

**Minutes of VERMILION MUNICIPAL PLANNING COMMISSION
of September 1, 2021 @ 7:00 pm**

PRESENT: Heather Shirley, Joe Williams, Heidi Strickler, Jeff Hammerschmidt. **Absent:** Jim Chapple

In ATTENDANCE: Bill DiFucci, Building Inspector; Barb Brady, Council Representative; Chris Howard, City Engineer; Jim Forthofer, Mayor

Call to Order:

Joe Williams, Chairman called the Wednesday, September 1, 2021 meeting to order.

Approval of Minutes:

H. Shirley MOVED, J. Hammerschmidt seconded to approve the minutes of the July 7 & 25, 2021 meetings. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

New Business:

Sterling Group II, LLC – Property Location: Baumhart & Route 2 – PP#:01-00022104040, 01-00022104029, 01-00022104045, 01-00021000032 – (Rezoning from I-1 & B-3 to I-2)

Manny Torgow, Vice President, of the Sterling Group and Jordan Bookstaff, Engineering Manager of Midwest, Hillwood stated they are joint venture partners on this opportunity for bringing a project into the City of Vermilion.

Mayor Forthofer said on behalf of the city he looked up their websites and has visited with them and has done due diligence on both the Sterling Group and Hillwood, which are blue chip companies. These are people who build facilities all over the world and he has the highest level of confidence in their capabilities, character, and integrity in representing what they say they are going to do. He believes they will be a wonderful addition to the business community in Vermilion and they are highly reputable. He said Sterling and Hillwood are proposing a project that is environmentally cleaner than what the Ford Plant was. There will be no smokestacks or water omissions. They are proposing a warehouse/distribution center that employs people and which produces taxes, and they would be a good neighbor. In comparison of what they are proposing he said it is something like Defense Soap times one thousand in scale. This could be very good for the community and in his opinion, this is the right project in the right location in Vermilion, and with the right partners for the city. He asked Planning Commission to give them serious favorable consideration.

J. Williams clarified they are asking for approval to rezone this property as there are two different zonings on the property. He asked if they owned the property currently. Manny Torgow said they currently do not own the property, but Mark Haynes owns it. They are

under contract on the property and M. Haynes agrees with them on this opportunity. J. Williams asked if two separate properties will need to be combined or is it one already combined property. J. Bookstaff said it is different parcels. J. Williams asked if the plans as submitted is similar to what they will see in the future. J. Bookstaff said what they presented to the Planning Commission as their concept plans are the types of buildings they have developed for repeat customers over the last 30 or so years of doing business around the country, and the concept plans are exactly what they are planning to do on this site. He said it would be logistics/ distribution/ecommerce types of customers and the plans are very similar to the projects they have done over the years.

J. Williams explained the rezoning is to go from I-1 and B-3 to I-2 “Heavy Industrial District”. He understands the I-2 zoning is because of the height of the buildings. J. Bookstaff said due to the ordinances, I-2 allows them to build up to the height that their frequent customers need, which allows them to go more vertically with their material handling, racking, and warehousing. Due to technology they’re able to go higher rather than buy more land to go wider, so these are the types of requirements their customers have needed in the past.

H. Shirley asked if there is a name for the business. M. Torgow said currently they have a very high level of interest from their repeat customers and due to the timing, they are coming before Planning for the rezone as they fully make those prospective users, who they have done business within the region and out of the country. H. Shirley said she was trying to understand what the businesses will house – what kind of business is it? J. Bookstaff said it will be something in the logistics/ecommerce distribution warehousing space, so large customers such as when you get packages delivered to your door – customers like this will be an example that they have done business with. H. Shirley asked how many employees are anticipated to be employed at this site. J. Bookstaff said they cannot speak to that at this early stage, but they envision a significant use as shown on the concept plan. H. Shirley said there was a lot of parking spaces. J. Bookstaff said they envision this order of magnitude of jobs created.

J. Hammerschmidt said this is located at one of the introductions into Vermilion – when you get off the highway, you’re looking right at it. He likes the location in the sense for what they’re looking to do, but he did not like the idea of some of the visuals of what you will get when you’re off the highway. He wondered if there was a way to push some of this back and have more green space or landscaping to soften this. J. Bookstaff said this is a great point and it is certainly something they will work closely with the Planning Commission and the community on. All the potential customers are very sensitive to how they look when entering the site. They want to make their employee experience as good as possible, so definitely robust landscaping is envisioned and those are details they will work on with the Planning Commission when they come back with plans.

J. Williams said if they move this forward and change the zoning – if this project does not go forward are they stuck with this zoning? Mayor Forthofer said no. J. Williams asked if they could make this conditional. Mayor Forthofer said a potential user could come and

ask for it to be rezoned again. J. Williams said it would then be an I-2 zoning from now on if they approve it until they rezone it again based on somebody else's application. Mayor Forthofer said somebody could apply for a different zone and a future user could be the same.

H. Strickler said her concern if they go ahead with this – they have to recommend this to council as this is the preliminary step. If they change it to I-2 and this falls through, then it is I-2 and then everything that is listed in the Planning code could go forward. She asked if they could do this conditionally because if they decide to pull out and it is I-2, then they really do not have much control over anybody that wants to come in and use it as I-2. J. Hammerschmidt said he is for the conditional idea. H. Strickler said she did not know if they could do this, but this may be a question for the law director.

J. Williams asked how soon this project will move forward if Planning approves it. J. Bookstaff said they are hoping to work with the Planning Commission on the process and all the steps, including site plan approval, so the actual plan will need to be approved as well, but they are hoping by the end of 2021 to be in a position to have the full rezone and be able to keep moving forward on the project.

Mayor Forthofer clarified H. Strickler's question on whether this can be conditional on granting I-2 zoning to this particular applicant. H. Strickler agreed and said she is not opposed to what she is seeing, but she does not want them to rezone something and then have the applicant back out and open it up for someone else to come in. J. Hammerschmidt interjected saying somebody could do something different. H. Strickler said it does open the door of what could actually be there.

G. Fisher asked if the zoning would revert back to the original zoning if they do not go forward. Mayor Forthofer said he could not answer the technicalities of this, but thinks it is a reasonable condition to put on for the applicants only. They can check with the legal department to make sure it is alright. G. Fisher suggested that Planning make a recommendation with the conditional zoning, and once it goes to Council, they can put this stipulation in the ordinance, and they can check with the law department first to make sure they can do this. J. Williams said they are planning on meeting with a committee to rezone many of the properties next year, so they could always rezone it back. H. Strickler said this is part of the bigger picture on why they need this study and looking at the maps to see what the needs are for future use. Is there any other place in the city that needs to be rezoned too, so they can bring in development? Mayor Forthofer said there are plenty of places in the city that need attention for zoning. He said this property is in a corner of the city and away from town, and they are probably as good for this application that they can find. However, if they want to put a condition on it or have council put a condition on it, then it is a fair question for future applicants.

J. Williams said on the north and west part of this property there is housing and the requirements for I-1 do have some considerable setback from housing – even from parking in the 75' range. He said on the plans there is some berming and they would like

trees and things that block that and deaden as much sound as they can, and for sure meet every part of the code for setback. He said because they are looking at so many people, they would want a traffic study that shows how they would exit this property because they will end up with some stacking by the freeway, which will block everything up – especially in winter. Mayor Forthofer believed Ford had about 5,000 people in and out during the course of the day. He thinks a traffic study is a good idea. J. Williams said the exit of their property will be so close to the light at the freeway and ramp. J. Bookstaff said they have initiated discussion with the city engineer on this and they will certainly work close with him to make sure they address any traffic concerns. This is something they focus on as developers as this is a big early box they check, so they will work through this. J. Williams said when they get to their site plan these will be discussions they will have.

Mayor Forthofer said with regards to whether council can codify any concerns as far as the permanent zoning he thinks it could be legally resolved.

H. Strickler said this is exciting and doable as long as they can protect the residents. H. Shirley said the buildings seem to be of high quality, which is something they are looking for when they talk about landscaping.

B. Brady asked if they would be using the rail service that abuts the property. J. Bookstaff believed the types of users they are looking at won't be taking advantage of this as they like the freeway access (Route 2 and Turnpike).

Philip Laurien of 5760 Liberty Avenue asked if they have a Planned Industrial District (PID) in the code. B. DiFucci said they do. P. Laurien said then this is a more appropriate request for rezoning because it ties you to a specific proposal and site plan. You work hand in hand with a developer and if they back out, then this industrial zone does not take place. In his opinion, if you zone the property to an industrial zoning and if the user does not develop the property, the zoning is there permanently until it is changed again. If you have a PID, then the city might want to consider looking at this. B. DiFucci corrected his statement by saying the city has a PUD and not a PID. P. Laurien said then the city does not have this capability.

Tom Palmer of 1680 Cooper Foster Park Road said they know progress is inevitable. One of the problems they have on Cooper Foster is all their drainage goes down to the highway and it has been stopped up. There is a creek that runs across there and it really flows sometimes, so stormwater is a concern because it is already backed up underneath the highway. Therefore, this needs to be addressed when you're using the property. He said he knows nothing about the plans. He said the traffic on Cooper Foster and Baumhart is a pain now, so he hopes they can solve this. J. Williams thought they would have the opportunity to fix some of it by this project.

Marilyn Brill of 1745 Cooper Foster Park Road said she lives in this area and her husband has lived there all of his life – 90+ years and they know growth is coming, but they do not want it in their back yard, and they have had too many other changes in this area. The

property right across the street from them has been rezoned and it sits there, and it is an ugly eyesore as they look at it today because of what was done a few years ago. She said she is afraid and is glad Heidi spoke up about the fact that once it is rezoned it may stay that way and somebody else could come in and do differently if this does not work out. She said the city needs to look at the long-range plans. She asked how big the warehouse is – do they have dimensions. J. Williams said they have not submitted any plans other than some block plans. It is still preliminary at this point. M. Brill said it seems premature to give them approval. J. Williams said they are just approving zoning. M. Brill understood but said they have no idea of how big this building or warehouse will be. J. Williams said they have plans that are rough. M. Brill said and yet the residents that live in the area do not know. J. Williams asked them to share any additional information. J. Bookstaff said they are in the concept stage of this project. As part of the approval process, they would go through site plan approval, and this is when they would have a very specific plan that they would request from the Planning Commission. He said these are all valid concerns and they will work on the process through site plan approval. J. Williams said this is a big piece of property and they are looking at some big plans.

Nick Demos of 2145 Arndt Road said his new neighbors would have 1,100' of their property all the way down and 100' across the back. They would like to be kept in the loop of what exactly will be going on. Currently they look at soybeans and corn and it is nice and quiet. If something is going in that is 24 hours a day, they will hear trucks and people talking. He understands progress is going to happen, but they need their interest protected because they have been there for 30 years and having new neighbors of business – they do not know how many people will be in there – it could be 100 or 2,000. This is a lot of people when they are 50 yards away from their house, so they would like to be kept in the loop a little more of what is going on. Sharon Demos asked if there would be an entrance from Claus Road or is it just from Baumhart. J. Williams said they have not submitted a site plan other than an idea of what they might do. He believed the only entrance was on Baumhart. S. Demos said she was concerned about the railway because when the first time this was sold, they were talking about railway access, and it would be in their backyard. J. Williams said right now on the plan there is no citing for rail.

Bob Leimbach of 1425 Claus Road said his dad originally has his farmland behind them and it was set up years ago that there was protection for the all the residents along Claus Road. He would like some assurance that there will still be. There will be a warehouse, a huge parking lot, a lot of trucks coming and going all the time, so he would like to see them protected as much as possible. The Demos' and everyone on the road all about this property, which is under consideration, and he wants to make sure they have some sort of protection. He realizes this is part of the site plan, but they would like some consideration up front. He appreciated the comment about keeping the zoning contingent on the sale.

Dan Kaighin of 1450 Claus Road said he lives across the street from the Leimbach's, and he mentioned something that caught his idea about the trucks because he knows a lot about the trucks because he used to work on the turnpike a little bit and a lot of times the trucks will sit and idle, so it sounds like it will be constant 24 hours a day of pollution from these

trucks idling or coming in or out. As people have already mentioned they are concerned as people living and moving near there and they have the proper atmosphere. They will be subjected to this pollution, and it does not make any sense. Going back to what the council did in their case – they looked at the people who approached them and they said, “You know you have a good idea, but it is the wrong place”.

B. Brady asked what the buffer is between I-2 and residential. B. DiFucci said he did not have that information in front of him, but it would be addressed in the site plan as they would be required to design the plans and meet the requirements of the code as well as the buffering, which separates the I-2 from the R-1 or A-1 that is out there. J. Williams said he looked up I-1 and it was 75’ from any residential. B. DiFucci said it speaks of different classes between Class 1, 2, and 3, and those districts are tied to those classes. J. Williams said if they ask for more of a buffer between the housing would this be an issue. J. Bookstaff said conceptually they will certainly work with the neighbors of the community. J. Williams said they really only have housing in this back area. J. Bookstaff said as developers they have a long history of working with the neighbors and addressing their concerns, and he feels confident that they can figure something out.

J. Hammerschmidt MOVED; H. Shirley seconded to recommend the rezoning request to City Council contingent upon the applicant purchasing the property. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

G. Fisher explained that she will set this for Public Hearing in front of City Council and she needs to give a 30-day notice. Additionally, she will notify the property owners within 300 feet of the property of the rezoning. She said the public notice for the Public Hearing will be in the Vermilion Photojournal and advised the public to watch the city website at www.cityofvermilion.com for agenda details, or they can email her at gwenfisher@vermilion.net with any questions. She stated the Public Hearing will be scheduled the same day as the third reading of the ordinance.

Oak Knoll Investment (Cassell realty Co.) – Property Location: Ridgeview – PP#: 01-0000-1110-029 (Preliminary Approval of Four Lot Subdivision)

Tabled until October meeting at the request of the applicant.

Russell Maurer – Property Location: Haber Road Farmland West of Last House – PP#: 18-01249.000 (Lot Split)

Russell Maurer of 502 Portside Drive said he owns the farmland, which will be a single house for his personal residence, and he would like to proceed with the lot split. J. Williams asked if there were two parcels. R. Maurer said separate from the field there is a grid difference that runs down the middle, so it will be expressed as two parcels, but they are connecting and adjacent as a single house lot. J. Williams said the only way to access the back part is through the front parcel. C. Howard said it will be one parcel.

R. Maurer said he received a letter from the city engineer with comments and he forwarded them to the surveyor, and he will satisfy all of the engineer's issues, but not instantly. The reason why he did not pin was because of heavy foliage, so he will preview the job, but does not expect to execute this until leaf fall in late autumn.

J. Hammerschmidt MOVED, H. Strickler seconded to approve the lot split contingent upon the applicant meeting all the comments addressed by the city engineer in his letter dated August 30, 2021 and resubmitting as suggested. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

Old Business:

J. Williams explained the Planning Commission upon review of the Transient Rental legislation will be giving their recommendation to Vermilion City Council. He said he will give the audience members the opportunity to speak and asked them to limit their comments to three minutes.

Pete Avery of 1039 Nautical Drive spoke on a transient rental currently on Nautical Drive and they have already had a couple of bachelor parties – one just last weekend and there were 12 guys that were walking around the street at 3:00 a.m., so they're already having issues. The previous one got pretty loud to the point where they almost called the police. Their concern is detrimental to property values and discussions they had about limits, but he hasn't heard any proposals about this, so he employed the Planning Commission to put some density limits on this – five percent per street or something. The city can limit their registrations, but this is not the same because they could have three or four of them on a street which will affect the property values. Nobody wants to live next door to them. He said they have talked about registration fees being \$200 and he looked up Huron's and theirs is \$400 and he would suggest they make it substantial enough for people to think twice, and this also will help pay for the software and the extra workload that Bill DiFucci will have to pick up. He asked the Planning Commission to please put some limits on this thing.

Richard Hartman of 1079 Nautical Drive said he doesn't like airing his business, but he thinks it is important to give his story. He said he is not against the rentals, but he does not want it next to him. If it is next to him within reason, then he is fine. He said the people on Nautical keep the house up very perfect, but the problem is they are trying to go around and pick up other homes. He said he had a harbor lot for about 14 years and had investments there for about 18 years and started with one home and ended up with seven homes. Several other people did purchases like he did. He sat on the HOA for 14 years and the problem is they got upside down, and when they got upside down, they had about 40 percent rentals out of 140 homes. The value of the homes went down about 28 percent and then the banks started looking at the homes if they had a mortgage. They did not do their homework on the HOA per the bylaws, so they will need to grandfather people in, but it is very important that they set limits or find out if it is some kind of equation on how they can limit, so this doesn't happen in his back yard. He said in other

areas they cannot do a vacation home within 250' of each other, so they need to come up with some sort of equation on this. He said they did not allow anything less than one week rent and if you had a charter, then you got to stay in the house for free, so there is always a way around it, and it is important they think hard about this. He said he had 140 people screaming at him and he does not want to go down that path again.

Margaret Wakefield Worcester of 5679 Huron Street read her comments into the record, which is attached hereto and incorporated herein as part of the official minutes.

Robbie Brown of 615 Main Street said she supports everything that Margaret just said. The main thing is that she lives right in Harbourtown and is the Chairwoman of the Historic Design & Review Board, so she wants to keep Vermilion as it is. The small town – the Mayor has been quoting how this small town makes this area. She asked Planning to read some articles on the Wall Street Journal – June 22, 2021 – Blackstone got six billion for buying and renting homes, and this is how they are taking whole communities over. They do not think it could happen in your neighborhood, but of course they see changes are happening so much. The other problem she has is the people who are buying these properties and using them as Air BNBs and then they're not owner-occupied properties. If this has to go through, then she would suggest no more than 14 days per year and the owner has to occupy the property for 351 days of the year, so they understand it – she knows she does not want an Air BNB next to her and she will not have it because her condo associations will not allow them at Fisherman's Bend. She hopes that Planning would go back and reconsider this. The other concern she has is oversight. Who is going to do all of this – what is the cost to the city to make sure that these Air BNBs are clean and meet regulations – how much are they going to overrun the police with somebody coming in with 30 people and they rented it for one? She said her son owns a lot of property in Key West and they had all kinds of issues with Air BNB, and they do not even rent on a short term. The people knocking on their door saying they rented this property, and they did not. She said there is also the scams. She said there is a lot of material talking against this and that cities should really reconsider doing it. They are finding there have been disasters.

Homer Taft of 3972 Edgewater Drive said there are a number of problems with this ordinance and the bottom line in his opinion is that it is nowhere near ready for prime time yet. He has written a lot of infirmities to the Planning Commission and hopes the statements will be given some consideration. He pointed out that this ordinance would sweep within in every residence in the city that is rented for 30 days or less in any month of the year. This means everything not rented annually and automatically becomes part of this. You cannot distinguish to taxes because this relates to the bed tax. You cannot distinguish as to inspection or anything else between one property to another within that definition. He said there is one convenient thing called the Constitution of the United States and protection law that won't let you do that. In addition, this ordinance kind of takes a meat ax towards everything to solve a problem that hasn't yet been reported by anybody – Vermilion pretty much. He said they have a number of different communities within the city, and they have communities that are very dense and communities where

the population and housing is very sparse. You cannot treat something in the Lagoons and what should happen there and the parking there the same as you do with something on North Ridge or Claus Road, or Cooper Foster. They are different. This ordinance picks and chooses some things from Sandusky but left out a lot. They should really look at what it left out first because it left out things about occupancy standards – how many people could visit there, and by the way the current ordinance really does not define that properly. Parking onsite for all visitors – there are a lot of areas in this city where you're not allowed to park on the street. The parking then has to be provided there. He knows that Mr. Laurien that is very well-informed presented something to Planning Commission of which he hasn't had the chance to read the whole thing. However, his claims that the transient housing artificially drives up the price of housing. He said with all due respect, Vermilion is a summer community – a vacation community and they do not want to kill the goose who lays the golden egg as part of this – whether it is Linwood or Nokomis, or other areas of the city – there are plenty of people who do rentals. He said they need to distinguish a lot more of what is happening. He said last time it was asked as to whether or not they had registration in the city for rentals, the response was “we do not”. He invited the Commission members to look at Chapter 1484 of the code that requires the building department to register every rental property (non-owner occupied) in the city, which we don't currently do. Unfortunately, we have problems in the city because we passed a lot of laws and neglect to enforce a good many of them, and he doesn't want to see this be one more. He would hope the Planning Commission would give far serious and careful consideration to what they're doing as to what has been proposed so far.

