

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Monday, August 15, 2022

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: Monica Stark, Council President (late arrival); 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 (arrived at beginning of executive session)

Administrative Staff: Jim Forthofer, Mayor; Amy Hendricks, Finance Director; Tony Valerius, Service Director; Chris Hartung, Police Chief; Susan Anderson, Law Director

CALL TO ORDER:

Steve Herron, Council At Large called the Monday, August 15, 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:

B. Brady MOVED; P. Stein seconded to approve the August 8, 2022, Special Vermilion City Council minutes. Roll Call Vote 5 YEAS (Stein, Brady, Drew, Mayle, Herron). **MOTION CARRIED.**

CORRESPONDENCE:

G. Fisher reported she received an email on Saturday, which was one day after the deadline for accepting letters. Council is in receipt of the email.

PRESIDENT OF COUNCIL'S REPORT:

Lori Brodie from the Auditor of State's office recognized the Auditor of State Award for the city's 2021 Audit and Financial Reporting by noting the award puts the City of Vermilion in a very select group. They audit about 5,900 entities every year in the state as required by the law, and only about 8% of those entities receive the Auditor's Award. This award is presented to local governments (Villages, Cities, Counties, and Schools). To receive this award the local government must meet the following criteria of a "clean" audit report:

The entity must file financial reports with the Auditor of state's office within 150 days of their fiscal year end.

The audit report does not contain any findings for recovery, material citations, material weaknesses, significant deficiencies, Uniform Guidance (Single Audit) findings, or any questioned costs.

The entity's management letter contains no comments related to:

- . Ethics referrals
- . Questioned costs less than \$10,000
- . Lack of timely annual financial support submission
- . Bank reconciliation issues
- . Failure to obtain a timely Single Audit in accordance with Uniform Guidance
- . Findings for recovery less than \$500
- . Public meetings or public records issues

The entity has no other financial or other concerns

She said the award more importantly represents all the hard work of all the city's employees, because it takes them being responsible every day when being aware of the budget side of things. She also recognized the mayor and city council because it means they are watching every dollar, which is a big

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job. She recognized Finance Director Amy Hendricks and her staff because it shows they have fiscal integrity, and they really care about the city. She thought it was an important thing that they all work together to make this happen. On behalf of the auditor, she presented the award to the City of Vermilion.

Mayor Forthofer added there are many moving parts in the City of Vermilion and there are a lot of things that could keep a mayor up at night and one thing he has never had to worry about in the past five years is the finances. This is something the taxpayers of the city should take home with them because their hard-earned tax dollars are well taken care of by this professional team who he is happy to see recognized by the Auditor's office. It is well deserved, and he knows they work hard, and he sees the lights burning up there. They are in with him in the morning, and they go home late at night, and it is all for the benefit of the people of the City of Vermilion. He said with Amy's leadership and the participation of Teresa and Beth, they should all be very grateful to them for many reasons.

COMMITTEE REPORTS:

Historic Design & Review:

The next meeting has been scheduled for September 7, 2022, at 6:00 p.m.

Vermilion Tree Commission:

P. Stein reported the Tree Commission has planted and watered trees all summer and will continue to do so for another year. In the fall, they will be planting 57 more trees, and they have already chosen the spots. The next meeting is scheduled for September 14, 2022, at 9:30 a.m.

Finance:

The next meeting is scheduled for September 19, 2022, at 7:00 p.m.

Planning Commission:

The next meeting is scheduled for September 7, 2022, at 7:00 p.m.

Health & Safety:

B. Brady reported on the meeting held August 8. The next meeting is scheduled for September 19, 2022, at 7:00 p.m.

Streets, Buildings & Grounds:

S. Herron reported on the meeting held August 8. The next meeting is scheduled for September 19, 2022, at 7:00 p.m.

Port Authority:

S. Herron reported the next meeting is scheduled for August 17, 2022, at 6:30 p.m.

Utilities:

The next meeting is scheduled for September 19, 2022, at 7:00 p.m.

Parks & Recreation:

T. Mayle reported the next meeting is scheduled for August 16, 2022, at 6:00 p.m.

Legislative:

G. Drew reported on the meeting held August 8. The next meeting is scheduled for September 19, 2022, at 7:00 p.m.

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Zoning Board of Appeals:

G. Drew reported the next meeting is scheduled for August 23, 2022, at 7:00 p.m.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer presented his report to Council as follows:

Safety Director's Report

Another Sweepstakes Café was shut down last Thursday in the Giant Eagle Plaza. As Mayor, I immediately suspended their Sweepstakes Terminal Café License for operating illegal activities in Vermilion.

