

**RECORD OF PROCEEDINGS**

Monday, October 25, 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; Susan Anderson, Law Director; Amy Hendricks, Finance Director; Tony Valerius, Service Director

**CALL TO ORDER:**

Steve Herron, President of Council called the Monday, October 25, 2021, Vermilion City Council Public Hearing to order.

He noted Council received letters from the following: Homer Taft, Robert Leimbach, Jackie Mate, Marcia DePalma and Jim Giancaterino, Brownhelm Historical Association, Charles and Patricia Latto, and Dorothy (Walker) Bechtel. He said these letters will be part of the permanent record that are attached hereto and incorporated herein.

Rezoning of 119.60 Acres:

**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.

Mayor Forthofer said as Mayor he has been trying to help market the land at the corner of Route 2 and Baumhart Road – 119 acres owned by Mark Haynes. They have looked at different applications, but not just any applications, he would not want something there that wasn't good for the community as a whole. They do not want smokestacks, but they do want some good, clean business that creates jobs and taxes. He said an opportunity came to the city through the real estate agent and a company called Sterling Group out of Detroit and Hillwood out of Dallas, Texas. He introduced Jordan Bookstaff of Hillwood, Many Torgow, of Sterling Group, and Gregory Scovitch of Hillwood to hear what the residents have to say. He said in working with these gentlemen they are good blue chip type companies. They are not out to jam anything down anyone's throat as they do business all over the world. However, they do want to hear Vermilion's feedback on their proposal. He explained the proposal is to go from Highway Commercial and Light Industrial to Heavy Industrial and the reason why the warehouse and distribution center they are proposing is Heavy Industrial is because it comes with a 65' height limit and this is all they need.

Dan Kaighin of 1450 Claus Road read his letter into the record as attached hereto and incorporated herein.

Vicki Leimbach of 1425 Claus road read her letter into the record as attached hereto and incorporated herein.

Marilyn Brill of 1745 Cooper Foster Park Road read her letter into the record as attached hereto and incorporated herein.

Kenneth Sexstella of 1975 Cooper Foster Park Road said the mayor keeps talking about taxes and usually when a big development comes in the City offers tax abatements, so he is wondering if the city is offering these people tax abatements to build. This would be detrimental to the taxes from which they talk about, so he does not think this would be a good idea to offer them this. He said he is against the rezoning.

**RECORD OF PROCEEDINGS**

Monday, October 25, 2021

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Anne Palmer of 1680 Cooper Foster Park Road said she understands from the Mayor that he is going to address her questions from last month's meeting during the Council meeting. She asked Council to give careful consideration to the rezoning. This will change everything for all of them that live in the area. She has heard comments about why the people on Cooper Foster Park Road are upset because it is not directly in their back yard like Claus Road. However, they are farmland, and they can see, and they will deal with the lighting and noise issues. There is pollution from the trucks, and this is the back yard that they look out at, but the main concerns are the drainage issues that will come into their fields. They already have problems, and it is just farmland. They have called the county and have asked to have these drainage issues looked at and nobody has done anything. Secondly, they have traffic concerns because they have problems getting out of Cooper Foster onto Baumhart Road now. What will all of this truck traffic and employee traffic do? She stated she is opposed to the rezoning and would ask Council to give it careful consideration.

Marilyn Brill representing the Heritage Church Museum read their letter into the record as attached hereto and incorporated herein.

Todd VanThoor of 2010 Cooper Foster Park Road said he is concerned with the traffic and asked why they should have to suffer because the farms have been there for how many years and they have not had any issues, and now all of sudden everybody is going to be fighting to leave to just go to the corner store. He said he has lived in Avon and cannot stand driving through Avon anymore because of the traffic and he does not want that to be where he lives, and he does not want it to turn to commercial. He does not want any of these issues – the drainage – the fields are flooding because the water cannot get to the other side where it is supposed to go. He hopes council considers this. He said he grew up in his great aunt's house and loved it and does not want to see it turn into commercial in the city.

Myrna Schmidkons of 1915 Sunnyside Road said they moved into their house 50 years ago and they were a young couple/young family, and it was their dream. She said, "Please don't change our dream". They do not need to change the zoning.

Jeff Kromer of 3333 Jerusalem Road said he is in agreement with most of the people who have spoke and he really does not want to see this here. He said they have been in their house for 27 years and have raised five kids with one still in school. He is concerned with the traffic patterns and asked council to consider if there would be any vehicle entrance other than Baumhart Road for this facility. He said with so many employees if they do not live close to a highway, then they may be using a lot of country roads to be able to get to their employment. He said he is on Jerusalem Road and many people forget it is not 70 mph when you get off the highway, and as it is they speed quite a bit. He asked council to consider any kind of traffic patterns other than Baumhart. Assuming this distribution center will run 24/7 or something like that – it will probably be a very busy place. Also, the city should consider if there will be additional police resources in the budget for the extra patrolling for the business and added traffic to safely handle this. Also, consider if the proposed owner's business would change to heavy industrial – so if the zoning change is to heavy industrial and they find that their business needs to change to support what they want to do for the revenue – would this allow them to go to a heavy industrial – not just getting the taller building zoning allowed, would add to noise pollution and stuff like that. This would be more strain on the water and septic resources. Also, consider that semi-trucks a lot of times idle in cold weather to maintain and keep the engines warm, so this is a lot of extra pollution. He asked if the city has considered any kind of light pollution being studied or is it something that needs to be, and obviously water supply, septic, and other pollution.

Bob Leimbach of 1425 Claus Road addressed comments via his letter that is attached hereto and incorporated herein.

Jim Giancaterno of 846 Devonshire said though he is not a resident of Vermilion he is present to support the Brownhelm Historical Association and their comments and wishes.

Greg Butchko of 52102 Fawn Circle, Amherst (Brownhelm Township) said the people who have spoken have made the points of the neighborhood. He asked council when considering their vote to think of some questions he has. If the only reason for rezoning is the height, why not a variance for the height? Rezoning is so permanent, and it changes a lot of things, and it opens doors to a lot of other potential

**RECORD OF PROCEEDINGS**

Monday, October 25, 2021

Held

issues. He said he isn't necessarily against the project at all, but he thinks there are some different segues to get into that offer a little more control and a little more protection for the residents.

Elaine Reisdorf of 2225 Claus Road said she is not necessarily in favor of the project, but the way she looks at it is the current zoning would allow for strip malls, gas stations, car washes, and a variety of things, which her way of thinking is that she would rather have a warehouse than those things. She also agrees and would reiterate that she would hope the mayor and council would do some kind of buffering for the residents and that the developers in good faith would actually follow through with this and the city would enforce it. She knows there are other industrial zoned property on Claus Road and Brownhelm Station. Pursuant to the traffic, she has lived here long enough to know that the Ford traffic was a lot of traffic with the employees and trucks coming in and out of Ford. She does not see this as being any different with this warehouse. She would rather have a warehouse instead of truck stops or gas stations which it is currently zoned for. Pursuant to some other comments, she would like to see a contingency made that does not allow this group of developers to keep the zoning of heavy industry if plans fall back.

Nick Luby of 5618 Huron Street said he was a councilman for 10 years and was on Planning Commission for 10 years. The thought of 65' buildings is ungodly. There are people on Claus Road that are not going to see the sun until noon. The noise and the diesel idling – he said he has lived in his house on Huron Street for almost 50 years and when he first moved in the buses would pull up to the museum and they would sit there. They would pull up to his driveway and would unload the people, and then they would back up and sit there and idle for an hour or so and there is nothing worse than that, especially when you want to sit on your front porch or even just live. He said if he was still on council he would vote no and if he was on Planning Commission he would vote no.

Tyler Parsons of 841 Exchange Street said he lives quite far from this project, but his concerns are about the long-term ramifications for Vermilion. He went to business school, so he knows a thing or two about developers and businesses, and these gentleman are just developing and building this building, so some other business is going to purchase or lease the property from them. After city council does this rezoning and after they build this building, they have no idea who is actually going to move in and inhabit this building, and there are quite a few companies out there that are not good companies that they want to operate distributions centers in Vermilion – Amazon is one that comes to mind. The other problem he had is that the Mayor says this will create jobs, but there is no guarantee what the wages will be in this plant, so it may be that the wages are so low that no one from Vermilion actually takes a job at this plant, so they don't see someone from Vermilion getting a job. He said his family has operated a business in Vermilion for over 100 years and he is the ninth generation of Parsons to live in this town. When people who have lived in this town and has operated businesses in this town for a long time – tried to build a new building or expand their business, they have to bend over backwards to get anything done, and with the wave of hands the council is going to rezone this place so some gentleman from Texas and Detroit can build a building, and he does not think this is okay. Down in Texas they have a saying, "Don't mess with Texas" – well, "Don't mess with Vermilion".

Gary Dodson, Jr. of 3050 North Ridge Road read his letter into the record that is attached hereto and incorporated herein.

Larry Drouhard of 5125 Liberty Avenue said he is not saying he is for or against this project, but he thinks he agrees with everybody here about zoning for these applicants alone is a must or making an exception just for the height as it could be a better option to ensure the future of this piece of property. He said they certainly need to make everyone that – all the neighbors feel comfortable with the idea that Council will in fact take good care of making sure anything possible in terms of lighting, drainage, traffic, or noise can be remediated as well as possible. He knows Council will do that absolutely and they have to remember the years when Ford was here that they did have a lot of traffic, but they also had a lot of jobs. His buddies in school – their dads worked there and that is what grew Vermilion to what it was in the 90s. He thinks Tyler Parsons had a good point and he knows people have their varying opinions about starting a business in a small town – there can be red tape, sometimes there is not, sometimes there is not enough, but he knows whoever the mayor is – is going to always try and help new businesses or local existing businesses expand, and that is important. He is so happy to see so many local residents present and if they can continue to have this kind of involvement he thinks it would be fantastic for the future of the city.

**RECORD OF PROCEEDINGS**

Monday, October 25, 2021

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Sharon and Nick Demos of 2145 Arndt Road read their letter into the record as attached hereto and incorporated herein.

Homer Taft of 3972 Edgewater Drive said he is an attorney at law and a real estate professional. He said he is concerned about rezoning this for heavy industry, but he thinks that reality says that this property is already largely zoned for I-1 (Light Industry), which would permit this use as he understands it. The rest of it is zoned business and it has been that way for a long time, but there are concerns that should be shared. As he understands it the property has not been transferred to the applicant and they do not know what other conditions may have to be met. There are a couple ways that can be approached – you could make the rezoning effective for a certain period of time perhaps in order to allow this applicant to do it and not others. But he thinks the solution of which he suggested in his letter to Council and that Mr. Butchko mentioned is a more elegant solution, and that is simply to change the height restriction. As he understands it and the developer would have to speak to this – the only problem with this is the height restriction. It is a use that is permitted in I-2. He would also suggest they look at the Baumhart Road corridor and ask the developer whether it is really necessary to do all of that property at this time, or whether the parcel that fronts on Baumhart, which is about 800' to 850', might be a business use at least until their plans come to greater fruition with the possibility that you would consider some expansion. With the greatest respect for the residents as he can understand their concerns – nevertheless this has been zoned industrial for a long time and the section that extends from the lake basically to almost Cooper Foster Park Road with business and industrial zoning. This is a huge development and a huge potential positive for the city. You're talking about potentially 1,000 employees and possibly a hundred million dollars in new development, which could spark a number of things – not the least at which obviously is a lot of taxes for the school and the city, but it also will spark a lot of other economic activity, so he thinks it is desirable. He thinks they have to go in stages and at this early stage he would hope council would not act upon this tonight and that they would have further conversations together with the administration and the developers to get as close as they can to the best way to do this. He said there will be concerns with setbacks, parking, and whether you're allowed to diesel on the property in the middle of the night. In many communities they simply prohibit this.

Zach Fry of 6665 Baumhart Road said his main concern is the zoning. If you change it to industrial and this project does not go through, then this development company can do anything they want with this land. He does not understand why it wouldn't be a conditional use permit where they only allow this particular project if it goes through. He said about 10 years ago, Erie Blacktop was trying to put a facility in at this intersection and everyone spoke up and it did not happen, but if this is zoned I-2 and this project does not go through or even if it does then Erie Blacktop could come in and stick a facility there, so he would ask Council to keep it zoned as is and do a conditional use permit for this project.

Pat Stein of 5718 Huron Street concurred with the gentleman that just spoke about the conditional use. She knows conditional use permits have been issued in many cases for businesses and she strongly suggested that this be considered. Also, as she has been talking with people and listening to their concerns, one of the concerns is – who is going to pay for the infrastructure which is needed for this large endeavor. There are so many small streets in Vermilion that also need infrastructure work that is not being paid for because there is no money, so who is going to pay for this. Is this part of the deal that they must do their own infrastructure according to Vermilion's code. Not knowing what is going in there has been an issue too. People want to know before they say, "Yea, let's do it". What is it going to be? She thinks the conditional use is the biggest suggestion to Council rather than giving them a blanket to come in and build it.

