

Barbara Wilson

From: Michele Hirschhorn <jhirschhorn@austin.rr.com>
Sent: Tuesday, August 26, 2014 6:24 PM
To: city.admin@volentetexas.gov
Subject: P&Z Meeting Tonight-Please Share with P&Z and Council

My name is Michele Hirschhorn and I live at 7316 Reed Drive in Volente, Texas. I have deep concerns regarding the short term vacation rentals or Homeaway rentals in our area. As a Village, we definitely need restrictions as they do in most every other city to protect our residential zoning. Thank you!

August 18, 2014

Barbara Wilson, City Administrator
Volente Council

Re: Home Rentals Policies

Barbara,

I want to thank you first for assisting our neighborhood with our recent noise and trespassing issues. One of the main reasons my husband and I wanted to live here was because of the "peaceful...quite...country feel" of the area.

We reside at 16501 Jackson Street. Over the last couple of years we have rented our garage apartment as a short term stay. We both are over 60 and hope to be able to stay here upon retiring. We feel our short term rental will be a way to offset our property taxes. We want very much to be able to continue renting our little apartment. I would like to share with you, information on how we run our short term rental.

1. We use the website "HomeAway" to attract renters. This is a well thought and sophisticated site that allows the owner control and ability to screen potential vacationers.
2. We require a minimum of a 3 night stay. We have had a lot of requests for 2 night stay, but do not allow this. I have explained to the potential renters, they will be much happier with the extra night. I feel by having a 3 night stay we get a better quality of renters because of the dollars spent. The majority of our renters stay the 3 nights minimum, but we have had several that have stayed 4 nights or longer. We have one couple from California that has stayed twice for a week. We have had renters from around Texas, and a couple of guys from Boston. Most just to come for the lake and downtown Austin.
3. We have a set of rules that they must agree to go by. The noise issue is addressed as well. (see attached)
4. We require deposits and a non-refundable cleaning fees in addition.
5. We as owners, are always on site when a vacationer is present. No exceptions... that is our policy.

Please feel free to call myself or husband Jim if you have any other questions or concerns.

Vicke: 512 565-4040

Jim: 512 422-0916

Regards,


Vicke Brown

attachment: vacation rental rules

Man Cave Rules

Top 10

- 10) There are trash bags under the sink. If your trash gets full, please bring down and place bag by garage door and we will dispose of.
- 9) If it should rain, we suggest bringing in the cushions on the outdoor furniture. They are weather-proof, however will be wet to sit on. If you bring them in, you may place them behind the bar.
- 8) There has been an inventory done of dishes, bedding and décor items. You may be charged for any items damaged or missing. We understand about plates and such getting broke. Accidents do happen. Please be careful!
- 7) Please tidy-up the rooms upon your departure. Rinse and place dirty dishes in the dishwasher. You may place dishwasher soap in dispenser and turn on. This helps us in cleaning, and will help you find any misplaced items. We do a thorough cleaning after all guests leave. Your help allows us not to charge cleaning fees for the Man Cave.
- 6) No illegal or banned substances will be allowed on the premises. If found that this is occurring, you will be asked to leave without refunds of any sort!
- 5) **NO SMOKING INSIDE THE MAN CAVE.** Smoking is allowed on the outside porch. We ask you to be very careful with your ashes, be sure smoking materials are completely out. Please also try to keep sparks and ashes from getting on the cushions as well.
- 4) The bathroom is furnished with bath towels and face cloths. We can bring up additional sets if required. Just let us know.
- 3) The floors are wood. Moisture and wood do not go well together and will cause them to warp. **Please clean up spills immediately.**
- 2) We ask that you be courteous to our neighbors and avoid loud music or excessive noise after 10:30
- 1) **Number 1 rule.....Enjoy Jim's man-cave. He put a lot of work in building his getaway!** (No peeing off balcony. The wind blows it on the windows below)

Additional Comments by Vicke Brown for 16501 Jackson

Regarding Insurance

My home owners insurance only covers my property within my property limits, and does not cover neighbors' property, nor does the Home Away Insurance (which I require that my tenants purchase, unless they are good repeat customers) cover neighbors' property.

Barbara Wilson

From: Ed Ruegg <eruegg@gmail.com>
Sent: Wednesday, August 20, 2014 12:37 PM
To: Barbara Wilson
Subject: Review and Suggestions - Regarding Draft Short Term Rental Proposed Ordinance
Attachments: Volente Ordinance Review and Suggestions.pdf

Hi Barbara.

I hope all is well with you!

Attached please find my Review and Suggestions regarding the Proposed Short Term Rental Ordinances dated August 20, 2014.

If you can please email me back to confirm receipt of this email and attachment. Thank you!

Barbara, can you please ask someone to read my letter into the RECORD at the next meeting on August 26th.

Sorry the letter is long, but there are many specific ordinance items to review in the City Draft.

In addition, I included some of the specific language in my lease agreements that protect our neighbors and community regarding the issues of noise and too many guests on property.

Hopefully, some of the other rental owners can benefit from this information presented.

Also Barbara, please email me the updated DRAFT Proposed Short Term Rental Ordinance once it's available.

I hope this input helps some. Please feel free to email or call with any questions or if you need anything else.

Thanks for your help. Ed Ruegg

On Thu, Aug 14, 2014 at 1:51 PM, Barbara Wilson <city.admin@volentetexas.gov> wrote:

Ed

As per your request find attach the draft proposed ordinance that Planning and Zoning look at and will review again on the 26th of August. Let me know if you have any questions or need further information.

Barbara Wilson
City Administrator
Village of Volente
16100 Wharf Cove
Volente, Texas 78641

[512-250-2075](tel:512-250-2075)

Please note our new email address: city.admin@volentetexas.gov

Please note that any correspondence, such as e-mail or letters, sent to City staff or City officials may become a public record and made available for Public/media review.

ATTENTION PUBLIC OFFICIALS!

A **“Reply to All”** of this e-mail could lead to violations of the Texas Open Meetings Act. **Please reply only to the sender.**

This message (and attachments) is intended solely for use by the designated recipient(s) and may contain privileged, proprietary or otherwise confidential information. If you are not the intended recipient or have received this message in error, please notify the sender immediately and delete the original. Any other use of this email is prohibited.

Please read this letter into the record at the hearing on August 26, 2014.

