

RECORD OF PROCEEDINGS

Minutes of _____

Minutes of the Vermilion City Council Meeting

Meeting _____

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held _____

Monday, March 2, 2020

Videos and minutes of council meetings are available to the public to view online at www.cityofvermilion.com under 'meetings' tab (City Meeting Minutes or Videos).

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

Administrative Staff: Mayor Jim Forthofer; Amy Hendricks, Finance Director; Chris Howard, City Engineer; Tony Valerius, Service Director, Kenneth Stumphauzer, Law Director

CALL TO ORDER:

Steve Herron, President of Council called the Monday, March 2, 2020 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.

PUBLIC HEARING:

Ordinance 2020-3: AN ORDINANCE PURSUANT TO SECTION 1240.02 OF THE CODIFIED ORDINANCES OF VERMILION GRANTING A LAND USE (ZONING) VARIANCE TO ZACHARIA SAFOS IN ORDER TO ALLOW FOR A RESIDENTIAL USE ZONING VARIANCE IN THE I-1 LIGHT INDUSTRIAL DISTRICT, LOCATED AT 2075 LIBERTY AVENUE, VERMILION, OHIO.

T. Valerius explained that Mr. Safos purchased this home around 2013 with the intent of moving into it at a later period. The house is in the I-1 Light Industrial Zoning District, which does not allow for residential use and the house has sat empty for more than one year, so it's considered a non-conforming use. The code reads: When a non-conforming use of a structure is discontinued or abandoned for more than one year, except when government action impedes access to the premises, any subsequent use of such land shall conform to the regulations by this Zoning Code for the district in which such land is located. Now, that Mr. Safos wants to live in the home because he's retired and will be moving to the area, he wants to use the house for residential use. In order to do this, he must receive a land use variance from City Council.

S. Herron asked T. Valerius if it was his position that Mr. Safos has filed all the necessary paperwork and has done everything he needs to do. T. Valerius replied yes and said he went before the Planning Commission and obtained approval.

F. Loucka asked if there were any issues with property maintenance or does the property meet the standard codes for the city. T. Valerius said the house will need some upkeep and maintenance. He noted that Mr. Safos didn't want to spend a lot of money on the house until he was sure that his land use variance request was approved. F. Loucka asked if the external property itself meet city codes. T. Valerius noted that Mr. Safos owns several vehicles in the back which was approved for a variance by the Board of Zoning Appeals in 2013 to keep the cars. His plan is to work on the cars now that he's retired. He said there is a nice barn on the property, but the house needs upkeep, but he feels it will be okay.

APPROVAL OF MINUTES:

S. Holovacs MOVED; F. Loucka seconded to approve the minutes of the February 24, 2020 meeting. Roll Call Vote 5 YEAS. MOTION CARRIED.

CORRESPONDENCE: None.

PRESIDENT OF COUNCIL'S REPORT: No report.

COMMITTEE REPORTS:

Legislative Committee:

The next meeting has been scheduled for March 9, 2020 at 7:00 pm.

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Vermilion Community Services Board:

The next meeting will be held in April at the Ritter Library Endowment Room.

Utilities Committee:

The next meeting has been scheduled for March 9, 2020 at 7:00 pm.

Port Authority:

The next meeting has been scheduled for March 12, 2020 at 6:30 pm.

Finance Committee:

The next meeting has been scheduled for March 9, 2020 at 7:00 pm.

Planning Commission:

The meeting for March 4, 2020 has been cancelled.

Parks & Recreation:

The next meeting has been scheduled for March 17, 2020 at 7:00 pm.

Health & Safety Committee:

The next meeting has been scheduled for March 9, 2020 at 7:00 pm.

Stormwater Advisory Meeting:

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

Historic Design & Review Board:

The next meeting has been scheduled for March 4, 2020 at 6:00 pm.

Tree Commission:

E. Skahen reported the next meeting has been scheduled for March 11, 2020 at 9:30 am at the Ritter Public Library.

Streets, Buildings and Grounds Committee:

The next meeting has been scheduled for March 9, 2020 at 7:00 pm.

