

DRAFT

**DUBLIN CITY COUNCIL
COMMUNITY DEVELOPMENT COMMITTEE**

Wednesday, November 6, 2019

Minutes of Meeting

Mr. Reiner called the meeting of the Community Development Committee to order at 6:01 p.m. in Council Chambers.

Committee members present: Mr. Reiner, Ms. De Rosa, Vice Mayor Amorose Groomes.

Staff members present: Ms. Goss, Mr. Earman, Ms. Rauch, Ms. Husak, Ms. Readler, Mr. Boggs and Mr. Goodall.

Mr. Reiner stated that this Committee will discuss issues on the agenda tonight, hopefully come to consensus and then take a recommendation to City Council.

Short-term Rentals

Ms. Readler stated that the Community Development Committee discussed the topic of Short-term rentals on at the August 20th meeting and gave direction to the legal staff to develop legislation that would require the registration of short-term rentals. Council received comments and concerns raised by residents and referred this topic back to this Committee for potential additional regulation.

Ms. Readler stated that legal staff has proposed legislation that prohibits a property owner from renting a home or room to transient guests for more than 14 nights in a calendar year. This would be a business regulation, so there is a registration requirement for all short-term rentals so that it can be inventoried and monitored.

Mr. Boggs stated that the primary difference from what was discussed previously is that it would be a registration requirement for all short-term rentals and then the prohibition would begin after 14 days in a calendar year.

Mr. Reiner asked about the requirements of registering. Mr. Boggs stated that the application would require:

- Basic identifying information;
- demonstrating that they own the property (utility bill or something showing their physical presence on the property);
- platforms they plan to use to market the property, with the possibility of the City entering into an MOU with the platform to secure their cooperation to identify when the property is rented; and
- an affidavit stating they are in compliance with local building regulations.

Ms. De Rosa stated that one of the reasons for this additional discussion is the zoning and defining the purpose for the area, whether it is strictly residential or zoned mixed-use.

Mr. Boggs stated that this is not a zoning regulation, so it would apply equally across the board regardless of the zoning of the property. One of the arguments in support of these rentals is that this type of rental does not fundamentally change the dwelling characteristic. People are still using the property for the same use -- sleeping, eating, etc. It is not a different use for the property from a zoning and land use perspective.

Ms. De Rosa asked if the language should be more generic regarding the housing platforms where these properties would be advertised. As technology continues to evolve, it may be necessary to somehow capture scenarios where it is person-to-person, or something like that. Vice Mayor Amorose Groomes stated that people could use Craig's List or the newspaper and not a "hosted" site.

Ms. De Rosa noted that the application fee is \$250. How did we arrive at that number?

Mr. Boggs stated that the \$250 was the median of the other communities that they compared. The fine and penalty structure was set up so the initial offense would get the attention of the homeowner but not cause a financial burden.

Ms. De Rosa stated that it is important to have a fine. The challenge is making sure everyone is aware of the rules. The application fee wasn't meant to cover costs, but there would be costs associated with this. Overall, she agrees with the proposed legislation.

Vice Mayor Amorose Groomes stated that the \$250 seems appropriate. She clarified that the term "transient guests" refers to those where there is an overnight stay. Mr. Boggs stated that is correct. She likes the legislation and believes it is needed.

Mr. Reiner stated that the goal is protecting the residential areas of the residents.

Frank Fraas, 7735 Kate Brown Drive, asked if bed tax would be collected on these properties.

Mr. Boggs stated that there is nothing regarding that in this legislation because the way the City's bed tax law is written today, bed tax could be collected on this type of activity today. It is just a matter of administering it.

Ms. Readler stated that the registration process will help identify properties who are renting and assist in collecting bed tax.

Mr. Fraas asked if there was a means to require the renters notify the City, the HOA or the contiguous neighbors when the property will be rented and how many people they are expecting. He would also like to require an emergency number so if something happens the neighbors know who to contact. Mr. Boggs stated that the application could include an in-town person who would be responsible.

Mr. Reiner stated that is a good suggestion.

Vice Mayor Amorose Groomes suggested using the application that is used for Muirfield during the Tournament, but generalizing it to be for all rentals.

Ms. Readler asked that she would review the application.

