

**SPECIAL WORKSHOP
DESTIN CITY COUNCIL
JUNE 11, 2018
ANNEX COUNCIL CHAMBERS
5:30 PM**

*****Core Value of the Month - Stewardship*****

WORKSHOP TOPIC: Short Term Rental

I. CALL TO ORDER

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. INTRODUCTION

A. Carisse LeJeune, City Manager

IV. PRESENTATION

A. Councilmember Prebble Ramswell

V. COMMENTS FROM THE PUBLIC

VI. CITY COUNCIL DISCUSSION TOPICS:

A. Short-Term Rental Task Force Final Recommendations:
#3, #4, #5, #6, #7, #8, #9, #15, #16, #17, #18 from final report

VII. NEXT STEPS

VIII. ADJOURN

All items listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and may be considered separately.

****To be placed on the Agenda under scheduled presentations, citizens must contact the City Manager or City Clerk's office one (1) week prior to the scheduled City Council Meeting by completing a Speakers Request Form and providing any accompanying documentation as requested in the form's instructions.**

****** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.***

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105.

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

Note: Persons who wish to provide public comments on agenda items are requested to fill out a blue speaker card and submit it to the City Clerk at the start of the meeting.

Persons who wish to provide public comments on any other matters not on the agenda are requested to fill out a yellow speaker card and submit it to the City Clerk at the start of the meeting.

All regularly scheduled city council meetings will be streamed live via the city's YouTube channel, www.youtube.com/CityofDestin. Past council meetings can also be viewed here.

Please visit our agenda center on the city website at www.cityofdestin.com/agendas

Vacation Rental Issues

Case Study: Destin

NOTE:

All photos
and data are
from short
term rentals
in Destin.

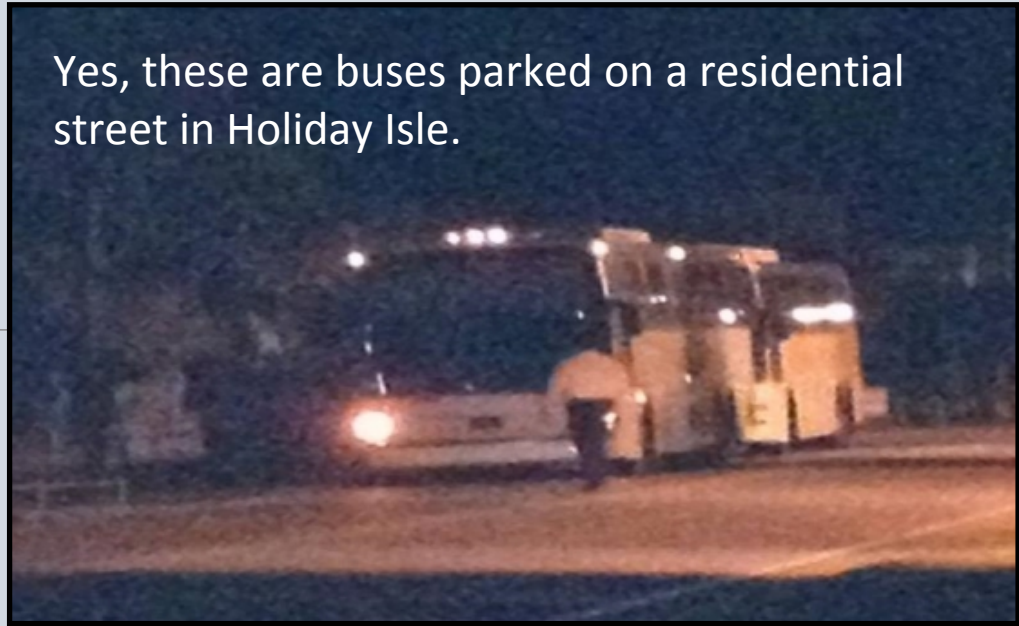
Updated June 2018



Parking Issues



Yes, these are buses parked on a residential street in Holiday Isle.





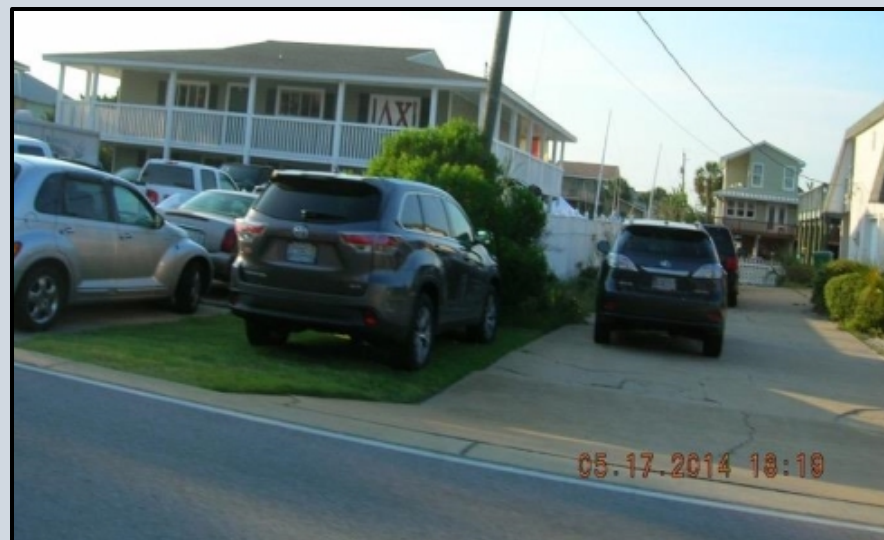
No
Parking?

No
Problem!

And the City will even mow around me...









Nice and neat but blocking the sidewalks and parked in the yards and on the ROW









Trash



Problem isn't just excessive trash, but empty cans remaining curbside for a week or more because no one brought them back up after trash collection.





Sleeping Arrangements



**Hammock
anyone? Your
choice of red,
black or blue!**



Bunkrooms...





**I wonder if I could
lay across the width
of this “room?”**

Loft sleeps “at least 3”





**How does a 2700 sq ft home
Sleep 20 people?
Three bunk “rooms.”**

**Interesting that the listing says
6br but property tax records say
5br.**



Occupancy



**How many
people do you
think are staying
here?
Two buses and a
passenger van.**

Are these hallways...
or bedrooms with 6 beds?





Beautiful hallway...
er...
bedroom?



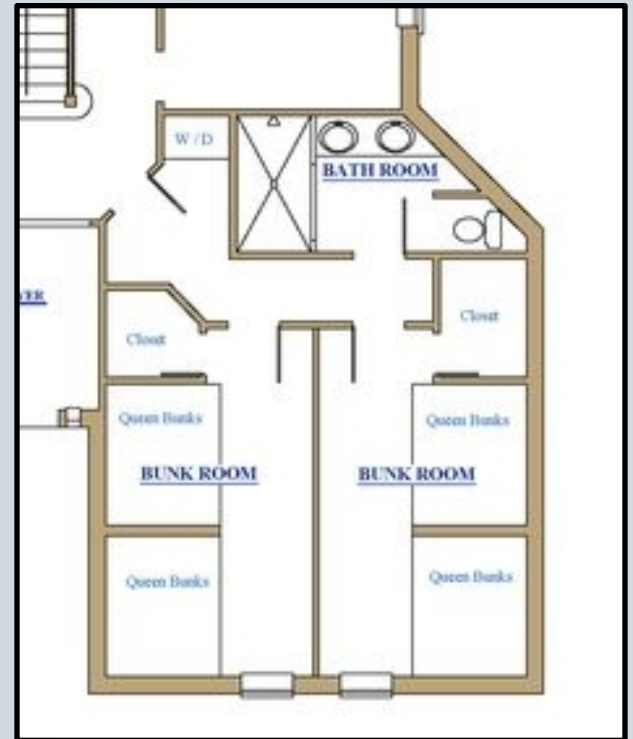
Oh- and
beautiful
closet...
er...
bedroom?



Same house,
same idea,
different rooms...

8 beds in 2 bedrooms







Are these bedrooms you would see
in single family residence...
or a hotel or boarding house?

As the famous commercial says:
“Stack ‘em Deep and Sell ‘em Cheap”



Examples of Vacation Rentals in Residential Areas around Destin, FL

Homes or mini-hotels?

Luna Sol

14 bedrooms

15 bathrooms

Sleeps 44

Alotta Colada Beach House

10 bedrooms

7 bathrooms

2 HF BA

Sleeps 44

Villa Blanco

11 bedrooms (says 6 on another site)

11 bathrooms

Sleeps 40

Destiny Grand Palms

8 bedrooms,

8.5 bathrooms

Sleeps 36

The Frangista

12 bedrooms

11 bathrooms

Sleeps 42

Luna Sol-Crystal Beach

14 bedrooms

16 bathrooms

Sleeps 36

Castle on the Beach

7 Bedrooms

6.5 Baths

Sleeps 35

Gulf Pines

8 bedrooms

5 bathrooms

Sleeps 40

Venetian Palace:

9 bedrooms

9.5 bathrooms

Sleeps 38

3-4 Bedrooms that sleep 17+

Cozy Beach

3 bedrooms

3 baths

Sleeps 18

The Sandcastle

3 bedrooms

3 baths

Sleeps 17

Ocean Breeze

4 bedrooms

3.5 baths

Sleeps 23

Restin in Destin

4 bedrooms

4 bathrooms

Sleeps 18

Destiny East

4 bedrooms

4.5 bathrooms

Sleeps 21

Driftwood Dreamin

4 bedrooms

5.5 bath

Sleeps 19

Dune Delite

4 bedrooms

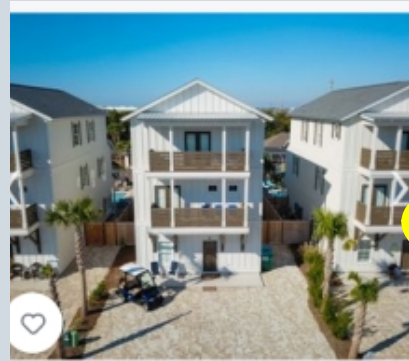
2.5 bathrooms

Sleeps 20

Or...

How about The Green Reef Beachfront Paradise--
a **5-bedroom TOWNHOME that sleeps 26?**

Rentals Near
Destin...
Is this the direction
we are headed?



Popular Viewed 48 times in the last 48 hours

Ultimate Wedding Getaway! 14 Bed 16 Bath Luxury Home! 2 Private Heated Pools!

4.9 mi to Destin center

14 BR House | 14 BA | 2 HF BA | 8600 sq ft | Sleeps 54

\$1,250 avg/night (3 - 7 nights min)

We may already be here



Viewed 8 times in the last 48 hours

Beach Front SPC 2131 Beach Service Included

1.1 mi to Destin center

1 BR Condo | 1 BA | 800 sq ft | Sleeps 99

View details for price (1 - 7 nights min)

Premier Partner

★★★★★ (3)

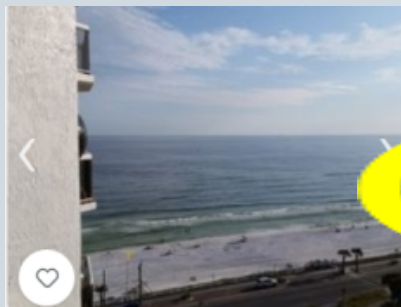
Could these be errors? No- apparently they are meant to show no limit



Private Heated Pool Newly Built and Professionally Decorated!

2.1 mi to Destin center

4 BR House | 4 BA | 1 HF BA | 3010 sq ft | Sleeps 100



Viewed 24 times in the last 48 hours

Gorgeous Condo! Free Beach Service! Great Ocean Views! Great Amenities!

0.7 mi to Destin center

2 BR Condo | 2 BA | 1152 sq ft | Sleeps 99

\$171 avg/night (7 nights min)

Premier Partner

Destin: we clearly have a problem.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 20, 2018
TYPE OF AGENDA ITEM: CITY MANAGER'S REPORT

TO: City Council
FROM: City Manager/Carisse LeJeune
DATE: February 13, 2018
SUBJECT: Short Term Rental Stakeholder Task Force Recommendations

I. BACKGROUND:

On October 2, 2017 at their regular meeting, the Destin City Council approved a Stakeholder Task Force, facilitated by the City Manager, to be made up of seven (7) members appointed by each voting Council member — a minimum of four (4) resident members and a maximum of three (3) non-resident members— and with a sunset provision of twelve (12) months, to provide recommendations to the City Council on issues related to the presence of short-term vacation rentals in established residential neighborhoods.

II. DISCUSSION:

Councilmembers recognized the value of having a stakeholder committee meet to identify the concerns of neighbors, and the negative impacts that STR properties are having in established residential neighborhoods, and to propose mitigation actions and strategies that could be adopted through "self-policing" of STR property owners and regulations by city ordinances. The Stakeholder Task Force has been meeting weekly since November 29, 2017 and is bringing forward recommendations to the City Council at their February 20, 2018, regular meeting.

- A. Link to Strategic Goals /Objectives:** Enhanced Quality of Life
- B. Effect on Budget (EOB):** None at this time.
- C. Level of Service (LOS):** Having processes and regulations in place to mitigate the negative impacts of some short-term rental activities in single family residential neighborhoods will improve the quality of life for residents and provide a positive experience for our visitors.

III. CONCLUSION:

The Destin City Council has taken the initiative to bring everyone to table, including investors and private owners of short-term rentals, management companies and residents to identify those reasonable development and community standards that everyone can live with. The appointed members of the Short-Term Rental Task Force were committed, diligent, informed and cooperative. Although there were challenges along the way, the final work product that is being provided to Council for consideration has

ITEM # _____

been well thought out, fully discussed and properly voted upon by the task force membership. The task force has also recommended the City continue to track Senate Bill 1400, and then reconvene the task force later on depending upon the outcome of the Senate Bill 1400.

IV. RECOMMENDED MOTION:

I move to approve the recommendations of the Short Term Rental Stakeholder Task Force and direct the City Manager to make the necessary changes to ordinances and bring back to City Council for adoption.

OR

I move to approve specific recommendations number(s) _____ of the Short Term Rental Stakeholder Task Force and direct the City Manager to make the necessary changes to ordinances and bring back to City Council for adoption.

OR

I move to accept the recommendations of the Short Term Rental Stakeholder Task Force and take no action at this time.

Atch. A: Short-Term Rental Task Force final report and recommendations.

CITY OF DESTIN

SHORT-TERM RENTAL TASK FORCE FINAL REPORT AND RECOMMENDATIONS

INTRODUCTION

The Destin City Council understands and appreciates the economic benefits that short-term vacation rentals bring to the city and desires to encourage those that are safe, fit in with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieves greater neighborhood compatibility. It is important to balance respect for private property rights and incompatibility concerns between the investors and owners of short-term vacation rentals, and the families living in permanent single and multi-family residences in established residential neighborhoods. As local government, we believe that through the use of reasonable development and community standards, we can affect that balance.

BACKGROUND

At the regular meeting of the Destin City Council on September 6, 2017, the Council passed Resolution No. 17-37 supporting home rule and supporting relief from the statutory preemption related to short-term rentals. The intent of the proposed resolution was not to prohibit short-term rentals and vacation rentals in the City of Destin, but to give the City the right to establish its own ordinances to regulate them. The presence of short-term vacation rentals in established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and some short-term vacation rental owners advertise their single and multi-family residential properties as destinations for events such as weddings, reunions, and other celebrations that attract large crowds in residential neighborhoods creating noise, traffic, and parking problems.

The Destin City Council has taken the initiative to bring everyone to table, including investors and private owners of short-term rentals, management companies and residents to identify those reasonable development and community standards that everyone can live with.

On October 2, 2017 at their regular meeting, the Destin City Council approved a Stakeholder Taskforce, facilitated by the City Manager, to be made up of seven (7) members appointed by each voting Council member — a minimum of four (4) resident members and a maximum of three (3) non-resident members— and with a sunset provision of twelve (12) months. The taskforce has been meeting weekly since November 29, 2017 and is bringing forward recommendations to the City Council at their February 20, 2018, regular meeting.

IDENTIFIED NEGATIVE IMPACTS

During their first two (2) meetings, the taskforce members discussed and identified the negative impacts in single family residential neighborhoods resulting from the presence of short-term vacation rental properties:

- **Trash**
 - Trash cans are left on the street after scheduled pick-up times.
 - Trash cans are put out too early before scheduled pick-up times.
 - Overflowing trash cans and bags are left on the street or are visible from the street.
- **Parking**
 - More cars are parked on the property than allowable.
 - Cars are parked in the right-of-ways, in the street and across sidewalks.
 - Parking requirements for development orders/construction permits may not be adequate in relation to number of bedrooms.
- **Noise**
 - Loud parties, some going all day and late into the night.
 - Loud music and live bands.
 - After hours loud noise from backyards and balconies.
- **Wedding/Commercial Venues**
 - No commercial activity is allowed in single-family residential neighborhoods, but many short term vacation rental properties are being advertised and rented for events.
 - Some properties are being utilized strictly as large event venues.
 - Some events are so large that they create overflowing parking, and have valet service, hired security, catering and furniture/tent delivery and set-up.
- **Registration**
 - Most rental “check-ins” are done remotely with no visual confirmation for the number of occupants and cars.
 - The majority of the rental properties have absentee owners and some properties are not being properly managed.
 - Requirements for city registration of short-term rental properties may not be adequate.
- **Occupancy**
 - Having no occupancy limits for short-term vacation rentals encourages more rental guests to occupy the property to lower the individual renter costs.
 - To accommodate more rental guests, some properties have been modified without permits creating FL Building Code and Safety Standards violations (i.e.; adding bunkrooms and converting closets to sleeping areas).
 - Additional rental guests compound noise, parking and trash problems.
- **Renter Behavior**
 - Some rental guests have been disrespectful of neighbors, using rude/foul language, indecent exposure, trespassing, and cluttering the property with trash, beer cans, recreational equipment, toys, etc.

Subsequently, the next ten (10) meetings were devoted to discussing, and gaining consensus for, recommended actions that would mitigate the above referenced negative impacts. The taskforce members shared and refined many innovative, highly feasible ideas, as well as looking at best practices and case law of local governments in the State of Florida.

RECOMMENDATIONS BY VOTE

The following are recommendations for the City Council's consideration. If given direction to implement any of the following, staff will bring back revisions to ordinances, processes, procedures and applications for Council's review and approval.

Trash

- 1.) Recommend that the ordinance is amended to reflect a fine of \$100, as opposed to \$50, for garbage can violations; and that a courtesy notice is issued for the initial infraction and then fines to be imposed for second and subsequent violations.
 - Yes: 6-0
- 2.) Recommend requiring 1 trash can for the first 3 bedrooms; and then 1 can per 2 bedrooms thereafter.
 - Yes: 6-0

Parking

- 3.) Recommend requiring signage at every STR property and posting number of parking spaces allowed by city development order and/or construction permit.
 - Yes: 4-2; (Mr. Scali/Mr. Sprenkle dissenting)
- 4.) Recommend that the City explores off-site paid parking convenient to south of Hwy 98 heavily tourist areas.
 - Tie: 3-3 (Mr. Craul/Mr. Sprenkle/Mr. Scali approving; Mr. Shelton/Ms. Brown/Mr. Tadlock dissenting)

Wedding/Commercial Venues

- 5.) STR's cannot be used as event houses for commercial activity in residential neighborhoods.
 - Yes: 4-1 (Mr. Sprenkle dissenting)
- 6.) Recommend that any new special event policy must apply equally to STR and SF residential houses in any residential neighborhood
 - Yes: 4-1 (Mr. Woo dissenting)
- 7.) Recommend that the City prohibit STR owners/management companies and agents from advertising commercial activities or commercial events on property that is prohibited by City Code of Ordinances/Land Development Code.
 - Yes: 5-1; Sprenkle-No

8.) Recommend that no commercial activities shall be allowed in residential neighborhood. Special events that are no more than 2 times per year; and those in excess of occupancy are not overnight guests, are allowed without a permit. Events that are more than 2 times, but not more than 3 times, the occupancy, and those that are in excess of occupancy are not overnight guests, are allowed with a permit. Any events that will have more than 3 times the occupancy limit are not allowed; however, for lots greater than 7500 square feet, a permit can be achieved for events larger than 3 times the occupancy based on one person per every 200 square feet of property.

o Yes: 5-2 (Mr. Woo and Mr. Sprenkle dissenting)

9.) *Recommend to restrict weddings to no more than 2 weddings per calendar year in any residential home in Destin, and prohibit any advertising on any public website that advertises weddings in a residential home without a disclaimer that weddings are limited to 2 per year; and under no circumstances shall any wedding with over 100 persons in a residential house will be permitted.*

o No: 3-4 (Mr. Sprenkle/Mr. Craul/Mr. Scali approving; Mr. Shelton/Mr. Tadlock/Mr. Woo/Mr. Brown dissenting)

Registration

10.) Recommend to impose stiffer penalties for non-registration for short-term rentals (R):

- \$100 penalty for failure to register 30 days after issuance of notice to register.

- \$500 penalty for failure to register 60 days after issuance of notice to register.

- Lose the ability to register for 12 months for failure to register within 90 days after issuance of notice to register.

o Yes: 5-0

11.) Recommend amending current code section 13-108(4) to require responsible party for STR have phone number listed on the sign; have an address identifying mgmt. office or primary residence within 50 miles of STR, and name and address of responsible party be provided on registration form.

o Yes: 5-0

12.) Recommend amending ordinance to include:

- Responsible party is identified during the registration process.

- Responsible party live within 30 miles of the property.

- Responsible party acknowledges their familiarity with the STR ordinance and sign off on it during registration.

- Responsible party acknowledges they have authority to ensure STR ordinances are enforced on behalf of the property and can mitigate any problems on site, up to and including eviction.

o Yes: 7-0

13.) Recommend requiring annual registration sticker be issued by City at time of registration and that sticker is visible in front of the house. Registration sticker be color coded and use a different color sticker each year.

o Yes: 7-0

- 14.) Recommend allowing seven (7) days after the STR registration to put up required sign, provided no guest can stay in STR until sign is up.
- o Yes: 7-0
- 15.) Recommend that STR registration and renewal requires exterior site sketch and interior building sketch by floor; require annual inspections to include compliance with Florida Building code and life safety requirements, original development order and schematic sketches; and that inspections are the responsibility of property owner and are to be signed and sealed by a licensed, registered Building Inspector.
- o Yes: 5-1 (*Mr. Scali dissenting; Mr. Sprenkle was absent during voting but dissents*)

Occupancy

- 16.) Recommend 2 persons per bedroom + 2 additional persons only.
- o Yes: 5-1; (*Mr. Scali dissenting; Mr. Sprenkle was absent during voting but dissents*)
- 17.) Recommend regulating for reasonable verification by responsible party, within 36 hours of rental guests arrival, to confirm compliance with occupancy.
- o Yes: 6-0 (*Mr. Sprenkle not present during voting but dissents*)
- 18.) Recommend that the number of allowable occupants be posted on signage in front of the rental property.
- o Yes: 5-1 (*Mr. Scali dissenting; Mr. Sprenkle was absent during voting but dissents*).

ADDITIONAL SUGGESTIONS

In addition to the recommendations that were voted upon by the Task Force, there were several suggestions that were discussed in length but were not brought forward as recommended motions for vote. Also, there are internal procedures and ordinances that already exist that were identified as mitigation strategies for some of the negative impacts.

During the discussion regarding trash, staff reached out to our solid waste service provider for assistance. Waste Management can offer a third (3rd) pick-up day for short term rental companies, at an additional charge under a separate agreement directly with the rental company. As part of that individual agreement, valet service is also offered at an additional charge that will provide the pick-up and replacement of trash can(s) from the side of house. There were also suggestions for the pick-up schedules to be clearly posted inside of the rental properties and that the rental guests would be held accountable, as well as providing text notifications to rental guests from the management companies reminding them of trash pick-up days and times.

All City Code Enforcement Officers for the City of Destin are now fully trained and certified to issue parking tickets to illegally parked cars, and will be patrolling short-term vacation rental neighborhoods on a regular schedule during season to enforce parking rules. Staff will also be reviewing parking requirements for short-term vacation rental properties for development orders and construction permits to see if any improvements can be made. There were suggestions made that short-term rental owners and management companies should advertise how many parking spaces are actually available at each property and hold the rental guest responsible for non-compliance. Additionally, short-term rental

owners and management companies should be required to inform guests that over-parking is not allowed and let them know what other transportation alternatives are available.

It was agreed by all the task force members that new noise ordinance for “plainly audible” enforced by the OCSO should adequately address the noise issues. OCSO can shut down “nuisance” parties with an affidavit from the complainant, and any proposed special event permitting process for Single Family Residential neighborhoods will treat both owner occupied and short-term rental properties equally.

Presently, commercial activity in single family residential neighborhoods is prohibited by the Land Development Code. Code Enforcement Officers are documenting large events for frequency and intensity to take to the Special Magistrate for a determination of commercial activity. It was suggested that city staff send letters to all the short-term rental owners informing them that commercial events are prohibited and the Code will be enforced.

As part of the short-term rental registration process, it was suggested that a sliding scale for registration fees, dependent on the size of the property be implemented. Also, it was suggested that a designated call-in number be advertised to the community at large to report offenses by short-term rental properties to City Code Enforcement.

In addition to the recommendation that occupancy limits be clearly posted on signage in front of the rental property, it was also suggested that occupancy limits be written into rental agreements and posted in all advertising, and that advertising above the occupancy limit will be considered a violation.

Although rental guest behavior was identified as a negative impact, there were no recommendations made by Task Force members. It was discussed that indecent exposure and trespassing are law enforcement issues and the OCSO should be notified immediately of this type of aberrant behavior. There was a suggestion made that an acceptable “code of conduct” is established and posted on the premises of all short-term rental properties.

The appointed members of the Short-Term Rental Task Force were committed, diligent, informed and cooperative. Although there were disagreements and challenges along the way, the final work product that is being provided to Council for consideration has been well thought out, fully discussed and properly voted upon by the task force membership.

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 20, 2018
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

The Council of the City of Destin met in regular session with the following members and staff present:

Destin City Council

Mayor Scott Fischer
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler

Councilmember Tuffy Dixon
Councilmember Rodney Braden
Councilmember Prebble Ramswell
Councilmember Jim Foreman

Destin City Staff

City Manager Carisse LeJeune
Deputy City Manager Steve Schmidt
City Engineer David Campbell
Public Information Manager Doug Rainer
Parks & Recreation Director Lance Johnson
Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Library Director Jurate Burns
IT Manager Webb Warren
Finance Director Bragg Farmer
City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. Reverend James Calderazzo of the Safe Harbor Presbyterian Church gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Destin requested that agenda item #4E – Resolution 18-11 – *Abating/Staying Enforcement of Ordinance 17-23-LC, The Tree Ordinance*, be moved up following approval of minutes.

Motion by Councilmember Destin, seconded by Councilmember Dixon, to approve the agenda, as amended, passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

1. APPROVAL OF MINUTES

A) Approval of minutes of December 4, 2017 regular city council meeting

Councilmember Braden moved to approve minutes of December 4, 2017 regular city council meeting; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (NO PUBLIC COMMENTS)

A) Public Works/ Safety Committee 2017 Annual Report and 2018 Work Plans

Committee Chairman Steven Menchel presented the Public Works/Safety Committee 2017 Annual Report and 2018 Work Plans.

Councilmember Braden moved to approve the 2017 Annual Report and the 2018 Work Plan as submitted by the Public Works/Safety Committee; seconded by Councilmember Dixon. Motion passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

B) Norriego Point project update

Mr. Pierce Barrett, Project Manager for Restore Act and NRDA Project Coordinator, provided a brief updated on the Norriego Point Shoreline Stabilization and Dune Restoration Project:

Norriego Point Current Construction Status

- Contractor mobilized – September 2017
- Began installation of heavy duty composite sheet piling for t-groin 3 and 4 October 2017
- Completion of sheet piling installation – December 15, 2017
- Contractor remobilized after holidays – first week of January 2018
- Began installation of marine mattress – January 2018
- Completion of marine mattress installation for all groins – mid-April 2018
- Began place of stone t-groin #3 – February 2018
- Completion of placement of stone at all groins – late April 2018
- Dredging – mobilize middle of March 2018
- Dredging completion estimated by mid-April 2018

Project Schedule – Recreational Component

- Project’s recreational components include:
 - ❖ New entry way
 - ❖ Additional parking
 - ❖ Bike racks
 - ❖ Restrooms (ADA)
 - ❖ Pavilion and boardwalk with ADA access to beach
 - ❖ Multi-use boardwalk along harbor side of point (ADA)
 - ❖ Dune cross overs (3)
 - ❖ Environmental and informational signage

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS

Mr. Gary Troop, a Destin resident, stated that contrary to what other people think, Crystal Beach neighborhoods are zoned single –family residential just like other parts of Destin. A short term rental in single family residential neighborhood was originally conceived to allow homeowners to make extra money by renting their second homes to families. It has transformed into construction

of mini-hotels that sleep in excess of 30 people in single-family residential neighborhoods. Those mini-hotels hold events at 3 times the occupancy; and that there are 3 such structures across the street from his home. Other homes have been modified to use laundry rooms and non-bedrooms into sleeping rooms increasing their occupancy to more than 25 people. These problems are not unique to Destin. Neighborhoods nationwide are having a similar problem. Organizations like Airbnb and VRBO are spending millions of dollars on lobbyist to introduce legislations to limit cities abilities to protect their neighborhoods. Many cities in Florida are enacting ordinances to protect single-family residential neighborhoods. Short-term rentals shall abide by existing limits that apply to long-term rentals. Contrary to what some people claim, short-term rentals do not raise the property values of homes. These large high-occupancy homes are actually reducing their property values.

Ms. Rhonda Dossey, a Destin property owner, noted that she had seen a Power Point presentation in October 2017 that identified vacant properties in Destin that could be considered a parking lot to take the pressure of off Crystal Beach. She stated there is a parking problem in Crystal Beach. She has a short-term rental at Crystal Beach; but, she has plenty of parking and she is not causing that problem. She believes managers and homeowners need to solve that problem, and that the City should not have to spend the taxpayers' money building parking lots to alleviate that problem.

Mr. Rick Scali, owner and manager of short-term rental homes and a member of the Short Term Rental Task Force, spoke next. He stated there are some bad managers and owners in the short-term rental home business. There are out of state owners that manage their properties over the internet. They are responsible for giving the rental home business a bad reputation. They create the problems such as parking, trash and noise. He continued that tourism makes a great livelihood to a lot of people. Tourism is important to Destin and the State of Florida, and they will have a big problem if they start impacting tourism. He stated he is very much against restricting occupancy; and that if they deal with the aforementioned issues and if code enforcement enforces the regulations they currently have on the books, occupancy will be a non-issue. He added that if the City Council approves the recommendations that were unanimously approved and submitted by the Task Force, it would solve 90 percent of the issues involving short-term rentals.

Mr. Keith Dean, Chief Executive Officer of the Emerald Coast Association of Realtors, stated that they oppose restrictions that limit the use of private property. He continued that a lot of key points have been missed during the process of creating all the recommendations to the Council, and as industry experts they are prepared to offer their assistance to the Council as well as the Task Force. He stated there are people that come into this community and do not act the way they do in their own community. They leave trash by the road and park all over the place, impeding the property rights of residents. He also stated that the recommendations submitted by the Task Force focus around the problem trying to find a formula for a number of people per square feet for parking spaces and number of trash cans. If they eliminate the trash and parking issues, the number of people in a house would not be a problem at all. Many of the recommendations use bedrooms as the basis of their calculations. Bedrooms are not defined in a consistent basis and cannot be used to determine the capacity of a rental home. Short-term rentals often have bunkbeds in the hallway, sunrooms, sleeping balconies, and other rooms that do not meet the definition of a bedroom. The number of bedrooms does not correlate to the production of trash. He added they have commitments from their State legislators that following this 2018 session, they will work with them in drafting legislations that will help solve these issues; and that it would be great for this community if they could all come together and work on these issues.

Mr. Ken Wampler of the Destin Chamber of Commerce commented that there is a number of items the Short Term Rental Task Force members unanimously agreed on and they came with mutual concessions and compromises. They recommend tougher restrictions relative to the key issues – noise, trash, parking and registration requirements. He continued the major vacation rental management companies were very well represented at the table. The 3 members representing the vacation rental management companies were able to get the key stakeholders together outside of those meetings and made sure everyone is aware of the recommendations. He urged the Council to direct staff to come back with a proposed ordinance that reflects those recommendations that were unanimously approved by the Task Force; and possibly bring the Task Force members back together in the fall to evaluate the positive and negative impact of those recommendations and take further actions, if necessary.

Mr. Jason Sprenkle, a business owner and member of the Short Term Rental Task Force, informed the Council he manages short term rental vacation homes, a few of which are located in Destin. He stated that as member of the Task Force, he took the obligation very seriously and worked hard to bring the entire vacation rental industry to the table to work on solutions. He felt the Task Force made significant recommendations upon which all members were able to agree. These recommendations have the full support of not only the Task Force members but all the stakeholders in the Destin vacation rental market. They focused on the much-needed areas of absentee owners/managers and improved enforcement. These recommendations include:

- Much stiffer fines for trash infractions, and a required number of cans based on the number of bedrooms
- Significant penalties and the complete loss of short term rental license privileges for continuing failure to register with the City
- Adding the requirement that “responsible parties” must be located within 30 miles of the property and have full authority to resolve any issue, including eviction
- An annual registration stickers on signs to catch the large number of non-registered homes

He urged the Council to adopt these recommendation agreed upon fully by the Task Force.

He further stated there were a number of additional items pushed through and passed by the Task Force without any support from the vacation rental owners or management community; most of which are costly, unenforceable and significantly impactful to the economics of Destin. They are strongly opposed by the vacation rental community and do not fairly represent any consensus or compromise of the Task Force. He continued that with a clear majority of the member of the Task Force representing those most vocally against rentals, the following items represent the votes of one side at the table and should be given much more thoughts:

- A requirement that the City reviews signed and sealed interior and exterior drawings from a licensed building inspector for every vacation rental home every year
- A limit on the occupancy of every rental to two guests per every approved bedroom plus two which would impact about two-thirds of all rentals in Destin
- A requirement that vacation managers and owns physically verify occupancy compliance within 36 hours of check-in
- A commercial activities limitation that requires so much math that residents and owners would not understand it and the City will find it difficult if not impossible to enforce

Mr. Bruce Craul, a Destin resident and member of the Short Term Rental Task Force, informed the Council he was the chairman of the Florida Restaurant Lodging Association and the current chairman of the Okaloosa County Tourist Development Council; and that he has been in the hotel business for almost 40 years. He opined that the biggest problem with regards to short term vacation rentals is lack of management. It has become a City problem because a lot of rental homes are not being properly managed causing a lot of problems for the City. He continued that most of the current problems are caused by on-line vacation rental companies such as VRBO, HomeAway, Expedia and Airbnb with their lack of proper management, absentee management or no management at all. There are about 750 vacation rental houses in the City that fall under this category. He further stated he did not agree with the recommendation regarding occupancy, but he voted for it because he believes they need to have an occupancy regulation to prohibit rental companies from advertising a 4-bedroom vacation rental house that sleeps 30 people. It is not how Destin's vacation rental business was built on. They should cater to families and not to a block of unrelated people from different states. He also favors an occupancy standard of two people per bedroom plus two, four or six people, and not counting children under 12 years old. He also believes events should be held in event venues. For instance, weddings should be held in wedding venues and big parties should be held in places that are built for large gatherings. He urged the Council to approve the recommendations that have been presented to them except for the occupancy standard which he feels is a little too restrictive and needs further improvements.

Ms. Patti Brown, a Destin property owner and member of the Short Term Rental Task Force, urged the Council to consider everything the Task Force had voted on because they are all very important issues. She stated that if the votes were not unanimous, they were either 5-1 or 5-2. She also stated that their recommendation regarding the signs is very important because the City does not have an army of code enforcement people. Having a sign in front of the home showing contact information for the property manager, that the property is currently registered with the City, and the allowable parking would make it very easy for a code enforcement officer to make an on-the-spot decision. She further stated the problems with short term rentals involve the entire City of Destin and they are not limited to the on-line vacation rental companies. She also believes occupancy is a huge problem and that it is the root of all the problems they have in the City. She urged the Council to consider all of their recommendations as they were created with the best interest of Destin and the future of Destin in mind.

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to set aside the order of the day and move agenda item #4B in front of agenda item 4A, passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

4. CITY MANAGER REPORTS

A. Destin Waterways Management Options

The City Manager noted that at its regular meeting on January 3, 2017, council voted unanimously to approve the bid for reconnaissance study from Taylor Engineering to explore the advantages, steps and schedule to pursue a designation as a port, and /or create a port and waterways district. Representatives of Taylor Engineering conducted meetings and/or conference calls with staff of the Florida Ports Council in Tallahassee and Florida Department of Transportation Seaport Coordinators.

Mr. Matt Trammell, senior engineer with Taylor Engineering, presented the following Destin Waterways Management Options – Reconnaissance Assessment:

- Goals
 - ❖ Assist City Council and staff in exploring options for managing, enhancing and sustaining Destin Harbor and other City waterways as a unique regional resource
 - ❖ Identify and document existing resources
 - ❖ Research opportunities for funding support and process for other management options
 - ❖ Summarize options with steps forward
- Management Concerns
 - ❖ Public safety health and welfare concerns
 - ❖ Water quality
 - ❖ Navigation safety
 - ❖ Enhanced business and economic vitality
 - ❖ Higher-end clientele
 - ❖ Renal and livery vessel management
 - ❖ Harbor and waterway parking/access
 - ❖ Minimizing conflicting uses
 - ❖ Management funding opportunities
 - ❖ Derelict and “at-risk” vessels
 - ❖ Storm protection
 - ❖ Economic development
 - ❖ Coastal resources sustainability and resiliency
- Waterway Resources
 - ❖ East Pass
 - Federal Navigation Channel
 - 100-180 ft wide, -12ft to -6 ft depths
 - USAF mission critical
 - ❖ Destin Harbor
 - 1,350 slips
 - ❖ Choctawhatchee Bay and bayous (Marler, Joe’s, Indian)
 - 700 slips
 - ❖ Crab Island / U.S. Coast Guard Station
 - ❖ Significant natural resources
 - ❖ 18,583 vessels in Okaloosa / 5,685 in Walton County
- Economic Impact
 - ❖ 2014 HAAS Center Study – Charter and Recreational Boating
 - \$172 million in direct spending
 - \$248 million including indirect and induced effects
 - Industries support nearly 2,500 jobs
 - \$16 million in State and local revenue
 - Study did not consider associated benefits – Destin Fishing Rodeo, Seafood Festival, etc...
- Waterway limitations
 - ❖ Federal navigation channel widths and depths
 - ❖ Bridge clearances

- ❖ Limited land resources
- ❖ Limited interstate connectivity
- ❖ Natural resources
- Waterway regulation
 - ❖ State regulations
 - ❖ County Ordinance 96-11
 - ❖ Existing City regulations
 - Code of Ordinances Chapter 5 – Boats, harbor and waterways
 - Code of Ordinances Chapter 13 – Licenses and permits
 - ❖ Land Development Code Chapter 11 – Coastal Management and Conservation
 - Coastal and Beach Management
 - Resource protection conservation, etc...
 - Marina siting
- Port and special districts
 - Florida Port Council
 - Chapter 163 Florida Statutes outlines Seaport Master Plan requirements
 - Port Funding
 - \$15 million FSTED Program
 - \$35 million FDOT Strategic Port Investment Initiative
 - Port designation does not guarantee funding from FSTED or FPC
- Management Options
 - ❖ Review the City's codes and ordinances
 - ❖ Seek grant funding for Harbor and Waterways planning
 - ❖ Develop a vision and master plan for Destin Harbor and the City's waterways
 - ❖ Destin Harbor navigation channel realignment
 - ❖ Create a Destin Harbor mooring field
 - ❖ Create a Destin Harbor and Waterways special district
 - ❖ Obtain state port designation for Destin Harbor
- Recommendations
 - ❖ Short-Term
 - Review City's codes and ordinances – in process
 - Explore funding options
 - Develop a vision and master plan
 - ❖ Long-Term
 - Destin Harbor navigation channel realignment
 - Create a Destin Harbor mooring field
 - Create a Destin Harbor and Waterways special district
 - Obtain state port designation for Destin Harbor

B. Short Term Rental Task Force – Recommendations

According to the City Manager, the Destin City Council has taken the initiative to bring everyone to the table, including investors and private owners of short-term rentals, management companies and residents to identify those reasonable development and community standards that everyone can live with. The appointed members of the Short-Term Rental Task Force were

committed, diligent, informed and cooperative. Although there were challenges along the way, the final work product that is being provided to council for consideration has been well thought out, fully discussed and properly voted upon by the Task Force membership. The Task Force has also recommended the City continues to track Senate Bill 1400, and then reconvene the Task Force later on depending upon the outcome of this bill.

Councilmember Destin suggests they adopt those recommendations with unanimous consent from the Task Force members and instruct staff to draft language for an ordinance and bring it back to Council for adoption; and to set up a joint workshop to discuss the other items that did not receive a unanimous vote from the Task Force to hear arguments from both sides on these issues.

Councilmember Destin moved to approve specific recommendations numbers 1, 2, 10, 11, 12, 13 and 14 of the Short Term Rental Task Force and direct the City Manager to make the necessary changes to ordinances and bring back to City Council for adoption; and to direct the City Manager to schedule a joint workshop where the Short Term Rental Task Force and the City Council can further discuss the other recommendations. Councilmember Dixon provided a second to the motion.

Councilmember Braden inquired as to the reason rules that apply in a single-family residential areas not apply to short term rental homes located in those areas.

The City Manager explained there is a State statute that allows short-term vacation rentals to exist in single-family residential zoning areas; and that there are certain restrictions on what the City can and cannot regulate for short-term rentals.

Councilmember Braden thought the Council adopted an occupancy restriction of two people per bedroom plus two in single-family residential neighborhood.

The Land Use Attorney noted it was considered for long-term rentals during the comprehensive plan and land development code amendments discussions; but, it was not voted upon by the Council at that time.

Councilmember Ramswell stated that if the Council requires a unanimous vote each time they consider something, they will never pass anything; and so they should not always expect a unanimous vote from the Short Term Rental Task Force members before they consider adopting any of their recommendations. She continued that scheduling another workshop to discuss this issue may not make any difference, but she would be glad to support it just to get more feedback from the public. She added that the ultimate goal is to adopt something that is a good balance of property rights and all can live together as a community.

Next, Councilmember Ramswell pointed out that recommendations number 5 through 8 involved wedding and commercial venues and some are located in areas where commercial activities are not allowed.

The City Manager noted that commercial activity is not allowed in single-family residential neighborhood. The Task Force was trying to determine a fair and equitable way that they could deter the large events from happening. City staff is working to keep those commercial activities from happening, and it is by intensity and frequency of the events. When they know there is an event happening, a code enforcement officer is dispatched to investigate and document. It is the

Special Magistrate that would make the determination based on the documented frequency and intensity of the particular event whether or not it could be considered a commercial activity.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

C. Holiday Isle emergency dredge and beach restoration update

The City Attorney announced they are about 99 percent of the way to an interlocal agreement with Okaloosa County. The County’s attorney needs to make some slight modifications to the document and present the County’s firm offer to the City very soon. He continued that the post monitoring cost, a \$300,000 line item, was a big issue. They have also received most of the required easements. He asked Council to schedule a special Council meeting on February 26th to deal with this item.

There was a consensus of the Council to schedule a special meeting on Monday, February 26th, to discuss emergency dredge and beach restoration project for the City of Destin.

D. Quarterly Financial and Investment Report

The City’s Finance Director presented the Quarterly Financial and Investment Report for the first quarter of Fiscal Year 2018.

E. Resolution 18-11 – Abating/Staying Enforcement of Ordinance 17-23-LC, The Tree Ordinance

The City Manager explained this resolution was brought forward by the City Attorney to give Council the opportunity to basically abate or stay the Tree Ordinance to give staff the opportunity to review the comments received at the developer workshop and comments received from the citizens and bring some amendments to the Council to change some of the language in the existing ordinance.

Councilmember Destin moved to adopt Resolution 18-11, which is abating/staying enforcement of Ordinance 17-23-LC, the Tree Ordinance; and to direct staff to go through the process of repealing Ordinance 17-23-LC; seconded by Councilmember Ramswell.

At this time, the Mayor opened the item for public comments.

Ms. Teresa Hebert, Chairperson of the Environmental, Parks & Recreation Committee/Tree Board, stated it was not the original intent of this ordinance to negatively affect homeowners. It was designed mainly to regulate businesses and developers. She continued she supports abating or staying the ordinance; but, they should only need to change the language so that homeowners are exempt from the requirements contained in the ordinance rather than rewriting the entire ordinance.

Mr. Allen French, a Destin resident, stated that a lot of people feel the heritage Live Oaks are the absolute treasure of this town. Attempting to save these trees for their children and grandchildren is a must. Some homeowners feel this ordinance tramples their property rights; but, this is really not a question for homeowners’ property rights, but what they value as a city. He continued

that whatever ordinance they come up with would somehow focus on protecting these God-given trees because once they are removed, they are gone forever.

Ms. Leigh Moore, representing Howard Group, stated that their beautiful heritage trees serve more than aesthetic purpose. They are important for a lot of other reason – noise abatement, pollution control, air quality improvement and drainage and erosion control. They also prevent much of the water runoff from getting into their water bodies. She also stated they support the existing ordinance, and if there are any technical and interpretation related issues that are creating unintended circumstances, they should take a look and improve upon it. She added the main intent is to preserve their large old heritage trees for generations to come.

Ms. Aubrey Santucci, a certified arborist representing Coastline Tree Service, stated there is some language within the current ordinance she simply cannot support. She continued she has spoken to a lot of property owners, both commercial and private, and they feel the mitigation fees are beyond expectations. She added she would support a Council’s decision to re-examine the ordinance and that she would be glad to assist in the process.

Councilmember Ramswell stated that the intent of this ordinance started out something really good; however, it became too complicated to a lot of people. It does not provide a clear picture of what is and what is not allowed.

Councilmember Dixon stated that people put a lot effort in creating this ordinance; adding they should just amend some of the language instead of starting over.

Councilmember Destin suggests they use it as a template and build from there instead of trying to rewrite the whole thing.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

There was a consensus of the Council to schedule a workshop to discuss creating a new tree ordinance and gather more inputs from stakeholders

F. Announcements

The City Manager made the following announcements:

- Capt. Leonard Destin Park Groundbreaking Ceremony on Thursday, Feb. 22nd at 1:00 PM.

Councilmember Dixon suggests getting rid of the trees that were knocked down during a previous tropical storm in Destin by offering them to others to be used as firewood

5. FIRST READING OF ORDINANCES NOT REQUIRING PUBLIC HEARINGS

6. PUBLIC HEARINGS

- A) Second reading of Ordinance 18-03-CC – Committee, Boards, Panels and Commission Reorganization

The Land Use Attorney read Ordinance 18-03-CC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO COMMITTEE, BOARDS, PANELS, AND COMMISSIONS; PROVIDING FOR AUTHORITY; AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 2, ARTICLE II, COMMITTEE, BOARDS, PANELS, AND COMMISSIONS, SECTION 2-33 APPOINTMENT OF MEMBERS; PROVIDING FOR THE REPEAL OF ANY INCONSISTENT ORDINANCES; PROVIDING FOR INCORPORATION INTO CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Dixon moved to adopt Ordinance 18-03-CC; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

- B) Second reading of Ordinance 18-04-CN – Approving purchase of 603 Sandalwood Drive for the Cross Town Connector

The Land Use Attorney read Ordinance 18-04-CN by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE PURCHASE OF CERTAIN REAL PROPERTY FOR THE CROSS TOWN CONNECTOR; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR PURCHASE OF TOWNHOME UNIT, LOCATED AT 603 SANDALWOOD DRIVE, DESTIN, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Morgan moved to approve Ordinance 18-04-CN on second reading and authorize the Mayor to execute the ordinance and purchase agreement. Councilmember Dixon provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

7. *CONSENT AGENDA (NO PUBLIC COMMENTS)

- A) Approval of Special Magistrate contracts
- B) Fiscal Year 2018 Capital Improvement Program Resurfacing Projects – Repaving and improvement of Dolphin Estates Court
- C) Fiscal Year 2018 Capital Improvement Program Resurfacing Projects – Repaving and improvement of Hanna Court
- D) Fiscal Year 2018 Capital Improvement Program Resurfacing Projects – Repaving and improvement of Rue De Fecamp, Rue Deetretat and Rue Dhonfleur

- E) Reimbursement to Mayor Scott Fischer for expenses incurred while attending the Florida League of Mayors Press Conference and the Florida League of Cities Legislative Action Days in Tallahassee, Florida on January 30-31, 2018
- F) Reimbursement to Councilmember Prebble Ramswell for expenses incurred while attending the Florida League of Cities Legislative Action Days in Tallahassee, Florida on January 30-31, 2018
- G) Request approval for use of city rights-of-way for the Destin Little League Parade on Saturday, March 3, 2018

Motion by Councilmember Dixon, seconded by Councilmember Marler, to approve Consent Agenda items #7A thru #7G, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

8. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY (NO PUBLIC COMMENTS)

- A. Councilmember Braden
- B. Councilmember Ramswell

Councilmember Ramswell stated there have been reports of frequent dog fights occurring at the dog park, and concerns from citizens about dogs with bad temperament, dogs not being vaccinated, and disease carrying dogs entering the park. She asked for the City Manager to bring this issue back for future discussion by the Council.

- C. Councilmember Dixon
- D. Councilmember Foreman
- E. Councilmember Marler
- F. Councilmember Destin

- 1) Appointment of Ms. Delores Morrell to the Town Center CRA Advisory Committee

Motion by Councilmember Destin, seconded by Councilmember Dixon, to appoint Ms. Delores Morrell to the Town Center CRA Advisory Committee passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

- G. Councilmember Morgan
- 1) Annexation agreement

Councilmember Morgan reported that the owner of the abandoned bank building located on the east side of Wal-Mart expressed desire to annex that property into the City. He would like an annexation agreement be brought back for approval consideration by the Council.

Councilmember Morgan asked staff to advertise second reading of the Comprehensive Plan: 2020 for March 5, 2018.

- H. Mayor Fischer
- I. Land Use Attorney
- J. City Attorney

**9. COMMENTS/CONCERNS FROM THE AUDIENCE/PUBLIC ON ANY MATTERS
CONSIDERED AT MEETING, OR ON ANY MATTERS NOT ON THE AGENDA**

Having no further business at this time, the meeting was adjourned at 8:55 PM.

ADOPTED THIS 7TH DAY OF MAY 2018

By:

ATTEST:

Gary Jarvis, Mayor

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 4, 2018**TYPE OF AGENDA ITEM:** Ordinance

TO: City Council

THRU: Jennifer Bryla, Community Development Directory

FROM: Stuart Campbell

DATE: May 29, 2018

SUBJECT: First reading of Ordinance 18-10-CC to amend Code of Ordinance Article VI - Registration of Short-Term rentals.

I. BACKGROUND: On October 2, 2017 at a regular meeting of the Destin City Council, the Council approved the formation of a Stakeholder Task Force to discuss the issues of Short-term rental vacation homes in established single family residential neighborhoods. The Task Force was to be made up of seven (7) members, one appointed by each of the voting Council members.

The Task Force met for the first time on November 29th, 2017 and continued to meet weekly to discuss issues regarding the impacts of Short Term Rental (STR) on their neighborhoods and businesses. The Task Force was facilitated by the City Manager, and many engaged citizens attended from week to week. The Manager communicated to the Task Force that the Council would like recommendations regarding STR by the spring of 2018.

On May 17, 2018, the Local Planning Agency found proposed Ordinance No. 18-10-CC consistent with Comprehensive Plan: 2020, and recommend the adoption of said Ordinance by City Council by a vote of 4-0 (Motion – Shelton; 2nd David).

II. DISCUSSION: The City Council reviewed the Task Force recommendations provided by the City Manager at their regularly scheduled meeting of February 20, 2018 (Exhibit B). The motion was made at that meeting to accept those recommendations that had unanimous support of all the Task Force members, and direct staff to incorporate these into an Ordinance. The remaining items that did not have unanimous consensus would be discussed at a workshop with the City Council, which now is scheduled for June 11, 2018. Those items that had unanimous consensus, were items #1 & #2, as listed on the “Short Term Rental Stakeholder Task Force Recommendation’s” dated February 13, 2018. Item #1 and #2 dealt with trash accumulation on the site. The other items that had unanimous consensus were #10,11,12,13,14, these are recommendations regarding registration and responsible party. The recommendation from the Task Force regarding registration penalties included the possibility to eliminate the opportunity to rent the property if registration was not received within the 90-day window. After further discussion with Staff, it is recommended that a

better approach may be to issue a notice of violation with a \$200-day fine recommendation.

A. Link to Strategic Goals / Objectives: Proposed Ordinance No. 18-10-CC is consistent with:

- Policy 1-1.2.1: Protect Residential Areas.
- Policy 1-2.1.1: Residential Uses Define

Enhanced Quality of Life.

B. Effect on Budget (EOB): There is not any anticipated effect on the budget.

1.

C. Level of Service (LOS):

Developing a partnership between short term rental homeowners and long term residential occupants will create and enhanced quality of life for both parties with clear expectations and provide Code Enforcement with the tools required to enforce and protect existing neighborhoods.

III. CONCLUSION:

The proposed modifications to Article VI – Registration of Short-Term Rentals shows once again that the City Council has taken the first step in finding a partnership between the City's long time permanent residential citizens and our visitors that come to enjoy the beauty and many activities that Destin has to offer. Forging this partnership will develop an understanding between both parties so that both can exist together.

IV. RECOMMENDED MOTION: "I move that the City Council approve proposed Ordinance 18-10-CC on 1st Reading and direct Staff to schedule a 2nd Reading for final adoption."

Attachments:

1. 6.4.18 Ord. 18-10 CC - Short Term Rental - Exhibit A
2. 6.4.18 Ord. 18-10-CC - Short Term Rental - Exhibit B

EXHIBIT: A

ORDINANCE 18-10-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SHORT-TERM RENTAL REGISTRATIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI – REGISTRATION OF SHORT- TERM RENTALS; AMENDING SECTIONS 13-105 – 13-110, PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article I, Section I .01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Pan II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council has deemed it necessary to amend the existing Code of Ordinances to provide for revisions to the Short-term rental registration process; and

WHEREAS, the City Council approved the Short-term Rental Task Force on October 2, 2017 in order to provide recommendations to the City Council on issues related to the presence of short-term vacation rentals in established residential neighborhoods; and

WHEREAS, the Short-term Rental Task Force met weekly from November 29, 2017 until February 13, 2018 and has formulated recommendations to provide to City Council; and

WHEREAS, the City Council of the City of Destin recognizes the work that the Short-term Rental Task force has completed and presented to the City Council on February 20th 2018 regarding additional requirements for Short-term rentals in residential neighborhoods; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted Comprehensive Plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in section three (3) of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Code of Ordinances that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF CODE OF ORDINANCES CHAPTER 13: Chapter 13 of the Code of Ordinances is hereby amended as follows:

* * *

ARTICLE VI. - REGISTRATION OF SHORT-TERM RENTALS

* * *

Sec. 13-105. - Registration required.

It shall be unlawful for any person to allow another person to occupy any single family dwelling unit as a seasonal resident within the City of Destin, or offer such rental services within the City of Destin, unless the person has been registered with the City of Destin in accordance with the provisions of this article. Once registration is complete, the applicant will receive a City-issued annual sticker which must be displayed in a conspicuous location at the front of the rental property.

Additionally, the applicant shall post a sign on the property in accordance with section 13-114 of this Code within seven (7) days following the completion of the registration process.

* * *

Sec. 13-107. - Application for registration.

Applications for registration shall include:

- (1) Address, lot, block and subdivision name of single-family dwelling unit offered for rental;
- (2) Name, address, and phone number of owner of said single-family dwelling unit;
- (3) Email of owner of said single-family dwelling unit;
- (4) Name, address and emergency contact phone number of a Responsible Party who resides within 30 miles of said single-family dwelling unit. The contact number shall be a twenty-four-hour, seven (7) days a week contact number;
- (5) Emergency contact phone number for a Responsible Party shall be answered twenty-four (24) hours a day, seven (7) days a week, and the Responsible party shall have with authority to address and correct violations associated with the single-family dwelling unit including but not limited to authority to evict tenant(s);
- (6) Acknowledgement signed by the Owner or Agent of the Owner, understanding and agreeing to the initial and on-going compliance with the City of Destin's short-term rental regulations and standards contained herein and all other applicable local, state, and federal laws, regulations, and standards to include, but not limited to F.S. Ch. 509, and Rules, Chapter 61C and 69A, of the Florida Administrative Code.
- (7) Valid and current City of Destin Business Tax Receipt.
- (8) Valid and current Florida Department of Revenue Annual Resale Certificate under F.S. Ch. 212, and a valid current Department of Business and Professional Regulation Vacation Rental Dwelling License under F.S. Ch. 509.
- (9) Signage must be displayed in accordance with City of Destin Code of Ordinances Chapter 13, Article 6, Section 13-114, ~~prior to approval.~~
- (10) Application Fee is required at the time of application and is non-refundable. Applications submitted without an Application Fee will be deemed incomplete.
- (11) Applications deemed incomplete will be rejected/returned to the owner/applicant and are

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subject to a Reapplication Fee and Late Fees.

(12) Applications in a paper format may be subject to an additional Administrative Fee.

Sec. 13-108. Responsible Party required.

Whenever any property is required to be registered under this article the owner shall appoint a person to serve as the local Responsible Party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. The owner shall notify the City Manager or his designee in writing of the appointment within five (5) days of being required to make such appointment, and shall thereafter notify the City Manager or his designee of any change of Responsible Party within fifteen (15) days of such change. Further, it is hereby made the affirmative duty of the responsible party to:

- (1) Inform all seasonal residents prior to occupancy of the single family dwelling unit of applicable City of Destin ordinances concerning noise, vehicle parking, garbage and common area usage:
- (2) Maintain all properties under their control in compliance with the occupancy limits, as specified in the City of Destin Code of Ordinances:
- (3) See that the provisions of this article are complied with and promptly address any violations of this article or any violations of law, which may come to the attention of the responsible party:
- (4) Post a sign outside the residence that clearly identifies the management company responsible for the property and the phone number of the Responsible Party that is located within 30 miles of the residence, in accordance with sections 107 and 114 of this Code. The name and address of the Responsible Party shall be listed on the annual registration form. The Responsible Party shall immediately notify the City if the Responsible Party changes during the year. The Responsible Party shall be available with authority to address and correct violations with the rental of the single family dwelling unit twenty-four hours a day, seven days a week. No guest may stay in the residence until the sign is erected with the necessary information.
- (5) Be familiar with the City's short term rental regulations and provide acknowledgement that the applicant will comply with the City's regulations for short-term rentals at the time of registration.
- (6) Be situated close enough to the single family dwelling unit to be able to and have the capacity to service emergency calls within one (1) hour of notification, including but not limited to evicting tenants.
- (7) Maintain the entire property of the single-family dwelling unit free of garbage and litter. Provide however, that this section shall not prohibit the storage of garbage and litter in authorized private receptacles for collection.

Sec. 13-109. General regulations/standards.

* * *

- (4) No garbage container shall be located at the curb for pickup before 12:00 p.m. of the day

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prior to pick up, and garbage container shall be removed before midnight of the day of pickup. Additionally, by 5:00 p.m. the day after the last day of the contracted short-term rental period, all garbage shall be removed. The owner shall be required to obtain ~~additional garbage containers~~ one (1) trash can for the first 3 bedrooms; and one (1) can per 2 bedrooms thereafter, and to acquire special valet garbage service from the city's solid waste removal provider in order to ensure all garbage is properly contained and removed. The owner, in lieu of acquiring valet garbage service from the city's solid waste removal provided, may utilize a third party valet garbage service removal provider, but such private service shall not excuse continuing to accept and pay for regular services of the city solid waste service provider.

* * *

Sec. 13-110. Fees for registration

The City of Destin is authorized and shall charge reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the City Council of the City of Destin. If a property owner fails to register their short term rental unit in a timely manner, fines will be imposed consistent with the schedule of fees as amended. If a property owner fails to register their short-term rental unit within 90 days of receipt of the notice to register, the property owner is subject to code enforcement proceedings.

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

(Signatures continued on next page)

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____, 2018.

By: Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only:

Kimberly Romano Kopp, Land Use Attorney