



Deposition of:
STR Review Board Work Session

September 19, 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 19, 2019; 1:00 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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<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2</p> <p>3 MR. KANE: If I might, I'd like to call</p> <p>4 the meeting to order.</p> <p>5 Continuation. This is our fourth work</p> <p>6 session. The second work session and the first</p> <p>7 one was Tuesday to consider the comments we</p> <p>8 have and come up with a direction as to what</p> <p>9 we're going to do to report to the County</p> <p>10 Council as per their direction.</p> <p>11 I notice Mary is not here yet. I hope</p> <p>12 she'll be here shortly, but I want to move</p> <p>13 forward.</p> <p>14 Last time we took a lot of time on the 66</p> <p>15 pages that the staff had prepared, and we got</p> <p>16 approximate halfway through that.</p> <p>17 I looked through there. And my feeling is</p> <p>18 that we've covered most of the important</p> <p>19 topics. Mr. Salinas is looking through to see</p> <p>20 if there's anything we missed, but I'd like to,</p> <p>21 if we could, skip off of that page and focus</p>	<p>1 hoping she'll come in any moment.</p> <p>2 MS. SUSS: Can I just try something real</p> <p>3 quick? I was just trying to get these lights</p> <p>4 on. They must be out.</p> <p>5 MR. HALL: If we can begin discussion.</p> <p>6 Obviously we want Mary here, but I did prepare</p> <p>7 some language about a definition of the duties</p> <p>8 of the resident agent. And based on last</p> <p>9 week's discussion, I struck the last sentence</p> <p>10 of it, but if this could serve as a matter of</p> <p>11 discussion.</p> <p>12 I would like to see some sort of a</p> <p>13 recitation of the duties of the resident agent</p> <p>14 in the document. And it would be that they</p> <p>15 have some responsibility to respond to</p> <p>16 violations that may be occurring on the</p> <p>17 property.</p> <p>18 MR. KANE: So let me back up now that</p> <p>19 Ms. O'Donnell is here.</p> <p>20 And Mary, I was explaining to folks that</p> <p>21 you and I talked about maybe a more expeditious</p>
<p>Page 3</p> <p>1 then on the Short-Term Rental Review Board</p> <p>2 discussion outline for possible changes that</p> <p>3 was prepared by Mary O'Donnell.</p> <p>4 And she has on there I think how many</p> <p>5 specific items, 23. So there's a fair number,</p> <p>6 but I'd like to focus on that and see if we can</p> <p>7 get through those agenda topics today.</p> <p>8 My objective would be to see if we can</p> <p>9 wrap up today. Yet at the same time, I know I</p> <p>10 have to leave a little bit early, as does</p> <p>11 Ms. Broll. So I think we're going to shoot to</p> <p>12 wrap up certainly by four o'clock, maybe a</p> <p>13 little bit earlier.</p> <p>14 Interest seemed to flag after about two</p> <p>15 hours. I don't know why people didn't find</p> <p>16 this more interesting, but that's apparently</p> <p>17 what happened.</p> <p>18 MS. SUSS: Riveting stuff.</p> <p>19 MR. KANE: Miguel, do we know when Mary is</p> <p>20 going to arrive?</p> <p>21 MR. SALINAS: I've not heard. So I'm</p>	<p>Page 5</p> <p>1 way to proceed forward. And you have better</p> <p>2 words than I do, so feel free to jump in. But</p> <p>3 I was explaining that we're going to move to</p> <p>4 focus on your document because it's the one</p> <p>5 that you've taken the time to consider all of</p> <p>6 the issues from the county attorney's</p> <p>7 perspective and what you feel we should deliver</p> <p>8 to the County Council. And that's all</p> <p>9 contained in this document in the 23 items</p> <p>10 that's there.</p> <p>11 So what we're going to do today is shift</p> <p>12 off of the discussion of the staff report. I</p> <p>13 think we've covered that in pretty good detail.</p> <p>14 And focus in on the attorney document,</p> <p>15 Short-Term Rental Review Board discussion</p> <p>16 outline for possible changes, with the idea</p> <p>17 that we've gotten a charge or charter from the</p> <p>18 County Council as to provide them information,</p> <p>19 provide them perspective, and provide them</p> <p>20 guidance as to what legislative changes might</p> <p>21 be useful for them.</p>

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<p>1 So that's the way I wanted to proceed. I 2 guess I would ask Ms. O'Donnell to clarify 3 anything that I've misstated or add more 4 perspective.</p> <p>5 MS. O'DONNELL: I'm happy to add. I 6 definitely don't think you misstated anything.</p> <p>7 I think that it's important to note that 8 the public comments that have been received to 9 date have all been forwarded to Council. So 10 Council has received all the public comments.</p> <p>11 The document that Planning & Zoning staff 12 created to summarize those issues, that 13 document was also provided before the hearing 14 on Tuesday to the board and will also be 15 provided to Council so that there is and will 16 be a public record for comments related to all 17 of the things that were mentioned.</p> <p>18 And so the Council -- the notice that was 19 provided for the public hearings and my 20 understanding of what the parameters of what we 21 were given really I think people have all said</p>	<p>1 that my office, Planning & Zoning, and members 2 of the board wanted to discuss to decide if 3 it's something they want to move or not to move 4 forward.</p> <p>5 I don't want my interpretation of what I 6 understood the scope to be to control your 7 analysis of the situation, but I think it's 8 important to look back to that scope. But I 9 don't think that Council -- I think Council is 10 looking for -- you're the ones that have been 11 where the rubber meets the road as to how these 12 things have been processed. So if there are 13 perspectives related to that that you can give 14 guidance to Council, I think that is what they 15 would like to have from you.</p> <p>16 MR. KANE: Okay. That's very helpful.</p> <p>17 Do people have questions of the county 18 attorney on these points? If not, then let's 19 proceed in that fashion. And what I would like 20 to do is step down the list of the 23 items and 21 see where we can find agreement on that.</p>
<p>Page 7</p> <p>1 talk about process, how to make the process 2 better.</p> <p>3 I don't want the people to think that the 4 public comments for non-process issues were not 5 understood and read and will be retained. And 6 if there is a larger conversation down the 7 road, then obviously that history is helpful.</p> <p>8 I do feel that it is the charge of the 9 board to recommend to Council ways to improve 10 the process and to -- and those ways may be 11 internal things that don't result in a change 12 to the law or they may be things that are a 13 change to the law.</p> <p>14 So but I think that if the things make the 15 core of the law work better and provide better 16 information to the public, those are the core 17 of those issues.</p> <p>18 I want to make clear that the outline that 19 I created, the board did receive it. I did get 20 comments from the board as to adding things to 21 be discussed. So this document include things</p>	<p>Page 9</p> <p>1 It's a very good document. And in 2 response, I don't feel that it's you're 3 directing us to do anything. I certainly 4 understand that point. But simply offering 5 guidance as to what types of things we need to 6 consider and what our options are in terms of 7 providing guidance to the County Council.</p> <p>8 So without further ado, let me just jump 9 into item number one, definition of resident 10 agent. We had a fair amount of discussion on 11 that in the last work session.</p> <p>12 I guess the discussion points, to go down 13 through that, what's the purpose of a resident 14 agent, is the resident agent solely for the 15 renters, what role does the resident agent play 16 in the enforcement process, if we had duties, 17 qualifications, and training, what regulatory 18 purpose are we fulfilling, what is the penalty 19 for having an agent without the proper 20 qualifications.</p> <p>21 And then there's sub context, too, that</p>

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<p>1 people discussed. What happens when a resident 2 agent resigns or leaves for some reason, should 3 there be a notifications process. 4 To my mind, those two go together, number 5 one and number two. 6 So I'm open to comments. 7 MR. HALL: If I may, I would like to see a 8 definition of duties. The reason being is 9 simply to avoid confusion between a resident 10 agent under the Talbot County zoning ordinance 11 and a resident agent under the State corporate 12 tax law for corporate law, where it serves a 13 limited function proceeding process but serves 14 a process. 15 In hearing that a Mr. Lynn Adams, I guess 16 it's a he. 17 MS. SUSS: Adam Lynn. 18 MR. HALL: Beg your pardon? 19 MS. SUSS: I think it's Adam Lynn. 20 MR. HALL: Oh, Adam Lynn. Had agreed to 21 be a resident agent, I wondered in my mind if</p>	<p>1 applicant also? 2 In other words, when I look at the code, 3 the reference is that the applicant or if 4 they've named or designated a resident agent, 5 are both required with the monitoring process, 6 so forth. 7 So would you envision that the definition 8 that you've come up with would also be 9 applicable to the applicant if there were no -- 10 if they did not designate a resident agent, if 11 it's just the applicant? 12 MR. HALL: If they were someone that lived 13 in the home. Well, I forget what I said. May 14 I see what I said? 15 Would your question be solved by simply 16 expanding the title to say duties of owner and 17 resident agent and to add the word owner in the 18 very first sentence as an and, the owner and 19 resident agent shall? 20 MS. BROLL: It may. And I'm just reading 21 190632C3 I think it is, where the applicant and</p>
<p>Page 11</p> <p>1 he wasn't confusing the resident agent under 2 this zoning ordinance with that server by the 3 (inaudible) process for a corporation, which is 4 called a resident agent. 5 So I think it would be useful to have a 6 description of the duties. I've suggested one. 7 I think that we shouldn't be adding 8 qualifications and duties for this. I presume 9 these people are in the rental industry and 10 that that work should be in their job training, 11 even if it is on-the-job. 12 I do point, I think that the resident 13 agent, should he resign, should notify the 14 Planning Office and the owner should be -- said 15 your license will be suspended unless he is 16 replaced within 15 days. Maybe ten days. 17 There should be an insistent that there be 18 someone actively serving as resident agent. 19 MR. KANE: Other comments? 20 MS. BROLL: Do you, Mr. Hall, do you 21 envision that the definition including the</p>	<p>Page 13</p> <p>1 the resident agent, depending -- proof that the 2 applicant can satisfactorily monitor or has 3 retained the services of a resident agent 4 capable of monitoring the short-term rental 5 property. 6 MR. HALL: It would be consistent, then, 7 with the statute itself, to make the addition 8 that I'm reading as you're proposing. 9 MR. KANE: Other comments? 10 MS. SUSS: Yeah. I have a comment. I 11 agree with Mr. Hall in regards to the duties 12 and responsibilities and qualifications and 13 trainings. I think that that's not what we're 14 after here. 15 We're after someone that's rather a 16 resident agent and the owner promptly 17 investigating the complaints. Not so much as 18 being the enforcer, but someone responding and 19 understanding and evaluating any sort of 20 complaint. I would believe that's a resident 21 agent and/or owner's responsibility, if by</p>

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<p>1 chance they didn't go directly to a code, the 2 phone number and call in a complaint that way. 3 But we should stay away from anything 4 beyond that. That's my opinion. 5 MR. KANE: That seems to make sense to me. 6 We definitely need something that's got a 7 guidance here, a guidance in terms of what the 8 duties are. Make a great deal of sense. 9 Is this the proposal that's in front of us 10 right now? 11 MS. SUSS: Jack wrote this. 12 MR. KANE: Mr. Hall. It seems to me that 13 we also ought to include on there, just as 14 Ms. Suss has indicated, some indication of time 15 frame to respond to complaints. 16 MS. SUSS: Well, it says promptly. That's 17 kind of ambiguous I suppose. 18 MR. KANE: Is that good enough or should 19 we say promptly within 15 days? 20 MR. HALL: Well, I was looking at 21 something that's occurring this minute.</p>	<p>1 the complaint is valid, it then turns into a 2 violation. Do I understand that properly, 3 Mr. Duell? 4 MR. DUELL: That's correct. 5 MR. HALL: The reason why I put violation 6 is to make it clear that we're not talking 7 about somebody complaining that the WiFi 8 doesn't work. 9 MR. KANE: But I think that's a function 10 of what the resident agent does, to accept 11 complaints from the renter to be carried back 12 to the owner. I think that's a function of the 13 resident agent. 14 MS. SUSS: Right. But that's not what 15 we're concerned with. Right? 16 MR. KANE: Well, I think we are. I think 17 we're concerned with two things. 18 One is the function of the resident agent 19 as a place for the renter to get in touch with 20 the owner to correct a deficiency. And then as 21 a second role, as to the point of contact for</p>
<p>1 MS. SUSS: No. Like within 24 hours. 2 MR. HALL: They'll be leaving. Come 3 Monday, they'll be gone. So it should be 4 addressed immediately. 5 MS. SUSS: Immediately. Promptly meaning 6 immediately. Right? 7 MR. KANE: Well, that's a good question. 8 Should we say immediately? 9 MS. SUSS: Yes, I think so. Because 10 promptly maybe is not emphatic enough. Right? 11 MR. KANE: I like that. So immediately 12 makes sense. 13 Then the other thing that I look at here 14 is you're talking about violations. Is that 15 the correct wording, complaint of a violation? 16 Or is it potential violation or just complaint? 17 Because it's my understanding of the 18 process that if we receive a complaint, and I'm 19 dealing with terms as used by the code 20 compliance officer, that he accepts a 21 complaint. He goes and investigates. And if</p>	<p>1 the public at large to complain. I think 2 there's two functions. 3 MS. SUSS: That function is I think too 4 definitive of their duties and 5 responsibilities. 6 What we're most concerned about is not the 7 renters so much, is the general public and the 8 neighbors surrounding them and how they can 9 complain. 10 They can complain to the resident agent, 11 they can complain to the owner, or they can 12 complain to code, correct? 13 MR. KANE: Correct. 14 MS. SUSS: So that's what we're concerned 15 with in this definition that we're making, not 16 all their duties. You know what I mean? 17 MR. KANE: I do. I'm trying to wrestle 18 with it. 19 It seems to me in terms of completeness, 20 that we would define two specific duties. One 21 is to the renter or obligation to the renter to</p>

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<p>1 have a place for that person to report. And 2 the second is for a violation or a complaint 3 from the public. 4 So in terms of completeness, if we're 5 putting in duties of resident agent, it would 6 seem to me we cover both points. Otherwise, 7 people could get confused, number one. 8 Number two is I don't see any down side to 9 including both definitions. 10 MS. BROLL: I think I'm going to have to 11 respectfully disagree. I'm leaning more 12 towards the other end of the table in that I 13 think from our perspective, which is dealing 14 with the process of the short-term rental, what 15 Mr. Hall has proposed specifically relates to 16 that. 17 Anything beyond that with regard to the 18 duties and responsibilities of the resident 19 agent to me are more like landlord duties and 20 responsibilities that would be better drawn up 21 between the leasing agency and the lessee,</p>	<p>1 agent, which is great. It's just that it's not 2 duties. This is a duty. 3 He's got many duties, but the main duty 4 that we're most concerned about is making sure 5 that any complaint is immediately investigated 6 in regards to any violation of section 7 190.33-20. 8 MS. O'DONNELL: Can I ask as legislative 9 draftsman for the county, can I make a 10 recommendation? 11 I would probably put this in the operating 12 guidelines. So I would probably put it in 13 3320C, operating guidelines. And then you 14 don't have a title. You just add an additional 15 responsibility under the operating guidelines 16 that the owner or the resident agent shall 17 immediately investigate any complaint from 18 whoever received probably I would say an 19 alleged violation. And then go on like that. 20 And so as a part of operating, your 21 responsibility as an owner or resident agent,</p>
<p>1 lesser, lessee, the owner. 2 And I think violation is a correct term 3 here because it refers back to the specific 4 section in the code that deals with short-term 5 rentals. So we're not asking the resident 6 agent to investigate a complaint of somebody 7 shooting an osprey maybe -- that's a bad 8 example. But something that's not a violation 9 of the short-term rental because that's our 10 purview. 11 MS. SUSS: Right. So I think that, if you 12 don't mind, instead of saying duties of 13 resident agent, we should come up with a 14 different description of what we're doing here. 15 Like main duty of resident agent, something 16 along those lines. 17 I hate to split hairs, but that's where we 18 are. 19 MR. KANE: So you have a different 20 definition? 21 MS. SUSS: No. He says duties of resident</p>	<p>1 as applicable, is to investigate these kind of 2 allegations immediately. 3 MS. SUSS: Thank you for your advice. 4 MR. KANE: Thank you for that, 5 Ms. O'Donnell. Is that acceptable to the 6 board? 7 MR. HALL: Sounds good to me. 8 MS. SUSS: Yeah. 9 MR. KANE: Okay. Agreed. 10 Let's move on, then, to number three. 11 MR. HALL: Well, we didn't talk about 12 change. 13 MR. KANE: Change. Okay. I thought we 14 were including that. 15 MS. SUSS: No, no. Because. . . 16 MR. KANE: All right. I'm fine. So we'll 17 talk about change. Does anybody have any 18 thoughts, anyone on the board have any thoughts 19 about how we do that? 20 MS. SUSS: You were talking about 15 days? 21 MR. HALL: Well, yeah. I mean obviously</p>

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<p>1 the process envisions that there will be a 2 resident agent. So if there isn't any, then 3 you're kind of undercutting the way the thing 4 is supposed to operate. 5 So I would say if it's not done within 15 6 days, their license goes into suspense. 7 MS. SUSS: Right. 8 MR. McQUAY: I agree with Mary. Number A, 9 requirement for resident agent changes. The 10 owner must notify the county, certain neighbors 11 of the resident agent. I imagine they'll do it 12 as soon as possible. 13 MR. KANE: Does the county attorney have 14 any additional comments to that or is that 15 sufficient, if we adopt A? Should there be a 16 time frame and a penalty or any thoughts? 17 MS. O'DONNELL: I think that those 18 decisions are yours. 19 I think the only question would be is when 20 the time frame starts, implementation of it. 21 Do you start the time frame from the date that</p>	<p>1 resident agent. So you don't know what your 2 direction is coming from. And whoever pulls 3 the trigger has got the further responsibility 4 of notifying the county. 5 Now, I don't want to see 150 letters go 6 out. Someone was talking about notifying some 7 neighbors. The people have been told by this 8 initial letter, right, that the resident agent 9 is X? 10 MS. O'DONNELL: Uh-huh. 11 MR. HALL: So that leaves them with a 12 bunch of incorrect information in hand. In 13 other words, if they are not so notified. 14 MR. KANE: Maybe we don't notify anybody. 15 Maybe we just post it on the web page. 16 That goes back to the -- I go back to the 17 comments that Councilman Divilio said, is use 18 the Internet and social media as much as 19 possible to make things efficient, plus make 20 things less expensive. 21 I just throw that out as another way to</p>
<p>Page 23</p> <p>1 they are informed that the resident agent will 2 no longer work? And so it's 15 days from then. 3 And then is there a time frame for -- is there 4 a time frame for how quickly you notify the 5 county and the other neighbors? And then is 6 there a secondary time frame for if you don't 7 have a resident agent, what happens? 8 You see what I'm saying? There's two 9 pieces. 10 MR. KANE: Yup. 11 MR. HALL: My thinking is that, one, if 12 the resident agent has resigned only by private 13 communication with the owner, nevertheless as 14 soon as that hits the books, as long as it hits 15 his books, that duty to report to you and to 16 replace him starts right then. 17 Why should there be hemming and hawing 18 over it? 19 You don't know whether the resident agent 20 is going to get tired of the job or whether the 21 owner is going to be dissatisfied with the</p>	<p>Page 25</p> <p>1 notify the public. 2 MR. HALL: My problem is I see the owner's 3 job, somebody -- it almost necessitates there 4 having -- I mean we've got, what, 150 of these 5 things in the county. You need a list of 150 6 owners or properties with 150 resident agents 7 with changes. That would be the most up to 8 date way to do it. 9 But I'm wondering if we're in a position 10 to accomplish that kind of thing. 11 MR. SALINAS: We're looking into that 12 right now. I mean we're going to be having 13 discussions with our GIS staff and Public Works 14 to see -- 15 MR. HALL: That's Government Information 16 Services, just for. . . 17 MS. O'DONNELL: Geospatial. 18 MR. SALINAS: I'm sorry. Geographic 19 Information Systems. Sorry about that. 20 To see if there is a cost efficient, in 21 other words, i.e., minimal cost way to be able</p>

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<p>1 to host that kind of information in more of a 2 graphic way in terms of geo-mapping those 3 locations and being able to do that on a 4 continuous basis on the revised website, once 5 we revise it. Which could potentially list the 6 resident agent as part of the information that 7 you could click on and get.</p> <p>8 So we are exploring that, as well as some 9 other things that we can do as well on the 10 revamped website.</p> <p>11 MR. HALL: Well, perhaps an idea is simply 12 accept Mr. Salinas's proposal as one that we 13 can support that we think there needs to be -- 14 the public needs -- the county needs to know, 15 the public needs to know that there has been a 16 change. And we hope they can do it by way of 17 public media.</p> <p>18 MR. SALINAS: Yes.</p> <p>19 MR. KANE: If you're comfortable with 20 that, I think that would answer the request 21 from the County Council. So it would work all</p>	<p>1 name him and you're going to name him while I'm 2 standing here. I don't see that as a practical 3 solution.</p> <p>4 MR. KANE: I thought it was your solution. 5 So I was supporting you.</p> <p>6 MR. HALL: I think the suspense is a much 7 better way to do it.</p> <p>8 MR. KANE: Suspense in what sense?</p> <p>9 MR. HALL: Meaning that the license 10 becomes ineffective until a resident agent is 11 named.</p> <p>12 MR. KANE: Okay.</p> <p>13 MR. SALINAS: So the only time we'll 14 know --</p> <p>15 MS. SUSS: I think that's good, too.</p> <p>16 MR. SALINAS: And the only time we'll 17 typically know when the resident agent has 18 changed and we have not been informed is if we 19 get a complaint.</p> <p>20 And so I suppose at that time if we 21 were -- let's say there's a noise complaint.</p>
<p>1 the way around.</p> <p>2 MS. SUSS: Right.</p> <p>3 MR. KANE: That makes sense. That's 4 notifications.</p> <p>5 Your second point, Mr. Hall, was 6 penalties. So do we need to include something 7 about penalty? And I think what was being 8 discussed is do rentals cease if there's no RA. 9 Comments, suggestions?</p> <p>10 MR. McQUAY: About the penalties?</p> <p>11 MR. KANE: Penalties, yeah. That's the 12 only open issue that hasn't been discussed.</p> <p>13 I mean you could put in a penalty that 14 rentals have to cease if there's no resident 15 agent. That's a pretty tough standard. There 16 could also be a fine Ms. O'Donnell is talking 17 about putting into the code. So it could then 18 be enforced by code enforcement penalty or some 19 such.</p> <p>20 MR. HALL: Not really. I mean Mr. Duell 21 can't go out and say my golly, you're going to</p>	<p>1 They say they contacted the resident agent. 2 The resident agent said they were no longer the 3 agent and they didn't know anything, other 4 information, we never got notified that there 5 was a change in agent.</p> <p>6 So then we contact the property owner. 7 Are you saying we tell the property owner then 8 that their license is suspended until they give 9 us the resident agent, the new resident agent 10 name and contact information?</p> <p>11 MR. McQUAY: Maybe you could ask them to 12 have an alternate resident agent, somebody that 13 could step right in and take over so they 14 wouldn't have to spend weeks or months or 15 something looking for another one. Have an 16 alternate resident agent.</p> <p>17 MR. KANE: We've had testimony that there 18 are a number of professional resident agents 19 that are available I guess with a phone call. 20 That's another alternative as well.</p> <p>21 MS. SUSS: I agree with Mr. Hall in</p>

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<p>1 regards to no penalty and just suspending the 2 license until a resident agent is named. 3 MS. O'DONNELL: I do want to note that 4 under that scenario, when you play it out, so 5 let's say the resident agent is the one that 6 fires them, not the owner. So the resident 7 agent sends notice. Say we have a requirement 8 you're supposed to notify us within 15 days. 9 The owner gets notice of the 15 days. They 10 have to inform the county of the new name. 11 And say on day 16 they -- and then we say 12 15 days, your license is suspended in 15 days. 13 So on day 16 automatically the license is 14 suspended, they don't get a piece of paper that 15 tells them that. It's just automatically 16 suspended. And they're not paying attention, 17 so they continue to operate. 18 So then we find out that they've operated 19 past the suspension. So then we have to issue 20 a violation for operating without a license and 21 issue a \$500 fine and 12 months without</p>	<p>1 MR. HALL: Well, it still leaves the 2 problem because the owner could also quit. 3 MS. BROLL: Sure. 4 MR. HALL: Or get fired. 5 MS. BROLL: And I'm not. . . 6 MR. HALL: So you're back where the 7 question is, what do you do with it. 8 MS. O'DONNELL: I mean, the other -- 9 MS. BROLL: What if there were some 10 requirement to have a review of the license? 11 In other words, instead of revoking the 12 license at that time, requiring that the 13 individual come before the board and produce, 14 within a time frame, and produce proof, as it's 15 currently written in the code, that they have a 16 new resident agent, here they are. They meet 17 the parameters that are currently in the code, 18 and then that gives us the ability to note 19 whether or not they have complied. 20 MS. SUSS: No, no. What we're trying to 21 do is streamline things. We're trying to make</p>
<p>1 applying. 2 So I just want to make sure that in that 3 drafting, those outcomes are the outcomes you 4 want. 5 MR. KANE: People's thoughts? 6 MS. SUSS: I don't want those outcomes. 7 MS. BROLL: I don't know how there's going 8 to be the ability to keep track of the 15 days 9 or the notification. 10 In other words, the resident agent, the 11 requirement that they notify, and then if they 12 do notify or don't notify in Ms. O'Donnell's 13 scenario, I don't think that will be in the 14 code very long because I don't think it's -- I 15 think it's a little bit of a nightmare. 16 MR. KANE: What would be your alternative 17 proposal? 18 MS. BROLL: Well, I guess an alternate 19 agent would be an option. I don't know how 20 feasible that is for everyone, but it would be 21 an option. It would be an option upfront.</p>	<p>1 it procedurally something that we can wrap our 2 hands around and make work. 3 And I don't think that's -- I think that 4 coming in front of the board again and all that 5 stuff is just going to be another procedural 6 nightmare. 7 MS. BROLL: Well, if the license is 8 revoked or whatever we're calling -- 9 MS. SUSS: They're talking about not even 10 knowing that their license is revoked at all. 11 How would they even know to come in front of 12 the board if they don't even know their license 13 is revoked? 14 MS. BROLL: Right. What I'm saying is if 15 we went with the procedure that Mr. Hall has 16 offered or whoever, whichever person offered 17 it, where the license is no longer valid once 18 the 15 days goes past the time period, there is 19 no resident agent, no one has been notified as 20 required by the 15-day limit, now their license 21 is revoked.</p>

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<p>1 Now they're in violation of another code 2 violation and what occurs at that point in 3 time? 4 MR. HALL: What about this -- 5 MS. BROLL: Is there a review? Is the 6 license reviewed again? Is it just issued if 7 they pay the fine and name a resident agent? 8 MR. HALL: That's what I was thinking, 9 that they would be legally back in good graces 10 upon naming the resident agent. 11 I'm wondering. We're talking a scenario 12 where you've got an owner who doesn't know what 13 is going on, for whatever reason. Wouldn't 14 that simply be cured by having you all send 15 notice by first class mail to the owner, you've 16 got 15 days, we've learned that you have no 17 resident agent, you have 15 days, otherwise 18 your license will be suspended. 19 Then if they are suspended, what is wrong 20 with them. You know what I mean? If notice 21 went out, I would feel less that it was onerous</p>	<p>1 be penalized -- the problem is, I'm trying to 2 think through. They won't be penalized under 3 the not operating without a license, but then 4 what if they never reregister. 5 So making that drafted in a clean way that 6 collects the people we want to collect. Maybe 7 it's a longer period of time. Maybe they have 8 to give notice within 15 days of a change to 9 the county. They don't give notice within 15 10 days, if we discover that it's been 30 days, 11 been 45 days, if a lengthier time lapses, then 12 their license is suspended and then all the 13 harsher things come into play. 14 MR. KANE: So what you're suggesting is 15 that set a trip wire that if the resident agent 16 is not there for some reason, resigned or fired 17 or left or something, that will trigger an 18 immediate requirement for notice from the owner 19 to Planning & Zoning that I don't have a 20 resident agent. 21 Is that the trip wire you're suggesting?</p>
<p>1 to put the suspension in effect. 2 MS. O'DONNELL: We haven't had -- and I 3 know I've talked about it a couple of times. 4 We haven't really had Mike really talk about 5 his job and what his shop does related to code 6 compliance. And I'm not putting you on the 7 spot and asking you to do that right now. 8 But I think that there's, just to educate 9 a little bit, the county has -- Mike's job is 10 responsible for enforcing all of the code. 11 Anytime you violate something, they have a 12 process under this detailed, under chapter 58, 13 where they walk through working with people 14 related to getting people back into compliance. 15 And under that process, they can issue 16 warnings, they can issue violations, they can 17 issue abatement orders. 18 Adding a provision in this section that 19 says that violation of this provision is a 20 fine, a minimum of \$1,000. Adding something in 21 here that says that this is not -- they won't</p>	<p>1 MS. O'DONNELL: Yes. I was going to say 2 within 15 days. But within a period of time 3 they notify Planning & Zoning that they don't 4 have a resident agent. 5 And then we have a second sentence that 6 says that if they haven't reappointed someone 7 within a different period of time. 8 MS. SUSS: Thirty or 45 days. 9 MS. O'DONNELL: Then the license is 10 suspended. 11 Fifteen days seems pretty short to suspend 12 someone's license. 13 MS. SUSS: Yes. 14 MS. O'DONNELL: If you know the penalty is 15 harsh and you basically can't operate for 12 16 months, that's kind of a short period of time. 17 MR. KANE: I think what we were 18 suggesting, though, if I hear Mr. Hall 19 correctly, is that the obligation of the owner 20 is to notify Planning & Zoning immediately and 21 then that would trigger the 15 days. That's</p>

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<p>1 what I was hearing.</p> <p>2 MR. HALL: Well, but the thing about the</p> <p>3 longer period of time -- and I understand what</p> <p>4 you're saying. You're coming down pretty hard.</p> <p>5 But in the meantime, you've got these people</p> <p>6 out there with no one to turn to because the</p> <p>7 owner is in South Dakota.</p> <p>8 MS. O'DONNELL: They do have code</p> <p>9 compliance to turn to. They can't call a</p> <p>10 resident agent, but they do have the STR help</p> <p>11 complaint line and then they have code</p> <p>12 compliance to turn to.</p> <p>13 MR. KANE: That's a good point.</p> <p>14 MR. McQUAY: Yeah. The owner should be</p> <p>15 required to contact Planning & Zoning</p> <p>16 immediately when a resident agent leaves for</p> <p>17 any reason. And at that time, the 15 days goes</p> <p>18 into effect.</p> <p>19 MR. KANE: Yeah. That seems to me to be</p> <p>20 pretty reasonable approach.</p> <p>21 MS. SUSS: Okay.</p>	<p>1 So within 15 days they have to let us know of</p> <p>2 their new person.</p> <p>3 MS. SUSS: And then if it's not --</p> <p>4 MR. KANE: David had suggested</p> <p>5 immediately.</p> <p>6 MS. O'DONNELL: Right.</p> <p>7 MR. KANE: I guess that's point number</p> <p>8 one. I didn't understand why they wouldn't</p> <p>9 notify us --</p> <p>10 MS. O'DONNELL: I don't know that they're</p> <p>11 going to know immediately who their new person</p> <p>12 is.</p> <p>13 MR. KANE: They don't have to notify us</p> <p>14 that the agent is gone.</p> <p>15 MS. O'DONNELL: Okay.</p> <p>16 MR. KANE: And then 15 days to find a new</p> <p>17 agent.</p> <p>18 MS. SUSS: Once they've notified.</p> <p>19 MR. HALL: And leave the penalty blank.</p> <p>20 And that way it's up to code enforcement to</p> <p>21 decide on the various. . .</p>
<p>Page 39</p> <p>1 MR. KANE: So if that makes sense --</p> <p>2 MS. O'DONNELL: I'm not sure I understand.</p> <p>3 What is the consensus?</p> <p>4 MR. KANE: The consensus was, as David has</p> <p>5 suggested, is that the owner required to notify</p> <p>6 Planning & Zoning immediately upon resident</p> <p>7 agent being gone for some reason; resign,</p> <p>8 fired, whatever. And that that would then</p> <p>9 trigger, and you were suggesting,</p> <p>10 Ms. O'Donnell, 15 days to get another resident</p> <p>11 agent before the penalties kick in.</p> <p>12 MS. SUSS: No. She was. . .</p> <p>13 MR. KANE: Sorry.</p> <p>14 MS. SUSS: I thought she was saying</p> <p>15 something longer than 15 days.</p> <p>16 MS. O'DONNELL: What I was saying is that</p> <p>17 if you have a change of resident agent, you</p> <p>18 have to notify within 15 days of that change.</p> <p>19 So basically I wasn't separating the</p> <p>20 notification they've quit and the notification</p> <p>21 of the new one. I was putting that into one.</p>	<p>Page 41</p> <p>1 MS. SUSS: Evidence.</p> <p>2 MR. HALL: Yeah. I mean --</p> <p>3 MS. SUSS: Penalties.</p> <p>4 MR. HALL: -- you're hoping that they will</p> <p>5 comply.</p> <p>6 MS. SUSS: And leave it open so that</p> <p>7 there's no penalty unless the code decides to</p> <p>8 enforce a penalty.</p> <p>9 MR. KANE: Let me ask staff and attorney,</p> <p>10 should we leave open the penalty or should</p> <p>11 there be some penalty?</p> <p>12 MS. O'DONNELL: There will be a penalty.</p> <p>13 If you -- so it says three-night minimum stay</p> <p>14 for all short-term lease holders.</p> <p>15 We find out you've rented for one day.</p> <p>16 Then that's a violation of the code. So then</p> <p>17 you go under chapter -- it's under 190-64 talks</p> <p>18 about that the chief code compliance officer</p> <p>19 will enforce this. If you go to chapter 58 and</p> <p>20 look what penalties are listed under chapter</p> <p>21 58. So any --</p>

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<p>1 MR. HALL: It will be a violation, then?</p> <p>2 MS. O'DONNELL: Correct.</p> <p>3 MR. KANE: So if that's agreeable to</p> <p>4 everybody, let's ask the county attorney to</p> <p>5 draft that language.</p> <p>6 Moving on, number three, change version of</p> <p>7 building code. And as I understand that, just</p> <p>8 to summarize, very difficult issue. But the</p> <p>9 concern has been expressed by a number of</p> <p>10 people as the current code doesn't include some</p> <p>11 important things, like carbon monoxide</p> <p>12 detectors. And I'm not sure about smoke</p> <p>13 detectors, but that's the issue.</p> <p>14 There's the other issue about safety in</p> <p>15 terms of egress, and that gets into a different</p> <p>16 set of issues.</p> <p>17 So the question is if we require a change</p> <p>18 in version of building code as I understand it,</p> <p>19 that reflects through a lot of the current</p> <p>20 codes of Talbot County. And that's something</p> <p>21 that the county attorney has advised is too big</p>	<p>1 escape openings. For the 2015 code, I don't</p> <p>2 even have the 2018, 2015 code is one, two,</p> <p>3 three, four pages.</p> <p>4 So I don't know that I can say sitting</p> <p>5 here. Again, I'm not -- I don't have the data</p> <p>6 to tell you all of the differences or if there</p> <p>7 are differences.</p> <p>8 I mean egress, I found one difference, and</p> <p>9 that is actually a smaller door under the 2015</p> <p>10 code. But the other interesting difference is</p> <p>11 related to ramps. The maximum slope of a ramp</p> <p>12 is one unit vertical to eight units horizontal</p> <p>13 under the 2003 code. And under the 2015 code,</p> <p>14 it's one unit horizontal, one unit vertical to</p> <p>15 12 units horizontal you're allowed to do.</p> <p>16 So I think that there are some -- so I'm</p> <p>17 concerned. I am not at all concerned about</p> <p>18 adding regulatory restrictions that are not a</p> <p>19 significant burden on the applicant. I know</p> <p>20 all of you agree with that. So I'm not</p> <p>21 concerned about those things.</p>
<p>Page 43</p> <p>1 a hill to climb. My words. I'm summarizing.</p> <p>2 So please jump in.</p> <p>3 Then the question is is there some easier</p> <p>4 way for us to meet the intent of what we're</p> <p>5 looking to do, which is to find a way to</p> <p>6 require carbon monoxide detectors and a smoke</p> <p>7 detector system that communicates within the</p> <p>8 house, number one. And possibly number two, to</p> <p>9 deal with the issue of what kind of egress do</p> <p>10 we (inaudible).</p> <p>11 Does that summarize the issue?</p> <p>12 MR. HALL: As I understand it, there's no</p> <p>13 difference between the 2003 residential code as</p> <p>14 to ingress, egress, and smoke alarms?</p> <p>15 MS. O'DONNELL: I don't actually think</p> <p>16 that's true. I was talking to Mr. Kane about</p> <p>17 this earlier today.</p> <p>18 I just want to give you a sense of why</p> <p>19 this is a hard thing to answer.</p> <p>20 So the 2003 code, it has basically one</p> <p>21 column single spaced on emergency rescue and</p>	<p>Page 45</p> <p>1 My concern is requiring construction</p> <p>2 retrofitting of structures and requiring that</p> <p>3 to be done every three years. And having</p> <p>4 people who are currently licensed, and then</p> <p>5 requiring them to be retrofitted next year.</p> <p>6 And are there -- I'm not a construction expert.</p> <p>7 So are there bigger differences between these</p> <p>8 codes.</p> <p>9 My concern is that I am not aware of a --</p> <p>10 I know the case law on this, these short-term</p> <p>11 rentals in Maryland, whether or not we all</p> <p>12 think about it a different way, is that this is</p> <p>13 a residential use.</p> <p>14 However, people are doing this to make</p> <p>15 money. And they are inviting people from the</p> <p>16 public into their homes. But I'm not aware of</p> <p>17 other businesses, using that word, I did say</p> <p>18 it, that are required to retrofit.</p> <p>19 I mean if you go to Wal-Mart, when they</p> <p>20 pass the new building code, Wal-Mart doesn't</p> <p>21 have to do retrofitting. They do it as it's</p>

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<p>1 built.</p> <p>2 Ms. Broll might have some insight into</p> <p>3 this idea what the building code does. But</p> <p>4 adding -- having that regulatory change</p> <p>5 regularly related to a construction issue,</p> <p>6 because the purpose of the building code is to</p> <p>7 increase safety standards for related to</p> <p>8 construction. As new buildings come up, old</p> <p>9 buildings that don't meet these standards die,</p> <p>10 and they (inaudible) with new buildings.</p> <p>11 But generally, motels, hotels, we don't</p> <p>12 have a requirement that The Tidewater, the Inn</p> <p>13 at Perry Cabin, we don't have a requirement</p> <p>14 when the 2018 building code comes into effect</p> <p>15 that they have to retrofit to meet the 2018</p> <p>16 code.</p> <p>17 So smoke detectors are different and</p> <p>18 carbon monoxide detectors are different because</p> <p>19 those are potentially fire code. Fire code is</p> <p>20 different than construction code.</p> <p>21 But so that's my concern, about emergency</p>	<p>1 same approach to egress that we've adopted for</p> <p>2 the past. . .</p> <p>3 MS. SUSS: Year.</p> <p>4 MR. KANE: Thirty-five hearings and 35</p> <p>5 approvals that we've given. And then wait for</p> <p>6 the County Council to take this matter up</p> <p>7 because it's a much larger issue than is. . .</p> <p>8 MR. HALL: So somewhat more concrete, are</p> <p>9 you saying, then, that we simply recommend that</p> <p>10 the current law be changed to require that</p> <p>11 smoke detectors and carbon monoxide. . .</p> <p>12 MR. KANE: Detectors.</p> <p>13 MR. HALL: Detection be --</p> <p>14 MR. KANE: Required.</p> <p>15 MR. HALL: -- required under the 2018</p> <p>16 code?</p> <p>17 MS. O'DONNELL: Fire code.</p> <p>18 MR. HALL: Just a very specific --</p> <p>19 MR. KANE: That would be my preference</p> <p>20 because I feel that it's pretty glaring that we</p> <p>21 don't require that right now.</p>
<p>Page 47</p> <p>1 escape and rescue openings. Are we creating a</p> <p>2 different standard for this particular use than</p> <p>3 any other residential -- obviously with</p> <p>4 residences when you buy your house, you don't</p> <p>5 have to upgrade your house to a 2018 standard.</p> <p>6 So that's my concern. If the board wants</p> <p>7 to do that, that is the board's prerogative. I</p> <p>8 do not want to indicate the fact that that is</p> <p>9 y'all's decision to do. I just want to make</p> <p>10 sure you understand the regulatory difference</p> <p>11 of doing that versus these other businesses or</p> <p>12 uses of property.</p> <p>13 MR. KANE: And I simply want to point out</p> <p>14 that we've been very diligent in dealing with</p> <p>15 the issues of egress and insisting that</p> <p>16 everybody comply with I guess it's the 2003</p> <p>17 code. And I'm quite comfortable with that.</p> <p>18 And maybe one of the outcomes is we</p> <p>19 choose, as Ms. O'Donnell said, to deal with CO</p> <p>20 detectors, smoke detectors, those kind of easy,</p> <p>21 less expensive things and continue with the</p>	<p>Page 49</p> <p>1 MR. HALL: I think that's a good idea.</p> <p>2 MR. KANE: Ms. O'Donnell, is that</p> <p>3 acceptable?</p> <p>4 MS. O'DONNELL: I'm writing down what your</p> <p>5 decision.</p> <p>6 MR. KANE: Okay. Other comments or are we</p> <p>7 all agreed on that?</p> <p>8 MR. McQUAY: I'm fine.</p> <p>9 MS. SUSS: Because even though it's less</p> <p>10 costly, it's also more important in my opinion</p> <p>11 to make sure people are safe.</p> <p>12 MR. KANE: Yes, absolutely.</p> <p>13 MS. O'DONNELL: Just because the people</p> <p>14 over here have been in government for a long</p> <p>15 time to understand, but let me just articulate.</p> <p>16 In any regulation you try to balance the</p> <p>17 regulatory benefit and the regulatory cost.</p> <p>18 And cost is not just money. You try to balance</p> <p>19 that. And that's what I've asked y'all to</p> <p>20 think about in doing all of these kind of</p> <p>21 thoughts.</p>

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<p>1 MS. SUSS: Okay.</p> <p>2 MR. HALL: Well, that takes care of three</p> <p>3 and four; doesn't it?</p> <p>4 MR. KANE: Okay. That's three and four.</p> <p>5 We're making good progress.</p> <p>6 And number five, when new applications may</p> <p>7 be filed. And I left that as a question for</p> <p>8 staff to advise us on.</p> <p>9 Because the feeling was that, again to</p> <p>10 Mr. Divilio's comment, we want to smooth out</p> <p>11 the process and make the process better.</p> <p>12 Would it be better for applicants and</p> <p>13 would it be better for the staff to remove the</p> <p>14 requirement for January, February and July,</p> <p>15 August or not?</p> <p>16 MR. SALINAS: Yeah. I think that the</p> <p>17 board had the discussion on Tuesday that there</p> <p>18 was a consensus. And staff agreed, that we</p> <p>19 would be supportive of opening that up to</p> <p>20 year-round instead of just those four months.</p> <p>21 MS. SUSS: Mary Kay was pretty clear on</p>	<p>1 strange that you would abut a private road and</p> <p>2 not have a right to use it as not be</p> <p>3 1,000 feet, not be within 1,000 feet.</p> <p>4 But I'm sitting here thinking I bet you</p> <p>5 there's somebody out there who adjoins a road,</p> <p>6 doesn't use it, and it's not within 1,000 feet.</p> <p>7 And that's not what I'm trying pick up, either.</p> <p>8 I'm looking for people who actually use it</p> <p>9 as opposed to merely abut it.</p> <p>10 And I'm wondering, everybody who uses the</p> <p>11 public road shouldn't be given the notice.</p> <p>12 Private road, I'm sorry.</p> <p>13 MR. KANE: Okay. And everybody whose</p> <p>14 driveway comes out on the private road is what</p> <p>15 you're saying?</p> <p>16 MR. HALL: Yeah.</p> <p>17 MS. SUSS: And not just abut is what</p> <p>18 you're saying?</p> <p>19 MR. HALL: I think abut is perhaps too</p> <p>20 broad.</p> <p>21 MR. KANE: I got you.</p>
<p>1 that, also.</p> <p>2 MR. SALINAS: Yeah.</p> <p>3 MR. KANE: So you're correct, Mr. Salinas.</p> <p>4 Is that all still agreed to the board, we</p> <p>5 can direct the attorney that way?</p> <p>6 MR. HALL: Agreed.</p> <p>7 MR. McQUAY: Yeah.</p> <p>8 MS. BROLL: Yes.</p> <p>9 MR. KANE: All right. Good progress.</p> <p>10 Number six, who receives notice/private</p> <p>11 road. If the STR will abut or use a private</p> <p>12 road, should those who abut the private road</p> <p>13 receive notice of the application or hearing.</p> <p>14 I think the opinion of the board is that</p> <p>15 yes.</p> <p>16 MS. SUSS: Yes.</p> <p>17 MR. McQUAY: Yeah.</p> <p>18 MR. HALL: I just have one caution.</p> <p>19 When -- it would be strange that you would be a</p> <p>20 boundary with a private road and not have the</p> <p>21 right to use it. And it would also be very</p>	<p>1 MS. O'DONNELL: Right of access?</p> <p>2 MR. HALL: Yes.</p> <p>3 MS. O'DONNELL: Everyone who has a right</p> <p>4 of access to -- a private road that they also</p> <p>5 have a right of access to. We don't</p> <p>6 necessarily have to use the word easement</p> <p>7 necessarily, but they have a right of access to</p> <p>8 that road.</p> <p>9 MS. SUSS: Right of access.</p> <p>10 MR. McQUAY: We talked at the other</p> <p>11 meeting about notifying those people and they</p> <p>12 all need to be in favor before a license is</p> <p>13 approved.</p> <p>14 Would that include people beyond the</p> <p>15 thousand feet?</p> <p>16 MR. HALL: We didn't agree to that, David.</p> <p>17 We didn't agree to that.</p> <p>18 MR. KANE: We haven't gotten to that</p> <p>19 point.</p> <p>20 MR. McQUAY: All right.</p> <p>21 MR. KANE: I think we're just dealing with</p>

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<p>1 notice at this point.</p> <p>2 MS. SUSS: That's number seven actually.</p> <p>3 MR. KANE: Number seven is consent. So</p> <p>4 now we're ready. If we're all agreed on that,</p> <p>5 then move on to number seven, which is consent</p> <p>6 by neighbors on a private road.</p> <p>7 There's been a lot of discussion. There's</p> <p>8 been a lot of testimony on this.</p> <p>9 To summarize in my mind, I'm not sure that</p> <p>10 consent is -- maybe it is consent. But I think</p> <p>11 it was also notifying the people who are</p> <p>12 renting the property that they should abide by</p> <p>13 a certain set of regulations.</p> <p>14 We had testimony in a number of cases, a</p> <p>15 number of hearings that renters were not</p> <p>16 obeying any speed limits, renters were driving</p> <p>17 down everybody's driveway at high speeds.</p> <p>18 People said that they were forced off the road</p> <p>19 by people that didn't abide by the speed</p> <p>20 limits.</p> <p>21 And a lot of the discussion, and I know it</p>	<p>1 encourage that kind of thing.</p> <p>2 But the idea that we -- I don't know what</p> <p>3 we would do. We're not going to write these</p> <p>4 rules of the road because that would mean that</p> <p>5 (inaudible) every private road in the county.</p> <p>6 But are you saying that the owner should</p> <p>7 in the least articulate restrictions on the use</p> <p>8 of the private road as it is understood in the</p> <p>9 neighborhood? And maybe that's as they have</p> <p>10 been generally agreed to by the neighbors.</p> <p>11 MS. O'DONNELL: I mean I don't know why we</p> <p>12 couldn't have an extra set of house rules.</p> <p>13 Have a private road version of house rules that</p> <p>14 staff -- that that's part of the direction,</p> <p>15 that you want to have staff to draft that. And</p> <p>16 then that's brought before the board and that's</p> <p>17 an added thing to the house rules.</p> <p>18 MR. HALL: That would be nice.</p> <p>19 MR. KANE: That would make sense. And</p> <p>20 then it would be posted on the refrigerator or</p> <p>21 something so people would be aware of it.</p>
<p>Page 55</p> <p>1 struck a cord with me because we live down a</p> <p>2 one-lane road and there are lane-bys. So</p> <p>3 there's a procedure that everybody that lives</p> <p>4 there knows and follows that who uses the</p> <p>5 lane-by and how it works. Now, we happen to</p> <p>6 have a short-term rental. We happen to have a</p> <p>7 lot of workmen that come down there. So</p> <p>8 there's a lot of misunderstanding about that.</p> <p>9 So from my point of view, it would seem to</p> <p>10 make sense to require at least, maybe this is</p> <p>11 the wrong term, but rules of the road so that</p> <p>12 we would know what the rules were for these</p> <p>13 private roads. And that could go a ways to</p> <p>14 alleviating the concerns that we heard</p> <p>15 testimony by a number of people about the</p> <p>16 concerns of short-term rentals down a lane,</p> <p>17 down a private road.</p> <p>18 MR. HALL: I endorse that over the</p> <p>19 consent. And that's because I can see the</p> <p>20 consent being withheld for money, for any</p> <p>21 arbitrary reason. And I don't think we want to</p>	<p>Page 57</p> <p>1 Those two things make a lot of sense to me.</p> <p>2 Let me ask the code enforcement officer.</p> <p>3 Is that something that makes sense to you and</p> <p>4 you would agree with?</p> <p>5 MR. DUELL: Yeah. Each circumstance is</p> <p>6 different. Sure. That would be -- I think it</p> <p>7 would be a benefit to put it in the house</p> <p>8 rules.</p> <p>9 MR. KANE: Okay. If we've all agreed with</p> <p>10 that, I'd like refer to the county attorney to</p> <p>11 draft some legislation.</p> <p>12 MS. O'DONNELL: Some stuff can go down the</p> <p>13 road. I'll refer that to Mr. Salinas.</p> <p>14 MR. KANE: So Mr. Salinas, over to you.</p> <p>15 MS. SUSS: Rules of the road.</p> <p>16 MR. KANE: I guess we're over to number</p> <p>17 nine.</p> <p>18 MR. HALL: I think we talked pretty much</p> <p>19 about eight, didn't we?</p> <p>20 MR. KANE: Did I miss eight?</p> <p>21 MR. HALL: Yeah. It would be select D,</p>

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<p>1 which is combine the notice of the application 2 into one mailing and make it Priority mailing. 3 MS. SUSS: Yeah. One mailing, Priority. 4 MR. KANE: Number eight. 5 MS. SUSS: We went over that very long. 6 MR. KANE: My actual preference would be 7 two notices. The first Priority mailing and 8 the second just simply first class mail with a 9 certification that it's been mailed, which 10 would save people a substantial amount of money 11 but would still probably alert people to the 12 fact that there is a hearing. 13 Willing to go that far? 14 MR. HALL: Again, I harken back to my 15 experience in court. If you go to the Small 16 Claim's Court, you go in there and somebody 17 sues you. And what issues is a writ that tells 18 you to be in court on such-and-such a date to 19 answer the following demands for money or 20 whatever it is. So you get notified and you 21 get the hearing date that day, one day, one</p>	<p>1 MS. SUSS: Yeah. So 30 to 21 days. 2 MS. O'DONNELL: We probably have to do the 3 minimum so that it must be sent at least 21 4 days before. 5 MS. SUSS: Right. But it could be in a 6 window of 30 to 21 days. 7 MS. O'DONNELL: That would likely be the 8 implementation of it. 9 MS. SUSS: Right. But I think that's what 10 we talked about at length on Tuesday. 11 I just myself personally think that it 12 makes it more simpler for the applicant and for 13 all people that are receiving the notices. 14 Everything is there in one piece of paper. 15 MS. BROLL: Do I -- for clarity for me 16 anyway. We're saying that one notice will be 17 sent out, it will be done by Priority mail, and 18 it will be done at least 21 days prior to the 19 hearing? 20 MS. SUSS: Yes. 21 MS. BROLL: So within that document of the</p>
<p>1 piece of paper. 2 And as I understood Mr. Salinas say, this 3 is doable. I would prefer that. 4 MS. SUSS: I second that. 5 MR. KANE: You prefer just. . . 6 MS. SUSS: One mailing. 7 MR. KANE: Just one notice at the time of 8 application? 9 MS. SUSS: No. We said 30 days. We 10 talked about it a lot the other day. 11 MS. O'DONNELL: I thought it was notice of 12 the hearing. 13 MS. SUSS: Yeah, notice of the hearing 14 within. . . 15 MR. SALINAS: Twenty-one days. 16 MS. SUSS: We said 21 days, but it could 17 be as early as 30. 18 MR. SALINAS: We would have to probably 19 confirm scheduling of the hearing about 30 days 20 in advance to give them time to get it out 21 within 21 days.</p>	<p>1 notice of the hearing, is that the first time 2 that the person who lives close by knows that 3 anything is going on? 4 MR. KANE: Yes. 5 MR. SALINAS: They get notice within that 6 1,000 feet and any other properties that is 7 would. . . 8 MS. SUSS: Private road. 9 MR. SALINAS: Right of access of private 10 road. And there would be a sign posting on the 11 property 15 days prior to. 12 MS. BROLL: So the sign would remain 15 13 days. 14 MR. SALINAS: Prior to the hearing, as it 15 stands right now. 16 MS. BROLL: Right. As it currently 17 stands. 18 MR. KANE: I guess we could also make the 19 sign 21 days to be the same period. 20 But that's it. That's exactly what the 21 proposal is.</p>

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<p>1 So there's no notice upon application.</p> <p>2 The notice comes at least 21 days before the</p> <p>3 hearing.</p> <p>4 And to make it clear also, we talked about</p> <p>5 Priority mailing, but we really talked about</p> <p>6 Priority mailing with delivery confirmation.</p> <p>7 MR. SALINAS: Yeah. They are two</p> <p>8 different things, yeah.</p> <p>9 MR. KANE: Yeah. Right now we require</p> <p>10 certified mail, which is the green card coming</p> <p>11 back.</p> <p>12 The idea of priority mailing is that they</p> <p>13 have proof of delivery, and that is instead of</p> <p>14 a green card, it's all electronic. So it goes</p> <p>15 to making things more streamlined.</p> <p>16 Is there further discussion on one or two?</p> <p>17 Ms. Broll?</p> <p>18 From my point, I still have a concern. I</p> <p>19 think two is better than one. But I'm willing</p> <p>20 to go along.</p> <p>21 MS. BROLL: Could I ask staff just if you</p>	<p>1 that they sent out the notices essentially. So</p> <p>2 that's another three weeks. So that's six</p> <p>3 weeks there. Plus whatever time they need for</p> <p>4 inspections. So let's just say eight weeks.</p> <p>5 So a minimum two months. That's on the</p> <p>6 low end. And that's assuming everything goes</p> <p>7 smoothly.</p> <p>8 MS. BROLL: And is there any other</p> <p>9 location where the application is posted?</p> <p>10 MR. SALINAS: Is there any other, I'm</p> <p>11 sorry?</p> <p>12 MS. BROLL: Is there any other way for</p> <p>13 Tammy to know that the residents next to her</p> <p>14 has put in an application for an STR?</p> <p>15 MR. SALINAS: Yeah, there are. Besides</p> <p>16 the notification, there's the sign posting,</p> <p>17 which currently in the code is 15 days prior --</p> <p>18 MS. BROLL: I'm sorry. Let me clarify.</p> <p>19 If we're talking about going from the</p> <p>20 notice of application to the -- so I've just</p> <p>21 heard us discuss time frames between the notice</p>
<p>Page 63</p> <p>1 have a thought for this, if you have an idea?</p> <p>2 Currently what has our time frame been from the</p> <p>3 notice of application to the notice of hearing?</p> <p>4 Has it been months?</p> <p>5 MR. KANE: Many months.</p> <p>6 MR. SALINAS: Yeah. It's been at least --</p> <p>7 it ranges anywhere from two to five months. It</p> <p>8 just depends.</p> <p>9 The longer ones had to do with getting in</p> <p>10 conformance with whatever they're not compliant</p> <p>11 on their inspections.</p> <p>12 MR. KANE: We just recently finished with</p> <p>13 applications that were filed in January,</p> <p>14 February.</p> <p>15 MR. SALINAS: Yeah. But those were</p> <p>16 circumstances where they were working for</p> <p>17 months on getting into compliance.</p> <p>18 But if they file an application, they have</p> <p>19 up to 21 days to send out their first notice.</p> <p>20 So that's three weeks. And then they can't</p> <p>21 schedule their hearing 21 days from the date</p>	<p>Page 65</p> <p>1 of application and the notice of hearing.</p> <p>2 MR. SALINAS: Uh-huh.</p> <p>3 MS. BROLL: Because all these other things</p> <p>4 occur in between.</p> <p>5 So at the time that the person makes an</p> <p>6 application, is there any way, if we were to go</p> <p>7 to this process, is there any way for the</p> <p>8 resident who lives next to the STR or within</p> <p>9 that thousand foot to know that the person next</p> <p>10 door has applied?</p> <p>11 MR. SALINAS: Right.</p> <p>12 MS. BROLL: Not the 15 days or the 21</p> <p>13 days.</p> <p>14 MR. SALINAS: No. Not without calling and</p> <p>15 asking.</p> <p>16 MR. KANE: Could you (inaudible) and post</p> <p>17 it on the website?</p> <p>18 MR. SALINAS: It's something we can look</p> <p>19 at, yeah. There's a number of things we're</p> <p>20 going to be looking at.</p> <p>21 STR Helper was bought out by Host</p>

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<p>1 Compliance. And so Host Compliance to me is a 2 far better platform, and we'll be able to get a 3 lot more data as well.</p> <p>4 And so one of the things that we'll be 5 looking at is what can we extrapolate from STR 6 Helper to be able to post onto the website.</p> <p>7 We could post onto the website today 8 without having to go through that process, but 9 it's very manual oriented. We can do it, but I 10 guess as part of this whole revamping, we're 11 going to be looking at what we can post 12 publicly and online.</p> <p>13 And so potentially, yes.</p> <p>14 MR. KANE: It seems to me that would be a 15 great asset to the public and it would be in 16 keeping, again, with what Councilman Divilio is 17 asking for.</p> <p>18 MR. SALINAS: Right.</p> <p>19 MR. KANE: Use the Internet and the 20 websites to make things more efficient and 21 provide more notice.</p>	<p>1 should happen with new applications.</p> <p>2 MS. SUSS: We just did that. Eight and 3 nine are the same.</p> <p>4 MR. HALL: No. Before and after is the 5 question that makes it not the same.</p> <p>6 MS. SUSS: Okay.</p> <p>7 MS. O'DONNELL: But it would be -- we 8 would be -- there would be a change to this 9 section, assuming -- based upon the decision 10 you just made, there would be a change to this 11 section.</p> <p>12 This section has a difference of 13 clarification related to the dates for the 14 notice of application.</p> <p>15 Since there is not going to be a mailing 16 for the notice of application, it would change, 17 but it won't change in the way this -- based 18 upon your earlier decision, this is sort of 19 made mute and would be changing in a different 20 way.</p> <p>21 MR. HALL: All right.</p>
<p>Page 67</p> <p>1 MR. SALINAS: Right.</p> <p>2 MR. KANE: Does that answer your question?</p> <p>3 MS. BROLL: Yes, it does. Thank you very 4 much.</p> <p>5 MR. KANE: So then to summarize, I guess 6 what we're saying is that we would encourage 7 staff to look at whether you could post some 8 way upon application. And then change the 9 notice requirement to Priority mail with 10 delivery confirmation at least 21 days prior to 11 the hearing, if I'm summarizing correctly.</p> <p>12 Are we all agreed on that? We can direct 13 staff and the attorney in that way?</p> <p>14 MS. SUSS: I agree.</p> <p>15 MR. HALL: Yes. I have my reservations 16 about how practical it's going to be to get all 17 this done within a period of time that we're 18 hoping for, but I think it's certainly 19 aspirational.</p> <p>20 MR. KANE: All right. Moving forward. 21 Clarify when mailing notice of application</p>	<p>Page 69</p> <p>1 MR. KANE: Good. Thank you for that 2 (inaudible).</p> <p>3 Moving on to number ten. Method of 4 notices. I think we've just done that one as 5 well.</p> <p>6 MS. SUSS: Yeah.</p> <p>7 MR. KANE: Allow inspections. Number 11, 8 moving to 11. Allow inspections to be done 9 before filing a new application.</p> <p>10 And I guess we've had a lot of discussion 11 on this. Time is up. We need to make a 12 decision.</p> <p>13 MR. HALL: Yeah. I think that what we 14 kind of thought was that there should be a time 15 limit, an outside time limit, and Mark proposed 16 45 days, that it could be done beforehand in 17 order to speed the process up. But let's not 18 have it two years ago.</p> <p>19 MS. SUSS: Right. Forty-five days, 30 20 days.</p> <p>21 MR. KANE: Okay. So that has been</p>

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<p>1 discussed at length. Is there further 2 discussion or does that make sense to everyone? 3 MR. McQUAY: Yeah. 4 MS. BROLL: Yeah. 5 MR. SALINAS: Tuesday you indicated no 6 earlier than 45 days of application. Did you 7 say 45? 8 MS. SUSS: Forty-five, yeah. 9 MR. SALINAS: I thought you said 25. 10 Sorry. 11 MS. SUSS: No. 12 MR. SALINAS: That's kind of tight. 13 MS. SUSS: That's a little tight. 14 MR. HALL: I'll try to speak more 15 (inaudible) for the poor stenographer. 16 MS. SUSS: As you mumble along here. 17 MR. KANE: Okay. Is that everything on 18 11? 19 Let's move to 12, clarify the third party 20 IRC inspections are now allowed for new 21 applications.</p>	<p>1 It's not being submitted under 63.2C, it's not 2 being submitted after the filing of the 3 application. 4 So there needs to be -- if you're going to 5 allow inspections to be done before filing a 6 new application, you would have to clarify in 7 63.2C that that can be done as well. 8 MR. HALL: So that's just a clarification? 9 MR. SALINAS: Yes. 10 MR. HALL: And you can write that. I 11 can't clarify it. 12 MS. BROLL: I can't clarify it, but would 13 it fall in line with the 45 days? 14 MS. SUSS: Yes. 15 MS. O'DONNELL: In drafting this, there's 16 always things that you fix in one place and you 17 don't fix in another place. So this is one of 18 those situations where 3320 says we can have 19 third party inspectors, but the new application 20 doesn't say that. So it needs to be aligned 21 all together under the policies that y'all have</p>
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<p>1 This is one I don't really know that we 2 have to deal with because the current code says 3 that it's allowed. 4 MS. SUSS: Yeah. 5 MR. SALINAS: It's a third party, the 6 third party inspections that we are getting are 7 coming in with the application. So it's 8 already completed. 9 MS. SUSS: So what does that mean? 10 MR. SALINAS: It means 190-63.2C that says 11 upon receipt of application for a short-term 12 rental license, the applicant shall schedule an 13 on-site inspection of the property with the 14 department or code enforcement officer. 15 But section 33.20C9 allows for third party 16 inspections. 17 And so what the applicants are doing when 18 they file their application is they've already 19 had a third party inspection done by a 20 certified inspector with pass or fail on it. 21 And that's coming in with the application.</p>	<p>1 already articulated. 2 MS. SUSS: Right. So you have to get 3 20.C.9 to jive with the other one. 4 MR. KANE: Is that one we can leave to 5 you? Okay. 6 MR. McQUAY: Does the county have a list 7 of third party inspectors that they usually 8 recommend? 9 MR. SALINAS: We don't. We typically 10 don't provide referrals to specific companies. 11 MS. SUSS: I know why. 12 MR. SALINAS: I can say there isn't a lot 13 of ICC certified inspectors out there who are 14 third party. 15 MS. SUSS: -- there are. 16 MR. SALINAS: Middle Department Inspection 17 Agency is one, but there's very few out there. 18 MS. SUSS: In Talbot County. 19 MR. SALINAS: In Talbot, anyway. 20 MS. SUSS: So I'm sorry. But like you're 21 talking there's not very many people that you</p>

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<p>1 do -- we're talking about for water and for 2 septic and for --</p> <p>3 MR. SALINAS: No. I was referring 4 specifically for conformance with the safety 5 requirements for egress and emergency escape.</p> <p>6 MS. SUSS: Okay.</p> <p>7 MR. SALINAS: But we currently do not 8 allow or we don't state that we allow third 9 party inspections for potable water and 10 sanitary facilities.</p> <p>11 MR. KANE: We're going to take that one up 12 next as long as we are through with 12.</p> <p>13 MS. SUSS: Okay.</p> <p>14 MR. KANE: So we're deferring that to 15 county attorney and staff to ensure that 16 there's consistency with the other decisions we 17 just made.</p> <p>18 So now let's move to number 13, which is 19 to allow third party inspections for potable 20 water and sanitary facilities. We don't allow 21 that now. I'm not sure exactly how we would</p>	<p>1 Department, which is a State department, if 2 they will allow third party inspections. And 3 if they will allow them, will they allow them 4 to be submitted prior to the application.</p> <p>5 Currently when we get the application, 6 that application goes over to the Environmental 7 Health Department. They look at the water 8 quality report that has been submitted with the 9 application, and then go out and do their 10 inspection. They schedule inspection and then 11 they do it.</p> <p>12 So they do not accept currently, they will 13 not do any inspections currently prior to the 14 submittal of the application.</p> <p>15 But at your direction, if you want us to 16 ask them would they allow it, and if so, who 17 would do it, who would be qualified to do it, 18 we can certainly explore that with them.</p> <p>19 MR. KANE: My own feeling on that is that 20 we haven't really -- there was just one comment 21 that was made during the hearing, but we</p>
<p>Page 75</p> <p>1 implement that anyway because I thought that 2 those two inspections were by Health 3 Department, not Planning & Zoning.</p> <p>4 MS. O'DONNELL: That's why I put -- so 5 this is limited to my knowledge, too, and maybe 6 Miguel.</p> <p>7 I don't know how -- the important thing 8 when I look at this, I look at how do we 9 enforce it. And so I want someone that's going 10 to know what they're doing doing it, not some 11 random person.</p> <p>12 So that's why we added a requirement of 13 certification for the building code. You have 14 to have a certified inspector, not just some 15 hey, I'm an inspector. You have to actually 16 have some certification.</p> <p>17 I don't know that there are 18 certifications.</p> <p>19 MR. SALINAS: We don't know, but that's 20 something if the board is supportive of, that's 21 something we can ask the Environmental Health</p>	<p>Page 77</p> <p>1 haven't seen any applications that have been 2 really delayed by water and sewer. And if to 3 the extent that there were, we just put that 4 into a condition, waiting for the approval to 5 come back.</p> <p>6 My own concern is that the Health 7 Department has pretty high standards, they're 8 certified by the State, and that it might be 9 opening up a door we don't want to open up if 10 we were to start to think about third parties. 11 But I don't see that there's really been a 12 problem. My thought.</p> <p>13 MS. SUSS: I would think that they use 14 third, the Health Department uses third parties 15 for their inspections.</p> <p>16 MR. KANE: I don't believe so.</p> <p>17 MR. SALINAS: Their staff goes out and 18 does a visual inspection.</p> <p>19 MS. SUSS: Visual inspection for water? 20 MR. SALINAS: For septic. 21 MS. SUSS: For septic?</p>

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<p>1 MR. SALINAS: Yeah.</p> <p>2 MS. SUSS: Do they take a pick and shovel</p> <p>3 and open it?</p> <p>4 MR. SALINAS: No. It's completely visual.</p> <p>5 They check for obvious signs of septic failure.</p> <p>6 MR. HALL: But they do accept third party</p> <p>7 water tests?</p> <p>8 MR. SALINAS: Yes.</p> <p>9 MR. KANE: For septic. What about water?</p> <p>10 MR. SALINAS: That is for water.</p> <p>11 Mr. Hall's question was for the water.</p> <p>12 MS. BROLL: I would think that perhaps we</p> <p>13 would want to at least put the question forward</p> <p>14 to them to see if they would, in fact, be</p> <p>15 willing to accept it.</p> <p>16 There are companies. There is a</p> <p>17 certification for septic inspections, and they</p> <p>18 may -- that may ease their burden or they may</p> <p>19 choose to say no, we want to keep it consistent</p> <p>20 and do the inspections.</p> <p>21 So but I certainly think it's worth posing</p>	<p>1 a lot of things. My view is that was a</p> <p>2 relatively minor concern.</p> <p>3 But the major concerns were people were</p> <p>4 advertising on Airbnb and BRBO you could use</p> <p>5 the property for events and venues and all that</p> <p>6 kind of thing. And we've had testimony about a</p> <p>7 lot of violations of that.</p> <p>8 So the intent here I think is to make sure</p> <p>9 that the advertising is consistent and that</p> <p>10 nobody takes in excess that says oh, you can</p> <p>11 run a wedding venue or oh, you can run a</p> <p>12 business or you can shoot off fireworks or any</p> <p>13 of those kind of things and that we would be</p> <p>14 clear that they had to advertise exactly what</p> <p>15 your license said.</p> <p>16 Because there's been a huge amount of</p> <p>17 testimony, and I've looked myself, there's a</p> <p>18 lot of the advertising that's out there is</p> <p>19 inconsistent with what the license says</p> <p>20 currently.</p> <p>21 So it seems to me a pretty straightforward</p>
<p>Page 79</p> <p>1 the question to them.</p> <p>2 MR. SALINAS: Asking them and then coming</p> <p>3 back to the board with their response. We can</p> <p>4 do that.</p> <p>5 MR. KANE: Is that the decision of the</p> <p>6 board? Let's proceed that way.</p> <p>7 MS. SUSS: Okay.</p> <p>8 MR. KANE: Moving on to number 14. Add a</p> <p>9 requirement that all STR advertising must be</p> <p>10 consistent with parameters of the law, license,</p> <p>11 and rules.</p> <p>12 MR. HALL: I think the question that came</p> <p>13 up here, was it not, was that I think Airbnb</p> <p>14 was mentioned, that they wanted to put on there</p> <p>15 that it was a minimum three-night stay and</p> <p>16 something in the way that you file with Airbnb,</p> <p>17 which I have never done, wouldn't let them do</p> <p>18 it. And I think maybe that's what's driving</p> <p>19 this, the fact that there's. . .</p> <p>20 MR. KANE: No, I don't think necessarily.</p> <p>21 I think there has been a lot of testimony about</p>	<p>Page 81</p> <p>1 requirement to require that all advertising is</p> <p>2 consistent with the license.</p> <p>3 MS. SUSS: Yeah. I believe that the</p> <p>4 important guidelines in the way of advertising</p> <p>5 is that there's no events, fireworks, and the</p> <p>6 house capacity.</p> <p>7 But yes, there have been at least one,</p> <p>8 that I remember, time where they had an event</p> <p>9 at their house out at Bachelors Point and it</p> <p>10 was a biking event or something.</p> <p>11 MR. KANE: Yes.</p> <p>12 MS. SUSS: Which was just not right.</p> <p>13 But other than that, there haven't been</p> <p>14 any complaints with code that I've heard of</p> <p>15 regarding events.</p> <p>16 Have you had a lot of complaints about</p> <p>17 events?</p> <p>18 MR. DUELL: Not a lot. We had one we're</p> <p>19 investigating, finishing up now. Came in as a</p> <p>20 wedding.</p> <p>21 MS. SUSS: A wedding.</p>

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<p>1 MR. DUELL: But apparently we're satisfied 2 at this point that it was a friend of the 3 license holder. Hence, the STR wouldn't apply. 4 A special use certificate would be more 5 fitting. 6 MS. O'DONNELL: But more specifically, the 7 license holder was present. 8 MR. DUELL: Yes. 9 MS. O'DONNELL: So it was not rented. It 10 wasn't a short-term rental when the wedding 11 happened. It was not being rented. 12 MS. SUSS: So you investigated it, found 13 that out. 14 MS. O'DONNELL: But we have had some. 15 MR. DUELL: Right. 16 MS. SUSS: Yeah. I just think that, yeah, 17 it's good that we remain consistent and have 18 our short-term rentals consistent advertising 19 regarding events, emphatic about no event, no 20 fireworks, and the house capacity, those three 21 things.</p>	<p>1 Now, this may be one that we talked some 2 about what we want to recommend to the County 3 Council. This may be one that we would want to 4 simply say it's up to the County Council as to 5 whether they want to have a moratorium or not. 6 But I don't know. 7 MS. SUSS: That's absolutely what I -- I 8 agree because that's not our job. Our job is 9 to be on the board dealing with applications. 10 We can't mandate a moratorium. Right? 11 We can suggest it possibly, but I'm not 12 going to suggest it. 13 MR. KANE: More than that, we've had 14 testimony, written testimony and oral 15 testimony, that there should be a moratorium. 16 But when I look at it, it's hard for me to 17 justify a moratorium with facts. It's not 18 clear why we should have a moratorium if we 19 haven't seen more problems would be my feeling. 20 And then back to your point, Ms. Suss, is 21 if we haven't seen those problems, it's really</p>
<p>Page 83</p> <p>1 MR. DUELL: Yes. That is very helpful. 2 MS. BROLL: And my thought would be to 3 just make it such that it says that all 4 advertising must be consistent with the license 5 that the owner has. So make it very simple. 6 MR. HALL: Agreed. 7 MS. BROLL: Would that be a line in the 8 operating guidelines? Would that be an 9 additional number under the operating 10 guidelines? 11 MS. SUSS: Yup. 12 MR. KANE: Yes. 13 MS. O'DONNELL: So that's sub section A is 14 the decision of the board? 15 MS. SUSS: Yes. 16 MS. O'DONNELL: Thank you. 17 MR. KANE: I think we're on number 15. 18 Should be an easy one, moratorium. Come on. 19 So the options are should there be a 20 moratorium on the issuance of licenses, option 21 B is there should not be a moratorium.</p>	<p>Page 85</p> <p>1 something that should be for the County Council 2 I think. 3 MS. BROLL: I would agree. I don't -- I 4 think that because it was brought up by so many 5 people, and there were quite a few people that 6 brought that topic up. 7 MR. KANE: Yes. 8 MS. BROLL: That perhaps we should simply 9 present that as one of the areas that the 10 County Council may want to look at. 11 MR. KANE: Okay. So we can present it. I 12 think that makes sense. Everybody agree with 13 that? 14 MR. HALL: Yes. 15 MR. McQUAY: Yeah. I'm actually not in 16 favor of a moratorium. I think it only really 17 kicks the can down the road. Doesn't really 18 solve anything. 19 The main problem is the increase in the 20 number of STRs. And to look -- I think the 21 county should look into the future of that,</p>

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<p>1 what that would be. I mean I don't know. 2 Moratorium I think really won't accomplish 3 anything. 4 MR. KANE: So then you're in agreement 5 that we present it as an option to the county? 6 MR. McQUAY: Yeah. 7 MR. KANE: If that's the decision of the 8 board. Any other discussion? Okay. We will 9 present it as an option to the County Council. 10 Moving on to number 16. This one is 11 correct errors or inconsistency. In a sense, I 12 guess this is where we started out with 1413, 13 which was rejected or not acted on by the 14 County Council. And they asked us to take on 15 the larger role, which we're doing now. 16 But I don't know that there's anything for 17 us to act on that's -- 18 MS. O'DONNELL: It's just is that okay? 19 Is there something else, is there anything else 20 that was missed in those sections? 21 Basically it does add the requirement for</p>	<p>1 definition of short-term rental is between 2 three and 14 weeks and that anyone staying at a 3 motel, hotel, bed and breakfast is one night to 4 four months. 5 So for transient occupancy that applies in 6 other use areas, other zones out of that. 7 MS. SUSS: One night to four months? 8 MS. O'DONNELL: That's what the. . . 9 MS. SUSS: Okay. Just curious. Thank you 10 for clarifying that. 11 Other than that, I have no questions. 12 MR. KANE: Okay. We're all agreed on 16? 13 MR. McQUAY: Yeah. 14 MR. HALL: Agreed. 15 MR. KANE: Great. So now that they've 16 batted 1430 back to us, we'll bat 1430 back to 17 them. 18 MS. SUSS: Here you go. 19 MR. KANE: Number 17, clarify that the per 20 bedroom occupancy requirement also applies to 21 accessory dwellings that are rented. Is this</p>
<p>Page 87</p> <p>1 how the building inspector is certified. So 2 that's a little -- like gives more definition 3 to what certified means, but the rest of that 4 is really internal, clarifying internal 5 inconsistencies. 6 MR. KANE: You've said that much more 7 clearly than I. 8 So let me ask the board, are there any 9 things in addition to what the county attorney 10 has identified as code and language, cleanup 11 changes, inconsistencies? Is there anything 12 else that you're aware of that we should -- 13 MS. SUSS: I had a question. When reading 14 this, it talked about transient occupancy. I 15 just didn't understand where this term is used. 16 MS. O'DONNELL: It basically defines how 17 they use -- I'm sure it's in the rest of the 18 code. So these definitions are in all of 190, 19 not just the STR definitions. 20 MS. SUSS: Okay. 21 MS. O'DONNELL: So it's making sure the</p>	<p>Page 89</p> <p>1 another code clarification, Ms. O'Donnell, or 2 is this -- 3 MS. O'DONNELL: I'm sorry. Actually I'm 4 going back to 16 because actually in reading 5 it, sometimes reading too close to it when you 6 haven't read it for a while. 7 I'm looking at 3320C and wondering under 8 the operating guidelines, when we first drafted 9 this, this was only for primary dwellings. 10 Then during the process of 190, it went from 11 primary dwellings to or accessory dwellings. 12 And so under this operating guidelines 13 definition, it says the maximum number of 14 persons on site, all times the lesser of 12 15 person or two persons per bedroom in the 16 primary dwelling, excluding infants, and not 17 including any bedrooms within an accessory 18 dwelling. 19 MR. HALL: So you're saying that should be 20 the dwelling that is rented? 21 MR. SALINAS: Right. That's always been</p>

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<p>1 awkward language for us in terms of a 2 limitation. So if they apply for the accessory 3 dwelling, they count the number of bedrooms in 4 the primary dwelling to determine the capacity 5 of the accessory, which we don't do. We go by 6 the number of bedrooms in the accessory. 7 MS. O'DONNELL: Right. So maybe that 8 would be something we would add, that we 9 clarify that it's really two -- for the people 10 who are on site associated with the short-term 11 rental, it's two persons per bedroom wherever 12 that is. 13 If it's the primary dwelling, then that's 14 two persons a bedroom or if it's an accessory 15 dwelling. I don't know how many accessory 16 dwellings we have that have more than one 17 bedroom. But again, that's the catchall. I 18 think that maybe that should be clarified. 19 MR. KANE: So you need to take another 20 look at it? 21 MR. SALINAS: Uh-huh.</p>	<p>1 MS. SUSS: It's not? 2 MS. O'DONNELL: It's not moving until next 3 week. 4 MR. HALL: The house. 5 MR. KANE: Know that Mary has been 6 extensively involved with the moving of the 7 house. And it's taken on a life of its own. 8 She's negotiated all the legal requirements for 9 changing the lights and all that kind of stuff. 10 You're right on this thing. I know you 11 are. 12 MS. O'DONNELL: There's SHA. There's a 13 lot of other people. But the county has been 14 very involved because of the landing. And so 15 it's on the landing and there's some hiccups. 16 And so I apologize for being late and 17 dealing with those hiccups. So obviously my 18 brain is not yet. 19 So yes, that is the proposed language. 20 MS. SUSS: You're good, you're good. All 21 right.</p>
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<p>1 MR. KANE: If you could do that and 2 provide that back to us for final, that would 3 be great. Okay. 4 Number 17, clarifying that the per bedroom 5 occupancy requirement also applies to accessory 6 dwellings. Is that the same thing? 7 MR. SALINAS: Yes. I think that's the 8 same thing. Actually. . . 9 MS. O'DONNELL: (Inaudible.) 10 MR. SALINAS: Yeah. I was going to say 11 actually that's the same thing. 12 MS. O'DONNELL: That is the proposed 13 language. Look at that. 14 MS. SUSS: You did that and you didn't 15 know it. 16 MS. O'DONNELL: This shows what my week 17 has been like, that (inaudible) that that was 18 the next one. 19 By the way, the barge isn't moving until 20 next week, if you were wondering why I was 21 late.</p>	<p>1 MR. KANE: Thank you for all of your work. 2 MS. O'DONNELL: Thanks very much. 3 MS. BROLL: Number 18, require owner to be 4 present at new application hearings. 5 I think that we've been fairly clear on 6 that. The answer to that is yes, unless I hear 7 otherwise. 8 MR. HALL: B, option B. 9 MS. SUSS: You said require owner to be 10 present but allow some exceptions, yes. 11 MR. KANE: Yes. Some exceptions. Do we 12 need to clarify what the exceptions are or the 13 exceptions are processed how? 14 MS. SUSS: No. 15 MR. HALL: Well, I mean you'll probably 16 write something to the effect that except where 17 the board finds it an appropriate excuse or 18 reasonable excuse or something like that. 19 MS. O'DONNELL: Right. All of these 20 things will -- I mean for the -- my perspective 21 is that y'all are making idea recommendations.</p>

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<p>1 MR. KANE: Right.</p> <p>2 MS. O'DONNELL: And that the ideas will be</p> <p>3 put in some document to be sent to the County</p> <p>4 Council. And then the County Council will then</p> <p>5 take those ideas, and all of them, some of</p> <p>6 them, none of them, refer those back to my</p> <p>7 office to decide which of those ideas they want</p> <p>8 to put into code language.</p> <p>9 MR. KANE: Right. But you're going to</p> <p>10 come back to us with your draft for us to</p> <p>11 approve before it goes to County Council?</p> <p>12 MS. O'DONNELL: Not necessarily.</p> <p>13 MR. HALL: Well, I propose that we</p> <p>14 delegate that to Chairman Kane. You could take</p> <p>15 it from there.</p> <p>16 MR. KANE: All right. I'll be glad to</p> <p>17 accept that.</p> <p>18 MS. SUSS: I second the notion.</p> <p>19 MS. O'DONNELL: My concern is we're</p> <p>20 already probably into not changing this in</p> <p>21 January, because from the date of introduction.</p>	<p>1 MR. KANE: Well, let's you and I talk</p> <p>2 about that, figure it out. We get the sense</p> <p>3 that --</p> <p>4 MS. O'DONNELL: I think it's possible that</p> <p>5 after introduction, then those things could be</p> <p>6 referred back to the board after introduction.</p> <p>7 After introduction, they could come to the</p> <p>8 board for commentary.</p> <p>9 MR. KANE: They just delegated it to try</p> <p>10 and move things quickly. So how about if you</p> <p>11 could think about that and give me a call and</p> <p>12 work through it?</p> <p>13 MS. O'DONNELL: Sure.</p> <p>14 MR. KANE: Okay. Number 19. Improve</p> <p>15 information on complaints provided to citizens.</p> <p>16 The suggestion was have something on the</p> <p>17 website with notice, letters to neighbors.</p> <p>18 Has staff any recommendations on this?</p> <p>19 MR. SALINAS: We've actually revised our</p> <p>20 notice letters. Now they go out to neighbors</p> <p>21 to -- I mean it still says they can contact the</p>
<p>Page 95</p> <p>1 So my concern is adding more delay to the</p> <p>2 process.</p> <p>3 Clearly, I would want to make sure and I</p> <p>4 would hope that the concepts that you are</p> <p>5 talking about are then put into the law. And</p> <p>6 then there's just a question of how much</p> <p>7 managing of that process.</p> <p>8 MR. KANE: Very little, but we would like</p> <p>9 to see a final draft before it goes to Council.</p> <p>10 And hearing that I've been delegated with that</p> <p>11 responsibility, I accept. Willing or not, I</p> <p>12 don't know, but I accept.</p> <p>13 MS. O'DONNELL: Well, just so you know the</p> <p>14 process. The process is a member of Council</p> <p>15 contacts our office. Then we draft something</p> <p>16 for the member of Council.</p> <p>17 And then the problem is -- I need to think</p> <p>18 about that because there's attorney-client</p> <p>19 relationship, and generally those things are</p> <p>20 not disclosed to anyone until, other than other</p> <p>21 Council members, until they're introduced.</p>	<p>Page 97</p> <p>1 resident agent, but it also gives the two other</p> <p>2 options for numbers, the county number during</p> <p>3 business hours, as well as the 24/7 complaint</p> <p>4 line. And we have the same language on our</p> <p>5 website.</p> <p>6 Again, we'll be looking at when we revamp</p> <p>7 the home page as part of going with our STR</p> <p>8 portal with the new platform that we're going</p> <p>9 to be using in terms of what other types of</p> <p>10 information we'll put on here.</p> <p>11 MR. KANE: Okay. That sounds fine. It</p> <p>12 sounds like staff has action (inaudible) on</p> <p>13 that. So I guess we just acknowledge that</p> <p>14 that's going on. And thank you for that.</p> <p>15 Number 20, maintain list of STR violations</p> <p>16 that have been issued.</p> <p>17 So Mr. Duell, can you fill us in on how</p> <p>18 this happens?</p> <p>19 MR. DUELL: I'm not sure of the question,</p> <p>20 Mr. Kane.</p> <p>21 MR. KANE: Maintain a list of STR</p>

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<p>1 violations that have been issued. And it says 2 code compliant.</p> <p>3 Do you maintain a list of STR violations? 4 MR. DUELL: We have a spreadsheet that 5 started in January of all our activities, and 6 STR incidents or violations are included in 7 that, along with a case number and a date, 8 status of the case, open or closed, a brief 9 summary.</p> <p>10 MR. KANE: Okay.</p> <p>11 MR. HALL: But that is not available to 12 the public; that's your internal working 13 document?</p> <p>14 MR. DUELL: Yes, sir.</p> <p>15 MR. KANE: So would it be possible to have 16 that spreadsheet posted on the public website 17 so everybody could know what the violations are 18 once they're final?</p> <p>19 MR. DUELL: I think we can review with 20 Mary.</p> <p>21 MR. SALINAS: I think your concern, Mike,</p>	<p>1 MS. SUSS: Do the Liquor Board, do they 2 post their violations, do the Health Department 3 post their violations, does the Animal Control 4 Board post their violations?</p> <p>5 MR. DUELL: No, they don't. And as Mary 6 pointed out, STR is one of many that we 7 enforce.</p> <p>8 MS. SUSS: Right.</p> <p>9 MR. DUELL: We enforce the entire code. 10 Building code violations, Liquor Board 11 violations, environmental regulations under 12 Critical Area Commission, trees cut, tree 13 permits.</p> <p>14 And all of this takes a lot of time, none 15 of which is open for public review on a 16 website.</p> <p>17 MS. SUSS: Right. I think it's excessive.</p> <p>18 MR. HALL: I tend to agree with Martha. 19 You know, if there's somebody has -- I don't 20 know how that's going to help the neighbors 21 know that what has occurred in terms of</p>
<p>Page 99</p> <p>1 at least you expressed to me in the past, is 2 that if it's an open investigation, it's 3 something we typically don't --</p> <p>4 MR. DUELL: Any open investigation, 5 obviously we wouldn't want that. If it's 6 closed investigations, I wouldn't see a problem 7 with that. PIA would cover that as well, too.</p> <p>8 MS. SUSS: I think it's excessive putting 9 it on the website.</p> <p>10 MR. KANE: Well, the alternative is to 11 require that people get a PIA to get this 12 information, because people want this 13 information.</p> <p>14 MS. SUSS: I don't know. I don't 15 think. . .</p> <p>16 MR. KANE: Is it a privacy issue?</p> <p>17 MS. SUSS: Well, I just think it's 18 excessive. I don't think that there's a reason 19 to do that. I think that -- let me ask you. 20 You guys handle other board. . .</p> <p>21 MR. DUELL: That's a good point.</p>	<p>Page 101</p> <p>1 enforcing the violation.</p> <p>2 I remember growing up, in the local 3 newspaper, not having any news, used to publish 4 in there the speeding tickets. And it was a 5 great source of great hilarity. But did it 6 serve any purpose, did it really get people to 7 stop speeding. I just don't know.</p> <p>8 MS. SUSS: Yeah. I think it's being 9 nosey. And there are nosey people, and I get 10 that. But the thing is is that I don't think 11 it serves a purpose.</p> <p>12 MR. KANE: Yeah. That's true. But those 13 would be released under a PIA right now.</p> <p>14 Is that not correct?</p> <p>15 MS. SUSS: What is PIA?</p> <p>16 MR. SALINAS: Public Information Act 17 request. So whenever somebody wants to request 18 a public record, they file a form --</p> <p>19 MS. O'DONNELL: In other states it's 20 called FOIA.</p> <p>21 MS. SUSS: Right.</p>

<p style="text-align: right;">Page 102</p> <p>1 MR. KANE: So the issue is whether if 2 people want that, are they going to have to 3 issue a PIA, which is a burden on staff and a 4 burden on citizens, versus if it was posted. 5 MS. SUSS: Isn't it a burden to create 6 another aspect to the website where they post 7 all that stuff? 8 I mean think it's -- there's a lot of 9 reasons. No. They don't do it -- there's no 10 precedent for it, and why should we start a 11 precedent that serves no purpose. 12 MR. KANE: I guess another question that 13 occurs to me is when we're looking at -- I 14 guess we don't look at renewals. But renewals 15 are looked at by staff. 16 And does staff take a look at these 17 violations when you consider renewals, so you 18 have access to this information? 19 MR. SALINAS: Yes, yes. For every 20 application, we go to code enforcement for a 21 summary. That's kept by them.</p>	<p style="text-align: right;">Page 104</p> <p>1 idea so that we have as much information as we 2 can. 3 MR. McQUAY: Yeah. For us. 4 MR. KANE: If everybody is agreed with 5 that, let's proceed that way. 6 MS. SUSS: Okay. 7 MR. KANE: Twenty-one, distribute house 8 rules more extensively. And the options are 9 post current house rules on county website, 10 require the house rules be posted on the 11 property and add this provision to all 12 licenses, and take no action. 13 I think in reviewing this, it seems to me 14 that number two is the best option. 15 MS. SUSS: Yeah. 16 MR. HALL: I agree. 17 MR. McQUAY: I agree. 18 MS. O'DONNELL: Interestingly, in sitting 19 here today, I see under 3320D, house rules 20 shall be conspicuously posted. 21 MS. SUSS: So we don't have to worry about</p>
<p style="text-align: right;">Page 103</p> <p>1 But with the new platform, we'll be able 2 to also look at the complaint history of each 3 property as well, based on what has come 4 through the 24/7 line, in addition to what we 5 received directly to the office. 6 MR. KANE: And then what about for 7 processing in terms of new applications that 8 come before us? One of the questions we ask is 9 about complaints and violations. 10 So would staff make those available to us 11 with the application? Is that the way that 12 works? 13 MR. SALINAS: With the new applications, 14 we can. 15 We typically, with the renewals that miss 16 the deadline and become new applications, we 17 have a complaint history of STR violations. 18 But the new applications we can always -- we 19 have a database of any history of complaints on 20 the property in general. 21 MR. KANE: I think that would be a good</p>	<p style="text-align: right;">Page 105</p> <p>1 it. So that's in there. 2 MR. SALINAS: Yeah. I was going to say 3 the other thing that we want to do that other 4 people, other local governments have done is 5 they have a be a good neighbor flyer or poster 6 that we would hand out with every license. And 7 so we want to put one together for us that 8 would be given out with the license and ask 9 that that be posted. 10 MS. SUSS: Okay. 11 MR. KANE: As well as the road rules we 12 just talked about. 13 MR. SALINAS: Right. 14 MR. KANE: Yeah. Because I think back to 15 some of the compliance issues that you and I 16 have discussed. We found that the house rules 17 were not posted permanently on the site. And 18 so the renters did not know what the house 19 rules were. Is that correct? 20 MR. DUELL: That is correct. In one 21 situation we discussed, we had that situation.</p>

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<p>1 And the license holder received a letter 2 indicating that was a violation. 3 MR. KANE: Right. Thank you. We're all 4 in agreement. That sounds great. 5 So let's move on to number 22. Create a 6 summary to provide to new licensees about next 7 steps and parameters for compliance. 8 I guess I'm sort of instigating in putting 9 that into the requirement, such that -- and 10 Ms. O'Donnell was the one that first called 11 this to my attention, that once we approve 12 somebody's application, people don't know what 13 the next steps are. They don't know about the 14 30 days that the county attorney has to do 15 things. They don't know that they can't start 16 to rent until they receive the license signed 17 by us. They aren't sure about the processes. 18 And then also, it would be well to just 19 explain to them specifically as a new license 20 holder this is what your obligations are, 21 rights are.</p>	<p>1 MS. O'DONNELL: No. That would be. . . 2 MR. KANE: Administrative action. 3 MS. O'DONNELL: Under the chain of 4 command, arguably y'all don't have that 5 authority, arguably. 6 But I think that what you're saying is 7 that this is your desire, to have staff do this 8 would be included in the document to Council. 9 And I think what staff would say is that okay, 10 that's fine. It's not -- but just technically 11 it would be in the document as a recommendation 12 to Council so that Council will see as another 13 recommendation coming out policies that you are 14 recommending be put into place. 15 MR. HALL: All right. 16 MR. KANE: Okay. Thank you for that. And 17 number 23, provide STR data to the public on 18 the county website, which is enhancing the 19 county website. 20 I had a meeting with staff a week or so 21 ago. They used as an example New Orleans as</p>
<p>1 So that's the basis of that, is to -- and 2 it actually exists. I mean it's in my package 3 in terms of written guidance, but it's not 4 specifically a form that I can hand to 5 somebody. 6 So it seemed to me it would be useful to 7 have a form and have that guidance rather than 8 delivering it verbally and have something that 9 I could hand to people that they could use as a 10 takeaway so that they knew exactly what we had 11 done and what their rights and obligations 12 were. 13 MR. HALL: The only chore that you're 14 imposing is simply to take the information you 15 already have and put it in a public format? 16 MR. KANE: Right. That's all -- 17 MR. HALL: That sounds good. 18 MR. KANE: So if that's okay with 19 everybody, number 22 will be adopted. 20 MR. HALL: But that doesn't have to go to 21 the county, right?</p>	<p>1 providing a lot of good data on the website, 2 that it's easy for the public to jump in and 3 see exactly what is going on with every STR. 4 And they agreed that, I don't want to put 5 words in your mouth, but discussion wise that 6 that would be a good idea. The concern was do 7 we have the resources to do it. 8 So it led me to think that that was a good 9 idea if we could find the resources to enhance 10 the county website to include this data. 11 MR. SALINAS: And that's what we're 12 exploring with our data specialist, that the 13 county -- I mean it's pretty sophisticated, the 14 one that you're referring to, Scott. I would 15 bet that they also have a pretty healthy 16 (inaudible) occupancy tax revenue coming in 17 that helps with that. 18 MS. SUSS: I would bet. 19 MR. SALINAS: Yeah. But within our 20 limited resources, we're certainly going to see 21 what we can do.</p>

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<p>1 MR. KANE: Understood.</p> <p>2 MS. SUSS: I still want to reiterate what</p> <p>3 I was saying on 20, is that there is no</p> <p>4 precedent for putting complaints and violations</p> <p>5 and all that data on a website.</p> <p>6 MR. KANE: So I guess we're going to</p> <p>7 continue to explore that?</p> <p>8 MR. SALINAS: Yes.</p> <p>9 MR. KANE: Okay. I had at least one</p> <p>10 additional thing that I wanted to bring up.</p> <p>11 People had mentioned that I'm unclear, and that</p> <p>12 is the code, it seems to me, is a little</p> <p>13 unclear about renting out a whole property</p> <p>14 versus renting out a single room.</p> <p>15 And in thinking about that as an issue, a</p> <p>16 new issue, if somebody were to advertise on</p> <p>17 Airbnb and we have approved them for say two</p> <p>18 bedrooms, which would be four occupants in</p> <p>19 their house, could they then split that and</p> <p>20 rent to one person or two people in one bedroom</p> <p>21 and another completely separate party in</p>	<p>1 MR. SALINAS: It's just a clarification,</p> <p>2 33.20C.</p> <p>3 MR. KANE: So if everybody is in agreement</p> <p>4 with that, let's direct that way.</p> <p>5 MS. SUSS: I see no problem with that.</p> <p>6 MR. KANE: Good. Let's adopt that, then,</p> <p>7 as 24.</p> <p>8 There's one in here. This is the dog</p> <p>9 barking, in my mind. I had heard that,</p> <p>10 Ms. Broll, you had raised a question about</p> <p>11 primary residence in regards to testimony that</p> <p>12 we received that Easton was a good model for us</p> <p>13 to follow. And I understood that you wanted</p> <p>14 that included on this list.</p> <p>15 Am I incorrect on that?</p> <p>16 MS. BROLL: Incorrect. I weighed in on</p> <p>17 the moratorium issue.</p> <p>18 MR. KANE: Okay. I stand corrected, I</p> <p>19 stand corrected.</p> <p>20 MS. SUSS: I'm sorry, Tammy. What did you</p> <p>21 say?</p>
<p>1 another two bedrooms.</p> <p>2 And the discussion was, as I remember it,</p> <p>3 that the county attorney felt that that was not</p> <p>4 the intent of the law.</p> <p>5 My thought, I would agree with that, my</p> <p>6 thought is could we make that more clear in the</p> <p>7 law so it was clear that people weren't renting</p> <p>8 out multiple bedrooms to independent people.</p> <p>9 Comments, thoughts?</p> <p>10 MR. HALL: Well, if that was the intent</p> <p>11 and it doesn't seem to be clear, then it ought</p> <p>12 to be made clear.</p> <p>13 MR. KANE: That would be my view.</p> <p>14 MR. SALINAS: Also, number 58 on the other</p> <p>15 sheet of the summary of comments, a couple of</p> <p>16 people did say to prohibit multiple occupancies</p> <p>17 of the same property at the same time, only one</p> <p>18 lease permitted at any one time. Which would</p> <p>19 get at your issue.</p> <p>20 MR. KANE: Yeah. So it would be a simple</p> <p>21 change; is that right?</p>	<p>1 MS. BROLL: I had weighed in on the</p> <p>2 moratorium issue as to whether it was something</p> <p>3 that we should address in specifically yay or</p> <p>4 nay, versus offering that to the Council as one</p> <p>5 of the topics.</p> <p>6 I believe that someone had -- I believe we</p> <p>7 had a letter in our packet from --</p> <p>8 MR. KANE: Yes.</p> <p>9 MS. BROLL: From several people, maybe</p> <p>10 even wanting to mirror our. . .</p> <p>11 MR. KANE: Regulations.</p> <p>12 MS. BROLL: Regulations similar to those</p> <p>13 that the Town of Easton has.</p> <p>14 MR. KANE: Yes, we did.</p> <p>15 MS. SUSS: Right. And they were talking</p> <p>16 about the fact that I live in Easton and that I</p> <p>17 have -- I --</p> <p>18 MS. BROLL: And the Council, all the</p> <p>19 Council lives in Easton.</p> <p>20 MR. KANE: All the Council lives in</p> <p>21 Easton.</p>

<p style="text-align: right;">Page 114</p> <p>1 MS. BROLL: But I don't see that as a 2 topic for us. 3 MR. McQUAY: One of the things about 4 Easton's ordinance for STRs is that they don't 5 allow people living out of town to run an STR 6 in Easton. You have to reside there in order 7 to have one. 8 MR. KANE: Correct. That was the 9 testimony. Any -- 10 MR. McQUAY: One more thing to bring up. 11 MR. KANE: On that one, is that one that 12 we want to carry forward or we want to wait? 13 MS. SUSS: No, I don't. 14 MR. KANE: Other people on the board? 15 MR. HALL: I do not want to weigh in on 16 that. 17 MR. KANE: Okay. 18 MS. SUSS: I think that, in my opinion, 19 they've gone through all of this. And that's 20 how it all got started, was they went through 21 ad nauseam about what they wanted in the way of</p>	<p style="text-align: right;">Page 116</p> <p>1 So I just think that the moratorium is 2 mute, but that's up to them. That's not up to 3 us. We're procedural. They're legislative. 4 MR. KANE: Understood. So let's move on. 5 David, you had another? 6 MR. McQUAY: Some time ago we had a couple 7 come before the board. They didn't send in an 8 application, but they came in for discussion 9 and to talk about a possible waiver. Involves 10 chapter 19033.20.C, item three, outside areas 11 for use by renters. 12 In this case, this couple lives in 13 Wittman, Sewell Point Road. I pass by there 14 almost every day going to work. They own two 15 properties together. One they use for an STR 16 or they want to. The other they reside in. 17 The problem with them is screening. They 18 have a deck that's too close to the property 19 line, and they didn't want to plant anything 20 there for fear they'd lose the view going down 21 the creek.</p>
<p style="text-align: right;">Page 115</p> <p>1 a short-term rental. And so if anything, it 2 would just be rehashing something they've 3 already decided on, which is it's a three-night 4 minimum and that literally the county is a 5 different complexion than the city of Easton in 6 regards to short-term rentals. 7 There's been a precedent. It's been set 8 already for many, many moons in regards to 9 people buying homes and having resident agents 10 manage them while they live in D.C. or 11 wherever, South Dakota. And that's extreme, I 12 suppose. 13 But that, plus while I'm at it, and I'll 14 shut up after that, is I don't believe that 15 even rehashing the moratorium is something we 16 should be doing or even the County Council 17 because they've already gone through it. 18 We've got about 150 short-term rentals. 19 And they were expecting somewhere around 200. 20 And we're not even anywhere near that. Or 21 beyond 200. I think it was 260.</p>	<p style="text-align: right;">Page 117</p> <p>1 So I've had a chance to look it over 2 pretty good, and I don't see any reason why the 3 board couldn't approve that application for the 4 way it's set up with them living right next to 5 the STR property. 6 If they would move or sell their house, 7 then it would go back in the normal regulation. 8 But to me, it looked like a pretty reasonable 9 exception to our current rule for that type of 10 situation. 11 MR. KANE: And I believe in that hearing, 12 what we did was refer it to the staff for 13 resolution on screening. Screening falls 14 within the purview of the staff. 15 MR. SALINAS: I'd have to go to the 16 record. The direction from the board I thought 17 was for them to come up with an alternative 18 landscape plan. 19 MR. HALL: That's the way I recall it. 20 MR. KANE: Is that right? Okay. I stand 21 corrected.</p>

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<p>1 So we're waiting for them to come back.</p> <p>2 So the onus is on them to come forward and come</p> <p>3 before us again.</p> <p>4 MR. SALINAS: Yeah. I think their</p> <p>5 question to staff is -- I think they want to</p> <p>6 know if they can come back up with</p> <p>7 consideration of moving forward just as is</p> <p>8 without the alternative landscape plan since</p> <p>9 they own contiguous properties and until they</p> <p>10 sell.</p> <p>11 MR. KANE: I think the issue is one that</p> <p>12 we've taken up under hearing. And if there's a</p> <p>13 more general requirement of screening, as I</p> <p>14 understand it, we defer questions on screening</p> <p>15 to staff. Is that right?</p> <p>16 MR. SALINAS: Yeah. I think they want</p> <p>17 to -- I'm trying to remember. I'm trying to</p> <p>18 remember if they want to request a waive or</p> <p>19 they're asking for approval to waive that</p> <p>20 alternative landscape requirement.</p> <p>21 MS. SUSS: Because I remember they've been</p>	<p>1 features.</p> <p>2 So you can issue a license with</p> <p>3 conditions. Those conditions can be no</p> <p>4 screening. It doesn't have to be a limitation.</p> <p>5 It can be a granting.</p> <p>6 So there is the authority for the board</p> <p>7 to -- there's several. There's landscaping,</p> <p>8 outdoor lighting, waste disposal. There can be</p> <p>9 modifications based upon these things.</p> <p>10 As of right now, the order is that they</p> <p>11 have a landscape plan.</p> <p>12 If, Mr. McQuay, if you would like to be</p> <p>13 saying I would like to consider having that</p> <p>14 matter reconsidered because the license has not</p> <p>15 been issued, then we can probably arrange for</p> <p>16 that motion to be brought in the appropriate</p> <p>17 forum.</p> <p>18 In general, the board has the authority to</p> <p>19 do what they've asked for. The board did not</p> <p>20 do that at the last hearing. But y'all have</p> <p>21 the authority to enter a license with no</p>
<p>Page 119</p> <p>1 here a couple of times.</p> <p>2 MR. SALINAS: Yeah. One time was more of</p> <p>3 a --</p> <p>4 MS. SUSS: Was a preliminary. And then</p> <p>5 they came before us --</p> <p>6 MR. SALINAS: -- and the second was their</p> <p>7 actual application. Yeah.</p> <p>8 MS. SUSS: I don't remember what happened,</p> <p>9 though.</p> <p>10 MR. SALINAS: I think Mr. McQuay is</p> <p>11 requesting, I don't know, a sense of the board</p> <p>12 I guess.</p> <p>13 MS. O'DONNELL: If I could, let me outline</p> <p>14 some education to make sure that the board is</p> <p>15 aware.</p> <p>16 As you may know, 19063.2 sets out that</p> <p>17 gives the board authority. So the board is the</p> <p>18 authority to impose conditions, restrictions,</p> <p>19 limitations that are reasonably unrelated to</p> <p>20 addressing impacts of the short-term rental and</p> <p>21 they may address location and design of site</p>	<p>Page 121</p> <p>1 screening, but that's not the direction the</p> <p>2 board took.</p> <p>3 If the license was final, I would</p> <p>4 question, because there's been the passage of</p> <p>5 time, if there's still the ability to reopen</p> <p>6 that issue. Since the license is still not</p> <p>7 issued, arguably it's still within your</p> <p>8 jurisdiction and there's arguably there's an</p> <p>9 argument because there's not a final decision</p> <p>10 yet, that there could be a reconsideration.</p> <p>11 But we would have to discuss the</p> <p>12 procedures to accomplish that and probably</p> <p>13 provide notice to the affected parties to be</p> <p>14 present at that motion.</p> <p>15 MR. McQUAY: I wasn't aware, I don't</p> <p>16 think, that they put in an application.</p> <p>17 MS. SUSS: They did.</p> <p>18 MS. BROLL: You may have been absent</p> <p>19 perhaps.</p> <p>20 MR. McQUAY: The meeting that I was here</p> <p>21 to, the meeting that they went to that I</p>

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<p>1 remember was over in the conference center. 2 MR. SALINAS: Right. 3 MR. McQUAY: (Inaudible.) 4 MR. SALINAS: They weren't actually. . . 5 MS. SUSS: That was just -- 6 MR. SALINAS: They weren't on the agenda 7 for that one. I think they requested if they 8 could approach the board, and they were granted 9 that. 10 But yeah, at a subsequent meeting, they 11 came in with a new application. And the 12 application was continued, or tabled I should 13 say, until they came back. 14 The code does say sufficient screening 15 either by setbacks of at least 50 feet or a 16 combination of -- if a combination of 17 vegetation and topographic features determined 18 by the planning director or the board to 19 provide sufficient separation and screening. 20 So that's the. . . 21 MR. KANE: So I assume that's the process</p>	<p>1 MR. KANE: So what's the feeling of the 2 board on changing the sign? 3 As I recall, staff was going to come back 4 and tell us if that was too expensive, too time 5 consuming, or too difficult. Have you had a 6 chance to look at that? Can we just. . . 7 MS. O'DONNELL: I think the concept that 8 that's something that you would like to see 9 happen. I mean it is a funding request. I 10 think it's something that you would like to see 11 the sign be amended. And then. . . 12 MR. KANE: Okay. So what's the feeling of 13 the board? Do we need to change the sign? 14 Provide more notice? 15 MS. SUSS: The thing is that there's not a 16 specific sign. 17 MR. KANE: Correct. 18 MS. SUSS: For short-term rental. So they 19 probably should explore the avenue of having 20 maybe ten short-term rental signs, or 20 of 21 them so they have backups for when they get</p>
<p>Page 123</p> <p>1 moving forward. Until we hear otherwise, 2 that's the end of that comment. 3 Also, unless there's other -- 4 MS. O'DONNELL: I just want to make sure 5 to capture two additional things that I wrote 6 down from the last session on September 17th. 7 One is the STR sign, the Planning & Zoning 8 staff sign, that we want to try to investigate 9 the possibility of amending that sign and 10 making that more clear from far away what it 11 is. 12 And the second issue is amending the 13 application to make sure that we are asking the 14 question and also giving direction to people 15 who have to provide notice on a private road. 16 So amending the application to trigger that 17 issue in the people and also trigger that issue 18 within us that we know that that notice is 19 expanded. 20 MS. SUSS: So it has private road on it? 21 MS. O'DONNELL: Right.</p>	<p>Page 125</p> <p>1 (inaudible) in the back of the car, as mine do. 2 MS. BROLL: And the sign may actually 3 become more important or more relevant since 4 we've also gone to one notification, or we're 5 requesting to go to one notification versus the 6 two mailings. 7 MR. HALL: I would like to see, if it 8 comes back and it's a million dollars per sign, 9 then I wouldn't (inaudible). But if it's 10 something that's reasonable, then let's just 11 boost the, bump the application fee to offset 12 some of these eyeball things. 13 MR. KANE: So is that the recommendation 14 of the board? 15 MS. SUSS: Yes. 16 MR. KANE: Okay. Ask you to proceed in 17 that way and to investigate the cost and 18 feasibility. 19 And the next one was, Ms. O'Donnell. 20 MS. O'DONNELL: Making sure that the 21 application is amended to deal with -- I don't</p>

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<p>1 think (inaudible) but the private roads.</p> <p>2 MS. SUSS: There's a private road aspect</p> <p>3 to the question.</p> <p>4 MR. KANE: I think that the sense is yes,</p> <p>5 we want to do that. All right.</p> <p>6 Any other requests?</p> <p>7 MR. SALINAS: Are you done talking other</p> <p>8 issues, topics related to STRs?</p> <p>9 I just wanted to point out that we still</p> <p>10 have the August 22nd and 29th minutes, if you</p> <p>11 are ready to approve those.</p> <p>12 MR. KANE: I have to admit that I have not</p> <p>13 read them. Mr. Hall has read them. I can</p> <p>14 follow his recommendation. We can defer one</p> <p>15 more time or we can approve it. I haven't read</p> <p>16 them.</p> <p>17 Anybody else?</p> <p>18 MR. McQUAY: No, I haven't read them.</p> <p>19 MR. KANE: Another modest person here.</p> <p>20 MS. BROLL: I read them. They seem fine</p> <p>21 to me.</p>	<p>1 THE BOARD: Aye.</p> <p>2 MR. SALINAS: Thank you.</p> <p>3 MR. KANE: Thank you for your</p> <p>4 perseverance.</p> <p>5 MR. SALINAS: Another question we have is</p> <p>6 we have some STR applications ready to move</p> <p>7 forward and just wanted to check to see if</p> <p>8 October 17th, which is a Thursday at one, if</p> <p>9 that works for everybody, if you know your</p> <p>10 schedules at this point or at this time?</p> <p>11 MS. SUSS: I'm on call for jury duty all</p> <p>12 month.</p> <p>13 MR. SALINAS: That's right. You did</p> <p>14 mention that before.</p> <p>15 MS. SUSS: So I don't know.</p> <p>16 MR. HALL: I'll have to check my calendar</p> <p>17 and get back to you.</p> <p>18 MR. SALINAS: Okay.</p> <p>19 MR. KANE: So it would be October 17th.</p> <p>20 MR. SALINAS: Seventeenth at one p.m.</p> <p>21 MR. HALL: How many?</p>
<p>Page 127</p> <p>1 MR. KANE: Do they look okay to you?</p> <p>2 MS. BROLL: Now, I'm not going to swear</p> <p>3 that a comma wasn't out of place.</p> <p>4 MR. KANE: Martha, how about you? You</p> <p>5 want to approve them --</p> <p>6 MS. BROLL: As far as content.</p> <p>7 MR. KANE: It's a simple minutes. It's</p> <p>8 just accepting the procedure of the 22nd and</p> <p>9 then the 29th.</p> <p>10 MS. BROLL: No. I reviewed them. I don't</p> <p>11 remember them, but I remember reviewing them.</p> <p>12 MR. KANE: So the pleasure of the board --</p> <p>13 MS. SUSS: There's nothing (inaudible).</p> <p>14 MS. BROLL: -- do we want to approve those</p> <p>15 minutes?</p> <p>16 MS. SUSS: Yeah.</p> <p>17 MR. McQUAY: Yeah.</p> <p>18 MR. HALL: So moved.</p> <p>19 MR. KANE: Second?</p> <p>20 MS. BROLL: Second.</p> <p>21 MR. KANE: All in favor.</p>	<p>Page 129</p> <p>1 MR. SALINAS: Six. One waiver maybe.</p> <p>2 They might pull that.</p> <p>3 MR. McQUAY: October 7th?</p> <p>4 MR. SALINAS: October 17th.</p> <p>5 MR. McQUAY: Seventeenth.</p> <p>6 MR. SALINAS: Yeah. And of course, we'll</p> <p>7 follow up with you. We also still have to</p> <p>8 contact the applicants.</p> <p>9 MS. O'DONNELL: Just to add,</p> <p>10 Mr. Kupersmith will be here if it's on the</p> <p>11 17th.</p> <p>12 MR. KANE: You moving another mansion?</p> <p>13 MS. O'DONNELL: I'm going to Nebraska.</p> <p>14 MR. KANE: All right. Well, have a good</p> <p>15 time.</p> <p>16 MS. O'DONNELL: So where are we going from</p> <p>17 here with the timing of our reports and having</p> <p>18 to look at the report and how do y'all want to</p> <p>19 handle that?</p> <p>20 MR. KANE: We addressed that. You're</p> <p>21 going to (inaudible) get back to me to take a</p>


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1 look at it, whether I can or not.
 2 MS. O'DONNELL: So you want to have the
 3 recommendations written up in like a letter
 4 form and then you will review the letter by
 5 e-mail or do you want to have a session to
 6 review?
 7 MR. KANE: They deferred it to me to take
 8 a look at. So I will -- you and I will get
 9 together at your earliest convenience.
 10 MS. O'DONNELL: Okay. I thought that was
 11 for the legislation part. I didn't realize
 12 that was for the report coming out of the
 13 committee. So that's why I . . .
 14 MR. KANE: We'll take a look at it at that
 15 time. And then to the extent that I can share
 16 it with the board, I certainly will.
 17 MS. SUSS: Just share with us if you need
 18 to. If you need to share it with us, I'd like
 19 to see it.
 20 MR. KANE: Absolutely, absolutely. To the
 21 extent I can, that would be fine. All right.

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1 Anybody else? Hearing no further agenda
 2 items, I declare us adjourned.
 3 Thank you very much everybody; staff,
 4 attorney, participants, thank you.
 5 (Work session concluded at: 3:15 p.m.)
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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 27th
 of September, 2019, at Easton, MD.

 Diane Houlihan
 Notary Public
 My commission expires September 16, 2021

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