

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 6101

Monday, May 2, 2022

Held

Videos and minutes of council meetings are available to the public to view online at www.cityofvermillion.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; Susan Anderson, Law Director; Chris Howard, City Engineer

CALL TO ORDER:

Monica Stark, President of Council called the Monday, May 2, 2022, Vermilion City Council Meeting to order.

PLEDGE OF ALLEGIANCE:

The members of Council, administrative staff, and audience participants recited the Pledge of Allegiance; a moment of silence followed.

APPROVAL OF MINUTES:

M. Stark MOVED; P. Stein seconded to approve the April 11, 2022 City Council minutes. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

CORRESPONDENCE:

M. Wood reported that she received a liquor permit (new) for Alison Zaleski Racine, DBA Vermilionaire Wines at 651 Main St. from the Ohio Division of Liquor Control.

PRESIDENT OF COUNCIL'S REPORT:

M. Stark invited Main Street Vermilion to present Main Street Vermilion's annual report and also give a presentation on DORA.

Marilou Suszko presented council with the Main Street Vermilion Annual Report for 2021. She then reported on the 2022 marketing program. M. Suszko stated many communities that rely on the benefit of visitor's traffic because they lack a visitor's bureau or marketing arm in the community creates a responsibility for programs like Main Street Vermilion that are dedicated to community revitalization. She then explained where Main Street Vermilion invested in tourism marketing in the last year. Typically, the investment in marketing for tourism is about \$23,000 and they are not just marketing to people outside the community, they are trying to get people within the community to come support events for local retail and local businesses. Much of the funding that comes to provide for that budget comes from a little more than 125 businesses that invest in Main Street Vermilion with a partnership which is what helps make the marketing program strong. Every business in Vermilion benefits no matter where they are located from the tourism marketing efforts. Even though downtown Vermilion is the destination, they still have to get there whether it be from the east, west or the south, all businesses benefit. Of all the Main Street Programs in Ohio, Main Street Vermilion remains one of the few that still does not receive any financial support from the city. For the past 7 years, they have received a percentage of the bed tax collected in the township which usually amounts to about \$2,340 and they are grateful for that, we don't have the lodging within the city limits to really take advantage. As Main Street invests more into the community through beautification efforts, public art, and cultural and entertainment opportunities she would like to suggest that in the future they begin a conversation on how the city can help them sustain their marketing efforts for the benefit of all of the businesses and the economic development of the community.

Mayor Forthofer stated that Main Street is indispensable to the city, it is almost a fourth branch of government in many cases. There are many things that they could not do if it were not for Main Street, not just tourism generation, but administration of grants and other things. He said that Main Street deserves their appreciation however we can give it.

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M. Stark along with council agreed to add Main Street Vermilion to next week's Finance Committee discussions.

M. Suszko mentioned that in order to be an accredited Main Street, the municipalities that they represent have to buy into the program by satisfying some of their dues. The city pays \$2,300 to be an accredited Main Street program so that provides the opportunity to accept grants and be able to distribute those. If they did not have the city support they would not be eligible for some of those. M. Stark invited Main Street Vermilion to next week's meeting.

Sarah Ross of Main Street Vermilion began her presentation on DORA: Designated Outdoor Refreshment Area. She stated that DORA was allowed for in Ohio law in 2015 and it recently expanded at the end of last year, now the maximum requirements of communities of our size is up to four DORA areas up to 350 acres each and a minimum of 2 permit holders in those DORA's. It is basically a set of boundaries, days, and times where someone can purchase a drink at a participating establishment and then exit the establishment into the DORA. Should the city approve an application, it would be submitted to the Department of Commerce, and they would re-issue liquor permits to the licensed establishments with a special DORA designation on them. All of the key decisions are up to the city – the size, the hours, the days, how the trash is picked up, and how it is policed. A drink can only be purchased in a participating establishment in a designated cup, it shall not be taken into any other liquor license establishment and only one drink can be purchased at a time. The city is required to review the DORA every 5 years but she would propose that it would be reviewed every year as they get started. It would be reviewed at the end of the season this year and then each year going forward to see what they are learning, how it works, and if any changes need to be made. For all other establishments that are not liquor permit holders, it is at their discretion if someone with a DORA drink can enter or not, and they will provide tools to make that very clear and user friendly. A person cannot leave the designated area with their drink, there would be signage to mark the exit boundaries. No drinks can be brought in from the outside, no other cup can be used in the DORA area, and all alcohol laws must be followed.

