

# Transient Lodging Task Force Minutes

Wednesday, December 5, 2018

7:00 p.m. – 8:00 p.m. Town Hall Public Meeting

Draft

1. Members Present: D. Tucker - Chair, L. Robertson, Ellen Hoffman, Lauren Duh, Greg Renz, Dow Benedict, and Sonya Evanisko.

Absent: Elise Baach

2. Visitors: Mayor Auxer, Mark Everhart, Zeb Pope, Michael Hawkins, Jim Puglisi, David Rosen, Dave Springer, Brad Lewis, Richard Deal, and Michael Hawkins.

3. Meeting called to order at 7:01 p.m. by D. Tucker.

4 & 5. Vote on recommendation to Town Council, review and approve executive summary recommendation.

D. Tucker – had the task force members introduce themselves, and she gave the definition of transient lodging (TL).

D. Springer – questioned if TL equated to less than 30 days if the owner is present or not present. Taxes paid?

D. Tucker – TL is owner occupied. The home must be

the owner's primary residence. The proposed recommendation would allow for a home inspection, and would fall under the town's rules for parking. The lodging tax would be extended to transient lodging.

R. Deal – the law requires that.

B. Lewis – is here to learn – has a home with two apartments on his deeded property on New St – can he do that? It will be his primary residence at some point.

R. Deal – if owner goes on vacation, it has to be owner occupied. Owner or manager needs to be available in town.

D. Tucker – the task force had extensive discussions about owner occupied and primary residence. Also, discussed was a designated manager that would be readily available in case of emergency.

D. Benedict – we looked at all of the good and bad, pros & cons of transient lodging. He felt like the task force has come up with a solution specific to our town to address our town situations.

Mayor – thanked the task force for its hard work. He cited an occupancy rate of 19-23%. D. Tucker stated that seemed low.

D. Rosen – our town has families with children, this is not a resort town. He doesn't want to see parties, and

random people in our neighborhoods. We already have hotels. We are opening Pandora's box. What do we want, a safe environment for our kids, or a resort?

D. Tucker – transient lodging, like AirBnB's are self-regulating. If they get poor ratings if a party occurs, they won't be able to rent it out.

R. Deal – an owner on the premises prevents parties.

M. Hawkins – from Sharpsburg – people that come to our areas our "heritage tourists", they don't come to have a wild party. They come for the history, to hike and to bike.

R. Deal – There are 7 AirBnB's in Harper's Ferry and Bolivar.

D. Rosen – worries about home values.

D. Tucker – millennials are our future travelers. They look for AirBnB's first, and want to be able to walk from where they stay.

D. Rosen – if this is in such high demand, we need to keep in the commercial areas.

L. Robertson – the reason we looked at owner occupied was when researching towns/cities that did this and had trouble, even reversing their ordinance to disallow transient lodging, was due to the property being rented

had no one to answer to if there was an immediate problem. This task force felt like owners would be more responsive to their neighbors, and the neighbor's complaint would carry more weight to the owner. If the owner isn't there, that owner has to make sure the designated manager addresses any issue immediately.

B. Lewis – long-term tenants are hard to remove if there is a problem. Transients lodging rentals can be dealt with immediately.

S. Evanisko – there is also an issue in town for property's that are listed as non-profit. They can do whatever they want, and that's' also a problem.

Mayor – what happens if a person doesn't want it next to them? Is it discriminatory?

L. Robertson – the task force has discussed a three-strikes your out policy. If there is a valid complaint, noise, trash, parties, etc., and the police department finds that the complaint is valid, then that can only happen three times. After the third violation, the rentals business license is revoked by the town.

S. Evanisko – if this gets recommended, the planning commission will be dealing with the specifics, once the Town Council votes to move forward, or not.

D. Tucker – do we have a recommendation based on

the two versions provided. Version A is to recommend, and Version B is to not recommend.

**E. Hoffman – move to recommend Version A. The Task Force recommends that the Council approve Transient Lodging in Shepherdstown and make the necessary changes to Town Ordinances to allow for Transient Lodging in any district provided that the Task Force’s three requirements, outlined below, are met. (Currently, Transient Lodging is permitted in the Residential-Commercial zone only.) D. Tucker, L. Robertson, Ellen Hoffman, Lauren Duh, Greg Renz, and Sonya Evanisko. Dow Benedict voted no. The motion carried with a majority.**

G. Renz - under Requirements to be Issued Transient Lodging Business License, #1 – need to delete the sentence in parenthesis. Can do a regulatory meeting later.

S. Evanisko – regarding rooms allowed, or the phasing in discussion – can come back to the task force for clarification.

D. Rosen – need to address the east and west ends.

D. Tucker – there have been multiple advertised open meetings for all to attend.

D. Rosen – inquired who on the task force has

considered having an AirBnB. The majority stated that they had no interest. L. Robertson stated she has thought about it.

S. Evanisko – some of our feedback has been upset with the task force for the owner occupied requirement. Many want to buy a home and AirBnB it out.

G. Renz- some may only want to rent out their homes during special events in town, like CATF, the film festival, or Street Fest.

**Adjourn - D. Tucker – if there are no objections, the meeting is adjourned at 7:49 p.m. No objections noted.**

**Minutes respectfully submitted by L. Robertson.**