

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Held

Monday, March 7, 2022

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: Monica Stark, Council President; Steve Herron, Council At Large; Pat Stein, Ward One; Greg Drew, Ward Two; Teresa Mayle, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five

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

## CALL TO ORDER:

Monica Stark, President of Council called the Monday, March 7, 2022, 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:

P. Stein MOVED; B. Brady seconded to amend and approve the February 7, 2022 City Council minutes (Page 5, 1<sup>st</sup> paragraph under subtitle "Referendum Petitions") as previously distributed to reflect accurate verbatim context per the audio recording. (Note: The clerk resubmitted the corrected version to City Council, Administrative Staff, City Website, and Newspaper circulation on March 3, 2022). Roll Call Vote 7 YEAS. MOTION CARRIED.

M. Stark MOVED; S. Herron seconded to approve the minutes of February 24, 2022. Roll Call Vote 7 YEAS. MOTION CARRIED.

CORRESPONDENCE: None.

PRESIDENT OF COUNCIL'S REPORT: No report.

## COMMITTEE REPORTS:

### Historic Design & Review:

P. Stein reported on the meeting of March 2. The next meeting is scheduled for April 6, 2022 at 6:00 p.m.

### Vermilion Tree Commission:

P. Stein reported the next meeting is scheduled for March 9, 2022 at 9:30 a.m.

### Finance:

B. Holmes reported the next meeting is scheduled for March 14, 2022 at 6:00 p.m.

### Planning Commission:

B. Holmes reported on the meeting held March 2. The next meeting is scheduled for April 6, 2022 at 7:00 p.m.

### Health & Safety:

B. Brady reported on the meeting held February 14. The next meeting is scheduled for March 14, 2022 at 6:00 p.m.

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Streets, Buildings & Grounds:

S. Herron reported the next meeting is scheduled for March 14, 2022 at 6:00 p.m.

Port Authority:

S. Herron reported on the meeting held March 3. The next meeting is scheduled for April 14, 2022 at 6:30 p.m.

Utilities:

M. Stark reported on the meeting held February 14. The next meeting is scheduled for March 14, 2022 at 6:00 p.m.

Parks & Recreation:

T. Mayle reported on the meeting held February 15. The next meeting is scheduled for March 15, 2022 at 6:00 p.m.

Vermilion Community Services:

T. Mayle mentioned the Vermilion Community Services committee presented the Mayor with their annual check.

Contractor Registration:

G. Drew reported on the meeting held February 28. The next meeting is scheduled for March 22, 2022 at 6:00 p.m.

Zoning Board of Appeals:

G. Drew reported on the meeting held February 22. The next meeting scheduled for March 22, 2022 has been cancelled due to no applications.

**MAYOR/SAFETY DIRECTOR'S REPORT:**

Mayor Forthofer read and presented his report as follows:

**Rt. 2 and Baumhart**

Next steps of the Baumhart & Rt. 2 project are under discussion. I will keep everyone informed as I am able.

**Full Time Fire Chief Search**

The Ohio Fire Chief's Association, which is assisting the City in a search for a full time Fire Chief, said that they have closed the application process. Nineteen applications with resumes have been received by the OFCA. This response exceeded our expectations. The OFCA has sent me a report with rankings. These rated applications have been sent to the City Fire Chief Evaluation Committee who will give opinions before proceeding to the next step.

**State Capital Budget Request**

I have met with all four of our State Senators and Representatives regarding a \$125,000 request from the State Capital Budget for completion of walking trails in the Main Street Beach Revitalization. I explained that \$1.5 million of this \$2.3 million project has already been raised by City commitments and private donations. All of the Senators and Representatives have visited the Main Street beach Project at our invitation and are enthusiastic about this use of public lakefront land. We have their verbal support for the State Budget request. Allocations of the Capital Budget will be decided after the primary election.



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## Zoning Review

CT Consultants is currently conducting individual interviews with all nine individual members of the Zoning Review Committee. The charge of CT Consultants is to recommend rezoning and revision of use definitions of the entire City of Vermilion.

