

City Council of Peachtree City
Meeting Minutes
Tuesday, March 5, 2024
6:30 PM

Call to Order

The City Council of Peachtree City held a workshop meeting on Tuesday, March 5, 2024, at City Hall. Mayor Kim Learnard called the meeting to order at 6:30 p.m. Other Council Members present: Mayor Pro Tem Frank Destadio, Laura Johnson, Suzanne Brown and Clinton Holland

Meeting Video Link: [City Council Workshop- March 5, 2024](#)

Discussion Items

A. Short Term Rentals

Learnard noted there had been several conversations regarding a short-term rental (STR) ordinance over the past few years and said she was optimistic they could come to some conclusions after hearing from the public and discussing it one more time.

This process started in April 2022 and was discussed during Council/Staff topics at a City Council meeting in June of that year, Planning and Development Director Robin Cailloux explained. Council held workshops in May and June of 2023, and voted to proceed with an ordinance at an August 2023 workshop. The Planning Commission held a public hearing in September 2023, then refined the ordinance at an October public workshop before the City Council held its public hearing in November 2023. City Council decided the current draft was not what they wanted. Cailloux told them there was no active draft ordinance at this time because of this rejection.

A public opinion survey was posted on the City website in January and February, and 1,060 people completed it. Duplicates were removed by the system. The survey consisted of “yes” and “no” questions based on the most recent version of the ordinance that had been considered.

Cailloux showed how the survey results could be accessed on the website. She noted that 96% of the respondents were Peachtree City residents, and 96% said they did not own or operate an STR in the city. About 70% said they had stayed in an STR.

When asked if a permit should be required to operate an STR, 78% said “yes,” and 53% of those said the permit should be for one year. The question

of using guest houses or other detached structures as STRs brought a mixed response, with 52% saying they should not, and 48% saying that would be okay. There was little disagreement on the question of special events and parties; 84% said they should not be allowed. Banning street parking at STRs was favored by 81% of the respondents, while 79% thought garbage cans at STRs should be stored out of public view.

Should an Occupational Tax Certificate be required? 73% said it should, and Cailloux pointed out this was not the same as a business license, but most people thought of it as that. Most respondents (69%) thought an STR should be inspected by Code Enforcement and 70% thought an inspection from the Fire Marshal was a good idea.

Should notification of the STR be sent to nearby property owners? Cailloux stated that 46% thought all neighbors within 500 feet should be notified; 7% said all within 200 feet; 20% said all that were directly adjacent, while 27% did not see the need for notification. So, she noted, the majority said “yes” to some type of notification.

Should the STR operators keep a guest registry that contained additional information beyond what was required by the online platform? 53% thought that was not necessary.

The City had engaged a monitoring contractor who had provided a dashboard with information on active STR listings. Cailloux noted that one STR could be listed on multiple websites. Even though the dashboard showed 123 listings, there were just 65 individual STRs as of March 1, and that number fluctuated seasonally. Of those, 90% were single-family homes; 85% were the entire home, while 15% were private rooms. The average nightly rate was \$214, and the average annual occupancy rate was 55%.

Cailloux explained a bar graph that showed when these 65 properties appeared on an STR website. There were fewer than five in 2011, and the largest number, 23, showed up in 2016. Her point was that these listings had been in existence for some time. A look at the past five years showed a relatively low impact on police services at the STRs. There was one case of theft where the tenant called the Police for help with the owner. There had been noise complaints at some homes, but not associated with the STR tenants, but with the homeowner. The Smokerise “party house” was not included in these figures, but Cailloux noted that calls for service at that property had dropped off since they adopted the noise ordinance.

Council had wondered if these STRs were congregated in certain neighborhoods, but they were rather evenly distributed throughout the city and this was shown on a heat map of the current listings. Cailloux explained how the percentage of STRs in a neighborhood depended on the number of

lots. For instance, both Interlochen and North Peachtree Estates had two STRs, but in Interlochen, which had 107 lots, this was just 1.87% of the total number of homes, while in North Peachtree Estates, with 14 lots, the two STRs made up 14.29% of the total. One listing, on Robinson Road, was not in a subdivision.

