



**MINUTES
REGULAR MEETING
of THE MARY ESTHER CITY COUNCIL
August 21, 2023 - 6:00 PM**

195 Christobal Road – North, Mary Esther, FL 32569

CITY COUNCIL PRESENT

Chris Stein, Mayor
Susan Coxwell, Councilmember
Jan Lipscomb, Councilmember

Larry Carter, Mayor Pro Tem via zoom
April Sutton, Councilmember
Bernie Oder, Councilmember

CITY STAFF PRESENT

Jared Cobb, City Manager via zoom
Hayward Dykes, City Attorney

Valerie Broxson, City Clerk

OTHERS PRESENT

Mark Bundrick, OCWFD Chief

1. CALL TO ORDER

The meeting was called to order by Mayor Stein at 6:00 PM.

2. PLEDGE OF ALLEGIANCE

Mayor Stein led the pledge of allegiance.

3. ROLL CALL

The City Clerk called the roll and it is reflected above.

4. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Mayor Stein asked if anyone would like to speak before beginning the discussion on short-term rentals. There were no public comments, either in person or online.

5. DISCUSSION OF SHORT-TERM RENTALS

5.1. Review of Short-Term Rental Ordinances

City Manager Jared Cobb appeared for the Workshop City Council Meeting via Zoom and provided a PDF document to be shared on the monitors within the chambers and with those attending virtually.

CM Cobb shared some background on short-term rentals. He shared that the City of Mary Esther went through litigation to determine whether the city's ordinance covered short-term rentals, and it was determined that the city's ordinances do not. As a result, the council requested to have this workshop to discuss the options and levels of regulation going forward, if any.

CM Cobb shared that the PDF Document outlines the different regulations for short-term rentals within the three different agency's ordinances. The governmental entities include City of Panama City Beach, City of Destin, and Wilton Manors. City Attorney Dykes shared that the ordinances provided are to give council an idea of regulations used by other governmental agencies; however, council is not restricted to only those choices. Council may choose all of one ordinance, different regulations from different ordinances, or none of the regulations listed. Council discussed proceeding with a hybrid of the three ordinances.

Prior to reviewing the document, Mayor Pro Tem Carter shared a concern that he received from a resident that lives between two houses used for short-term rentals. The individual has small children and expresses dealing with issues related to parking, noise, trash, and jet skis. In addition, Mayor Pro Tem expressed an interest in having regulations on how to handle situations outside of business hours.

The Council began reviewing the PDF document and decided to start at the top of the list and go through each item. The first item of discussion was the definition of short-term rentals. The council was unanimous that they liked Destin's definition.

The second item was Business Tax Receipts (BTR), which are completed to operate a business within a city. The council felt that short-term rentals should have a BTR.

The third item is registration, which is used to monitor regulations and track violations. Discussion includes the reason for registration, software, or database requirements to track violations, utilizing the county's registration, fines and fees associated with registration, tracking short-term rentals at a city level, the need to make the process customer friendly (one stop shopping), recoup the cost associated with managing the program. The council felt that a registration process was needed.

The council skipped to page 3 to discuss the compliance inspections. Discussion includes when the inspections are performed, the frequency of inspections, the items that are inspected, homeowners' insurance, and the cost of inspecting the location.

The fourth item was whether the City of Mary Esther would want an application process, and the council was in favor.

Fees are the fifth item on the list, and the consensus was to use the structure of Milton Manor. The actual fees assigned were not discussed; however, discussion about recouping the cost associated with doing business.

The sixth item discussed was the responsible party. The council discussed preferring the regulation provided by Wilton Manors that did not require a responsible party to be located within thirty miles of the property.

The seventh item discussed is the FDOR Resale Certificate, which is the requirement of the short-term rental to show proof that they registered with the state. By registering with the state, these properties will pay Tourist Development taxes like hotels and motels.

The eighth item discussed is the application fee and the council agreed that it was needed.

