

# RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Monday, January 10, 2022

Held

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

**Vermilion City Council:** 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

## CALL TO ORDER:

Monica Stark, President of Council called the Monday, January 10, 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:

**S. Herron MOVED:** B. Brady seconded to approve the meeting minutes of December 13, 2021. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

## CORRESPONDENCE:

G. Fisher reported she received correspondence from Mayor Forthofer regarding his appointments to the various Boards and Commissions that will be addressed under 'New Business'.

## PRESIDENT OF COUNCIL'S REPORT:

M. Stark welcomed all the new members to City Council and their first official meeting, and she also welcomed the returning members. She said she is looking forward to two great years moving forward.

## COMMITTEE REPORTS:

### Historic Design & Review:

P. Stein reported on the meeting held January 5. The next meeting is scheduled for February 2, 2022 at 6:00 p.m.

### Vermilion Tree Commission:

P. Stein reported that she spoke with Jerry Western of the Tree Commission today and he and Marc Weisenberger attended a class in December for the Ohio Department of Natural Resources, Division of Urban Forestry.

### Finance:

B. Holmes reported the next meeting is scheduled for January 24, 2022 at 7:00 p.m.

### Planning Commission:

B. Holmes reported on the meeting held January 5. The next meeting is scheduled for February 2, 2022 at 7:00 p.m.

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## Health & Safety:

B. Brady reported the next meeting is scheduled for January 24, 2022 at 7:00 p.m.

## Streets, Buildings & Grounds:

S. Herron reported the next meeting is scheduled for January 24, 2022 at 7:00 p.m.

## Utilities:

M. Stark reported the next meeting is scheduled for January 24, 2022 at 7:00 p.m.

## Main Street Vermilion:

M. Stark reported the next meeting is scheduled for January 13, 2022 at 5:00 p.m.

## Parks & Recreation:

T. Mayle reported the next meeting is scheduled for January 18, 2022 at 6:00 p.m.

## Contractor Registration:

G. Drew reported the next meeting is scheduled for January 25, 2022 at 6:00 p.m.

## Zoning Board of Appeals:

G. Drew reported the next meeting is scheduled for January 25, 2022 at 7:00 p.m.

## MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer read and presented his report as follows:

### **City Office Re-Opened**

By my assessment, most City Hall employees are currently in stable health. I have instructed City Hall employees to resume working from City Hall as of Monday the 10<sup>th</sup>. Masks are required inside City Hall. Several City Halls around us have closed. If circumstance threaten the health of our in-house employees, I will send them home to work remotely again for the fourth time this pandemic. It really doesn't matter if its COVID, influenza or dengue fever. We have a very small staff, and it doesn't take much to reduce our capacity to serve the residents.

### **Beach House Property**

The old Stuchal house at 479 Main Street on Main Street Beach has been acquired by Western Reserve Land Conservancy for over \$400,000 in grants and donations. It was demolished January 4. I received documents last week turning the property over from the Western Reserve Land Conservancy to the City of Vermilion. The site will be used for a comfort station and parking lot as part of the Main Street Beach Revitalization Project. The City continues to owe a great deal to the assistance of the Western Reserve Land Conservancy as we develop our lakefront.

### **Zoning Advisory Committee**

January 6<sup>th</sup>, the nine members of the Zoning Advisory Committee met to voice issues that they would like to see addressed. This committee will give input to the City's contracted agent CT Consultants as they move forward to review city wide zoning definitions that is, in many cases, 60 years old.

### **Composition of the HD&RB**

I am asking Council to revise Ordinance 1224.04 (a), This ordinance and section refers to the composition of the Historic Design and Review Board. I believe that this criterion thought ideal, was established at a different time in Vermilion's history when the composition of service organizations in the town was different. Having appointed people to this board for the past four year as well as having served as Chairman of the Historic Design and Review Board I can tell you that meeting these requirements is



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improbable. I will submit an alternate composition for the Council to review and consider substituting in this ordinance. I ask that it be put on the Committees Agenda.

### 3<sup>rd</sup> reading 2021-84 & 2021-85

After the recent experience of going to the open market to hire a new administrative assistant for the Mayor office, I strongly encourage Council to give favorable consideration of ordinances 2021-84 & 85. I am convinced that the City government is dangerously exposed regarding its current nonunion pay scale.

I request an Executive Session pertaining to current litigation.

### SERVICE DIRECTOR'S REPORT:

Tony Valerius reported that the ODOT contractors still have a few repairs left to complete on the bridge and sidewalk, which he is being told they will be back on Wednesday to continue the work. Once this work has been completed, the only task left to complete is installing the rubber seal across the eastern side of the bridge. In order to do this, the temperature must be at least 40 degrees and the bridge would have to be closed for the work, which will take at least one day and maybe part of the second. He has asked ODOT to provide the city with plenty of notice once they have chosen a date, so that emergency services and the schools will be aware. He also asked ODOT to have the road closed signs covered until the intended work is to be performed. Once he has a date for the closure, which may not be for a month or two, all will be alerted.

P. Stein mentioned there are signs on some of the side streets such as Decatur that says work zone. T. Valerius said when he talks to ODOT next he will let them know this.

### FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported the finance department has approached the closing of the fiscal year and they were able to do some preplanning and preparation work with the staff in the finance office. They are getting close on both the budgetary side and the payroll side, such as issuing W-2's and 1095's, and very close to being able to start passing things onto the GAP preparers to work on the financial statements.

