

Minutes of the Vermilion City Council Meeting

Monday, January 4, 2021

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 Hlovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five.

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, January 4, 2021 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. Hlovacs MOVED, M. Stark seconded to approve the City Council minutes of December 14, 2020. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

S. Herron read a letter into the record that Council received from the Vermilion Firefighters. This letter is attached hereto and incorporated herein as the official record of minutes.

Secondly, he read an email Council received from Georgianne Tarrant of the Concerned Citizens to Save Harbor View. This email is attached hereto and incorporated herein as the official record of minutes.

PRESIDENT OF COUNCIL'S REPORT: No report.

COMMITTEE REPORTS:

Legislative:

M. Stark reported on the meeting held December 14. The next meeting is scheduled for January 11, 2021 at 6:00 p.m. via ZOOM.

Vermilion Community Services:

M. Stark reported there has been no meetings scheduled due to COVID.

Utilities:

F. Loucka reported the next meeting is scheduled for January 11, 2021 at 6:00 p.m. via ZOOM.

Port Authority:

F. Loucka reported there is no meeting scheduled in January.

Finance:

B. Brady reported on the meeting held December 14. The next meeting is scheduled for January 11, 2021 at 6:00 p.m. via ZOOM.

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Planning Commission:

B. Brady reported the next meeting has been scheduled for January 6, 2021 at 7:00 p.m. via ZOOM.

Health & Safety:

B. Holmes reported on the meeting held December 14. The next meeting is scheduled for January 11, 2021 at 6:00 p.m. via ZOOM.

Parks & Recreation:

B. Holmes reported the next meeting is scheduled for January 19, 2021 at 6:00 p.m. via ZOOM.

Stormwater Advisory Committee:

S. Herron said he will be scheduling a meeting once they review the city's budget.

Historic Design & Review:

E. Skahen reported the next meeting is scheduled for January 6, 2021 at 6:00 p.m. via ZOOM.

Vermilion Tree Commission:

E. Skahen reported the next meeting is scheduled for January 13, 2021 at 9:30 a.m. via ZOOM.

Streets, Buildings & Grounds:

S. Herron reported on the meeting held December 14. The next meeting is scheduled for January 11, 2021 at 6:00 p.m. via Zoom.

Zoning Board of Appeals:

S. Holovacs reported the next meeting is scheduled for January 26, 2021 at 7:00 p.m. via Zoom.

Contractor Registration:

S. Holovacs reported the next meeting is scheduled for January 26, 2021 at 6:00 p.m. via ZOOM.

Miscellaneous:

S. Herron said three weeks ago City Council had an extremely long meeting and the Council Clerk, Gwen Fisher was able to complete all the minutes extremely quickly and very professionally which is a herculean task. He said all the words said become public record and he wanted to express his heartfelt gratitude for the work she has done for many years for the city. When called upon to do so during the holiday season, this was an exceptionally great job and he believed he was speaking on behalf of the entire city. E. Skahen said G. Fisher even did this work on her vacation. S. Herron said she is a very professional and selfless employee that the city has, and he thinks people know how lucky and blessed they are to have Gwen Fisher as their Council Clerk.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer seconded the Council President's comments.

As Safety Director, Mayor Forthofer reported that members of the Vermilion Police and Fire departments were vaccinated against COVID-19 last week by the Erie County Health Department and there were no significant reactions reported. He is gratified that the city's first responders are protected as they continue to serve the community.

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Mayor Forthofer reported that he submitted a resolution reflecting Council's support of the Main Street Revitalization Project as presented on December 14, 2020 at the Streets, Buildings, & Grounds Committee meeting. He asked Council to pursue the passage of this resolution as the Parks Department is eager to do what they can before the beginning of the summer beach season.

He said it was impressive that over the holidays new business interest in downtown continued. They are having encouraging discussions with properties down at the east end of Liberty Avenue, and he had a prestigious company inquire about moving into downtown Vermilion. His biggest challenge was playing matchmaker to an available space. There are just a few available spaces downtown, so he is twisting the arms of some building owners who currently do not have their buildings open for retail business to see if they would consider them for retail. He said this is a plus for Vermilion to have such an interest.