August 20, 2014

Dear Village of Volente Council and Planning & Zoning,

We own some rentals in Volente, and have been a good responsible neighbor for over 8 years.

We have been informed by the Volente Community recently that there have been a couple of problems with some Short Term rentals in Volente with regards to NOISE and NUMBER of GUESTS on property.

Before I begin, we agree 100% that NOISE and LARGE PARTIES should NOT be allowed if they disturb our neighbors and Community!

On August 14, 2014, we were informed by neighbors that a meeting had taken place regarding PROPOSED Ordinances for Short Term Rentals and that there was a follow up meeting on August 26th.

After hearing this, we immediately contacted Barbara Wilson who was very helpful and we requested a copy of the Draft Short Term Rental Proposed Ordinance for review. It was my understanding this DRAFT does NOT include some PROPOSED additional Ordinances that came out of a Planning and Zoning meeting held on August 12, 2014.

Just so you know, I have been reviewing and providing input on Codes and Regulations for over 25 years during my career. From my experience, they need to be CLEAR, SIMPLE, FAIR, relevant to the GOAL, and BULLET PROOF.

And most importantly they should NOT hurt the local Short Term Rental Owners that are being responsible Volente Community members. The FACT is the MAJORITY of our short term rental owners in Volente are RESPONSIBLE!

In the big picture, Volente is a beautiful Destination for all of us who own property and live in our Community. Our short term rentals allow local residents that have family and friends visit to stay in town. There are no other options for short term housing in the area. In addition, short term rentals bring in guests to Volente which support our local businesses and economy!

In my opinion, the key to success with any type of rental is to thoroughly SCREEN the RENTERS, and let them know there are consequences if they do not FOLLOW the Lease Agreement and Property RULES. This is based on successfully managing my rentals for over 20 years!

Personally, I let my neighbors know I want to be a GOOD NEIGHBOR and they all know to CALL ME if at any time one of my long term or short term renters are a problem. I will handle it IMMEDIATELY!

And GOOD NEWS I have NEVER received a call regarding my Short Term renters!

In review of the Draft Short Term Rental Proposed Ordinance we have the following suggested CHANGES to the Ordinance to be considered PRIOR to Planning & Zoning sending to Council for review and approval:

Village of Volente ORDINANCE NO: 2014-O-11

Section 4. (Each Item letter (a thru n) is listed below - with a brief Item summary, followed by our suggestions).

- (a) Not more than 15 people per residence... - seems good, but I suggest increase this to 20 guests.
- (b) Overnight occupancy 10 max per residence... - seems good, but I suggest increase this to 15 guests. Some homes are LARGE!
- (c) Register of guests... - the lease agreement should have that info, seems good
- (d) Bedrooms part of the residence... - seems good
- (e) No noise before 9am and after 10pm... - seems good, but aren't there Noise Ordinances in Volente already? How are they enforced? We need to keep things simple, if Noise Ordinances exist, why add new ones such as e, f and g below?
- (f) No live music before 1pm and after 10pm... - seems good, wouldn't this fall under the current Noise Ordinances?
- (g) No outside music before 1pm and after 10pm... - seems good, wouldn't this fall under the current Noise Ordinances?
- (h) No outside activities after 10pm... - **THIS is NOT clear and NOT REASONABLE. Someone can't fish or swim or jog or BBQ outdoors after 10pm?** Guests should be quiet outdoors that is reasonable! I suggest DELETING item H completely, the noise concern is already covered in item E above!
- (i) Parking on property... - seems good

(j) No signs on property... - **How is this relevant to the problem of NOISE and TOO MANY GUESTS?** I suggest DELETING item J completely!

(k) No design changes to your home... - **How is this relevant to the problem of NOISE and TOO MANY GUESTS?** I suggest DELETING item K completely!

(l) CUP requirement... - All the responsible owners should be able to submit a CUP Application Online to the Village to keep costs down. And simply do annual renewals for all the responsible rentals without being required to renew every 6 months. **ONLY the owners (with complaints filed) should be required to be reviewed every 6 months by P&Z.** I suggest revising this accordingly!

Is there a **FEE** associated with the proposed CUP requirement? Is there a **renewal FEE** every 6 months? If so how much? **How does this help with NOISE and TOO MANY GUESTS?**

(m) CUP renewal required for no complaints... - I suggest deleting or revising this accordingly! Why make the majority of responsible owners do this every 6 months? (See item L above)

(n) CUP renewal required for complaints... - This is good to have for the FEW problem owners. However, the **complaints need to be verified by an independent 2nd party.** An owner can have a neighbor who likes to complain about everything? Or is just in a bad mood. How do you verify there is really a problem? I suggest there is a 2nd (independent) party verification of the problem at the time. Maybe a Sheriff or Police Report that is filed that verifies the problem.

Another idea which may be simpler, is to have a Short Term Rental Application with the Village which can be done online. The Village of Volente would impose a FINE of some sort per complaint filed (that is verified). The Property Owners can add the FINE to their lease agreements letting guests know if they get a NOISE complaint, the cost will come out of their refundable Security Deposit! Simple incentive for guests to be respectful during their stay!

PROPOSED ADDITIONS from the MEETING:

(Note: I have not received these Proposed Additional items in writing for review from the Village of Volente. So I'm relying on what I been told by Community members what was discussed at the meeting on August 12, 2014)

1) Adding a minimum stay requirement. **How is this relevant to the problem of NOISE and TOO MANY GUESTS?** We have 1 night renters that are VERY responsible. We have many 2 night renters that are also VERY responsible. We RARELY have 7 night renters. If you require a minimum stay that would essentially eliminate all Short Term rentals in Volente. **This item should absolutely be DELETED!**

2) Adding a requirement to pay Hotel Tax. **How is this relevant to the problem of NOISE and TOO MANY GUESTS?** We should all be paying our taxes. If you add this requirement, to be fair the Village should consider adding an Ordinance requiring ALL Volente homeowners to pay taxes IE: **"All Volente property homeowners must pay their property taxes."** This makes no sense at all to me? This item should be deleted.

3) Adding a requirement for Short Term renters to provide insurance for their neighbors? **How is this relevant to the problem of NOISE and TOO MANY GUESTS?** This item should be deleted.

Again the **BEST POLICY** is for all the Short Term owners to EDUCATE their RENTERS by having a strict lease agreements. Speaking with guests on the phone. Contacting them one week before they arrive, to verify the number of guests and to remind them to be quiet after 10pm. It's very simple really!

