

## Barbara Wilson

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**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](mailto: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 26<sup>th</sup> 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](mailto: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.

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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!**

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.

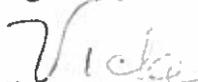
1. We use the website "HomeAway" to attract renters. This is a well thought and sophisticated site that allows the owner control and ability to screen potential vacationers.
2. We require a minimum of a 3 night stay. We have had a lot of requests for 2 night stay, but do not allow this. I have explained 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 ask 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 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.

**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 yard.**
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 septic 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

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**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.