

Minutes of the Vermilion City Council Meeting

Monday, October 28, 2019

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

Vermilion City Council: Steve Herron, Council President; Monica Stark, Council at Large; John Gabriel, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five; G. Fisher, Certified Municipal Clerk

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

CALL TO ORDER:

Steve Herron, President of Council called the Monday, October 28, 2019 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:

S. Holovacs MOVED; F. Loucka seconded to approve the minutes of the October 7 & 21, 2019 meetings. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

CORRESPONDENCE: None.

PRESIDENT OF COUNCIL'S REPORT: No report.

COMMITTEE REPORTS:

Historic Design & Review Board:

The next meeting has been scheduled for November 6, 2019 at 6:00 pm.

Planning Commission:

The next meeting has been scheduled for November 6, 2019 at 7:00 pm.

Subcommittee – Transient Accommodations:

J. Gabriel reported the next meeting will be held on October 29, 2019 at 7:00 pm at Romps Marina.

Streets, Buildings and Grounds Committee:

F. Loucka reported the next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Port Authority:

F. Loucka reported the next meeting has been scheduled for November 7, 2019 at 6:30 pm at the Vermilion Municipal Complex.

Utilities Committee:

S. Holovacs reported the next meeting has been scheduled for November 18, 2019 at 7:00 pm.

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Contractors Registration Board of Examiners:

S. Holovacs reported on the meeting held October 22. The next meeting has been scheduled for December 3, 2019 at 6:00 pm.

Finance Committee:

B. Holmes reported on the meeting held October 21. The next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Parks & Recreation:

B. Holmes reported the next meeting is scheduled for November 19, 2019 at 7:00 pm.

Stormwater Advisory Meeting:

S. Herron reported that the next meeting is yet to be determined.

Tree Commission:

S. Herron reported the next meeting has been scheduled for November 13, 2019 at 7:00 pm at the Ritter Public Library.

Legislative Committee:

M. Stark reported on the meeting held October 21. The next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Vermilion Community Services Board:

M. Stark reported the next meeting will be held in January 2020, but no date or time has been established.

Health & Safety Committee:

B. Brady reported on the meeting held October 21. The next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Board of Zoning Appeals:

B. Brady reported on the meeting held October 22. The next meeting has been scheduled for December 3, 2019 at 7:00 pm.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer reported on his submitted report as follows:

The New Fire House One Committee met with Thomas & Marker Construction October 24th. Final 100% drawings were reviewed. Chief Stempowski and his crew have been working hard to insure necessary operational features are incorporated. The budget is still \$4 million though the composition will change as T&M goes out to bid for a contractor. T&M bids are expected back December 1st. Once the construction partner is chosen, we will revisit budget and drawings and what features are in or out. Initial ground breaking may begin this year with foundation work in spring 2020 and the building going up during the summer.

The Mapleview Ditch was the subject of a Lorain County Commissioner's meeting October 22, again. For those who are not aware, this is a storm drainage ditch that runs along the border of Vermilion and Brownhelm Township parallel to Rolling Meadows Drive off West River Rd. The final County Engineer's report for reconstructing the ditch was submitted to the Commissioners. The cost for the project was

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\$98,609. The Commissioner's accepted the plan contingent on current negotiations for the County to purchase a 5-acre parcel of land on West River Rd in Brownhelm Township adjacent to the ditch. The proposed cost is \$50,000. The parcel will allow the County to access the ditch for construction and maintenance. It is the less costly way to ensure access rather without engaging in litigation with the owner over an easement. The county could sell part or all the parcel after construction. The cost of the project is planned to be split between the project cost and another fund. Probably waste water. My concern is that, if Vermilion residents are assessed for the project cost including the purchase of the property, if the County sells off all or part of the parcel in the future, will Vermilion residents receive an adjustment? I plan to attend future meetings.

B. Holmes asked if the purchase of the property is just for an easement. Mayor Forthofer said it would be an easement if they didn't purchase the land, but they want to purchase it, so they don't have to go through litigation. B. Brady asked if an assessment amount had been established and Mayor Forthofer said not at this time.