### LAW DIRECTOR'S REPORT: No report.

S. Anderson said she was prepared to address litigation in executive session. She welcomed the new council members and said she was looking forward to working with them along with the rest of council. She told them if they have questions about the legal aspects or legal issues relative to their role she is happy to address them.

### OPEN TO THE AUDIENCE:

Anne & Thom Palmer of 1680 Cooper Foster Park Road said they are here on behalf of a concerned group of citizens to present to the City of Vermilion Finance Director, Amy Hendricks their signed referendum petitions for Ordinance 2021-81 and Ordinance 2021-82 per the state guidelines for referendum petition for these ordinances to be placed on the ballot for the general election. She said in the envelope they will present; they will find 25 signed referendum petitions for Ordinance 2021-81 with a total of 569 signatures and 23 signed referendum petitions for Ordinance 2021-82 with a total of 539 signatures. They also requested Amy Hendricks to sign their copy of the enclosed memo stating that the petitions were received. A. Hendricks asked if there was a copy for her. Anne Palmer said yes.

Anne Palmer indicated that Mayor Forthofer mentioned earlier about the Zoning Review Board and the discussions with CT and asked if the Vermilion residents selected to be part of the Zoning Advisory Committee are represented in all five wards. Mayor Forthofer said yes they are.

B. Brady asked if Council could request a copy of the petitions. G. Fisher said the finance director usually sends them to her once she receives them. A. Hendricks said the process is that she holds them for 10 days which allows members of the public who have signed and who wish to remove their name or anything like that, then she will send them via FedEx to both of the county Board of Elections to meet the

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filing criteria. She said she will scan and email them out to Council. B. Brady said she just wants to see what the residents are trying to do.

David Terken of 1042 State Street said he noticed in the last year or two that the city has had a lot of improvements and he thinks all the people in the barrier behind him have been working hard to do it, and he hoped that all of them will have good luck to continue these improvements in the upcoming couple of years. He thanked the city.

## OLD BUSINESS:

B. Holmes addressed a small group of folks regarding his vote from December regarding the rezoning. He stated that the decision he made was not under coercion and he was not forced to make that vote. This was a vote that he made on his own as he is a grown man, and he made that vote for the betterment of the school districts – Firelands and Vermilion, the Township, and the City of Vermilion.

## NEW BUSINESS:

S. Herron MOVED; G. Drew seconded to appoint John Strittmather to the Contractor Registration Board for a term beginning January 1, 2022. Roll Call Vote 7 YEAS. MOTION CARRIED.

P. Stein MOVED; B. Holmes seconded to appoint Tom Abraham to the Contractor Registration Board for a term beginning January 1, 2022. Roll Call Vote 7 YEAS. MOTION CARRIED.

B. Brady MOVED; S. Herron seconded to appoint Derek Lundy to the Stormwater Advisory Commission for a four-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. MOTION CARRIED.

P. Stein MOVED; B. Holmes seconded to appoint Lori Barauskas to the Board of Zoning Appeals for a three-year term beginning January 1, 2022. Roll Call Vote 7 YEAS. MOTION CARRIED.

B. Brady MOVED; S. Herron seconded to adjourn into executive session to discuss personnel matters (hiring, firing, compensation) and litigation matters. Roll Call Vote 7 YEAS. MOTION CARRIED.

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

## Reading of the Ordinances:

Third 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.

G. Drew MOVED; S. Herron seconded to adopt this ordinance. Discussion: S. Herron said this is an important issue as the City of Vermilion is in a no different position than businesses are. They have to remain competitive in the region. He hears a lot of people say they should run the city like you run a business, so that is what they are doing. Businesses now in this day and age have to remain competitive in terms of wages and retention of employees, so he will be voting yes for this for that reason. He thanked all the people who work for the city tirelessly through COVID and before COVID. They're going to endure through COVID now to make sure the community gets the services that it is entitled to. P. Stein said in today's market she thinks this is the least they can do, and she would like to see more, but this is better than it is. Roll Call Vote 6 YEAS; 1 NAY (Brady). MOTION CARRIED. This ordinance was not adopted by emergency, so it will go into effect on February 10, 2022.

Third 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.

G. Drew MOVED; S. Herron seconded to adopt this ordinance. Discussion: S. Herron said she deserves it as the way he sees it. M. Stark agreed. Roll Call Vote 7 YEAS. MOTION CARRIED. This ordinance was not adopted by emergency, so it will go into effect on February 10, 2022.

First 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.



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

First 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. (Referred to January 24, 2022 Legislative committee)

First 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. (Referred to January 24, 2022 Legislative committee)

First Reading – Resolution 2022R-1: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ACCEPT THE TERMS AND CONDITIONS OF A CERTAIN AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES RELATIVE TO THE ALLOCATION OF FUNDS FOR THE MAINTENANCE OF A MARINE PATROL AND DECLARING AN EMERGENCY.

M. Stark MOVED: S. Herron seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

S. Herron MOVED: P. Stein seconded to adopt this resolution by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

## Announcement of Meeting Dates:

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

- January 17, 2022 – Martin Luther King Jr. Day – City Offices Closed
- January 24, 2022 – Vermilion City Council Committee Meetings – 7:00 p.m.
- February 7, 2022 – Vermilion City Council Meeting – 7:00 p.m.
- February 14, 2022 – Vermilion City Council Committee Meetings – 7:00 p.m.
- February 21, 2022 – Presidents' Day – City Offices Closed

## Adjournment:

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

Transcribed by: Gwen Fisher, Certified Municipal Clerk