

## Minutes of the Vermilion City Council Meeting

Monday, September 14, 2020

*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:** 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. Absent: B. Holmes, Ward Five

**Administrative Staff:** Mayor Jim Forthofer; Amy Hendricks, Finance Director; Chris Howard, City Engineer; Tony Valerius, Service Director, Attorney Susan Anderson

### **CALL TO ORDER:**

Steve Herron, President of Council called the Monday, September 14, 2020 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. Holoavcs MOVED;** F. Loucka seconded to approve the minutes of the August 17, 2020 meeting. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

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

Michael Prcela and Greg VanWagnen of Sudsina & Associates were present to give an overview of the City's refinancing. It was noted the mandate would be heavily based on the unemployment rate and they are going to allow inflation to go up above two percent if necessary. This means for the financial markets is the near zero percent interest rates are here for the foreseeable future because there is no way they are getting back to full employment anytime between now and the end of 2021. This isn't to say things are not getting better because they are, but as far as the Federal Reserve is concerned, they are going to stay at zero interest rates for a long time. This means for the City that this is an advantageous time to borrow money or to refinance loans. Since hiring Amy Hendricks, the City has worked with them on a few aspects of things. The biggest part for the rating agencies prospective is what the city has done; changing the approach to finance, the decision making around budgeting – all of these things are by far the biggest drivers of why the city has already received an upgrade on their rating. He outlined a few things the city put in place by stating that a few years ago the city put together a debt policy and for the rating agencies they really like to see this because it clearly lays out how the city makes big financial decisions in Vermilion. Part of what has been built into this is ideas of not selling all the debt competitively. This means it is a straight auction, which has made a large impact on financing costs. The \$4 million bond sold in 2019; the difference between the best bid and worst bid was \$280,000 of interest costs. The 2020 Water Meter Project the city sold the difference was \$80,000, which represents about 21 percent additional interest rate cost. If you're on a verge of an upgrade or downgrade the rating agency looks at the city making very educated and thoughtful decisions. Another approach they took on the Water Meter project was that it was a certified green bond and the rating agency looks at the fact that it didn't cost the city anything to certified it as green, but it was more work to do so, but it then opens up additional investors that can only invest in bonds that are rated as green and it also shows the city has an interest in social and environmental needs, so these are factors they take into consideration. They work with Amy every time a bond is coming up as callable, which is similar to refinancing a mortgage. So far, they have done a few of these bonds totaling around \$130,000 of additional savings for the city. They have one date that has a lot of bonds callable to then create an economy of scale, as they can take five bonds and create one larger bond. He said budgeting and financing direction is one of the largest chunks of the rating agencies decision making and the city has done a wonderful job at this. Also, the mayor and finance director have had multiple conversations with the rating agency, and they are very comfortable with who they are, and they are qualified people to make the right choice when asked to.

## Minutes of the Vermilion City Council Meeting

Monday, September 14, 2020

G. VanWagnen said they have been talking about another refunding of the 2010 and 2012 bond – the savings are looking to be over \$400,000, which is roughly a 10 percent savings on those bonds. M. Prcela said overall the consolidation of the approach to how the city through Amy Hendricks and Mayor Forthofer's vision to streamline and create a more efficient approach to making certain things line up in accordance with budgetary needs. For a while, the city was stuck in a perpetual cycle of rolling notes. This is one thing Amy Hendricks immediately addressed when they were brought on board. What is the effect of rolling these notes; the short-term piece – you're exposed to interest rate movement year after year – redundant expenses. They eliminated this strategy right away and started putting things into long term. Whereas you could roll it over in a year and look at paying that same note back over the course of 15 or 20 years and only paying an incremental amount of additional interest. Now, you are set! You are not exposed to rate movements anymore. This is one of the things that led to the upgrade by Moody's. He said Greg was the one that put together and came up with the idea of lining all the pre-payment and call dates, the date of which you can tell investors they are taking their principal back by refinancing it at a lower rate or take the debt off the books. He said Moody's has really liked the approach the city has taken over the last several years in all the finances and they are looked upon very favorably. He said this makes their job very easy when they talk to Moody's because they are scrutinizing every credits specifically on the municipal side because of the affect COVID-19 has had on income taxes. He said with all the new commerce that has been happening within the city it's making things look very strongly on the financial side and they are honored and pleased to talk to the city council about this.

A. Hendricks thanked them for coming before Council tonight as they all knew at the beginning of 2018 that debt was a big monkey on the city's back and they still have to pay it off, but at least they have funneled it in now and they are paying as much as they can with cash that has been accumulated in special revenue funds, but they are thoughtfully pursuing financing when they do this and when there is a specific source of revenue for it, such as the Fire House with the levy, and also on the meter project with the revenue generated.

M. Stark thanked Amy Hendricks and Sudsina & Associates for saving the city thousands of dollars. She really appreciates the collaboration between the fiscal department and Sudsina and their knowledge. She said it allows them to do more for the community with the taxpayer dollars.

S. Herron thanked the citizens of Vermilion in both Lorain and Erie Counties as the level has been reduced to orange and yellow from red. This means the people of the community are doing what they can do to stop the spread of COVID.

### **COMMITTEE REPORTS:**

#### Legislative:

M. Stark reported the next meeting is scheduled for September 21, 2020 at 7pm.

#### Vermilion Community Services:

M. Stark reported the next meeting is still yet to be determined.

#### Utilities:

F. Loucka reported the next meeting is scheduled for September 21, 2020 at 7pm.

#### Port Authority:

F. Loucka reported the next meeting is scheduled for October 8, 2020 at 6:30pm.

#### Finance:

B. Brady reported on the meeting held August 17. The next meeting is scheduled for September 21, 2020 at 7pm.

## Minutes of the Vermilion City Council Meeting

Monday, September 14, 2020

### Planning Commission:

B. Brady reported on the meeting held September 2. The next meeting is scheduled for October 7, 2020 at 7pm.

### Health & Safety:

The next meeting is scheduled for September 21, 2020 at 7pm.

### Parks & Recreation:

The next meeting is scheduled for September 15, 2020 at 6pm.

### Historic Design & Review:

E. Skahen reported the next meeting is scheduled for October 7, 2020 at 6pm.

### Streets, Buildings & Grounds:

S. Holovacs reported the next meeting is scheduled for September 21, 2020 at 7pm.

### Contractors Registration:

S. Holovacs reported the next meeting is scheduled for September 22, 2020 at 6pm.

### Zoning Board of Appeals:

S. Holovacs reported the next meeting is scheduled for September 22, 2020 at 7pm.

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

### **Halloween,**

After conference with the Erie County Health Department Commissioner Pete Schade, and VPD Chief Hartung, I have set Halloween in the City of Vermilion for Saturday, October 31, 5 – 7pm. Door to door trick or treating is OK. Vermilion Police and Fire will be out as usual.

The Erie County Health Department has these recommendations.

- No indoor parties.
- Do not travel in groups of 10 or more.
- Do not put out help-yourself buckets. (too many little hands contaminate candy)
- Hand out candy wearing gloves.
- Hand out treats sitting away from the entrance to your house.
- Practice distancing, use sanitizer, wear a mask if it is not part of your costume.
- 

I add that anyone who does not feel comfortable participating in Trick or Treat should not feel they are letting anyone down. It's an unusual year.

### **East Liberty Corridor New Project**

There will be a convenience store and gas station between Vintage Lighting and Farm Market. Planning Commission approved it last week. We had been talking to the co-owner Dave Prince, about sidewalks. He said he would do us one better. There will be hard surface to the street completing a walking surface from Sunnyside to Vintage Crossing on the south side. Whispering Shores has already installed their sidewalks on the north side. Mr. Price is a Firelands graduate, Vietnam Marine veteran and a career cross county trucker. In my visit with him he said he wants to do something for the community to make East Liberty look nice. He will also be expanding his truck repair business in the back.

## Minutes of the Vermilion City Council Meeting

Monday, September 14, 2020

### **Development Potential**

You have read that Carvana project at Broadway and Rt 2 is expected to bring 400 jobs to the area. In talking with commercial real estate agents, the next available exit west off Rt 2 is our Baumhart Rd exit. I have been met with several large medical facilities and education institutions about this opportunity.

### **Railway Barber Shop**

Railway Barber Shop's owner Kevin Smith and his wife Megan are aiming toward an October 2<sup>nd</sup> opening. The inside is beautiful! They have been working well with Bill DiFucci and our building department. This is a great re use of the old Bailey Hardware on Grand Street.

### **Road to Hope's**

RTH's architect has submitted revised plans for their conversion of the old McKenzie Woods on Liberty to a recover facility. The revised proposal will include an onsite 24/7 supervisory staff facility. A conditional use variance needs to be renewed.

### **Yard Signs**

A reminder, political participation is encouraged. However, no signs of ANY KIND, whether political or not, may be placed on City property including right of ways, tree lawns, City Parks, or other City property. Also, no signs may be posted on utility or light poles. We will remove them. Keep signs on private property and vote.

### **FORBES Recognition**

FORBES has named Vermilion as one of the 10 most affordable lakefront towns to buy lakefront property.

### **CARES ACT**

As Finance Director Hendricks explained, our current level of CARES ACT funds is about \$327,000. We are finding places for it to go. I have been in conversation with Lorain's Mayor Bradley. Lorain has over \$2 million in CARES ACT money. LC Mayors are prevailing upon Congress to allow the third wave of CARES money to be used to offset lost city revenue. Though we don't have a clear picture of our 2020 revenues yet, that would be the best benefit of all for the residents in that it would allow projects to go forward with confidence.

### **Communicating with City Government**

Since before I've been mayor, there have been complaints about the poor communication with city government. It is my observation that staff returns calls *it receives* within a half day of the message. That is what I've asked of them and they have complied. The bigger problem is an antiquated phone system that has calls going to dead numbers or power hiccups that erase mailboxes. It is my opinion that it is the equipment, not the personnel.

To make city government communications more business-like the Finance Director and IT Director are looking at two initiatives.

### **Phone System**

The recent COVID shut down and home relocation of City Hall employees revealed how old and limited our City Hall phone system is. The opportunity to correct that may be upon us.

Ms. Hendricks concludes that CARES ACT monies may be used to replace our phone system. She has begun holding meeting with staff to redesign a streamline modern communication system with my full support. More will come on this as a provider is chosen.

### **Texting City Hall**

City government is currently using a text alert system for emergency notifications. The contract is up this month. The Finance Director, Service Director and department clerks discovered a two-way texting feature called Text My Gov in the I-works program the City already has for the Building Department. Texting is the preferred means of communication among an increasing number of our residents. The Text

My Gov feature can dovetail with the phone system to improve 24/7 communication with the public by light years. I ask that a presentation of this texting system be put on the Committees agenda for October.

## **Minutes of the Vermilion City Council Meeting**

**Monday, September 14, 2020**

### **Revenue**

There is a financial issue regarding Sweepstakes Café's that I would like to make Council aware of during the Finance Director's report.

B. Brady asked if there was a size limitation for political signs. Mayor Forthofer said there is but there was a lawsuit years ago making it difficult to enforce.

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

T. Valerius updated Council up on the water meter replacement project. There are less than 300 outside meter changes that need to occur. These last few are the hold outs that still need the meter pit located because they are buried, or the meter needs raised because it is too low in the meter pit, but we will continue to work with the homeowner to get them all replaced. The good news is both Lorain and Erie Counties COVID 19 status has been downgraded allowing NECO to begin replacing the residential indoor meters. Soon, letters will be sent out to anyone with an indoor meter so they can schedule a time for replacement which will begin the first week of October.

Also, he informed Council that water and sewer tap fees have been raised. Periodically this is necessary due to the rising cost of copper pipe and parts for the meter pit, setting the curb stop, and making the tap. These fees have not been raised in over five years. The price for a standard 3/4" water tap is \$1,675.00 and a sewer tap fee is now \$750.00.

He mentioned to the citizens on the east side of the river that the distribution department will begin flushing hydrants next week. He asked everyone to please be aware that at times, you may experience low water pressure or a slight discoloration. If so, he asks that you run the water until it clears before drinking it or doing laundry. Flushing will continue through October.

Lastly, he asked Council to approve a motion to authorize the administration to go out to bid for ice breaking and chemical contracts.

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

#### **FEES – Sweepstake Terminals**

Amy Hendricks explained there is an annual fee that is paid and there is another component to the fee where it is a monthly fee per operating machine that is in those establishments. They did experience a time around April, May, and a majority of June that due to the state's shutdown orders they were not allowed to be open for operation. They have had one of the firms reach out to request a waiver of the three months of fees for the months they were not in operation. This has been in discussion to waive those three months, but it would be over \$16,000 in loss revenue to the city. Also, because of social distancing requirements, the monthly fees being paid by those same operations is roughly half because they cannot have as many machines running and still space their customers safely. So, these two items would be about \$27,000 in foregone revenue. To keep the city inline with the revenue estimate made annually for these fees, it does appear the City is still on target because there was growth in the number of terminals that were in operation in the early quarter of the year. Mayor Forthofer said on August 17 they received a letter from an attorney for one of the sweepstakes cafes saying they felt it was unfair they had to pay their machine fee for that period of time when they were ordered to be shut down. One of the sweepstakes cafes had been paying, so he asked the city law director what obligation the city was under and it was noted the city was under no obligation to forgive this fee. However, the administration discussed this and felt they had a case as there really are no comparable fees in the city to charge the same way, so they felt forgiving the fees for these two cafes for the period they were totally shut down was the right thing to do. F. Loucka said it seems reasonable to him and they want to encourage business and since they were forced to close it seems reasonable. S. Holovacs agreed and feels it is a fair gesture and they are the only ones based on this type of ordinance and to be shut down is not fair for them to be paying. M. Stark agreed 100 percent. S. Herron said since it is Council's ordinance and fee,

then this is the right thing to do since the city didn't shut them down, but they want to be fair as they are a business community.

## Minutes of the Vermilion City Council Meeting

Monday, September 14, 2020

### Appropriation and Certificate Amendments

Amy Hendricks said the appropriations and amended certificate of estimated resources have changes in revenue and expenses in Fund 804 due to the significant increase (original \$20,500 plus added \$17,500) in new construction in the community. This fund accounts for the collection of money from property owners to cover fees for services to inspectors, engineers, etc. The other nice surprise is the increase in CARES funding.

### CARES Funding Update

We had two reports of good news since our last meeting. One of those came with notification from Erie County that we would be receiving an additional round of funding equal to 50% of the initial phase, giving us a total of \$206,893. The second good news came with a call from Lorain County that we would be having a Round 1 and 2 payment totaling \$120,188. Total funding to date is \$327,081.

DESCRIPTION	BUDGET	EXPENSE	ENCUMBRANCE	ACCOUNT BALANCE
CARES WAGES/BENEFITS	\$ 146,628.86	\$ 114,012.39	\$ 5,935.81	\$ 26,680.66
PROFESSIONAL SERVICES-CARES F	\$ 120,264.14	\$ 10,751.84	\$ 7,968.60	\$ 101,543.70
CARES MISC/ROUTINE SUPPLIES	\$ 50,187.99	\$ 11,749.28	\$ 5,702.62	\$ 32,736.09
CARES MINOR EQUIPMENT	\$ 10,000.00	\$ -	\$ 346.50	\$ 9,653.50
	<b>\$ 327,080.99</b>	<b>\$ 136,513.51</b>	<b>\$ 19,953.53</b>	<b>\$ 170,613.95</b>

### Refinancing Debt for 2020

We have the opportunity to refinance all of our outstanding debt borrowings that originated in 2010 and 2012. This includes \$1,910,000 in General Obligation bonds for 2010 Water Improvements, as well as Nautical Drive, Lagoons, and sanitary sewer projects all in 2012. This would bring an estimated savings over the remaining 12 years of \$253,133.

The Lagoon owner's as well as the 2010 Sanitary Sewer Special Assessments totalling \$1,720,000 is also planned as part of the deal. Projected savings of \$64,081 and \$146,979 respectively would likely be shared back with those paying the assessments by shortening the number of years remaining to pay.

### Utility Accounts

Penalties and shut offs for past due utility accounts were suspended at the onset of the pandemic through September 1. The Ohio EPA reinstated shut offs in July for utilities. In July, we began offering enrollment in interest free payment plans giving customers until January, 2021, to bring their accounts up to date with information in the newspapers as well as on billings. Response to the notices were limited so we extended the deadline to sign up for a payment plan through September 15 and penalties are waived until October 1.

Letters were sent in late August to the 90 households that were on average 6 months past due totalling over \$26,000 notifying them of the COVID payment terms. Fifteen accounts have enrolled in payment plans to date. Two accounts were shut off that had been re-established under EPA guidelines during the pandemic. One has since brought the account current and the second is unoccupied and remains off.

Those accounts that have made no response to notices and leaving balances accumulate without any effort to pay will be re-evaluated in the near future.

We have heard the concerns voiced about the timing of receiving bills and the payment due date. A grace period until the 16<sup>th</sup> of each month before penalties are applied is now shown on the bill.

### Enter Sweepstakes

Lastly, she advised residents to join the online sweepstakes by October 31 to be entered to win an Amazon gift card.

**CITY ENGINEER'S REPORT:**

C. Howard updated Council on the Highbridge Road Reconstruction project that is underway.

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

**Minutes of the Vermilion City Council Meeting**

**Monday, September 14, 2020**

**OPEN TO THE AUDIENCE:**

Homer Taft of 3972 Edgewater Drive thanked the administration and council for managing the city's finances and taking advantage of the interest rates that are currently out there to save the city some money. Furthermore, he addressed the water bills as he received his bill on September 8 with a deadline to pay it on September 11. He said he did pay it, but most people probably have problems doing it that quickly. This bill was for the period from July 14 – August 3, so it took the city 36 days to get the bill to him and they gave him three days to pay it. If you take 36 days to bill it, then you should give people 30 days to pay it.

He also addressed dogs and zoning. He said with respect to a dog park he noted it is on to create a fund, and notes that both ordinances are emergencies and he cannot conceive what the emergency is. An emergency is something that prohibits the right of the people to express their opinion and the right of them to have a referendum. In his humble opinion it is inappropriate for everything to be passed by emergency until people look at petitions to change it. They only have 30 days as it is. In the case of a dog park, he suggests they don't have a fund until they know where the park will be and what it will be. He can support a dog park and can also oppose a dog park depending on what it is and where it is. He would hope they would first know something about it before they start collecting money for it.

He said with respects to zoning he understands there is one proposal before City Council as an action by the Planning Commission. He opined on the East Liberty project to put storage units in a negative during the Planning Commission. He thinks it is a poor use of the property and it is not the highest and best use of this property. It is not inviting as an entry to the city and they cannot consider everything east of the overpass to be the boondocks; it's the primary entrance to the city. He doesn't think the storage is a primary permitted use under the zoning ordinances. He isn't just talking containers, but storage period. He doesn't think they need anymore there because they have lots of places. There is a failing storage facility on Route 60. He said this is not the appropriate place for them. There are far better uses for this property; particularly when it is surrounded by park and densely populated residential area and business. It just doesn't make sense there. He is also concerned because this isn't the only thing he has heard. It's like they are doing spot zoning. If you are going to have zoning in the first place, it needs to make sense and it needs to be beneficial to the entire community. He will save his negative feelings on the transient matter for the committee meeting.

He said he provided Council with suggestions that he would like considered on the dog leash ordinance. He spoke at a previous meeting about the fact if anybody could define harbored affectively, so he suggested they change it to person in possession or control. He also suggests that they say, the premises or other premises by the permission of that owner. It shouldn't matter as long as it's private property and as long as the owner of the property allows a person in possession or control of a dog to be on their property as long as they are confined to that property. He also proposed that Council strike everything after the last comma, which is except when the dog is lawfully engaged in hunting and accompanied by the owner. Simply say they must be confined within the premises. It is that simple. He said if folks want to recreate, walk, play, or hunt and they are on their own property or somebody else's property that gives them permission, then it ought to be permitted. Where the concern should be, which is in Section 2 – is when they can be in contact in public with other people or other animals. This is where there have been incidents and problems. He also said, "confined or restrained when it is on or enters a public right of way (street or sidewalks), or property by a leash, tether, or secure enclosure to prevent the dog from approaching other persons or animals more than six feet from the owner, keeper, or person in possession on public rights of way. He suggested 10 feet in other circumstances, which might be a park. He suggested that council rewrite this legislation to be more precise and told them to remove the emergency clause. There have people who have come before Council who will object to this and if they want to have a vote, then let them.

Peter Bergos of 5835 Liberty Avenue personally said this leash stuff is a waste of time about a law that is already on the books. He came before Council a couple weeks ago to tell them he walks his dog who is trained, and he guesses he is a vicious dog, but his problem is not his dog going after people. It is people coming up to his dog wanting to pet and talk to him. There is already a law on the books for dogs and leashes and he doesn't know why Council is wasting their time going through all these motions. He understands there was only one person complaining about this. He ran an ad in the Photojournal urging people to have pets. He asked if anyone received a call from anybody. Nobody really freaking cares, this

## **Minutes of the Vermilion City Council Meeting**

**Monday, September 14, 2020**

is what this tells him! He wants to walk his dog without a leash, and he thinks this is his right and the dogs right. City Council represents everybody, not just a handful of people. Let him walk his dog without a leash, this is all he wants. If he bites somebody and gets hit from a car, then this is his responsibility – he has insurance on him. He said, "This is America man – I can't walk my dog without a leash!" An overdose person can tie up First Responders for hours and not get a freaking citation. He has more rights than he does walking his dog without a leash. He can get a ticket. He said he is probably going to be the first one that will get a ticket because he will walk him without a leash.

### **New Business:**

**S. Holovacs MOVED**, F. Loucka seconded to authorize the administration to seek proposals for property, fleet, and liability insurance. Roll Call Vote 6 YEAS. **MOTION CARRIED**.

**F. Loucka MOVED**, M. Stark seconded to authorize the administration to go out to bid for icebreaking. Roll Call Vote 6 YEAS. **MOTION CARRIED**.

**S. Holovacs MOVED**, E. Skahen seconded to authorize the administration to go out to bid for chemicals. Roll Call Vote 6 YEAS. **MOTION CARRIED**.

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

**Third Reading – Ordinance 2020-30:** AN ORDINANCE TO AMEND SECTION 618.01 ENTITLED "DOGS AND OTHER ANIMALS RUNNING AT LARGE, DANGEROUS AND VICIOUS DOGS" OF CHAPTER 618 ENTITLED "ANIMALS" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO AND DECLARING AN EMERGENCY.

**F. Loucka MOVED**, S. Holovacs seconded to adopt this ordinance by emergency. Discussion: E. Skahen believed there was more than one case this year with problems with dogs. Mayor Forthofer said there have been several cases with dogs not on leashes that were fighting other dogs and people. B. Brady said she wasn't crazy about some of the wording in the ordinance and said a lot of people are afraid of dogs and want to make sure that dog is in control of the owner. She said the harborer wording she isn't comfortable with and it would be nice to set a limit of distance for the use of leashes when the dog is under control. She feels the dog should be kept closer to the owner. F. Loucka said the ordinance doesn't have to be set in stone and they can have the law director and police department look at it. S. Herron said this ordinance is for the protection of the citizens and they do represent everybody. It's a serious matter to dog owners because it imposes statutory obligation on the part of the dog owner if any dog attacks or unfortunately could take a life of a person – you're looking at a pretty serious crime. If you're violating a misdemeanor and your dog kills or injures somebody, that's a felony. It's a very serious matter and it is there for a reason. He feels it is consistent with other cities that seek to protect their citizens. They have a lot of events that go on downtown that people bring their dogs to. He said he has never seen a problem and has seen dogs that are not leashed that are a problem. However, this isn't the point. The point is ultimately the protection of as many people as they can protect. He doesn't think it is an unreasonable ordinance. In fact, there are ordinances that are much stricter than this. He said it is for protection of the people and they are not taking any one's right. The dog doesn't have a right under the Constitution and there is nothing in the Constitution or the State or Federal Government that says you have a right to walk your dog or have a dog. This is imposing a responsibility on an owner who wants to have a dog. You have to control your dog. It is that simple. E. Skahen said after the fact is too late. It is better to prevent it rather than cause someone trauma being attacked by a dog or an owner having to facing the consequences of it. Just avoid it. M. Stark said she supports this ordinance and agrees with keeping a dog on a leash. She would not support saying a six-foot leash. In the ordinance it says they have to be under control with a leash. E. Skahen said if they don't want a dog approaching other people then how do they put this in the legislation. M. Stark said if you're approaching other people, then you need to have control of that dog. E. Skahen said somebody may not want somebody's dog coming up to them that close, so how do you avoid that. F. Loucka said under the ordinance it is basically the responsibility of the owner. It's hard to legislate every instance. This is just a step forward to make sure the dog is on a leash, rather than not on a leash. The bottom

line is that it is the owner's responsibility. S. Herron said he isn't in a hurry to pass legislation and said they can review additional changes as he respects other opinions. S. Holovacs said he has dogs and they walk them. They are labs that are not vicious – they will lick you to death. His neighbors have dogs and they go up to the fence and there is no barking. But if he is walking his dog three blocks over and his dogs see another dog – it's not the neighborhood dog and they both bark and there maybe a little tug. They are on a harness so they can control them. He said nobody knows whether a dog will attack – you don't know what sets them off, so he thinks there needs to be leashes for dogs. Not every dog is a bad dog and not every dog is a good dog either, but when you put two dogs together that don't know each other they could react a lot different. He said when you leave your property it is your responsibility to take control of your dog as he does on his. He didn't have a problem talking

## **Minutes of the Vermilion City Council Meeting**

**Monday, September 14, 2020**

about this matter again in committee. S. Herron agreed that not every dog is a bad dog. It's a question of protection.

H. Taft said he said he has seen three dogs being walked on three retractable leashes and other people walking with six feet leashes the other way and they have three dogs all over them. So, the ordinance as written does not prohibit this, so you're prohibiting the wrong thing in the first place.

F. Loucka/S. Holovacs withdrew their motion. **S. Herron MOVED**, S. Holovacs seconded to table the third reading and refer it to committee on September 21. Roll Call Vote 6 YEAS. **MOTION CARRIED**.

**Second Reading – Ordinance 2020-31:** AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO AN AGREEMENT FOR ASSISTANCE IN COMPILATION FOR THE BASIC FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) FOR A PERIOD OF THREE YEARS BEGINNING WITH THE PERIOD ENDING DECEMBER 31, 2020 FOR THE CITY OF VERMILION AND THE VERMILION PORT AUTHORITY AT A COST OF ELEVEN THOUSAND NINE HUNDRED DOLLARS (\$11,900.00) PER YEAR AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2020-32:** 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 6 YEAS. **MOTION CARRIED**.

**S. Holovacs MOVED**, F. Loucka seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED**.

**First Reading – Ordinance 2020-33:** AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,145,000 FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING (A) VARIOUS PURPOSE BONDS, SERIES 2010 DATED SEPTEMBER 30, 2010 AND (B) VARIOUS PURPOSE BONDS SERIES 2012 DATED SEPTEMBER 12, 2012, AND DECLARING AN EMERGENCY.

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

**M. Stark MOVED**, S. Holovacs seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS. **MOTION CARRIED**.

**First Reading – Ordinance 2020-34:** AN ORDINANCE ESTABLISHING FUND 234 "DOG PARK" AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2020-35:** AN ORDINANCE AMENDING SECTIONS 1270.01 THROUGH 1270.06, 1270.09 AND 1270.10 OF CHAPTER 1270 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO ENTITLED "DISTRICT REGULATIONS". (*Referred to Planning Commission meeting of October 7, 2020*)

**First Reading – Ordinance 2020-36:** AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE VERMILION CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

**First Reading – Resolution 2020R-13:** 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.

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

September 21, 2020 – Vermilion City Council Committee Meetings – 7:00 p.m.

September 28, 2020 – Vermilion City Council Meeting – 7:00 p.m.  
October 5, 2020 - Vermilion City Council Meeting – 7:00 p.m.  
October 12, 2020 – Columbus Day – City Offices Closed (No Meeting)  
October 19, 2020 - Vermilion City Council Committee Meetings – 7:00 p.m.  
October 26, 2020 – Public Hearing (Rezoning) – 6:00 p.m. followed immediately by Vermilion City Council 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*