

Minutes of the Vermilion City Council Meeting

Monday, July 13, 2020

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 Holoavcs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five; G. Fisher, Certified Municipal Clerk

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

CALL TO ORDER:

Steve Herron, President of Council called the Monday, July 13, 2020 Vermilion City Council (Zoom) 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. Holoavcs MOVED; M. Stark seconded to approve the minutes of the June 15, 2020 meeting. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

PRESIDENT OF COUNCIL'S REPORT:

S. Herron explained that last week he saw that Lorain County went to Code Red involving the surge in Covid-19 tests and it may have been a knee-jerk response by him that wasn't necessary to proceed with Zoom meetings, so he is prepared to go back to committee next week at the Vermilion Municipal Complex. He thought the Code Red may have been a prohibition of meetings in person as he is still concerned about the large numbers of cases in Lorain County, as there was a huge spike today. He said if any member does not feel like they can attend or if they don't feel well, then they can call in.

S. Herron MOVED; E. Skahen seconded to move into executive session to discuss labor negotiations and imminent litigation. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

The regular meeting reconvened at the conclusion of executive session.

COMMITTEE REPORTS:

Legislative:

M. Stark reported the next meeting is scheduled for July 20, 2020 at 7:00 p.m.

Utilities:

F. Loucka reported the next meeting has been scheduled for July 20, 2020 at 7:00 p.m.

Port Authority:

F. Loucka reported the next meeting has been scheduled for July 23 at 6:30 p.m.

Finance:

B. Brady reported the next meeting has been scheduled for July 20, 2020 at 7:00 p.m.

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Planning Commission:

B. Brady reported the next meeting is scheduled for August 5, 2020 at 7:00 p.m. at the Vermilion Municipal Complex.

Health & Safety:

B. Holmes reported the next meeting is scheduled for July 20, 2020 at 7:00 p.m.

Parks and Recreation:

B. Holmes reported the next meeting is scheduled for July 21, 2020 at 6:00 p.m. via zoom.

Historic Design & Review:

Emily Skahen reported the next meeting is scheduled for August 5, 2020 at 6:00 p.m. at the Vermilion Municipal Complex.

Streets, Buildings & Grounds:

S. Holovacs reported the next meeting has been scheduled for July 20, 2020 at 7:00 p.m.

Contractor Registration:

S. Holovacs reported the next meeting has been scheduled for July 28, 2020 at 6:00 p.m.

Zoning Board of Appeals:

S. Holovacs reported the next meeting is scheduled for July 28, 2020 at 7:00 p.m.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer provided his submitted report as read into the record.

Safety Director's Report

As Mayor and Safety Director. I strongly encourage everyone in Vermilion to wear a mask. This is regardless of what county you live in or color the stage level for your county. Every health commissioner, epidemiologist, and health care professional I talk to says that if everyone wore a mask the transmission of COVID-19 would be dramatically reduced. I also realize it is impractical for a small city to mandate mask wearing since the system for enforcement is not available. Mask mandates may effectively be implemented by a State or County order that can be enforced by the health department.

Regarding Masks and the VPD

- 1) Officers are required to wear a mask when outside of their vehicles unless there are extenuating circumstances.
- 2) The VPD is not enforcing Lorain County Stage 3 mask orders at this time ... complaints can be referred to the Erie County Health Dept. for guidance.
- 3) VPD will assist business owners who have someone refusing to leave the premises for not wearing a mask.

As of today, I am grateful to report that none of Vermilion's police or fire first responders have tested positive for COVID-19. Fire and Police Departments have back up plans in place in case the virus reduces their capacity. Life Care Ambulance also has a backup plan in place.

Mayor's Report

COVID-19

Vermilion's cases of COVID-19 are still low, but we have doubled in just the past couple weeks. Erie County has a relatively low case number compared to the state, but county new cases have gone up in

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multiples. We are right next to two of the most afflicted counties in Ohio, Huron, and Lorain. Reckless noncompliant participation at public events is to blame.

Because of resurgence of the virus, I will further restrict public events.

- The Beach Market, scheduled for next month in Sherod Park, was told to cancel by the Erie County Health Department. The organizer Ann Naugle was exceedingly diligent about coordinating with the Health Department. The size of the event was estimated to be 500 per.
- Every other scheduled or proposed event in town the remainder of this year would likely be larger than the Beach Market.
- The Administration will not support any outdoor event on City property over 10 people until further notice. Several groups have voluntarily cancelled their events. The Chamber of Commerce is preparing a notification for their Woollybear partners and vendors.

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Fire Station 1 Topping Off

June 29, there was a topping off ceremony for the Fire Station 1. The Topping Off represents the completion of the framing of the 16,000 square foot building. It is approximately the halfway point in construction. The project is expected to be complete in December.

Union Contract Agreement

The Administration has reached an agreement with the Laborers International Union 860. Pay and health coverage mirrors agreements reached with the City's other two unions in December 2019. I ask Council to approve Ordinance 2020-26 tonight.

Mapleview Ditch

The Mapleview Ditch is mostly complete due to good construction weather. There are parties interested in developing the property purchased by the County to gain access to the ditch. The County will keep a narrow strip along the ditch for maintenance. The property is in Brownhelm Township but any development on the property will be served by Vermilion City water and sewer. I have quoted them on tap fees.

F. Loucka asked if Dancing on the Docks was cancelled on July 18 because they usually have about 50 people attend. Mayor Forthofer confirmed it was cancelled and he spoke with the Port Authority who agreed. He said the Duck Dash will just have ticket sales.

M. Stark said she received two phone calls within the last two days about solicitors getting permits to go door to door and they're knocking on doors and not wearing masks, and citizens are concerned that these individuals have issued permits in the midst of the COVID crisis. Mayor Forthofer said the permits are issued by the police department and he will check into this.

SERVICE DIRECTOR'S REPORT:

T. Valerius mentioned the street department is continuing to durapatch as weather permits. Recently, they have been giving attention to concrete streets in Valley View and the Edison Estates areas. Once complete, they will concentrate their efforts on the streets in the Vermilion on the Lake area.

Recently, the street department made a major storm water improvement to the culvert and stream that runs perpendicular to South Street behind Riddle Funeral Home. The area was cleared of brush and small trees and the culvert was cleaned of debris and the stream was dug out to match the invert of the pipe. The valley just west of the funeral home often floods during heavy rains and these improvements along with regular maintenance should prevent this from happening again.

He reported that Hart Asphalt has been in town repairing all the asphalt street cuts that were caused by main break repairs and there were 18 repairs that were needed. He asked citizens to use caution when approaching work crews in these areas.

He reported that Precision Paving is finishing up the ditch work on Vermilion Road and then guardrail installation, berm, and pavement markings will follow. This indicates that the project will finish on schedule.

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Lastly, he updated council on the water meter replacement program as to date 2,100 new meters have been installed in exterior meter pits. They have decided to hold off on replacing interior meters for now due to COVID-19 but continue to remain on schedule. All oversized meters have been surveyed and inspected to be sure the proper size meters have been ordered and replacement on these meters will begin next week.

M. Stark said she received phone calls about the timing of the traffic lights as they are complaining about the long wait on the side streets that intersect onto Liberty. She asked if there was a chance they could lessen the timing to pull onto Liberty. T. Valerius said they can investigate this, but if they change one light, they are changing all of them because they are all timed in a sequence. He said the main goal of the traffic light replacement project was to keep Liberty moving instead of hitting light after light on Liberty. He thinks this goal was accomplished, but it does mean that some of the side streets must wait longer. He said they could look at it, but everything would need to be reprogrammed. M. Stark said it seems like it's a lot longer and she understands their concerns. T. Valerius said occasionally the mayor's office gets calls regarding this issue, but not very often anymore. He reminded everyone that the timings were approved by ODOT when the project went through, so they are not going above anything they would not approve. B. Brady said it's scary because she thinks people take chances and go across a green light to avoid waiting at these lights, which can be up to two minutes. T. Valerius said if somebody trips the light on the side street than the timing will change, but if you start changing the timing of the lights then it will affect the lights throughout the whole system. When a car approaches and it is identified, there is a set time when that car will sit there before it changes depending on the flow of Liberty. It also depends on how many vehicles are on Liberty going through. F. Loucka said they use Vermilion Road and Liberty quite a bit and they notice that during rush hour they wait a significantly longer amount of time because there is more traffic on Liberty. If traffic on Liberty is light, then the wait on Vermilion Road is also very light.