Cailloux reported there were 10 neighborhoods with two or more STRs, noting that the listings included all housing types—cluster homes, large homes, single rooms to full houses; STRs were in every kind of neighborhood, she remarked.

Before the discussion began, Johnson recused herself, citing a conflict of interest because she had operated an STR in Peachtree City in the past. City Attorney Ted Meeker said he advised her to stand down out of an abundance of caution.

Learnard asked Police Chief Janet Moon for clarification on the Smokerise house. Moon said they received 10 calls to this house at 612 Greystone Court from 2020 to 2022, and nine of those were related to the property being an STR. She remarked that she understood from talking to the neighbors that there were other complaints that were not reported because of fear of retaliation. The final two calls related to the STR were in 2022.

Destadio clarified that this was the “party house,” and Moon said that is what they called it. It was called different things on different sites.

The Mayor opened the discussion to the public, noting that the comments on the survey ran the gamut of opinions. She began by asking first for anyone who was in complete opposition to allowing STRs, saying their comments would be limited to two minutes.

Glenn Valencia said he lived down the street from the Smokerise house. He commented that many people thought their homeowners association (HOA) would protect their neighborhoods from STRs, but that was not necessarily the case. He also reflected on the difficulty of removing tenants. There were a lot of break-ins during the time the Smokerise house was in operation as an STR, he remarked.

HOAs could and did prohibit STRs, Learnard pointed out, saying Cresswind was the latest example.

Destadio asked if the Smokerise house was a sublet, rather than an STR? Cailloux said it was her understanding that the owner sublet it to someone who then listed it as an STR. The last version of the ordinance prohibited subletting, she stated.

Susan Luciano, also of Greystone Court, said she understood why people wanted STRs, but they could not understand the problems unless they lived in close proximity to a rowdy house like she and her neighbors did. Luciano said Peachtree City was known for its community and safety. She cited instances of people driving cars on the cart paths, suspected prostitution and drug use, and threatening behavior. She said they needed to keep Peachtree City safe for everyone.

A resident of Huntington Place noted there was no option on the survey to say that there should be no STRs in Peachtree City. She said it seemed the priority was to attract visitors and remarked the City had spent almost \$1 million on the Convention and Visitors Bureau (CVB). There were areas already zoned for hotels, and that is where visitors should stay, not in neighborhoods. Council should welcome visitors to those hotels and keep the neighborhoods safe, she concluded.

Ralph Hale reflected on the fact that zoning laws did not allow motels in neighborhoods and said the STRs were small motels.

Claudia Eisenberg said her HOA did not allow any type of rentals. They had discovered and closed down two STRs in her neighborhood. She reported finding more than 200 listings on the rental platforms while doing her research for that.

Marina Hutchinson, also a resident near the party house, reflected on how terrified they were by the visitors to that house. There were areas zoned for visitors, and their neighborhoods were not for STRs.

No one else wished to speak in opposition, so the Mayor opened the discussion for further suggestions and comments.

Kathy Valencia said she had no problem with STRs in commercial and mixed-use areas or any subdivision designed from the beginning to be for rentals. Some level of grandfathering was fine, too, she said. She pointed out that Peachtree City had small lots and that density increased the potential for problems with STRs. She also pointed out that in many places corporations were buying up homes for STRs, with ordinary homebuyers and renters left unable to compete.

Ben Thomas said he and his family rented out a portion of their home as an Airbnb, using the income to pay for extracurricular activities for their children and to finance home improvements. He asked Council to consider how regulations would impact STR owners like them.

Realtor Kathy Bobbs said she sold Peachtree City as a family community and was against the STR concept. She was okay with long-term rentals, but the

neighborhood traffic generated by STRs might be a problem. Bobbs said it was not fair to people who bought homes in Peachtree City and were looking for comfort.

Another resident, who identified herself as Laurel, said her family purchased their home with the intention of using the basement for STRs. She said she was careful about who was in her home and only rented to people who had been vetted by Airbnb. She added that she was not well-versed in the law but knew that property owners had rights about the use of their property.

Maggie Samuel of The Marks stated that STRs should be allowed because, like it or not, Peachtree City was a destination. People should be able to use their property as they saw fit. However, she did see that some regulations were needed.

Another resident of The Marks said she had operated an Airbnb for more than 10 years with no incidents. She pointed out that a tenant was at an STR for three days or so, while a long-term renter or homebuyer could move in and be a problem with no easy way to get them out. She had met many good people through her Airbnb. Also, she noted, there were many other home-based businesses, such as hair salons.

Destadio asked about the number of properties, noting that several people had said there were 200 or more, while Cailloux said there were 65 properties listed now. She told him the contractor scrubbed 80 websites and to keep in mind that some people said they were in Peachtree City when they were outside the city limits. The contractor had drawn a line around the border and did not count any homes outside of it. Also, they scrubbed only the established rental sites. She added that they captured bed and breakfasts, too.

Mike Murtaugh thanked Council for putting on this workshop and for the openness to allow citizens to express their opinions. He did not want to pit neighbor against neighbor, which was why he was against notification of the neighbors. He said he used to run an Airbnb and owned other rentals now. Peachtree City was a destination, but for families, and STRs gave people a chance to experience life in Peachtree City, he noted. He said there were enough ordinances on the books already, and the Police did a good job of enforcing them.

Monique Comisky said an Airbnb had recently opened near her home and held a big party the first weekend, and the Police were called. The homeowner apologized and nothing had happened since then. She said she believed they should be regulated, with Fire and Code Enforcement inspections. She related a story of meeting a couple who rented an Airbnb in

Peachtree City, only to discover that the back door and all windows were nailed shut.

No one else wished to speak, and the Mayor moved on to City Council consideration. She said the goal was to strike a regulatory balance to preserve property owners' rights while maintaining the fabric of these residential communities. In 2022, STR owners started paying hotel/motel taxes that were returned to the City, and this amounted to \$76,000 in 2023.

While Airbnb and other platforms encouraged owners to provide fire extinguishers, smoke detectors, and other safety features, the Mayor noted that Peachtree City was within its rights to require them. Creating an STR permit program, she continued, would require every owner to register with the City, have an annual inspection by Code Enforcement and the Fire Department, and pay a fee to cover the cost of these inspections. She said she would like to see them prohibit owners from hosting STRs outside of the established platforms, but they could have a conversation about that and how it would be enforced.

The draft ordinance agreed on by the Planning Commission said permits would require submission of the owner's name, address, and local contact information for a person age 25 or older. She noted that the age had previously been 21. That contact person must be within one hour's travel time to the property. She believed an STR database would be available online, but, again, the details had not been finalized. Peachtree City could determine the maximum number of STRs it would permit. She again noted that HOAs could prohibit STRs, which many did.

Council had been given a list of STR highlights, and she wanted them to see what they agreed upon and discuss how they wanted to proceed when they did not agree.

Holland stated there would be some negotiations during the discussion, but he wanted to assure everyone that they were all there to do what they were elected to do, which was to provide for the health, safety, and welfare of all residents.

The Mayor said there had been talk of a grandfather clause, and Holland said he would favor that for those people who had operated an STR without incident and had paid the taxes for at least one year. Those people should be first in line when permits were issued, and he suggested they should be the only ones allowed to apply within the first 60 days. He called these owners "friends and neighbors."

He asked Cailloux about the number of listings, and she again said the contractor found 65 active listings but noted that people turned them on and

off for various reasons. He then asked her how many she estimated there to be, both active and inactive, registered on a platform or not. Cailloux estimated 115 to 120 at most.

Destadio agreed that grandfathering was appropriate, but he wanted to be sure there was sufficient time for existing owners to get their permits. Holland said he was using 60 days but was open to amend that.

By “grandfathering,” Cailloux asked, did they mean the owners would not have to follow the rules? That got a resounding “no” from Council. Holland read from his notes that said the owners would have operated an STR in Peachtree City for at least a year, paid taxes, and preferably kept a guest registry. He said he would like them to obtain an Occupational Tax Certificate, but they would be getting an STR permit and paying those fees, so that could suffice. They would have to follow the requirements stated in the ordinance. He again said he would support allowing citizens of Peachtree City who were STR owners of at least a year to get priority for the first 60 days.

Learnard noted that they might just put a cap on the total number of permits they would issue, and Holland said they needed to talk about a cap.

Brown acknowledged that most STR owners were excellent operators, but there were some bad ones. She liked the idea of limiting STR permits to a specific number and said she would have no issues with good operators getting in line first. She suggested a 90-day period initial for them and noted those operators might be the only ones getting permits if they put a cap on the number.

Holland again said these were friends and neighbors and should be first in line. The Mayor said she could agree with that, and Destadio said he was fine with it, but wanted an opinion from the City Attorney.

Meeker said he believed they were okay to do this but was curious about how they could determine who had done it previously and who had not. Destadio said he was concerned about an existing operator coming in after the set number of permits had been issued. Meeker told him cities had so far fared well in court with both loose regulations and stringent ones.

He stated that he believed they could limit the number, and he had no issue with grandfathering. However, he was concerned about the references to “friends and neighbors.” There might be an out-of-state owner who had been operating an STR in Peachtree City, and the City could not regulate the use of property based on where the owner lived or whether it was a corporation or an individual.

Meeker again said they would have to figure out how a person could prove they had been operating an STR in Peachtree City for a year. Holland pointed out the owners could show proof they reported it on their income tax returns or had paid the hotel/motel tax. Cailloux said the lodging tax had been required only since 2022.

Council was in agreement that the first 60 days would be sufficient for existing STRs, but Holland wanted the City Manager's opinion on grandfathering. Curnow replied that grandfathering was a way to handle this, but the 60 vs. 90 days depended on the volume of permits and how staff could handle verification of that data. He did not want an intensive process that might take the entire 60 days just to get six people approved. Maybe people could submit their information and be given a number to hold their place, he suggested.

Destadio said that sounded fine to him. Cailloux said her office was ready to go in November, so the software was already in place. Applicants would get a number when they applied.

Brown asked how many applications staff could process in a month? She did not want all those initial applications renewing in the same month and being a burden to staff every year.

Cailloux asked that they open it up and see what they got. She could report back to Council by day 30 with a better understanding of what some of the roadblocks were. Background checks on Georgia residents could be done fairly quickly, but it took longer to complete one on someone from out of state, she remarked.

Brown said that sounded reasonable, and the flip side might be that they did not take applications from others until those grandfathered ones had been issued. She wanted everyone to understand that applying did not mean they would get a permit the next day. They would still have to go through the Fire and Code Enforcement inspections and the background checks. She suggested they write into the ordinance that they not take any new applications until they completed the applications of those who could be grandfathered.

Learnard said she thought it was reasonable to leave that up to staff, and Cailloux pointed out that the ordinance said that anyone who was currently operating an STR needed a permit, and they needed to apply within a stated number of days of the adoption of the ordinance. She did not believe that the ordinance had to state when the process would be opened to everyone; that could be a policy decision made by Council.

Would this be a burden on the Fire Department? Holland asked. Cailloux said

her cost estimate included the hiring of a third-party inspector because there were just two Fire Marshal inspectors.

Fire Marshal Jeff Felmet explained that the time it took to complete an inspection depended on the size of the home or the area being rented. They could process them in the order they arrived, but it was not realistic to promise they would be done in a month or two. There would be Code Enforcement inspections, too, he noted. However, Felmet said his inspectors did 1,400 to 1,500 business inspections a year, so an extra 65 or even 100 would not be outrageous but would take time. He thought they should be able to get to most of them within 60 days.

Curnow asked if the STR owners would still be able to rent their properties while the application process was going on. Meeker said they might phase it in. During the initial 90-day period, the STRs could still operate, but after that they must have a permit. If there was a backlog after day 30, they might have to extend the application period.

The next item on the list said a permit would be required for each property with an annual renewal. The owners did not have to live in the STR, and whole house rentals were permitted. The STR period was defined as between one and 30 days. Guest houses or other auxiliary structures could not be rented. No one on Council wanted to see any of these provisions changed. They agreed that subleasing would not be allowed.

The suggestion in the draft was to cap the number of permits at 1.5% of the total number of households, which currently would be 189, according to the Tax Assessor. Brown suggested dropping that to 1%, or 120 permits, saying that should incorporate everyone who was currently operating.

Destadio said he did not agree. They had heard that there had been few problems, so what difference did it make to have a few more STRs? Learnard stated that she was comfortable with 1.5%.

Holland asked Meeker if setting an arbitrary number would possibly provoke a lawsuit? Meeker said he did not know, but they should not get in trouble as long as the number was rationally related to the purpose of maintaining the residential character of the areas.

Destadio went back to the fact that he did not want to cut anybody off. If they met all the requirements and paid their taxes, he thought they should get a permit. Meeker said they could legally set a number, but it was up to Council whether they should.

Brown said they should set a specific number, and they could change it in the

future. She did not want to set a high number and make Peachtree City a target for big investors. Several people had mentioned property rights, she continued, but those rights extended only as far as the property was zoned. The STR ordinance was putting out an allowance for commercial operations in a residential area.

If they did this, she thought it should be highly regulated and at a very low number. She thought it was better to be cautious in the early stages. She was okay with grandfathering. Her number was 120, or 1%, and it could be changed.

Curnow asked if the existing STRs would be counted in this total number? Learnard said they did not know how many people would come in with proof of operating for one year. Once those permits were processed, they would have an additional 90 or so permits available with 30 days for them to apply, but the total would not exceed this cap.

Destadio asked how they were getting these figures, and Cailloux said the Tax Assessor's office provided the number of households in the city. The last calculation was 13,343 residential structures. That meant 1.5% would equal 200 STRs, and 1% would be 133. Meeker pointed out that the number would go up as new residential structures were built. Holland recalled that Cailloux had estimated there were between 115 to 120 STRs in the city.

Learnard said she would stand at 1.5%, while Brown said she would stand at 1%. Destadio stated he could live with 1.5%, but Holland favored 1%, saying 120 would take care of all the existing STRs.

Brown said the 1.5% was a number established by a prior Council, and several of those members were no longer on Council. She said they could try this number and change it if needed. Cailloux had reason to believe 120 would cover all the currently operating STRs, and 1% would be 133. That would accommodate current operators, whether they had their proof or had to get in as a new operator. Maintaining that number would not open the city up to a massive amount of investments.

Learnard said she understood and could go with the 1% if they agreed to review it after they saw how the applications came in. Destadio agreed but told Brown he objected to her comment that the 1.5% came from prior Council. It was still the Council of Peachtree City, he stated. The Mayor said they would go with 1%.

Council agreed that parties and special events were prohibited. The next item called for keeping a guest registry. Learnard questioned the legality and asked if it would be used for police purposes.

Meeker replied that it was common for hotel operators to keep a guest registry. The issue raised in a Los Angeles case a few years ago was the police department's ability to demand a registry immediately without probable cause. The most recent draft of Peachtree City's ordinance had been re-worded to include exigent circumstances, which was always an exception for a search, or the obtaining of a search warrant in order to obtain the guest registry. Also, the operator was always free to voluntarily provide the registry. From a legal standpoint, they were in good shape, he concluded.

Learnard said she agreed with that. What would be obtained in the guest registry? Brown wondered. Per the last ordinance, Cailloux said it was the date of arrival, names, current residential address, and a description and license plate number of the vehicle they were using. Did that include all vehicles that showed up on the site? Brown asked, and Learnard said it would just be for the registered guests.

Destadio said he agreed that the information should be only for the person making the reservation; Holland concurred, and added he was glad to hear the Police could not demand it. Meeker said the owner could just turn it over, and it was like any other search.

The Mayor said she believed they agreed that the occupational tax should be waived, commenting that it was like a business license and was based on the number of employees. In essence, Meeker remarked, the STR permit would be a business license. Holland said he did not want to double tax anyone. Brown verified that it had nothing to do with the hotel/motel tax. Council agreed that just the STR permit would be sufficient.

Next on the list was the requirement to pay lodging tax, which all Council members supported. Cailloux said once they found listings that were not on a platform, they made them come into compliance, either by joining one of the major listing platforms or by reporting their taxes quarterly. They did not require them to be on one of the major platforms, but those platforms did automatically pay the taxes. If they were not on a platform, the owners needed to submit payments.

Curnow said it was Council's decision to require everyone to be on a platform, and Meeker said they could not tell them how to advertise, but they did have to file a return on a monthly basis.

Learnard noted she had been open about the fact that she owned an Airbnb in Michigan. Being on a platform had certain requirements: you were prohibited from parties, must provide background information and contact information for hosts and guests. She remarked there was an element of the

common market that caused poor hosts and guests to not be able to use that platform. The platforms provided a healthy set of checks and balances and added an extra layer of control and documentation.

Brown added that they had not previously discussed this requirement, but she thought it would help them by providing added assurance that certain things would happen and taxes would be paid.

Learnard found a passage in the draft that called for operators to file an affidavit pledging to use an approved platform. Meeker said that was about a State requirement for reporting taxes, and there was a difference between that and a platform for advertising. Learnard said she would like to see a requirement to use a listing platform for the reasons Brown had just described.

Brown wondered how much less an operator would make by using the online platform. Would it cause a problem for an owner? Speaking as an owner, Learnard said she thought not.

Meeker said he would comb through the cases and see if this issue of requiring them to register through a particular platform had been addressed. He had some concerns because he was not sure what the real governmental purpose behind that requirement would be. Holland said it had to do with collecting taxes.

State law required that any platform pay State taxes, Cailloux responded. If you had an STR and did not use a commercial platform, you would have to pay through the State platform. You could not just go to the Planning Department with a check.

Holland said it seemed to him they would be interfering with a business decision. That was one aspect, Learnard commented, but the other aspect was having an additional layer of checks and balances, personal information on file, a set of limitations. Cailloux pointed out that many of the platform rules were duplicated in the latest draft of the ordinance, so they would not be relying on a platform to enforce the rules.

Should they identify what platforms were acceptable? Brown asked, and Meeker said he would look into it, but he was not sure that would withstand a challenge. Brown remarked that it would be easier to identify who was out there if they required them to be on one of the major platforms.

Council agreed with the requirement of meeting current fire and building codes with an annual inspection required.

Learnard moved on to the next items, which said off-street parking was

required and that garbage must be stored out of public view. Were those requirements for everyone in Peachtree City or were they targeting STRs? Cailloux said they were not targeting the STRs, just trying to address the most common complaints reported by municipalities that regulated STRs, which were parking, noise, and garbage. The City already had a noise ordinance, she continued, so these rules would address parking and garbage. However, there was nothing that required private homeowners to keep their garbage cans out of sight. Destadio said there was a parking ordinance, but Cailloux corrected him, saying street parking was allowed except on a few streets. Destadio then noted that you could not park on the grass, and Cailloux said that was right.

Was overnight street parking allowed? Holland asked, and the Mayor said it was. Holland, too, wondered if this was targeting the STRs. Cailloux said other businesses had to follow these rules.

Meeker asked what the draft said about on-street parking? It said that guests had to park on a paved surface, Cailloux replied. So, Meeker continued, if visitors came to the STR, and there was not room in the driveway and they parked on the street, they would be in non-compliance. That was correct, said Cailloux.

Holland mentioned that if he had a party, he could have 20 people parking on the street, and that would be fine. They were not treating STRs any differently than other home-based business, Cailloux pointed out, saying that visitors to home-based businesses could not park on the street.

The Mayor said she would say “yes” on both counts. Brown agreed, but Destadio said he was “yes” on the garbage, but had reservations about banning on-street parking, saying extra guests at a party would need to park on a paved surface. Learnard stated that the ordinance said “no parties” at STRs and the platforms prohibited them, as well.

Holland said he could agree with both the parking and garbage restrictions, and Destadio said he, too, would be fine with them.

The next item was the requirement that neighbors be mailed a notification of the existence of the STR. Learnard said she found that to be punitive and difficult to enforce, and Council agreed they did not want it. Holland said he had changed his mind on this and now believed they could rely on the goodness of their neighbors to keep others informed, while Brown said she would like some type of notification, mentioning that notice of zoning hearings went out to neighbors. She said she would be okay, though, if there was a searchable database of permitted STRs on the City website, and Meeker said they would include that language.

A local contact person was required, and the draft said they must be at least 21 years old, although the Planning Commission, after much discussion of brain development and the age at which cars could be rented, suggested 25. However, the State allowed property managers to be 18. Council agreed that 21 would be reasonable, although Holland and Brown said they would prefer 25. Holland then said he could live with 21.

