

**VILLAGE OF LAKE BLUFF
COMMITTEE-OF-THE-WHOLE
REGULAR MEETING
FEBRUARY 26, 2018**

APPROVED MINUTES OF MEETING

The Village of Lake Bluff Board of Trustees met as a Committee-of-the-Whole (“COW”) in the Village Hall Board Room (40 East Center Avenue) on Monday, February 26, 2018. Village President O’Hara called the meeting to order at 6:00 p.m. In the absence of Village Clerk Joy Markee, Deputy Village Clerk Drew Irvin called the roll.

The following were present:

Village President:	Kathleen O’Hara
Trustees:	Barbara Ankenman Eric Grenier Paul Lemieux William Meyer Aaron Towle
Absent:	Mark Dewart, Trustee Joy Markee, Village Clerk
Also Present:	Drew Irvin, Village Administrator Peter Friedman, Village Attorney Glen Cole, Assistant to the Village Administrator

Non-Agenda Items and Visitors

President O’Hara stated the COW allocates 15 minutes for those individuals who would like the opportunity to address the COW on any matter not listed on the agenda. There were no requests to address the COW.

Consideration of the Minutes from the February 12, 2018 Committee-of-the-Whole Meeting

Trustee Meyer moved to approve the February 12, 2018 COW minutes as presented. Trustee Lemieux seconded the motion. The motion passed on a unanimous voice vote.

Continued Discussion Regarding Short-Term Rental Regulations

Village Administrator Irvin introduced this item. He stated that correspondence regarding this item had been distributed to the COW in advance of the meeting. He provided an overview of the cover memorandum for this item, noting that there are two ordinances for consideration – regulation and prohibition – and that statute requires both be heard before the Plan Commission and Zoning Board of Appeals (“PCZBA”) before final action can be taken by the Board of Trustees.

Trustee Lemieux opened the conversation. He believes that the definitions provided need additional work, but that the PCZBA can fine tune these and other issues. He wants to add language regarding notifications of short-term rental activity, as well as the need for operators to keep and allow review of records. He stated that the final ordinance needs to consider advertising an unregistered short-term rental

to be *prima facie* evidence of violating the ordinance.

Village Attorney Friedman responded that, as written, it would be unlawful to advertise without a registration number issued by the Village.

Trustee Lemieux continued, noting that there should be clarification regarding the annual nature of the license; the life safety requirements; and the insurance requirements. Trustee Meyer discussed the need for operators to carry commercial general liability coverage rather than merely a homeowner's policy. After a brief discussion, Village Attorney Friedman stated that he will research and provide more detailed requirements for the ordinance.

Trustee Lemieux continued. He believes the registration fee should be raised from \$350 to \$450. He reviewed the letters provided by Mary ("Mickey") Collins and Julie Astbury Capps, noting the issues raised in each such as the number of nights that a short-term rental can be utilized; a minimum lot-size; the difference between "adults" and "guests" in how the draft ordinance restricts a short-term rental to hosting no more than ten adults; the apparent conflict between the ordinance's definitions and those in the Bed and Breakfast statute; and the distinction between "adjoining" and "shared" driveways. He noted that he believes the Board's intent is to prohibit "adjoining" driveways. Village Administrator Irvin, responding to the comments regarding the Bed and Breakfast statute definitions, said that five rooms was the Board's consensus "right number" for the ordinance. Trustee Lemieux said he believes that the ordinances not matching statute adds confusion and should get looked at by legal.

Trustee Grenier discussed the life safety requirements contained within the Bed and Breakfast act. Trustee Towle said that the regulations should be stricter in regards to homes rented with no homeowner present. Trustee Grenier responded that these regulations should not be so onerous as to prevent a short-term rental from being viable, such as by requiring sprinklers. Trustees Grenier and Towle believed the PCZBA could continue to examine this issue. Trustee Grenier returned to the idea of the life safety requirements of the Bed and Breakfast act, such as lighting hallways. Trustee Meyer asked if the Fire Chief had reviewed the ordinance. Village Administrator Irvin responded that the Fire Department had not, but that Building Codes Supervisor Mike Croak had and made some suggestions incorporated into the draft. Trustee Meyer asked what he would have to do for his house to be usable as a short-term rental. Village Administrator Irvin referred him to the list of requirements in the ordinance. Trustee Meyer asked what the requirement for egress windows meant in practice, including whether or not that would require a window ladder for escaping occupants. Village Administrator Irvin said he was unsure and would have to review this item.

Trustee Ankenman discussed the maximum number of rental days. She asked if operators were required to keep a log, how the Village would enforce this requirement, and what the possible monitoring service may do to help enforcement. Village Administrator Irvin discussed the capabilities and limitations of the monitoring service and, returning to the previous topic of discussion, read a partial list of safety requirements imposed by the ordinance.

Trustee Towle said it is unclear how the act applies when the statute speaks to a room, while this may allow a whole house to be rented. Trustee Lemieux said that the ordinance should incorporate the relevant language rather than refer to it elsewhere.

Trustee Meyer asked if there was a requirement for a central alarm or monitor in the draft ordinance. Village Administrator Irvin responded that there is not.

Trustee Towle said that he believes the registration fee should be higher. He also said that the Village should adopt life safety standards stricter than the state.

Trustee Ankenman stated that the Village's review of short-term rentals has been exhaustive.

Trustee Meyer asked if the ordinance would sunset. Village Attorney Friedman responded affirmatively and that, unless acted upon, the ability for short-term rentals to operate would expire in two years.

Village President O'Hara asked if there were comments regarding the prohibition ordinance before the COW opens the floor to public comment. Trustee Lemieux stated that, except for the comments also applicable to the regulation ordinance, he had no additional comments. Village Administrator Irvin noted that adopting the prohibition ordinance would still create a new use category to enable traditional bed and breakfasts as a special use, which has been contemplated by Village planning efforts for some time prior to the short-term rental conversation. Trustee Lemieux reiterated the need to treat advertisement as a *prima facie* violation of the ordinance. Trustee Meyer asked if that would pose a First Amendment problem. Village Attorney Friedman responded that such a requirement may do so. It would be subject to strict scrutiny. The Village could enforce it as aggressively as possible, but it should have its eyes wide open as to possibilities for legal challenge.

The COW concluded its review of both draft ordinances and discussed next steps. Trustee Towle said he wants to see the ordinance again. Trustee Ankenman stated that the Board spent over four hours discussing this subject in January and she wants to ensure that no more unnecessary effort is invested. She regrets that all six Trustees are not here, but she wants to at least discuss if the Board is now open to prohibiting short-term rentals entirely, as that would remove the need to continue development of the regulation ordinance. Trustee Lemieux said that he believes the Board is close enough to adopting reasonable regulations, so long as it avoids creating regulations that are so hideous as to essentially prohibit the act. Trustee Ankenman responded that she would have preferred that someone had changed their mind one way or another, but does not mind pursuing both if it does not impose a serious burden. Trustee Towle stated that the Board should refer both ordinances to the PCZBA. Trustee Ankenman said that referring both is kicking the can down the road, and that the Board needs to act and create movement in one direction or another. Village President O'Hara said that the board does have to stop kicking the can. She regrets that all of the Trustees are not present, but noted that Trustee Dewart (who is absent) provided a statement for the Board that states he still supports adopting regulations (e.g. meaning that no Trustee had changed their position since the January workshop, where the Board was divided evenly). She believes the Board should only allow one to be sent to the PCZBA.

Continued Discussion Regarding Short-Term Rental Regulations – Public Comment

Village President O'Hara opened the period for public comment regarding the COW's discussion of short-term rental regulations.

Frank Kleppitch, resident, came forward to address the COW and read a prepared statement regarding life safety and his experience as a professional architect for hotel projects. He believes the Village needs to impose much more comprehensive life safety measures and controls.

Peter Capps, resident, came forward to address the COW. He believes it is ludicrous that the Board is still discussing this subject, and he still believes that only a total ban is appropriate. He thanked Trustee Lemieux for recognizing Julie Astbury Capps' letter, as she is out of town and was unable to address the COW in person tonight. He remains concerned about the realistic enforcement and costs of enforcement

of any proposed ordinance that would authorize STR.

Kate Briand, resident, came forward to address the COW. She discussed her experience in insurance litigation and reiterated Trustee Meyer’s statements regarding commercial liability insurance. She believes the Village should require proof of a substantial amount of liability protection. She discussed her life safety concerns as well.

Robert Isham, resident, came forward to address the COW. He discussed the correspondence he delivered to the Board and asked about the next steps for this process. Village Administrator Irvin responded, stating that the COW will hold another meeting on March 12 to discuss this topic and the revised draft ordinance. Mr. Isham responded that he is working on a survey to try and show whether or not real estate values would be affected by the presence of a short-term rental. He also believes that this process has only created more complexity and divisiveness in the community. He continues to support a ban of short-term rentals.

Deb Fischer, resident, came forward to address the COW. She believes that the Village should create reasonable restrictions that are not so onerous as to prevent short-term rentals. She is a realtor and does not believe this would harm Lake Bluff property values.

Gary Peters, resident, came forward to address the COW. He is a member of the PCZBA and previously sent his comments to the Board last year. He believes that the Board should consider a referendum, as he has never seen an issue so divisive to Lake Bluff.

Robert Havrin, resident, came forward to address the COW. He stated that he will make his money to support his household either way. He is upset with how this process has proceeded, and he wants to move forward one way or another.

Trish Havrin, resident, came forward to address the COW. She stated that she would be filing a fence permit in the near future to construct a fence that would separate her driveway from that of her neighbor (Peter and Julie Capps). She asked that the Village grant this permit.

Adjournment

A motion to adjourn was made, seconded, and passed on a unanimous voice vote. The meeting adjourned at 7:00 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator