



Deposition of:  
**Short Term Rental Review Board**

*September 17, 2019*

In the Matter of:  
**Talbot County Council Work Session**

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COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND

Work Session

Short-Term Rental Review Board

September 17, 2019; 2:00 p.m.

Talbot County Community Center

Easton, Maryland

BOARD MEMBERS:

Scott Kane

Tammy S. Broll

John F. Hall, Esq.

David McQuay

Martha W. Suss

Reported by

Diane Houlihan

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1 TRANSCRIPT OF PROCEEDINGS

2

3 MR. KANE: I can call the meeting to

4 order. We have a quorum of all five members.

5 I don't know that we have an agenda,

6 specific written agenda for this meeting. But

7 the purpose of the meeting is to hold another

8 work session, our third work session, to

9 consider the request of the County Council that

10 we provide them input on the short-term rental

11 process.

12 And since we have a smaller group, I won't

13 go through all this. I think everybody here

14 knows the background on the County Council's

15 request. I did want to summarize briefly the

16 direction that we've been given. And it's

17 online so people can review it.

18 But Council President Pack advised wanted

19 to give the STRB direction as to what we're

20 looking for from them. And if there are any

21 items that you saw repeatedly in your

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1 deliberations that you also want us to be aware

2 of, we will be glad to look at these as well.

3 And then Vice President Callahan advised

4 that's why we sort of need this work session,

5 to say what's working and not working. We need

6 instructions from you, meaning the Short-Term

7 Rental Board, as to what is working and not

8 working. And then he said hold as many work

9 sessions as you need to give it right.

10 And then there was feedback from the other

11 three Council members. And I think

12 specifically from Council Member Divilio had

13 said he was interested in making sure that

14 there was efficiency and effectiveness brought

15 into the process. So we're looking at that as

16 well.

17 I would like to, as I did in the previous

18 sessions, thank everybody that's here for

19 attending and providing written comments and

20 the oral comments, the testimony that you gave.

21 That was very helpful to the Council. And I

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1 want to also again thank staff and thank the

2 county attorney's office for all the diligent

3 work they have done. And the stenographer

4 keeping an accurate record of what we're doing

5 as well.

6 So where we are today is that the staff

7 and the county attorney have gone through the

8 record that you all produced over the last two

9 work sessions, and they prepared two work

10 products. The one that's on the eight and a

11 half by 11 that's titled Short-Term Rental

12 Review Board hearing comments matrix is by the

13 Planning & Zoning staff.

14 The other document that's on legal size

15 paper fittingly is prepared by the county

16 attorney and titled Short-Term Rental Review

17 Board discussion outline for possible changes.

18 So the procedure that I would like to

19 invoke today is to basically go down through

20 both of these documents and hold discussion

21 here among the board so that we get an

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1 understanding of what was presented to us and,

2 to the extent possible, decide how we want to

3 go forward to the County Council.

4 Their direction to us was not in terms of

5 to provide legislation to us, but they wanted

6 to hear specifically what was going right and

7 what was maybe not going as well with respect

8 to what we've heard.

9 We've now had the two work sessions. And

10 in addition to that, I think we've had some ten

11 seatings to hear applications over the last

12 seven or eight months. And I think, if I'm

13 correct, we've heard about 34 applications. So

14 there's a lot of information that we've gotten,

15 and we needed to synthesize that information as

16 well as the information that we received on the

17 hearings.

18 So my thought on the process today, if

19 it's agreeable to members here, is that we'll

20 go through both of these documents, the one

21 prepared by staff and the one prepared by the

<p style="text-align: right;">Page 6</p> <p>1 county attorney, and discuss them and find out  2 where we are with respect to what we've heard  3 and how we think we can prepare that into  4 something to move forward to the County  5 Council.  6 MR. HALL: Should we approve the minutes  7 from the last two?  8 MR. KANE: Yup. I wanted to ask the  9 board. We deferred the minutes from last week.  10 These are the minutes for the hearing that we  11 held on August 22nd and August 29nd.  12 I will admit that I have not had time to  13 go through those minutes in any great detail.  14 MR. HALL: Let's just defer, then.  15 MR. KANE: My suggestion is there's no  16 urgency on those minutes. I think we should  17 best defer those. If I could ask everybody to  18 read them and be prepared to comment on them on  19 Thursday. Our next meeting, our next work  20 session, should we need it, will be on the  21 Thursday, the 19th.</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. SALINAS: I was -- anyways. What  2 would you like noted on the website?  3 MR. KANE: I was leaving the record open.  4 It seemed to me, and I could use advice from  5 the board on this, until Wednesday or should we  6 leave it open longer than Wednesday for  7 additional comments?  8 MR. SALINAS: Additional comments?  9 MR. KANE: Comments have been coming in.  10 MS. SUSS: On this, on this meeting?  11 MR. KANE: Comments from the public on the  12 process.  13 MS. SUSS: Okay.  14 MR. KANE: It was closed off earlier, but  15 we received additional comments as late as  16 today some things were coming in.  17 So we could even leave it open until  18 Wednesday or leave it open longer or leave it  19 open until Wednesday and see what happens.  20 MR. SALINAS: Wednesday of this week?  21 MR. KANE: Yeah.</p>
<p style="text-align: right;">Page 7</p> <p>1 So without further adieu, I guess the  2 other thing I should say is that the ground  3 rules for this session were that this is a work  4 session for the staff. And as such, we've  5 heard testimony and received written comments.  6 So we weren't taking any more testimony or  7 written comments today.  8 Although what I would like to do is leave  9 the record open, since this process is taking a  10 little longer. I'd like to leave the record  11 open at least through Wednesday evening so that  12 we would have the benefit of whatever comments  13 come in in our meeting on Thursday. Anybody  14 that wants to provide additional comment is  15 welcome to do so up until Wednesday evening.  16 And Miguel, if I could have that noted on  17 the website, that will be helpful.  18 MR. SALINAS: I'm sorry. I was not paying  19 attention.  20 MR. KANE: A lot of people don't pay  21 attention.</p>	<p style="text-align: right;">Page 9</p> <p>1 MR. SALINAS: Okay.  2 MR. KANE: Let's just say that, if you  3 could post it on the website. Unless anybody  4 has a different suggestion.  5 I think that's all I have to say in my way  6 of opening remarks.  7 MS. SUSS: Can I say something?  8 MR. KANE: Please.  9 MS. SUSS: I think that this is redundant  10 and it's all in here. Why do we have to go  11 over all this when all of this is in here.  12 MR. KANE: Well, I see you've gone through  13 that in quite some detail.  14 MS. SUSS: And I've gone over this in my  15 computer, and I see that this is a  16 consolidation of this.  17 MR. KANE: No. What they are is two  18 separate documents. They look similar.  19 What the document is on I call it the  20 smaller paper titled board meeting comments  21 matrix is from the staff. And Miguel and staff</p>

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<p>1 went through in great detail and took each one 2 of the comments. They went through the whole 3 record that was transcribed. It has a way of I 4 guess opening up various sections and checking. 5 So they've gone through in some detail and 6 taken a great deal of time to go through and 7 determine that there were 66 issues and they've 8 related those back exactly to what the code 9 section is.</p> <p>10 They've also gone through. And in the 11 center section, the smaller column, is indicate 12 how many comments there were on each thing. So 13 I find a great deal of usefulness in this.</p> <p>14 I also find a great deal of usefulness in 15 the document that was proposed by the county 16 attorney, which was approached from a different 17 direction but similar. And it includes some 18 comments about what the county attorney feels 19 we might make as legislative direction to the 20 County Council.</p> <p>21 MS. SUSS: All right.</p>	<p>1 clarifying possibilities and issues raised by 2 members of the board for discussion today.</p> <p>3 MS. SUSS: Okay.</p> <p>4 MS. O'DONNELL: So it doesn't include 5 every potential thing that was raised by the 6 public comment.</p> <p>7 MS. SUSS: All right.</p> <p>8 MR. KANE: I guess having looked at this 9 and having worked with staff and having worked 10 with the county attorney on both documents at 11 some length, just as the county attorney has 12 indicated, this document from the staff 13 includes everything. So I feel an obligation 14 to go through it.</p> <p>15 So in the interest of fairness, I also 16 feel an obligation to go through and be advised 17 as to what the county attorney has provided us 18 on the other documents.</p> <p>19 So without objection, I would like to say 20 that let's proceed on both. My focus will be 21 on going through the 66 items just to make sure</p>
<p>Page 11</p> <p>1 MS. O'DONNELL: Can I just clarify? It's 2 not -- the document that my office created was 3 created to make sure that we include all the 4 elements of Bill 1413, that we included them in 5 the bill that did not move forward, as well as 6 some clarifying amendments that staff wanted.</p> <p>7 And then as all of you know, we had a 8 discussion in which what members of the board 9 asked to put on this list, I put on this list. 10 And then I articulated in more detail. So 11 issues were identified as on request by me, and 12 then I put more detail related to code 13 sections, potential changes. And I fleshed it 14 out a little bit.</p> <p>15 And so this is not policy driven. In my 16 opinion, it's not policy driven by the Office 17 of Law. It's to be used -- it does not include 18 every issue.</p> <p>19 This document is a summary of every public 20 comment.</p> <p>21 This document is a summary of staff</p>	<p>Page 13</p> <p>1 that we're thorough and deal with everything 2 but then referring back to the county attorney 3 document.</p> <p>4 So without objection, I'd like to proceed. 5 I thought I would just jump in and see that the 6 first thing on the county attorney's list is 7 definition of resident agent. And there was a 8 great deal of discussion on resident agents and 9 the fact that there's not a definition of what 10 resident agent is within the code.</p> <p>11 And various people say well, you can infer 12 what a resident agent does, but we have a lot 13 of testimony that said it's not clear.</p> <p>14 So my own feeling on that is that I'm not 15 sure actually whether it's something that we 16 should include in the code. I don't think that 17 we have to. I think we can include a 18 definition of resident agent in our rules of 19 procedure or on the website. But it seems 20 based on the testimony that there should be 21 some definition of resident agent.</p>

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<p>1 So I open it to the board for thoughts and 2 discussion on that topic.</p>	<p>1 address, e-mail, everything. The other one, 2 which I think was from Eastern Shore Vacation</p>
<p>3 MR. HALL: Well, my understanding of the 4 resident agent may not be what the County 5 Council intended, but it seemed to me that the 6 point was to have somebody is within a certain 7 distance, meaning they were expecting that the 8 owner wouldn't be responsive, in case there 9 were something untoward taking place on the 10 property.</p>	<p>3 Rentals, didn't have that information. It had 4 the name of the resident agent and it had her 5 phone number for Eastern Shore Vacation 6 Rentals, but that was it. 7 So it looks like we need some consistency 8 on that part of it. 9 MR. KANE: Okay. And Martha, you had a 10 comment.</p>
<p>11 The -- I tried to write up a little bit of 12 something, and I got hung up, what would be a 13 definition. I got hung up in this. Let's say 14 the resident agent gets a complaint, he goes 15 out and he says to the renters what you're 16 doing is in violation of the county law, please 17 cease and desist.</p>	<p>11 MS. SUSS: Well, my comment is that an 12 agent is just that, they're an agent to the 13 owner and they're not an enforcer. But they 14 are almost like the caretaker of the property. 15 So obviously people call them if there's a 16 problem. Rarely does that happen. But they -- 17 obviously it should be -- I don't think it 18 needs to be that defined.</p>
<p>18 What do we do if they simply thumb their 19 nose at him, then what does he do. I mean what 20 does he do if they simply thumb their nose at 21 him. He's not a law enforcement officer, he's</p>	<p>19 An agent is an agent that's local that is 20 there when someone needs them. It could be the 21 renter or the neighbor. And that's going to</p>
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<p>1 not carrying a badge, he's not carrying a gun.</p>	<p>1 be, that should be in all the letters that go</p>
<p>2 I think at that point, he does report to 3 the code enforcement officer, but the code 4 enforcement officer may or may not be 5 immediately responsive.</p>	<p>2 out, who the resident agent is, who the owner 3 is, and who the compliance officer's phone 4 number is with the county. 5 MR. KANE: Okay.</p>
<p>6 So it would seem like to me that he should 7 go to the sheriff if it is something that is 8 particularly troublesome in terms of safety.</p>	<p>6 MS. SUSS: That's my opinion. I don't 7 think we have to split hairs on a definition. 8 MR. KANE: Yeah. I hear you on that. I</p>
<p>9 But I just don't know what happens if he 10 goes out and says knock it off and he gets 11 nowhere, then what does he do, what is his duty 12 then?</p>	<p>9 hark back to some of the testimony that we 10 received was that also the issue is resident 11 agents come and go and we don't have any clear 12 way of knowing whether the resident agent is on</p>
<p>13 MR. KANE: Right. Any comments?</p>	<p>13 the job or been fired or has quit or is not</p>
<p>14 MS. SUSS: Yes.</p>	<p>14 performing duties, number one.</p>
<p>15 MR. KANE: Let me recognize David and then 16 you.</p>	<p>15 Number two is in some of the 35 or so 16 cases we've heard, the resident agents</p>
<p>17 MS. SUSS: Go ahead.</p>	<p>17 themselves have been unclear as to what their 18 duties are. I find that troubling. I guess</p>
<p>18 MR. McQUAY: I recently got a couple of 19 letters from I guess new applicants for STRs 20 down my way in Tilghman. And the letters, one 21 of them had the resident agent's name, number,</p>	<p>19 surprising and troubling. 20 So it seemed to me that at a very minimum, 21 we ought to have some definition of what the</p>

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<p>1 responsibilities and perhaps training is for 2 the resident agent.</p> <p>3 And I agree with you, Martha, that they 4 are the owner representative. So the person 5 that needs to have that number is the renter so 6 that they can complain about something that's 7 happening on the property.</p> <p>8 And then what we've had new, with this new 9 legislation is the code enforcement section.</p> <p>10 We now have Mr. Duell and his group that are in 11 the code enforcement section. So there's the 12 whole separate section, separate path when you 13 have a problem with code enforcement that you 14 can go that direction. And it seems like 15 that's the direction we ought to go and we 16 ought to publicize that number for complaints 17 from the public at-large.</p> <p>18 MS. BROLL: Mr. Chairman?</p> <p>19 MR. KANE: Yes.</p> <p>20 MS. BROLL: If I could. In my opinion, 21 the role of the resident agent was simply meant</p>	<p>1 report -- of record to represent and speak for 2 STR property owners at application hearings and 3 other meetings.</p> <p>4 Comments on that.</p> <p>5 MR. HALL: I think we kind of exhausted 6 this. I mean we have heard both sides. And 7 our -- we've stated our reason for wanting them 8 here, and we've also said that we'll decide if 9 there's a reason to excuse them being here.</p> <p>10 So this to me is a repeat issue. I think 11 it's kind of a settled matter.</p> <p>12 MR. KANE: Okay.</p> <p>13 MS. O'DONNELL: Chairman Kane, I would 14 note that the issue requiring the owner to be 15 present is included on the discussion outline 16 as number 18.</p> <p>17 MR. KANE: Right. We hadn't quite gotten 18 there. That's the next issue.</p> <p>19 MS. O'DONNELL: Right. I was just jumping 20 back and forth between the two documents.</p> <p>21 MR. KANE: Yeah. Specifically, though,</p>
<p>Page 19</p> <p>1 to be one, a person that acted in the absence 2 of the owner, or the applicant in this case.</p> <p>3 Whether that person is not within the business 4 requirement or lives in another state, but this 5 person was placed in there, in the code so that 6 they could answer questions that came up.</p> <p>7 I'm assuming they would be questions 8 probably from the renters. So with that in 9 mind, I'm not sure that it would be within our 10 purview to define what that role is in the 11 code. I think we need to keep succinct lines 12 between enforcement issues and the washing 13 machine is not working in the residence. It's 14 no different than somewhat like a landlord but 15 not totally.</p> <p>16 MS. SUSS: Property manager.</p> <p>17 MR. KANE: Okay. That's clear. Let's 18 jump on to number one, rules of procedure, 19 which says the county staff, their first 20 recommendation, and it was mentioned five times 21 in the hearing, allow resident agents to</p>	<p>Page 21</p> <p>1 this issue, and you can help clarify this, 2 Miguel, is that to say allow resident agents to 3 represent and speak for STR property owners.</p> <p>4 And the reason this came up is we found 5 that the resident agents aren't aware of all 6 the issues, they aren't able to speak to all of 7 the issues, and then this comes up when the 8 owner is not there. And so we haven't been 9 able, as you indicated, Mr. Hall, we don't get 10 full information.</p> <p>11 Plus when we give direction to the 12 resident agent, we don't know whether that 13 resident agent has gone back or will go back 14 and accurately reflect our remarks. We've had 15 instances where it didn't seem like that was 16 the case.</p> <p>17 And then in a number of instances, it 18 hasn't been clear if the resident agent is, in 19 fact, speaking for the owner. There's no 20 affidavit or no letter indicating that that 21 resident agent could speak for the owner.</p>

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<p>1 So if we're having sworn testimony, to 2 have that issue open up is I think the concern, 3 number one, unless I'm missing something.</p> <p>4 MS. SUSS: We've gone over and over this I 5 think. So does Jack.</p> <p>6 I mean in the end, we have -- there's 7 people that live as caretakers of properties 8 that know the property better than the owners. 9 They live in Germany. We've had that happen. 10 We've had resident agents come here and 11 they don't know -- without owners and they've 12 not been able to speak clearly for the 13 property.</p> <p>14 So what I think, which is number 18B, 15 policy changes, to require an owner to be 16 present but allow some exceptions is the best 17 course, in my opinion. Because every -- the 18 properties are unique. Each property is 19 unique, and to make it a procedural mandate 20 that owners always be there. Well, sometimes 21 it works and sometimes it doesn't.</p>	<p>1 MR. KANE: Yes. So the feeling is, the 2 sense I get, unless there's further discussion, 3 Martha has articulated that we should require 4 the owner to be present but allow some 5 exceptions.</p> <p>6 So this was your recommendation, 7 Ms. O'Donnell. Do you have any more comments 8 on that?</p> <p>9 MS. O'DONNELL: I do not.</p> <p>10 MR. KANE: Okay. All right. Item number 11 three, require STR owners to provide annual 12 report to the board each time they apply for a 13 license.</p> <p>14 MS. O'DONNELL: Chairman Kane, are we done 15 with number one? Are we closed off to the 16 decision about a definition of resident agent?</p> <p>17 MR. KANE: You may have missed my opening 18 remarks. What I suggested we do is to go 19 through these, hear people's opinions so that 20 we've got a good sense of what the testimony 21 was, and then we can go back and make a</p>
<p>Page 23</p> <p>1 We've seen different shades of gray in 2 this.</p> <p>3 MR. KANE: Okay. So you're over here on 4 18B?</p> <p>5 MS. SUSS: Yeah. 18B, page nine, require 6 owner to be present, new application hearing.</p> <p>7 If we can get them here, yes, that would 8 be great. If they can call in from South 9 Dakota like they did the other day, that's 10 awesome too. But if they can't be here because 11 they're in Germany and they don't even know the 12 property as well as the caretaker does, that's 13 a whole nother story, too.</p> <p>14 So there's different shades. So I think 15 we should require them, but we should allow 16 exceptions.</p> <p>17 MR. KANE: All right. We've jumped over 18 to requiring the owner to be present.</p> <p>19 Anybody have comments on that section?</p> <p>20 MS. SUSS: Well, that's because it's in 21 number two of this one.</p>	<p>Page 25</p> <p>1 decision as to how we're going to present this 2 to the board, to the County Council.</p> <p>3 So no, we have not reached a decision.</p> <p>4 MS. O'DONNELL: Okay.</p> <p>5 MR. KANE: So number three is require STR 6 owners to provide an annual report.</p> <p>7 And Miguel was kind enough to refer to 8 item number ten, which was a letter from Monica 9 Sewell, which is referenced on that point.</p> <p>10 Any comments from the board?</p> <p>11 MR. HALL: Since this addresses renewals, 12 we don't have any experience on renewals, I'm 13 kind of reluctant to jump into that because I 14 simply think we don't know.</p> <p>15 I don't recall the letter specifically, 16 but I am not certain what was supposed to be in 17 the annual report.</p> <p>18 But again, since it addresses renewals, I 19 don't think that's something that this panel 20 has anything that they can add.</p> <p>21 MR. KANE: Well, the legislation, 190-3320</p>



<p style="text-align: right;">Page 26</p> <p>1 and also 19063, talk about that.</p> <p>2 So Mr. Salinas, could you clarify what</p> <p>3 specific part of the code is and how we might</p> <p>4 deal with that?</p> <p>5 MR. SALINAS: Well, for the renewal</p> <p>6 process, since 190-63.3, it outlines how you go</p> <p>7 through that process for renewals.</p> <p>8 And then it specifies that the renewal</p> <p>9 process is an administrative process in terms</p> <p>10 of review, unless there's sufficient reason to</p> <p>11 bring it to the board due to a concern that the</p> <p>12 planning office may have or the code compliance</p> <p>13 officer may have. There isn't anything in</p> <p>14 there about an annual report.</p> <p>15 So this recommendation, anytime you see in</p> <p>16 the summary see letter, it's just because</p> <p>17 there's some additional information in there</p> <p>18 that I felt may be helpful for you in your</p> <p>19 discussion.</p> <p>20 In this case, this suggestion is when it's</p> <p>21 time for the application to come for renewal,</p>	<p style="text-align: right;">Page 28</p> <p>1 a new section.</p> <p>2 MR. KANE: And not in 3320? There's no</p> <p>3 reference to the renewal process in 3320?</p> <p>4 MR. SALINAS: No, no. Section 63 of the</p> <p>5 code generally is about procedures. 33.20</p> <p>6 generally is about eligibility and performance</p> <p>7 standards.</p> <p>8 MR. KANE: For my part, I thought it would</p> <p>9 be useful to have. I was persuaded by the</p> <p>10 testimony that Ms. Sewel provided that said it</p> <p>11 would be helpful to have some sort of an annual</p> <p>12 summary provided by the STR. And she includes</p> <p>13 a number of things.</p> <p>14 Firstly, I feel as a board we've been a</p> <p>15 bit hamstrung by not knowing initially how many</p> <p>16 short-term rentals there were, how many</p> <p>17 complaints there were. We're getting a much</p> <p>18 better handle on that now with Mr. Duell in</p> <p>19 place since the first of the year and finding</p> <p>20 more about complaints and violations.</p> <p>21 But also it would be helpful I think to</p>
<p style="text-align: right;">Page 27</p> <p>1 again, you wouldn't normally see a renewal</p> <p>2 application in front of you, but that they</p> <p>3 should come to the board with an annual report</p> <p>4 that would include a number of things. Like</p> <p>5 the total number of days the property was</p> <p>6 rented, the total number of guests they had for</p> <p>7 each event, any summary of any complaints the</p> <p>8 owners have received, and documentation that</p> <p>9 they paid their occupancy tax and Maryland</p> <p>10 State tax.</p> <p>11 The reason is for transparency and</p> <p>12 accountability. It would allow us to reconcile</p> <p>13 with the tax office their rental activity,</p> <p>14 allow the board to have a better understanding</p> <p>15 of what we are governing. It would be just a</p> <p>16 regular part of doing business and would incur</p> <p>17 STR owners to keep good records.</p> <p>18 MR. KANE: And so what part of the code</p> <p>19 would that impact?</p> <p>20 MR. SALINAS: It would have to be in 63.3</p> <p>21 under the renewal process. It would have to be</p>	<p style="text-align: right;">Page 29</p> <p>1 have an understanding of how many days the</p> <p>2 facility was rented, things of that nature.</p> <p>3 MR. HALL: But this would not be a part of</p> <p>4 enforcement. In other words, we wouldn't be</p> <p>5 weighing in on whether to deny the application.</p> <p>6 MR. KANE: On the renewals, no, not unless</p> <p>7 it was brought to us. But it would be</p> <p>8 something for renewals that would be a help to</p> <p>9 the staff.</p> <p>10 MS. BROLL: Mr. Chairman?</p> <p>11 MR. KANE: Yes.</p> <p>12 MS. BROLL: If I could make a suggestion.</p> <p>13 Perhaps for those topics that are outside of</p> <p>14 our purview, particular purview of the board,</p> <p>15 perhaps we could note them as such and then</p> <p>16 make a list of those, as you I believe said</p> <p>17 that one of the County Councilman had requested</p> <p>18 to hear what comments have been made.</p> <p>19 So although they may not fall within our</p> <p>20 purview, perhaps we could waste less time on</p> <p>21 them by just noting them and making a separate</p>

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<p>1 list of those included.</p> <p>2 MR. KANE: Making a note. Does that</p> <p>3 proposal make sense?</p> <p>4 MS. SUSS: Yes.</p> <p>5 MR. KANE: Okay.</p> <p>6 MS. SUSS: There will be a few more.</p> <p>7 MR. KANE: Okay. Yes.</p> <p>8 MR. McQUAY: Mr. Salinas, what does the</p> <p>9 bed and breakfast do? Do they send in an</p> <p>10 annual report of what they do during the year?</p> <p>11 MR. SALINAS: They do not. They just have</p> <p>12 a license renewal process, which is</p> <p>13 administrative.</p> <p>14 MS. SUSS: And how about any other boards,</p> <p>15 like licensing for businesses or Liquor Boards</p> <p>16 or anything like that?</p> <p>17 MR. SALINAS: I don't think the Liquor</p> <p>18 Board does. Nothing in terms of Planning &amp;</p> <p>19 Zoning outside of Liquor Board do we require</p> <p>20 any sort of annual report.</p> <p>21 MS. O'DONNELL: I'm counsel to the Liquor</p>	<p>1 And I guess I would like to ask the staff</p> <p>2 I'm not sure that I fully understand why we had</p> <p>3 the -- we were given this legislation, the</p> <p>4 January February application and then July</p> <p>5 August application. Is that something -- two</p> <p>6 parts.</p> <p>7 What was the reasoning behind that? And</p> <p>8 is it valid because people feel that it's</p> <p>9 delaying them submitting their application?</p> <p>10 MS. VERDERY: I think it was multiple</p> <p>11 reasons why it was set into place. It was to</p> <p>12 help staff to try to give us opportunities to</p> <p>13 be able to accept the applications during</p> <p>14 certain times of the year to help us out.</p> <p>15 It was to help the applicants so that they</p> <p>16 had certain times of the year that they knew</p> <p>17 when they could submit.</p> <p>18 It was to help the board so that you all</p> <p>19 had certain times of the year so that you</p> <p>20 didn't have to commit to every month of the</p> <p>21 year.</p>
<p>1 Board. They have a renewal application.</p> <p>2 There's no reporting. They have several</p> <p>3 reporting requirements to the comptroller about</p> <p>4 how much liquor they used, but we don't</p> <p>5 actually get copies of it. It goes to them for</p> <p>6 taxation purposes.</p> <p>7 MS. SUSS: All right. Thank you.</p> <p>8 MR. SALINAS: The only annual report we</p> <p>9 usually do, but it's to the State, although the</p> <p>10 County Council gets a report on it too, is</p> <p>11 we're a Certified Local Government related to</p> <p>12 our historic district program. And so they</p> <p>13 require an annual report just in terms of the</p> <p>14 activities we've done under that program, but</p> <p>15 that's a little bit different.</p> <p>16 MR. KANE: Okay. So the next item on the</p> <p>17 list is number four, allow new applications to</p> <p>18 be submitted any time during the year to avoid</p> <p>19 delay in licensing.</p> <p>20 We heard this. Perhaps it's a high</p> <p>21 volume. Six people talked about this process.</p>	<p>1 MR. KANE: Like we do now?</p> <p>2 MS. VERDERY: Right. The thought was that</p> <p>3 there would be limitations on when you would</p> <p>4 have to meet, but that's not quite working out</p> <p>5 the way the Council thought that it would.</p> <p>6 So in general, I think that accepting the</p> <p>7 applications throughout the year may be a</p> <p>8 better process because it may smooth it out a</p> <p>9 little more where we can set things in place a</p> <p>10 little better and be able to work it out.</p> <p>11 MR. SALINAS: I was going to say I think</p> <p>12 it spreads it out.</p> <p>13 For example, I remember there was one STR</p> <p>14 application that I think they were ready to</p> <p>15 submit in March but they had to wait all the</p> <p>16 way until July to do it.</p> <p>17 And if there's no reason for them to have</p> <p>18 to wait to do that, then --</p> <p>19 MR. HALL: There's no benefit.</p> <p>20 MR. SALINAS: There's no benefit. Right,</p> <p>21 exactly.</p>

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<p>1 MR. HALL: Seems to me.</p> <p>2 MR. KANE: So it seems like there's</p> <p>3 general agreement on everybody's part that we</p> <p>4 ought to eliminate that.</p> <p>5 MS. VERDERY: Right. I think the thought</p> <p>6 was that it would be a little better for</p> <p>7 everyone if we could control these time</p> <p>8 periods, but I don't think the reality of it</p> <p>9 worked out like we anticipated.</p> <p>10 MS. SUSS: Also may I ask, wasn't it</p> <p>11 anticipated that there would be more</p> <p>12 applications?</p> <p>13 MS. VERDERY: Yes.</p> <p>14 MS. SUSS: A lot more?</p> <p>15 MS. VERDERY: Yes.</p> <p>16 MS. SUSS: And even if there were a lot</p> <p>17 more, it still would have been crazy.</p> <p>18 MS. VERDERY: Right.</p> <p>19 MS. SUSS: All right.</p> <p>20 MR. KANE: Technical term, crazy.</p> <p>21 MR. McQUAY: Most of the fire department</p>	<p>1 I don't think you're going to see as many</p> <p>2 applications right at the end of the summer</p> <p>3 season as you will just before the summer</p> <p>4 season sets in. So you're still going to have</p> <p>5 your peak time when people are putting in</p> <p>6 application probably just before.</p> <p>7 MS. SUSS: Yeah. Probably the beginning</p> <p>8 of the year just like --</p> <p>9 MS. VERDERY: Right, right.</p> <p>10 MS. SUSS: We're at the Rec Center. Just</p> <p>11 like when people sign up for summer camps.</p> <p>12 MS. VERDERY: Right.</p> <p>13 MS. SUSS: They start thinking about it in</p> <p>14 January, February, March.</p> <p>15 MS. VERDERY: Right. So I think that</p> <p>16 January, February time period, you're probably</p> <p>17 going to have an influx of applications.</p> <p>18 MS. SUSS: For the high season.</p> <p>19 MS. VERDERY: Right.</p> <p>20 MR. KANE: I think the general feeling is</p> <p>21 that maybe we need to eliminate that</p>
<p>Page 35</p> <p>1 grants for fire equipment, most of those have</p> <p>2 open house for like three months, and then</p> <p>3 that's it. If you don't get your application</p> <p>4 in within that time period, you're out until</p> <p>5 the next year.</p> <p>6 If that were to run continuous, open</p> <p>7 season would work for you maybe.</p> <p>8 MR. SALINAS: Right.</p> <p>9 MR. HALL: But there you've got, the</p> <p>10 situation you're discussing you've got training</p> <p>11 to put them through. That's all got to be</p> <p>12 arranged.</p> <p>13 And here it's more individualized. I mean</p> <p>14 you're going to get a bunch of new recruits in</p> <p>15 and have controlled burnings to schedule, that</p> <p>16 sort of thing.</p> <p>17 MS. VERDERY: I think you're still going</p> <p>18 to see a peak season. I mean people want to</p> <p>19 rent short-term rentals through the summer. So</p> <p>20 I think you're still going to see people coming</p> <p>21 in just before the peak season of renting.</p>	<p>Page 37</p> <p>1 requirement.</p> <p>2 Number five is sort of the same thing, so</p> <p>3 I'll skip right over that one.</p> <p>4 Number six --</p> <p>5 MR. HALL: -- that is renewals. So again,</p> <p>6 I don't think --</p> <p>7 MS. SUSS: That's renewals. So it's</p> <p>8 not --</p> <p>9 MR. HALL: -- have any particular insight</p> <p>10 that we can provide. It would be more a</p> <p>11 question --</p> <p>12 MS. SUSS: So it's not our purview.</p> <p>13 MR. SALINAS: Well, on renewal</p> <p>14 applications, I mean there's an expiration date</p> <p>15 of each license that is given to the property</p> <p>16 owner. It's, for renewals, it's two years from</p> <p>17 the time that they get the license.</p> <p>18 They have to submit their application 60</p> <p>19 days prior, no later than 60 days prior to the</p> <p>20 expiration of their license. So they can</p> <p>21 submit it any time during the year. They just</p>

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<p>1 can't submit it within the 60 days prior to the 2 expiration. 3 So that's how it works now. 4 MR. KANE: I'd like to move on to the next 5 one. Notices shall be provided to all property 6 owners who share a privately-owned driveway and 7 road. 8 We had a lot of testimony about that. It 9 seemed like most people were in favor of that. 10 So is the board in favor? 11 MS. SUSS: I am. 12 MR. HALL: I'd point out that I think 13 there are going to be very few cases where the 14 people on the private road live outside the 15 1,000 feet. So I don't see this as an extra 16 burden except in about a handful of cases. 17 MR. KANE: We had a couple of cases where 18 that was the case. 19 MR. McQUAY: I'll go (inaudible). 20 MR. KANE: Moving on to number seven, 21 require the first notification sent by</p>	<p>1 MR. KANE: I think the concern was if they 2 were allowed -- the interpretation of staff was 3 they could file early by 30 or 60 days or 4 late -- 5 MR. SALINAS: No. That's -- the code in 6 63-2 says, or 63.2, says notices required by 7 this section shall be sent out within 21 days 8 of filing the short-term rental application 9 with the Talbot County Department of Planning 10 and Zoning. 11 MS. VERDERY: Twenty-one days of. 12 MR. SALINAS: Of the filing. So we've 13 been interpreting that as 21 days of the 14 filing. So that's 21 days either before the 15 application comes in or after the application 16 comes in. 17 MR. KANE: And the concern as expressed, 18 as I think we got into the discussion, was that 19 if somebody sent the notice out 21 days before 20 and someone came in to check the application, 21 there would be no application for them to</p>
<p>1 certified mail as soon as the application is 2 final. 3 That's the current law; is it not? Within 4 15 days? 5 MR. SALINAS: I think the reason why I 6 highlighted as soon as, I think the intention 7 of that comment was to say not to allow them to 8 send the notification prior to the submittal of 9 their application. 10 MS. VERDERY: Right now it can be 30 days 11 before. 12 MR. SALINAS: Right now the way we have 13 interpreted it is that they can send it out 21 14 days of filing the short-term rental 15 application. But we interpret that to be 21 16 days prior to the filing or 21 days after. 17 So we do get a lot of applications in 18 where they have already sent out the notices 19 and they'll submit the application with -- and 20 at the same time, submit their signed 21 certificate which says that they did it.</p>	<p>1 review. So it was causing confusion. 2 So it seemed, from what I heard, that it 3 makes sense to say 21 days after the 4 application. 5 Is that a fair statement? 6 MR. McQUAY: That's all right. 7 MR. KANE: Is that fine with the county 8 attorney? 9 MS. O'DONNELL: I think I want to make it 10 clear that it can be sent simultaneously. 11 MR. KANE: Yes. 12 MS. O'DONNELL: So just so long if you go 13 to the mail that same day and you mail it and 14 you want to file it, that that's fine. 15 I just don't want to have a situation 16 where for a technical reason, because someone 17 mailed before they went to drop off the 18 documents, that their application is, 19 therefore, denied. 20 So on page four, number nine, I have the 21 option of clarifying the notice is sent</p>

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<p>1 simultaneously or after the filing of the 2 notice.</p> <p>3 So that would be my recommendation. If 4 you're going to make -- if you want to be able 5 to have it sent before -- sent after, that you 6 also include simultaneously.</p> <p>7 MR. KANE: So it's number nine? 8 MS. O'DONNELL: Uh-huh, number nine on 9 page four.</p> <p>10 MR. KANE: Yes. And C is your 11 recommendation?</p> <p>12 MS. O'DONNELL: No. B. 13 MR. KANE: Okay. Next is require the 14 first notification be sent by first class mail 15 with delivery confirmation.</p> <p>16 I had copied some stuff off of the USPS 17 site. I know we're going to be discussing some 18 of these things. I had Chris copy this as 19 you've got it in front of you. Talking about 20 the costs and what those services are.</p> <p>21 So to summarize, first notification right</p>	<p>1 tracking is Priority Mail. And so if we're 2 going to make the change from certified mail to 3 something with delivery confirmation, it has to 4 be not first class mail but Priority Mail.</p> <p>5 MR. HALL: If I may throw out an analogy 6 to what happens in court. If someone files a 7 suit, they are issued a summons, which directs 8 the person on the other side to respond within 9 30 days. That has to go out either by personal 10 delivery, the sheriff or a private process 11 server, or certified mail return receipt 12 requested with an actual signature.</p> <p>13 After that, it's up to everybody to keep 14 track of what's going on. But if you file 15 something, you are obliged to certify that you 16 have notified the other people.</p> <p>17 So I simply throw that out as saying that 18 if we ask for certified mail on the first 19 instance, then I don't know that every filing 20 thereafter has to be done by certified mail.</p> <p>21 You simply need for the person to certify that</p>
<p>Page 43</p> <p>1 now is certified mail with return receipt 2 requested. And the two issues were, one is 3 that may be too expensive for some people. We 4 had testimony last week it cost somebody \$3,000 5 to send out notifications for a small house in 6 Tilghman.</p> <p>7 The other issue that's been brought up is 8 that certified mail may not be the most 9 beneficial way to do it because certainly the 10 Post Office does not forward certified mail. 11 What they do is it has to stay in the mail box. 12 So people that are away on vacation or extended 13 time in Florida or some such would not be 14 getting the certified notice.</p> <p>15 So there might be a better way to do it. 16 And I think that's what people were saying. 17 That, the first notice be sent by first class 18 mail with delivery confirmation.</p> <p>19 I don't think that's possible based on my 20 review that I did of the post service. I think 21 the only service that allows you to have</p>	<p>Page 45</p> <p>1 he has mailed it to these people.</p> <p>2 Now, when listening to Councilman Price, 3 she was saying that there was an alternative, 4 if understood her correctly, that I don't see 5 on whatever you were given. And that is 6 something where the people at the Post Office 7 certify that it has been mailed.</p> <p>8 MR. KANE: There is a certificate of 9 mailing that you can get.</p> <p>10 MR. HALL: Okay. There's nothing here 11 that seems to address that, and I don't know 12 what it is.</p> <p>13 MR. KANE: The Post Office website is not 14 the easiest to navigate through. I simply 15 pulled out what I could.</p> <p>16 But there is such a service. So I think 17 we can consider that as well.</p> <p>18 MR. SALINAS: It's also on number ten on 19 the county attorney's handout. Number ten, 20 page five. Certificate of mailing has to be 21 done with Priority Mail.</p>

