

# Planning Commission

## Special Meeting Minutes Thursday, March 24, 2016 7:00 p.m., Council Chambers



City of South Haven

### 1. Call to Order by Heinig at 7:00 p.m.

### 2. Roll Call

Present: Bill Fries, John Frost, Clark Gruber, Steve Miles, Brian Peterson, Dave Paull, Judy Stimson, Terri Webb, Larry Heinig

Absent: None

### 3. Approval of Agenda

Motion by Gruber, second by Stimson to approve the March 24, 2016 Special Meeting Agenda as presented.

All in favor. Motion carried.

### 4. PUBLIC HEARING REGARDING A PROPOSED SHORT TERM RENTAL ORDINANCE

Anderson introduced the item, noting that this public hearing is a culmination of about 6 (six) months of work, beginning in October 2015, at the direction of the City Council. The sub-committee met weekly, except for a couple of missed meetings around the holidays, to work on the ordinance. Anderson pointed out that even before the council directive; the Planning Commission was already working with some changes to the Zoning Ordinance, to alleviate some problems they saw with the rentals. A couple of those changes included removing the half story provision and reducing the height from forty feet to thirty-five, both of which make a huge difference in the size of the house and the massiveness of it on the site. Another requirement was for additional parking for any house having more than three bedrooms; extra parking has to be provided for each additional bedroom. Anderson noted that this has two advantages. It reduces the amount of parking on the street and actually provides extra parking for each additional bedroom and the extra guests that may be visiting. Also, Anderson noted, the more parking that is required on that site, the more space is taken up on that site and the more space that is taken up by parking, the size of the house, the area for the house to be built, is lessened.

Anderson noted that City Council also adopted a couple of measures; they increased the utility hook-up fees for houses with more than 4 (four) bedrooms or bathrooms and

approved a dedicated police officer to enforce the noise and disturbing the peace ordinances during the summer months. These amendments and the policy changes went into effect at the end of 2015. These are already in place; they are already being enforced. Anderson added that the police officer will begin in the summer and that there has been very good cooperation with the builders and contractors in the city.

As part of the Planning Commissions efforts to create recommendations for City Council, Anderson pointed out, the Planning Commissioners and staff studied ordinances from many other cities. "Not just around the state and along the lake shore, but from other states, as well," Anderson noted. Administrators in those cities were contacted to find out what worked and what didn't work, what their path was to get to that ordinance and if they had met with success. Police department representatives were met with to discuss noise concerns and complaints during the high rental season. "Planning Commissioners and staff have received many emails and they continue through today, as I'm sure most of you are aware," Anderson added, "phone calls and advice on recommendations the commission was putting forth." Staff met with members of the public frequently to discuss various options on the proposed ordinance.

"On November 16, 2015, City Council approved a resolution placing a six (6)-month moratorium on the construction of new residences, to halt the construction of purpose-built short-term rental houses that would exceed thirty-five hundred square feet," Anderson stated, "That moratorium will expire on May 16, 2016 or when a new rental ordinance is enacted, whichever comes first. The Planning Commission determined that the best ordinance could only be enacted after the city processes the registration information and learns where the short term rentals are most prevalent in the city." Anderson noted that this information will be used to review and revise the ordinance in the fall and be folded into the comprehensive Master Plan and the Citizen Attitude Survey results that will be conducted as part of the Master Plan update. Anderson added, "The city will be doing a very comprehensive citizen attitude survey, reaching, hopefully, as many people as we can in the city, and it will cover a number of things, not just rentals. Economic development, public safety, recreation and will also, as part of the Master Plan update, be having some city-wide workshops, likely on Saturdays, where we can get the most people in and do some goal setting as a whole community."

Anderson noted that the key points in the draft and explained that these are recommendations that are going to City Council. "This isn't done," Anderson stated. "City Council will hold their own public hearing; they will likely make changes to what the Planning Commission is presenting. The draft, at this point, includes a registration. Every short term rental will be registered. The fee will cover administrative costs; we cannot make profit on this program, but we may cover our costs." Anderson noted that the city has not yet determined what those costs will be, and that will be a matter for City Council; there will be a high penalty for failure to register. There will be a registration card placed in the window of each rental and it shall include the occupancy limit for the residence and emergency contact information.

Anderson noted that another point in the draft is occupancy. The Planning Commission has proposed two persons per bedroom plus two additional persons per occupied floor or 16 occupants, whichever is less. Children 6 (six) and under are not included in that number. Regulations and procedures to allow increased occupancy in certain zones where multi-family condominiums, inns and resorts are permitted are also included. Additional regulations include built-in fire suppression measures, supplementary setbacks, screening

and isolation from other properties, and the ability to go over those numbers in those certain zones but not the single family residential zones, but to go higher will require Planning Commission approval, as well, which brings us now to the public hearing. From here, Anderson added, this will be sent to City Council and noted that Chair Heinig will be touching on their schedule later, which Heinig affirmed.

Heinig asked whether the Commissioners had any questions on anything Anderson had touched on so far. Hearing none, Heinig entertained a motion to open the public hearing.

Motion by Miles, second by Peterson to open the public hearing.

All in favor. Motion carried.

Heinig announced the public hearing open, noted that at this point public comments will be accepted and added, "Threats, accusations and personal attacks are not helpful and will not be tolerated. We will hear your comments in the order in which you signed the sign-in sheet. If you did not sign the sign-in sheet, you will have opportunity to speak after that list is exhausted." Heinig explained that each speaker will have 3 (three) minutes and that Anderson will show a card at the one minute and thirty seconds remaining indicated, noting that at that time the speaker should begin to wrap up their comments because at that time he will rap the gavel and the speaker will be asked to leave the podium. Heinig concluded, "Be considerate of those who follow you. If you agree with what another speaker has said, please feel free to come to the podium and state that you agree and what it is you agree with. We do not need to hear a complete explanation; we have already heard that explanation. In the interest of time, it will be appreciated if we can keep it short."

Heinig then explained that each speaker should come to the podium, state their name and place of residence and suggested that the public hearing proceed.

Dr. Bob Hiddema, 212 Monroe Street. Spoke about following the intent of the 2012 Michigan Building Code and the city's Zoning Ordinance, referencing sections of the Building Code to reinforce his points.

Bob Andree, 42 Cass Street. Spoke of the small 6 (house) neighborhoods' beach access and how the number of residents being proposed in the short-term rental house being built will affect the beach access; listed a number of feelings and activities, both negative and positive, that he guarantees will happen if this ordinance is enacted.

Susan Ryan, 37 Cass Street. Spoke about the 3 (three) bedroom house at 57 Cass Street being razed and new construction beginning on a 7 (seven) bedroom house advertised as accommodating 23 in beds, a 50% deposit being accepted at a charge of \$1695 per night with a 2 (two) night minimum stay. Spoke about those on Planning Commission who would directly benefit from the passage of the proposed ordinance.

Heinig used the gavel and requested Ryan refrain from personal attacks. Ryan responded that she didn't see it that way, said, "I'm sorry," and asked that those who will profit recuse themselves.

Susan Ryan, 37 Cass Street (continued). Spoke about visiting the city manager of the City of St. Joseph and details of the rental ordinance of that city and shared her proposal for the number of residents to be allowed in various zones.

Gail Patterson Gladney, 914 Kalamazoo Street. Spoke about working together as a community to work out what is best for our community. Read a portion of a letter that was sent to Anderson, the Planning Commission and carbon copied to Scott Smith and Brian Dissette from John Lorscheider, Joseph Reeser, she and Steve Runkle. Spoke about starting with an occupancy level of 10.

Scott Smith, City Attorney. Addressed the chairman, suggesting it might be helpful for people to know that everything that has been submitted in writing has been sent to the Planning Commissioners and City Council members whether by email, mail or hand-delivered. Noted those speaking can read anything they want, but it is not necessary since it is all part of the record.

Gruber, City Council Rep. Seconded the reassurance, noting that some of them he has received three or four times and he reads them all.

