

RECORD OF PROCEEDINGS

Minutes of _____

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, September 13, 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; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five. Absent: Emily Skahen, Ward One

Administrative Staff: Jim Forthofer, Mayor; Susan Anderson, Law Director; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Tony Valerius, Service Director

CALL TO ORDER:

Steve Herron, President of Council called the Monday, September 13, 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 in honor of Maxton Soviak, United States Navy Medic who died in action August 26, 2021. He graduated from Edison High School and played sports in Vermilion.

APPROVAL OF MINUTES:

F. Loucka **MOVED**, B. Holmes seconded to approve the meeting minutes of August 9, 2021. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

G. Fisher reported she received two liquor permits from the Ohio Division of Liquor Control for Labella Enterprises, Inc. dba Salvatores Ristorante Italiano, 4560 Liberty Avenue, Vermilion, Ohio and for TA Operating, LLC dba Quaker Steak and Lube & Deck & Patio, 5150 Liberty Avenue, Vermilion, Ohio.

S. Herron read a letter into the record dated September 13, 2021 from Mayor Forthofer asking Council to consider his appointment of David Terken to the Stormwater Committee to fill the unexpired term of Ken Hummel which ends December 31, 2024. Mr. Terken is a retired Civil Engineer from the Northeast Ohio Regional Sewer District where he was a Construction Supervisor. He was President of Easton Environmental Engineering and worked on a wide range of projects including wetlands, assessments, remediations and UST work. He has done hydraulic engineering in the Department of Forests and Waters for the State of Pennsylvania. He has an MBA in Marketing from Case Western Reserve University and a BS in Civil Engineering from Syracuse University. He is also a retired Lieutenant Commander in the Navy Reserves.

PRESIDENT OF COUNCIL'S REPORT:

S. Herron mentioned the Transient Rental matter went before the Planning Commission and they recommended to Council to rewrite the ordinances, and he is proposing to Council to hold off on this matter because this can be easily turned around in January with new council members as they know there will be some changes in Council.

He mentioned that Delbert Orwig of Vermilion died August 30 at Kingston of Vermilion. He was born June 8, 1932 in Bellevue and has been a Vermilion resident for the past 62 years. He was a Veteran of the United States Air Force actively serving abroad in Korea, Germany, Morocco, and France from 1951 – 1955. He was on the Municipal Planning Commission for 10 years and was the Chairman for three years, and he spent four years on the Contractors Licensing Board. He thanked him for his service to the community and offered condolences to his family.

COMMITTEE REPORTS:

Planning Commission:

RECORD OF PROCEEDINGS

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B. Brady announced the Public Hearing for the rezoning project on Baumhart Road is scheduled for October 25, 2021 at 6:00 p.m. at the Vermilion Municipal Complex, 687 Decatur Street.

MAYOR/SAFETY DIRECTOR'S REPORT:

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

Vermilion Harbor Legislation

I just spoke to Steve Katich, Chief of staff for Representative Kaptur who said that the Congresswoman has submitted \$5.7 million to the Fiscal Year 2022 budget for Vermilion Harbor. The total amount will need to be approved by Congress probably by December 31, 2021. Then the USACOE will work on proposed applications for the money. The Administration appreciates that the Representative has put Vermilion on the Congressional radar to the tune of \$5.7 mil.

Cleveland Ballet in Vermilion

Whether you are a follower of ballet or not, you have to agree that the recent decision of the Cleveland Ballet to take residency in Vermilion is a proud moment for our community. Dr. Jim Chapple, President of the Harbortown Fine Arts Center, made the arrangements with the ballet by selling them on the unique charms of Vermilion. I had the chance to meet with Cleveland Ballet Director Dr. Krasnyansky. He and his Artistic Director were both overwhelmed by the charm and volunteerism of Vermilion and look forward to becoming part of our town. The Harbortown Fine Arts Center will be collaborating with the Ballet in fund raisers that help support renovations to the old Town Hall. My congratulations to Dr. Chapple for bringing this honor to our community.

Development at Rt.2 and Baumhart.

I am happy to say that the citizen members of the Planning Commission have passed a rezoning request for the 119 acres at the corner of Rt 2 and Baumhart Rd. The rest Administration and I fully support this proposed project and are available for discussions with Council. This project potentially holds huge benefit for Vermilion and is worth our attention.

Road to Hope

Road to Hope is proceeding with their project converting the old McKenzie Woods cottages on East Liberty Avenue. Jeff Kamms Executive Director of Road to Hope is doing the good work of helping women recover from addiction while housing them and their children in the renovated cottages on Liberty. Their \$3million project will employ approximately 18 people on site who will generate payroll tax for the City. The project also cleans up a lingering eyesore on our business corridor and they will install sidewalks.

Brown's Lake Road Cemetery.

Speaking of the Road to Hope project, Brown's Lake Road Cemetery which is next door to the Road to Hope project has been cleaned up and restored by the Brownhelm Historical Association. Thanks to them to them for taking interest in his obscure historic section of our City.

Fulper Lot

The Fulper Lot has taken shape. This multi-use parking lot is expected to be ready to accept parking next week according to contractor Justin Miller. It is looking even better than I expected and will be a real asset to downtown.

Main Street Beach Park Project.

The Parks and Recreation Board's subcommittee is working with the architect on the comfort station to be built on Main Street beach. They are also looking for a landscape architect to work with the hired general architect on a layout for the whole park from the west border over to the Vermilion River. That design and associated costs will be available in November. The Erie County Metroparks donated \$100,000 to the comfort station project. The Wester Reserve Land Conservancy is working closely with the City in the acquisition of the Stuchal House and its demolition clearing space for the Comfort Station's parking lot. Sanitary sewer work including a lift station will begin in December after demolition of the house. The work of many volunteers, the Parks Board and the City will be a revitalization of Main Street Beach Park that promises to be a game changer for our downtown.

RECORD OF PROCEEDINGS

Minutes of

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Rt. 60 Sanitary Sewer Contract

A 30-year contract with Erie County for sanitary sewer service to the section of Rt. 60 south of the City limits has been amended. After negotiations with Erie County Commissioners, the revised terms are in line with current practices and standards. I recommend that this contract be put on the agenda for the Committee meeting on September 20th.

Storm Water Committee

I ask for Council's favorable consideration my appointment of Dave Terken to the Stormwater Committee. This appointment will bring the Stormwater Committee back up to full compliment.

Executive Committee

I also ask for an Executive Committee session for the discussion of pending litigation. I request that the Law Director be present.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported the City has hired a part-time property maintenance inspector to replace Ron Sislowski. He said Frank Steigerwald started two weeks ago and has been out with the building inspector learning the position. He said Frank comes to the city with over 15 years of experience in the construction trade and he also has his interim residential building inspector certification from the Ohio Board of Building Standards, which means he can also perform building inspections on residential properties if necessary.

He reported that R&D Excavating, the contractor who demolished the Wakefield House and Museum called him several weeks ago to say they were not happy with the way the grass has come in on the site, so they volunteered to come back and reseed the area. They are hoping to do this after a good rain, so with rain in the forecast on Wednesday, they are looking to complete the task on either Thursday or Friday of this week.

He said earlier today he spoke with the lead ODOT inspector on the Liberty Avenue Repaving Project, and he informed him that pavement repairs will be completed tomorrow and weather depending - all paving should be completed by the end of this week with striping of the parking spaces to be performed next week. Also, continuing next week - Kokosing will be adjusting the pavement around all the manhole lids, catch basins, and valve covers.

He announced the City is one of only three municipalities in the ODOT district to be awarded a safety grant from the State. With a nod from the Vermilion Police Department, the City submitted an application that includes RRFB pedestrian crossings, which are the flashing light crossings at the Grand, Liberty, and Exchange intersections, and standard signage crossings at Washington, Perry, and Decatur intersections. Also included will be curb bump outs on Liberty at each intersection to improve pedestrian safety during crossing and to encourage traffic to slow down through the area when there is an abundance of foot traffic. Construction costs will be shared with ODOT as a 90/10 split and this project is slated for 2025.

Lastly, he asked council to approve a motion to authorize the administration to go out to bid for icebreaking and chemical contracts.

B. Brady asked if Mr. Steigerwald is working the same way Ron did on a part-time basis. T. Valerius responded yes.

M. Stark referred to the striping on Liberty Avenue with the new paving and asked if the city would be doing all the other roads this year, so they are all new all over town. T. Valerius said they are still looking into this. C. Howard said the city might have to wait until next year because they are hearing the costs for paint is going up. M. Stark asked if this is the year the city is due to stripe, and C. Howard said yes.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks advised council they have before them on the agenda appropriation amendments and changes to the amended Certificate of Estimated Resources for 2021. The highlights for these changes pursuant to increases in the revenue include an additional \$21,000 in real estate taxes that came in the

RECORD OF PROCEEDINGS

Minutes of

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second half to the general fund overestimate. Also, the parks fund had some grants as well as real estate taxes and impact fees giving them \$13,600. She is increasing the expenses for the year in the Fire Capital fund. They do have revenue to cover this. They need to replace their boat and motor that they use for water rescue, and this is specifically critical according to the Chief because of the bridge replacement and things like this – there may be increased needs. The \$23,500 includes the boat and motor. She said the parks operating fund saw some increase in tax revenue of \$6,500. With regard to the Vermilion Port Authority, she has asked for an increase in revenue and expenses in their capital fund 411. This should cover revenue for their raffle sale as well as the expense to buy the cart that will be the prize for the event. She also added in \$101,000 in OPWC revenue to Fund 601 that should be arriving soon for the last portion of the Liberty Avenue water main project, and contractor deposits, expenses, and revenue - \$3,500.

