

**LEGISLATIVE COMMITTEE MINUTES**

**OF JANUARY 14, 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; Brian Holmes, Ward Five; Gwen Fisher, Certified Municipal Clerk*

**Administration:**  
*Jim Forthofer, Mayor; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Tony Valerius, Service Director; Chris Hartung, Police 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 2019-2 (Parks Maintenance Worker)**

T. Parker, Chairman of the Parks & Recreation Board acknowledged Amy Hendrick's tremendous help as they move into a different financial reality and for getting them to a point where they are dealing with real numbers as it's been very helpful knowing what they must spend. He said regarding Ordinance 2019-2 and because 90% of their expenses will be funded out of the new Parks Operation Levy, they needed to create this position to hire and pay their employee. They only have one full-time employee and he is not quite full-time, but he's experienced, he knows their equipment and facilities, and he's a valuable hard-working employee. They sought advice from the law department and the administration and this was the best way to create this position to retain this employee. The position is created by the Parks Board; it's an appointed position – not a hire position. It's appointed and classified as noncompetitive and unclassified. They have submitted the job description to council along with the ordinance. He said they were advised an ordinance was the best way to go about this.

B. Brady asked if this position would be a non-administrative person, so he's not exempt and would be eligible for overtime. G. Fisher said non-union doesn't receive overtime and this person would have to stay within his 40 hours. B. Brady said if he goes over the 40 hours then he would have to be paid overtime. G. Fisher asked the finance director if non-union employees get overtime. Amy Hendricks said if an employee works over 40 hours it's a federal law that you pay overtime. G. Fisher said the intent as presented to her is that they are not going to authorize over 40 hours.

B. Brady said she noticed from the first draft of the ordinance they changed the pay schedule from \$18 per hour to a range of \$14 to \$18 per hour. T. Parker said the idea of a range is if they had to hire another employee they would have a range in place and wouldn't have to come back with another ordinance. B. Brady asked if this employee will start at \$18 per hour and T. Parker said this is the boards intention. B. Brady asked if this position will be eligible for raises, longevity, etc., that the non-union employees get. T. Parker thought this would be subject to the parks board since they are being paid out of the Parks Operating Levy and not the General Fund. G. Fisher clarified that in the ordinance it does state that this position is entitled to the same

benefits accorded to all other non-classified regular full-time employees of the City, so she believes it would include longevity. B. Brady said she just wanted the parks board to be aware that according to this ordinance this position would receive raises, longevity and those types of thing every year so they need to know their total costs. S. Holovacs said basically it's a non-union employee that follows the Local 860 for raises and other benefits, and they follow the Ohio Patrolman for health insurance, so if he's an hourly employee than this is what he will fall under when it comes to his benefits. B. Brady said the Recreation Director is paid by ordinance and he doesn't benefit from the raises and such, so this could be another possibility to set this salary by ordinance instead of incorporating the statement of following the non-union. T. Parker said the ordinance comes before them every year for the Recreation Director's compensation and the Parks Board makes a recommendation to the administration. B. Brady asked if this would be a better choice than including the line in the ordinance stating this position is entitled to the same benefits accorded to all other non-classified full-time employees. T. Valerius said the Recreation Director is a part-time employee. B. Brady said the mayor's salary is established by ordinance too, so this wouldn't be an unusual thing as opposed to including it with everybody else. She said it's the Parks Board call, but have they done a budget, so they know what they have. T. Parker said they know what they have. G. Fisher said there is going to be more discussion on this position at the Parks meeting on January 15. She said this ordinance won't have a third reading until January 28. T. Parker said they only have two employees and one is very part-time right now, so they have the room to be able to do this. They have picked Amy's brain on what it's going to cost them to do this, but there might be some wisdom in considering the possibility of setting it by ordinance every year.

M. Stark asked the Parks Board to present any changes to council prior to the third reading of the ordinance on January 28.

**TOPIC TWO: Food Trucks (Review of Ordinance 2018-63)**

J. Gabriel provided council with a revised version of the ordinance from agreed upon discussions at the last committee meeting by which they were going to strike background checks and by opening it up to the entire commercial strip. However, residential folks can still have parties if they are not setting up sales to the public in their driveway. They also tweaked the once a month restriction by stating that a Mobile Food Unit on municipal property or property zoned other than B1, B3 or B4 is only permitted to operate in the City once per thirty (30) days. If part of a parks permitted festival or event, once per thirty (30) days to not exceed three (3) consecutive days. They took out some of the fire language as it was redundant in several areas, so they are requiring them to have a safety fire inspection, food license, and insurance. He said in the City's zoning there's no place for portable food unit sales, so unless they change all their zoning codes, the easier way is saying the property owner must go to the first Planning Commission meeting of the year to get conditional use approval. If you have egress/ingress or there is a building with functioning water, sewer, and garbage pickup then you pretty much will get conditional use and then after that the food truck can go to the building department to obtain their food permit. He included a flow chart that gives them the natural pattern if you were the property owner.

S. Herron pointed out that under Section 872.04 (a) (3) the permit fee needed to be established. G. Fisher said council already made a motion at the December Legislative meeting to change the fee to \$225.00. S. Herron thought personally it was high but if they already made the motion they will go with it.

Mayor Forthofer said the administration had some concerns on being able to enforce whatever council came up with, so J. Gabriel met with them to hash out these concerns, and he hoped they would have amnesty the first year in trying to enforce this ordinance. Secondly, one thing that concerns him about going to Planning Commission, is that the Planning Commission now only meets once a month, so they were going to pull the records of all the people who requested a food truck last year and mail this ahead of time to let them know to come to a set Planning Commission meeting, and possibly adding one more meeting in the spring to make sure these people haven't been inconvenienced by missing a date.

B. Brady asked if they are banning food trucks in the B-2 zoning district and J. Gabriel said in the Harbour Town they are only on private property. Public property is part of events, but there is no parking. B. Brady said they could park on the street. J. Gabriel said if they follow procedure and if they are following the one-day exclusion. B. Brady said she could run into a problem with 'Third Thursday' that she could have food trucks. J. Gabriel said if she is the event organizer and permits them then yes. B. Brady asked if she would get that choice and J. Gabriel believed she would, but she would need to work that out with the administration or come up with language on how she would tackle that one.

B. Brady asked if they eliminated the pedi-food carts. J. Gabriel said they will fall under the existing transient vendor license. B. Brady said they eliminated the background checks, but under Section 872.05 (6) it addresses background checks. It was noted to remove this sentence when making the final revisions. B. Brady said because this is a lot of time by the administration and the Planning Commission, she thinks there should be some upfront costs; not just the \$225.00. If she applied for a permit, then she thinks she should include a check for \$25.00 or \$50.00 to cover the costs of the administration processing her permit, and a check for the \$225.00. She said she then could get the \$225.00 back if the permit isn't approved. J. Gabriel said there is a conditional use fee already, so that property owner will have to bare that expense if they to collect rent from food trucks.

B. Brady asked if they must reserve a municipal spot or can somebody just pull into that spot once they obtain a permit. J. Gabriel said the intention is for the building department with the mayor's oversight to determine whether it's a busy weekend, as they might not get permission to use public lands whatsoever. In some regard, they must turn some of those determinations over to the administration who will be administering this program, so it's really at their discretion. It should also be specified in the permit as to where they will be allowed to setup prior to just coming into town and parking.

M. Stark addressed Section 872.04 (6) as it says the Mayor shall be vested with the power to waive fees, so does this mean waiving fees for the festivals and J. Gabriel concurred.

F. Loucka congratulated J. Gabriel for doing so much work and taking leadership on this ordinance and the application process.

**M. Stark MOVED**; S. Herron seconded to put this back on the agenda as revised for a third reading at the next council meeting. Roll Call Vote 7 YEAS. **MOTION CARRIED**.

**TOPIC THREE:      Review of Vacation Rental Draft Legislation**

J. Gabriel conveyed that Erie County is going to start a tax program as far as Airbnb's and that type of operation, so the City needs to amend some legislation, so they can bring that money back into Vermilion. He said they also talked about various ways of incorporating safety into that industry. Right now, you can rent whatever you want, and nobody even knows how safe it is. They have received complaints from neighborhoods, so they looked at other communities who have lengthy legislation. Therefore, he introduced a single page of legislation that states a license is required and to allow the City to make sure it's safe from fire hazards or building code violations where somebody could get hurt. The legislation also states that if you become a public nuisance, then the city can revoke a permit.

S. Herron appreciated J. Gabriel's work and effort put forth into this legislation. He stated he has a philosophy of being a little more aggressive on what this is. He looks at it from a perspective that it puts some teeth into making sure a building is safe and enforcing the nuisance issue. He said a violation of this is a fourth-degree misdemeanor, which means it's jailable. If you don't comply a suspended sentence can be put over your head in an event of a conviction and the court can incarcerate you if you're not following this. The reality is that the city cannot afford or have the person power to enforce some of the things that go on in some of the other city ordinances. He said if they continue to see problems, then they can certainly revise the ordinance later.

B. Brady said since this is rental property wouldn't they need to go the Planning Commission to get a conditional use. J. Gabriel wasn't sure they needed to as it seems to be a grey area because they have all kind of rentals over the 21-day mark that don't have to get conditional use approval. B. Brady didn't think it was unreasonable to get conditional use approval. Throughout the discussion it was found that Section 873.03 does state that conditional use approval is required from the Vermilion Planning Commission. S. Herron said since they would be changing their zoning law, then he would think they would need an opinion from the law director because if you're applying that change in use or change in property retroactively then you might have a problem. He said if you have a person that owns a piece of property and has been renting and they make somebody change a zoning law to a property law it could be a problem. He thought they should just enforce what they are doing with their property right now rather than posing a burden that might not be constitutional. If you change zoning you're affecting people's existing use of their property. If it was okay under the old zoning law than it's being grandfathered in basically. F. Loucka said nothing is etched in stone and if council needs to revise the ordinance down the road they can. However, he thought this was a good start to try to corral some of these rentals.

Patty of Edgewater Drive had a concern with a residence not having the zoning for it. They are paying taxes based on a land code use that is saying they are using it as an apartment, when they in fact are using it as hotel, and they are not paying taxes based on that. She said they have a 401 for apartments and a 411 for hotel/motel, so how can a property owner switch their zoning on their own. These are why land use codes were designed.

S. Herron said if the property owner is using that property lawfully now, then changing that burden by ordinance could be a problem with respect to applying it retroactively. The way it is written now, it lessens the burden on the administration and allows the administration to find out who is doing it and do an inspection to make sure everything is safe. If there is a violation, then it's addressed pursuant to code. In America, land use is very much protected and if it's legal

at a certain time it's difficult to change it. You can make zoning laws, but people that were doing something before whether they like it or not, many times that remains lawful for them.

B. Brady asked if the property owner must have their personal residential address or their business address on the permit. J. Gabriel said this is a two-piece ordinance. This ordinance is just the inspection aspect and the other ordinance has to do with the taxation. This is an ordinance they will address because of what Erie County's actions are, so they are going to include the City's language locally, so they can bring the Erie County tax dollars back to Vermilion. Therefore, these places will have to register with Erie County and the City according to the law. Once the City is notified then they can be inspected for fire/safety and at that point there are peace and disturbance clauses in the ordinance that states if you have an operation and it creates a general disturbance then that license can be revoked and subject to fines and potential jail time.

M. Stark asked T. Valerius if he had a chance to review the proposed ordinance and asked if the building department can make these inspections or would this be too much of a constraint on them. T. Valerius thought it was doable because they will do a basic safety inspection on their smoke detectors, co detectors, and GFI's in the wet areas, handrails/bannisters, and no bare wires. They will create a checklist that will be marked off and if things need fixed they need to come back to the building department if they want a permit.

M. Stark addressed the license fee in Section 873.03 that needs to be determined by council. B. Brady suggested \$200. A. Hendricks thought a surrounding community incorporated an \$150 fee. F. Loucka said they need to think about the time the city is going to take doing the inspections, so he would think at least a minimum of \$100.

Homer Taft of 3972 Edgewater Drive had great concern of the direction in discussing this because he thought they could be getting close to walking on property rights. He complimented Councilman Gabriel's concentration on safety and nuisance. He hasn't heard the complaints that Council has heard, but he has heard that if somebody was a nuisance and violating a noise ordinance then the city should enforce the ordinance. If they are having a drunken party in the yard then enforce the ordinances, but don't prohibit them from renting. He said council is trying to sweep in taxes from Erie County, but most of the structures are in Lorain County, so what will the city do about that. When you start talking about Airbnb, some people may want to rent their house for one weekend in the summer time to enjoy Vermilion. He said the City needs to ask themselves what is wrong with that because it brings in people and economic activity. He said they also need to look at the experience of Sandusky because they had attempted to regulate transient; anything less than 30-day rental on the entire Chaussee. There was a tremendous fight over it and a threat of lawsuits. He didn't hear the outcome of it and S. Herron noted it was thrown out. H. Taft felt the city was trying to walk into a morass they didn't want to be in the middle of, so he encouraged council to keep it simple by talking about safety and nuisance as those are legitimate concerns.

Dave Hoffman said he is out of the rental business in the City, but he has 15 rentals outside of town. He said his wife counted 68 rentals in the City and the rental tax they are forced to charge is now 14%, so you have 7% for the fed and the rest of it gets distributed amongst the township and the county. He said it's been an interesting competition as his competition in town has no tax and he is getting paid 14% outside of town, and how money is getting lost that people don't declare as income. He asked how much revenue the City is passing up when they

are talking about needing more money. What is it going to take to administer this; probably not a lot if the City starts finding the people and sending them a bill. He said if they find out somebody is watching then the City should get a decent revenue stream. The revenue stream must grow because the business will grow rather than decline.

Amy Hendricks explained that when she visited with the Erie County Auditor's office about this process and their administration of the program she asked these questions because they do have the portion of rentals that are in Lorain County. Erie County assured her that anything within the limits of Vermilion, they would collect and enforce that tax the same whether you're on the Erie County side or the Lorain County side.

S. Herron said with respect to the noise ordinance, the citizens who have called him are concerned with things that are going on that don't make a lot of noise, and its criminal activity. He said nothing good happens after 11:00 pm, so it's more than enforcing the laws that are on the books. He agrees that anytime you start screwing around with property use it's a big deal, and it should be. He thought this ordinance had a good balance. J. Gabriel emphasized that this part of the ordinance is not about money. It's only because the county started this that they are discussing this, but since they must amend it anyway they might as well look on the safety aspect. This gives people who are visiting Vermilion the chance that they are not going to get carbon monoxide poisoning or injured. He recommended they provide a checklist to all property owners ahead of time. He didn't think it would be a big deal.

M. Stark said she noticed in Section 873.03 that 'conditional use' approval is required from the Vermilion Planning Commission. J. Gabriel said that language was in there at one point but didn't think it was necessary. G. Fisher said council can make a motion as to whether they want this language in the ordinance or not.

**S. Herron MOVED;** S. Holovacs seconded to remove the conditional use approval from the Planning Commission from Section 873.03 of the proposed ordinance. Roll Call Vote 6 YEAS; 1 NAY (Brady). **MOTION CARRIED.**

**S. Herron MOVED;** F. Loucka seconded to establish the license fee as \$100 as written in Section 873.03. Discussion: F. Loucka said they can always review what the costs will be to the city and adjust it up if more time is involved. M. Stark agreed they can always revise the ordinance as they deem fit. G. Fisher suggested having the Service Director review the fee and come back with a change if necessary prior to the adoption of the ordinance. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

Patty from Edgewater provided council with several handouts pertaining to San Francisco's short-term residential rental registration application and guide, and an application for hotel/motel license through the Ohio Department of Commerce, and a Certificate of Authority Application to Collect Transient Occupancy Tax. She conveyed that San Francisco went to court with Airbnb for two years to clarify what they wanted to do, and this is the information they came up with and some of these things need to be discussed within council. She feels health and safety is important and when they have continued criminal activity and you can't call because it's only suspicion what can they do. She said people put black bags over windows, so you can't see in. Chief Hartung asked her to come speak with him so he can address this question and offer suggestions. Patty said three people were shot and killed at an Airbnb in Cleveland on New Year's Eve and a woman was murdered in Costa Rica at an Airbnb. These are

all multi-unit dwellings; not single-family homes that are being compared to one room where you can limit it to two people. She said San Francisco says that if you have a multi-dwelling unit you cannot rent out any other unit than the one you're living in. She isn't trying to come from the fear-factor fact, but there is health and safety that is a little bit more concerning. She didn't think they should open more portals for the drug traffic to happen because it's a big concern.

M. Stark thanked her for giving council documents to review and conveyed that council will put legislation on the agenda for a first reading and will refer it back to committee for additional review. She said ordinances can always be revised if needed.

S. Herron told Patty that what she is going through is not acceptable but as a legislator he must personally look at what the administration can do. He is familiar with the San Francisco matter and what is happening in the neighborhoods is awful and he isn't sure they can solve all these problems, but he does think they need to get this legislation going and if it isn't working then they can revisit it.

Patty asked the finance director if they are receiving documentation from Airbnb of what these people are supposed to be paying; these are credit card web-based payments. A. Hendricks said because of the confidentiality of the business returns the city only has access to who is registered.

**S. Herron MOVED**; F. Loucka seconded to prepare legislation in final form for a first reading for the January 28, 2019 council meeting. Roll Call Vote 7 YEAS. **MOTION CARRIED**.

TOPIC FOUR: **Review of Resolution 2019R-2 (Sidewalk Program) & Ordinance 2019-3 (Establish Master Sidewalk Program Fund)**

F. Loucka read into the record a letter dated January 7, 2019 that was submitted to City Council from Dave Hoffman of Liberty Auto Wash which is attached hereto and incorporated herein as the official record. He said with regards to D. Hoffman's comments in item 5, presently the city engineer is in contact with ODOT regarding the requirements for a safety barricade along both sides of the railroad overpass, and regarding item 4, the vacant lot that is just west of the bridge has been deleted from the Sidewalk Program.

F. Loucka conveyed with regards to Resolution 2019R-2 that this is a follow up to the original pedestrian access project along the expanding business district. Discussions originally started at the July 2018 Streets, Buildings and Grounds Committee meeting. This resolution is the enabling legislation for a limited scope sidewalk pedestrian access project along the portion of the south side of the Liberty Avenue business district extending from Vermilion Road up to 4185 Liberty Avenue. However, the large vacant lot just west of the railroad overpass is not included in the project at this time. Presently, there are 35 parcels along this stretch of Liberty Avenue and 8 presently have sidewalks, and 27 do not. Six of them are in Erie County and 21 parcels are in Lorain County. As passed discussions included, Section 3 of the resolution waives building permit fees since it's a city-initiated project. Section 4 notes the deadline of installation before May 1, 2020, subject to comments posed by council. He asked council if they felt this deadline was sufficient. He said this would give property owners a total time of 14 months, minus the five winter months for installation.

He explained that Ordinance 2019-4 establishes a fund for this sidewalk program because there is a 25' right of way by South Shore Apartments that the city would be responsible for. Also, if

some property owners would not have the sidewalk installed by the deadline, there would need to be a fund for people to pay the money to because the work would be contracted out and assessed.

B. Holmes said the bridge over the railroad tracks was made wider for pedestrians. F. Loucka said there are ODOT requirements that would require something more than what's there. C. Howard said the concern is the speed as he wouldn't want his children walking across this bridge, so he is talking with ODOT on what options the city would have in protecting pedestrians.

J. Gabriel said if they can't make this bridge pedestrian friendly, then they wouldn't take the sidewalk much beyond there or put it on the Car Wash property to encourage people to walk along the train tracks to hit that sidewalk. F. Loucka said that portion has been deleted from the project. J. Gabriel understands it was the vacant lot, but he thinks sidewalks on the Car Wash property would encourage people to cross under there. B. Holmes said there is a point on Berkeley where the sidewalks just stop and for years he has questioned why it stops at the YMCA and people walking in the road. B. Brady said equalization money paid for those sidewalks on Berkeley and when they looked at Berkeley it would be tough to proceed any further with sidewalks because of the lack of width on the north side and the south side is the railroad tracks.

M. Stark said with living on that side of town there are people walking that bridge all the time and a lot of times in dark-colored clothing. She said her girls like to ride their bike up town in the summer so how do they do that; you either go to Overlook where there are no sidewalks, or you go up over the bridge, or under the overpass, so there's no good access on that side of town.

F. Loucka said his long-term dream would be to have sidewalks along Route 6 in the city limits, and this is a very limited scope project. The mayor has also communicated a similar idea of creating mini-corridors in certain areas which will be discussed at the next streets meeting. He said they want to be a progressive community and encourage the building of the business district as they expand east because pedestrian access is very important. In the areas of the South Street Plaza there are people walking with baby carriages trying to get through ditches and grass. If they want to be a progressive city than they need to do something, but it's up to council on how they want to limit the scope.

B. Holmes asked the mayor on the status of the Bridge to Bridge project. Mayor Forthofer said they did spot applications this past year and they are ready to go ahead with any additional situation where it's created. What they need is green space and a lot of times sidewalks help define green space, so that's the type of situation they are looking for. He said this is still an active program.

Mayor Forthofer asked with regards to section 2 of the ordinance if sidewalks can be required by the city and if the property owner does not install them, the city will install them at the property owners expense. He asked if this applies to just this section of town. F. Loucka said the current sidewalk ordinance covers this and they are restating it for this sidewalk project in the ordinance.

Homer Taft of 3962 Edgewater Drive made council briefly aware that he has written them all a letter along with the administration that touches on another suggestion which he would like to have the opportunity to speak with council about later.

J. Gabriel said they have a big shopping area and restaurants that have no sidewalks in that area as well to the Post Office. He said there are apartments on both sides of the road, so that is a natural pathway, but if they can't get protection for people going over the bridge, he would then be very reluctant to take it beyond Drug Mart. He didn't think they would want to encourage people to find their own pathway to the end of that sidewalk. He thought the remaining areas make sense, but he thought they should figure out what they can do with the bridge first before proceeding in this area. B. Brady agreed that stopping at Berkley makes sense. F. Loucka said council could always make a motion to delete 4185 Liberty from the project, but he thinks they need to start somewhere.

Dave Hoffman appreciated Mr. Loucka reading his letter into the record. He said the city permitted him from putting sidewalks in because it was a sidewalk to nowhere and primarily representing the city, it was a safety issue of not wanting to encourage people to walk towards the bridge, so he complied. He said there are very few people walking on the bridge, but it does happen. Most of the walking traffic goes from the old Liberty Ford past the post office when they're moving vehicles. The traffic coming from the old Napa Building east is almost non-existent, except for a few people that do walk over the bridge and a few people that ride a bicycle, but they ride them on the road. The original plan as explained to him is that they wanted to stop the traffic somewhere around the old Napa building and force it to go across the road to Drug Mart and then follow the Berkley sidewalk around.

F. Loucka asked council if the deadline of May 1, 2020 to install sidewalks seemed fair. It would give them spring, summer and fall in 2019, and then spring of 2020. S. Holovacs said the property owners should have the ability to come to the building department if they are running out of time to ask for a little extension. F. Loucka asked the service director if this was acceptable and he concurred.

**F. Loucka MOVED**; S. Herron seconded to delete 4185 Liberty from the sidewalk project. Roll Call Vote 6 YEAS; 1 NAY (Stark). **MOTION CARRIED**.

**TOPIC FIVE:           Review of Building Permit Procedures/Inspection**

S. Holovacs said over the last couple weeks council has had some discussion and 'Open to the Audience' and public records requests from Thomas Chufar on building permits and follow ups to inspections. He said the city has building permits for things such as a roof, or for building and zoning (shed or deck). He said anything under 6' you need a zoning permit for because you're looking at the property line. He said they all fall under building permits and he would like to see every building permit receive an inspection. All building permits are good for six months and after six months the city loses all rights to go on that property without going to the homeowner to ask them to inspect it. So, they have a six-month window from the time it's issued until the time that the work shall be complete. If they city can't do this in six months, then shame on them. He said the building department issues permits and don't follow up, which is wrong. He said there is a lot of building being done without permits and when you legally can get in somebody's back yard you can see a lot of other back yards. This gives the city more of an opportunity to make sure everybody is following the rules and getting permits in this city. If the

city doesn't do inspections, they are going to end up with some problems down the road. He said they need to make sure what people are paying for is what they are doing.

S. Herron asked if he was proposing to change the ordinance to require the city to follow up with inspections. S. Holovacs wasn't sure how the current ordinance reads, and S. Herron said the ordinance says the city has an option. S. Herron said they are not permitted really to go into private property and destroy something, but what can they do.

J. Gabriel said if you apply for a permit and you build something that's out of whack then you get cited. The city might not have the ability to tear something down without going to court, but the city code certainly calls for penalty aspects of it. He likes the idea and they need to be sure the building department has the resources to do it.

T. Valerius said currently on all zoning and buildings permits that are issued it states at the bottom of the permit that the homeowner is responsible for calling in for inspections. They really didn't have a way in tracking this until just recently the building department got new software and a permit will not close until the building inspector writes off on that permit, and at that time it's the only time that the permit will close out. They can set the software up where a month prior they can have it give notification that the permit is going to expire within a month. At that time, the building department can determine whether an inspection has been done.

S. Holovacs said after six months if a city employee from the building department walks on somebody's property that doesn't have a permit than it's considered trespassing. He said the city can see more as the project is progressing rather than waiting till the end of the project, but if it expires the city has no business there.

Thomas Chufar of 4373 Edgewater Drive thanked S. Holovacs for addressing this issue and bringing it forward. He said obviously there are many issues of problems with permits and inspections. He thinks everyone can agree they have seen and heard many of these issues. It's not just in Vermilion alone but looking at the city's paperwork from the beginning there are two signatures required; one is the property owner and the guy doing the work. This is a sworn attestation that this information is full, accurate and correct. Go to the dictionary and look at those terms and read what those meanings are. That means it's true. Truth does matter and it's not arbitrary. Signatures matter. The burden of proof of taking care of that property is up to the homeowner first and the builder second. The building department can't do the work, but if they go out and see that it's wrong, then the correction lies with the burden of the builder through the homeowner. The city is not liable, but the city does have the tool to say that if you're not doing it correctly, fix it or remove it! He believes there is something in the Ohio Revised Code about that. People who don't do the work right that are not in accordance with what they attested to then it's a falsity. He said number one the permit gets revoked, and if it's not proper than get it out, or fix it, or put it where you say it's going to be. That's fact, that truth! He isn't saying anything wrong or fowl; he's not trying to say anything that's hidden but putting it out there. Do it right or don't do it at all. He said they all need to know their costs.

S. Holovacs said if the building department has a new system and will follow up on every permit and inspect them, then he doesn't have a problem. He thinks it's an obligation by the city to follow up.

The clerk was directed to pull the building permit legislation for council's review as this matter will be on the next Legislative meeting in February.

**TOPIC SIX:           Review of Ordinance 2019-4 (Credit Card Policy)**

Amy Hendricks said there was legislation enacted on November 1, 2018 that requires political subdivisions to have a credit card policy in place. The administration has been working on developing some administrative guidelines and once they heard about this law they slowed down on the policy to make sure they were doing it in accordance with the law. She said the policy was drafted by the law department for their municipal clients. Some key items relating to Vermilion is the definition of a credit card account. Their fleet cards remain in the possession of the person operating the vehicle. She said the city has Mastercard's that are issued by the Speedway organization. The Fiscal Officer may suspend any extension of credit for failure to follow this policy. The credit cards are locked down to only be used for fuel and oil, and those types of things. In addition, they have credit limits that apply. As an administrative guideline, if there is a new vehicle acquired then there is an application process that comes from the supervisor in that department and the service director must approve the card to be issued. Then the person must sign off on a list of rules. For example, they hired a new person for the streets department and before he can use the fleet card, they are asking the person's supervisor to provide the names of the places this person is authorized to charge at, which will be approved through the administrative process. Once the policy is adopted the city will have each person having access to a card sign off on the policy. She mentioned the policy states that someone must be an employee or an officer of the city to use the card. They had a few cases where volunteers used the cards, so they will eliminate this. She thought the policy was user-friendly and written in a way where people can understand it and know what's expected of them.

S. Holovacs thought if they received the receipts in a timely manner the finance department can keep track of everything better. B. Holmes asked if there is a disciplinary process for the employees. A. Hendricks said yes.

**TOPIC SEVEN:       Lease Agreement for Police Vehicles (Discussion only)**

Amy Hendricks conveyed she sent some requests out for some additional quotes for leases for the police vehicles but hasn't received responses to date. G. Fisher advised council that once she gets the lease information from the finance director she would prepare the necessary legislation. If it comes prior to the next council meeting, she will put it on the agenda for a first reading on January 28.

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

Next meeting: February 11, 2019 - 7pm – Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH

Gwen Fisher, Certified Municipal Clerk (CMC)