As well as have an OPEN POLICY with your neighbors. If there is a PROBLEM call the OWNER first. Then call the sheriff or police if needed. Again I never had a PROBLEM in over 8 years!!!

I suggest the Village takes their time to carefully review what they are proposing, and allow Planning and Zoning to provide their review and input from the responsible Volente community Short Term rental owners.

Also, please keep in mind, short term rentals support our local businesses such as:

- Shore Club Restaurant & Bar
- Beach Front Boat Rentals / Highland Lakes Marina
- VIP Marina and Boat Rental
- Aquaholics Watercraft Rental
- Riviera Marina
- Shore Club / Volente Beach Water Park
- Lake Travis Zipline Adventures
- Hacienda Del Lago

Along with many more businesses in the area!

Sorry this letter is so long, but I wanted to address all the proposed Ordinances.

If by chance you have any questions or need anything else, I'm happy to help!

Please email me an updated DRAFT after your next meeting for review.

Thanks for your consideration and support,

Ed Ruegg,

16605 Jackson Street

Finally, below are some relevant Excerpts from our Property Lease Agreements which shows how we protect our Community and neighbors!

RENTAL LEASE AGREEMENT - all our guests are required to sign!

(Relevant Excerpts regarding Noise and Group Size)

1. LESSEE assures the LESSOR that the tenants will observe all conditions and terms of this lease as to maintaining the premises in good order and appearance and **will conduct themselves in a manner inoffensive to neighbors.**
2. LESSEE assures the LESSOR that any tenant who **violates any of the terms of this Lease shall be immediately denied occupancy** and shall remedy any damages or other expenses, which are caused by tenant and/ or the tenant's guest(s).
3. LESSEE and/or guests shall not disturb, annoy, endanger, or inconvenience other residents or neighbors, nor use the premises for any immoral or unlawful purposes, nor violate any law or ordinance, nor commit waste or nuisance on or about the premises. **(Stereos, TV, radios, etc. to be kept at a minimum level.)**
4. Our property has a capacity limit and anything more puts undue stress on the property. Any additional guests visitors of the LESSEE whether it be daytime or evening visitors for a special event such as a birthday party, anniversary celebration or any other type of group gatherings are not **allowed without prior written approval made at the time of the signing this lease agreement.** Unauthorized visitors that cause the property to exceed the total occupancy maximum described in items 6 and 7 below will be considered a violation of the maximum occupancy provision. **If the maximum occupancy limit is not adhered to this will result in an eviction** of the extra visitors/guests, eviction of the original paid LESSEE/Renters (with no refund), and the help of local law enforcement as needed.
5. Standard occupancy is six (6) persons. Two additional persons can be accommodated for the sum of twenty five (\$25.00) per person per night (totaling eight persons) and must be included in the total number of renters listed below.

Please state the total number of renters who will be staying in the house: 4 Adults 2 Children (under age of 21)

6. PENALTY FOR VIOLATING MAXIMUM OCCUPANCY PROVISION. VIOLATION OF THE MAXIMUM OCCUPANCY PROVISION, IN THE EVENT LESSEE ALLOWS THE PREMISES TO BE OCCUPIED BY MORE THAN EIGHT PERSONS, LESSEE SHALL BE RESPONSIBLE TO PAY LESSOR THE SUM OF **ONE HUNDRED (\$100.00) DOLLARS PER PERSON IN EXCESS OF EIGHT PERSONS PER DAY FOR EACH DAY** THE LESSEE ALLOWS THE PREMISES TO BE OCCUPIED BY MORE THAN EIGHT PERSONS.

HOUSE RULES and HELPFUL INFORMATION

(Posted on Property as well as in our Guest Book in each home!)

GENERAL

- No more than 6-8 total overnight or daytime tenants per lease agreement. The 6-8 person maximum is inclusive of all property occupants including tenants, and any visitors/guests of tenants.
- **NOISE:** Stereos, radios, musical instruments, televisions, etc. are to be kept at a minimum level at all times so that neighbors are not disturbed.
- **No loud noises on property including on deck or at boat dock after 10:00pm.**
- Cars must remain on our property only. (No cars should be parked on Street)

Please read this letter into the record at the hearing on August 26, 2014. Thank you!

Please read this letter into the record at the hearing on August 26, 2014.

August 26, 2014

Dear Village of Volente Council and Planning & Zoning,

This is our revised letter based on UPDATED DRAFT Short Term Rental Proposed Ordinance received on August 25th just 1 day before the Hearing on August 26th.

We really need more time to review, since so many items were changed and added didn't seem to have been part of the last meeting!

Please read our original letter first dated August 20, 2014 so we don't have to repeat all the other items. Thanks

In addition Barbara, Babs and I received a letter from Mario on August 25th indicating he plans on **discontinuing his short term rental business after this season**. So please bear this in mind when deciding what Ordinances are really needed and fair for all the responsible short term owners in the Community! Thank you!

Again from what I can tell there are **2 items for compliance** concern, NOISE and LARGE GROUPS. Not sure how the Updated Draft came up with **18 items to comply with?** I suggest that this be **MAJORLY** revised, scaled back and simplified!

As everyone knows, the drought in Central Texas has hurt all our Lake Travis communities including the Village of Volente. Adopting the currently proposed extremely restrictive Ordinances will definitely **put all the Short Term renters out of business**. They are all struggling due to the current drought, and bad reputation Lake Travis has due to the lowest water level in decades.

I'm sure the local marina's and other businesses are struggling as well. This is the **WORST** possible time to hurt all the good and responsible short term rental owners in Volente that help support our Community! Please keep this in mind. Thanks

In review of the UPDATED Draft Short Term Rental Proposed Ordinance we received on August 25, 2014 we have the following suggested **CHANGES** to the Ordinance to be considered **PRIOR** to Planning & Zoning sending to Council for review and approval:

Village of Volente ORDINANCE NO: 2014-O-11 Red Line with JT...

Section 4. (Each Item letter (a thru s) is listed below - with a brief Item summary, followed by our suggestions).

(a) 7 night minimum stay requirement... - **This item should absolutely be DELETED!**

We have some 1 night renters and ALL are VERY responsible. We have mostly 2 night renters that are also ALL VERY responsible. We RARELY have 7 night renters. We NEVER had a complaint in 8 years regarding any of our guests! If you require a minimum stay, it would essentially eliminate all Short Term rentals in Volente. This item should be DELETED! This item doesn't seem relevant to the problem of NOISE and TOO MANY GUESTS?

(b) Principal structure and Accessory structure... - I'm not sure what you refer to as an accessory structure? Is it an existing 2nd dwelling use or a garage type use? If it's an existing habitable dwelling unit, this item should be DELETED.

(c) Not more than 15 people per residence... - seems good, but I suggest increase this to 20 guests.

(d) Overnight occupancy 10 max per residence... - seems good, but I suggest increase this to 15 guests. Some homes are LARGE! Or if you go by bedroom count, it should be 2 persons per bedroom plus a maximum of 4 additional overnight! IE: A 2 bedroom home accommodating 8 guests. This is common and reasonable!

(e) Register of guests... - the lease agreement should have that info, seems good

(f) Provide Lessee a Copy of Ordinances... - **Only Ordinance items relevant to NOISE and TOO MANY GUESTS** should be shared with our Lessee! The proposed **NON relevant** items such as: (a) minimum stay, (b) dwelling units, (e) register of guests, (h) bedrooms part of residence, (n) sign on property, (o) design changes of our home, (p) proof of insurance and our limits, (q), (r) and (s) CUP requirement, **should first of all be DELETED from the Ordinances and not shared with our Lessee**

Our insurance and limits are CONFIDENTIAL and should NOT be shared with anyone...especially our Lessees!

(g) Is item G gone now? Seems strange to skip a letter? Or am I missing something?

(h) Bedrooms part of the residence... - the way this has been rewritten it seems item B and this item H was created for one specific property owner in mind? This should be Deleted!

(i) No noise outdoors after 8pm Sunday thru Thursday... - this should be **changed back to 10pm** which is reasonable and to simplify! No noise outdoors after 10pm Friday and Saturday... - this is reasonable.

It seems this revised DRAFT is much more complicated than the previous version. Seems we are going in the wrong direction and overcomplicating things. Not sure why?

We really need to simplify this. NO Lessee is going to read all these wordy and confusing rules! And what are the rules for Holiday weekends and weekday Holidays?

Aren't there Noise Ordinances in Volente already? How are they enforced? We need to keep things simple, if Noise Ordinances exist, why add new ones such as i, j k and l below?

ALL THESE NOISE RELATED RULES SHOULD BE THE SAME FOR ALL HOMES and BUSINESSES IN VOLENTE!
You should not discriminate...the rules should apply to ALL properties and businesses. Is this even legal?

Would you buy, own or rent a home in Volente if there was a rule "no outside activities after 8pm" per item (l) below?

(j) No live music after 8pm Sunday thru Thursday... - this should be **changed back to 10pm** which is very reasonable!
No live music after 10pm Friday and Saturday... - this is reasonable, wouldn't this fall under the current Noise Ordinances?

Are these the Same live music rules as the other residences and businesses? They should be consistent throughout the Village!

(k) No outside music after 8pm Sunday thru Thursday... - this should be **changed back to 10pm** which is reasonable to simplify things!
No outside music after 10pm Friday and Saturday... - this is reasonable, wouldn't this fall under the current Noise Ordinances?

(l) No disruptive outside activities after 10pm Friday and Saturday... - this is reasonable.
No outside activities are permitted after 8pm Friday and Saturday... - **THIS is NOT clear and NOT REASONABLE and contradicts the other noise related items. Someone can't fish or swim or jog or BBQ outdoors after 8pm?** Guests should be quiet outdoors that is reasonable! I suggest DELETING item (l) completely, the noise concern is already covered in item (i) above!

I HAVE AN IDEA how about a simplify and consolidate the NOISE rules that guests can understand and follow such as this:

No loud noise, or music, or disruptive activities outdoors before 9am and after 10pm.

In essence, all our lease agreement should have this rule already! This UPDATED Ordinance is too complicated to follow. There are now 4 separate items totaling about 18 lines of text, which is very confusing to read, and really just saying one thing.

No loud noise, or music, or disruptive activities outdoors before 9am and after 10pm.

(m) Parking on property... - seems good
A parking plan for emergency vehicles - this seems unclear and unreasonable. This portion should be deleted!

(n) No signs on property... - **How is this relevant to the problem of NOISE and TOO MANY GUESTS?** I suggest DELETING item (n) completely!

(o) No design changes to your home... - **How is this relevant to the problem of NOISE and TOO MANY GUESTS?** I suggest DELETING item (o) completely!

(p) Proof of Insurance and policy limit requirements - **How is this relevant to the problem of NOISE and TOO MANY GUESTS?**
This item is confidential and should absolutely be deleted.

(q) CUP requirement... - All the responsible owners should be able to submit a CUP Application Online to the Village to keep costs down. And simply do annual or biannual renewals for all the responsible rentals without being required to renew every 6 months. **ONLY the owners (with complaints filed) should be required to be reviewed every 6 months** by the Village. I suggest revising this accordingly or deleting the CUP requirement completely!

Is there a FEE associated with the proposed CUP requirement? **Is there a renewal FEE every 6 months? If so how much? How does this help with NOISE and TOO MANY GUESTS?**

(r) CUP renewal required for no complaints... - I suggest deleting or revising this accordingly! Why make the majority of responsible owners do this every 6 months? (See item (q) above)

(s) CUP renewal required for complaints... - This is good to have for the FEW problem owners. However, the **complaints need to be verified by an independent 2rd party**. An owner can have a neighbor who likes to complain about everything? Or is just in a bad mood. How do you verify there is really a problem? I suggest there is a 2nd (independent) party verification of the problem at the time. Maybe a Sheriff or Police Report that is filed that verifies the problem.

Another idea which may be simpler, is to have a Short Term Rental Application with the Village which can be done online. The Village of Volente would impose a FINE of some sort per complaint filed (that is verified). The Property Owners can add the FINE to their lease agreements letting guests know if they get a NOISE complaint, the cost will come out of their refundable Security Deposit! Simple incentive for guests to be respectful during their stay!

Section 6 Penalty

Ordinance Violation Penalty - is a good idea, but any violation should be verified by a 2nd independent party such as the local Sheriff. And one per guest stay or incident. IE: 3 people can't call the police the same time and have 3 violations made! See item S above for a simpler idea and more information.

Class C Misdemeanor sounds EXTREME...I had to look what that was online. **This should definitely be deleted!**

The following are examples of common Class C Misdemeanor crimes in Texas:

- certain types of assault
- aiding suicide
- leaving a child in a vehicle
- criminal mischief
- reckless damage or destruction
- criminal trespass
- theft, if value of property is under \$50
- issuance of bad checks
- illegal recruitment of an athlete
- insurance fraud if value of claim is under \$50
- false reporting of missing child or person
- disorderly conduct

In all honesty, I'm starting to question if some of these proposed ordinances are even LEGAL? They seem to be bordering on DISCRIMINATION! **All the RULES proposed should APPLY TO ALL HOMEOWNERS and BUSINESSES IN VOLENTE!**

Especially items (c) occupants, (i) noise, (j) noise, (k) noise, (l) noise, (m) parking, (o) design changes, and (p) proof of insurance as listed above. They should apply to all homeowners in Volente if adopted!

Again, the ordinance as proposed should be majorly edited and simplified per my suggestions above.

If by chance you have any questions or need anything else, I'm happy to help!

Please email me an updated DRAFT after your next meeting for review and allow a week for review prior to the next meeting.

Thanks for your consideration and support,

Ed Ruegg,

16605 Jackson Street

Please read this letter into the record at the hearing on August 26, 2014. Thank you!

August 18, 2014

Guide-lines are essential to ensure quality of life for all residents in the Village and I understand the concerns of those who have suffered do to the lack of respect of others. After attending the Planning and Zoning Committee meeting where Short-Term-Rentals were discussed it was evident that some clarification is necessary before guidelines are implemented.

These are the issues I would like to address:

- 1. B & B vs. Vacation rentals (Short Term)**
 - 2. Bed Tax**
 - 3. Required insurances**
 - 4. Length of stay**
 - 5. Rule requirements**
-
- 1. B&B vs Short Term Vacation Rentals – essentially both expressions refer to the same entity. Both provide overnight accommodations: one with breakfast included and one where breakfast can be catered or prepared on premise. Whether or not property owners reside on or off site housing is provided at a cost. It would be iniquitous to regulate one and not the other.**
 - 2. Bed Tax – In essence the Village wants to levy a “small business tax” on Short-Term-Rentals. In actuality there are numerous residents in the Village of Volente who operate a verity of businesses in and from their home without compensating a “small business tax” to the Village. To target one class of enterprise would reflect an imbalance of justice and might contribute to discussions of discrimination.**
 - 3. Insurances – I personally do not know a property owner who does not carry Property Liability Insurance and it If the property owner does not carry P.L.I. and is sued for damages the plaintiff can place a lean on the property.**
 - 4. Length of Stay – Any requirements over two days would devastate the business and I would like to see no length-of-stay requirements. I have not had a traveler stay more than four days. Even if a person has a week vacation they usually do not stay in one place the entire time with the exception of Cruses or Resort Packages and even those entities offer three and five day packages.**
 - 5. House Rules – Attached is a copy of my house rules. The house rules appear in the beginning of the description of the property on the website. They also appear in the lease agreement and they are also visual in the entry way of the house. I also email guest a copy of the house rules one week before they arrive and when they arrive I point them out again where they are posted in the entry way.**

In conclusion I personally feel the “TROUBLE MAKERS” who have spawned this discussion must be targeted and be held responsible for their negligence and disregard for the concerns of their neighbors.

I am confident the committee will come to a reasonable decision.

**Sincerely,
Doug Mancini**

HOUSE RULES

REMEMBER, THIS IS A PRIVATE RESIDENCE, NOT A HOTEL. PLEASE RESPECT THIS HOME AS IF IT WAS YOURS. THANK YOU - DOUG

RENTAL RULES

REMEMBER, THIS IS A PRIVATE RESIDENCE, NOT A HOTEL. PLEASE RESPECT THIS HOME AS IF IT WAS YOURS. THANK YOU - DOUG

1. Smoking is NOT allowed.
2. People other than those in the Guest party set forth above may not stay overnight in the property. Any other person in the property is the sole responsibility of Guest.
3. This property is privately owned; the owners are not responsible for any accidents, injuries or illness that occurs while on the premises or its facilities. The Homeowners are not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise.
4. **Smoking is not allowed anywhere on the property, (inside the house or in the vard.**
5. **Main house is limited to eight guest (8) guests only and the guest quarters are limited to four (4) guests only. Overnight guest is not to exceed 12 people.**
6. **Eating or sleeping on the sofas is prohibited.**
7. **Eating in beds is prohibited.**
8. **Sleeping on floors is prohibited.**
9. **Please do not throw anything off the decks.**
10. **Please do not use the garbage disposal due to the sceptic system.**
11. **Towels are not to be taken off the property.**
12. **All vehicles must be parked in the driveway, (head in parking only) and no street parking.**
13. **All outside activities must be kept at a level that will not encumber the adjacent properties quality of life.**
14. **No live music.**
15. **All music must be kept at a level that will not impede on the adjacent properties quality of life.**

VIOLATION OF RULES WILL NOT BE TOLORATED AND CAN RESULT IN IMMEDIATE EVICTION WITHOUT REFUND!

Joan Jackson

From: Rick Redmond <rick@volentebeach.com>
Sent: Friday, August 22, 2014 10:42 AM
To: eruegg@gmail.com
Cc: city.secretary@volentetexas.gov
Subject: Village meeting.

Ed my son and I reviewed and these are our suggestions that differ from yours. A. 20 okay B. We allow 16 4 bedroom , 3 big couches C.fine.D.Fine E. Noise before 8 and after 12. Are you telling me we can't sit outside at our pool whenever we want and kids or adults make noise. f. Live music between 1:00-11:00pm g. Outside music the same H. eliminate I. Parking on property or on cul de sac. Sometimes people bring boats and park on street J. No signs okay except on commercial property. K. not relevant L. Not sure what cup is renewal every 6 months ridiculous M. and N. agree. The other 3 additions are really out of line. No minimum stays no tax and no insurance. I will be at meeting on 26th. I would like to also add that some of our neighbors they know who they are have parties with live music till 4-5 in morning but for some reason that's ok because who attended from the village. WE will add we did have a guest that during south by southwest stayed at my son's place. It turned out it was the rapper Fifty cent and he claimed somehow someone leaked the address where he was and by 8:00 that night several hundred people where there trying to get autographs. I personally saw what was going on and gave them 1 hour to clear out or I was calling police. The problem was solved by us and it clearly states on our contracts what can and can't be done. I will bring contract to meeting.

