

ORDINANCE NO. 1997

**AN ORDINANCE AMENDING CHAPTER 129 OF THE CITY CODE
REGARDING SHORT-TERM RENTALS**

BE IT ORDAINED by the City Council of the City of the City of Mountain Brook, Alabama, that Chapter 129 of the City Code is hereby amended to as follows:

Section 1.

“ARTICLE XXXIII –Short-Term Rentals

Sec. 129-xxx – Intent and Purpose.

- (a) The City of Mountain Brook is committed to maintaining and preserving the quality of its residential character, the housing stock and existing residential communities, scenic beauty, and the natural resources that are the foundation of its economic strength and quality of life.
- (b) The rental of residences for temporary occupancy has been identified as a community concern due to the potential for increased traffic, noise, high occupant turnover, and density in residential districts.
- (c) The number of occupants occupying short-term rentals has the potential to negatively impact the health and safety of residential neighborhoods and nearby residential properties.
- (d) The purpose of this ordinance is to safeguard the peace, safety and general welfare of the residents of Mountain Brook, and their visitors and guests, by eliminating noise, vandalism, overcrowding, high occupancy turnover, diminution of neighborhood character, and other effects that have become associated with the short-term rental of residential dwellings.
- (e) The restrictions established by this ordinance are necessary to protect the integrity and residential character of the city’s residential neighborhoods and the health and safety of the residents of Mountain Brook.
- (f) This ordinance is required to prohibit the rental of residences and the promotion and advertisement of short-term rentals of residences for periods of less than thirty (30) consecutive days, in order to protect the public health, safety, and welfare, and the existing community standards in the City of Mountain Brook relating to residentially zoned property.

Sec. 129-xxx. - Definitions.

For the purposes of this article, the following definitions shall apply:

- (a) “Advertise” or “advertisement.” Any written, electronic, or oral publication, dissemination, solicitation, or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the rental of a residence in violation of this article or other applicable provisions of the Zoning Ordinance of the City of Mountain Brook. This definition includes but is not limited to mailings, print advertisements, internet listings, e-mail publications, Facebook publications, or other oral, printed, or electronic means.

SHORT-TERM RENTALS (< 30 DAYS) 1997

- (b) **“Dwelling.”** A building containing one or more dwelling units. For a part of a building to constitute a separate dwelling unit it must be separated from the remainder of the building by one or more party walls. The word "dwelling" shall not include boarding houses, rooming houses, tents, hotels, mobile homes or other structures designed or used primarily for transients.
- (c) **" Dwelling unit."** Any building or any part of a building used or designed as a separate residence for a family, including an apartment or one or more rooms forming a single residential unit.
- (d) **“Enterprise.”** Any corporation, association, firm, partnership, LLC, or other legal entity.
- (e) **"Facilitate."** A person, operator, or enterprise “facilitates” if, acting with knowledge that an operator, managing agency or rental agent is committing or intends to commit the offense of renting a residence in violation of this article, the person or enterprise knowingly provides the operator, managing agency or rental agent with means or opportunity for the commission of said offense.
- (f) **“Managing agency” or “rental agent.”** A person, operator, enterprise, or agency representing the owner of the residence, or a person, enterprise or agency owning more than one residence.
- (g) **“Operator.”** A person or enterprise who is owner or proprietor of a residence, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, managing agency, rental agent, or any other capacity. Where the operator performs his or her functions through a managing agency of any type or character, or where the operator performs his or her functions through a managing agency or the rental agent, the operator has the same duties as its principal.
- (h) **“Person.”** Any individual or a group of individuals, enterprise, managing agency, rental agent, operator, or any entity.
- (i) **“Remuneration.”** Compensation, money, or other consideration given in return for occupancy, possession, or use of real property.
- (j) **“Rent.”** The consideration or remuneration charged whether or not received, for the occupancy or possession of space in a residence, valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property or services of any kind.
- (k) **“Rental.”** An arrangement between a transient and an operator whereby rent is received in exchange for the right to possess a residential structure.
- (l) **“Residence.”** Any dwelling, dwelling unit, or structure (in whole or in part) located in any residential zoning district as defined in the Zoning Ordinance and Zoning Map of the City of Mountain Brook, including detached single family dwellings, attached single family dwelling, duplexes, and multi-family dwellings.
- (m) **"Solicit."** A person “solicits” if, with the intent to promote or facilitate the short-term rental of a residence in violation of this article, or if such person commands, encourages, requests or solicits another person to engage in conduct which would constitute a violation of this article.
- (n) **“Transient.”** Those who reside, possess, or inhabit a residence (or a portion thereof) as defined by this article for a period of less than thirty (30) consecutive calendar days, counting portions of calendar days as full days.

Sec. 129-xxx. - Prohibited Rental Duration.

It shall be unlawful for any Person to rent or possess to rent for any type of remuneration, any residence, as defined by this article, for a period of time of less than thirty (30) consecutive days in duration to any transient.

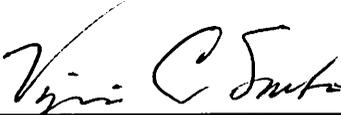
Sec. 129-xxx. - Advertisement of Short-Term Rentals of Residences Prohibited.

It shall be unlawful for any person to advertise, solicit, or facilitate the rental for a duration less than thirty (30) consecutive days of any residence as defined by this article. Such activity is prohibited, whether by mailings, print advertisements, internet listings, or any other means for communicating such advertisement.

Sec. 129-xxx - Vesting.

1. Existing short-term rentals (previously licensed by the City of Mountain Brook and operating in accordance with the terms of the city's municipal code at the time of business license issuance) as of [THE EFFECTIVE DATE OF THIS ORDINANCE] shall be considered vested short-term rentals only as related to contracts entered into prior to [THE EFFECTIVE DATE OF THE MORATORIUM REGARDING SHORT-TERM RENTALS]. Rental/lease agreements that were entered into prior to [EFFECTIVE DATE OF THE MORATORIUM], as evidenced by a written and validly executed rental agreement or contract provided to the City Zoning Administrator no later than [THE EFFECTIVE DATE OF THE ORDINANCE PLUS 30 DAYS] shall be considered vested.
2. Vesting shall:
 - a. Apply only to date specific contracts entered into in accordance with the terms of the city's municipal code at the time of license issuance;
 - b. Not apply to renewals of existing rental agreements or contracts which are at the option of either of the parties.
3. A vested contract/lease transferred to a subsequent owner shall continue to be vested, but shall not be transferred to a different short-term rental property.”
2. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.
3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.
4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 11th day of September, 2017.



Council President

APPROVED: This 11th day of September, 2017.



Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on September 11, 2017, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 12, 2017, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road



City Clerk

Short Term Rentals (STR's)

Introduction

In preparation for the work session of July 12, 2017, a variety of materials was distributed to the City Council, including articles on the subject of STR's, and a summary report from staff. Those items are not repeated as part of the materials for the City Council meeting of September 11, 2017.

Joint City Council/Planning Commission Work Session

On July 12, 2017, a public work session was held to discuss various aspects of the short term rental industry, its potential impacts on the Mountain Brook community if permitted, and how the council and commission members wished to proceed. The direction given to staff was to draft an ordinance which would define a STR as a rental of less than 30 days, and to disallow such use in all residential districts. Said ordinance is attached.

Moratorium

Also at the work session, the council asked the City Attorney to draft a moratorium that would prohibit the establishment of any new STR's during a specified study period, and that would also disallow any new reservations being made for STR's which currently operate in accordance with a city business license for such. Such moratorium was adopted by the council on July 24, 2017. It defines a STR as a rental of less than 30 consecutive days and prohibits the above-noted activities for an initial period of 90 days from adoption (and includes a clause for the extension of said moratorium for another 90 days if further study or proceedings are warranted). Said moratorium is attached.

Letters of opposition to STR's from Mountain Brook residents are attached, as well as a letter from Sue Feldman, who operates a STR with a Mountain Brook business license under the terms of the City's current ordinances regarding occupancy of single family dwellings.

Planning Commission Recommendation

On August 7, 2017, the Planning Commission voted to recommend approval of the attached ordinance.

RESOLUTION NO. 2017-099

BE IT RESOLVED by the City Council of the City of Mountain Brook that, at the meeting of the City Council to be held on Monday, September 11, 2017, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall, the City Council will hold a public hearing regarding the adoption of an ordinance amending Chapter 129 of the Code of the City of Mountain Brook, adding Article XXXIII (Short-Term Rentals).

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook that the City Clerk be, and he hereby is, authorized and directed to cause to be published not fewer than fifteen (15) days prior to September 11, 2017, by posting in four (4) conspicuous places within the City of Mountain Brook, as follows: City Hall – 56 Church Street, Gilchrist Drug Company - 2805 Cahaba Road, Overton Park – 3020 Overton Road and Cahaba River Walk, 3503 Overton Road notices of said public hearing in words and figures substantially as follows:

“NOTICE OF PUBLIC HEARING

PROPOSED ZONING CODE NOTICE

Notice is hereby given that at a regular meeting of the City Council of the City of Mountain Brook to be held on Monday, September 11, 2017, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall located at 56 Church Street, Mountain Brook, Alabama 35213, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

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2017-099

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2. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.
3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.
4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law."

At the aforesaid time and place, all interested parties will be heard in relation to the changes proposed by said ordinance."

ADOPTED: This 14th day of August, 2017.



 Council President

APPROVED: This 14th day of August, 2017.



 Mayor

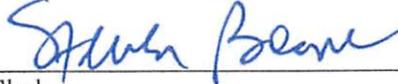
CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on August 14, 2017, as same appears in the minutes or record of said meeting.

I further certify that copies of the resolution above were posted on August 15, 2017 in four (4) conspicuous places within the City of Mountain Brook, as follows:

City Hall – 56 Church Street
 Gilchrist Drug Company - 2805 Cahaba Road

Overton Park – 3020 Overton Road
 Cahaba River Walk, 3503 Overton Road



 City Clerk

2017-099

Thank you for taking seriously your mission to address the citizens of Mountain Brook. It is because of our early Airbnb experience that we choose to purchase and renovate a home in Mountain Brook.

As you think about the issues that one resident brings up, we urge you to also equally consider both sides and be open to letting facts, not fear, drive your decisions. While it is true that certain activities are known to be gateways for bigger problems (for example, drugs), and solving for those is energy well spent, solving for problems that do not exist may not be energy well spent. Except in areas of hotels, where the comings and goings are largely unmonitored and guests are not publicly rated, there are no data to support that areas are worse off or that more undesirable behavior exists with rentals of days as opposed to weeks or months. Furthermore, data exist to suggest that rentals of fewer than 30 days are needed (hospital stays, events, etc.) – please see below.

We hope that you will think of VRBO and Airbnb within the context of inviting guests into your home and your being invited into someone else’s home – VRBO and Airbnb are merely the platforms that facilitate the supply chain. We have been inviting guests into our home for decades. Doing so has provided us and our children with an appreciation of and curiosity for other cultures.

It is important to note that money spent on Airbnb rentals in Mountain Brook makes its way back into the Mountain Brook economy, for example through home improvements. To that end, we thank you for the opportunity to provide information about: Airbnb in general, Airbnb travelers, the need for Airbnb, and recommendations for effective regulation. We think that you will find that the recommendations are aligned with the City’s values and mission of integrity, safety, education, community, stewardship, beauty. As ambassadors for Mountain Brook, we take seriously our contribution to the City in terms of giving back to the community and the values and quality of life.

How do VRBO and Airbnb Align to Mountain Brook’s Mission?

Mountain Brook’s mission and value statement as posted online states:

“...committed to teamwork and excellence which promotes full participation in enhancing the quality of life for its residents,” valuing:

- Integrity
- Safety
- Education
- Community
- Stewardship
- Beauty

VRBO and Airbnb, as a platform and as a company, and us as Airbnb hosts and guests when we travel, are also committed to teamwork. In fact, sharing economies are built on a foundation of teamwork and trust. When there is teamwork and trust, the quality of life will be enhanced.

Additionally, VRBO, Airbnb, and we share the values of the City. We have highlighted some connections below and provide further detail throughout this document.

- Integrity – trust is the foundation of honor, morality, and acting in a manner that displays non-judgmental equity
- Safety – providing protections from situations likely to cause danger, risk, or injury
- Education – cultural experiences that contribute to knowledge, integrity, and actions
- Community – investing in Mountain Brook by way of cultural, social, and economic means
- Stewardship – pride in ownership, pride in our City, protecting investments

- Beauty – reinvesting dollars into our home to increase the beauty and value of our neighborhood

Why do People use VRBO and Airbnb?

Airbnb guests want to experience the local culture and 91% of them say this is their reason for choosing Airbnb. When our guests are here, we ask them, because we too are curious. The number one response that we hear is something along the lines of wanting an authentic experience of the area. Below is a list of other responses from our guests and others to whom we have talked about why people use VRBO and Airbnb:

- No exchange of money
- More trusted environment
- Why wouldn't I?
- Privacy
- Hotels are too unpredictable (sports teams running up and down halls)
- Location
- Cost
- Kitchen
- Selection
- Laundry

Who are Airbnb Guests?

According to Airbnb, 88% of their reservations involve 2-4 people.

The top five schools represented by their user base (hosts and guests):

- Harvard
- Columbia
- Berkeley
- UCLA
- NYU

The top eight professions represented are:

- Teacher
- Retired
- Photographer
- Architect
- Designer
- Journalist
- Lawyer
- Entrepreneur

The top employers represented are:

- Google
- IBM
- United Nations
- Microsoft
- US Army

Who Have our Guests Been?

Below is a sampling of some of our guests with some detail on the purpose of their trip to Birmingham, where they are from, who they are, and why they chose Airbnb for this trip.

Trip purpose	Where from	Guest Profile	Why Airbnb for this trip
Sightseeing in Birmingham	Atlanta, GA	Man (engineer), Woman (teacher), 2 year old, 7 month old children	Our kids get to meet other people

Trip purpose	Where from	Guest Profile	Why Airbnb for this trip
Family wedding	Kansas City, MO	Man (accountant), Woman (physician)	Just easier – we enjoy it more
Business	Athens, AL	Man (CTO/VP, engineer)	My company would rather me use Airbnb
Travel on way to New Orleans	New York, NY	Man (Director of Sports Medicine), Woman (professor)	We always stay in Airbnb
Sightseeing in Birmingham	West Liberty, KY	Woman (graduate student), Woman (writer), 10 year old and 13 year old	We each host at home and our girls like it, so we Airbnb on vacation
Sightseeing food tasting in Birmingham	Huntsville, AL	Man (Exec. chef, restaurant owner), Woman (Pastry chef, Restaurant owner)	We love Airbnb
National Senior Games	Suffolk, VA	Man (Engineer and athlete), Woman (volunteer) – he won 5 medals in the games!	More room, can cook healthy food, washer and dryer to wash athletic clothes
Housing trip (job at Children’s Hospital)	Aurora, CO	Woman (Physician)	To experience the area before buying
Visiting family member at UAB for treatment	Springfield, MO	Woman (Retail manager), Woman (teacher), 16 year old	We want the privacy and we used to live in Mountain Brook
Attending a surprise party for a friend	Houston, TX	Man (Accountant), Woman (mom)	Hotels too expensive and unpredictable
Visiting son at Highlands College	Freeland, MI	Man (Pastor), Woman (teacher)	We want a kitchen and a quiet place
UAB Graduate School Orientation	Laurel, MD	Woman (Nurse, PhD student)	I want to experience the culture
Child at Children’s Hospital	Mobile, AL	Man (Professor), Woman (Lawyer), 8 year old child	We do not like the Ronald McDonald House
Visit client (UAB)	Sarasota, FL	Woman (Southern US rep for surgical device company)	I want a kitchen; my company is thinking about moving me here, so they encourage Airbnb to see if I like the area

Our Vetting Process

We have protections in place to ensure that our guests are just like you; good people wanting a good experience in a safe and trusted environment. Before guests are able to make a reservation, guests must have on file with Airbnb a government ID, a linked social profile, and a phone number. Before we accept the reservation, we validate the reason they are coming, secure agreement to the household rules, check their profile against social media, and check them against the National Sex Offender Registry. At check in, we validate the government ID and validate the phone number.

In addition to our own liability insurance, each VRBO or Airbnb reservation is backed by \$1m in coverage provided by VRBO or Airbnb. VRBO and Airbnb take seriously that trust and safety is a #1 priority for everyone: guests, hosts, municipalities, offering 24/7/365 support for all. VRBO and Airbnb have standards that are important to us as hosts and to us as guests when we travel; bidirectional reviews after each stay, and all hosts must maintain a minimum rating and ascribe to the hospitality standards set by each company. These standards have to do with the following:

- Experience
- Accuracy of listing
- Cleanliness
- Communication
- Check in
- Location
- Value

The Need for Stays less than 30 Days

Medical

UAB Medical Center is the only Level 1 Trauma Center in Alabama and the largest hospital in Alabama, and Children’s Hospital of Alabama is the only Children’s hospital in Alabama. The table below shows total UAB hospital days where the distance is greater than 1½ hours driving distance from Birmingham. It is thought that this distance would motivate someone to stay in Birmingham and avoid driving back and forth to visit a loved one. These people need a place to stay that is comfortable and affordable. VRBO and Airbnb fill this need.

City (Alabama)	Total Hospital Days (12 month period)	Distance from UAB (hours)
Arab	1361	1.5
Dozier	97	3
Emelle	57	1.75
Ethelsville	4613	2
Eufaula	4	3.25
Hope Hull	277	1.75
Huntsville	2731	1.5
Lacey’s Spring	705	1.5
Meridianville	177	1.75
Mobile	1212	4
Montgomery	7650	1.75
Mount Hope	26	1.5
Muscle Shoals	1006	2
Trinity	344	1.5
Uriah	268	3.5
Wetumpka	660	1.75

Birmingham is centrally located and near to five states with hospital days.

State	Total Hospital Days	Distance to Border (in hours)
Florida	1195	4
Georgia	130	1.5
Kentucky	1	5.25
Mississippi	711	2
Tennessee	76	1.5

Out of county and out of state admissions to UAB Medical Center have shown steady increases, meaning that the need for stays under 30 days has also increased.

Tourism

A recent report underscores tourism as a key segment of Birmingham’s economy and characterizes the Birmingham tourist as arriving in parties of two and staying, on average, two nights. A tourist is defined as anyone who visits an area travelling outside his or her normal routine, spends money, and remains in the area for fewer than 30 days. John Oros, president and CEO of the Birmingham Convention & Visitors Bureau recently said, “Hotel occupancy numbers are up, and it’s been a good first quarter for sporting events and tournaments, creating a strong demand for hotel rooms.” This statement would suggest that VRBO and Airbnb operations are not having an impact on hotel reservations, which are typically less than 30 days.

As Jefferson County in general, and Birmingham in particular, continue to build tourism through *sporting events* (Senior National Games, Maccabi Games, Southeastern Conference College Baseball, etc.), *academic events* (National Speech and Debate Competition, National Academic Quiz Tournament, etc.) and *culinary kitchens* (Highlands Bar and Grill, Bottega, Ovenbird, Hot and Hot Fish Club, etc.), stays less than 30 days are needed. It is worth mentioning that Birmingham was voted as the “Number one up and coming food city” by Zagat national voters. Additionally, Food and Wine Magazine is moving their operations from New York to Birmingham.

Airbnbbers stay 2.1 times longer and spend 2.1 times more than the typical visitor and 42% of that spending is in the neighborhoods in which they stay. When our guests are here, we often give them recommendations for places to eat to encourage their contribution to the local economy.

Tourism has contributed to an increase in full time equivalent jobs, and local and state government revenue.

Business, Innovation, and Academia

Business. As previously mentioned, Birmingham will soon be home to Food and Wine Magazine. Additionally, Birmingham is home to several Fortune 1000 companies (Regions Financial, Saks Inc., Vulcan Materials, HealthSouth (now Encompass Health), Compass Bancshares, and Protective Life). Additionally, of the 25 most revenue generating business in Alabama, 19 are in Birmingham. According to Inc. 5000, Birmingham is home to 19 of the fastest growing businesses, two of which are in the top 1000 and one in the #160 position. These businesses often bring in travelers for fewer than 30 days.

Innovation. Birmingham is home to several innovation companies centered around technology, drug discovery, and device development. Innovation Depot is the largest high-tech business incubator in the Southeast and an epicenter for technology, startups, and entrepreneurs in the Birmingham region. Innovation Depot gives entrepreneurs a competitive advantage in attracting customers, talent, mentors, press, and funding to grow their business. UAB and affiliate Southern Research have a longtime and fruitful research partnership in drug discovery, materials engineering, high-performance computing, gene therapy and other areas. The collaborative Alabama Drug Discovery Alliance (ADDA) has more than a dozen potential new pharmaceuticals in the pipeline. The success of that partnership has led to a second collaboration, the Alliance for Innovative Medical Technology (AIMTech), to develop new medical devices and bring them to market rapidly. The goal is to make UAB and Birmingham a major player in the booming medical device industry. This type of innovation leads to visits that are fewer than 30 days.

Academia. According to UAB’s website, UAB is Alabama’s largest single employer, with more than 23,000 employees. UAB did business with nearly 1,800 Birmingham suppliers, spending more than \$272 million in FY2015. But their economic impact — more than \$5 billion annually — reaches far beyond the city. UAB’s intellectual capital and strategic partnerships with economic development organizations spur robust growth throughout the state. UAB’s enrollment is increasing. While a majority of the students are from Alabama, only 36% are from Jefferson County. Almost 30% are from non-neighboring counties and, more importantly, almost 22% of the students are from outside Alabama or outside the US. Furthermore, UAB has a very robust online and executive-style education presence across the post-secondary and graduate continuum. Many of these programs bring students to campus for mandatory residential immersion visits of less than a week. These data are critical in suggesting the demand for stays of fewer than 30 days by families and online and executive-style students coming to campus.

The UAB workforce has shown steady increases over the last eight years. Positions held by those most likely to purchase a home in Mountain Brook (Executive and Faculty) saw a 50% change over the last eight years. While it is the case that when they come to campus for an interview, they stay in a hotel, when they return for a housing trip, staying with a VRBO or Airbnb host provides them an opportunity to immerse themselves in the culture of where they are considering purchasing a home. These stays are for fewer than 30 days.

How Airbnb Guests Contribute

In the US, 73% of residents support the right to people to share their homes, and 84% of those who know Airbnb view it favorably. Thirty-five percent of the people who travel on Airbnb say they would not have traveled or stayed as long but for Airbnb. Upon talking to our guests, many say they are staying a couple of extra days to tour the city. When doing so, they are eating and shopping in Mountain Brook.

Trust

What draws people to sharing or collaborative economies such as VRBO, Airbnb, or even other examples such as Uber? Why are people willing to use an app to stay in the home or get in the car of someone unknown to them? It turns out that a significant portion of this behavior is based on social trust and that those with higher levels of agreeableness and empathy have higher levels of generalized trust. Social trust is an expectation that people will behave with good will and integrity, that they will honor their commitments, and that they will not cause danger, injury, or harm to others. Generalized trust is an attitude toward people in general, beyond one's familiarity, and has a positive relationship to optimism.

In a sharing or collaborative economy, reputation is equally as important as trust. Unlike trust, which is a subjective assessment of future behavior, reputation is what is believed about a person's character and integrity and is based off past behavior. As such, users and service providers differentiate among the services that offer similar functionalities based on how well these service providers behaved in the past. Studies show that when more information is shared online that there is greater trust between users, especially when the users are strangers. This has been tested extensively in online rating systems such as Amazon, Yelp, and eBay, to name a few. Websites that aggregate the reviews of past consumers and service providers then put those reviews at the fingertips of new market participants thereby creating a trusted transparency and significantly diminishing the problem of unidirectional information between consumers and service providers. Sharing or collaborative economies, such as VRBO and Airbnb, rely on instilling trust and enforcing reputations by spreading true information about bad behavior. Such online ratings are thought to be an incentive for good behavior, therefore when guests know that they will be rated, they tend to behave better.

For some, when something is new or not understood, there is a lack of trust. When trust is low, the need for control is high. For others, when something is new or not understood, there is a curiosity to understand it, an empathy to see oneself, the need to trust. As an ordinance is considered, I hope this brief document will help to increase understanding and trust.

Ordinance

As the Planning Commission and the City Council work toward an ordinance that *creates an equitable standard*, we offer the following suggestions that are driven by the facts presented and not by unfounded fear. We are in favor of well-thought out and reasonable ordinances because they provide valuable guideposts for residents.

Revisiting the Current Ordinance

As written, the current ordinance prohibits more than one unrelated person staying with a family in their home. This means that a family cannot have friends stay with them if this group of friend includes more than one person. I would like to recommend that the current ordinance be revisited to be more in line with the VRBO/Airbnb ordinance in terms of amount of people (i.e. two people per room with a bed).

Ordinance considerations

The following recommendations are aligned with the City’s values and mission of integrity, safety, education, community, stewardship, beauty. As such, the following are considered:

- Community safety and protection
- Achieving the right balance between regulation and business
- Homeowner accountability
- Enhancing the quality of life

Drawing from what is presented above and what other cities, such as Nashville, TN and Austin, TX have successfully enacted, we would like to suggest the following for consideration in the new ordinance:

Suggestion	Rational
For rentals less than 30 days, the owner must be in the home	Incentivizes appropriate behavior; mitigates host absenteeism
For rentals greater than 30 days, the owner need not be in the home all of the time	Allows home owners to rent their homes when they are gone for periods in excess of 30 days, such as sabbaticals, mission trips, etc.
The host must claim the home as their primary residence	Pride in ownership; decreases the degrees of freedom between the host and the home
Unless also living in the home, transfer of or assignment to another person to operate the property is prohibited	Ensures host connectedness; decreases the degrees of freedom between the host and operations
Limit to 2 people per room with a bed	Reasonable standard to avoid overcrowding
Maximum one unique guest reservation at a time	Mitigates multiple simultaneous individual stays at one property at the same time
Off street parking	Keeps vehicles on private property instead of public streets
Require an annual business license	Current practice that is very reasonable
Collect 3% lodging tax	Current practice that is very reasonable
No quantifier on short term rental definition	The need for stays fewer than 30 days has been established and evidence of gateway issues has not been established
Limit the number of licenses issued	This provides containment and control
Prohibit signage that is visible from the street	Maintains the neighborhood

Thank you for this opportunity to provide some factual background and equitable solutions. We welcome the opportunity to participate in drafting an ordinance and look forward to the Planning Commission’s and the City Council’s consideration of the information provided.

Sue and Stuart Feldman

To the Decision Markers regarding the B&B's and/or Short Term Rentals

NEW
COMMENTS

My name is Helen M. Martin. I live at 2933 Green Valley Road. I live on the corner next door to the Feldman's (4005 Hunters Lane) whose association with the **Airbnb** initiated these discussions. We will be on vacation when the public hearing is conducted and I appreciate Steve Boone forwarding my comments so we have the opportunity to be heard.

I have had **NO** discussions with the Feldman's concerning this however I am aware that some of my neighbors are quite upset and adamant about wanting it rejected. In fact, we were out of town when we received a call from neighbors wanting to know if we knew anything about this.

I suspect that the Feldman's had no idea this would be a problem. They are new to the neighborhood, having just moved from California where there are MANY B&B's.

My husband and I have enjoyed staying at B&B's in San Francisco, Napa Valley, Vancouver, Anchorage, and Bar Harbor and meeting the local hosts.

Even though I live next door, I am not opposed to their operating a B&B *if and only if* the city approves it with some serious guidelines.

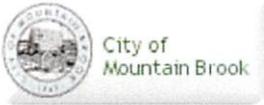
My suggestions

- The host should be at home.
- Parking for guests should be in the Host's drive with the Host's car to be put on the street (if the drive is not sufficient for both). The reason for this is that neighbors do look out for each other, and a strange car on the street could be someone casing the neighborhood for no good. Additionally, children should not be uncomfortable playing in their own yards or on the street.
- The rental rate should not be significantly less than the Hampton Inn. The reason is not to encourage someone simply looking for a cheap bed.
- The occupancy tax rate charged by local hotels should be charged by the B&B and paid to the city.
- The stay should have a maximum number of nights with no consecutive stays. The reason being that I do not want "temporary permanent resident". (An exception could be made for a local resident needing short term housing due to fire, flood, tornado damage)
- A maximum number of guests should be established.
- Failure to abide by established rules would result in a loss of license. I feel certain that neighbors would assist in ensuring no infractions of the rules.

Thank you for considering my concerns and suggestions.

Respectfully Submitted,

Helen M Martin



Dana Hazen <hazend@mtnbrook.org>

RE: Air BNB

1 message

Sam Gaston <gastons@mtnbrook.org>
To: amber cantrell <amber.cantrell@gmail.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Fri, Jul 7, 2017 at 12:04 PM

Thank you for sharing your comments.

Sam S.Gaston

City Manager

City of Mountain Brook, AL.

56 Church Street

P.O. Box 130009

Mountain Brook AL. 35213

(205) 802-3803 Phone

(205) 870-3577 Fax

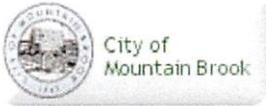
-----Original Message-----

From: amber cantrell [mailto:amber.cantrell@gmail.com]
Sent: Friday, July 07, 2017 12:01 PM
To: gastons@mtnbrook.org
Subject: Air BNB

Dear Mr. Gaston and Council Members,

I am writing this email in regards to the upcoming Air BNB vote. I, along with several others in my neighborhood are adamantly opposed to this passing. Mountain Brook is full of families with small children and is known for its close-knit neighborly feel. By allowing people to run motels out of their homes this will certainly diminish what so many of us have come to love about the area. I also have no interest in any more unwanted traffic on my street or strangers. We are already a targeted area for house casings and break-ins as is. Allowing Air BNB will only increase our crime stats, which again will devalue or belove area. All you have to do is Google what Air BNB has done to other cities not only in the US, but worldwide. California is now making homeowners disclose if they have an Air BNB property nearby when listing their homes. This is causing property values to decrease and I know no one in our area wants that either. Please, I beg of you to hear the voices of this community loud and clear we do NOT want this in our area. Vote NO on Air BNB.

Sincerely,
Amber Cantrell



Dana Hazen <hazend@mtnbrook.org>

RE: Short term rentals Air BNB

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Amy Kampakis <amy@alabev.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Mon, Jul 3, 2017 at 9:55 AM

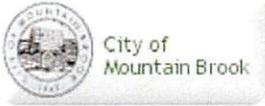
Thank you for comments.

Sam S.Gaston
City Manager
City of Mountain Brook, AL.
56 Church Street
P.O. Box 130009
Mountain Brook AL. 35213
(205) 802-3803 Phone
(205) 870-3577 Fax

From: Amy Kampakis [mailto:amy@alabev.com]
Sent: Monday, July 03, 2017 8:53 AM
To: gastons@mtnbrook.org
Subject: Short term rentals Air BNB

I am writing to say I hope the City of Mountain Brook does not allow ordinances to support or allow short term leases or Air BNBs. I can understand long term rentals, but short term and Air BNB leads to dangerous elements and decay of neighborhoods. Turning neighborhoods into hotels on every street is not in the best interest of our community.

Thank you for your time,
Amy Kampakis



Dana Hazen <hazend@mtnbrook.org>

RE: Air BNB

1 message

Sam Gaston <gastons@mtnbrook.org>
 To: Ashley DeGaris <degaris@me.com>
 Cc: Dana Hazen <hazend@mtnbrook.org>

Wed, Jul 12, 2017 at 9:06 AM

Thank you for your comments.

Sam S.Gaston
 City Manager
 City of Mountain Brook, AL.
 56 Church Street
 P.O. Box 130009
 Mountain Brook AL. 35213
[\(205\) 802-3803](tel:2058023803) Phone
[\(205\) 870-3577](tel:2058703577) Fax

-----Original Message-----

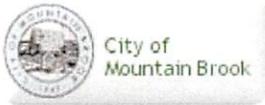
From: Ashley DeGaris [mailto:degaris@me.com]
 Sent: Wednesday, July 12, 2017 8:45 AM
 To: Sam Gaston
 Subject: Air BNB

Good morning,

I realize you are in the meeting now, but I quickly want to express my family's desire to restrict Air BNB from Mountain Brook. This is not what our community is. I have read the information and I trust that you have also. Two quick points that crossed my mind are:

- 1. sex offenders - how do we control this if people can come in and out of homes
- 2. zoning - how is this affected; isn't an Air BNB just ignoring zoning laws

Thank you for working on this and all other issues.
 Ashley DeGaris
[205-281-6759](tel:2052816759)



Dana Hazen <hazend@mtnbrook.org>

RE: Air BnB

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Britt Redden <baredden@gmail.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Tue, Jul 11, 2017 at 4:06 PM

[Thank you for your comments.](#)

Sam S.Gaston
City Manager
City of Mountain Brook, AL.
56 Church Street
P.O. Box 130009
Mountain Brook AL. 35213
(205) 802-3803 Phone
(205) 870-3577 Fax

From: Britt Redden [mailto:baredden@gmail.com]
Sent: Tuesday, July 11, 2017 3:52 PM
To: Sam Gaston
Subject: Air BnB

Sam - I hope you are well. I know that the City Council is meeting on Air BnB tomorrow. Chuck and I are both very opposed to our city neighborhoods being used as hotels. Many residents live in Mountain Brook because of the safety of the community and having strangers rent homes in our city will ultimately hurt our neighborhoods and jeopardize the safety of our children. Please vote to ban Air BnB in Mountain Brook.

Thanks,
Britt Redden



Dana Hazen <hazend@mtnbrook.org>

Fwd: Short term rental policies

1 message

Lowell & Alice Womack <awomack3712@charter.net>
To: Dana Hazen <hazend@mtnbrook.org>

Wed, Jul 12, 2017 at 8:00 AM

FYI. I'm not going to forward all, but this provides some food for thought.

Sent from my iPad

Begin forwarded message:

From: Caroline Ezelle <caroline.ezelle@gmail.com>
Date: July 11, 2017 at 4:43:01 PM CDT
To: SGaston@mtnbrook.org, "awomack3712@charter.net" <awomack3712@charter.net>
Subject: Short term rental policies

I would like Mtn. Brook to take a look a a very spelled-out short term rental policy similar to Jackson Hole's policy. Here is how they handle their airBnBs and VRBOs.

Short-term rental (Sec. 6.1.5.C.)

Unless your property is either permitted as a lodging use (hotel, motel, campground, bed & breakfast, guest ranch, etc.) or specifically within one of the approved short-term rental sites below, renting your house for less than 31 days is prohibited.

- i. The Aspens (condominiums and single-family homes);
- ii. Teton Shadows (condominiums only);
- iii. Teton Village (condominiums and single-family homes);
- iv. Golf Creek (condominiums only);
- v. Jackson Hole Racquet Club Resort Commercial Area (Lodges at Teton Pines, Residence Club of Teton Pines and Teton Pines Condominiums)
- vi. Spring Creek Ranch and,
- vii. Crescent H "Fish Lodges" (Crescent H lot 8).

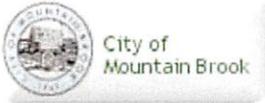
Other developments that have been approved for short-term rental as part of their Master Plans include Cabins at Jackson Hole Golf & Tennis Club and Shooting Star townhomes and condominiums.

Permitted Accessory Residential Units (ARUs) or guesthouses are not permitted to be rented on a short-term basis. (Sec. 6.1.11.B.)

Please note, violations of the above standards may be forwarded to the County Attorney for prosecution as a violation of the Teton County Land Development Regulations, in addition to any other remedies available pursuant to Wyoming law. Wyoming Statute 18-5-204 provides the authority for the County to prosecute a violation of the Land Development Regulations. The maximum penalty, as provided in Wyoming Statute 18-5-206 for such a violation shall be a fine of seven hundred fifty dollars (\$750.00) for each offense.

Pursuant to Wyoming Statute 18-5-204 each day a violation continues to exist is a separate offense.

Sent from my iPhone



Dana Hazen <hazend@mtnbrook.org>

Re: Short term rentals

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Carolyn Harvill <cdharvill@icloud.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Mon, Jul 10, 2017 at 6:19 AM

Thank you for your comments.

Sent from my iPhone
Sam Gaston

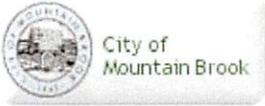
> On Jul 9, 2017, at 9:10 PM, Carolyn Harvill <cdharvill@icloud.com> wrote:

>

> I hope that Mtn. Brook will not allow Airbnb and VRBO in our city. I can't be at the first meeting and hope that other dates and times will be announced if the City Council decides to have an open discussion. Thanks for listening. Carolyn Harvill

>

> Sent from my iPad



Dana Hazen <hazend@mtnbrook.org>

RE: Short term rentals in MB

1 message

Sam Gaston <gastons@mtnbrook.org>
To: CATHERINE LOVEMAN <cloveman@charter.net>
Cc: Dana Hazen <hazend@mtnbrook.org>

Wed, Jul 12, 2017 at 9:06 AM

Thank you for your comments.

Sam S.Gaston

City Manager

City of Mountain Brook, AL.

56 Church Street

P.O. Box 130009

Mountain Brook AL. 35213

(205) 802-3803 Phone

(205) 870-3577 Fax

-----Original Message-----

From: CATHERINE LOVEMAN [mailto:cloveman@charter.net]
Sent: Wednesday, July 12, 2017 7:46 AM
To: gastons@mtnbrook.org
Subject: Short term rentals in MB

Mr. Gaston,

I'm writing to oppose short term rentals in MB. We recently had this issue come up in a neighborhood on Lake Martin- (a vacation place). It was voted down by a land slide. This area of the lake also has lots of permanent residents as well.

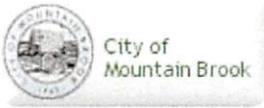
- The problems that arise with short term renters:
- having loud parties
 - parking issues
 - no care or regard for the residents around them

It was a VERY big problem at the lake- which is why it came before a vote and the homeowners association voted it down. Rentals no shorter than 6 months are allowed.

Mountain Brook is a residential place (to live and reside) not a transient place (to move in and out).

Thank you for your consideration. Will you please pass this on to the voting members.

Thank you-
Catherine Loveman
16 Crestview Circle



Dana Hazen <hazend@mtnbrook.org>

Re: Airbnb in Mountain Brook

1 message

Sam Gaston <gastons@mtnbrook.org>

Sat, Jul 1, 2017 at 12:50 PM

To: Chad Simmons <jonathanchadsimmons@gmail.com>

Cc: "hazend@mtnbrook.org" <hazend@mtnbrook.org>, QT <richellessimmons@gmail.com>, Jack Bankston <bankstonj@mtnbrook.org>

Thank you for your comment.

Sent from my iPhone

Sam Gaston

> On Jul 1, 2017, at 11:11 AM, Chad Simmons <jonathanchadsimmons@gmail.com> wrote:

>

> Dear Sam,

>

> I am writing to voice my opinion regarding Mountain Brook's current consideration of ordinances that would allow the operation of AirBnB in our residential neighborhoods.

>

> My opinion is commercial business, in any form or fashion, should not be allowed to operate in residential areas.

>

> There seems to be much debate on how, when and where such businesses should be considered. In fact, we have received a voicemail from Mountain Brook City Planner, Dana Hazen, asking under what parameters would we consider it acceptable. The answer to that question is, "None".

>

> Under no circumstances should a commercial business be allowed to operate in a residential neighborhood. I am very perplexed as to why Ms. Hazen is asking these questions instead of working to enforce the current, clearly stated ordinances regarding this subject.

>

> My wife, Richelle, and I will be attending the upcoming planning meeting regarding this consideration. Until then we have asked concerned Mountain Brook residents to voice their opinions and concern. During this time not ONE resident has stated AirBnB was a good, viable or safe idea for our community. Hopefully these are the same sentiments you and Ms. Hazen are currently receiving.

>

> In looking for a solution I would encourage you both to look at Homewood's actions. They are simple, straightforward, addressed the concerns of the residents and put this issue to rest. It seems Ms. Hazen is asking us to compromise the safety of our family and the culture of our quiet cul de sac, but we won't. There simply is too much at stake.

>

> Thank you for your time and consideration. Please feel free to reach out to me if you need additional information and/or clarification.

>

> Sincerely,

> Chad a Simmons

> 4004 Hunters Lane

>

> [205-999-0234](tel:205-999-0234)

>

> Sent from my iPhone



Dana Hazen <hazend@mtnbrook.org>

RE: Mountain Brook Short-Term Rentals

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Sean Pierce <spierce@hkh.law>
Cc: Dana Hazen <hazend@mtnbrook.org>

Mon, Jul 17, 2017 at 3:37 PM

I will. Thank you.

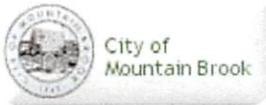
Sam S. Gaston
City Manager
City of Mountain Brook, AL.
56 Church Street
P.O. Box 130009
Mountain Brook AL. 35213
(205) 802-3803 Phone
(205) 870-3577 Fax

From: Sean Pierce [mailto:spierce@hkh.law]
Sent: Monday, July 17, 2017 3:35 PM
To: gastons@mtnbrook.org
Subject: Mountain Brook Short-Term Rentals

Sam, would you please convey to the Mayor and Council (or provide me with their email addresses so that I can do so myself) our family's ardent opposition to short-term rentals of any kind in our city? I am confident the representatives of AirBnB and VRBO will mount a well-funded campaign to legalize their unlawful rentals, but they are an unacceptable risk to the children and families of Mountain Brook. I would honestly prefer not to even have long-term rentals in our city but I can live with the residents they bring. I cannot live with the unknown and unvetted tourists short-term rentals will bring, no matter how profitable they may be to the individual homeowners. Please let me know what else I can do to have our voice heard in this process.

Thank you!

Sean, Tiffany, Jack and Will Pierce
3420 River Bend Road
Mountain Brook, AL 35243
[205-533-3673](tel:205-533-3673)



Dana Hazen <hazend@mtnbrook.org>

RE: Short Term Rentals

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Dawson Cooper <dawsondcooper@gmail.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Wed, Jul 12, 2017 at 10:53 AM

Thank you for your comments.

Sam S.Gaston
City Manager
City of Mountain Brook, AL.
56 Church Street
P.O. Box 130009
Mountain Brook AL. 35213
(205) 802-3803 Phone
(205) 870-3577 Fax

From: Dawson Cooper [mailto:dawsondcooper@gmail.com]
Sent: Wednesday, July 12, 2017 10:28 AM
To: gastons@mtnbrook.org
Subject: Fwd: Short Term Rentals

Begin forwarded message:

From:
Dawson Cooper <dawsondcooper@gmail.com>
Subject: Short Term Rentals
Date:
July 12, 2017 at 8:15:25 AM PDT
To:
SGaston@mtnbrook.org, awomack3712@charter.net

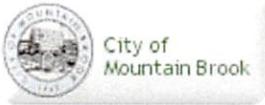
Dear Sam and Alice,

I received word from a friend that y'all would be discussing AirBnB rentals in Mtn. Brook. While I see the allure and convenience of AirBnB in larger cities, I do not think that it is appropriate for a community like Mountain Brook. I treasure the fact that I know all of my neighbors and that my children can play safely in our neighborhood. I would not want nightly, random short term renters in our neighborhood.

I am assuming this ban would not affect longer term rentals for residential renovations, job changes, etc. and that it would only be applying to AirBnB rentals.

Thank you both for all that you do for our city. I am so thankful to have grown up in such a loving community and to now be raising my children here.

Sincerely,
Dawson Cooper



Dana Hazen <hazend@mtnbrook.org>

Re:

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Delia Fischer <fischer.delia@gmail.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Wed, Jul 12, 2017 at 6:20 AM

Thank you for your comments

Sent from my iPhone
Sam Gaston

> On Jul 12, 2017, at 5:41 AM, Delia Fischer <fischer.delia@gmail.com> wrote:
>
>
> Mr. Gaston,
>
> Please do not allow short term rentals in our Mountain Brook neighborhoods.
>
> Thank you,
>
> Delia Fischer
>
>
> Sent from my iPhone

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:29 PM
To: Alice Womack
Subject: Fwd: STRs (Short Term Rentals)

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Craig Martin <cmdvm@aol.com>
Date: July 11, 2017 at 6:04:25 PM CDT
To: SGaston@mtnbrook.org, awomack3712@charter.net
Cc: Bess <martinbessw@aol.com>
Subject: STRs (Short Term Rentals)

Sam and Alice,

I would like to voice my opinion in opposition of short-term rentals in the city of Mountain Brook. I have a friend who has one in their neighborhood, and there is a constant flow of people in and out of the neighborhood that are unknown to the neighbors. In order to preserve our safe neighborhoods and to maintain the "neighborhood feel" in our community, I feel as if our city needs to ban short-term rental practices.

Thanks
Craig and Bess Martin

3100 N Woodridge Rd
Mtn Brook, AL 35223

Craig Martin DVM
Liberty Animal Hospital PC
205.970.0411

Village Pet Care PC
205.582.2468

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:28 PM
To: Alice Womack
Subject: Fwd: Short term rentals

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

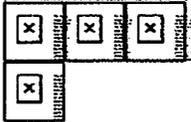
Begin forwarded message:

From: Baker Chambliss <bakerchambliss@mac.com>
Date: July 11, 2017 at 8:19:17 PM CDT
To: awomack3712@charter.net
Subject: Short term rentals

Please consider banning these in Mtn. Brook. These are not safe and jeopardize our awesome neighborhoods.

Thanks!

Baker Chambliss
www.drbakerchambliss.com
[205.478.0354](tel:205.478.0354) (c)
[205.453.0314](tel:205.453.0314) (o)



Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:23 PM
To: Alice Womack
Subject: Fwd: AirBNB

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Hunter Craig <hrcraig@highlandassoc.com>
Date: July 11, 2017 at 4:53:08 PM CDT
To: "awomack3712@charter.net" <awomack3712@charter.net>
Subject: AirBNB

Alice,

I hope you are doing well and having a good summer. I understand the Council may be discussing AirBNB tomorrow. We have some friends-of-friends in our neighborhood that are directly impacted by this issue. It does not sound like it is a pleasant experience. We also have a few rental houses in our neighborhood, and I would hate to be dealing with what they are experiencing. I don't know what, if any, vote is occurring tomorrow – but for what its worth I would be happy to see it banned, especially for short term rentals.

Thanks for letting me give my two cents. Hope to see you soon.

Best,
Hunter

HUNTER W. CRAIG
DIRECTOR



HIGHLAND

HIGHLAND ASSOCIATES, INC.
2545 HIGHLAND AVENUE SOUTH, SUITE 200
BIRMINGHAM, AL 35205
WORK: 205-939-8322

EMAIL: HCRAIG@HIGHLANDASSOC.COM | WEB: HIGHLANDASSOC.COM | 

IMPORTANT NOTICE: THE INFORMATION PROVIDED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. WHILE HIGHLAND HAS TRIED TO PROVIDE ACCURATE AND TIMELY INFORMATION, THERE MAY BE UNADVERTENT TECHNICAL OR FACTUAL INACCURACIES OR TYPOGRAPHICAL ERRORS FOR WHICH WE APOLOGIZE. THE INFORMATION PROVIDED HEREIN DOES NOT CONSTITUTE A SOLICITATION OR OFFER BY HIGHLAND, OR ITS SUBSIDIARIES AND AFFILIATES, TO BUY OR SELL ANY SECURITIES OR OTHER FINANCIAL INSTRUMENT, OR TO PROVIDE INVESTMENT ADVICE OR SERVICE. NOTHING CONTAINED HEREIN SHOULD BE CONSTRUED AS INVESTMENT ADVICE OR A RECOMMENDATION TO PURCHASE OR SELL A PARTICULAR SECURITY. INVESTING INVOLVES A HIGH DEGREE OF RISK, AND ALL INVESTORS SHOULD CAREFULLY CONSIDER THEIR INVESTMENT OBJECTIVE AND THE SUITABILITY OF ANY INVESTMENTS. PAST PERFORMANCE IS NOT INDICATIVE OF FUTURE RESULTS. INVESTMENTS ARE SUBJECT TO LOSS.

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:23 PM
To: Alice Womack
Subject: Fwd: Short term rentals in MB

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Collins Clegg <collinsclegg@mac.com>
Date: July 11, 2017 at 6:04:14 PM CDT
To: awomack3712@charter.net
Subject: Short term rentals in MB

Alice-

Just wanted to voice my opinion to ban the short term rentals in Mb. We have too good of a thing going making our community special-
Thank you-

Collins Clegg
(205) 910-4037
collinsclegg@mac.com

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:23 PM
To: Alice Womack
Subject: Fwd: Short term rental policies

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Caroline Ezelle <caroline.ezelle@gmail.com>
Date: July 11, 2017 at 4:43:01 PM CDT
To: SGaston@mtnbrook.org, "awomack3712@charter.net" <awomack3712@charter.net>
Subject: Short term rental policies

I would like Mtn. Brook to take a look a a very spelled-out short term rental policy similar to Jackson Hole's policy. Here is how they handle their airBnBs and VRBOs.

Short-term rental (Sec. 6.1.5.C.)

Unless your property is either permitted as a lodging use (hotel, motel, campground, bed & breakfast, guest ranch, etc.) or specifically within one of the approved short-term rental sites below, renting your house for less than 31 days is prohibited.

- i. The Aspens (condominiums and single-family homes);
- ii. Teton Shadows (condominiums only);
- iii. Teton Village (condominiums and single-family homes);
- iv. Golf Creek (condominiums only);
- v. Jackson Hole Racquet Club Resort Commercial Area (Lodges at Teton Pines, Residence Club of Teton Pines and Teton Pines Condominiums)
- vi. Spring Creek Ranch and,
- vii. Crescent H "Fish Lodges" (Crescent H lot 8).

Other developments that have been approved for short-term rental as part of their Master Plans include Cabins at Jackson Hole Golf & Tennis Club and Shooting Star townhomes and condominiums.

Permitted Accessory Residential Units (ARUs) or guesthouses are not permitted to be rented on a short-term basis. (Sec. 6.1.11.B.)

Please note, violations of the above standards may be forwarded to the County Attorney for prosecution as a violation of the Teton County Land Development Regulations, in addition to any other remedies available pursuant to Wyoming law. Wyoming Statute 18-5-204 provides the authority for the County to prosecute a violation of the Land Development Regulations. The maximum penalty, as provided in Wyoming Statute 18-5-206 for such a violation shall be a fine of seven hundred fifty dollars (\$750.00) for each offense. Pursuant to Wyoming Statute 18-5-

204 each day a violation continues to exist is a separate offense.
Sent from my iPhone

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:22 PM
To: Alice Womack
Subject: Fwd: Short term rentals

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Sara Lynne Keith <saralkeith42@gmail.com>
Date: July 11, 2017 at 4:49:48 PM CDT
To: SGaston@mtnbrook.org, awomack3712@charter.net
Subject: Short term rentals

Dear Sam and Alice,

I am writing to request that the City of Mountain Brook ban short term rentals in all Mtn Brook areas zoned as single family residences. When we bought our home in this community, we fully expected to have neighbors that own the houses in which they live or neighbors who have long term leases on the houses in which they live. We do not want short term rentals in our neighborhoods. Please stand up for the vast majority of the Mtn Brook community and vote to ban short term rentals.

Thank you for your consideration.
Sara Lynne and John Keith
42 Norman Drive
35213

Sent from my iPhone

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:22 PM
To: Alice Womack
Subject: Fwd: Please ban short term rentals

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Claire Thomas <clairemagnusthomas@gmail.com>
Date: July 11, 2017 at 10:11:12 PM CDT
To: awomack3712@charter.net
Subject: Please ban short term rentals

I feel that it is in the best interested of our community to ban short term rentals.

Thanks,
Claire Thomas
6 Spring Street
35213

Sent from my iPhone

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:22 PM
To: Alice Womack
Subject: Fwd: Short Term Rentals

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Dawson Cooper <dawsondcooper@gmail.com>
Date: July 12, 2017 at 10:15:25 AM CDT
To: SGaston@mtnbrook.org, awomack3712@charter.net
Subject: Short Term Rentals

Dear Sam and Alice,

I received word from a friend that y'all would be discussing AirBnB rentals in Mtn. Brook. While I see the allure and convenience of AirBnB in larger cities, I do not think that it is appropriate for a community like Mountain Brook. I treasure the fact that I know all of my neighbors and that my children can play safely in our neighborhood. I would not want nightly, random short term renters in our neighborhood.

I am assuming this ban would not affect longer term rentals for residential renovations, job changes, etc. and that it would only be applying to AirBnB rentals.

Thank you both for all that you do for our city. I am so thankful to have grown up in such a loving community and to now be raising my children here.

Sincerely,
Dawson Cooper

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:22 PM
To: Alice Womack
Subject: Fwd: Ban STR's

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Shannon Wadlington <shannwad@gmail.com>
Date: July 12, 2017 at 2:33:14 PM CDT
To: Sgaston@mtnbrook.org, Awomack3712@charter.net
Subject: Ban STR's

I'm writing to both of you to please consider banning Short term rentals/ Airbnb's in our neighborhoods of Mountain Brook. For some of our close neighbors to have strangers checking in/out of houses across the street from our children playing is not conducive like a community of Mountain Brook. Please consider crafting an ordinance on banning STR's.

Thank you,
Shannon Wadlington

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:23 PM
To: Alice Womack
Subject: Fwd: Please Ban STRs in Mountain Brook Neighborhoods

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: Alexandra Goodrich <aligoodrich@gmail.com>
Date: July 11, 2017 at 3:16:32 PM CDT
To: SGaston@mtnbrook.org, awomack3712@charter.net
Subject: **Please Ban STRs in Mountain Brook Neighborhoods**

PLEASE.

Alice Womack

From: Alice Womack <awomack3712@charter.net>
Sent: Friday, July 14, 2017 2:24 PM
To: Alice Womack
Subject: Fwd: AirBNB

This e-mail is from an external source.
Please do not open attachments or click links from an unknown or suspicious origin.

Sent from my iPhone

Begin forwarded message:

From: amy stamper <amystamper@me.com>
Date: July 11, 2017 at 5:08:22 PM CDT
To: SGaston@mtnbrook.org
Cc: awomack3712@charter.net
Subject: AirBNB

My husband and I are opposed to AirBNB short term rentals in our Mountain brook neighborhoods.

Than you for considering our viewpoint.

Mrs. James Rainer
6 Pine Ridge Lane
35213



Dana Hazen <hazend@mtnbrook.org>

RE: NO AirBNB/Short Term Rental in our Single-Family Resident zones

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Gayle Jones <gaylejones5@yahoo.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Fri, Jul 7, 2017 at 4:19 PM

Thank you for your comments.

Sam S.Gaston

City Manager

City of Mountain Brook, AL.

56 Church Street

P.O. Box 130009

Mountain Brook AL. 35213

[\(205\) 802-3803](tel:(205)802-3803) Phone

[\(205\) 870-3577](tel:(205)870-3577) Fax

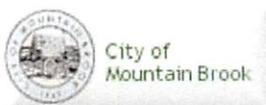
-----Original Message-----

From: Gayle Jones [mailto:gaylejones5@yahoo.com]
Sent: Friday, July 07, 2017 4:02 PM
To: gastons@mtnbrook.org
Subject: NO AirBNB/Short Term Rental in our Single-Family Resident zones

Dear Mr. Gaston,

I recently learned that some homes in our community are participating in the AirBNB and renting out rooms of their homes to non-residents of Mountain Brook. I DISAGREE with this practice of this in our community. An AirBNB means increased traffic and disruption in our quiet neighborhoods. This practice could also lessen the value of our homes and places strangers beside homes where children play outside and meet their friends. Please follow what the City of Homewood has already done, and do not allow Air BNB in our single family homes and community.

Sincerely,
Gayle Jones
3737 Dover Dr.
Mountain Brook, Alabama



Dana Hazen <hazend@mtnbrook.org>

Re: Please vote NO to allow short term rentals in mtn brook

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Julie Stewart <julievstewart@gmail.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Wed, Jul 5, 2017 at 8:09 PM

Thank you for your comments.

Sent from my iPhone
Sam Gaston

> On Jul 5, 2017, at 6:02 PM, Julie Stewart <julievstewart@gmail.com> wrote:

>

> I am shocked, alarmed, disappointed and completely furious that our city is currently allowing airbnb or any other short term rentals. I have recently seen the rentals which are available on hunters lane, Nottingham, and several in Crestline. This is outrageous. I have full faith in you and our city council that this will be banned from our community. Thank you.

> Concerned residents- Julie and Colin Stewart

>

> Sent from my iPhone



Dana Hazen <hazend@mtnbrook.org>

Re: Air bnb in MB

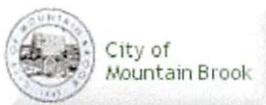
1 message

Sam Gaston <gastons@mtnbrook.org> Sun, Jul 2, 2017 at 8:59 AM
To: Lorelle Baddley <lobaddley@yahoo.com>
Cc: "Alice.Womack@oakworthcapital.com" <Alice.Womack@oakworthcapital.com>, "awomack3712@charter.net" <awomack3712@charter.net>, Dana Hazen <hazend@mtnbrook.org>, Jack Bankston <bankstonj@mtnbrook.org>

Thank you for your comments.

Sent from my iPhone
Sam Gaston

- > On Jul 1, 2017, at 3:49 PM, Lorelle Baddley <lobaddley@yahoo.com> wrote:
- >
- > Mr. Gaston,
- > I am emailing you regarding the air bnb listings in Mountain Brook. My friend Richelle Simmons has one across the street from her on Hunters Lane. I am horrified that short term rentals are being allowed here. It is not safe for our children with the increased traffic and unknown persons in and out of these homes. This surely is bad for property values also.
- > I was told that you were the one that was presenting the concerns of Mountain Brook citizens to the city counsel. Please help stop this from happening in our city. Thank you.
- >
- > Lorelle Baddley
- >
- > Lorelle
- >
- >



Dana Hazen <hazend@mtnbrook.org>

Re: AirBNB, VRBO, Short-Term Rentals

1 message

Sam Gaston <gastons@mtnbrook.org>

Sun, Jul 2, 2017 at 12:18 PM

To: Meaghan Limbaugh <meaghan.limbaugh@gmail.com>

Cc: Dana Hazen <hazend@mtnbrook.org>, Jack Bankston <bankstonj@mtnbrook.org>

Thank you for your comments

Sent from my iPhone
Sam Gaston

On Jul 2, 2017, at 10:13 AM, Meaghan Limbaugh <meaghan.limbaugh@gmail.com> wrote:

Good Morning Mr. Gaston,

First I want to thank you for all that you do for our beautiful city. My husband and his grandparents and parents have grown up here, but I am a relative newcomer (4years ago) to Mountain Brook. Recently a big and controversial issue was brought to my attention. I was made aware that, currently, we are allowing short term rentals in our neighborhoods through VRBO and AirBNB. As a mother of 4, almost 5, I have huge concerns with this.

First of all, I check the sex offender registry monthly to ensure none of these individuals have moved anywhere near us. With the short term rental business, there is no way for me personally to be responsible and vet those with whom I am surrounding my family.

Additionally, as I'm sure you are aware Birmingham is a thriving stop on the sex trafficking highway network. <http://www.birminghamtimes.com/2017/02/150-billion-human-trafficking-industry-flows-through-birmingham/>

<https://www.google.com/amp/yellowhammernews.com/faithandculture/the-sex-trafficking-superhighway-most-alabamians-dont-even-realize-runs-through-their-state/amp/>

<http://weldbham.com/blog/2016/11/23/perfect-storm-human-trafficking/>

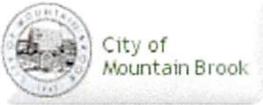
This being said, I can't help but think that this network would be further bolstered and may even brought to our neighborhoods if we continue to allow these short-term leases to take place.

The beauty and charm of our neighborhoods are also in danger of being compromised, as it's hard to get to know your neighbors when they are turning over frequently. Please follow the city of Homewood's stance and do not allow this to take place in Mountain Brook.

Thank you for taking the time to read this.

Sincerely,
Meaghan Limbaugh3613 Kingshill Rd. Mountain Brook, AL 35223
770-639-7661

Sent from my phone, please excuse any errors.



Dana Hazen <hazend@mtnbrook.org>

Re: No Short Term Rentals Please

1 message

Sam Gaston <gastons@mtnbrook.org>

Sun, Jul 2, 2017 at 12:20 PM

To: Nika <mccoolfamily@att.net>

Cc: Dana Hazen <hazend@mtnbrook.org>, Jack Bankston <bankstonj@mtnbrook.org>

Thank you for your comments

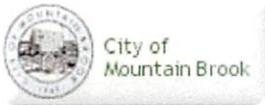
Sent from my iPhone
Sam Gaston

> On Jul 2, 2017, at 11:06 AM, Nika <mccoolfamily@att.net> wrote:

>

> As a long time Mtn Brook resident, I would like to voice my opposition to AirBnB, VRBO or other short term rentals in Mtn Brook. I feel strongly that these type Rentals undermine the feeling of community and neighborly atmosphere that make Mtn Brook such a special place.

>



Dana Hazen <hazend@mtnbrook.org>

Re: Air bnb in MB

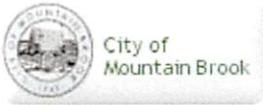
1 message

Sam Gaston <gastons@mtnbrook.org> Sun, Jul 2, 2017 at 8:59 AM
To: Lorelle Baddley <lobaddley@yahoo.com>
Cc: "Alice.Womack@oakworthcapital.com" <Alice.Womack@oakworthcapital.com>, "awomack3712@charter.net" <awomack3712@charter.net>, Dana Hazen <hazend@mtnbrook.org>, Jack Bankston <bankstonj@mtnbrook.org>

Thank you for your comments.

Sent from my iPhone
Sam Gaston

- > On Jul 1, 2017, at 3:49 PM, Lorelle Baddley <lobaddley@yahoo.com> wrote:
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- > Mr. Gaston,
- > I am emailing you regarding the air bnb listings in Mountain Brook. My friend Richelle Simmons has one across the street from her on Hunters Lane. I am horrified that short term rentals are being allowed here. It is not safe for our children with the increased traffic and unknown persons in and out of these homes. This surely is bad for property values also.
- > I was told that you were the one that was presenting the concerns of Mountain Brook citizens to the city counsel. Please help stop this from happening in our city. Thank you.
- >
- > Lorelle Baddley
- >
- > Lorelle
- >
- >



Dana Hazen <hazend@mtnbrook.org>

Re: Air BNB

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Margaret Jeffords <mjeffords@charter.net>
Cc: Dana Hazen <hazend@mtnbrook.org>

Sat, Jul 8, 2017 at 9:39 PM

Thank you for your comments.

Sent from my iPhone
Sam Gaston

> On Jul 8, 2017, at 1:39 PM, Margaret Jeffords <mjeffords@charter.net> wrote:

>

> Dear Mr Gaston,

> I am writing to express my opinion concerning Air BNB in the Mtn Brook City Limits. We live on Warrington Rd and STRONGLY disagree with this and fear it will be a huge problem to our community for the following reason:

> 1. It will increase traffic and noise in the neighborhood

> 2. Possibly increase crime

> 3. Home values decline due to Air BNB

> 4. Concerns for children safety that maybe walking or playing in our neighborhoods.

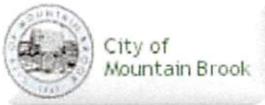
> We are aware that Homewood has banned this from happening and really hope Mtn Brook will stop this as well. We appreciate you addressing these concerns for our community.

> Sincerely,

> Doug and Margaret Jeffords

>

> Sent from my iPad



Dana Hazen <hazend@mtnbrook.org>

Re: AirBNB, VRBO, Short-Term Rentals

1 message

Sam Gaston <gastons@mtnbrook.org>

Sun, Jul 2, 2017 at 12:18 PM

To: Meaghan Limbaugh <meaghan.limbaugh@gmail.com>

Cc: Dana Hazen <hazend@mtnbrook.org>, Jack Bankston <bankstonj@mtnbrook.org>

Thank you for your comments

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First of all, I check the sex offender registry monthly to ensure none of these individuals have moved anywhere near us. With the short term rental business, there is no way for me personally to be responsible and vet those with whom I am surrounding my family.

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<https://www.google.com/amp/yellowhammernews.com/faithandculture/the-sex-trafficking-superhighway-most-alabamians-dont-even-realize-runs-through-their-state/amp/>

<http://weldbham.com/blog/2016/11/23/perfect-storm-human-trafficking/>

This being said, I can't help but think that this network would be further bolstered and may even brought to our neighborhoods if we continue to allow these short-term leases to take place.

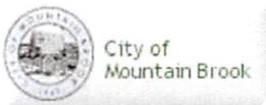
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Thank you for taking the time to read this.

Sincerely,
Meaghan Limbaugh

3613 Kingshill Rd. Mountain Brook, AL 35223
770-639-7661

Sent from my phone, please excuse any errors.



