

LEGISLATIVE COMMITTEE MINUTES
OF FEBRUARY 5, 2018

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; Brian Holmes, Ward Five.

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

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

TOPIC ONE: **Peddlers, Canvassers, & Solicitors**

F. Loucka referred to draft legislation that updates the city's code on peddlers, canvassers, and solicitors. He referred to an email of January 25, noting Chief Hartung's comments on his in-depth review of the proposed ordinance. He addressed the first comment referring to section 860.03 (5) to expand the previous places of residences as the proposed ordinance addresses the preceding year, and the Chief recommended at the least to have this for the past five years. Chief Hartung said door to door salesman have a tendency to have a transient nature, so one year of history doesn't provide them with enough information sometimes, so that is why he suggested at least five years.

F. Loucka referred to the Chief's second proposed amendment to section 860.03 (f) as it could run into First Amendment case law issues regarding fingerprinting. He felt best to refer this section to the law director for his review and opinion on the issue. S. Herron asked if sex offenders are automatically barred from engaging in going door to door. Chief Hartung said no.

F. Loucka referred to section 860.03 (c) as the Chief questioned what constitutes a clear and present danger? Past convictions; are convictions needed? This section has resulted in many conversations with the law director of Amherst (OVI's can disqualify, but disorderly conduct isn't enough. Felony convictions count but what about charges pled down. The suggestion was to have the law director look at this section for his opinion.

J. Gabriel addressed section 860.02 (c) where no license shall be required for any individual who acts as a peddler or solicitor on behalf or for any recognized religious or charitable not for profit organization, but in section 860.04 it is dedicated to licensing such a person. He feels like it is a circular reference. Chief Hartung said they still have to register on behalf of their organization.

J. Gabriel addressed section 860.02 (6) as it states: where a minor under the age of 18 who is a resident of the city. He would add not for profit.

Also, Chief Hartung addressed in his email the appeal process and who they can appeal their decision to. This was referred to the law director as well.

In addition, section 860.08 refers to excess noise but Chapter 634.155 (Sound Amplification Devices) already covers this, so the Chief felt they could eliminate this section.

The clerk was directed to send this draft legislation to the law director for his review and to provide his comments on the proposed changes as stated above.

TOPIC TWO: Review of Chapter 1080.08 Deposits and Proceeds of Collections

1080.08 DEPOSIT AND PROCEEDS OF COLLECTIONS.

- (a) All proceeds from storm drainage utility charges and other collections made pursuant to the provisions of this chapter shall be deposited in the account of the Division of Stormwater Management Utility and are deemed to be payment for use of the storm drainage system. Proceeds from this account can be used for stormwater studies, catch basin repairs, ditch cleaning, pipe repair, repair of existing storm sewers, drainage areas and easement acquisitions. It is hereby designated that the intent of the utility is to provide for long-term maintenance and improvement of the stormwater sewer systems of the community. A maximum of the first one hundred thousand dollars (\$100,000) collected each year will be directed to debt reduction for capital projects for stormwater drainage improvements. This will include renovation and installation of stormwater sewer systems.

S. Herron reported the Stormwater Advisory Committee made a recommendation to the Vermilion City Council on November 20, 2017, to change the maximum of the first one hundred thousand dollars (\$100,000) collected each year to two hundred thousand dollars (\$200,000). However, the stormwater committee reviewed this again on February 5, and Councilman Gabriel had suggested to the committee to possibly change this to a percentage, so after discussion the stormwater committee made a motion to amend the recommendation to 40% collected each year. S. Herron said they can go up to 40% depending on the numbers, but questioned if it should be based on the previous year's total. J. Gabriel said of 'known income' would be the wording he would use.

M. Stark asked the finance director if she was comfortable with council using the wording of 40% of known income. Amy Hendricks said it might be better to say the previous year; that way it would set a benchmark as 'known' could be interpreted in different ways.

F. Loucka MOVED; S. Herron seconded to amend Chapter 1080.08 (a) to read: A maximum of forty percent (40%) of the income collected based on the previous year will be directed to debt reduction for capital projects for stormwater drainage improvements. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Next meeting: March 12, 2018 @ 7pm – Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH

Gwen Fisher, Certified Municipal Clerk (CMC)