

**RECORD OF PROCEEDINGS**

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, August 2, 2021

Held

Videos and minutes of council meetings are available to the public to view online at [www.cityofvermilion.com](http://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 Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five (late arrival)

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

**CALL TO ORDER:**

Steve Herron, President of Council called the Monday, August 2, 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:**

F. Loucka **MOVED**, S. Holovacs seconded to approve the meeting minutes of July 19, 2021. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

**CORRESPONDENCE:**

S. Herron read three letters from Mayor Forthofer that are attached hereto and incorporated herein as part of the official record of proceedings.

**PRESIDENT OF COUNCIL'S REPORT:**

Carl Hill of 8203 Barnes Road said he is representing the residents on Elberta Road as most of them are retired. If they are not residents there, they have property on the road. He said he too is retired and owns property on Elberta. He said when Brownhelm relinquished to the city back in 1959, they were upkeeping the roads and the ditches as he grew up at 373 Elberta. He knows for at least 40 years there was no maintenance whatsoever on those ditches. The house behind Elberta Inn had tire tracks for a ditch, this is how built up it was. He approached Council at one time asking them to send the road crew down with the backhoe as at that time they had five tiles that had failed. When they got a heavy rain, it flooded near a split-level home about mid-way on the left for about two hours because the tiles were broke. They just wanted the ditches cleaned out with a backhoe, no big deal. He does not know whose idea it was because there was talk six years ago about draining the Conrail ditch because it was getting overwhelmed with Liberty, the Post Office, and Giant Eagle. They wanted to get rid of some of this water and the talk was to bring it down one of the streets in Elberta - 3' pipe. He said Elberta was picked but nothing has been done. They just had a downpour, and it has been the wettest year on record for the State of Ohio. He said on July 8, Route 60 flooded - 2' of water in some of the basements. He is a trustee out there, so he was informed of all of this. They had multiple roads flooding in the township because the ditches could not handle all of the water. He called his renter on Elberta because he has a 36" deep ditch that the homeowners are supposed to maintain, so he asked his renter how much water was going down into the ditch, and she told him 4". He said they have the American Rescue Plan money, and he knows the Mayor has it all figured out on where he wants to put it, but on behalf of the residents he is asking the city to continue with what they planned and drain south of Route 6 and bring it down Elberta Road and put a pipe in there and cover it up and do it right using the federal money. It is a monstrosity right not as the ditches get full of garbage because when the garbage truck dumps the garbage on a windy day it goes into the ditches. You've got residents that have artificial knees, so how does he get into the ditch and clean it out. It is too difficult for the residents on this road to maintain the ditches - they are too big. They had some people that covered their ditches up and he is asking Council to bring the water down Elberta Road and cover it up. He said the tax money built the problem - they had no control over this - it was done. For the residents to pay for having their ditches covered up - they got quotes anywhere from \$3,000 - \$6,000. This comes out of their retirement funds, and they are on fixed

**RECORD OF PROCEEDINGS**

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

*Held*

Monday, August 2, 2021

incomes and this is not right. He said this money is earmarked for stormwater, so it is a perfect opportunity to fix the problem behind Liberty Ford and get the water to come down Elberta Road and cover it up, and everybody wins. Federal will pay for it – nothing comes out of the city’s budget. He knows the city is trying to line up the worst-case scenarios first, but they have been waiting six years and dealing with this for six years. He would appreciate if the city would consider the retired people on this road and to make it easier on them, plus you’re getting the water problem behind Liberty and all of that taken care of. The ones that already spent money out of their pockets – give them a tax break until it is paid off. This is what it is for – it is for stormwater, and they have been suffering with it for six years now. When you have 4” of water in a 36” ditch, this is overkill. Fix it and put the pipe down Elberta Road and be done with it.

S. Herron said this issue will be on the Streets, Buildings & Grounds Committee meeting agenda for August 9 and it will be placed in front of the stormwater commission. C. Hill said he understands the City has not received their money yet and the Township has not got their money either, but he wanted to bring it to Council to ask them to consider this because they have a lot of retired people that cannot afford to cover these ditches and who physically can’t afford to keep them maintained.

S. Herron said they are having an increase in COVID, and he is keeping track every day of what the CDC says, so it could be possible they could go back to a mask mandate. He said he respects everyone’s individual opinions but asked everyone to try to get the shot to do their thing.

**COMMITTEE REPORTS:**

Legislative:

M. Stark reported on the meeting held July 19. The next scheduled meeting will be held August 9, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Vermilion Community Services:

M. Stark reported they met on July 21 at 6:00 p.m. at the Ritter Public Library.

Utilities:

F. Loucka reported on the meeting held July 19. The next meeting is scheduled for August 9, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Port Authority:

F. Loucka reported on the special meeting held July 29 via zoom to discuss this year’s fundraiser and they have decided there will not be a Duck Dash this year as they will sell 400 tickets at \$50 each for a street legal golf cart. The drawing will be on Woollybear Sunday on October 10. If the tickets are not all sold, then there will be a 50/50 raffle. The next meeting is scheduled for August 12, 2021, at 6:30 p.m. at the Vermilion Municipal Complex.

Finance:

B. Brady reported on the meeting held July 19. The next meeting is scheduled for August 9, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Planning Commission:

B. Brady reported a work session has been scheduled for August 25, 2021 at 7:00 p.m. to discuss the transient rental legislation.

Health & Safety:

The next meeting is scheduled for August 9, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

Parks & Recreation:

The next meeting is scheduled for August 17, 2021 at 6:00 p.m. at the Vermilion Municipal Complex.

Stormwater Advisory Committee:

S. Herron reported the next meeting is to be determined.

# RECORD OF PROCEEDINGS

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

Meeting \_\_\_\_\_

BARRETT BROTHERS - DAYTON, OHIO

Minutes of the Vermilion City Council Meeting

Form 6101

Held \_\_\_\_\_

Monday, August 2, 2021

## Historic Design & Review:

E. Skahen reported the next meeting is scheduled for August 4, 2021, at 6:00 p.m. at the Vermilion Municipal Complex.

## Vermilion Tree Commission:

E. Skahen reported the next meeting is scheduled for August 11, 2021 at 9:30 a.m. at the old Fire Station.

## Streets, Buildings & Grounds:

S. Holovacs reported on the meeting held July 19. The next meeting is scheduled for August 9, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

## Zoning Board of Appeals:

S. Holovacs reported on the meeting held July 27. The next meeting is scheduled for August 24, 2021 at 7:00 p.m. at the Vermilion Municipal Complex.

## Contractor Registration:

S. Holovacs reported on the meeting held July 27. The next meeting is scheduled August 24, 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:

### **Safety Director's Report**

As many of you know a vehicle went off Rt. 2 at Vermilion Rd. and down the embankment to the Vermilion River last night. Chief Stempowski called me last evening to report that an individual was transported for medical care by Life Flight. With all VFD units back in station Chief wanted everyone to know that all agencies on scene, VPD, VFD, Vermilion Township and the Highway Patrol worked together 'like a well-oiled machine' in the Chief's words. More will be detailed in his Safety report next week.

### **Local COVID-19 Update**

It has been a while since I have reported on Vermilion's COVID-19 status. With the concern for public health again on the rise, I recently asked Erie County Health Commissioner Peter Schade to tell us where we stand regarding vaccinations. His response is this:

46% of Ohioans are fully vaccinated.

48% of Erie County is fully vaccinated.

50% of Lorain County is fully vaccinated.

And 59% of zip code 44089 vaccinated.

According to the U.S. Center for Disease Prevention, the U.S. population is fully vaccinated at a rate of 49%.

Commissioner Schade strongly encourages all eligible individuals to get vaccinated. It is safe and effective in mitigating the spread of COVID-19. The vaccine is widely available at grocery and drug stores or through the Erie County Health Department.

Again, according to Health Commissioner Schade, Erie County has risen the level of "Substantial Increase" in COVID cases as of last week. Today, the Health Department has issued the following masking recommendation for workplaces.

**Fully Vaccinated** staff at a workplace indoors may wear a mask at their own discretion.

**Unvaccinated** staff at workplaces indoors should mask and maintain social distancing.

**Visitors** to a workplace should mask immediately upon entry to protect staff and unvaccinated visitors that are unable to be vaccinated.

### **Road To Hope**

The Road to Hope project on Liberty has a preconstruction meeting scheduled for this week. After a satisfactory meeting they will begin construction in August. An expected completion is April 2022.

# RECORD OF PROCEEDINGS

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

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held \_\_\_\_\_

Monday, August 2, 2021

## Vermilion Harbor Funds.

Congresswoman Marcy Kaptur has proposed \$5.7 million in Federal funds for Vermilion Harbor for 2022 as part of bills submitted to Congress for consideration and passage. Specifics are not yet revealed. I will be meeting with Congresswoman Kaptur next week and will ask for more details.

## Infrastructure Grants

The State has instituted an Ohio Water and Wastewater Infrastructure Grant Program to award \$250 million. Vermilion certainly has many reasons to apply for this grant. The Administration is prioritizing the opportunities for grant money. I will be meeting with an Ohio legislator later this week and will get a sense for what the legislators are looking for in grant applications.

F. Loucka commented on the potential \$5.7 million as he would hope one priority would be to dredge west of the river, south of the bridge because it is really silted in.

## SERVICE DIRECTOR'S REPORT:

T. Valerius updated Council on the East Pier Project as work was shut down for nearly a month after it was discovered that the elevation of the bedrock layer was lower than anticipated. This meant that both design modifications and contract modifications had to be made before the project could proceed. This has all been rectified and the contractor is back on site and the project is expected to be completed by the end of September.

He reported that work on the Liberty and Grand Street parking lot has begun and within the first three days of work an underground storage tank was discovered under the concrete parking area. He proceeded to call Buster which is a division of the State Fire Marshall's office that handles underground storage tanks and they informed him of what provisions needed to be taken in order to safely extract the tank. He and the general contractor had a meeting with a contractor that is certified in tank removal in order to get this issue resolved.

He made the citizens aware that work will be done on State Street for the next couple of days. The city's distribution department will be working on changing three non-functioning valves in preparation of the Urban Paving Project. He asked everyone to use caution when driving in this location as flaggers will be directing traffic.

Lastly, in May of 2004, a retired schoolteacher who was just getting off a stint as the city's Recreation Director decided to take a newly vacated part-time property maintenance inspector's position. He does not think Ron Sislowski knew what he was in for, but for the last 18 years Ron has been combing the neighborhoods of Vermilion looking for property maintenance violations. Known as the peeper by some citizens, Ron diligently performed his work as one of the less glamorous positions in the city, and the city is certainly better for it. Last Thursday was Ron's last day as he has decided to turn the keys in to his hand-me-down police cruiser. On behalf of the administration and the city, they are grateful for the service he provided, and they wish him the very best. S. Herron said this was a wonderful and thankless service to the community.

## FINANCE DIRECTOR'S REPORT:

Amy Hendricks provided her written report to the clerk as read into the record as attached hereto and incorporated herein as part of the official record of proceedings.

S. Herron said no citations would represent well with Moody's the next time they pursue refinancing or new debt issues as it is an accurate overall view of the city's finances and capital condition. He said this is in great measure to the finance director in the efforts she has made, and every citizen in the community benefits from this because the city is in a position to get money cheaper basically. He said this is an outstanding job and everyone in the community should know what a great benefit Amy Hendricks has been in her work, and he thanked her. M. Stark echoed these comments as she works in a finance office as well and knows what she goes through and this is no small feat to get to this point and to go back that far and work on records, so kudos to her and her department for getting the city to this point. A. Hendricks said somebody asked her if they would keep this up now, and she said she thinks they will die if they don't.

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

Monday, August 2, 2021

B. Brady said kudos to her as well as this is amazing and very cool. She also said next week she would like to put the step range chart back on the agenda and expand it to include all changes in benefits and everything that will go along with pay increases, so council can look at what these pay increase will actually cost them, as opposed to just the hourly rate. She finished by congratulating Amy and the finance department.

### CITY ENGINEER'S REPORT:

C. Howard reported the Liberty Avenue Watermain Replacement Phase 1 project has been completed and this week they will have the final walk-through with the contractor to go over the punch list items. He noted that the pavement repairs along Liberty Avenue will be mill and repaved during the Urban Paving project.

He addressed Resolutions 2021-12 and 13 and asked for Council's consideration in adopting both as these are the OPWC applications.

M. Stark said it was nice to see all the work going on in the parking lot.

### LAW DIRECTOR'S REPORT:

Attorney Chojnacki explained the law department has been working with the team of Ohio Municipalities who have been working with the overall group of municipalities nationwide and they are in the process of resolving the class-action lawsuit between the city, counties, and everyone else nationally with the Opioid manufacturers. Yesterday they received notification that the Ohio Municipal Negotiation Group is preparing to move forward with a proposal that will result in a settlement with the three big distributors. Council will be asked to pass legislation in the near future on this as the anticipated distribution of this will be somewhere between \$60,000 and \$90,000. There is still some wiggle room left to be resolved depending on how many municipalities opt in and get in line to present this claim with the completion of the matter. He said there is a light at the end of the tunnel towards a very long and painful piece of litigation. S. Herron said he wished this lawsuit would have never had to be filed.

### OPEN TO THE AUDIENCE:

Homer Taft of 3972 Edgewater Drive talked about the various charter amendment proposals as he was perplexed to learn that though this council had not by a two-thirds majority nor with an emergency designation approved sending forward the Charter Review Commission's proposals, that those nevertheless have been submitted to the Board of Elections to go to the ballot, and at the same time, Charter amendments that were proposed by Council and vetoed by the Mayor – which he believes is not permissible and they have not been submitted. Therefore, as far as the ordinances to override the Mayor's veto tonight, he certainly hoped Council would pass this as he would support this. He thought Council should unanimously do so. However, he does not believe the Mayor has the authority and he provided Council and the Administration with the Ohio Constitution which provides that amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof. He said the Constitution of the State of Ohio is no role to the Mayor in this process. He said the Charter provides that it may be amended as provided in that Article and Section by the submission of proposed amendment or amendments to the electors. As to the treatment of the Charter Review Commission he also emphasized some language that appears in the Charter in Section XI-9 under Charter Review, which is subject to Section XI-8 that says the city follows the State Constitution and the two-thirds of Council. It says that the authority of the Charter Review Commission is to recommend to Council alterations, revisions, and amendments, if any, to the Charter, as in its judgment are desirable. He said it is up to the Council to submit them and given what Section XI-8 says, he believes this requires a two-thirds vote, which did not occur. Therefore, he believes the submission of these two Charter amendments to the Board of Elections is illegal and unlawful under the Charter and Constitution, and he will protest it. He will also protest the three Charter amendments proposed by Council because they were not immediately submitted to the Board of Elections and placed on the ballot. (Comments as stated above as submitted to Council are attached hereto and incorporated herein as the official record of proceedings.)

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, August 2, 2021

Held

He asked if the Boards and Commissions appointments as introduced tonight expire December 31, 2021. S. Herron confirmed as such.

H. Taft said he has been frustrated that they have not seen the VOL Sanitary Sewers come back up and he would hope by this committee meeting they would go back into this because not only is there more information, but he thinks there has been some inaccurate beliefs that need to be clarified, and he would invite every member of Council to go back to the committee meeting where this was discussed, where no decision would be made until after additional tests were made. He said a statement was made by a member of council that the council had decided that Cummings and Rowland would be the two streets, and he does not believe that council decided this, and he believes this would be a very unwise decision, which he can present a good deal of facts on at another time. He is getting frustrated that they are not even talking about it. He advised Trustee Hill that they also have \$1.35 million in bonds from the stormwater, and it sounds like he has a better project then fixing a stormwater that has been in existence for over 50 years for a house that was built after it.

NEW BUSINESS:

S. Herron MOVED, S. Holovacs seconded to override the Mayor's veto of Ordinance 2021-50. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Herron MOVED; M. Stark seconded to override the Mayor's veto of Ordinance 2021-49. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Holovacs MOVED, B. Holmes seconded to adjourn into executive session to discuss personnel matters (Firing, Hiring, & Compensation) after the 'Reading of the Ordinances'. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Holovacs MOVED, B. Holmes seconded to approve the mayor's appointment of Craig Snyder to the Storm Water Committee to fill the unexpired term of Kris Horton (term ending December 31, 2021). Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Herron MOVED, F. Loucka seconded to approve the mayor's appointment of Tom Abraham to the Contractor Registration Board to fill the unexpired term of Pete Pappas (term ending December 31, 2021). Roll Call Vote 7 YEAS. MOTION CARRIED.

Reading of the Ordinances:

Tabled - Third Reading - Ordinance 2021-4: AN ORDINANCE AMENDING SECTION 1260.06 "DEFINITONS;" 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 2021-28: AN ORDINANCE AMENDING CHAPTER 1484 "ENTITLED "RENTAL REGISTRATION" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO.

Tabled - Third 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

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, August 2, 2021

Held

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-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.

Tabled - Third 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.

Second Reading - Ordinance 2021-51: AN ORDINANCE TO RE-ESTABLISH AND AMEND ANY ALL PRIOR STEP RANGE CHARTS FOR THE POSITIONS INCLUDING, WATER DEPARTMENT CLERK, BUILDING DEPARTMENT CLERK, AND FINANCE DEPARTMENT CLERK, EFFECTIVE UPON PASSAGE OF THIS ORDINANCE AND DECLARING AN EMERGENCY.

Second Reading - Ordinance 2021-52: AN ORDINANCE TO RE-ESTABLISH AND AMEND THE FULL TIME SALARY OF THE ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF AT THE RATE OF 13.361 PERCENT (13.361%), EFFECTIVE UPON PASSAGE OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

First Reading - Ordinance 2021-55: AN ORDINANCE TO REESTABLISH AND AMEND THE FULL-TIME SALARY OF THE OFFICE OF THE PRESENT CLERK OF COUNCIL AND RECONFIRMING ALL OTHER TERMS AND CONDITIONS OF SAID ORDINANCE.

First Reading - Ordinance 2021-56: 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 2021R-12: A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (Liberty Avenue Waterline Replacement, Phase 4)

S. Holovacs MOVED, E. Skahen seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Holovacs MOVED, B. Holmes seconded to adopt this resolution by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading - Ordinance 2021R-13: A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (Hollyview Drive Reconstruction, Phase 2 from Forestview Drive to Mapleview Drive)

M. Stark MOVED, F. Loucka seconded to suspend the rules. Roll Call Vote 6 YEAS. 1 ABSTENTION (Holovacs) . MOTION CARRIED.

F. Loucka MOVED, M. Stark seconded to adopt this resolution by emergency. Roll Call Vote 6 YEAS, 1 ABSTENTION (Holovacs). MOTION CARRIED.

Announcement of Meeting Dates:
(All meetings will be held at the Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH)
-September 13, 2021 - Vermilion City Council Meeting - 7:00 p.m.
-September 20, 2021 - Vermilion City Council Committee Meetings - 7:00 p.m.

Council adjourned into executive session. Upon the conclusion of executive session, S. Herron reconvened the regular Council meeting.

Adjournment:
S. Herron adjourned the regular council meeting upon no further discussion.

Transcribed by Gwen Fisher, Certified Municipal Clerk



# City of Vermilion

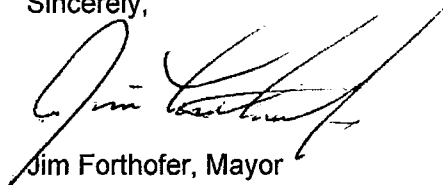
*Jim Forthofer, Mayor*

August 2, 2021

President Herron and Members of Council:

Following are my appointments to Vermilion Boards and Commissions for your review.

Sincerely,



Jim Forthofer, Mayor

## **Storm Water Committee**

**Craig Snyder** is a lifelong Vermilion resident. For fifteen years he worked for Norfolk Southern Railroad and currently works for Adaptive Composites in Vermilion as a boat builder. Mr. Snyder and his family live on Dogwood Lane. Craig Snyder is appointed to complete the term of Storm Water Committee member Kris Horton who resigned from the board. This term ends in December of 2021.

## **Contractor Registration Board**

**Tom Abraham** is an eighteen-year resident of Vermilion. He has been a sewer and water main inspector for the City of Dallas, Texas. He also worked for Independence Excavating as a utility pipe layer. He currently works for Steinecker Hardware in Vermilion. Mr. Abraham and his wife live on Ewa Yea. He is appointed to complete the term of Pete Papas who resigned. This term ends in December of 2021.







# City of Vermilion

*Jim Forthofer, Mayor*

July 27, 2021

To: Vermilion City Council

Subject: Veto of Ordinance 2021-50

Dear Council Members:

I chose to veto Ordinance 2021-50 on the grounds that it compromises the separation of Vermilion's Legislative and Executive bodies of government by drawing the City's Boards and Commissions under Council's administration.

Sincerely,

Jim Forthofer  
Mayor





# City of Vermilion

*Jim Forthofer, Mayor*

July 27, 2021

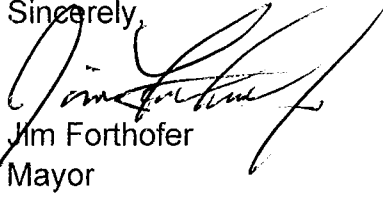
To: Vermilion City Council

Subject: Veto of Ordinance 2021-49

Dear Council Members:

I chose to veto legislation 2021-49 on the grounds that it limits the Mayor's ability to fulfill the Charter stated obligation, "...to take part in the discussion of all matters coming before Council."

Sincerely,



Jim Forthofer  
Mayor

**Appropriation and Amended Certificate 2021 Updates**

General Fund 101	Increase Revenue and Expenses for Pool Operation	\$55,200
Recreation Fund 205	Increase Revenue and Expenses for programming	\$ 2,575
Water/WWTP Funds	Increase Revenue and Expenses <i>each</i> - BWC Grant	\$ 6,000
General Fund 101	Increase Revenue – income tax estimated	\$146,720

Other Funds with fuel and auto related taxes with conservative revenue increases that will continue to be monitored through the coming months.

**Audit Complete 2020**

The compliance audit for the year ended December 31, 2020, was recently completed. As reported previously, the GAAP Financial Statements were filed by the deadline at the end of May. We were extremely pleased with the services of our new preparer, Julian & Grube. They also worked well with the existing audit firm assigned by the Auditor of State.

I am very proud of the progress made by the Finance Office since 2018. Our audit report contains no citations for noncompliance with ORC or management recommendations.

The most significant feat is that this is the first time since 2008 that there has not been a citation, or a qualified opinion given of the City's financial position due to the capital asset and infrastructure records not being updated. The removal of the "qualified opinion" means that the auditor was able to verify the values to be presented in our financial statements. This will represent well with Moody's the next time we pursue refinancing or new debt issues as it is an accurate overall view of the City's finances and capital condition.

We took on the capital assets during the pandemic and made our best effort at getting things updated so the auditors could begin to review it for the first time in at least 12 years. With their guidance, we are now in good shape, so we just must make current year updates going forward of additions and deletions.

**Initiative Petition Received**

All documents have been filed on behalf of the citizen's group presenting the initiative petition to Erie and Lorain Counties.

## **Ohio Constitution XVIII.09 Amendments to charter; submission; approval**

**Amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and,** upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors shall be governed by the requirements of section 8 as to the submission of the question of choosing a charter commission; and copies of proposed amendments may be mailed to the electors as hereinbefore provided for copies of a proposed charter, or pursuant to laws passed by the general assembly, notice of proposed amendments may be given by newspaper advertising. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter of the municipality. A copy of said charter or any amendment thereto shall be certified to the secretary of state, within thirty days after adoption by a referendum vote. (emphasis supplied)

(Amended January 1, 1971.)

### **Vermilion Charter SECTION XI-8. Amendments to Charter.**

The Charter may be amended as provided by Article XVIII, Section 9, of the Constitution of Ohio, by the submission of the proposed amendment or amendments to the electors of the Municipality.

### **Vermilion Charter SECTION XI-9. Charter Review.**

In January, 1966, and each five years thereafter, the Mayor shall, by January 31 of that year, appoint five electors of the Municipality holding no other office, appointment or employment in the government of the Municipality as members of a Charter Review Commission. Upon confirmation by Council, such Commission shall review the municipal Charter, and within five calendar months after such appointment, **recommend to Council such alterations, revisions, and amendments, if any, to this Charter, as in its judgment are desirable.** The Council shall submit to the electors not later than the next succeeding general election any such proposed alterations, revisions, or amendments. The members appointed to said Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public. (Amended 11-4-97.) (emphasis supplied)