Chief Hartung said on August 11 they executed a search warrant, so this is four that have been shut down since May. The owner of the Triple Seven was indicted and he was detained coming into the country from Mexico and was extradited to the Erie County jail, and he posted a \$40,000 bond. He said these are serious charges and there is a tremendous amount of time and effort the agency goes through with these cases. He strongly urged city council to pass Ordinance 2022-59 to give them help dealing with these as they are not legitimate institutions. Mayor Forthofer said he supports Chief Hartung and his constant reminder of this situation, which he believes does not reflect the community standards of the City of Vermilion. He joined with him in asking city council to pass Ordinance 2022-59 and reminded council that the moratorium expires on September 9.

Mayor's Report

Grant Success

Parks Supervisor Marc Weisenberger successfully applied for and received a grant of \$100,000 from the ODNR Assistance Grant Program. The money will fund Main Street Beach & Park's accessible walkways and observation decks in the multiphase project. The walkways will lead to the accessible West Pier when it is constructed. My application for an easement from the USACOE is under review. Congratulation Parks Supervisor Marc Weisenberger!

P. Stein asked if this was a matching grant and Mayor Forthofer responded no.

Shred Accident.

Administrative Assistant Jody Booker arranged for the Lorain County Solid Waste Management to donate a shred truck to Vermilion to shred the public's papers at E&R Church on Grand St. last Saturday. Unfortunately, the truck got lost and miscalculated the height of the West River RR underpass. The shred truck roof experienced some shredding of its own. No one was hurt. Some disappointed people at the E&R Church. The Church and K of C continued to gather donations of food and clothing for charity. No word on when it will be rescheduled.

Downtown FULL

The hard work and creativity of our volunteer service organizations have resulted in downtown being full of visitors every weekend this summer. Chalk it Up competition for adults and children was a huge success. All washed up driftwood art competition drew visitors. The Markets in the Park also draws visitors. Hot Diggity Dog costume contest and parade is this weekend and your's truly is a judge. All mentioned events are sponsored by Main Street Vermilion. Sunday's Live at the Lighthouse concert attracts upward of one hundred people to the newly located concerts at the performance venue at Main Street Beach & Park. This event is sponsored by the Vermilion Chamber.

I request an Executive Session for:

- Litigation, Contract Negotiations and Hiring/Firing.

SERVICE DIRECTOR'S REPORT:

Tony Valerius reported that Frank Steigerwald the city's building inspector has decided to resign from his position to pursue another job opportunity. He thanked Frank for his time and the positive attitude he brought to the job each day. The administration is actively seeking a replacement and until then he and the building official will be performing inspections.

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He updated council on the repaving of Liberty Avenue by explaining the milling of the outside lanes have been completed and the contractor has been performing repairs. Tomorrow they will begin paving the intermediate course of asphalt, which should take approximately three to four days. Next week the contractors will begin grading the berm to ensure that water flows off the road, which has been become an issue over the past several years on Liberty Avenue.

He said contractors recently laid a layer of asphalt grindings over Nicholson Avenue, which has made the road more drivable. In the spring, a heavy layer of #4 stone was spread on the roadway, which created a good base, but made for a rather bumpy ride. Travel will be so much smoother. M. Stark said it was good to hear about Nicholson and she was glad they were able to do some work because it was in bad shape.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks said the appropriation amendments and the estimated certificate of resources is on the agenda for a third reading and there have been no changes since the second reading that was presented at the last meeting. Also, they discussed transient rental legislation and thoughts about amending the lodging tax to increase it. However, it is not possible because the state sets a maximum of 6% and because the county has 3% and the city has 3%, and the county has an additional one percent that is allowed, which goes specifically to the convention and tourism bureau, the city cannot add any additional at this time.

She reminded everyone that the Invoice Cloud Sweepstakes is an incentive that has no expense to the city. It has been going since July 1 and will continue through August 31. She said there are ninety prizes available.

She thanked everyone for their support every day and helping them achieve the Auditor of State's award as this is the first time this has happened for the City of Vermilion, so it is great to be a part of this. She said they have worked hard, but it has been very awarding, and Beth and Teresa are amazing and make this all possible every day. M. Stark congratulated them on this because working in the finance department of the schools, she knows the honor it is, so they are doing a great job.

CITY ENGINEER'S REPORT:

C. Howard reported that today they held the pre-construction meeting for the new convenient store/gas station at 2815 Liberty Avenue. The site work will begin this week. Additionally, the contractor for the Liberty Avenue Water Main Phase 2 Replacement is tentatively scheduled to start the first week of September.

He asked council to consider passing Resolutions 2022R-13, 2022R-14, and 2022R-15, which are for the OPWC applications that are due September 9.

LAW DIRECTOR'S REPORT:

S. Anderson joined in supporting the administration in asking council for their favorable passage of Ordinance 2022-59 regulating sweepstakes cafes.

RESPONSE TO THE AUDIENCE: None.

