

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held

Monday, October 4, 2021

Videos and minutes of council meetings are available to the public to view online at www.cityofvermilion.com under 'meetings' tab (City Meeting Minutes or Videos).

Vermilion City Council: Steve Herron, Council President; Monica Stark, Council At Large; Emily Skahen, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five

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 4, 2021, Vermilion City Council Meeting to order.

PLEDGE OF ALLEGIANCE:

The members of Council, administrative staff, and audience participants recited the Pledge of Allegiance; a moment of silence followed.

APPROVAL OF MINUTES:

F. Loucka **MOVED**, S. Holovacs seconded to approve the meeting minutes of September 13, 2021. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

S. Herron read a letter into the record dated September 16, 2021 from Jerry Pearl of SeibertKeck Insurance Partners which is attached hereto and incorporated herein as part of the official record of proceedings.

PRESIDENT OF COUNCIL'S REPORT:

S. Herron reported that this week is Mental Illness Awareness week and October is Depression and Mental Health Awareness month. He said if anyone knows of someone in their family or cares about somebody dealing with mental health issues to please keep them in your thoughts and prayers and ask them if they need help. If they do, kindly direct them to assistance. If you're dealing with that yourself, there is nothing wrong with seeking help as this is the right thing to do because in this day and age and seeing the number of individuals who are dealing with psychological pain and issues, they do so silently in their house with the doors close. He advised people to knock on their doors and see how they are doing and give them care and compassion and to treat each other well as it is still a difficult time for everyone.

COMMITTEE REPORTS: No reports given.

MAYOR/SAFETY DIRECTOR'S REPORT:

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

City Hall Re-Opens

I've reopened Vermilion City Hall as our City Hall employees are all relatively healthy and brought back from remote workstations. Masks are required in City Hall. If COVID threatens our ability to provide service for residents again I will revisit the situation.

Bridge Closing

ODOT, as you've seen, has re-scheduled the bridge closing for December 18th. Since last week it has not been changed again. We'll be better off once it's done but I do feel sorry for the marina owners who have been whiplashed by this back-and-forth scheduling while they try to make plans for their customer's boats winter storage.

Admin Assistant Search

RECORD OF PROCEEDINGS

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Anne Maiden, Administrative Assistant for the Mayor and Service Director will be retiring at the end of this year. Her last working day may be November 1. We have started running advertisements. Ms. Maiden has been Administrative Assistant for 20 years. Her knowledge of the city and its residents will be difficult to replace.

Team & Trust.

It was suggested by Charlie Grisel of the Distribution Department that an interdepartmental meeting to discuss operational issues would be useful. I agreed. First meeting was September 23. No bargaining or health benefits issues are to be discussed. Issues that were discussed were safety training common to all departments, chlorine training, safety gear, and other safety related training. We will follow up in October regarding the follow up to these mutually beneficial actions. After that interdepartmental meeting will be held quarterly.

Main Street Beach Project Next Step

In the December 2020 Committees Meeting, Western Reserve Land Conservancy and the Parks board laid out the initial plan for Main Street Beach's Revitalization. Much of the project is funded by grants and private donations but two key elements involved City funds. One was the City funding of a sanitary sewer service for the new comfort station this year. That money is allocated from the ARP funds and will start this year.

The other City Funds requested will be the 2022 repaving of Main Street from Huron Street to the beach including construction of a looped turn around at the end. I would like the discussion of this next step in the Main Street Beach Revitalization project put on the Committees agenda on November 15.

I request an Executive Session regarding Pending Litigation with the Law Director present. Also, regarding Hiring and Firing and would like the Service Director and Finance present.

S. Herron said he has not imposed a mask mandate pursuant to the sign that Judge Dolyk has put out based on the latest CDC recommendations for public gatherings. It is simply a recommendation that you wear a mask if you have not been vaccinated, but he asked everyone to continue to please honor each other, so if somebody wants you to social distance, then please respect the other person. If the CDC comes back with a different recommendation in the next couple of weeks, then they will change that.

S. Herron addressed the letter he read into the record with respect to the insurance issue and asked how many proposals the administration has for insurance coverage for 2022. Mayor Forthofer said they have not put it out for bid – say for instance with the health care, they put it out for bid, and they are letting it run and he thinks the tradition is about four or five years before they put it out for bid again unless there is some problem along the way. This is the same approach for the city insurance. In fact, he did not think the city insurance had been bid for possibly 20 years prior and they will give it another couple of years to see how this agent worked before they put it out again. He believed there were some requirements with the finance department putting it out too. S. Herron asked if he received information from Mr. Pearl. Mayor Forthofer said no, he has received nothing. A. Hendricks said part of the challenge they run into with this is – the reason that the process was used last year to go through qualifications of agents and choose an agent, and then the quotes came in. For an insurance company to give a quote, the agent has to be designated as the agent of record, so this means they are the one and only agent that can get a quote from that specific insurance company, so to add another agent to the mix, it limits the options for the existing agent to be able to get quotes. She did not really see that this is something they are – because of the time and given the time they have right now to even start a process like this, but she echoed the mayor's sentiments in that those types of requalification's usually only happen every three to five years. It is not something that happens on an annual basis. If they start doing this on an annual basis they probably won't get many quotes because a lot of agencies will not want to do the work. S. Herron asked if they don't renew. G. Fisher explained that the former insurance contract with Allen Thorley Delloyd had a renewal for so many years and when the contract year was up is when they had to go out for qualifications. She said with this new insurance company they did not do that in the ordinance, and it expires at the end of this year, so if the city is going this way, then they will need to do another ordinance to put the renewal clause in some sort of a contract because they do not have anything on the books as far as this goes. The ordinance just expires. S. Holovacs said what Amy Hendricks is saying is true because what they had with Allen Thorley for years was about a three or four-year period they would qualify them and then after that they would get a renewal from Jerry Pearl for the new policy. He said it

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was somewhere in a three-to-five-year period and they would requalify. But at that time, it stayed with Allen Thorley for a long time. S. Herron said Jerry Pearl sent the letter two weeks ago. He asked the administration if they responded to his letter that came in the middle of September. Mayor Forthofer said he did not get any letter and A. Hendricks said she did not either.

E. Skahen said as far as the bridge closure she did go to the post office and left a message for their supervisor about maybe getting a full-service truck somewhere on the west side of town to make it easier for people mailing packages, especially since it will be around the holidays. They advised her that residents can get books of stamps from their mail person, and they can write a check for that.

B. Brady asked if they could get a gross estimate on what it will cost to do Main Street for the turnaround. Mayor Forthofer said they will get one in advance of the meeting in November.

SERVICE DIRECTOR'S REPORT:

T. Valerius mentioned to the citizens on the east side of the river that the distribution department will begin flushing hydrants this week. At times residents may experience low water pressure or a slight discoloration. If so, the city asks residents to run water until it clears before drinking or doing laundry. Flushing will continue through the rest of this month.

He reported that work has begun on the Maplevue Drive Reconstruction Project. Currently, contractors are working on the storm sewer system and in about two weeks they will see the curb and gutter being poured followed by the road itself. The contractor hopes to have all the concrete poured by the end of the first week in November. During construction the road will be open to local traffic only.

He mentioned that contractors will start excavating and forming up the sidewalks on Sanford Street tomorrow as part of the Safe Routes to School Project. He noted that concrete will be poured next week. This project has been a long time coming, so it is nice to see it finally begin.

B. Brady asked if they received the ditch digger (backhoe). T. Valerius said not yet, but soon.

F. Loucka asked that before the end of the year if council could get an update on the status of repairing some of the inoperative fire plugs in the city.

B. Holmes asked if the Durapatcher is running. T. Valerius said yes full time.

E. Skahen asked if the administration knows of any dates or timelines for the Woodlands entrance. T. Valerius said the engineer is designing it currently.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported they had financial reports due for the Cares Funding through September 30 and this has been taken care of. They have \$242.00 that has been encumbered but not yet spent, and pay out needs to be done by December 31 and this will indeed happen. It's also a heavy reporting time for Ohio Municipal Advisory Commission as well as various other debt recording services. They have done all of their compliance reporting for those agencies.

With regards to medical insurance, the insurance committee moved their health screenings up about 30 days so they would give more time for their vendor to get the cards recharged with the benefits that people have earned for the new year. All of these screenings are done, and people are in the process of wrapping up by the first of November doing their actual survey questionnaires – the health risk surveys along with those results from those screenings. Also, the staff recently completed the Form Fire forms, which is the medical history for them and their dependents that are covered, so that NFP (agent) can actually get updated quotes or possibly look at groups that might be interested in covering the city, so they have some comparisons for those.

