

Garland County, Arkansas
Public Health, Welfare, & Safety Committee
Minutes
June 28, 2021

Members Present: Chairman Raney, Vice Chairman Young, Justice Dixon, Sorrells, McKee, Braziel, and Anderson

Members Absent: None

Also Present: Citizens, Elected Officials, Staff, and Media

Attached is a sign-in sheet of those who requested to speak

The meeting was called to order by Chairman Raney, and Justice Anderson presented the opening prayer.

Chairman Raney referred to the agenda and indicated the meeting's purpose is to discuss Short Term Rentals (STR). He had invited the Hot Springs Deputy Manager and the Hot Springs Engineer to tell how the STR impact the city and why the city decided to take action. He also asked a Fire Fighter from the 70-West Fire Department to speak about the impact on public safety.

Chairman Raney asked Deputy City Manager, Lance Spicer, to explain why the city decided to take action. Mr. Spicer introduced himself and said what interested the city in the topic was that the elected officials at the city were receiving calls from residents impacted by the STR. He explained that STR are rentals for less than 30 days. The issues were parking, trash, and noise. These rentals were sometimes being used for parties (birthday, graduation, etc.) and large gatherings.

The problem came up in January and February, and by March 2, 2021, the city had passed Ordinance 6372 requiring a business license for all STR within the city of Hot Springs. The city looked at best practices across the country, and then on March 23, 2021, the Board of Directors convened a public forum to hear from owners and operators of STRs and residents. Approximately 100 people attended, with 50 or 60 who spoke. The public session gave the city a better view of the residents that had invested in these STR and the residents having problems with occupants. On May 18, 2021, Ordinance 6382 was passed to identify STRs and set a period to accept applications for SRT business licenses. The city learned that there were a total of 572 STR active in the city limits.

The ordinance indicates the occupancy and regulations based on the size of the property and capped the Type II STRs not to exceed 700 per calendar year. Justice McKee asked if the Police will be notified if they are responding to an STR, and Deputy Spicer indicated that it would be in the Computer-Aided-Dispatch (CAD) System giving the Officer a contact person. Justice Anderson asked if this is complaint-driven, and Deputy Spicer said yes. He also indicated that the Hotels are also regulated, and SRTs were not. Chairman Raney asked about the floor plan, and Deputy Spicer indicated the floor plan has to be submitted with an application and an inspection of the property. Judge Mahoney asked if there were many owners of STRs from the unincorporated areas of Garland County during the public input session. Deputy Spicer said there were several that had properties in the city as well as outside the city. Chairman Raney asked what the impact was for the city's Zoning and Planning Department, and he indicated that the county does not have a Zoning Enforcement Division. Deputy Spicer said the city tied these regulations to the sanitation and parking codes in

place. Justice Anderson asked about Bed and Breakfast operations. Deputy Spicer indicated that the State of Arkansas regulates these. Chairman Raney asked if there were any more questions for Mr. Spicer. With none, he thanked him for coming.

Chairman Raney asked Mr. Gary Carnahan, the City Engineer, if he would speak to the committee. Mr. Carnahan said on a positive note he knows of some STR owners who do it well, but several residents are getting in the rental property business. One of the issues is a lot of subdivisions are on a two-inch water main. He also indicated in the county that there are improvement districts that are only for a certain number of houses, and now we are adding homes to those lines. The fire codes have also changed over the years. The state fire code on these new subdivisions requires a fire hydrant every 250 feet, requiring a six-inch main. Parking is an issue on narrow streets. STR is a good idea but is not a good fit for these properties with narrow streets. Landlocks is another problem the city is dealing with.

Justice McKee asked if the grinder pump were an issue. Mr. Carnahan indicated now all new houses have to have their own grinder pump. In the older homes, generally, two houses share one grinder pump. One of the homeowners owns the grinder pump, and the city maintains it. There was discussion on the grinder pumps being shared and what a resident would do to get an issue resolved. Justice McKee asked if the county needed to issue an ordinance to have the STR get their own grinder pump. Deputy Spicer indicated that the county might need an ordinance to require this separation when one house is added to another home's grinder pump, and now there are issues due to sewer backup. Attorney Howard indicated this is a city utility policy, and the county would certainly help where they can, but the policy would be a city policy. Deputy Spicer spoke on the garbage issue where residents do not want the trash cans left out all week or animals may get in the trash, and the city has to go out and clean it up. Chairman Raney asked if anyone had further questions for Mr. Carnahan, and with none Chairman Raney thanked him for speaking.