Contractors Registration Board of Examiners:

S. Holovacs reported on the meeting held February 25. The next meeting has been scheduled for March 24, 2020 at 6:00 pm.

Board of Zoning Appeals:

S. Holovacs reported on the meeting held February 25. The next meeting has been scheduled for March 24, 2020 at 6:00 pm.

S. Herron reminded the public that details of all minutes are posted on the city website at: www.cityofvermilion.com under the meeting minutes tab.

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MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer provided his submitted report as read into the record:

Coronavirus.

Prodded by national media, some of our residents are concerned enough to ask me about the City's response plan if coronavirus takes hold in our area. I am not overly concerned about this virus but want to provide Vermillion residents with the approach that we are taking.

1. The Erie County Health Department has the State and National input regarding larger health issues. They have or can get the resources necessary in case of an epidemic. All residents of Vermillion, whether you live in Lorain or Erie Counties, are served by the Erie County Health Department. Please go to their site for updates: <http://eriecohealthohio.org/>.
2. The City will continue to provide services to residents under an emergency operation plan for each department if staff is reduced. I've asked department heads to have a plan to operate with 50% of staff unavailable for a period of one month if necessary.

Council Email.

In the past, both the Law Director and our IT Advisors have explained that it is advisable for City Council members to use a City email account for City and Council related business. Our LifeCare IT Department told the Finance Director and me that it is time to purchase Microsoft licenses for Council. I ask that Council advise the Administration whether members will be using city email.

F. Loucka asked how the city council emails would work – would council need to go to the City Council office to read their emails. Mayor Forthofer said the emails could be accessed from their home computer. K. Stumphauzer said he sent Council a copy of the Supreme Court case where someone made a public records request on private email accounts, which may have been related to city business. The Supreme Court opined those public records. He said if Council uses their private email for city business, but 90% of it is related to private business, the question becomes whether you must produce all of it. Council's argument would be no – but the person requesting the public record would say, "Well, how do we know what you deleted?" This makes it a lot cleaner to use a city email strictly for city business, so they don't have to worry about this issue. Why face the problem if they don't have to? S. Herron said this was mentioned to City Council and he never followed up on this and they probably should have. Mayor Forthofer said the licenses have come around again, so therefore he brought it up so they can decide whether they will move forward in purchasing the licenses for everyone or not. S. Herron said this is ultimately for everyone's protection, including the taxpayer who has a right to public records. A city-licensed email will be better for all parties involved and he feels this is something they should do. S. Holovacs agreed this would be the best thing to do. S. Herron said from his perspective most of their communications are done on the Council floor other than if there is a cancellation for weather or something like that. G. Fisher said technically she is the one who sends a lot of information to City Council. S. Herron said most of their emails is from citizens who are asking questions.

S. Herron MOVED: M. Stark seconded to authorize the administration to obtain licenses required to implement City Council emails. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

SERVICE DIRECTOR'S REPORT:

T. Valerius said Parks Supervisor, Marc Weisenberger recently invited representatives from Erie Soil & Water, Erie County Regional Planning, and ODNR Division of Coastal Management, along with members of the Parks Board, City Council, and the Administration to a group session to discuss plans and improvements for the increased use of Sherod Park. Discussions included future improvements to the parking lots, walking trails, playgrounds, and beach access. Also discussed was shoreline erosion and restoration of the stream that runs through the park. The meeting will be memorialized in a document as part of the overall parks board Strategic Plan and for use of any future grant applications for the park.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks provided City Council with a revised copy of the Appropriations and Certificate of Estimated Resources, which must be submitted to the County by March 15, 2020. The changes include:

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1. Funds 207 +\$275,000 and Fund 508 +\$14,672.73 reflect adjustments for the contract just signed this morning with the GMP for the new fire station project.
2. Fund 101 +\$7,730 for final renewals of property, fleet and liability policies for 2020.

S. Herron said he noticed in the budget that the Tree Commission has not been allotted any funds and respects the administration's position and the uncertainty of the budget involving ongoing contract negotiations. He asked if the administration could possibly allocate funds. It previously was funded at \$20,000 and was cut to \$10,000, and now it's at zero and last year it was zero too because of dire financial issues that were represented to Council by the administration. At this point, he asked the administration to at least find about \$5,000 for the Tree Commission and then they can revisit it in June or July because he doesn't think they're in the same financial straits as they were. The volunteers of the Tree Commission work very hard and he would hate the lack of funding be a basis for losing the Tree City USA, which is a possibility. The Tree City USA is an important distinction that the city has, and it does reflect the city's values, so he simply asked the administration to do this. A. Hendricks said they can make revisions at any future meeting. S. Herron said it's a safety, aesthetic and critical part of the city's infrastructure.

