

**VILLAGE OF LAKE BLUFF
COMMITTEE-OF-THE-WHOLE
REGULAR MEETING
JANUARY 11, 2021**

APPROVED MINUTES OF MEETING

The Village of Lake Bluff Board of Trustees met as a Committee-of-the-Whole (“COW”) via Zoom and in the Village Hall Board Room (40 East Center Avenue) on Monday, January 11, 2021. Village President O’Hara called the meeting to order at 6:00 p.m.

The following were present:

Village President: Kathleen O’Hara

Trustees: Barbara Ankenman
Regis Charlot
Mark Dewart
Joy Markee
William Meyer
Aaron Towle
Megan Michael, Village Clerk

Also Present: Drew Irvin, Village Administrator
Peter Friedman, Village Attorney
Mike Hosking, Police Chief
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 October 12, 2020 Committee-of-the-Whole Meeting

Trustee Meyer moved to approve the October 12, 2020 COW minutes. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Ankenman, Charlot, Dewart, Markee, Meyer, and Towle
Nays: (0)
Absent: (0)

Discussion and Direction Regarding Pilot Programs (Short-Term Regulations and Back-Yard Bee and Chicken Keeping Programs)

President O’Hara read aloud the following Staff report.

Short-Term Rentals (STR)

Following extensive public comment and engagement, the Village Board adopted a two-year pilot

program authorizing STRs in the Village’s residential areas subject to licensure, inspection, and various other regulations. The pilot program was set to expire on April 23, 2020. On January 27, 2020, the Village Board’s Committee-of-the-Whole reviewed the pilot program and reached a consensus to maintain the status quo and extend the pilot program by an additional year in order to gather more information. Because the pilot program’s sunset date is codified in the Zoning Code, increasing the length of the pilot program required a public hearing and recommendation by the PCZBA. The PCZBA conducted its public hearing on Wednesday, February 19 and unanimously (5-0) recommended approval. On a vote of 4-2 the Village Board extended the pilot program by one year on March 9, 2020 to April 23, 2021. Since its inception, the STR program has had very limited participation (only one license ever issued; none current) and there are no updates from last year’s memo to the COW on the same topic (no changes or updates in program costs or activity).

Back-Yard Bee & Chicken Keeping Program (BYBC)

The Sustainability and Community Enhancement Ad Hoc Committee (SEC) prepared and recommended draft pilot programs that allows the keeping of chickens and bee hives on residential properties in the Village. The Village Board, meeting as the Committee-of-the-Whole, reviewed and modified the draft programs at its November 13, 2017 and December 11, 2017 meetings resulting in a pilot programs with (i) a specific sunset date of March 1, 2021; (ii) \$50 annual fee (later changed by the Board to be a one-time fee); (iii) a limit of five pilot permits at any one time; (iv) limit of no more than two permits per activity for lots smaller than 10,000 square feet and no permits for lots smaller than 7,000 square feet; (v) requirement that the owner send notice via certified mail of the public meeting for the permit they are seeking (later changed by the Board to Village provided notice); and (vi) registration with Illinois Department of Agriculture (later changed by the Board to only demonstrate submittal). At present there are four chicken permittees and zero bee permittees within the Village. There have been no substantiated issues with the chicken keeping permits.

Conclusion

President O’Hara concluded the report by saying that Staff anticipates the COW discussing these pilot programs and determining if they should expire or be continued in some form. Some possible paths forward include but are not limited to the following:

1. In light of the pandemic, continue all pilot programs and collect more experiential data for a specific period of time (1 or 2 more years);
2. Refer the STR program to the PCZBA and the BYBC programs to the SEC for public comment/recommendation before taking action;
3. Modify the BYBC to purely administrative (no SEC public meeting) and continue indefinitely;
4. Allow the pilot programs to expire; and/or
5. Permanently adopt the pilot programs.

COW Discussion

The COW began its discussion regarding STR at the conclusion of President O’Hara’s introduction.

Trustee Charlot asked if we had any community feedback on this program as the Village has no current permits and, therefore, no data for the past two years. He believes that reflecting on what happened in the past two years would be beneficial.

In response to a question from Trustee Dewart, Village Administrator Irvin said that there has been no

additional community input received. He clarified that within the packet was community input that was received from prior discussions, but that the Village received nothing recently.

Trustee Meyer said that, as there had been no issues with these programs, it may make sense to eliminate the sunset date. He said that he would like to hear from the public before the COW proceeded with a full discussion.

Trustee Markee said that she would continue the program for a year in order to obtain more data. She further expressed her understanding that the Village would need to bear the cost of monitoring software in order to enforce the Village's policy no matter the decision tonight.

Trustee Towle agreed with Trustee Markee and said there has been no new information since the last time we spoke about this. He cannot say that his position has changed, but he said it may change with new information, so he would be willing to try an additional year.

Trustee Dewart said he would encourage the Board to consider a two-year pilot program because he thinks there is a great deal of uncertainty with the next six to nine months and that a full year of "normal," post-pandemic experience would be more useful. Trustee Dewart said he would support the proposal for an extension but he would encourage the Board to consider a two-year extension rather than a one year extension.

Trustee Meyer said that, if the COW would reach a consensus to extend, then he would certainly be in favor a two-year extension to avoid revisiting this matter again in a year.

Trustee Ankenman said that Trustee Meyer expressed an important point. She asked if there is really a benefit to eliminating the sunset date as opposed to have the two-year sunset because, if the Board would eliminate the sunset date, is not going to come up for potential discussion and strife in two years. The regulations could be amended if something did arise in the future.

Village Administrator Irvin said that the STR regulations are part of the Zoning Regulations, so any course of action other than allowing it to expire would require another public hearing at the PCZBA to either change the expiration date or delete the expiration date. Village Attorney Friedman concurred.

Trustee Ankenman said that it was difficult for her to tell why there is little community interest, but that the worst fears have not been realized. She expressed her feeling that there was not consensus among the COW to eliminate the sunset date in order to avoid continually discussing this subject. She said she would support a two-year extension.

Trustee Charlot said that there is not enough data now, but – after the pandemic – that another ten people could apply and quickly create an untenable situation. He would only support a one-year extension.

Trustee Dewart replied that the Board could take action sooner if such a situation arose rather than waiting for the sunset date.

Village Administrator Irvin said that the BYBC pilot program was created by resolution of the Board and can be adjusted much more quickly. Only the STR pilot would require a public hearing and a more

extensive process to adjust.

In response to a question from Trustee Markee, Village Administrator Irvin said that there is a maximum limit of six STR licenses currently and that the Village has never had more than one active license at a time. Trustee Markee said that she does not believe that pilot program data would be valid in 2021 and that the Village should extend the pilot period by two years to gather more data.

Trustee Ankenman reiterated that she believes retaining a sunset date for these regulations will continue to create contention as the subject re-emerges time and time again.

Village Administrator Irvin said that Staff would bring a quick expansion of interest in any of these programs to the Board's attention should that occur in order to allow the Board to consider adjusting its approach.

Trustee Ankenman said that the Village expended considerable time creating the short-term rental regulations and that, at the conclusion of that effort, no one had changed their mind. She is very reluctant to reopen this process for a very limited period again.

In response to a question from Trustee Charlot, Village Administrator Irvin provided additional procedural details regarding how the Board could adjust the pilot programs.

Trustee Dewart said that, after listening to the conversation, he could support eliminating the sunset date. He is unsure that there will be any point to revisiting the conversation in two years and wants to conserve the time of the Village's volunteers including the members of the Plan Commission and Zoning Board of Appeals (PCZBA).

Trustee Meyer concurred and said that the Board's time is a valuable resource as well as the PCZBA's time. He said that there had been no controversy for three years and that eliminating the sunset date may be a wise thing as the Village has the tools to address a problem if one arises.

Trustee Towle asked about the difference between terminating an ordinance versus the pilot programs. Village Attorney Friedman replied that the Village could take enforcement action against individual violators administratively. If the Board would want to terminate or modify the STR program, that would require a public hearing in order to amend the Zoning Regulations. Trustee Towle and Village Attorney Friedman further discussed procedural details. Village Administrator Irvin said that, should the Board chose to remove the sunset date, it could provide for the quantity of permits to be adjusted by Board resolution without amending the Zoning Regulations. Trustee Towle said that this provision would be important to include.

Trustee Markee said that she would be open to eliminating the sunset date and reiterated that this subject has been discussed at length and that there were no problems in the preceding three years.

Public Comment

As there were no further comments from the Board, President O'Hara opened the floor to public comments.

Patricia Havrin said glad to share her input regarding booking platforms such as Airbnb, VRBO, Home Away. She said it has been a wonderful experience to host short-term renters and she have met so many nice people in the three years that she has done it. She would think that people would welcome the opportunity to bring in extra money to pay their kids' college tuition, pay medical bills, and all the other miscellaneous expenses like she did. She said she would love to see a distinction between investor property that is not owned or occupied; a homeowner that leaves for a couple of months and is not owned or occupied at the time of the rental; and an owner-occupied home. She said that when the Board considers continuing the pilot program or making it permanent, the pilot program that has been going on for three years and she has been unable to participate in it. It is a shame because the Village could have gathered some really useful information but regardless that is what the Village chose to do. She knows that people visit local restaurants and businesses when they stay in short-term rentals. The point is she believes there should be a distinction. She said she has a three-car garage or a huge long driveway that could fit 10 cars and she live in Lake Bluff and the right to participate in short-term rentals was taken away from her. *[The Village's short-term rental regulations provide that, where a property has a driveway within five feet of a driveway of an adjoining property, that property is ineligible to be a short-term rental. Ms. Havrin owns such a property.]* She owned a house that was always legally non-conforming with two dwelling units, but because she spoke up, the right was taken away from her. There was no reason that this *[provision]* was put in and there was not any problem; she asked what the fear was. Ms. Havrin said that the Board decided it was good for the community after establishing a subcommittee. She said Airbnb is public stock now. When some people argue that COVID19 has deterred most travelers, she said that, to the contrary, she has had reservations all year long; on one occasion when a guest did cancel due to COVID-19, Airbnb reimbursed her somewhere between 25 to 40% of the rent. This was the only time that business decreased for her and she wanted to make the Board aware of that fact because when the Board makes a decision it should have all the information. Ms. Havrin said she think there needs to be a distinction between an owner-occupied and a non-owner-occupied property. It is her understanding that when people oppose short-term rentals, they are not referring to a person who hosts a guest while living in the same dwelling. She said she is asking for a modification. She said decreasing property values was Trustee Ankenman stance when this issue was previously discussed. She also said that people have suggested ways to her to host short-term rentals by changing her driveway. Ms. Havrin said she likes this community and so she is not going to do that. She said that the Board enabled a bully when it inserted the five-foot provision. She has spread the word about this and people do not know about it. She said that advertising her property as a short-term rental by posting signs could affect property values whether or not she is licensed to conduct short-term rentals. Ms. Havrin said the biggest thing she want the Board to know is that there is a distinction and it should be noted. She does not think it was right that the Board singled their property out in order to quiet the crowd. She noted she have a three-car garage, that there has always been a rental that she lives on the property and the regulations are very strict. She said that there is an Airbnb that is a whole house where approximately 77 people have stayed in Lake Bluff over the train tracks. She said that this is identified as a "super host" who has 77 reviews, that she communicated with Staff regarding this property, and that the property is not owner-occupied. She concluded by saying that taking away the rights of people to make a living was not cool.

ATVA Cole read a comment from Mickey Collins that "at the time that this issue came to everyone's attention, there were at least four operating short-term rentals and there were complaints from neighbors regarding at least two of those. Do we know why we no longer have operating sort-term rentals? Is it the required registration?"

Village Administrator Irvin said that the Village’s one prior permittee provided some prior experience. They reported that the Village’s requirements were rigorous and that they were subject to some criticism for being an operator. In their view, it was not worth it for whatever limited revenue they were generating and they did not renew their license. Village Administrator Irvin further reported that another individual approached Staff within the last 12 months who was interested, but that this individual was ineligible because he had an adjacent driveway. That individual expressed his view that these regulations do not make it easy to become a licensee. He said that there have not been many people interested, whether recently or in the last few years.

ATVA Cole read a comment from Mr. Havrin that “the Police Chief came before the Board and said there were never any problems and we have a totally separate driveway with a three-car garage.”

Further COW Discussion & Conclusion

As there were no further public comments, President O’Hara opened the floor for additional comments from the Board. As there were no further comments from the Board, President O’Hara summarized the discussion. She said there seems to be some interest in perhaps eliminating the sunset date and allowing the pilot programs to remain authorized indefinitely. There has also been some interest expressed in extending the program for two years because of COVID19. She said this is an informal, non-binding meeting and conducted a straw poll of the COW, who responded as follows:

- **Eliminate Sunset Date for All Pilot Programs** – Trustee Ankenman, Trustee Meyer, Trustee Dewart, Trustee Markee, and Trustee Towle. Trustee Towle reiterated that he would support this option with the provision allowing the Board to change the number of licenses by resolution without requiring a hearing as would be required to amend the Zoning Regulations.
- **One-Year Extension for STR Program; Eliminate Sunset for BYBC** – Trustee Charlot.

Trustee Dewart asked if we were to include the language that we could change the number of STR permits by resolution are we comfortable with the fact that we could choose to basically close the program completely by going from six to zero. Trustee Towle said he is comfortable with that.

It was the consensus of the COW to direct Staff to draft an ordinance/resolution for further consideration at a future Board meeting.

Adjournment

A motion to adjourn was made by Trustee Meyer and seconded by Trustee Charlot. The meeting adjourned at 6:54 p.m.

Respectfully Submitted,

R. Drew Irvin
Village Administrator