## Army Corps of Engineers

I am in contact with the Army Corps of Engineers regarding Vermilion River's annual flooding. Despite keeping the northern part of the river clear of ice, the ice forms up at Mill Hollow where our ice breaker cannot reach. I will be attending a conference and meeting with ACOE representatives in April.

## HB 563

It has come to my attention from both the Law Director and from the Lorain County Mayor's Association that an Ohio House Bill 563 is working its way through the body of government. It is currently in House Committee. It proposes to restrict municipalities from regulating short term rental properties under their jurisdiction. A copy of the bill and sponsorship is being distributed to Council. This is a very early legislative process.

Lastly, I would request an Executive Session relative to Pending Litigation and Hiring/Firing.

M. Stark asked the law director if Council should continue to move forward with their Transient Rentals or should they wait for the House Bill. S. Anderson said her recommendation would be to continue to move forward as it is in the very early stages with the Bill and it may not even pass, so she wouldn't suggest stopping. S. Herron agreed 100 percent as this Bill will look much different than as it sits. S. Anderson said there could be a potential conflict with Home Rule authority. Depending on what this regulation looks like, there may be argument that it does not trump the city's home rule authority – but they will not know until it's in final form. M. Stark said Council will be reviewing Transient Rentals next week at the work session and asked the law director if she would have a draft ordinance to Council this week. S. Anderson said she will circulate the legislation this week.

## SERVICE DIRECTOR'S REPORT:

Tony Valerius advised the citizens that the street department has been out filling potholes weather permitting. The plows have done a lot of damage to the streets this year, so he will have two crews fill holes in order to keep up with all the damage.

He noted that Abraham Miller Excavating recently completed the installation of a new custom-built catch basin in the ditch that runs behind the homes on Hollyview Drive. The catch basin funnels storm water from the ditch into the city storm sewer system at the Hollyview/Sanford intersection. The previous catch basin was undersized and falling apart, which often led to debris getting caught and causing major flooding in the area. It was also very unsafe because it discharged into a large storm main, and the grate had mostly rusted away. The new basin is an improved design that will shed debris from the intake, which will be much safer.

Lastly, he mentioned the administration received permission from the parks board to go out to bid for the construction of the Main Street Beach Comfort Station. Bids will be opened on March 24.

## FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported as followed:

## APPROPRIATIONS 2022

The third reading for the 2022 Permanent Appropriations and Amended Certificate of Estimated Resources are on the agenda this evening, and they are due to the County Budget Commission by the first of April. All funds represented are within their available cash and new revenue to cover expenses without a deficit balance.

Updates since the second reading include:

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An additional \$2,173.33 in ARPA funds have been added to Fund 238 revenue and expense. This is a reallocation that went to all participating political subdivisions of the funds that were originally intended for other entities that did not end up applying for them. This was allocated back into the ARPA funds, which she would review in detail later in her report.

601 Water – Budget increased by \$5,000 for safety accessories for a new distribution truck, plus she updated a 20% increase on chemicals based on price increases.

The General Fund Operating budget has increased \$571,550 (9.3%) over 2021 actual expenditures. This reflects a nearly 30% increase in health care costs, all associated wage increases from collective bargaining, \$20,000 increase in ambulance costs, as well as inflationary line items such as fuel, utilities, and other categories across the board.

Fund 218 Parks Levy has been increased since the second reading by \$15,865 for an additional part time maintenance worker for the Parks Department.

Transfers and advances were based on historical amounts between one fund and another.

She showed and explained to council the table below showing the 2022 Planning Summary for the General Fund as well as other key funds that relate to capital expenditures:

Fund	YE Cash	Est. Rev	Available	Est. Exp*	ARPA \$ RevRepl	Remaining	Current Yr. +/-
101 Operating	\$4,104,713	\$6,875,917	\$10,980,630	\$6,718,180	\$247,450	\$4,509,900	\$405,187
200 Road Levy	\$2,231,736	\$1,704,200	\$3,935,936	\$2,298,262		\$1,637,674	
201 Street M&R	\$151,777	\$733,500	\$885,277	\$771,341		\$113,936	
203 Permissive Use	\$432,625	\$242,500	\$675,125	\$297,380		\$377,745	
601 Water	\$1,521,218	\$3,077,250	\$4,598,468	\$4,156,000		\$442,468	
602 Waste Water	\$639,419	\$2,328,700	\$2,968,119	\$2,532,701		\$435,418	
605 EPA	\$253,349	\$408,200	\$661,549	\$544,606		\$116,943	

