

Garland County
Public Health, Welfare, and Safety
Minutes
July 26, 2021

Public Health, Welfare, and Safety Members Present: Chairman Larry Raney, Vice Chairman Jimmy Young, Justices Esther Dixon, Matt McKee, and Thomas Anderson
Members Absent: None

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

Chairman Raney called the meeting to order, and Justice Dixon presented the opening prayer.

Chairman Raney asked Judge Darryl Mahoney to open the discussion about short-term rentals in Garland County. Judge Mahoney stated that most of the calls and emails concerning short-term rentals have been positive, and everybody wants to do what is best for the community.

Chairman Raney then introduced Entergy Lakes Manager Kimberly Bogart. Ms. Bogart stated that Entergy had not changed any of its guidelines concerning short-term rentals relating to the shoreline and docks on Lake Hamilton. Ms. Bogart said renting out or commercializing a boat stall and privately renting out a boat are a few of Entergy's current restrictions. Ms. Bogart stated that Entergy allows for temporary mooring on any facility or shoreline associated with Entergy's federal project, that is, no more than 14 consecutive days in a thirty-day period and no more than sixty days out of the year. Ms. Bogart noted that the intention behind these restrictions is that you, as a single-family or vacation residence owner, can allow someone to visit for a week or two and let them tie up to the outside perimeter of your structure or essentially weekends throughout the summer. Ms. Bogart stated that it is not the boat's use of the shoreline or the facility; it is the cumulative use of the shoreline or facility. Ms. Bogart noted that Entergy uses the existing single-family or vacation residence guidelines for Vacation Rentals by Owner (VRBO) properties because they are generally the same type of residence and said that Entergy would be open to any new restrictions needed. Ms. Bogart stated that mooring is not allowed when it causes a safety or navigational concern, such as several boats on a boardwalk in a narrow cove causing navigational issues for the adjacent cove owners. Ms. Bogart noted that excessive mooring could cause multi and single-family residences to lose their temporary mooring rights, but generally, as long as the guidelines are followed and people are not causing a safety or navigational hazard to the area, the issue becomes more of a boating law matter. Ms. Bogart stated that excessive mooring is more noticeable in multifamily or condominium units, with more units than boat stalls. She also said that Entergy contracts with property owners and issues permits. These permits have the owner's contact information, which they use for excessive mooring related to their residence. Ms. Bogart noted that mooring is normally complaint-driven when referring to single-family residences. She noted that Entergy requires multifamily residences to police themselves or lose their permits. Ms. Bogart noted that Entergy gets complaints about boating law enforcement concerning the "No Wake Zones" and "100 Foot Offset" in the shallow areas of Lake Hamilton, which they direct to the appropriate boating law enforcement agency. Ms. Bogart said Entergy considers properties purchased for VRBO purposes as single-family residences and would follow the current mooring requirements. She noted that renting out a boat stall for an additional fee would commercialize the VRBO, which Entergy does not allow. She said that commercial renting of

boat stalls is for professional marinas only. Ms. Bogart stated that Entergy is very involved in the safety and quality of the water in Lake Hamilton. She noted that even though Entergy is the property owner of the land, the water in Lake Hamilton belongs to the State of Arkansas, and Entergy's federal license allows them to use the state's water. She said that Entergy reports any sewage or water issues to the Arkansas Department of Environmental Quality (ADEQ).

Chairman Raney then introduced a Garland County resident, Charles Dante, who has two VRBO properties near his residence. He stated that one VRBO property is sometimes very loud and has had to call the Sheriff's Office to complain. Mr. Dante stated that the other VRBO property is next door to his house. He noted that the renters are usually quiet but park their cars and boats on the street, blocking access to and from his driveway. He suggested that all neighbors of a VRBO property should have access to the VRBO owner's phone number to report issues immediately. Mr. Dante stated that he has looked on ActDataScout for the property owner information and had problems finding information because the property was listed as a Trust. Justice Brown suggested contacting the Tax Collectors' office for the owner's information. Judge Mahoney stated that the county does not have an ordinance for blocking the road and suggested that law enforcement needs some type of provision to enforce this problem.

Chairman Raney introduced another county resident, Mr. Steve Faris. Mr. Faris lives on Riverside Drive and has three VRBO properties in his subdivision, which had created several problems. Mr. Faris stated that the house next to him was listed on a VRBO website as "The Radley." Mr. Faris stated that "The Radley" was originally built around 1960. The owner added a second story and a large swimming pool as his family grew. Mr. Faris said many VRBO and Air Bed and Breakfast (Air B&B) people refer to "The Radley" as a "Party Venue" and said that one weekend when the house was rented out, several boats and vehicles were parked on and alongside the property. The renters asked a neighbor if they could park a large trailer on his property for a day. The trailer remained on his property for several days while the neighbor attempted to contact the renter. Mr. Faris stated that large groups of people started showing up, and when the boat dock was full, a boater parked on the Sea-Doo platform and tied the boat to a tree. He noted that sometimes there were about twenty-five to thirty-plus people visiting the VRBO for the next week. Mr. Faris said vehicles and trailers blocked the street during this time, which caused a safety hazard at night. On one occasion, he said that he texted the owner, who is from Texarkana, to complain about people trespassing on his property, and the owner told him to ask the renters to leave. Mr. Faris noted that the owner does not manage this rental and is being marketed as a small hotel. He also said that the house has six bedrooms, ten beds, and four baths and should not be considered a single-family home. Mr. Faris also noted that noise had not been an issue at this VRBO property, possibly because they are aware of the existing noise ordinance. Mr. Faris stated that VRBO properties need to have clear rules and residences that house twenty people should not be considered a single-family dwelling. He also said that the neighborhood could experience negative property values due to the short-term rental problems. He noted that the subdivision does not have a homeowners association, or to the best of his knowledge, a Bill of Assurance. Justice Young suggested starting a neighborhood watch program. Mr. Faris suggested limiting the number of people that can stay in a rental, and VRBO property owners should have rules in place to keep the VRBO homes from hindering the quality of life for the neighborhood residents. Chairman Raney suggested that the county review the current ordinances and discuss how to address the VRBO property problems the residents are experiencing.

Chairman Raney introduced another county resident and VRBO owner Rhonda Cravens. Ms. Cravens stated that she owns two VRBO properties, which she lists on the Air B&B website. She only allows two people per bed, and all her houses are three bedrooms. Ms. Cravens said VRBO property owners spend a lot on money remodeling houses, which help revitalize some neighborhoods in the county, and owners could potentially lose money if the county passes strict regulations concerning VRBO

properties. Ms. Craven noted that a person could call the Air B&B neighborhood support line to complain about problems they are experiencing. She stated that Air B&B would contact the owner or the host of the residence, and multiple complaints could result in fines and possibly removing the VRBO property from the Air B&B website. Ms. Craven stated she is vigilant when neighbors call and complain about renters at her VRBO properties. In the past, she has taken swift action to remove them from the house when needed. Ms. Craven noted that she would not object to registering her VRBO properties and providing her contact information with the county. Justice McKee stated that creating a registration or licensing process opens the door for the county or state to shut your business down if they deem it necessary. Chairman Raney stated that registration is the beginning of regulation, and we all accept regulations to live in a world where we can all exist and get along with each other.

Chairman Raney asked Linda White to approach the microphone. Ms. White stated that she lives on Bayshore Drive. Ms. White stated that she had lived in her house for thirty-five years and started having problems two years ago when Air B&B rentals became popular. Ms. White said that she would like to have VRBO properties regulated for several reasons. She stated that a VRBO property in her neighborhood is listed on the Air B&B website, which sleeps twenty-two people. Ms. White noted that the owner built four more short-term rental houses within about a thousand-foot area that can sleep between fifteen to twenty-two people. She said that these houses have a simplex sewer system, which is based on a family of three. She stated that if the city knew that these houses were for fifteen to twenty-two people, they would have required the contractor to put in a duplex system to avoid overflow problems. She said that she is also concerned about the trash and noise problems in the area. Ms. White stated that her neighborhood is a residential area, zoned R1 and R2. She said these VRBO homes were not built for residential living; they were built to be short-term rentals and should be treated as commercial venues. Ms. White said she has contacted the manager of the houses to complain and was told that the renters are abiding by their rules and regulations. She said one time in March, her husband went down to their dock, and there was a man and his son fishing off their dock. Ms. White suggested that boating laws be given to renters to inform them of the laws about speeding near the shoreline and docks.

Chairman Raney then recognized another county resident Gail Wiltshire, who lives on Houston Drive. Ms. Wiltshire stated that a renter could be removed from the Air B&B website along with the hosts of a VRBO home. She noted that VRBO homes are helping property values in the county. Ms. Wiltshire said she has clients that wanted to buy in the city but opted to look for county property due to the city's VRBO property regulations. She noted that she has clients hesitant to purchase property in the county and are waiting to see what VRBO property regulations the county might issue. Ms. Wiltshire stated that the city placed a moratorium on VRBO properties. She noted that 580 of 700 permits had been issued. Ms. Wiltshire also said that Air B&B gives discounts to hosts that purchase noise monitors for their VRBO properties. She also noted that most short-term rentals put guidebooks in the VRBO homes that have boating rules along with advertisements for attractions in Garland County, which helps bring more dollars to the community. Ms. Wiltshire also said that the website AIR DNA analyses all the Air B&B and VRBO properties and noted that Hot Springs had an A+ rating in January and now has a rating of B-. She believes it is due to the city regulations on VRBO properties.

Chairman Raney then introduced a local surgeon Daren Pretzel. Dr. Pretzel owns the Vault building, which has Air B&Bs on the upper floors. Dr. Pretzel said that many of the complaints he has heard are isolated issues with neighborhoods. He noted some of the issues are big parties or events that are out of control. Dr. Pretzel said that he has an issue when cities and counties start regulating how many Air B&Bs can be in an area. He noted that one regulation leads to another, and soon restaurants would be regulated by limiting how many different restaurants can be in an area. Dr. Pretzel noted that many of the issues are coming from out-of-town owners that have hosts manage their properties. Dr.

Pretzel suggested treating each property separately rather than regulating all Air B&B properties. He noted the county needs to be careful when discussing regulating occupancy, limiting VRBO and Air B&B houses, and limiting the number of VRBO and Air B&B properties a person can own. Justice McKee stated that regulations would not solve the ongoing problems with some Air B&B and VRBO rentals, but knowing the owner's contact information would be a step in the right direction. He noted that the rentals are self-regulating, and neighbors need to complain to the owners or hosts and look up the VRBO and Air B&B websites and leave reviews to help shut down the rentals if they are causing problems.

Chairman Raney then acknowledged another county resident Melissa Lax, who lives on Bluebird Lane. Ms. Lax said she was concerned about the county limiting the number of short-term rentals a person could own. Ms. Lax noted that she is a realtor and said that short-term rentals could be prohibited in neighborhoods by amending their Bill of Assurance.

Chairman Raney acknowledged Mr. Faris again. Mr. Faris said that he did not oppose short-term rentals and asked, "How do we protect the neighborhoods and residents that live near short-term rentals"?

Chairman Raney then acknowledged Ms. White again. Ms. White stated that people should not be afraid of regulations. She noted that regulations would help the industry and the people that live in Garland County.

Justice Brown thanked the people that attended the meeting and encouraged the residents that are having problems with short-term rentals to call the appropriate agency or person to complain. Judge Mahoney said that he hears complaints nearly daily on these issues but notes that it is not just the short-term rentals as a whole; it is isolated incidents. He thanked everyone that spoke to the committee about the problems they are experiencing.

Justice McKee made a motion to remove to adjourn, seconded by Justice Brown.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Lanie Martin", with a long horizontal flourish extending to the right.

Lanie Martin
Garland County Finance Director