

# RECORD OF PROCEEDINGS

Minutes of the Vermilion City Council Meeting

Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, April 5, 2021

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; Emily Skahen, Ward One; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five.  
Absent: Frank Loucka, Ward Two

Administrative Staff: Jim Forthofer, Mayor; Tony Valerius, Service Director; Attorney Ben Chojnacki; C. Howard, City Engineer; Amy Hendricks, Finance Director

#### CALL TO ORDER:

Steve Herron, President of Council called the Monday, April 5, 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, B. Holmes seconded to approve the minutes of the Vermilion City Council meetings of March 15 & April 1, 2021. Roll Call Vote 6 YEAS. MOTION CARRIED.

#### CORRESPONDENCE:

S. Herron read an email dated April 2, 2021 from Bill McCourt and an email received by the Brownhelm Historical Association dated April 3, which are attached hereto and incorporated herein as the official record of proceedings.

#### PRESIDENT OF COUNCIL'S REPORT:

S. Herron thanked the community, administration, city council, IT department, and Gwen Fisher for their outstanding job during the Zoom meeting. He felt the city was able to accomplish their jobs and do what they were elected to do. He thanked everyone at the meeting for engaging in wearing masks and social distancing. He hopes they do not have to go back online, but he will keep up to date on what the CDC, the Governor, and the Health Department is asking them to do.

#### COMMITTEE REPORTS:

##### Legislative:

The next meeting is scheduled for April 12, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

##### Utilities:

The next meeting is scheduled for April 12, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

##### Port Authority:

The next meeting is scheduled for April 15, 2021 at 6:30 p.m. at the Vermilion Municipal Complex.

##### Finance:

The next meeting is scheduled for April 12, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

##### Planning Commission:

The next meeting has been scheduled for April 7, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

##### Health & Safety:

The next meeting is scheduled for April 12, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

##### Parks & Recreation:

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B. Holmes reported on the meeting held March 16. The next meeting is scheduled for April 20, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Stormwater Advisory Committee:

S. Herron reported on the special meeting held March 29. The next meeting is scheduled for May 3, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Historic Design & Review:

The next meeting is scheduled for April 7, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Vermilion Tree Commission:

The next meeting is scheduled for April 14, 2021 at 9:30 a.m. at a location to be determined.

Streets, Buildings & Grounds:

The next meeting is scheduled for April 12, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Zoning Board of Appeals:

The next meeting is scheduled for April 27, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Contractor Registration:

The next meeting is scheduled for April 27, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer reported on the following:

Opening City Hall

We anticipate reopening City Hall to the public but not quite yet. My concerns remain which are that only one or two employees staff our City Hall departments. If one comes down with the illness it could shut down an entire service to the residents. Those employees who want the vaccine are in the process of getting it. That will be a big factor in my decision to reopen.

Here is the status of a few of our neighboring municipalities.

Huron, payment window is open. The rest of City hall is closed.

Sheffield, closed. No plans for reopening.

Lorain, closed. No scheduled reopening.

Avon, open.

Amherst, remote workers.

Strategy for American Rescue Plan Distribution

Administrative department heads have been discussing a strategy for use of the American Rescue Plan money coming to Vermilion. Our initial rough outline it as follows.

Insure City Solvency. Offset revenue shortfall caused by COVID. Replace spending caused by COVID. Avoid deficit spending and ensure the City is financially sound enough to continue to provide services to residents.

Supplement Infrastructure. As is allowed by Federal spending guidelines, further water main replacement, tend to the wastewater treatment plant and treatment plants. Streets are excluded from eligibility in the ARP. I understand a Federal infrastructure bill is under consideration.

Public feature. Do not know what that may be yet. Maybe recreational venues that support public health.

Administration Department Heads will continue to discuss specific expenditures under this strategy and will discuss with Council as an agenda item under the Finance Committee in next week's committee meetings.

East Pier

When Congresswoman Kaptur called last year to announce Federal funding through the Great Lakes Restoration Committee, she cited two projects in Vermilion.

1. Dredging of the Vermilion River at a cost of \$800,000. We have previously talked about the dredging.

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2. Rebuilding of the east pier at the mouth of the Vermilion river at a Federally funded cost of \$1.8 million.

The east pier reconstruction will begin this June. The Service Director, City Engineer and I met with the Kovilik Construction company which is contracted by the Army Corps of Engineers to do the pier rebuilding.

