

## EP COUNCIL 4/10/23 85 N. MARKET ST. 7:00 PM

Mayor Conaway called the meeting to order, present was Ms. May, Mr. Povenski, Dr. Rocco, Mr. Simpson and Mr. Walker. Mr. Runnion was absent from the meeting. Also present was Interim Manager/Finance Director Traci Spratt, Police Chief Jim Brown, Fire Chief Keith Drabick, Street Superintendent Steve Baird, W/WW Superintendent Scott Wolfe, Law Director David Powers, Clerk Misti Martin, and BZ Inspector CH McCutcheon. The minutes from the 3/27 meeting were approved on a motion by Dr. Rocco and seconded by Ms. May. In reference to the March Department reports Mr. Simpson asked BZ Inspector McCutcheon how the contractor registrations were coming as the numbers on his report weren't matching up (6 registrations and 13 permits), Mr. McCutcheon stated they were coming slow but sure and that he is working on them. Dr. Rocco made a motion to approve the reports seconded by Ms. May. There were no Street, Utility, or Safety Committee Reports as well as no legislation on the agenda.

**AGENDA: JANET BUNTS Ord. 23-2022-** Mrs. Bunts stated she runs a small cake business out of her home and for her to be able to pay the \$150 vendor fee she would have to sell 8 to 10 cakes. She feels the fee is high, especially when people are trying to bring business into town and better the community. She stated she would like to see the fees decreased or suspended due to the current situation with the derailment. Dr. Rocco asked if Mrs. Bunts was forming an LLC for her home business and she said she was in the process of doing so. **ASHLEY MCKIM Ord. 23-2022.** Mrs. McKim stated because this ordinance she is having issues with parties wanting to use vendors who are not registered, she has lost the interest of food vendors and she feels that as she is an alcoholic establishment she should always have food available, that she cannot use her outdoor space for events because all vendors should have to be registered and finally she stated she can no longer do presale ticket events as they were told they must register even if they are not taking any money on site. Mrs. McKim noted in a letter from the Youngstown-Warren Chamber that they are working with NS to encourage their members to vend in EP. She asked why there is a difference between inside and outside vendors on a property, and is asking for an amendment to allow retail property owners to host inside/outside vendors under a host license. She stated the fees are too high in comparison to the volume of business here. She would like to see fees lowered for vendors/transients to \$25, local solicitors \$100 and keep outside solicitors at \$400. She would like to see fee forgiveness for anyone who resides here as well fee forgiveness for all while NS is working in the Village. She stated she would like to see the time restrictions of 9a to 9p removed and instead go by the current noise ordinance. She feels exempting Village approved/non-profit events could lead to safety issues and feels the exemption should be removed and require them to instead register but without fees. In reference to the letters stating they will no longer come to EP because of the fees from food truck vendors provided by Mrs. McKim, Dr. Rocco asked how many of those trucks set up in Columbiana. Mrs. McKim said some do but that Columbiana doesn't enforce their vendor registrations on them. Resident/craft vendor Barbara Kugler stated she does the car cruise in Columbiana and that she only has to pay the sponsor to be in the event and nothing to Columbiana. Dr. Rocco asked why some of these trucks will pay the fee for other communities but cannot afford to pay it here. McKim stated the business is just not here like it is in other communities. Mr. Povenski asked if anyone has expressed concern to BZ Inspector McCutcheon about this legislation, McCutcheon said he has received a few phone calls about the legislation and has had one registration. Mayor Conaway stated he didn't understand why Mrs. McKim could no longer do pre-paid ticket events because of this legislation; he also stated especially right now this community is very open to predatory people/organizations and that was the intent behind this legislation. Mr. Povenski added that right now there are more people in town because of NS being here and asked if the food trucks would be drawing from that larger crowd? McKim stated there is no one at her end of town, all it is dirt, dust and mud, and no one is coming there to eat. Dr. Rocco disagreed saying she also lives in that area and there are people there. Resident/business owner Lonnie Miller stated she went to a food truck there today and was told they had not one customer there today so she just donated \$20 to them because she felt bad. Mr. Walker stated council always talks about wanting to help businesses but they are now strangling them with restrictive ordinances and he doesn't understand it, he said had he realized the ramifications of this legislation he would have voted no and that there are options to correct things. Fin Dir./Manager Spratt stated that per her meeting earlier in the week with Mrs. McKim, Chief Brown, Atty. Powers and Insp. McCutcheon. She said the issue seems to be the actual definition of "Vendor" as their interpretations of the

word are different. Mayor Conaway added that he feels the food trucks should register but that the \$150 fee is high. This legislation needs to be reevaluated, the definition of "vendor" needs to be changed as well as the fees themselves, as well as the time frame needs to be adjusted for food trucks. Mrs. McKim asked if a "host vendor" could be added. Atty. Powers stated he feels there are some things that council should consider such as an event on private property and the possibility of exemptions for those events as long as the host takes on the liability which he feels would solve a lot of these issues. He also feels that amending the fees as well as the time frame is reasonable. Mr. Simpson asked if they would be willing to look at a blanket permit for vendors, because this was brought up before and it was turned down. Mrs. McKim said yes. Mike McKim said they also feel that these trucks/vendors should pay taxes and register with the Village and that there should be a way for the Village to control who is on public property but private property should be treated differently. Dr. Rocco again stated the hours should be amended to match the noise ordinance to which the McKim's agreed. Resident/business owner Karen Gorby asked how profit vs. non-profit would be determined because non-profit should not have to pay registration fee but businesses should have to. Dr. Rocco suggested separating the food trucks out of this current ordinance and Mr. Simpson added it could be separated into a subsection. Mayor Conaway stated we do need to watch out for our brick & mortar stores to which Mr. Povenski stated is already not a level playing field as they have to pay taxes, upkeep and utilities when the trucks do not. Mayor Conaway stated he feels the host site should be \$150 a year and individual trucks on public property should be \$150 if they want to come here. Mr. Simpson agreed with the fee for a host site and then he suggested \$25 for one day, \$50 or \$75 for a week and anything over two to three weeks goes to \$150. Discussion followed as to how often an average food truck sets up in a year and the hope of these trucks eventually opening brick/mortar restaurants in the village, the available time frame for the trucks and if the fees are just an issue because of the derailment. Council then decided to go with the suggestion of a host fee/registration. Atty. Powers asked if the host sponsorship would also apply to other types of vendors. A special council meeting was called for Tuesday 4/18 at 6:00 pm to continue discussion on amendments needed to Ord. 23-2022.

**CLERK:** Martin reminded everyone all those present at the meeting need to sign in.

**MAYOR:** Mayor Conaway thanked Rotary and Park Board for the Easter events on Saturday.

**MANAGER:** Manager Spratt stated council had received the Park soil sample results as well as them being posted on the Village FB page. The new health clinic at 139 N. Walnut Street is now open, hours are Mon thru Friday from 9am to 5 pm. Mayor Conaway added that to go there it does not need to be related. She asked Atty. Powers for an ordinance for next meeting regarding the PR firm. Potential opening date for the pool will be May 27 and we are looking at running the concession stand ourselves again. Street Superintendent Baird stated the initial opening cost would be around \$6500, he said it will be a very simple menu with the pizza being provided by all of the local shops in town. He said he is also working Sparkle Market in town to hopefully be able to purchase all of the other food local and save on driving time. Baird stated they will run a tight ship and have a plan in place to keep track of inventory and also that there are already cameras in place. Spratt added that pool prep is under way and that we are still hiring summer help. Chris Huntsiger of NS was present to speak on the progress at the derailment site. Mr. Huntsiger stated track one has been removed per all of the approved plans and removed the material under the track and it is currently being restored. Materials that have been removed are all being shipped to licensed facilities they are continuing to collect storm water as well as any water that is flowing through the site that could kick up contamination. The large blue tanks are to collect the water and the large black pipes are bypassing clean water around the site. The blue tanks help lessen the amount of truck traffic in the area. Once track one is complete, they will begin the entire process again on track two. Once everything is out and tested and the numbers are good the second track will be replaced. Once the tracks are complete, they can begin working on the surround areas, the plan is to keep shrinking the clean up area down until it is completely restored. Resident Ron Caratelli asked how long after track one is complete will it be before track two is started Mr. Huntsiger stated it will be approximately two weeks before track one is complete and then they will shift to track two. Resident Peggy Caratelli asked if Taggart St. would be closed the entire time, Mr. Huntsiger said the east end of Taggart would be. Mr. Walker asked if the removal of soil on the north track would affect the stability of the south track, Mr. Huntsiger said it would not. To clarify the timeline

