

**INDIAN SPRINGS VILLAGE
TOWN COUNCIL MEETING
November 16, 2021**

The Indian Springs Village Town Council met Tuesday, November 16, 2021. Mayor Brenda Bell-Guercio called the meeting to order at 7:00 pm. and led in the Pledge of Allegiance. All councilmembers were present.

November 2, 2021 minutes were submitted for approval. Councilmember Robins made a motion to accept the minutes as presented, Councilmember Whatley seconded and the vote was unanimous.

Wilson Davis of Boy Scout Troop 533 was in attendance in order to achieve his Citizenship in the Community Badge.

Wayne Jones, PAZ chairman reported a PAZ meeting was held November 9, 2021 to review cell tower add-ons to the cell towers located on Caldwell Mill Rd. and Stagg Run. Jones asked the Council to consider the PAZ recommendation to approve Crown Castle's request to add co-locators to the aforementioned towers. Whatley made a motion to accept the request as presented and Harley seconded. The vote was unanimous.

Rick Harley presented the October 2021 financials, the first month in the 2022 year. Harley made a motion to accept them as presented. Councilmember Elliott seconded and the vote was unanimous.

Robins reported a complaint from a resident with regard to 5533 Double Oak Lane. Our Town Engineer is looking into the matter and will advise.

Bell-Guercio presented letters she had written to the principals of the Oak Mountain Schools informing them that their Wish List has been granted. After consideration Elliott made a motion that ISV make grants available to the schools per their Wish List presentation at the last Council meeting. The distribution of grants is broken down as follows:

Oak Mountain High School - \$75,000

The grant will be used for completion of new press box, performing arts center, and instruments for band and/or performing arts equipment along with teacher grants.

Oak Mountain Intermediate School - \$50,000

The grant will be used for shade structure for the playground, an upgrade to the PA infrastructure and Broadcast Department, a sensory pathway for

Special needs and security film on some of the windows.

Oak Mountain Middle School – \$75,000

The grant will go towards replacing the bleachers in the gym.

Oak Mountain Elementary School - \$56,000

The grant will be used to complete the Playground Project.

The ability to provide these grants is due to the 2% sales tax recently enacted by the Town of Indian Springs Village.

Bell-Guercio presented Resolution 111521-002 creating and establishing a temporary moratorium on the issuance of business licenses, zoning approvals, building permits, and/or certificates of occupancy for short-term rentals. After a brief discussion, Elliot made a motion to accept the Resolution as presented. Harley seconded and the vote was unanimous. The resolution is hereby spread upon the minutes.

RESOLUTION NO. 111521-002

A RESOLUTION CREATING AND ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF BUSINESS LICENSES, ZONING APPROVALS, BUILDING PERMITS, AND/OR CERTIFICATES OF OCCUPANCY FOR SHORT-TERM RENTALS.

WHEREAS, in Resolution No. 111521-001, the Town Council of the Town of Indian Springs Village (the “Council”) has petitioned to amend the Zoning Ordinance for the Town to regulate short-term rentals in the Town of Indian Springs Village, Alabama (the “Town”);

WHEREAS, the terms utilized in this Resolution shall be given the meanings ascribed to them in proposed Ordinance No. 2022-001, a copy of which is attached to Resolution No. 111521-001;

WHEREAS, a number of states have proactively provided legislation to regulate short-term rentals, but the State of Alabama has no legislation in place to protect occupants of short-term rentals and/or the communities in which short-term rentals are located;

WHEREAS, in the absence of state legislation, the Town Council believes that it is in the best interests of the occupants of short-term rentals and the Town for there to be local regulations for short-term rentals;

WHEREAS, short-term rentals can “distort the rental housing market, which traditionally does not overlap with the hospitality sector,” Dayne Lee, *How Airbnb Short-Term Rentals Exacerbate Los Angeles's Affordable Housing Crisis: Analysis and Policy Recommendations*, 10 HARV. L. & POLLY REV. 229, 230 (2016);

WHEREAS, one study found that in certain communities short-term rentals have worked to “eliminate

'neighbors' from neighborhoods by driving away long-term residents, draw rowdy crowds, inflate property values, and overall destroy happy, residential communities," James Stumpf, *Striking the Balance: How States Can Protect Both Str Advocates and Opponents*, 28 DEPAUL J. ART, TECH. & INTEL. PROP. L. 194, 200 (2018) (citing David J. Brown, *Do Short-Term Vacation Rentals Change the Character of Historic Neighborhoods?*, (July 25, 2017, 4:13 PM), <http://forum.savingplaces.org/blogs/david-brown/2017/07/25/do-short-term-vacation-rentals-change-the-character-of-historic-neighborhoods> (Residents of New Orleans' historic neighborhoods have expressed strong opposition to short-term rentals moving into their neighborhood. Lisa Amoss, a resident of the historic Faubourg St. John neighborhood stated that: "[o]ur neighborhood (and many others) have been invaded by STRs and they are drastically changing our character and culture ... Our neighborhood is becoming increasingly occupied by transients who have no vested interest in keeping this a vibrant, diverse, and safe place to live." Additionally, Meg Loustau, a resident of New Orleans' historic Tremé neighborhood stated "[e]ven if they are quiet ... that's still a home that's no longer home to one of our neighbors. People who are here for short periods of time, they don't vote, they don't go to school, they don't go to church here, they don't go to the dry cleaners."));

WHEREAS, it is considered by the Town Council to be in the best interest of the Town to create a temporary moratorium on the issuance of business licenses, zoning approvals, building permits, and/or certificates of occupancy for short-term rentals until the amendment to the zoning ordinance is considered by the Council;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Indian Springs Village, Alabama, while in regular session on Tuesday, November 16, 2021, at 7:00 p.m. as follows:

A. In order to maintain the status quo while Town officials expeditiously undertake a review of the Town's short-term rental regulations, a temporary moratorium is hereby established on the issuance of business licenses, zoning approvals, building permits, and/or certificates of occupancy for short-term rentals until the earlier of the following occurs: (i) February 28, 2022, or (ii) proposed Ordinance No. 2022-001 is lawfully adopted by the Town Council and becomes effective upon publication as required by Section 11-45-8 of the *Code of Alabama* (1975).

B. This Resolution shall become effective immediately upon its adoption and publication as required by law.

ADOPTED: This the 16th day of November, 2021.

Herb Robins
Council Chairman Pro Tem

ADOPTED: This the 16th day of November, 2021.

Brenda Bell-Guercio
Mayor

ATTESTED: This the 16th day of November, 2021.

Joan Downs
Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)
SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 16th day of November, 2021, while in regular session, and the same appears of record in the minute book of said date of said Town.

Witness my hand and seal of office this _____ day of November, 2021.

Joan Downs, Town Clerk

Bell-Guercio presented Resolution No. 111521-001 which petitions for an amendment of the Zoning Ordinance concerning short-term rentals. After a brief discussion Elliott made a motion to accept the resolution as presented and Whatley seconded. The vote was unanimous. The Resolution is hereby spread upon the minutes.

RESOLUTION NO. 111521-001

A RESOLUTION TO PETITION FOR AMENDMENT OF THE ZONING ORDINANCE OF THE TOWN OF INDIAN SPRINGS VILLAGE, ALABAMA, CONCERNING SHORT-TERM RENTALS.

WHEREAS, the Town Council of the Town of Indian Springs Village, Alabama (the “Town Council”) is authorized to petition for amendment of the regulations of the Zoning Ordinance for the Town of Indian Springs Village, Alabama, which was originally adopted by the Town Council in a public hearing on July 21, 2015, and amended over time (as amended, the “Indian Springs Village Zoning Ordinance”);

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Indian Springs Village, Alabama, while in regular session on Tuesday, November 16, 2021, at 7:00 p.m. as follows:

A. The Town Council hereby initiates, authorizes, and petitions for amendment of the Indian Springs Village Zoning Ordinance as set forth in proposed Ordinance No. 2022-001, a copy of which is attached hereto as Exhibit A hereof.

B. The Town Council directs that this Resolution be accepted as its petition for amendment as contemplated by the Indian Springs Village Zoning Ordinance and applicable State law.

C. The Town Council requests that following satisfaction of any publication or posting requirements provided by the Indian Springs Village Zoning Ordinance and State law, the Planning and Zoning Commission consider this petition at the Planning and Zoning Commission's next regularly scheduled meeting, that the Planning and Zoning Commission hold a public hearing on the proposed amendment, and that the Planning and Zoning Commission make advisory recommendations to the Town Council concerning the proposed amendment.

D. Upon receipt of the recommendation of the Planning and Zoning Commission of the proposed zoning amendment, the Town Council shall hold a public hearing on the proposed amendment at a regularly scheduled Town Council meeting. On behalf of the Town Council, the Town Clerk is hereby authorized and directed to give public notice of the hearing on the proposed amendment in accordance with the Indian Springs Village Zoning Ordinance and applicable State law.

ADOPTED: This the 16th day of November, 2021.

Herb Robins

Council Chairman Pro Tem

ADOPTED: This the 16th day of November, 2021.

Brenda Bell-Guercio

Mayor

ATTESTED: This the 16th day of November, 2021.

Joan Downs

Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)

SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the 16th day of November, 2021, while in regular session, and the same appears of record in the minute book of said date of said Town.

Witness my hand and seal of office this _____ day of November, 2021.

Joan Downs, Town Clerk

EXHIBIT A

ORDINANCE NO. 2022-001

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF INDIAN SPRINGS VILLAGE, ALABAMA.

