

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, February 22, 2021

Held

Videos and minutes of council meetings are available to the public to view online at www.cityofvermillion.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; Barb Brady, Ward Four; Brian Holmes, Ward Five.

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

CALL TO ORDER:

Steve Herron, President of Council called the Monday, February 22, 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. Holovacs MOVED, F. Loucka seconded to approve the Vermilion City Council minutes of February 1, 2021. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

S. Herron read four letters into the record which are attached hereto and incorporated herein as the official record of proceedings.

PRESIDENT OF COUNCIL'S REPORT:

S. Herron commented that he will reassess the COVID numbers to determine if meetings will go back to regular session at the Vermilion Municipal Complex in April.

COMMITTEE REPORTS:

Legislative:

M. Stark reported on the meeting held February 8. The next meeting is scheduled for March 8, 2021 at 7:00 p.m. via ZOOM.

Utilities:

F. Loucka reported on the meeting held February 8. The next meeting is scheduled for March 8, 2021 at 7:00 p.m. via ZOOM.

Port Authority:

F. Loucka reported the next meeting is scheduled for March 18, 2021 at 6:30 p.m. via ZOOM.

Finance:

B. Brady reported on the meeting held February 8. The next meeting is scheduled for March 8, 2021 at 7:00 p.m. via ZOOM.

Planning Commission:

B. Brady reported the next meeting has been scheduled for March 3, 2021 at 7:00 p.m. via ZOOM.

Health & Safety:

B. Holmes reported on the meeting held February 8. The next meeting is scheduled for March 8, 2021 at 7:00 p.m. via ZOOM.

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Parks & Recreation:

B. Holmes reported on the meeting held February 16. The next meeting is scheduled for March 16, 2021 at 6:00 p.m. via ZOOM.

Stormwater Advisory Committee:

S. Herron reported the next meeting is scheduled for March 8, 2021 at 6:00 p.m. via ZOOM.

Historic Design & Review:

E. Skahen reported the next meeting scheduled for March 3, 2021 at 6:00 p.m. via ZOOM.

Vermilion Tree Commission:

E. Skahen reported on the meeting of February 10. The next meeting is scheduled for March 10, 2021 at 9:30 a.m. via ZOOM.

Streets, Buildings & Grounds:

S. Holovacs reported on the meeting held February 8. The next meeting is scheduled for March 8, 2021 at 7:00 p.m. via Zoom.

Zoning Board of Appeals:

S. Holovacs reported the next meeting is scheduled for February 23, 2021 at 7:00 p.m. via Zoom.

Contractor Registration:

S. Holovacs reported the meeting is scheduled for February 23, 2021 at 6:00 p.m. via ZOOM.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer reported as follows:

My Thanks to Congresswoman Kaptur

The Service Director will have more details, but I want to thank Congresswoman Marcy Kaptur for her help in providing Federal funds for the dredging the Vermilion River this summer. The Congresswoman called me last fall to inform me of the plan to have \$800,000 in Federal funds totally pay for the dredging but asked to hold off on an announcement until funds were allocated. Which they are. She places a high priority on the health of the Great Lakes and its waterways. Congresswoman Kaptur passes on her best wishes to the residents of Vermilion.

Turning the corner.

I am informed weekly by both the Erie and Lorain County Health Departments. Also, I meet frequently with Dr. Starck, President of Cleveland Clinic's Avon Hospital is though my membership on an advisory committee. Vaccination among the population is gaining as people know people who have been vaccinated without significant reaction. As we have all read, vaccination is currently irregular due to initial supply problems. Some initial reluctance to vaccinate seems to be diminishing as people know someone who got the vaccine without serious side effects. The sense among epidemiologists and physicians seems to be that we are gradually STARTING to turn the corner on the virus. Cases, hospitalizations, and ICU visits are down.

What does this mean to Vermilion? It means that my intention, as Mayor, is to move us back to normalcy WITH PRECAUTIONS, this summer. In collaboration with the Chamber, Main Street, Friends of Harbourtown, and the Erie County Health Department, we intend to return to ADAPTED versions of festivals. As I have previously said, we will also attempt to open the pool with restrictions as guided by the ECHD. It's a process.

There is always caution on these statements. If the virus mutates and cases skyrocket again then we will need to reassess.

If faced with another health emergency like last year I would do the same thing. Closing the pool and cancelling our festivals along with other communities helped slow the pandemic until vaccines could be introduced. Let us hope we never return to those conditions.

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In the meantime, keep wearing a mask, maintain social distance, do not hold large gatherings, and please GET VACCINATED when it is your turn. I did.

City Hall Operations.

City employees will return to work at City Hall March 1st. A poll of local communities still shows most municipalities closed to the public. This issue will continue to be under review with City Hall reopening to the public along with others in the next couple of months.