She said the revenue good news is real estate – this has gone up over last year about \$50,000 for the general fund and a couple other key funds. The fire operating and fire capital both gained about \$6,000 this year and this is primarily due to new construction values that has gone on the tax duplicate. Next

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

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year the city will be seeing a better bump because the tri-annual update will go into effect for that as well. They can see some meaningful revenue growth in some of those levy funds as well as the general fund next year.

S. Herron mentioned the email did go to Mayor Forthofer on the 21st of September concerning Mr. Pearl's information, so he would like to see the administration have his information so they can compare it and look at it because he is not interested in renewing until he sees all the information in front of Council as far as potential insurance companies. He said this is his position and it might not be his fellow council members position, but when they do meet next he will ask Mr. Pearl to come in and give his side of the situation, but he thinks it is pretty critical when they make a decision as they did last year that they have all the information in front of them. He said they did make a decision, which he thought was difficult for him personally, but they all need to vote their conscience, but they do need all the information to have the best insurance coming forward. A. Hendricks asked if he was asking the administration to rescreen and recommend agents. S. Herron said whatever information that Mr. Pearl wanted and the other company the city is using as in terms of the costs. A. Hendricks said this is where it becomes very challenging – the only person that can get costs from an insurance company is someone that the city has designated as their agent of record. They do not give multiple quotes – for example she did not know if the companies listed – she knows that Fitzgibbons Arnold is working on the renewal process right now, but she does not know if these are companies that they were looking for to get quotes because they deal with multiple companies as well. So, she was not sure how they go through this process without limiting the current agent's ability to give quotes. S. Herron said how did this happen a year ago then. A. Hendricks said they qualify the agent. This is the selection they made and in the short time they had, they only were able to get a couple of quotes. Now, they have had a year and will be able to get more with any of the companies they have to give comparison, so it is very limiting, and she is not sure that she feels comfortable with giving the current agent the ability...S. Herron said he would not want to hamstring any agent or any company coming in to not get the best quote, but they had two sets of information last year. A. Hendricks said they both did not give quotes. S. Herron said his relocation was that they gave council information on a proposed amount of money – they had two sets. A. Hendricks said Fitzgibbons Arnold was not able to have the actual final quote for the City from the carrier because SeibertKeck was the agent of record, so they agreed to match the quote because it was the same insurance company, so they did not actually have a solid quote for the city until after the city had made them the agent of record – they had agreed to match it. The city had the price from SeibertKeck because they were the agent of record, but until the city designated the other agent as the agent of record they were not able to get quotes from any company. S. Herron asked if the companies then would be switched in their relation to the city – if they had the agent and it is Fitzgibbons...A. Hendricks said now that they are the agent of record they can get the city quotes, but for the city to get a quote from SeibertKeck – she believed it even says in the information that Mr. Pearl provided – they weren't sent a copy of that, she thinks it was sent to the council office, but the copy that was handed to them, they were asking for the city to sign off to make them the agent of record, so that they could give quotes. S. Herron asked when that copy was given to the administration. A. Hendricks said she did not remember, but they were not given the letter. S. Herron said it was forwarded to the mayor on the 21st of September. G. Fisher asked if Amy was talking about the letter from last year when Allen Thorley...S. Herron said he is referring to the situation that council has no choice to approve insurance for 2022. They only have one company and last year they had two – they had two sets of information and whether it was a final cost or not he simply made his vote on the information they had in front of them. He thinks it is critical that if Fitzgibbons had the opportunity to come to the city a year ago, then any other company should have the opportunity to come to the city this year. S. Holovacs said they are talking about the ordinance council passed last year for the new insurance agent – was this a one-year deal or was it a three-to-five-year deal. G. Fisher said it was one year. S. Holovacs said they are right back to where they were last year then because in previous years it was a three to five year, with the one carrier. At this point, it is no different than Jerry Pearl's company last year. S. Herron said right, it is just a question of fairness is all. S. Herron said G. Fisher will send the ordinance to council and they will then make contact with the administration. M. Stark said she would see them look at this again because if they did not go into a multi-year contract, then they really should – she knows the companies were the same prices at the end, so they should look at if this is how it will be again this year. They need to look at accepting an offer from a Vermilion company – somebody who lives in Vermilion and has his business in Vermilion instead of going outside of the city. If they are looking at Apples to Apples, then to her it makes no sense why they would go to a company that is in Elyria. She said last year Mr. Pearl came back with giving the city a better price and they did not go with him. As a council they need to look at doing the right thing for the city, the citizens, and for the businesses in town.

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LAW DIRECTOR'S REPORT: No report.

OPEN TO THE AUDIENCE:

Melissa Dempsey of 3170 Jerusalem Road said she has lived here since December of 1991 and has a video of the water problem she is having. She was present for the Stormwater meeting and some of them already heard her problem of where the variance was given and then a year ago they had their gutters all diverted and it is running onto her property and is flooding her out. She said there are some contractors who are working in Vermilion that are telling people they do not need permits to do work and she brought this up to the city. Her property was actually destroyed – her neighbors of 25 years moved in February of 2019 and new people bought the house, and she said to the contractor, "Do you know the property lines, do you have permits?" She said the answers were yes, but he said no he did not have any permits. Therefore, she informed the city of this, and they were putting a driveway back to a big pole barn which went along the side of her house. They ended up digging 20' over into her back yard and dug up a drain tile that came from the field, which is to the east of her. This drain tile has been rectified, but her property is still not back to where it was. She said the city said it was a simple issue, but she told the contractor that she thought he told her that the property line was determined and there was no problem, and he said yeah because he was using an app on his phone called land lines. He is not a surveyor – this is not survey work and it should not be allowed. Two years later her property is still not back to where it was. She said the city told her she could take them to small claims court as a civil matter, but this doesn't mean they will pay her. She said this has caused problems since the new people moved in – hard feelings, but she asked them many times if they were going to fix her property. When they refused she had to go to court, and it is terrible. She said this is all caused by the contractor as how she sees it – you do not perpetrate you're a surveyor when you're not. Another issue is that her parents live at 457 Hazelwood, and she believed Mr. Valerius knew what she was talking about. Her parent's water was shut off on June 27 and they have not had water since then. Her father has been in and out of the Cleveland Clinic since May of this year. He is in stage four kidney/renal failure, and he had a massive heart attack. He was in Mercy when the city shut off his water and it was 100 degrees when they shut it off. There has been an issue where the company NECO came out because there was a lot of water, and when he was in the hospital his sump pump hose blew off and there was water under the crawl space where the actual meter is and NECO came out and said they could not do anything with this. She said they asked the city for an extension of time to get something done and they talked to somebody in the office who said an extension would be given. She said they had no idea the water was going to be shut off and they tried to explain their plight and they said the homeowner has to apply for the extension, so it did not apply that her and her sister asked. She said her mom would have had to leave her father's bedside and come down and do this. She said now the city is saying that it can't go back under the crawl space, which is dry now, and that it has to go out at the road. She said still they have no water, and they have to stay at her sister's on Baumhart Road. She said this is insane, and she knows the city was contacted by an attorney last week maybe. T. Valerius said it was about a month ago. M. Dempsey said she is trying to figure out what is going on and asked Tony Valerius if he could tell her. S. Herron said the Charter mandates that if you have a question then during 'Response to the Audience' at the next meeting they would come back to it, so he asked T. Valerius to respond at that time. T. Valerius said yes, he would do that.

S. Herron said in this situation if someone presents a Power of Attorney to the city, would the city honor that POA in terms of a request for an extension. T. Valerius said yes, and extensions have been given and they have letters and emails to show this. He has been in contact with her mother as recently as late last week.

Anne Palmer of Cooper Foster Park Road said she had questions regarding the newly proposed warehouse distribution center that is in the works. She said there will be a second reading to change the zoning to I-2. When they were at the Planning Commission meeting on September 1, two of those members – J. Williams and H. Strickler bought up concerns about the I-2 rezoning and being stuck with this zoning if the project falls through. They asked about conditional approval for granting this I-2. Their take-away was and which is in the minutes of the Planning Commission, that the question to the law director was if they could do conditional approval so that if this project falls through, the zoning could not be I-2. It is heavy industrial if this project falls through and that could be anything – they are talking smokestacks, pollution, etc. She would like to know what this answer is, and she reminded council and anybody getting involved in this decision that there is a lot of water issues currently now. They complained about the water laying in the fields and they are south of Route 2, and this is farmland. What

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

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will happen when this distribution center goes in? Where is all that water going? She hopes nobody loses sight of this and it gets looked into. She said they talked about traffic studies being done at the Planning Commission meeting – where or when does this happen? Wouldn't this be done before approval is given? She thinks they are looking at a lot of traffic and when you read what could be coming in here as far as the number of trucks and traffic – this is going to be right next to the entrance onto the highway and this is also the first thing they will see coming into Vermilion. She gets that everybody thinks this is a good location, but she would remind everyone that they are also in Vermilion. Everybody keeps saying, "Let's keep this away from the city". Well, if it is such a good thing, why are they keeping it away from the city? They are part of the city and they come into town and support the businesses and pay their taxes, so do not forget them. They are part of Vermilion, and they support Vermilion as much as the city does in the downtown. S. Herron said these answers will be addressed on October 25. S. Herron confirmed all her questions as stated above and asked the administration to address this at the next council meeting under 'Response to the Audience'. A. Palmer asked if they would be having the third reading of the rezoning ordinance at this meeting. S. Herron said they are, but they are under no obligation to pass it at that time or fail it at that time, so these questions will be relevant to their consideration.

Larry Schaeffer of Bluebird Beach said he has been in the long-term rental business for 50 years and in the short-term rental business for seven years. They have Airbnb's in Cleveland, and they are rated in the top three percent nationally as far as volume. They book as many as 300 nights a year. They were involved with members of Cleveland City Council about four years ago when they crafted the ordinance for the City of Cleveland. What actually happened was there was 22 Airbnb hosts that got together and met with Council to craft an ordinance that was fairing everybody. It did work and it has been very successful up to this point. The city gets their cut – there is registration and limitations. He said he is disappointed in the lack of progress in seeing this in being an Airbnb host and he understands it has been tabled until the next council comes in of which he understands. Based on their experience, he would like to offer their experience to help council to be able to craft anything they come up with. They also have Airbnb's in Holmes Spring, California, which is the most restrictive Airbnb ordinances in the United States. There is happy medium, and he is not saying Vermilion needs Holmes Spring because they certainly don't. There is a way to accomplish this and make everybody happy. He said the second part of this is that they have an ongoing problem still in Bluebird Beach. They have a particular Airbnb right now that has been an issue for the last couple of years. They have over-occupancy and they have had anywhere from 17 to 19 guests with seven cars in a particular property and it has happened repeatedly. Their concerns at Bluebird Beach have fallen on deaf ears and it is still unresolved. The second concern he has is that the owner of this particular property happens to be a candidate for Council in a leadership position. A rhetorical question is – how do you deal with an ordinance of this type with an egregious conflict of interest. B. Holmes said on occasions where he has seen issues at Bluebird Beach has he called the Vermilion Police to respond to those issues. L. Schaeffer said they did, and he relayed to M. Stark that they did have one issue where the responding officer was having a beverage in the garage with the Airbnb guests. S. Herron said in answer to his last question, the Ohio Revised Code through the Ohio Ethics Commission has rules on people voting where there is a conflict of interest – it is basically a prohibition, and it is the law of the State of Ohio.

Larry Newsome of 2216 Brownhelm Station Road said he and his wife are elated that Brownhelm Station Road is going to be blacktopped. Anyone know about that? They saw it in the paper. He said it is good because it really needs it from Claus Road to Sunnyside Road. T. Valerius clarified that Brownhelm Township submitted an OPWC grant to have a section of Brownhelm Station Road paved in conjunction with the City of Vermilion. They have not heard back from OPWC to see if they have been awarded that grant, so he is not sure what article he is referring to, but Brownhelm Township applied for money from the Ohio Public Works Commission to have a section of Brownhelm Station Road paved, so it is not a for-sure thing yet. L. Newsome said Claus Road comes down and makes a turn – there is a section there also – Brownhelm Station Road, which is bad. Somebody came out recently and he does not know if it was the city or what that put a stake down and cut some bushes off, and they put another stake by his driveway, and he does not know what it is for because nobody has said anything. The trees on the side of the road from Brownhelm Station Road and Claus come up and when you turn the corner this section of the road has trees hanging over the road. He already broke his truck antenna. He said these needs to be cleaned off. The guardrail needs to be fixed. He said they are not doing anything on the east side of town; nothing is happening out there. Now, they are telling them their property taxes are going to go up and everything out there is just going downhill. He said they pay taxes out there also and they are paying

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

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\$5.50 a month for stormwater, and they have nothing like this out there. He truly thought they need attention out there – the road needs to be blacktopped. He said Brownhelm Station Road is rough and they are running on patch. It needs to be done bad. B. Holmes said hopefully this will get done. L. Newsome said he understands the state told the city they cannot have a stop sign in so many feet of the railroad and a couple years ago on Brownhelm Station Road they put the stop sign over there. He said the sign is up too far and they should consider changing this to a yield sign. It would be a simple thing and it would fix everything there. T. Valerius said the dead-end of Brownhelm has an old culvert and it is on the stormwater list and ranked high. The city engineer has been out there doing topographic and so forth, so this is why there are stakes in the ground. He said he will have the street department go out there and trim the trees.

OLD BUSINESS:

B. Brady addressed the sewer contract because the more she thinks about it the more it makes her uncomfortable. They as a council approve sewer and water rates and all contracts, and yet this one they were just told about without them giving any options. She would like to make a motion to ask Susan Anderson if she would look at this and whether or not if there is a requirement for council to approve this contract. S. Anderson said she did look at the original ordinance that initially was passed in the late 80s and it was her opinion that this ordinance language did cover to authorize the mayor to enter into the original contract and to enter into any supplemental agreements related to the service area, so given this is an amendment to the existing agreement that addresses the service area, it was her opinion that action of council to approve it was not necessary as he was authorized under that original ordinance that did not have a time limitation. B. Brady said they approve sewer and water rates, so this seems uncomfortable. S. Anderson said it certainly could come before council, but under the existing ordinance she thinks it authorized the amendment as it was written.

B. Holmes said even though the contract expired this is allowed? S. Anderson said the amendment extended the existing contract, so he is saying this expired before the amendment was signed. B. Holmes said yes. S. Anderson said the way the original ordinance read was to authorize the mayor to enter into the agreement with the county and also authorizing supplemental agreements, and this is where she feels the amendment to existing agreement will fall under that supplemental agreement. S. Holovacs asked if they approved an extension to the contract to authorize the administration to extend after the end of the year, as they never got the supplement until September or October. G. Fisher said no. S. Herron said under the late 80s legislation, he believed there was authority to extend the contract at that time. So that old ordinance kicks into this action. S. Anderson said this is the way she interprets the existing ordinance. S. Herron thought he interpreted it this way too, but if council looks at it differently they can rethink this ordinance. S. Holovacs said this is the first time he has sat on council and hasn't approved something. S. Herron said this is pretty clear from the 80s, but this contract is very negotiation oriented. S. Holovacs said they are talking with the county and commissioners, and multi-people and it is hard to get council involved in it because it could change the whole scope of the negotiation. It is just funny they weren't involved.

NEW BUSINESS:

S. Herron MOVED, F. Loucka seconded to adjourn into executive session to discuss personnel matters (hiring and firing of employees) and pending litigation. 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.

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

RECORD OF PROCEEDINGS

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Minutes of the Vermilion City Council Meeting

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Monday, October 4, 2021

Held

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

First Reading – 2021-62: AN ORDINANCE AMENDING ORDINANCE NO. 2021-40 ADOPTED JUNE 7, 2021 BY ADOPTING CHANGE ORDER NUMBER ONE WHICH IS AMENDATORY TO THE ORIGINAL CONTRACT WITH ABRAHAM MILLER EXCAVATING, LLC OF VERMILION, OHIO FOR THE LIBERTY AVENUE AND GRAND STREET PARKING LOT IMPROVEMENTS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE ADDITIONAL AMOUNT NOT TO EXCEED FIVE THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS AND TWENTY-TWO CENTS (\$5,388.22) AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; F. Loucka 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 – 2021-63: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH CDM SMITH OF CLEVELAND, OHIO FOR THE VERMILION WATER POLLUTION CONTROL FACILITY - WASTEWATER MASTER PLANNING ENGINEERING SERVICES; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$499,875.00) TO SAID AWARDEE 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 ordinance by emergency. Discussion: B. Brady said she understands this money is coming from the ARP money, but in the sheet the finance director gave council it says wastewater treatment improvements and it lists pumps, tanks, and so forth, and this is for engineering, so are they okay with this. A. Hendricks said yes as there are certain provisions of Clean Water Acts that they can comply with, and C. Howard confirmed that it does. S. Holovacs said this is long overdue as the plants last major fix was 38 years ago. He feels they are going in the right direction and feels good about passing this and getting it going, so the city can be above the curve with the EPA, and it probably will start saving the city some money too. Mayor Forthofer said there are some concerns about the EPA potential citations, but the real reason they should be doing this, whether or not there is an EPA citation right now, is that it is way overdue. This is the most redundant and non-reinforced element of the city's service and the inability to perform properly at all times is really catastrophic. 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.

Announcement of Meeting Dates:

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

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

Adjournment:

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

Transcribed by Gwen Fisher, Certified Municipal Clerk