She reported the city was awarded a grant of \$610,713 from FEMA, which is a joint grant that was applied for with Lifecare and it covers communication enhancements that will be helpful for all the first responder departments in the city.

She said they received their first installment of the American Rescue Plan Act funds this month for \$544,391.00. The balance, which is this matching amount will be sent 12 months after the first installment, so they do have these funds available at this point in time. With the appropriations and amended certificate she asked council to consider suspending the rules and approving them this evening because they do not have another meeting scheduled in October and there is a great many of these that are already starting to get in motion and people are jumping at the bit to get working on those.

CITY ENGINEER'S REPORT:

C. Howard updated council on the Safe Routes to School project by announcing the contractor started removing trees last week. The contractor surveyor has started staking the project limits. He asked residents to not remove the wood lathe that is along the corridor. The contractor is scheduled to start next Monday on the north side of Sanford on the west side of the street.

He said with regards to the Mapleview Drive Reconstruction, Columbia Gas is currently installing new service laterals for all the homes within the project limits. The contractor will be starting work after Columbia Gas is out of the way, and once they get their pre-cast structures and their pipe material – unfortunately, due to supply chain issues industry wide they are seeing delays in pre-casting pipe material.

Lastly, he asked council to pass by emergency Ordinance 2021-61, which is the ordinance for the design services for the Liberty Avenue Phase II Watermain Replacement project. This will be from South Shore Court to Niagara Road. This project did receive OPWC funding. S. Herron asked if the \$57,222 is part of the OPWC funding. C. Howard said no as this is for design services. He said the city received \$325,000 in grant funding.

LAW DIRECTOR'S REPORT:

Susan Anderson said she has some information to share in executive session that the mayor requested, but other than that she has no report.

OPEN TO THE AUDIENCE:

Al Kalzewski of 1184 Wildwood Drive said his complaint is the stormwater, sewer, and related concrete piping that is installed on his property. His neighbors are dependent on this network to operate, but right now the infrastructure is broken. Water is flowing around the pipe through the soil, and it has washed out two large chunks of concrete that supported the concrete piping. Those now rest at the bottom of the ravine, so it has blown out soil and it is contributing significantly to the erosion of his property. He said he asked Lynn Miggins six years ago to come out and look at this property and the problem, and she had declared that she had originally designed this particular system, which she recognized and concluded after looking the destruction that it should have been installed a little differently. Instead of the pipe being at the top of the hill, it should have been piped down to the bottom of the ravine, so that it wouldn't contribute to the erosion. He said they have two problems – one is the system is broken and he knows this because he talked to a construction guy/homebuilder, and they shined a light up into the first section

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

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of piping and they could see that the concrete pipe had slipped out of the joint, so subsequently the water is flowing out around the pipe not doing the whole system any good. Now, they have the erosion caused by natural rainfall on the hill. He has been trying for 10+ years to get something done there and it just isn't happening, so he is hoping they get something going. He said he pays his monthly stormwater bill and pays his property taxes as a good citizen would do. He hopes the city will do something about the easement they have on his property.

S. Holovacs said he met with Mr. Kalzewski along with Tony Valerius and Chris Howard. They have not met with the stormwater committee since, but he would like to review this problem with them because his property is draining the whole Wildwood Street – this is where the water goes through the manhole, and this goes through his property. He said they did talk about possibly running a camera through there to see if there is a break that is causing the problem. He asked Tony and Chris if they have done anything but mentioned this will be brought back up at the next Stormwater committee. He said it is not part of the top five jobs, but he does think it is an important job because of what it is actually doing. It is draining Wildwood at least back by the cul-de-sac.

Al Kalzewski said it is pretty evident that the water is washing through there because these huge structures got pushed out underneath the pipe and they are laying in the ravine. The other thing worrying him is that he has a natural gas line that runs parallel to the stormwater lines. If his hill keeps getting washed up this gas line will be exposed, and he does not want this to happen. He would hope this becomes a priority issue in the stormwater committee.

