

D) CALL TO ORDER, ROLL CALL

Mayor Pro Tem Lawrence called the meeting of August 14, 2018 to order at 7:00 pm. The following members answered roll call: Mr. Carleton, Mr. Bergeron, Ms. Gigliello, Ms. Wolfe, Mr. Gallagher and Mayor Pro Tem Lawrence. Mayor Mamula was absent.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – JULY 24, 2018

With no changes or corrections to the meeting minutes of July 24, 2018, Mayor Pro Tem Lawrence declared they would stand approved as submitted.

III) APPROVAL OF AGENDA

With no changes to the agenda, Mayor Pro Tem Lawrence declared it would stand approved as presented.

IV) COMMUNICATIONS TO COUNCIL

A) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Pro Tem Lawrence opened Citizen's Comment.

Mr. Tim Casey, a Breckenridge resident, thanked the Town Council for the allocation of 2.8 TAPS for the new BOEC building, and further stated he appreciates the Town's support of that organization. Mr. Holman stated Mr. Casey was integral in this project, and it was a community effort.

Ms. Debbie Latcher, a Breckenridge property owner, stated she was coming to Council asking for additional street lights on South French Street, right past the curve in front of Atrium and before Powder Ridge. Mr. Holman stated staff has looked at that area and has determined it doesn't warrant additional lights. He further recommended the HOA for those properties look into the issue. Mr. Holman then stated staff will review this area again to confirm.

There were no additional comments and Citizen's Comment was closed.

B) BRECKENRIDGE TOURISM OFFICE UPDATE

Mr. Brett Howard, of the BTO, stated Jackrabbit is the property booking engine they are now using, and so far it's been successful. He further stated the website has been performing well, and they are testing the speed on a new hosting platform that will increase the performance of the site. Also, they recently discussed the Tourism Management Plan, and the Council will be asked to participate in some one-on-ones and workshops offered about that. Mr. Howard stated July is up 3% over last year, August is up 11% so far, summer is up over last year in general, and winter looks positive as well. Mr. Howard stated the BTO will be using a visitation management tool, and Ms. Wolfe stated the way we can see the booking patterns now is pretty amazing.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2018 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 19, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO B & D LIMITED PARTNERSHIP (Tract D, Stan Miller Subdivision)

Mayor Pro Tem Lawrence read the title into the minutes. Mr. Berry stated there were no changes to this ordinance from the first reading.

Mayor Pro Tem Lawrence opened the public hearing.

Ms. Trish Holcroft, of Blue River Property Management, asked what B&D plans to do with that property? Mr. Holman stated it was just a trade for the alignment of the road, and he doesn't believe the parcel is large enough for any real use. Mr. Phelps further stated that parcel will become part of the B&D property.

There were no additional comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 19, SERIES 2018 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO B & D LIMITED PARTNERSHIP (Tract D, Stan Miller Subdivision). Ms. Gigliello seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2018

- 1) COUNCIL BILL NO. 20, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE," CONCERNING ACCOMMODATION UNITS; REQUIRING A LOCAL AGENT FOR EACH ACCOMMODATION UNIT; IMPOSING AN ACCOMMODATION UNIT ADMINISTRATIVE FEE; MAKING CERTAIN REQUIRED FINDINGS WITH RESPECT TO SUCH FEE; AUTHORIZING INSPECTIONS OF ACCOMMODATION UNITS; AND MAKING OTHER AMENDMENTS TO THE BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE

Mayor Pro Tem Lawrence read the title into the minutes. Mr. Waldes stated this ordinance would make changes to the existing Short Term Rentals (STR) ordinance and it would add special conditions to STRs, including an amended annual fee and a local manager requirement, among other things.

Mr. Bergeron asked about other communities enacting this type of ordinance, and Mr. Waldes explained that yes, other communities have already done this, and many on a much more restrictive basis.

Ms. Wolfe asked for clarification about the local agent requirement, and Mr. Waldes stated this ordinance would not require business licenses for those local agents, only that those people be able to respond to issues within 60 minutes of a call to the call center. Mr. Carleton clarified that Vail has a 30 minute response time after 10pm.

Mayor Pro Tem Lawrence opened the public hearing.

Ms. Colleen Stuzuh asked about agent requirements, and Mr. Waldes stated agents need to respond within 60 minutes. Mr. Waldes further stated most likely the response would be to resolve issues with parking, trash and noise within that time period. She then asked about the possibility to have a sub-agent assigned as a back-up. Mr. Waldes stated there is currently not a provision in the ordinance for that. Ms. Stuzuh asked about the fees. Mr. Waldes stated the fees are meant to administer the program. She then asked the Town to consider having the fees go to hiring a person that would be the responder for all properties.

Mr. Jim Bradley, a local resident, stated he's had problems with the renters next door and specifically with parking, noise and trash. He further stated he's dealt with issues around 15-23 people staying in the unit at one time. He stated he agrees with the regulations proposed, but worries they will continue to be a problem in a neighborhood that is more full-time residents than renters. Mr. Bradley stated he would like to restrict the number of renters per house similar to Boulder, or place a limit on people per bedroom. Mr. Holman clarified the Council hasn't been supportive of occupancy limits to this point.

Ms. Diane Stevens, a Breckenridge property owner, stated she is concerned about the local agent requirement. She stated she doesn't believe it shouldn't be the local agent's responsibility to confront guests about issues. In addition, she proposed a 24-hour response time between the hours of 9am and 5pm. Ms. Lawrence stated rental properties are local businesses and the owners are responsible for issues at their properties. Ms. Stevens asked about the inspections in the ordinance, and Mr. Waldes stated the inspections are set by appointments. He further stated one of the purposes of the ordinance is to give options so people don't have to call the police with renter issues.

Ms. Abby Epperson stated she believes an occupancy restriction could solve some of these issues. She further stated the local contact cannot leave the County, and a response time of 1 hour cannot be guaranteed. She also stated she believes this ordinance assigns no liability to the property management company, only to the owners. Ms. Epperson stated she believes the bigger issues to be with properties outside of the core of Town. She then asked the Council to extend the 1 hour response time in the ordinance.

Mr. Ralph Henderson stated he's not going to confront the guests causing the problems, and that he will call the police when something happens instead. Also, the VRBO business is valuable for the Town, and this ordinance might make people think twice about buying a home here, and a 1-hour response time is not realistic. Mr. Waldes clarified that the local agent doesn't have to be a resident of Breckenridge, but needs to respond to problems with the 1 hour response time. Mr. Henderson stated he doesn't see the need for additional regulations, and he doesn't mind calling the police to enforce ordinances. He then asked the Town to reconsider this ordinance because he doesn't believe it's good for business.

Ms. Bailey Epperson stated State Ballot Initiative 108 allows property owners to litigate about short term rental ordinances, as related to reduced property values, and the 1-hour timeframe (and other restrictions) for response could "antagonize" this issue. She further stated she believes this ordinance language is too vague, and the regulations are too strict. Ms. Epperson stated she works for Colorado Municipal League and she is aware of their stance on this Initiative. Mr. Bergeron stated Initiative 108 is a big issue, especially for neighborhoods that have been changed due to the problems of Short Term Rentals. He further stated that yes, you can all the police on violators, but he would be more inclined to contact the call center about issues first, and this ordinance is a first step in this process.

Mr. Leo McCarthy, an owner of a short-term rental, asked about the inspections for health and safety and compliance, and requested that the Town notify the homeowner and property management company about issues as well. He also requested the Town give the homeowners 24-hour notice on inspections, and that the police manage noise violations per the Town's ordinance. Mr. McCarthy stated the 1-hour timeframe to respond is unreasonable. He also asked Council the Town to consider putting the quiet hour times on the business license that is posted at the location.

Mr. Brian Chapp, a Breckenridge homeowner, stated he manages his own home for STR's and uses security cameras, and he limits rentals to people ages 25 and older and families. Mr. Chapp stated he never has issues with his renters, and he contracts for services for garbage, etc. He further stated he limits cars to the property as a good neighbor, and he is concerned about a local agent being able to respond within 1 hour. Mr. Chapp stated he would like calls about issues to come directly to him, and there are already ordinances to deal with bigger issues so he believes this ordinance is solving a problem that doesn't exist.

