

**Minutes | Planning Commission Meeting
Monday, August 14th, 2023 | 6:30 PM**



President Schall called the meeting to order at 6:30 PM.

Roll Call: President Mark J. Schall, Trustee Rick Cermak, Trustee Rich Schmitt, Constable Kristin Wright, Planning Commission Members Mark Hyde, Paul Schroeder, Bill Cosban; Treasurer Robert E. O'Brien, Clerk Dori A. Panthofer

Excused Planning Commission Member Randall Johnson

Public: Gail Simon & Mark Pfof 40 S Vincennes Cir
David & Ellen Easley 101 S Vincennes Cir
Connie Mellem 116 S Vincennes Cir (arrived at 6:31 PM)

Clerk Panthofer stated that the meeting is being recorded for the sole purpose of creating minutes. Before you speak, please state your name so the Clerk accurately records statements.

Planning Commission Review of Chapter 11 | President Schall distributed a pro forma ordinance change related to the Village of North Bay Code of Ordinances Chapter 11.02 short term rentals. It's not official, it's a template. The Village attorney is currently drafting an ordinance for the Village of North Bay.

Due to changes in state law, the Village needs to update the ordinance to clarify language and meet state requirements. The following language defining municipal oversight should be considered to protect both residents and the Village:

- Distance from the owner's residence to the short term vacation rental property
- Property manager clause
- Proof of Compliance with various permits (State, Racine County Health Dept, annual Building Inspection)
- Increase fees to cover all costs
- Update permit term to 1 year to align with other state and county permits

The Planning Commission is asked to review and discuss updating Chapter 11.02 and to vote to support the Board's recommendation to proceed with updating Chapter 11.02.

Constable Wright stated that upon Planning Commission approval to proceed with updating Chapter 11.02, the Village will comply with publishing the proposed ordinance and post the state mandated meeting notice(s). The template has been used statewide.

DISCUSSION

- Bill Cosban Can we approve authorizing the Board to proceed with the proforma version now, and suggest things that should be put in it after we've had a chance to review it?

- President Schall Absolutely. Submit anything you'd like the Board to consider including so it can forward major points to the attorney for consideration to include it in the final version. The attorney will give us a draft, we'll review it. We're not voting on this as is today.
- Paul Schroeder Will the license & permitting have to be updated annually?
- President Schall Yes.
- Constable Wright The current permit is \$10 and is valid for 2 years.
- Clerk Panthofer The current \$10 fee does not cover Building Inspection fees that are approximately \$100 per inspection. Other fees such as fire inspection and legal fees should also be considered in establishing the fee.
- Paul Schroeder A lot can change in one year.
- President Schall This concludes the discussion. We will now move on to Public Comment.

PUBLIC COMMENT

- Connie Mellem I understand what you are trying to accomplish. If you're going to make a proposal tonight, I think you need to have it state that this is contingent upon legal review and publication.
- Constable Wright The purpose of this is for the Planning Commission to grant the Board approval to move forward with updating the Chapter. Once the lawyer provides a clean draft, we can give it to all of you to look at and provide input.
- Connie Mellem Do you have a enough Planning Commission members present tonight to do this?
- Constable Wright Yes
- President Schall Yes
- Clerk Panthofer Yes, a quorum present. As a reminder, before you speak, please will you state your name so I may accurately record the minutes?
- Dave Easley I think what I am hearing is that you would like to remove the property owner's primary residency requirement.
- President Schall Yes.
- Dave Easley I am concerned that removal of the residency requirement may result in a whole row of properties that are put out for rental. That would bring on a lot of transitory persons in and out of the properties, it could lead to a lot of commotion that requires additional policing. I don't think that's what we want. I think the Village set the primary residency requirement for a very good reason.
- President Schall We agree with you. The Village Attorney stated he's never seen that requirement that could be challenged. Ideally, we would have that in place. However, the Village needs to consider potential challenges. None of us are lawyers, we must rely on legal counsel.
- Connie Mellem I shared the new Ordinance that was voted on in Sister Bay, WI, with the Village. It (Sister Bay) is different from North Bay because these are not necessarily primary residences. What they (Sister Bay) have done is to stipulate that the Owner is responsible, and must live within a certain area,

and if the owner can't do it, the owner must have someone he pays to oversee it, and is responsible for whatever happens. I know what Dave Easley is talking about, there are big corporations and entities that are buying up multiple properties just to rent them out. We need to have some way of protecting the Village. North Bay ordinances state that the Village is a single family residential community, and that's what we want to keep.

