



MINUTES
of the
TOWN HALL MEETING
at the Volente Fire Hall
15403 Yenawine Way, Volente Texas 78641
Saturday, October 04, 2014

1. Call to order of the City Council (Mayor Graber)

Meeting called to order by Mayor Graber at 10:12 a.m.

2. Roll Call

Roll called by Barbara Wilson, City Administrator. Council Members Babs Yarbrough, Judy Graci, Jan Yenawine, Ken Beck, Mayor Pro Tem Mark Scott, and Mayor Frederick Graber in attendance. Tom Buckle, City Attorney also in attendance.

3. Open Town Hall Meeting on Short Term Rentals

a. Presentation by Staff and the City Attorney

Mayor Graber stands at podium to deliver opening speech detailing the issues at hand regarding STRs. Mayor Graber states that property owners within the Village will be receiving the Community Survey by the end of the following week. Mayor Graber explains the format for the meeting, so the community will understand the order in which things will proceed. Mayor Graber then reads additional statements addressing STRs (see attached). Council will have another Workshop to address any new ideas and could take action as soon as October 21, 2014 at the regular City Council meeting.

Tom Buckle, City Attorney delivered to the community the four options for handling STRs. (*see attached*)

Walter Groman, Chief of the Volente Fire Department, gives detailed list of the Fire Department's concerns with Short Term Rentals, including houses needing prominently displayed signage inside with emergency contact information and Fire Department's phone number, smoke detectors (regularly maintained), and carbon monoxide detectors. He states that the Fire Code prohibits more than 50 people gathering without a permit, which could assist in breaking up large parties. He expresses concerns about clientele of the STRs blocking emergency vehicle access both on the property and on the street.

Barbara Wilson, City Administrator shows two tables from the LCRA with differences listed between home and commercial septic gallons pumped. (*see attached*) This illustrates also the differences between a Hotel and Residential septic system, which may come into play if an STR Operator is required to re-categorize.

b. Citizen comments/Public Communications

Anne Steichen, 15807 FM 2769:

Runs B&B in town and assisted in the execution of a STR Operator Meeting. Those in attendance were in agreement that they could come up with a Code of Conduct, similar to the resolution with the Party Boat issue. Suggests waiting to make a decision on this Ordinance until after the Community Survey Results are in.

Walt Reed, 7400 Reed Dr:

Expresses desire for a process in which community can take action when a disturbance occurs to achieve immediate relief from the nuisances offenses. Wants disturbances documented so that the prosecution process may begin. Would like to see immediate consequences for actions which are validated by Volente's Municipal Court. Suggests a seconded offense should mean a revocation of permit.

Kristi Belote, 15809 Buddy Ln:

Just returned from STR in Santa Fe, NM. Zoning all around the plaza is zoned just for Short Term Rentals with a limit on number of permits for Operators and a waiting list in place. Has concerns with proposed Noise and Nuisance Ordinance because 50 feet would not be realistic, due to topography of the area, and would restrict those who live here full time. Asks of Tom Buckle, City Attorney, if the STR permit would be a legal document that the operator would be signing. Tom Buckle, City Attorney, responds yes.

Kristi then asks if we can create a noise ordinance to mirror Travis County's Noise Ordinance, would it be enforceable by Travis County in the Village of Volente?

Tom Buckle, City Attorney, answers that it would depend upon the present Sheriff. Usually Travis County will not enforce in municipal location, adding that Texas counties have very few regulatory powers and that the Sheriffs would be enforcing State laws.

David Dire, 7621 Dobie Dr :

Attended STR operator meeting held by Anne Steichen and members of Council. States the operators that attended were Cecil Martin, Rick Redmond and himself, and that he sees the need for criteria and agreed to pursue a code of conduct. He details conclusions decided upon in meeting, including a Code of Conduct for the operators of STRs, as follows:

Occupancy, overnight guests, should meet the occupancy of 2 people per bed (including hideaways or futons), only people in beds. No floor sleeping, etc.

Daytime Guests: However many people allowed for overnight occupancy times 2. Ex (4 overnight guests, no more than 8 day guests) If more than 2x guests, port-a-potty is required.

Parking: parking regulations described in lease. Vehicles, boats, jet skis all identified before arrival of guests.

Hours of Noise: noise cut-offs at night to avoid disturbing neighbors. No noise before 11 AM, outside noise and activity allowed until 10PM weekdays, 11 PM weekends.

Outside lighting: Not allowed.

Emergency Contact: someone local should be around to address it and call operator to fix disturbances.

Trash: Clean up enforced in lease; not just at STR but also at neighbor's property if trash overflows.

Conduct: No rudeness, profanity, unlawful activities.

Asks the Council to consider giving this Code of Conduct and lease enforcement a chance before taking further action.

Tom Buckle, City Attorney, responds to Dire:

The STR industry representatives should work with the Village and that many of the items agreed to within their code of conduct could be used to develop the ordinance.

Allison Thrash, 15100 FM 2769:

States the Community Survey may reveal opinions on this issue. The Village mission statement, brochures, etc. all reflect the first community survey desires of the citizens that Volente was a quiet, peaceful, family-oriented place. It should not be the responsibility of surrounding neighbors to have to police the activities of the STRs. That should be the responsibility of the owner who is being paid. Clarifies for the citizens that the Village of Volente does not have a Nuisance Ordinance in place, and the Noise Ordinance only covers industrial noise. Past experiences have shown neighbor-to-neighbor enforcement does not resolve issues.

Nancy Carufel, 8138 Joy Road:

Wants STR Operators to have a chance to write up their own rules and monitor themselves like with the Party Boats. Believes there are already too many ordinances in place and that an Ordinance will not take care of the people who are causing issues without enforcement.

Tom Buckle, City Attorney responds that a Code Enforcement Officer can enforce any ordinance adopted by the Village of Volente. This would keep enforcement costs at a minimum since a Police Department would not be required. Disturbances reported to City Staff, and verified, can also act as the necessary material for prosecution.

Michele Hirschhorn, 7316 Reed Dr:

Fears STRs are going to change the community drastically and a Noise Ordinance is a "fear tactic". Neighbor to neighbor has been tried already and is not working. Volente needs protection for its residents. Does not feel there are too many ordinances, and that we want to protect what we have in Volente. She is a proponent for this Ordinance, and any others that will protect the Community and its way of life.

Scott Attwood, 16515 Jackson:

Details past experience with unsuccessfully trying to resolve issues directly with an STR Operator. States no compromise was ever able to be reached. Asks of Tom Buckle, City Attorney, if STRs are being taxed for their Hotel type operations, why are they not considered a business.

Tom Buckle answers yes, they are required to pay State Hotel taxes, but the Municipality is not currently taxing them.

States STRs are a business. Party houses are the issue; large pools and large houses invite large groups. The original community survey said 80% of residents did not want a tourist town. Believes STRs do not benefit the community, but if they have to exist should be taxed upon by the Village and the money should benefit the residents who have to live alongside them.

Jay Fox, Septic contractor for Rick Redmond spoke to STRs and Septic Ramifications:

When an owner puts in an application for a septic, it goes to LCRA. LCRA requires the septic be a certain size based on the size of home, bedrooms, and square footage. The septic system is designed for usage not to exceed a certain number of gallons per day. Typically, residential systems do not have equalization tank (tank to distribute effluent to the field over a number of days). Aerobic systems uses oxygen to dissolve contaminants coming into tank. There could arise problems with STRs shocking their septic system or worse. For enforcement, LCRA will enforce any issues that arise with septic.

Linda Attwood, 16515 Jackson St:

Asks of Council to consider how STRs benefit our community, if at all. Has concerns with septic issues from large crowds because the STR next door has had major septic problems. Would like Council to have LCRA to come out and talk to community about the Health and Safety issues associated with STRs.

Austin Cameron, Owner and Operator of VIP Marina in Volente:

Agrees there should be something in place to deal with egregious problems but LCRA charges for every inspection, even if no problem is found, which could be a big economic hardship for Operators. VIP Marina sometimes rents boats to guests of area STRs, and in his experience this has been mostly family units. Agrees that major party houses need to be stopped, but not by passing more ordinances.

Jack Hirschhorn, 7316 Reed Dr.:

Feels non-residents should not have say in this decision. Believes that Volente needs to stay a residential area. States that if residents want to keep VOV the way it is now, Ordinances need to be passed to keep it that way.

Rick Redmond, 16107 FM 2769:

Says his commercial business on Lake Travis is based on tourism, which has increased perhaps because of Volente's deeper water levels. Believes property values have gone down because of

ordinances passed by Council. Redmond is in favor of the Code of Conduct to give operators a chance to resolve issues themselves.

David Springer, Lime Creek Rd:

STRs operating in residential neighborhoods, instead of commercial zones, is the issue. Encourages residents to call in complaints to the Village offices to help resolve any issues.

Cecil Martin, 7418 Reed Dr.:

Agrees that if residents do not raise a complaint, then ordinances will not matter. Wants STRs taxed the same as commercial entities within the Village. Thinks peer pressure is the way to get compliance from bad owners.

Bill Connors, 8016 Lakeview St:

Asks of some of the residents who have had trouble with STRs what their experiences have been with Travis County Sheriff's Office. States he is opposed to the ordinance because of lack of enforcement and lack of immediate relief for residents. Details a Nuisance Property Law in place in Travis County that could possibly be useful for Volente. Concerns about septic issues and neighbor's intake fields. Asks of Barbara, would the LCRA shut down STRs with septic issues or prohibit use.

Barbara answers LCRA would make STR operators re-permit and may red tag the property or require a larger septic tank.

Connors would like to see prosecution of operators take place by utilizing the Municipal Court in Volente.

Tom Buckle, City Attorney, adds that there is a criminal system and a civil system. Travis County cannot enforce the civil system, but they will enforce on the criminal side.

Libby Davis, FM 2769:

Details past years of experiences with neighbor to neighbor interactions and how they may have gone awry but that it was part of the way of life of Volente, and that should not change.

Kristi Belote, 15805 Buddy Ln.:

Asks of Tom Buckle, City Attorney, could our permit and fines be based on the size (square footage) of the house?

Tom Buckle, City Attorney, responds yes, within statutory limits.

Suggests STRs basing the permit fee and fines on the size of the house.

Tom Buckle adds that penalties are governed by State law but the permit fee could certainly be adjusted to size of house.

Wants to exhaust all other options at hand before getting to the point of passing an Ordinance.

4. Close Town Hall Meeting

Mayor Graber gives concluding comments and thanks the public for their input. Mayor Graber believes the City Council is ready for another work session before the Regular Council Meeting on the 21st of October.

5. Adjourn

Adjourned at 12:34 pm

Approved this 18th day of November, 2014.

Signed

Mayor Frederick Graber

Attest

Julia Vicars, Acting City Secretary