

LEGISLATIVE COMMITTEE MINUTES
of September 15, 2025

In Attendance:

Vermilion City Council: *John Gabriel, Council President; Gary Howell, Council at Large; Pat West, Ward One; Greg Drew, Ward Two; Drew Werley, Ward Three; Jeff Lucas, Ward Four; Melanie Wood, Clerk of Council; Dannin Strittmather, Assistant Clerk of Council. Absent: Brian Holmes, Ward Five.*

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

Call to Order: Gary Howell, Chairperson, RESOLVED THAT this Legislative Committee comprised of the committee of the whole has now come to order.

TOPIC ONE: Review of Ordinance 2018-34 (Peddlers, Canvassers, and Solicitors)

G. Howell said he asked to have this put on, so they had a clear understanding of the Peddlers, Canvassers, and Solicitors Ordinance and including the Ice Cream Truck. G. Drew clarified this had nothing to do with the Food Truck Ordinance. G. Howell answered that is correct, this is regarding the Ice Cream Truck.

J. Gabriel said his suggestion would be to add the word “ice cream truck” to the definition of Peddler so under section (a) it would read: Any person traveling from place to place, door to door or from street to street, taking or attempting to take orders for profit by the sale of goods, wares, food, or merchandise or personal property of any nature whatsoever, to include but not limited to, ice cream trucks or other persons or vehicles selling prepacked items for immediate or future delivery or for services to be furnished or performed in the future. It would be one sentence with the word ice cream truck in it.

Mayor Forthofer said he thinks the administrative assistant’s intention proposing this was simply to keep ice cream trucks out of the way of the food trucks by keeping them off of city property and it basically does that. He agrees with council for not pursuing further adjustments to the Food Truck Ordinance in that council has adjusted it several times over the years and has reduced the fee down to something very appealing. They still only have one food truck registered with the city. He doesn’t think the problem with not having food trucks is the ordinance that they all proposed or the fee, that is not prohibited. He thinks it just needs some promotion. For instance, one of the service groups such as the Chamber or Main Street Vermilion would propose a food truck night and advertise it, our ordinance is accommodating enough that we would have more. He doubts there is much more that can be done by council to make it any more appealing than it already is.

J. Gabriel said not to belabor the point, but this was for the Peddler Ordinance. It gives him the ability to do whatever he has been doing for the last however many years and it also covers the parks as far as locations and things like that. He feels it is a simple solution.

T. Valerius said he thinks the verbiage needs to be added that they are not allowed on city property if you want to keep them from city parks. It could go under the restricted hours and maybe add restricted areas. J. Gabriel said there is nothing in there that allows them to operate on public property without their permission. He doesn’t think people can just pull in with commercial wares whether it be the Swan man or you name it to set up in one of the parks. T. Valerius said he thinks an ice cream truck can go down to Main Street Beach. G. Howell said he

thinks the sentence would clear it up. J. Gabriel said it would, and he doesn't have objection to adding further definition.

G. Drew said what started this entire conversation was the ice cream truck parked at Main Street Beach and was selling ice cream and it wasn't fair to The Shore Thing or the only vendor who has a food truck who can't go down there and park, so he thinks that is what prompted some of this. He talked with Jody about it because he got complaints about the ice cream truck being there and it wasn't fair so he thinks it should spell it out just to be fair.

G. Howell asked to draft the amended ordinance with the new sentence prohibiting the ice cream truck on city property. M. Wood answered yes, but it should be in its own section, not in the definition of the peddler.

TOPIC TWO: Final Review of Marijuana Zoning Recommendations from Planning Commission

J. Gabriel said the reason he put the word final is because he doesn't feel this body wants to do anything and there is no sense in putting it on any further agendas. They have B-3s and commercial places that are empty and available and he wanted to give it one more shot in case someone wanted to do something and after that it will fade into existence, and they will operate under existing terms.

TOPIC THREE: Review of C.O.V. 634.08 Noise Control

G. Drew said he is not sure if anyone has had a chance to look at 634.08 and 644.09. Both require businesses to obtain a sound permit if they are going to have a band or any kind of music outside their establishment. It doesn't regulate the hours or prohibit them from playing music, it just makes them pay \$25 to have a piece of paper to allow them to do this. He is curious where it came from, it is from 2012, and it also requires the Service Director to be the administrator to give out the permit. He can say that is not happening, the permits are being issued by the Police Department and somehow the Police Department got suckered into issuing out these permits. The other thing is he asked for all the permits from the last three years and two were issued this year and that is because the police went to the business and warned them, they were going to be cited for not having a permit. There was one permit issued in 2024 and in 2022 there were six permits and five of them were related to Third Thursdays and in 2023 there was one permit issued. It is not fairly being enforced. He would like them to remove the requirement to play music in front of your business. It is not being fairly enforced, and he doesn't know what it is trying to protect. To him to pay \$25 to be able to play music in front of his business seems a little ridiculous so that is where he is at.

J. Lucas asked if there was any history on how it came to be. Chief Hartung answered they were going through a period they were having a lot of music complaints in the downtown area, and everything was kicking up. There are times that are specified, and he wasn't aware this was a question so he doesn't have the information with him, but times are established. The reason they took it over is because they are the ones who write the tickets so it gave them the ability to have a singular point of accountability for that business if they have continued problems then he has someone he can call and explain he is getting complaints. Everything they do is governed under sound amplification devices for the violations. They have ordinances that talk about taking readings but obviously that is severely complicated by topography of the river so most of those ordinances are moot. This gives the ability to protect the businesses from subjected to sound amplification devices because they have approval from the city to have that type of music. It does become an issue when you have people in the condos who have their windows open, and they can hear the Prague jamming away and the police department is in the middle of it. It was

designed as a tool if they have people who are abusing the system or businesses who are creating great difficulty, it gives them the tools to deal with that. As Councilman Drew pointed out, they haven't had too many issues as of late, they do come up and they had a good one in May, but they have an understanding and haven't had any issues since then. The big reason why they were delegated the task is because they are the ones who enforce it so if they have someone who is repeatedly violating it, they try and work with them and if it is not working out, they can go to the Mayor's office and let them know they are revoking the permit. They really haven't had that situation, but they got blasted with the Quaker Steak music complaints and the added complication of taking decibel readings and the math you have to apply to take into consideration topography and acoustics of the river. Way back he believes there was some case law, but it is an example of the Abilene paradox where the people who know why we did it that way and we don't do it anymore are all dead now, but we are just doing it because that is the way we were told to do it. If council wants to eliminate it, that is up to them, but it was also a tool to protect businesses because people call in at 9:00 at night and say they can hear music which is a violation of sound amplification device ordinance. If they want to find the balance of helping businesses in town still be successful but then balancing the quality-of-life issues for the residents because it can be a pain.

G. Drew said he didn't see anything in the permit or the ordinance that would stop a permitted business from playing music at 9:30 at night because a neighbor on Riverside Drive called to complain that the Harbar was too loud. There is nothing in the ordinance or the permit. Chief Hartung said he would have to go back and look at it – he believes it is on the permit. They did have times established. G. Drew said it looks to him like the business dictates the time they want so if they want it from 9:00 p.m. – 11:30 p.m. they write it on the permit, and it is approved. Chief Hartung said his suggestion before he moves forward on it is for Melanie to look back at the entire discussion on how they established the times because they originally had it at 11:00 p.m. or 12:00 a.m. on Fridays and Saturdays and then it was different during the week so council had very long discussions about this, and it will be contained in the minutes. They may want to review those. G. Howell asked for the information to be pulled and the topic to be put on next month's committee agenda. G. Drew asked M. Wood to share the permits with the rest of council as well. He said he is not opposed to having a timeframe if they are going to do something maybe 11:00 p.m. or midnight but he thinks it is silly to pay a fee to play music and once you have the permit you are good, you can play music and if someone complains he is not sure what they can really do about it.

P. West asked if there is a zone downtown where it is more congested and at Quaker Steak. Chief Hartung answered no, it is not regulated by zone. P. West said it would make sense if it was congested to have a certain time or different time. Chief Hartung said council thoroughly vetted that question and discussed different times. He wants to say they started at midnight, which generated more complaints and then council moved it back, but they will have to go back and look. Council spent a lot of time discussing this issue when they came up with it, but they had a lot of issues, and they did it and now they are not having the issues. G. Drew said they are not issuing permits either, so he doesn't know what the fix was. They are only issuing two permits a year. Chief Hartung said they haven't had any complaints. G. Drew said the idea is that the permit should be issued first. Chief Hartung said if you don't have the permit and it is 8:00 p.m. and your music is excess over 50 feet base reverberations; you are in violation. So, if the city sanctions your business and allows it to have music to support a bar or someone who wants to have a live band, that was the background for it. G. Drew said that is part of his concern if you have the permit then nothing can be done to you so to him it is like a pay to play thing. Chief Hartung replied if they are off the hook and have a sound amplification permit and put two 6,000 mega watt super boomers on there, they will shut it down but when they get drawn in is if someone is in the downtown area and one of the condos calls up to say The Prague is excessively loud and they will go down and listen to it and part of law enforcement is

understanding legislative intent and you have to put your discretionary authority in there so usually what he would do is go to the complainants house and sit in their apartment and listen through the window to say he understands they can hear it but just because they can hear it, doesn't make it a violation which is why they rely on sound amplification device because it is an objectively reasonable standard.

TOPIC FOUR: Review of Ordinance 2025-55 (IT Contract)

J. Gabriel said he had asked for the finalization of the contract because the concerns were the length of time, and everyone was wondering where they were with that. They know they need a renewal, and he thinks at one time there was a talk of five years and now they are down to three years. A. Hendricks replied they adjusted it down to three years and there is also a 60 day out clause for either party.

G. Howell asked if the contract went out to bid or if it was just a company we already contracted with. A. Hendricks answered they went through an RFP process in 2022 it is not in the classifications of services that are required to go through a competitive process and given the continuity of some of the major projects that are going on right now in the city it seemed to be most supported by the administrative team to allow that without interruption. Mayor Forthofer said one of the big ones everyone can appreciate is they are in the middle of the construction of the Police Station and IT has been in on most all meetings and has input so switching horses in the middle of the stream analogy applies.

J. Lucas asked for clarification if the five-year and three-year contract both contained the 60 day either side can terminate. Mayor Forthofer answered that is correct. J. Lucas said so the three year and five year is locking in the percentage of the increase which is fixed now at 2%. A. Hendricks said correct, it does avoid a potential cost increase. Mayor Forthofer said he didn't believe the old contract had a 60 day out when they were looking at this one, he suggested they put one in there. J. Lucas asked if it was effective January 1. A. Hendricks answered it is effective December 1.

G. Drew said he is not a fan at all of the five-year contract so thank you for at least looking at that. He wasn't necessarily a fan of three years either when it was first proposed until he read the contract and got confirmation there is a 60 day out, so it is not locking anyone into this. He will say the price is good and he oversees the managed IT services for the police department where he works, and he is paying close to \$13,000 per month just for the police department. Their police department is a lot bigger, probably about 80% of what the city is but still the price they are offering is really good however he is concerned about giving a vendor an eight-year contract and now at this point a six-year contract based from the RFQ that went out in September 2022. They had their three years and then we were going to give them five and it didn't sit well with him. It is not going to be this administration, he is comfortable with the three years because of the 60 day out but at some point, maybe the new administration should look at rebidding that just to make sure the city is getting the best bang for the buck. To make sure they are spending the taxpayer money appropriately and that there is not a vendor out there that can do more and provide it at a cheaper cost. He doesn't think they are being taken advantage of by the pricing, so he is comfortable with it. Also, you don't want to move IT vendors with the police department being built and he doesn't blame them. He has a lot of big projects going on as well and they just went through the bidding process and his managed IT services went in front of their board, which is like city council last week for \$489,000 for three years but that was his concern too. He was going to lose this vendor who does a great job and the other bidder was from out of state and couldn't even tell him if they had anyone in Ohio yet to take over. It would have been mess and he wouldn't want to do that to them so he would just say he is comfortable with it and if the new administration down the road wants to tackle this

then let them and he would suggest maybe in a year they put out a feeler to see what the costs are and then go from there. He will support this legislation with LORCO with the three year and 60 day out window.

J. Lucas said he would concur, they know a lot about construction and construction delays and lets say the police department doesn't get started until September of next year. They want something in place where they will make it through completion and then implementation. It is not enough just to throw in this package they are putting in. It needs to be maintained and monitored prior to an RFQ going out. He thinks the need to not just get to the finish line but through the finish line to ensure the product they paid for is delivered.

G. Howell adjourned the meeting upon no further discussion.

Next Legislative Meeting: October 20, 2025 – 6:00 p.m. @ Vermilion Municipal Complex, 687 Decatur Street, Vermilion, Ohio.

Transcribed by Melanie Wood, Clerk of Council (September 17, 2025)