

Tropic Town Public Meeting

Minutes of the Tropic Town Public Meeting
Held June 30, 2016 at 6:00 p.m. in the Tropic Town Heritage Center

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

OTHERS: Sydney Syrett, Riley Roberts, Shiloh Syrett, Annette Chynoweth, Lance Syrett, Karlene McInelly, Levi Holm, Abby Palmer, Danny Brinkerhoff, Yolanda Cowan, John Holland, Merrilee Mecham, Thompsons

CALL TO ORDER: Mayor WaLon Brinkerhoff

PRAYER: Steve Hill

PLEDGE: Shiloh Syrett

Mayor Brinkerhoff welcomed all in attendance and made the statement that this was a public hearing not a public meeting as posted. Those wanting to comment were asked to sign up and the meeting would proceed in order, after each comment Mayor Brinkerhoff opened it up to discussion; upon hearing from the public all comments and concern will be reviewed by the planning commission after which the Council will receive their recommendation, with the Town Board may or may not change the ordinances. Continuing, Mayor reserves the right to make comment and reminds everyone this is a municipality the Council is here facilitate everyone needs; Tropic Town is a resort community and whether or not one hates motels, businesses, etc. Tropic is a gateway resort community.

Riley Roberts: Reported the planning commission has spent over 6 hours discussing, researching, addressing every item; is it a zoning thing is it a conditional use thing, etc. come up with nothing ~ a whole lot of maybes. Riley stated he signed up first, not that he is on one side as resident or the other because he's on the planning commission, but to bring to light items that the community is not aware of. How is the Town liable, what is the long term goal as a Town? Town ready to put the burden on the residents to allow businesses in residential areas; is it on the Town, the individuals, etc. when an issue arises, who is going to monitor or police it, neighbors, Council, etc.? After looking on it from all sides, his personal opinion is that it is a zoning issue; there is commercial zones and there are residential zones; and should stay residential or commercial. Town should not pass on commercial liabilities onto the residents. Continuing, Riley didn't see how he could be persuaded if there were other options, but doesn't see how the Town justify putting this undo hardships, liability, safety on the families by issuing conditional use permits without a complete change of zoning.

Responding, Mayor Brinkerhoff said zoning is an issue, but he also has researched this quite a bit, as has others, and according to the Utah League of Cities and Town (ULCT) unless ordinances specifically ban vacation rentals, holiday homes, etc. in any zone; and according to his knowledge they do not, asking Marie and the Council if this was correct ~ they are not banned. He is not saying that an ordinance will not create an ordinance banning them, but at this point they are not banned. Some towns/cities choose to regulate others do not; currently tropic treats them as a business charging them commercial w/s rates, taxes, etc., it's true there could be more regulations. Continuing, reported there are many communities, like Tropic that has not banned them; some ban them in certain zones, Tropic cannot ban them without having an ordinance in place.

Annette Chynoweth: Asked Riley to explain his references to liabilities and burdens – Riley responded giving an example that something happens to a guest on the neighbor's property, the owner is passing on the liability to the neighboring property owner.

Lance Foster commented it isn't any different than my neighbor having 20 kids coming over on his property; Riley said yes, but the Town of Tropic doesn't legislate your neighbor. Continuing, Lance said as a personal property owner and wanting it protected, isn't it my obligation to protect my property just as it is your responsibility. Responding, Travis stated that as a business owner I am forced to have liability insurance in anyone get hurt on my property; this is what the discussion is, as far as regulations because the Town may be implementing it; I have to provide liability insurance to the Town for my liquor license. That may be the way the Town mitigates the Town's liability following up making sure it's part of the business license.

Joe Thompson: Representing Tom Matteson, reported Mr. Matteson has had a vacation rental in Cannonville for about 6 years, and currently has one in Tropic. As the County Assessor, Joe reported assessments are changed from residential to commercial; expressed the tax benefit to the County. Annette asked about what portion of tax is given to the Town? Comments included the allocating of property taxes, resort taxes, etc.

Sydney Lamas: Encouraged the Town to regulate them, do what needs to be done – put an ordinance in place; agrees with what Riley discussed. Sydney expressed her love for Mindy wishing the family still lived there. But, as a resident doesn't like it in her neighborhood; she didn't build out there to have a business venture next door, her privacy, security, etc. is gone. If she wanted to live in a commercial area, she could have built at Ruby's Inn for a half the cost.

Annette Chynoweth: What kind of regulations? Responding, Sydney said a business license; the Town had to track down a number of vacation rentals that didn't have a business license, register with the State to collect transient tax – if they are going to run a business, know how to do it. Second, liability – there is a liability! Notification to neighbors; had no idea there was a business until after the town issued the license. Continuing, Sydney stated if she built on Main Street or in a commercially zoned area she would expect the traffic, the noise, etc.; but she didn't. Other regulation included w/s rates – residential to commercial, noise control, etc.

Mayor Brinkerhoff asked how many were in Town, currently twelve-(12). He has only heard complaints on one vacation rental, are there others, what are they? Responding, Sydney reported many have come to her because she doesn't yell at them; the complaint she got was the people were drinking and smoking and loud, we can't stop that – she knows that. Mayor responded back stating that is law enforcement issue; as far as he is concern, someone could rent the home and have the same issues. Sydney reported a problem she had was having ATV's flying around the Skyler's property next to hers; she asked them to stop and they did.

Discussed Bed & Breakfasts (B&B's) – Mayor stated vacation rentals are treated the same as B&B's. Riley stated that B&B's have someone on site managing and addressing possible issues. Mayor agreed, but taking that away, there really isn't a lot difference; there are B&B's all through Town. Travis stated they are the same, except the owner/manager lives there. Danny Brinkerhoff commented that law enforcement would still need to be called to settle issues.

As a business owner, Travis is responsible to resolve issues, it may not be a law enforcement concern, but when there are complaints guests come to him, as with the other when they want help with something, they go to the neighbors. Sydney commented that building in a residential neighborhood didn't expect to have to deal with that. Lance Foster responded stating that building in a residential neighborhood, someone with 12 kids could build next to me, or someone that likes to party; he didn't expect that either.

Lance continued to point out a number of items vacation rental have done to improve the town; speaking for Scott & Marie Barton, Annette, and others ~ they've beautified the Town; ~ addressing concern to the type of renting, Lance stated “low life people” are not renting places receiving anywhere from \$200 - \$400 a night. Sydney said she doesn't want vacation rental's in neighborhoods; responding, Lance said for her to go buy 50 acres and build her home – Sydney responded “Duh, that's what she did Damn It!”

Mayor responded stating “you are still in a municipality, Sydney. Again I reserve the right to speak; we are a municipality and are here to facilitate everyone’s needs. Tropic is a resort community, do care if you hate motels, businesses, we are a gateway resort community.” “We can create gated communities where all this stuff can be banned.” Sydney responded “then I want a gated community.” Mayor stated it’s a good place if you want all that.”

Riley wanted to clarify that Lance Fosters’s vacation rental is in a commercial zone; Mayor responded, “no, that’s not true, it’s in residential. The only thing that changed when Alfred rezoned, was the property with the cabins, he did not own Bobby Joe’s house; we’ve researched the minutes”. Discussion and questions commenced on what was rezoned.

Continuing, Riley asked: “why have zoning then, if you can have this or have that; throw it out, there is no need for it.” “You can have conditional use it to heck all you want once you open the door you can’t shut it; you can’t grandfather that in and this in, allow this, but not allow that; where this is still a commercial venture is doesn’t matter what you’ve decided, you’ve open a can of worms.”

Danny Brinkerhoff responded stating “it was opened when the Town let the B&B’s in.” Riley does not agree; replying “if I want to open a boy’s ranch, you’re not going to shut me down.” Conversation between Mayor Brinkerhoff and Riley expressed opinions of different types of businesses being advertised. Mayor Brinkerhoff stated “the boy’s ranch is a little bit different than an overnight stay.” Riley asked how? “We’re not inviting trouble boys to stay in motel rooms, that comparing apples to oranges Riley.” “No one is inviting trouble kids to stay in vacation rentals.” Riley asked “how do you know who you are renting to?” Mayor replied, “businesses are not advertising trouble people to come.” “Whether or not, you are still opening it up to liability.” Danny explained that a background check is not made on guests.

Other comments made asked if there is a worry about the people staying in Town; replies said not in commercially zoned areas, but yes in residential. Sydney reported she has lived on 550 North for nine years and has never seen tourist in her neighborhood. Lance Foster replied, that Sydney is living in the wrong part of the world if she doesn’t want tourist in the area.” Replying, Sydney stated “that’s not what she’s saying” emphasizing again, “if I wanted to live next to a motel, I could have built at Ruby’s for a hell of a lot cheaper.” Lance Foster began a rebuttal, was interrupted with Mayor Brinkerhoff bringing the meeting back to order.

Lance Syrett: Expressing his thoughts; he acknowledged vacation rentals are a huge thing, with issues on both side. “One of the reasons there are strong feelings against them because they are in residential areas, next to someone’s home – their home is their castle, that’s where you anchor, where you are. Comments made stating if you want privacy, build a fence”. Continuing, “who is changing the status quo, I’m not, Sydney isn’t Riley isn’t; their neighbor choose to with a business, because the business makes them money”; why can’t I have the right, I didn’t change the status quo, I’m a resident, to ask for some vindication, whether that is privacy fence, on call 24 hours, signage, or other something else, required by the vacation rental owner”. Another concern expressed to Lance and others was the lack of long term rentals for those working for the businesses; residents that have contributed to the community and have a vested interest. Lance continued listing a number of concerns to the future of the Town though there is employment, no housing for families/individuals, or while earning money to build a home; changes the character of the Town, decline in students, families, etc. Concluding, Lance reported of businesses not paying their resort/transient taxes, and investors looking into building motels in the area this next year that might make the vacation rentals a short thing.

Comments responding included the use of conditions, requirements; Lance Foster stating that those currently in operation should not be penalized for those that are not paying their taxes.

Danny Brinkerhoff expressed his feelings about long term housing, identifying problems the affordable housing subdivision Bryce Meadow – he lives next to the mess.

Many comments erupted with Mayor Brinkerhoff bringing the discussion to order and making comment regarding the involvement of government; should the Town mandate people to have long term rentals? Comments made regarding free enterprise, the same people vested in the community are running a business are trying to make a living as well. Lance Syrett replied that in 10 years, when there are no families/students in the community/schools, the question will arise what the hell happened. Lance Foster commented that it isn't because of vacation rentals. Rebuttal from Lance Syrett stated there has to be someplace for people to live. Continuing, Lance Foster made remarks regarding Ruby's Inn, stating "they have all the property in the world, why don't they build long term rentals; it's their employees that need housing." Responding, Lance Syrett stated there is a 32 room housing complex project currently being planned. Lance Foster; "build another 32 room complex"; Sydney responded it takes money. Lance Foster replied, "he's trying to make a living here as well; if he didn't have his vacation rental he wouldn't be living in Tropic, it's his source of income; doesn't feel it his or anyone homeowner's responsibility to supply people with long term rental to live in." Comments and discussion continued identifying the upkeep of long term rental, financial gain monthly vs. nightly, property upkeep-contributing to the overall appearance to the community.

John Holland: "If it's between the choice of nightly rental or monthly rental, it a no brainer; one can make a lot more money with a nightly rental. What is the motivational factor, is it money or what does everyone visual the town to be; there is a lot of pressure to change it." John identified the changes that have occurred in his area; an area that is zoned RRC. What started out as a B&B has grown to a resort with full service cabins, restaurant, and more traffic than one can imagine; there are other issues to address but there is also the character of the Town. John continued to state "we are a resort community, I love it here, I have not always enjoyed tourist, but I do love the fact that we get a lot of people to visit here." "When you have a commercial entity in a residential area and allow that, you need to think about what other changes will take place in the future – one cannot see the future." John encourage Council and Community to take a step back, re-evaluate the zoning laws putting them through the "full ringer" making decisions on the issues currently before the Council; should make a much better planning effort for the future and character of the town. John expressed that if he was on the Town Council he would make the motion to put everything on hold. Mayor Brinkerhoff stated that the Council has put a hold on new vacation rentals and agreed with Mr. Holland; to address those currently in operation, hope to work with both sides.

Mayor Brinkerhoff expressed a concern, looking at those who are present have issues with one business; it shows who is passionate and who isn't. Sydney, Lance, Riley disagreed; there are many who have expressed thoughts against others, not just the Grimshaws'. Sydney expressed that "word got out that you were going to approve Dan Fagergren's request", "they call me and I told them it wasn't approved." Sydney also reported she told those people who called her to show up to the meeting. Mayor Brinkerhoff replied that no offense, but Sydney was the wrong person to be talking to.

