1. CALL TO ORDER:

   The Short Term Rental (STR) Task Force met in regular session with the following members and City staff present:

2. ROLL CALL:

   **Members Present**
   - Darryl Shelton
   - Guy Tadlock
   - Bruce Craul
   - Richard Scali
   - Walter Woo
   - Patti Brown

   **Staff Present**
   - City Manager Carisse LeJeune
   - City Clerk Rey Bailey
   - Community Development Director Jennifer Bryla

   **Member Absent**
   - Jason Sprenkle

3. APPROVAL OF MINUTES: December 20, 2017

   Motion by Ms. Patti Brown, seconded by Mr. Walter Woo, to approve the December 20, 2017 minutes, as amended, passed 6-0.

4. DISCUSSION

   a) Issues and Impacts Related to STR

   The City Manager provided a brief summary of the several documents the Land Use Attorney had provided to the members in an email:

   - Florida Gulf Coast Vacation Homes versus the City of Anna Maria
   - Ordinance from Flagler County which was challenge in court by a vacation rental property management company regarding the elements of their ordinance. The Court found in favor of Flagler County
   - A copy of the City of Anna Maria ordinance
   - The filing against the City of Anna Maria by the Florida Gulf Coast Vacation Homes and the final judgement in favor of the City of Anna Maria
   - The ability of local government authorities to require a schematic drawing of the interior at the time of registration on an annual basis for annual registration
   - The ability of local government authorities to inspect on an annual basis to verify compliance with the Florida Building Code and make sure life safety requirements are being met
To require that the internal schematic drawings match what the applicants had provided during registration

The City Manager noted that these items came in one hour before the meeting. She suggests the committee takes some time to review them; and if they decide they want to have additional conversation regarding occupancy after today's meeting, the topic would be put back on the agenda at an upcoming meeting.

Mr. Darryl Shelton expressed concern regarding the following information contained in the 2017 Florida League of Cities Legislative Issue Briefs on Short Term Rentals.

In 2011, the Florida Legislature prohibited cities from regulating short term vacation rentals. The legislation passed in 2011 included a provision that grandfathered any ordinance regulating short term rentals prior to June 2011. The language was amended in 2014 to allow cities to regulate short term rentals except for the duration and frequency of these rentals. Some City attorneys across the State argue that cities could potentially lose their grandfather status if they revise or alter their current ordinance.

Mr. Shelton stated that this is a very important factor to consider as they try to amend their ordinance; and that if this information is true, he feels they are far better off keeping what they currently have on the books instead of having their grandfather status negated.

The Community Development Director Jennifer Bryla noted that the advice the Land Use Attorney has been giving the committee was to focus on areas such as noise, parking and trash to avoid losing the grandfathering status of the ordinance.

The City Manager stated that she would pose this question to the Land Use Attorney.

It was the consensus of the group to leave occupancy open after they finished today's discussion, and to possibly bring it back at a future meeting based upon the information they received today. They also agreed to discuss “wedding venues/commercial activities” at the next meeting.

1) Occupancy - Discussions

Mr. Tadlock noted that one suggestion made at the last meeting regarding occupancy limit for short term rentals was 2 people per bedroom plus 1, and not counting children 16 years and under. He suggested lowering the children's age to 12 years and under since most teenagers have a driver's license and some also drive around in golf carts.

Mr. Scali commented that occupancy should not even be a factor if a house is built to accommodate a certain number of occupants; as long as they address the noise, parking, trash and registration issues to make sure rules are being followed.

Mr. Craul argues that occupancy has a lot to do with noise, trash and parking problems; adding that if they are able to resolve the occupancy issue, addressing the other issues would be a lot easier. He continued that if a house is advertised that it can sleep 22 people, if there is no
differentiation between adults and children, they would end up having a group of people not necessarily families who will try to figure out how many people they could load in to the house just to get the rate down per occupant. He added this is the kind of problem that is affecting the demographics of the entire community and is going to wreck their brand going forward.

Mr. Shelton noted he lives next to a 2300 sq. foot, 5 bedroom house, and that the house had over 30 guests on two separate occasions. Beer party starts early and lasts until late afternoon. There area parties at night that goes on until about 11:00 PM. They do not help the local economy at all as they purchase their food and alcohol from Wal-Mart. When asked about their sleeping arrangements, some occupants replied it is on a first come first serve basis; and that most of the people living in that house do not even know each other.

Ms. Brown states that occupancy is the root of all problems relating to short term rentals. There have been threats of a lawsuit if the City messes with occupancy. Some property owners say they base their rental on the number of people they can put into a house; and that they claim their property value will drop significantly if they are forced to limit the number of occupants. She added this claim has no merit because there are no statistics that can support it.

Mr. Craul pointed out that rents drive values of a home; but the way they get more rent is not necessarily by how many it sleeps. It is something that a lot of short term rental owners need to learn.

According to Mr. Woo, a lot of the issues being discussed are addressed in their current ordinances. The event planning that takes place is what brings in a lot of people. Single family has not been clearly defined. When they bring in people not belonging to the same family, it becomes transient lodging. They would need to enforce the ordinances on the books within the guidelines established in State statutes.

Mr. Craul stated they have an ordinance that requires an owner or manager to respond to a complaint within an hour. All the VRBOs that do not live within an hour from the house need to it with a professional management company.

Mr. Tadlock expressed concern over the safety of the occupants of rental houses that have been modified through the years. These modifications are hard to detect because they are usually conducted after hours or on the weekends. He stated there are houses with bedrooms with no windows and laundry rooms converted into bedrooms without adequate ingress and egress; creating a tremendously unsafe situation. He stated they need to come up with standardized occupancy requirements to try to discourage these types of operations; adding that the more people they pack into a house, the more lives they put in danger.

The City Manager noted they are addressing these instances where they have several builds outs without permit, which are now before the Special Magistrate, on an ongoing situation. She added when they are apprised of these situations, the City’s code enforcement officers go out and investigate them.

Mr. Tadlock also announced he did a random study of the Holiday Isle and Crystal Beach neighborhood. He pulled out a hundred houses in random; and when he looked up the owners for these houses, he discovered that over 90 percent of these houses have absentee owners and
are not properly managed. There are websites that are advertising these houses and doing whatever it takes to rent them.

Mr. Scali stated that he did not realize the severity of this issue because he manages his houses properly, and he just assumed everyone else is doing the same thing. He stated he is changing his opinion on this issue and that he feels he can support a more reasonable occupancy requirement.

The City Manager asked how the members feel about a recommendation made today for two people per bedroom, plus 1, not counting children 12 years old and under.

Mr. Scali stated he does not agree with this recommendation, and that he still sticking with his original recommendation for children's age to be 16 years and below.

Mr. Tadlock explained that kids 12 years and older normally stay with families or close friends of the families, whereas teenagers are more likely to be part of a group that is not family. He added they may need to establish a cap for the number of children above 12 years old.

It was the consensus of the committee to continue to consider the relationship between the number of the adults and the number of children with occupancy.

Mr. Craul stated it is a good idea to require anyone requesting a lodging permit to submit a handwritten diagram by floor, similar to a request for a liquor license where blue print of a bar is not acceptable.

The City Manager stated that based on today's discussion so far, two of the items they need to look at in terms of enforcement are advertising above a stated occupancy and making sure applicants submit a scale interior and exterior drawing during the annual registration process. They also need to come up with a clearer definition for single family and how they are or can incorporate building code violations and safety code violations and make sure these are included in the ordinance. This would also translate into enforcement with annual inspections as part of the registration process. She added there was also discussion relative to remote check-ins and professional management companies being able to respond to complaints within one hour. She pointed out there is something in the Flagler ordinance that states management companies must monitor the property at least once weekly to assure compliance with the ordinance.

Mr. Woo noted that the diagram could also serve as life safety diagram for a fire escape; adding the fire department does not seem to have a lot of control over this issue.

5. PUBLIC COMMENTS

Mr. Gary Troop stated that people in single family residence and pushing the limit to make money is all greed driven. They are turning single family homes into something that is not designed for it. The problem with high occupancy is that people push every limit. The City should not be afraid of a lawsuit from people who are doing the wrong things. He also stated that ignoring the occupancy and instead trying to solve the symptoms is the wrong thing to do.
Mr. Troop also stated they should not allow the mini-hotels, especially those that do not have anything for handicapped and fire prevention, and push the limit with parking. He also stated that not putting a cap on the number of kids in the house would also be a big mistake.

Ms. Marcie Bell stated that a perfect compromise regarding the children’s age would be 14 because they do not possess even a learner’s permit. She also stated that adults are ultimately responsible for all the children that are in a house regardless of the number. She also recommends inspecting the property more than once annually. Have the fire department fully involved in the process. Consider putting stickers in the room that have children in it to alert the fire department in case of an emergency.

Ms. Karen Shelton stated that single family residential housing should be limited to one family; adding that permanent residents also have rights. They know they have a serious problem when they have renters calling security to complain about other renters; and this is happening a lot in their neighborhood. Many of their full time residents are moving out because of all the problems they are having with short term rentals and it has to stop. She does not know of any rental management company in this town. There are only rental agents who are not managing the property at all.

Ms. Anne Crowe stated that occupancy is a serious problem. When there are 40 people living in an 8 bedroom house with 2 sets of double bunk beds in the laundry room and the house catches fire, the fire department is not even going to know there are people in the laundry room. She stated this is a huge safety issue; and that they should not wait for a disaster to happen before they take some actions.

6. NEXT MEETING DATE - Wednesday, January 3, 2018, 3:00 PM.

7. ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 5:10 PM.

ADOPTED THIS 3RD DAY OF JANUARY 2018
By:

[Signature]
Carisse LeJeune, City Manager

ATTEST:

[Signature]
Rey Bailey, City Clerk