WHEREAS, in Resolution No. 111521-001 the Town Council of the Town of Indian Springs Village, Alabama (the “Town Council”), initiated and petitioned for amendment of the regulations of the Zoning Ordinance for the Town of Indian Springs Village, Alabama, which was originally adopted by the Town Council on July 21, 2015, and amended over time (as amended, the “Indian Springs Village Zoning Ordinance”);

WHEREAS, following the adoption of Resolution No. 111521-001 and following the satisfaction of any publication or posting requirements provided by the Indian Springs Village Zoning Ordinance and State law, the Indian Springs Village Planning and Zoning Commission (the “Planning and Zoning Commission”) considered said Resolution at a regularly scheduled meeting, held a public hearing on the proposed amendment, and made advisory recommendations to the Town Council concerning the proposed amendment;

WHEREAS, upon receipt of the report of the Planning and Zoning Commission of the proposed zoning amendment, on behalf of the Town Council, the Town Council gave a “first reading” of the proposed amendment at the next regularly scheduled Town Council meeting and set same for a public hearing following the satisfaction of any publication or posting requirements provided by the Indian Springs Village Zoning Ordinance and State law;

WHEREAS, in accordance with the notice given, the Town Council held a public hearing on the proposed amendment at a regularly scheduled Town Council meeting;

BE IT ORDAINED by the Town Council of the Town of Indian Springs Village, Alabama, as follows:

Section 1. The Town Council hereby finds that the public necessity, convenience, safety, and general welfare warrant amendment of the zoning regulations as provided herein.

Section 2. Article 7 of the Indian Springs Village Zoning Ordinance is hereby amended to protect the public health, safety, welfare, and the existing community standards in the Town of Indian Springs Village by adding the following Section:

SECTION 13.0- SHORT-TERM RENTALS

13.1 Intent and Purposes.

A. The Town of Indian Springs Village 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 Indian Springs Village, 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 town's residential neighborhoods and the health and safety of the residents of Indian Springs Village.

F. This ordinance is required to prohibit the rental of residences and the promotion of advertisement of short-term rentals of residences for periods less than thirty (30) consecutive days, in order to protect the health, safety, and welfare, and the existing community standards in the Town of Indian Springs Village relating to residentially zoned property.

13.2 Definitions. For the purpose 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 o 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 Indian Springs Village Zoning Ordinance. 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.

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 hotels, motels, or other structures designed 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. “Family.” One (1) or more persons occupying a dwelling and living as a single housekeeping unit, all of whom are related to each other by birth, adoption, or marriage.

G. “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.

H. “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.

I. “Person.” Any individual or group of individuals, enterprise, managing agency, rental agent, operator, or any entity.

J. “Remuneration.” Compensation, money, or other consideration given in return for occupancy, possession, or use of real property.

K. “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.

L. “Rental.” An arrangement between a transient and an operator whereby rent is received in exchange for the right to possess a residential structure.

M. “Residence.” Any dwelling, dwelling unit, or structure (in whole or in part) located in any residential zoning district as defined in the Indian Springs Village Zoning Ordinance and the Indian Springs Village Official Zoning Map, including detached single-family dwellings, attached single family dwellings, duplexes, multi-family dwellings, and accessory structures.

N. “Short-term.” A period of less than thirty (30) consecutive days in duration.

O. “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.

P. "Transient." Those who reside, possess, or inhabit a residence (or 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.

13.3 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.

13.4 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.

13.5 Vesting.

A. Existing short-term rentals (previously licensed by the Town of Indian Springs Village and operating in accordance with the terms of the Town'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 November 16, 2021. Rental/lease agreements that were entered into prior to November 16, 2021, as evidenced by a written and validly executed rental agreement or contract provided to the Town Clerk no later than thirty-days following the effective date of this Ordinance shall be considered vested.

B. Vesting shall:

a. Apply only to date-specific contracts entered into in accordance with the terms of the Town'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.

C. 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.

Section 3. All ordinances or parts of ordinances heretofore adopted by the Town Council of the Town of Indian Springs Village, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section 4. 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.

Section 5. This Ordinance shall become effective immediately upon its adoption as publication as provided by law.

ADOPTED: This the ____ day of _____, 2022.

Herb Robins

Council Chairman Pro Tem

ADOPTED: This the ____ day of _____, 2022.

Brenda Bell-Guercio

Mayor

ATTESTED: This the ____ day of _____, 2022.

Joan Downs

Town Clerk

CERTIFICATION OF TOWN CLERK

STATE OF ALABAMA)

SHELBY COUNTY)

I, Joan Downs, Town Clerk of the Town of Indian Springs Village, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Town Council of the Town of Indian Springs Village, Alabama, on the ____ day of _____, 2022.

The above and foregoing ordinance was published on the _____ day of _____, 2022, by posting copies thereof in four public places within the Town:

1. Indian Springs Village Town Hall,
2. Oak Mountain Elementary School,
3. Shelby County Fire Station No. 1, and
4. Shelby County Fire Station No. 2.

Witness my hand and seal of office this _____ day of _____, 2022.

Joan Downs, Town Clerk

Harley reported that he is working on drafting a letter to unincorporated businesses at the corner of Caldwell Mill and Valleydale to request a meeting in order to inform them of the benefits of annexing into ISV and request their consideration of annexation.

Bell-Guercio adjourned the meeting at 7:35 pm.

Sincerely submitted:

Joan Downs, Town Clerk