

RECORD OF PROCEEDINGS

Minutes of

Minutes of the Vermilion City Council Meeting

Meeting

GRAPHIC VILLAGE - CINCINNATI, OH

Form 8101

Held

Monday, June 6, 2022

Videos and minutes of council meetings are available to the public to view online at [www.cityofvermillion.com](http://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, June 6, 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:**

**B. Brady MOVED;** B. Holmes seconded to approve the June 6, 2022, City Council minutes. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**CORRESPONDENCE:**

G. Fisher addressed numerous emails Council received by noting if the individual was for or against DORA. The emails are attached hereto and incorporated herein as part of the official Record of Proceedings. There was one additional email submitted by Homer Taft on Water, Sewer, and EPA fees that will also be made a part of the permanent record.

**PRESIDENT OF COUNCIL'S REPORT:**

Monica Stark explained to the audience that if anyone were in attendance to discuss DORA, it would be part of their committee meetings on June 27, 2022, at 7:00 p.m. However, if anyone signed in to speak on DORA, they were free to do so.

She introduced Ben Cutler, MBA | Public Affairs Manager | Columbia Gas of Ohio who was present to speak to City Council on a pipeline replacement project in Vermilion.

Ben Cutler explained the accelerated mainline replacement project they recently started in Vermilion. He said they are installing 11,500 feet of new plastic pipe and will be retiring 11,400 feet of cast iron pipe, and 140 new service lines, which translates to 140 customers impacted by this project. The total project cost is in the vicinity of about \$2,400,000 and the streets are in Ward Two. They include Jefferson, Columbus, Decatur, South, Ohio, Fisher, Edson, State, and Mill. The project will be broken up in two phases for internal purposes as part of a 25-year initiative that Columbia Gas has undertaken – starting in 2008 to replace old infrastructure. They have infrastructure that has been in the ground since the 50s and 60s, and just like any infrastructure, things deteriorate over time and the cost to maintain and repair is more than putting in new modern pipe, so the new plastic system they are putting in is state of the art and it has enhanced safety features that can bend to the contour of the earth, expand and contract to the shift in temperatures, and it will last the next 100 years, so it is a good investment. They are also upping the capacity of the system and while the gas pressure going in the house will remain the same, there will be more capacity if folks want to add appliances and things like that. He said there will be pain points during construction, which include excavation and congestion, but once they are done, they shouldn't have to touch this pipe again. This is not the first AMRP they have done in Vermilion, and it will not likely be the last one, seeing they have another 12 years to go in this initiative. They have been working closely with the city's service director Tony Valerius, the engineering department, and service department on logistics to make sure they stay out of conflict with city projects. He said the project began after Memorial Day, so they are in the early stages. The key phases of the project include pre-construction (oops flags). He

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asked the residents to not disturb the flag markers as they are important, so they do not hit something inadvertently. They are also performing camera work above ground to make sure they know what the area looks like, and they delivered this video to the city well-before the project started at the request of the engineering department. They are also televising the sewers for their directional boring. As they get started, they begin with the mainline, which is the main artery that goes down one side of the street in the right of way. It is near the curb and tree lawn area, and it runs parallel to the street. This is the main feed that feeds all the homes. They do their best to directional bore this if they get the camera work. If they don't, then they have to perform open excavation, which is more evasive, but it is done for safety to make sure they don't cross bore something. He said there is no customer impact during the mainline phase besides some excavation and congestion work. Once the main is in and put into service, they will do service line replacements which t-off the mainline and goes to the home and to the meter and delivers the gas to the home. They will follow-up with a service line replacement for individual homes that take about 2-4 hours per property, which includes a brief service disconnection. Indoor meters will be relocated outside as part of the project. Out of the 140 homes he believed under half of them have meter relocations.

He said the biggest concern they get from people is property restoration and they know this is important and because it takes some time, they are asking the residents to be patient. They do temporary restoration immediately to keep things safe and accessible, but the permanent grade is not done until they get towards the project because they want to make sure all the installations are done before they do concrete/asphalt and fix yards. They have the pre-video so they will make sure everything is restored back to its original condition.

He advised council if they receive complaints or concerns to please direct them to him as he is more than happy to respond on their behalf. He does not want anyone in the city getting caught in the middle and they will work with the residents directly to keep everyone comfortable.

He thought the project could take about 3-4 months, which could be shorter or longer.

P. Stein asked when the project will begin. B. Cutler reiterated they started the project the day after Memorial Day, and they started at South and Decatur with two crews.

Mayor Forthofer said the city posted the project and most questions he has received is why they are doing it now. He said Columbia Gas is a utility and by state law they have right of way and can do whatever is necessary. He said this is an excellent project and it will improve the quality of service to the units, and Columbia Gas has been extremely cooperative and collaborative, and he is sure they will help any of the residents when necessary.

B. Cutler said they do their best to give notice, but there are always people upset when you're doing it, so they just need to move forward. If anyone is unhappy or needs a little more attention, then they will work with them to keep them comfortable. They do their best to be as proactive as they can.

B. Brady asked what the dotted lines on the map are opposed to the solid lines. B. Cutler said he would need to get back with her on the correct answer. *(Clerk's note: On June 7, 2022, B. Cutler sent an email following-up to this question of the dashed line on the map. This line represents a small portion of main that they must install in a private easement. The easement has already been acquired from both the United Church of Christ and the Vermilion School Board).*

COMMITTEE REPORTS:

Historic Design & Review:

P. Stein reported on the meeting held June 1. G. Fisher noted the next meeting has been scheduled for July 13, 2022, at 6:00 p.m., which is a week later than the normal monthly meeting date due to the July 4<sup>th</sup> holiday week.

Vermilion Tree Commission:

P. Stein reported the next meeting is scheduled for June 8, 2022, at 9:30 a.m.

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Finance:

B. Holmes reported the next meeting is scheduled for June 27, 2022, at 7:00 p.m.

Planning Commission:

B. Holmes reported on the meeting held June 1. The next meeting is scheduled for July 13, 2022, at 7:00 p.m.

Health & Safety:

B. Brady reported on the meeting held May 9. The next meeting is scheduled for June 27, 2022, at 7:00 p.m. She thanked Chief Chris Stempowski for all the work he has done in the past.

Streets, Buildings & Grounds:

S. Herron reported on the meeting held May 9. The next meeting is scheduled for June 27, 2022, at 7:00 p.m. He advised the public that discussions pertaining to DORA have been referred to this meeting.

Port Authority:

S. Herron reported the next meeting is scheduled for June 9, 2022, at 6:30 p.m.

Utilities:

M. Stark reported the next meeting is scheduled for June 27, 2022, at 7:00 p.m.

Parks & Recreation:

T. Mayle reported on the meeting held May 17. The next meeting is scheduled for June 21, 2022, at 6:00 p.m.

Vermilion Community Services:

T. Mayle reported on the meeting held May 18. The next meeting is scheduled for July 20.

Contractor Registration:

G. Drew reported on the meeting held May 24. The next meeting is scheduled for June 28, 2022, at 6:00 p.m.

Zoning Board of Appeals:

G. Drew reported on the meeting held May 24. The next meeting is scheduled for June 28, 2022, at 7:00 p.m.

MAYOR/SAFETY DIRECTOR'S REPORT:

Mayor Forthofer reported the City of Vermilion experienced a Malware attack on the city system on May 22. He noted the Finance Director would provide a more detailed report.

**Main Street Beach Revitalization**

On May 17, 2022, they had a kickoff of Phase 2 of the redevelopment. He reported they received \$125,000 from the State Capital budget and he thanked Senator Manning from the 13<sup>th</sup> District and Senator Gavarone from District 2, as well as representatives Joe Miller and D.J. Swearingen, and the Western Reserve Land Conservancy, the Vermilion Parks Board, and its Revitalization Committee. He noted this is a great kick off for fund raising of private donations and grants to finance Phase 2 of the Main Street Beach Revitalization Project.

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**Memorial Day**

He said it was good to see the return of the Memorial Day ceremonies at Exchange Park, Maple Grove Cemetery, and Victory Park. It was great to see so many residents out to observe this important event.

**DORA**

He said Council and the Administration has had much feedback on DORA and they will continue receiving feedback as public involvement is what they need. He noted the Council President has scheduled further discussions for June 27. He also asked the law director to outline the process, if they choose to go forward with DORA.

Susan Anderson explained the DORA procedure is in the Ohio Revised Code (4301.82) and this procedure provides for the triggering event for the DORA process, which is an application that must be filed by the Executive Officer of a Municipal Corporation, and in this case, it would be the mayor. The mayor would decide to file an application with Council proposing to create a DORA area, and then at that point it would go to Council and Council would have to issue notice within 45 days of the application being filed by the mayor. This application under the statute must have certain things in it, including a map of the proposed area, a description of the establishments within the proposed area, and the fact that the proposed area would meet any zoning requirements as well as any public, health, and safety requirements that the mayor would be proposing as part of the establishment of the DORA. Through the application process with Council and within 45 days of the filing, Council then must give notice of the application being filed and it must be maintained for public inspection and review, and within 30-60 days after this, Council needs to decide on whether to create the DORA area or to decline to do so. Notice of Council intending to make this decision also must be provided, and the statute also provides that a Discretionary Public Hearing must be set on the application before Council makes a ruling or not. Once Council makes a decision and they decide to create the DORA area, there are certain things required by statute that must be in that ordinance, which includes the description of the area and the specifics of the perimeter of the area, including the hours of operation and a number of specific things that establishes how the DORA will operate, including any discretionary public health or safety requirements that Council would enact. Once they do this, then notice must be given to the state liquor control, and they would send out notice to all the permit holders within the DORA that qualify to be able to take advantage of the DORA. Once it is in place, Council can decide to dissolve all or part of it at any time, but it is mandatory that every five years they revisit it to decide if they want to continue the DORA or dissolve it.

Mayor Forthofer said after the meeting on June 27 he will consider Council's opinion and the feedback from the public, and he will eventually decide whether to proceed with the application to Council for the DORA.

B. Brady clarified that council would have no vote until 30-60 days after the mayor makes his decision. S. Anderson said the mayor will file the application and within 45 days of that filing, there has to be public notice of the application being filed, and then you have to wait at least 30 days from that notice to allow time for public inspection of the application, so then the window is 30-60 days after that notice that council has to have. Mayor Forthofer said if he decides to make application and council does not agree with all the perimeters, then they can modify his application. S. Anderson said they would do this through ordinance form that approves this.

S. Herron thanked the administration for what he thinks has been the proudest event he has been involved with while he has been serving as an elected official. He referred to the Road to Hope completion and the reality of recovery. He has seen in his personal and private life that women get the short end of the stick and mom's really get the short end of the stick when it comes to addiction and alcoholism. This facility is taking care of families and is saving lives. Whatever they do with DORA and other things in the community, he will always take this project and the community's embracing of this project as the proudest moment. He thanked Council and the Mayor as this is one of the most positive things he has seen in this community. Mayor Forthofer said he could not agree more, and a lot of hands were involved in making this happen. B. Brady said this is an amazing facility.

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## SERVICE DIRECTOR'S REPORT:

Tony Valerius reported that GG Contracting recently completed the crack sealing program and the work is preventative maintenance, and it is concentrated mostly on the streets and roadways that have been repaved within the past 10 years. The streets that received crack sealing this year were sections of Vermillion Road, Sunnyside, Jerusalem, West River, and Sanford Street. They also sealed all of Woodside, Fairfax, Berkshire, Essex, Harcourt, and a portion of Edgewater Blvd.

He stated the street department is continuing to durapatch when the weather allows, and crews are cleaning catch basins and jetting storm lines when the weather is not so good. They have also been street sweeping in neighborhoods with curbed streets and are mowing roadside ditches daily.

He said he spoke with Luke Wysocki of the Ohio Department of Transportation regarding the completion of Phase 1 of the Urban Paving Project. He informed him that the city's Fish Festival is in two weeks and the city would need the work completed and the orange barrels removed. This morning he was informed by L. Wysocki that Kokosing would be back in town to complete their repair work later this week and all the work should be completed before the festival. He mentioned that Kokosing was the low bidder for the Urban Paving Phase 2 project and this work shall begin in early August.

## FINANCE DIRECTOR'S REPORT:

Amy Hendricks provided a lengthy financial report, which is attached hereto and incorporated herein as part of the official Record of Proceedings.

Mayor Forthofer referred to the State Auditor's Report and despite the Finance Director's miraculous turnaround of the city's finances, one thing she could not turn around was the aging of city equipment, which reinforces the previous request of Council on three important capital improvement items being addressed. One of those being the Wastewater Plant that he is sure is contributing red to their response to the State Auditor. He said in response to the Cyberwar incident, they will use it as a learning moment and they will be interviewing three different Cyber Security and Recovery organizations that work hand in hand with LifeCare for a Cyber Emergency Recovery Plan for the city, and to also review the incident to make sure there isn't something else they should be doing. He thanked LifeCare and the Finance Director for all their efforts in making sure this turned out better than it could have.

M. Stark asked if the city's insurance would cover any additional expenses they incurred due to the malware attack. A. Hendricks said they will not be covered by the insurance.

## CITY ENGINEER'S REPORT:

Chris Howard updated Council on the Brownhelm Station Road Culvert Rehabilitation project. He noted the headwalls and wingwalls are all poured, and the contractor is hoping weather permitting to replace the asphalt pavement next week, and then the following week will be the guardrail and cleanup.

## LAW DIRECTOR'S REPORT:

S. Anderson noted the substitute of House Bill 51 that extended the authorization to extend meetings to electronically means expires July 1.

## OPEN TO THE AUDIENCE:

Marilyn Brill of 1745 Cooper Foster Park Road (Brownhelm Section) said she has several small concerns after hearing what the city has been exposed to, as well as other bigger projects. Her main concern was their Memorial Day service at Brownhelm Cemetery, so she called Riddle Funeral Home to find out what they were going to do. She explained the Adopt a Highway crew picked up a lot of sticks at the cemetery and hoped the workers out there would pick them up. She also asked about gravel for the driveways because it's quite bumpy. It seems like a small concern, but when you have people from several states coming to a funeral, it doesn't look good to see such a bumpy road, especially for a memorial service. She said Margo at the funeral home stated that the gravel is up to the city, so her next call was to the city, but before she did this, she told Margo she was really going to take a ride out to the Maple Grove

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Cemetery to see if their driveways were anymore bumpy than theirs. However, Maple Grove looks nice, and the Riddle Funeral Home workers did a wonderful job for Memorial Day. Their cemetery looked great for their service, and she was glad she made the call. She called the city about her concerns and spoke with Jody who in turn advised her to direct her concerns to Tony Valerius about adding some gravel at Brownhelm Cemetery. She said she also called Brian Holmes about these concerns. She said she also has a concern on Claus Road as there is an old, mashed guardrail on the west side just south of Jerusalem Road, which is not up to code. This is a treacherous corner with a hill and a drop off and she wondered if this could be addressed by the city to take care of these conditions in Brownhelm. T. Valerius confirmed he received all these messages, and they are looking into this and will check the budget to see if there is money to replace the guardrail. He will also need to speak with ODOT about the guardrail. M. Brill felt this was a safety concern that they don't want to hear about later.

Jeffrey Zabor of 474 Walnut Street (Linwood Park) repeated his concerns that Linwood Park has on the rental registration proposal. The issues that the rental registration legislation may be attempting to solve simply does not exist in Linwood Park. He said 70-80 percent of the rentals occur during the two summer months when people are on vacation. They are rentals of seven days or 14 days for those fortunate enough to rent two weeks at a time to families that are multi-generational families, which come back for a second, third, fifth, or 20<sup>th</sup> time to be with their families. He said they are self-regulated, and they have fences, a 24/7 superintendent who patrols the park. They have expectations of behavior that is met in Linwood Park and most of the rental units are only summer cottages and they're not even maintained in the winter, because they close up and winterize the cottages from fall to spring. He said Linwood Park brings hundreds of families and visitors that you want to have in Vermilion during the summer months. They spend money and they enjoy Vermilion for what it is. The people who are renting these cottages in Linwood Park do it for such a brief time and this legislation is a hurdle that is added to the insignificant costs of maintaining a place in Linwood Park with the taxes and the park fees. Many have told him that they simply would stop renting their cottages if they had to jump through more hurdles to do it. He believes it would be in the best interest of the community of Vermilion and Linwood Park to exempt Linwood Park from this legislation and allow them to continue to serve these families like they have been doing since 1883.

Sarah Ross of 5000 Woodview Drive and committee chair for Main Street Vermilion working on the DORA thanked everyone for their feedback and partnership as they keep looking at DORA. She said they launched a public survey, and it was advertised in the Vermilion Photojournal, and it was posted on the Main Street Vermilion website and their Facebook page which had over fifty shares of the survey. They closed the survey two days ago and they received over 1,100 responses, so they will dig into it this week and she will have a working meeting with the mayor later this week to go over it. She said they look forward to discussing this again at the committee meetings on June 27. She reminded everyone that there are FAQ's about DORA's overall on their website at [mainstreetvermilion.org/dora](http://mainstreetvermilion.org/dora).

Pam Sharp of 516 Perry Street was present to discuss the transient housing and noted she grew up in Vermilion at a time when most of the places along Lake Road were summer homes (Bluebird Beach, Orchard Beach, VOL). She said she grew up in Elberta Beach as a kid and half of the homes were empty when Labor Day hit. This was just the way Vermilion was. The population usually expanded in the summertime. For a long time, Vermilion got along quite well with this, and they didn't attract very many rowdy people. She is surprised how many negatives have been presented as part of this program. She has been doing this for 10 years and rents her home on Perry Street. It was a home she inherited from her parents, and she noted her father served on council for several years. She said people are thrilled with Vermilion and they are in the same position as Linwood Park. She has families come – grandparents, parents, and the kids, and they all come to spend a week at the beach. She has had no complaints and talks to her neighbors ahead of time and has given them her home phone number and ways to contact her if they saw anything that would make them uncomfortable. In the 10 years, her neighbors have been delighted and have enjoyed some of her guests. She doesn't understand the negative aspect of this. They talk about revenue for the city with DORA, but she thinks the revenue for the Transient Rentals is tenfold from what they will see with DORA. She has never had a guest at her home ask if they could walk around town with alcohol. This has never been a drawback in this city. What attracts them is the friendly hometown atmosphere, the beautiful flowers, and their great lake, which very few cities can brag about. She wanted to put some positives in front of council for the transient housing and hoped it would not be a discouragement. She has paid in the past her \$100 and has had an inspection and everything went smoothly, so she thought they were moving on from there, but not it

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sounds like she is at the bottom of the list waiting to be one of the 100, which she finds unfortunate, but if this is the way it is going to be, then she will play by the rules.

Drew Werley of 5016 Timberview said he was glad that none of the issues that Council wants to regulate with the transients in Linwood – is very certain it will happen in all the city. He said he was excited when he saw the agenda that they were repealing an ordinance. He was like all right – they are giving some freedom’s back to the citizens. “No! They’re going to get rid of the tax credit so they can take more money from the residents. With the recent things that have happened in the world that they have seen all over the news, there is something else he thinks Council should do and that’s regulating firearms. He thinks they should have an annual permit for anyone that has a firearm in the city, and they should charge them \$400, and they should have to get an inspection done to have that firearm. To get that permit – once you have it – you should be always within 60 minutes of that property if there is a firearm there. You should regulate how many people go in the property if there is a firearm and you should hold on to your records for two years of any firearms you have in this property and hand them over to the city if they request it. You should have a maximum of one hundred permits in the city and you cannot keep a firearm on that property until you receive that permit. You should have to turn over floor plans to the building department as to where the firearms are going to be and you should have liability insurance of \$100,000/\$300,000 respectively, and no permits should be given to anyone if they’re behind on their taxes. If you transfer ownership of those firearms, you have 14 days to inform the city of that and then you can take another \$400 for the permit even though the previous owner already paid that. He said it is all about property rights, just like with the transient rentals. Your property rights only go as far as this city council wants to allow you to have those.

Homer Taft of 3972 Edgewater Drive said he is present to talk about Ordinances 2022-37, 38, and 39. He assumed the income tax ordinance was Ordinance 2022-43. M. Stark said this is correct. H. Taft said by letter he will have a lot to say about this because he thinks it will be ill-considered to do this and he could predict that it would increase the burden on some folks that live here full time, and there will probably be a charter amendment to reverse this and would require a vote on all of these issues. He said he would direct a letter to Council on the transient rentals and he continues to consider it an extremely ill-considered and poorly drafted ordinance. You’re chasing a problem that doesn’t exist, but tonight he wanted to talk to council about the fees. He said he supports Ordinance 2022-37 as they should pay for their roads and it’s a good idea. As to Ordinance 2022-38 and 39 and as many know, the infrastructure is very old – water lines break all the time and they have very bad conditioned neighborhoods, and the sewers are not in good shape, and in VOL for the last 30 years they have enjoyed in his neighborhood and in his front yard the sewage coming out of the street into their yards and ditches. It happened about a week or more ago and he advised the service department of it. He is glad that after 30 years they are talking about fixing it and he appreciates this. He thanked the mayor and the administration for this and hoped they do it real soon. He pointed out that the whole project will probably cost about \$5 million, but the area from Essex west or even the area west of Cummings where there is only a 10” sewer is where all the water comes out of it, and where all of the water in the sewer blocks people from using the sanitary systems in their homes. This could be fixed a lot quicker and a lot cheaper. As to the fees, he is perplexed as to why they have separate EPA fees that are flat fees. He understands that when it was passed it was a band aid to take care of some things quickly, but long term why shouldn’t they be basing it on usage or basing it on front footage or things that relate to the actual costs of the sewers and water lines in the various areas. A flat EPA fee per month and increasing it just doesn’t make sense to him, so he wishes somebody would explain it. He thinks they should increase the fees and they should increase them so that they can pay for all the needs that they have. When you do this, he would also point out on Ordinance 2022-38, that the city provide a current ordinance as the ordinance has been in effect for 20 years - a rate for Erie County for the contract, which is not being currently observed. Council set those rates and yet they’re not being currently observed because the contract was signed the year after it expired with nothing in the law and nothing in the contract about it. If you’re going to adopt new rates for an Erie County contract under this, he would hope that council would put in a prohibition on the administration entering into rates and contracts, particularly outside the city, but any commitments of a long-term or significant financial event to this city without the approval of council first. He thought this was a terrible mistake. As he recalls they plugged in a four percent over five-year inflation rate, but they beat this in the first six months, so he thinks they need to examine these things more carefully. He hopes they look at things to increase the rates based on usage or demand that affect all residents.

