

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Special Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, December 13, 2021

Held

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

Vermilion City Council: Steve Herron, Council President; Monica Stark, Council At Large; 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; Amy Hendricks, Finance Director; Chris Howard, City Engineer; Tony Valerius, Service Director; Susan Anderson, Law Director

CALL TO ORDER:

Steve Herron, President of Council called the Monday, December 13, 2021, Special 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:

S. Holovacs MOVED, F. Loucka seconded to approve the meeting minutes of December 6, 2021. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

S. Herron reported that council received a letter from Mayor Forthofer on December 13, 2021 regarding his appointments to the Vermilion Boards and Commissions for council's consideration.

PRESIDENT OF COUNCIL'S REPORT:

S. Herron mentioned that Councilman Frank Loucka has served this community for 12 years and tonight is his last council meeting. He has served this community in the capacity as an extremely prepared and knowledgeable council member. He is very compassionate and concerned about the best interests of this city and its people. He treats people extremely well and genuinely cares about the situations that the fellow citizens are in, and he has a very good sense of humor. You don't always hear all his jokes, but that is probably a good thing, but he is a very funny man, and he is very proud to call him his fellow councilmember – his council bro. He thanked him for his service to the community for the last 12 years.

F. Loucka said it has been an honor and privilege to serve the city as Ward Two Councilman and sincerely thanked the residents of Ward Two for allowing him this privilege.

S. Herron acknowledged that Councilwoman Skahen has served the city for two years and has served on the Vermilion Tree Commission, which is a very energetic group of people, and she kept up with them. She provided council with reports and advocated on behalf of grants for this organization and is an extremely kind person. Again, a person whose discussion and approach to this job is really based on what is best for people and their dignity, and who they are in making a better Vermilion. She has served this community and he is glad she stepped forward a couple years ago and carried the ball for Ward One. Again, he is very proud to call her his fellow councilmember and also his friend. He thanked Councilwoman Skahen for serving the community.

E. Skahen congratulated everyone elected and hopes they have a successful term. She said it has been her pleasure to serve and work with all of council. She would like to see the Tree Commission be a line item on the budget, but if not, whatever money that can go to them, she would like to see this happen, whether it is towards their grants or towards tree removal. The Tree Commission helps the city, and they get a discount, and they have 545 hours of volunteer time that has helped them get this grant, so she wanted to put a plug in for them. She thanked Steve Holovacs and Frank Loucka for their long service and told them to enjoy their next chapter. She said in fun that maybe Steve's golf game would improve. She thanked the city for this opportunity and told council she would miss them all. S. Holovacs said they

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would miss her too. S. Herron said working with the Tree Commission is a life-changing event because you learn so much and it really is an eye-opening experience. E. Skahen agreed and said they are good people.

S. Herron addressed Steve Holovacs and said he has an incredible amount of information and knowledge about the construction and building industry. He is like the anchor for council when they talk about projects and funding, and the intricacies that go on. He will sit back and wait, and then will say, "I have something to say really quick, and then he will kind of just synthesize it. He said he was big fan of cliff notes when he was young, and Steve Holovacs is like the cliff notes for them. He straightens everything out as far as what is going on and why costs are up, or maybe what is happening in a situation. He has always educated this council and this community on this. Also, he has a great sense of humor and is fun to be with, and he again is very proud to call him his fellow councilman and more importantly his friend. He noted he has served the community for 16 years.

S. Holovacs thanked S. Herron, City Council, the Administration, and his residents of Ward Three for the years he helped them. Hopefully, he will pass the anchor on to Teresa Mayle, and she will be able to do a great job too.

Mayor/Safety Director's Report:

Mayor Forthofer said pursuant to the progressiveness of the Vermilion Police Department, I don't want people to think the Vermilion Police Department is aggressive. He is constantly impressed by the attitude of the police department. In the annual reports put forward by Chief Hartung, he believes they are going on three years where the police department has not deployed lethal or non-lethal weapons, including pepper spray. It is not a matter that in the past three years the populous has become better behaved, but it is just because there is a genuine attitude of the escalation put forward by the Chief as leader and followed by the people in the department. He believes they serve the population very well and gave great credit to Chief Hartung and his whole department.

Secondly, he addressed his boards and commissions appointments and said that all have agreed to give of themselves to spend their evenings at least once a week and many times much more. There is a lot of time put in by these people and he asked council to give these appointments favorable consideration.

He followed the comments addressed by S. Herron and said as this is the last council meeting, he wanted to express his appreciation for the hard work and good stewardship of this past council. In the course of work of the two equal, but separate bodies of government – disagreements and eventually resolutions are a natural part of the democratic process, but by prioritizing their professionalism and respect for one another, they work together to do what is best for the people of Vermilion. To the departing council, he said it has been an honor working with them and he wished them all the best. He looks forward to working with the returning council members in the next session.

Lastly, he said his support for the rezoning of the considered parcel goes without saying. He knows it is a tough decision by council, but his job is to do what is best for the most, and he truly believes this is the best for the most.

NEW BUSINESS:

Frank Loucka believed there was no support for I-2, so he would support a motion permanently removing Ordinance 2021-60 from council's agenda.

S. Holovacs MOVED, B. Holmes seconded to appoint Tina Swinehart to the Parks & Recreation Board for a three-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. MOTION CARRIED.

B. Holmes MOVED, M. Stark seconded to appoint Bill Malin to the Parks & Recreation Board for a three-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. MOTION CARRIED.

F. Loucka MOVED, E. Skahen seconded to appoint Tim Costello to the Tree Commission for a three-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. MOTION CARRIED.

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Minutes of the Special Vermilion City Council Meeting

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F. Loucka MOVED, B. Holmes seconded to appoint Larry Drouhard to the Port Authority for a four-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

S. Holovacs MOVED, M. Stark seconded to appoint Matt Hasel to the Stormwater Committee for a four-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

S. Holovacs MOVED, F. Loucka seconded to appoint Liz Vasil to the Stormwater Committee to complete the unexpired term of Greg Drew that ends December 31, 2023. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

E. Skahen MOVED, B. Holmes seconded to appoint Ryan Barnes to the Board of Zoning Appeals to fill the unexpired term of Phil Laurien ending December 31, 2022. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

S. Holovacs MOVED, E. Skahen seconded to appoint Jim Chapple to the Planning Commission for a five-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

E. Skahen MOVED, F. Loucka seconded to appoint Judy Doll to the Historic Design & Review Board for a three-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

F. Loucka MOVED, S. Holovacs seconded to permanently remove Ordinance 2021-60 from the agenda. Discussion: F. Loucka felt there was no support for heavy industrial zoning on Baumhart Road. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Reading of the Ordinances:

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

Third Reading – Ordinance 2021-81: 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 HAS A PORTION ZONED B-3 "HIGHWAY COMMERCIAL DISTRICT" (PPN 01-00-022-104-029 and 01-00-022-104-040) WHICH HAS BEEN REQUESTED TO BE REZONED I-1 "LIGHT INDUSTRIAL DISTRICT" (PPN 01-00-021-000-032 and 01-00-022-104-045) 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.

S. Holovacs MOVED, F. Loucka seconded to adopt this ordinance. Discussion: F. Loucka said that in some of the correspondence council has received, a number of people believe that council is rezoning farmland to an industrial use, and as it has been brought out, this is definitely not the case. The subject 119+ acres has been zoned a combination of light industrial and highway commercial for at least two decades, so basically Ordinance 2021-81 makes the entire plot more uniform by changing the B-3 parcel to I-1 to match. He indicated his support at the October 25 meeting. B. Holmes said this obviously is in his ward and it falls heavy on his decision making. He has prayed a lot about this and thought a lot about it, and as Frank has said, this property has been zoned light industrial for over 20 years. Change is inevitable – it is going to happen. It's going to happen now, or it is going to happen later. Either it is going to possibly be this company or another company that is going to come along. Every day he drives this way into work – to and from, and he has personally seen the increased traffic already. Matter of fact, again on his way into work this morning he saw a Prime truck heading north on Baumhart Road. Change is inevitable. He knows he is one of seven and he respects each and everyone's decision as they move forward with this, and he respects everybody's input on this project. It is not even a project. This is just step one. There are many loopholes that this has to go through before it even gets okayed. It has to go back to Planning, so this is just a small step for change. He will be there every step along the way with the change and he will make sure the developers if this moves forward are held accountable, and that they listen to what the people say and listen to what the city says. He asked the developers to take this into consideration because this is people they are dealing

