

Comments on STR agenda item

To: Village Council, Clerk, Deputy Clerk

From: Terry Bacon

Date: April 11, 2024

There are two points, based on comments of others at the most recent meeting of the STR Special Committee that deserve attention.

1. **Commissioner Ford's statement is the most important point made. This Special Committee has failed to abide by the limitations of the charge to the Committee when it was formed.** Despite being reminded of that limitation trustees Dye and Walton ignored that limitation and used the Committee to advance their personal agenda, rather than the direction of Council.
 - A. Based on the **motion that was adopted to create this Committee on 11/9/23**, the Committee's charge, as authorized by the Village Council, was to prepare a **"registration Ordinance"**—not a general STR **regulation ordinance**:

"Motion by Dye, support by Walton to have the Council establish a special committee to be comprised of 2 council members and 2 planning commissioners to draft a registration ordinance and any other forms that may be necessary to implement a Short-Term Rental Ordinance to be completed by February 1, 2024. Upon a voice vote, MOTION PASSED."¹
 - B. When the matter of appointing two persons from the Planning Commission (needing to be done by President Palmer and the Council, rather than by the PC Chair) arose, **President Palmer, plainly showed her understanding of the committee's charge, when she wrote and included in December's packet:**

"Action to be Taken:
President Appointment/Council approval to select two (2) Planning Commission members to the Special Committee created to draft a registration ordinance and any other forms that may be necessary to implement a Short-Term Rental Registration Ordinance and Registration Form."
 - C. Very recently, **trustee Dye created a timeline** (in your packet for this meeting) as to actions with respect to STR from 2019-2024, which affirms the very limited role of this

¹ Those minutes were approved, without objection, in December. I have also listened to the recording and that is an accurate statement of the motion. (Stated twice by trustee Dye, originally and after discussion).

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Special Committee. Contrary to how trustees Dye and Walton acted at the recent meeting of this Special Committee, trustee Dye wrote, as to the charge to this committee:

“The Council then voted to establish a special committee to be comprised of 2 council members and 2 planning commissioners to draft a registration ordinance and any other forms that may be necessary to implement a Short-Term Rental Ordinance.”

(Emphasis added.) Trustee Dye further wrote:

“The committee has no authorization to do anything except what they were tasked to do by council.”

(Emphasis added.)

Where is the draft “registration ordinance?” The Special Committee appears to have abandoned its limited charge to draft a “registration ordinance.” Instead, trustees Dye and Walton have abused their positions on the Special Committee by pursuing the objective of their earlier committee’s recommendation—a recommendation NOT adopted or accepted by Council!

The Special Committee should either shut down or promptly on to its assigned task. The particulars of a full regulatory ordinance are outside the prescribed scope of the Committee’s work. **The only STR ordinance within the scope of the Committee’s authority is one of registration, not regulation.** The Special Committee should move promptly to its assigned task or cease its operation.

2. **An additional comment made at the meeting (that the Special Committee was engaged in a ruled process) and the Chair’s response (it was not ruled) gains greater meaning in light of the above first point.** That is, the process of drafting a regulatory ordinance (if that is the intent of some members of the Special Committee, despite that not being the charge to the Committee) has been ruled.

A. **Such a rush starts with the November 2023 meeting.** The VC and the public were **not put on notice, in advance of the Nov 9 meeting, that there would be a motion to create a Special Committee.** No item was placed on the Agenda for the creation of such a Special Committee. The Agenda was adopted on a motion (seconded by trustee

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Walton), which agenda mentioned STR only as “Short Term Rental Committee Report to Council (Dye).” That report was included in the e-packet for that 11/9/23 VC meeting.² **(This is not an assertion that the committee was not properly created.** Despite the failure to follow the proper procedure, no member of Council objects and the motion was adopted unanimously. **The point is that no one can reasonably dispute that the process was “rushed.”)**

- B. The report of the previous 2023 committee included a recitation that such **Committee of Council was charged, among other things, to Schedule a Special Council meeting to share the information and data “with time for a public hearing.”** The express purpose was “to solicit input from members of the public about the need for a seasonal rental ordinance in the Village ...”³ Instead, Dye apparently “rushed “to bypass that transparent solicitation of public input at a public hearing and proceeded to drafting an ordinance.
- C. **But contrary to the limited charge of drafting a registration ordinance and related forms, some members of the Committee have plunged headlong into the quagmire of full regulation.** As a result, **it IS fair to say (as one person described it) that this process is being “rushed.”** That is a perfectly accurate description of abandoning a special meeting and public hearing to “solicit input from members of the public about the need for a seasonal rental ordinance in the Village.” **Deleting those important steps**

² Contrast the absence of advance notice, in November 2023, of an intent to request formation of this Special Committee with what happened in June 2023 when the previous committee of council was formed. In advance of the June 27 meeting, trustee Dye submitted materials that expressly recommended that the Council create a Special Committee of Council for 3 months related to the issue of an STR ordinance. Trustee Bacon then submitted a proposed charge for that committee—the charge differing from trustee Dye’s original recommendation. At the 6/27/23 meeting, trustee Dye moved (and it was adopted) to create a special committee of council to address the charges listed in trustee Bacon’s documentation.

³ Trustee Dye’s recent written timeline suggests that, at the November meeting, the intention for scheduling a special meeting was abandoned: “Council did not recommend a public hearing at this time.” In fact, however, trustee Dye’s oral report on 11/9 did not mentioned that part of the charge of that previous committee. The Committee’s written report listed that part of the charge but thereafter totally ignored ONLY that charge.

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**(does the public—rather than two trustees—feel a need for a regulatory ordinance?)
is an illustration of “rushing.”**

Clearly, two of the members of that previous committee ‘felt’ (their report expressed it as “feeling”) that there were several topics that would be important to include in an ordinance and those same two members, now on the Special Committee, have continued to propose those topics to be addressed. But that was not the motion brought forward to the VC and adopted.

“Rushed” is also an appropriate term to use in describing the effort to have this Special Committee complete its work (especially if a full regulatory ordinance draft was intended) during the dead of winter. That, however, has not happened and the life of the committee has been extended and, through some publicity—that was not originally something the Committee introduced—more of the public has become involved.