Storm Water

I ask Council's consideration of an appointment to the Storm Water Committee.

B. Holmes encouraged everyone to get on the Lorain/Erie Health Department websites to look for age ranges and locations so you can sign up for the vaccine if you choose so.

SERVICE DIRECTOR'S REPORT:

Service Director T. Valerius expounded on the mayor's comment regarding dredging on the Vermillion river – the U.S. Army Corp of Engineers will begin dredging the Vermillion river from the mouth to the bridge beginning sometime in August. Boat traffic on the river will be maintained during the approximated two weeks of dredging. The federally funded project has a budget around \$800,000 with no cost to the city.

He thanked the city plow truck drivers for their hard work in getting the 87+ miles of roadway cleared during the snowstorm and subsequent snow fall throughout last week. Their hard work and diligence are appreciated.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported she provided a revised version of the 2021 appropriations that were sent to council last week. The revisions include:

1. Revenue and Expenses for new Fund 510 Parks Bond 2021 of \$597,000 have been added.
2. Fund 601 Water expenses now include \$360,000 to cover the water line replacement that corresponds with paving on Liberty Avenue.
3. Updated the Water revenue to net off estimated billing adjustments for the year.

She said it leaves in the general fund – while they will experience an operating deficit potentially for 2021 of roughly \$240,000 – meaning the city will be spending more than what they are estimated to take in as revenue at this point. She hopes her conservative estimates will keep them in the black for the year. Even if they have an operating deficit, it does not mean the general fund will be in the red at the end of 2021. They still anticipate about \$3.4 million available in the general fund. She said the road fund – \$873,000- the water fund down to \$1 million as a carryover. The total carryover budget for the general fund is just under \$6.2 million and all funds together - \$21.6 million is total estimated appropriation for 2021. Of this amount, \$2.3 million is the carryover encumbrances for purchase orders that are outstanding from the prior year and most of those are projects including the fire station and water meter project. She said a question was raised last week in relation to the streets that had the laterals tested – if the residents could receive any sort of financing or low interest rates through a PACE program. She reached out to the Lorain County Pace Program and they indicated they currently do not have a residential PACE program. They do have funds available for businesses for energy conservation projects. She asked if the type of work to be done in this type of project was a project that would meet the energy savings criteria to qualify for a program of this nature, and they checked with their legal counsel and verified that water consumption programs are not generally considered energy reduction and it would not qualify under a PACE program.

B. Brady said she noticed last year the city did not do any transfer to M&R; is this the city's intent again this year. A. Hendricks said they picked up an additional \$150,000 in funding in fuel taxes that went into M&R last year, so this avoided the need for maintenance. The road levy fund has also paid for some of the split of vehicle maintenance that is in both areas to spread those expenses. B. Brady asked if she had any idea of how much the income increased with the new water meters. A. Hendricks said they just

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started comparing January 2021 with January of 2020 and there are some questions they raised as to how it related to production at the plant and water loss, and they still have some more digging they need to do as this one month is hard to start a trend.

CITY ENGINEER'S REPORT: No report.

LAW DIRECTOR'S REPORT:

K. Stumphauzer introduced Attorney Ben Chojnacki who is one of his partners who was instrumental in reviewing, modifying, and drafting Ordinance 2021-1 and 2021-4. He understands there were additional comments made by various people during the committee meeting, so if anyone has additional questions, then Ben would be available.

OPEN TO THE AUDIENCE:

Julie Rohl of 800 Andover Road, Mansfield, Ohio and of Preservation Ohio congratulated the city on the allocation of the project the city is working on. Also, as a point of view from the concerned citizens and downtown business owners about the museum project she wanted to explain there are a lot of narratives about not being able to use the property as a museum, but when they spoke with Stella Dilik and Sarah Kinsen from the Western Reserve Land Conservancy they did say it could be used as a museum again and that the spaces could be rented as offices as long as the people occupying the offices were doing work that was within mission. They said renting to a college would be an ideal situation, and any money generated would be set up as a foundation with the idea that the money would go back into the building instead of the city general fund. She was curious because it always goes back to the asbestos and mold as to whether the Ohio EPA ever came in to do an assessment and to give their recommendations because this is something that could be arranged. She said it might not be that expensive as people would think it could be. Also, there are grants that open in the fall that could be applied for – those would be with the Section 106 review, which perhaps is why they are being avoided because of the historic nature of the museum. She would think that if you had the aim to restore the museum, then remediating both would not be an adverse effect on building. Besides that, the group would like if the demolition could be put off a little bit longer and perhaps go to a vote, so the citizens can decide whether to take the building down or not. It should be investigated based on the new information with the quotes that have been obtained. She wondered if the money that is being allocated for demolition could instead be used to restore the building, and then other grants could be found to supplement the costs.

