



Together, Investing in Municipal Excellence

**CITY COUNCIL SPECIAL MEETING
AND
PLANNING COMMISSION SPECIAL MEETING
JOINT STUDY SESSION MINUTES**

OCTOBER 28, 2024
Community Center, Room 121
315 W. 8th
Stillwater, OK 74074
5:30 PM

**PRESENT: MAYOR WILLIAM H. JOYCE, VICE MAYOR AMY DZIALOWSKI,
COUNCILORS CHRISTIE HAWKINS, KEVIN CLARK AND TIM HARDIN**

**CHAIR JANA PHILLIPS, VICE CHAIR RILEY WILLIAMS, COMMISSIONER MIKE
SHANAHAN, COMMISSIONER MARK PRATHER, COMMISSIONER DAVID PETERS**

ABSENT: NONE

- 1. Call Meeting to Order

Mayor Joyce called the meeting to order at 5:30 p.m.

- 2. General Orders

A joint study session of the City Council and the Planning Commission to discuss and consider short term rentals in the City of Stillwater, including but not limited to possible discussion and presentation of statistics of residential short-term rentals within the City, including the number of licenses issued, code enforcement complaints and activity, tax collections attributable to residential short-term rentals, and possible discussion of the City’s short-term rental code provisions which may include comparisons to similar code provisions for other Oklahoma cities and provide possible direction to staff regarding short-term rentals in the City of Stillwater. There will be no action taken on this item.

Interim City Manager Brady Moore welcomed the public and he discussed the positive and negative impacts short-term rentals (STR) have on a community and the current process in the City code to regulate short-term rentals. He reported that the Planning Commission (PC) and public will share their experiences in dealing with STRs. Mr. Moore introduced Senior Assistant City Attorney Kim Payne as she works closely with the Planning Commission and the City Planning Department. He introduced City Planner Jacquelyn Porter.

City Planner Jacquelyn Porter presented STR data, current code and the process the City of Stillwater has for STR applications and how the City code compares with other cities. She also discussed the history of STR complaints and how the objection process works.

Assistant City Manager and Finance Director Christy Cluck presented the positive economic impact STRs have on the City of Stillwater.

Planning Commission Chair Jana Phillips presented the concerns and questions from the PC regarding objections and their role in approving or denying these STR applications when presented at a PC meeting.

Commissioner Shanahan stated that biggest issue is that the PC needs some kind of policy guidelines to help direct them when there is a Public Hearing regarding a STR objection.

Mayor Joyce asked why the City put a STR regulation in place.

City Planner Jacquelyn Porter explained that it varies in communities across the state from no regulations on STRs to strict regulations. The City of Stillwater implemented the STR process so residents living in residential zoned areas would know what was going on in their neighborhoods and be allowed to file an objection.

City Attorney Kimberly Carnley reported that at the State level there are no regulations on STRs, so it has been left up to local governments to determine the regulations that best meets the needs of each community. She reported that the history of the City's current provisions was to address residential zoning districts and that would be the zoning that a STR license would be required. Another primary concern was the local lodging industry because there are hotels already invested and paying lodging taxes, so regulation ensures that the City can capture that economic benefit to the City.

Mayor Joyce asked for clarification on if the STRs in commercial zoning that do not require a license, if their numbers were included or not in the economic impact chart STRs have on the City.

Assistant City Manager and Finance Director Christy Cluck stated that those numbers are hard to differentiate but yes, the STRs in the commercial zoning areas are included in those numbers with the best estimate possible.

Mayor Joyce stated that he assumes there are STRs operating in the zoning areas that do require a license and he asked if there is a way to track those STRs. He asked how the City can enforce licensing requirements.

City Planner Porter stated that currently there is not a process in place to track unlicensed STRs.

Senior Assistant City Attorney Kim Payne stated that code enforcement receives complaints from neighbors that a STR might be operating out of a house then code enforcement can investigate and make sure the owner applies for a STR license.

Councilor Clark stated that he is concerned that the City does not know where the commercial STRs are located mainly because of life safety and fire concerns.

3. Public Comment

Gary Clark, 320 Eyler Lane, stated his concerns that he feels the longtime residents are not being listened to and are ignored when they express their reasons for their objections to a STR in their neighborhoods. He asked how many STRs have been denied with objections that have been heard by PC and or City Council.

Bob Graalman, 2224 Sunset Drive, stated that STRs can change a neighborhood's dynamics and that over occupancy is hard to regulate and enforce.

Mark Weiser, 223 N. Old Hwy 51, stated his concerns are regarding enforcement of STR licensing and the consequences of not being licensed. He stated they abide by the rules, drive by their properties weekly and try to be good neighbors so he wishes there was a way to inspire other STR owners/operators to do the same.

Denise Talley, stated she understands the concerns of the neighborhoods regarding STRs, but they have figured out a way to monitor the renters of their STRs. They keep up their properties by mowing, driving by, etc. and the STRs have benefited her family by supplementing their income. She feels there needs to be a policy that penalizes STRs for not keeping up their properties and not going by the guidelines.

Cristy Morrison, with Visit Stillwater, 2617 W. 6th Ave., stated Visit Stillwater has done research and has a lot of data regarding STRs that would be helpful.

Councilor Hawkins stated that the City needs to find the balance and have some guardrails that will protect the neighborhoods and housing market. She stated that she thinks the City owes it to the community members to take into consideration on how STRs might impact their neighborhoods. She presented STR guidelines from other college football towns.

Vice Mayor Dzialowski stated she felt that maybe a cap or moratorium on STRs in neighborhoods close to campus would be very important. She requested staff get more data so the City can understand the issue better by understanding the types of visitors the City should be planning for and make a policy accordingly. Vice Mayor acknowledged the concerns of neighborhoods that STRs cause such as the integrity of the neighborhoods, parking, infrastructure, etc.

Mayor Joyce clarified with Mr. Gary Clark that he is not asking for a complete moratorium on all STRs in the Westwood Overlay but that he is just asking for enforcement of the current regulations.

Mayor Joyce stated that there are a few options, one is to continue what the City is doing which is a fairly low impact where a lot of time or money is not being spent on code enforcement. The City does not have the money or personnel to do much more than is being done now. If more

guidelines and regulations are put in place, then the City will absolutely have to increase fees and money will have to come from somewhere else to fund the increase in enforcement. Mayor stated he thinks that the City needs look at increasing the level of regulation around STRs and then figure out a way to enforce it.

City Attorney Kimberly Carnley stated that it is important to point out that the current code requires notices sent out to neighbors within 300' radius of the potential STR but anyone can file an objection or appeal. Staff is looking into limiting the objections or appeals to only the neighbors within the 300' radius. Ms. Carnley stated that the code does provide for suspension or revocation after the license has been issued with any violation of the code or State law.

Mayor Joyce stated that if the license is revoked how is that enforced to make sure it is no longer being used as an STR. If there is a regulation about STRs on the books, then the City has to have a process in place and truly enforce it.

Councilor Hardin stated that the data point that sticks out to him is that there are 150 STRs that the City knows about but 500 or so not known about. He said that the City needs to get a handle on that gap and figure out how many STRs there are and where they are located.

Vice Mayor Dzialowski asked the PC what other guidance would be helpful to them as staff considers changes to the ordinance.

Commissioner Riley Williams stated that what is tough for him is when Stillwater residents are objecting to an STR and the PC rules in favor of the applicant which lives out of town. He stated that having someone living in Stillwater that is directly responsible for the property is important.

Commissioner Mike Shanahan stated he agrees with Mr. Williams' comment. He suggested it would help having the requirement that the person has to be an owner occupant of the house.

Chair Jana Phillips stated that she would like to see some consideration given to safety around the schools.

Mayor Joyce stated that if any Councilor or Commissioner has a genuine concern about a STR application they should use their discretion and vote no. These applications do not have to be approved.

Commissioner Shanahan stated that this discussion has given the PC some degree of authority to make discretionary approvals.

City Attorney Kimberly Carnley stated that as long as the reason for denial or approval is not applied arbitrary or capricious and the reason is set forth in the record for the decision.

Commissioner Prather stated that the PC asks the same questions at a STR objection hearing so it might be helpful if those questions were addressed on the initial application such as how many people are allowed, how many vehicles, minimum number of nights, etc. If these items are claimed by the applicant in writing it might be beneficial for enforcement and if violations occur then the STR license is revoked.

Senior Assistant City Attorney Kim Payne stated that when there is a public hearing for a STR application it is the same questions the PC likes to ask the applicant. She stated she would propose looking into adding these items to the initial application. Ms. Payne stated the this would give the applicant time to think about these issues and the PC can make a better decision.

Chair Phillips stated that it would be beneficial to be able to see a map of how many STRs are in a neighborhood and maybe STRs could be limited in each area. She stated this could also maybe help keep the price of houses from skyrocketing in certain neighborhoods.

Mark Weiser stated that it would help to require the STR license number to be posted on public postings. He suggested adding to the ordinance that any advertisements must have the license number listed, so if code enforcement sees a listing on AirBnB without a license number, then they would know that this STR is in violation.

Mayor Joyce stated that he thought this was a good idea and that he would like to see the STRs in Commercial Zoning get a permit, then they could list their permit number in advertisements and the City could better track them as well.

Interim City Manager Brady Moore explained the next steps in drafting revisions for this ordinance. He stated that with staff having a lot of work to do on this item, it would probably be brought back to Council as a discussion item before making any draft revisions.

City Attorney Kimberly Carnley stated that it sounds like more data points need to be presented and improvements to the code to address the regulations, application process, and a secondary piece regarding enforcement. She stated if Council and PC think this is a good next step, staff will work on that.

Mayor Joyce reported that unfortunately this will be a slow process and he realizes there are pending applications and issues of concern while this process is being reviewed and addressed.

4. Adjourn

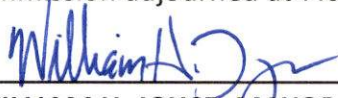
MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADJOURN THE OCTOBER 28, 2024 SPECIAL MEETING JOINT STUDY SESSION OF THE STILLWATER CITY COUNCIL AND PLANNING COMMISSION.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA.

ROLL CALL VOTE: PHILLIPS-YEA, WILLIAMS-YEA, SHANAHAN-YEA, PRATHER-YEA, PETERS-YEA.

NAY-NONE. MOTION CARRIED WITH TEN YEA VOTES.

The October 28, 2024 Special Meeting Joint Study Session of the Stillwater City Council and Planning Commission adjourned at 7:09 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK