

## Minutes of the Vermilion City Council Meeting

Monday, September 9, 2024

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**Vermilion City Council:** Steve Herron, Council President; Gary Howell, Council At Large; Patricia West, Ward One; Greg Drew, Ward Two; Drew Werley, Ward Three; Brian Holmes, Ward Four (6:04 p.m. arrival); Jeff Lucas, Ward Five; Gwen Fisher, Certified Municipal Clerk; Melanie Wood, Assistant Clerk.

**Administrative Staff:** Jim Forthofer, Mayor; Tony Valerius, Service Director; Chris Howard, City Engineer; Susan Anderson, Law Director; Amy Hendricks, Finance Director; Bill Brown, Fire Chief

### **PLEDGE OF ALLEGIANCE:**

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

### **CALL TO ORDER:**

Steve Herron, Council President called the Monday, September 9, 2024, Vermilion City Council meeting to order.

### **APPROVAL OF MINUTES:**

**J. Lucas MOVED:** G. Drew seconded to approve the September 4, 2024 Special Vermilion City Council meeting minutes. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

### **OPEN TO THE AUDIENCE:**

Russ Owens of 5161 Portage Dr. stated he received his water bill two months ago and it seemed to be doubled the amount of his normal water bill, and he was curious to why it happened. S. Herron indicated the administration can answer tonight if they would like, or they can provide a response at the next city council meeting. Mayor Forthofer said Mr. Owens can call city hall at any time and they will look at records and give him an answer.

**RESPONSE TO THE AUDIENCE:** None.

**CORRESPONDENCE:** None.

### **PRESIDENT OF COUNCIL’S REPORT:**

S. Herron let the community know it is suicide prevention month and if they know someone who is contemplating suicide, there is help they can get to encourage them in a non-confrontational way. There is a lot of information available in Lorain and Erie Counties.

### **COMMITTEE REPORTS:**

**Finance:**

The next meeting is scheduled for September 16, 2024 at 6:00 p.m.

**Historic Design & Review Board:**

J. Lucas reported on the meeting held September 4, 2024. The next meeting is scheduled for October 9, 2024 at 6:00 p.m.

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### Planning Commission:

J. Lucas reported on the meeting held September 4, 2024. The next meeting is scheduled for October 9, 2024 at 7:00 p.m.

### Stormwater Advisory Commission:

J. Lucas reported the next meeting is scheduled for September 11, 2024 at 6:00 p.m.

### Health & Safety:

B. Holmes reported the next meeting is scheduled for September 16, 2024 at 6:00 p.m.

### Vermilion Tree Commission:

D. Werley reported the next meeting is scheduled for September 10, 2024 at 9:30 a.m. at the Parks Department.

### Legislative:

The next meeting is scheduled for September 16, 2024 at 6:00 p.m.

### Parks & Recreation:

G. Howell reported on the meeting held August 20. The next meeting is scheduled for September 17, 2024 at 6:00 p.m.

### Streets, Buildings & Grounds:

S. Herron reported on the meeting held August 12. The next meeting is scheduled for September 16, 2024 at 6:00 p.m.

### Port Authority:

S. Herron reported the next meeting is scheduled for September 12, 2024 at 6:30 p.m.

### Main Street Vermilion:

P. West reported on the September meeting. The next meeting is scheduled for October 3, 2024.

### Utilities:

The next meeting is scheduled for September 16, 2024 at 6:00 p.m.

### Zoning Board of Appeals:

G. Drew reported on the meeting held August 27, 2024. The next meeting is scheduled for September 24, 2023 at 6:00 p.m.

## **MAYOR/SAFETY DIRECTOR'S REPORT:**

Mayor Forthofer reported on the following in accordance with his submitted report.

### **Main Street Beach & Park**

Though the infrastructure of Main Street Beach & Park is complete, a punch list of items continues. Lights were put in around the lower parking lot. The Parks Supervisor and Board are submitting a signage plan.

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### **Showse Park Revitalization**

The kickoff to another grass roots funded park renovation will be this Saturday, September 14<sup>th</sup>, at 4:00 pm when a fun fair and fund raiser will be held in Showse Park. There will be food, entertainment, music, and plans for the Showse Park renovation. Enjoy and help fund this great effort by Ward 4 Councilman Jeff Lucas.

### **US EPA**

We've had conversations with the enforcement officer of the US EPA. Our conversations center mostly around getting an extension for completion of the mandated rehab at the City's Wastewater Treatment Plant. Our request for extension is justified by our exploration of the Lorain County's wastewater consortium. The Lorain County Administrator has also spoken to the US EPA and explained their intentions. US EPA has asked Vermilion for a revised Master Plan proposal which is what CDM Smith is currently working on.

### **Wednesday, September 11th**

Please take a moment Wednesday to remember September 11, 2001. If someone is too young, teach them the significance of that day. Help them remember those many who died by hostile action on our country's soil. And let them know of the many first responders who died trying to help them. Make them understand that it was a tragedy that could have been avoided and the cost of freedom is eternal vigilance.

### **SERVICE DIRECTOR'S REPORT:**

T. Valerius made residents aware that the Sunnyside Road Reconstruction Project will begin Monday, September 23. The project consists of the replacement and widening of Sunnyside Road just north of the railroad tracks to approximately 200 feet north of Shady Lake Dr. There will be some storm sewer work in the project as well. Throughout construction, travel will be constricted to a single lane south bound only. North bound traffic will be detoured. Access to driveways, mail, and trash pickup will not be interrupted. Construction is anticipated to last 60 days.

He was made aware by Brownhelm Township that construction on Phase 2 of the Brownhelm Station Road Repaving Project will begin Monday, September 16. This project is a continuation of the paving that was performed last year and will consist of new asphalt paving from Sunnyside Road to where the project left off last year.

As a result of a random audit selection, the Ohio EPA visited Vermilion's municipal facilities two and a half weeks ago to ensure compliance with EPA rules and regulations regarding the city's municipal separate storm sewer system. A thorough review of city ordinances and record keeping procedures was performed to ensure the city was up to date with the current storm water policies. They also performed an onsite visit at the wastewater treatment plant and the service center where they inspected the storage areas for street sweepings from the street sweeper, and catch basin debris from storm drain maintenance. The city's aging salt barn was inspected, and the EPA was encouraged to learn the city will be building a new one that contains the salt better and limits the chance for runoff more effectively. A review of maintenance and truck washing procedures was also conducted. As always, a few small corrections will need to be addressed, but all-in-all he was very pleased with the results of the audit.

T. Valerius asked the council to approve a motion to authorize the administration to go out to bid for ice breaking and chemical contracts.

### **FINANCE DIRECTOR'S REPORT:**

Amy Hendricks reported on the following:

### **2024 BUDGETARY ITEMS**

The revised appropriations and certificate of estimated resources 1st reading have been provided:

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Fund 101	Salt Shed	Exp	\$168,125
Fund 202	State Costs over Est.	Exp	\$ 24,802
Fund 204	For MSB per Pks Bd Req	Exp	\$ 20,000
Fund 405	Main Street Beach Fund	Exp	\$ 20,000
Fund 601	Water fees higher than estimated		\$ 7,255

The increase in water fee collections is in miscellaneous categories coming in higher than estimated so far in 2024.

### **BUDGET PLANNING SUMMARY 2024**

On file in the clerk's office upon request.

### **ERIE COUNTY BUDGET COMMISSION ADOPTIONS**

I am anticipating that the Erie County Budget Commission will have provided us with 2025 Tax Rates for adoption in advance of the meeting, so have asked that we place that item on the agenda. Based on the timelines that the resolution must be returned to Erie County, suspension of rules with an emergency provision is likely to be required for compliance with state deadlines. If we have not received it, the ordinance can be tabled and moved to the following meeting.

### **GIFT AGREEMENT**

As of this writing, the gift agreement for the splash pad donors is still under review by their attorney, so depending on the timing and allowing the law director's office to review and approve, it may be necessary to table Ordinance 2024-46. (Clerk's Note: The final gift agreement was provided to the Council prior to the meeting).

G. Drew stated he received several phone calls over the last few weeks about water bills and while they were looking into it, they learned that the last bill was a five-week cycle rather than a four-week cycle. A. Hendricks yes, that is what she understands. G. Drew said that is why people may be seeing an increase. A. Hendricks replied that is very likely, they have also seen a surge in leaks in the last month. It could very well be the five-week billing cycle.

D. Werley said he noticed in the mayor's notes this past week in the Photojournal he stated there is a 30% increase of the sewer rates coming in January and asked if it is an accurate figure. A. Hendricks answered she does not have that information with her this evening, but she will check on it.

### **CITY ENGINEER'S REPORT:**

Chris Howard reported the preconstruction meeting for Highbridge Road Reconstruction Phase 2 will be this Thursday, September 12. They will get a construction schedule from the contractor and will share it with the council. Lighthouse Estates Division Phase 3 south of Edson Street is currently under construction. The contractor is working on sanitary sewer installation. He noted that Phase 3 consists of 26 lots.

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

**OLD BUSINESS:** None.

### **NEW BUSINESS:**

**S. Herron MOVED:** G. Drew seconded to amend Rule 3 – Public Participation of the 2024/2025 Rules and Regulations of the Vermilion City Council in accordance with council's discussion. Discussion: G. Fisher said she believed they wanted to strike the language "Special Council Meetings:" under Rule 3, paragraph 2, first three words as it is redundant. S. Herron agreed it was redundancy as it is spelled out in the body of the paragraph. G. Drew said the paragraph should start with "The public shall..." S. Herron said he will include this with his motion as amended. S. Herron said this rule would go into effect immediately, and the council is having a special meeting on September 16, so it will be in effect. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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**S. Herron MOVED**; B. Holmes seconded to authorize the administration to go out to bid for icebreaking and chemicals. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**S. Herron MOVED**; G. Howell seconded to table the first reading of Resolution 2024R-22. Discussion: G. Fisher said the city is waiting to receive a resolution from the county. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

### **Reading of the Ordinances:**

**Third Reading – Ordinance 2024-43**: AN ORDINANCE AMENDING ORDINANCE 2018-63 ADOPTED JANUARY 14, 2019, AND CHAPTER 872 OF THE VERMILION CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO, ENTITLED “MOBILE FOOD SERVICES” AND DECLARING AN EMERGENCY.

**J. Lucas MOVED**; G. Drew seconded to adopt this ordinance by emergency. Discussion: D. Werley thought the council tried passing this ordinance by emergency already and it failed, so are they going to try to pass it again by emergency? G. Drew said the council did. D. Werley said he is curious this time around if they are still going to do it by emergency or not. S. Herron said it is his intent. G. Drew thought it regulates health and safety as there is some significant changes in the new version that protects the residents as mobile food trucks cannot be parked in the street anymore, and it increases the liability insurance, so he would support a motion to amend this by emergency, so it goes into effect immediately. He said the council has had three readings on the ordinance and has had plenty of discussion about it and it's not a secret as it has been in the newspaper, so this is his position. S. Herron thanked Councilman Drew and others but noted Councilman Drew did a very good job on taking care of this and catching things he did not see as well as others. Roll Call Vote 6 YEAS; 1 NAY (Werley). **MOTION CARRIED.**

**Second Reading – Ordinance 2024-46**: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A GIFT AGREEMENT BY AND BETWEEN GRACE UNITED METHODIST CHURCH (“DONOR”), AND THE CITY OF VERMILION, OHIO, (“DONEE”), AND DECLARING AN EMERGENCY.

**G. Drew MOVED**; B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS; 1 ABSTENTION (Herron). **MOTION CARRIED.**

**J. Lucas MOVED**; G. Drew seconded to adopt this ordinance by emergency. Discussion: G. Fisher explained that Parks Director, Marc Weisenberger, had requested that the council pass this ordinance by emergency as they want to get this project started this year. Roll Call Vote 6 YEAS; 1 ABSTENTION (Herron). **MOTION CARRIED.**

**Second Reading – Ordinance 2024-47**: AN ORDINANCE ESTABLISHING FUND 408 “SPLASH PAD PROJECT” AND DECLARING AN EMERGENCY.

**J. Lucas MOVED**; G. Drew seconded to suspend the rules. Roll Call Vote 6 YEAS; 1 ABSTENTION (Herron). **MOTION CARRIED.**

**J. Lucas MOVED**; G. Drew seconded to adopt this ordinance by emergency. Discussion: B. Holmes thanked Grace United Methodist for their generous donation. Roll Call Vote 6 YEAS; 1 ABSTENTION (Herron). **MOTION CARRIED.**

**First Reading – Ordinance 2024-51**: AN ORDINANCE AMENDING ORDINANCE 2024-4 ADOPTED FEBRUARY 12, 2024 TO MAKE APPROPRIATIONS FOR CURRENT EXPENDITURES, AND TO AMEND THE 2024 CERTIFICATE OF ESTIMATED RESOURCES FOR THE CITY OF VERMILION, OHIO.

**First Reading – Resolution 2024R-18**: A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED (*Pineview Drive Reconstruction, Phase 1*)

**J. Lucas MOVED**; G. Drew seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**J. Lucas MOVED**; B. Holmes seconded to adopt this resolution by emergency. Discussion: D. Werley said they added this project as an ask and was curious why the first 775 feet on the west side of Pineview was chosen. He wondered if it increased the city's chance of approval. C. Howard said it comes down to dollars in a breakdown of what grant money the city is asking for, so it gives the city the opportunity to score well. D. Werley was sure there was a good reason for it, so this is why he wanted to ask. He asked if this is about half of Pineview. C. Howard said it is less than half. S. Herron asked for clarification if it is on the west side of Pineview. C. Howard said they are going east to west; by the pool. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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**First Reading – Resolution 2024R-19:** A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (*Highbridge Road Reconstruction – Phase 3*)

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

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

**First Reading – Resolution 2024R-20:** A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (*Edgewater Drive Waterline Replacement, Phase 2*)

**J. Lucas MOVED;** G. Howell seconded to suspend the rules. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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

**First Reading – Resolution 2024R-21:** A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. (*Haley Street Reconstruction*)

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

**G. Drew MOVED;** G. Howell seconded to adopt this resolution by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**Tabled - First Reading – Resolution 2024R-22:** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.

**First Reading – Resolution 2024R-23:** A RESOLUTION REQUESTING AUTHORIZATION FOR THE MAYOR, ON BEHALF OF THE CITY OF VERMILION, OHIO, TO PARTICIPATE IN THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC COOPERATIVE PURCHASING PROGRAM AND DECLARING AN EMERGENCY.

**J. Lucas MOVED;** B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS; 1 NAY (Werley). **MOTION CARRIED.**

**B. Holmes MOVED;** J. Lucas seconded to adopt this resolution by emergency. Discussion: Fire Chief B. Brown explained the Fire Department received a \$300,000 grant for air packs and there are two companies the city can buy air packs from and one company belongs to Sourcewell, which is a cooperative purchasing program, which the city is a member of already, and the other company is in the Houston-Galveston area and it is also a purchasing program, so in order for the city to receive two quotes, the city needs to belong to this program. About every year starting in October through November they go through another two to six percent increase, so they are trying to beat this next increase, so he feels it is imperative the city belongs to this program. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

### **Announcement of Meeting Dates:**

-September 16, 2024 - Vermilion City Council Committee Meetings and Special City Council Meeting – 6:00 p.m.  
-September 23, 2024 – Tentative - Vermilion City Council Meeting – 6:00 p.m.

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

### **Adjournment:**

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

Transcribed by: Melanie Wood, Assistant Clerk of Council & Gwen Fisher, Certified Municipal Clerk