Managery Brandley

Please read this email into the record at the hearing on August 26, 2014.

Dear Village of Volente Council and Planning & Zoning,

I own a rental home in Volente at 8007 Sharon Road. I have owned the home for 4 years.

We were recently informed that there have been a couple of complaints or problems with some Short Term rentals in Volente with regards to noise and number of guests on the property.

As an owner, I agree that there should be rules and limits in respect to noise and number of parties that stay in a home. I also believe that owners should be taking the proper steps to screen, present rules and regulations to renters and make sure that these rules are followed. However, **adding a minimum 7 night stay to short term rentals would seriously hurt many of the owners in the community.** Many of our guests are families or people that are looking for a relaxing weekend. Renting them the home provides guests with a place to stay, helps support local businesses in the area and provides jobs for the people that manage, clean, and maintain these homes.

Also, adding a requirement to pay a hotel tax or for short term renters to insure their neighbors should not be required. Don't all property owners pay taxes already? This is not relevant to the noise and number of guests in a home.

Regarding the amendment to section 30.133 in ordinance No. 2014-O-11...

- a) No more than 15 people per residence...seems good I suggest change to 20 guests.
- b) Overnight occupancy 10 max per residence...I suggest increasing to 12 since some homes are large and can accommodate more.
- c) Guests registration...current home owners should be doing this already during the booking process and prior to the guests arriving at the home.
- d) All bedrooms shall be located within the main structure of the home...the seems good.
- e) No noise before 9am or after 10pm...this seems good.
- f) No live music before 1pm and after 10pm...this seems good.
- g) No outside music before 1pm and after 10pm...this seems good.
- h) No outside activities after 10pm...THIS IS NOT REASONABLE. People should still be able to enjoy the outdoors if they are quiet (following the noise ordinance) and not disturbing their neighbors.
- i) No parking of vehicles outside the property lines...this seems good.
- j) No signs are permitted on the property...this seems good.
- k) No design changes to your home...this does not seem relevant to the noise ordinance or too many guests.

In my opinion, noise ordinances should apply to all home owners in the community not just short term rental owners. What is being done to ensure that home owners that live in the volente community are also complying with noise rules? This should be fair and equal across the board when it comes to the noise that can be heard from any home in order to protect the quality of life for everyone in the community.

I believe all short term owners should practice speaking to their guest frequently, requiring strict lease agreements, educate their guests about the rules and regulations about the area and having open lines of communication with the neighbors in the area.

These practices will ensure that all parties are happy and can enjoy what Volente has to offer.

Thanks for your support,

Kip Lewis (owner)
8007 Sharon Road
Volente, TX
512-796-0168

Erika Perez
Property Manager
512-586-6468

Please read this email into the record at the hearing on August 26, 2014. Thank you!

16513 Jackson Street
Leander, TX 78641

Mario Mendias
Mariomendias@me.com
FAX 512.233.2657

August 22, 2014

Village of Volente
Attn: Barbara Wilson

Re: *Village of Volente Ordinance No. 2014-O-11 – Revisions concerning short term rentals*

Dear Barbara Wilson,

It has come to my attention, via Babs Yarbrough and Ed Ruegg, that the Village of Volente is calling a meeting on Tuesday, August 26th, 2014, to address the possibility of revising the Short Term Rental ordinance, most importantly, extending the short term rental minimum to seven (7) days.

It has also been brought to my attention that my property, located at 16513 Jackson Street, Leander, TX 78641, and listed on VRBO since ~June 2014 is the cause for some of the concerns surrounding this ordinance proposal.

First, I would like to say that I have been utilizing this property as a short-term rental location on and off for the past two years. I did not have it on VRBO at that time, but marketed it through my network and the various marinas where I also rent out my boats. During those two years, I never had one complaint come as a result of my rentals.

In June 2014, I asked my assistant to list the property on VRBO to take advantage of the summer season. We do screen our guests, have a reasonable guest limit, and also have a short-term rental contract that the guests must sign. This contract clearly dictates the “quiet hours” policy, which is after 10pm CT on weekends. In addition, for all but two rentals, I have had a property manager living/staying on site. One of our neighbors quickly spotted the ad on VRBO, and shortly after, we received a few complaints.

I do acknowledge that there was an issue with a guest on a weekend where my property manager was out of town. Due to that issue, we have now only placed the main house for rent, while the garage apartment is to be always occupied by the property manager. In addition, we only have about a dozen more rentals scheduled for the season, after which, I plan to push hard to sell the home, as I am currently occupying a different space downtown. I do not plan to rent the home out again next summer.

I do not believe that the proposed ordinance is fair to property owners in Volente who choose to rent part or all of their property out when not in use. As long as there is guest screening, acknowledgement of community rules, and management or supervision of the property to a reasonable extent, then I feel that a two (2)-night minimum is quite sufficient for short-term

*16513 Jackson Street
Leander, TX 78641*

*Mario Mendias
Mariomendias@me.com
FAX 512.233.2657*

rentals. There are quite a few short-term rental properties out in Volente, and business is already poor due to low lake levels. Let's not hastily pursue an unreasonable ordinance that could further reduce business in what I know we all want to be a popular and thriving community.

I believe that as long as property managers/owners keep to a reasonable guest count for the home size, enforce quiet hours, and clearly go over the rules with guests, then a two (2) night minimum is sufficient. I am NOT in proposal of the new ordinance revisions regarding the extended seven (7) night minimum, and just wanted to express my voice and concerns.

I am currently out of town, and am not sure if my property manager will be able to make the meeting on Tuesday evening. Should that be the case, I give Ed Ruegg or Babs Yarbrough to voice my concern on my behalf.

Please do not hesitate to contact me with any questions or concerns at mariomendias@me.com.

