

Minutes of the Vermilion City Council Meeting

Monday, November 4, 2019

Videos and minutes of council meetings are available to the public to view online at www.cityofvermilion.com under meeting videos/minutes.

Vermilion City Council: Steve Herron, Council President; Monica Stark, Council at Large; John Gabriel, Ward One; Frank Loucka, Ward Two; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five; G. Fisher, Certified Municipal Clerk

Administrative Staff: Mayor Jim Forthofer; Ken Stumphauzer, Law Director; Amy Hendricks, Finance Director; Tony Valerius, Service Director

CALL TO ORDER:

Steve Herron, President of Council called the Monday, November 4, 2019 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; B. Holmes seconded to approve the minutes of the October 28, 2019 meetings. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

G. Fisher reported she received a liquor permit from the Ohio Division of Liquor Control to Triple CS Crawfords Custom Caterings LLC, dba Pavilion Grill Tavern, 5542 Liberty Avenue from Logans Roadhouse, Inc., dba Logans Roadhouse, 4555 Eastgate Blvd, Union Township, Cincinnati, Ohio 45245.

Secondly, she read a letter dated October 30, 2019 addressed to Steve Herron, President of the Vermilion City Council from Mayor Forthofer requesting council's confirmation of his appointment of Brenda Miklos to the Historic Design and Review Board. This letter is on file in the clerk's office.

PRESIDENT OF COUNCIL'S REPORT:

S. Herron announced the Route 60 bridge is now open as it benefits many of Vermilion's residents.

COMMITTEE REPORTS:

Historic Design & Review Board:

The next meeting has been scheduled for November 6, 2019 at 6:00 pm.

Planning Commission:

The next meeting has been scheduled for November 6, 2019 at 7:00 pm.

Streets, Buildings and Grounds Committee:

F. Loucka reported the next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Port Authority:

F. Loucka reported the next meeting has been scheduled for November 7, 2019 at 6:30 pm at the Vermilion Municipal Complex.

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Utilities Committee:

S. Holovacs reported the next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Contractors Registration Board of Examiners:

S. Holovacs reported the next meeting has been scheduled for December 3, 2019 at 6:00 pm.

Finance Committee:

B. Holmes reported the next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Parks & Recreation:

B. Holmes reported the next meeting is scheduled for November 19, 2019 at 7:00 pm.

Stormwater Advisory Meeting:

S. Herron reported that the next meeting is yet to be determined.

Tree Commission:

S. Herron reported the next meeting has been scheduled for November 13, 2019 at 7:00 pm at the Ritter Public Library.

Legislative Committee:

M. Stark reported the next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Vermilion Community Services Board:

M. Stark reported the next meeting will be held in January 2020, but no date or time has been established.

Health & Safety Committee:

B. Brady reported the next meeting has been scheduled for November 18, 2019 at 7:00 pm.

Board of Zoning Appeals:

B. Brady reported the next meeting has been scheduled for December 3, 2019 at 7:00 pm.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer reported on his submitted report as follows:

Safety Director's Report

Compliments to both the Vermilion Fire Department and Vermilion Police Department for their participation in Halloween. Members gave of their personal time to have fun with trick or treaters, hand out candy, and make sure the public was safe. Patrol cars cruised the neighborhoods giving out candy and the VFD opened Station 2 to trick or treaters and they had a good crowd.

Also, the Vermilion Fire Company Steak Fry Saturday night was sold out. It was a fun event that funded two scholarships.

Mayor's Report

WOW Cable has advised the city that their construction is complete, and they will be offering their cable, internet and phone services to the public beginning December 7th.

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November 11th, Veterans day there will be **no Veteran's Day Ceremony** in Vermilion according to the Veteran's Council representative.

November 12th, the Vermilion High School Social Studies Department will be hosting a free lunch for local veterans at 11:00 am at Church of the Open Door. This the 21st such luncheon and a special time for students to get to know Veterans and their stories.

Pearl Harbor Day, December 7th there will be a service at the South Street Boat Ramp at noon.

December 7th the Christmas Tree Ship will arrive at McGarvey's Landing at 10:30.

F. Loucka asked the mayor if there will be new drawings for the new fire station for council to review. Mayor Forthofer said when they get to the point where he thinks they are 100 percent and they have settled on what is in and what is out based on the adjusting of the budgets, then they will bring the drawings for council to review. C. Howard said they will be coming before the Planning Commission on Wednesday regarding the plans, so council is welcome to see them then. G. Fisher said she received a phone call today regarding the plans that were recently posted on Facebook as a resident wanted to know if these were the new plans or the old plans. Mayor Forthofer said those plans were not put up by the City.