Chairman Raney asked Sheriff McCormick what problems he has experienced. Sheriff McCormick indicated that the complaints the Sheriff's Office has had include parking and noise problems. Justice McKee asked if he had experienced more trespassing complaints from STR than the average population. The Sheriff said he had certainly had more noise and parking complaints from the STRs, but he could not say trespassing has been a major issue. He did think it would be helpful to have contact information of the homeowner on these properties. Judge Mahoney asked Deputy Spicer isn't it a requirement of the city to have a contact person within an hour's reach? Deputy Spicer said the property owner is to contact the occupants within 60 minutes, and the city will follow up the next day. Justice McKee, wouldn't it be reasonable to have a contact on all property in the county. Justice McKee asked Deputy Spicer what percentage of the properties in the city are owner-occupied. Deputy Spicer said it is approximately 50% of the properties are owner-occupied in the city. Justice McKee asked Attorney Howard if it is unrealistic to have a contact list. Attorney Howard said when a title or deed is recorded, we could require a contact name to be recorded.

Chairman Raney asked Tony Dzionott with the 70 West Fire Department to speak on the Fire Department requirements. The Fire Departments' concern is life safety. They have had calls where there are several people in one house, and sometimes there is no way to get to the home due to cars blocking the drive. The Fire Departments have no way to know the number of people in one house. When they get a call, no one in the house knows how to turn off the alarm or use a fire extinguisher.

They would like to be able to identify the STRs. Other businesses are required to have inspections and follow fire codes. After some discussion, Chairman Raney thanked Mr. Dzionott for speaking.

Chairman Raney asked Mr. Keith Maggioli if he would like to speak. Mr. Maggioli introduced himself and said he lives on Mount Riente. He suggests that STR should have an outside posting of the number of occupants in the residents. He indicated that he had called the Sheriff due to noise and parking issues. These STRs throw trash all over the street as well. He also said the letter his neighbor sent in said the occupants across the street were photographing her and her family while playing in their yard. He spoke about several issues with trespassing in his neighborhood and drug activity. There was some talk about the gated passcode and property owners' bill of assurance. Mr. Maggioli said the Properties Owners Association is very vague, and it requires a high percentage of owners to make a change. He indicated that they need the county's assistance. Justice McKee said if the county regulates STRs, it will not solve the problems of bad neighbors. It might give the Sheriff some additional tools, but it will not preclude them from operating in your neighborhood. Parking on your lawn, having a beer on your patio, and having parties after 10:00 pm is all already illegal. Justice McKee said he would recommend complaining on the website of the service. Mr. Maggioli said he would like to see a moratorium on these STRs. There was some discussion, and Chairman Raney thanked Mr. Maggioli for coming.

Chairman Raney asked Mr. Stansel Harvey if he would like to speak. Mr. Harvey said he lives on North Shores Drive. He and his wife retired here in hopes to enjoy their property and now they have STRs cropping up all around them. He said his bill of assurance covered everything except STRs. One of the neighbors decided to operate an STR, and the neighbors sued and won, but then it was taken to the Supreme Court and overturned. He does not believe these businesses should be operated in residential areas without some rules and accountability. He is concerned about decks being overloaded and collapsing, parking in his yard; he bets most of these are carrying residential insurance, and if there is a death, the occupants may not be covered. Accountability needs to be put in place. When there is an issue, you don't have anyone to call. There was some discussion, and Chairman Raney thanked Mr. Harvey for speaking.

Chairman Raney asked each Justice to give their thoughts, and all agreed the problem needed more discussion from both sides of the issue. The Justices said they appreciate the public input, and they will continue the discussion. Judge Mahoney said we need to get some more information and invite some STR owners to speak on their behalf. He said several are doing it right, but he agreed that we need to gather as much information as possible.

The meeting was adjourned.

Respectfully Submitted,



Susan Ashmore, CPA
Garland County Comptroller