The ninth item discussed was parking. Discussion included water and land vehicles being parked in the streets, garbage cans being left on the side of the streets, having the maximum number of vehicles listed in the advertisement, current city ordinance requirements for parking, the potential need to change the parking ordinance for all in the city versus only short-term rentals, and the need for communication with short-term rental tenants by person managing the short-term rental.

Deputy Aaron Chapman, Okaloosa County Sheriff's Office Deputy

Deputy Aaron Chapman is one of the contracted units for the City of Mary Esther. Before transferring to Mary Esther, he worked in Destin for four (4) years and offered some insight into the short-term discussion from an officer's standpoint. The City of Destin provided a handout with information that was available to the short-term rental so they would know the rules. Deputy Chapman stated that he often made the three-strike rule for noise complaints. The deputy agreed that parking could be a problem, but with the right foundation of communication, it should be okay.

The tenth item discussed was noise regulations. Discussion included the current city ordinance on noise, and the need to improve some of the ordinances (noise and parking). The council set aside the discussion of noise to return to it later.

The eleventh item discussed involved signage requirements for the short-term rental. Discussion included not liking a visible sign in the yard, the use of a decal, security concerns with both options, limitations with yard signs for apartments versus with houses that have yards, having an

easy method for communicating the responsible parties' contact information if violations occur, the impact of violations on the Sheriff's Office and Code Enforcement, and human trafficking concerns.

The twelfth item discussed involved rules regarding garbage. The council reviewed the regulations for the City of Destin and Walton Manors. Discussion included bears getting into the garbage, garbage cans being left out, communication to tenants about rules involving garbage and awareness of bears and the need for responsible parties to handle garbage concerns or violations. Finally, the council discussed that the rules for garbage should be the same for all city residents.

The thirteenth item discussed is trespassing rules which is to benefit the owner. The two that have trespass rules state that an individual may be trespassed if not listed on the rental agreement or on behalf of the property owner. Discussion included that this could be used when there are too many individuals in a dwelling to help law enforcement and protect the owner. The council felt a trespassing rule was needed.

The fourteenth item discussed is Property requirements property which are used by Wilton Manors. The purpose of the property requirement is to inspect the property prior to ensuring certain safety cautions are met. The council did not feel that a property requirement would need to be required.

The fifteenth item discussed was rules regarding shared amenities being listed in the rental agreement. The council agreed that shared amenities should be listed in the rental agreement.

The sixteenth item discussed involved whether the council wanted to regulate the occupancy of the short-term rentals. Discussion included that the city currently does not have any occupancy regulations and the State of Florida has occupancy regulations which might be good numbers to mimic.

The seventeenth item discussed was compliance of inspection rules. The discussion included safety equipment.

The eighteenth item was rental agreement requirements. Discussion included advertising the proximity to a park, a school, or other items that could create compliance concerns for sexual predators staying at the short-term rental.

The nineteenth item was miscellaneous requirements. Discussion included most of the items listed for Wilton Manor either already being listed in another section or items rarely found today, and short-term rentals with violations will not be able to operate until violations are corrected.

The twentieth item discussed rules regarding enforcement and penalties. Discussion included applying the same code enforcement process and penalties already used in the fee schedule to address the short-term rentals and would the council want to deny, suspend, or revoke the short-term rental if there was a problem.

CM Cobb finished out the discussion by stating that he would work with City Attorney Dykes to incorporate the guidance into a first draft ordinance.

6. COMMENTS

Mayor Stein opened up the discussion to the public.

Elaine Rogers, 351 Angela Lane and 350 Angela Lane

Mrs. Rogers feels that most short-term rentals will abide by the rules and have no issues. Also, most short-term rentals want families and military to stay in their dwellings. In support of putting a sign by the front door with a responsible party phone number. Short-term rentals at the Cedars apartments might face some different challenges due to being an apartment complex.. Mrs. Rogers agrees with taking the short-term rental away if someone is constantly receiving violations. The driveway was oversized and had

questions about parking an extra vehicle in the short-term rental driveway. She agreed with placing a booklet in the dwelling sharing information about trash and bears. Mrs. Rodgers concluded by stating that she felt everything talked about was very good and once she was registered, she did not want her short-term rental to be a problem.