Kurt Kauk of 2239 Arndt Road said he has been a Brownhelm resident for 27 years and has been on Arndt for about 12. A lot of the things the people have been saying are completely accurate; 65' structure, lighting on the building, parking lot lighting, 24-hour noise and fumes from the trucks – these are all problems they will all have to deal with – not to mention the two plus years of construction it will take to complete a facility of this size. As Mr. Leimbach was saying, "If this deal falls through and it is zoned heavy industrial, there are all other kinds of things that can go in here. Explosive manufacturing, fertilizer manufacturing, air strips, and strip clubs. These are all conditional, but council is not guaranteed their positions and they may all be out of their chairs in five years. If this does not go through, what is to say the next people in your seats won't just screw them all – stick a garbage dump out there. Homeownership is something they all strive for. This may bring a great deal of tax dollars to the city, but it is going to be at the expense of everyone that received certified letters from Council, and a lot of other

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Minutes of Minutes of the Vermilion City Council Public Hearing & Regular Meeting Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

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Monday, October 25, 2021

people surrounding them. They are being asked to sacrifice their hard-earned home value to subsidize the city's new shiny revenue generator, and he asked Council to vote no.

S. Herron said they will begin their council meeting in a couple minutes and noted that the administration will respond to Mrs. Palmer's questions posed at the last council meeting under the 'President of Council's Report'.

#### CALL TO ORDER:

Steve Herron, President of Council called the Monday, October 25, 2021, regular 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 October 4, 2021. Roll Call Vote 7 YEAS. MOTION CARRIED.

#### PRESIDENT OF COUNCIL'S REPORT:

Mayor Forthofer responded to Mrs. Palmer's questions posed at the October 4 meeting involving the potential matter surrounding Ordinance 2021-60 as follows:

#### Q. What about conditional approval of the rezoning of the 119 acres at Baumhart & Rt. 2?

A. The morning after the Planning Commission approval of the re-zoning, I put the question of conditional zoning to the Law Director. After the law firm's study of the options such as Conditional or Contractual approval of a re-zoning of property, those opinions were shared with Council President. It is Council that will make the final decision on the matter of re-zoning in consideration of all options.

#### Q. What happens after the facility goes in regarding water runoff and impact on surrounding property?

A. Once an occupant of the property is identified and a facility is proposed to the Planning Commission, the City Engineer will require of the developer, appropriate impact studies. Those studies can include, drainage, wetland, traffic, and any other studies he determines necessary depending on the nature of the property and impact by the proposed development. The City Engineer acts as the City's agent to ensure that codes are followed and impact to other property is minimized.

Attorney Susan Anderson said the concerns stated tonight by the residents and the Planning Commission pertained to imposing an automatic reversion if the plans for the stated property did not go through. She said this is considered contract zoning and it is something that has been held to be unlawful because the courts look at this as Council delegating this power because they are saying it will not be rezoned for that time period and council at any time can rezone on its own action. To include an automatic reversion would be something that is historically to be held unlawful. Council could make its own motion to propose rezoning it back to the original classification, if in fact, the promises that were made would not come to fruition.

#### COMMITTEE REPORTS:

#### Vermilion Tree Commission:

E. Skahen explained the Tree Commission wants to apply for the Urban Canopy Restoration Grant through ODNR, Division of Forestry. It is a 50/50 matching grant, and it will go for removing any dead or dangerous trees, stump removal, soil preparation, and purchasing trees. She said they were thinking about doing a collaborative match with the parks and money from the Harbor View Main Street Project. The total they are asking for is \$25,000, which means they could get up to \$50,000, but they need a resolution adopted by City Council. S. Holovacs asked the finance director if city's portion of the match is available. A. Hendricks said yes.

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Meeting

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## Parks & Recreation Board:

B. Holmes said that Terry Parker wanted council to be aware that the Parks Board approved the amendment to Ordinance 2021-58 regarding the full-time position of Parks Supervisor. The amendments include declaring the position holder to be an exempt employee and the compensation is a salary rather than an hourly wage. They took his current hourly pay and multiplied it out to 43 hours per week for a salary of \$56,101.24. This is to avoid complications with having to pay overtime. This is acceptable to Marc Weisenberger and T. Parker is asking for Council's support in amending the ordinance.

## MAYOR/SAFETY DIRECTOR'S REPORT:

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

### **Woollybear Returns.**

We haven't meet since the Woollybear Festival resumed in Vermilion. It felt good to have this landmark Vermilion event back on our streets and it was conducted within Health Department guidelines as much as possible. It is always impressive that Vermilion Chamber Executive Director Sandy Coe and her crew ran the event flawlessly. Also, I want to recognize the City crews that helped prepare for the event and make sure it was safe. It was a credit to Vermilion. Tens of thousands of people were in town and by Monday morning everything was cleaned up and it looked like nothing happened.

