

Buckeye Lake Village Special Council Meeting / Public Hearing Minutes  
Held in Council Chambers, streamed live on Facebook

**October 18, 2021**

**Call to Order:** By Council President Geiger at 7:00 p.m.

**Pledge of Allegiance and Moment of Silence:** Led by Council President Geiger.

**Roll Call:** Present: Don Cable (0,0), Bill French (0,0), John Geiger (0,0),  
(Consecutive, Total Absences) Linda Goodman (0,0), John Lemmon (0,0), Tom Wolfe (0,1),  
Kitty Zwissler (0,0)

**Staff Present:** Mayor Peggy Wells; Samantha Torres, Clerk of Council;

Public Hearing to review the draft version of the Planning and Zoning Commission's recommendations for short-term rental zoning book changes and regulations, application, and fees opened at 7:05pm. The original draft copy of this document is dated October 7, 2021.

**CITIZEN'S COMMENTS:**

Lisa Powell – President of Cranberry Bay Home Owners Association – Lisa has been at a few of the council meetings and wanted to reiterate things she had commented on there. She said that according to a survey she sent out to Cranberry Bay residents in August, over 60% of Cranberry Bay residents who responded would not be in favor of a short-term rental policy in Cranberry Bay. The houses there are close together, many are full-time residents, older, retired, and they are worried about new people being next door every weekend having loud parties. They are also worried that strangers will not know the rules of the neighborhood and the HOA. A section of land near the lake is owned by the HOA and renters could be charged with trespassing, as they would not be allowed to use the docks and land without being escorted by the owner of the property that they are renting. Lisa said the HOA would have to police it if they continue to get more and more short-term rentals in the neighborhood. She requests that council take it seriously and consider either to not allow short-term rentals in the Cranberry Bay neighborhood or to at least allow for any HOA deed restriction comments that might restrict short-term rentals to take precedent over what the village decides. Council President Geiger asked if the village has a copy of the CBHOA rules. Lisa said Cranberry Bay does not have that language in their deed restrictions. She said it would be their board's next step to get a vote from the lot owners to get it passed so that the language can be put in. She asked that council have it in their rules to honor any HOA's rules in the village, Cranberry Bay, Landings at Maple Bay, or otherwise. Council President Geiger asked what CBHOA does currently to those who are in violation of the HOA rules. Lisa said they have the ability to take away the owner's dock licensing but no other way of enforcing.

Howard Everitt – 4941 North Bank Road – The short-term rental concept is worldwide and has been around for a very long time in terms of rooms being rented out by the owner as a means of supporting themselves. He said it is a concept that is a property owner's basic right to exercise. He said that in this case, it only holds true if that person is the owner of the property and is not governed or under the rules of either a city, neighborhood, condominiums, HOAs, and other places that have rules and regulations that prohibit short-term rentals. If there is a problem, then that is a matter of the public services like the police and fire department. He thinks that the properties and neighbors that the people of Cranberry Bay are having issues with should be

exposed or talked to. He said if it was his neighbor and there were issues, he would be there to speak to them. Howard approves of the document as is.

Deb Julian – 300 Cranberry Lane – As a member of the Planning and Zoning Commission, and speaking from their perspective, she wanted to make council clear on what the Planning and Zoning Commission felt that their first step was to do. Planning and Zoning felt they were charged with looking at the whole village and the first thing would be to come up with consistent licensing and registrations for short-term rentals. They put a lot of hours into the document and felt that what they came up with matched the public comments they had heard. She agrees with Lisa that, when looking at HOAs, there are differences in many communities and in different sections where short-term rentals are allowed or not allowed. She thinks they need to keep their minds open and make sure that as the guidelines are put in place on the different zoning areas of the village, that it is not “step one and done” but step one and many steps beyond that in the next few years.

