

**RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION**

Held: Monday, March 25, 2024

CALL TO ORDER: Chairperson Walters called the meeting to order at 7:00 p.m.

ROLL CALL:

Chairperson Karen Walters	Present
Kevin Royer	Present
Greg Canda	Present
Council Rep. Doug Steidl	Present
Mayor Daniel Schneider, Jr.	Absent

OTHERS PRESENT: Village Planner Rita McMahon, Solicitor Brad Bryan, and Councilperson John Najeway

CONSIDERATION OF MINUTES:

February 26, 2024 Planning Commission Meeting

Mr. Canda made a motion to amend the minutes that was seconded by Mr. Royer to correct the spelling of Ms. Spencer's first name. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Steidl, yes; Mr. Canda, yes. The motion was approved.

Mr. Steidl made a motion that was seconded by Mr. Royer to approve the minutes as amended. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Steidl, yes; Mr. Canda, yes. The Minutes were approved as amended.

CITIZENS PARTICIPATION:

Mo Riggins stated there are still issues with the online advertising for some of the short-term rental properties. She asked whether the amount of the tax should be increased. Mr. Bryan explained the 3% tax rate is modeled on the maximum hotel tax rate that can be charged by municipalities in Summit County.

Lois Unger asked for clarity about the different districts in which short-term rentals are permitted. Mr. Bryan stated up to 5 are allowed in the R-1 District and up to 15 are allowed in the R-2 and Commercial District combined.

Matthew Padrutt stated the Village has shown that it has no ability to enforce the existing ordinance, and therefore, he feels there should be an outright ban on short-term rentals in the Village.

Kathy Bertsch asked why the Planning Commission is dealing with this matter at this time and why it is not being handled through the Area Master Plan process. Mr. Bryan stated the Planning Commission is discussing the issue because at prior meetings, residents asked that this issue be discussed by the Planning Commission as soon as possible. Mr. Canda and Mr. Royer reiterated the public's request for this topic to be discussed by the Planning Commission.

John Najeway recommended the Village work on how the rules can be better supported and enforced instead of making more rules.

Lois Unger reminded everyone of her suggestion from prior meetings that properties with short-term rental certificates be posted on the Village website.

Amy Frank-Hensley suggested hefty fines be levied for significant non-compliance and requested an update regarding the Village sidewalk plan. Mr. Royer explained the sidewalk study was performed by former Councilperson and Planning Commission Member Weigand. It was an inexact survey of the condition of the Village sidewalks from several years ago that is not up to

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date. No conclusions were made as to how to deal with repairs between the Village and property owners. The issue of the aesthetics, cost, and durability of sandstone sidewalks was discussed. Mr. Royer stated he agrees that a plan needs to be established. Mr. Canda pointed out that the sidewalks will be torn up soon in connection with the sewer project.

Doug Mayer emphasized the need to figure out the sidewalk issue. He stated he was for the sewer project at first, but now he is against it.

Jodi Padrutt expressed her opposition to short-term rentals.

Frank Tupta voiced his concerns about having to live next door to a short-term rental property.

MAYOR'S REPORT: The Mayor was out of town and not present for the meeting.

COUNCIL LIAISON REPORT: Mr. Steidl reported, at Council's recent Special Meeting, Ray Hach was appointed to the Fire Department Board, amendments to the traffic photo enforcement program ordinance due to new Stow Court procedures were adopted, and the 2024 Budget was passed.

HEARINGS: None.

OLD BUSINESS:

Wastewater and Water Projects

Mr. Najeway reported after interviewing 3 firms, the County selected Burgess & Niple to perform the design engineering work for the project. The County is in the process of negotiating an agreement with that firm. EDG and Dave McCallops will remain in the picture as consultants. The County and Village have requested letters of support from Senator Brown and Representative Sykes for efforts to get additional grant money from the federal government for these projects.

Area Master Plan

Mr. Canda reported the Steering Committee received the summary of notes from the Steering Committee Member submissions and wondered if they could be posted on the Village website. Ms. McMahon explained OHM is working with Ms. Dorton to come up with a plan for posting information relating to the Area Master Plan in its own section on the Village website. Mr. Canda stated a community tour, another Steering Committee meeting, and a public meeting will be held in the near future.

NEW BUSINESS:

Review of Short-Term Rental and Short-Term Rental Tax Ordinances

Ms. McMahon discussed the history and impetus of the Village short-term rental ordinance that was adopted in 2020 and amended in 2023. She stated Village property owners were already engaging in short-term rentals, and the Village instituted its ordinance to limit the number of short-term rentals and make sure the properties were safe for renters and surrounding neighbors. She discussed the studies and model ordinances that were reviewed before the ordinance was drafted and how the maximum permit thresholds were determined. Mr. Bryan discussed the status of legal challenges and caselaw pertaining to these types of ordinances from

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around the country and what has been determined to be legal and what has not. Several attempts to regulate short-term rentals have been determined to be unconstitutional, and other ordinances are currently being challenged. He stated the legal status of many issues relating to short-term rentals is presently uncertain. Ms. McMahon noted communities that ban short-term rentals outright still have them anyway. She pointed to Stow, Richfield, and Boston Township as examples. Those communities do not allow them, but if you go onto the internet and look for them, several short-term rental properties exist in those municipalities.

The Planning Commission discussed various alternatives for amending the Ordinance such as moving up the timetable for the payments of taxes, stiffening enforcement procedures, keeping the current structure, reducing the number of permits, restricting short-term rentals to the commercial and mixed-use zoning districts, or moving toward an outright ban on short-term rentals. Ms. McMahon and Mr. Bryan were asked to prepare various alternatives for amending the current ordinance based upon the Commission's discussions.

Mr. Canda suggested the Commission's continued discussions on this issue would be best suited for a Special Planning Commission Meeting. Mr. Canda made a motion that was seconded by Mr. Royer to schedule a Special Planning Commission Meeting for Tuesday April 16 at 7:00 p.m. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Steidl, yes; Mr. Canda, yes. The motion to schedule that meeting was approved.

ADJOURNMENT:

Mr. Steidl made a motion to adjourn the meeting that was seconded by Ms. Walters. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Canda, yes; Mr. Steidl, yes. The meeting was adjourned at 9:49 p.m.

Respectfully submitted:

Karen Walters, Chairperson

Date