J. Gabriel asked for an update on icebreaking. Mayor Forthofer said he spoke with the Coast Guard from Cleveland and Detroit and they are looking at possible alternatives. He also spoke with the Executive Director of the Lorain Port Authority who said they don't do any real icebreaking, but they're looking into some references for him, as is the Executive Director of the Erie County Port Authority.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported the crossings at Vermilion Road, Grand Street, and Adams Street were closed by the railroad for repairs and should reopen late Wednesday. While the repairs are taking place, the city will be replacing the loop detectors on Adams Street, so trains will be blowing their horns through evening tonight and into tomorrow.

He asked the residents to please not rake or blow their leaves into the city streets. The city does not have leaf collection services and they clog the catch basins and prevent rain water from entering storm sewers. Citizens were advised to bag their leaves in biodegradable bags and Republic will provide unlimited pickup through November 27.

He referred to Ordinances 2019-69 – 74 (Chemical Contracts used at the Water and Wastewater Plants) on the agenda for a first reading. He asked council to consider suspending the rules and passing them by emergency.

Lastly, he reported that hydrant flushing on the west side will wrap up tomorrow.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported the 2020 Temporary appropriations are one the agenda for a second reading. These appropriations are based on the tax budget that was adopted at the end of the summer. As they approach the end of the year, she continues to work on revising the projections for 2020. It appears the city is going to have just under \$6,000,000 in revenue for the general fund without any additional sources of revenue. The difference between this estimate and the 2019 actuals is that the city has received \$190,000 in one-time revenue from repayments to the General Fund from monies that had been advanced or loaned to other funds in prior years, for example the sewer fund. In this case, the \$35,000 in pool donations that were carried over from 2018 fundraising has been exhausted. Additionally, based on Meeder's estimates, \$50,000 less in investment income was due to declining rates.

Expenses are projected to be \$6,250,000 for the General Fund for 2020. If everything remains status quo, the City will be deficit spending by the end of 2020 based on these early estimates. She added 3% inflationary increases on all nonpayroll related expenses, as well as a 12% increase in health care costs. The 12% comes from NFP, the city's insurance advisors. They did have a scare last week when the

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estimate came back with an initial quote from United Health as a 17% increase. They have already started working on negotiations with other carriers and United Health, and they feel the 12% is probably more reflective of where the city would be based on the current plan design. She said salary increases will be determined at the conclusion of negotiations with both unions. She said this information is not shared to cause panic – it's shared so they have time to consider as they approach things for next year and throughout 2020 and going to 2021 when they look at revenue and expenditure decisions as the city moves forward to minimize any shortfall. One thing Moody's mentioned in the city's last rating review was that the city is showing progress, but they want to see the city sustain it for the overall health for the city.

B. Holmes said he wants to make sure the city is looking at their options for the pool and asked if this conversation would be ready to discuss at the November Finance meeting. Mayor Forthofer said there is a young man that worked at the pool during the summer who will be doing the sheet tabulations and Tony Valerius is looking into three capital improvements for the pool.

CITY ENGINEER'S REPORT:

C. Howard reported he provided an engineering proposal for the Sanford Street Water Main Replacement project (Hollyview Drive to Northview Court), which is approximately 2,700 feet. The existing 6" watermain will be replaced with a new 8" along with service connections and valves.

He reported the Safe Routes to School project is scheduled to begin construction in July of 2020. If authorized, the design, bidding and construction of the work would have to be replaced and completed before the Safe Routes to School project begins.

He asked Council to consider suspending the rules and passing Ordinances 2019-65, 2019-66 and 2019-68 by emergency.

LAW DIRECTOR'S REPORT:

M. Stark asked the law director if he was familiar with drone legislation and if council should start looking at an ordinance. K. Stumphauzer said this is an interesting topic and understands that once drones leave the ground they are regulated by the FAA. He didn't think it was a bad idea to have an ordinance. It would be more along the lines of not flying them in proximity of a house so nobody is videotaping somebody inside of a house, and not flying them where they can impede traffic or prevent an obstacle. M. Stark asked if the law department could draft legislation. K. Stumphauzer believed there were some modeled ordinances that other communities adopted, so they will look for those and will put something together and forward it to the Council Clerk who can share it with council.