Robin Thompson – 168 Dockside Drive - Robin said that CBHOA is a voluntary organization and they do not have enforcement capabilities in most cases. He said they cannot threaten to take your dock away just because they do not like something you do. Enforcement is up to the police. Robin asked about the money that is collected from the short-term rental fees and penalties, what will it be used for? Will it be earmarked for specific things or put into the general fund? What is the maximum allowable increase of permit fees each year? Is there a limit on cost growth? What will enforcement look like from the village if the owners do not want to fill out the short-term rental registration with the village? Buckeye Lake is a destination area and there will be change and progress and growth and people cannot always say they do not like it. Restricting short-term rentals could stifle growth in Buckeye Lake.

Cat Everitt – 4941 North Bank Road – Looked over the draft document. She thinks it is a good start for everyone because it lays down rules and regulations that should be in place. She understands the concern of people living next to unpleasant people. However, she said she spoke to the chief of police who said there has only ever been one complaint having to do with short-term rentals. She said if she were living next to a problem house, she would call the police. Cranberry Bay would have to get rules and regulations laid out and they would need to have a vote from everyone in the neighborhood. Cat believes the document should be put in place.

Terry Tackett – owner of the Boatyard bar as well as property on North Bank Road – Terry questions if there really is a problem with short-term rentals if there has only been one complaint. He came to the meeting to make sure that short-term rentals were not being stopped completely. He owns housing developments and said that some HOA rules could not be changed for up to 20 years. Buckeye Lake has been built as a destination point and businesses cannot grow without outside visitors to the community coming and spreading the word.

Max Thompson – 79 Beacon Light Lane - He said he is not 100% against short-term rentals and that the document is a great start but it “needs more teeth”. He has had a problem with renters at a neighbor’s house but will not call the police because he does not know if the renters are violent. He cares about the safety aspect. He said he should not have to call the police four times in one weekend and when they are having parties every weekend, his lifestyle at home is ruined.

Brian Moore – 86 Nautica Way – He said he does not see anything in the document about inspections or how owners are to prepare for inspections. He said it does not mention who will be doing the inspection, what they will be looking for, what the consequences will be if the inspection fails, would the permit then be denied? Brian said that the Fire Department should be inspecting for smoke detectors, fire extinguishers, safety hazards, and should have to sign off on the applications before they are approved. It is not very clear. He said the document mentions that a re-inspection may occur for the permit to be renewed, but Brian feels it should be mandatory and increase the fees if necessary to cover the cost. A lot can change in a year and if the village does not continue to monitor the properties, people may feel that once they get the permit then there is no oversight and that is when things can begin to slip. Brian thinks there should be interim inspection added if they receive a call for service. Nothing in the document about the village being able to revoke the permit and the section that talks about grounds for denial of a permit should also serve as grounds for revoking a permit.

Peggy Wells – 258 Cranberry Lane – She appreciates the CBHOA’s time and effort spends in different areas. Several residents said to her that the survey put out was confusing and is not sure that the questions were worded to have a fair and accurate result. She asks council to look at the survey and how the questions were posed. She also told council to be careful with wording in the document about discrimination with regards to the age minimum being 25 years old. She supports short-term rentals in residential neighborhoods. The people who come want to enjoy a neighborhood, not be next to a commercial business. She is sympathetic to the issues she has heard. The document is a good start to balance and compromise.

Karen Cookston – 113 Anchors Way – Karen passed out a copy of a draft of the document with things she had highlighted and has questions about. When she was on the Planning and Zoning Commission, they tried to address short-term rentals 4-5 years ago when they received complaints. The village has the capacity to have short-term rentals that follow the rules and are done well. The draft document is a good start but is too vague. She said there is nothing that talks about zoning violations. She asked what constitutes a “pattern” of drug abuse or prostitution. There are things listed in the definitions that are not mentioned elsewhere in the document. Could “transient guests” also be applied to those people who have 2-3 homes who let their nieces, nephews, grandchildren, or friends stay at their houses while they are away? Saying no children or pets allowed at the house could fall under discrimination. She said it is not mentioned what “calls for service” really means. Is that the responsibility of the neighbors to have to make the calls? Penalties section of the document – refers to how they fill out the application. She believes people should be penalized for calls for service. There is no enforcement or recourse laid out in the document.

John Hanson – 40 Beacon Light Lane – Cranberry Bay resident. He explained the percentages of the responses to the survey saying that there actually was not a 60/40 split and that the survey was skewed. About 200 homes in Cranberry Bay but only 124 people voted in the survey. Section 900.12 should answer Robin’s questions about penalties. Brian Moore’s question for who will inspect the properties is addressed in a short-term rental inspection sheet that the Planning Commission quickly put together after they received an email this past weekend. There was a letter sent to Fire Chief Ryan Wyse from Councilor Kitty Zwissler in August asking for fire and safety specifics from the Fire Department for short-term rentals. The Fire Chief had responded with an attachment, but the attachment was not seen and was not passed on to the rest of Council and Planning and Zoning until this past weekend.

Bob Hegedus – 90 Dockside Drive – Thanked the committee for putting the document together. He clarified that Brian Moore was offering constructive feedback with his comments. Bob wanted to know what would happen if someone were a bad owner? Need a backstop for the years to come in order to be prepared and get ahead of it. He mentioned the application's need for a local phone number and asked, what if they never answer the phone and what does "local" mean? He thinks it is not fair to those who bought houses to have them as short-term rentals but it is also not fair to those who have bought a house and lived there for 15 years and would now have a commercial rental going in next to them.

Charlene Hayden – 67 Lighthouse Lane – Agrees with what the Cranberry Bay residents have said tonight. She thanked Lisa Powell for representing the residents of Cranberry Bay and telling council where the HOA is with the issue of short-term rentals. Charlene thinks that renewal should be every year at \$100 or more. There is a lot to do to monitor the situation. She thinks the village should consider a bed tax on the short-term rentals like motels and hotels have to pay, which would be more revenue for the village and a way to pay someone to monitor the situation. She thanked the committee for their work on the document but thinks it needs reworked and to be ongoing.

Council President Geiger then asked if anyone would like to come up to speak again.

Lisa Powell – She explained that she is new to her post as the president of the Cranberry Bay Home Owner's Association and that the short-term rental survey for the residents was to see if the board should put 100% effort into the topic one way or another. Short-term rentals are a new issue that was brought up at every HOA meeting recently. The survey was a gauge for her to see how much effort to put into the cause. She said the survey does not matter now because they would need to have a majority vote to get language into the deed restrictions. Having language in the deed restrictions to respect the HOA rules is their next step and a smart thing to do. Lisa asked council to add something into the application where the owner must confirm that the HOA they live in allows short-term rentals or confirming that they do not live in an HOA area that does not allow short-term rentals. If they cannot check that box, then the permit should not be permitted.

Brian Moore – He is not opposed to the short-term rentals. He supports property owners' rights. He has dealt with the negative aspects of short-term rental owners first hand and sees the need for something beyond fees as a penalty, like "three strikes, you're out". Tourism is important but Buckeye Lake is still a municipality. As short-term rentals increase, permanent residents may decrease, and renters do not volunteer at the Harbor Community Center or run for village council.

Karen Cookston – She sees the possibility of the permits being like a liquor license, where there are only so many given out within the village. She thinks the penalties in the document refer to just how to fill out the application. Suggests calls for service having increasing penalty costs based on the number of calls and these things need to be outlined. If owners and renters know what is expected of them, the village is more likely to have a good outcome. She said it does not tell what is expected of them, but that this tells them how to fill out the document. Who actually is the "Village or Buckeye Lake" as mentioned in the document that will enforce this? Is it the Planning and Zoning Commission? The mayor? Who do the owners answer to? The document needs "more teeth."

John Hanson – The proposal was to set out the rules and guidelines and this is just a draft, not the final document. He said that council is to decide things like the renewal fee, the bed tax, who the owners answer to. The document is just a start. It is all about respect. Owners are not guilty after one violation. He said the Planning and Zoning Commission thought about but did not add the “3 strike” rule because they did not know how council would want to do that. The inspection sheet add on document was put together quickly over text. If the village starts restriction rights on properties, they could start running into trouble.

Deb Julian – She said the document, at 8 pages, is one of the longest governing documents in the whole village. Who will enforce this? She thinks the village needs to work together on how it is managed. At 100-150 short-term rentals, how much time could that take? The “more teeth” put into it, the more you need someone to manage it and the village is already stressed for resources in terms of code enforcement and zoning. It should not be so overwhelming that the village cannot manage it. If there was development of boutique hotels, there would be less need for short-term rentals.

Karen Cookston – What will the process be for further development of all of this?

Public hearing closed at 8:13pm.

#### **COUNCIL MEMBER COMMENTS:**

**Councilor Cable:** Thanked everyone for making comments. Appreciates Planning and Zoning for putting the document together; it is a good start. His two main notes were about enforcement and zoning classifications. Is a short-term rental a business / commercial?

**Councilor Lemmon:** Planning and Zoning has made recommendations and it is now in the hands of council, the elected officials. He would like to take part of this document to the Finance Committee to look at how to pay for enforcing it. Thinks there should also be a Public Safety meeting and other committee meetings to get some ideas to bring back to council as a whole. Far from having a completed document.

**Councilor Goodman:** Thanked all who came tonight and thanked the Planning and Zoning Commission for the document. This is a working document that is far from a vote. Will take into consideration all of the input. This document is for the entire Village of Buckeye Lake. She knows there are pockets of the village that are having issues with short-term rentals and she hopes that is where condo associations and HOAs can come in to play. The solicitor will look it over when it is closer to the finished product.

**Councilor French:** Thanks to all who showed up and thanks to Planning and Zoning for putting the document together. The input from the Fire Department is now on council’s radar.

**Councilor Wolfe:** Thanked everyone for coming and for their opinion. Thanks to Planning and Zoning Commission for the work they have done. Public Safety committee would like to have input from the Police and Fire Chiefs to have some questions answered and try to narrow down who would be in charge of the inspections.

**Councilor Zwissler:** Councilor Zwissler claimed that there was no attachment to the email she received from the Fire Chief back in August for her to pass on to anyone. She thinks that the Fire Chief should be involved in all decisions of what goes into the short-term rental document. She

thanked Planning and Zoning for the hard work. She said this is a working document that brings many issues like property rights to the forefront.


**President Geiger** – He liked the concept brought up about the more short-term rental properties there are, the less pure residents there are, as well as the length of time that some of the parts of the document are in place.

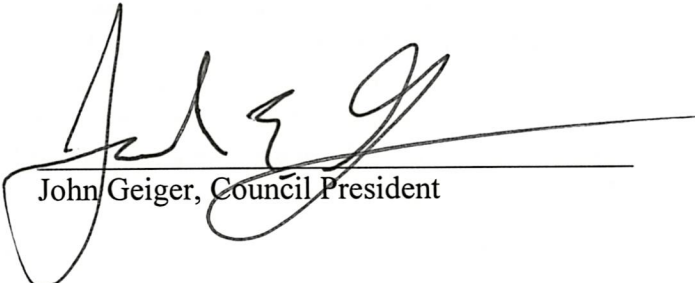
**ADJOURNMENT:** Motion by Councilor Zwissler to adjourn the meeting and seconded by Councilor Goodman.

**Motion passed unanimously.**

Meeting adjourned at 8:24 pm

NEXT MEETING: October 25, 2021

  
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Samantha Torres, Council Clerk

  
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John Geiger, Council President