

## **Tropic Town Council Meeting**

Minutes of the Tropic Town Public Hearing  
Held October 12, 2017 at 5:00 p.m. in the Tropic Town Heritage Center

**PRESENT:** Mayor WaLon Brinkerhoff **BOARD MEMBERS:** Jason Bybee, Travis LeFevre, and Dennis Pollock. Marie Niemann – Tropic Town Clerk

**OTHERS:** Steve Hill, Lance & Sara Syrett, Marie Barton, Annette Chynoweth, Riley & April Roberts, Danny & Wendy Brinkerhoff, Kerry & JoNeil Alvey, Ryan Alvey, Skyler Syrett, Sydney Lamas, Cary & Teresa Deccio, Shiloh Syrett, Karleen Mc Inelly, Sandra Francisco,

**WELCOME:** Mayor WaLon Brinkerhoff

**PRAYER:** April Roberts

**PLEDGE:** Kerry Alvey

Mayor Brinkerhoff welcomed all in attendance. Those in attendance wanting to comment were asked to sign up and the meeting would proceed in order ~ 2 minutes was given to those who signed up to comment.

Copies of the Vacation Rental Ordinance adopted November 10, 2016 were available for the public. After receiving feedback from ULCT Attorney David Church during a town board meeting June 8, 2017 changes were made; producing a modified version of the current ordinance, which was also available. Mayor Brinkerhoff verified this amended version was not ready for adoption.

### **Comments**

Lance Syrett: He was asked by the veterans of the last meeting to note that this is a public hearing and not a debate; that if someone gets out of order, interrupts those who are speaking, or We would like some uniformity to the meeting.

Lance began thanking the governing body of Tropic for the service they provide, knowing it is a volunteer position and not easy. He identified vacation rentals are a hot topic not just in our communities, but throughout the country. Addressing the revised vacation rental ordinance, he was in favor of the Council adopting it; not for the mitigation it does for residents, but believes vacation rentals are a nuisance and are detrimental to any neighborhood. Focusing on Long-term economic impact vs short term, the Town is on an unmitigated path towards half the homes being vacant every winter and within 2 or 3 years the population will be less than it is today. Vacation rentals may be a good economic impact, but only short term; in the long term they are detrimental. It is the Council's responsibility to look out for the long term prosperity of the Town. Discussed having diversity being a positive thing and it's being foolish to think people can just come in and get a loan to build a home without trying it out first; every community has long-term and short term rentals. Lance asked the Council to have a long term economic plan, not a short term; expressed concern of Tropic could become like Escalante with loss of families, low school enrollment, etc.

Steve Hill: As an owner-occupied vacation rental in town, Steve was also in favor of adopting the ordinance. Encouraged support of owner-occupied business, whether by the owner or by hiring someone; which would alleviate privacy and other concerns/problems and would provide employment for a young couple or family. Neighbors should not be force to police the vacation rental businesses. Addressing the occupancy limits in the ordinance, the number of people allowed per bedroom is two which is sufficient; allowing more if one follows a certain criteria is becoming a party house and doesn't belong in a residential area.

Sydney Lamas: Addressing the ordinance(s), how will the code(s) be enforced? If the Town cannot uphold the current code, what differences are there in the revised code that will be enforced? Sydney expressed confusion with the definitions of a single-family dwelling and its use throughout; are vacation rentals allowed or not allowed? Comment from Council member Dennis Pollock said there probably is some changes needed; Town Clerk Marie Niemann followed up by stating that clarification is needed; explaining trying to find middle ground by trying to regulate those currently in operation and establishing policy not allowing them without being owner-occupied.

Mayor Brinkerhoff also stated the code identified “governing body”, “planning commission”, “building department”, “appeal authority”, “board of adjustments”, etc., of which the town can provide and others they don’t provide.

Riley Roberts: Short-term rentals/Vacation rentals have been a topic of discussion and controversy subject in the town for more than 2-years; opinions both for and against have been expressed, zoning codes have been enforced and violated, ethics and motives by the local government and residents have been questioned and personal opinions have been voiced in different forms. Any opinions, whether right or wrong are just that, an opinion; and any discussion whether they should be allowed or not is irrelevant because they’ve already been allowed. He disagrees with the way that the businesses were established and feels that no additional vacation rentals should be allowed in residential areas; quoting the current ordinance “to protect and maintain the character of the zone”.

Continuing, Riley stated he has been affected more than anyone else in town and asked when are the problems going to be addressed? As a former member of the planning commission, Riley reported on the number of planning commission meetings, as well as a combined meeting with the Town Council. A solution to resolve the issue was discussed, proposals were given and approved that created an ordinance; some of the parameters were not included; which didn’t matter because it was found to be not in compliance. The Town is still in need of an ordinance with parameters addressing the problems. Riley also felt because it is a commercial venture in a residential zone, the business should adhere to the exact same ordinances the residents have to adhere to; i.e. occupancy, privacy, parking, noise, etc. One cannot hold the residents to a higher standard than a business in the same zone; and hold accountability.

Riley addressed his closing remarks to the Council; Understanding this is a volunteer position, but it is an elected position, which means they chose to serve; whether or not they regret the choice is irrelevant. You have an obligation to the residents, businesses, and to all those that come through the area, and it is appreciated. Riley supports an ordinance, feels the proposed one needs to be re-evaluated and to maintain constancy.

Annette Chynoweth: Recalling comments from previous meetings, Annette followed up a suggestion that was given to vacation rental business owners “putting pencil to paper” and decide if it is worth running a business or not. Annette took offense to that. Continuing, she took inventory of homes that were vacant within Town, counting twenty-(20); Annette asked how do you justify them being empty and not long-term rentals. Those who have vacation rentals have already justified their business by creating jobs, income, and fulfilling a need; like it or not, this is a tourist town. Addressing long-term rentals, Annette shared what she did in assisting Marcia Evans in finding her a place to live; making many phone calls and getting every excuse under the sun that they were not renting the home. Suggested that maybe there needs to be an reason for people to rent long-term.

Marie Barton: Would like the Council to revise the ordinance and lower the water/sewer rate during the winter months to half rate.

Danny Brinkerhoff: No Comment

JoNeil Alvey: No Comment

Cary Deccio: Referencing the amended ordinance, there are specific items listed that owners need come into compliance with; how is these going to be implemented? The code calls for a Board of Adjustments, is this board directly responsible for addressing violations? In responding to Annette's comment on incentives/reasons, one cannot discriminate and suggested the Council to talk with the County about tax incentives for those who do long-term rentals; subsidizing their income. Cary emphasized other concerns that have been expressed, that of residential growth – teachers, schools, families, etc. People have the ability to with their personal property, within the parameters of law; believes there is a solution and understands it also has to deal with economics.

Sandra Francisco: Also expressed concern with managing of and enforcement of an ordinance. Supports keeping traditional neighborhood where doors can be kept unlocked and families can still feel safe.

Echelle Pollock: Express support for better managing of vacation rentals; being responsible for accessing the correct home, observing curfew and other regulations. Commented that the Town is changing and will change – like it or not. Inquired about grant funding for sidewalks, curb, cutters, etc.

#### Mayor Brinkerhoff opened the meeting up to additional comments

The meeting got heated as time was given to Lance Foster. Lance started off by responding to previous comments by stating people are trying to be nicer than what they really want to be. That everyone knows there is a group of people that have problems vacation rental and that's it; and we know who and I'm not here to make friends about it.

Interrupting, Skyler Syrett took offense to Lance Foster's comment regarding "a group of people". Mayor Brinkerhoff intervened using the gavel to silence the interruption and stated there are rules here and let's be quiet; Lance Foster didn't mention names.

Continuing, Lance Foster stated there are plenty of property and homes for sale; if people want to live here they can purchase them. Sydney Lamas again tried to comment by asking Lance if he knew the cost of these homes, with Mayor Brinkerhoff again telling people to be quiet. Lance continued to state it isn't their problem or responsibility as home owners/vacation rental business owners to provide housing for people. As owners of these businesses they have beautified the properties, have brought tax dollars to the area; have little and low impact to the water/sewer systems, etc. Lance compared the types of people that stay year round to those that are short-term nightly renters; they are trashy, having to deal with them 365 days a year, rather than a few nights during the summer. Again identifying the Town as a resort town, whether they like it or not.

Teresa Deccio: Responding to Lance Foster, she feels he is trying to bring a tribal mentality to the issue "us against them" meaning those living on 550 North and the STR business owners. I live on 550 North, and it doesn't matter what my last name is, feeling personally attacked by Lance's comments - Mayor Brinkerhoff interrupted by stating both sides should be heard and will not allow personal attacks. Continuing, Teresa asked do the residents know that taxes/revenue is being paid honestly. Lance Foster attempted to respond back, with Cary chiming in, but was silenced by Mayor Brinkerhoff stating Teresa had the floor. Teresa's main point is and as a member of this community, there is no need for tribal comments.

JoNeil Alvey: Following up on Sandra's comments, JoNeil commented there are people that have been personally impacted by vacation rentals and that don't live on a "certain street" – reporting they had non-speaking English Europeans walk in to their home at 9:30 pm thinking they had rented their home; they were people who said they should have called the cops or WaLon (Mayor), instead they had to lock their front door after 30 years of living in Tropic. JoNeil asked, there are responsible vacation rental owners and others that are not, as citizen living anywhere in this community, what is their recourse?

Responding, Council member Travis LeFevre stated that is a tough question; the ordinance does address this in a number of ways, whether the Council implements them or not depends on the community.

Travis expressed the Council frustration when it comes to people serving; currently the Town is having a hard time getting volunteers to serve on the building/planning commission. Who wants to enforce the ordinance? Continuing, Travis reported that the only time residents come out is when there is a hot topic; no one comes out to Town Board meetings ~ yes there is enforcement. Residents/everyone needs to realize that the governing body can make rules, regulations, ordinances, etc., but it depends on whether or not the community is willing to volunteer to enforce them yourselves, because that is what the Board of Adjustment is. And not just vacation rentals; other violations or non-compliance of other codes will need to be enforced; including setting fines, levies, etc.

Mayor Brinkerhoff commented, recalling Riley's comments in regards to holding residents and businesses to the same standard. Giving the example of limiting the vacation rentals parking, one can drive around the town and find parking violations; yes, the Council will uphold the same standard to residents and businesses.

Continuing, Travis acknowledged there are problems and issues all over town, not just with vacation rentals; how much regulations and enforcement do the residents want. We all put up with problems, dogs, chickens, sheep, and other violations; and we have ordinances for those as well. Yes, we need to protect the Robert's home, Lance Syrett's home, and everyone else's home; but how far does the residents want to take it. If the residents want enforcement, volunteers will be needed.

Riley Roberts: This is not a hearing to take away what is already in place; it is to discuss and set parameters that everyone is okay with; to move forward, not backwards. He expressed appreciation for the Council; it's a hard thing. He himself was on the planning commission for a number of years; not easy. Riley also thanked Travis for his comments.

Annette Chynoweth: Annette was sad that vacation rentals have impacted the community negatively; she loves operating her vacation rental business, it's the best job she has ever had; it's a lot of work and helps with income. Her hope is to find common ground; she pays all her taxes, tries to obey all the rules and is sorry for the problems vacation rentals have caused.

JoNeil Alvey: What is the timeframe to adopt the ordinance?

Responding, Travis stated that currently additional vacation rentals are not allowed in residential areas. Sydney Lamas asked how the Council can deny someone, when according to David Church said it can't be upheld. Travis continued asking if the ordinance should be approved today; he believes there is tweaking to be done and adjustments made. Mayor Brinkerhoff expressed his understanding of Mr. Church was unless the town had an ordinance stating they were not allowed, the Town could not ban them. At that time, the Town did not have an ordinance in place; and so an ordinance was created banning them in residential zones. Discussion continued regarding the legality of the ordinance with examples of hypothetically and possibilities situations; but as it now stands, vacation rentals are banned in residential zones.

Cary Deccio: Asked about the future of the revised ordinance.

Responding, Travis stated there will be changes made and another public hearing held before it is finalized; Jason added it will also be reviewed for legality purposes. Dennis asked the citizens to read through the revised ordinance and provide feedback for the council to review. Mayor stated a board of adjustment will be needed; asking for volunteers to sit on the board.

Sydney Lamas: Expressed interest is using people who do not live in Tropic to sit on the board of adjustments, to be the code enforcer, putting less pressure on the Council; having less tension and animosity within the community.

Other comments included business owners provided better signage, direction/location to avoid mistakenly walking into the wrong home.

Lowell Mecham: Related why he invested in purchasing a single-wide trailer and uses his father home as a monthly rental. As a former principal at the school, Lowell remembers when there were hardly any students; his choice to provide housing for a family would contribute to the school and the community; the income isn't as much as those nightly rental, but is happy with the choice he made.

Skyler Syrett: Responding to comments expressed regarding "residents on 550", "Clan", "group of people" or whoever they are being identified as, Skyler stated that for the most part they are not against vacation rentals; there may be some that are. They just want an ordinance in place, some way to police them; for people to live here and help the economy of the Town. Skyler expressed disappointment in the way the Town is being governed; he has property to build a home, but has chosen to build and live in Bryce Canyon City. Continuing, Skyler hopes everyone and the Town is successful with their businesses and make enough not to depend on Ruby's Inn; expressed frustration with the negativity towards the success of Ruby's Inn, they contribute to Tropic community, but then being stabbed in the back because of it. Competition is good and at the end of the day there is an ordinance in place that can be enforced.

Mayor Brinkerhoff expressed appreciation to everyone for their comments and input.

## **AJOURN**

A motion was made by Dennis Pollock to adjourn the public hearing – Second by Travis LeFevre. Motion carried.

Approved this 9<sup>th</sup> day of November 2017  
Marie H Niemann – Tropic Town Clerk