The Salvage Yard at the entrance to Vermilion has been on my active list for 22 months now. I have been in contact with the primary parties and recently had a meeting with County Commissioner Lundy and representatives of the Community Development Department of Lorain and the Executive Director of Lorain County Metroparks. Conversion of the salvage yard to a county park has been in the Lakefront Connectivity plan for years. It would have a very positive impact on our Rt 6 Corridor Clean Up campaign. More to come.

The IT Arrangement with LifeCare is working very well already. Life Care is digging into existing concerns and participating in the discussion of features in the new fire house. Sgt. Reising is helping guide them to critical systems issues that need to be addressed. Life Care is involved in the fire house construction and looking for opportunities to maximize our technologies in this new structure. We will initiate separation from MCPc November 1.

Lastly, the Administration begins the first round of **labor negotiations** this Wednesday with the Laborers International Union of North America 860.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported he was notified today by Norfolk Southern Railroad that the crossings at Vermilion Road, Grand Street, and Adams Street will be closed for repairs on Wednesday, October 30 – Friday, November 1. He has informed emergency services and has asked the railroad to work with the city's street department employees to make sure the loop detectors are not damaged during the improvements.

He reported the pavement marking project has been completed – short of a couple minor changes. Crews worked efficiently and often during the night hours to effectively mark all the roads and parking spaces in the city. They did a nice job.

The deadline for accepting bids for icebreaking was last Thursday and no bids were received. However, he did receive a letter from South Shore Dredge and Dock explaining that due to modifications performed on their push boat, they would not be able to legally use it for icebreaking this year and they would risk a hefty fine if they did so. He was informed they would be modifying another boat that would meet federal guidelines and the owner will keep in contact with the city, and he should have more information in about three weeks. In the meantime, the city will be looking for some alternative solutions.

Lastly, he discussed the possibility of replacing the water main on Sanford Street from Hollyview to Northview. Next summer the Safe Routes to School Project will be constructed; providing sidewalks on both sides of Sanford Street. This project will be 100 percent funded by the Ohio Department of Transportation (ODOT). The only issue is that the new sidewalks will be poured directly over an aging and deteriorated water main that has seen 36 main breaks since the year 2000. The Sanford Street water main is on the EPA 10-year water main replacement list and estimates for replacement fall around \$460,000, which includes a 20 percent contingency. Unfortunately, the city is working with a short timeframe, so he would like council's permission to authorize Bramhall Engineering to prepare a proposal for design and bidding for the project.

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S. Herron asked if all three railroad crossings will be done at the same time and T. Valerius said yes, but he had asked the railroad if they could stagger it because the whole west end of the city as far as rescue services will be blocked off, but they said they will continue forward with closing all three entrances. He said the construction should be done by Thursday and the plan is to pave on Friday. He advised the railroad he didn't want the crossings closed over the weekend.

S. Holovacs said he spoke with the city engineer about the water main project on Sanford and it was relayed the sidewalks is an ODOT funded project, but if the city keeps tearing it up, the city could end up paying for some of it because they look at it as a long-term investment and the city could become liable for it. He said the city saved a lot of money on the Adams Street water main project and this could be a winter project and most contractors are looking for work during the winter, so possibly the project could come under estimate.

J. Gabriel asked T. Valerius if he was advised as to what federal requirements there were on the push boat. T. Valerius said he didn't receive a lot of details. They had an inspection by the Coast Guard and the boat didn't meet specifications. J. Gabriel said the danger is that the city is already in a high-water year and he can't emphasize enough the dangers if there is no icebreaking – it could be devastating.

F. Loucka asked if there was anyway the railroad could prevent tearing up the pavement markings at the crossings. He said every time they do improvements, they destroy the markings, and Vermilion Road was just done. He thought they should put some plywood over the markings and asked T. Valerius to relay this to the railroad. T. Valerius said he would contact the track supervisor to let him know they just had their roads marked.

S. Holovacs MOVED; F. Loucka seconded to have legislation prepared to authorize Bramhall Engineering to prepare design and bidding documents for the water main replacement project on Sanford Street from Hollyview to Northview. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported on her submitted report as follows:

Bond Refinancing

Three quotes were received for rates on refinancing the 2009 Liberty Avenue Paving Bonds on October 15:

BB&T:	2.26%	Capital One:	2.38%	Key Bank:	2.39%
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The total savings over the 10 years remaining on the debt is \$87,875. And, the best news is that we were able to structure the debt so that \$83,890 of that savings will be realized in the by the end of 2020. This frees up funds to put toward capital needs and projects right away.

2019 Appropriation Amendments and Estimated Resources

The changes are: Fund 214 Port Authority due to decreased revenue changes are necessary to bring budget in balance (\$21,500).

For projects and purchases approved by Council on October 21, Fund 200, 203, 600 and 605 are also increased. To cover these, I would like to request Council suspend the rules and approve this evening.

Fund 703 Claims Rotary includes all currently received payroll contributions for premiums. Fund 850 Unclaimed Funds to reflect monies coming in from the Municipal Court that are unclaimed. 2020 Temporary appropriations are based on the previously adopted 2020 Tax Budget.

Auditor of State Financial Health Indicators

Beginning with the year ending December 31, 2015, the Auditor of State began designating 17 Financial Health Indicators (FHIs). The administrative team would like to take the opportunity to share a summary report of these indicators and will follow up in future meetings with a more detailed review of individual indicators. The Auditor of State has identified these indicators as useful in determining overall fiscal stress. The first sixteen (16) are determined by financial data and the final indicator based on recommendations or findings in the city's audit report. These ratings are based on measurable data coming from an independent source.

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Indicators are: Positive (Green) Cautionary (Yellow) Critical (Red)

The 2018 FHIs are all in the positive category except for one cautionary and one critical that have been present since the 2015 report. We are moving in the right direction but need to stay focused to address the long-term finances of the district. Maintaining these rankings is important to improving our city for all residents and improving our credit rating.

The two highlighted indicators are big ones! The cautionary #11 is caused by the overall age and condition of our facilities and equipment as well as infrastructure such as streets, water and sewer systems, etc. FHI #13 is related to the amount of outstanding debt held by the city.

Amusement Device Fees

The fee collection for amusement devices (video gaming terminals) has increased from \$17,900 to over \$36,000 in 2019. There have been proposals for future expansion as well. Our current fee structure is the one originally put in place at \$2,500 every 6 months per location and \$30 per month per device.

I would like to recommend increasing the fee per device be increased to \$37 per month and the fee for replacement licenses be increased to \$20 effective January 1, 2020.

For every 100 terminals, this would bring in \$8,400 per year and is competitive with neighboring communities.

CITY ENGINEER'S REPORT: Not present.

LAW DIRECTOR'S REPORT:

Attorney Susan Anderson said she will be at the table with the team for the Local 860 negotiations. They also have meetings in November with the OPBA and FOB.

RESPONSE TO THE AUDIENCE: No response.

OPEN TO THE AUDIENCE: No participation.

Reading of the Ordinances:

Third Reading – Ordinance 2019-31: AN ORDINANCE TO AMEND SECTION 1270.10(i) ENTITLED "RL-1 EXISTING LAGOON DISTRICT" OF CHAPTER 1270 ENTITLED "DISTRICT REGULATIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY.

F. Loucka MOVED; S. Holoavcs seconded to adopt this ordinance as amended and by emergency. Roll Call Vote 6 YEAS; 1 ABSTENTION (Gabriel). **MOTION CARRIED.**

Third Reading – Ordinance 2019-54: AN ORDINANCE ESTABLISHING FUND 406 "HISTORIC VERMILION LIGHTHOUSE" AND DECLARING AN EMERGENCY.

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

Third Reading – Ordinance 2019-56: AN ORDINANCE AMENDING CHAPTER 1444 ENTITLED "CONTRACTOR REGISTRATION BOARD OF EXAMINERS" OF THE CODIFIED ORDINANCES OF VERMILION, OHIO AND DECLARING AN EMERGENCY.

B. Holmes MOVED; S. Holoavcs seconded to adopt this ordinance by emergency. Discussion: B. Brady said this ordinance bothers her because they are raising the penalty to \$500 for working in the city and not being registered. They have raised all the building departments fees, and, in her neighborhood, there is so much work to be done and they're making some people criminals, and they're discouraging people from doing work because of the fees. She said there are people that don't have the extra money to pay these fees, so she would like for the city to find a way to encourage people to improve their homes. She said it bothers her when she sees people sneaking around on the weekends doing the work and maybe

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being dangerous about it. But they can't afford the permits and the contractors. She said they can hire their neighbor to do their painting, but if you hire a painting contractor they must be registered. However, if they're painting their house or replacing a window/door, its mind boggling that some of these things need permits and they must use license contractors to do this work. S. Holovacs said the fees didn't go up, so nothing is different when they vote on this ordinance, and this ordinance has nothing to do with the fees. He said there is a \$500 fee penalty for the individual who isn't licensed. The \$100 fee was a slap on the hand and if you're registered contractor you have worker's compensation, and you know who they are for the protection of the residents, not the protection of the contractors. He said there was a lot of administrative wording changes in the ordinance. They also removed the bonding requirement because it makes the city responsible and not the homeowner, so they eliminated this section. This was from the advice of the Building Inspector and the state. T. Valerius said the \$500 fee for catching a contractor that is not registered, weeds out the fly-by-night contractor – the contractors who might work out of their car who come in to do a job and zip out. He didn't feel the \$500 penalty was too much as he reviewed this fee with other cities who are comparable. J. Gabriel said the simple work and smaller jobs he feels should be separated out from the big jobs, but he experienced a contractor situation which costed his neighbor an additional \$10,000. He said if contractors follow the process and get licensed then they don't have to worry about the penalty. Roll Call Vote 6 YEAS; 1 NAY (Brady). **MOTION CARRIED.**

First Reading – Ordinance 2019-60: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO RECEIVE A SUBSIDY FROM BROWNHelm TOWNSHIP, LORAIN COUNTY, OHIO FOR EMERGENCY MEDICAL SERVICES THROUGH THE CITY OF VERMILION'S CONTRACT WITH LIFECARE AMBULANCE, INC. OF ELYRIA, OHIO FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2020 AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2019-61: 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, 2020 AND EXPIRING DECEMBER 31, 2020 AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2019-62: 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 2020 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.

First Reading – Ordinance 2019-63: 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, 2020 AND ENDING MARCH 31, 2020 AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2019-64: AN ORDINANCE AMENDING ORDINANCE 2019-6 ADOPTED FEBRUARY 25, 2019 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AND DECLARING AN EMERGENCY.

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

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

First Reading – Ordinance 2019-65: AN ORDINANCE AMENDING ORDINANCE NO. 2019-14 ADOPTED FEBRUARY 25, 2019, BY ADOPTING CHANGE ORDER NUMBER ONE WHICH IS AMENDATORY TO THE ORIGINAL CONTRACT WITH PRECISION PAVING OF MILAN, OHIO FOR THE VERMILION ROAD PHASE 1 (PID 100430) PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE ADDITIONAL AMOUNT NOT TO EXCEED FIVE

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THOUSAND SIX HUNDRED FORTY-SIX DOLLARS AND SEVENTY CENTS (\$5,646.70) AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2019-66: AN ORDINANCE AMENDING ORDINANCE NO. 2019-39 ADOPTED JUNE 17, 2019, BY ADOPTING CHANGE ORDER NUMBER ONE, TWO AND THREE WHICH IS AMENDATORY TO THE ORIGINAL CONTRACT WITH HERK EXCAVATING, INC. OF VERMILION, OHIO FOR THE HOLLYVIEW DRIVE RECONSTRUCTION PHASE I PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE ADDITIONAL AMOUNT NOT TO EXCEED NINETEEN THOUSAND SIX HUNDRED SEVENTY THREE DOLLARS AND SEVENTY CENTS (\$19,673.70) AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2019-67: AN ORDINANCE AMENDING SECTION 878.04 (a) & (c) ENTITLED “LICENSE FEES” OF CHAPTER 878 ENTITLED “SWEEPSTAKES TERMINAL CAFES” OF THE CODIFIED ORDINANCES OF VERMILION, OHIO AND DECLARING AN EMERGENCY.

Announcement of Meeting Dates:

*November 4, 2019 – Vermilion City Council Meeting – 7pm
November 11, 2019 – Veterans Day – City Offices Closed – No Meeting
November 18, 2019 - Vermilion City Council Committee Meetings (All) – 7pm
November 25, 2019 – No Meeting*

Adjournment:

Upon no further business coming before the body, Steve Herron, President of Council adjourned the Vermilion City Council meeting.

Transcribed by: Gwen Fisher, Certified Municipal Clerk