S. Ross said a main reason Main Street Vermilion would like to see this because their mission is to add the extras to the waterfront community that we live in. They passionately pursue a vibrant community, economy, and culture, and they like to get the feet on the streets in front of the stores and businesses. Implementing a DORA doesn't change how or who they market to, it does give something new to market, it changes what they may market. They are proposing that Main Street Vermilion would be the administrators of the DORA program as partnership with the city. On the DORA committee, they have two business owners who operate businesses within the proposed district, three residents who live within the proposed district, and several parents who are raising children within the school district and of all ages in the community, they bring a variety of perspectives to having the program here. Another reason they are driving bringing a DORA to Vermilion is for placemaking and economic development purposes. Placemaking is any sort of public engagement tool that gives people a meaningful connection to your place. Studies on cities show that when you have engaging placemaking efforts, people are more likely to live and stay in your community. Walkability is a key component to placemaking, Main Street Vermilion already plays a key role in walkability in our downtown and this would be another tool to help with that. Worldwide 80% of non-lodging visitor spending is in a pedestrian friendly setting, so that is a key to get people walking the streets and spending more money. Two examples they can use to capture more spend from the visitors through this program are the add on drink and the new spend. We offer an abundance of programming in our community, free programs, and free assets that many people participate in without spending any money. There is not a good data figure on that, but she is sure everyone has witnessed that in some of the signature events. This allows for a way to spread their capacity during those times. Talent retention and attraction helps keep people here in the community to support the companies and you can only do that if people feel a strong sense of place. If people leave with a lasting impression, they are 71% more likely to consider it a good place to live, or 150% more likely to consider it a good place to start a business. They are trying to give people a way to make a memory here, so they are more likely to do all of these things. They are developing Vermilion as a tourism product itself, so rather than just coming to town you are giving people an activity. Aside from the economic impact, they are also talking about long term impact, some of the visitor spending that is done in our businesses is really what contributes to them being able to reinvest in their properties. We as residents get to enjoy those benefits year-round, we have a lot of choices here that many people without our visitor market, but the same size community do not have, because they do not have that visitor spend.

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S. Ross reported that Erie County Shores and Islands is in support of this concept, they did apply for grant money to cover the startup costs of DORA and provisionally, should a DORA be approved in Vermilion they have received a grant of \$4,700 to cover those start up costs which include the signage, marketing, and things to make it a successful roll-out.

S. Ross explained that they are proposing a 7 day per week DORA with the hours of 12:00pm to 10:00pm. The proposed boundaries that have been drawn are 34 acres in total which 11 licensed establishments fall within those. The proposed area begins on the west side starting with Your Last Chance BBQ area going into Main Street, down to Victory Park and Harbortown Fine Arts Center where a lot of programming currently takes place. To the east, it will include Rotary Park, McGarvey's Landing, Huggies on the north side of Liberty on that side of the bridge. Back in town, it will go up north Main Street including the dry docks and the future new park development. They are required to place signs at all of the entry and exit points and they will work with the Historic Design and Review Board on those signs along with the help of the Service Director on exactly where to place and how to install the signs. All of this information is captured in a legal document, should the city move forward will become part of the Ordinance and in that legal document several components are required. One is the public sanitation plan because it is a frequently asked question, there is also a public safety plan. Because a common question is about the trash, they did an inventory of all the trash cans, most of the trash cans are serviced by the city - 25 trash cans that are 36 gallons within the district. Of those, Main Street increased the capacity of 14 of them. Also, 11 additional receptacles are within the parks and the Port Authority, they have spoke with all of these parties about monitoring this and the entire program overall is really a partnership with Main Street, the city, the residents, the establishments this is not something they would just start without tending to. Main Street will administer the program and will coordinate with all these parties to make sure that all the trash is picked up or if there is anything else they need to do. If they see hot spots like other cities have found where their most frequently trafficked boundary point is, and they can add a trash can there which usually is not seen until it is implemented. They are looking for continual feedback. One of the key implementations will be the DORA cups. Main Street is set on purchasing compostable cups, they have learned that although the clear cups have a recycling triangle on the bottom, the number is not recycled around here so compostable is a better way to go. They will then broker those to the liquor license establishments and each establishment will charge the consumer a \$1 upcharge on their drink for it to be in a DORA cup. There are several reasons for that, one of those is that having a drink in a DORA cup is a responsibility and they want to communicate that with an upcharge, it is a privilege, and we have to pay for that.

S. Ross asked that the Mayor and City Council reserve the right to temporarily suspend DORA in order to accommodate the permitting of special events. As they hosted a meeting with all of their establishments and some of the key stakeholders came to learn more, one of the biggest questions was what they should do during events. At this time the consensus is until this is figured out, we should suspend this during Woollybear Festival and Festival of the Fish. Once it is figured out, it may not be the best route to go but at any time, Council and the Mayor have that right to suspend it. The standard system in other communities is a three-sticker system for the doors, the option is either DORA is sold here, DORA is welcome here, or DORA is not welcome here. They will roll out something similar along with the signage that explains the rules and tells you where you can get your DORA drinks. Other communities have also produced a video to show what the cup is, where you can go, and how to do it - which is yet to come. They would like to open this up now to the public so they can get the critical feedback on what they have written in the application and asked that it can go to the committee meetings next week. Should it go forward from there, the application would be on file at City Hall, a public notice would be posted in the paper and within 30-60 days they would have the readings of the Ordinance. After it is approved, it becomes law, and they would have to mail it to the Department of Commerce to get the updated liquor licenses. All of this information can be found on Mainstreetvermilion.org/DORA along with the application. They would like to post a few open house FAQ sessions, the first one is scheduled for next week at Main Street Vermilion from 6pm-8pm where anyone is invited to come ask more questions.

M. Stark said that they would put this on the committee meeting next week to discuss with the administration further.

B. Brady asked what kind of response they are getting from the liquor license holders and the rest of the businesses and if everyone is on board. S. Ross answered there are 11 licensed establishments in the district, and they have spoken with all of them, mostly in a group session and there have been a few one

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on ones for those who could not make it. Last week they requested an official response of yes or no and 9 of the 11 have said yes they will participate and the other two they have not heard from yet. They have not made a formal ask to other establishments yet, they were invited to the kick-off meeting and a handful are open to it – Erie and Anchor for example, The Olive Scene, Granny Jo's on the patio. An example is Granny Jo's said they would allow it on their patio, but not in their store and they can do that. B. Brady asked if the Parks Board have said yes to allow it in the parks. S. Ross answered they presented to the Parks Board who gave their feedback and concerns about what is unique about Vermilion and at the end of the day it would be best for them to come to Council. At that time, Victory Park was not drawn in, that came from more feedback after the meeting with the establishments and the Chamber of Commerce and they did talk to the church about Victory Park as well.

T. Mayle asked if the plan was to take the area to the beach. S. Ross replied that is their proposal, they would like to get feedback from the community on it, primarily that is for programming purposes. What they are seeing as the new vision for the park and what the programming will be down there, it really compliments it. T. Mayle asked of all the other communities surveyed does anyone else have a beach because we do not have lifeguards, and safety is her main concern when she saw that the beach was included. S. Ross said that is one of the questions parks board asked, so they have been digging into that and they have found a lot of waterfront communities, riverfront, lakefront, harbor-front, bay-front - they have not found a sandy beach but the few that they have spoken to are in similar situations in where that is where their programming happens, so it is a good fit for them. T. Mayle asked what she was referring to by programming. S. Ross replied that programming would be concerts, or movies for example. That is something they spoke with the Police Chief about as well and his response was that they are familiar with the logistics and uniqueness of Vermilion and feel they have a handle on that area. T. Mayle asked if they felt they could regulate the usage of the DORA cup and not having people refill it with whatever they choose. S. Ross replied that was her impression.

Mayor Forthofer stated they can discuss next week at the meeting with the Police Chief and the President of the Parks Board so they can speak and answer any questions they have. He stated last time he spoke with the Chief he said they like to support whatever helps the merchants downtown, but their enforcement will probably be no different than it is for current open containers. He does not think they can count on specific DORA police enforcement.

S. Herron stated one of his concerns would be the liability that is imposed, if a bar sells a DORA cup and a person overdrinks and gets in a car and does something – goes to the beach and starts a fight or something else happens and we have to deal with the lowest denomination of humanity when we make these decisions, does the city incur liability and to what extent if so, does the liability still attach to the tavern owner if something happens. If they have the DORA cup, they don't know where the drink came from, we have to be aware of that because what happens when there is alcohol abuse.

Mayor Forthofer stated that was one of his first questions too, and the Finance Director checked with the City's agent and the response was that it is covered in the coverage the City already has. The next question was if there would be a premium increase and it will not unless there is an increase in claims.

B. Brady asked along the same line, what if they take it into a business and there is a problem, is that business then responsible. S. Ross replied that the way she explains it is the lanes of responsibility do not change. When a patron is in a liquor license establishment the responsibility to not overserve is on them, if a patron is entering a retail store that has certain rules about what they can or can't bring or do the responsibility is on them. They would treat it the same way they do now, the lanes of responsibility do not really change.

T. Mayle asked if this were to be initiated in Vermilion, and initially DORA is stopped for the festivals because the Chamber runs their beer tent during those times, would it be possible to incorporate them into something like this. If this does go well, they can do an upcharge as well to allow people to walk the festival from their sales. S. Ross answered yes, in order to do that, they do not have to change anything in their application it is written into the law to do so because they would provide the Department of Commerce with the street names and numbers when the Chamber applies for their temporary permit there is a question they will answer if it falls in the district and then they also get that approval on their temporary permit. They would still have to follow the specific cup rules and the specific time rules. T. Mayle replied maybe the local merchants would stop their DORA cup sales just for the festival and allow

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the beer tent to utilize the same process. S. Ross said that could be in the future and really the feedback now is while they are still piloting this and learning to not try it yet, just take the time to learn.

B. Holmes asked on the cups themselves if there is room for educational information regarding the consumption of alcohol. S. Ross replied yes, a please drink responsibility message can be added. B. Holmes stated maybe they can reach out to the local health departments because he knows there are options for people to call, for example Uber and that information can be placed on the DORA cup. S. Ross said DORA will allow whatever cup we approve locally and that is allowed.

