

Approved: June 22, 2021

**TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, MARCH 30, 2021 GIBRALTAR TOWN CENTER*
7:00 PM**

Call to Order: Linda Merline called the meeting to order at 7:04 p.m.

Roll Call / Quorum: A quorum was present.

Members present: Linda Merline, Brian Hackbarth, Don Freix, Paul Pillat (arrived at 7:08 p.m.)

Members absent: Tom Blackwood (excused)

Proper Notice / Adopt Agenda: Sara Lancaster stated that proper notice was given. *Motion (Hackbarth, Freix) to adopt agenda as posted. Carried*

Approve Minutes of Previous Meeting(s): *Motion (Freix, Hackbarth) to approve the minutes from the February 23, 2021 meeting as written. Carried*

Public Comment: None

Short Term Rentals – Continued Discussion:

Merline spoke with Fire Chief Bertges about his concerns and thoughts regarding short term rentals (STRs). Chief Bertges said his concern is safety and knowing who to contact in case of an emergency. More information about who owns the house or who is to be contacted in case of an emergency would be helpful.

Merline also spoke with Police Chief Ryan Roesch. He said that when he goes out on a call, he deals with whomever is there and is connected to the issue. He never knows if it is the owner of the house or seasonal people or STR renters. He doesn't have that information. He said contact information would be helpful in certain situations.

Hackbarth commented that he has had conversations with clients in other states about this very issue because it's already been or is being addressed in those communities. Hackbarth said the issue is the increase of short-term rentals in residential neighborhoods. There are good arguments to be had on both sides, but if a person buys a house in a neighborhood or residential area, they should be able to reasonably expect to have steady neighbors, not renters every weekend or every week. Hackbarth also mentioned the issue affects the lodging industry, which must follow fire and safety requirements.

Pillat questioned whether the issue of short-term rental is a problem in Gibraltar. He wants more facts that it is. He stated he talked to people in Gibraltar who have STRs and they said they make more money on a 3-day rental than a 6-day rental. He said by putting restrictions on STR's the Town is asking residents to be negatively impacted.

Hackbarth thanked Pillat for the comments but still thinks it's a conversation that needs to

happen.

Judith Kalb, resident, said she has friends and family all over the country who have stayed in Airbnbs, a few who have Airbnbs themselves. She thanked the Plan Commission for having this conversation, especially in light of the current housing crisis. Kalb said her concerns rest with people who have no intention of investing in the community or living in the community, but who are purchasing available affordable homes to be STRs. She believes it is a problem, especially if you live next to one of these homes and do not know the owner, as is the situation for her.

Hackbarth thanked Kalb for her comments. Hackbarth said that as a Plan Commission, their role is to be proactive, not reactive to issues like this, which is why they are having this conversation.

Kathy Wolff, resident, commented about the issues they have experienced living near STR properties. She realizes it is a complicated issue that needs balance, but believes something needs to be done to balance business vs. residential uses in residential areas. In her opinion, noise is one of the biggest issues. Fire and safety issues is another concern, especially with rentals that offer fire pits. Another problem is when the owner of the rental is not in the area and there is no one to contact when issues arise. She feels this puts neighbors at a disadvantage because they may or may not know the owner of the house. If they don't, the only way to get assistance is to make a call to the police. Most often, residents end up "policing" the rentals near them. She asked the Plan Commission to consider these comments in their discussion.

Michael Servais owns a STR property near the entrance of Peninsula State Park. He owns another STR near Kangaroo Lake and has been managing STRs for 10 years. He said they took trashy looking properties and turned them into desired properties that bring in tax revenue for the Town, including room tax revenue. He mentioned some guests are turned off by the number of ordinances and rules in Gibraltar. Servais said he does not have a problem with some regulations, but he asked the Plan Commission to be careful in selecting those regulations.

Merline mentioned that Servais' rental is in village commercial zoning, so therefore she wouldn't expect it to be among those properties creating potential issues. The conversation is referring to those properties located in residential areas. She also clarified that the Plan Commission is only talking about potentially regulating STRs between 1-6 days.

Pillat said Merline is missing the point if STR owners can make more money with the 1- to 6-day rentals. He asked about hard data from police reports to prove that this is an issue. Merline repeated that such information doesn't exist because currently no tracking is done that quantifies the type of data Pillat wants. Merline explained that, in her conversation with Police Chief Roesch, when the police officer goes to a call he does not know if that address is a STR or year-round residence or if the person they are speaking with is a renter or fulltime owner. That information isn't documented.

Hackbarth stated having no regulation means the Town has no way of knowing what types of uses exist in the Township. Additionally, this conversation isn't about whether the town should allow STRs or not allow STRs. It's about finding a balance and being proactive to potential issues before they happen. Some communities are doing this through zoning districts.

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Pillat asked Hackbarth if he was a property owner in Gibraltar. Point of order was called as Pillat's question was irrelevant to the agenda item.

Servais mentioned another township trying to regulate STRs through zoning and suggested that be something for the Town's attorney look into.

Kalb added that she doesn't believe the issues being talked about are with the people who live in the community and operate STRs. Unfortunately, those individuals are no longer the norm in the community. She sees the issue being with the people who are buying all the affordable property for investment and business purposes only but never step foot in the community. Kalb also stated that she is concerned about the Plan Commission or Town waiting to do anything until the issue becomes a more serious problem. She said the Town would be hard-pressed to find a community that hasn't been negatively affected by this situation.

Kathy Wolff commented that she can see the economic value to the community regarding the tax revenue these properties generate. However, Wolff would also like the Plan Commission and the Town to consider the residents who live here and what these properties are doing to their property value and quality of life.

Paul Pillat argued property values would increase with more commercial properties. Wolff commented that the problem is these areas where this is happening aren't zoned commercial. It's residential or rural, such as Countryside 5. Wolff asked the Plan Commission and Town to consider the negative impact this trend is having on the people who are not making the profit and did not buy their property to be in a commercial area.

Merline read the comments from Zoom attendants. Carla Marr mentioned having owners contact info registered with the Town so people knew who to contact in case of an issue. Merline said that would be part of the ordinance.

Don Freix thanked the public for their comments.

Merline thanked the public as well and said this conversation will be back at a future meeting.

Goal 8: Pursue Adjustment of County Zoning to Match the Vision of the Comprehensive Plan – Review 2019 Draft of an Outdoor Display Ordinance:

Merline reminded everyone that this is a draft of an ordinance. It was never acted upon or enforced by the Town Board. It was something the Plan Commission worked on with Bob Kufirin. Currently, there is no existing county ordinance for outdoor displays. This was written to be a Gibraltar ordinance.

Merline mentioned that one change would be to eliminate any mention of selling goods from a trailer or truck due to the outcome of the food truck lawsuit.

Pillat asked if outdoor displays are a problem and that he didn't understand the need for such an

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ordinance. Hackbarth stated outdoor displays were such a problem that the county asked the Plan Commission to develop an ordinance to help more clearly define the gray areas. Merline added that since that time, the county has redone their sign ordinance, in which the display ordinance was eliminated. Now it is up to the Plan Commission to develop that ordinance for the Town because it is no longer regulated under County zoning.

Hackbarth stated the Plan Commission spent a lot of time working on this original draft of the display ordinance and made a lot of compromises until they reached a version that they were happy with. He would hope the Plan Commission would carry through with the work already done.

Merline reminded the Plan Commission that the goal is not to rewrite the whole draft, but to review it and highlight anything that is outdated or should be further addressed.

Pillat said he disagrees with 8(a) and the way it is worded. It needs clarity re: the sidewalks and the egress and ingress of a property (see 8(a)(2) of ordinance). Pillat sees it as a potential public safety issue.

Need to remove 8(a)(5) (“The sale of merchandise, food or beverages in 8/09(8)(a) is not permitted from a vehicle or trailer.”), as well as 8(b)(7) and 8(11)

Merline asked if the Plan Commission felt this needed to come back to the Plan Commission or if once the recommendations were noted if it was ready to go to the Town Board.

Pillat said he feels the Plan Commission should give the revised ordinance draft their best effort before handing it over to the Town Board.

Freix asked if Merline knew how soon the Town Board wanted the display ordinance. Merline said they would like it before the start of the season.

Pillat said he feels pretty strongly about any displays not interfering with the sidewalk. Merline agreed and said it will be suggested.

Goal 6: 2024 Comprehensive Plan: Continue Review of 2004 Plan Goals & Objectives:

The Plan Commission reviewed Chapter 3: Population and Housing. Merline clarified that the objective is not to suggest changes, but only flag those goals and objectives that may need to be reviewed and updated.

Pillat stated he personally feels housing and population within the town should be driven by economics. Merline asked for clarification and whether he felt the goal was needed. He said he doesn't believe population and housing should be a Town issue and that the Town should let the free market dictate it.

Hackbarth argued that while he also believes in the free market, the government does play a role. Gibraltar is currently not an environment that is easy for businesses and free market to achieve

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that.

Merline added that this goal is part of the Town's comprehensive plan. The comprehensive plan is to be a vision and guide for your community of what you want your community to look like in 10 or 20 years.

Pillat stated the zoning needs to allow for areas to be built to achieve a housing solution.

Freix stated he didn't see any areas for change within this goal.

Under Economic Development, Objective 1.1, suggested to change the wording of the workforce.

Freix stated that he has difficulties with Objective 1.3(a) because the county should not be supporting DCEDC until they incorporate more workforce representation on their board.

A question was raised about what economic development does not have an environmental impact.

There was a question about Objective 1.5 ("Work with the business community to find ways of better meeting the needs of the general public."). More clarification needed. Merline stated the Economic Development chapter is one that needs to be updated and should be recommended to the Town Board.

Goal 10: Manage the Town's Green Tier Legacy Community Commitments – 2020 Annual Report

Merline mentioned that she and Sara Lancaster worked together to create the 2020 Annual Report for Green Tier. No additional comments or suggestions were made by the rest of the Plan Commission.

Reports

a. Chair Report: See below.

b. Ground and Surface Water: The Town Board will address the issue of the RFP for the Box Culvert construction. The Town attorney advised against the RFP being handled in house. The Town Board will discuss finding the funding to hire an outside company to create the RFP at next Wednesday's regular monthly meeting.

c. Town Board/Parks and Lands: The annual joint meeting with the Parks & Lands Committee is scheduled for Tuesday, April 26 at 6 p.m., just before the regular monthly Plan Commission Meeting at 7 p.m. It will be held at the Town Center with a Zoom option available for those who prefer to attend remotely.

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Set Next Meeting Date: Tuesday, April 27, 2021 at 7 p.m.

Motion: *Motion (Pillat, Freix) to adjourn at 9:08 p.m. Carried*