Ingemar Svala of 5324 Park Drive said he is a part-time photographer and decided to drive the city the last few days to become more familiar of where there are transient rentals. He referred to weekend rentals as there is a successful one on his own street. As he drove around town looking where these rentals are he realized a lot of the Planning Commission members live in the same neighborhoods. He said Frank Loucka, Councilman has two right around the corner and Councilwoman Barb Brady has two, and Jeff Hammerschmidt has several on Liberty, and Heidi Strickler has one real close – they are everywhere, and this is just the way it is. It was an eyeopener for him as they are surrounded by transient rentals and it is growing like crazy for many reasons – not just here, but all around the country. He suspects another reason these weekend getaways are so popular is the COVID situation, specifically the inability to travel like they have done for so many years. All of them travel around the country, but the last two years they haven't. He said the number one thing that keeps coming up is safety from the renter's perspective. Although accidents can and will happen – having two persons inspect a dwelling is better – one from the building department, and perhaps somebody from the fire department as they have totally different eyes than you or I. From the homeowner's perspective, he would think if you were an owner and you have the city's fingerprints on the house being approved, this could become a positive Vermilion certified transient rental. The homeowner may have some financial cost, but they could have a certified decal on their ad or on their front door, which could be priceless. From the City of Vermilion's perspective, we could become a model – who knows. There are various marketing tools

to get recognition from various sources and he thinks this also would be priceless. He asked everyone to work together, break some bread, and be positive.

Phil Laurien of 5760 Liberty said he is the owner of one of three legal bricks and mortar Bed & Breakfasts'. He is not here to oppose transient rentals. Matter of fact, two years ago he came to Council to warn them about the dangers of unrestricted transient rentals, and at that time he asked to be a part of the solution. As the owner of the successful B&B they do need more lodging in peak season. He said himself, the Jail House Bed & Breakfast, the Gilchrist House, and the motels – principally the Holiday Inn – cannot provide enough housing. He said there is no urgency – Homer Taft is right, there is no urgency to do this yet. It is half baked, so that means you're halfway there but you're not all the way. There is time to hit the pause button and rethink. Secondly, let's get the issue of the non-conforming uses or grandfather uses out of the way. From his expert opinion, there are none. Only three legal B&Bs exist in Vermilion right now. Any of the others that are in the R-S district could be legal if they came before the BZA and got a conditional use. He doesn't think any of them have. They could be potentially allowed, and many could meet the standards if they had standards. Any of them that are in any other residential districts that are exclusively single-family – transient motel which is what these are is a commercial use. The city's definition of a single-family residence is for the exclusive use/residential use of one family, so they are illegal. All of them out there right now are illegal. You do not have any non-conforming uses – don't worry about grandfathering. Right now, today, you're covered – maybe not well, but you're covered. B&Bs are allowed as a permitted use in the B-2 zone within the historic district. They're allowed as a conditional use in the R-S district and oddly enough they are allowed as a major home occupation. The problem is the conditional use has no conditions. Under Ohio Law, Chapter 713 this is not the way you do it. If you identify conditional use you have to say what are the conditions. He referred to 1484.28 as it places too much power in your very good, very confident Building Inspector, but his job is to enforce codes and you have placed a burden on him to determine conditions on a case-by-case basis – you cannot do it – Ohio law does not allow you to do that. You've got to decide conditions. He said Margaret Wakefield and Homer Taft are right – you do not want to allow as a permitted use transient rentals in every district in the city, and it is entirely inappropriate for the Planning Commission or City Council to do this without a city-wide ballot issue. When you adopt zoning conditionally people vote on it. That is the first time you adopt it – it's city-wide. What is happening here is that Council is proposing, and Planning is asked to comment on it – shouldn't they have a city-wide rezoning that allows commercial uses (transient motels) in every zoning district without asking the people how they feel about it. This should be a ballot issue. He recommended as the better approach the conditional use process. He said Planning has a copy of his Version 5 proposal for transient rentals – it is not perfect, but he thinks it is way better than what you're currently looking at. They should go to the BZA and there should be standards. There are 10 standards for density, occupancy, parking, and there may be more that can be added, but you would take the burden off the zoning inspector to determine on a case-by-case basis. The BZA would say you meet the conditions – you get the conditional use permit, and the building inspector would determine they were met. He said in the meantime, they still allow B&Bs as a conditional

use in your R-S district – let’s be real – the R-S district is one of the largest districts in the city and it encompasses all of the subdivisions platted prior to 1966. This is a huge part of the city so you have a lot of land area where you can apply as a conditional use, so for now you’re protected, and you need to enforce the code. He said all the current Air BNB owners should be worried because they are actually currently illegal.

H. Shirley asked P. Laurien if he knew how many transient rentals are in the city. P. Laurien said there were 35 as of last week on Air BNB, and there are 6 more on VRBO. Someone he spoke to said they did a non-specific brand name (Vacation Rentals) search and there were over 100 in Vermilion. He did not know if this was correct or not. He said he pays over \$7,000 a year in commercial property taxes and \$5,000 a year in lodging taxes, and he paid the inspection fee of \$100 and is playing by all the rules, but all these other guys that are illegal are flying under the radar. One of the reasons that Air BNB and VRBO do not advertise the owners name, phone number, or address is because they do not want you to know where they are – they are anonymous and if you look at their ad’s you normally do not see a picture of the outside of the structure. This way the neighbors cannot tell, so there is a real problem here. He said his daughter lives in Colorado, and she contacted him to get a copy of his code to give to her city. Houses are being bought and all turned over into Air BNB’s. A 50-year motel for tourists has been condominiumized and every one of the units sold as Air BNBs. They are losing their places to rent, and it is a problem, and it could happen here. He said he would vote this down or would recommend no to City Council – press the reset button and take a look as his Version 5 and meet again to talk about it.

B. Brady said she has always felt the BZA is the place for this to go because it is a home business, and they expect home businesses to go to the BZA to get home occupation permits.

J. Williams said it sounds like there are a 100 in the city that are currently under the radar and the system is not working and he thinks they are trying to put an ordinance together that would fix this, but perhaps this is not the right ordinance.

Mayor Forthofer said Vermilion certainly is not alone in this. The Air BNBs are nationwide, so there are other communities similar to Vermilion that are experiencing the same thing. He did not think Vermilion should do not nothing for some of the reasons that Mr. Laurien mentioned. It is punitive for people that are playing by the rules, but on the other hand he does not think they can just slap something over the whole city and say this is how it is going to be. He knows how hard council has worked on this, but he agrees it needs cooked a little longer.

B. DiFucci said Phil Laurien made some great points, and it sounds like there is some work to be added to this.

H. Strickler asked if Council has done research on communities that have handled it well – she knows they have looked at Sandusky and Huron. She said they need to do

something, but it is obvious what they are doing is not nearly enough. B. Brady said they looked at Huron and six months later Huron changed their legislation, so she feels that all communities are struggling the same way Vermilion is. H. Shirley thinks Vermilion's legislation can potentially change as well and she personally feels they need something, but she has a lot of issues with it as well. She thinks there are some major areas that definitely need more work and they heard some great comments, and she would agree with some of those.

B. Brady asked what Planning would like to send to Council – do they want to come up with an outline of things they think that is important. G. Fisher said after she completes the minutes, this will be a good basis for Council to go off, and maybe they can schedule a new subcommittee and have the new law director be a part of this as well. H. Shirley said originally, she was on the subcommittee well over two years ago, so she thinks it might be helpful if they had a couple individuals – maybe somebody from Planning and Zoning – she did not know if it needs to take forever because a lot of the work has already been done, but she thinks there are key areas they could potentially work on.