S. Ross said that they have spoken with a lot of other communities, and it has helped her understand the potential of what this could be, and she encouraged the members to reach out to elected officials or administrations in other communities that have implemented DORA. They are willing to answer the phone and it is a lot easier to hear it yourself from someone experiencing it. B. Holmes asked besides Port Clinton, what other communities have DORA. S. Ross answered Lorain, Sandusky, Norwalk, Marietta, Wooster, Canton, Tiffin, Kent, and Brian, OH.

COMMITTEE REPORTS:

Historic Design & Review:

P. Stein reported on the meeting of April 6. The next meeting is scheduled for May 4, 2022 at 6:00 p.m.

Vermilion Tree Commission:

P. Stein reported the next meeting is scheduled for May 11, 2022 at 9:30 a.m.

Finance:

B. Holmes reported the next meeting is scheduled for May 9, 2022 at 7:00 p.m.

Planning Commission:

B. Holmes reported the next meeting is scheduled for May 4, 2022 at 7:00 p.m.

Health & Safety:

B. Brady reported on the meeting held April 11. The next meeting is scheduled for May 9, 2022 at 7:00 p.m.

Streets, Buildings & Grounds:

S. Herron reported on the meeting held April 11. The next meeting is scheduled for May 9, 2022 at 7:00 p.m.

Port Authority:

S. Herron reported the next meeting is scheduled for May 12, 2022 at 6:30 p.m.

Utilities:

M. Stark reported on the meeting held April 11. The next meeting is scheduled for May 9, 2022 at 7:00 p.m.

Parks & Recreation:

T. Mayle reported on the meeting held April 19. The next meeting is scheduled for May 17, 2022 at 6:00 p.m.

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Vermilion Community Services:

T. Mayle reported there are no meetings scheduled at this time.

Contractor Registration:

G. Drew reported on the meeting held April 26. The next meeting is scheduled for May 24, 2022 at 6:00 p.m.

Zoning Board of Appeals:

G. Drew reported on the meeting held April 26. The next meeting is scheduled for May 24, 2022 at 7:00 p.m.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer read and presented his report as follows:

Waste Collection Change

Beginning May 25th, Republic Services will collect all city waste weekly, all year long. That means bulk, yard waste, recycling, and household waste weekly. Everything goes every week beginning May 25. Reminder, May 25th. This Wednesday will be the last regularly scheduled bulk waste day. From now on its every week.

Drilling and Barges along the river.

U.S. Army Corps of Engineers core sampling in preparation for reconstruction of the west pier in 2023. All summer we will see activity around Main Street Beach and along the river. They will not block boat traffic.

Day of Prayer

One of the more uplifting events around town is The national Day of Prayer organized by the Vermilion Chamber and the Vermilion Ministerial Association. It is May 5th at noon and will be held by the gazebo in Victory Park. Clergy from most of Vermilion's ministries will be in attendance. Music is provided by the kids of St. Mary's School. There are enough prayers to go around and believe me, we need them. It's a short service. You won't be sorry you stopped by and most people feel better after.

Road to Hope Village

Road to Hope will be holding an open house at the new Road To Hope Village at 1863 Liberty Avenue on May 27th from 11 – 6 pm. Ribbon cutting is at noon. Please stop by and see the results of this remarkable project to house addicted women and their children as they go through the recovery process.

Full Time Fire Chief Hire

William Brown has been hired to be the City of Vermilion's first full time Fire Chief. Mr. Brown has been Assistant Chief for the Wellington Community Fire District for 11 years and has risen through the ranks there for the past 31 years. He is also the Training Officer for Wellington. Mr. Brown has served in career and paid-on-call fire departments. He served as an Emergency Medical Technician for Allen Medical Center in Oberlin. Mr. Brown has a bachelor's degree from Ohio Northern University and graduated from the Ohio Fire Executive Program in 2008. Mr. Brown will be meeting with VFD personnel and me over the next month. His first day as Fire Chief is June 13th.

Mayor Forthofer feels very good about the thorough process of choosing our first full time chief. The selection process and oral boards by the Ohio Fire Chief's Association as well as finalist reviews by our own selection committee yielded a unanimous choice. I've asked Mr. Brown to attend our Health and Safety Committee Meeting next week.

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Capital Must do Initiatives.

Last month the Administration presented three capital projects that we feel are critical to the future of Vermilion. Tonight, we would like to move the initiatives forward. The first step, of course, will be funding. Finance Director Hendricks will lay out a direction that we can take to finance these projects. We would like to put it on next week's Committees Agenda for further discussion.

Executive Session

Mayor Forthofer requested an Executive Session pertaining to Pending Litigation and Hiring/Firing.

SERVICE DIRECTOR'S REPORT:

Tony Valerius reported the crack sealer contractor will be in town treating streets next week, and he would like to remind the public to please slow down and use caution as you approach these work areas. Once they start, they will be in town for the better part of two weeks depending on the weather. Also, depending on the weather the street department will begin durapatching this week. The highly traveled streets in town will be the first on the list for repairs before moving into the individual neighborhoods and he asks that drivers use caution in these areas as well.

The City's Building Department has officially begun accepting building permit applications for Vermilion Township residents. He wanted to thank the Building Official and especially the Building Clerks for their hard work fixing some issues from the past year they have encountered during the transition so as not to delay any of the applicants from starting their projects.

The city received the rebuilt radar speed signs that are mounted on State St. near the school to alert drivers of their speed as they approach the school zone. The Building Department with help from the Police Department installed and programmed the units and they should be fully operational beginning tomorrow morning.

He asked Council to suspend the rules to pass Ordinance 2022-36 regarding the playground equipment at Sherod Park.

FINANCE DIRECTOR'S REPORT:

Amy Hendricks reported as followed:

Appropriation and Amended Certificate Updates

Amy Hendricks reviewed the various funds that have had increases or decreases not just transferred from one line to another, which were sent out last Wednesday.

Utility Rate Review

Amy Hendricks stated as a follow up to the committee meetings last month, one of the topics in supporting of our financial structure is the utility rate review. It came up again as the EPA is coming in to do one of their reviews at the water treatment plant and they wanted to see evidence that they are doing at least a triannual rate review for the utility functions.

Looking at just the operational costs, taking the capital costs out for water because they have made some extensive investments in water lines and updating some aged vehicles it looks like for 2022 to maintain a break even point, based on the number of units they billed in the prior year, it would result in increasing the water rate by \$.44 per unit which would take the rate to \$7.76. After some additional analysis of the sewer and she backed out the Erie Co. portion of the usage and the revenue because that would not be impacted by a rate increase, takes it to \$1.14 increase per unit which would be \$7.01. In comparison to Erie County's rate is at \$8.255. The last time that they increased water rates in 2018 they made assurances that they wanted to set the goals of repaying \$150,000 that the general fund had previously loaned to the water fund, and had not been repaid. Also, they wanted to be able to provide documentation of the funding for the infrastructure plan for replacing water lines etc. that the EPA had requested. She is pleased to note since 2018 through 2021 the general fund has been repaid the \$150,000 from the water fund, two worn out vehicles have been replaced as well as some other aged

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equipment and \$2.9 million dollars has been invested in replacing water lines and other related projects throughout the city. The upcoming increase of \$.44 would offset rising costs for operating the plant such as more than 20% in chemicals, rising utilities, gasoline, and healthcare. This would be about \$3.52 per month on an average 8-unit household but in a 1-2-person household, it would be less than \$1.00 increase per month.

The sewer rates have not been increased since prior to 2010 and waiting 12 years with standard inflation rates let alone the current 8.5% we are experiencing right now, would not be considered the best practice. There is an Ordinance on the agenda next week at the committee meetings that has some potential rate increases as a part of that, in order to build in some inflationary factors so we do not have to come back to these. It allows better planning, in looking at other communities and national inflationary increases going out in 2023, 2024, and 2025 she proposed an increase on January 1, 2023 of 3%, in 2024 2.5% and in 2025 2.5%. The increase initially proposed would be about \$9.10 on the average homeowner's usage and about \$2.30 in a 1-2-person household.

In addition to operating needs, it was discussed at the finance committee as a way to fund some capital projects for wastewater infrastructure, to implement an increase to the EPA fee of the proposed \$5 per month. This is something that would share the cost throughout the community rather than assessments on individual properties in the areas of those improvements - to try to make that something the whole community is sharing on that going forward.

Permissive Use Tax

One of the options that was presented during the capital presentation for gaining dedicated road funding each year of \$60,000, which could actually end up allowing the borrowing of about \$1.2 million would be the enactment of an additional \$5 in the permissive use tax which is enacted by the state of Ohio. That \$5 per year would be on each registered vehicle. To implement this tax for January 2023 the Ordinance would need to be approved and submitted to the state of Ohio no later than July 1. The next opportunity for collection would begin January 2024.

Audit Updates

We are in our second year of contracting with Julian & Grube for our GAAP Financial Statements and things are going smoothly. They estimate filing by May 15 to the Auditor of State allowing adequate time for C.E. Harris to complete the compliance audit. CE Harris will be on site the week of May 23 to wrap things up.

ARPA Funding

The first report for ARPA for Non-Entitlement Units with activity through March 21, 2022 has been submitted to the US Treasury of the April 30 deadline.

Mayor Forthofer commented that it seems as though the Finance Director is throwing out a lot of fees but in many cases, we have simply fallen behind our own schedule of increases. He is not sure where in the past it stopped, but we have some remedial work to do in schedule increases. In other cases, our fees compared to other communities are just plain low. It is partially in regard to the capital improvements suggested, but in many cases it is good practice and we have fallen behind.

B. Brady asked if the water EPA fee would be increased. A. Hendricks replied at this time, that is not something they have proposed, that is not something they have discussed, it is certainly something that could be addressed if there were larger projects they would like to consider.

B. Brady asked about the water meters, and when those were installed they expected a large increase in billing. A. Hendricks answered they are definitely experiencing increased revenue. NECO had estimated a 12% increase, she does not know they have reached 12% but probably in the 5%-7% range. One of the things that will not show up on billing but will save costs is when meters were being replaced, they found a number of meters in homes and businesses that had been dead and some of those had large continuous ongoing usage. Those have been shut down, while it does not show up as an increase in billing, it is a savings in the operating costs. B. Brady asked if that increase in billing then would not

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supplement what they are talking here with these increases. A. Hendricks replied with what we are experiencing right now, on a normal basis it definitely would but when we have a 20% increase on chemicals, large increase in health insurance and a large increase in utilities and supply chain costs that are going up, the smaller increases will help us down the road not have to put in such a large increase at a later time. B. Brady stated the increases do make sense.

T. Valerius mentioned about three weeks ago, they fixed a major water leak that they did not know about, it was running into the storm sewer system, so it didn't expose itself. That will have a major affect on water usage as apposed to water billed. Now that it's fixed, they may see that number go up.

B. Holmes asked about the possible EPA grant money and the meeting that was attended. C. Howard answered they will apply for it, and August would be the earliest they can apply. They will continue to offer this for the next 5 years.

CITY ENGINEER'S REPORT:

Chris Howard reported the preconstruction meeting was held for the Liberty Avenue Replacement Phase 2 last week. The contractor Buckeye Excavating and Construction will provide a construction schedule once they get a better handle on the material orders from their vendors. Right now, we are hearing a water line is two to four months out, in addition to the valves and hydrants. This will probably be a late summer project.

The preconstruction meeting for the Brownhelm Station Road Culvert Rehab is scheduled for this week. Once the project is scheduled, he will share that date with the public.

LAW DIRECTOR'S REPORT:

S. Anderson reported there is a new fireworks law passed last November that had incremental effective dates, and the last effective date is coming up July 1 which will be a state law that allows persons to discharge fireworks. The way the state law works is that it allows fireworks on certain days and holidays throughout the year, it is written in that the city has the ability to restrict completely the discharge of fireworks within city limits or to put more limitations than what the state allows. If Council wants to consider making changes it must be in place by July 1 to be in effect. Mayor Forthofer said that the Police Chief does have an opinion on this topic and may have more to say at next week's meeting. M. Stark said they would put it under the legislative portion of next week's meeting.

OPEN TO THE AUDIENCE:

Larry Drouhard of 5125 Liberty Ave. stated he was involved in the proposed DORA and besides being grateful for the business and improving the atmosphere in the downtown, DORA makes busy times more manageable for people like himself who hate the congestion of a busy restaurant or bar. He prefers to go back outside, and this allows that to happen easily. In terms of safety of the beach, bringing one more drink to the park won't make the chance of drowning increased that he can imagine. Overall, from the conversations they had with other communities, Wooster in particular, they had a collection of fears that City Council had discussed prior to enacting DORA and none of those came to fruition. Questions like where the trash is going to go, and drunk people passed out on the street, none of that happened. In regard to the upcoming transient rental ordinance that is coming up he wanted to say a few words. Throughout his time in Los Angeles and Lake Tahoe, Nevada he knows that it is a factual statistic that short term rentals bring up property values. He remembers last year that council had discussed they would bring down property values, and that is not the case. Short Term rentals encourage upkeep and proper maintenance because they produce revenue for the homeowner, they have the funds to paint the house when it needs it, to improve the landscaping. Especially safety and maintenance issues indoors as well as outdoors as where a normal homeowner may not have the money or prioritize things like throwing a fresh coat of paint on the house. When you have a home that is producing revenue and customers that want to stay at a nice looking home, they are encouraging you to fix it up. Not to state the obvious, but sometimes when you overregulate, it can burden the Police Department and Building Department. Like it was discussed in the DORA presentation, where the bulk of visitors spend their money is in lodging and with only one hotel here in town for the most part, we really do not have another place to put them. He would not want to discourage housing our guests.

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Bart Barna of 836 Gardiner Rd. stated in regard to DORA, most adults are responsible drinkers and there are already plenty of laws in the books that help us along those lines. Obviously, we know there are crazy circumstances that can happen but, for the most part there are responsible drinkers out there. To-go drinks are still legal in the state, so they can technically buy a to-go drink right now and pop a straw in it just outside the door and no one can stop them. As a prior bartender himself, it is their job to gage the person when they come in, when they leave what they do after that whether they take a pill or a drug or another drink, that is on them. With transient rentals, there a few different areas they always talk about one of them being revenue. Owners are already paying more tax than a normal homeowner that rents out their home. A long-term rental does not have to pay any extra tax so how is that any different – they are still renting out their home. Additional taxes may discourage current and perspective transient rentals, the additional revenue will not sustain the additional personnel needed to enforce these new Ordinances from what he is hearing. Many businesses are running out of people's homes for example eBay or a consulting business or an online business with no extra taxes or fees being put on them. Safety is a big one he hears on a lot of these meetings, to his understanding there have been no safety complaints and very few calls to file police reports. He thinks there were some broken items in a home, but no safety related concerns. He would like to hear from the Police Chief on that again. You should google to own an Air B&B or a home away home, or any of those homes you will find most of the people are very happy with the businesses that they are running and there is a large expense to it as well. Transient rental owners take great care of their property as it affects their future business, they all have reviews in place. Transient renters take care of their rentals the same way we would take care of a car rental or even a hotel room. 99.9% of the people are conscientious of the property they are renting for many reasons, especially because they are financially responsible for that damage. He does not think that transient rentals are bringing any unsavory people into our town, they are bringing the highest quality of people actually. Most transient rental properties are booked through third party sites that have strict guidelines based on the review of patrons, so they are actually self-policing those properties themselves so if it is not safe, or under maintained they will put that in a review and most people will not rent that property. This by the way helps ensure the resident is safe, so there is no need for unwarranted inspections that long term rental owners are not subjected to. In closing, he implores the elected officials to remember they are the voice of the entire community and not just a few people and although they may feel differently, it is their duty to listen and vote the way we feel. He may not own a transient rental in this town, but he wants the absolute best for this community, and he knows this Ordinance will not do anything else to draw more visitors, businesses, or residents into our town, but it will adversely affect all of those things.

Drew Werley of 5016 Timberview Dr. stated DORA is a fantastic idea and in watching the presentation a lot of the things of why we should be pro DORA is why we should be pro transient rentals. He would like to see the transient rental ordinance thrown away because it does little to nothing to solve the vast number of baseless concerns that anyone has. We have had more meetings involving conversations of a transient rental ordinance than we have had complaints about them. Most of the concerns have been expressed by this Council and more proceeding it can be solved by enforcing current laws already on the books. The main thing to remember in all this is that you are trying to regulate a taxed property that already has an abundance of rules set upon it. The simple fact is whether it is a vacant home of a singular person or a family of 12, these properties are being used in the exact same way. They are being used as a residential property. You can try to spin it that it is a business, but it is still just a residential property being used as such. Neighbors are having a loud obnoxious party, call the cops if you want, we have noise ordinances. No difference if it's the neighbors that own the home and rent it yearly or for the night. Neighbors parking in your lawn blocking the driveway, call the cops if you please, we have a parking ordinance again it makes no difference in how the people pay for that property. The inspection fees are now at \$400, when he first came almost two years ago to say that Council was attempting to steal from people it was a \$100 inspection fee. At that time Monica Stark can be quoted as saying "when we spoke to the Building Inspector he said that he was happy with the fees that we have on our books now, we are not doing this to try to up our fee or anything like that, it's more of a safety concern". It is such a safety concern that we have to go out and try to extort money from people and justify it by saying it is a necessary inspection that checks for things that are already in various laws and building codes like handrails and smoke detectors. He was reminded by the then President of Council Steve Herron that it is so we can send someone out there to get the things to find out where they are. Back to the fees, at one point the Mayor and Finance Director claimed that it will cost far more than the then \$200 fee just for the software they are purchasing as well as the additional support staff. I did a public records request for the information but was told that it was just in conversation, nothing was ever put to paper as to what number

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they came up with as far as costs. The Mayor had also said "If we don't collect a high enough fee, some other taxpayer will pay for it", well that's what we've been doing for the last two years now. We spent over \$8,000 for the Granicus software during this time, how will we recoup the money spent on this? Finance Director Hendricks stated not too long ago the Building Department already hired additional help with food truck and transient rental permits, but we haven't had an Ordinance to steal money from transient rental owners, you all have done a good job of keeping the food trucks out of Vermilion so I doubt there is an abundance of applications, so how has this position been paid for, some other tax payers. Furthermore, it seems like we are wasting money, but such is the course for much government entities, spending first and trying to figure out how to pay for it later, mostly indebting your taxpayers for what you can't steal from others, though you are doing a good job of trying to do that. Speaking of your fees, you brought back the civil fine structure from last time and the previous law director's office had suggested we remove the civil fines from this ordinance, but here it is again. He reiterated his prior comments that if you pass this ordinance with this fine structure it will be the highest fines in the entire Codified Ordinance, with the ability to fine individuals up to \$4,100 per day, or only \$4,000 per day if you don't include the criminal fine. In the event that these violations persist for say a 10-day period, the owners could be subjected up to \$41,000 in just 10 days. We brought back the 30 days which is one minute change that could be made and should be made, he's not sure if it is due to ignorance or stubbornness is the definition of transient rental. It is his suggestion that council changes it to 27 days, this is absolutely nothing off of the ordinance, but it does then preclude properties that are rented month to month from falling within the scope of this ordinance, which he is sure Council can agree is not the intent of this. It is limited down to 100 permits now; he has been to almost every one of these meetings and he poses the question to this body of where the arbitrary number of 100 permits come from. He does not remember this number ever being spoken before it was put to paper. He would like to know which one of the elected legislators came up with that number, if it was drafted off of Huron they have 165, Vermilion has over 150% of the population of Huron and over double the square mileage yet someone thought 100 was a good number. The one-hour rule, Greg Drew made a good point as he has said before that being within one hour of the time makes no sense at all.