OPEN TO THE AUDIENCE:

Jim Machkoff of 1087 Nautical Drive said he sees the city did a wonderful job of providing the public with a speaker system and a response that they can hear. He said he heard virtually nothing that was going on because of the fact that he still has hearing aids. He said he had a few questions for Amy Hendricks and was under the impression that council was considering a new police station for the city. He wanted to make it public that he has nothing against the police department and would love to see an addition or an expansion of the police department, but he doesn't know where the four million dollars came from to build a new police station, but he felt as though the mayor and council had their priorities turned around when

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they can't even fix a street in town or a waterline without a waterline breaking every other day. He once

again said he had nothing against the police department and he would like to see a new addition on the existing building or a remodel job, but four million dollars for a new police station in his opinion is a waste of the taxpayer's money. He made a point of this to council at another time when the new fire station was being built. The new fire station cost four million dollars and he expressed his opinions on how the money was being wasted, and that they have a four-million-dollar boondoggle sitting on a side street right now. He said they should give that building to the police department because they will probably get more use out of that building from what they get right now. There is virtually no one there most of the time. He did not know where council was getting their priorities, but they need to fix the streets, waterlines, and the sewers before they start making any other major expenditures. He said the council and the mayor has not given anybody any indication of where the money is going to come from to pay for this - whether the people are going to be taxed or whether there is going to be some financial juggling that is going to be done. He said he wants answers! M. Stark said the administration will respond at council's next regularly scheduled meeting, which is September 12.

G. Drew said he has spoken to Mr. Machkoff and one of his issues is from 2020 as council took the steps to repair the street in front of his house, but it fell to the wayside. He thought this was one of his major concerns. Mr. Machkoff explained he has asked to have the street paved for the last 29 years and the city has not put a nickel into the street. In fact, he and his neighbor paved the street the last time it was done 15 or 20 years ago. There were references made with the previous council to repair his street to the tune of around \$60,000. Nothing has been done and the money has magically disappeared, and the city does not have money to fix the street, but they have enough money to build a four-million-dollar police station. Where are the priorities? G. Drew asked council if there was a way they could address this issue and asked if they could refer it to the street committee. He thought there was something passed in 2020 and he thought the engineer did some work on Nautical Drive. C. Howard said he just furnished a cost estimate. B. Brady asked the clerk to provide all the information from the last time they discussed this. She thought this was looked into and answered.

NEW BUSINESS:

P. Stein MOVED; S. Herron seconded to adjourn into executive session after the reading of the ordinances to discuss contract negotiations, personnel matters (hiring, firing, and compensation), and litigation matters. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Reading of the Ordinances:

Tabled - Third Reading - Ordinance 2022-47: AN ORDINANCE GRANTING AN ENCROACHMENT EASEMENT OF THE STRUCTURE AT 699 LIBERTY ON THE TOLEDO STREET RIGHT-OF-WAY AND DECLARING AN EMERGENCY.

Third Reading - Ordinance 2022-57: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH FUND 250 "ONEOHIO" AND DECLARING AN EMERGENCY.

B. Brady MOVED; P. Stein seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Third Reading - Ordinance 2022-58: AN ORDINANCE AMENDING ORDINANCE 2022-12 ADOPTED MARCH 7, 2022, 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.

B. Brady MOVED; S. Herron seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Third Reading - Ordinance 2022-59: AN ORDINANCE REPEALING CHAPTER 878, SWEEPSTAKES TERMINAL CAFES, IN ITS ENTIRETY AND REPLACING IT WITH CHAPTER 878, SWEEPSTAKES TERMINAL DEVICES AND SWEEPSTAKES TERMINAL DEVICE FACILITIES, AND DECLARING AN EMERGENCY.

G. Drew MOVED; P. Stein seconded to adopt this ordinance by emergency and as revised by the law director on August 11, 2022. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

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First Reading – Resolution 2022R-13: A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (*Hollyview Drive Reconstruction, Phase 2 from Forestview Drive to Maplevue Drive*)

S. Herron MOVED; B. Brady seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

S. Herron MOVED; T. Mayle seconded to adopt this resolution by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

First Reading – Resolution 2022R-14: A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (*Liberty Avenue Waterline Replacement, Phase 4 Project*)

P. Stein MOVED; B. Brady seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

G. Drew MOVED; T. Mayle seconded to adopt this resolution by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

First Reading – Resolution 2022R-15: A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (*Highbridge Road Reconstruction Phase 2 Project from Brownhelm Station Road to Vermilion Road*)

P. Stein MOVED; B. Brady seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

B. Brady MOVED; P. Stein seconded to adopt this resolution by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Executive Session:

Council adjourned into executive session. B. Holmes arrived upon the start of executive session. Upon the conclusion of executive session, M. Stark called the regular council meeting back to order.

Announcement of Meeting Dates:

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

- August 22, 2022 – Special Vermilion City Council Meeting – 7:00 p.m.
- September 5 – Labor Day – City Offices Closed
- September 12 – Vermilion City Council Meeting – 7:00 p.m.
- September 19 – Vermilion City Council Committee Meetings – 7:00 p.m.

Adjournment:

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

Transcribed by: Gwen Fisher, Certified Municipal Clerk