There will be heavy concrete truck traffic on Portage Drive for a 3-4-day period this June. Trucks will travel with half a load. The condition of Portage will be video recorded prior to the project. The construction company will restore the road to the original condition afterwards.

A barge will be tied to the wall of the east pier in the Vermilion River. The VPD patrol boat has been notified. Construction from the Lake Erie side will be monitored by the US Coast Guard.

### Old Museum Progress

As of March 22, possession of the old museum and Wakefield Mansion has been turned over to the winning demolition contractor, R&D Construction. R&D has been exercising their contracted right to salvage the structure. They have been selling some items from the building and will be turning the rest over to a salvage company in Cleveland. Contact at R&D is Dave at 567/274-2568.

Asbestos removal is beginning, and we strongly encourage everyone to stay out of the fenced in area. Police patrols have been increased.

### Brownhelm Historical Association Clean Up

I want to thank the volunteers of the Brownhelm Historical Association for their cleanup of the Brown's Lake Road Cemetery last month.

### SERVICE DIRECTOR'S REPORT:

T. Valerius reported to the citizens on the west side of the river that the distribution department will begin flushing hydrants next week. At times they may experience low water pressure or a slight discoloration. If so, they were advised to run the water until it clears prior to drinking or doing laundry. The flushing will continue through May.

He asked Council to consider suspending the rules and adopting Resolution 2021R-5 so the city may participate in the ODOT Road Salt Contract.

He reported the city's plow truck fleet was improved two years ago by the purchase of a new heavy-duty International truck. However, they still have their share of older trucks in the fleet that must be on the road. He asked Council to consider the purchase of a new truck. After receiving three bids they have an opportunity to purchase another heavy-duty International truck chassis which will be outfitted later this year. The loader which they bought four years ago will be paid off this year, which will provide enough money to pay for the truck. The new truck will replace the 1990 International truck which required maintenance repairs several times this past season. Due to the long lead time, he asked Council to consider suspending the rules and adopt Ordinance 2021-25, so they have the possibility of having the truck by January 1, 2022.

Lastly, he reported the city received three bids for a mini excavator and he asked Council to consider the purchase of a Yanmar VIO50 Hydraulic Excavator which will allow crews to efficiently repair main breaks, perform ditch cleaning, etc. due to its compact size. Other features of the excavator include a tilting bucket - allowing the machine to properly do ditches. He said 50 percent of the cost of the machine would be paid out of the stormwater budget, along with 25 percent from the water fund and 25 percent from the sewer fund. This machine also has a long lead time of five to six months, so he asked Council to consider suspending the rules and adopting Ordinance 2021-26 by emergency.

B. Brady said they talked about a brine last year and wondered if the administration made any movement on this. T. Valerius said they have purchased a brine making machine which came in late this year as it was on backorder. They used a tank from the water plant, and they did the work inhouse. They have an employee that is running the electric for it and it will be ready by this next plow season. He would like to use the 1990 International truck as the brine truck. Also, the International truck they purchased two years ago has brine tanks on the side, as well as on the new truck. They will mix the brine with the salt, which allows activation of the salt to work in lower temperatures.

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B. Brady referred to the mini excavator as it will help with ditch cleaning, but it concerns her because in the past they are not manageable in the ditches. She used Essex as an example. She said the ditches down Aldrich are wonderful and the residents can mow them and keep them cleaned out, but the ones the city dug on Essex are not manageable, so she would like to know if the mini excavator can do a V-shaped ditch that the residents can maintain, and asked if they could get this piece of equipment out to Vermilion to try it first to make sure they can accomplish what they want to before they make a commitment to buy it. T. Valerius felt this equipment was appropriate for this as he investigated it. Particularly in the VOL area with all the driveways it would be difficult for the other machine to do its job. He said approximately four years ago the city dug the Aldrich ditches with the backhoe which turned out nice.

B. Holmes said it is not the machine, but it is the bucket. T. Valerius said yes, they need a ditch bucket, and this is a tilting bucket, which will work better in contouring the ditch better. B. Holmes said the bucket forms the ditch in the perfect flow.