\*Includes 2021 C/O  
encumbrances  
alh  
03.01.2022

She pointed out in the remaining balance in the 200 Road Levy there are projects committed for against this and they can review this in committee. The 201 Street M&R fund is the city's fuel taxes and there is \$113,936 remaining. The 203 Permissive Use Fund has \$377,745 available for the current year for projects. In the 601 Water fund, there is \$442,468 available. However, with the rising costs in the water department, about \$400,000 is committed for water line replacement that is scheduled in 2023. In the 602 Wastewater Treatment fund there is \$435,418 available and the 605 EPA fund has \$116,943 available.

Wastewater is estimated to operate at a deficit this year using a large portion of their carryover cash. In addition to the Water department, they are experiencing about a 20% increase in chemicals. Given the fact that the Wastewater Plant has not had a rate increase since prior to 2010, this may be something they will need to talk about as quickly as the year progresses, so they don't end up with a situation where they run out of money mid-year next year if they would have another large repair. The prices for septic haulers were increased effective February 28 with the minimum matching the two area competitors (Huron and Sandusky) and the remainder was slightly below the competition, so they could maintain that volume of traffic for this income. She said if the trend continues with the amount of growth that they serve on a weekly basis, then it should bring in roughly an additional \$20,000.



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She noted another budget concern that has not been reflected in the projections is that there was a Bill introduced by a State Legislator of Tipp City that targeted reducing the state's fuel tax that was recently increased in light of the current state of the economy. She anticipates this will have an uphill climb because the governor has spoken out about the need for those infrastructure projects (roads and bridges) that are highly reliant on those funds not only at the state level, but at the local level as well, so the city will be keeping an eye on this piece of information.

She said they are looking at adding some additional time to the Administrative Assistant in the Prosecutor's office at an extra cost of about \$10,000 a year. S. Anderson explained this relates to the Paralegal/Legal Assistant in the Prosecutor's office. This position supports both the assistant Prosecutors that work in the Municipal Court currently. The position has been open since mid-September when the individual resigned. They have been trying to hire for this position and they are facing the same thing everyone else is facing with employees across the country in terms of finding a good candidate. In the course of working out these issues, it was brought to her attention by both assistant Prosecutors, that they need somebody for more hours than what the position is currently working. The position currently works Tuesday's and Thursday's, and court is in session all day on Tuesday's and in the afternoon on Thursday's, so this just leaves a few hours in the morning for the position to work up the case files for the Prosecutors, so the request has been made that they add an additional eight hours, so from 16 hours, this works out to 24 hours a week, which is still a part-time status. This will allow this person to do the administrative function in this position to free up the case load for the Prosecutors to be able to get the cases through the system a little more quickly. Some of the reasons why the additional hours are also being asked for is the fact that there is more video and electronic discovery taking place because more LEA's are using body cams and this is being requested by defense counsel, so this position would be the individual that reviews this, which is time consuming. There are usual requirements that are more involved that went into effect a few years ago, that requires certain notices to go out, so it is a combination of things. In talking with the Prosecutors over the last few months, she believes there is justification in the additional eight hours. Mayor Forthofer noted there is also building department issues. S. Anderson explained the Prosecutors see a combination of cases that are prosecuting building violations as well as criminal cases and traffic cases. She said the criminal cases take priority because there are constitutional safeguards that need to be in place for speedy trials, as well as deadlines, so the building code violations have been taking a back seat, so the thought with this additional administrative support is that it will free up the Prosecutors so they're able to move these cases along more quickly as well. S. Herron asked if this would be three days a week. S. Anderson said that since the positions is on Tuesday's and Thursdays, then ideally she sees Wednesday being the ideal day so that they can address follow up items. S. Herron asked if the municipal court practices an Open Discovery. S. Anderson said she would need to ask the Prosecutors this question. S. Herron said he would be in favor of this because it is fairer and it also makes it extremely time friendly because you have one person blocking out names of victims and other information, and discovery is a criminal rule where basically the defense gets information from the state and Open Discoveries practice in some areas where the defense lawyer can come in and pick up the packet and be done. They do not have to argue in court, so if they had this it may be a lot faster for whoever is putting together those packets. S. Anderson asked how this works in terms with the request for body cams. S. Herron said they should sit down with the court to say that an Open Discovery would mean an understood body cam. They would not have to be here Tuesday or Thursday. He said Open Discovery is much easier for the county Prosecutor and everybody to move a little quicker. If it is not Open Discovery, it can be very bulky work, so it is something she could bring up with her Prosecutors. S. Anderson said in conversation with Chief Hartung he believes there is some backlog occurring, but she is sure there have been conversations with the Judge about these concerns as well. There were personnel changes as well where the administrative assistant who was valuable to the Prosecutors moved into a different role and hasn't been able to assist as much. B. Brady questioned if they moved someone into a paralegal responsibility with a salary increase, which she thought was supposed to solve some of this, so what happened to this person? S. Anderson said this might have been the individual that had resigned. She said if they hire a new person and that person is not a paralegal, then they should have some cost savings as far as salary she would think because the reason they gave her the increase was because she was overqualified for the job she was hired for, so the salary needs to go back to where it was for the non-paralegal person. S. Anderson said this is an hourly rate with a range depending on experience. G. Fisher didn't believe the intent was to change the title of the position from paralegal to administrative assistant. B. Brady said if they hire someone with lesser qualifications and give her the extra hours, then they need to adjust the salary. S. Herron said they would want a paralegal based on the complexity of the job. S. Anderson said yes, ideally they would. M. Stark