P. Laurien asked if the Planning Commission is in the process where Council has sent this to them for an opinion or is this part of the rezoning process, because if it is part of the rezoning process, then it should be before Planning for their review and approval/disapproval, and they have to act. H. Strickler understands they need to make a recommendation to City Council on whether they agree or disagree with the legislation, but Council does not have to listen to them. P. Laurien said under Ohio law when the Planning Commission reviews and makes a recommendation in the negative – it takes a three-fourths majority vote of Council to overturn and approve the code before them. He said Planning has a lot of power, so if they decide they want to take an active vote and say to Council they are not in favor of this particular code as written and they want to work with Council to amend it because this code needs to die because it is not ready, then vote no and it will take a vote to overturn the Planning Commission's negative vote. This is what he recommended Planning to do. H. Strickler asked if this is true because she thought they are doing their due diligence by having a special meeting to understand this, but if they're not happy with this. B. DiFucci said there is no reason why they have to follow somebody else's example. He is a firm believer that if they surround themselves with the right people, then there is no reason why Vermilion cannot be the model code that other cities lean to. He said they talked about Huron, and he sat in on those meetings and said Huron and Sandusky has some good stuff, but he is not a legal guy but there is no reason why they cannot draft a code that other cities may reference from time to time. He thinks they need to lean on others in the community and listen to everyone's opinion to put something together that is solid that Vermilion can be the example of. H. Strickler asked if they could include in the recommendation to get a committee together. G. Fisher said this issue has had so much discussion and it has been going on since 2018, so she feels Phil Laurien is correct in saying that Planning can recommend to Council to go back to the drawing board and start over with Planning's stipulations. H. Shirley felt they could give Council a list of items and recommendations they feel are necessary to be in the ordinance. J. Williams said this will all be in the minutes, and they have received letters

from various people which can be added to the minutes as well. He proposed that Planning send it back to Council with their comments, as well as the comments from the community and ask them to reconsider the ordinance based on this, and then rewrite it and send it back to Planning. J. Hammerschmidt asked if they could add some of the highlights they have heard tonight. J. Williams said Council will receive them through the minutes.

H. Taft pointed out that Council sent this to Planning to study as they should – it is not just a matter of Ohio law as the City Charter and ordinances allow Planning to initiate zoning decisions and send them to Council, so you do not have to approve it or disapprove it – you can continue to study it and make it better, which he thinks is what they ought to do. P. Laurien said as a clarification he said three-fourths vote, but it is a two-thirds majority vote.

J. Williams felt the law director needs to take a second look at these ordinances with all the comments that have been made, and if Council still feels they have the right ordinance, then they can bring it back again and then they can make a yes or no decision. H. Strickler said since Council is reading the minutes, she wants to go on record by saying she feels they need to revisit the fee structure because the building department is underfunded now. H. Shirley asked the clerk if they could send her some items to give to City Council. G. Fisher said Planning members can send her an email and she will forward it to Council for their review. B. Brady asked if there was a purpose in having a joint work session with Council and Planning. J. Hammerschmidt said this was not a bad idea. G. Fisher said this will first go back to Council and then they can decide if they want to get everyone together.

J. Williams said he likes the idea of not having it in every zone but conditional use if someone wants to apply for it. H. Strickler said it is then the enforcement too – who is going to be hunting down the illegal ones, which is the big issue. If they have 100 out there now the building department does not have the manpower. Mayor Forthofer said there are some software that aids in finding people who are not complying with ordinances, so it does not necessarily have to burden the building department. B. Brady said Erie County apparently has this software and will include the city. She thought the penalties have to be high too. They do not want people opening these illegally and just get a slap on the wrist. It has to be uncomfortable.

J. Williams MOVED, H. Strickler seconded to recommend to Council to reconsider and rewrite the ordinance and to reference the minutes. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

J. Williams adjourned the meeting upon no further discussion.

The next meeting has been scheduled for October 6, 2021 at 7:00 p.m. – Vermilion Municipal Complex, 687 Decatur Street.

Transcribed by Gwen Fisher, Certified Municipal Clerk.