M. Stark confirmed they are not re-digging and reconfiguring the ditches, they are just cleaning them out. T. Valerius said they are cleaning them out and are returning them to the level they should be to the invert of the pipe – the bottom of the pipe. M. Stark said it seems this machine will get the ditches back to the depth they should be so the water will flow correctly. She said at the stormwater meeting she is aware Tony was advising they had a small crew that does this cleaning, but this equipment will allow them to get from road to road quicker, so they will cover more ditches through the season. T. Valerius confirmed it would be quicker just because it takes up one lane of traffic opposed to two and they can swivel the top to scoop out the ditch and they can keep moving down the road, as opposed to a backhoe where they constantly reposition and drop the stabilizer arms after about three digs. M. Stark said to her this is a no-brainer that they need this equipment so they can get projects down swiftly with a smaller crew. Also, as far as the snowplow they need to think about purchasing it now so they can get the truck in time before next season, so she will support both ordinances tonight.

**FINANCE DIRECTOR'S REPORT:**

Amy Hendricks reported on the following:

**Appropriation and Amended Certificate 2021 Updates**

The information for the first reading of the amendments to the 2021 Appropriations, Certificate of Estimated Resources and Transfers on the agenda was distributed to Council on March 31 for review. Highlights are as follows:

Fund 207 - Fire Capital Revenue increase of \$102,000 for insurance proceeds from fire rescue vehicle.

Appropriation increase - \$617,000 for purchase of replacement vehicle.

Fund 233 - Recycling Grant - Revenue increase - \$18,689.89 for collected 2020 allocation.

Appropriation increase - \$18,689.89 to repay 2020 Advance from General Fund.

Fund 212 - Transfer of \$7,225 General Fund to Cemetery Operating for fund prepaid services previously collected that were provided in 2020.

**Utility Billing Updates**

The Utility Department had the bills ready to go ahead of the deadline on March 26 but were faced with a delay due to a server being down at our billing processor. The processor was not up and running until Monday afternoon with mailing on Tuesday, March 30. Those who receive their monthly bills by email should have received them Monday evening, March 29.

Due to this unavoidable delay, all late penalties will be automatically waived for this billing cycle to allow extra time for bills to arrive. Late payment penalties have automatically been waived on all payments due in February and March as well due to delays in mail delivery across the area. It is not necessary to contact the Utility Department to request waiving the penalty.

We have had a huge response to the text alert to update utility account information last week. You can still send your updated phone number and email address directly to the Utility Department by texting the

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word "UPDATE" TO 440-578-7800 and follow the prompts. (Please refer to the link on the City website for more information on the TextMyGov system.)

We are beginning to be able to detect accounts with high or continuous usage that may indicate a leak with the new meters. However, we have had difficulty contacting some residents due to outdated contact information. This minimizes the water loss and expense that can come from an unresolved problem.

### Storm Water Debt Issue

Legislation is on the agenda for this evening to address the 1<sup>st</sup> reading regarding a new debt issuance for Storm Water related projects that are funded through monthly fees. Debt service payments are limited by the provisions of the Storm Water fund as a percentage of the prior year's revenue. There was an existing debt that was paid off in December 2020, that has made room for new borrowing to tackle new projects across the city. The example presented illustrated \$1.2 million at an estimated interest cost. The legislation is written not to exceed borrowing of \$1.35 million allowing as much money to be generated as possible for projects while keeping the annual payments within the allowable range (less than \$83,000 per year).

T. Valerius said with regards to the Water Meter Replacement Program the company will be in town the weeks of April 17 and April 24 to start replacing some of the 170 inside meters that yet need to be replaced. These are the last meters to be replaced in the city. He said citizens have received two or three letters, so they will be sending out another letter this week and after that letter if nobody has scheduled, then they will put a door hanger on their door and if they still do not respond, then the city will possibly have to suspend water service so they can get the meters changed.

B. Brady expressed that the text messaging notice on the website is confusing and wondered if there would be a presentation showing the public how to use it. A. Hendricks said they will be doing this as they were ready to do this awhile ago, but they had the shutdown and employees were working remotely, so it did not make it conducive for the team to work together on this project. Now that everybody is back in the office they will work on a rollout of the system.