Terry Parker, Chairman of the Parks and Recreation Board replied to Julie by explaining they had a professional assessment of the hazmat in the museum addition and mansion, which has been furnished to City Council and to the Concerned Citizens. This was done a couple years ago. There is no narrative coming from them other than what it says. He mentioned that the money that has been borrowed and set aside for the demolition is parks money and is restricted by their mission to either improve or develop a park. It cannot be used under this purview for restoration. If it becomes the decision of the governing body to not proceed with demolition, then this money would be repurposed into other parks projects.

Homer Taft of 3972 Edgewater Drive reported he received his first shot and will be getting his second tomorrow and has had no reaction, so he encouraged everyone to get their protection. Secondly, his understanding is that Ordinances 2021-1 and 2021-4 are being tabled and he has concerns with both. As to 2021-6, flood damage reduction – is the intent to act upon this ordinance tonight? C. Howard said this will go to third reading next week. H. Taft said his specific concern is that he does not believe there is any legal requirement the city needs to jump on regarding an additional inspection of plans and results of every erosion control structure. There are already layers of this at the federal and state level, and it is excessively expensive for people to protect their property, so he would suspect one of the agencies does not have the right to require cities to pass things when there is no legal requirement to do it. He hopes they could take a further look at this. He said he sent comments relative to the transient rental discussion and asked council if they received it. Upon checking, the clerk said she did not receive his email. The last email on record is where he stated he would be sending something on this issue. H. Taft said he would try sending it again. G. Fisher said this matter will be referred to committee on March 8. H. Taft said he has been involved in a business matter with the person who is the law director for Huron and their going through a massive rewrite because they have had issues with it. He has not had the opportunity to

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talk with this attorney on some of his findings, but he hopes to in the very near future, and to the extent he learns of anything, he will pass it along to the law director and city council.

NEW BUSINESS:

S. Herron MOVED; M. Stark seconded to table the third reading of Ordinance 2021-4. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

F. Loucka MOVED; B. Holmes seconded to approve the mayor's appointment of Greg Drew to the Stormwater Management Utility Advisory Committee for a term ending December 31, 2023. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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.

Tabled – Third 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 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. (PUBLIC HEARING – FEBRUARY 8, 2021 @ 6PM VIA ZOOM)

Tabled - Third Reading – Ordinance 2021-4: AN ORDINANCE AMENDING SECTION 1260.06 "DEFINITIONS;" 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 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," SECTION 1270.19 "FP FLOOD PLAIN DISTRICT" AND SECTION 1272.17 "TEMPORARY STORAGE CONTAINERS," OF THE PLANNING AND ZONING CODE OF THE CITY OF VERMILION TO DEFINE AND PROHIBIT MODULAR STORAGE UNITS.(PUBLIC HEARING – FEBRUARY 8, 2021 @ 6PM VIA ZOOM)

Second Reading – Ordinance 2021-6: AN ORDINANCE AMENDING CHAPTER 1460 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION ENTITLED "FLOOD DAMAGE REDUCTION" AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2021-8: AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

Third Reading – Resolution 2021R-2: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ACCEPT THE TERMS AND CONDITIONS OF A CERTAIN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES RELATIVE TO THE ALLOCATION OF FUNDS FOR THE MAINTENANCE OF A MARINE PATROL AND DECLARING AN EMERGENCY.

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F. Loucka MOVED, B. Holmes seconded to adopt this resolution by emergency. Discussion: G. Fisher noted the paperwork needs to be filed and S. Herron said it is for the health and safety of the citizens. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Announcement of Meeting Dates:

- March 1, 2021 – Vermilion City Council Meeting – 6:00 p.m. via Zoom
- March 8, 2021 – Stormwater Committee – 6:00 p.m. via Zoom
- March 8, 2021 – Vermilion City Council Committee Meetings – 7:00 p.m. via Zoom
- March 15, 2021 – Vermilion City Council Meeting – 6:00 p.m. via Zoom

Adjournment:

S. Herron adjourned the meeting upon no further discussion.

Transcribed by Gwen Fisher, Certified Municipal Clerk

We, the four Vermilion grandchildren of Commodore Frederick W. Wakefield, are saddened at the need to demolish the Museum, the home built by him in the early 1900's. Although we would rather that there could be a solution other than removing the home he called Harbor View, we recognize that this is just an impossibility. Each of us have important lasting memories, paintings and photographs from when our grandmother lived there and as the Inland Seas Maritime Museum.

The City worked to purchase the land for the benefit of our community six years ago. It was a tremendous achievement and a leap of faith. Since then, they have worked diligently to come up with a plan for the structure, but no viable option exists. The cost to restore and maintain the building is prohibitive. Practicality must prevail over bravado and passion. Most importantly, future developments must be sustainable for the community. The restrictions upon the land make it even more challenging to achieve sustainability.

We have been delighted to see the growing and active usage of Main Street Beach and the waters during the day and, especially, for our sunsets.

There is no other beach park quite as spectacular as this parcel of land. We think our grandfather would be pleased that now it is time for the citizens of Vermilion to share and enjoy its public spaces and grand views.

Read Wakefield

Ted Wakefield

Margaret Wakefield Worcester

Deborah D. Wakefield O'Hara

THE CITY OF VERMILION



James Forthofer, Mayor

February 22, 2021

Re: Stormwater Committee Appointment

President Herron and Members of Council:

I submit the appointment of Gregory Drew to the Stormwater Committee. Mr. Drew is a 24-year law enforcement professional currently working for the Cuyahoga Metropolitan Housing Authority Police Department as a Lieutenant/Acting Commander of Administration. Gregory Drew is a Vermilion resident living on Frederick Drive for the past four years.

Mr. Drew is nominated to complete the term of former Stormwater Committee member Sally Roth whose term will end December 31, 2023.

Thank you.

Sincerely,

Jim Forthofer
Mayor

Gwen Fisher

From: Kris Horton <anchordown08@gmail.com>
Sent: Thursday, February 18, 2021 9:47 AM
To: Gwen Fisher
Subject: council meeting

Hello Gwen,

I would like for you to read a statement from me regarding the letter that was read on 1/4/2021 regarding the vote of no confidence letter.

I Kristopher Horton would like to publicly denounce my support for the 'No Confidence Letter' that was read on 1/4/2021. I also would like to make it public that I don't support this group or associate anymore with the group's actions. The chief is fit for the job and has done an extraordinary job since taking over the position and bringing the department into the future. The chief is caring, honest, fair, personable, a leader, and I feel he continues to do what's best for the citizens and department.

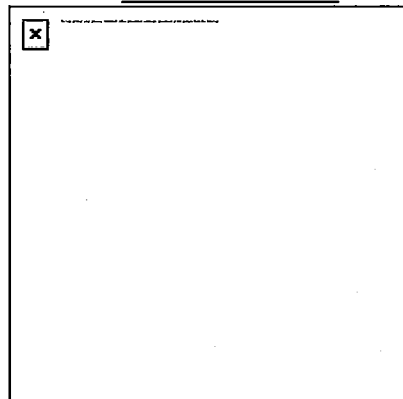
Sincerely,

Kristopher Horton

Thank you,
Kris

--

KRIS HORTON | Anchor Down Enterprise
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Email: anchordown08@gmail.com
Website: anchor-down.com



To: Vermilion City Council

Enclosed is a statement signed by the downtown Vermilion businesses showing their preference for the proposed repurposing of the vacant Wakefield Mansion/Museum property into leased office space, Children's Museum, Vermilion Shore Boardwalk, Historic Murals and large picnic area.

This project will directly benefit the businesses as demonstrated by the Little Buckeye Children's Museum in Mansfield which generates \$1.5 million dollars/year in economic impact for their community, even without the advantage of lakefront location and boardwalk which Vermilion will provide.

While canvassing the public, we have noticed a growing discontent with Vermilion's current leadership due to a perceived lack of interest in the will of the people. Elected (and appointed) officials should represent their constituents,

This positive addition to Vermilion will attract tourists for miles around thus providing much-needed revenue for the city, compared to the negative impact of destroying our last landmark to create a "green space."

Thank you for your consideration,
Save the Harbour View Mansion Committee

We are downtown Vermilion business owners who approve of the Harbor View Children's Museum and Vermilion Shore Boardwalk project because of its ability to provide beneficial economic impact to our community.

Brennan Francis	Brewed awakening	Vermilion
Jacqueline Bencke	Bless Skin Spa	Vermilion
Diana Machock	POPPIN AROUND	VERMILION
Began Maki	Eric & Anchor	vermillion
Jim Lowder	Woodstock Cafe	vermillion
MAG LOWDER	WOODSTOCK CAFE	VERMILION
T. Flory Selens	T. Flory's	Vermilion
CLARE UEBING	CLARE'S STITCHING POST	VERMILION
CHRISTA GULLIS		Vermilion
Jennifer Van Curen	The Olive Scene	Vermilion
Natalia Baumann	Papa Leo's	Vermilion
Sen Pomer	PARMER SCREEN PRINTING	VERMILION
BRYAN SZABO	SZABO APPAREL	VERMILION
Matthew Mars	Chris Francis	
Sara Stepp	Rudy's Bar & Grill	
Jenny Cuffed	The Pavilion Grill and Tavern	
Cheri Gabler	The Encore Consignment Shoppe	
Anna Whinn	Granny Joe's Ice Creamorium	
Jeremy Kinnison	Quaker Steak	

These admissions of approval represent 100% of all downtown retail businesses currently open.