CITY ENGINEER'S REPORT:

C. Howard provided Council with an update on the Haber Road Bridge Replacement project. Last Tuesday, there was a pre-construction meeting for the project held by the Erie County Engineer's Office. The contract was awarded to N&N Construction Company of Wakeman, Ohio. The construction is tentatively scheduled to start the week of March 23 and the project will be completed by May 8. Based on the bid received, the city portion of the project cost is \$112,192.16. This cost is based on a 50/50 split with Erie County for the structure replacement and 100% cost of the city water line replacement under the structure.

LAW DIRECTOR'S REPORT: No report.

OPEN TO THE AUDIENCE:

Dave Hoffman of 4185 Liberty Avenue (Liberty Auto Wash) provided pictures to City Council of the drainage issues in front of his property. He complimented City Council on being smart enough to hire Finance Director Amy Hendricks who has cleaned up all the financial messes. He said he hopes the City looks at hiring a City Manager once the mayor's term is up. He is aware that former councilman John Gabriel brought this up a couple years ago, which didn't seem to go very far, but in all his travels of places with city managers, they seemed to be doing better than a popularity contest for a local mayor.

He addressed the Fulper Lot and said going back in time he thought there was an analysis made that after the Dickerhoff lot was bought, that there was really no need for additional parking. The only thing they needed to do was identify where the parking spaces were. Out of the great news, it was discussed that the lot was going to be put out for development. He thought this was great news because he liked the plan of building a walkway through to a parking lot that nobody can see. It made sense and a building could have four sides of entry with a good location. Suddenly, a big black cloud descended and suddenly, the building project was wiped out and they're going to have a parking lot. A parking lot that he was under the impression they didn't need because there was enough other parking. The reason was a little mud on the streets, but he thinks if there is mud on the streets then they should control the illegal parking on the lot, so there isn't mud on the streets and then the old farmer like him could put up a picket fence around the lot and put down a little grass seed. He said they could put the lot in a holding pattern until the development project could be finished. When he looks at a \$121,000 to hold a lot temporarily for development, it seems like a terrific amount of money, plus another \$15,000 for lighting. He wouldn't want the Mayor to be known for the being the Mayor of Mudville as it was represented in the paper. To his observation there has been no sales promotion, no 'For Sale' sign, no preliminary rendering, no request for preliminary rendering, no broker, no auctioneer hired – all they have is to spend \$140,000 give or take to hold a lot for sale. He said this doesn't make sense to him when you have a proposed sale that would bring in money. If you put in an occupant, then they would become a taxpayer and it would be cash flow in rather than cash flow out.

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Secondly, speaking of mud and water – come to the east corridor as mud and water has been a problem for years! He said Mr. Dewey was supposed to come with him tonight and he did stop at Liberty Ford and they were considering coming, but something came up. He said they have water issues the whole way through – looking at the Northwest Bank, front of Sharpnack's – Dewey's problem has gone away primarily for something that was done a couple years ago. He wasn't sure what that was, but Mr. Dewey said he still has issues but it's not nearly as bad as it used to be when Jerry Pearl would show up with the cleanup people. They not only had mud on the streets, but there was mud on the carpets and underneath all the furniture in the store, which was a big issue. He said the problem is still there and he depicted it on the picture he passed on to Council. The issue is not so much the water, but when it gets into the frozen form then it gets to be a real problem. He offered a \$1,000 of his portion of the expense to clean up the ditches that drain from the east to the west that would be in front of the old NAPA building and Liberty Ford, and so forth to get it to an operable drain. It seems like spending \$140,000 for a little bit of mud on the streets downtown when illegal parking could be eliminated. They should be able to get the ditches flowing on that side of town easily.