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Larry Newsome of 2216 Brownhelm Station Road thanked everybody for fixing the culvert on Brownhelm Station Road because it was getting bad. He said he had concerns with water coming down the road around the curve, and off to the left side of the road. This washed all the dirt out and all they had was rocks standing there, and the water kept running. The city put some concrete in, and he even put a cone up so nobody would hit the hole. He said they are working out there and they are doing a good job. Secondly, he said he is against the DORA! He said the City of Vermilion with Third Thursday's, Friday and Saturday's - he sees a lot of young people with small children and when people start drinking and they're carrying a cup down the street a lot of times their language changes. He asked if they want their grandchildren or somebody else to hear all this type of language. He is against this. He asked how far it will be on each side when they blacktop. He said when the snowplows went down past Marge's and plowed the street out now there is a hump of dirt there and it went down lower, so all the water gets into the road and comes down the road and over.

OLD BUSINESS:

**T. Mayle MOVED;** P. Stein seconded to permanently remove Ordinance 2022-33 from the agenda. Discussion: T. Mayle said in her thinking about the transient rental nobody has really been able to express that any problems exist with the current rentals. There may be some noise or something that is addressed by the police department and she knows that real problems can exist in some rental situations, but she feels like they are trying to meticulously correct problems that don't even exist just to prevent them from happening, and it does feel like it is a little over regulatory and they are chasing problems that don't really feel like they are there. She understands things can happen, but also feels they are spending a lot of time talking about this. A lot of members in the community seem to be very against this and she thinks it is worth considering whether this is necessary. This is something that council has worked on for a long time (four years) and it feels like they are going nowhere. It is tabled again, and it doesn't feel necessary, so she wanted to move to remove this completely. She said a lot of people in the community seem to support this and it is unnecessarily upsetting people, and she doesn't feel it is necessary.

S. Herron has said many times that perhaps what they have written is over regulatory and he doesn't really care for it but is willing to vote for it because they have been at it for four years. However, there is a problem in this country, and it's called human trafficking and they have an obligation to make this city safer. The notion that this is not a problem that they have heard is so incredibly stupid that you're expecting a child who is trafficked is going to call 911 and they're going to know there is a problem. It is a problem, and they have an obligation, so his vote will be to protect as many people as they can. If the \$400 fee is excessive – they have gone on and on about some of these issues, but it is a problem, and they have an obligation to protect the community.

P. Stein thought the \$400 was excessive and she thought an ordinance that says short term rentals should be inspected for a small fee – if you have a problem and if the police are called or if there is a big complaint, then you're going to lose your ability. She said many of the people she has spoken to have already signed up with Erie Shores and Islands and had an inspection done and paid for, and they're telling them this isn't good enough. As far as human trafficking, she doesn't think Linwood is going to worry about this a whole lot. S. Herron said not Linwood, but other areas of the community. He urged everyone to do research on this issue. If you have a community that is easy for traffickers to come in and not have any accountability for who is there – any ability to investigate a case, you're making it easy for them. He said upon research it shows this is a real problem. He said even inspections may not be necessary, but he wants to know who is living there and wants to pay for the ability to enforce finding out who owns the property and who is living there, and who is responsible. If council wants to take anything else off the legislation, then it's fine with him. At one point, this is what it looked like from what he recalls, and then they added more stuff. This is straightforward and a simple issue.

B. Brady said she comes from the point that this is home business and they're letting businesses run in residential areas. When she buys a home in a residential area she expects to be surrounded by homeowners and with long-term rentals they let this go because they become neighbors, but this is a weekly/daily rental type of situation. She isn't saying they are bad people or their wrong, but it's just that this isn't your home anymore – it's a rental – it's a business. They must treat it like they treat any business. Businesses must pay property taxes and taxes on what they earn, which a lot of people are not doing. She has a neighbor that collected \$24,000 on their VRBO last year and they paid no taxes. That is not fair! They ran a business out of the home, and this is not right. If council wants to simplify the



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legislation, then she is fine with this, but she does think they need to treat it as a business. They need to have registration of some kind whether they think an inspection is necessary or not. She understands the mayor disagrees, but she thinks there should be some board they apply to for approval of a home business registration. Mayor Forthofer said he doesn't know if he disagrees with this. B. Brady said he didn't think the BZA could handle it. Mayor Forthofer said when they talk about the fee, they were asked what the estimated cost would be, and they estimated \$400, but council is in their right to charge whatever they want. The cost is not going to go away, and other taxpayers will have to pay it, but it is council's right to modify the fee.