B. Brady asked the law director if he had previously recommended to council not to pass everything by emergency. K. Stumphauzer said council should specify in their emergency clause what the true nature of the emergency is, not generic language. So, if the emergency per se is for appropriating money for the emergency repair of a street, then standard language would include the repair to avoid traffic hazards. J. Gabriel said the law director's recommendation was related to zoning issues or things that affect people's property. He agrees they shouldn't pass so much by emergency in order to give people a chance to repeal controversial items, but he didn't think anyone would take them to court for passing water plant chemicals by emergency. G. Fisher said council can also include in their motions the reasoning for the emergency. B. Brady said if they put the emergency clause on every ordinance it seems they don't take it seriously. They should use it where it's needed. S. Herron felt some of this was a product of their own Charter. He said when they pass things by emergency it keeps them from having to wait 60 days before an ordinance becomes in effect. He said they have been criticized in the past for how long Council took on some matters over the summer. He agrees the term seems like they just push things through, but a lot of this has to do with getting things out to bid quickly. He said council doesn't have to pass things by emergency, but he thinks it behooves them many times to get something sent to bid when a project needs done. He said they need to order these chemicals as soon as possible so they are ready to go. F. Loucka agreed that a simple statement under the emergency clause would explain the emergency.

RESPONSE TO THE AUDIENCE: No response.

OPEN TO THE AUDIENCE:

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Jim Machkoff of 1087 Nautical Drive said he wanted to present a proposal to Council of which he would like discussed at the committee meetings on November 18. He said he has had several discussions with Senator Gavarone and Matt Diedrich who is the Chairman of the Ohio Rail Development Board and they have come up with an idea which was discussed with Mayor Forthofer on how to silence the train whistles in the city forever. The railroad is willing to pay for it forever. The silencing of the train whistles will go all the way from Baumhart Road to the other side of town beyond the city limits. With this, he had some discussions with Matt Diedrich, and he has suggested a couple different things. The railroad is anxious to close another crossing in Vermilion and they're willing to pay dearly for it. Based on their ratings, the city could probably get more than enough financing to silence the railroad whistles on Vermilion Road by closing Sunnyside Road. He explained that Matt told him that because all the railroad crossings have certain designations as to how dangerous they are – Sunnyside Road comes up 465th out of 18,000 crossings in the State of Ohio. Vermilion Road comes up at 4,000, which is a lot lower than Sunnyside Road. Because Sunnyside Road comes up so high, the railroad is willing to subsidize and pay for possibly the complete silencing with all the equipment that is necessary to silence the whistles, not only on Vermilion Road, but if they close Sunnyside Road, then the whistles would stop all the way across town forever. He has discussed this with Senator Teresa Gavarone and Matt suggested that he make this proposal to Council. He said there have been a lot of pros and cons from the people who he has discussed this with as they are hesitant to close Sunnyside Road because it's a state road. Most of the businesses are all north of the railroad tracks and he believes Claus Road could be used as an alternate once Sunnyside Road is closed. If Council allows the railroad to close Sunnyside, Mr. Diedrich said they would probably foot the bill for any necessary equipment for Vermilion Road, which would silence everything from Baumhart Road because there would be no more whistles on Sunnyside either. He hoped Council would consider this proposal because he lives on one of the ends of the canals in Vermilion and when the wind is blowing out of the northwest, northeast or north, it sounds like the trains are coming in his bedroom and he's sick of it and is sure there are a lot of other people. He said at the time when the Senator gave the city a million dollars, there was a lot of discussion where and what places to close, but there was never any discussion about the sound echoing up and down the river and canals, which is a constant problem. He is trying to remedy this, and this may not cost the city a nickel.

S. Herron referred this matter to the November 18 committee meetings for further discussion.

NEW BUSINESS:

S. Herron MOVED; F. Loucka seconded to approve the Mayor's appointment of Brenda Miklos to the Historic Design and Review Board. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Reading of the Ordinances:

Second Reading – Ordinance 2019-60: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO RECEIVE A SUBSIDY FROM BROWNHELM TOWNSHIP, LORAIN COUNTY, OHIO FOR EMERGENCY MEDICAL SERVICES THROUGH THE CITY OF VERMILION'S CONTRACT WITH LIFECARE AMBULANCE, INC. OF ELYRIA, OHIO FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2020 AND DECLARING AN EMERGENCY.

Second Reading – Ordinance 2019-61: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO, TO ENTER INTO A RENEWAL CONTRACT WITH ALLEN-THORLEY-DELLOYD INSURANCE COMPANY OF VERMILION, OHIO, PER ORDINANCE 2014-86 FOR THE PURPOSE OF INSURANCE COVERAGE COMMENCING JANUARY 1, 2020 AND EXPIRING DECEMBER 31, 2020 AND DECLARING AN EMERGENCY.

Second Reading – Ordinance 2019-62: AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR AND THE VERMILION PARKS AND RECREATION BOARD OF CHAD KUHN AS RECREATION DIRECTOR TO THE CITY OF VERMILION FOR THE 2020 RECREATIONAL PROGRAMS; ESTABLISHING A SALARY FOR SUCH APPOINTEE; ESTABLISHING COMPENSATION OF CERTAIN AUTHORIZED POSITIONS WITHIN THE VERMILION DEPARTMENT OF PARKS AND RECREATION AS HAVE BEEN FAVORABLY RECOMMENDED BY THE CITY'S PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

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Second Reading – Ordinance 2019-63: AN ORDINANCE TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, STATE OF OHIO, DURING THE THREE-MONTH PERIOD BEGINNING JANUARY 1, 2020 AND ENDING MARCH 31, 2020 AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2019-65: AN ORDINANCE AMENDING ORDINANCE NO. 2019-14 ADOPTED FEBRUARY 25, 2019, BY ADOPTING CHANGE ORDER NUMBER ONE WHICH IS AMENDATORY TO THE ORIGINAL CONTRACT WITH PRECISION PAVING OF MILAN, OHIO FOR THE VERMILION ROAD PHASE 1 (PID 100430) PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE ADDITIONAL AMOUNT NOT TO EXCEED FIVE THOUSAND SIX HUNDRED FORTY-SIX DOLLARS AND SEVENTY CENTS (\$5,646.70) AND DECLARING AN EMERGENCY.

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

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

First Reading – Ordinance 2019-66: AN ORDINANCE AMENDING ORDINANCE NO. 2019-39 ADOPTED JUNE 17, 2019, BY ADOPTING CHANGE ORDER NUMBER ONE, TWO AND THREE WHICH IS AMENDATORY TO THE ORIGINAL CONTRACT WITH HERK EXCAVATING, INC. OF VERMILION, OHIO FOR THE HOLLYVIEW DRIVE RECONSTRUCTION PHASE I PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT TO SAID AWARDEE IN THE ADDITIONAL AMOUNT NOT TO EXCEED NINETEEN THOUSAND SIX HUNDRED SEVENTY THREE DOLLARS AND SEVENTY CENTS (\$19,673.70) AND DECLARING AN EMERGENCY.

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

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

Second Reading – Ordinance 2019-67: AN ORDINANCE AMENDING SECTION 878.04 (a) & (c) ENTITLED “LICENSE FEES” OF CHAPTER 878 ENTITLED “SWEEPSTAKES TERMINAL CAFES” OF THE CODIFIED ORDINANCES OF VERMILION, OHIO AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2019-68: 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 SANFORD STREET WATER MAIN REPLACEMENT PROJECT; 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 FORTY FIVE THOUSAND DOLLARS (\$45,000), AND DECLARING AN EMERGENCY.

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

B. Holmes MOVED; F. Loucka seconded to adopt this ordinance by emergency. Discussion: M. Stark asked how this expenditure would be funded and A. Hendricks said it will come from the water and EPA funds. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2019-69: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH JCI JONES CHEMICALS, INC. OF BARBERTON, OHIO FOR THE PURCHASE OF CHLORINE, SODIUM HYPOCHLORITE AND SODIUM BISULFITE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

First Reading – Ordinance 2019-70: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH SAL CHEMICAL OF WEIRTON, WEST VIRGINIA FOR THE PURCHASE OF LIQUID CAUSTIC SODA TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; J. Gabriel seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

F. Loucka MOVED; J. Gabriel seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

First Reading – Ordinance 2019-71: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH PVS TECHNOLOGIES OF DETROIT, MICHIGAN FOR THE PURCHASE OF FERROUS TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; M. Stark seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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

First Reading – Ordinance 2019-72: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH USALCO LLC OF BALTIMORE, MARYLAND FOR THE PURCHASE OF POLYALUMINUM CHLORIDE TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; J. Gabriel seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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

First Reading – Ordinance 2019-73: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH SNF POLYDYNE, INC. OF RICEBORO, GEORGIA FOR THE PURCHASE OF POLYMER TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; J. Gabriel seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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

First Reading – Ordinance 2019-74: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH ALEXANDER CHEMICAL OF PERU, ILLINOIS FOR THE PURCHASE OF HYDROFLUOSILICIC ACID TO BE USED IN THE VERMILION UTILITIES DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

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Announcement of Meeting Dates:

November 11, 2019 – Veterans Day – City Offices Closed – No Meeting
November 18, 2019 - Vermilion City Council Committee Meetings (All) – 7pm
November 25, 2019 – No Meeting

Adjournment:

Upon no further business coming before the body, Steve Herron, President of Council adjourned the Vermilion City Council meeting.

Transcribed by: Gwen Fisher, Certified Municipal Clerk