on the track repair Mr. Huntsiger said from now until completion it could be six to eight weeks. Mr. Simpson asked about the timeline for remediation of properties around the site, Mr. Huntsiger said possibly another couple month. He said they will also be cleaning ditches which includes the sediment as well as flushing/aerating the sediment in the streams. Mr. McKim asked if the mud on the roads is being sampled, Mr. Huntsiger said a lot of that is mostly clean stuff that they are sweeping up and collecting. Mr. McKim also questioned the routes the trucks take to haul the materials to which Mr. Huntsiger stated they DOT limits as to where they can go and their routes. Resident/business owner Bennet Bruno asked if the aeration was done by the park, Mr. Huntsiger said they are in the evaluation phase right now, that the data showed that the aeration wasn't impacting water quality and providing no additional benefit at that time but they are leaving the equipment in place in case there is an "oh no" moment and it would need turned back on. W/WW superintendent Scott Wolfe stated that in reference to creek water quality he did see minnow activity in the creek which is a very good thing. Finally, Manager Spratt added that she has been speaking with Marcy Patterson of the Mental Health and Recovery Service Board and the ODH and they are applying for a federal emergency response grant for substance abuse and mental health. It starts as a 90-day grant and then they can apply for an additional year. There is a link for a community survey on our FB page at EP Information to help provide data for the grant.

**LAW DIRECTOR:** Atty. Powers stated he received an update on the OPEC HC situation that has been ongoing. The state auditors still have not come up with a report on management of OPEC HC so things are still stalled for the time being.

**PARK/REC/CEM:** Dr. Rocco thanked the members of the Park Board as well as Jeremy V. from NS for their work on the egg hunt, it was a big success.

**DEV/FIN:** Ms. May stated she met with the Port Authority concerning the Appalachian Regional Grant. She said the group is looking to hire a planning and architect to visit the various communities in Columbiana to see what will be feasible, make the most impact and be the easiest to remedy. She said she also met with Deb Martin and Roberta Striferd of RCAP and they would like to address council again to find out what we need as a community and how they can help. She said there are also other leaders in the county who want to participate and want to know what they can do to help EP. Finally, she said the derailment affects more than just EP, there is a ripple effect to other communities. She said their discussion on doing some "pocket parks" to kick off the project, to small park like settings to clean up unused areas in town and create curb appeal. She said there is already an offer to fund some of these parks if we can find the properties and decide what we want. Finally, Ms. May stated the clinic opening was very nicely done and that we have been short on doctors in the community so whether the issue is train related or not the clinic is a good thing.

**VISITORS:** Barbara Kugler, John Davis, Ron & Peggy Caratelli, Jerry Coblenz, Rich Spratt, Kent & Darlene Chapman, Janet Bunts, Marlene Figley, Lonnie Miller, Kathy Smith, Zach Smith, Rick & Karen Gorby, Randy Dehaven, Nicole Johannes, Jenn Drabick, Dave Biggins, Stephanie Elverd, Mike Long, Officer Anthony Monteleone, Ashley & Mike McKim, Jeremy Vranesevich.

**ADJOURN:** Mr. Simpson made a motion to adjourn seconded by Ms. May. All in favor, meeting adjourned.

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**MISTI J. MARTIN CLERK**

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**MAYOR TRENT CONAWAY**