

LEGISLATIVE COMMITTEE MINUTES
OF AUGUST 17, 2020

Municipal Council of the City of Vermilion
Municipal Complex, 685 Decatur Street, Vermilion, Ohio 44089

In Attendance: **Vermilion City Council:**
Steve Herron, President of Council; Monica Stark, Council at Large; John Gabriel, Ward One; Steve Holovacs, Ward Three; Barb Brady, Ward Four; Brian Holmes, Ward Five. Absent: Frank Loucka, Ward Two

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

Call to Order: Monica Stark, Chairwoman, RESOLVED THAT this Legislative Committee comprised of the committee of the whole does now come to order.

TOPIC ONE: Chapter 618.01 Dogs and Other Animals Running At Large

M. Stark explained council had prior discussion on proposed changes to Chapter 618.01 last month and decided to add a line to the legislation requiring dogs to be leashed for the safety of all.

S. Herron said the bottom line is, you must have your dog on a leash in the city? M. Stark said this is correct. B. Brady asked if dogs must be leashed on your own private property. M. Stark said no, dogs do not have to be on leash on your property. Only on city property dogs must be on a leash. F. Loucka explained that if a dog runs off the property, the owner is supposed to have control of the dog. M. Stark read the proposed amendment. (2) No owner, keeper or harbinger of any dog shall fail at any time to keep it either physically confined or restrained when it is off the premises of the owner, keeper or harbinger by a leash, tether, or secure enclosure to prevent escape, except when the dog is lawfully engaged in hunting and accompanied by the owner, keeper or harbinger or a handler.

Markos Paradissis of 691 Grand Street asked what happens when you take your dog to the beach and they swim. This happens all the time, so how are they going to leash it. Also, what about a wireless fence or shock collar – is this acceptable? M. Stark said yes if this will keep a dog on the property. M. Paradissis asked again about the swimming issue as he sees a lot of people throwing sticks in the water. M. Stark said as she reads the legislation, they really should have the dog leashed. S. Herron said other people do and this is the hard part of this, but the dog must be under the owner’s control. It is what it is. We are in the process of deciding, based on an incident that occurred, that we are going to impose on the dog owner the responsibility of confinement. He said electric fences do not always work with

dogs. M. Paradissis said he has a lake house and people walk at Nokomis and never clean up their mess, so it is interesting now that Council is banning dogs from swimming. M. Stark said they can swim if they have a long leash.

Homer Taft of Edgewater Drive asked what is the emergency? Every ordinance that comes before this council is an emergency that cannot be subject to referendum later to the voters, so please tell him what the emergency is in this case and several others. He thinks there are two problems he sees with this ordinance. The first is where it speaks to “confined to the property.” It speaks of harborers and he wonders if Council or any lawyer could tell them what a harbinger is. He isn’t sure anyone knows, so he thinks Council might want to look at this language and talk about persons responsible for or persons in possession of an animal, and maybe they want to talk about animals, not just dogs. So, keeping them confined or under control within your property, and he would add the words, “Under control.” The second part he thinks Council needs to make greater distinctions between different things. He said what if you are at a park and you want the dog to run into the water. The water is not within Council’s jurisdiction to tell them not to let them go in, but as soon as the dog hits the beach then yes. He thinks it is the question of whether the dog is under control in the circumstances, so he would suggest they would talk about persons who own a dog on their premises being either under control of the person or in the case they are on a public right of way – this isn’t a big area – that they keep them restrained by a leash that prohibits them interacting with others without permission. At that point, 15’ retractable leashes are not good enough. He has seen many people walks dogs – two or three at a time, all on 15’ retractable leashes running in three different directions. If you let your dog run willy nilly into everybody or other dogs, you are going to run into problems. He said is not for a uniformed rule. When you are on a public right of way a 6’ rule seems reasonable. He is not sure it is defensible when you call out hunting as something that is different than everything else. What difference does it make if they are training, hunting, recreating, running/chasing a ball with their owner? What difference does it make – if they are under control, and that is the issue – however that control is established. If they go out of control, it becomes a violation. He said this would be his suggestion to the proposed legislation.

B. Brady asked Chief Hartung if there were a lot of issues with dogs being off leashes. Chief Hartung said no and usually the dog at large issues are when a dog gets out of their house and attacks somebody. This has always been their primary enforcement. He said they see a lot of people walking their dogs in the downtown area. “Some people don’t like it, and some people don’t bother it.”