Warm regards,

Mario Mendias

Barbara Wilson

From: Linda Attwood <LNixon7491@aol.com>
Sent: Tuesday, August 26, 2014 12:29 AM
To: Barbara Wilson
Subject: short term vacation rental next door

Hi Barbara, Mario Mendias's home was rented again this past weekend by a young loud crowd. August 22-24. The music was again loud on Friday night. So, I yelled at the top of my lungs for them to quiet down or I would call the sheriff and they quieted down somewhat. Saturday there was loud noise and partying all night till after 1 a.m. which kept my family from getting any necessary sleep. Joe (the supposed onsite supervisor) was not on the property. I have a copy of Mario's letter that he sent to you. As I am sure you are sensing, he just tells you what you want to hear.

There has got to be some structure that can be put in place that will not affect the 90% of the people doing vacation rentals here in Volente responsibly. Anne Steichen does not rent to these groups like Mario Mendias does. She should not be affected by any ordinances put in place. Ed Ruegg talks personally with all his vacation rentals. Ed Ruegg screens them personally. The guests have access to Ed at any given time and their is an onsite property manager who is really on the property. These are examples of people doing it right. Ed Ruegg and Ann Steichen care about their neighbors and their actions reflect that. Mario Mendias, from his actions, does not care about his neighbors.

What is our noise ordinance? Can he legally have all those trees with lights on? I was told that was a violation of our night skies ordinance. Doesn't he need to request a change of use? He is no longer residing at that residence. He is operating a vacation rental there? Isn't that a business and/or commercial type endeavor in a residential neighborhood. He should have to cease and desist at this time until the village receives a plan for his vacation rental setup. This plan should be presented to the P&Z and every neighbor within a certain distance of the proposed vacation rental so they can express their concerns and/or approval. This is the neighborly thing to do. Responsible caring people do this all the time if they want their business to work and get the OK from the neighbors.

I have been doing some research into these vacation rentals and done right, can work. It works really well for people like Anne Steichen who has small cottage type homes that can accommodate a small amount of people. Like 2-4 people. You get into problems with these bigger homes that can hold a group of people overnight with all kinds of music entertainment and market their vacation rental as such. There needs to be considerable thought put into how to handle vacation rentals for Volente. We are a small, small Village and responsible people operating vacation rentals should not have to suffer because of one irresponsible person whose actions show that he does not care about his neighbors.

Thanks.

Linda Attwood
LNixon7491@aol.com

Barbara Wilson

From: Asteichen@austin.rr.com
Sent: Tuesday, August 26, 2014 6:06 AM
To: Barbara Wilson; 'Allison Thrash'
Subject: Re: P&Z short term rentals

Barbara,

Please note I have edited my comments (for the last time).

Thank you,
Anne

Most important is the inclusion of all owners of all short term rentals in the decision making.

Please accurately define the difference between bed and breakfasts and short term rentals. It is not just that the owner does or does not live there.

GrandAnne's on the Lake B&B rents through a website (www.bedandbreakfast.com). We are registered as a DBA paying the state comptroller 6% bed tax from rental income. GrandAnne's is covered with damage and liability insurance. We accommodate couples and also groups totaling up to 6-8. Please see attached house rules.

We have been in business for over 16 years with no complaints. I serve breakfast (blueberry pancakes being the favorite). Support for the rental are also neighbors (housekeeping, yard and repairs).

Our neighbors use GrandAnne's when they have overflow company, but I have had guests from as far away as Dubai and Johannesburg. Most guests request weekend stays, but once we had guests for 19 days.

Barbara Wilson

From: Asteichen@austin.rr.com
Sent: Monday, August 25, 2014 11:03 AM
To: 'Allison Thrash'; Barbara Wilson
Cc: Rolando Osorio; 'Ed Ruegg'; 'Babs Yarbrough'
Subject: Re: P&Z short term rentals

Barbara,

Please read my comments into the record. I know GrandAnne's is a bed and breakfast, but I also want to support my neighbors who are in the short term rental business.

The distinction between b&bs and short term rentals is important.

Thank you,
Anne

----- Original Message -----

From: [Barbara Wilson](#)
To: [Asteichen@austin.rr.com](#) ; ['Allison Thrash'](#)
Cc: ['Babs Yarbrough'](#) ; ['Ed Ruegg'](#)
Sent: Monday, August 25, 2014 10:44 AM
Subject: RE: P&Z short term rentals

Ann

You are under bed and breakfast, like Ed's four houses. The only one Ed short term rents (fifth house) is the single house on separate lot.

Barbara Wilson
City Administrator
Village of Volente
16100 Wharf Cove
Volente, Texas 78641
512-250-2075

Please note our new email address: city.admin@volentetexas.gov

Please note that any correspondence, such as e-mail or letters, sent to City staff or City officials may become a public record and made available for Public/media review.

ATTENTION PUBLIC OFFICIALS!

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. **Please reply only to the sender.**

This message (and attachments) is intended solely for use by the designated recipient(s) and may contain privileged, proprietary or otherwise confidential information. If you are not the intended recipient or have received this message in error, please notify the sender immediately and delete the original. Any other use of this email is prohibited.

From: Asteichen@austin.rr.com [mailto:Asteichen@austin.rr.com]
Sent: Monday, August 25, 2014 10:39 AM
To: Allison Thrash; Village of Volente
Cc: Babs Yarbrough; Ed Ruegg
Subject: P&Z short term rentals

Barbara,

Please include these comments in the record for the P&Z meeting Tuesday evening.

Thank you,

Anne Cole Steichen
15807 FM 2769
Volente, TX 78641
512 677 6110

Most important is the inclusion of all owners of all short term rentals in the decision making.

Please accurately define the difference between bed and breakfasts and short term rentals. It is not just that the owner does or does not live there.

Anne's on the Lake B&B rents through bedand breakfast .com. We accommodate couples and groups totaling up to 6-8.

GrandAnne's has rules. See attached.

We have been in business for 16 years with no complaints. I serve breakfast (blueberry pancakes being the favorite). Those who support the rental are also neighbors (housekeeping, yard and repairs).

Our neighbors use GrandAnne's when they have overflow company, but I have had guests from as far away as Dubai and Johannesburg. Most guests request weekends, but once i had guests who stayed for 19 days.

16513 Jackson Street
Leander, TX 78641

Mario Mendias
Mariomendias@me.com
FAX 512.233.2657

PRIVILEGED AND CONFIDENTIAL

August 22, 2014

Village of Volente
Attn: Barbara Wilson

Re: Village of Volente Ordinance No. 2014-O-11 – Revisions concerning short term rentals

Dear Barbara Wilson,

It has come to my attention, via Babs Yarbrough and Ed Ruegg, that the Village of Volente is calling a meeting on Tuesday, August 26th, 2014, to address the possibility of revising the Short Term Rental ordinance, most importantly, extending the short term rental minimum to seven (7) days.

