, and all of the fun adventures that they took as a family on their golf cart on nice weather days in the city they love very much.

Mike Kerekanich of 770 Sunnyside Road spoke on the operation that was done on the hill by his house by the City. He noted the City spent \$77,000+ to get the work done on the drainage ditch as he had an erosion problem with his house and his house was sinking right where the gas meter goes in. This work started in 2009 during Mayor Anderson's term. The drainage pipe comes to his property line from the homes that were built behind him and there is a pond behind him that overflows. The former city engineer (Lynn Miggins) had someone take down the willow trees out of the ditch and then she hired Herk for \$2,500 to move the stream from his property over to where it's supposed to be, but he couldn't do anything that year (2009) because it was too wet. Then it transposed over to a new mayor, so he called and called; finally, they sent the Stormwater Committee over and they agreed the water washed his hill away. He said Lynn Miggins came down and decided to have the property surveyed and then they asked permission from him to use their property to do the job - his front lawn and side yard down about 60' along the ditch to put stone in and to take all the trees down. He asked her to save the two big oak trees half way up the bank next to his house which shades his home. Then Edwards Tree Service came in and took all the trees down on a day that he wasn't home. Then L. Miggins said she needed to remove the big maple tree he had in the front yard that he planted in 1971 when he built the house. It needed to be removed because there wasn't enough room to get the trucks in. He agreed to let them take it out and he did everything possible to get this project done and keep his house from sinking anymore. He then told the mayor he wanted a gas sensor to put in his basement in case the meter or pipe broke in the basement, so he could smell the gas and get out of there. The mayor (Mayor Bulan) said no she was not going to do that. Two weeks later the mayor sent L. Miggins and T. Valerius to his house and they looked at the side yard; there wasn't much room to walk between his house and the ditch when you looked 10' down where the stream is because it's washing the property away. He built an 8' wall and filled it with dirt to keep the erosion from losing anymore of his property. He went into his basement where his 4' crawl space is sinking (concrete floor) and put 2' x 4's under every floor joist to help keep the house from sinking anymore. The last service director said they would have to dig down to find out what was causing this. They shored it up and the house quit sinking, so they didn't have to dig because the service director never came back. He then contacted his ward councilman, but after speaking with B. Holmes during the meeting it was determined he was calling the wrong number. Therefore, he asked B. Holmes to come to his home to look at what he is talking about and B. Holmes said he would. M. Kerekanich said after they finished on July 31, 2016, Herk put top soil down and then they put grass seed down and the city asked if he would water it. He asked where he would get the water from and they told him from the fire hydrant two houses down on the opposite side of the road and the city engineer L. Miggins said he could run a hose across the road and use that water. He thought that was stupid, but he felt she was setting him up to get him to water. He said he would buy two 100' hoses, two water sprinklers, and he would go out every couple of days for a couple months and water the grass, so it would grow. He thought for sure L. Miggins would have given him money to pay for the hoses and sprinklers, or \$10 an hour to water it; he didn't cause this problem and in his agreement it says the city will restore his lot substantially the way it was and they took all the trees down and he probably lost \$10,000 - \$15,000 in curb appeal if he wants to sell his house. He said the current city engineer, Chris Howard recently stopped over and walked the property and took pictures. He noted he has three trees dead now and the last contractor L. Miggins hired (Terry Pena) looked at the trees and told him to trim the bottom where it was dead, and they should be okay. He has copies of all costs and T. Pena told him he used about 68 yards of top soil to finish his yard and plant the trees. He charged the city \$400 for 4' high spruce trees and \$40 a yard for top soil. The city paid him close to \$7,000 for this little job; he took a stump out too in the front yard where the maple tree was. He said he talked to Herk who told him that L. Miggins never told him to take the stump

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out of which he could have done with no problem. He watered to about October/November and then questioned the lawn and L. Miggins said the contractor didn't do a very good job and they would need to redo the lawn and he told her to redo it all; another 20' up the driveway and carry the whole area and she said, she agreed! He said in June of 2017 he called L. Miggins and asked her when she was going to start the lawn work and she said she would need to hire somebody - three weeks went by and he called her again and she said she had a contractor who she would bring over. They discussed with him what needed done and the property settled some more; about a foot. He told them they would need to put about a foot of top soil in before they plant trees. Then Mayor Bulan said she only wanted five trees and he told her he needed between 7-9 trees along the ditch.

S. Herron asked him what specific circumstances he wanted the city to do at this time and M. Kerekanich said he would like the city to take care of the side of his house and the trees planted. S. Herron asked how many trees and M. Kerekanich said there are three trees that are dying because they were planted in clay. The city paid him for top soil and he told the contractor that nothing would grow in clay. He asked what the city could do to make him happy. His front doors are crooked from the house sinking and the floor squeaks in his wife's bedroom because of the sinking. He will need to pull the carpet up and put screws in the plywood to hold it to the sub-floor. He again invited B. Holmes to come to his home, so he could show him what has happened. B. Holmes provided him with his phone number. M. Kerekanich said this project could have been done years ago for less than \$10,000 and he would have had no problem with his house and now the city ended up paying \$77,000+, which is nuts! He can't believe they did this!

Rick Kamholz of 620 Ferndale Avenue spoke on his request before City Council to extend his white picket fence around the perimeter of his property that is in the City right of way. On the Ferndale side he will only go 2' over into the right of way to get around the trunk of his tree. On the Elmwood side he would like to keep the fence symmetrical with the neighbor's existing fence. He said it's a white picket fence that can be removed immediately if needed. J. Gabriel pointed out that he needed to be of the understanding upfront that if council approves his request and something were to happen where he needed to remove his fence it would be at his expense. R. Kamholz said if there were improvements (sidewalk installation for example) to be made 10 years from now, then he would only need a couple hours of notice to remove it; it's a vinyl plastic fence and it all can be disassembled.

David Terken of 1042 State Street told City Council that he appreciated all the work they do whether they agree or not. He said the volunteers did a beautiful job on the flowers in the city this summer, as well as keeping the beach clean this year. Lastly, he addressed the third reading of the amended golf cart legislation and wanted to know what the change was. S. Herron said council will be discussing that later in the meeting as they may be tabling this matter to make sure they are doing the right thing.

Tom Chufar of 4373 Edgewater Drive congratulated Amy Hendricks on the award she recently received on the auditing process and in trying to make things more efficient and streamlined; this is the first best good start; it's good news and its good news for the citizens to hear that those endeavors are starting. These are things he has been talking about each time he comes before City Council; about planning. Sounds like there were a couple of plans that didn't work out. They always must keep in mind the plans start before they leave the shop; it always starts at the beginning of the inception; plan the whole project through - plan each motion and know the costs. It sounds like the finance director is going to have a tight rein on what these costs are going forward. It's hopefully going to be good news when they get the audit next year, as the last few years have not gone very well - they have been real clinkers, and that's not good. He said capital assets is a huge thing; how many years has capital assets been coming up on the state report. A. Hendricks said she has reviewed two or three years of reports. J. Gabriel said they were on the report in 2012 too. T. Chufar said this is huge because they can be talking chain saws, big tools, and more expensive items. This is nothing to be casual about; it's something to be serious about. He knows what pieces and parts cost. He knows copper, bricks, fittings, pipes, equipment, trucks, tractors, dozers, and backhoes - these things cost, and when they start talking about hydraulics, engines, brakes, and linings they are talking about a lot of money and everybody in the city is paying for it; they all do, and nobody escapes it. Everybody wants to complain about the federal government and how horrible they do, well it starts here. He looks at the home town first. He said, "Let's be real prudent about everything." He told Amy he was glad she got this award because they want to see this happen again next year. An award before the full performance always makes him cautious and he puts his eyes to these things.

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He said the thing with permits (referencing the email Council read earlier in the evening) is very important. It does affect the quality of life for everybody in the city; it does not matter where the project is. There are small home projects that homeowners can do; a homeowner can do a roof, change windows, or put in toilet/shower, but when you start talking major construction and putting in footers and foundations, and you're starting to get into buildings/structures a lot of things happen. They have structures – a lot with permits and some without. How does this even happen? That's why it's so important; it's not that they are just given a permission slip; a permit is huge! It says you know your boundaries, the structure you're putting in, the construction of it, and so does the city. Permits aren't just about collecting money – yes, it's important as it adds value to the city and you get more taxes on the structures, but how well is it made – is it proper – is it in an easement – is it in an easement that's going to be affected; some easements aren't affected, but some are. Is it on the property, do they know where it is – these things are important and where their capital assets are, is important. They must make sure all these things are taken care of in their proper place. It starts here! He will beat that drum every day and every time. It all starts here, and he told the city to keep at it as the people do appreciate it. Sometimes a little kick never hurts, but there is also a pat on the back that goes with it. He told the city to keep up the good hard work and keep getting things done because things will happen but listen to the people too.

NEW BUSINESS:

S. Herron addressed the request to erect a fence as submitted by Rick Kamholz. He believed this location does not really pose a threat and he believes the property owner understands his obligation should the city need to come in and have the fence removed, so he doesn't feel it's an inappropriate or an unsafe problematic area for this fence to be placed.

M. Stark said she walked the property with the property owner and she didn't see a problem with allowing them to put this fence up; once again reiterating Councilman Gabriel's comment earlier that if something happens down the road and the city needs to do utilities work that the fence be removed by the property owner. If the property owner is of understanding of this, she thinks it's fine. She talked with an abutting neighbor who is also fine with this as they didn't have concerns. She understands a previous request was denied by City Council but pointed out it was in a different neighborhood and it was a totally different type of fence that was asked to be allowed. She thought this was a case by case matter for Council to look at, so she would vote yes to allow this request.

G. Fisher noted that City Council when making a motion can add a clause by approving this request contingent upon the city ever needing to remove the fence to make improvements at the expense and removal by the property owner or future property owner if he chooses to ever sell the property. J. Gabriel said it would be the property owner's responsibility to disclose this clause to a future potential buyer. T. Valerius thought there should be a responsibility clause in there in case a snow plow hits the fence. S. Herron said it is in the city's right of way and if the snow blows on the fence then that's the way it goes if they need to remove the snow off the road. Attorney Anderson said if there is concern about limiting how tall the fence can be or how wide it can be then this is something that would be appropriate to put into the motion, or council could also add into the motion that it would be subject to the property owner executing a separate agreement relating to things like permissible size and addressing liabilities within the city's right of way.

M. Stark MOVED; J. Gabriel seconded to authorize Rick Kamholz of 620 Ferndale Avenue to erect a fence outside the boundaries of his property line and into the city right of way contingent upon the city needing to do improvements and noting the expense would be that of the property owner or future property owner, and that the approval is contingent upon the execution of a mutually satisfactory agreement addressing the scope of the permission being granted. Roll Call Vote 3 YEAS (Gabriel, Stark, Herron); 3 NAYS (Holovacs, Loucka, Holmes). **MOTION FAILED – REQUEST DENIED.**

READING OF ORDINANCES:

Third Reading – Ordinance 2018-48: AN ORDINANCE AMENDING CHAPTER 475 ENTITLED "GOLF CARTS" AND DECLARING AN EMERGENCY.

S. Herron MOVED; F. Loucka seconded to table the third reading of Ordinance 2018-48, and to refer this ordinance to the September 24, Legislative Committee meeting for further discussion. B. Holmes said in speaking with the Police Chief recently when Council brought back this ordinance, the biggest concern he had was the safety

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of the people he serves to protect, and the golf carts is a dangerous vehicle if it gets hit by a bigger vehicle, and the Police Chief is concerned for the safety of the residents. S. Holovacs said previously when he was on council they kept the golf carts in 25 mph zones, and if they keep it in those areas then the children aren't at risk as much, but once he was off council the ordinance was changed to 35 mph zones. Roll Call Vote 6 YEAS. MOTION CARRIED.

Third Reading - Ordinance 2018-49: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANTS AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

Second Reading - Ordinance 2018-50: AN ORDINANCE AMENDING SECTION 222.03 ENTITLED "INVESTMENT POLICY" OF CHAPTER 222 ENTITLED "DEPARTMENT OF FINANCE", OF THE CODIFIED ORDINANCES OF VERMILION, AND DECLARING AN EMERGENCY.

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

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

Second Reading - Ordinance 2018-51: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO AN INVESTMENT MANAGEMENT AGREEMENT WITH MEEDER PUBLIC FUNDS, INC., AND DECLARING AN EMERGENCY.

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

S. Holovacs MOVED; J. Gabriel seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

Second Reading - Ordinance 2018-52: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO A US BANK CUSTODY ACCOUNT AGREEMENT, AND DECLARING AN EMERGENCY.

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

F. Loucka MOVED; B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading - Ordinance 2018-54: 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.

F. Loucka MOVED; M. Stark seconded to suspend the rules. Roll Call Vote 6 YEAS. MOTION CARRIED.

S. Holovacs MOVED; J. Gabriel seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading - Ordinance 2018-55: AN ORDINANCE TO AMEND ORDINANCE 2011-58 ADOPTED AUGUST 15, 2011, BY AUTHORIZING THE FINANCE DIRECTOR TO REESTABLISH THE CLASSIFICATION OF FUND 405 ENTITLED "MUSEUM PROPERTY ACQUISITION" TO "HARBOR VIEW PROJECT" AND DECLARING AN EMERGENCY.

First Reading - Ordinance 2018-56: AN ORDINANCE AMENDING CHAPTER 1440.02 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "RESIDENTIAL BUILDING PERMIT FEES & ZONING PERMIT FEES" AND DECLARING AN EMERGENCY.

First Reading - Ordinance 2018-57: AN ORDINANCE AMENDING CHAPTER 1282.05 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "PERMIT APPLICATIONS" AND DECLARING AN EMERGENCY.

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First Reading – Ordinance 2018-58: AN ORDINANCE AMENDING CHAPTER 1274.17 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "PERMIT FEES" AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-59: AN ORDINANCE AMENDING CHAPTER 1030.05 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "RETAINING WALLS" AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2018-60: AN ORDINANCE AMENDING CHAPTER 1272 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "SUPPLEMENTAL USE, HEIGHT, AREA AND YARD REQUIREMENTS", AND AMENDING SECTION 1272.12 ENTITLED "UTILITY BUILDINGS" AND ENACTING SECTION 1272.17 ENTITLED "TEMPORARY STORAGE CONTAINERS", AND DECLARING AN EMERGENCY. (Referred to 9/24 Legislative Meeting)

First Reading – Ordinance 2018-61: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH PITTSBURGH TANK & TOWER CO., INC. OF HENDERSON, KENTUCKY FOR THE 1,000,000 GALLON SPHEROID FILL PIPE REPLACEMENT PROJECT (HIGHBRIDGE ROAD); AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE AMOUNT OF NINETY- EIGHT THOUSAND DOLLARS (\$98,000) AND DECLARING AN EMERGENCY.

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

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

First Reading – Ordinance 2018-62: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO AN AGREEMENT WITH POULOS SCHMID DESIGN GROUP OF SANDUSKY, OHIO FOR THE FIRE STATION FACILITY; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE AMOUNT OF SEVENTEEN THOUSAND THREE HUNDRED DOLLARS (\$17,300) AND DECLARING AN EMERGENCY.

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

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

First Reading – Resolution 2018R-7: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

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

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

First Reading – Resolution 2018R-8: A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (Highbridge Road Resurfacing)

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

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

First Reading – Resolution 2018R-9: A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (Liberty Avenue Water Main Project)

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

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

First Reading – Resolution 2018R-10: A RESOLUTION EXPRESSING VERMILION CITY COUNCIL'S SUPPORT ON BEHALF OF ERIE COUNTY, OHIO, TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) FOR THE HABER ROAD BRIDGE REPLACEMENT PROJECT IN THE CITY OF VERMILION, OHIO.

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

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

Announcement of Meeting Dates

Steve Herron

- September 17, 2018 – No meeting (City Council Office Closed September 13, 14, 17-19)*
- September 24, 2018 – Vermilion City Council Committee Meetings (All) – 7pm*
- October 1, 2018 – Vermilion City Council Meeting – 7pm*
- October 8, 2018 – City Offices Closed – Columbus Day*
- October 15, 2018 – Vermilion City Council Committee Meetings (All) – 7pm*
- October 22, 2018 – Vermilion City Council Meeting – 7pm*
- October 29, 2018 – Fifth Monday – No Meeting*
- November 5, 2018 – Vermilion City Council Meeting – 7pm*
- 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*

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