

Legislative Committee Meeting

The Legislative Committee met on January 4, 2021 at 6:45 P.M. via the Zoom meeting application to discuss proposed legislation.

Present at the meeting were committee and Council members David Frey, Joe Marko and Chuck LoPresti. Others present were Council members Joe Gambatese, Jeff Price, Lane Schlessel, Steve Grushetsky, Mayor Patrick Ward, Law Director John Luskin, Assistant Law Director Ray Schmidlin, Building Commissioner John Maichle and Assistant Clerk of Council Kelly Miller.

Chairman Frey called the meeting to order stating the purpose is to discuss changes that have been made to several Ordinances that are on Council's agenda this evening. He remarked that four Ordinances were reviewed at the previous committee meeting; three were put on first reading in order to make updates, with 2020-124 being passed. Mr. Frey wanted to review those changes.

Beginning with Ordinance 2020-111 Amending Chapter 1383, Mr. Frey stated updates were made regarding the rights of the Building Commissioner in section 1383.99(a). With the change, the committee unanimously agreed the ordinance is ready for passage.

Regarding Ordinance 2020-119 Enacting Chapter 759 of the Business Regulations, Mr. Frey stated changes were made to section 759.05(a) and (b) as well as section 759.99. He opened discussion with Mr. Maichle requesting a change be made to section 759.04 regarding the location of the Certificate of Business Occupancy. He suggested the certificate be posted near the entrance of such business. Mr. Maichle also requested the word annual be removed in section 759.05(b) as it is a one-time registration fee. In addition, he asked for the language regarding the discretion of the Building Commissioner be removed stating there should be no implication that the Building Commissioner can make any exception to paying the fee. Finally, Mr. Maichle requested to have language regarding late application or failure to register a business updated to include late renewal or failure to register a new business. The committee and the legal team were in agreement with the requested changes, and it was recommended that the ordinance be placed on second reading.

Next, Mr. Frey stated updates were made to Ordinance 2020-123 Enacting Chapter 761 for Mobile Food Operations in sections 761.04(a)(4) and 761.04(b)(2) General Regulations. Mr. Marko began discussion regarding the application fee including whether the fee should be each time or annual as well as for special events held within the city. Mayor Ward expressed his main concerns are safety and whether these food trucks are licensed through the Board of Health. It was also discussed if a food truck could operate in residential neighborhood. Mayor Ward stated it would be permitted for a private event including a block party; therefore, precluding a food truck from operating commercially in a residential area. Mr. Schlessel suggested including a residential section to the ordinance. Mr. Maichle suggested the hours of operation be changed to end at 9pm to be consistent with the noise ordinance. After much discussion, Mr. Marko suggested to put Ordinance 2020-123 on second reading for revisions to be made, including obtaining permission from the property owner.

Mr. Frey stated Ordinance 2021-01 Amending chapter 757 of the Business Regulation Code was updated to include the addition of section 757.99, removing 757.06 Appeals, and changing the term offense to violation in section 757.02(g). Mr. Schmidlin confirmed these updates stating the goal is to keep the penalty provision uniform. The committee recommends the passage of this ordinance.

With no further discussion, the meeting was adjourned at 7:24 PM.

Respectfully submitted,

David A. Frey
Committee Chairman