

Minutes of the Vermilion City Council Meeting

Monday, May 18, 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 Holovacs, Ward Three; Barb Brady, Ward Four; G. Fisher, Certified Municipal Clerk. Not Present: Brian Holmes, Ward Five

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, May 18, 2020 Vermilion City Council Public Hearing and Regular Meeting to order.

Public Hearing: Resolution 2020R-8: A RESOLUTION APPROVING THE 2021 TAX BUDGET

Amy Hendricks stated each year the County Budget Commission requires a point of division to collect real estate taxes through them to file a tax budget a year in advance, so this would be starting January 2021. This is based on an estimate and it includes carryover balances for each of the funds at the end of December 2020, approximate estimates of revenue and the concept of the budget for compliance purposes. Whatever they budget for 2021, cannot exceed the carryover balance, plus estimated revenues. Due to the timing of when the tax budget is developed so early in the year, they are just starting to get into the second quarter of the city's actual year. These are basic estimates and she has not incorporated a significant amount of impact from the current economic situation because there is just too much unknown at this point. They will deal with this matter when they are doing the budget for 2021. This is filed for compliance purposes only and it is not a spending authority for the city, but it does exhibit an asking budget for the taxes that the county auditor collects each year.

Homer Taft of 3972 Edgewater said he has not had a chance to see the actual budget and is sure it pulls in several things, but probably taxes and real estate taxes. He is thinking that income taxes will likely be down, and he felt that the city does not know what is going to happen with real estate taxes, but they are probably not going to go up a lot. He said they have serious problems in the city along with the small problem they're experiencing in VOL, but there are problems in the city with water, sewer, sanitary, water line repairs, and street rebuilding that the city is behind on. He said the city does not have the revenue to do anything about it. He said this may be one of the few times they hear him say, "Raise my taxes!" He is thinking that Council only has about until the first of August to determine whether they will put a levy on the ballot this year, which would be effective in 2021 for receipt purposes. He thinks the city may need one to four mills of additional revenue and real estate taxes are the better way to do this rather than raising the income tax; in part maybe because it might not be a popular tax on residents. He said that folks that own commercial businesses or second homes also contribute to the real estate base and the infrastructure needs they have. He thinks that the city might consider looking at the charter millages altogether and whether they should be stripped out for each special fund or whether there ought to be more allocated to the general fund where it can be moved around year to year toward the need, because 2021 may be an unusual year in some ways and 2022 could be very different, but whatever the city does he would encourage them to look at the likely inadequacy in revenue in 2021 and the desperate need they have to fix a lot of stuff, and start fixing it.

PLEDGE OF ALLEGIANCE:

The members of Council, administrative staff, and audience participants recited the Pledge of Allegiance; a moment of silence followed. S. Herron asked everyone to keep their thoughts and prayers to the families that have lost their loved ones due to this virus, and those on the front lines in the medical facilities, jails and correctional facilities, and first responders. There are families grieving and those who are facing tremendous challenges.

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APPROVAL OF MINUTES:

S. Holovacs MOVED; F. Loucka seconded to approve the minutes of the May 4, 2020 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

CORRESPONDENCE: None.

PRESIDENT OF COUNCIL'S REPORT:

S. Herron said he has a **“goal”** as it pertains to the meeting schedule of returning to the normal setting of meetings on June 8 at 7:00 p.m., which would be a committee meeting. If they can do this, they will follow the social distancing guidelines like what they did when they met in March. This decision will be made by the last week of May or at the beginning of June. He will look at the CDC and the Governor's continued recommendations on public meetings. Obviously, they do not know if there will be an increase in positive tests, but this will be his goal to come back on June 8. He said he would never want anyone in the public, members of Council, or members of the administration to come to a meeting if they do not feel well or if they do not feel comfortable. He said they want to be stewards and good examples to the people, so if they do return on June 8 and it's still recommended that they wear masks, then everyone should consider this, but he will not make it mandatory as it's personal preference.

Secondly, he said the events the city has in the summer are very important to the community and they need to consider not cancelling things. He said other cities are cancelling important summer events without any regard to seeing where they are, so he would hope Vermilion makes those decisions at the time; meaning do they have enough information to decide. He shares the concerns the mayor has and everyone has for public health and safety being first, so they need to be in a situation where they play it by ear and he hopes the public understands that if something is cancelled at the last minute it's due to this terrible virus.