Riley felt his feelings were more from the zoning side; if and when these conditions and perimeters are set, how is this going to happen and how is the Town going to put in place the conditions; discussed disgruntled neighbor making false pretense to revoke the license; that's not what the meeting and proposed conditional use permit is about. Another item that hasn't been brought out is how does the Town move forward; can one build with the intent of building a vacation rental in a residential zone, is there a time frame to be used as a residence before making it a business; can it be sold as a business, these need to be addressed.

Mayor asked for comment – Lance Foster agrees there needs to be conditions, but businesses can't regulate every little thing; there will still be people who will be disgruntled and want to add something to the conditions. Lance gave an example of building a home in Cedar City, within a year he had neighbors on both side; there were issues with their dog, trampoline, etc., but was able to work them out – going 50 50 on a fence; that seems like a more civil way to handle the matter. Riley doesn't disagree, but the Town also needs to regulate. Mayor broke in the conversation, stating that the Town doesn't Have to regulate, it can Choose to; at this point the Council has not made that decision.

More comment's regarding the care of long term rentals, revenue, etc. Mayor Brinkerhoff brought up the issue of other businesses located in residential area – referring to JCI Billing, hair salons, etc. Annette expressed her love for JoNeil, but wish there was better parking for the 5 trucks parked along the street.

Council Member Dennis Pollock interjected asking for input on creating an ordinance. Copies of a proposed Business License Conditional Use permit were available and reviewed. Comments included the conditional use permit be required of other commercial businesses with a residential zone, does the Town address each business individually, change the entire zoning areas, etc. John Holland explained that he isn't suggesting treating every business in a residential area equally, just looking at the whole picture, addressing all issues within the zones.

~Steve Hill asked to explain the requirement of a building inspection; it was explained that many of the businesses are using already existing homes that have never been upgraded with better electrical wiring, plumbing etc.

~Notification/signatures of neighbors within 300 feet; this was required when the B&B's were allowed. Riley asked that the word "permission" be removed and replaced with "acknowledge" – shouldn't be asking for permission. Also, one of the reasons why the Town has an issue is because the process of reviewing the application of business license by the planning commission was not in place.

~ Noise, pets, curfew, disorderly conduct, etc.

~Maximum Occupancy two-(2) guest per room; this item received some opposition, cannot regulate how many people.

~Signage, informing guests of all regulations shown above must be posted in a prominent location in the house; as well as information containing the name, phone numbers of the owner/manager on the exterior of the property.

~No vacation rental/STR less than 30 days shall be permitted within 1,000 ft. of a school. This also received opposition.

~ Fees are based on the advertising of the business

~Violations, fees, etc.

Discussion asked if Tropic has issued any conditional use permit; Mayor responded stating not to his knowledge. Marie reported the Town has a conditional use permit form, that have been used with building permits, and that conditions are set when approved; just as conditions are set with a business license application form is signed; the Town does have a process in place when needed. Riley stated that there are many operating a business that should have a conditional use permit, whether that is a vacation rental or not; under current zoning. Comments continued readdressing fire codes, fencing, time frame of building a home and turning it into a business, corporations coming in purchasing homes – having no vested interest, just wanting to make money, etc.

Karlene McInelly gave her experience with long term vs short term rentals, stating long term renter are trashy, – always maintenance repairs, etc.; nightly rental are much easier to manage, but have been known to become a party place for the night. Karlene also suggested looking into Community Reinvestment Act; funding for long term rental. This led to the comments once again on the less than desirable government funded Bryce Meadows.

Concluding, can there be a compromise? Annette expressed or questioned the Town regulating someone selling their property; responding Council Member Brook Wiseman said there has to be some regulation because of zoning. Continuing Annette pointed out other use of homes and zoning issues.

Mayor Brinkerhoff stated Tropic does have tools already in place, and that if it is the will of the people not to allow them in residential areas, changes need to be identified and made. So what does the Town from here, Riley explained the Planning Commission will review the comments expressed and prepare a recommendation to the Town Council on how to proceed; whether to ban them in residential areas, regulate them if the Council choose to do so, etc.

Commenting on banning them, Steve Hill ask how many families would not be here if the Town did have something in place banning the vacation rentals, he diffidently would not be here; something to think about. There are also families that can't be here because there are not home available; need to find a balance.

ADJOURN

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

Approved this 14th Day of July 2016
Marie H Niemann