

Minutes  
Special Called Meeting  
Planning & Zoning Commission  
Of the Village of Volente, Texas  
Tuesday, August 26, 2014  
7:00 p.m.

1. Open Regular Meeting.

The meeting was called to order at 7:08 p.m.

2. Call Roll.

Joan Jackson, City Secretary, called roll. Present was Allison Thrash, Ruan Lourens, Rett Scudder, and Kit Hopkins. Absent was Missy Thost.

3. Citizens Comments.

Lloyd Ward, Dallas, TX Attorney, stated he was representing a short term rental on Brandy Way and questioned the legality of the meeting posting requirements.

Roe Fleenor, 7803 Lime Creek Rd, Volente, TX stated he is affected by the noise and party people at a short term rental close to his home frequently.

Nancy Carufel, 8138 Joy Rd, Volente, TX stated she would like discussion before public comments.

Rick Redmond, Volente, TX stated the rental on Brandy Way has rules and he has collected a fine when the rules were not observed.

Jenny Johnson, 15809 Booth Circle, Volente, TX stated the proposed ordinance was lengthy and resembled an HOA agreement.

Dory Witt, 7328 Reed Drive, Volente, TX stated suggestions and concerns for short term rentals.

Victoria Brown, 16501 Jackson Street, Volente, TX expressed her appreciation to the Commission for addressing the concerns of short term rentals.

Babs Yarbrough, 8100 Joy Rd., Volente, TX 78641 stated concerns about the length and restriction of the proposed short term rental.

Judy Graci, 15775 Booth Circle, Volente, TX addressed changes in Volente in the last year.

Cecilia Trevino Garza, FM 2769, Volente, TX talked about a historical narrative about the incorporation of Volente.

Tom Stevenson, Vacation Rental Owner, sends his business to Volente and wants to continue to support Volente in doing that.

4. Discussion and Possible Recommendation to Village of Volente City Council on the Community Survey.

a. Discussion of ramification of certain questions that are tied to the Comprehensive Plan.

Barbara Wilson, City Administrator, explained about the extra questions the Commission

had decided on adding to the survey. Tom Buckle, City Attorney, said the unincorporation question is not tied to the Comprehensive Plan. The Commission discussed it in length. The Commission was in majority that the question of staying incorporated or not should be on the survey.

The Commission took a break because of a technical computer problem. The session was called back into order at 8:20 p.m.

Discussion continued by the Commission. It was decided to review the six additional questions (item b on the agenda) before opening for public comments.

b. Review of the six additional questions to the Original Community Survey.

One of the additional questions deals with enforcement of city ordinances. The Commission discussed the enforcement problem of Ordinances in the Village. They concluded the additional questions are confusing and need clarification or rewording.

Public Comments:

Judy Barrick, 15907 Booth Circle, Volente, TX does want the question of incorporation or not to be on the survey and at the end of the survey so all questions would be answered first.

Nancy Carufel, 8138 Joy Rd., Volente, TX suggested not asking some of the additional questions because of enforcement problems and budget shortfall.

Rick Redmond, Volente, TX commented on where the additional questions came from and who was on the committees that sent them.

Dory Witt, Volente, TX feels the survey needs to go out and please make sure it cannot be skewed and multiple people answering the survey.

Babs Yarbrough, 8100 Joy Rd, Volente, TX is glad the Commission worked through the question about incorporation and likes it at the end of the survey. She asked the Commission to read the questions out loud.

At this time, Allison Thrash, Chair, read the questions out loud.

Joyce Beck, 15911 Booth Circle, Volente, TX had 2 comments on the survey. She has heard discussion that it was very necessary to have the old survey. Same people who took the first survey are not the same ones who will take it now. She would like a couple of informational statements at the beginning of the survey explaining how the results might be used.

Kristi Belote, 15805 Buddy Lane, Volente, TX has done need analysis and is looking at this in a tactical way. She suggested trying not to put much in it at once. She suggested striking some of the questions.

Mike Gold, 8018 Lakeview, Volente, TX said ditto to Kristi's suggestions.

Allison Thrash, Chair, asked for a motion.

Ruan Lourens said the recurring thing he heard was simplification. He would like to get a consultant for help with the survey. Ruan Laurens made a motion not to proceed with the survey until we get

it sorted out by an expert and to table the survey. Commissioner Rett Scudder seconded the motion. The vote was Rett Scudder and Ruan Lourens voting for tabling the survey. Voting no to tabling the survey was Kit Hopkins and Allison Thrash. The vote was a tie and the motion did not pass.

Rett Scudder made a motion not to table the survey, but to not move forward until we reconsider the six additional questions on the survey.

Allison Thrash, Chair, asked if Rett Scudder would amend his motion to reissue the original survey with only the addition of the incorporation question and not use the other additional questions on the survey.

Rett Scudder did not add the amendment and there was not a second to the motion.

Ruan Lourens made a motion to recommend to the Council sending out the original survey adding the incorporation question at the end and a history of the incorporation to the survey. No other additional questions would be added. Kit Hopkins seconded the motion. The motion passed unanimously.

#### 5. Discussion and Possible Recommendation to Village of Volente City Council on the Short-term Rental Ordinance (Rental of Single Family Residential Properties).

##### a. Review of additions and changes from the last Planning and Zoning Meeting and the City Attorney.

Kit Hopkins commented on the proposed ordinance being too restrictive and applying to commercial and residential property. She proposed and went over suggestions that are included in the packet that will simplify the process. Tom Buckle, City Attorney, said he can take these suggestions and work with them. The Commission liked the suggestions and discussed the noise ordinance issue and the lack of enforcement of the noise ordinance. They reviewed input from some of the existing short-term rental operators. Violation of the ordinance was discussed and the procedure for revoking the permit.

#### Public Comments:

Before the public comments, Allison Thrash thanked the community residents who did speak earlier and those that sent in comments to be read. Tom Buckle said these written comments do not need to be read but made part of the record.

Lloyd Ward, Dallas, TX stated to look at a simpler process and look at other cities' short term rentals for help.

Ken Beck, 15911 Booth Circle, spoke for the idea of Village diplomacy. Neighbors solve problems with neighbors.

Babs Yarbrough, Joy Rd, Volente, TX thanked Kit for her suggestions. She said fees have not been discussed. She asked if the nuisance ordinance would be separate from the short term rental ordinance.

Vicky Brown, 16501 Jackson Street, Volente, TX commented about insurance being provided through the renter.

Rick Redmond, Volente, TX asked for clarification about commercial property and that short term rental does not apply to it. He would like to see a special use permit that could be for special events to continue later at night.

Kristi Belote, 15805 Buddy Lane, Volente, TX stated homeowners' policy will not cover renters. She thinks the Home Away Insurance Policy might be better.

Nancy Carufel, 8138 Joy Rd, Volente, TX stated that an ordinance is not needed. She does not want the Village to control short term rentals.

Mike Gold, 8018 Lakeview, Volente, TX cautioned against copying other municipalities ordinances. He likes talking to your neighbors' idea but sometimes they say no.

Ruan Lourens asked if Commission could please review the newly drafted ordinance before it is made public at the next meeting to avoid getting residents upset. Tom Buckle said this would be possible.

Ruan Lourens made a motion to modify the short term rental ordinance according to the suggestions discussed and presented by Kit Hopkins and have it ready for the next Planning and Zoning meeting in September. Rett Scudder seconded the motion. The motion passed unanimously.

Ruan Lourens made a second motion to modify the proposed drafted short term rental ordinance according to the suggestions discussed and presented by Kit Hopkins and have it ready for the next Planning and Zoning meeting in September. Rett Scudder seconded the motion. The motion passed unanimously.

## 5. Adjourn.

Rett Scudder made a motion to adjourn. Kit Hopkins seconded the motion. The motion passed unanimously.

Approved this 9<sup>th</sup> day of September, 2014.

Allison Thrash, Chair

Barbara Wilson, Acting City Secretary