Ms. Sarah Valliard stated she short-term rents her home when she travels for work, and she has good contact with her renters and good neighbors who have never had issues. She further stated it's the responsibility of the owner to take care of the property, and the 1-hour response time shouldn't be an issue if you do the screening appropriately.

Ms. Megan Lawrence stated she owns three properties in Breckenridge and she wants to make sure her properties are safe. She further stated she agrees with others who have said to call the police on noise complaints, and she doesn't know how a local person would solve those problems.

Mr. Israel Girona stated he owns properties in many locations and stated he doesn't have problems with the ordinance, just with the local agent requirement. He stated he travels a lot and would like to see the local agent requirement be more flexible so others can respond when he is away. He further stated he saw how the city is trying to fight student housing in Fort Collins and it's not enforceable, and the same is happening in Glenwood Springs, where some HOAs don't allow short-term rentals. Mr. Girona asked the Council make the same rules for every other business owner, including restaurants, where the agent must respond within 1 hour.

Mr. Nathan Moorefield stated he lives across from a VRBO and asked what happens when a property management company has multiple violations, and would they have their license revoked? Staff stated yes, that property's license could be revoked. Mr. Moorefield thanked Council for staying out of occupancy limits, as he believes HOA's should be doing that.

Mr. Phil Mervis, a local realtor, asked about the term "respond" in the ordinance, and stated his only comment would be to give people clear definitions of "respond" and "resolve" as used in the ordinance.

Mr. Brett Steinberg stated he owns properties in Breckenridge, he responds when he is here, and otherwise it's sometimes difficult to manage the people in the properties, as they can be booked at any time. He further stated Initiative 108 could act against this ordinance, he has never had a problem with any of these issues, and enforcing this and putting it on the owner isn't the best solution.

Mr. Jeff Art stated he owns a condo in Breckenridge, and he short-terms rents to pay the mortgage. He stated he has problems with the definitions of "resolve" and "respond" and he believes it's unreasonable to require response within 1 hour. He further stated no other profession other than police can solve a problem within that time. Mr. Art also stated the definition of "local" is not clear. He stated the Police should be enforcing the ordinances, and these issues are often going to end up in Police hands anyway. Mr. Art stated the Town should track these problems through Police calls.

Mr. Mike Krueger, a Breckenridge resident, stated that if you put too many people in a small home, you get all of these issues, and perhaps the Town should reconsider occupancy restrictions since higher occupancy impacts traffic and guest experience as well.

Ms. Candace (no last name given) asked how the Town is going to validate complaints for the 3 strikes situation? Mr. Waldes stated it would be through a hearing, and it wouldn't be considered violation until the hearing was completed.

Mr. Bergeron explained an inspection is only as needed for health or safety reasons, such as gas leaks or unsafe conditions. And Mr. Holman clarified it's only part of the overall solution.

There were no additional comments and the public hearing was closed.

Mr. Bergeron stated this community has changed, and while we've always been a short term rental area, VRBO has changed the complexion of many neighborhoods. He further stated that when a resident or renter puts out the trash the night before it causes a mess, and when noise is an issue it should be put on the owner, and a normal person would respond in a good way to complaints. Mr. Bergeron stated there is such a thing as property rights, and there is such a thing as liveability rights as well. He further stated that communities all across the country are doing this, and there is a need for this ordinance. He stated we are following other communities and we have do this for the sake of the people who live here.

Ms. Wolfe stated short term rentals are operating a business in a neighborhood. She further stated we all moved here because we want to live this lifestyle, and if her business was doing something that impacted the neighbors at 3am, she would take care of it. She further stated that if you are running a business it is your responsibility as an owner to take care of issues, and all we are saying is that in order to have the Town continue to function, we need this ordinance because our sense of neighborhood is taking a hit. Ms. Wolfe further stated things have changed, and she doesn't think someone should have to call the police on vacationers who are here to enjoy it. She also stated that if we go down a different path with enforcement, we would need a bigger police force. Ms. Wolfe stated we are sensitive to the fact that we have STR's here, and it's at a point where we are managing a balancing act, and there has to be a way to strike the balance and to try something to help the situation so we don't lose our community character. Ms. Wolfe stated it's linked to accountability.

Mr. Carleton stated he has had numerous people come to him about the changing of neighborhoods and he has personally experienced it as well. He stated he hopes this ordinance can be preventative, and if we are screening our renters and educating them on the neighborhood requirements it won't be an issue. Mr. Carleton further stated he'd like to see the Town clean up the language in the ordinance and add a second local agent option. He also stated other businesses, such as restaurants, are required to have local agents and they also have no right to cure. He further stated short term rentals are a problem here, and he would like to see this ordinance as a motivator, and he suspects local agents will be out there for this purpose.

Mr. Gallagher stated he agrees with Mr. Bergeron, Ms. Wolfe and Mr. Carleton. He further stated the bottom line is that we decided for the moment that we won't infringe on property rights, but this ordinance speaks to accountability and responsibility. He stated that those who properly screen their renters should not be effected much by this ordinance. For the others, if they aren't doing their job, this ordinance will create inconveniences. He stated this ordinance holds people accountable, and he wants the owner to answer the phone at 3am, because your neighbors have rights too. Mr. Gallagher stated that if you do your job well, you won't be impacted. If not, you should lose your right to short term rent in this community.

Ms. Gigliello thanked the audience for sharing their opinions, and stated the issue is about looking at different perspectives. She further stated that people like Breckenridge because it's a "Real Town". She stated managing trash is very important to the environment and having respect for these aspects of the community is important. She further stated that when one thinks about the experience for people staying in the rentals, calling the police isn't always the right answer.

Mayor Pro Tem Lawrence stated she lived in a condo complex for many years, and this is ordinance fair to your renters too. She further stated that you should want them to have a great experience, and we are doing this for their benefit as well.

Mr. Gallagher moved to approve COUNCIL BILL NO. 20, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE," CONCERNING ACCOMMODATION UNITS; REQUIRING A LOCAL AGENT FOR EACH ACCOMMODATION UNIT; IMPOSING AN ACCOMMODATION UNIT ADMINISTRATIVE FEE; MAKING CERTAIN REQUIRED FINDINGS WITH RESPECT TO SUCH FEE; AUTHORIZING INSPECTIONS OF ACCOMMODATION UNITS; AND MAKING OTHER AMENDMENTS TO THE BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE. Mr. Bergeron seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

B) RESOLUTIONS, SERIES 2018

1) RESOLUTION NO. 14, SERIES 2018 - A RESOLUTION CREATING A TEMPORARY ADVISORY COMMITTEE KNOWN AS THE "TOWN OF BRECKENRIDGE EVENTS COMMITTEE"

Mayor Pro Tem Lawrence read the title into the minutes. Ms. Haynes stated the events ordinance is important to the Town and this resolution would make this committee into a temporary advisory committee to Council. She also stated this resolution will ensure the representatives on this committee be from member organizations or individuals who are involved in events. She further stated Council should refer to the version of this resolution handed out at the meeting.

Mayor Pro Tem Lawrence opened the public hearing.

Mr. Robb Prescott stated he attends these meeting and Mr. Carleton held the committee together as its chair. He further stated he would like to see this committee vote on events, work on marketing and communication for events, and work with the BTO, Town and others for synergy in events.

There were no additional comments and the public hearing was closed.

Mr. Bergeron moved to approve RESOLUTION NO. 14, SERIES 2018 - A RESOLUTION CREATING A TEMPORARY ADVISORY COMMITTEE KNOWN AS THE "TOWN OF BRECKENRIDGE EVENTS COMMITTEE". Ms. Wolfe seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

Mayor Pro Tem Lawrence declared the Planning Commission Decisions would stand approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated the Report of Town Manager and Staff was covered during the afternoon work session.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

The reports of Mayor and Council Members were covered during the afternoon work session.

X) OTHER MATTERS

Most other matters were covered during the afternoon work session.

Mayor Pro Tem Lawrence stated she would like Council to help spread the word about the broadband survey to get additional responses.

Mr. Bergeron thanked Mayor Pro Tem Lawrence for her work filling in for the Mayor during this meeting.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR AUGUST AND SEPTEMBER

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:08 pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Elisabeth Lawrence, Mayor Pro Tem