

LEGISLATIVE COMMITTEE MINUTES
OF MARCH 11, 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. Absent: 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.

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

J. Gabriel said the previous version of this ordinance had a first reading before Council had a chance to discuss it. He said the reasoning behind reviewing the vacation schedule is that 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. Therefore, they look at the overall picture of benefits down the road and what it will cost the city, especially when a certain group get into advanced weeks of vacation; upwards to seven weeks. He thought this should be discussed because a lot of places in the private sector and other surrounding communities don't offer this schedule. He said an ordinance was prepared by the law department to change the vacation schedule under Chapter 252.01. He said he would to cap vacation for new hires from a date council chooses to an amount that is not quite seven weeks; possibly five or six weeks. He said it's difficult to hear they have staffing issues and then give a very generous vacation schedule, which seems in conflict with each other. He said council doesn't have to do anything and can keep things as is, but he thinks for new hires it would behoove the city down the road to tighten up the vacation schedule.

M. Stark said when they discussed this for the first time she really wasn't on board to limiting the current employees who were hired on with thinking they would get a certain amount of vacation. However, with J. Gabriel's revision to limit this only to new hires she would agree to this. She said she would support the revision.

S. Herron said they are running the risk of not being able to attract employees. They always will compete with folks who are skilled in various municipal jobs, and vacation is part of that competition factor. He has no problem at looking at different ways to manage the budget, but they need to be competitive with other communities when it comes to bringing people in. M. Stark said it seems the new schedule is comparative to surrounding communities. B. Brady agreed because from the legislation the clerk provided from other communities it does seem that

five weeks of vacation is competitive. She thought five weeks was a generous amount of vacation to offer.

F. Loucka agreed with J. Gabriel's revision to change the vacation schedule to five weeks max for new hires.

J. Gabriel said there are certain jobs that require specialty licenses. For instance, the city has had a hard time in the past filling jobs carrying Wastewater Treatment positions with advance licenses. If the city has a dire need and they can recruit somebody from another municipality to fill that need, then there is language in the revised ordinance that allows them to carry the vacation they are currently at into the city's system with council's approval.

Mayor Forthofer asked if council's sentiment is to bring in new hires at a five-week vacation max according to the accrual schedule. J. Gabriel said yes. Mayor Forthofer said as far as the positions that require to have some latitude for flexing the vacation schedule, rather than tying it to those with specific license requirements, he would suggest saying 'key' employees for the reason being the city's finance director would fall into that category which doesn't require any special license, but they would certainly want to do what they could to keep them longer.

Chief Hartung addressed the part-time hires because they don't differentiate because they have non-union, classified civil service, and unclassified civil service. They have enabling legislation that outlines benefits for some positions and then theoretically if they hire a new patrolman on March 5 and he works 25 years and accumulates 7 weeks of vacation under the union side and takes the Chief's test, and becomes the Chief, then they knock him down to five weeks' vacation. This would conflict with their civil service rules because 124.44 of the ORC defines this as a benefit and to take it under Title 9 of the city's civil service regulations, there is an issue where you need to have malfeasance. It's specific on when you take something away. He discussed this with the city's attorney and it was noted there are some considerations they need to think about. Overall, they have so many positions that are tied in with basic and enabling legislation. He has his own ordinance and his benefit package is tied with the police union and he's a classified civil service employee. He said in the past they used to have step increases with the non-union employees, so maybe this is the time when they should clean up all those ordinances, so the ordinances don't conflict. Traditionally between the public sector and the private sector they take the benefits over the pay. They need to remain competitive on what they can attract people with to retain these employees because they can't compete with a lot of other surrounding agencies for those pays. J. Gabriel said the law department could look at this again to see if there is anything they need to look at as far as the classification aspect.

M. Stark MOVED; F. Loucka seconded to table the second reading of this ordinance and refer it back to committee on April 8. Roll Call Vote 5 YEAS; 1 ABSTENTION. MOTION CARRIED.

TOPIC TWO: Dumpster Screening (Draft Legislation)

F. Loucka said council discussed this issue last month and there were some suggestions on the floor. He noted that Vermilion doesn't have any regulations on screening dumpsters and this is an attempt to upgrade the aesthetics of the commercial properties. They want to attract quality businesses to a quality town. He said the clerk revised the legislation from last month to double the compliance time to 24 months from one year; other communities only require six months to comply. There was also a requirement to pour a concrete pad, which now has been deleted. He

said most dumpsters around town are on pavement or on hard-packed gravel. He said if they want to be a quality city then they should increase the aesthetics to bring customers in. He said any person shall have a right to appeal to the City of Vermilion's Zoning Board of Appeals. He said there are several businesses that have screened dumpsters, and he thinks there is one that requires dumpster screening.

Mayor Forthofer asked if screened dumpsters will pertain only to dumpsters that can be seen from the road? F. Loucka said it's specific in the ordinance that all dumpsters shall be effectively screened from the view of the public.

S. Holovacs said he has seen concrete pads under dumpsters that have been shattered and they could get in a situation with a gravel base that will be rutted up, so they may want to look at a hard surface, so the pads don't get crushed from the weight of the garbage truck. F. Loucka said the mayor had this issue with the cleanup of Riverside Drive and Republic won't put a dumpster down where they don't think it's safe or will rut.

J. Gabriel said he appreciates what F. Loucka is trying to do because it's something being brought forward as a betterment. However, his problem with the issue is that in 2019 they put sidewalks on businesses and a big water increase. In 2017, they had massive stormwater increases and it just seems like a bam to the businesses and he was hoping they could take a year off and let everybody breathe and catch up. He said what about all the houses that have garbage cans sitting out front of their garages and driveways. If they are going to do this are they going to do it for both sides of the coins, or just businesses. In his world, no business would put a dumpster out front of their business. The ones that are screened have been done by the businesses on their own; they don't need legislation to tell them they don't promote their dumpster as the centerpiece to their business. He understands there are some dumpsters that are offensive to people, but he would prefer the city just ask them to move their dumpsters versus writing an ordinance that drops a hammer on every business in town; especially those in the Harbour Town area. He said in 2018, they also instituted building permit fee increases and he thinks the timing of dumpster screening is wrong.

B. Brady agreed as she feels they are legislating themselves to death; it's just one more thing that they are forcing down people's throats. If a business is open to the public and it's important for them to have curb appeal, then they will cover their dumpster. If it isn't important, then maybe the city can talk to them but passing legislation for punishing them seems to be overkill in her mind.

F. Loucka pointed out that the city already has legislation in place for the residential garbage cans and this comes down to an enforcement issue. He said if they let this go, this puts another burden on the administration to talk to people to do something. He said they can change the compliance period to three years if council desires.

J. Gabriel said they have an entire river valley full of places, so do they need to put roofs on top of them because there's no site line they can hide it in. F. Loucka said they can go before the Zoning Board of Appeals. Mayor Forthofer agreed if somebody doesn't want to screen their dumpster then they can appeal to the ZBA. He thought screening dumpsters was fundamental because it will be unsightly no matter what, and they are trying other things to improve Liberty Avenue. He didn't think they should wait.

M. Stark MOVED; F. Loucka seconded to put this legislation on the agenda for a first reading. Roll Call Vote 4 YEAS; 2 NAYS (Brady, Gabriel). MOTION CARRIED.

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

Next meeting: April 8, 2019 - 7pm - Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH

Gwen Fisher, Certified Municipal Clerk (CMC)