

LEGISLATIVE COMMITTEE MINUTES
of August 8, 2022

In Attendance: **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. Absent: Gwen Fisher, Clerk of Council*

Administration: *Jim Forthofer, Mayor; Chris Howard, City Engineer; Amy Hendricks, Finance Director; Chris Hartung, Police Chief; Tony Valerius, Service Director; Bill Brown, Fire Chief; Susan Anderson, Law Director*

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

TOPIC ONE: Review of Ordinance 2022-33 (Rental Registration)

Sara Cheheyl of 5267 6th Street said she is a fifth generation in Linwood Park and two of her great-great grandfathers put their personal money down to buy the land, so she has heritage there. She thanked council, the mayor, and the service director for being cooperative with them. She thinks they have established a great relationship with the city, and she appreciates it. She is sure this is not the first time Linwood Park and their executives have come before council with something with which they have not agreed. They worked a lot through this, and she thanked council.

G. Drew said council has reviewed the latest draft and asked the members if they had any further issues. M. Stark said she likes the way council has cut out a lot of the garbage from the ordinance. To her this is a safety issue from beginning to end and what they have in the legislation along with the inspection checklist will be for safety for the visitors in the community. She said council has worked long and hard on this and if they are all in agreement, then she would hope they could pass this legislation. She reminded everyone that the legislation is a working document, and they can always revise it, but she thought it was time to get something on the books.

G. Drew asked Fire Chief Brown to give council a summary of the email he gave to Council. Chief Brown said two weeks ago there was talk about certain areas being left out of the inspection process and at no point did he have a say in that at all, but his personal feeling is that if it is a safety issue for one group, then it is a safety issue for others. There was talk of exempting Linwood at one point. He said over a week ago in the middle of the afternoon, they had a fire on a deck at Linwood and 13-14 people were staying in that structure, but they were not there at the time of the fire,

but about seven to eight of the visitors were under the age of five. There was a fire, and the neighbor was taking care of their garden and saw the fire and extinguished the fire before the fire department arrived. Once the fire department arrived, they went inside and checked the structure to make sure nothing had reached the walls, and they checked all three of the smoke detectors and they did not have working batteries. The question he had posed to council is – what would have happened if that were 2:30 in the morning – it could have been a much different story. He feels it is definitely a safety issue. He said the landlords can show up and put batteries in the smoke detectors, but nothing prevents them from being taken out next week. He thought at some point the city could say, yes today the structure is safe.

Janet Waggoner of 465 Walnut said they have the kind of smoke detectors that do not use batteries, which are supposed to be good for 10 years. Chief Brown asked her if they plug in or if they were hard-wired. J. Waggoner said they are not hard-wired to each other but questioned if they should be putting that kind in because they just replaced two of them and they are only a year old. She said when they went off it said there was a fire in the basement, but they do not have a basement, so she is wondering if they should put both types of detectors in. Chief Brown said if they have a two-story house, the minimum recommendation is one smoke detector per level. J. Waggoner said they have them in all their bedrooms. Chief Brown said this is even better, but he has seen smoke detectors as big as a dinner plate. This is how old they are, but they still work perfectly, but you cannot take that chance. He said having two different kinds is probably not a bad idea at all.

G. Drew asked the finance director about the software that he thought was around \$6,500 a year and asked if the city must subscribe to this software. A. Hendricks thought it would be an excellent idea because without this they would have what is very limited staff designing their own record keeping system for tracking, etc. This also will allow them to schedule appointments for inspections online. G. Drew confirmed that the software is not just a database, but it will make the job a lot easier. A. Hendricks said they can generate letters of mailing, emails, and other value added.

M. Stark said council received an email relative to verbiage in the revised ordinance that addressed every other year (biannual) of applying to the building department for a permit and paying a fee biannually. She noted that G. Fisher had made the change from biannual to biennial, so it is known that inspections will be done every other year and fees will be charged every other year.

P. Stein asked the actual purpose of the software. A. Hendricks said it is to maintain the record keeping for the addresses that are registered. It will help keep track of the inspection data and it will allow applications to be done online by the people

who are operating the rentals. It will also email communications and payments, so they are not reinventing the wheel in the building and finance department.

B. Brady asked the finance director if she found out whether the city could go to 5% for the bed tax versus the 3%. A. Hendricks said she did not have the opportunity before leaving town to do research on this. B. Brady said since council was having difficulty agreeing on the biennial fee, that maybe they make this minimal and increase the bed tax to 5% because it makes it more of a usage tax as opposed to a fee they are charging. If somebody rents it every week all year they will pay more, but if somebody rents it for two or three weeks out of the year they are going to pay less. She said she asked Amy to investigate whether the city could do this because Erie County has it at 3%. A. Hendricks explained the legislation that was passed for Erie County allows 4% that the county designates and any local jurisdiction that collects is capped at 3%, so she needs to do more research to find out if this is a state issue or a ballot issue, and how it would be administered. Would Erie County still be willing to this administration at no cost like they do. T. Mayle thought the fee was to cover the inspections. B. Brady said the fee also is to cover the software. G. Drew thought the \$300 barely covers the software and the inspection. He does not think the city is making a dollar off this. B. Brady said if they lower the inspection to \$100 and raise the bed tax, then they are putting the burden on the people that rent it, which should be anyway – a usage tax.

T. Valerius addressed Chapter 1484 (d) (1) that states the initial fee of \$300.00, which he thought was somewhat confusing when they come in to pay. So, two years from that point, are they paying another \$300.00. G. Drew said yes. T. Valerius said it is not an initial fee – it is just a fee of \$300 per dwelling. G. Drew said they can remove the word “initial.” T. Valerius referred to (g) (2) that states the owner is responsible to ensure occupancy does not exceed the permitted occupancy provided for in the transient rental permit. He thought council had decided to strike the number of occupants they were allowing in a unit. G. Drew said they were not going to set that number as they were going to have the building department determine what was appropriate through the inspection. T. Mayle agreed with this. G. Drew said in the original draft they had some numbers per bedroom that they removed as they determined it would be the building department’s responsibility, along with the parking plan as well. T. Valerius addressed (g) (3) where it states that if such application is made, the application will take precedence over any individuals on the waitlist. He said there is no longer a waitlist he thought. G. Drew said there will never be a waitlist because they do not have a cap, so this sentence could be removed.

G. Drew said they never discussed a fee for reinspection if the inspection fails and the building department must come back out. He asked council if they were okay with instituting a \$50.00 reinspection fee to cover their costs. B. Brady and M. Stark

agreed. B. Brady suggested inserting it in (d) (1). G. Drew thought it should be separate as a reinspection fee.

S. Anderson pointed out there are two places under Section (d) (1) that addresses the word biannual which should both be changed to biennial.

G. Drew asked what section of the ordinance council wanted to insert the reinspection fee. S. Anderson suggested inserting it under (d) (4) where it talks about inspections. Upon discussion, council agreed to state: In the event an inspection fails, and the property requires reinspection, the owner shall pay a fee of \$50.00 for each reinspection.

Sara Cheheyl of 5267 6th Street asked council if they are going to limit the number of times the homes can be reinspected. G. Drew said according to the ordinance no – you must pay \$50.00 each time. S. Cheheyl thought it was a glorious thing for the department. T. Valerius said if the inspector comes out and inspects something and notes something that needs to be addressed, he will let the homeowner know and then when that item is corrected, the owner can call the inspector back out for reinspection and hopefully that would be it. G. Drew agreed that the owner would know what they would need to fix.

Drew Werley of 5016 Timberview Drive expressed his gratitude for all the hard work council has been doing and he appreciates them not putting the full weight that they had down on these people's (inaudible). He noticed in one spot of the ordinance they still have the definition for transient as thirty (30) consecutive days, and he asked that council change it to 27 for reasons he has stated before. He likes that council is not stealing as much money from these people as they are trying to suppress their property rights. He looked forward to seeing how council was going to pass this tonight and he said he would be down to get a copy probably on Wednesday to petition.

B. Brady thought it was a state thing for the reason they stuck with this number. G. Drew said there was a reason they could not change it.

John Waggoner of 465 Walnut said to avoid confusion, the house that had the fire has six bedrooms, not two.

TOPIC TWO: Review of Section 618.01 (a) (4) (A) (3) – Vicious Dogs

Derek Lundy of 5560 Ingleside said he distributed material to council last week. He read into the record the letter he submitted to council, which is attached hereto and incorporated herein as part of the official record of minutes.

Chief Hartung said in June of 2020 he brought this to City Council's attention and in July of 2020, the law director gave her legal opinion and he believed Ordinance 2020-30 removed this language. So, he believes they addressed it by ordinance, so he is not sure why the language is still in. G. Drew asked if council passed this legislation. S. Herron thought council tabled the legislation, but he thought the clerk could investigate what happened to this ordinance.

M. Stark said she will have the clerk review the legislation and minutes to see where they went with this.

TOPIC THREE: Review of Ordinance 2022-59 (Sweepstakes Terminal Devices)

Susan Anderson said the legislation updates the city's existing regulations and puts it more in line with the Ohio Revised Code sections that address Sweepstakes Terminal Cafes and the Devices. It brings up to date a lot of the definitions that are in the Ohio Revised Code and it also adds in additional licensing requirements in terms that any owner/operator would have to file with the city the specific certification they receive with the state. It does require the owner/operator to be fingerprinted as part of background check and disclose any criminal background that they may have. It addresses the location of the facilities to the I-2 Heavy Industrial Zoning District, and it provides more clarity when a device is taken out of service. In reviewing the legislation, she noted Section 878.02 Definitions (C) Sweepstakes Terminal Device Facility. She said Ohio law exempts from the definition of the Terminal Device Facility that only operates two or fewer devices and the way this legislation is written now, it does not exempt that, so she suggested that the city be consistent with Ohio law and they follow the same definition, and exempt that because it could have unintended consequences, and it since it is under Ohio law, those organizations do not need to be licensed or certified through the state, so she thinks it complicates the city's legislation if they are saying they are going to do that. She therefore recommended they amend this paragraph to follow state law.

Greg Drew adjourned the meeting upon no further discussion.

Next meeting: September 19, 2022 @ 7:00 p.m. at the Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio

Transcribed by: Gwen Fisher, Certified Municipal Clerk