B. Brady inquired if the administration was ready to put the Erie Sewer Contract on the committee agenda next week. Mayor Forthofer said they have not received a response from Erie County. He is expecting a call from the Commissioner to counter the initial proposal placed by the city engineer and service director. He said the 31-year contract was reviewed by the law department and an independent contractor who is a specialist in wastewater management about what they should be doing to bring themselves up to the best practices for this type of contract. This was proposed to Erie County and the city is now waiting on a response. B. Brady asked if a council member is sitting in on this committee. Mayor Forthofer said there is no committee as it is just discussions between him and the Commissioners. He noted that a proposed contract will come before City Council.

S. Herron asked if all the first responders received the COVID vaccine. Mayor Forthofer thought the fire department was still arranging times as they are volunteers who work other jobs.

SERVICE DIRECTOR'S REPORT:

Service Director T. Valerius reported that the Erie Regional Planning Commission informed him that the City of Vermilion will be receiving funding through the State Capital Improvement Program for the Liberty Avenue Water Main Replacement Project, Phase 2, which was filed through the Ohio Public Works Commission. This project will see a new water main installed from South Shore Court where Phase 1 will leave off and continue east to Niagara Road. This section of water line is also part of the EPA mandated 10-year Water Line Replacement Program for the city. G. Fisher said the city put the sidewalk program off until October of 2022 due to Phase 1 of this program. She asked if Phase 2 would be finished prior to this date. T. Valerius said this project should be done prior to the deadline.

B. Brady inquired if he had an answer to the sanitary sewer issue, she had raised regarding the Tradesman Park project. T. Valerius said if there are facilities for Tradesman Park to tie into, then the City needs and encourages them to tie in. Under normal circumstances, the VOL lift station would not be overworked. It's only when there is I&I and a rain event when something happens when that facility is not able to take everything. B. Brady understood this but noted they have a manhole that bumps three feet into the air during a rain event and they're going to put more sanitary into that system. She said she will wholeheartedly object if they do this because they just cannot, and therefore she wanted to raise this issue in front of council. C. Howard said he would respond to her email regarding this issue. B. Brady said Council may have to look at this situation regardless as she feels it is drastic at this point.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported that last Thursday the Auditor's Report of Financial Statements for 2019 were received from the Auditor of State's office and they were sent electronically to all council members and the administration to review. She said the city received one citation for noncompliance which resulted from a lack of a written policy for a specific fund that is used for the sale of forfeited items or cash related to various criminal cases. The report notes that all transactions within the audit period were appropriately accounted for in relation to the funds. The only weakness is that the city did not have a written policy as required by Ohio Revised Code. The police department has reached out to neighboring agencies to get some samples, so they have something to present for adoption. Given this to be the single

noncompliance issue that was noted, she expressed her appreciation to the staff in the finance department as Teresa and Beth do a fabulous job. She also thanked the entire city staff because over the last two years they have been very supportive and cooperative as they have moved forward with new

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procedures and policies that continue to strengthen their financial accounting and reporting qualities. Also, she extended an additional thank you to Mayor Forthofer for his leadership and laying the groundwork for this progress. She said they are now moving onto 2021 audit reports and financial statements.

She provided a sneak peek report on the 2021 budget, by stating they adopted the temporary budget for the year but the questions for next year's budget are not so much in the city's operating expenditures. There are project questions to be answered in the various utility and street funds. They also need to keep in mind that the year end fund balances across all major funds are bolstered by one-time revenue sources, such as the CARES funding where there was \$720,000 that came in, as well as extra Workers Compensation rebates that totaled about \$350,000. Both funds really were distributed across the labor-intensive funds for those that have payroll expenses. She stated the deadline for CARES expenditures has been extended to December 31, 2021. However, the city has accounted for their allocation.

She explained that revenues in the general fund that experienced losses this year were income taxes -about \$30,000 less than 2019, but about \$50,000 less from what they had estimated in the operating fund. In the municipal court income and fees there was about \$73,000 that was lost over the previous year. Hopefully, in 2021 they will see this stabilizing. One of the biggest things the city has been able to gain and be able to use in supporting the operating expenses and purchases in the last couple years has been investment income. In 2019, the city received almost \$325,000 and they received \$185,000 less this year in investment income due to declining interest rates and they will see this dip down a little further in 2021 as the things that have matured during 2020 had to be reinvested at lower rates. She said this is going to be an ongoing loss to the general fund moving forward.

She said funding for streets from income taxes, fuel taxes, and other state fees that are paid with car registration, such as permissive use - fell \$130,000 below the city's estimate for 2020. This was the year the city was supposed to see an additional \$300,000 come in from the fuel tax because of the changes in the law from mid-year 2019. It remains to be seen how this will materialize when planning for projects in 2021.

She reported the water and sewer fund revenues were up slightly due to increased revenue from tap fees and various other things related to new construction, dump fees, and other miscellaneous. There was a slight increase in usage revenues, but this was offset by loss of penalties and disconnect fees during the time from March – October and early November, when those items were waived.

She said they have done a lot in the last two years to establish some cash reserves as well as reduce expenses, but this is something they will need to keep an eye on in moving forward in some of the spending plans they may have.

She provided a technology update by stating that all parts have arrived, and the initial programming has been done by the IT staff for the new telecommunications system for the city. It has been installed in the police department thus far. The next installation will be in the fire department so that all public safety forces are on the new system. She noted that City Hall will follow. She said they made an investment in the infrastructure for the city's technology systems. They have a lot of servers that were beyond their expected life that were also at capacity and causing processing snags. They have all been ordered and will be installed in the coming weeks in the new fire station which is dedicated as the new city data center. The IT staff has upgraded the Uninterrupted Power Supply systems in those departments to help avoid outages on the network and to the systems to provide alerts of problems due to power outages to the appropriate people even if they are not on site. They also put in backups for redundancies for internet services, so systems and reporting can continue if one provider drops off.

B. Holmes asked if the old IT staff has been terminated prior to the city going with Lifecare. He is referring to the issues when they had to call the other IT person. A. Hendricks said they have had a couple of snags with quarantines recently, but beyond that their availability both remotely and on site has

been able to handle this. They service the city had with the backup firm has been completely discontinued and things seem to be running very well. She is much more comfortable with where the city is. The IT staff has been involved and helpful with the new fire station in ways she would not have even considered as it is related to technology, such as alarm systems, security cameras, and door locks. The

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phone installation is part of the city's blanket contract with Lifecare, so the city has not been billed separately for this.

B. Holmes addressed the Main Street Revitalization Project and asked if there would be any legislation for funding coming before City Council. A. Hendricks said she has worked closely with Brad Scholtz and Terry Parker of the Parks & Recreation Board and Marc Weisenberger from the Parks Department because their debt is expiring with the Saylorway project and they wish to look at financing to possibly expedite some other projects. She has been working with Sudsina & Associates and Bond Counsel as they work towards some of the details. She had a conference today with Brad Scholtz to discuss some of the options they have, which will be part of her finance report next week in committee. However, they will not have legislation next week, but it should be on the council agenda for January 25.

S. Herron asked if it would be feasible to schedule a work session on February 22 to discuss the budget and the legislation of some other items. A. Hendricks noted she will not be available the week of February 22. S. Herron said he will try to work out another date. E. Skahen asked if they could include all potential projects.

CITY ENGINEER'S REPORT:

C. Howard asked for council's consideration in passing Ordinance 2021-2 which is preliminary legislation for ODOT's Resurfacing Urban Paving of State Route 60 and State Route 6 within the Erie County corporation limits. The state needs the city to pass this legislation, so they know how much money the city is going to contribute to this project. B. Brady asked if they would stop at the Lorain County line. C. Howard said this year they will only do Erie County and next year they will do Lorain County.

M. Stark asked how much the city's portion will be. C. Howard said the city's portion is \$330,000. Originally, the state wanted more money, but the city was able to work them down, but this money must be contributed to the project in February as construction should begin in June. The city will receive final legislation from the state once they bid the project out, but this is their preliminary number that the city has agreed to. M. Stark asked the finance director if she looked at these numbers and if she is good with this. A. Hendricks responded with a head nod of yes.

LAW DIRECTOR'S REPORT: No report.

OPEN TO THE AUDIENCE:

Marian Vance, President of the Board of Preservation Ohio explained that Preservation Ohio is a statewide historic preservation organization and the oldest in the state. She said several weeks ago she had the opportunity to drive down the street and see Harbor View Mansion, which took her breath away. She encouraged Council to think very carefully before they allow a demolition to take away this significant building that is on this street in Vermilion. It was obviously built in a time when it was important, and it signified who was living there. She has been in many homes that have been restored and some she was afraid to be in, but she was impressed with the condition of Harbor View Mansion and the fact that it is in good condition. It has some mold and asbestos issues, but all of this is remedial. She thanked Council for allowing her the opportunity to speak for a building that has no words.

Reading of the Ordinances:

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

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. (Will be referred to an upcoming Work Session – date undetermined)

First Reading – Ordinance 2021-1: AN ORDINANCE AMENDING SECTION 1270.01 "A-1 AGRICULTURAL DISTRICT," SECTION 1270.02 "R-1 ESTATE RESIDENCE DISTRICT," SECTION 1270.03 "R-2 RURAL RESIDENCE DISTRICT," SECTION 1270.04 "R-3 SUBURBAN RESIDENCE DISTRICT," SECTION 1270.05 "R-4 URBAN RESIDENCE DISTRICT," SECTION 1270.06 "R-4A TWO-FAMILY URBAN RESIDENCE DISTRICT," SECTION 1270.07 "R-5 APARTMENT RESIDENCE DISTRICT," SECTION 1270.08 "R-6 SPECIAL FAMILY

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RESIDENCE DISTRICT," SECTION 1270.09 "RS SPECIAL RESIDENCE DISTRICT," SECTION 1270.10 "RL-1 EXISTING LAGOON DISTRICT," SECTION 1270.11 "B-1 NEIGHBORHOOD BUSINESS DISTRICT," SECTION 1270.12 "B-2 CENTRAL BUSINESS DISTRICT," SECTION 1270.13 "B-3 HIGHWAY COMMERCIAL DISTRICT," SECTION 1270.14 "B-4 MOTORIST SERVICE DISTRICT," SECTION 1270.15 "I-1 LIGHT INDUSTRIAL DISTRICT," SECTION 1270.16 "I-2 HEAVY INDUSTRIAL DISTRICT," SECTION 1270.17 "I-3 INDUSTRIAL PARK DISTRICT," SECTION 1270.18 "I-U UTILITY DISTRICT," AND SECTION 1270.19 "FP FLOOD PLAIN DISTRICT" OF THE PLANNING AND ZONING CODE OF THE CITY OF VERMILION TO PROHIBIT JUNK BUILDINGS, SHOPS, AND YARDS.

First Reading – Ordinance 2021-2: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONSENT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING-URBAN PAVING (ERIE COUNTY) AND DECLARING AN EMERGENCY.

F. Loucka MOVED, B. Holmes seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

S. Holovacs MOVED, M. Stark seconded to adopt this ordinance by emergency. Discussion: S. Herron said the reason for emergency passage relates to the safety of the community with the condition of the streets in Erie County and with regards to what the city engineer stated about the state's requirement for passage as it pertains to the city's portion of the project. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2021-3: AN ORDINANCE ENACTED PURSUANT TO CHAPTER 1266 OF THE CODIFIED ORDINANCES OF VERMILION, REZONING LAND IN VERMILION, OHIO, AND CONTAINING AN AREA OF APPROXIMATELY 6.323 ACRES FROM R-3 "SUBURBAN RESIDENCE DISTRICT" TO B-3 "HIGHWAY COMMERCIAL DISTRICT" LAND USE CLASSIFICATION AS FAVORABLY RECOMMENDED BY THE VERMILION MUNICIPAL PLANNING COMMISSION; AUTHORIZING THE CITY ENGINEER TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF VERMILION TO CONFORM HERewith AS SAID MAP HAS BEEN ESTABLISHED BY SECTION 1268.02 CODIFIED ORDINANCES OF VERMILION UPON THE EFFECTIVE DATE HEREOF. (Public Hearing – February 1, 2021 @ 6pm via ZOOM)

First Reading – Resolution 2021R-1: A RESOLUTION EXPRESSING VERMILION CITY COUNCIL'S SUPPORT AND ENDORSEMENT OF THE MAIN STREET REVITALIZATION PROJECT IN THE CITY OF VERMILION, OHIO.

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

B. Holmes MOVED; S. Herron seconded to adopt this resolution by emergency. Discussion: Emergency passage is warranted to get ahead of the beach season for 2021. Roll Call Vote 6 YEAS, 1 NAY (Brady). **MOTION CARRIED.**

Announcement of Meeting Dates:

January 11, 2021 – Vermilion City Council Committee Meetings – 6:00 p.m. via ZOOM
January 25, 2021 – Vermilion City Council Meeting – 6:00 p.m. via ZOOM
February 1, 2021 – Public Hearing (Sommers Rezoning) – 6:00 p.m. via ZOOM, followed by Vermilion City Council Meeting.
February 8, 2021 – Vermilion City Council Committee Meetings – 6:00 p.m. via ZOOM
February 22, 2021 – Tentative Vermilion City Council Meeting – 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.