- President Schall The best substitution to the residency requirement is to incorporate the maximum allowable distance between the vacation rental and the property owner's primary residence or the owner's authorized agent.
- Gail Simon I'm confused, are we talking about a Property Manager? That Property Manger could be anyone.
- Connie Mellem Essentially, yes. The authorized Agent must be registered and be part of the application process.
- Gail Simon Explain to me how this property manager will work.
- Connie Mellem For Sister Bay, the person or entity is referred to as a Resident Agent who declares residency within maximum designated distance from the licensed vacation rental. That Resident Agent is authorized to act on behalf of the owner and is responsible for day to day operations in the absence of the property owner.
- Gail Simon Why would we want this?
- Constable Wright This issue is that is if an owner is renting out their house, they won't be in the house. If there are problems, the Village needs to have someone to contact 24/7. If in fact we can't reach the Owner/Resident Agent, that would be grounds for revocation of the permit.
- Gail Simon So, an owner can still rent out their house, we just have someone to call if it's too noisy, or something is going on. If there are enough violations, can the Village prevent future rentals? They woke me up one time at 2 AM and another time at midnight. How many violations before the permit is revoked?
- Constable Wright The Ordinance will stipulate the number of violations, I think it will be two.
- Bill Cosban What about zoning? This is a commercial venture. They're making money. How can they do that when the Village is zoned residential.
- Constable Wright The State if Wisconsin allows it.
- Bill Cosban Unbelievable, it's commercial.
- Ellen Easley So the only thing we can do to stop or minimize this is put in the requirement of a property manager who is close by?
- President Schall The Village can require a Property Manager who is a surrogate for the property owner so we have someone to hold accountable. We can still put in ordinances for noise, state license requirements (county, state, health department) and inspections (building, fire, etc).
- Paul Schroeder Are we upping the fee to cover the fees?
- President Schall Yes, the Village will model the fees of other municipalities. The fee will be driven by actual costs (administrative, building & fire inspections,

re-inspections, etc.); it can't be excessive. We can't add legal fees per incident, but we can add a general allowance for all related costs. Initial fees will be higher than renewals.

- Constable Wright The first year fee will be higher due to initial administrative costs; renewals will be a bit less. This is not a revenue stream, but we do need to cover costs associated with the time by Village Officials (elected, appointed or contacted) related to issuing and maintaining a vacation rental permit.
- Gail Simon Will the Racine County Health Department have to inspect annually?
- Connie Mellem Will the Board have a procedure if there is a problem to issue a ticket? Do I call a Board member? It has to be addressed. Or, do I call the Wind Point Police non-emergency number? If I call, I want to make sure a ticket is issued so that we have documentation that this is actually happening.
- President Schall It's the same as it is now, you don't call a Board member for late night noise. Call the police directly for any incident that may require police action. If there are two or more violations, the Board may revoke the license.
- Paul Schroeder Will the properties be identified so the police are aware when they are responding to a rental and to track incidents?
- Constable Wright Yes
- President Schall Yes
- Clerk Panthofer The ticket is issued to the property owner. Will the citation fine increase per incident?
- President Schall Yes.
- Bill Cosban Renters must abide by Village laws. We've rented places, typically there is something that outlines house rules and tells everything about trash pick up, leash law for dog walking, etc. There needs to be something specific that renters are expected to follow North Bay code.
- Clerk Panthofer Ordinances are published online.
- Bill Cosban Renters will claim they are unaware. They have to know Village code exists and they're expected to follow it.

I proposed a noise ordinance designating quiet time from 10PM-10AM. I gave you the whole thing. In Sister Bay, quiet time is designated from 10AM-10PM for 365 days a year. It could include exceptions for holidays, etc., but it was shot down. Only 1-2% of the people cause trug

What about property taxes, can they be higher for rentals?

- President Schall Your noise ordinance proposal was about cutting grass at 8 AM. This is different. The Board considered pros and cons and it was one more thing to enforce and opted against it. The Nuisance Ordinance covers noise. I'll add the noise ordinance to a future agenda.
- Mark Hyde My family and I have rented VRBO properties. They always have notebook that lists house rules and usually includes quiet hours. That doesn't mean everyone will follow them. It seems like that is pretty well stated. Could we require that the rentals are subject to quiet hours?

- Rich Schmitt Is this for short-term vacation rentals only? Does any of this apply to long-term rentals?
- President Schall No.

DECISION

President Schall Does everyone have enough information to move updating Chapter 11.02 forward?

Does this require a roll call vote?

Clerk Panthofer A roll call vote will be taken for this decision.

President Schall called for a vote to proceed with the process to update Chapter 11.02.

ROLL CALL VOTE: President Mark Schall; AYE
 Bill Cosban; AYE
 Kristin Wright; AYE
 Paul Schroeder; AYE
 Rick Cermak; AYE
 Mark Hyde; AYE
 Rich Schmitt; AYE

Motion carried at 7:02 PM.

CONCLUSION

- President Schall stated the next step is when we get the next version from the Village lawyer, that it incorporates suggestions from today.
- Constable Wright said we will run it (the next version) by them (the Planning Commission) before publishing the next meeting notice.
- David Easley asked, will the final version with the exact wording be distributed just to the members of the Planning Commission and the Board or will it be available to all residents?
- President Schall stated it would be available to all residents.
- Clerk Panthofer stated that upcoming meeting notice(s) and the proposed ordinance with exact wording will be published on the Village website and on the Village Hall bulletin board located on the door.
- President Schall will distribute the draft from the attorney prior
- David Easley "How will we be aware that it is available on the website?"
- Clerk Panthofer suggested checking the News and Announcements page daily for the next few weeks.
- Constable Wright & President Schall stated the Village (Clerk) can email all in attendance when it (the final proposed ordinance) is published on the Village website.

ADJOURN | Paul Schroeder motioned to adjourn, Trustee Schmitt seconded. All in favor, none opposed. Meeting adjourned at 7:04 PM.