Council agreed that the permit and the local contact information must be posted on-site.

The next item mentioned fines for violations, and Learnard wanted clarification. Was a violation just a complaint by a neighbor? Cailloux said it would mean they were not complying with the ordinance. The Planning Commission recommended a tiered system of fines, starting at \$500 for the first violation, then \$750, then \$1,000 for the third violation. Council said they were okay with that system.

Meeker asked about the statement that the permit would be revoked for 24 months after the third violation. If there was a really egregious situation, he said he would hate to have to go through all the whole process. There was a section that allowed the City Manager to revoke a permit for any violation, Cailloux told him.

Learnard asked Cailloux how they arrived at \$400 for the application fee. She said it would cover the third-party building inspector, which was \$100 an hour, and the cost of the background check. They divided the \$7,000 annual cost of the monitoring program among the assumed number of STRs. All totaled, it was \$409, rounded down to \$400.

Holland wondered if a background check was needed every year. Curnow said it was up to Council. Learnard said it did beg the threshold of what was acceptable. What was the rationale?

Cailloux said the draft stated a permit would not be issued to any owner or representative who had been convicted of or taken a plea of nolo contendere to a felony or any crime of moral turpitude within five years or within two years of a misdemeanor, except for traffic violations.

Background checks were required for other licenses, such as alcohol licenses, Meeker noted. He was not saying this was the same thing, but there was a precedent for requiring a background check.

Learnard suggested there be one background check upon the original application. Holland suggested once every five or 10 years. Brown, citing her 21 years in law enforcement, said doing a background check never did any harm, and she would support doing them annually. Destadio

disagreed with annually but said every three to five years would be fine. The Mayor stuck with one time initially. Brown suggested every two years, but Learnard disagreed. Holland said most citizens were trustworthy, and he could go with just one background check. The fees should go down in year two because of this, and Cailloux said they would. The majority agreed that only an initial background check would be required.

There was an item on the checklist about late application fees, but Cailloux said that should have been removed.

Learnard remarked that these checks and balances should prohibit another Greystone Court type situation and would protect owners, guests, and the neighborhoods.

What if an STR owner refused to get a permit? Holland asked. They would be cited in Municipal Court, Meeker stated. It would be a misdemeanor ordinance violation which would leave them ineligible to operate for two years.

Brown asked how much they would be fined? Would it be cheaper to operate and be fined than pay the permit fees? Meeker said the maximum fine was limited by the City Charter to \$1,000, but they could turn it over to the Department of Revenue for unpaid hotel/motel taxes. They would also have problems getting a permit in the future.

Brown asked if they should write a penalty into the ordinance? She said she did not want to leave any loopholes. They could add an ineligibility provision saying that if they were convicted of operating without a permit, they could not get a permit for five or 10 years, Meeker offered.

The tiered system was in place, Moon remarked, and the Police could write that citation every day they found they were in violation. Meeker said if they issued a search warrant and found the STR had operated for 21 days, they could fine them the maximum for each of those days. This was all covered in the ordinance.

Learnard asked Felmet what the fire inspection required. He said the emergency guide needed to be posted; they would check exits and make sure there were tagged fire extinguishers and interconnected smoke alarms on every level and in sleeping areas. Carbon monoxide alarms might be required if natural gas or propane was included. They would also check the electrical system and look at the location of grills and fire pits.

Brown asked about windows in basements. Felmet said all sleeping areas had to have two means of egress. If a room was used for sleeping, the window had to be accessible and operable and large enough for a

body to fit through.

Learnard asked Curnow if he needed any further clarification, and he said it seemed clear. Holland asked how long this would take? Curnow said they would compile the information and bring it back to a future Council meeting.

Holland stated he thought this was fair to all people affected, and he had put a lot of work and thought into this. They had restricted the number of STRs and agreed to a grandfather clause for those who were doing business now. He said he was proud of Council for finally reaching this agreement. Destadio said he agreed.

Adjourn

There being no further business, Learnard adjourned the workshop at 8:30 p.m.

Martha Barksdale, Recording Secretary

Kim Learnard, Mayor