Furthermore, he addressed sidewalks on the east side. He's been irritated by Council's decision to force sidewalks to the east. He has no problems with sidewalks if they were put on a prepared base. There is no base. He said the city is telling him they want him to spend his money to build a sidewalk that the city previously declared unsafe. Concrete doesn't float and the sidewalk down in that portion that's in the picture would have to be elevated or a floating dock assembly because it will be underwater a considerable amount of the time. When it freezes, they will have the real issue as 6" of water would form on top of the sidewalk and they would have another ice-skating rink for the City of Vermilion. Previously, he had applied for permits with the City of Vermilion prior to Mr. Valerius and when he was pouring concrete and rebuilding his front parking lot, he was told a flat no! At that time, the Safety Director had paid him visit and said no this was an issue and then Jack Strittmather showed up and said the City would not approve it. He asked for what reason as he wanted to pour concrete at one time and have it all done and fulfill his obligations. Jack Strittmather had told him that the City didn't want it because the bridge was not pedestrian equipped, and they wanted the pedestrian traffic to use the existing walks on the north side of the street and direct them to Berkley Road and walk toward VOL. The city wanted to avoid liability of directing people to an unsafe crossing and a bridge that wasn't built for pedestrian crossing. He said, "Please do not force the issue by asking again!" He has agreed to the conditions and was told by the city that they wouldn't come back.

Finally, with respect to water, mud and drainage, he would request the city would go back and look at this project and look at doing it right. He is extravagant in his wishes that they would have a big pile of money voted for to fix the water, the sewer, the gas lines, etc. before they put the gingerbread on top. The ground isn't stable and in a lot of places it's under water and then the maintenance – if you put that concrete on top of water and it freezes and thaws, then it will be heaved and broken from the water that can't get out from underneath. He said the ditch was half full all last summer even in the dry spell. He said a cleaning would certainly help the situation out.

In closing, he said he would hope the city would put a 'For Sale' sign on the Fulper Lot and create a little cash flow for the city rather than having expenses and cash flow going out.

Reading of the Ordinances:

Third Reading – Ordinance 2020-3: AN ORDINANCE PURSUANT TO SECTION 1240.02 OF THE CODIFIED ORDINANCES OF VERMILION GRANTING A LAND USE (ZONING) VARIANCE TO ZACHARIA SAFOS IN ORDER TO ALLOW FOR A RESIDENTIAL USE ZONING VARIANCE IN THE I-1 LIGHT INDUSTRIAL DISTRICT, LOCATED AT 2075 LIBERTY AVENUE, VERMILION, OHIO.

S. Holovacs MOVED; M. Stark seconded to adopt this ordinance. F. Loucka said he's aware they're trying to clean up this area of town and assuming this ordinance passes, the administration needs to make sure it's an attractive property. Roll Call Vote 5 YEAS. **MOTION CARRIED.** Clerk's Note: This is a land use variance and it will take effect in 30 days (April 2, 2020).

Third Reading – Ordinance 2020-5: AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020, AND DECLARING AN EMERGENCY.

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M. Stark **MOVED**; F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

Third Reading – Ordinance 2020-6: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH NEPTUNE EQUIPMENT COMPANY OF CINCINNATI, OHIO FOR THE CITY-WIDE WATER METER REPLACEMENT PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN AN AMOUNT NOT TO EXCEED TWO MILLION FORTY-ONE THOUSAND SEVEN HUNDRED SEVENTY-NINE DOLLARS AND FIFTY CENTS (\$2,041,779.50) AND DECLARING AN EMERGENCY.

S. Holovacs **MOVED**; F. Loucka seconded to adopt this ordinance by emergency. Discussion: A. Hendricks explained that as part of the financing for the project, the plan is to have bonds to raise the financing, so they would have 25 years to pay it out over the life expectancy of the new meters. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

Second Reading – Ordinance 2020-7: AN ORDINANCE TRANSFERRING FUNDS FROM ONE APPROPRIATION TO ANOTHER AND/OR APPROPRIATING FUNDS NOT HERETOFORE APPROPRIATED.

Second Reading – Ordinance 2020-8: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO AN AGREEMENT TO ASSUME THE LIABILITY OF THE GRAND DIVISION PARKING LOT FROM NORFOLK SOUTHERN RAILWAY AND DECLARING AN EMERGENCY.

Announcement of Meeting Dates:

- March 9, 2020 – Vermilion City Council Committee Meetings – 7pm
- March 16, 2020 – Vermilion City Council Meeting – 7pm
- March 23, 2020 – No Meeting
- March 30, 2020 – 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