

# **Ordinance Committee Minutes**

## **October 14, 2020**

Present: Councilor Asherman, Councilor Cahan, and Councilor LaFond  
Staff: Nathan Poore, Town Manager and Marguerite Fleming, Administration Analyst

Chair Cahan began the meeting at 8:01 am.

### **1. Approve Previous Meeting Minutes.**

Councilor LaFond motioned to approve the minutes; Councilor Asherman seconded. The motion carried unanimously.

### **2. Continuation of Short-term Rental Discussion.**

Councilor Asherman expressed interest in requiring minimum stay lengths. Ms. Fleming said she would find out if minimum stay lengths were something that Host Compliance could track.

Ms. Fleming said she would share examples of municipalities' registration forms with the Committee.

The Committee discussed not placing different parameters around owner-occupied and non-owner-occupied rentals but was interested in requiring a local contact person.

The Committee discussed capping the number of non-owner-occupied units that a single owner could register. The discussed needing to define non-owner-occupied. One example discussed was short-term rentals owned by business owners such as the unit above Town Landing Market.

Councilor Lafond suggested having a tiered regulation process. He felt it was most important to find out who is renting, how they are renting and how often they are renting. Ms. Fleming said she would find out how much it would cost to only employ Host Compliance's address identification feature.

Chair Cahan opened the public comment period; there was no public comment.

Ms. Fleming will reach out to the Host Compliance representative to ask if he is able to attend a future Committee meeting.

### **3. Discussion about Establishing an Ordinance/Policy Regarding the Use of "Eminent Domain" When Necessary to Construct and Maintain Town/Public Infrastructure (Roads, Drainage, Wastewater Collection, etc.).**

Mr. Poore provided context that the discussion was specific to projects involving wastewater and the collections system. He said the Council had discussed having an ordinance or policy that mandates eminent domain when there is a taking. He suggested first trying out a policy that would be part of the purchasing policy rather than an ordinance. He said the policy could provide a Council check-in opportunity. He clarified that while eminent domain is a possible tool for the Woodlands sewer project it is not the preferred approach.

Chair Cahan opened the public comment period; there was no public comment.

Mr. Poore said a policy would give guidance to staff to use the tool of eminent domain when needed to acquire property for permanent taking. He said having a standard in place is important for equity reasons. He said that

staff could proceed unless something irregular occurred and then staff would go back to the Council. He suggested that language could be put in the policy preamble for future Council and public reference about the intentions behind the policy.

Councilor LaFond asked for clarification on why Mr. Poore was suggesting a policy over an ordinance. Mr. Poore said drafting a policy would likely not require legal review and this issue is new territory and an ordinance would not allow as much flexibility for future situations. He said that the policy could be drafted similarly to an ordinance.

Councilor LaFond asked about the state statute on eminent domain. Mr. Poore said it was the enabling law that allows the Town to do this. He said a policy is a necessary tool especially for road construction and the town rarely does projects that do anything more than a few feet of taking.

There was consensus amongst the Committee for Mr. Poore to draft a policy for review at a future Committee meeting. Councilor LaFond cautioned to avoid contradicting the state legislation. Mr. Poore said he could present a draft at the November 9 meeting.

#### **4. Next Meeting Date.**

The next meeting is scheduled for October 27 at 8:00am.

#### **5. Adjourn.**

The meeting adjourned at 8:54 am.

Minutes prepared by Marguerite Fleming.