

LEGISLATIVE COMMITTEE MINUTES
of January 24, 2022

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

Administration: *Jim Forthofer, Mayor; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Chris Hartung, Police Chief; Tony Valerius, Service Director; Chris Stempowski, Fire Chief*

Call to Order: Greg Drew, Chairman, RESOLVED THAT this Health & Safety Committee comprised of the committee of the whole does now come to order.

TOPIC ONE: **Review of Ordinance 2022-3 & 2022-4**

S. Herron said he wanted to get the law director’s input on this matter as it relates to the ballot issues put before the voters. He said personally he is against this, but the people have spoken, and the general attorney has issued his opinion. However, he would never vote to exclude the mayor from a meeting, but he doesn’t believe they need to have an ordinance because there is no real Supreme Court decision or is there nothing for the State Constitution. This being said, he wants to hear what the law director would say publicly if this was voted down by the majority of Council. He asked the mayor to have the law director respond to this at the next Council meeting of February 7.

TOPIC TWO: **Review of COV Section 1224.04 Design & Review Board; Creation and Duties**

Mayor Forthofer provided council with his recommended revisions to Section 1224.04 of the Codified Ordinances of Vermilion to replace A, B, C, D, E and F as follows:

- A. At least two residents or property owners in the Historic District.
- B. One business owner/operator whose facility is in the Historic District.
- C. Individuals who have education or experience in historic preservation, city planning, real estate, or architectural design.
- D. No more than two representatives each who are board members or Executive Director of either Main Street Vermilion or the Vermilion Chamber.

He said since this section of code was put into place in 1996 things have changed a lot and when he appoints people to the Historic Design & Review Board he finds it almost impossible to meet all the restrictions per the ordinance. He asked council to review the appointment restrictions and consider his recommendations as

presented above. He said some of the organizations from 40 years ago do not exist anymore, so he thought this was a reasonable option.

Greg Drew asked how many people serve on the board. G. Fisher said five members.

B. Brady asked if he was looking for more flexibility. Mayor Forthofer said he wants less restrictiveness. He doesn't want to have to find a licensed architect or a former mayor, or a council person as he feels this is stretching it for this board. B. Brady said current code is just saying they have to meet the requirements. Mayor Forthofer said why have it on there if they do not need it. If they look at what is relevant today, it's the four items he presented. B. Brady said it doesn't seem that restrictive to her because it is not saying they have to have one resident, one business owner, or one property owner. G. Fisher said current code states that Members of the Board may be one or more of the following.

B. Holmes understands they are not Charleston, Carolina as their restriction of the historical district is strict. He said it would be nice to make sure the front of the house always stays the same. G. Fisher explained the Historic Board is only an advisory board on residential. They only have authority by motion over commercial properties. Mayor Forthofer said he is not proposing to change the mission, only the restriction of which you have to appoint somebody.

P. Stein said she likes the idea of having somebody from Planning Commission on the board because it eventually will have to go to Planning if there are any variances. B. Brady corrected her by saying this would go to the Board of Zoning Appeals for variances. P. Stein said only the business progress can be stopped or approved by the Historic Board. Mayor Forthofer explained there is an Application for Certificate of Appropriateness submitted to the Historic Board and before the building department issues permits, they have to go to the Board of Zoning of Appeals if required.

M. Stark wondered if Mayor Forthofer's recommendations were restricting it a little further because as it is written it allows you to place a former mayor that doesn't live in that district or own property in that district, or a former council member or Planning Member, but now he is suggesting taking that out of the current code. She thought it would broaden his ability to who he can have. Mayor Forthofer said it takes away the criteria of being a mayor or council person. M. Stark said as written it says, members of the board may be one or more of the following. S. Herron said they can read this sentence one of two ways – that the members of the board have to fall within one of these categories and the may could be referred to one or more, or it doesn't have to be any of them. M. Stark said from a legal standpoint, what does may refer to. S. Herron said the Mayor's proposal is a good thing because it addresses experience and it does allow a former mayor or former council member because it relates to the experience on city planning, so it does give the freedom that they would want to have when they have an opening. He said the mayor's recommendations are a workable solution and it makes it less

complicated to bring somebody in that wants to serve. Mayor Forthofer said he is looking for less verbiage relative to appointments.

G. Fisher said she can prepare an amendment to the section of code and then council can refer it back to committee for further discussion. B. Brady thought that would give them the opportunity to digest it.

B. Holmes said under current section 1224.04 (e) they could take the mayor's recommended (c) and replace it. He said it eliminates (f) too. G. Fisher said she would draft amended legislation for a first reading and then council can refer it back to committee if required.

B. Brady MOVED; G. Drew seconded to authorize the clerk to prepare legislation to amend Section 1224.04 of the Codified Ordinances of the Vermilion. Roll Call Vote 7 YEAS. **MOTION CARRIED.**

TOPIC THREE: Transient Rentals

B. Brady said she put this back on the agenda to get conversation started as the former council put it aside. She said there are homes being sold purposely in the community to non-residents for transient rentals and she thinks it is becoming a dangerous situation that they need to get their arms around. She said at one point they had a subcommittee that included outside community members and a couple council members that talked about it, which was then brought before council, so they could do this again, or they can have an informal meeting of council geared toward discussing this and looking at some of the options the clerk has given them in the past. Her thought is to start as simple as possible and then build on that. She said the building department is limited so they cannot be overburdened. G. Fisher said council has had a lot of different pieces of legislation and they have gone nowhere with it, so she didn't know if the solution was to send it to the law director so she can prepare legislation.

S. Herron said each council member needs to think about a couple of things because the reason it doesn't go anywhere is because there are a lot of disagreements and philosophies on what people can do with property use. You want one for safety, which is where he is – fire, safety – so law enforcement has the ability to figure out who is there and if there is an investigation for anything. He said Fort Lauderdale has comprehensive legislation as far as the tourist's stuff, so does Vermilion just bring in enough money to enforce it, or maybe hire somebody new. Are they looking at safety or to have one inspection a year with an annual follow up? They might have seven different philosophies and it's okay, but it is a very big issue.

B. Brady said this is a business and currently in a residential district, in order to have a home business you need to go before the Board of Zoning Appeals for approval, so this is a starting point for them. If you rent your property to someone other than your son or daughter, then you have to go to the BZA on a short-term rental to get approval to run a home business. It gives the city the right to control it a little bit. In an inappropriate place, the BZA could turn that request down, so her feeling is they start with registering with the city and then follow-up with going to BZA for approval, and then they can start looking at safety issues. She wasn't sure they were ready to turn this over to the law director as there are new council members and they need some conversation first. S. Herron thought a work session was in order.

P. Stein agrees it has to be a safe location, but she is more concerned about to whom it is rented and what control whomever is in charge would have over the renters. She had a couple individuals contact her and one said this is a house in a nice area and they are having wild and crazy weekend parties, and this is something they need to address as it also brings down the neighborhood and property values.

Mayor Forthofer said one of the things that brought this before council is that a resident said they felt threatened by uncontrolled use of rental property. Too many people unregulated things. He said it is interesting if all of these different things can be contained in one piece of legislation by whether they can address both the business angle as mentioned by B. Brady, and those that S. Herron addressed. He thinks narrowing it down to one or two things will be essential before turning it over the law director.

G. Drew asked what the fire chief, police chief, and administration needs in this ordinance. He said they are the experts that will be dealing with it every day. C. Hartung said the last problem they had was on Jackson Street where a home was rented out and they had a party, which tore the house up, so they did a vandalism report and the homeowners turned it into their insurance. Therefore, in order for investigated purposes, contact information for who is renting it would be beneficial whether the police department or the homeowners keeps it. He thought registering at the police department would have an uproar. G. Drew asked if they would even want to deal with this. C. Hartung said not particularly.

Mayor Forthofer said if the fire chief was here he thinks he would say that having excessive capacity in a house verses legitimate occupancy and being able to fight a fire – this is a concern. As far as the finance director goes, having unfair business applications to businesses that are self-declared as rental places being disadvantaged by places that are undeclared – basically taking their business. He said there is something from all different angles and there is a lot of different things that fit in this one box.

C. Hartung said they get called about loud parties at a residence and if it is something that is a recurring theme and they were able to check to see if this person is renting it out, then it would be beneficial to them.

T. Valerius said they need to do an initial safety inspection to make sure there is proper functioning smoke detectors and carbon monoxide detectors, and to make sure there are no electrical hazards or things of this nature.

G. Drew asked if they had a rough idea on how many transient rentals are in the city. B. Brady said they are not registered. M. Stark said they can go on VRBO or Airbnb. A. Hendricks said it is around 60. G. Drew said they need to see if the city can keep up with inspections because the last thing they want to do is not inspect a unit. A. Hendricks said in 2019 or early 2020 the legislation came forward and at that point in time, Councilman Gabriel made a motion to add a support position in the building department to handle the food trucks and the transient rentals, so this person has been in place to handle these things when they come about, but she thinks they need something that has teeth in it so if people are not complying... T. Valerius said that council could review the latest ordinance they had up for vote and pick and choose off there what they would like.

B. Holmes said every time this legislation comes up it just is a disaster. Every other municipality has an ordinance on it, so why can't they pick one that is similar to Vermilion's situation. He said some have been restrictive and some have not, but it blows his mind they have to narrow it down to where it is beneficial for the city, the homeowner, and the finance part of it. He said they are a city of Airbnb's, and they are the place people want to come in the summertime. They have to be not so restrictive, but at the same time they need to hit key points. Other cities are doing it, so we have to do it.

S. Herron said the reason everybody is challenging these – and new case law is coming out that is affirming some and not affirming some. He said the law director is aware of a lot of challenges and this is why they just can't do this. They have a lot of philosophies on property use – to what limit do they do this – it's a question he asks all the time, and it should always be debated, so this is why they can't narrow it down.

T. Mayle asked if the homeowner takes responsibility in any of this – don't they have to get the property approved to use? B. Brady said this is the starting point at the Board of Zoning Appeals because you shouldn't have a business out of your home unless you get approved by BZA.

G. Fisher said she will pull the latest information and distribute it to all members of Council.

B. Brady said there is some type of resident manager, which can be the owner or someone the owner appoints, but in a situation where you have a wild party, then there is someone within an hour of the property that can respond as the responsible person, so she felt this was something they should include in the legislation, so it takes some of the burden off of the city.

G. Drew said he was dealing with an issue in Bluebird Beach on another matter, and they made sure to bring this up to him as they are waiting for summer and this issue to pop its head up again, so sooner than later.

P. Stein said they have legislation for Bed & Breakfast and wondered if they could use this as a model. G. Fisher said this legislation is different. T. Valerius said there are certain specifications that define a business as a Bed & Breakfast. B. Brady said Bed & Breakfast is limited to only one section of the city. T. Valerius said it is in the Historic District and one per block, plus in order to meet the definition of Bed & Breakfast you have to serve breakfast and the owner has to live there. There are five or more different criterions.

S. Herron said one of the biggest crimes is human trafficking and these kinds of environments are perfect to hide that kind of behavior and activity, and this is very frightening to him.

The board agreed to meeting for a work session on February 14 at 6:00 pm with committee meetings to follow immediately after.

Greg Drew adjourned the meeting upon no further discussion.

Next meeting: Work Session for Transient Rentals followed by Committee Meetings - February 14, 2022 @ 6:00 p.m. at the Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio

Transcribed by Gwen Fisher, Certified Municipal Clerk (CMC)