### CITY ENGINEER'S REPORT:

C. Howard asked for Council's consideration in adopting Ordinance 2021-13 by emergency as this authorizes the administration to hire K.E. McCartney & Associates for the construction inspection and construction administration for the Sunnyside Road Resurfacing Phase 1 project in the amount of \$84,700. He said the city solicited requests for qualifications and received six submittals. He also asked Council for their consideration in passing Ordinance 2021-15 by emergency. This ordinance hires Speer Bros. Inc. of Sandusky, Ohio for the Liberty Avenue Water Main Replacement Phase 1 project from Vermillion Road to South Shore Court. He provided Council with a bid recommendation letter for their review. Bids were opened on March 25, 2021 and the city received five bids and Speer Bros. was the lowest bid at \$648,730.00. The engineer's estimate for the project was \$679,364.00, which included a \$65,000 construction contingency. He asked Council to consider passing Ordinance 2021-17 which authorizes Bramhall Engineering to perform Construction Observation and Contract Administration Services related to the Liberty Avenue Water Main Replacement Project from Vermillion Road to South Shore Court in the amount of \$52,500.

B. Holmes asked if there was any word on the Vermillion River Bridge closing. C. Howard said they have not received any word, but the city advised them that the work cannot begin until after the Woollybear Festival and they honored that request.

LAW DIRECTOR'S REPORT: No report.

### OPEN TO THE AUDIENCE:

Kate Rivet of 2001 North Ridge Road said on behalf of the Brownhelm Historical Association and as the Cemetery Restoration Coordinator she would like to dispel any concerns or answer any questions regarding the Brown Lake Road Cemetery and their restoration plan. She understands questions have come up about the property ownership or the process of ownership throughout the years with the property

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and she has documents that she hopes will dispel any issues the city might have. She addressed the original deed to the property that is dated 1836 which is from a farmer Steven James to Henry Brown who was the founder of Brownhelm Township which specifically designates a half-acre of his property to be used as a public burial ground. Unfortunately, about 10 years later Steven James sold the entire property, including the cemetery section to another person – even though that cemetery belonged to Henry Brown. They have never found documents where Henry Brown sold this cemetery to anyone else, so there is potentially some question that perhaps this land is still in the name of Henry Brown and his heirs. However, there is also the matter of Ohio Revised Code 759.08, which states pretty much that if a city takes over property or annexes part of a township in that section of land which is a public cemetery used for public burials, then the cemetery becomes the property of that municipality and it is incumbent upon them to take care of it. Even if Henry Brown's heirs come back saying they want that cemetery, it technically belongs to the City of Vermilion at this point. In 2009, the folks that owned that entire piece of land, the Great Lakes Development Limited Corporation quit claimed the half acre to the City of Vermilion specifically because they did not want to be responsible for caring for this cemetery. So, the City of Vermilion already owns it now and ORC says you should own it anyways because it is a public cemetery. There are multiple families there, so they know it is not a private family cemetery. She said their goal is to move forward with the restoration plan, but they did not want to do this without the City's approval.

S. Herron said as an exception to the rule of discussing this matter at this time, he was going to allow council and the administration to address this matter. Mayor Forthofer said not only is the cleanup of the Brown Lake Road Cemetery exceptional, but the restoration of the cemetery in Brownhelm was outstanding. They are well-trained and they take classes, and they really are qualified in knowing what they are doing when they address these cemeteries. Pertaining to the parcel on Liberty Avenue, which is known as the Brown Lake Road Cemetery, K. Rivet had asked him to come look at what they have done, and it was exceptionally cleaned and well attended to. Additionally, there is a plan to gather up the headstones and put them in a new location which is surrounded by a fence. He asked that the association check with any surviving heirs to make sure there is no problem with moving the headstone of their family, and in the process of doing this he believed somebody had an opinion of what should or what should not be done. He said this is an administrative matter, and he asks they get written permission from those says their plan is okay with them. Once this is done and when the city is protected from any potential comeback from any of these families, then they will address this.

B. Brady said the city owns the land, so does this mean they own the structures on the land as well. K. Rivet said the stones from what she has learned technically belong to the family of the folks that are buried there. Most of the folks where the headstones are still present were buried in the 1820's – 1860's. She has three written approvals for the plan from three different families, including her own ancestors. It is essentially a matter of preservation and caretaking because the stones are scattered throughout the property and there are a lot of dead trees and the stones get broken. The more they break, the harder they are to fix, so they either fix them where they are now where they can get broken time and time again, or they can move them on the same property to a central location and fence it in away from a lot of the trees that are dropping branches. They would not have to be mowed around – just the fenced area would need to be mowed, which the city already takes care of. She said there is a theory and memory of the grave, but most would have been buried in some sort of pine or unsealed box in the dirt, so they would be part of the sacred ground and they would like to be able to preserve it as a cemetery with this fenced in area. She showed Council an artist rendering of what the cemetery restoration would look like. They would put a memorial marker in explaining the fact there were possibly 100 other people buried in this location, but their stones are missing, or they never had a stone, or there is no way to tell where they were. She said they have documentation that people have moved these stones before, so where they are now may potentially not be where they started. They are making a detailed plot map of where every stone is now, so they will always know where they used to be. They feel a cemetery designed like this in that section will keep it from getting lost again. They fear the stones will keep disintegrating and there is not much more they can do but preserve them this way or say goodbye.

E. Skahen asked Kate approximately how many stones are in the cemetery. K. Rivet said they found about 22 headstones, but there are only about 35 ever known and it was in 1936 when the DAR did an initial survey, which was long after they stopped using the cemetery as a public burial ground. She was sure there were others, but families may have only had a wood cross that disintegrated. Their goal is to honor the cemetery and if anybody has a problem with them moving their ancestors stone, then they are happy to leave it in place where it is. They have not had an issue with anyone besides one gentleman

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who has an issue with keeping the stones in this cemetery at all. He wants them moved to different cemetery all together.

Marilyn Brill of 1745 Cooper Foster Park Road was present on behalf of K. Rivet and her crew. She said to have this younger generation come into a group that has been established for almost 30 years, and to see what they have done at the Brownhelm Cemetery, and then to take on and to cleanup, and find more additional headstones is wonderful. She said there has been one individual who has spoken up and who has always caused some friction within her 25 years of being the former historian. She thinks because the city wants to beautify the entrance into Vermilion, then this is a small part they can do, but to have one individual say they cannot do this – she is hoping the city will listen to what K. Rivet has spoken about and follow this lead to let them continue to do what they feel is necessary to preserve the people that were buried there as pioneers to this country. Last of all, she mentioned the fact that Ruth Latham from Vermilion is the one who cleaned it up in 2007 and this was when it was a jungle, so they now want to keep it clean. She said the city has done the mowing and they want to help with this as well. She hopes the city will understand where they are coming from as they want to make this a resting place and hopefully the Road to Hope next to the cemetery will allow them to park in the other half-acre of the cemetery, so they can have a memorial service on Memorial Day.

Mayor Forthofer said he talked with Jeff Kamms of Road to Hope and he is more than willing to provide dedicated parking spaces near the entrance of the cemetery for those who wish to use them.

**NEW BUSINESS:**

**S. Herron MOVED**, B. Holmes seconded to place proposed legislation submitted by Bill McCourt, committee member of Vermilion Call to Action on the Legislative agenda of May 10 for council review. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**Reading of the Ordinances:**

**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.

**S. Holovacs MOVED**, E. Skahen seconded to adopt this ordinance. Discussion: B. Brady said she will vote against this ordinance because she feels they did this as a reaction to a situation, and she feels they are overstepping. S. Herron said he has been thinking about this issue a lot and his position on controlling people's property is something he does not like to do it, but he has a problem with wholesale prohibitions on uses of properties, so he is struggling with this. He did not think they need any more junk buildings, shops, and yards in the city. Roll Call Vote 6 NAYS. **MOTION FAILED.**

**Tabled - Third Reading – Ordinance 2021-4:** AN ORDINANCE AMENDING SECTION 1260.06 "DEFINITIONS," 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," SECTION 1270.19 "FP FLOOD

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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.

First Reading – Ordinance 2021-13: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH K.E. MCCARTNEY & ASSOCIATES, INC. OF MANSFIELD, OHIO TO PROVIDE CONSTRUCTION INSPECTION AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE SUNNYSIDE ROAD RESURFACING PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND SEVEN HUNDRED DOLLARS (\$84,700) AND DECLARING AN EMERGENCY.

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

M. Stark MOVED, E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Ordinance 2021-14: AN ORDINANCE TO OFFICIALLY SUPPLEMENT THE MINIMUM CONTRACTUAL SERVICES TO BE PERFORMED BY BRAMHALL ENGINEERING & SURVEYING COMPANY BY VIRTUE OF ORDINANCE 2018-5 ADOPTED JANUARY 2, 2018, BY AUTHORIZING PROFESSIONAL ENGINEERING AND SURVEYING SERVICES RELATED TO THE LIBERTY AVENUE WATER MAIN REPLACEMENT (ADAMS STREET TO DECATUR STREET); PRESCRIBING THAT THE FIRM SHALL BE PAID FOR ADDITIONAL SERVICES IN ACCORDANCE WITH THE RATE SCHEDULE SET FORTH IN THE PROPOSAL DATED JANUARY 3, 2018, IN A TOTAL AMOUNT NOT TO EXCEED SIXTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$61,500.00) AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2021-15: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH SPEER BROS. INC. OF SANDUSKY, OHIO FOR THE LIBERTY AVENUE WATER MAIN REPLACEMENT (VERMILION ROAD TO SOUTH SHORE COURT); AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FORTY-EIGHT THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$648,730.00) AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS. MOTION CARRIED.

M. Stark MOVED; B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Ordinance 2021-16: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO AN AMENDED MUTUAL AID AGREEMENT FOR LAW ENFORCEMENT IN LORAIN COUNTY, AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS. MOTION CARRIED.

B. Holmes MOVED, E. Skahen seconded to adopt this ordinance by emergency. Discussion: M. Stark asked what the change is in this agreement. B. Holmes explained this allows other agencies to mutual aid with the City of Vermilion. G. Fisher explained this is an amended version of the mutual aid agreement. Mayor Forthofer said it needs to be renewed but there are no changes. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Ordinance 2021-17: AN ORDINANCE TO OFFICIALLY SUPPLEMENT THE MINIMUM CONTRACTUAL SERVICES TO BE PERFORMED BY BRAMHALL ENGINEERING & SURVEYING COMPANY BY VIRTUE OF ORDINANCE 2018-5 ADOPTED JANUARY 2, 2018, BY AUTHORIZING CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES RELATED TO THE LIBERTY AVENUE WATER MAIN REPLACEMENT (VERMILION ROAD TO SOUTH SHORE COURT); PRESCRIBING THAT THE FIRM SHALL BE PAID FOR ADDITIONAL SERVICES IN ACCORDANCE WITH THE RATE SCHEDULE SET FORTH IN THE PROPOSAL DATED JANUARY 3, 2018, IN A TOTAL AMOUNT NOT TO EXCEED FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$52,500.00), AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS. MOTION CARRIED.

B. Holmes MOVED, E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Ordinance 2021-18: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH FUND 238 "AMERICAN RESCUE PLAN ACT" AND DECLARING AN EMERGENCY.



# RECORD OF PROCEEDINGS

Minutes of the Vermilion City Council Meeting

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, April 5, 2021

Held

First Reading – Ordinance 2021-19: AN ORDINANCE AMENDING ORDINANCE 2021-8 ADOPTED MARCH 15, 2021 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.

First Reading – Ordinance 2021-20: AN ORDINANCE AMENDING SECTION FOUR OF ORDINANCE 2021-10 ADOPTED MARCH 1, 2021 AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, E. Skahen seconded to suspend the rules. Roll Call Vote 6 YEAS. MOTION CARRIED.

E. Skahen MOVED, S. Herron seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Ordinance 2021-21: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT FOR MANAGEMENT SERVICES FOR THE OPERATION AND MAINTENANCE OF THE CITY'S CEMETERIES.

First Reading – Ordinance 2021-22: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT ON BEHALF OF SAID CITY WITH THE TOWNSHIP OF BROWNHELM, LORAIN COUNTY, OHIO TO PROVIDE FIRE PROTECTION FOR THE PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2022.

First Reading – Ordinance 2021-23: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,350,000 FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S STORM WATER MANAGEMENT SYSTEM BY CONSTRUCTING AND IMPROVING STORM WATER DRAINAGE FACILITIES INCLUDING BUT NOT LIMITED TO STORM SEWERS, DITCHES, CATCH BASINS AND FACILITIES FOR THE RETENTION AND CONTROL OF WATERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND ACQUIRING ANY REAL ESTATE OR INTERESTS IN REAL ESTATE NECESSARY THEREFOR, AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2021-25: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A PURCHASE AGREEMENT WITH RUSH TRUCK CENTERS OF CINCINNATI, OHIO FOR THE PURCHASE OF ONE (1) INTERNATIONAL PLOW TRUCK CHASSIS TO BE USED IN THE VERMILION STREET DEPARTMENT AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND NINE HUNDRED FORTY-SEVEN DOLLARS AND SIXTY CENTS (\$84,947.60) AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, E. Skahen seconded to suspend the rules. Roll Call Vote 6 YEAS. MOTION CARRIED.

M. Stark MOVED; B. Brady seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Ordinance 2021-26: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A PURCHASE AGREEMENT WITH WELLINGTON IMPLEMENT OF WELLINGTON, OHIO FOR THE PURCHASE OF A YANMAR VIO50 HYDRAULIC EXCAVATOR TO BE USED IN THE SERVICE DEPARTMENT AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN AN AMOUNT NOT TO EXCEED SIXTY-SIX THOUSAND NINE HUNDRED ELEVEN DOLLARS (\$66,911.00) AND DECLARING AN EMERGENCY.

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

M. Stark MOVED, E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Resolution 2021R-5: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION'S ROAD SALT CONTRACTS AWARDED IN 2021 AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS. MOTION CARRIED.

M. Stark MOVED; B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Resolution 2021R-6: A RESOLUTION AUTHORIZING THE CITY OF VERMILION, OHIO TO ENTER INTO A PARTNERSHIP AGREEMENT WITH ERIE COUNTY, OHIO, AS THE GRANTEE, TO

**RECORD OF PROCEEDINGS**

Minutes of the Vermilion City Council Meeting

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Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, April 5, 2021

Held

ADMINISTER AND IMPLEMENT THE PY2021 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM GRANT IF FUNDED BY THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT (OCD), AND DECLARING AN EMERGENCY.

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

B. Holmes MOVED; S. Herron seconded to adopt this ordinance by emergency. Discussion: B. Brady asked if this covers the entire city. Mayor Forthofer said yes. E. Skahen asked if they get more funds if everyone is working together, because it includes Huron, Erie County, etc. B. Brady explained the city used to apply on their own, but now they are under Erie County. Roll Call Vote 6 YEAS. MOTION CARRIED.

First Reading – Resolution 2021R-7: A RESOLUTION AGREEING TO COOPERATE FOR THE PURPOSE OF PROVIDING OUTDOOR RECREATION IMPROVEMENTS AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS. MOTION CARRIED.

B. Holmes MOVED, E. Skahen seconded to adopt this ordinance by emergency. Discussion: B. Brady asked if anyone could explain what this resolution is pertaining to. G. Fisher explained this allows the Parks Operations Supervisor to apply for grant money which will be used for electrical work at Exchange Park. She said there are 14 receptacles that will be replaced and there is a grant application deadline, so they need to proceed with passage of this resolution. She said they also received donated money, so this grant will help with the cost as well. B. Holmes said there are 14 receptacles that are throughout the park that are used for the Christmas decorations and the vendors. The grant will help with the said project and they will have a dedicated line to the clock as it has not been working. Roll Call Vote 6 YEAS. MOTION CARRIED.

Announcement of Meeting Dates:

- April 12, 2021 – Vermilion City Council Committee Meetings – 6:00 p.m.
- April 19, 2021 – Vermilion City Council Meeting – 7:00 p.m.
- May 3, 2021 - Stormwater Advisory Committee Meeting – 6:00 p.m.
- May 3, 2021 – Public Hearing (Application for Farmland) -7:00 p.m. followed by Vermilion City Council Meeting
- May 10, 2021 - Vermilion City Council Committee Meetings – 7:00 p.m.
- May 17, 2021 - Vermilion City Council Meeting – 7:00 p.m.

*(All meetings will be held at the Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH)*

Adjournment:

S. Herron adjourned the meeting upon no further discussion.

*Transcribed by Gwen Fisher, Certified Municipal Clerk*

April 2, 2021

Dear President Herron:

My name is Bill McCourt, 4135 Menlo Park Lane, Vermilion. I am writing as a committee member of Vermilion Call to Action (VCTA). I am requesting this letter be read at the April 5, 2021 City Council meeting and the letter and attached document be forwarded to all the Council members.

We are requesting the attached proposed ordinance be placed on the Legislative Committee agenda for April 12, 2021. The title of the ordinance is –

**AN ORDINANCE PROHIBITING STORAGE UNIT FACILITIES IN RESIDENTIAL AND BUSINESS DISTRICTS BY AMENDING SECTION 1260.06, “DEFINITIONS”, 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;” AND SECTION 1270.19, “FP FLOOD PLAIN DISTRICT” OF THE PLANNING AND ZONING CODE OF THE CITY OF VERMILION.**

As you may be aware, our group is actively involved with an initiative petition to place this proposed ordinance on the November election ballot. Contrary to Council At Large Stark’s comment about “how much that will cost the City”, inclusion of this ballot issue in the November election will only be a couple of hundred dollars to the City. As of now, we have a significant number of petition signers. There is no doubt VCTA will have enough certified signatures to bring this proposal to the Vermilion voters in November.

That said, our committee, believes the Vermilion City Council should have an opportunity to adopt the proposed ordinance, or some acceptable version, negating the need to place it on the ballot. It is our hope City Council will see the wisdom in adopting this ordinance, in light of the recent failed attempts to rezone a residential zoned property along east Liberty to accommodate storage units. The citizen’s opposition responses to the rezoning in late October 2020 and again in early February clearly is an indication, we the people, do not want storage units in our residential and business zoned districts.

Respectfully Submitted,

Bill McCourt

Vermilion Call to Action Committee members: Bill McCourt, Betsy Wakefield, Elaine Carlin, Homer Taft, and Vito Cammarata

Attachments: Prohibit Storage Unit Ordinance - Superprinterfinal.pdf

## Gwen Fisher

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**From:** Jim Forthofer  
**Sent:** Monday, April 5, 2021 7:52 AM  
**To:** Brownhelm Historical Association; Steve Herron; Monica Stark; Emily Skahen; Frank Loucka; Steve Holovacs; Barb Brady; Brian Holmes  
**Cc:** Gwen Fisher  
**Subject:** RE: Brown's Lake Road Cemetary  
**Attachments:** April 5 2021 - Vermilion City Council Meeting Agenda.docx

Hello, Ms. Rivet.

I have spoken with Council President Herron. You are certainly welcome to attend any Council session including the session tonight at 7:00 pm at the Municipal Court on Decatur Street. There is an opportunity for attendees to speak in the "Open to the Audience" portion of the agenda. A copy of the agenda is attached. Conduct of Council meetings is totally at the discretion of the Council President.

Representatives of the Administration and I will also be in attendance. I hope to see you there.

Sincerely,

*Jim Forthofer*

**Mayor, City of Vermilion**

5511 Liberty Avenue

Vermilion, Ohio

440/204-2400



**From:** Brownhelm Historical Association <brownhelmhistory@gmail.com>

**Sent:** Saturday, April 3, 2021 4:52 PM

**To:** Jim Forthofer <JimForthofer@vermilion.net>; Steve Herron <sherron@vermilion.net>; Monica Stark <mstark@vermilion.net>; Emily Skahen <eskahen@vermilion.net>; Frank Loucka <floucka@vermilion.net>; Steve Holovacs <sholovacs@vermilion.net>; Barb Brady <bbrady@vermilion.net>; Brian Holmes <bholmes@vermilion.net>

**Subject:** Fwd: Brown's Lake Road Cemetary

Honorable Mayor and Councilmembers,

Thank you for granting the Brownhelm Historical Association permission to repair and restore the stones at Brown's Lake Road Cemetery in their present locations. After consultation with the BHA Executive Board and the Cemetery Restoration Crew, we have concluded that it would not be a prudent use of our time and resources to restore the stones in their current locations as they will still be extremely susceptible to damage from falling tree branches, lawnmowers, and other hazards. Additionally, if we repair the stones where they sit now, we will never be able to move them into a more compact and protected area as they will then be impossible to move without causing further damage. With that in mind, we ask that you please read the attached letter from the Brownhelm Historical Association Executive Board asking for a chance to discuss the restoration plan further, to review pertinent documents that we have in our possession, and hopefully to come to an agreement we are all comfortable with concerning the restoration of Brown's Lake Road Cemetery. We are available to attend and present at Monday evening's City Council meeting if permitted.

Sincerely,  
Kate Rivet  
Cemetery Restoration Coordinator  
Brownhelm Historical Association  
[www.brownhelmhistory.org](http://www.brownhelmhistory.org)



----- Forwarded message -----  
From: Jim Forthofer <[JimForthofer@vermilion.net](mailto:JimForthofer@vermilion.net)>  
Date: Wed, Mar 31, 2021 at 2:48 PM  
Subject: Brown's Lake Road Cemetary  
To: Brownhelm Historical Association <[brownhelmhistory@gmail.com](mailto:brownhelmhistory@gmail.com)>

Hello, Ms. Rivet.

Attached is permission for the BHA's work on the Brown's Lake Road Cemetery.

I appreciate your understanding.

Sincerely,

*Jim Forthofer*

**Mayor, City of Vermilion**

5511 Liberty Avenue

Vermilion, Ohio

440/204-2400

