

**LEGISLATIVE COMMITTEE MINUTES**

**OF APRIL 8, 2019**

Municipal Council of the City of Vermilion  
Municipal Complex, 685 Decatur Street, Vermilion, Ohio 44089

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

**Administration:**  
*Jim Forthofer, Mayor; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Tony Valerius, Service Director; Chris Hartung, Police Chief; Chris Stempowski, Fire Chief*

**Call to Order:**                    Monica Stark, Chairwoman, RESOLVED THAT this Legislative Committee comprised of the committee of the whole does now come to order.

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**TOPIC ONE:**                    **Review of Ordinance 2019-18 (Vacation Schedule)**

J. Gabriel explained that his reasoning behind reviewing the vacation schedule is because there is one vacation schedule in Chapter 252.01 of the codified ordinances for non-union employees, and there is also me-too language under the pay ordinance that follows all the benefits, so this is one aspect of conflicting ordinances on the books. He said they have talked about additional help in the building department and when they look at the big picture, all department staffing is running low and money is tight. He said when they have a generous vacation package and they are short-handed then these two things are at odds with each other. Therefore, he thought they should start setting a new schedule for new hires, so down the road they don't have these issues. He said the Mayor had asked that council provide a section in the ordinance that gives him the authority to negotiate vacation time to fill positions, but also would like council to remove the language where it states that certification is a qualifier, so it would be a position of technical requirements. He said council would have to approve this request according to the ordinance.

M. Stark said she would like to see council move forward with this ordinance as she agrees vacation is a wonderful thing and even the revision gives employees a lot of vacation, especially coming from a private sector as many only receive two weeks' vacation. She agreed the change in vacation should be for new hires only as she would never change this for current staff members because it wouldn't be right to take away vacation from staff members who were hired knowing they would be getting a certain thing. She said in moving forward with new hires, it maxes out at five weeks, which is comparable to surrounding cities. F. Loucka agreed with this change as well.

S. Herron disagreed for the sole reason the city needs to attract the best candidates they can for civil service work. He respects where the other members are coming from and understands five weeks is a long time, but employees must work a long time to get the five weeks. He feels the city needs to market themselves to be beneficial and desirable for somebody who wants to come into civil service work.

J. Gabriel didn't know if they officially amended the legislation to remove the qualifier language. G. Fisher said council had amended it to read this would be for employees hired on or after March 4, 2019, and existing employees would be grandfathered in. She said there was no official amendment made by council to remove the qualifier language. She said as it reads now, the Mayor has authority to negotiate the amount of vacation time available to fill a position of technical requirements where certification is a qualifier upon approval of the Vermilion City Council. J. Gabriel suggested taking out the language – where certification is a qualifier. Mayor Forthofer suggested making it for key positions rather than technical. G. Fisher suggested to Council to remove the position of technical requirements or key positions as it really doesn't define the position and years down the road when there are new council members or mayors, this language isn't clear on the exact position. She suggested it saying: The Mayor has authority to negotiate the amount of vacation time available to fill a position upon approval of the Vermilion City Council. City Council voiced their agreement to this suggestion.

C. Hartung said he along with Chrystal Deverick and Captain Graham are not union employees and he had brought up the conflict of whoever replaces him down the road who has accumulated more than five weeks, then takes a promotion to become Chief, would he be knocked down those two weeks. Therefore, this is something the Mayor could negotiate with council approval. M. Stark thought this would be covered because the Mayor would have the opportunity to bring it before Council for approval. T. Valerius said the Water Plant Superintendent and Wastewater Superintendent are non-union employees as well. J. Gabriel said if they're already an employee, then they would be grandfathered.

**M. Stark MOVED;** F. Loucka seconded to revise the paragraph to read: The Mayor has authority to negotiate the amount of vacation time available to fill a position upon approval of the Vermilion City Council. Roll Call Vote 5 YEAS; 1 ABSTENTION (Holovacs); 1 NAY (Herron). **MOTION CARRIED.**

**M. Stark MOVED;** J. Gabriel seconded to put Ordinance 2019-18 back on the Council agenda for a second reading. Roll Call Vote 5 YEAS; 1 ABSTENTION (Holovacs); 1 NAY (Herron). **MOTION CARRIED.**

**TOPIC TWO:           Boat Dockage (Amendment to Ordinance 86-41)**

F. Loucka conveyed Ordinance 87-41 prohibited perpendicular docking in the Vermilion Lagoons RL-1 District. He paraphrased what the Lagoons Waterways Committee indicated as follows: It is the consensus of the Waterways Committee and members of other committees and directors they spoke with that some modification of city code needs to be considered to recognize the change in boating practices over the last few decades, and they also need to maintain a non-commercial and residential nature of the Lagoons. Accordingly, we propose the following changes to be considered by the Directors, and if approved, then presented to the City Council for modifications.

(1) Jet skis and other personal watercraft up to 15' in length be permitted to dock perpendicular to the bulkhead. The 15' limitation would also apply to floating docks. The limit on total aggregate length of all watercraft stays in effect including personal watercraft docking perpendicular.

F. Loucka said the Vermilion Port Authority at their meeting of March 14, 2019 unanimously supported this revision and has suggested that City Council revise the ordinance. J. Gabriel said

he can't speak on this matter nor vote on it. B. Brady assumed if boats were on either side of the Lagoons and they're both perpendicular that there is plenty of room in between. F. Loucka said it's a maximum of 15'. B. Brady asked how wide is the Lagoons and F. Loucka said it's wide enough. J. Gabriel asked if this could go through another committee meeting to give residents the opportunity to provide input. S. Herron referred this matter to the May 13 Legislative meeting.

**M. Stark MOVED**; S. Herron seconded to prepare legislation for a first reading to amend Ordinance 86-41 as recommended by the Vermilion Port Authority, and to refer it to the May 13 Legislative meeting. Roll Call Vote 6 YEAS; 1 ABSTENTION (Gabriel). **MOTION CARRIED.**

**TOPIC THREE:      Declaring an Emergency (Legislation)**

J. Gabriel said this year the city played a lot of catch up and by the time they got their finances in order they were running to fill a lot of needs. Therefore, he would like them to slow the roll because in the last several weeks they approved a truck purchase, which the city was lucky to get their hands on. He would like to get to a normal pattern because they passed the truck purchase and Hollyview and Adams Street contracts on a first reading. He said this isn't criticism, but they've hit a point now where they can tap the brakes and get into a better routine as far as council meeting, committee meeting, council meeting, and final vote. He also would like certain legislation not to be passed on emergency, so it has another 30 days to give people the referendum time. He said this is one of the issues Homer Taft criticizes council for and there is legitimacy in it as they pass everything by declaring it an emergency. The state allows them to do this, but when it comes to taxation or things like introducing fines then he would like to see council let this legislation ride out.

B. Brady said this issue came up years ago and the city was good for a while, but gradually they faded back. S. Holovacs agreed but hoped Council would pass the Fire Station legislation this evening. M. Stark agreed they need to work on issues in a timely manner and allow legislation to go through the third readings. She understands things come up that are of emergency nature, but they need to make sure they are making the right decisions and allowing people the time to think about it.

**TOPIC FOUR:      Park Usage Fees (Parks Board Recommendation of 3/19/19)**

B. Holmes explained the Parks Board has reviewed park usage fees for quite some time and at their meeting of March 19 they approved to **not** charge a resident fee, but would appreciate a goodwill donation, and to approve charging a \$35 fee for non-residents, a commercial business fee for \$200 for the first day; \$125 for the second day in a row, and \$75 for the third day in a row, and non-profits will not incur any charges. All fees will go into effect for any events starting January 1, 2020. They figured this would roughly bring in around \$1,700 in revenue annually. He said in 2017 there were 74 non-profit requests for usage, 29 resident requests, and 7 commercial requests. He said a couple board members were against incorporating fees because they felt a levy was just passed and why would they go after residents again for fees. They suggested to get rid of the resident fee and charge a non-resident fee. He said the board discussed ways to post the fact that the shelters are reserved. He noted that other park systems do charge a minimal fee, which helps with the overall maintenance of shelters, grills, etc. He said even residents are charged in other communities.

Mayor Forthofer pointed out there is less general fund money available to the Parks and Recreation Board; although they're getting more from their levy. He thinks the fees are motivated, so they can exist independently on their own without help from the general fund. He said it cost money to prep these parks and he thought this was a good first step.

F. Loucka MOVED; B. Holmes seconded to prepare legislation to enact park usage fees as recommended by the Parks & Recreation Board at their meeting of March 19, 2019. Roll Call Vote 7 YEAS. MOTION CARRIED.

M. Stark adjourned the meeting after no further business was discussed.

Next meeting: May 13, 2019 - 7pm - Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH

Gwen Fisher, Certified Municipal Clerk (CMC)