

Town of Pitkin

Work Session, February 21, 2017

Work session called to order by Mayor Steve Pinkston at 7:00 p.m.

Trustees Matt Buchanan, Brad Wick, Chris Nasso, Rachel New, Eddy Balch and Cory Nasso were present.

Attorney Jim McDonald was not present.

Minutes taken by Clerk Sara Gibb.

Item 1: Discuss ordinance concerning advertised residential occupancy limits and Trustee Wick's proposal regarding STR occupancy limits followed by public comments.

There is no updated draft copy of the residential occupancy limits ordinance. Trustee Rachel New suggested that the ordinance include occupancy limits for residences in the commercial district. The current draft only addresses residences in the residential district. Trustee Matt Buchanan believes this is addressed in the title where it reads "residential rentals."

Motion made to table discussion of the ordinance on advertised occupancy limits item until an updated version is provided made by Trustee Chris Nasso. Seconded by Trustee Eddy Balch. Motion carried 5-2. Nay votes cast by Trustees Matt Buchanan and Brad Wick.

Trustee Matt Buchanan feels like Trustee Wick's proposal is more complete compared to the ordinance drafted by Attorney Jim McDonald.

Trustee Brad Wick pointed out that his proposed ordinance only addresses the OWTS of STRs. He believes that Reg. 43 addresses long-term rentals. He believes an all-encompassing ordinance will be too cumbersome. He wants to be sure the Town is collecting sales tax and believes this will be a way for the Town to monitor this. Clerk Sara Gibb pointed out that tax information is not public and therefore could not be disclosed by the Clerk/Treasurer.

Trustee Cory Nasso would like clarification on which rentals are included in Trustee Wick's proposed ordinance. He wonders if there is any opposition to applying advertising limits to all rentals, both short- and long-term.

Trustee Rachel New pointed out that an ordinance was passed concerning sales tax. It requires any person who is selling or providing services to apply for a Pitkin sales tax license from the Clerk. The total cost of this would be \$5.00. If this ordinance can be used then the Town will be aware of who should be and who is remitting taxes. To her knowledge, it has not been repealed.

Trustee Cory Nasso is in favor of an advertising limits ordinance. He summarized that the main differences are in the fine schedule and where the responsibility lies in terms of verifying the number of people in a house. He also wonders how the number of occupants would be verified.

Trustee Eddy Balch pointed out that the State requested something to restrict advertisement. He does not believe the Board needs to redefine the number of occupants allowed because this is covered in Reg. 43. He also stated that it's not in the best interest of the property owner to rent to more people

than a house is designed for. He believes the manager/owner should be responsible for collecting a fine from groups that arrive with more people than allowed. He believes an ordinance can be drawn up to address advertisement and a separate ordinance can be put together to regulate other issues with rentals, both short- and long-term.

Trustee Brad Wick wonders how the Town determines if a residence is being rented as an STR. He pointed out that the ordinance proposed by Attorney Jim McDonald does not require the Town to be notified. He does not believe the ordinance presented by the Attorney will be sufficient to alleviate the State's concerns.

Trustee Chris Nasso wonders if the Town is obligated to make all property owners aware of decisions made by the Board that could potentially affect their decisions regarding how they utilize their property. He also brought up the committee that was formed approximately 2 years ago and wondered if their suggestions were still available to review.

Trustee Cory Nasso suggests presenting the ordinance drafted by Attorney Jim McDonald to the State to see if the Town is on the right track.

The Board is in agreement with this suggestion – Draft will be provided to the State for review and ideally suggestions sent back.

Public comments: Lois Sharpton wondered if both documents can be sent to the State.

Pete Olson suggested that Board members be prepared for meetings.

Ramon Reed pointed out that the State is only interested in how the Board is going to enforce Reg. 43. He doesn't understand how advertising has anything to do with enforcement.

Item 2: Public Comments regarding OWTS hearings protocol; discuss resolution relating to OWTS hearings protocol

John Wise wonders if some potential health issues would need to be addressed in less time than 20 days.

Ramon Reed believes the Board was not considering the purpose of the hearing, which is public health and safety. He believes the hearing needs to reflect the quasi-judicial action that is being taken. His perception of the previous meetings (work session and regular meeting) was that the Board's biggest concern was time and limiting the time it takes to complete a hearing. He made several suggestions, including that the hearing be recorded and that the Board look into how to execute a "cease and desist" order.

Meeting adjourned at 8:13 p.m.