Dana Hazen <hazend@mtnbrook.org>

Re: No Short Term Rentals Please

1 message

Sam Gaston <gastons@mtnbrook.org>

Sun, Jul 2, 2017 at 12:20 PM

To: Nika <mccoolfamily@att.net>

Cc: Dana Hazen <hazend@mtnbrook.org>, Jack Bankston <bankstonj@mtnbrook.org>

Thank you for your comments

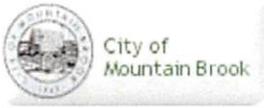
Sent from my iPhone
Sam Gaston

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>

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>



Dana Hazen <hazend@mtnbrook.org>

Fwd: Short term rentals

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Dana Hazen <hazend@mtnbrook.org>

Tue, Jul 11, 2017 at 9:45 PM

Sent from my iPhone
Sam Gaston

Begin forwarded message:

From: Alice Womack <awomack3712@charter.net>
Date: July 11, 2017 at 9:19:52 PM CDT
To: Sara Lynne Keith <saralkeith42@gmail.com>
Cc: Sam Gaston <gastons@mtnbrook.org>
Subject: Re: Short term rentals

By way of this email I have copied him and will share your input.

Sent from my iPhone

On Jul 11, 2017, at 8:29 PM, Sara Lynne Keith <saralkeith42@gmail.com> wrote:

Thank you Alice! I'm not sure I had the correct address for Sam Gaston.

Sent from my iPhone

On Jul 11, 2017, at 7:49 PM, Alice Womack <awomack3712@charter.net> wrote:

Thank you for the email!

Sent from my iPhone

On Jul 11, 2017, at 4:49 PM, Sara Lynne Keith <saralkeith42@gmail.com> wrote:

Dear Sam and Alice,

7/12/2017

City of Mountain Brook Mail - Fwd: Short term rentals

I am writing to request that the City of Mountain Brook ban short term rentals in all Mtn Brook areas zoned as single family residences. When we bought our home in this community, we fully expected to have neighbors that own the houses in which they live or neighbors who have long term leases on the houses in which they live. We do not want short term rentals in our neighborhoods. Please stand up for the vast majority of the Mtn Brook community and vote to ban short term rentals.

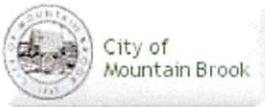
Thank you for your consideration.

Sara Lynne and John Keith

42 Norman Drive

35213

Sent from my iPhone



Dana Hazen <hazend@mtnbrook.org>

RE: Air BNB

1 message

Sam Gaston <gastons@mtnbrook.org>
To: Tanya Cooper <tmcetal@aol.com>
Cc: Dana Hazen <hazend@mtnbrook.org>

Wed, Jul 12, 2017 at 10:52 AM

Thank you.

Sam S.Gaston

City Manager

City of Mountain Brook, AL.

56 Church Street

P.O. Box 130009

Mountain Brook AL. 35213

[\(205\) 802-3803](tel:(205)802-3803) Phone

[\(205\) 870-3577](tel:(205)870-3577) Fax

-----Original Message-----

From: Tanya Cooper [mailto:tmcetal@aol.com]

Sent: Wednesday, July 12, 2017 10:43 AM

To: gastons@mtnbrook.org

Subject: Air BNB

Good morning Sam,

I've been reading about this in various articles, have received several emails and would like to voice my opposition to Mtn brook allowing this. Our neighborhoods are special and in my opinion it does not benefit the "whole" community by allowing a few to do short term leases. Have a great day and I will see you soon at our next meeting.

Tanya cooper

Sent from my iPhone

RESOLUTION NO. 2017-092

RESOLUTION DECLARING MORATORIUM

WHEREAS, pursuant to Ala. Code § 11-52-70 (1975), the City has adopted a Zoning Ordinance regulating “the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established” within the City; and

WHEREAS, the City’s Zoning Ordinance does not contain specific references or zoning regulations for short term rental operations in residential areas, a use which has become more prevalent in areas in proximity to the City in recent years; and

WHEREAS, short term rental operations typically involve renting rooms or whole homes to non-family members for a fee; involve stays of shorter than 30 days; are arranged for through the use of internet sites such as Airbnb, VRBO, Home Away or Craig’s List; are dependent on higher volume residential customer traffic than is usually prevalent in single family residential neighborhoods; are operated without the collection of lodging tax or procurement of a business license; and involve higher parking and traffic demand than is typical in single family residential areas, all of which may make such a use incompatible with single and multi-family residential uses established under one or more of the City’s residential zoning districts; and

WHEREAS, pursuant to Ala. Code § 11-52-72, the City has authority to amend its Zoning Ordinance “with reasonable consideration... to the character of the district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.”

WHEREAS the City finds that further analysis of short term rental and similar uses is necessary and appropriate to the development and consideration of amendments to the City’s Zoning Ordinance and other appropriate regulatory measures governing those uses; and

WHEREAS, the City finds it appropriate to establish a moratorium on the establishment of any new short term rental uses, the issuance of any new building permits for short term rental operations or the issuance of new business licenses for short term rental operations while it analyzes regulatory options, and, if it finds that additional regulatory enactments are appropriate, while it reasonably and deliberately develops those options for consideration; and

WHEREAS, the City finds that this moratorium is necessary to ensure that its Zoning Ordinance is implemented effectively and fairly, that new uses are integrated appropriately and compatibly with existing uses, and that the goals and objectives of the City’s zoning and planning initiatives are fully considered in order to protect and enhance property values, promote consistency, promote health and general welfare, prevent undue traffic and density of uses, and protect the standard of development in adjacent and surrounding areas; and

WHEREAS, the City further finds that this moratorium is designed to limit the use of property in a temporary and minimal way and shall be effective only for such time as is necessary to reasonably consider regulatory options and to implement those options, if appropriate.

NOW, THEREFORE, BE IT RESOLVED as follows by the City Council of the City of Mountain Brook:

Short-Term Rentals

2017-092

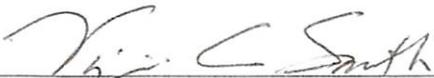
1. **Moratorium on Building Permits.** A moratorium on the issuance of building permits shall be established for all property in residential zoning districts intended for use as short term rental operations within the City. While this moratorium is in effect, no building permits or construction approvals for such uses shall be granted, except as provided herein. This moratorium shall apply only to construction, additions, and interior and exterior alterations and will not prohibit repair to existing structures occupied or used currently for such purposes as of the date of passage of this Resolution.
2. **Moratorium on the Issuance of Business Licenses.** A moratorium on the issuance of business licenses for new short term rental operations in residential zoning districts shall be established. While this moratorium is in effect, no new business licenses shall be granted for the operation of short term rental operations in residential zoning districts within the City, except as provided herein.
3. **Moratorium on Establishment of New Short Term Rental Uses or Extension of Existing Uses.** A moratorium on the establishment of new short term rental uses or the extension of existing short term rental uses in residential zoning districts shall be established. While this moratorium is in effect, no new short term rental operation shall be established and no new reservations shall be accepted for existing short term rental operations in residential zoning districts within the City; provided, however that reservations that have already been accepted as of the date of this Resolution may be fulfilled.
4. **Area Subject to Moratorium.** This moratorium shall apply to all property located in the municipal limits of Mountain Brook, Alabama.
5. **“Short Term Rental Operation” Defined for the Purpose of Moratorium.** For the purpose of this moratorium, a “short term rental operation” is defined as the rental of any residential property for rent, a fee or other consideration for a period of time less than thirty (30) successive days.
6. **Time of Moratorium.** This moratorium shall be imposed immediately upon its passage by the City Council, and shall extend for an initial period of ninety (90) days. After the initial ninety (90) day period, this moratorium may be extended for one (1) additional ninety (90) day period, if compilation, the public hearing process, and adoption of amendments to the zoning ordinance have not been completed at the time of extension, in the sole discretion of the City Council of the City of Mountain Brook.
7. **Purposes of Moratorium.** This moratorium is designed to protect the health, safety and welfare of the residents of Mountain Brook by temporarily limiting expansion or conversion of residential properties used or to be used as short term rental operations until appropriate amendments to the Zoning Ordinance and other regulatory enactments may be considered and adopted, if adoption is deemed appropriate and necessary. This moratorium has been determined to be in the best interest of the City of Mountain Brook and its residents and is narrowly tailored to accomplish the objective of protecting the future viability of affected areas, which impact has direct bearing on the health, safety, and welfare of residents of this area and the general public.
8. **Hardship Provision.** The City will impose and implement this moratorium reasonably and will not unduly restrict the use of affected property. Accordingly, any landowner who has

been denied use of his or her property may present evidence of same to the City Council of the City of Mountain Brook as a request for a hardship. In evaluating whether such a hardship exists, the City Council of the City of Mountain Brook shall determine whether the moratorium as applied to the specific parcel prohibits *any and all* use of the property which is the subject of the request. Absent said hardship, the moratorium will continue in full force and effect, provided, however, that, if the City Council of the City of Mountain Brook determines that such a hardship exists, it may permit the requested use or modify the moratorium to the minimum extent necessary to remedy the hardship.

If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

This resolution shall become effective immediately upon its approval, adoption, and publication as provided by law.

ADOPTED: This 24th day of July, 2017.

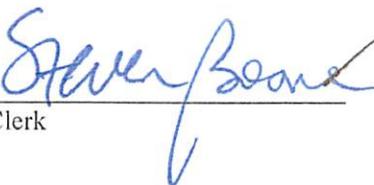


Council President

APPROVED: This 24th day of July, 2017.



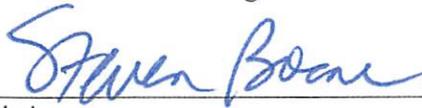
Mayor

Attest: 

City Clerk

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on July 24, 2017, as same appears in the minutes or record of said meeting.



City Clerk

2017-092