Ken Cassell of 5425 Liberty Avenue said he attended because he is interested in the DORA program and what it means and said that he was unable to see the presentation. He asked for a copy of the PowerPoint program so that he can come back next week to speak about the topic.

OLD BUSINESS: None.

NEW BUSINESS:

P. Stein MOVED; S. Herron seconded to adjourn into executive session to discuss pending litigation. Roll Call Vote 7 YEAS. MOTION CARRIED.

M. Stark MOVED; B. Holmes seconded to adjourn into executive session to discuss personnel matters (Hiring, Firing, Compensation). Roll Call Vote 7 YEAS. MOTION CARRIED.

City Council proceeded to adjourn into executive session.

M. Stark called the regular meeting back to order at the conclusion of executive session.

Reading of the Ordinances:

Second Reading – Ordinance 2022-23: AN ORDINANCE AMENDING CHAPTER 1082 ENTITLED "CONSTRUCTION SITE SOIL EROSION, SEDIMENT, STORMWATER RUNOFF AND STORM WATER QUALITY CONTROLS AND REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND

Second Reading – Ordinance 2022-24: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT FOR MANAGEMENT SERVICES FOR THE OPERATION AND MAINTENANCE OF THE CITY'S CEMETERIES.

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Second Reading – Ordinance 2022-25: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT ON BEHALF OF SAID CITY WITH THE TOWNSHIP OF BROWNHELM, LORAIN COUNTY, OHIO TO PROVIDE FIRE PROTECTION FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023.

Second Reading – Ordinance 2022-28: AN ORDINANCE REPEALING ORDINANCE 2021-82.

Second Reading – Ordinance 2022-32: AN ORDINANCE ENACTED PURSUANT TO CHAPTER 1266 OF THE CODIFIED ORDINANCES OF VERMILION, REZONING LAND IN VERMILION, OHIO, AND CONTAINING AN AREA OF APPROXIMATELY 5.0 ACRES FROM I-1 "LIGHT INDUSTRIAL DISTRICT" TO R-1 "ESTATE RESIDENCE DISTRICT" LAND USE CLASSIFICATION AS FAVORABLY RECOMMENDED BY THE VERMILION MUNICIPAL PLANNING COMMISSION; AUTHORIZING THE CITY ENGINEER TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF VERMILION TO CONFORM HERewith AS SAID MAP HAS BEEN ESTABLISHED BY SECTION 1268.02 CODIFIED ORDINANCES OF VERMILION UPON THE EFFECTIVE DATE HEREOF. (Public Hearing – May 9, 2022 @ 6:00 p.m.)

Second Reading – Ordinance 2022-33: AN ORDINANCE AMENDING CHAPTER 1484 ENTITLED "RENTAL REGISTRATION" OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, OHIO, AND DECLARING AN EMERGENCY. (Referred to May 9, 2022 Legislative Committee)

First Reading – Ordinance 2022-34: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH FUND 241 "ODNR DIVISION OF FORESTRY GRANT" AND DECLARING AN EMERGENCY.

First Reading – Ordinance 2022-35: AN ORDINANCE AMENDING ORDINANCE 2022-12 ADOPTED MARCH 7, 2022 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF VERMILION, OHIO FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 AND DECLARING AN EMERGENCY.

B. Holmes MOVED; P. Stein seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

B. Holmes MOVED; S. Heron seconded to adopt this Ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Ordinance 2022-36: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF VERMILION, OHIO TO ENTER INTO A CONTRACT WITH SNIDER RECREATION INC. OF NORTH ROYALTON, OHIO FOR THE SHEROD PARK PLAYGROUND EQUIPMENT AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT IN AN AMOUNT NOT EXCEED THREE HUNDRED FORTY-EIGHT THOUSAND, SEVEN HUNDRED TWENTY-THREE DOLLARS (\$348,723.00) TO SAID AWARDEE AND DECLARING AN EMERGENCY.

B. Holmes MOVED; G. Drew seconded to suspend the rules. Roll Call Vote 7 YEAS. MOTION CARRIED.

P. Stein MOVED; B. Holmes seconded to adopt this Ordinance by emergency. Roll Call Vote 7 YEAS. MOTION CARRIED.

First Reading – Ordinance 2022-37: AN ORDINANCE TO LEVY A PERMISSIVE MOTOR VEHICLE LICENSE TAX PURSUANT TO OHIO REVISED CODE SECTION 4504.173.

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Announcement of Meeting Dates:

All meetings will be held at the Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH

- May 9, 2022 – Vermilion City Council Public Hearing, Committee Meetings, and Council Meeting – 6:00 p.m.
- June 6, 2022 – Vermilion City Council Meeting – 7:00 p.m.
- June 13, 2022 – Vermilion City Council Public Hearing, Committee Meetings, and Council Meeting – 6:00 p.m.

Adjournment:

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

Transcribed by: Melanie Wood, Building Clerk