

Town of Silverton
Regular Meeting
May 23, 2016

**TOWN OF SILVERTON
MINUTES OF THE BOARD OF TRUSTEES
REGULAR MEETING
May 23, 2016**

CALL TO ORDER:

The regular meeting of the Board of Trustees, which was properly posted, was called to order by Mayor Chris Tookey @ 7:30 PM at the Silverton Town Hall.

Mayor: Christine M. Tookey
Trustees: Malcolm MacDougall, Tiffany deKay, Barbara Renowden and Jess Wegert, Pete Maisel and Larry Gallegos
Staff: Michelle Hamilton, Bob Nevins
Administrator: Bill Gardner
Others: Please see sign-in sheet

I. Staff and/or Board Revisions to Agenda: Town Clerk, Michelle Hamilton added a list of payments to accounts payable.

II. Public Comment: Bill Gardner spoke about the recent retreat, recognized how the town has grown and is working together and laid out ground rules for public meetings. (See his print out).

III. Appointments:

IV. Consent Agenda

- A. Payroll, Accounts Payable, Visitor Center Financials for April, Sales Tax Chart, Meeting Minutes from 5/9/16 – *change Bruin remarks*
- B. Liquor License Renewal – Bent Elbow, Golden Block Brewery
- C. Taste of Silverton SEP
- D. Silverton Summer Concert Series SEP

Trustee MacDougall motioned and Trustee Gallegos seconded to approve the Consent Agenda. The motion passed unanimously with a roll call vote.

V. Department Reports

John Sites reiterated his written report. Source water protection draft Ordinance ready in a couple of weeks. Our CIRSA insurance auditor is coming next week. We addressed everything other than the stop signs at 11 and 12th streets. He brought it up last year but it died.

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Trustee MacDougall motioned and Trustee Gallegos seconded to direct staff to change stop signs. The motion passed unanimously with a roll call vote..

Next: Street lights. Paul Hora's quote went up a little bit to: \$21,913. According to their calculations, we would recoup the cost in five years. Trustee Gallegos questioned the change in price. John clarified that Mr. Hora added lights for Blair St. This does not include decorative lighting, decorative lighting. Trustee deKay asked about the money from Ben Nighthorse. John replied the money is the SJ Historic Society's. John stated that another option would be to replace lights everywhere except on Blair Street.

Trustee MacDougall motioned and Trustee Gallegos seconded to replace lights everywhere but Blair St. The motion passed unanimously with a roll call vote.

Blair thanks everyone for the support of the music series. Wedding season is getting busy and summer season is busy so if you want any extra meetings, please let her know ASAP so she can book it. Blair update the board about 4th of July fundraising, various advertising and meeting that she has been involved in as well as upcoming meetings to be held. ~~Trustee Renowden -- asks about the intent to conduct a special event, there are 3 things going on. Blair explained her intent.~~

Michelle Hamilton asks the board if there are any questions about her written report. Topics highlighted in the report are as follows, West Side Improvement District, DCI, fiber successfully implemented at Town Hall, CDOT regarding OHV crossings, Planters on Greene Street. Ken Webb describes his vision for the planters.

Administrator Gardner reported on recent Board Retreat. The EPA is back in town and he will be meeting with them. He is working with them to use cutting edge science in the community. The EPA has hired a consultant and he will be working with the town and county to advise them. They will have an evening meeting at 6:30 p.m. to get updated on their plans as well, chaired by Rebecca Thomas. Public Works is incredibly busy.

VI. Trustee Reports

Trustee Gallegos said thank you to the hard working staff and all their projects.

Trustee Renowden said the retreat was interesting. Learned a lot.

Trustee Maisel said it was nice to have Ken Charles there. It was educational. He also mentioned that it is the busy season for all of us and I cannot do day meetings.

Trustee deKay – reaching out to the community more and having public input.

Trustee Wegert - It was a great opportunity for him to learn.

Trustee MacDougall - It went really and the agenda did not get fulfilled but we are going to meet again. I feel like it was the best retreat in the three that he has attended. On a side note: SJ County Health is doing water monitoring.