He asked all citizens to be respectful and kind to each other and to remember to please support local business by making it a part of your budget the best that you can. These businesses have been here for the community, so it is time to support them through this time. As far as social distancing and wearing masks, he said it's everyone's personal opinion and reminded everyone that somebody may be going home to a loved one who has a compromised immune system, so simply respect their space and as a fellow citizen wear your mask and continue to practice social distancing.

COMMITTEE REPORTS:

Legislative:

M. Stark reported on the meeting held May 11. The next meeting is scheduled for June 8, 2020 at a time and location to be determined.

Vermilion Community Services:

M. Stark said during the pandemic situation, Sandusky County Transit has been providing bus services at no charge, but they will begin charging fares on June 1. S. Herron said he was grateful for what the Vermilion Community Services has done through this pandemic as this does cut into their income, but it was very kind and giving to provide this service through the end of May. M. Stark said they need to give thanks to Sandusky County Transit as they have partnered and agreed with no fares.

Utilities:

F. Loucka reported on the meeting held May 11. The next meeting is scheduled for June 8, 2020 at a time and location to be determined.

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Port Authority:

F. Loucka reported on the meeting held May 14. The minutes are in process. The next meeting has been scheduled for June 11. He noted the annual Duck Dash has been scheduled for September 13, which is the first Sunday after Labor Day and it is scheduled for 4:30 p.m.

Finance:

B. Brady reported on the meeting held May 11. The next meeting is scheduled for June 8, 2020 at a time and location to be determined.

Planning Commission:

B. Brady reported that the next meeting is scheduled for June 3 at a time and location to be determined.

Health & Safety:

The next meeting is scheduled for June 8, 2020 at a time and location to be determined.

Parks and Recreation:

The next meeting is scheduled for May 19, 2020 at 6:00 p.m. via zoom.

Historic Design & Review:

Emily Skahen reported on the meeting held April 29. The next meeting is scheduled for June 3, 2020 at a time and location to be determined.

Vermilion Tree Commission:

Emily Skahen reported on the meeting held May 13. The next meeting has not been scheduled at this time.

Streets, Buildings & Grounds:

S. Holovacs reported that the next meeting has been scheduled for June 8, 2020 at a time and location to be determined.

Contractor Registration:

S. Holovacs reported on the meeting held May 13. The next meeting has not been scheduled.

Zoning Board of Appeals:

S. Holovacs reported that the next meeting is scheduled for May 26 at 6:00 p.m. via zoom.

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 am announcing that the City of Vermilion will not allow parades, public gatherings, fireworks, Third Thursday, or festivals during the month of June 2020. This includes the Fish Festival though the Chamber of Commerce may see if it can reschedule the festival latter in the summer...Governor's orders permitting.

I have had conversations with Governor DeWine's Liaison and the Erie County Health Department. The Governor's current orders are clear. No parades. No public gatherings of ten people or more.

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I plan to review the Governor's orders monthly. My hope is that the Governor's orders may be amended and Vermilionites could still enjoy summer activities later in the season...safety permitting.

The Valleyview Pool opening is being reviewed by the Parks & Rec Department. They will make a recommendation to me tomorrow, Tuesday the 19th. I will decide on safe pool activity after that recommendation.

VPD

A reminder that Chief Hartung announced that this is Range Week. The Chief invited interested Council members to stop by this week at the tactical range at 49300 Cooper Foster as VPD officers qualify and undergo training.

Mayor's Report

Deluge

My compliments to the Service Director, Streets and Water Department who were all out Friday to Saturday dealing with the deluge. They did the best job possible dealing with its effects. I was driving back from Cleveland and witnessed the same flooding in every community between there and Vermilion as roads were impassible and crews were out.

Re-opening

The May 12th opening of retail establishment was only partially observed some merchants. Most retail establishments remained closed on the 15th re-opening day. Several commented that they are still establishing a protocol that allows them to comply with 'safe' operation and will open after they have that process refined.

City Hall Re-opening

We will have our City Hall departments back in the offices by June 1. We will also be opening City Hall to the public under as many safety protocols as we can enforce.