E. Skahen said they recently had a dog issue in her ward but was not aware if there were others.

TOPIC TWO: Transient Rentals (Review of Draft Legislation)

M. Stark said a subcommittee met a couple months ago to discuss transient rentals and they had discussed following closely to Huron's legislation. She said council received a copy of Huron's ordinance to review and attached was an inspection report and application they would like to model as it is a well-written ordinance. She said there are slight changes they would like to make, so the subcommittee will reconvene to draft legislation to bring to council for further review. The first draft of proposed legislation will be reviewed at the September 21 committee meeting.

E. Skahen said she did not see anything in the ordinance for inspections of pools/hot tubs. M. Stark said the subcommittee can discuss this. E. Skahen asked if Huron incorporated any fees. M. Stark said the building inspector had mentioned that he was happy with fees the city had on their books. A. Hendricks said Huron's annual fee is \$400. G. Fisher said the building inspector had mentioned that he would like to see at least \$300. However, this is something the committee can discuss, and Council then can make the final determination. E. Skahen asked what the fee covers. M. Stark said it would include the application fee, inspection, signage, etc.

B. Brady asked if Huron's inspection rules were intended to be mirrored by Vermilion. M. Stark said the subcommittee will meet and review all this information again. T. Valerius said they are primarily looking at safety – handrails, smoke detectors, outlets, property maintenance issues, etc.

S. Herron said, "What we want to know is who's there, what are they doing, what is going on. S. Holovacs said just because one has a building permit, it does not give someone the right to just walk in.

Resident Markos Paradissis asked why Airbnb's and VRBOs must have a sign on them. M. Stark said it is for safety as neighbors may see strangers in the neighborhood and call. It is a courtesy to let the neighborhood know. It is not a blinking sign in the front yard – it is a piece of paper like a building permit hanging in the window. M. Paradissis suggested they simply be registered. He said neighbors usually know when somebody has a VRBO so why does the city have to put up a scarlet letter? S. Herron said it has to do with safety and what is going on in some of these houses. It is not a label on anyone's head... we have overdoses and serious things going on. He said currently it is a very legitimate business and good business to have; land use in Ohio – people can do it. "We want to know what's going on. Many crimes of many different kinds occur when you can hide your identity and hide where you are. We don't want this here in the city."

M. Paradissis said he has a seven-day minimum and he looks at the ratings of the guests with the service he uses. He said people can be denied by looking at their rating if they do not follow house rules.

Resident Pam Sharp of 516 Perry Street mentioned she owns a VRBO and is curious that if Council is concerned about strangers coming into the community, this

happens all the time at Linwood. Those are all rentals, so will they have to abide by these rules. M. Stark commented that the entire community will abide by these rules. P. Sharp was not aware if there was a lot of upheaval in Linwood and asked if the city received a lot of police calls. These are the kinds of people that are coming to rent. Most people that rent her facility want to come to this town because it is attractive, and they have not caused any trouble. Her neighbors seem supportive of her business and they spend more money than she ever does downtown. They visit the restaurants and shops and believes this is what keeps the merchants healthy and well in Vermilion. M. Stark said she is so happy to hear this and it is wonderful, and there are a lot of wonderful people coming into the community and Vermilion loves that! However, they have received complaints at a couple of VRBOs, so unfortunately council is putting legislation into place. They do not try to create ordinances to cause problems for anybody coming in or anybody that has a business in town. Unfortunately, like anything, rules are put into place because things have happened at other places. P. Sharp understood this but wanted to make it clear that Vermilion has a history of having rentals. The people want to enjoy the scenery and the beauty of the town. "I don't want to see Vermilion shoot themselves in the foot because they really need this business and they spend a lot of money here," stated Sharp. B. Brady said that P. Sharp is on site and many owners are not onsite. They live in Columbus or someplace else, so they are not monitoring what is happening on their property.

M. Paradissis asked about the police monitoring these properties rather than creating an ordinance. Council indicated the police have been called to some of these rentals. M. Paradissis said even a property management person would help in controlling some of this stuff if the owner is out of state. He agrees that if they are out of state then how can they watch their property. It is interesting, and he did not think of this. He asked if he could serve on the committee. G. Fisher said the subcommittee has already been put into place, but he is welcome to attend. M. Paradissis said he would like to interject if he could as he has been involved in many businesses and he does have input as a businessman. M. Stark said council has the best interest of Vermilion in mind when they are putting legislation in place.

Resident Lawrence Drouhard of 321 Portland Drive said he owns one high-end Airbnb in Bluebird Beach. "I've been so surprised with everyone who has come to stay there." He said they have a five-day minimum stay and may extend it next year to a seven-day. He said he has had folks from Maryland, Connecticut, and Milwaukee. "It's just crazy to see folks from all over the mid-west and east coast that really love Vermilion. I couldn't believe it." He said they really spend more money than the locals. He does not want them to be scared away by the community and he would not want to set anybody back.

Resident Cody Herchler of 14819 Darrow Road said he does not do weekly bookings for his guests. He has three properties and not everyone can afford to stay for a week, and they come a few days here and there. He said there are some people that come for one night. He said if you book through Airbnb you must have a valid

photo identification and your profile is verified. Airbnb does control to an extent of who comes and goes. He thought something should be put into play across the board as they should not single anybody out. M. Stark said it was nice to welcome input from people who have Airbnb's and VRBOs. "It's for safety – when they sat down this was the first thing they said." She invited all interested parties to attend the meeting on September 21 as they will be discussing this matter further.

TOPIC THREE: Chapter 1270.01-1270.06 & 1276.02 (District Regulations & Off-Street Parking and Loading)

T. Valerius said in light of recent discussions relative to a driveway over on Ohio Street and the fact that one driveway cuts through the right of way of another driveway, he would like to introduce language for Council's consideration to prevent this issue happening again in the future. This language will affect the residential codes 1270.01-1270.06 and 1276.02. This is specifically for driveways under supplemental regulations and the sentence he would like to add under Driveways is: Any driveway that travels through the City right-of-way shall do so within the boundary lines of the property it serves. Mayor Forthofer said if council chooses to amend these sections of the code, he will send it to the law department for consideration of grandfathering. S. Holovacs said they should send it right away because he needs to know what Council can do or not do and he is not going to pass something and then say, what can we do.

B. Brady asked if they could limit the width of driveways. T. Valerius said there is nothing in city code that would prohibit someone from concreting their whole front yard, whether it is for a driveway or a patio in your front yard. He said driveways must be a minimum of 10 feet wide. F. Loucka said they need to deal with one piece at a time. He said what is happening on Ohio Street is a travesty to the property owner and if there is something they can put in to eliminate it at this point it would be great. S. Holovacs asked if there was anything dealing with a curb cut in the code. T. Valerius said that would be for commercial or business. B. Holmes said people are adding gravel to driveways. S. Holovacs said if anyone widens their driveway it must be hard-surfaced and T. Valerius said that is correct unless you are in the RS zoning district, and you would also need to get a permit. T. Valerius said the only thing you can do to your driveway without getting a permit is maintaining it. If you have a stone driveway you can add stone to the driveway to maintain it. If you have an asphalt driveway you can put sealer on it to reseal and maintain it. You cannot widen or extend the driveway without a permit.

Annette McCreedy of 5830 Ohio Street said she was present at the last meeting to discuss the driveway that extends across the front of her property. She said she consulted with an attorney in regard to it and under a nuisance suit she should come back to the city to resolve this because you have to be the owner of the property to win a successful nuisance suit against what's going in front of the property. She did call the Zoning Board of Regulations and asked them if she were to build a new house and was going to get a new driveway, what would be the

regulations. She was advised that all driveways are supposed to come into a 90-degree perpendicular angle from the road; not a 45-degree angle coming across the front of other people's property. The attorney did not see any reason why the city would not be able to notify the owners that they must put in a proper drive. She said the last time she was before Council the driveway was 6' wide, but now it's 11' wide, so they are making it wider, longer, and further into the front of her property. M. Stark asked what they are using to widen it. A. McCreedy said they are putting blacktop sealer down on it. It is not a professionally done driveway. S. Holovacs said if the driveway is now 11' didn't they extend the size of this driveway. T. Valerius said yes, however, both he and the building inspector looked at the driveway and they found no evidence to it being widened. They can see the edge where they sealed it and the old asphalt.

Annette McCreedy said it was an improper drive and it was never properly constructed to begin with, so can the city notify them to put in a proper drive. She said it would look so much nicer for both properties if they had a 90-degree angle come in. She is not saying they cannot have a driveway on the east side of their home, but just put in a nice driveway. She said both homes in the City of Vermilion are like 58 percent less in value than other like properties, and in part she feels it is due to this driveway that is coming across the front of her property. M. Stark said they will probably send this issue to the law director to review, so hopefully in the coming weeks he will come back with his suggestion on what the city can or cannot do with this issue. She referred this matter to the September 21 meeting.

M. Stark MOVED, F. Loucka seconded to ask the mayor to send this to the law director for review. Roll Call Vote 7 YEAS. **MOTION CARRIED**.

S. Holovacs told council they owe it to themselves to drive down and look at this driveway situation on Ohio Street.

M. Stark adjourned the meeting after no further business was discussed.

Next meeting: September 21, 2020 - 7pm – Vermilion Municipal Complex, 687 Decatur Street, Vermilion, OH

Gwen Fisher, Certified Municipal Clerk (CMC)