### **Full time Fire Chief**

Before Council is an ordinance to establish a full time Fire Chief position in the Vermilion Fire Department. Post 9/11, reporting, training, and other administrative responsibilities have increased exponentially for fire department administrators both paid and volunteer. It is no longer reasonable to expect a volunteer Chief with a full-time outside job, personal responsibilities and the demands keeping residents safe to also carry the administrative burden of our City's Fire Department...in their spare time. Chief Stempowski has done a remarkable job over the past 15 years of professionalizing the VFD and has a stellar reputation among all local Chiefs I have spoken to. But it's time we devote someone full time to the development of the department, its opportunities, and its personnel needs.

Working together with the Ohio Fire Chief's Association and Chief Stempowski, a job description has been written. It has been sent to Council The position will be advertised. Funds for the position will come from the Fire Operating Levy. As Mayor, I believe this step is essential. It will help set a future course for the Vermilion Fire Department, its personnel, and opportunities. An independent evaluation of the Vermilion Fire Department by Chief Ricci came to the same conclusion. I ask for Council's favorable consideration of this ordinance.

### **Main Street Beach Revitalization Phase II**

Council remembers that last December the Western Reserve Land Conservancy and the Parks & Recreation Board presented the Main Street Beach Revitalization Plan. Phase I. With Council's go-ahead, demolition of the museum was accomplished far under cost projections. Acquisition of the Stuchal house is finalizing with outside funds and the City will establish sanitary connections and a lift station for the new Comfort Station to be built this winter with Parks Board funds.

The WRLC and P&RB would like to outline Phase II of the Main Street Beach Revitalization plan for Council's consideration. I've asked that this be put on the agenda for November 15<sup>th</sup>.

### **Zoning Review Ready**

I have a city-wide Zoning Code Review is ready to launch. The Administration requests Council make a motion to accept the proposal of CT Consultants for a zoning code review of the City of Vermilion. CT Consultants was the lowest and best bidder in our public RFP. CT's bid was \$25,000 with possible options and under the threshold for an ordinance.

I've drawn up a Re-Zoning Advisory Committee. This Committee will advise CT Consultants as they review Vermilion's Zoning. The Committee consists of representative from the Administration, Council, Planning Commission, Board of Zoning Appeals, and Vermilion residents.

# RECORD OF PROCEEDINGS

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## Fence on City Property

An area behind houses on the west side of Ford Lane is city property. 20 some years ago, neighbors were given permission by the City to build privacy fences on that property with the understanding that if the fence needed to be destroyed by the City in order to access utilities on City property the replacement would be responsibility of the owners. One of those resident's fence has deteriorated, and the owner would like to replace it.

We were told that there is a letter giving permission for these fences to exist on City property, but we have not been able to find it if it did exist. I have seen the site. The fence is in line with neighbor fences. Because the owner is elderly and recently widowed, I have written a new letter giving my permission to replace the fence in line with the neighbor's fences on City property with the same conditions of owner responsibility. I ask Council to give permission for this fence replacement on City property or put it on the agenda for the November 15 Committees Meetings. G. Fisher noted she had put it on the committee meeting agenda pursuant to the Mayor's previous request to her.

## Executive Session

I request an Executive Session prior to the reading of the ordinances pertaining to property acquisition.

S. Holovacs MOVED, F. Loucka seconded to authorize the mayor to enter into an agreement with CT Consultants to review the city's zoning codes. Discussion: B. Brady asked if this is something CT does regularly. She said the city had some problems with them when they did water rates, so she has sort of a bad feeling towards them. Mayor Forthofer said there were two bidders and CT was the low bidder, and they do this all the time and have the qualifications. Roll Call Vote 7 YEAS. MOTION CARRIED.

## SERVICE DIRECTOR'S REPORT:

T. Valerius mentioned that he was informed by Norfolk Southern that the Main Street railroad crossing will be closed November 1 for at least two days for routine maintenance. This will be followed by the Vermillion Road crossing on November 8 and Grand Street on November 9. He has informed the emergency services and he has also asked the railroad to look to the Street department employees to make sure the loop detectors are not damaged during the improvement work.

He announced the City has received funding through the MPO in the amount of \$320,000 in transportation alternative program funds for the Safe Routes to School Phase Two project. The project will consist of new sidewalk construction along portions of Langfitt Street, West River Road, Sweetbriar Drive, Larchmont Drive, Pineview Drive, and Mapleview Drive. The total project cost is estimated to be \$524,326.00, and funding is available for the construction phase in state fiscal year 2025.

Lastly, Ordinance 2021-69 regarding the Morton Road Storm Sewer Improvements is on the agenda for a first reading. He asked Council to consider suspending the rules and adopting this ordinance by emergency. S. Herron asked if the emergency adoption is to get the work going quicker due to the weather. T. Valerius said this is correct.

E. Skahen said the Tree Commission has asked if there is any warranty on the trees at the fire station that were lost. T. Valerius said there is, and they spoke with the Fire Chief. They plan on replacing the trees and a financial deal has been worked out to give the fire station money.

## FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported that a legal notice was placed in the Photojournal on October 21 seeking written qualifications for insurance broker services from October 25 through November 12, 2021. She is in the process of responding to those companies that have expressed interest with the full packet. The responses will be provided to Council not later than the meeting scheduled for November 15.

An amendment to the appropriations for 2021 is on the agenda along with the Certificate of Estimated Resources. It is requested that rules be waived, and the ordinance passed this evening as some of the projects are getting under way.

RECORD OF PROCEEDINGS

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General Fund 101	Increase \$5,400 to cover Fulper Lot change order approved 10.04.21
	Increase \$7,600 to cover Building Dept. operating changes
	Increase \$500,000 potential advance at year end to ARPA and AFG
Port Authority 214	Increase \$10,000 to cover bank/credit card fees
Police Confiscation 221	Increase \$7,000 revenue and expense, Internet Café Lorain Co.
Tree Commission 240	Increase revenue \$4,000 and expenses \$10,000
WWTP Fund 602	Increase \$50,000 to cover additional repair costs on centrifuge

There is also an ordinance on the agenda for a First Reading of the 2022 Appropriations for all funds that mirrors the Tax Budget previously adopted.

B. Brady asked if the personnel supplemental expense budget for the building department was a new change (\$59,000)? A. Hendricks explained this was from when they adopted the original temporary budget for 2021, and then the supplemental were changes that were made before the permanent came into play.

LAW DIRECTOR'S REPORT:

Susan Anderson said before the Safe Routes to School project was to go forward, they needed temporary easements from some of the property owners. There were two property owners they were having difficulty locating, but she has been in contact with both property owners who have expressed they do intend to executive a temporary easement for the city, so she expected to have these documents within the next 30 days.

OPEN TO THE AUDIENCE:

Homer Taft of 3972 Edgewater Drive discussed the fact that he believed the mayor has entered into an unlawful contract with respect to the sewer. He thought there were significant problems with the contract – should have been addressed – could have been addressed. He believed the actual contract was illegal. He expressed concern about the fact that there is a whole ton of ordinances, including some financial ordinances and a creation of a fire chief that got dropped today, and there is no time for any of them to absorb this. He was also concerned that it is at the end of the term for the current administration and the current members of Council. He hated to be disagreeable, but at least two of them will not be there next year and it could be that five members of council with two-thirds majority or different, so he would appreciate the opportunity for all of them to be involved in decisions, unless they absolutely positively have to be made in the last two months of the year. He said there were a bunch of contracts on the agenda – why do you have to vote on any of those if you did not have to vote on the sewer contract? With due respect to the law director, she reported that the contract and the ordinance allowed it to extend – no it did not! He read the ordinance and the contract. It allowed during the term of the contract the service area to be extended, which it was not. However, the contract explicitly said it expired December 31, 2020. It was not renewed within that time. Furthermore, contracts in excess of \$50,000 always have to be approved by Council, so keeping this in secret even though members of Council to his knowledge asked about it and frankly so did he and other people. He does not think this was the best way to do this, but it is worse than that because it is illegal. The Charter and ordinances of the city refer to general law in the State of Ohio and they require contracts to be authorized by Council. You do not administer them, but you do approve them, and this is just wrong. He said it still provides that if the service area increases then there has to be more transmitted down Douglas Street that the City has to pay 50 percent of the increase in costs in building a new sewer. It provides for a four percent inflation rate over five years when inflation is already over 5.4 percent in this year. He thought the city needed to take a step back and he recommended that council require the law director in writing to explain how the mayor can authorize contracts without authorization of council, and he asked that taxpayers might want to request that the law director either bring a mandamus action to terminate this contract or that others would be able to do so.

Larry Newsome of Brownhelm Station Road asked if they got approval for Brownhelm Station Road yet and Council said no. L. Newsome said Brownhelm Station Road from Sunnyside to Claus Road – Claus Road comes north and then there is a curve and then there is Brownhelm Station Road again out to where they have it blocked. He said when they blacktop that this should be blacktopped also. He thought council and the mayor was supposed to be working for the people, so this is what they need to think about. Are you working for the people or are you working for a certain few? He asked where all the



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Held \_\_\_\_\_

Monday, October 25, 2021

parking and trucks will be in relation to the rezoning. Will they all be next to the people on Claus Road or in at that area, or will it be back toward Baumhart Road. He said they do not want to hear diesel trucks moving around next to those houses on Claus Road. He said they need to consider building the facility back towards Baumhart Road – it is a big building from what he understands. He understands all the entries and exits will be off Baumhart Road – anyone know? He said they did some tar and chip on some of the holes two weeks ago and he appreciates that, and they were supposed to be there last week to cut those trees down and he hasn't seen none. He lives on the east end and a lot of people do not know where they exist, but they pay taxes like everybody else, so they need to work together everywhere – not just downtown. If they do not work together then things are going to get rough and worst, and they can't get things done the way they should. He addressed Main Street beach and the house on the east side as he understands it will be torn down to build the bathhouses. He said the house looks good, so why can't they renovate and stabilize it to save money. He said if they would investigate it he bets it would be a lot cheaper then to tear it down and rebuild something else. He said there are a lot of issues they need to look at and he does not get involved in everything very much, but recently he thinks he needs to get involved.

Drew Werley of 5016 Timberview Drive said he was thankful for all the people here and said he doesn't care how they stand on the public hearing, but they all showed up and he appreciates that, and he would like to see that at every single meeting. He was a little sad that more people didn't speak during this time; probably because they were told they can't by the President of Council – it's in their rules – you're allowed to have five minutes to speak about anything dealing with the city, especially since it is on the agenda for this meeting. He also noticed when looking at the agenda that there is a lot of things coming for a first reading for contracts and raises. First off, Marc Weisenberger is fantastic, and he thinks he is an asset to the city, and he fully supports that. He sees this guy working all the time, so the fact they put him on salary – if he was him he would negotiate a little bit better, but he is a great guy. He saw that the building inspector – looks like he is going to get a raise. It's the same department that they just hired a new guy to replace someone that retired, and he thinks he is getting paid 160 some percent from the last guy – he thinks he is working roughly three times as many hours for three to four times as many months in the year. He wasn't sure how much Bill was getting paid now because he did not get the ordinances until this morning, so he did not have a chance to ask the administration for the salary even though they are great as far as the public requests go – you guys are really quick about that stuff, so he really appreciates that. He said he is surprised and will mimic what Homer said that it is odd that all these things with salaries come up right at the end of the year – right as council is on their way out – a new council is going to come in again – like he said, two are definitely gone – possibly more. He said it seems really odd that they all came up at the same exact time, but he wished Steve Herron would let people talk about what happened in the public hearing beforehand – you tried that a couple months ago too and he came out and said he can't do that because this is a completely separate meeting.

Larry Drouhard of 5125 Liberty Avenue thanked council for allowing him to come up and speak for a moment. He thought council does a great job and to second things like Mr. Taft just spoke about – raises, ordinances should not be passed without due time for citizens and the council to have an open discussion about them. He does appreciate what Mr. Newsome said about working together and he knows Council tries their best to do exactly that and he thinks that is great. He hopes they can continue to always work together and get along with everybody to make things happen for the betterment of everybody in the community.

**OLD BUSINESS:**

E. Skahen reported that Kathy from the Vermilion Post Office got back with her about her question of having postal services for the west side while the bridge was closed, and she said residents can call the Vermilion Post Office. She said they can call to ask for an envelope or stamps from the carriers, and residents can give them a check and they will bring back the stamps the next day. Also, you can go online to mail a package as it will ask for dimensions of the box and other information, and you can print out a label. It will ask if you want it picked up by your mail carrier. She thought this would make it a little easier for the people on the west side.

**RECORD OF PROCEEDINGS**

*Held*

Monday, October 25, 2021

**NEW BUSINESS:**

**S. Holovacs MOVED**, F. Loucka seconded to adjourn into executive session to discuss property acquisition prior to the 'Reading of the Ordinances'. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**B. Brady MOVED**; B. Holmes seconded to amend the third reading of Ordinance 2021-58. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**S. Holovacs MOVED**, E. Skahen seconded to add Ordinance 2021-72 to the agenda for a first reading. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**Executive Session:**

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

**S. Herron MOVED**, F. Loucka seconded to table the third reading of Ordinance 2021-60. Roll Call Vote 7 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.

**Third 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.

**F. Loucka MOVED**, B. Holmes seconded to adopt this ordinance as amended. (Discussion: B. Brady explained they made this position exempt, so this is why they amended the ordinance. B. Holmes said Marc does a wonderful job and prior to this he was putting in more hours and not getting paid, and they appreciate all his efforts. S. Herron said this is the right thing to do as far as he is concerned. A. Hendricks said this position is funded by the Parks Operating Levy. Roll Call Vote 7 YEAS. **MOTION CARRIED.** *(This ordinance will go into effect November 25, 2021)*

**Tabled - Third 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.

**First Reading – Ordinance 2021-64:** AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, STATE OF OHIO, DURING THE THREE-MONTH PERIOD BEGINNING JANUARY 1, 2022 AND ENDING MARCH 31, 2022 AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2021-65:** AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO RECEIVE A SUBSIDY FROM BROWNHelm TOWNSHIP, LORAIN COUNTY, OHIO FOR EMERGENCY MEDICAL SERVICES THROUGH THE CITY OF VERMILION'S CONTRACT WITH LIFECARE AMBULANCE, INC. OF ELYRIA, OHIO FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2022 AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2021-66:** AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR AND THE VERMILION PARKS AND RECREATION BOARD OF CHAD KUHNs AS RECREATION DIRECTOR TO THE CITY OF VERMILION FOR THE 2022 RECREATIONAL PROGRAMS; ESTABLISHING A SALARY FOR SUCH APPOINTEE; ESTABLISHING COMPENSATION OF CERTAIN AUTHORIZED POSITIONS WITHIN THE

# RECORD OF PROCEEDINGS

Minutes of Minutes of the Vermilion City Council Public Hearing & Regular Meeting Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

Monday, October 25, 2021

VERMILION DEPARTMENT OF PARKS AND RECREATION AS HAVE BEEN FAVORABLY RECOMMENDED BY THE CITY'S PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2021-67: 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.

S. Holovacs MOVED, E. Skahen seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.  
E. Skahen MOVED, M. Stark seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED

First Reading – Ordinance 2021-68: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A MULTI-JURISDICTIONAL AGREEMENT FOR LORAIN COUNTY SPECIALTY WEAPONS AND TACTICS TEAM ("SWAT TEAM") AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2021-69: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH HERK EXCAVATING, INC. OF VERMILION, OHIO FOR THE MORTON ROAD STORM SEWER IMPROVEMENTS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-FIVE THOUSAND NINE HUNDRED DOLLARS AND TWENTY CENTS (\$165,900.20) AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, E. Skahen seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.  
S. Holovacs MOVED, E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Ordinance 2021-70: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION TO ENTER INTO AN AGREEMENT WITH SOUTH SHORE DREDGE & DOCK INC. OF LORAIN, OHIO TO PROVIDE ICE BREAKING SERVICES ON THE VERMILION RIVER FOR THE PERIOD OF JANUARY 1, 2022 THROUGH FEBRUARY 28, 2022 AND DECLARING AN EMERGENCY. (*Referred to November 15, 2021 – Finance Committee*)

First Reading – Ordinance 2021-71: AN ORDINANCE TO RE-ESTABLISH AND AMEND THE FULL TIME SALARY OF BILL DIFUCCI AS THE CITY OF VERMILION'S BUILDING OFFICIAL, EFFECTIVE UPON PASSAGE OF THIS ORDINANCE.

First Reading – Ordinance 2021-72: AN ORDINANCE ESTABLISHING THE JOB DESCRIPTION, SALARY RANGE AND BENEFITS FOR A FULL-TIME POSITION OF FIRE CHIEF. (*Referred to November 15, 2021 – Health & Safety Committee Meeting*)

First Reading – Resolution 2021R-16: A RESOLUTION AUTHORIZING THE CITY OF VERMILION TO EXECUTE AND FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF FORESTRY, URBAN FORESTRY FOR ASSISTANCE UNDER THE URBAN CANOPY RESTORATION GRANT AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, E. Skahen seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.  
E. Skahen MOVED, F. Loucka seconded to adopt this resolution by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Resolution 2021R-17: A RESOLUTION AUTHORIZING THE CITY OF VERMILION TO EXECUTE AND FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR FINANCIAL ASSISTANCE FOR PUBLIC RECREATION PURPOSES, THROUGH THE FEDERAL LAND AND WATER CONSERVATION FUND PROGRAM, AND DECLARING AN EMERGENCY.

F. Loucka MOVED, S. Holovacs seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.  
S. Holovacs MOVED, E. Skahen seconded to adopt this resolution by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

### Announcement of Meeting Dates:

*All meetings will be held at the Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH*  
- November 8, 2021- Vermilion City Council Meeting – 7:00 p.m. – Followed by City Council Work Session to discuss Ordinance 2021-60  
- November 15, 2021 – Vermilion City Council Committee Meetings – 7:00 p.m.

**RECORD OF PROCEEDINGS**

*Minutes of* Minutes of the Vermillion City Council Public Hearing & Regular Meeting *Meeting*

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

*Held* Monday, October 25, 2021

Adjournment:

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

*Transcribed by Gwen Fisher, Certified Municipal Clerk*