Economic Activity

George's Roofing on Liberty is looking really nice especially after demolishing the old apartments. I look forward to hearing the rest of their plans.

Landscaping is starting as promised at Defense Soap.

Downtown, painting of Woodstock's Building, painting of the old deli store, the beautiful new awning at Silly Goose, Rudy and Sarah Stepp have used the shutdown to do a nice renovation inside Rudy's and merchants are planting their flower boxes.

The flags are going up along Liberty and Vermilion in Bloom has done its usual beautiful job of planting the downtown.

SERVICE DIRECTOR'S REPORT:

T. Valerius reported the flashing light at the intersection of Ohio and Sandusky Streets has been removed. The mechanical parts that made the light flash wore down and shorted it out. This will not change the traffic pattern; there are stop signs for the northbound and southbound traffic on Sandusky Street.

He conveyed the property maintenance inspector is back and will be out taking an aggressive approach in inspecting properties for code violations. Some of his priorities will be high grass, structural maintenance, and non-compliant vehicles, just to name a few.

Lastly, he thanked all the service employees for their efforts in cleaning up after the heavy rains last Friday. Several crews were out from all departments maintaining the lift stations and the plants, and clearing and opening tiles, culverts and catch basins to keep the storm water flowing. City systems were not designed to handle that much water in such a short amount of time, but the guys were able to get everything cleared within a couple of hours. So, thank you to them.

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FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported that today she received an email from RITA with a reconciliation report of April's income tax collections and the withholding taxes for the employers within the City of Vermilion was up by 8.64%, which equals \$11,600. This could be something as simple as one of the major employers had three payrolls in their month, rather than two. Additionally, individual income tax was down almost 49% from April of last year. She called RITA after receiving this information to talk about clarification, and they did confirm this could be significantly related to the postponement of the income tax filing date, so people who would have normally filed their 2019 taxes and paid the 2020 estimates so far for the year, this number may have been smaller. She will continue to watch these trends.

She said at the Utilities meeting last week it was mentioned that a review for funding for the pricing of the testing of the laterals of the four streets in VOL was just under \$15,000. She said after speaking with the Service Director and the Mayor, they do have money to do this testing. The only qualification she would give is depending on the outcome of some of this testing. She said it could be costly projects that may not be able to be completed immediately given the level of funding now, but it would give them the ability to put priorities on them.

CITY ENGINEER'S REPORT:

C. Howard reported the Haber Road Bridge Replacement project is currently on hold until June 1 per the Erie County Engineer's office. The Sanford Street Water Main Replacement project is tentatively scheduled to start the first week of June.

LAW DIRECTOR'S REPORT:

K. Stumphauzer said he will refer any comments he has to executive session.

OPEN TO THE AUDIENCE:

Homer Taft of 3972 Edgewater Drive said with respect to upcoming meetings he appreciates G. Fisher and Council for accommodating zoom attendance to those meetings, and as they move toward regular meetings, he would hope they would continue zoom attendance for those listening in and it would keep more people out of their room.

He said they have talked about the problems of the sanitary sewers in VOL and this past Friday night there was another occurrence where a number of neighbors found sewage inside their homes and it was flowing on the street out of the manholes. He stressed that this problem has got to be fixed as they can't allow this to continue. Based on the testing and that it occurs during heavy rains, the service department just cannot plug this up when it is happening. They need to get to the bottom of it and they need to fix it! He certainly hopes they do the inspections they need to do to find out where the problems are. He has some suspicions that not all of it comes from VOL. There might be some cross-connections to other areas that are a part of the problem and they need to find this out, and go beyond that and fix it, and fix it now. It has been going on for years and it is an unsanitary condition, especially in a time of coronavirus. This could be carrying coronavirus to people's homes. This must stop! The people in VOL, unlike most people in the city had to pay an assessment for their sanitary sewers when they were fixed, but they have all kind of storm water coming into them. He heard discussion tonight that the building department will be bringing a part time building inspector back for the summer, so he hopes his priority is to look for all the illegal connections. In the past, the building and service departments have done good work in starting to correct this. Obviously, it is not enough and there is a lot more that needs to be done. They need to get all the storm water out of the sanitary system. This is not where it is supposed to be! This is what is causing a very unsanitary problem. He has confidence the city does not want to see other governmental units come in and tell them what to do, so please solve the problem.