B. Brady asked if the city has an easement across his property. AL Kalzewski said yes they do.

NEW BUSINESS:

S. Holovacs MOVED, B. Brady seconded to table the third reading of Ordinance 2021-55. Roll Call Vote 5 YEAS, 1 NAY (Loucka). MOTION CARRIED.

S. Herron MOVED, S. Holovacs seconded to adjourn into executive session after the "Reading of the Ordinances" to discuss imminent litigation. Roll Call Vote 6 YEAS. MOTION CARRIED.

F. Loucka MOVED, B. Brady seconded to amend the Finance minutes of August 9, 2021 with the corrected wages of Huron as submitted by Amy Hendricks. Roll Call Vote 6 YEAS. MOTION CARRIED.

S. Herron MOVED, S. Holovacs seconded to appoint David Terken to the Stormwater Committee to fill the unexpired term of Ken Hummel ending December 31, 2024. Roll Call Vote 6 YEAS. MOTION CARRIED.

S. Herron MOVED, F. Loucka seconded to permanently table the third readings of Ordinance 2021-4, 2021-28, 2021-29, and 2021-30. Roll Call Vote 6 YEAS. MOTION CARRIED.

M. Stark MOVED, F. Loucka seconded to adjourn into executive session after the "Reading of the Ordinances" to discuss personnel matters (hiring, firing, and compensation). Roll Call Vote 6 YEAS. MOTION CARRIED.

S. Herron MOVED, S. Holovacs seconded to authorize the administration to go out to bid for icebreaking and chemicals. Roll Call Vote 6 YEAS. MOTION CARRIED.

Reading of the Ordinances:

Tabled - Third 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 2021-58: AN ORDINANCE TO AMEND CHAPTER 244 ENTITLED "DEPARTMENT OF PARKS AND RECREATION" AND SECTION 244.01 (C) ENTITLED "RECREATION AND PARK PERSONNEL" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO BY ESTABLISHING THE FULL-TIME POSITION OF SUPERVISOR OF PARK MAINTENANCE AND RECONFIRMING ALL OTHER TERMS AND CONDITIONS OF SAID ORDINANCE.

RECORD OF PROCEEDINGS

Minutes of _____

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First Reading – Ordinance 2021-59: 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.

F. Loucka MOVED, B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

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

First Reading – Ordinance 2021-60: AN ORDINANCE ENACTED PURSUANT TO CHAPTER 1266 OF THE CODIFIED ORDINANCES OF VERMILION, REZONING LAND IN VERMILION, OHIO, AND CONTAINING AN AREA OF APPROXIMATELY 119.60 ACRES FROM B-3 "HIGHWAY COMMERCIAL DISTRICT" (PPN 01-00-022-104-029 and 01-00-022-104-040) AND I-1 "LIGHT INDUSTRIAL DISTRICT" (PPN 01-00-021-000-032 and 01-00-022-104-045) TO I-2 "HEAVY INDUSTRIAL DISTRICT" LAND USE CLASSIFICATION AS FAVORABLY RECOMMENDED BY THE VERMILION MUNICIPAL PLANNING COMMISSION; AUTHORIZING THE CITY ENGINEER TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF VERMILION TO CONFORM HERewith AS SAID MAP HAS BEEN ESTABLISHED BY SECTION 1268.02 CODIFIED ORDINANCES OF VERMILION UPON THE EFFECTIVE DATE HEREOF. *(Public Hearing – October 25, 2021 @ 6:00 p.m.)*

First Reading – Ordinance 2021-61: 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 PHASE II WATERLINE REPLACEMENT; 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-SEVEN THOUSAND TWO HUNDRED TWENTY-TWO DOLLARS (\$57,222.00) AND DECLARING AN EMERGENCY.

B. Holmes MOVED, F. Loucka seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

F. Loucka MOVED, B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

First Reading – Resolution 2021R-15: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, M. Stark 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.**

Council adjourned into executive session.

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

Announcement of Meeting Dates:

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

- September 20, 2021 – Vermilion City Council Committee Meetings – 7:00 p.m.
- October 4, 2021 – Vermilion City Council Meeting – 7:00 p.m.
- October 11, 2021 – Columbus Day – City Offices Closed
- October 18, 2021 – Vermilion City Council Committee Meetings – 7:00 p.m.
- October 25, 2021 – Public Hearing (Rezoning) – 6:00 p.m. followed by City Council Meeting
- November 8, 2021- Vermilion City Council Meeting – 7:00 p.m.
- November 15, 2021 – Vermilion City Council Committee Meetings – 7:00 p.m.

Adjournment:

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

Transcribed by Gwen Fisher, Certified Municipal Clerk