G. Drew said as a law enforcement officer for the past 25 years, he has had a lot of investigations where these Airbnb's were used to hide fugitives. However, he hasn't had any human trafficking, but absolutely it does exist, and he isn't saying it is happening in Vermillion right now, but the potential is any crime could occur at one of these properties because nobody is checking you in. You're buying it online and you have no idea who is renting it out. He thought they should have something in place - some registration so when you have these rentals where the owners aren't being responsible and managing them correctly, that they can revoke their permit. He would support these being registered. If they aren't going to charge what it costs the city to recoup the costs, then they should do away with the inspections and just get them registered so they know who they are. The city will know who should be paying taxes and then they can do three strikes and you're out if they can't manage the property responsibly. The city can pull the permit. He said he is not a fan of limits on the number of rentals the city has by any means. He thanked Jeff Zabor for bringing forth valuable information, and he wants to immediately exclude Linwood as it makes perfect sense, but he also wants to be fair to all the other potential transient rentals within the city. If they're going to exclude Linwood, then it wouldn't be fair to charge somebody else \$400. They should entertain no inspections, but get the properties registered, and add three strikes you're out type of rule.

P. Stein said she talked to the finance director about the software they purchased (Granicus) that will track the rentals, which would enable them to collect taxes, and it seems rather good as far as they can tap in the owner and find out the information on who is there. A. Hendricks clarified by saying they cannot tell who is there, but the software vendor does have the ability to track the number of nights of occupancy, so people who are not paying will receive a notice of the taxes that are due. She said the inspections were done by the city when the city first had their ordinance in place in 2019. There were 24 or 25 units that had an inspection by the building department, and this is who she believes the folks at Linwood had their inspection done by because they contacted the Erie County Auditor's office and they said they have never done any inspections. P. Stein thought they paid through Erie County. A. Hendricks said this is where they pay their taxes. B. Brady said she was going to ask about Erie Shores because she didn't understand that relation, so apparently this is non-issue.

B. Holmes said they have a police force and 911, so he encouraged any neighbors that have Airbnb's next to them to use this important system. "If you see something, say something". As far as the fee it is a lot. This is a summer town and Linwood is a summer place. Everything shuts down after Labor Day and the locals get their city back, but at the same time he got to know a lot of people that came in from out of town that stayed at Linwood and other places, so he created some good friend relationships. They need to have something in place to cover the city's butts and the renters' butts, so if they can come up with a cost that is sufficient for everybody, then this would be great. He would like to keep this simple, but at the same time if they can have something in place that works for them, and maybe some sort of inspection, then this covers the property owner, the city, and the people renting the places as well.

T. Mayle said if they are going to move forward with this, then they need to figure out what they want from it. Do they want to monitor who is in the homes - is that fair for the city to monitor this. She agrees human trafficking is a real thing but is transient rental legislation the way to do it. She doesn't think it is and it is two completely separate issues. Although, she understands it can be used for this. This affects to many people, and this is their second income, and she doesn't think this is the way to do this. What is the goal of the fees at the end of the day - if they're charging for inspections and the homes are already being inspected - they have not had any issues. Nobody can bring up any issues and if there are no issues, then it feels this legislation is excessive. They are charging fees for problems that are not happening. Nobody's rentals are burning down and if they do, then they take care of this, and the 911 system is in place for a reason. She thinks the whole transient rental issue needs to be readdressed because she doesn't think this is addressing the concerns that they do have.

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G. Drew thought the fee was based on what it was going to cost the city to inspect the unit, so if they do away with the inspections, then they can come down to a \$50 registration fee every year. He didn't feel this was too much to register the units. It will still cost the city some money to accept and process the registrations and send out notices in a year when it needs to be renewed. He asked council how they feel about moving forward with something like this.

M. Stark said a motion is on the table to permanently table Ordinance 2022-33 and remove it from the agenda.

G. Fisher explained a yes vote to this motion is remove Ordinance 2022-33 from the agenda and a no vote will proceed with further discussion.

Roll Call Vote 2 YEAS (Stein, Mayle); 5 NAYS (Brady, Drew, Holmes, Herron, Stark). **MOTION FAILED.**

M. Stark referred this to committee on June 27, 2022, at 7:00 p.m.

**NEW BUSINESS:** None.

**Reading of the Ordinances:**

**Tabled - Third 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.

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

**B. Holmes MOVED;** T. Mayle seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

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

**B. Holmes MOVED;** B. Brady seconded to adopt this ordinance by emergency. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

**Second Reading – Ordinance 2022-38:** AN ORDINANCE AMENDING AND REPLACING CODIFIED ORDINANCE SECTION 1044.04(C), AS AMENDED, OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, TO ESTABLISH NEW WASTEWATER (SEWER) RATES; AND DECLARING AN EMERGENCY.

**Second Reading – Ordinance 2022-39:** AN ORDINANCE AMENDING ORDINANCE 2011-4 ADOPTED MARCH 21, 2011, AND REPLACING CODIFIED ORDINANCE SECTION 1044.04(C), AS AMENDED, OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, TO ESTABLISH NEW WASTEWATER (SEWER) RATES; AND DECLARING AN EMERGENCY.

**Second Reading – Ordinance 2022-40:** AN ORDINANCE REZONING PROPERTY AT SUNNYSIDE ROAD IN VERMILION AND LORAIN COUNTY, OHIO OWNED BY CORNER LOT PROPERTIES, LLC AND COLLECTIVELY CONTAINING AN AREA OF APPROXIMATELY 120.6 ACRES FROM R-1 ESTATE RESIDENCE DISTRICT, RESPECTIVELY, TO A PLANNED UNIT DEVELOPMENT DISTRICT. (Public Hearing – June 13, 2022 @ 6:00 p.m.)

**Second Reading – Ordinance 2022-41:** AN ORDINANCE PURSUANT TO SECTION 1240.02 OF THE CODIFIED ORDINANCES OF VERMILION GRANTING A LAND USE (ZONING) VARIANCE TO RUSSELL MAURER IN ORDER TO ADD A RANCH HOME IN THE I-1 LIGHT INDUSTRIAL DISTRICT, LOCATED AT 5890 HABER ROAD, VERMILION, OHIO. (Public Hearing – June 13, 2022 @ 6:00 p.m.)

**First Reading – Ordinance 2022-43:** AN ORDINANCE REPEALING SECTION 882.07 OF CHAPTER 882 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2022-44:** 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.

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**First Reading – Ordinance 2022-45:** AN ORDINANCE AMENDING SECTION 672.10 OF CHAPTER 672 OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION TO PROHIBIT THE DISCHARGE, IGNITION, OR EXPLOSION OF FIREWORKS AND DECLARING AN EMERGENCY.

**First Reading – Ordinance 2022-46:** AN ORDINANCE TO OFFICIALLY SUPPLEMENT THE MINIMUM CONTRACTUAL SERVICES TO BE PERFORMED BY BRAMHALL ENGINEERING & SURVEYING COMPANY BY VIRTUE OF ORDINANCE 2018-5 ADOPTED JANUARY 2, 2018, BY AUTHORIZING PROFESSIONAL ENGINEERING AND SURVEYING SERVICES RELATED TO THE 2022 STREET PROGRAM; PRESCRIBING THAT THE FIRM SHALL BE PAID FOR ADDITIONAL SERVICES IN ACCORDANCE WITH THE RATE SCHEDULE SET FORTH IN THE PROPOSAL DATED JANUARY 3, 2018, IN A TOTAL AMOUNT NOT TO EXCEED NINETY-EIGHT THOUSAND SEVEN HUNDRED DOLLARS (\$98,700), AND DECLARING AN EMERGENCY.

**B. Brady MOVED;** B. Holmes seconded to suspend the rules. Roll Call Vote 6 YEAS; 1 ABSTENTION (Drew). **MOTION CARRIED.**

**B. Brady MOVED;** M. Stark seconded to adopt this ordinance by emergency. Roll Call Vote 6 YEAS; 1 ABSTENTION (Drew). **MOTION CARRIED.**

**First Reading – Ordinance 2022-47:** AN ORDINANCE GRANTING AN ENCROACHMENT EASEMENT OF THE STRUCTURE AT 699 LIBERTY ON THE TOLEDO STREET RIGHT-OF-WAY AND DECLARING AN EMERGENCY. (*Referred to Legislative Committee of June 27, 2022*)

**Second Reading – Resolution 2022R-7:** A RESOLUTION AUTHORIZING THE CITY OF VERMILION TO EXECUTE AND FILE AN APPLICATION WITH THE STATE OF OHIO FOR FINANCIAL AID ASSISTANCE UNDER THE NATUREWORKS GRANT PROGRAM.

**First Reading – Resolution 2022R-8:** A RESOLUTION TO APPROVE THE 2023 TAX BUDGET AND DECLARING AN EMERGENCY. (Public Hearing – June 13, 2022 – 6:00 p.m.)

**Announcement of Meeting Dates:**

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

- June 13, 2022 – Vermilion City Council Public Hearing, 2023 Tax Budget, & Special Council Meeting – 6:00 p.m.
- June 20, 2022 – Juneteenth (observed) – City Offices Closed
- June 27, 2022 – Vermilion City Council Committee Meetings – 7:00 p.m.
- July 4, 2022 – Independence Day – City Offices Closed
- July 11, 2022 – Vermilion City Council Meeting – 7:00 p.m.
- July 18, 2022 – Vermilion City Council Committee Meetings – 7:00 p.m.

**Adjournment:**

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

Transcribed by: Gwen Fisher, Certified Municipal Clerk