He has not heard any discussion that the pool is on the city council agenda, but is aware the Parks Board, Pool Subcommittee and Mayor will be considering whether they will be opening the pool. He said in his opinion they shouldn't open the pool for a lot of reasons, but if they're going to spend potentially as much as \$50,000 this year and don't fix the sewers, there will be many of them that will be pretty upset, so he hopes they do something a lot more about this.

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OLD BUSINESS:

Fence Requirements/Swimming Pools – T. Valerius said the administration was asked to check with other cities pertaining to the height of fences around pools, and they did look at several communities. Although, they found a few requiring a 36” fence, a vast majority require a 48” fence. So, they considered a recommendation to council to change their ordinance to 48” but thought about the existing 36” fence around pools. Would they be saying these fences would no longer be safe, would they make these people change their fence to comply, or would they consider them to be legal non-conforming and let them stay. They then started to think about their intent of the code and determined the intent is to keep small unattended children from accessing or falling into a pool. Anyone else wanting to get into a pool area will get in regardless if the fence is 36” or 48” in height. As residential building officials, they also tend to use the Residential Code of Ohio for reference. This code requires that all guards for stairs, porches, balconies, or landings shall not be less than 36” in height. So after considering the intent of the code and the fact that the Residential Code of Ohio is comfortable with a 36” high guard on a second story balcony, it's their recommendation that the ordinance maintains the 36” fence requirements with the changes that were presented at last week's committee meeting

New Business:

S. Herron MOVED; S. Holovacs seconded to adjourn into Executive Session at the conclusion of the City Council meeting to discuss pending and possible litigation. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Reading of the Ordinances:

First Reading – Ordinance 2020-19: AN ORDINANCE TO AMEND SECTION 1476.05 ENTITLED “FENCE REQUIREMENTS” OF CHAPTER 1476 ENTITLED “SWIMMING POOLS” OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; F. Loucka seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

M. Stark MOVED; F. Loucka seconded to adopt this ordinance by emergency. Discussion: S. Herron said he can appreciate where the administration is coming from but wanted to confirm the recommendation is to keep it at 36”. T. Valerius explained he would like to adopt the changes that were announced at committee last week, which states:

1476.05 FENCE REQUIREMENTS.

For all outdoor swimming pools, a fence not less than three feet high nor more than six feet high must be erected, to enclose the pool to prevent persons from falling into the pool. Any gate or opening in such fence shall be kept closed and locked when the pool is not in use. Change includes: *Any pool with a sidewall height of three feet or more above grade shall not require a fence so long as any ladder or access to the pool is affixed with a locking gate (when the pool is not in use).* All fences shall be constructed of a solid, rigid material and secured in a safe manner.

B. Brady asked if they could add when the pool is not in use after the section that was recommended last week in committee as italicized and bolded above to show the revision. She asked if the law director was okay with the 36” height. K. Stumphauzer said upon the recommendation of the Service Director he is okay with this. Loucka agreed with T. Valerius' analysis and said it's a deterrent. If a teenager wants to climb over, they will do it. This is mainly for small children as a safety measure, so he supports this ordinance. S. Holovacs thanked Tony for looking into this and agrees that if somebody wants to get in a pool they will.

S. Herron MOVED; S. Holovacs seconded to amend the motion to include the change that B. Brady presented. Roll Call Vote 6 to adopt as amended. **MOTION CARRIED.**

First Reading – Resolution 2020R-8: A RESOLUTION APPROVING THE 2021 TAX BUDGET AND DECLARING AN EMERGENCY.

S. Holovacs MOVED; F. Loucka seconded to suspend the rules. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

B. Brady MOVED; F. Loucka seconded to adopt this Resolution by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

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Announcement of Meeting Dates:

June 1, 2020 – Vermilion City Council Meeting – 6pm – Zoom Video
June 8, 2020 – Vermilion City Council Committee Meetings – Tentative 7pm - 687 Decatur
June 15, 2020 – Vermilion City Council Meeting – Tentative 7pm – 687 Decatur

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