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with, and they just ask to keep everybody in mind. M. Stark said her family and friends would attest that she has had a heavy heart over this for the residents that live close. This is a really difficult decision to make because as they drive by yes, this will affect so many, but it will affect so many in different ways, so it has been a hard decision. Where they stand now – the city's tax base weighs so heavily on the residents. Our residents are carrying the city tax wise, and we can't continue that way because we don't want to see our taxes continue to go up because we have to do streets and the infrastructure. She said as they have been replacing water lines through the city, the contractors are really friendly when you go out and talk to them. She showed the residents a water line that was taken out of Liberty Avenue. This is the current state of the city's infrastructure and these need to be replaced, and this is how we are going to replace it – is to bring some businesses in. The tax dollars that will be brought in are going to make it possible for them to replace these water lines all over the city. They have been trying to do water lines as they replace roads. It is so pricey for them to try to handle this. She said Amy has done a great job with the finances and she is amazing with the finances, but they cannot continue to replace things that so desperately need replaced. So, she is definitely going to be voting yes for this and is excited. She said her parents live in Canton right near the Amazon facility that is going in there. Her parents live about two miles from there. It is the future, and it is going to happen. She said everyone is worried about the parking and the diesel and as she was traveling last weekend down 480 in Cleveland there were about 20 Amazon oversized vans driving down the road, and she thought if this was Amazon, maybe some of these commercial parking spaces aren't for the big diesel semis – maybe a lot of them are for these vans. So, they have to look at the positive and have to try to keep their path full. B. Brady reiterated the fact that if they pass this tonight it is just the beginning. The Planning Commission is going to have a lot of control. They will work with these guys on buffers, water retention, water movement over the hard surfaces that used to be cornfields. They are not going to stay cornfields, so let's make it the best industrial development that they can make it. The way to do that is for all those that live nearby to work with Planning. Don't walk away mad. Work with looking at the future and to try to make this the best they can. S. Herron said he addressed his fellow citizens that have looked at both sides of this issue. It is very difficult because people who live out there – they just don't live out there for one reason, but they live out there because of their lifestyle and their chosen way of living, and it is near and dear to them. This is the hardest decision he has had to make, and it is the most impactful one on such a wonderful city we live in. They entrusted him two years when they elected him to office to do the best he can for this community and fellow citizens. Whether they vote or not, or whether they are struggling with issues in life, he is trying to make it better, and he believes they have an obligation to future generations to make this community ongoing. He said the professionals that are here and when he talks about dignity he means it and any plant that has to come in has to keep in mind that they are not just going to build something and not have buffers, and not keep in mind the community. It has to be this way because he can assure them the individuals on council next time around are going to be very much interested in that, so the concerns made can be dealt with and he promises his best to ensure compliance. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Second Reading – Ordinance 2021-82: AN ORDINANCE TO AMEND SECTION 1270.15 (2) (d) ENTITLED "I-1 LIGHT INDUSTRIAL DISTRICT" OF CHAPTER 1270 ENTITLED "DISTRICT REGULATIONS" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION.

S. Holovacs MOVED, B. Brady seconded to adopt this ordinance as amended per the recommendation of the Planning Commission at their meeting of December 1. Discussion: F. Loucka agreed he has had sleepless nights over considering this, but to him should this project proceed, or any project on this property, the key ownness is on the management of the Planning Commission, Building Department, and initial contact of nearby residential neighbors. There are many examples in the local area of very attractive privacy containing landscaping buffers if you look at the property at 5605 W. Lake Road and also by looking at the architecture of Bettcher's Industries, which has a rural look. He said this is just a step in the entire process. B. Holmes said it is the buffers and the recommendation that the Planning Commission did bring forward. They listened to what council had to say and he would ask that any said developer that may end up there, that they listen and hear just not what the city is saying, but what the residents are saying. Both can cohabitate and the buffers will make it manageable. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Second Reading – Ordinance 2021-83: AN ORDINANCE AMENDING ORDINANCE 2021-8 ADOPTED MARCH 15, 2021, TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

S. Holovacs MOVED, F. Loucka seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

M. STARK MOVED, B. Brady seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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Minutes of the Special Vermilion City Council Meeting

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Second Reading – Ordinance 2021-84: AN ORDINANCE TO RE-ESTABLISH AND AMEND ANY AND ALL PRIOR STEP RANGE CHARTS FOR THE POSITIONS INCLUDING, WATER DEPARTMENT CLERK, BUILDING DEPARTMENT CLERK, AND FINANCE DEPARTMENT CLERK, EFFECTIVE UPON PASSAGE OF THIS ORDINANCE.

Second Reading – Ordinance 2021-85: AN ORDINANCE TO RE-ESTABLISH AND AMEND THE FULL TIME SALARY OF THE ADMINISTRATIVE ASSISTANT TO THE POLICE CHIEF TO THE RATE OF A FULL-TIME POLICE DISPATCHER WITH 5 YEARS OF SERVICE EFFECTIVE UPON PASSAGE OF THIS ORDINANCE.

First Reading – Ordinance 2021-86: AN ORDINANCE AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO EXECUTE NECESSARY AND PROPER CONTRACT DOCUMENTS TO PROVIDE CASUALTY, LIABILITY, PROPERTY DAMAGE, MOTOR VEHICULAR, POLICE AND FIREMEN LIABILITY, ERRORS AND OMISSIONS, PUBLIC OFFICIAL LIABILITY, UMBRELLA COVERAGE AND OTHER CUSTOMARY COMPREHENSIVE INSURANCE COVERAGE'S AS SET FORTH IN BID SPECIFICATIONS PROMULGATED BY THE CITY OF VERMILION IN ORDER TO PROTECT THE CITY OF VERMILION, OHIO, ITS PROPERTY, ITS PERSONNEL AND PERSONS WITHIN THE CORPORATE LIMITS FOR A PERIOD OF TIME COMMENCING JANUARY 1, 2022 THROUGH DECEMBER 31, 2022, AND RENEWABLE AT THE CITY'S DISCRETION THROUGH DECEMBER 31, 2025, AND AUTHORIZING THE AWARDING OF ALL OF SUCH INSURANCE COVERAGE'S BASED UPON PUBLIC COMPETITIVE BIDS UNTO VARIOUS INSURANCE COMPANIES AS SET FORTH HEREIN THROUGH FITZGIBBONS, ARNOLD AND COMPANY WHICH THIS COUNCIL DETERMINES TO BE THE LOWEST AND THE BEST BID RECEIVED; AUTHORIZING THE FINANCE DIRECTOR TO RETURN ANY AND ALL BID BONDS POSTED BY UNSUCCESSFUL BIDDERS; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT OF PREMIUMS FOR ALL SUCH COVERAGE'S AS SET FORTH HEREIN AND DECLARING AN EMERGENCY.

B. Brady MOVED, F. Loucka seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

F. LOUCKA MOVED, S. Herron seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Second Reading – Ordinance 2021-87: AN ORDINANCE TO OFFICIALLY SUPPLEMENT THE MINIMUM CONTRACTUAL SERVICES TO BE PERFORMED BY BRAMHALL ENGINEERING & SURVEYING COMPANY BY VIRTUE OF ORDINANCE 2018-5 ADOPTED JANUARY 2, 2018, BY AUTHORIZING PROFESSIONAL ENGINEERING AND SURVEYING SERVICES RELATED TO THE SUNNYSIDE ROAD RESURFACING PHASE 2; PRESCRIBING THAT THE FIRM SHALL BE PAID FOR ADDITIONAL SERVICES IN ACCORDANCE WITH THE RATE SCHEDULE SET FORTH IN THE PROPOSAL DATED JANUARY 3, 2018, IN A TOTAL AMOUNT NOT TO EXCEED SEVENTY THOUSAND EIGHT HUNDRED SIXTEEN DOLLARS (\$70,816.00), AND DECLARING AN EMERGENCY.

S. Holovac MOVED, F. Loucka seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

S. Holovac MOVED, E. Skahen seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2021-88: AN ORDINANCE AMENDING 2018-86 ADOPTED JANUARY 28, 2019 TO AUTHORIZE THE MAYOR OF THE CITY OF VERMILION, OHIO TO MAKE AND ENTER INTO AN AMENDED AMBULANCE SERVICE AGREEMENT WITH LIFECARE AMBULANCE, INC. OF ELYRIA, OHIO FOR EMERGENCY MEDICAL SERVICES FOR THE BENEFIT OF THE RESIDENTS OF THE CITY AND BROWNHELM TOWNSHIP COMMENCING JANUARY 1, 2022 AND DECLARING AN EMERGENCY.

S. Holovac MOVED, E. Skahen seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

E. Skahen MOVED, M. Stark seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Announcement of Meeting Dates:

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

- January 3, 2022 – Vermilion City Council Swearing in Ceremony – 7:30 p.m. - Organization Meeting – 8:00 p.m.
- January 10, 2022 – Vermilion City Council Meeting – 7:00 p.m.
- January 17, 2022 – Martin Luther King Jr. Day – City Offices Closed
- January 24, 2022 @ 7:00 p.m. – Vermilion City Council Committee Meetings

RECORD OF PROCEEDINGS

Minutes of _____ Minutes of the Special Vermilion City Council Meeting _____ Meeting

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Adjournment:

S. Herron adjourned the Vermilion City Council meeting upon no further discussion.

Transcribed by: Gwen Fisher, Certified Municipal Clerk