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<p>1 MR. HALL: Has to be what?</p> <p>2 MR. SALINAS: Done with Priority Mail.</p> <p>3 MR. HALL: Oh.</p> <p>4 MR. SALINAS: That is actually -- it's a</p> <p>5 little bit more than the certified mail.</p> <p>6 MS. SUSS: \$3 apiece.</p> <p>7 MR. KANE: No. It's a lesser thing.</p> <p>8 I think certified mailing is sort of going</p> <p>9 away based on what I read on the Post Office.</p> <p>10 They've lowered the rates. And there's</p> <p>11 inherent problems with certified mail.</p> <p>12 Priority Mail is the one that the Post</p> <p>13 Office seems to be focusing on more. You get a</p> <p>14 number of options at the Post Office, such as</p> <p>15 certification of mailing, you also get delivery</p> <p>16 receipt.</p> <p>17 MR. SALINAS: Correct. But I think the</p> <p>18 Priority, I don't have the memo in front of me</p> <p>19 that we had put together, but I think the</p> <p>20 Priority Mail when you do -- not delivery</p> <p>21 confirmation, but -- I'm sorry. When you do --</p>	<p>1 Priority Mail with delivery confirmation was</p> <p>2 \$7.35. Certificate of mailing was \$1.45 plus</p> <p>3 postage.</p> <p>4 MR. KANE: Right.</p> <p>5 MR. SALINAS: Right. Okay.</p> <p>6 MR. KANE: So you say, Miguel, that first</p> <p>7 notification is now in the code as Priority</p> <p>8 Mail, not certified?</p> <p>9 MR. SALINAS: Certified mail. There's two</p> <p>10 notifications. The first one is at the time of</p> <p>11 the filing of your application. And that's</p> <p>12 certified mail.</p> <p>13 And on the second notification is prior to</p> <p>14 the -- after the scheduling of the hearing, and</p> <p>15 that is by certified mail.</p> <p>16 MS. O'DONNELL: The one first requires</p> <p>17 return receipt requested.</p> <p>18 MR. KANE: First one is by certified mail.</p> <p>19 And the second one I thought was just by first</p> <p>20 class.</p> <p>21 MS. O'DONNELL: No. They're both</p>
<p>1 I'm sorry. Thank you.</p> <p>2 Priority Mail delivery confirmation,</p> <p>3 actually do you have it. It's \$7.35.</p> <p>4 MS. SUSS: \$7.35 apiece?</p> <p>5 MR. SALINAS: Correct.</p> <p>6 MR. KANE: That's correct.</p> <p>7 MR. SALINAS: Which is in the handout that</p> <p>8 Mr. Kane provided you under Priority Mail.</p> <p>9 MR. KANE: The other thing about Priority</p> <p>10 Mail with that delivery receipt is it's all</p> <p>11 handled online. So as opposed to people having</p> <p>12 to deal with paperwork submission to staff and</p> <p>13 to the board, you can simply go online and</p> <p>14 check that out. They can provide a printout if</p> <p>15 they want of all the confirmations from the</p> <p>16 online site.</p> <p>17 So it seems a good deal easier and it</p> <p>18 seems like that's the way the Post Office is</p> <p>19 heading these days, as Priority Mail and with</p> <p>20 delivery confirmation.</p> <p>21 MR. SALINAS: Certified mailing was \$6.30.</p>	<p>1 certified.</p> <p>2 MR. SALINAS: Both certified mail.</p> <p>3 MS. O'DONNELL: First one is return</p> <p>4 receipt. Notice of application, return</p> <p>5 receipt.</p> <p>6 The second does not have return receipt.</p> <p>7 MR. KANE: Well, I think my preference</p> <p>8 would be either certified mail for the first</p> <p>9 notice and then Priority Mail with the delivery</p> <p>10 confirmation for the second notice. Or I think</p> <p>11 Priority Mail with delivery confirmation would</p> <p>12 probably be good enough for both of them.</p> <p>13 MR. SALINAS: A lot of these on number</p> <p>14 seven through whatever it is, seven through 12,</p> <p>15 are kind of all related in terms of the topic</p> <p>16 of notifications.</p> <p>17 Number ten it says provide only one</p> <p>18 mailing. I know there were several people that</p> <p>19 said that they also would be open to only one</p> <p>20 mailing, but it would have to be a certified</p> <p>21 mailing prior to the -- once the hearing has</p>

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<p>1 been scheduled. And it has to be sent out I 2 think 21 days. The suggestion was with enough 3 time for people to be able to get that 4 certified mailing or whatever type of mailing 5 that you may recommend.</p> <p>6 MS. SUSS: I strongly agree with that. I 7 think that you should streamline the process 8 and make it less complicated.</p> <p>9 And if you do one mailing after 10 application and once the hearing has been 11 scheduled and send it certified with return 12 receipt requested is enough.</p> <p>13 MR. SALINAS: As long as it's within 14 sufficient time.</p> <p>15 MS. SUSS: As long as it's before 21 days 16 or earlier. Then you've gotten everything done 17 and then it just makes it less complicated and 18 less burdensome for everybody.</p> <p>19 MR. McQUAY: Less expensive.</p> <p>20 MS. SUSS: Yeah, it's less expensive. But 21 it's also less time consuming for the</p>	<p>1 application has been done.</p> <p>2 So it's good for the neighbors.</p> <p>3 MR. SALINAS: The meeting can't be 4 scheduled -- it has to be scheduled at least 15 5 days out because the sign has to be posted at 6 least 15 days prior to the date of the hearing 7 on the property, which is what staff does. We 8 post the sign.</p> <p>9 So in this case, whatever, if you pick 21 10 days, then the notices, the time of those 11 notices have to go out, 21. In other words, it 12 has to be at least 21 days in advance that we 13 know that the meeting -- when the meeting is 14 scheduled from the time that they sent out the 15 notices. So that's. . .</p> <p>16 MS. SUSS: Don't you think that's doable?</p> <p>17 MR. SALINAS: I think it's doable, yeah. 18 We just have to think through how we -- that's 19 three weeks. So probably they would have to be 20 scheduled out about a month in advance so that 21 they have enough time to get everything</p>
<p>Page 51</p> <p>1 application, and it keeps it more streamlined. 2 It keeps it simple.</p> <p>3 MR. HALL: That assumes, though, that you 4 know when it's going to be scheduled, right?</p> <p>5 MS. SUSS: Well, they're not going to do 6 it unless they have a hearing -- know when the 7 hearing is.</p> <p>8 MR. SALINAS: Once they're ready to go in 9 front of the board, we contact, and set the 10 date for the meeting, we contact them and 11 verify that they can attend. And then we 12 instruct them to send their mailings out.</p> <p>13 MS. SUSS: Because they -- you could send 14 out an application, and it could be a long time 15 before you get a hearing date. And then they 16 could forget all about even coming.</p> <p>17 MR. SALINAS: Right.</p> <p>18 MS. SUSS: But if they know that there's a 19 hearing date right when everything is sent out, 20 then 21 days, it's easier to remember than it 21 is if it's three months or four months once the</p>	<p>Page 53</p> <p>1 arranged and out in the mail.</p> <p>2 MS. SUSS: Right. So you have a window.</p> <p>3 MR. SALINAS: Right, right.</p> <p>4 MR. McQUAY: Are the inspections usually 5 completed before the --</p> <p>6 MR. SALINAS: Yeah. Inspections are 7 always going to be complete before they come in 8 front of the board. Whether they have passed 9 them or not is --</p> <p>10 MR. McQUAY: I was thinking about before 11 they send the letter out. Are they done before 12 the letter goes out?</p> <p>13 MR. SALINAS: Yeah, they are done before 14 the letter goes out.</p> <p>15 MR. HALL: I must admit I think the single 16 mailing is a better idea if it can be done. 17 And you're telling me that you think it can be.</p> <p>18 MR. KANE: Sorry?</p> <p>19 MR. HALL: He's simply -- I think a single 20 mailing is the better way to go. And I was 21 concerned about the practicalities of it. And</p>

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<p>1 Miguel is saying it's doable.</p> <p>2 I am not as enthusiastic about bumping it</p> <p>3 up to Priority Mail. I don't know -- what</p> <p>4 function does Priority Mail do? Because I</p> <p>5 don't get involved in these things. What does</p> <p>6 the Priority do?</p> <p>7 MR. KANE: Priority Mail is simply a</p> <p>8 marketing name that the Post Office has given</p> <p>9 to their service that they try and deliver</p> <p>10 things faster.</p> <p>11 The issue here is that that's the service</p> <p>12 with which they couple the delivery notice and</p> <p>13 also the return receipt requested and also the</p> <p>14 fact that that is done online as opposed to</p> <p>15 paper.</p> <p>16 The certified mailing is the green card,</p> <p>17 and that's a bunch of paperwork.</p> <p>18 So Priority Mail is what the Post Office</p> <p>19 is focusing on, and it's also a lot more</p> <p>20 streamlined service, back to Martha's point.</p> <p>21 If we're into the discussion on single</p>	<p>1 So it wouldn't -- there's no longer</p> <p>2 somebody that you have to alert this is</p> <p>3 happening. They would have been alerted and</p> <p>4 they can be diligent on their own or not as</p> <p>5 they choose.</p> <p>6 But if you just do one mailing and they're</p> <p>7 out of town or don't receive it or something</p> <p>8 like that, they may not get a notification.</p> <p>9 That's my concern.</p> <p>10 MS. BROLL: If we did go to one mailing,</p> <p>11 if you are able to do the one mailing and we</p> <p>12 did go to Priority, it would then be cheaper,</p> <p>13 would it not, than two certified mailings?</p> <p>14 MR. KANE: Yes.</p> <p>15 MS. VERDERY: Yes.</p> <p>16 MS. O'DONNELL: I think probably the same.</p> <p>17 MS. SUSS: It's about the same.</p> <p>18 MS. O'DONNELL: If you add up the cost of</p> <p>19 the certified mailings with the return</p> <p>20 receipt --</p> <p>21 MS. SUSS: One is seven --</p>
<p>Page 55</p> <p>1 mailing, my concern with a single mailing is</p> <p>2 that we have a lot of people in Talbot County</p> <p>3 who are weekenders or owners who spend time in</p> <p>4 Florida, spend a month's vacation or more</p> <p>5 someplace. And they might not be in a</p> <p>6 position, A, to get the certified mailing in a</p> <p>7 time frame for them to come and respond. Or</p> <p>8 B. . .</p> <p>9 MS. VERDERY: You're going to get that</p> <p>10 notice of the hearing in 21 days either way.</p> <p>11 MS. SUSS: Right.</p> <p>12 MS. VERDERY: You're going to get that</p> <p>13 notice of the hearing 21 days prior either way.</p> <p>14 Whether it's your first or your first second</p> <p>15 notice, you're still going to get it 21 days --</p> <p>16 MR. KANE: My point is, though, if they</p> <p>17 were alerted to the application, they may --</p> <p>18 because otherwise they aren't going to know</p> <p>19 anything is happening. So if they got the</p> <p>20 notice, then they would be alerted to be on the</p> <p>21 lookout for something.</p>	<p>Page 57</p> <p>1 SPEAKER: I'm wrong.</p> <p>2 MR. KANE: They're about the same.</p> <p>3 MS. VERDERY: Certified mailing is \$6.30.</p> <p>4 The Priority Mail is 7.35. So 6.30 times</p> <p>5 two --</p> <p>6 MS. BROLL: Right now I'm spending \$12.70,</p> <p>7 correct?</p> <p>8 MS. VERDERY: Right.</p> <p>9 MS. BROLL: Where I would then be spending</p> <p>10 either 6.30 --</p> <p>11 MS. VERDERY: One at 7.35.</p> <p>12 MS. BROLL: -- or adding a dollar to that</p> <p>13 if we went to Priority.</p> <p>14 The Priority, if I'm hearing you</p> <p>15 correctly, is for the ease of the applicant; is</p> <p>16 that correct?</p> <p>17 MR. KANE: The Priority is for the ease of</p> <p>18 the applicant. It's also for the ease of the</p> <p>19 staff and ease of the board because they</p> <p>20 wouldn't have to submit all the paper.</p> <p>21 Right now you have all these green cards</p>



<p style="text-align: right;">Page 58</p> <p>1 that are coming in that you have to collect and  2 then you have to Xerox. It's a big paperwork  3 hassle.  4 The Priority Mail is all online. So you  5 just print out that one screen that you get  6 that shows exactly what was done.  7 The other way to do it is first class mail  8 with a certification that you have mailed it.  9 Then you're simply trusting the Post Office to  10 deliver first class mail, which in my  11 experience is pretty reliable.  12 So if you're looking at cutting down  13 costs, you can just have first class mailing  14 with certificate of mailing, which is the  15 cheapest, absolutely the cheapest way to go.  16 It doesn't give you feedback that somebody has  17 received it, but it does know that you have put  18 it in the hands of the Post Office, which has  19 been a question that we've asked here of  20 people. How do we know you mailed it. It  21 would be a simple matter for them to show one</p>	<p style="text-align: right;">Page 60</p> <p>1 did it get to the mailbox, then you got to go  2 Priority Mail with delivery receipt. Or if you  3 want to go even further, then you've got the  4 certified mailing. But it seems to me that  5 certified mailing is becoming more and more  6 (inaudible).  7 MS. SUSS: Yeah. And how are we ever  8 going to keep track of all that anyway? It's  9 not something that we really need to know. We  10 need to know that they went through the effort  11 of mailing 200 or 300 neighbors and letting  12 them know that they are going to do a  13 short-term rental in their neighborhood.  14 MR. McQUAY: Many of the Post Offices now  15 are not open as long as they used to be.  16 People have limited time to get there.  17 MR. KANE: Yeah. That's true. That's an  18 issue with certified mailing because if you get  19 the notice and you aren't home, then you got to  20 go to the Post Office. If it's not open, it's  21 not convenient for people that work.</p>
<p style="text-align: right;">Page 59</p> <p>1 of those documents to show that they've mailed  2 it.  3 So there are ways to cut down the cost.  4 MS. SUSS: I think cutting down the costs  5 and cutting down the paper is important, and  6 the effort that goes behind it.  7 MR. KANE: I would agree with you.  8 MS. SUSS: And keeping it simple.  9 So first class is great, but I don't know  10 if people, if y'all will go for that. First  11 class, I mean I get my, from Talbot County from  12 Mary Kay, first class my order to come be a  13 juror, it's first class. Nobody asks for  14 return receipt. They just assume I got it,  15 right.  16 So I mean first class works, right?  17 MR. KANE: Exactly. So I guess that's the  18 question is are we trying to make sure that the  19 person has mailed it. And then just first  20 class with certification of mailing is fine.  21 If you want to go a step further and say</p>	<p style="text-align: right;">Page 61</p> <p>1 The other thing, quite frankly, I find  2 when people get certified mail, they say whoa,  3 what's going on here, I don't want anything to  4 do with that. So they don't go and pick it up.  5 MS. SUSS: Right.  6 MR. KANE: So it seems to me that the  7 options that we talked about are everything  8 from let's drop certified mailing, all the way  9 down to maybe just we -- Martha, your  10 suggestion. We just say first class mail with  11 the notice that you've mailed it would be one  12 way to go. The middle way is Priority Mail  13 with the electronic as opposed to paperwork.  14 MS. SUSS: I think that we're being -- our  15 job here in these work sessions is to try to  16 streamline the process without making it overly  17 burdensome to us, to them, and to the people  18 that are applying.  19 And if we can just have one mailing 30  20 days before, approximately, the hearing and  21 after the application has been done, it gives</p>

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<p>1 everybody a good feel for what is going to 2 happen in their neighborhood and gives them 3 sufficient time to schedule their life around 4 that. And then if it's first class, that's 5 even cheaper. But I don't know if we can get 6 that. It's a good idea.</p>	<p>1 MR. KANE: Right. 2 MR. SALINAS: I don't know if -- maybe 3 this is something that Mary can jump in on. I 4 don't know -- for most certified mailings that 5 we do for (inaudible) development applications, 6 we don't check to make sure that every property 7 has been -- the burden is on the applicant to 8 show that.</p>
<p>7 MR. HALL: I would be in favor of keeping 8 the Priority Mail in place as some indication 9 of whether or not the job has actually been 10 done. Because you're going to get a certain 11 number of people saying nobody told me anything 12 about this.</p>	<p>9 And so there's an argument to say how much 10 is enough in terms of sometimes there are 11 errors in the notification requirements. But 12 from the legal side, is that actually enough to 13 disqualify an application from being heard at a 14 hearing.</p>
<p>13 MR. KANE: So Priority Mail is what is 14 currently in the code?</p>	<p>15 So I would rather keep it that -- I think 16 it's going to be too much for staff to be able 17 to get to that level of detail.</p>
<p>15 MS. VERDERY: Certified mail is in the 16 code currently.</p>	<p>18 MS. VERDERY: They provide the list and 19 they provide the letters. We just need to make 20 sure those two match. We're not doing the 21 circumference. We're not rechecking their</p>
<p>17 MR. KANE: So we want to change to 18 Priority Mail; is that what you're saying, 19 Jack?</p>	
<p>20 MR. HALL: Yes. But once, one mailing 21 Priority.</p>	
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<p>1 MS. SUSS: Yeah. Because I mean if you 2 have 300 mailings, it's not \$3,000, it's \$750 3 or whatever.</p>	<p>1 list. We're checking those two lists to make 2 sure that they match. 3 We're not doing the homework to make sure 4 everyone in that circle is on that list. We're 5 just making sure those two lists match up.</p>
<p>4 MR. KANE: Okay. Then the next issue is 5 how do we handle the issue of knowing that the 6 mailings have gone out and you've gotten all 7 the certification back. It seems to me we've 8 had some hearings where applicants have come in 9 and it's not clear that all of the residents 10 have been notified.</p>	<p>6 MS. SUSS: And who gives them the list? 7 MS. VERDERY: That's their responsibility 8 to develop that list. 9 MS. SUSS: What lists are you matching it 10 up to?</p>
<p>11 MS. VERDERY: I guess if you're going to 12 require the Priority Mail, we have a list of 13 adjoining property owners. And we're going to 14 have to make sure it matches that list of 15 Priority Mail, those names.</p>	<p>11 MS. VERDERY: What they provide. 12 MS. SUSS: So they give you a list, and 13 then they tell you what they've done? 14 MS. VERDERY: Right. 15 MS. SUSS: They have two lists.</p>
<p>16 MR. KANE: So in terms of Ms. Suss' 17 comments, that would streamline things and make 18 it easier for you and you can simply include 19 that printout in the package to us to indicate 20 that everything has been sent out.</p>	<p>16 MR. SALINAS: Yeah. 17 MS. SUSS: The list that they proposed and 18 the list that they did. 19 MS. VERDERY: Right. 20 MS. SUSS: You're checking to make sure 21 that what they said they were going to do they</p>
<p>21 MS. SUSS: As opposed to the green cards.</p>	

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<p>1 did?</p> <p>2 MS. VERDERY: Right. They're giving us</p> <p>3 the list that says these 100 people are within</p> <p>4 thousand feet of our property. And then they</p> <p>5 give us these are the green cards, or now the</p> <p>6 Priority Mailing list that we sent the cards</p> <p>7 to.</p> <p>8 So as long as these people that are within</p> <p>9 100 feet or 1,000 feet match up to these are</p> <p>10 the Priority Mailing individuals that we sent</p> <p>11 to, match up.</p> <p>12 MR. SALINAS: But if they don't match up,</p> <p>13 are we telling them that they're disqualified</p> <p>14 from going in front of the board?</p> <p>15 MS. VERDERY: They need to provide the</p> <p>16 proof that they sent it to John Smith, who is</p> <p>17 on the list being within 1,000 feet but didn't</p> <p>18 provide proof that they sent something to him.</p> <p>19 So they need to provide that proof --</p> <p>20 MS. O'DONNELL: I think that that kind of</p> <p>21 a detail is an internal policy detail, not</p>	<p>1 expensive, it's more streamlined for the person</p> <p>2 because time is money, get it done.</p> <p>3 MR. KANE: Okay.</p> <p>4 MS. SUSS: One mailing. That's what I</p> <p>5 think.</p> <p>6 MR. KANE: Okay. Let's move on to number</p> <p>7 13. Owner --</p> <p>8 MR. SALINAS: Actually, just more thing,</p> <p>9 Mr. Chairman. Any recommendations on the</p> <p>10 timing of that mailing?</p> <p>11 MS. O'DONNELL: I guess the impression</p> <p>12 that what y'all are doing now and going through</p> <p>13 all of the comments and processing them. And</p> <p>14 then I get the impression that the next thing</p> <p>15 you will do is actually then go to make</p> <p>16 decisions. And then we can make sure that all</p> <p>17 of the details are included in those</p> <p>18 discussions.</p> <p>19 MS. SUSS: That's what we're doing right</p> <p>20 now.</p> <p>21 MR. KANE: That's correct. So moving on</p>
<p>1 something that's in the code.</p> <p>2 MR. KANE: What I'm hearing you say is you</p> <p>3 think it would be a better process to go with</p> <p>4 Priority Mail because it's more of an online</p> <p>5 system?</p> <p>6 MS. VERDERY: I don't know if one process</p> <p>7 is better than the other. It's just they</p> <p>8 provide a list and they need to provide the</p> <p>9 proof. Whether it's the Priority list, the</p> <p>10 green cards, whatever they're providing --</p> <p>11 MS. O'DONNELL: Two different mailings.</p> <p>12 MS. VERDERY: Right. They have to provide</p> <p>13 something that shows that they provided the</p> <p>14 certificate of service, the mailing.</p> <p>15 MR. KANE: Seems to me, Martha, that in</p> <p>16 terms of what you're talking about is</p> <p>17 efficiency and a smoother process is if we go</p> <p>18 to requiring Priority Mail, it would be easier.</p> <p>19 We wouldn't have to match up green cards and</p> <p>20 things.</p> <p>21 MS. SUSS: Yeah. Even though it's more</p>	<p>1 to number 13. It looks like you're making</p> <p>2 (inaudible) correcting some language there.</p> <p>3 MS. VERDERY: The recommendation is.</p> <p>4 MR. SALINAS: That's somebody's</p> <p>5 recommendation. I don't know if I quite follow</p> <p>6 it. So I put it in verbatim.</p> <p>7 MR. KANE: So it's unclear what they were</p> <p>8 saying?</p> <p>9 MS. VERDERY: The public comment.</p> <p>10 MR. SALINAS: Correct. So there are</p> <p>11 notification requirements in 63.2F that says</p> <p>12 you have to provide notices to owners of</p> <p>13 properties that are next to yours, right next</p> <p>14 to yours, owner of properties that are across</p> <p>15 the road, or across an easement or right of way</p> <p>16 from the property. And then it says owners of</p> <p>17 all other properties with the property line</p> <p>18 within 1,000 feet, including 1,000 feet within</p> <p>19 the line of sight across a waterway.</p> <p>20 Their recommendation was to have it say</p> <p>21 owners of all other properties with a property</p>

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<p>1 line within 1,000 feet in line of sight across 2 waterways with a short-term rental dwelling. 3 So their suggestion would eliminate all 4 other properties within 1,000 feet that are not 5 across the waterways. So I wasn't quite sure 6 what they were getting at there. 7 And then your last one is if it's 8 applicable, HOA or property owners association. 9 MR. HALL: Do you find any ambiguity in 10 interpreting this section as written? 11 MR. SALINAS: I don't think we have had 12 really any ambiguity. 13 Have we had any problems with 14 understanding the notifications requirements? 15 (Inaudible.) 16 The only thing is 1,000 feet across the 17 waterway, including the line of sight. So you 18 have to rely on them on their waterfront 19 property to know what's within the line of 20 sight because you can look on a map and think 21 that it's -- there are other properties within</p>	<p>1 having changed the law. We haven't changed the 2 law. 3 MR. KANE: Exactly. 4 MR. HALL: I think that was just confusion 5 on the part of the complainant. 6 MR. KANE: I would agree. I think we can 7 move on. The testimony, when we questioned the 8 people that provided this testimony, they 9 quickly retracted that comment. 10 MS. SUSS: So we don't have to worry about 11 that. 12 MR. KANE: Provide STR specific 13 information on sign postings for upcoming 14 hearings. The issue there is that staff felt 15 that they only have one sign and they want to 16 reuse it. 17 The testimony that we received is well, 18 why don't you just put a sticker on it that 19 explains when it is. If somebody sees the 20 sign, they can go up and see the sticker on the 21 sign. I think that summarizes what I remember</p>
<p>Page 71</p> <p>1 the line of sight. But if you're actually 2 physically on the property, you may not see 3 some of the other ones across the waterway. 4 MR. HALL: I'm content with it as it is. 5 I don't see any issue here. 6 MS. SUSS: Me neither. 7 MS. VERDERY: We have this same language 8 that we use in the Board of Appeals and for 9 other subdivision and site planning, other 10 applications. 11 MR. KANE: So the staff is fine with 12 Jack's suggestion we leave it as is? 13 MS. VERDERY: Yeah. 14 MR. KANE: Okay. Number 14. Board should 15 meet once twice a year. I'm in favor of that. 16 MS. SUSS: I am, too. Instead of twice a 17 week. 18 MR. KANE: Oh, that hurt. 19 MR. HALL: I remember this being put 20 forth, and it was pretty clear that people who 21 had been caught unaware were blaming us for</p>	<p>Page 73</p> <p>1 of the testimony. 2 Does the staff have any comments on that? 3 MR. SALINAS: We can look at that. We did 4 look at that one time. There's definitely a 5 fiscal impact on doing that. It's a different 6 type of sign that's required that we don't 7 have. We need to order about 20 new signs 8 and -- 9 MR. HALL: But what is being suggested, 10 Chairman Kane, if I understand. I go to 11 Staples and I buy these labels that I can run 12 through my laser printer. I don't mean it's 13 going to be weatherproof. But if you could 14 simply have short-term rental label stuck on 15 there, that would be more indication to the 16 public that it's not -- they're not asking for 17 a conditional use or for a special exception, 18 they're asking for a short-term rental. 19 MR. SALINAS: May be possible. 20 MR. KANE: You could take one of these 21 plastic bags with the tape on the back and put</p>

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<p>1 it on, put just the notice of the hearing or 2 the hearing date right in there and just tape 3 it on.</p>	<p>1 be and how many we would need. Would we need 2 six, would we need eight, like how many signs 3 would we need.</p>
<p>4 MR. HALL: What I heard, though, it wasn't 5 so much the date as it was this involves STR.</p>	<p>4 MR. SALINAS: Right. 5 MR. KANE: Move on to number 16.</p>
<p>6 MR. KANE: STR.</p>	<p>6 MS. SUSS: A specific sign.</p>
<p>7 MR. SALINAS: We would have to take a look 8 at it. We're not sure if there's room enough 9 to put a sticker on there. And we'll have to 10 check to see if there's something that's a 11 little more weatherproof and that it can come 12 off easily as well.</p>	<p>7 MR. KANE: More efficient process for 8 licensing STRs who have not had any complaints 9 registered. I think they mean relicensing, and 10 I think you do have a pretty streamlined 11 process. 12 Am I correct about that?</p>
<p>13 MR. HALL: (Inaudible.)</p>	<p>13 MR. SALINAS: I mean it's administrative.</p>
<p>14 MS. VERDERY: Sometimes our inspectors 15 that put these signs out will pick it up from 16 an STR and take it down the road and stick it 17 out at a variance location because that's the 18 next place that it's got to go.</p>	<p>14 MS. SUSS: That's a good way of putting 15 it. 16 MR. KANE: I guess it begs the question 17 what do they mean by more efficient. It seemed 18 to me you had a pretty efficient process.</p>
<p>19 So we have to recycle these signs 20 depending on what's going on.</p>	<p>19 MR. SALINAS: Yeah. I don't think you 20 really --</p>
<p>21 MS. BROLL: But there's a phone number on</p>	<p>21 MS. O'DONNELL: The way to make it more</p>
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<p>1 the sign?</p>	<p>1 efficient is to grandfather them. Like to say</p>
<p>2 MS. VERDERY: Right.</p>	<p>2 that if there's no building code issue. I mean</p>
<p>3 MS. BROLL: Where the individual can call 4 and say what is this about.</p>	<p>3 that's -- most of the hang-ups in our change 4 from last summer has been in the inspection</p>
<p>5 MS. VERDERY: Yes.</p>	<p>5 issues. People had signed the affidavit saying</p>
<p>6 MR. KANE: So let us know what you think. 7 It may be something that's nice to but it's too 8 difficult.</p>	<p>6 that they were in compliance. They weren't 7 actually in compliance. Those have been the 8 hiccups that we've had.</p>
<p>9 MR. SALINAS: Yeah. We'll take a look.</p>	<p>9 To the extent that this board makes</p>
<p>10 MR. McQUAY: Make a little initial sign to 11 hang below the zoning signage, hang on there. 12 You could use it whenever you need it.</p>	<p>10 further changes that don't grandfather current 11 licenses, we will continue to have that rolling 12 issue. So that's something to think about. If</p>
<p>13 MS. SUSS: It's not a real estate sign. 14 It's not that substantial.</p>	<p>13 we're going to change like the building code, 14 add carbon monoxide detectors, any of those</p>
<p>15 MS. VERDERY: No. It's that corrugated 16 board.</p>	<p>15 other changes, maybe they catch some people 16 that don't have that and then make hiccups in 17 their renewal process.</p>
<p>17 MS. SUSS: With the wire. I know it well.</p>	<p>17 But I'm guessing that was what they're</p>
<p>18 MS. O'DONNELL: I think it's possible that 19 we should research making a new sign and the 20 cost associated with that so we can tell the 21 board what the cost associated with that would</p>	<p>18 talking about, that they want to just be able 19 to fill out a form and don't have new 20 regulations that are going to change things</p>

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<p>1 that are going to be different.</p> <p>2 But the County Council didn't grandfather</p> <p>3 anyone. So you're left with the current law</p> <p>4 doesn't have any grandfathering.</p> <p>5 MR. KANE: So then maybe that would be one</p> <p>6 way to handle it, if there are no complaints.</p> <p>7 But if there are complaints, then they have to</p> <p>8 go through the process.</p> <p>9 MS. SUSS: But then you overlook people</p> <p>10 that have safety issues because of new</p> <p>11 regulations.</p> <p>12 MR. KANE: Okay.</p> <p>13 MS. SUSS: You know, I mean. . .</p> <p>14 MR. SALINAS: I remember I think it was in</p> <p>15 the work sessions when somebody suggested, for</p> <p>16 example, right now under a renewal license, you</p> <p>17 get inspected each time you apply for your new</p> <p>18 license as a renewal.</p> <p>19 I think the suggestion was that they were</p> <p>20 to -- if they're compliant with all their</p> <p>21 safety requirements and environmental health</p>	<p>1 that is the current procedure; is it not?</p> <p>2 MS. O'DONNELL: That's renewal.</p> <p>3 MS. SUSS: That's renewal.</p> <p>4 MS. O'DONNELL: For renewal applications,</p> <p>5 they're approved administratively. This person</p> <p>6 would like --</p> <p>7 MR. KANE: Oh, I see.</p> <p>8 MS. O'DONNELL: -- renewals to go before</p> <p>9 the board.</p> <p>10 MR. KANE: Everything should come before</p> <p>11 the board. So I guess we can meet twice a week</p> <p>12 for the rest. . .</p> <p>13 MS. SUSS: Of my life.</p> <p>14 MR. KANE: For the rest of your life.</p> <p>15 MR. HALL: Mark that down as legislative.</p> <p>16 MS. SUSS: Legislative.</p> <p>17 MR. KANE: Require applications to be</p> <p>18 considered by the board, allow the board to</p> <p>19 determine which renewal applications come</p> <p>20 before them.</p> <p>21 MS. SUSS: That's legislative, right?</p>
<p>Page 79</p> <p>1 and water quality, that they don't have to go</p> <p>2 through the inspection again each time they</p> <p>3 renew. Or they sign an affidavit after the</p> <p>4 first time they pass their inspection saying</p> <p>5 that we comply.</p> <p>6 I think somebody had said that. It might</p> <p>7 have been part of that letter. I can't</p> <p>8 remember.</p> <p>9 MR. HALL: Well, I think that Mary has put</p> <p>10 it that this is not so much procedural as it is</p> <p>11 legislative. We're talking about</p> <p>12 grandfathering. And I think we should focus on</p> <p>13 non-legislative issues.</p> <p>14 MS. SUSS: Right. Because we can't do it.</p> <p>15 It's not us. Is it?</p> <p>16 MR. HALL: And we don't have any</p> <p>17 expertise, any greater expertise than the</p> <p>18 County Council has.</p> <p>19 MS. SUSS: (Inaudible.) That's what it's</p> <p>20 saying.</p> <p>21 MR. KANE: So moving on to 17. I think</p>	<p>Page 81</p> <p>1 MR. HALL: Yes, yes.</p> <p>2 MS. SUSS: I mean it's. . .</p> <p>3 MR. KANE: (Inaudible) David.</p> <p>4 MS. SUSS: The thing is that like the last</p> <p>5 16, 17, and 18 have all been legislative. So</p> <p>6 it's not really up to us.</p> <p>7 MR. KANE: Exactly.</p> <p>8 I got to tell you, it's an hour and a</p> <p>9 half. I would like to get a drink of water.</p> <p>10 So could we take -- is it okay if we take a</p> <p>11 ten-minute break?</p> <p>12 MS. SUSS: Yeah.</p> <p>13 MR. KANE: We recess for ten minutes.</p> <p>14 (Recess taken.)</p> <p>15 MR. KANE: Okay. I'd like to call the</p> <p>16 meeting back to order, if I might.</p> <p>17 MS. SUSS: All right. We're here.</p> <p>18 MR. KANE: So let me just say that is good</p> <p>19 discussion. I don't want to cut off any</p> <p>20 discussion, but it's taking us a bit longer to</p> <p>21 get through this. So I appreciate everybody's</p>

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<p>1 comments.</p> <p>2 If we could, just in the awareness of</p> <p>3 time, let's keep our remarks to a minimum and</p> <p>4 focus on the task at hand.</p> <p>5 So I guess we're off to number 19 now.</p> <p>6 Prohibit applications coming before the board</p> <p>7 if any requirements are not met, e.g.,</p> <p>8 applications are not complete, notification</p> <p>9 requirements are not met. And we don't</p> <p>10 normally approve applications with conditions.</p> <p>11 I think this is the same motion,</p> <p>12 Ms. Broll, that you made back in February and</p> <p>13 is what we're following administratively, if I</p> <p>14 am not mistaken.</p> <p>15 MS. BROLL: Well, not only that. But it's</p> <p>16 in the code. 7A says the license application</p> <p>17 is incomplete under the approval process.</p> <p>18 Prohibiting it from coming would be</p> <p>19 administrative.</p> <p>20 MR. KANE: So the point is we all agree</p> <p>21 with this; is that right?</p>	<p>1 MR. McQUAY: If it's a work in progress,</p> <p>2 (inaudible).</p> <p>3 MR. KANE: Is that acceptable, Tammy?</p> <p>4 MS. BROLL: I think administratively we</p> <p>5 had decided to do that. Is that correct? We</p> <p>6 were -- the prohibition would come prior to us</p> <p>7 receiving the entire packet under the first</p> <p>8 part of this comment.</p> <p>9 The last is do not approve applications</p> <p>10 with conditions, which in my opinion are two</p> <p>11 separate things.</p> <p>12 MS. O'DONNELL: They are.</p> <p>13 MS. BROLL: So perhaps if you want to</p> <p>14 address the do not approve applications with</p> <p>15 conditions, it should be in another section,</p> <p>16 not under prohibit applications from going</p> <p>17 forward.</p> <p>18 MR. KANE: I think we've all agreed to</p> <p>19 strike the part of not approve with conditions.</p> <p>20 MS. SUSS: Just approve case by case with</p> <p>21 conditions.</p>
<p>Page 83</p> <p>1 MS. SUSS: Yes.</p> <p>2 MR. KANE: Okay. Allow renewals to sign</p> <p>3 an affidavit that there have been no changes --</p> <p>4 MS. O'DONNELL: I'm sorry. Can I clarify,</p> <p>5 because this comment actually says do not</p> <p>6 approve applications with conditions.</p> <p>7 So are you saying that you're not going to</p> <p>8 do that anymore, because we've been doing that?</p> <p>9 MR. HALL: Yeah, we have.</p> <p>10 MS. SUSS: We have been doing that.</p> <p>11 MR. KANE: So we do approve with</p> <p>12 conditions; is that right?</p> <p>13 MR. HALL: Yes.</p> <p>14 MS. SUSS: With conditions. But what</p> <p>15 we're asking for is complete applications,</p> <p>16 correct?</p> <p>17 MR. KANE: Right. Miguel's point is all</p> <p>18 the inspections have been done and there may be</p> <p>19 a situation where they still have to get a</p> <p>20 window installed or something like that.</p> <p>21 Is that acceptable?</p>	<p>Page 85</p> <p>1 MR. KANE: Okay. Number 20, allow</p> <p>2 renewals to sign affidavit with no changes.</p> <p>3 MR. HALL: That's a renewal issue again.</p> <p>4 MS. SUSS: Renewal, that's out of our</p> <p>5 purview, right? Is that what you're saying?</p> <p>6 MR. KANE: Ensure that 63.3 remains</p> <p>7 distinct from the obligations of 63.3. I don't</p> <p>8 understand what that means.</p> <p>9 MR. SALINAS: So that's just 63-3 is</p> <p>10 renewals. And 63 -- I'm sorry. One should say</p> <p>11 33.2.</p> <p>12 MS. SUSS: Thank you.</p> <p>13 MR. KANE: 63-2?</p> <p>14 MR. SALINAS: Yeah.</p> <p>15 MS. SUSS: Is distinct.</p> <p>16 MR. SALINAS: Renewals are -- the process</p> <p>17 for renewals are distinct from the process or</p> <p>18 the obligations from new applications.</p> <p>19 MS. SUSS: Which is what our charge is?</p> <p>20 MR. SALINAS: Right.</p> <p>21 MR. KANE: So I don't understand. Is that</p>

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<p>1 the way things currently stand?</p> <p>2 MR. SALINAS: They do.</p> <p>3 MS. SUSS: Yeah.</p> <p>4 MR. SALINAS: Yes.</p> <p>5 MS. SUSS: They just ensure it.</p> <p>6 MR. SALINAS: I think that comment was</p> <p>7 they didn't want the renewal applications to</p> <p>8 follow the same obligations as the new</p> <p>9 applications.</p> <p>10 MR. KANE: Modernize and streamline the</p> <p>11 process for submitting occupancy taxes by</p> <p>12 allowing online payment.</p> <p>13 That's certainly out of our purview.</p> <p>14 Eliminate unnecessary and arbitrary</p> <p>15 considerations, shared driveway, have a</p> <p>16 maintenance agreement, comments from board</p> <p>17 members, why are you renting.</p> <p>18 Not sure. That's a run-on thing.</p> <p>19 So let's take the issue of shared</p> <p>20 driveways. It seems to me that in terms of</p> <p>21 shared driveways, there's currently an</p>	<p>1 everybody has to enter into for a short-term</p> <p>2 rental to specify what the rights and</p> <p>3 obligations are of the short-term rental and</p> <p>4 the owners on the private road.</p> <p>5 MR. HALL: Wow. You're really putting</p> <p>6 your foot in it. All sorts of ugliness can</p> <p>7 come out of it either way.</p> <p>8 Meaning, in order to have a private road</p> <p>9 agreement, you've got to have 100 percent</p> <p>10 consent. The one thing the law does allow is</p> <p>11 the people who have maintained the private</p> <p>12 road, to collect from the owner a proportionate</p> <p>13 share.</p> <p>14 But I can see somebody who is, for</p> <p>15 whatever reason or other, maybe he thinks the</p> <p>16 neighbor's dog killed their cat or something,</p> <p>17 is just going to be totally unreasonable.</p> <p>18 And I am reluctant to get involved in</p> <p>19 those essentially private disputes. I</p> <p>20 sympathize entirely, but I just don't know how</p> <p>21 we can impose a road agreement on people who</p>
<p>Page 87</p> <p>1 unfairness in that somebody down at the end of</p> <p>2 the lane can be applying for a short-term</p> <p>3 rental and renting. That increases the traffic</p> <p>4 on the private road, which would increase the</p> <p>5 maintenance potentially.</p> <p>6 If that's the case, that there's increased</p> <p>7 maintenance due to the STR, that obligation</p> <p>8 ought to fall on the person that's benefiting.</p> <p>9 In other words, the owner of the short-term</p> <p>10 rental.</p> <p>11 And other thing that's come up, there were</p> <p>12 a lot of people that talked about being on a</p> <p>13 private road and when there was a short-term</p> <p>14 rental, there were people speeding or people</p> <p>15 coming into their driveways, there were people</p> <p>16 returning after the short-term rental and going</p> <p>17 down as though they owned the property, a bunch</p> <p>18 of issues on that.</p> <p>19 So in thinking about this, it seems to me</p> <p>20 the only way to really handle that is to have</p> <p>21 some sort of a standardized road agreement that</p>	<p>Page 89</p> <p>1 have the ability to veto it for the most</p> <p>2 personal and despicable and arbitrary reasons.</p> <p>3 That troubles me.</p> <p>4 MR. KANE: Further comments.</p> <p>5 MR. McQUAY: I hate to see our board get</p> <p>6 involved with road issues. I think we're</p> <p>7 involved was the short-term rental as far as</p> <p>8 the house and notifying people on the road.</p> <p>9 But as far as the road issues go, to me that's</p> <p>10 a matter for the sheriff or civil court. I'd</p> <p>11 hate to see us get involved with that. I'm</p> <p>12 with Jack.</p> <p>13 MR. KANE: Well, we have the code</p> <p>14 enforcement officer here. Does he have any</p> <p>15 comments on this point?</p> <p>16 MR. DUELL: It sounds to me it's civil in</p> <p>17 nature. If an applicant has a problem, I think</p> <p>18 that they should seek a remedy through civil, a</p> <p>19 civil court.</p> <p>20 MR. KANE: So that's not something that</p> <p>21 you would get involved in?</p>



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<p>1 MR. DUELL: No, sir.</p> <p>2 MR. KANE: Could we do something like</p> <p>3 include rules of conduct for the road?</p> <p>4 MR. HALL: Beg your pardon?</p> <p>5 MR. KANE: Could we include something like</p> <p>6 rules of conduct for the road, which is. . .</p> <p>7 MS. BROLL: I still don't believe that's</p> <p>8 our -- I don't believe that's our purview to do</p> <p>9 that.</p> <p>10 MR. KANE: Any other comments?</p> <p>11 MS. SUSS: No. I agree with Jack and</p> <p>12 David and Tammy.</p> <p>13 MR. KANE: Okay. Moving on to 24, second</p> <p>14 sentence be removed and replaced with the</p> <p>15 following language.</p> <p>16 MS. SUSS: I don't understand what that</p> <p>17 pertains to.</p> <p>18 MS. O'DONNELL: Basically this comment</p> <p>19 would give more authority to the Board to add</p> <p>20 conditions.</p> <p>21 The 19063.2I6 talks about the possible</p>	<p>1 So the first one is location and design of</p> <p>2 site features. And I'm summarizing now.</p> <p>3 Design of outdoor lighting, procedures of</p> <p>4 facilities for waste disposal, restrictions on</p> <p>5 hours of use for outdoor area, distance of</p> <p>6 outdoor recreation areas to neighboring</p> <p>7 property, duration of time prior to license</p> <p>8 renewal. So --</p> <p>9 MR. HALL: Let me ask you specifically.</p> <p>10 One of the things that they've got in here is</p> <p>11 in such condition shall be limited to those</p> <p>12 that can be satisfied within the reasonable</p> <p>13 control of the applicant.</p> <p>14 Is that in there now?</p> <p>15 MS. O'DONNELL: No.</p> <p>16 MR. HALL: So that's what they're saying.</p> <p>17 Well, I think that's built into -- I mean</p> <p>18 let them come in and tell us that they don't</p> <p>19 have any control over it, and we'll address it</p> <p>20 under the current act. I really don't see that</p> <p>21 this adds anything.</p>
<p>Page 91</p> <p>1 conditions that can be put on a license when</p> <p>2 it's issued. And this last one is -- so this</p> <p>3 is a broad, includes a lot, without limitation.</p> <p>4 It's broadening your authority to add. . .</p> <p>5 MS. SUSS: Conditions?</p> <p>6 MS. O'DONNELL: Conditions.</p> <p>7 MR. HALL: What are the following</p> <p>8 circumstances that they're talking about? Do</p> <p>9 we know?</p> <p>10 MS. O'DONNELL: I mean I'd have to -- we</p> <p>11 can read the 63.2I6. So I6 says the board may</p> <p>12 impose conditions, restrictions, and</p> <p>13 limitations on the issuance and the new license</p> <p>14 that are reasonably related to addressing</p> <p>15 impacts of the proposed short-term rental.</p> <p>16 Such conditions may address, without</p> <p>17 limitation, which that actually was intended to</p> <p>18 mean broadly.</p> <p>19 So this is just like a including but not</p> <p>20 limited to. It's like it doesn't -- it's not</p> <p>21 intended to limit it through A through F.</p>	<p>Page 93</p> <p>1 MS. SUSS: Just, I don't see the benefit,</p> <p>2 either (inaudible.)</p> <p>3 MS. O'DONNELL: Just to make it clear that</p> <p>4 the intention, the second part, whatever he</p> <p>5 says, they say or other circumstance which</p> <p>6 reasonably falls within the intent of A through</p> <p>7 F.</p> <p>8 The intention of such conditions may</p> <p>9 address without limitation means that there</p> <p>10 could be other things.</p> <p>11 So for instance, this 6, I6 gives the</p> <p>12 board the authority to deal with screening, for</p> <p>13 instance. The board has the authority to say</p> <p>14 we don't have to do screening between</p> <p>15 properties. Under I6, that's broad enough to</p> <p>16 include that.</p> <p>17 A through F here are examples of things</p> <p>18 that could be used, but without limitation</p> <p>19 means it could be other things. That the</p> <p>20 conditions are reasonably related to addressing</p> <p>21 impacts of the short-term rental. So anything</p>

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<p>1 that is reasonably related to addressing</p> <p>2 impacts of the short-term rental could be a</p> <p>3 condition that the board issues on licenses.</p> <p>4 At this point I don't believe you've</p> <p>5 issued any conditions, except we've done total</p> <p>6 up and down, except for the inspection</p> <p>7 requirements. I don't think that we've really</p> <p>8 used this subsection for anything that we've</p> <p>9 dealt with to this point.</p> <p>10 MR. HALL: I don't see this as a burning</p> <p>11 issue.</p> <p>12 MR. KANE: So you'd recommend no change?</p> <p>13 MR. HALL: No change.</p> <p>14 MR. KANE: I think that's the sense of the</p> <p>15 board. Okay.</p> <p>16 Number 25, require the applicant to state</p> <p>17 on their application whether they're on a</p> <p>18 shared driveway. This has been (inaudible) the</p> <p>19 issue. And people have attempted to sidestep</p> <p>20 it even on direct questions. So I'm not sure</p> <p>21 why.</p>	<p>1 driveway. I mean I think that there's an</p> <p>2 argument that if we're going to add a provision</p> <p>3 that says that you're notifying everyone on a</p> <p>4 private road, that maybe you need to be able to</p> <p>5 flag that somewhere on the application that</p> <p>6 you're also including people that are on this</p> <p>7 private road.</p> <p>8 But the shared driveway is a subset of the</p> <p>9 private road.</p> <p>10 MS. SUSS: It is.</p> <p>11 MS. O'DONNELL: I think that the private</p> <p>12 road, if you're going to have something about</p> <p>13 notification of private road, you'll probably</p> <p>14 need something on the application that it's a</p> <p>15 private road.</p> <p>16 Shared driveway is another, separate</p> <p>17 issue.</p> <p>18 MR. KANE: Okay. Enough on that. We'll</p> <p>19 move forward.</p> <p>20 MS. SUSS: Okay.</p> <p>21 MR. KANE: Number 26, require board</p>
<p>Page 95</p> <p>1 MR. HALL: Is this a check-the-box kind of</p> <p>2 a thing? Maybe it's not that big a deal if</p> <p>3 they --</p> <p>4 MS. VERDERY: What would we do if they</p> <p>5 check yes?</p> <p>6 MR. HALL: We'll know it.</p> <p>7 MS. SUSS: It will just be knowledge.</p> <p>8 MR. HALL: It will be clear to us.</p> <p>9 I mean Ms. Bogan was obviously confused at</p> <p>10 the last one. She didn't think it was a shared</p> <p>11 driveway, and the plat showed it was a shared</p> <p>12 driveway. Maybe she would have looked at it if</p> <p>13 she had to check the box, she would have found</p> <p>14 out or had an explanation for why the plat was</p> <p>15 incorrect or something.</p> <p>16 MR. McQUAY: Hopefully they'll notify</p> <p>17 everybody that's on the road, everybody knows.</p> <p>18 And again, either approve it or disapprove, one</p> <p>19 or the other.</p> <p>20 MS. O'DONNELL: I think that there's a</p> <p>21 difference between private road and shared</p>	<p>Page 97</p> <p>1 training on STRs, the STR booking process, role</p> <p>2 of resident agents and things like.</p> <p>3 MS. SUSS: It's called on-the-job</p> <p>4 training.</p> <p>5 MR. KANE: I think we've been trained.</p> <p>6 MS. SUSS: On-the-job training.</p> <p>7 MR. KANE: OJT.</p> <p>8 MS. SUSS: Okay.</p> <p>9 MR. KANE: Okay.</p> <p>10 MR. HALL: Is that what they're asking</p> <p>11 for, for us to have to go to seminars or</p> <p>12 something?</p> <p>13 MS. O'DONNELL: Yes.</p> <p>14 MR. SALINAS: Or just have training in</p> <p>15 general.</p> <p>16 MR. KANE: I guess they -- you gave us</p> <p>17 pretty good training back in January on this</p> <p>18 and some background and stuff like that. I</p> <p>19 guess people weren't aware of that.</p> <p>20 MR. HALL: They watched us.</p> <p>21 MS. SUSS: That's their deduction, that</p>

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<p>1 we're bumbling, we're feeling our way through 2 this.</p> <p>3 MR. KANE: Prohibit STRs on shared 4 driveways unless all owners approve.</p> <p>5 MR. HALL: We've been down that road. We 6 addressed that earlier.</p> <p>7 MR. KANE: Yup.</p> <p>8 MR. HALL: That's legislative.</p> <p>9 MS. SUSS: Right.</p> <p>10 MR. KANE: The code does not require -- 11 does not expressly detail the responsibilities 12 and duties of the RA in monitoring tenants, 13 etc.</p> <p>14 I think we handled that earlier. 15 Board meetings in the evening.</p> <p>16 MS. SUSS: I would like that.</p> <p>17 MR. KANE: I'm sorry?</p> <p>18 MS. SUSS: I would like that.</p> <p>19 MR. KANE: I'm pretty comfortable with 20 one o'clock.</p> <p>21 MR. HALL: You're saying it would not</p>	<p>1 adequate resources are committed to planning 2 and zoning for administration of program.</p> <p>3 MR. SALINAS: I really like this one.</p> <p>4 MS. BROLL: Couldn't we just answer that 5 now?</p> <p>6 MR. SALINAS: I think so much so that I 7 actually attached the letter.</p> <p>8 MS. SUSS: From who?</p> <p>9 MR. SALINAS: It's actually part of your 10 attachment. I'm not sure who sent it. Oh, it 11 is Ms. DuPont I think.</p> <p>12 MR. KANE: So you want us to hand out 13 lollypops, too.</p> <p>14 My personal feeling is that you don't have 15 enough resources, that you seem overworked and 16 there's a great deal to do and it's a lot of 17 attention to detail.</p> <p>18 Miguel, you worked over the weekend 19 getting this out for us, which I greatly 20 appreciate.</p> <p>21 MR. SALINAS: Yeah. I mean it's --</p>
<p data-bbox="776 1056 852 1087">Page 99</p> <p>1 interfere with your work?</p> <p>2 MS. SUSS: Right.</p> <p>3 MR. KANE: Others?</p> <p>4 MR. HALL: The problem is it interferes 5 with their work.</p> <p>6 MS. SUSS: This is true. And their work.</p> <p>7 MS. VERDERY: We have Board of Appeals on 8 Monday nights, County Council on Tuesday 9 nights.</p> <p>10 MS. SUSS: Here we go.</p> <p>11 SPEAKER: We just won't be home.</p> <p>12 MS. O'DONNELL: I have Animal Control 13 Board on Thursdays.</p> <p>14 MS. SUSS: Okay. Nobody cares about me.</p> <p>15 MR. KANE: I'd prefer leaving it.</p> <p>16 MS. SUSS: I hear you.</p> <p>17 MR. KANE: Number 30, allow a three and 18 four-year license for new applications.</p> <p>19 MR. HALL: Legislative.</p> <p>20 MS. SUSS: Yup.</p> <p>21 MR. KANE: Thirty-one, reexamine whether</p>	<p data-bbox="1377 1056 1466 1087">Page 101</p> <p>1 there's a lot of other jurisdictions we looked 2 at have a dedicated STR resource, just kind of 3 an STR manager. Some of them are small 4 jurisdictions with not a lot of STRs, maybe 5 around 100 to 200. And some of them are very 6 large that have 3,000 or more.</p> <p>7 But I think we're all sort of feeling the 8 crunch.</p> <p>9 MR. HALL: I think we might support them 10 in added burden. But a budget process is 11 really beyond this, and that's what we're 12 talking about here.</p> <p>13 MR. KANE: So you think resources are 14 adequate?</p> <p>15 MR. HALL: No, no, no. I'm saying we 16 should support them in a non -- outside of this 17 process. We should perhaps express to the 18 Council that we think they're a bit 19 overburdened.</p> <p>20 But I don't want to get into that in this, 21 because it's a budget issue.</p>

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1 MR. KANE: Yes, it is.  
 2 MS. SUSS: Okay.  
 3 MR. KANE: Miguel's \$5 is coming to you  
 4 later, Jack.  
 5 Minimum livability code requirement for  
 6 lead paint testing and abatement should apply  
 7 to STRs and should be part of the safety  
 8 inspection.  
 9 (Cell phone ringing.)  
 10 MR. KANE: David, could you take over?  
 11 We've had a death in the family today, and this  
 12 is a call from home.  
 13 MR. McQUAY: The lead paint, is the county  
 14 involved in that now?  
 15 MS. VERDERY: It's a State requirement.  
 16 MR. McQUAY: State?  
 17 MS. VERDERY: Yeah. It comes through the  
 18 Maryland -- we don't really do anything. It's  
 19 only really for the minimum livability code,  
 20 which is enforced through the State.  
 21 MS. SUSS: I have a question. When we do

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1 a short-term rental as -- is it the same  
 2 process as a rental? When it comes to a house  
 3 built before 1978, do they have to have a lead  
 4 paint test or anything like that?  
 5 MS. VERDERY: No.  
 6 MS. SUSS: Very interesting.  
 7 MS. BROLL: I think this comment was  
 8 perhaps also involving number 20 -- I can't --  
 9 24, 34, whatever we're on. In that there was a  
 10 comment to bring the same inspection  
 11 requirements for bed and breakfasts, so forth,  
 12 and STRs. So I think this probably falls  
 13 within that lead paint inspection is a  
 14 requirement for bed and breakfast.  
 15 MS. VERDERY: I don't think B&Bs have to  
 16 do it.  
 17 MR. SALINAS: No.  
 18 MS. VERDERY: B&Bs are accessory  
 19 residential use. So they don't have to.  
 20 MS. BROLL: The long-term rental.  
 21 MR. SALINAS: I think the person on 34 who

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1 wrote that was under the assumption that there  
 2 were certain requirements for hotels, motels,  
 3 and B&Bs than STRs. But actually that's not  
 4 the case.  
 5 We don't go out and do inspections for the  
 6 safety components for those types of uses that  
 7 we do for STRs.  
 8 MS. SUSS: There is a double standard in  
 9 many instances.  
 10 MR. SALINAS: I think on number 32, I  
 11 think that writer was saying that in chapter 88  
 12 of the Talbot County Code there's a minimum  
 13 livability requirement that talks about lead  
 14 paint testing. And that the way that he was  
 15 interpreting it was that if it's in chapter 88,  
 16 then it by default should be applying to all  
 17 sections of the code I think is what he was  
 18 saying, where it's applicable.  
 19 MR. KANE: So what's the resolution here?  
 20 How do we include lead paint?  
 21 MR. HALL: I think that's a legislative

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1 matter.  
 2 I mean we're trying to streamline the  
 3 process and not make decisions about livability  
 4 code. So I really don't feel comfortable in my  
 5 role of making those kinds of recommendations.  
 6 I mean I think that 32, 33, 34 are all --  
 7 MS. SUSS: Legislative.  
 8 MR. HALL: Legislative.  
 9 MR. McQUAY: Yup.  
 10 MR. KANE: I just feel compelled to say  
 11 that I feel strongly about lead paint, strongly  
 12 about smoke detectors, strongly about carbon  
 13 monoxide detectors. And I feel that we should  
 14 find some way to include these in STRs. Or if  
 15 not, provide notice to renters that they aren't  
 16 protected.  
 17 It's a concern to me that -- and I  
 18 understand how difficult it is and that there  
 19 are a lot of implications for legislation and  
 20 the regulations, but I would think that people  
 21 that are coming in to rent should have the

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<p>1 comfort of knowing that they have the latest 2 protections as they would in their own home 3 with respect to carbon monoxide detectors, with 4 respect to smoke detectors. And if they have 5 young children, lead paint is a very, very 6 serious problem, as we continue to see in news 7 accounts, things like that. To me, it's a 8 concern.</p> <p>9 Now, if we say that it's not something 10 that we can handle, then I certainly 11 understand. There are implications throughout 12 section 190 and other parts of the code that 13 deal with this. Maybe we just give it to the 14 County Council, but I feel strongly that 15 somehow it should be addressed.</p> <p>16 MS. SUSS: We can do like we did, what we 17 said with 31, express to the board what we 18 feel, but that it is a legislation issue but 19 it's something that does concern us in regards 20 to safety. Because that's something that we 21 feel strongly about. Not just lead paint, but</p>	<p>1 breakfast meets the residential code in the 2 year it was built. It doesn't meet the 2003, 3 doesn't meet the 2015. It's the year it was 4 built.</p> <p>5 The smoke detectors, again, it's the -- 6 those double standards in the code are the 7 things that staff has been trying to 8 articulate.</p> <p>9 And I think that it's important to make 10 sure that the regulatory cost associated with 11 doing things is equal to the benefit.</p> <p>12 Just today I was on the Airbnb site 13 related to an enforcement issue. And it has on 14 there smoke detector, if it's there or it's not 15 there, carbon monoxide crossed out on one of 16 the current STRs in our jurisdiction right now.</p> <p>17 So if we're going to recommend a change 18 that will change safety standards moving 19 forward, as a part of that I think you also 20 need to consider how that affects current 21 license holders.</p>
<p>Page 107</p> <p>1 all the safety standards of having carbon 2 monoxide and fire, everything up to fire code.</p> <p>3 MR. KANE: Okay. Any other comment?</p> <p>4 MR. HALL: I think Martha said is 5 perfectly.</p> <p>6 MR. KANE: Mary, how do you feel about 7 this?</p> <p>8 MS. O'DONNELL: I think that if you are 9 saying these are things that we think need to 10 be in the code, then you are recommending a 11 legislative change.</p> <p>12 So it's -- you are an advisory board. And 13 so I'm not -- I don't know that you should feel 14 limited in what it is that you're advising the 15 Council to do. So it's up to you to decide 16 what it is that you feel is appropriate and 17 necessary.</p> <p>18 I think that staff has tried to articulate 19 the questions of the purpose behind that kind 20 of regulation and the fact that other areas -- 21 bed and breakfast as an example, bed and</p>	<p>Page 109</p> <p>1 MR. KANE: We always leave that to the 2 county attorney.</p> <p>3 MS. O'DONNELL: No.</p> <p>4 MR. KANE: Sorry. It's a tough issue 5 certainly. Okay.</p> <p>6 Moving on, number 36, grandfathering older 7 properties. That's really the same issue; is 8 it not?</p> <p>9 MR. HALL: Yes.</p> <p>10 MS. VERDERY: Did you skip 35? I'm sorry. 11 Did I miss 35?</p> <p>12 MR. HALL: Oh, that's right. We didn't.</p> <p>13 MR. KANE: Sorry?</p> <p>14 MS. SUSS: Number 35 you skipped.</p> <p>15 MR. KANE: I skipped 35. Sorry. Standard 16 legal agreement should include landlord 17 manager's right to access the property for 18 inspection of the property.</p> <p>19 MR. HALL: Why are we getting involved in 20 writing leases?</p> <p>21 MS. SUSS: Yeah. I'm with John.</p>

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<p>1 MR. KANE: Any feeling of staff on that?</p> <p>2 Not our job.</p> <p>3 MS. VERDERY: I don't know that we should</p> <p>4 get into what the landlord manager's rights</p> <p>5 are.</p> <p>6 The code enforcement has the right to</p> <p>7 access if there's a reported issue, but I don't</p> <p>8 think we need to get into what the landlord's</p> <p>9 manager's rights are.</p> <p>10 MS. SUSS: Okay.</p> <p>11 MR. KANE: Grandfathering in older</p> <p>12 properties, same issue.</p> <p>13 Adopt the current IRC. Same issue.</p> <p>14 Safety inspections to be completed prior to</p> <p>15 the submittal of an application. I think</p> <p>16 that's in the current code. Is that not right?</p> <p>17 MS. O'DONNELL: No. The current code, I</p> <p>18 think that that's actually included. Let me</p> <p>19 check and make sure. Yeah.</p> <p>20 On number 11 of the discussion outline,</p> <p>21 the inspections as upon receipt of an</p>	<p>1 So I'm pretty sure that July 1, 2019, the</p> <p>2 State, the General Assembly, requires all</p> <p>3 localities, municipalities, counties, actually</p> <p>4 it's counties, to enforce the 2018 building</p> <p>5 code for all new construction.</p> <p>6 MR. McQUAY: So all homes built prior to</p> <p>7 that wouldn't have to comply, then?</p> <p>8 MS. O'DONNELL: Right. They would</p> <p>9 comply -- so if you filed a building permit --</p> <p>10 if you were granted a building permit</p> <p>11 June 30th, you're going to be on the 2015 code</p> <p>12 for new construction.</p> <p>13 MR. McQUAY: Okay.</p> <p>14 MR. KANE: So what's your recommendation</p> <p>15 under number 11, Mary?</p> <p>16 MS. O'DONNELL: On number 11, I think that</p> <p>17 it's better to allow the inspections before the</p> <p>18 filing so everything can be done and then they</p> <p>19 can submit the application.</p> <p>20 I think the discussion point is how long</p> <p>21 before filing should it be for y'all to</p>
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<p>1 application, the applicant shall schedule.</p> <p>2 So arguably the interpretation of that is</p> <p>3 after. So under number 11, I've said allow</p> <p>4 inspections to be done before filing. And</p> <p>5 that's what that comment is about.</p> <p>6 MR. KANE: This is your number 11?</p> <p>7 MR. McQUAY: Mary, when did the State</p> <p>8 require the county to abide by the 2018</p> <p>9 residential building code for new homes?</p> <p>10 MS. O'DONNELL: I think that was as of</p> <p>11 July 1st. Am I right? So the 2018 code for</p> <p>12 new construction was of July 1st.</p> <p>13 MR. McQUAY: 2018?</p> <p>14 MS. O'DONNELL: No. Now I'm not sure. I</p> <p>15 think it was July 1, 2019, they put -- because</p> <p>16 Maryland -- I mean so the International Code</p> <p>17 Commission passes all the codes, right. And so</p> <p>18 they passed the code in 2018.</p> <p>19 Then it goes to the State, and the State</p> <p>20 modifies it. The State modifies the</p> <p>21 international code. So that takes some time.</p>	<p>1 discuss.</p> <p>2 I don't have an opinion on that.</p> <p>3 MR. SALINAS: And to just add onto that, I</p> <p>4 think the writer of this comment, also, I think</p> <p>5 their point was if they were not compliant in,</p> <p>6 for example, one of the safety inspection</p> <p>7 requirements, they could decide whether or not</p> <p>8 they want to continue further with their</p> <p>9 application, if they want to submit an</p> <p>10 application in advance rather than find out</p> <p>11 afterwards.</p> <p>12 MS. SUSS: Because we had that one case</p> <p>13 where they had done an inspection beforehand.</p> <p>14 And I see the merit in that. I think that</p> <p>15 if we did allow inspections to be done before</p> <p>16 the filing of the new application, I think 45</p> <p>17 days is a good window beforehand up until</p> <p>18 application.</p> <p>19 MR. SALINAS: Just so you know, we are</p> <p>20 getting applications in from third party</p> <p>21 inspectors that when they submit their</p>

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1 application, the third party inspector has  
 2 already done it. It's happening.  
 3 MR. KANE: Yeah. So I guess what the  
 4 suggestion is that the inspection has to be  
 5 within 45 days before submitting.  
 6 MR. HALL: No. No earlier than.  
 7 MS. SUSS: Forty-five days before  
 8 application, correct.  
 9 MR. KANE: Yeah.  
 10 MS. SUSS: Yeah.  
 11 MR. KANE: Within 45 days of the  
 12 application.  
 13 MS. SUSS: Right.  
 14 MS. VERDERY: Completed or --  
 15 MS. O'DONNELL: I think that the  
 16 inspection report must be dated within 45 days  
 17 of the filing of the application.  
 18 SPEAKER: Right.  
 19 MS. SUSS: Sounds good to me.  
 20 MR. KANE: Okay. Where we are is it's  
 21 been a long day. We've made good progress.

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1 We're halfway through, which is very  
 2 encouraging.  
 3 I have to leave on a personal matter, but  
 4 with the indulgence of the board, I suggest  
 5 that we adjourn and pick up this Thursday.  
 6 MS. SUSS: What time do we have Thursday?  
 7 MR. KANE: One o'clock.  
 8 MS. SUSS: All right.  
 9 MR. KANE: Okay. So hearing no objection,  
 10 we're adjourned until Thursday at one o'clock.  
 11 MR. HALL: No applications are being  
 12 considered on Thursday, correct?  
 13 MR. SALINAS: Correct.  
 14 MR. KANE: Thank you all.  
 15 (Work session concluded at: 4:11 p.m.)  
 16  
 17  
 18  
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 20  
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1 STATE OF MARYLAND  
 2 I, Diane Houlihan, a Notary Public in and  
 3 for the State of Maryland, County of Anne Arundel,  
 4 do hereby certify that the within named, Short-Term  
 5 Rental Review Board Audio, personally appeared  
 6 before me at the time and place herein set according  
 7 to law, was interrogated by counsel.  
 8  
 9 I further certify that the examination was  
 10 recorded stenographically by me and then transcribed  
 11 from my stenographic notes to the within printed  
 12 matter by means of computer-assisted transcription  
 13 in a true and accurate manner.  
 14  
 15 I further certify that the stipulations  
 16 contained herein were entered into by counsel in my  
 17 presence.  
 18  
 19 I further certify that I am not of counsel  
 20 to any of the parties, not an employee of counsel,  
 21 nor related to any of the parties, nor in any way  
 interested in the outcome of this action.  
 AS WITNESS my hand Notorial Seal this 20th  
 of September, 2019, at Eastern MD



Diane Houlihan  
 Notary Public

My commission expires September 16, 2021

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