

RECORD OF PROCEEDINGS

Monday, May 3, 2021

Held

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; C. Howard, City Engineer; Amy Hendricks, Finance Director

CALL TO ORDER:

Steve Herron, President of Council called the Monday, May 3, 2021 Vermilion City Council Public Hearing to order for the purpose of:

The Vermilion City Council is in receipt of a new application for Placement of Farmland in an Agricultural District in the City of Vermilion for: Brett & Julene Woods, 2800 Cooper Foster Park Road - 6.99 acres.

No comments or discussion was entertained. Therefore, Steve Herron called the regular 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, E. Skahen seconded to approve the meeting minutes of April 19, 2021. Roll Call Vote 7 YEAS. MOTION CARRIED.

CORRESPONDENCE:

S. Herron read an email dated April 30, 2021 from Robert Green, Former President, Edison Estates Lot Owners Association, Inc., 4097 Ford Lane as follows:

Dear President Herron,

I am Robert Green, residing at 4097 Ford Ln, Vermilion, OH, located in the Edison Estates neighborhood.

This is to inform Council of not only my support of the request for a Moratorium on Storage, but also that a number of our Edison Estates Lot Owners Association members who also support this action. We urge Council to enact this hold on this widely debated issue until it can be sorted out by either; (a) Council acceptance of the Ordinance as recently developed, or (B) a petition driven vote on the upcoming November general election by the citizens of Vermilion.

Thank you in advance for accepting this letter of recommendation. We urge Council to vote in the affirmative on the request for a Moratorium on Storage.

Sincerely

Robert Green
Former President, Edison Estates Lot Owners Association, Inc.
4097 Ford Ln
Vermilion, OH 44089

PRESIDENT OF COUNCIL'S REPORT: No report.

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Minutes of the Vermilion City Council Public Hearing & Regular Meeting

Minutes of

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, May 3, 2021

Held

COMMITTEE REPORTS:

Legislative:

The next meeting is scheduled for May 10, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Utilities:

F. Loucka reported the next meeting is scheduled for May 10, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Port Authority:

F. Loucka reported the next meeting is scheduled for May 13, 2021 at 6:30 p.m. at the Vermilion Municipal Complex.

Finance:

B. Brady reported the next meeting is scheduled for May 10, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Planning Commission:

B. Brady reported the next meeting has been scheduled for May 5, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Health & Safety:

B. Holmes reported the next meeting is scheduled for May 10, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Parks & Recreation:

B. Holmes reported on the meeting held April 20. The next meeting is scheduled for May 18, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Stormwater Advisory Committee:

S. Herron reported the next meeting is scheduled for June 21, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Historic Design & Review:

E. Skahen reported the next meeting is scheduled for May 5, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Vermilion Tree Commission:

E. Skahen reported the next meeting is scheduled for May 12, 2021 at 9:30 a.m.

Streets, Buildings & Grounds:

S. Holovacs reported the next meeting is scheduled for May 10, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Zoning Board of Appeals:

S. Holovacs reported on the meeting held April 27. The next meeting is scheduled for May 25, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Contractor Registration:

S. Holovacs reported on the meeting held April 27. The next meeting is scheduled for May 25, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer provided his written report to the clerk as read into the record as follows:

City Hall Open

City Hall opened to the public today. Standard COVID protocols are requested of visitors. If we start having health difficulties or if the general community health conditions change, I will review the situation.

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VFD Evaluation

A copy of the evaluation of the Vermilion Fire Department by retired Fire Chief Ricci was presented to Vermilion Fire Department personnel yesterday. Chief Stempowski created committees set up to address important areas mentioned in the report. Individual leaders were assigned to these committees from the officer and fire fighter ranks but anyone in the department who wants to be part of the process can join these teams. Follow through is important. We do not want these committees to drift. Follow through is the issue Chief Stempowski and I are working on.

Zoning

As I have tried to foster growth of tax paying business along Vermilion's Liberty Avenue Business Corridor. More than once our Planning Commission and Board of Zoning Appeals the effort has been frustrated by irregular or outdated zoning. Some of our zoning ordinances are more than 50 years old. Some businesses, or services did not even exist when these ordinances were written. I am proposing, at next week's Committees Meeting that Council give me permission to go out to bid for an engineering or municipal planning firm to help us conduct a city-wide review of Vermilion's zoning including a review of all permitted uses. I have sought advice from firms that conduct such reviews on the most effective way to request bids for such services.

Firehouse Dedication & Open House

A reminder to everyone that the dedication of the Vermilion Fire Department Station #1 will be Saturday, May 15th at noon at Devon Drive and Douglas Street. We will have a ribbon cutting, facility tours, refreshments. I encourage the public to come see the first class building they built for our fire department.

Executive Session

I request an Executive Session pertaining to personnel.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported that crack sealing started in town, so he reminded the public to slow down and use caution when approaching the work areas. They will be in town for the next couple of weeks depending on the weather. Also, depending on the weather, the street department will begin durapatching and the highly traveled streets in town will be first on the list for repairs before they move into the individual neighborhoods. He asked drivers to use caution in these areas as well.

S. Holovacs asked how much the crack sealing will cost this year. T. Valerius said just under \$50,000.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks provided her written report to the clerk as read into the record as follows:

Appropriation and Amended Certificate 2021 Updates

Highlights include:

Appropriations:

Fund 205	Recreation Department	\$7,200 increase appropriation
Fund 602	Wastewater -SCADA Update	\$64,500 increase in appropriation

Estimated Certificate of Resources:

Fund 101	Operating	Increase \$77,850 RE Tax \$22,000, Court Fees \$50,000, Misc.
Fund 201	Streets	Increase Gas Tax estimate \$20,000.
Fund 202	State Hwy Maint.	Increase Gas Tax estimate \$3,000.
Fund 605	EPA Fund	Increase Fees \$16,000 due to residential construction.
Various Misc. increases for Recreation, Court Special Revenues, Misc.		

Check Fraud

Last week, it was discovered through the city's Positive Pay service the city subscribes to for their bank accounts received a fraudulent check that was presented for payment. The city began using this feature in 2018 to protect against the risks of potential fraud. No city funds were lost as they were able to return the check prior to payment. T. Mosley of the Finance Department realized this might be a fraudulent

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check and brought it to her attention. The incident was immediately reported to the VPD and the investigation is ongoing. There is a specific process these companies go through due to being public funds, and if it appears to be more than an isolated incident it gets further elevated.

Audit/GAAP 2020

We have had auditors onsite in the past week conducting the city's compliance audit for 2020. The city has been working closely with Julian & Grube, who are preparing the GAAP financial statements for the first time this year. Everything is going well and running on schedule with both projects. Due to the amount of federal funds received in 2020, the city is subject to single audit standards which will require additional testing.

Request to Close Agency Fund

As a part of the 2020 GAAP Conversion, there are new compliance requirements for GASB 84 that reviews and reclassifies Agency Funds as needed. One of the suggestions was to close Fund 809 'Miscellaneous Trust' and to transfer the balance of \$5,783.01 to Fund 850 'Unclaimed Funds'. There has been no activity since 2016. Authorization is needed by Council to do so. The funds remain in Unclaimed for five years. If not claimed, they are returned to the fund of origin, if known, or the General Fund.

Payment Option Going Online

At the request of the Pool Committee, the finance director has been working with the city's vendor to set up their first online payment portals for pool passes and donations. The city will be able to collect the information that would normally be included on the paper form to streamline and send the information directly to pool staff.

E. Skahen asked if online donations will be made on the city website or a separate website. Amy Hendricks said it would be on the city website.

CITY ENGINEER'S REPORT:

C. Howard reported the pre-construction meeting for Sunnyside Road Resurfacing Phase 1 will be held on May 4. Once he gets a schedule from the contractor, he will share it with Council.

LAW DIRECTOR'S REPORT: No report.

RESPONSE TO THE AUDIENCE:

Per the request of Mrs. Shedron at the April 19 meeting, the City Engineer provided the following response:

Mrs. Shedron and Residents of Hollyview Drive,

The City of Vermilion is aware of the roadway condition of Hollyview Drive, from Forestview Drive to Mapleview Drive, and has been proactive in trying to secure funding for the rehabilitation. Last year the City applied for Ohio Public Works Commission (OPWC) funding for this section of Hollyview Drive but was unfortunately not selected.

A guide the City uses in determining which streets to address is ODOT's Pavement Condition Rating (PCR). The PCR is a numerical rating of pavement distresses on a scale 0 to 100, based on visual inspection. A PCR of 100 signifies a perfect pavement with no distress. Some of the factors used during the visual inspection include patching, rutting, settlement, and cracking (along the wheel lane, longitudinal and pavement edge). For comparison purposes the section of Mapleview Drive, from Forestview Drive to Hollyview Drive, that is going to be replaced this summer had a PCR of 22.5. This section of Hollyview Drive had a PCR of 29.6.

Regarding the statements raised about the driveways on Sanford Street. Last year the City had the water main along Sanford Street replaced. The City wanted to have this section of water main replaced before the ODOT funded Safe Routes to School project was constructed (which involves the installation of sidewalks along Sanford Street). It did not make fiscal sense to repour the driveways impacted, only to have them torn out again for the Safe Routes to School project. Due to issues with obtaining the required

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temporary easements for the Safes Routes to School project the construction was not able to start last year. The project is scheduled to be done this year so all the drives impacted last year will be addressed with construction.

Thanks,

Chris L. Howard, P.E., CPESC
City Engineer

OPEN TO THE AUDIENCE: No audience participation.

NEW BUSINESS:

F. Loucka MOVED, S. Holovacs seconded to approve the new Application for Farmland in an Agricultural District for Brett & Julene Wood of 2800 Cooper Foster Park Road. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Herron MOVED, S. Holovacs seconded to adjourn into executive session after the 'Reading of the Ordinances' to discuss personnel matters (hiring/firing). Roll Call Vote 7 YEAS. MOTION CARRIED.

Reading of the Ordinances:

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.

Tabled - Third 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.

Second Reading - Ordinance 2021-27: AN ORDINANCE PURSUANT TO SECTION 1240.02 OF THE CODIFIED ORDINANCES OF VERMILION GRANTING A LAND USE (ZONING) VARIANCE TO MICHAEL GRISEZ IN ORDER TO ALLOW FOR A RESIDENTIAL USE ZONING VARIANCE IN THE B-3 HIGHWAY COMMERCIAL DISTRICT, LOCATED AT 3564 LIBERTY AVENUE, VERMILION, OHIO.

Second Reading - Ordinance 2021-28: AN ORDINANCE AMENDING CHAPTER 1484 "ENTITLED "RENTAL REGISTRATION" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO.

Second Reading - Ordinance 2021-29: AN ORDINANCE AMENDING "PERMITTED USES" IN 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 PERMIT TRANSIENT OCCUPANCY AND TRANSIENT RENTAL.

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Second Reading – Ordinance 2021-30: AN ORDINANCE AMENDING CHAPTER 1260 ENTITLED "GENERAL PROVISIONS AND DEFINITIONS AND SECTION 1260.06 DEFINITIONS OF THE PLANNING AND ZONING CODE OF THE CITY OF VERMILION.

First Reading – Ordinance 2021-31: AN ORDINANCE ESTABLISHING COMPENSATION OF CERTAIN AUTHORIZED POSITIONS WITHIN THE VERMILION DEPARTMENT OF PARKS AND RECREATION AS HAVE BEEN FAVORABLY RECOMMENDED BY THE CITY'S PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

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

B. Holmes MOVED, E. Skahen seconded to adopt this ordinance by emergency. Discussion: G. Fisher noted the ordinance needs emergency passage because the positions at the pool need to be filled prior to the pool season. B. Holmes said if anyone knows anyone interested in being a lifeguard at the pool this summer, they should contact the Parks Board. B. Brady asked if the pool salaries had increased from previous years. B. Holmes said they have. G. Fisher said the Parks Board did a comparison with other communities and the salaries are in line with them. B. Brady said they lowered the fees for admittance into the pool, but they are raising the salaries to run the pool, so she is concerned if the general fund will need to make up the difference. Mayor Forthofer said if the attendance exceeds or there is sufficient fundraising from private sources, it will not necessarily impact the general fund, but it could. B. Holmes said in 2018 they paid the lifeguards \$8.55 per hour and they are proposing \$9.50. G. Fisher said the range per the ordinance is \$9.00 - \$9.50 per hour. E. Skahen said the pool can also be rented out for pool parties, which could bring in additional revenue. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2021-32: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO CLOSE FUND 809 "MISCELLANEOUS TRUST" AND TRANSFER THE BALANCE TO FUND 850 "UNCLAIMED FUNDS".

First Reading – Ordinance 2021-33: AN ORDINANCE AMENDING CHAPTER 1060 ENTITLED "CEMETERIES" AND SECTION 1060.01 ENTITLED "PRICES FOR CEMETERY LOTS AND SERVICES OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO.

First Reading – Ordinance 2021-34: 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 2021-35: AN ORDINANCE SUBMITTING TO THE ELECTORS OF VERMILION A PROPOSAL BY THE VERMILION CHARTER REVIEW COMMISSION TO AMEND SECTIONS III-7, IV-4(b), AND IV-6 OF THE CHARTER OF VERMILION; AND DECLARING AN EMERGENCY.

Announcement of Meeting Dates:

- May 10, 2021 - Vermilion City Council Committee Meetings – 7:00 p.m.
- May 17, 2021 - Vermilion City Council Public Hearing (COV 1240.02) following by Vermilion City Council Meeting – 7:00 p.m.
- June 7, 2021 – Vermilion City Council Meeting – 7:00 p.m.
- June 14, 2021 – Vermilion City Council Committee Meetings – 7:00 p.m.
- June 21, 2021 – Stormwater Advisory – 6:00 p.m. - Vermilion City Council Meeting – 7:00 p.m.

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

S. Herron recessed the regular meeting to adjourn into executive session.

Adjournment:

S. Herron adjourned the regular council meeting at the conclusion of executive session.

Transcribed by Gwen Fisher, Certified Municipal Clerk