

**RECORD OF PROCEEDINGS**

Monday, November 16, 2020

Held

Videos and minutes of council meetings are available to the public to view online at [www.cityofvermillion.com](http://www.cityofvermillion.com) under 'meetings' tab (City Meeting Minutes or Videos).

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

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

**CALL TO ORDER:**

Steve Herron, President of Council called the Monday, November 16, 2020 Vermilion City Council Public Hearing to order via ZOOM.

*Land Use Zoning Variance (4.00 acres) to Road to Hope in the B-3 Highway Commercial District, located at 1863 Liberty Avenue as recommended by the Vermilion Planning Commission.*

Tony Valerius explained the property is currently zoned B-3 Highway Commercial and at one time it had a residential use as apartments on the location, but it was there legally non-conforming because once it became B-3 you can no longer have residences on the property. He said Road to Hope would like to have a mixed use which includes an office space and recovery housing, and they want to remodel the existing apartments onsite. Because this location lost its legal non-conforming use of residence due to the fact it set vacant for over one year – they would like to get this back. He said the Planning Commission favorably recommended it to Council, so it is up to Council to see this through.

Jeff Kamms, Executive Director of Road to Hope provided an overview to Council by stating they are looking to do a Recovery Housing Program as they have been operating certified programs for the last 13 years in Lorain and Erie counties. They have multiple locations and when they acquired the motel property the setup was ideal for having all the individuals in one location and they are looking at it for women with children. They already operate one program for women with children. Some of the units would be utilized for the children and the main building in the front will be renovated for their administrative offices. All management staff will work out of this office as it's more centrally located for them. This property is in the center of all their different locations. They want to leave some open space in the main building to provide daycare for the women with their children when they start working and start getting their lives back in order. They will also have a playground area.

B. Brady said she was thrilled that somebody is fixing up this property because it has been an eyesore for so long. However, she asked if this is for long-term or short-term housing for these women with kids. Will the kids be going to the Vermilion schools and are they looking at them being a part of the community? J. Kamms said their hope is for longer term housing. He said to be certified nationally with the Recovery Housing Program, there is no defined length of stay if they are comfortable and doing well. They can live there indefinitely. He said there are different levels in Recovery Housing and Level 3 is where somebody would start when they are coming straight out of detox or treatment, and Level 2 is a step down. He said this program would be Levels 1 and 2, so it means they have already started in the program and they are establishing. They will be working in the community and their kids will be attending school locally. Ideally, they would like to see them completely out on their own at some point, but historically over the years they have seen these women establish their life in this community with a support group and employment, so their life is based in that community. A lot of them remain in that community as new citizens of the City of Vermilion. B. Brady asked if there was a limit how long they can stay with this Recovery Housing Program – would it be a permanent home for them? J. Kamms responded this was correct.

B. Brady said it looks like the structure that will be a maintenance garage is closer to the street than the setback, so can improvements be made to this building. T. Valerius said they first need to see their submission of the plans to the Planning Commission. He hasn't seen any drawings, so they may have to get a variance from the Zoning Board of Appeals. B. Brady said in the Planning Commission meeting they mentioned they would be selling the back house, but it doesn't look like this is a separate parcel on the Lorain County website. J. Kamms said they are not selling the back house because they are utilizing this for staff housing, and they have staff members that currently reside in this house. It was a rental

**RECORD OF PROCEEDINGS**

Monday, November 16, 2020

Held

home when they acquired the property and there were tenants living there and when their lease was up this was when they converted it over and they have four female staff members who have been living there for the last four months. He said this is a separate parcel. B. Brady said it wasn't set up as a separate parcel on the Lorain County website. J. Kamms said they bought the first parcel from the county and the second parcel was purchased from a private owner.

F. Loucka asked how many full-time employees will be on the site. J. Kamms said they will have a total of eight plus their management team, which is about five, so they should have about 13 staff members working out of this site. F. Loucka said in accordance with their site plan and per city ordinances there would need to be a sidewalk on the front parcel on Liberty Avenue. Also, he would hope they would have a landscaping plan which is in similarity to Defense Soap since they are trying to dress up this side of town, and it will enhance their business as well. J. Kamms said their site plan was an initial plan of what they needed to submit to zoning, but it is not their design phase. However, once they find out if they get approved for their mixed use, their plan for the front section of the landscaping would be to have design company work with them to have something extravagant there. They are looking into a waterfall design in the circle grassy area along the front with their organization sign. F. Loucka thought a ground sign would enhance the property.

B. Holmes thanked Mr. Kamms for explaining the project and said they look forward to having this located on the east side. They have proven their business because in his line of work he knows these recovery programs do help and they look forward to having one on the east side of town and they look forward to seeing the final site plan that will be sent to the Planning Commission.

B. Brady asked how they were funded. J. Kamms said through a variety of things. They are a 501C3 non-profit and they do have county funding in both counties, and they have some state funding and are part of a federal grant for pregnant and postpartum women, and they have funding through the residents when they are self-sufficient and at that point they pay their own cost for rent.

Mayor Forthofer said Mr. Kamms came to the administration in July of last year with the presentation of his plans for this parcel, and he was thrilled to have another section of the eastern corridor cleaned up. He advised Mr. Kamms at that time that their facility must have some curb appeal and he was assured it absolutely would. He thinks this is a high use for this property to be a sober living facility for all the reasons Councilman Holmes mentioned. He said the County Commissioners of both Erie and Lorain counties could not give higher praise to Mr. Kamms and his operation of eight other facilities around Lorain and Erie counties. He said he was given tremendous testimonials of his integrity, his method of operation, and his compliance in local communities, as well as the high service he provides to people in need, so he asked council to give favorable consideration to his request.

S. Herron said as a recovering person in this community, as he has been separated from his drug of choice for 24 years, he will say this organization is top-notch. They are not only giving service and compassion to the women that are in recovery and are about the right thing. They are not just people who are not putting forth their effort for sobriety in being clean. They are going beyond that in trying to make a life for themselves. The other huge priceless gift they give is for the protection of these children that come in. The children do not have a choice where they are in life through no fault of their own. This organization understands addiction as a family disease, and they care for the families and look out for the kids. He thanked Mr. Kamms and said their organization is top-notch and extremely well-respected throughout the community. The City of Vermilion would be fortunate to have these services and the work they do along with the compassion, the care, and love for the people in the community.

Homer Taft of 3972 Edgewater Drive said he doesn't oppose the particular Road to Hope proposal and he is glad they are a responsible organization. He had questions largely to do with whether there are conditions on the density they are allowing in a non-conforming use. He is assuming this recovery housing is for someone addicted to drugs or alcohol. He asked how many units there are and if there is a limitation to one adult per unit, how many children per unit, and is assuming that if these people are going to work they may have cars, so they are talking about 13 employees plus the residents potentially having cars. Is there adequate parking for those purposes and any visitors? Are there limitations if they can have more than one adult in a unit? What are the lawful limitations placed under either the zoning or the exceptions to the zoning be granted? J. Kamms said they are looking at eight two-bedroom units and six one-bedroom units as they sit right now after renovation. He explained it all goes by square footage and

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Public Hearing & Regular Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, November 16, 2020

Held

part of the certification process is that they are allowed only so much square footage per person. Historically, people have a certain idea when they hear sober houses and sober living environments where there might be someplace in the neighborhood that has 12 people stuffed into a home and they're all in bunk beds. This is not what a Recovery Housing Program is and part of their national certification adheres to quality standards, so in a two-bedroom unit the most you're looking at is two adults and two children, and in a one-bedroom would be one adult and one or two children. They have rules and policies in place, so they don't have overnight guests at the units, but they are allowed visitors during the day. As far as parking, each unit has its own driveway, so that individuals that do drive and have vehicles have their own parking. The staff will park in front and visitors during normal hours up to 11 pm will also park in the front parking. Also, the property will be staffed 24 hours a day onsite because of the children. They take very seriously the responsibility in housing children, so they do have a paid staff member onsite around the clock. All sites and projects are under surveillance outside at the locations. It's pretty structured and there isn't too much that goes on that they're not aware of. He believed total capacity was 24 adults and up to 28 children possibly. There are a couple units that has enough space for a mother to have two children.

Homer Taft wondered from the city side what the conditions of occupancy are allowed by the city. Are there any maximums or could that change in the future? What parking regulations are there? He asked what the city has in place and what is enacted in line with what the operator has laid out. T. Valerius said he hasn't seen any drawings submitted to the Planning Commission, but certainly there are density rules and parking rules, and once a set of drawings is submitted to Planning for review, then the administration can take a look at this to make sure they abide by the ordinances for parking and density.

Drew Werley added that he doesn't see anybody speaking out against this and he thinks this is a fantastic service that these guys provide, and he sees no reason not to approve it. S. Herron thanked him and said he agrees 100 percent.

#### CALL TO ORDER:

Steve Herron, President of Council called the Monday, November 16, 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.

#### APPROVAL OF MINUTES:

S. Holovacs MOVED, F. Loucka seconded to approve the City Council minutes of November 2, 2020. Roll Call Vote 6 YEAS. MOTION CARRIED.

#### CORRESPONDENCE:

S. Herron read into the record an email sent to City Council dated November 13, 2020 from Drew Werley. This letter is attached hereto and incorporated herein as the official record of proceedings.

#### PRESIDENT OF COUNCIL'S REPORT:

S. Herron extended his apology to citizen Homer Taft who made a comment referencing the right of referendum after an ordinance is passed by emergency. S. Herron said he incorrectly stated the law as his position on this was based on his experience, but noted that Mr. Taft was correct, so his disagreement with Mr. Taft was in error, so he wanted to make this point with his sincere apologies to Mr. Taft.

Secondly, he reported there appears to be a number of orders coming down from the Governor's office or his administration regarding social distancing. He said the numbers for COVID-19 are skyrocketing and he asked that his fellow citizens please wear masks and practice social distancing, and simply follow whatever mandate comes down. He said at the end of the day the City doesn't have drones over houses watching what the residents do and this isn't what they want to be about, but they want to stop the spread of this terrible pandemic, so he asked everyone to please do the best they can to practice the social

**RECORD OF PROCEEDINGS**

Monday, November 16, 2020

*Held*

distancing requirements and to get this through this at this holiday time and to get back to some numbers that are more manageable, so they start doing some things they like to do.

He said all meetings for the remainder of 2020 will be on Zoom simply for everyone's protection. He appreciates everyone's efforts. He said there are only two more council meetings in December unless something else comes up.

He thanked the city service department as he understands there were many trees down during the high winds. He understands the crews took care of these trees in a relatively quick manner to keep the area safe.

**COMMITTEE REPORTS:**

Legislative:

M. Stark reported the next meeting is scheduled for December 14, 2020 at 6 p.m. via Zoom.

Vermilion Community Services:

M. Stark reported the board is working on their donor campaign and letters will be sent shortly. Due to the pandemic they have not had a meeting.

Utilities:

F. Loucka reported the next meeting is scheduled for December 14, 2020 at 6 p.m. via Zoom.

Port Authority:

F. Loucka reported there is no meeting scheduled for December.

Finance:

B. Brady reported on the meeting held November 9. The next meeting is scheduled for December 14, 2020 at 6 p.m. via Zoom.

Planning Commission:

B. Brady reported on the meeting held November 4. The next meeting is scheduled for December 2, 2020 at 7 p.m. via Zoom.

Health & Safety:

B. Holmes reported on the meeting held November 9. The next meeting is scheduled for December 14, 2020 at 6 p.m. via Zoom.

Parks & Recreation:

B. Holmes reported the next meeting is scheduled for November 17, 2020 at 6 p.m. via Zoom.

Historic Design & Review:

The next meeting is scheduled for December 2, 2020 at 6 p.m. via Zoom.

Streets, Buildings & Grounds:

S. Holovacs reported the next meeting is scheduled for December 14, 2020 at 6 p.m. via Zoom.

**RECORD OF PROCEEDINGS**

Monday, November 16, 2020

Held

Contractors Registration:

S. Holovacs reported the next meeting is scheduled for December 1, 2020 at 6 p.m. via Zoom.

Zoning Board of Appeals:

S. Holovacs reported the next meeting is scheduled for December 1, 2020 at 7 p.m. via Zoom.

**MAYOR/SAFETY DIRECTOR'S REPORT:**

Mayor Forthofer reported on the following:

**Safety Director Report**

The high winds yesterday stretched the resources of our safety and service departments. The Fire Department toned out 21 personnel and every truck in the fleet. The VPD assigned all available resources to the storm and dispatch was flooded. The Service Department had all available personnel and vehicles out for work. The requests ranged from trees down across road tangled with live wires to gas lines ripped away from houses and trees against houses. A trampoline apparently became airborne and landed on a transformer causing an outage. Ohio Edison was alerted to each case but was equally as overwhelmed by the sudden number of calls. Some outages remain.

My heartfelt thanks to the City employees who responded to the call to address Vermillion's safety issues Sunday.

**Mayor's Report**

**Health Department COVID-19 Report**

The Erie County Health Department has given me the COVID-19 numbers for Vermillion. They include both Lorain and Erie Counties.

- Last spring: 9 – 12 active cases.
- Last summer: a high of 26 cases.
- ECHD reported 55 cases four weeks ago.
- 82 active cases two weeks ago.
- 136 active cases in the city last week.
  - Includes 29 new cases.
  - 3 hospitalizations.
  - 0 deaths.

This week's report is a 65% increase over two weeks ago which was a 49% increase over the two weeks before that.

**Governor's Order**

The Governor's new retail orders go into effect today. In a walk around of downtown this morning, I noticed most shops have posted on their doors the mask, distancing, and capacity requirements. Residents who feel the need to report violations need not call City Hall or the VPD. The numbers to call can be found on the City of Vermillion Facebook page.

Please do not put Vermillion merchants and restaurant owners in danger of losing business. Respect their request to wear a mask and social distance. I have seen people not wearing a mask brush past merchants at the door who were requesting them to wear a mask. They demonstrate the height of selfishness by disrespecting the merchants trying to make a living and the health of the general public. Think of others. Wear a mask.

**Lake Levels**

With all the focus on virus, we cannot let good news about lake levels go by.

While still above average, Lake Erie water levels have dropped since a record setting May. June 2020 was below June 2019. Receding levels are attributed to a lower than average snow falls last season and lower than average rain this past year. While still 29 inches above average it is expected to be 2 – 4 inches below last year's levels for the remainder of 2020.

# RECORD OF PROCEEDINGS

Monday, November 16, 2020

Held

## SERVICE DIRECTOR'S REPORT:

Service Director T. Valerius reported on the following:

The windstorm we experienced yesterday left approximately 200 Vermilion residences without power for a period of time according to First Energy's External Affairs Representative. Most power outages were a result of downed power lines from trees or branches, but one neighborhood experienced an outage due to an airborne trampoline that as of today was still tangled in the power lines. I too would like to thank the Street Department employees who were out most of the day and night yesterday clearing the streets of trees and other debris.

I wanted to alert citizens that crews are currently in town repairing catch basins and there are also crews repairing streets from main breaks and valve replacements. As always, I ask that you use caution in these areas, slow down and keep the workers safe.

Lastly, I just wanted to inform Council that the Administration has met with representatives from Erie County to begin negotiations on the Sanitary Sewer Agreement which expires at the end of the year. The agreement, which has been in place for 31 years, services businesses and residences South of the City on State Route 60.

He reminded citizens to not rack leaves in the street as the City does not have leaf collection services. They may place leaves in yard waste bags and set them out on regular garbage days. Yard waste will be picked up through December 9.

## FINANCE DIRECTOR'S REPORT:

Finance Director Amy Hendricks reported on the following:

### Appropriation Updates

In addition to routine line item adjustments you will note the following:

1. Fire Capital Fund 207 has been increased to allow for any last-minute expenses that may be needed beyond the bond borrowing for the new fire station to avoid delays in finishing the project.
2. Cemetery Fund 212 has experienced additional expenses in replacement of a mower, repairs on other vehicles as well as tree service to eliminate potential risks. In order to be able to meet expenses through the end of the year, I have requested a transfer of \$25,000 from the General Fund to be budgeted to contracted services.
3. Tree Commission Fund 240 increased by \$4,231 to reflect new donations for projects.
4. Fund 804 Contractor's Deposits has been increased \$5,000 with an advance for the same amount requested from the General Fund 101 in order to offset any year end deficits due to timing of billing and collections.
5. Fund 405 Harborview Project has been increased \$8,354.90 to allocate full balance available to project.
6. Fund 406 Lighthouse has had \$2,000 budgeted just in case unanticipated items may be requested from the committee before the end of the year.

### 2021 Budget

The 2021 Temporary Budget is in process for the December meeting. I would like to have November numbers complete in order to accurately reflect revenue impacts due to pandemic in forecasting for 2021. As in the past, if any council members have requests from their committees, please present those at the next Finance Committee Meeting in December so they can be discussed and evaluated to where they have needs for the 2021 planning. She requested that the appropriations be approved this evening as they need to be in place before the end of December so they can move forward with transactions.

B. Brady addressed the cemetery fund because per past discussions this is supposed to be a self-funded fund and if they need to transfer \$25,000 this indicates they are not doing that. She said they are supposed to be saving money in the perpetual fund. A. Hendricks explained that as far as the perpetual

**RECORD OF PROCEEDINGS**

Monday, November 16, 2020

Held

maintenance fund, the city is collecting as part of each lot purchase and a portion of various services for planning and they set these in a special fund which are accruing interest in Star Ohio. This balance is still relatively small. She said this year with the payment of the tractor...a mower was to be replaced and they have had some significant repairs on another piece of equipment, and they also had several thousand dollars of tree maintenance and removing trees in a risky position. She said this has been an unusual year for the cemetery and they will need to look at this going forward. It's one of those things they can't always fully anticipate with revenue, but they are dealing with old equipment at the cemetery and unanticipated expenses. B. Brady asked if they would expect this fund to reimburse the general fund at some point. A. Hendricks said this would be great, but one of the things they have experienced is that there has been times in the past where people have prepaid for services and those funds were either not put into the cemetery fund or spent for mowers, etc., so they had to make a transfer earlier this year for \$4,200 when there was a time those services had been prepaid.

T. Valerius said the mini excavator had to go in for significant repairs and they had to use the street department's backhoe when they could, but this machine is extremely large when getting in between the stones to dig holes and sometimes they can't use it and have had to rent another mini excavator so this was a substantial cost.

**CITY ENGINEER'S REPORT:**

Chris Howard reported the Highbridge Road Reconstruction project has been completed and they have a final walk through with the contractor this week to review final punch list items. Secondly, he asked council to consider passing Ordinance 2020-56 which is the consent legislation to authorize ODOT to perform bridge maintenance on the State Route 2 bridge over Baumhart Road. S. Herron confirmed he was asking for emergency passage to get the money to ODOT for this service. C. Howard said there is no money required on the city's part as its 100 percent paid for by the state. He said he just needs the mayor to sign the consent agreement with ODOT as they are looking to do this work the summer of 2021.

**LAW DIRECTOR'S REPORT:**

K. Stumphauzer respectively asked council to pass Ordinance 2020-45 which creates a new position in the prosecutor's office for a paralegal assistant. It is essential for the effective operation in the prosecutor's office.

**OPEN TO THE AUDIENCE:**

Drew Werley applauded the council president for not only taking the time to speak with Homer Taft, but to realize the error he had made and for apologizing to Homer for that. With that being said, he hopes that council realizes now that these emergency ordinances do not allow them the right to referendum, and to take a hard look at their practices because in his mind, many of these things have no business being passed by an emergency, and with that, probably over 90 percent of the ordinances council does pass wouldn't go through referendum because people wouldn't take the time to petition it, so he would hope council would look at this and know they are taking away the right of referendum when they pass things by emergency. Again, he applauded Steve Herron for taking the time to speak with Homer and realize he was wrong. He also noted per his correspondence that Steve Herron did reach out to him today in an email and he looks forward to talking with him. S. Herron thanked Drew Werley.

Homer Taft of 3972 Edgewater Drive thanked Steve Herron for his kind and generous words and said there really was no apology needed as he was sure he was speaking from what his belief was. He said with regards to the subject of emergency – one of the many court decisions from the Supreme Court of Ohio outline that emergency ordinances are a pretty limited category, and each requires a statement of what the emergency is. A compelling reason for the waiver of the normal waiting period of passage, so he hopes council will give this some thorough consideration. He said it's meant to be unusual; not that council can't ever do it – it doesn't have to be that life or property is in jeopardy. There can be other reasons why an ordinance goes into effect promptly. He said Steve Herron had mentioned the remainder of meetings this year will be on Zoom, which he hopes is true. However, the state authority for this expires December 1 and he would hope that not only the Council President, the Mayor, and the members of council would consider contacting the legislator's they know to encourage them to enact a statute that has been proposed to extend it. He hopes it will be extended for at least six (6) months because given

**RECORD OF PROCEEDINGS**

Monday, November 16, 2020

Held

current indications they are not sure how quickly they are getting out of this, so he hopes everyone speaks up on this.

Steve Herron responded to this by saying he isn't exactly sure where the authority comes from. However, he does feel he has the authority to have Zoom meetings for the public health, but with that being said, he will make calls to people. He wasn't sure Homer Taft had received his correspondence a couple of weeks ago from the Secretary of State who had sent out quite a bit of information on how to conduct a public meeting. He said this came out last April, but he is not sure where that comes from, but he will look into it. At this point, whether there is a statutory allowance for Zoom meetings or not, he will do the best he can to make sure they are all safe. He said regardless of everyone's opinion of his decision, he wanted them to know that really everybody's safety and health is the most important and he feels they can conduct the city's business done under the law of the land which is very important to him. He will make sure they will do it under the law on how they need to go about this. In conversation he had today with another lawyer, it was interesting that this is all new ground for them. They didn't have Zoom back in the 1918 pandemic, so they really don't have anything to look other than making their best decision. He would hope that everybody would understand that community involvement is critical, and they are all doing the best they can.

Drew Werley believed Homer Taft was talking about House Bill 197, Section 12 that gives them the authority and he believes he is correct on the end date.

**Reading of the Ordinances:**

K. Stumphauzer advised council that there is currently a bill that has been introduced in the House in Columbus to extend the ability to conduct Zoom meetings. He has not seen the copy of the first draft, but he is assuming in view of the circumstances it will receive favorable consideration by the Ohio Legislature and of course passed by the Governor.

**Third Reading – Ordinance 2020-30:** AN ORDINANCE TO AMEND SECTION 618.01 ENTITLED "DOGS AND OTHER ANIMALS RUNNING AT LARGE, DANGEROUS AND VICIOUS DOGS" OF CHAPTER 618 ENTITLED "ANIMALS" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO AND DECLARING AN EMERGENCY.

Discussion: S. Herron said this is an issue that has been given community feedback and they can strike the emergency clause and pass this in 30 days, or they can keep declaring an emergency. B. Brady said since they have been working on this ordinance for so long the 30 days is really a non-issue and they are going into the winter season anyway, so she doesn't think the 30 days is important one way or another. **S. Herron MOVED**, M. Stark seconded to adopt this ordinance and strike the emergency clause. B. Brady asked if anybody would consider changing the verbiage to "prevent escape" to "maintain control". She said someone called her and said this would make more sense. G. Fisher pointed out that this language was at the recommendation of the law department. S. Herron said his opinion would be to maintain control. B. Brady clarified that currently the ordinance reads to "prevent escape". G. Fisher confirmed it says to prevent escape. S. Herron said he would go with what the law director presented, which is to "prevent escape" assuming she reviewed case law. B. Holmes said it pretty much clarifies this because to prevent escape is to maintain control. Roll Call Vote 6 YEAS. **MOTION CARRIED**. The clerk noted she would strike the emergency clause and said the ordinance would go into effect on December 16, 2020.

**Tabled - Third Reading – Ordinance 2020-34:** AN ORDINANCE ESTABLISHING FUND 234 "DOG PARK" AND DECLARING AN EMERGENCY.

**Third Reading – Ordinance 2020-39:** AN ORDINANCE PURSUANT TO SECTION 1240.02 OF THE CODIFIED ORDINANCES OF VERMILION GRANTING A LAND USE (ZONING) VARIANCE TO ROAD TO HOPE IN THE B-3 HIGHWAY COMMERCIAL DISTRICT, LOCATED AT 1863 LIBERTY AVENUE, VERMILION, OHIO.

**M. Stark MOVED**; B. Holmes seconded to adopt this ordinance. Roll Call Vote 6 YEAS. **MOTION CARRIED**. G. Fisher noted this ordinance will go into effect on December 16, 2020.

**Third Reading – Ordinance 2020-43:** AN ORDINANCE ESTABLISHING FUND 710 "PAYROLL CLEARANCE FUND" THAT BECOMES EFFECTIVE JANUARY 1, 2021.

**S. Holovacs MOVED**, B. Holmes seconded to adopt this ordinance. Roll Call Vote 6 YEAS. **MOTION CARRIED**. G. Fisher noted this ordinance would go into effect on December 16, 2020.



**RECORD OF PROCEEDINGS**

Monday, November 16, 2020

Held

**Tabled – Third Reading – Ordinance 2020-44:** AN ORDINANCE TO AMEND ORDINANCE 2019-5 ADOPTED FEBRUARY 25, 2019 PURSUANT TO CHAPTER 873 ENTITLED "TRANSIENT ACCOMMODATION, ROOMING OR BOARDING HOUSES" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY.

**Thrd Reading – Ordinance 2020-45:** AN ORDINANCE AUTHORIZING THE CREATION OF THE POSITION OF PARALEGAL/LLEGAL ASSISTANT TO THE VERMILION CITY PROSECUTOR(S) AND ABOLISHING THE POSITION OF SECRETARY IN THAT OFFICE AND DECLARING AN EMERGENCY.

**F. Loucka MOVED,** M. Stark seconded to adopt this ordinance by emergency. Discussion: S. Herron said he is in favor of declaring an emergency on this ordinance as creating this position can benefit if dealt with in the next 30 days. B. Brady asked council if they were comfortable with how the job description was set up; do they need anymore direction as to how they compensate and what is included. She said they just have a pay range established and the fact that it's two days a week at 16 hours. Do they need to set it up in the city pay ranges or how will raises follow – do they go by the Local 860 or by ordinance? K. Stumphauzer said the last version of the ordinance he saw is that this position is 16 hours per week (Tuesday and Thursday) and the reason for the range in compensation is dependent upon the qualifications of the individual. So, by way of example – the current position is a secretary who has been a paralegal for many years. She is ultimately going to seek other employment, so they will be looking for another paralegal; preferably a paralegal that has a wealth of experience in criminal law. Having said this, the determination for the pay range he would ask it remain as is because it's a really a function of the law director to determine in conjunction with the prosecutors of how much this person should be paid and he wanted it to have a range in order to keep this person by periodically giving raises after they determine how affective they are in the job. He said this is an at will position and if the individuals do not meet the criteria, they feel is essential, then this person can be removed. He said the law director and the prosecutors will be making the decision of the compensation subject to the limitations put into the ordinance. S. Holovacs said he has no problem with this, but if someone is given a starting wage and any department wants to give them a raise above and beyond what the Local 860 gives, then he has no problem with the administration coming back to council for approval. He said this is part of legislation that has been on the books for years. He doesn't care about the range, but any increase above and beyond needs to come back to City Council. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**Thrd Reading – Ordinance 2020-46:** 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, 2021 THROUGH FEBRUARY 28, 2021 AND DECLARING AN EMERGENCY.

**F. Loucka MOVED,** B. Holmes seconded to adopt this ordinance by emergency. Discussion: S. Herron said he is in favor of breaking up the ice on the river and believes this is suitable to adopt by emergency because this particular company deserves to know they will have this business and they can make adjustments to provide this service to the city beginning on January 1. S. Holovacs agreed as this is a service that goes out to bid and they only received one bid, so somebody coming back and questioning this in 30 days won't change things since there was only one bid, so he didn't have a problem with the emergency clause. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**Second Reading – Ordinance 2020-48:** 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 2021 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 Redding – Ordinance 2020-49:** 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, 2021 THROUGH DECEMBER 31, 2021 AND DECLARING AN EMERGENCY.

**Second Reading – Ordinance 2020-50:** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH USALCO LLC OF BALTIMORE, MARYLAND FOR THE PURCHASE OF POLYALUMINUM CHLORIDE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

**Second Reading – Ordinance 2020-51:** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH PVS TECHNOLOGIES OF DETROIT, MICHIGAN FOR THE PURCHASE OF LIQUID FERROUS CHLORIDE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

**RECORD OF PROCEEDINGS**

Monday, November 16, 2020

Held

**Second Reading – Ordinance 2020-52:** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH SNF POLYDYNE, INC. OF RICEBORO, GEORGIA FOR THE PURCHASE OF CLARIFLOC CE-1593 POLYMER TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

**Second Reading – Ordinance 2020-53:** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH JCI JONES CHEMICALS, INC. OF BARBERTON, OHIO FOR THE PURCHASE OF LIQUID CHLORINE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

**Second Reading – Ordinance 2020-54:** 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, LIQUID CAUSTIC SODA, SODIUM HYPOCHLORITE, AND SODIUM BISULFITE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2020-55:** AN ORDINANCE AMENDING ORDINANCE 2020-5 ADOPTED MARCH 2, 2020 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.

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

**B. Holmes MOVED;** B. Brady seconded to adopt this ordinance by emergency. S. Herron said they are passing this as an emergency so that the finance director can have this money and know where they are at any given time. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**First Reading – Ordinance 2020-56:** AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONSENT AGREEMENT TO PERFORM BRIDGE MAINTENANCE ON LOR SR 0002 SLM 03.32 L & R OVER BAUMHART ROAD IN THE CITY OF VERMILION OF LORAIN COUNTY, OHIO AND DECLARING AN EMERGENCY.

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

**M. Stark MOVED;** B. Holmes seconded to adopt this ordinance by emergency. S. Herron explained the city needs to execute the maintenance agreement with ODOT to get this project accomplished so it does not inhibit the process. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**First Reading – Ordinance 2020-57:** AN ORDINANCE ACCEPTING CORONAVIRUS RELIEF GRANT FUNDS FROM BROWNHELM TOWNSHIP WHICH WILL BE TRANSFERRED TO EACH FIREFIGHTER OF THE VERMILION FIRE DEPARTMENT AS HAZARD PAY WHO WORKED AS A FIREFIGHTER WITH THE DEPARTMENT DURING THE PERIOD OF APRIL 1, 2020 THROUGH SEPTEMBER 30, 2020, AND AUTHORIZING THE FINANCE DIRECTOR OF THE CITY OF VERMILION TO ALLOCATE THOSE FUNDS AS PROVIDED BY THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT AND DECLARING AN EMERGENCY.

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

**B. Holmes MOVED,** F. Loucka seconded to adopt this ordinance by emergency. Amy Hendricks explained there is a deadline to encumber the money by November 20 and to expend it by the third week in December so the funds can be reported to the federal agency, so there is no time to go with a 30 day provision on this ordinance. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**First Reading – Resolution 2020R-16:** A RESOLUTION AMENDING SECTION 4 OF RESOLUTION 2019R-2 OF THE 2019/2020 SIDEWALK PROGRAM AS ADOPTED FEBRUARY 4, 2019 AND DECLARING AN EMERGENCY.

G. Fisher suggested the possible adoption of this ordinance, as this was already on the books with a deadline date of June of 2021. She thought it might warrant her sending notification to these businesses of the revised deadline date of October 2022 by certified mail due to the Liberty Avenue Water Line Replacement Project. She thought in case the business owners are trying to set up a contractor for next year's work they may need to know about this change in date. She said the quicker they let these businesses know the better.

**F. Loucka MOVED,** B. Holmes seconded to suspend the rules. Discussion: S. Holovacs disagreed with the emergency adoption but said council can proceed if they want. He said it's mid-November and very little concrete is

# RECORD OF PROCEEDINGS

Minutes of Minutes of the Vermilion City Council Public Hearing & Regular Meeting Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, November 16, 2020

Held

being poured at this time of the year. He said they are not going to do sidewalks because there is an ordinance that says they have to do it by mid-summer of 2021. However, it is not an emergency at this time of year. G. Fisher said she just wasn't sure businesses were going to start setting contractors up for next year at this time, so she thought if she could give them a notice now it might be good. Roll Call Vote 6 YEAS. MOTION CARRIED.

F. Loucka MOVED, B. Brady seconded to adopt this resolution by emergency. Discussion: S. Herron thought this resolution was suitable for emergency mainly because they may be lining up their contractors for spring or late spring. He agrees nobody would be pouring concrete at this time, but if they are sitting down with their finances to figure out what to do next year, this may give them a chance to plan it out. Roll Call Vote 6 YEAS. MOTION CARRIED.

#### Emergency Clause:

B. Brady asked if she could make a motion to strike all emergency clauses from ordinances and add it back whenever it's appropriate. S. Herron said he has a little bit different of opinion as he reads case law that many cities do this regularly; it is not unlawful for cities to do this regularly, but there is a Revised Code section on it and case law. He didn't think they needed a motion because when they draft an ordinance, they don't have to put it in if council wants to make this the exception rather than the rule. S. Herron said they can discuss this at the legislative meeting. F. Loucka asked if this complicates G. Fisher's life one way or the other. G. Fisher explained that when she prepares the ordinances to be read at the council meeting, it's in final form and printed on legal paper which is really expensive, so if she puts the emergency clause in the ordinance, council can do what they did tonight by making a motion to adopt the ordinance and striking the emergency clause if warranted. She said she can redline through the emergency clause and put an effective date of 30 days at the bottom of the ordinance. If she doesn't put the emergency clause in, then she can present the ordinance to council in draft form. She said after the meetings, she obtains signatures from the President of Council and Mayor if the ordinance is adopted. If the ordinance is in draft form, then she would have to prepare the final ordinance for signature at a later time. She said it is really the decision on how council wants to handle this. S. Herron said they really need to discuss this in committee. G. Fisher asked council to put some thought process into this matter as she will do whatever they wish.

#### Announcement of Meeting Dates:

December 7, 2020 - Vermilion City Council Meeting - 6:00 p.m. via Zoom

December 14, 2020 - Vermilion City Council Committee Meetings - followed by Special City Council Meeting if needed - 6:00 p.m. via Zoom

#### 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*

Dear City Council,

“ I just want to give what I would call, a reality check” We all come from different walks of life, with varying experiences, political/ Religious/ moral views. This is just one small part of what makes this country great., just like this city of ours. A melting pot of people, ideally working with each other for the common goal of a better tomorrow. It saddens me to say that I don't always see that with the way this city council operates, whether it is being dismissive when citizens speak, clearly not paying attention and texting during meetings, and even unwarranted profanity from certain members of council. I take great issue with the way City Council President Steve Herron scoffed at myself and Homer Taft during this last weeks committee meetings. As an elected official, I find this to be truly abhorrent behavior in dealing with his electors. I find this to be especially true when (in my most humble opinion) he is incorrect in what he stated while behaving this way. To allege that I in any way made reference to ordinance 2020-44 as a violation of the 4<sup>th</sup> amendment is simply laughable, and actually that is what he did. He laughed and continued to inform us all what the 4<sup>th</sup> amendment is. It was “about the nicest way I can put it” I'd love to hear the not nice way to put it because I felt that was fairly condescending. In reference to his comments about wanting to know who is at the property and what they are doing, this I claimed is not only a violation of the 4<sup>th</sup> amendment but this ordinance will not give you that information or the power to get it so I wish he would stop bringing that up. He made claim that the right of referendum has nothing to do with declaring an ordinance an emergency. I respectfully disagree. I made several attempts to contact Steve via phone to discuss both of these instances in which I believe not only is he incorrect but also his lack of decorum. I was unable to reach him at no fault of his as I never left a message for a return phone call. I had planned to clarify my 4<sup>th</sup> amendment comment because it seems he was confused as well as discuss Ohio case law on the right of referendum and the loss thereof when an ordinance is passed by emergency. Lastly on that note, I have read meeting minutes and watched far more city council meetings in the past 3 months than maybe

anyone else has. So I had already known that a large number of ordinances are brought up as “emergency Ordinances” But frankly, I was shocked to hear that it is common practice for you to do this. I feel this body is abusing their power by passing such a large number of ordinances as “emergency”. I think that the City Council should verify the validity of Steve Herrons comments in regards to the right of referendum with the Law Director. Regardless of this outcome I suggest the council takes a good look at their common practice of passing “emergency ordinances”

Yours in Liberty,

Drew Werley SPFS