B. Holmes asked about the timeline of the water meter replacement on Sanford Street in coordination with Safe Routes to School. He asked if these projects are on time. C. Howard said he will address this under his report.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks provided her submitted report as read into the record as follows:

Appropriation Update

You received a copy of the appropriations for tonight's agenda on Thursday. Changes in overall fund allocations have been made:

Fund 205 Recreation – decrease revenue and expense estimates due to COVID19

Fund 219 CARES – reflects revenue and expense of \$137,928.86

Fund 441 VPA Capital – increased budget to include grant expenses

She asked council to consider suspending the rules and adopting this legislation tonight.

Management of Past Due Utility Accounts

At the start of the pandemic, the City of Vermilion suspended shut offs and waived all penalties for delinquent utility accounts. As the Ohio EPA has lifted the restriction on these measures effective July 10, we continue to look for ways to assist customers during the coronavirus pandemic and its aftereffects. We will not resume penalties or shut-off activity until September 1, 2020, in most cases.

At the present time, the City of Vermilion has approximately 90 active accounts that are delinquent totaling \$25,000. The average period of delinquency is 5 months. Presently, we do not initiate shut offs until an account has gone at least 3 months without payment.

Customers who are having difficulty paying their bills should call us to arrange an affordable payment plan as soon as possible. In most cases, accounts with COVID19 impacted delinquencies will be offered penalty free payment plans through the January 2021, due date. We encourage all customers with overdue balances to pay what they can as soon as possible to keep their total balance from continuing to grow.

To request placement on a payment plan, please email utilities@vermilion.net or call 440-204-2420.

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Local Income Tax Due to RITA

Last minute reminder, the extended deadline for filing 2019 local income tax returns along with 2020 estimated payments for the 1st and 2nd Quarters is July 15. It may be October or November until the city sees the reconciliation of those payments in the city's bank accounts. She encouraged people to be mindful if they received notices from Rita, so they do not become delinquent and get sent to court from RITA for these collections. The city does not have the authority to waive tax liabilities.

Also, on August 1 there is a sweepstakes that is sponsored by Invoice Cloud, which is the online payment. The campaign will run from August 1 to October 31, 2020 and people can register to win three prizes as listed below. These gift cards are not paid for by tax dollars in the City of Vermilion.

Enter Online Payment Sweepstakes

The graphic is a promotional banner for an online payment sweepstakes. It features a dark blue background with three white rounded rectangular boxes. The left box is titled 'WIN 1 OF 3 AMAZON GIFT CARDS' and lists '3 chances to win a:' followed by two options: '\$300 Amazon Gift Card' and '1 of 2 \$100 Amazon Gift Cards', separated by 'OR'. The center box contains a circular image of an Amazon.com gift card. The right box is titled 'HOW TO ENTER:' and provides instructions: 'Register to pay online at invoicecloud.com/vermilionoh between 8/1/20 - 10/31/20 and be automatically entered to win!'. At the bottom center, it says 'Sponsored by Invoice Cloud. See website for official rules.'

B. Brady asked what the changes were in personnel changes. A. Hendricks said they have had some changes in retirements and replacement of people at lower wage levels, as well as changes to insurance going from single to family, which would increase the city's costs.

LAW DIRECTOR'S REPORT: No report.

CITY ENGINEER'S REPORT:

C. Howard updated council on the projects currently under construction. He said with regards to the Haber Road Bridge Replacement project, the box culvert is installed, and the contractor still needs to pave the road, install guardrail, and perform restoration. The work is scheduled to be completed and open to traffic by the end of the month.

The Sanford Street Water Main Replacement project is ahead of schedule. The contractor must install sidewalks that were removed, some drives, asphalt road repairs, and restoration work. This work should be completed by the end of the month.

The Highbridge Road Reconstruction project bid was opened on July 9 and the city received two bids. The low bidder for the project is Crossroads Asphalt Recycling, Inc. of Columbia Station, Ohio in the bid amount of \$609,310.75, which includes a construction contingency of \$60,000. The engineer's estimate for the project was \$715,225.30, which included a \$60,000 Construction Contingency. This project has OPWC funding from Round 33, which totals \$487,500. The original agreement with OPWC had a construction completion date of August 30, 2020 and the city requested an amendment to the schedule due to COVID-19 and were granted a new completion date of October 31, 2020.

With regards to Councilman Holmes earlier question relating to Safe Routes to School, he noted there is still a handful of acquisitions that are required for temporary easements, so they are still dealing with this. The goal is to have it under construction this year, but it will probably be later in the fall.

F. Loucka asked the city engineer what his experience is with Crossroads Asphalt – how comfortable do you feel with them as a contractor on this job? C. Howard said they have worked with them in other municipalities, but it has been about three years – in Amherst and South Amherst. Obviously, they will have a full-time inspector during construction. He is aware the city had some issues in the past that they were not involved with. F. Loucka asked if his firm would be bird dogging this job and C. Howard said correct. S. Holovacs said he thinks some of the past problems they had with Crossroads is not having a

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good inspector on the job. Some of the things that happened on Edgewater are things that should have been stopped when they happened, and they got to a point where it became a problem. He said they also had issues in the Lagoons many years ago. However, he has a lot of faith in Bramhall Engineering and their inspectors and they will not let them slide. As far as Crossroads getting the low bid, he does not have a problem with them as long as Bramhall inspectors are on the job. Therefore, he does not see a problem with the bid as it's a big savings for the city. There are eyes on the job and the city should continue to let them do what they do good. B. Brady totally agreed with Steve Holovacs as it was a nightmare on Edgewater, and it goes back to the process. The other problem was the warranty work after the project. She was not sure this was covered in the agreement with them. She said she has a problem with voting yes on the contract with Crossroads.

Reading of the Ordinances:

First Reading – Ordinance 2020-22: AN ORDINANCE AMENDING ORDINANCE 2020-5 ADOPTED MARCH 2, 2020 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020 AND DECLARING AN EMERGENCY.

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

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

First Reading – Ordinance 2020-23: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO AN AGREEMENT BETWEEN AUDITOR OF STATE KEITH FABER (AUDITOR), CITY OF VERMILION, AND CHARLES E. HARRIS & ASSOCIATIES, INC. FOR INDEPENDENT PUBLIC ACCOUNTANT SERVICES FOR THE PERIOD OF JANUARY 1, 2020 THROUGH DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2020-24: 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 CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES RELATED TO THE HIGHBRIDGE ROAD RECONSTRUCTION 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 NINE HUNDRED TWENTY DOLLARS (\$45,920.00) AND DECLARING AN EMERGENCY.

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

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

First Reading – Ordinance 2020-25: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH CROSSROADS ASPHALT RECYCLING, INC. OF COLUMBIA STATION, OHIO FOR THE HIGHBRIDGE ROAD RECONSTRUCTION PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN THE AMOUNT OF SIX HUNDRED NINE THOUSAND THREE HUNDRED TEN DOLLARS AND SEVENTY-FIVE CENTS (\$609,310.75) AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; F. Loucka seconded to suspend the rules. Roll Call Vote 5 YEAS; 2 NAYS (Stark, Brady). **MOTION CARRIED.**

B. Holmes MOVED; S. Holovacs seconded to adopt this ordinance by emergency. Discussion: M. Stark asked if it was normal that the contractor's name was not included in the caption on the agenda. G. Fisher said when she prepared the agenda, they had not opened the bids yet, so therefore they addressed it this evening under the engineer's report. The name is in the ordinance. Roll Call Vote 5 YEAS (Holovacs, Loucka, Skahen, Holmes, Herron); 2 NAYS (Brady, Stark). **MOTION CARRIED.**

First Reading – Ordinance 2020-26: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 860 AND DECLARING AN EMERGENCY.

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

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

First Reading – Resolution 2020R-9: A RESOLUTION EXPRESSING THE CITY'S SUPPORT IN ALLOWING THE PLACEMENT OF "THIN BLUE LINE" BANNERS UPON PUBLIC PROPERTY IN HONOR OF AND TO SHOW RESPECT FOR VERMILION POLICE OFFICER FRANCIS SMOLKA.

Announcement of Meeting Dates:

July 20, 2020 – Vermilion City Council Committee Meetings – 7pm
August 3, 2020 – Vermilion City Council Meeting – 7pm
August 10, 2020 – Vermilion City Council Committee Meetings – 7pm
August 17, 2020 – Vermilion City Council Meeting – 7pm

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