Mayor Tookey noted several meetings past and future:

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They have another retreat meeting in June, CIRSA meeting, and the CML conference that she and Bill and Sara went to last week, as well as noted the CML district meeting that the Town of Silverton will be holding in Sept.

Administrator Gardener - On June 8th is the hearing in Denver to appeal to DOH for a housing grant. Once the housing study report is received, they can move forward.

Mayor Tookey States that Willy will go from the county and she will go from the town.

Administrator Gardner – on that subject, he received a call from Creede who is interested in learning about Silverton’s efforts.

Trustee Wegert – received a call from a constituent who is concerned that if vacation rentals are allowed to go forward, he will lose his home as a monthly renter.

VII. New Business

A. Lizzie Loyer – Movies in the Park

Lizzie approached the board for permission to use movie equipment for outdoor movies. Had been approved in the past. Board told her to move forward.

B. Public Hearing – Ordinance 2016-04 Re-establishing Municipal Regulations Concerning the Use of Residential Property

Administrator Gardener noted the fact that there are tensions around this issue. He said that the board is here to listen and they have not made up their mind. He also mentioned that this is a two part process. He also stated that there will be no discussion of the fees tonight, which is a separate issue.

Bob, this moratorium has been enacted for over a year. We have looked at this Ordinance from multiple perspectives. It tries to clarify definitions and requirements for vacation rentals vs vacation homes. What this Ordinance does not do is establish a cap, no density or setback requirements. This is the first hearing for the Ordinance itself which addresses code requirements. If you are concerned with the fee, please identify that it is your main concern. The Ordinance takes the review process away from the Board of Trustees and allows it to be handled administratively. The purpose of the Ordinance is to preserve the character and ambiance of Silverton, to ensure compatibility of land uses. The standards are: tenancy is revised to be 3 consecutive nights, max 30 nights, no more than 5 tenants per month. Occupancy stays the same. Property owners are only allowed one vacation rental permit in town. Required to get all licenses. Non-transferable licenses. Terminated on change in ownership. Local contact person required. Liability insurance required. Registration: check in and out dates and number of guests. No personal info required. Inspections are required to comply with code. Appearance shall comply. Parking must be designated or on public street adjacent from the property. No advertising signage on property. Use subject to Review. Annual renewal required. Tenant conduct is specified. Specified violations and penalties. Lastly, it defines certain definitions...i.e. bed and breakfast, vacation rentals and vacation homes. BP district homes have been identified as vacation homes to allow for more

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turnover, while vacation rentals in residential district are restricted to prevent so much turnover.

Public Hearing Open @ 8:38

1. Cassandra Roof spoke about her position on the new ordinance and how it will impact her business negatively.
2. Michael Constantine compared the proposed fees to other communities and stated that it is unreasonable. He also mentioned a new law passed in Arizona protecting VR Businesses.
3. Carol Wilkins expressed her discontent with the level of communication she has received from the Board and staff on this issue. She emailed in November and never received a response. The limit on rental per month would affect her business and if she could not be a vacation rental she would close up in the winter. She would not do long term rentals, her house would not impact that market.
4. Ken Webb stated that he is in favor of the town solving problems. His issue is with the lack of communication, if there was an explanation as to why he may feel differently about the issue. He also sent an email in November and not receive a response.
5. Rob Roof started by saying thank you for your work. Rob noted specific items as they pertain to BP. Please review the town and county master plan. He quotes some statements from the plan. He says that this Ordinance will discourage small owners and allow large proprietors to come in.
6. Alex Lanis said that by creating Ordinances like this, we are restricting small business owners. We love our home and we like to come here and we would like to have the option of renting our place a few times a year max but not long term. Some changes should be made to allow small players like ourselves to be able to do what we want.
7. Calvin Davenport started by thanking everyone. Thank you Rob for clarifying where we are at. I have several jobs. I am a young kid just trying to subsidize my living here. I shop at the hardware store, down at the MacDougalls' shop, etc. I put money back in the community. I agree with the community members are saying and I would encourage you to not rush to make a decision.
8. Jan Dahlquist said, we feel the fees are excessive. We would probably not do it if the proposed fees passed. I assume that all the requirements proposed are being followed by all businesses. If hotel motels have disturbances, do they have penalties? It says that you have to address property owners 150' but it doesn't say if they have to be adjacent. If we don't renew our license each year, is that a problem. Why do you need the dimensions of the rooms?
9. Larry Raab noted that he has four weekly rentals in his neighborhood. It was a great idea at its inception. I'm glad there is no cap. Take into consideration bedrooms there are in each house and structure fee based on the potential occupancy. I think the

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proposed Ordinance is getting better. The fee structure is punitive. It is only supplemental income.

10. Bruce Conrad – I really want to commend Malcom MacDougall for bringing it up a year ago. This has become a money thing somehow. We should be concerned about the number of weekly rentals in town. We don't want to lose our sense of community. I also didn't hear anything about signage like OHV routes.

Public Hearing Closed at 9:13p.m.

Trustee Gallegos – Thank you everyone. Sorry for not responding to anyone. I think there have been valid points in aspect of business and residents. Trustee Wegert – I received a comment from a concerned citizen that he was told by his realtor that he might lose his place to a vacation rental. That is evidence as to why this issue came up in the first place. Can we give the residents in the BP district the option of being a vacation rental rather than a vacation home? Trustee Gallegos – I agree that there is a point here that we may need to address. Trustee Maisel - Thanks for educating me. The three or four times per year might be something to look at. The Roofs and Calvin are just trying to get by and we need to evaluate the fees schedule. Trustee deKay – I would like to know from our attorney if I should recuse or be in this discussion. She is worried that she is a hotel owner. Possible conflict of interest. Mayor Tookey – You can give your opinion. I agree with not capping. The BP district should be where we want all of our commerce to take place. Fees should be looked at. Fee structure based on size of dwelling could be good. Trustee Renowden – I felt the Ordinance was a little confusing. I wish I knew what your questions were beforehand. Why is the Ordinance even being re-written? The fee schedule? Especially for year round residents who struggle to live here. I don't think vacation rentals or homes should be charged different than hotels. Trustee Maisel - Hotels are charged with higher fees and property taxes, so you wouldn't want that. Trustee Mac Dougal - I brought this up over a year ago because commercial owners felt that it was unfair that people were operating a business without meeting similar guidelines. Trustee Gallegos – it does say that. Bob – we could make it a two night minimum and no more than five per month. We need to examine the codes in the BP to make it more business friendly. I like the idea of modifying fees based on potential occupancy and/or how often you rent. Trustee deKay – I think that would be very difficult to regulate. Trustee MacDougall - I am a proponent of a cap and density. I am the minority so that's why we don't have it in the Ordinance. Trustee Maisel – Thanks to Bob for all your hard work.

Bob – I appreciate the community comments. The Board and community would like to see lights on all of the time. We don't want vacant homes and our current Ordinance gives that balance so it can work. We have maybe over regulated this. Houses in the BP should maybe be allowed different signage and also less regulation from neighbors (150'). I agree that owners of vacation rentals keep their properties up nicer than many full time residents. Bruce have there have been many complaints? Bruce says there have

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been complaints about noise and rowdiness. Mayor Tookey – what would like us to do? Bob – I am waiting to follow your direction. Trustee MacDougal – there is enough for us to look at here for us to table this. Trustee Gallegos – I concur. We appreciate all of your work but I think we should not pass this onto the next phase. Trustee MacDougall – explains why it is considered an emergency Ordinance. Bob – just to be clear, we will need to extend the moratorium again. Please consider only one work session. Bob – Part of the problem was the town not doing its job of collecting fees and code compliance. We are up to date now.

Trustee MacDougall motioned and Trustee Gallegos seconded to table the Ordinance and add a work session. The motion passed unanimously with a roll call vote.

VIII. Adjourn: 9:51



Michelle Hamilton
Town Clerk/Treasurer



Christine M. Tookey
Mayor