David Fenske, 2 Pine Street. Spoke about there being a place in our city for both short- and long-term and commercial rentals; and it being the responsibility of the Planning Commission to protect neighborhoods.

Steve Runkle, 16 Pine Street. Agreed with Terri Webb that the data must be looked at and urged starting with a maximum occupancy of 10, excluding those under 2 (two) years of age, then looking at the data. Expressed his belief that it would be easier to start low and add to the occupancy than to start at 16 and try to reduce the occupancy in some areas.

Michael Biedermann, 64 North Shore Drive. Stated that if a rental ordinance will improve the City of South Haven he is all for it but wants to understand what exactly the rental ordinance will accomplish; that if a rental ordinance is passed simply to appease those who oppose short term rentals within their traditional neighborhoods, it will be a disservice to everyone. Spoke about already having noise, parking and building codes in place and asked what another regulation will accomplish.

Susan Woodhull, 1000 Monroe Boulevard. Spoke about every heartbeat counts in the Federal Government's HUD (Housing and Urban Development) program. Urged a maximum occupancy of 10 or less. Wants non-owner occupied rental homes to be considered commercial businesses.

Ken Beehla, 311 Clinton Street. Stated that he had a question about who would have to register, noting that tonight he heard that all would have to register, so that answered his question. Noted he has lived at his address for 30 years, is surrounded by 10 rentals, 5 (five) are adjacent to his property and he has not had any problems. Stated he likes his neighbors and they have good renters.

Jim Wettlaufer, 3 Oak Court. Spoke of his concern for the 16 persons plus rental homes in residential neighborhoods. Lives adjacent to one of these so-called "neighborhood hotels," noting that this location has turned their quaint, quiet neighborhood into "Party Town." Suggested that none of the commissioners would want one next to their personal home.

Sue McCabe, 511 Kalamazoo Street. Spoke about living here for 3 (three) years, and can access, can walk to, the lake and the downtown; that's what attracts people here. Wants the Planning Commission to be careful that we don't lose what is unique about South Haven, that quick access. Noted that she agrees with Gail Patterson's letter.

Joyce Thompson, 51 Pine Street. Spoke about living in her house (Susan Woodhull's house is between her house the "resort") for 23 years, that she loves her house and her neighbors, that she is not against short-term rentals but wants to keep single-family homes for single families, whether year-round or short-term rental.

Sandy Fenske, 2 Pine Street. Has been here almost 49 years, has seen a lot of changes. Spoke about not being against rentals, keeping the number 10 in mind, 10 and under, 10 and over, the number 10. Babies in arms, cradles, cribs don't count but keep to the number 10. If you want bigger capacity, keep it in the riverfront or business districts.

Jack Fitzer, 24 ½ Grand Boulevard. Spent 25 years in the real estate appraisal business; never sold real estate but learned a lot about the rental business in those years. Spoke of purpose-built rentals not always being built to the same standard as you would build your own home. Spoke about living near a rental with 3 (three) or 4 (four) parking spaces to which 50 or more people show up on a weekend; that it's time to draw that in. Asked that the commissioners, during discussion, tell why they feel that 16 is a good number, when the state regs mandate 10.

Dorothy Appleyard, 806 Wilson. Spoke about the R-1 residential zone being created to protect neighborhoods from incompatible uses; that the proposed rental ordinance does not go far enough to protect our neighborhoods, that 8 (eight) should be the maximum and that "at least 6 years of age" should be deleted from the definition of 'occupant'. Spoke about hours of use of pools and the stays of day visitors, signage, and about registration revocation requirements being too onerous and not permitting short-term rentals in all zones.

John Kalenda, 60 Kalamazoo Avenue. Spoke about buying his house in Monroe Park in 2005 and being surrounded by rental homes; about not doing anything to harm the ambience that draws people here, that he has never had a problem that he has been unable to solve by either talking to the owners or the renters, and then only twice in 10 years.

Bill Bradley, 746 Lee Street. Spoke about his ancestors coming here in the eighteen hundreds and being born here in 1931. Noted that most in this room could be called "newbies" and commented on their attitudes of not wanting change. Noted he loves change and free enterprise because that is the way the world works. Stated that if change and free enterprise had not been allowed we could be Russia, with the government running things and people falling in line. Suggested if people don't like it here they should move and that people should run their own lives but not try to run the lives of others.

Don Bemis, 740 Phillips. Noted being on the planning Commission for over 20 years and on Council for the short time that we had a rental ordinance that he was disappointed that it was repealed. Observations: that he moved here in 1979 but probably couldn't buy that home today because property values have risen so much; has co-workers that do not consider moving to South Haven because they cannot afford to live here; that those values have risen because houses are not being purchased as homes but as business speculation, the end of South Haven being a place people can afford to live. Agreed with 10 as an occupancy limit; suggested limiting rentals to two per week, cutting down on packing and unpacking, likes the safety requirements and inspections and agrees with Dorothy Appleyard on signage.

Pat Gaston, 97 Superior. Spoke about it not being nice to live in a town with so much divisiveness, people pitted against people, and that the Planning Commission could end much of the controversy by changing the occupancy limit from 16 to 10 so we could see where you all stand. Commented that not everyone would be happy but she thinks it would make 80 percent of the voters and residents happy and would end 80 percent of the controversy. Spoke about the number 10 coming out of the Michigan Building Code.

Anderson noted that was the last signed in speaker. Heinig opened the public hearing to anyone else that would like to speak to the commission.

Gerald Webb, 508 North Shore Drive. Provided examples of occupancy levels of 16. 1.) Twenty ladies between the ages of 55 and 70 who have been renting here for over twenty years. 2.) A family with 6 (six) adult children; four young children aged 4 (four) to 9 (nine); four grandparents. Total of sixteen. Noted he has many more, that this was not a cherry-picked sample but representative of what we call a "larger home" that occupies 16. "I hope we don't tell these people in 2017 and thereafter that they are not welcome in our city."

Rosemary Fitzer, 24 ½ Grand Avenue. Spoke about the city needing to differentiate between what is a residential and what is a business structure. If a law applies to the entire city you can have as many bathrooms as you want. If it is a business it has to be built differently, taxed differently and out of a residential area. Spoke about not chasing people out, not chasing renters out, those people are going to come but they don't need to be housed in residential neighborhoods.

Mary Lynn Bugge, 70 Gabriel Drive. Concurs with 10 people in a residential district; spoke about, in the Zoning Ordinance, in your definition of short term rentals, defining anything as more than 10 people being a commercial use, therefore put it into commercial areas which will solve the problem of them being in residential areas. Welcomes the registration of rentals because it allows the city to be more aware of what is going on and alerts emergency agencies. Agreed with Dorothy Appleyard's comments on revocation of registration. Noted that regarding people who may lose money by not being able to rent to as many people, no investment is guaranteed.

Connie Shaeffer, 735 North Shore Drive. Spoke about not being against rentals; has had rentals, small rentals, in the past and was there to manage them. Who manages, who is going to manage, these rentals? Spoke about occupancy numbers having a profound impact on our communities, empty homes in neighborhoods and break-ins, and who do we call? Hates the feeling of being glad summer is over.

Lottie Resick, 712 Lee Street. Spoke about choosing the neighborhood they are in because it is still a neighborhood with people living in it year round. Spoke about several houses being for sale now and the need for guidance because it could change their neighborhood. Spoke about having no problem with small family rentals in smaller homes in residential areas, but not large party houses.

Motion by Gruber, second by Stimson to close the public hearing.

All in favor. Motion carried.

Gruber commented on the behavior of those participating in the public hearing.

Heinig asked the city attorney to speak to an issue that was brought up, that of conflict of interest.

Scott Smith, City Attorney. Stated conflict of interest is a common question asked at planning meetings but the Michigan Planning Enabling Act requires a planning commission to have representatives of various community interests. Planning Commissions are supposed to be made up of people in various occupations; various demographics; of various ages and so forth and the act is pretty specific on that. We want the input of people who have various interests in the community and oftentimes I get the question, "Well, doesn't so and so have a conflict of interest, since they benefit, either directly or indirectly, from a decision of the planning commission?" I've heard that from Planning Commissioners who live across the street from a proposed development, and somebody will say he or she has a conflict of interest. Well they don't have a conflict of interest. There is not a direct financial result in the decision being made and once you start down the road of deciding that people have a conflict of interest due to their closeness to the issue at hand, on a planning commission, you would eliminate a lot of planning commissioners. If living across the street gives you a conflict of interest, what happens if you live a block away, or within the same neighborhood, or you're going to hear that industry or that particular project will affect the traffic on your street? So the law is pretty clear unless there is a direct financial interest in the particular decision being made, there is not a conflict of interest by planning commissioners".

Now, that may also be because planning commissions only make recommendations on zoning ordinance changes like this and the recommendation goes to the city council, which is the legislative body, and the city council can make changes in what the planning commission recommends before the city council approves the ordinance. Moreover, in this case, one of the ordinances even requires planning commission action. The Zoning Ordinance amendments require Planning Commission action; the other ordinance amendment does not require action of the Planning Commission, but the City Council asked the Planning Commission to consider it as a package, and to offer a package and to work together, because the two ordinances should work in harmony with one another.

Smith asked whether that addressed the chair's question to which Heinig responded, "Yes, it does." Heinig then opened the floor to discussion by commissioners.

Stimson asked the attorney, "It was mentioned during the public hearing about the enforcement of problems, the process that we have in there for people who continue to have the same problem over and over, get tickets, etc. Is it your opinion that this type of problem is not enforceable?"

Smith responded, "That is really a policy decision for you and the council to decide. It's a legislative issue and a policy decision. You have some standards in there; some may prefer that those standards be more strict and revocation be an easier result to come to. Some might prefer otherwise, and I guess that's a policy decision for you to make and probably not an issue for me to make a recommendation on."

Gruber: We've heard a lot about the Commercial Building Code of 2012 and the Residential Building Code of 2009, about up to 10 and a boarding house. Can we get a little clarification? Because the city does abide by both of those building codes, both the residential and the commercial.

Anderson suggested that might be a question for Brian (Peterson); Brian is an architect and he works with both building codes.

Peterson joked that he could in trouble for that. "I'm one test away from that."

Peterson thanked Gruber for bringing that up because it is something he, too, wanted to clarify. Peterson noted, "The Michigan Building Code was invoked here but it's confusing. Both the International Building Code and the Michigan Building Code are pretty much the same, but they both state in their scope, Sec. 101.2, the structures that this document covers and it is pretty much everything under the sun," and quoted 'the provisions of this code shall apply to the enlargement, replacement, repair, equipment use and occupancy location to maintenance, removal and demolition or rebuilding of structure, or any appurtenance connected or attached to such buildings or structures.' Peterson added, "So it's pretty much everything. But both the International Building Code and the Michigan Building Code have an exception, the International one has two, but they both share the exception that detached, one and two family dwellings and multiple single family dwellings not more than three stories above grade/plane in height, with separate means of egress, and accessory structures shall comply with the International Residential Code or the Michigan Residential Code. So that is saying that all, if not all, most, of the houses in this town are beholden to the Michigan Residential Code and not the building code. And I know the essence of this argument is that these structures, single family homes, should not be and that's why they should be beholden to the Michigan Building Code. But, as it is now, they are single family homes and they're beholden to the residential code."

Gruber: "So the boarding houses referred to, I think boarding houses allow the renting of individual rooms for anywhere from 24 hours or longer, to separate individuals, so a 7 (seven) bedroom home could be rented to 7 (seven) different families, each of them occupying a particular bedroom for an indeterminate number of days. So we are looking at that 10 as boarding houses; but really these aren't boarding houses, these are individual homes. There is a different standard and I think what was happening was we were getting one standard mixed with another standard . . ."

Anderson addressed the chair, noting that the City Building Official also prepared a statement in regard to this. Anderson noted, "He said there are two construction codes enforced in South Haven. The first is the 2012 Michigan Building Code, which is the document cited in the letter and that we keep hearing reference to. That code regulates commercial use construction and he attached a section of the code that the letter writer addresses. That code specifically addresses uses such as boarding houses, dormitories, group homes. Residential, but commercial. Single family homes are not covered in this code even though the code references the use groups as R-1, R-2, and R-3. Those references in the building code have nothing to do with residential zoning. The second building code is the Residential Building Code of 2009. This code concerns single and two-family residences only, as Brian stated. There is no part of the code that restricts the number of bedrooms or bathrooms in the residence."

Anderson added that the City Building Official contacted the State Bureau of Construction Codes this week and confirmed what he believed was true; found it was absolutely the truth and that there are no limitations on the size of the home, the number of bedrooms, bathrooms or kitchens under the Residential Building Code, and that's the one that single family homes are under in the city." Anderson summarized, "According to our Zoning Ordinance and the building code, a single family home is a private residence regardless of

whether it is rented short term, long term or not at all.” Anderson added that if there are further specific questions on that, the Building Official may be the one to talk to.

Stimson stated that one of the emails we received had an excellent point. It was the 48 hours versus 2 (two) nights. A normal weekend rental, in her understanding, is from 3:00 on Friday to 11:00 on Sunday. That is not 48 hours. So the suggestion of the person who wrote the email was 2 (two) nights, not 48 hours, is the better description of what we are addressing. Stimson would like, and asked if anyone else would like, to make that change.

Gruber commented that he has never rented anything that had hours; it was always nights. “And I think that’s a clearer definition.”

Stimson asked if she should propose a change, to which Heinig suggested, “I think it should be done by motion.”

Motion by Stimson on page 7 (seven) under the definition of short term rental, where it says 48 hours, that be changed to 2 (two) nights, to more accurately cover what we are trying to do. Second by Paull.

A roll call vote was taken.

Ayes: Peterson, Paull, Stimson, Webb, Fries, Frost, Gruber, Miles, Heinig

Nays: None

Motion carried.

Smith asked for clarification of whether this change should carry over to the rental ordinance itself. Stimson responded that any place where it states 48 hours, we want it changed to two (2) nights.

Heinig asked if there was further discussion and hearing none suggested the disposition or moving along of the ordinance.

Gruber noted that it was mentioned by someone that they did not have money in the game. Gruber thinks everybody in South Haven has money in the game. If you’re a homeowner, at some point, we all have ownership in something in this. I think it is important to think of it holistically. It was also mentioned going down to St. Joe and talking with John Hodgson, the city manager, and I think that was an excellent thing to do. “We’ve had some conversations with John ourselves; I had one, myself, months ago and I know that St. Joe has a pretty good plan down there. St. Joe didn’t do that from Day One. That was a process; something they came to over time. And it took years for them to get to that point. Also, I know that John has seen our plan, and mentioned to our group that gathering data is the right way to start. To get going, get started with this, understand what you’ve got to work with and then, from there, see where you need to go. I think that’s a good process. Someone asked what we feel, how we came up with the 16. Where do we feel we need to be? I, personally like the formula we came up with, 2 (two) per bedroom, 2 (two) per floor. If we look at a 3-bedroom ranch that’s only 8 (eight) people. I look at five bedrooms as being a pretty large house, especially in our older neighborhoods. If you take 5 (five) by 2 (two) we get (10), and I hope my math is right, if we have two stories, we’re at 14. I like the 14 better than the 16; I also like to see children in cribs, maybe 2 (two) and under not be counted. That’s probably the crib, the toddler, the little ones, not being included in that. I don’t see that when folks go on

vacation, it's about how many kids we can cram into a home. They're typically a couple of families having a good time and if they're enjoying themselves, having a family vacation in a family town, and you've got toddlers, you're probably going to bed early. A lot earlier than I probably do. I think the Planning Commission has done an excellent job putting this together and certainly I will be seeing this again. So this is a recommendation that will go forward; if voted on, and we'll see what happens again, but I would like to stress, if in fact this heads to CC tonight, this excellent body is done with their work, so from this time forward, you don't have to email the Planning Commission or Linda any more. Email the City Council."

Paull interjected, "And Bob Burr."

Gruber agreed, noting that emails should go to Bob Burr and all the members of the council; that if this goes forward we have something to work with and thanked everyone again for their hard work.

Peterson followed up on his earlier comments, noting that the number 10 was zoned in on from the building code. "That very well may be the ideal number, but "I don't think it is, I think it should be a little higher if we start too low before we evaluate, in my view we're going to lose some visitors to other communities who may never come back. And if we go too high before we evaluate, we may tick off some residents and they may leave town and never come back, too. So it's a conundrum we've all been tackling for several weeks and months. The backbone of our community on one hand and the lifeblood of our economy on the other. There's no real good middle ground. And about the kids. I don't disagree with what Gruber said, the under 7 (seven) or 6 (six), seems a little ominous, nefarious or catch-all, but I think what we were trying to do was not limit the family who may have 1 (one) or 2 (two) kids over the limit. And what's wrong with having an extra kid, really? I do think we need to monitor this, in case someone decides to invite their child's whole preschool, and I would be happy to put this on the chopping block when next we evaluate. Or severely reword it."

Heinig noted we will be required to evaluate this in the future.

Webb said that when this goes to council, perhaps that is something that City Council wants to consider, putting a cap on the non-infant number of children you can have so that you don't end up having eleven or twelve or eight of them. "I think that's something the council can decide; we've done our work."

Paull stated he believes this is a reasonable compromise, with the numbers as they are; we can work with them for now and review things in the fall. "And I'm going to take this opportunity to chide City Council. We wouldn't be here; we wouldn't be struggling with these details, at this time, if City Council had not, as someone mentioned earlier in the audience, revoked the existing ordinance which was beginning to serve the community in 2009. We would be refining it as we now have to deal with this coming fall. So I think it's time we fish and cut bait. And do the right thing so we can come back and revisit this issue in the fall. And all numbers should remain as they are, because they are good compromises and we have spent 6 (six) months reviewing this.

Motion by Paull that the ordinance, with the amendment as made tonight, be recommended to the City Council for approval. Second by Stimson. All ayes.

## 5. Comments

Frost: None.

Webb: "I would like to see City Council, if they are considering lowering the occupancy limits that they will reach out to Shores, Jacqua, us and get all the information you need to really make a good decision. For example, I would like to point out that of the 143 reservations that we have on the books currently for 2016, 70 of them have 11 or more people/guests. And we are actually the smallest property management company in town; I reached out to Sally (at Shores) who will put some numbers together, but at 10, that's almost half of our reservations, I think that would have a significant impact on tourism. It's not only about homeowners and management companies profiting from this, it's also about cleaners that clean these homes, restaurant owners, it's actually about all of us. Our restaurants stay open longer than they used to; many of these larger groups are actually coming in the non-peak season. So it would actually have a large impact even in the non-peak season, when retail and restaurants may struggle a little bit more." Webb noted that there is a lot of good data out there even at present and expressed her hopes that City Council will get that information before they make some decisions/changes.

Miles: Thanked everyone for the emails the past few weeks, noting that is has really been helpful.

Stimson: Please now communicate with the city council about how you feel.

Gruber: Noted that the council from 2012 to 2015, in regard to revocation of the registration ordinance, two of those members voted not to revoke and two of them never had a chance. Four out of seven were not a part of that. And since 2016, four of us never had an opportunity to vote. Now we'll get an opportunity.

Peterson: None

Fries. Expressed thanks to the commissioners for all their hard work, especially the workshops.

Heinig: Seconded Fries' comment adding, "We've done a lot of hard work on this, as has staff, and I will even thank our attorney."

## 6. Adjourn

Motion by Gruber, second by Paull to adjourn at 8:23 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary