

**MINUTES
SHORT TERM RENTAL (STR)
TASK FORCE MEETING
NOVEMBER 12, 2019 – 2:00 PM
CITY HALL BOARDROOM**

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

Jeff Marken
Shaun Hickey
Ken Wampler
Marcie Bell
Patti Brown

Staff Present

City Clerk Rey Bailey
Code Compliance Manager Joey Forgione
Land Use Attorney Kimberly Kopp

3. APPROVAL OF MINUTES:

A) October 29, 2019

Referring to page 2 of the minutes, Mr. Hickey inquired as to the result of Mr. Forgione's consultation with the City Attorney regarding registration of boats with the City that are part of rental property use; whether this would fall under the livery vessel program.

According to Mr. Forgione, he has not discussed this issue with the City Attorney, but he will follow through with it and report back at the next meeting.

Mr. Hickey mentioned that at the October 29, 2019 meeting, there was a question as to why and when documented special event limitation per property changed from 2 to 5; adding he was unable to find it in the code.

The Land Use Attorney explained it was increased to 5 as *prima facie* evidence. It was the number the Community Development Director finds reasonable in the zoning districts as evidentiary standards and was approved by the City Council. She added that under Ordinance 18-30-LC, the definition of Commercial Special Events is "*Any wedding or wedding reception, spring break party, bachelor party, family reunion, class reunion, company banquet, company retreat and/or company picnic, or other similar event or celebration for which a property owner, property owner's agent, or occupant of the property obtains a profit, monetary compensation, event fee, or other commercial gain.*" She stated that the holding of two or more weddings or special events within a 12-month period is *prima facie* evidence of a violation if there is a

monetary gain. However, special events that are not “*commercial special events*”, shall be limited to five in any 12- month period in residential zoning districts.

Ms. Brown noted that on page 4 of the minutes, the vote on the motion “*to base the number of trash cans on the number of people listed on the rental home sign, requiring one can for every 6 people, plus one recycle can*” should have been 4-2 instead of 5-1; adding that both she and Ms. Bell voted against the motion as they both wanted to require one trash can for every 5 people. Ms. Bell confirmed her “no” vote.

B) November 5, 2019

Mr. Wampler noted that on line 9 from the bottom of page 1, the word “besides” should be changed to “beside.”

Referencing the language on page 4 of the minutes, Mr. Wampler asked if the Land Use Attorney was able to determine if the Special Magistrate can mandate habitual offenders to have a Saturday trash pick-up or valet service on Tuesday and Friday.

According to the Land Use Attorney, the Special Magistrate can only mandate what is in the code; adding that the City Council would have to approve adding that language in the ordinance.

Motion by Mr. Ken Wampler, seconded by Ms. Patti Brown, to approve the minutes of October 29, 2019 and November 5, 2019, as amended, passed 5-0. Mr. Bruce Craul was absent from the meeting.

There was some discussion relating to the next meeting scheduled for Tuesday, November 19th. Mr. Forgione noted that most staff members would be participating in training sessions on the E-Gov program for the City from November 19th to 21st. After further discussion, the Task Force agreed to move the meeting date to Friday, November 22nd, from 9 to 11 AM.

4. NEW BUSINESS

A) Short-Term Rental Registration Acknowledgement Section – Amendments

Ms. Brown stated that she has read through the entire booklet that was provided to them and has some concerns because some of the language is not clear. For instance, Section 1 did not say anything about the decal needing to be on the signs; while in another part of the booklet, it states the decal will be issued and the sign will be inspected after the decal is issued to make sure all the information, including the decal, is correct.

Mr. Forgione stated that they will make the correction.

According to the Land Use Attorney, regardless of what the booklet says, it is the language in the ordinance that is enforceable.

Ms. Brown also noted that with regards to the noise regulation, they are finding out, at least on Shirah Street, that a lot of people were saying the rules do not take effect until after 10:00 PM. Even though it is not what the ordinance says, most people do not read the ordinance. She added that the booklet should say the rules are in effect at all times.

Mr. Forgione noted that the flyer states, *"It shall be unlawful to allow or make excessive noise that is under human control that reasonably interferes with the peace, comfort and convenience of another person 150 feet from the property line at all times."* He also stated they will add this language in Section 1 of the booklet.

Ms. Brown noted that when they presented the registration fees to the Council, they have agreed to base the fees on the size of the house. She asked if that would be effective January 1, 2020.

Mr. Forgione noted it is now in effect and they will amend the booklet to reflect the current fee schedule.

Ms. Brown stated they presented to the Council that parking will be based on the maximum number of spaces on the building permit; however, the booklet states it will be based on the number of parking spaces the owners say they have on the property. She also stated that the house across from her house is authorized 4 parking spaces; but they have a golf cart in their garage and 8 cars in the driveway.

According to Mr. Forgione, required number of parking spaces is based on the number indicated on their sign and their development order.

The Land Use Attorney noted the number of parking spaces will be verified when the short-term rentals apply for their registration.

Ms. Brown noted that some rental homes park their car across the driveway entrance.

Mr. Forgione stated that the ordinance does not allow it and many of the homes have received warnings and citations for violating the ordinance.

Ms. Bell asked if they could require property owners to issue parking decals or hanging tags to their tenants and to have them displayed inside their car while the car is parked at the facility.

The Land Use Attorney stated that the Task Force can make that recommendation to Council.

Mr. Hickey asked how this would work with VRBO and Airbnb, and out of state owners who rent their home for income.

According to Mr. Wampler, they would typically mail or email parking passes to their tenants in advance.

Mr. Marken stated that he makes his guests aware of the number of parking spaces allowed; however, if he tells them they are allowed 4 parking spaces and they show up with 4 Suburban, they may not all fit and may stick out over the sidewalk.

Ms. Marcie Bell moved to amend the ordinance to include in the short-term rental application process a requirement for rental properties to issue parking passes to their guests. Passes will have specific information pertaining to the property, such as the name or address of the property. Passes will be numbered with the maximum number of parking spots permitted on the property (i.e., 1 of 4, 2 of 4). Parking passes will be displayed inside the car while the car is parked on the property. Ms. Patti Brown provided a second to the motion. Motion passed 5-0.

Next, Mr. Hickey noted that by ordinance, commercial trucks are not allowed on Luke Avenue, between Crystal Beach Drive and Hutchinson Street, as well as on Mark Avenue, between Scenic Hwy 98 and Luke Avenue. He stated that commercial trucks are cutting through their neighborhood because they are not allowed on other streets.

The Land Use Attorney looked in the Code of Ordinances and then asked the City Clerk to pull Ordinance 387 that was adopted on April 15, 2002. She will review the documents and will try to determine the reason for this regulation.

At this time, Mr. Forgione presented the revised City of Destin Information Flyer to the Task Force.

Ms. Bell noted that under the City of Destin Code Compliance section, there is a regular telephone phone number listed and then an afterhours telephone number; but there is no explanation as what afterhours mean.

Mr. Forgione stated that he will put Monday thru Friday, 8-5 next to the regular phone number so it would be clear to everyone that any other time is considered afterhours.

B) Short-Term Rental Ordinance – Contact Phone Number for Responsible Party

Mr. Forgione discussed the Acknowledgement portion of the short-term rental application.

Mr. Wampler noted there have been some recommendations made by members of the Task Force that are not yet reflected in the document; including some clarifying language in items 7, 9 and 10.

Mr. Forgione explained they are currently working with the IT Manager to resolve some formatting issues. He will bring the updated document back at the next meeting. He then referred to item 1 that reads, *“A sign will be posted and maintained on the property, 18” x 18” in size. The content of such sign is described in detail in the City of Destin Code of Ordinance, Chapter 13, Article 6, Section 13-114. Signage must include name and telephone number of the management company, name and telephone number of emergency contact (if different from*

management company) occupancy limit and available parking spaces."

Ms. Brown recommends they include the requirements for decal and include a language under item 4 of Acknowledgement that parking is prohibited at the front of a private or public driveway.

Mr. Forgione noted this particular language is already in the ordinance and so they could issue a citation.

There was some discussion relative to the placement of trash receptacles during non-pickup days.

The Land Use Attorney noted that according to the code, *"No garbage container shall be located at the curb for pick-up before 12 PM of the day prior to pick-up. Garbage container shall be removed before midnight of the day of pick-up. Additionally, by 5 PM the day after the last day of the contracted short-term rental period, all garbage shall be removed."*

According to Ms. Brown, some of the homeowners' association have bylaws that prohibit trash receptacles to be visible from the street during non-pickup days.

According to the Land Use Attorney, the City does not have that requirement, but the Task Force can make that recommendation.

Mr. Wampler noted that each community has different struggles and challenges. There are some communities that do not have garages and no place to hide their trash cans. He added it would not be fair for the City to adopt rules that some homes would not be able to accommodate.

The Land Use Attorney stated that if they require screening, they would have to define it as either in the garage, on the side of the house, or behind some kind of landscaping or wall. She added it would make more sense with homeowners associations to make these rules because they take into account the unique characteristics of their property. It would be more challenging for the City because they must consider all properties city-wide.

5. NEXT MEETING DATE:

The Task Force agreed to schedule their next meeting on Friday, November 22nd, beginning at 9:00 AM.

Mr. Forgione stated that he would bring back an updated copy of the Acknowledgement document at the next meeting.

There were some discussions relative to sending recommendations to Council for approval by December so they could be memorialized in the ordinance and put into action prior to the start of the short-term rental registration process beginning in January 2020.

Mr. Forgione stated that he will capture all the motions/recommendation made by the Task Force and bring them back at the next meeting so that the Task Force can vote to send them forward to the City Council.

According to the Land Use Attorney, they would bring the Task Force recommendations forward to the City Council who can then direct staff to prepare an ordinance.

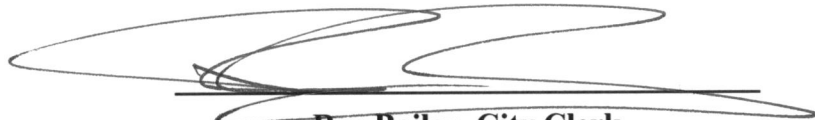
6. PUBLIC COMMENTS

Mr. Bill Reddington stated that he does not understand why they would cite the property owner for parking violation instead of the people that are actually committing the violations.

Mr. Forgione explained if it is a parking violation under Chapter 19 of the code, they will issue a citation to the vehicle owner; however, if it is a violation of a short-term rental regulation, they are required to cite the property owner but they will send a courtesy copy to the management company/agent.

7. ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 3:45 PM.



Rey Bailey, City Clerk