Peter O'Neill, 8568 Turnberry Court, stated that he lives between two Airbnb's currently and one of them has an absentee owner. He stated that this property is not used as a residence. He stated it has been nothing but renters, noise, trash, Ubers, etc. The entire month of October, all day, every day there were six mini-vans shuffling back and forth constantly out of this residence. This is not what you would expect living in a residential cul-de-sac in Dublin. He shared that Jersey City just voted on this topic yesterday and imposed more restrictions on short-term rentals. The article mentioned the impact of the loss of community that is felt with these properties in the area. He believes that this could lower property values living next to something like this. He supports the legislation that is proposed.

Warren Fishman, 8577 Turnberry Court, thanked the committee for taking action.

Ms. De Rosa asked about signed rental agreements when this goes into effect. Mr. Boggs stated that the passage of new law cannot impair an existing contract.

Vice Mayor Amorose Groomes suggested passage by emergency to prevent anyone from trying to jump ahead of the legislation.

Ms. Readler asked if they would like to include emergency language. Mr. Reiner responded affirmatively.

Vice Mayor Amorose Groomes moved to advance the proposed legislation to City Council for consideration.

Ms. De Rosa seconded.

Vote on the motion: Mr. Reiner, yes; Vice Mayor Amorose Groomes, yes; Ms. De Rosa, yes.

Motion carried.

Temporary and Commercial Signs

Ms. Readler stated that the case *Reed v. Town of Gilbert, Arizona*, changed the way that municipalities can regulate temporary signs.

Mr. Boggs stated that regulating temporary signs is necessary to:

- minimize distraction to motorist and pedestrians in the right-of-way;
- reduce visual clutter in neighborhoods and commercial areas; and
- encourage high quality, effective graphics for navigation, information and identification.

Temporary signs are currently regulated by what is being communicated by the sign (political, directional, information, etc.). Mr. Boggs reviewed the *Reed* case and the majority opinion as a result. The majority opinion concluded:

- the distinctions between temporary directional, ideological, and political signs are content-based distinctions
- content-based distinctions are subject to a "strict scrutiny" review
- the Town did not show that its regulation of temporary directional signs as opposed to ideological or political signs was narrowly tailored to a compelling governmental interest.

There were two concurring opinions that:

- Clarifies that regulations based on size, location, lighting, movement, animation, "on-premises and off-premises," would be permissible
- Advocated a more flexible approach

The problem with the Town of Gilbert's code was that these signs were regulated differently.

Mr. Boggs noted the difference with commercial speech is that it is subject to greater potential restriction under the First Amendment. None of the discussion at this meeting concerned traditional commercial signage.

Ms. Readler stated that there is a temporary sign section that deals with more permanent commercial signs.

Mr. Reiner asked about sandwich board signs. Mr. Boggs stated that those are not as highly regulated because what is being advertising is a commercial message.

Ms. Readler stated that billboards are prohibited under Dublin's code.

Ms. De Rosa asked if it were correct to say that this focuses more on form and time than on content. Mr. Boggs stated that was correct.

Mr. Reiner asked about new development announcing a project and whether or not it is allowed. Ms. Readler stated that there is a "development period" sign that this addressed. Mr.

Reiner stated that legal is recommending that this issue go to PZC for review and then on to Council for consideration.

Vice Mayor Amorose Groomes asked if this will help with the lease and for sale signs that are throughout the City.

Ms. Readler stated that, currently, the language addresses this as a sales or leasing period sign. This type of sign is defined as a temporary sign erected only during any period when a premises or part thereof is actively offered for sale or lease and removed no later than 14 days after the premises or part thereof are occupied by a new owner or tenant.

Ms. De Rosa and Vice Mayor Amorose Groomes both expressed concern over the wording "part thereof."

Mr. Boggs stated that perhaps they could place time limits on it.

Ms. Readler stated that including a maximum days per year would be the best way to resolve that.

Ms. De Rosa stated that she didn't see political signs mentioned. Mr. Boggs stated that is the consequence of the *Reed* case. Ms. Readler stated that political speech is one of the most protected levels of speech under the First Amendment.

Mr. Boggs stated that political signs disappear from the code because they all fall under a blanket regulation regardless of the content.

Mr. Reiner moved to advance this topic to Planning and Zoning Commission for consideration.

Vice Mayor Amorose Groomes seconded.

Vote on the motion: Vice Mayor Amorose Groomes, yes; Ms. De Rosa, yes; Mr. Reiner, yes.

Motion carried.

Streetscape/Tree Selection in Historic Dublin

Mr. Earman introduced Mr. Goodall the new City Forester to present the criteria that was used to make some of the decisions about tree plantings on South High Street. Mr. Earman reviewed some of the site limitations that exist on South High Street. Some he mentioned were:

- Compacted clay soils
- Signage
- Light poles
- Narrow tree lawn
- Low soil volume
- Underground utility lines
- Historical relics and others.

Mr. Goodall stated that the landscape architects and Forestry staff worked together to determine what tree species would work well in the area. The Royal Raindrop Crabapple was chosen because of the pink flowering and leaf shape. It would be aesthetically pleasing. There are currently several of these trees planted along Muirfield Drive. The Adirondack Crabapple is very similar to the Royal Raindrop but has a white flower. Both of these species are disease resistant. The other ornamental tree options that staff felt would be good options are the Spring Snow Crabapple and the Ivory Silk Japanese Tree Lilac. They were looking for an option that was the right size and aesthetic due to the power lines and soil volume.

Mr. Reiner stated it is important to trim the limbs so the pedestrian traffic is able to get

underneath the tree, but the tree would still have a good head on it to provide a nice streetscape look. He stated some of the crabapple species are smaller and not as full.

Vice Mayor Amorose Groomes stated that what needs to be discussed is what makes a streetscape. She referenced a picture that Ms. De Rosa shared of fall colored ash trees along a street. She believes that this picture creates a visual streetscape. Referencing the trees on South High, she stated that it is a random sampling of plants. There are six trees of three different varieties. Imagine if those the trees in Ms. De Rosa's picture were all different shapes and sizes, colors and textures; it would be a very different picture and therefore not a streetscape. The objective is to create a streetscape. Streetscapes are uniform, repetitive, and have theme and rhythm. These selections are all great trees, but this discussion is not about the trees. It is about creating a feeling when you are on this street.

Mr. Reiner stated that this is about a concept.

Vice Mayor Amorose Groomes stated this should be about the street, not the tree.

Mr. Reiner stated that when driving down a street, if there are different heights, shapes, colors, berries, flowers, etc., it looks very disorganized. Foresters, generally speaking, do not like to plant the same tree down the whole street in case a disease comes along and wipes them out. They need to forget that worry and make it about the concept of the street. He wants cohesiveness as you drive down the street.

Vice Mayor Amorose Groomes stated that they will accomplish diversity intra-street, not inter-street. We will plant different street trees on different streets, but on each street, we will have uniformity. It is about vision, commitment to excellence and staying the course.

Mr. Reiner stated that uniformity is the direction they want to give staff.

Vice Mayor Amorose Groomes stated again how important it is to have the discussion. This is a long-term commitment to the excellence of the street.

Ms. De Rosa asked why they would plant smaller trees and then replace them when the power lines come down. If the power lines will be down in a relatively short time, why plant and then remove?

Vice Mayor Amorose Groomes stated that she wants to come up with a plan for South High Street.

Mr. Goodall stated he agrees with the direction. He stated that staff has some long-term ideas for the area.

Mr. Earman stated that the decisions being made were based on an old street tree code. Many options they wanted to do or thought of doing long-term conflict with the code. An amendment to the code will be necessary. There are significant issues on this particular street. The thought was to try to do something quickly after the trees were removed to improve the area.

Vice Mayor Amorose Groomes stated that an immediate fix would be six of the same tree.

Mr. Earman asked if they were to plant six of the same tree, would they want space reserved in between them for a larger tree with a larger crown? Mr. Reiner and Vice Mayor Amorose Groomes both stated they would.

Mr. Goodall showed a few pictures to illustrate what was being discussed and proposed.

Mr. Reiner stated that they need to get a tree with a good head on it and tighten up the cadence of it.

Ms. De Rosa stated that the Committee also needs to have the conversation regarding the pedestrian bridge opening and naming. She was not suggesting a discussion at this meeting, but wanted to put on the Committee's radar that this item needs to be discussed.

In response to Mr. Earman's question regarding next steps, Mr. Reiner stated that the recommendation/plan should come back to City Council for consideration.

Adjournment

The meeting was adjourned at 7:17 p.m.

Deputy Clerk of Council