It has also been brought to my attention that my property, located at 16513 Jackson Street, Leander, TX 78641, and listed on VRBO since ~June 2014 is the cause for some of the concerns surrounding this ordinance proposal.

First, I would like to say that I have been utilizing this property as a short-term rental location on and off for the past two years. I did not have it on VRBO at that time, but marketed it through my network and the various marinas where I also rent out my boats. During those two years, I never had one complaint come as a result of my rentals.

In June 2014, I asked my assistant to list the property on VRBO to take advantage of the summer season. We do screen our guests, have a reasonable guest limit, and also have a short-term rental contract that the guests must sign. This contract clearly dictates the “quiet hours” policy, which is after 10pm CT on weekends. In addition, for all but two rentals, I have had a property manager living/staying on site. One of our neighbors quickly spotted the ad on VRBO, and shortly after, we received a few complaints.

I do acknowledge that there was an issue with a guest on a weekend where my property manager was out of town. Due to that issue, we have now only placed the main house for rent, while the garage apartment is to be always occupied by the property manager. In addition, we only have about a dozen more rentals scheduled for the season, after which, I plan to push hard to sell the home, as I am currently occupying a different space downtown. I do not plan to rent the home out again next summer.

I do not believe that the proposed ordinance is fair to property owners in Volente who choose to rent part or all of their property out when not in use. As long as there is guest screening,

16513 Jackson Street
Leander, TX 78641

Mario Mendias
Mariomendias@me.com
FAX 512.233.2657

acknowledgement of community rules, and management or supervision of the property to a reasonable extent, then I feel that a two (2)-night minimum is quite sufficient for short-term rentals. There are quite a few short-term rental properties out in Volente, and business is already poor due to low lake levels. Let's not hastily pursue an unreasonable ordinance that could further reduce business in what I know we all want to be a popular and thriving community.

I believe that as long as property managers/owners keep to a reasonable guest count for the home size, enforce quiet hours, and clearly go over the rules with guests, then a two (2) night minimum is sufficient. I am NOT in proposal of the new ordinance revisions regarding the extended seven (7) night minimum, and just wanted to express my voice and concerns.

I am currently out of town, and am not sure if my property manager will be able to make the meeting on Tuesday evening. Should that be the case, I give Ed Ruegg or Babs Yarbrough to voice my concern on my behalf.

Please do not hesitate to contact me with any questions or concerns at mariomendias@me.com.

Warm regards,



Mario Mendias

Kit Hopkins Suggestions

I found this online and think it's a simple, concise and understandable list of conditions which could be adapted for the conditional use permit. The only additional item I think would be the proof of insurance. Also this city requires a packet to be submitted with the application for permit.

I'm also attaching my comments to the current document and would love to discuss this with you before the meeting.

Regards,
Kit

CONDITIONS FOR SHORT TERM RENTAL USE (AS DEFINED BELOW):

1. All structures housing Short Term Rental Use shall comply with all regulations of the Village Code of Ordinances;
2. Written verification from the owner of the real property verifying the property will be used for Short Term Rentals;
3. A legible copy of the completed and file stamped Texas Questionnaire for Hotel Occupancy tax filed with the appropriate authority; and,
4. Any additional information on the form promulgated by the Village, or as deemed necessary by the Village Administrator, or his designee, to process the application.
5. A sworn affidavit by the owner of the property to be used for Short Term Rentals evidencing written notification by mail via the United States Postal Service, certified mail, return receipt requested, to all owners of real property within 200 feet of the property to be used for Short Term Rentals that the owner has applied for a license hereunder, and if the license is granted, that the property shall be used for Short Term Rentals, including proof of receipt or rejection of said mailing by said adjacent property owners. Such notification shall be required for any renewal of said license.
6. The number of bedrooms contained within the improvement to be used for Short Term Rentals. The maximum number of occupants is 4 persons per bedroom.
7. Parking by renters or their guests shall be limited to the right-of-way abutting the rental property and to the garage and driveway on the rental property, and shall not encroach upon or obstruct ingress and egress to the neighboring properties;
8. Advertisement of the Short Term Rental Use shall not be displayed on the premise of the property in any manner that is visible from the exterior of the house.
9. Holders of a Short Term Rental Use license shall comply and ensure that their tenants comply with all applicable City Ordinances and state laws regulating litter, waste disposal, noise, nuisance, and other regulations for the protection of the health, safety, and welfare of the public.
10. Tenants of a property used for Short Term Rental Use shall not create a nuisance by way of noise, damage, odors, inconsiderate or offensive behavior, late night parties,



Kit Hopkins Suggestions

illegal alcohol or drug use, public urination, public exposure, disturbance of the peace, disorderly conduct, or any other conduct that may constitute a private or public nuisance.

Kit Hopkins
713 569-1027



VILLAGE OF
VOLENTE

Short Term Rental Conditional Use Permit

ADDRESS OF PROPERTY TO BE USED FOR SHORT TERM RENTAL:		
NUMBER OF BEDROOMS:		
OWNER'S FULL NAME:		
OWNER'S CONTACT INFORMATION		
MAILING ADDRESS:		EMAIL:
INDICATE PHONE NUMBER THAT OWNER IS REACHABLE AFTER NORMAL BUSINESS HOURS		
TELEPHONE:	CELL PHONE:	FAX:
PROPERTY MANAGER'S CONTACT INFORMATION		
MAILING ADDRESS:		EMAIL:
INDICATE PHONE NUMBER THAT PROPERTY MANAGER IS REACHABLE AFTER NORMAL BUSINESS HOURS		
TELEPHONE:	CELL PHONE:	FAX:
<input type="checkbox"/> FIRST TIME APPLICATION \$XX.00	<input type="checkbox"/> PERMIT RENEWAL \$XX.00	

I have received, read and understand the requirements and regulations for Short Term Rental and will comply with said requirements and regulations.

Failure to comply with these requirements and regulations will possibly cause me to be subject to fines and revocation of my conditional use permit.

Signature of Owner

Print Name

Date _____

FOR VILLAGE USE ONLY

Date Received:	Name on Check	Permit No:
Amount Received:	Check Number:	Check Date:
		Receipt No: