

LEGISLATIVE COMMITTEE MINUTES

OF JUNE 11, 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 Holoavacs, Ward Three; Barb Brady, Ward Four. Absent: Brian Holmes, Ward Five.

Administration:
Jim Forthofer, Mayor; Chris Howard, City Engineer; 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: **Chapter 1042.05 – Stormwater Infiltration (Draft Legislation)**

C. Howard explained council received a revision of Section 1042.05 entitled “Use of Public Sewers” which states the owner of a building discharging to the City sanitary sewer shall be responsible for their sanitary lateral from the City right-of-way to the building. The city’s responsibility is from the main line to the right-of-way.

B. Brady agreed with this, but thought at one time the city didn’t have the right to check the laterals by going on private property. C. Howard said this was an issue years ago when they were doing the VOL sewers. He believes now with technology they can launch from the main line to verify where the leaks are. S. Holoavacs said this will clean up the ordinance on how this situation will be handled.

F. Loucka MOVED; S. Herron seconded to authorize the preparation of legislation to amend Chapter 1042.05 entitled “Use of Public Sewers”. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

TOPIC TWO: **Food Trucks**

Mayor Forthofer said they have received many requests about food trucks this year, so he had asked the service director to look into what they currently have on the books. He noted council received sample legislation on food trucks and trailers of which the administration would like council input on. He said in the draft legislation it states that food trucks may not conduct sales when parked on a public street or on public property unless approved for a City sponsored event, and food trucks shall be removed from the location at the close of business and shall not be parked at the location overnight. G. Fisher noted the law director is reviewing this legislation as well.

B. Brady said she expressed her displeasure with Tony Valerius the other day as she has a real problem with this. The city has the Fish Festival and Whollybear and they accept the fact that there are food trucks. If they have an event at Sherod Park then food trucks should be totally acceptable; same with Showse. However, she feels they need to ban them in the Historic District because they have several restaurants in downtown Vermilion and they are never

packed at lunch time or dinner unless there is a huge event in town. These are brick and mortar businesses and the city is going to undermine them for \$250 for 90 days. This is horrible! They are paying income taxes, property taxes, and utilities, and they are too small of a town to add food trucks to their streets whether they are on private property or not. She thinks food trucks would be terribly destructive to the downtown. They would absolutely kill 'Third Thursday' and if she is going to have food trucks during 'Third Thursday', then she will close it down. She will not be able to get free bands and will lose space on the streets. They just can't do this ever! She felt extremely strong against this and doesn't see how this can work in the Historic District; other places in the city yes, but not in the Historic District.

J. Gabriel definitely agreed with what B. Brady said. To him food trucks should be on public property only. Do they really want hotdog trucks on everybody's front or side yards? He said if they want to build a restaurant, then build a restaurant; it's unfair whether it's at Martino's or German's Villa. He mentioned that if somebody pulls in next to you and gets an electrical drop that's tough competition when you're competing against something that is portable. He can see food trucks if you're having events in public places; like Showse Park for a one-day event. However, do they want to open up all their private spaces to food trucks?

S. Herron asked if the city is getting a lot of more requests for food trucks and Mayor Forthofer responded yes. S. Herron asked where they want to set up at and Mayor Forthofer said they just want to camp and buy a license for the summer. He agreed with the exclusion area and if he was a restaurant he would feel the same way. He said down by Rotary Park there is a privately owned area around there and the property owner is perfectly willing to have a food truck camp there for as long as they want as long as the city will permit it. Therefore, he thought they needed a response on exactly what they will permit.

M. Stark stated that she knows food trucks are a big thing if you watch any of the home and garden television shows. It's not like food trucks back in the day as a lot of the trucks serve gourmet foods and something different that can be brought to town. She said Cedar Point has food trucks all over and it's something that is coming. She thinks it's a neat thing and if she wants to go out to dinner then she will go sit down with her family rather than going to a food truck. She thinks they will get different crowds at food trucks at different times. Instead of going to a fast food place, maybe you would go to food truck, which would hurt those places a little more. She would like to see short terms permits for food trucks on public property rather than private property. She could see a food truck parked under the water tower because not much goes on there. She thought they could bring some fun things to that area of town. She said they could have a say where they want to bring some more business to spread the love, but limit the amount of time they are allowed to be there. She said 90 days is too long, but they could look at maybe 30 days to see how it goes. She thought it would add some character to the community.

S. Herron asked the mayor to see what the law director has to say on any restrictions that may jump out, so they have an idea of what restrictions they can put on this.

B. Brady said food trucks are operating pretty well at the VOL Clubhouse during weddings, which isn't competing with the restaurants in town as they are providing food for an event.

G. Fisher said council can incorporate specific areas of where food trucks would be permissible in their ordinance. S. Herron said this is why the law director needs to look at this because now

they are addressing allowing them in some private and public areas. F. Loucka asked if the city should look into other communities who are experienced with this. B. Brady said the service director did. F. Loucka said maybe they can ask the service director what areas he checked with.

B. Brady asked the Mayor how the city sits with this issue currently. Mayor Forthofer said they are using the Transient Dealer ordinance.

S. Holovacs said with being involved in festivals he knows that food trucks need to have a one year permit, but the city needs to contact the health department to do periodic checks to make sure they are following the rules. J. Gabriel said he would add an insurance requirement to the ordinance as well if people have per se hot stoves/gas on their property.

M. Stark tabled this item to the July meeting.

TOPIC THREE: Building Department Permit Fees

Mayor Forthofer said he along with the finance director had asked for review of the building permit fees; both commercial and residential as to whether or not they are in line. He said this information was put together mostly by the service director and passed on to him to handle in his absence. He said the city is equal to or less than most of the surrounding cities according to the revision of the permit fees provided to council last week. Most of the permit fees were very low; residential fees were really low. He said all zoning permits were raised by \$10 and they used Sandusky, Perkins, Vermilion Township and Amherst as an example. The permit fees haven't been raised in 15 years.

B. Brady said she didn't have any problem with any new construction permit fees, but had some problems when just replacing a window or garage door as she wants to encourage people to do these things because it improves the neighborhood. She felt they should never list what they don't charge for because you can't include everything.

S. Holovacs MOVED; S. Herron seconded to authorize the preparation of legislation to incorporate the revised permit fees as submitted. He also asked that this topic be put back on the next Legislative meeting when the service director can explain these fees. He didn't think it was fair for the mayor to explain these. J. Gabriel would like to know what the minimums are and what point does this kick in; when they change a toilet are they talking \$275. F. Loucka felt there should be a no charge list on the basic items; sinks, floor covering, light fixtures, etc. Roll Call Vote 6 YEAS. MOTION CARRIED.

TOPIC FOUR: Law Director's Pay Ordinance

B. Brady said at last week's council meeting, council voted down Ordinance 2018-29, but her understanding is that when Don Zaleski was the Law Director the city paid him \$175 an hour, and then according to the Clerk, a motion was made to increase the Law Director's rate to \$225. G. Fisher explained that in January of 2018 when Mayor Forthofer appointed the Law Director, the legislation was drafted to mimic the last Law Director's ordinance which still included the \$175 rate, which was overlooked at the time of adoption. She said when the hourly rates changed in 2015 they should have never been done by motion, but by ordinance so they could have

tracked the amendment easier. She recommended that pay ordinances should never again be changed by motion, but definitely by ordinance.

B. Brady said she didn't like the way the Law Director drafted Ordinance 2018-29 because he bunched everything together, so she asked Council to consider relooking at Section 1 of the ordinance that puts his rates back to the \$225 that he has been getting for the past four years. S. Holovacs said the motion was passed in December of 2015. B. Brady suggested giving him back the \$225 per hour as she checked with several Law Director's and the \$175 is not reasonable in today's world. They don't want Ken to look bad with his firm and Council doesn't want to look like an unreasonable council, so she would like to only address the Law Director's rate. G. Fisher said technically all Council would need to do is amend the ordinance that was adopted in January to change the hourly rates.

S. Herron agreed the rate of \$175 is not competitive and they have an obligation to pay their lawyer. If you look at the amount of work he has done with his experience and the skills in dealing with all kinds of issues, such as negotiations, unions, and employees, it's critical he is paid a competitive rate. S. Holovacs agreed because the motion was made in December of 2015 and he didn't see a problem with it. J. Gabriel said in January they set the rates and now they are in June and they are circling back to the same old/same old again, which he doesn't like because he likes to get through the budget process and get everybody set. However, if there was error on their part or a clerical error...B. Brady said she asked K. Stumphauzer in the beginning why didn't he catch this and he told her he didn't look back at the ordinance after he was appointed.

S. Herron MOVED; S. Herron seconded to authorize the preparation of legislation amending the law director's ordinance (2018-4) adopted in January of 2018, by amending Section 4, to the rate of \$225.00 per hour for collective bargaining negotiations, employee disciplinary matters, arbitrations and services related to employee matters, and all legal services other than basic legal services performed shall be paid at the rate of \$250.00 per hour for litigation, administrative legal proceedings, workers' compensation and appeals. Roll Call Vote 6 YEAS. **MOTION CARRIED.**

Executive Session:

S. Herron MOVED; F. Loucka seconded to adjourn into executive session for the purpose of personnel matters (hiring/firing). Roll Call Vote 6 YEAS. **MOTION CARRIED.**

M. Stark adjourned the meeting after no further business was discussed at the conclusion of executive session.

Next meeting: July 16, 2018 @ 7p.m. – Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH

Gwen Fisher, Certified Municipal Clerk (CMC)