

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Work Session

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Monday, March 14, 2022

Held

Videos and minutes of council meetings are available to the public to view online at www.cityofvermilion.com under 'meetings' tab (City Meeting Minutes or Videos).

Vermilion City Council: Monica Stark, Council President; Steve Herron, Council At Large; Pat Stein, Ward One; Greg Drew, Ward Two; Teresa Mayle, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five

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

CALL TO ORDER:

Monica Stark, President of Council called the Monday, March 14, 2022, Vermilion City Council Work Session on Transient Rentals to order.

M. Stark asked council if they had an opportunity to review the law director's draft legislation on transient rentals, and if so, what were their preliminary thoughts.

B. Brady said one thing Homer Taft has brought up several times is the 30-day thing and if they go to 30 days, then February is not going to fit with their ordinance. M. Stark did not believe it was a month of 30 days, but consecutive 30 days – it could be from the 15th to the 15th, and so on depending on what month it is. B. Brady said they do not have a minimum. M. Stark said they can do a transient rental for one night. B. Brady asked if they would still need to abide by the ordinance. M. Stark said yes if they're renting it out as a transient rental. B. Brady noted that Huron's ordinance has a minimum number per year, so if you rented it over Christmas, then you would not be included in the ordinance. G. Drew asked if this was a temporary transient rental. B. Brady didn't know if council wanted to think about this. G. Drew said the problem with this is that everybody is going to say it was temporary for a week when it really has been going on all year. T. Mayle asked if she was just talking about the definition of transient rental. B. Brady said yes it would be in the definition. T. Mayle thought it would be good to keep it under 30 days because they could rent it one day, so no matter how many days you're there even if it is one day, the idea is to make sure it is being managed properly and people are not disturbing the local residents.

S. Herron addressed number (6) on page three of the ordinance, where it states that no person shall receive a transient rental permit if they had any transient rental permit revoked within the prior three (3) year period. He thought this was excessive because he thinks they could let somebody have a transient rental revoked based on the behavior of the people they rented to that was a mistake, but if they're held accountable for perhaps a one-year period and they are still good businesspeople, but rented to the wrong person, then he thinks three years is a little much. He suggested changing this to a one (1) year suspension.

G. Drew said number (8) on page three states that there shall be a maximum of one (1) transient rental permit granted per city block at any one time. He said council never discussed this at the last meeting, so how would this apply in Linwood – in reality you would probably have 10 transient rentals in Linwood, so he does not like this. He did not think they needed to limit rentals one per block. He said things are being thrown in the ordinance and people are writing emails – it is almost like transient rentals are brand new and it's coming to Vermilion, but it has been here before transient rentals was even a thing, so they shouldn't be so restrictive. He did not like putting a limit on the language he just referred to. He also did not see the need to have somebody within an hour of the rental. What is this going to solve or accomplish? M. Stark said this is something Rodney Johnston from the fire department will address shortly. She agreed to remove the one per block restriction in number (8). P. Stein said Linwood has been a transient rental from its inception and she would like to see this exempt from one per block because they have 151 homes and probably two-thirds/three-fourths are transient rentals, so this would make it a sticky situation, and that would eat up your total count. M. Stark thought they could exempt Linwood from their count of 100. They could have 100, not including Linwood. P. Stein thought this would be fine. G. Drew asked if this was legal – can they write legislation exempting them. G. Fisher said yes, they can write an ordinance exempting them. G. Drew asked if they could exempt one section of the town without being challenged. S. Herron said they have the ability to take certain portions of the town as there are different districts and certain standards imposed upon those. B. Brady said they're also not maintaining their streets – it's all private property. Mayor Forthofer did not think the concern about a

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density in the city as a whole is a concern. He said they have a very high owner occupancy rate in the city, but there are areas of the town, especially the historic and recreational areas where there is going to be higher density. He thinks the purpose of what led them down this road was responsible management of the properties that do it – not so much how many there are.

T. Mayle asked if council could review each page and make changes, so they weren't bouncing all over. She felt as all of this should go back to proper management – they have property and deserve to use the property the way they want, but number (6) on page one states they are establishing an occupancy number. She thought maybe on the application the applicant can state their maximum occupancy, and then the inspector can say whether it is a safe appropriate number or not, versus council telling them they are set for a certain amount. M. Stark thought the same because as written it gives them three (3) persons per dwelling plus two (2) persons per bedroom. She said if you have small kids, then maybe you can get more in by having them sleep on pullouts or air mattresses. T. Valerius thought putting it on the application would be fine. They discussed this in the building department as well and noted that some houses in Linwood have two bunk beds in one room, so there is four right there in one bedroom, so two per bedroom is probably not enough. T. Mayle thought the applicant setting the limit may be better because there could be pullout couches, a basement, etc. T. Valerius said they would need an ingress and egress in a basement before they could allow this, which would be addressed during the inspection. Council agreed to let the application/inspection process handle this. M. Stark asked R. Johnston if there was any type of fire code council needed to be aware of with this issue. R. Johnston said no, and he was told by the State Fire Marshall that they have no jurisdiction over residential homes, but since these are Airbnb's that are being rented out, they are now in the process of researching this in Columbus, so probably next year there will be a whole set of codes coming out, but right now there is nothing that he knows of. S. Herron said the way it is worded is for fire safety and they do not want to nitpick the non-problems, which are the families that want to come to Vermilion for a week. The problems are the people coming for the weekend that are bringing his old college frat buddies type of thing. R. Johnston asked if the fire department would be notified of the number of occupants renting the property, so that if they did have something happen, they'll know how many people are there. M. Stark said they won't know how many people are staying there per each rental per week, but they will have the total occupancy as registered on the application. A. Hendricks said they can definitely give the fire department this report. In conclusion, council as a whole decided to eliminate number (6) on page one. G. Drew said they need to add some language that basically the city will have the final say on the occupancy number. M. Stark said they can include it on the Transient Rental Inspection Report that says, "As approved by the city" T. Valerius said they can change Section C to identify this.

B. Holmes asked if the city is requiring the egress and exit areas to be lit or some signage above the main exit door. T. Valerius said if council so chooses, but he did not plan on having an exit sign. B. Holmes said the new fire codes could address this in the future. R. Johnston said as of now they don't have this. B. Holmes said they received an email from Liz Barker, and she is living there from time to time, but also renting it out, so would that be considered an Airbnb or residential home. G. Drew felt that once she starts renting it out it is then an Airbnb. This is why he was worried about defining a temporary transient rental. Mayor Forthofer encouraged council not to require this signage because it needs to be enforceable.

M. Stark reviewed page one (a) (b) (1-5) with council. B. Holmes said he liked Huron's definition of transient rental. G. Fisher said per the draft legislation it defines "Dwelling" as the same meaning defined in Codified Ordinances of Vermilion Section 1260.06 (46), which reads: "Dwelling" means a building designed or used as living quarters for one or more families. The word "dwelling" includes houseboats and trailers. A. Hendricks said if you look on Airbnb and places that have the water, you'll find boats that aren't even houseboats. M. Stark and S. Herron thought they should leave their current definition of "Dwelling" as it stands currently, and council agreed.

P. Stein asked what if somebody wants to rent someplace for the whole summer. G. Fisher said it would fall under long-term rental because transient is 30 days or less.

S. Herron said he understands the law director took a lot of information as boilerplate as she took it from ordinances that have been validated by courts, but it doesn't mean they can't change things.

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T. Mayle addressed (d) (1) on page two as it states the annual permit needs to be renewed on March 31 but wondered if the building department wanted them all done at the same time. T. Valerius said when they discussed this previously, they decided on March 31, because all the contractor registrations are due January 1, and these registrations would all be done on March 31 before the season. He didn't foresee this being a problem. G. Drew said if he pays \$400 and registers his house in October, does he have to pay another \$400 on March 31. T. Valerius said yes, but it is up to council. G. Drew asked if there would be a way to prorate this fee or do they just do a year from the time they register. B. Brady said it cannot be prorated because the inspection costs the city. G. Drew said he would like to see 12 months from the time they register. He thought it would lessen the workload on the building department because they would come throughout the year instead of all of them at one time. B. Brady said then they would have to say no reminder will be sent. G. Drew wondered if it would be harder for the building department to track. Mayor Forthofer said there has to be some consistency. G. Drew said then he is okay with how it is because he doesn't want to make it more difficult for the building department because they're limited on resources as it is. T. Valerius said March 31 is really the beginning of the season. B. Brady asked what they would do this year because the legislation won't be in place by March 31. M. Stark said they have an initial ordinance in place, so they would just renew it on March 31 next year. T. Valerius said if they have an ordinance on the books by June, then they will be out a couple months. M. Stark said they would still have to register this year and they just won't have the deadline they have to meet, but they'll renew in March. P. Stein said in Linwood they already know who is renting for how long and when, so if it prior to March 31 what happens. M. Stark said they would not get penalized because the ordinance isn't in place yet, so if they get this ordinance in place and it starts June 1, then everybody will need to register, and they will give people time to register. G. Drew suggested a 60-day grace period.

T. Mayle questioned the initial fee. G. Fisher said it initially was \$200, but the draft indicates \$400 as decided upon by council.

G. Drew addressed (2) (C) on page two and asked for explanation on why they need somebody to be at the rental property within sixty (60) minutes. M. Stark asked Rodney Johnston to come up from the fire department to explain a situation why they would need to contact owners. R. Johnston said in a situation where they would need to contact the owner of the residence of the commercial business, is if they don't see fire coming out of the windows and they have to gain access to make sure there is nothing going on, this is why they would need a keyholder rather than breaking down a \$700 door. Several years ago, they started a program called "Knox Box", which is a secure system that only the fire department has a key to that is kept in their truck. He said it is timestamped, so it knows when the key comes out and goes back into the box. He said he just signed them up for residential Knox Boxes seven weeks ago, so they can now get those. The business or the owner of the house has to purchase the box and they cost around \$349.00. He said there is an ordinance (COV - Section 1620.07) on the books where all new commercial establishments are required to install a lock box system for entry by the Vermilion Fire Department after hours, or when unoccupied or locked for emergency services. The box must be approved by the Vermilion Fire Department before purchase or installation. He said if these are businesses and they're making money, then he is considering them a commercial business. T. Mayle asked if they could present the owners with an informational sheet at the time of application to offer the box. R. Johnston said he has a sheet they could put in the application. B. Brady mentioned that R. Johnston said it is required. B. Holmes thought this was where they were getting into a grey area if somebody lives there. G. Drew said he is not a fan of a lockbox as he uses it at his other job. T. Mayle said if they are presented with the option and they would rather have the lockbox, then this would be something they could offer, but she did not feel it should be mandatory. S. Herron said it is pretty much mandatory if they are a business. G. Drew asked if these would be considered commercial. M. Stark said they are allowing a home business in a residential area. G. Fisher thought they may have to discuss this with the law director because it's a grey area. R. Johnston said they have residential Knox Boxes too and several people are getting them when they go to Florida in the winter. T. Mayle said they are choosing that though and that's the difference. For a commercial business you could say that if somebody is making t-shirts out of their house - it doesn't mean that they have the right to require them to have these. She asked how much they cost. R. Johnston said the residential boxes cost \$383 and the commercial boxes cost \$429. G. Drew said the BZA has approved other homes that have businesses in them, and nobody has ever went back saying they are required to have these boxes, so they're not going to be consistent with what they have been doing in the city. R. Johnston said since he has taken over the fire department will be consistent and as they do inspections, they will have the ordinance with them. He said as far as downtown they have not had anybody say no.

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G. Drew said this still doesn't answer his question about having somebody at the house within (60) minutes and what is the penalty if they are not there within 80 minutes, or if he doesn't show up at all. There is nothing in the ordinance that penalizes you for not showing up. He thinks they are throwing things in the ordinance that sound good, but the reality is that the fire department is going to do what they need to do in an emergency and the same with the police department. Nobody is going to wait 60 minutes for the homeowner to come. If they smell smoke or have any idea something is going on, then they're going to kick the door in. B. Brady said he is talking about emergencies, but what if there is 400 people at an Airbnb – they will need somebody to call to be responsible to get rid of these people. S. Herron said if this is your property and you live in Columbus, then you have somebody here that is a representative, and it may not be a fire but an investigation issue, or for six people overdosing on cocaine fentanyl and they have to get somebody there right away, which just happened in Florida at an Airbnb. They better have somebody there to handle a situation. G. Drew asked, "To do what if there is five people overdosed in a home. What are they going to do?" S. Herron said to permit an entrance instead of getting a warrant to be held accountable for anything that is going on in there. There has to be some accountability. G. Drew said they do not have the resources to wait 60 minutes for somebody to come. B. Brady said they're not necessarily talking about an emergency. B. Holmes said it depends on the circumstance and incident itself. He said he goes on well-being checks during the day and if they're not knocking the door down, then they ask the fire department to do it. He said they had to get in there and they weren't waiting for the daughter to get there, so obviously law enforcement would take the whole situation into consideration. If it's a possible overdose, then they're going in and they're not waiting for somebody to get there. R. Johnston said one incident they had was at Buyer's Fair in the middle of the night and the person who had the key lived in Elyria and they didn't break the door down because they didn't see anything inside, and it turned out to be a faulty alarm, so the owner put up a Knox Box the next day because he didn't want his door broken down. B. Brady asked G. Drew if he was hedging because this would be too much of a burden for the homeowner. She said they have a cleaning person close by, so it's not like an owner in Columbus doesn't have somebody to do repairs, etc. She asked what happens if a toilet breaks. G. Drew said it is their property. He believes if they are putting something into law that it has to have a purpose and it has to solve an issue, and he did not think they should just throw something into legislation to make somebody feel good, or because it sounds good. Tell him why. If the fire or police department comes they will kick the door in and if somebody is overdosed inside then EMS and police will do their thing. The building department is not going to come at midnight to cite the people. There will a police report generated and hopefully it will get passed on to the building department and they are going to take action. The third time it happens, then they will lose their permit. He wasn't against this, and he will not vote no if council likes it, but he thinks it is silly and doesn't think there is meaning behind it. It's not a meaningful sentence if somebody lives an hour away, and what happens if they don't show up. There is nothing in there to penalize them. B. Brady said she was more worried about the neighbors around the rental then she is about their front door, but she is worried about the behavior. T. Mayle said the Knox box is not going to prevent this type of situation. She stated she was against the box, but if you're saying it is a law then that's fine. B. Brady said if they have not been doing it for home businesses, then they're already not doing it. G. Fisher said a lot of rentals have lock boxes on the outside of the homes so the tenants can gain entry during every rental, so maybe they can indicate this on their application along with their code, so it is on file. T. Mayle said she liked this idea especially if they want the city to have access to their house. R. Johnston said the fire department's thing is to protect life and property – not to kick your door in or bust your windows to find out what is in there. This is a simple solution, and it is some money, but if you give the building department your passcode, then they will need to know it and that is 38 fireman that know the code.

G. Drew said maybe the city can give them a \$50 discount to encourage them to buy the box. T. Mayle felt the homeowner should be presented with the option as she doesn't feel they must have it. There are people at the house, so whatever reasons would they need somebody to be there within an hour. If somebody overdosed on heroine, then she wouldn't be able to do anything. Maybe she can open the door, but chances are they are not staying there by themselves. Usually when you rent a place you don't rent it to hang out by yourself.

R. Johnston said two months ago there were 18 fisherman that stayed in a house across from his house and if they all went out to the lake fishing and are gone for 12 hours, and they don't have keyholder and something happens, then they won't be able to get in to secure the problem. T. Mayle said they can keep going around about this.

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P. Stein asked if it specifies in the ordinance if it is this particular lock box. R. Johnston said this is the box the fire department uses. S. Herron said in the ordinance it doesn't say the brand name. P. Stein said some other boxes have codes and the key is inside. B. Brady said this was what Gwen was talking about. S. Herron said council would have to change the ordinance to address this specific box if that is something they decided upon. G. Drew asked if this ordinance applies to this. It was noted the commercial aspect of this business is a grey area because it's in a residential district.

S. Herron said there are all types of crimes using the Airbnb industry and overdoses is one of them, but there are other crimes being done to people in Airbnb's. G. Drew said like human trafficking and S. Herron said more than just human trafficking, but mostly involving children, so there is a governmental interest in having accountability if you're going into this type of business. He said 60 minutes may be too long for some things, but not long enough for others, but if you're going to do this and invest in these properties, then that is fine, but the city wants them to have someone in the area who is answerable to what is going on in that property.

T. Mayle asked if another local contact would need to be included on the inspection report. T. Valerius said it is listed already as owner or representative. T. Mayle asked if they would want the owner and representative both listed on the inspection report. M. Stark said if they have the owner's name and phone number, then in this day in age how often is it that they don't get ahold of somebody through a cell phone. They could then contact somebody within the 60 minutes to get to the house. P. Stein said it seems to her that the only responsibility of the owner would be if there is a problem like loud parties or overcrowding. She said the owner isn't going to fix the toilet. G. Drew said it is their toilet. B. Brady said if it is in a second-floor apartment and it's coming through to the downstairs then that is a problem.

G. Drew said he doesn't like it, but he won't hold the legislation up if the majority of council doesn't have an issue with it, but he just doesn't see the purpose. M. Stark said what if they would ask T. Valerius to put a second name as a designated representative on the inspection report. B. Brady suggested a local owner. M. Stark said if they cannot get ahold of the owner, then they can call the designated representative. T. Valerius said what happens if they don't have a designated representative if they only live two streets over. M. Stark said they could always ask for a second person, such as an emergency contact. G. Drew asked what happens if nobody shows up. R. Johnston said then they have a broken door. T. Valerius said if the owner lives two streets away, then does council want them to list a representative. M. Stark said yes a second contact person in case of an emergency. T. Mayle said the ordinance states that if the owner doesn't live in Vermilion, then they would have to give a second contact person.

R. Johnston brought up the fact that these are commercial businesses. M. Stark said it is a grey area because it is a residential property that the city is allowing them to do commercial business. R. Johnston said at that point then the fire department can offer the application to them with their choice to purchase one, but if they refuse, then the homeowner needs to understand they need to do what they need to do.

G. Drew asked how council felt about giving a \$50 discount off their \$400 registration fee if they purchase the box. B. Brady asked who will give them the money. R. Johnston said the boxes come directly from the company and they would have to purchase the box. M. Stark asked the fire department to provide the building department with some of these flyers to offer them the option to purchase the boxes. T. Valerius said they would put this under their permit application instead of the inspection report. G. Drew said they need an incentive to purchase these. B. Brady said businesses do not get discounts. M. Stark said people may just do it to give police and fire access if something comes up. R. Johnston said if these are not considered commercial businesses, then maybe they need to rewrite the ordinance.

Next meeting:

A work session has been scheduled for April 4, 2022 from 6:00 – 7:00 p.m. for City Council and the Administration.

Adjournment:

M. Stark adjourned the Vermilion City Council Work Session upon no further discussion.

Transcribed by: Gwen Fisher, Certified Municipal Clerk