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asked if they need to amend the hours. G. Fisher said they would have to amend the ordinance to approve the extra hours, but she would need to revisit the ordinance. S. Anderson did not believe so as she thought there was discretion under the ordinance as long as is stayed part time.

Amy Hendricks said one of the increased costs that are not affecting the budget is for public waste. The fuel surcharge from Republic on waste disposal services have taken a big swing up as well, but that is passed along as we bill the true rate monthly.

## AMERICAN RESCUE PLAN (ARPA) FUNDING UPDATE

Last week the Office of Budget and Management (OBM) notified the city that they would be receiving an additional payment for ARPA's first round. That has been added into the Wastewater Plant projects. The contract for the assessment came in at a bid just short of \$500,000. She said the original allocation was \$1,088,782.51 and they added an additional allocation of \$2,173.33. The general fund revenue replacement has stayed at the \$247,450 and the amounts spent from that are a scanner for the building department and also the renewal of the city's Granicus software that is used for transient rentals. Also, LifeCare had a request for some EMS equipment, which makes their calls much more time efficient. The full cost was a little over \$32,000. However, Brownhelm Township paid their share, so it brought this down about \$4,000. There is \$100,000 set aside for the sewer and water infrastructure for the Main Street Beach project. The Water Plant improvements for the sludge tube that was originally estimated at \$200,000 ended up at \$158,750, and then all of the remaining funds have been allocated to the Wastewater Treatment Plant. It originally had been \$509,000 allocated, but the bid for the assessment came in just under \$500,000 and so given the unexpected repairs they had last year and for the state of their financial position for the 602 fund, all the balance of this allocation has been put under this line item.

### ARPA ALLOCATION

Total Allocation	\$ 1,088,782.51	
	\$ 2,173.33	Additional allocation 03.2022
Projects		
General Fund Revenue Replacement	\$ 247,450.00	(Bldg Dept Scanner \$13,421, Granicus \$9677)
LifeCare EMS Equipment Request	\$ 27,558.71	(\$32221.10 less Brownhelm Twp Share)
Sewer/Water Infrastructure Main St. Beach Proj	\$ 100,000.00	
Water Plan Improvements (sludge tube)	\$ 158,750.00	(Orig. \$200,000)
Waste Water Treatment Plan Improvements (Study, pumps, tanks, needs based on assessment)	\$ 557,197.13	(Orig. \$509,000)
Total	\$ 1,090,955.84	

## PROPERTY FLEET AND LIABILITY RENEWAL SAVINGS

Matt Arnold, Fitzgibbons Arnold, was out to present the final numbers in advance of our March 1 renewal.

She was extremely pleased to report that he was able to negotiate a premium reduction of \$43,000 while remaining with Travelers. This represents a total savings of \$53,675 in costs when compared to our rates with the previous agent. Based on the current year savings, this will result in total savings to the City of over \$225,000 for the term of our new agent agreement with no reduction in benefits or services.

The savings in agent fees/commission is estimated at over \$20,000 per year.

Weaknesses were noted in the levels of cyber coverage we had been carrying, so Mr. Arnold is looking at options to recommend for us. She will be meeting with him again very soon to discuss enhancing the city's coverage to a more contemporary level.



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## AUDIT UPDATES

The audit staff from CE Harris & Associates was on site the week of February 21 to begin the 2021 compliance audit. They plan to return the week of March 14.

The Finance Department has also been working steadily on the preparation of the GAAP Financial Statements for 2021 along with Julian & Grube. We have completed most items, but several must wait until March 31 as the measurement window for payables and receivables closes.

## TRANSIENT RENTAL PROGRESS

She said they had a progress meeting with Granicus representatives that included the Building Department staff. We were able to review data on compliance with the tax collections at this time. One of our steps to assist will be getting quarterly updates from the County Auditor's offices to submit to them to assure they have current owners when attempting to contact operators. They were able to demonstrate their occupancy rate estimates for rentals from data mined from Airbnb, VRBO, etc. that leads to a calculation of the amount of lodging taxes that should have been collected. This will allow us to follow up with noncompliant operators to access amounts due as there has been many notices for them to come into compliance.

They have legal staff that will do a free consultation to review any ordinance developed and offer suggestions if needed.

Granicus also has a toll-free hotline that we can publish for residents to report concerns with rental properties.

Ordinance 2022-14 – She said on the agenda is a first reading for the establishment of a Forensic Fund, which is specifically to be used for cash that is confiscated through various criminal cases that are occurring locally. She said there has been sufficient activity to warrant a fund at this time.

She reported late last week she was contacted by an investigator from the Lorain County Prosecutor's Office as he was referred to the city by the Lorain County Board of Elections after their review of the petitions for the referendum, and he has asked her to provide some information and she collected and sent this to him as of today, so they will be waiting to see how they intend to proceed with this from the Prosecutor's Office.

M. Stark asked her if she needed Ordinance 2022-14 adopted by emergency this evening. A. Hendricks said it would be great as the money has to be recorded into this fund as quickly as possible.

CITY ENGINEER'S REPORT: No report.

LAW DIRECTOR'S REPORT:

S. Anderson addressed a house bill that was passed she believed on February 11 by the legislature who reimplemented an authorization to hold virtual public meetings, so the authorization that was put into place earlier on during COVID is now reimplemented through July 1, 2022. She said they failed to extend this when it probably could have been very useful, so the timing is interesting to her.

OPEN TO THE AUDIENCE:

Drew Werley of 5016 Timberview Drive said he was glad the finance director brought up the good senator from Tipp City and Senate Bill 277 because this was the first thing he thought of when she brought up borrowing possibly \$5 million against the increased revenue from the gas tax. He does not share in her sentiment that there is an uphill battle – there are 16 sponsors of that bill right now that is almost all the votes you need to pass the Senate, so they should take that into consideration when they think about borrowing \$5 million against that. He thought it would get repealed and he thought it should get repealed. The Feds gave us plenty of money to do what that gas tax was passed to do. He talked against Ordinance 2022-17 as it looks like they are enforcing the moratorium again against the sweepstakes. Like he said before, he is not a fan of those places and doesn't go into them himself, and the last time he

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stepped in one was eight years ago. He finds it hard to handle anytime that council wants to mess with the free market. He said they should change the verbiage of this ordinance to not limit new machines from being brought in. If you want to hold them at their current capacity of machines it does the same thing that you want this to do. But again, he stated that if there is an issue and one of those properties has a machine that breaks – it cannot be serviced or it cannot be fixed and you're essentially limiting that property owner from bringing in a new device to replace the current device that is already there, so council should change that, but he doubts they will. He doesn't see how this should be cast as an emergency because it hasn't for the last three months as council let it lapse. If you want to pass it because he was sure they would – they should change it to limit the current capacity of those properties. The last several months they have talked about property rights and how much council is all fans of it when it comes to this distribution center that is coming in, but here you're stepping all over people's property rights in this regard. He said they were very specific in the ordinance to say how much it's not infringing on property rights, so he asked council to change this to not limit the current capacity of devices, instead of saying no new devices. He wished council would just vote no on this thing in general.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**S. Herron MOVED;** B. Homes seconded to adjourn into executive session to discuss personnel matters relating to hiring and compensation. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**M. Stark MOVED;** T. Mayle seconded to adjourn into executive session to discuss imminent litigation. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

M. Stark called the regular meeting back to order at the conclusion of executive session.

**NEW BUSINESS CONTINUED:**

**P. Stein MOVED;** S. Herron seconded to add Ordinances 2022-18 and 2022-19 to the agenda for a first reading. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**Reading of the Ordinances:**

**Third Reading – Ordinance 2022-1:** AN ORDINANCE AMENDING SECTION 452.19 ENTITLED "WAIVER" OF CHAPTER 452 ENTITLED "PARKING GENERALLY" BY RENUMBERING IT TO SECTION 452.99.

**P. Stein MOVED;** S. Herron seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS; 1 NAY (Drew). **MOTION CARRIED.**

**Third Reading – Ordinance 2022-2:** AN ORDINANCE ENACTING SECTION 452.19 ENTITLED "PARKING NEAR MAILBOXES" OF CHAPTER 452 ENTITLED "PARKING GENERALLY".

**S. Herron MOVED;** B. Brady seconded to adopt this ordinance. Discussion: G. Drew said he was not opposed to coming up with an ordinance to address this issue, but his only concern is that they will probably be only one of the cities in the State of Ohio that is going to pass an ordinance that prohibits parking in front of a mailbox. So, what happens when somebody comes to visit Grandma and parks in front of the mailbox and gets a ticket. They're not going to put signs in front of every mailbox saying there is no parking. He felt there should be some restrictions in the ordinances – maybe hours from 8:00 a.m. – 6:00 p.m., and if it is 7:00 p.m., then you can park in front of the mailbox. You're not going to obstruct the mail delivery at 7:00 p.m. B. Brady said this was a good idea. G. Drew said they could also put in a first offense warning in the ordinance because he wants it to be fair and he wants somebody to visit their relatives, and if they inadvertently park in front of a mailbox, then he would feel horrible if they got a ticket. He said this all came out of two people complaining and they haven't heard any complaints since all of this started in January, so they are sort of making a law for one neighbor dispute. Mayor Forthofer thought this was a good point. The purpose was to not obstruct the mail. M. Stark thought this was a great idea. S. Herron said they ban parking on one side of most residential streets because of the fire hydrant. He is comfortable with the ordinance because the police department operates that if you violate the ordinance, you usually get a knock on the door or a warning. G. Drew agrees the city has a great police department and they use great discretion. S. Herron said ultimately in his opinion this legislation is for the U.S. Mail, and it obviously has been a problem. He has heard of it being a problem and it is a rare situation as most people just don't do it, but if you're parking in front of a mailbox during the week then no you shouldn't get locked up or get a ticket, but you shouldn't park in front of the mailbox because you're interfering with a person's job, and it is a safety issue for the postal service, and you're



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interfering with somebody's mail. G. Drew thought the time limit would be more appropriate. B. Brady said she would be okay with revising the ordinance to include the hours as stated by G. Drew. B. Holmes proposed tabling the ordinance so they could speak with the Police Chief regarding this issue. *Both Herron and Brady rescinded their motion to adopt.*

P. Stein MOVED; S. Herron seconded to rescind their former adoption of Ordinance 2022-1. Roll Call Vote 7 YEAS. MOTION CARRIED.

M. Stark MOVED; G. Drew seconded to table the third reading of Ordinance 2022-1 and 2022-2 and refer Ordinance 2022-2 to the Health & Safety Committee meeting of March 14. Roll Call Vote 7 YEAS. MOTION CARRIED.

Third Reading – Ordinance 2022-3: AN ORDINANCE DECLARING A CONFLICT BETWEEN ISSUE 3 (ERIE COUNTY)/ISSUE 15 (LORAIN COUNTY) AND ISSUE 6 (ERIE COUNTY)/ISSUE 18 (LORAIN COUNTY) AND THAT ISSUE 3 (ERIE COUNTY)/ISSUE 15 (LORAIN COUNTY) IS ADOPTED.

G. Drew MOVED; B. Brady seconded to adopt this ordinance. Discussion: S. Herron explained he is voting yes because this is merely a declaration that there is a conflict existing between the things that came forward. As the record of this council for a number of months reflects, he had a very specific position on this matter and simply voting on this doesn't mean he is going back on that position. He is simply acknowledging the reality as it is clear to him there is a conflict and the law of the land kicks in by way of an opinion by the Attorney General, which is not law, but it is extremely persuasive to a court. B. Brady said it is the vote of the people. S. Herron said the people voted in a certain manner that resulted in a conflict, and as the law director has reported a couple times – there is in fact a very on point and direct opinion from the Attorney General as this has happened before in Ohio. S. Anderson said there is no Ohio Supreme Court cases specific to municipalities where there is a conflict arising, but the Ohio Attorney General's opinion is consistent with an Ohio Supreme Court case and a constitutional provision relative to conflicts with county charters, so there is provision that does say if there is a conflict in voted amendments to a county charter, that the issue receiving the majority vote prevails. The Ohio Supreme Court then interpreted this provision consistently to say yes, if there is a conflict, then the issue received the majority of affirmative votes prevails and the Ohio Attorney General's opinion is consistent with this prudence. Roll Call Vote 7 YEAS. MOTION CARRIED.

Third Reading – Ordinance 2022-4: AN ORDINANCE DECLARING A CONFLICT BETWEEN ISSUE 4 (ERIE COUNTY)/ISSUE 16 (LORAIN COUNTY) AND ISSUE 7 (ERIE COUNTY)/ISSUE 19 (LORAIN COUNTY) AND THAT ISSUE 7 (ERIE COUNTY)/ISSUE 19 (LORAIN COUNTY) IS ADOPTED.

B. Brady MOVED; B. Holmes seconded to adopt this ordinance. Roll Call Vote 7 YEAS. MOTION CARRIED.

Second Reading – Ordinance 2022-6: AN ORDINANCE AMENDING SECTION 1224.04 ENTITLED "DESIGN AND REVIEW BOARD; CREATION AND DUTIES" OF CHAPTER 1224 ENTITLED "HARBOUR TOWN HISTORIC DISTRICT" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION.

Second Reading – Ordinance 2022-10: AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT.

Third Reading – Ordinance 2022-12: AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.

S. Herron MOVED; B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Ordinance 2022-14: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH FUND 820 "FORENSIC FUND" AND DECLARING AN EMERGENCY.

G. Drew MOVED; S. Herron seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

T. Mayle MOVED; S. Herron seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Ordinance 2022-15: AN ORDINANCE AMENDING ORDINANCE 2021-66 ADOPTED DECEMBER 6, 2021 BY REESTABLISHING THE SALARY FOR THE HEAD MAINTENANCE PERSON AS RECOMMENDED BY THE CITY'S PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

S. Herron MOVED; B. Brady seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Monday, March 7, 2022

Held

**M. Stark MOVED;** B. Holmes seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**First Reading- Ordinance 2022-16:** AN ORDINANCE AMENDING ORDINANCE 2021-37 ADOPTED MAY 24, 2021 BY ESTABLISHING COMPENSATION OF CERTAIN AUTHORIZED POSITIONS WITHIN THE VERMILION DEPARTMENT OF PARKS AND RECREATION AS HAVE BEEN FAVORABLY RECOMMENDED BY THE CITY'S PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2022-17:** AN ORDINANCE IMPLEMENTING A MORATORIUM ON THE NEW OPERATION, AND THE CITY'S ACCEPTANCE, PROCESSING, OR APPROVAL, OF ANY APPLICATIONS FOR BUSINESS LICENSING, ZONING, OCCUPANCY, AND/OR BUILDING PERMITS THAT MAY CONTEMPLATE THE OPERATION OF, ANY SWEEPSTAKES TERMINAL DEVICES, SKILL-BASED AMUSEMENT MACHINES, OR ANY OTHER GAMING DEVICES WITHIN THE CITY; AND DECLARING AN EMERGENCY.

**S. Herron MOVED;** P. Stein seconded to suspend the rules. Roll Call Vote 6 YEAS; 1 NAY (Brady). **MOTION CARRIED.**

**M. Stark MOVED;** T. Mayle seconded to adopt this ordinance by emergency. Discussion: B. Brady asked if the statements made to council correct – are they stopping them from replacing a broken machine or increasing the number of machines they are allowed or starting another facility. S. Herron said it is starting another facility. G. Drew did not see that in the ordinance but asked the same question – if five machines of the current establishment breaks and they need a replacement – there is nothing that prohibits them from doing that. S. Anderson said no it is just prohibiting new businesses coming in. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**First Reading – Ordinance 2022-18:** AN ORDINANCE AUTHORIZING THE MAYOR TO HIRE FRANK STEIGERWALD AS FULL-TIME BUILDING INSPECTOR OF THE CITY OF VERMILION AND ESTABLISHING THE SALARY THEREFORE AT RANGE NINE, STEP FOUR, AND DECLARING AN EMERGENCY.

**G. Drew MOVED;** P. Stein seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**B. Brady MOVED;** P. Stein seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**First Reading – Ordinance 2022-19:** AN ORDINANCE AMENDING ORDINANCE 2022-13 ADOPTED FEBRUARY 24, 2022, BY APPOINTING NANCY PENA AS TEMPORARY ASSISTANT TO THE CLERK OF COUNCIL OF THE CITY OF VERMILION EFFECTIVE MARCH 8, 2022 PURSUANT TO SECTION 210.04 ENTITLED "CLERK OF COUNCIL; ASSISTANT TO CLERK" OF CHAPTER 210 ENTITLED "COUNCIL"; AUTHORIZING THE FINANCE DIRECTOR TO PAY COMPENSATION TO SAID APPOINTEE AT THE ESTABLISHING RATE LISTED BELOW AND DECLARING AN EMERGENCY.

**B. Holmes MOVED;** S. Herron seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**M. Stark MOVED;** T. Mayle seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

## Miscellaneous:

S. Anderson said in looking over the moratorium ordinance, the moratorium itself is intended to place a moratorium on any operation of new business, but Section 2 in the ordinances states that any act in violation of this moratorium, would include, but not limited to the operation of new devices, machines, or games in any business where such devices, machines, or games are already in operation, so this may be where the concern comes in, but her reading is that it just means that you cannot add additional devices from what you already have. She said the language prohibits an existing business that has 10 devices to add anymore. G. Drew clarified that if one breaks, they can replace it. S. Anderson said she believes so.

## Announcement of Meeting Dates:

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

- March 14, 2022 – Vermilion City Council Work Session (Transient Rentals) – 6:00 p.m. followed immediately by Committee Meetings
- April 4, 2022 – Public Hearing (Renewal of Farmland in an Agricultural District) – Vermilion City Council Meeting – 7:00 p.m.
- April 11, 2022 – Vermilion City Council Committee Meetings – 7:00 p.m.



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GRAPHIC VILLAGE - CINCINNATI, OH

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*Held*

Monday, March 7, 2022

**Adjournment:**

M. Stark adjourned the Vermilion City Council meeting upon no further discussion.

Transcribed by: Gwen Fisher, Certified Municipal Clerk