Mary Walton, owns a location at the cedars

Mrs. Walton stated that she did not want to advertise that the location is close to a school. The owner should be on the sexual predator to ensure the individual does not choose a location that violates the restrictions placed upon them. Mrs. Walton shared that she has a book in the dwelling that communicates trash and many others need to know information. Parking is not normally a problem with short-term rentals, because most people are traveling a longer distance and they are trying to save money; whereas, those living at the Cedars normally have more vehicles. The AirBNB process requires a picture and several other security measures, which makes them even more secure than many other stays at locations. Mrs. Walton concluded that it is hard to fit a one-size-fits all approach, which is also true with the residents of Mary Esther.

James Evans, 111 Pryor Drive (via Zoon)

Mr. Evans shared that he felt Florida ordinances cover most of the noise compliance regulations. He felt that the QR code was a great idea. Mr. Evans also stated that most short-term rental owners want to respect their home. They often have cameras to make sure nobody is going in or violating the occupancy code, which is dictated by Florida.

Mayor Stein asked if anyone else wanted to speak regarding short-term rentals. Mayor Pro Tem Carter asked when the first draft of the ordinance would be presented. City Manager Cobb and City Attorney Hayward felt that it should be available at the September or October regular meeting.

Hearing no other comments, Mayor Stein closed the public comments.

7. **ADJOURN**

The council meeting adjourned at 7:39 pm.



Valerie M. Broxson
City Clerk

(Approved at the 9/6/2023 meeting.)



Short-Term Rental Program Comparison

	Panama City Beach	Destin	Wilton Manors
STR Defined	< 6 Months Rooms Dwelling Unit	< 6 Months Dwelling Unit	< 1 Month Rented more than 3 times/year Dwelling Unit
BTR	Yes	Yes	Yes
Registration		Yes	Yes
Application		Yes	Yes
Fees		2,499 SF - \$500 2,500 - 4,999 - \$600 5,000+ SF - \$700 Late Registration (3/31) - \$100 Late Registration (6/1) - \$500	New Rental - \$375 Renewal - \$350 Inspection - \$150 Late Registration - \$100 Change Responsible Party - \$125
Responsible Party		Yes Located w/in 30 miles Available 24/7 1 Hour Response Education Maintenance Compliance	Yes No location requirement Available 24/7 1 Hour Response Education Maintenance Compliance
FDOR Resale Certificate		Yes	Yes
Application Fees		Yes	Yes
Parking		Driveway Garage	Hard Surface Driveway Garage

Short-Term Rental Program Comparison

	Panama City Beach	Destin	Wilton Manors
Noise		No street parking Maximum vehicles listed in ad Per City Code	No more 1 vehicle per bedroom No street parking Per City Code If violation, detection device required
Signage		Visible from ROW 18"x18" 24/7 Contact Information Occupancy Limit City decal	
Garbage		Specific requirements Placement and Removal Number of cans per bedroom	Placement and Removal
Trespass		May be trespassed if not listed in rental agreement	May be trespassed on behalf of property owner
Property Requirement			Interior building sketch Exterior site sketch
Amenities		Shared amenities must be noted in rental agreement	Shared amenities must be noted in rental agreement
Occupancy		2/bedroom + 4 additional or 24/rental, whichever is less 10 PM - 7 AM occupancy may not exceed limit	2/bedroom + 2 additional Maximum gather of 1.5 times the occupancy limit

Short-Term Rental Program Comparison

	Panama City Beach	Destin	Wilton Manors
Compliance Inspection		Occupancy requirements listed in ad	Occupancy requirements listed in ad Occupancy not prohibited by sexual predator registry Minimum one person age 21+ Initial inspection and every 2 years for life/safety, incl. pools, sleeping rooms, smoke and carbon monoxide detector, fire extinguishers, and required placards
Rental Agreement Requirements		Occupancy limit Maximum # vehicles Evacuation requirement Courtesy document w/City regulations trash, parking, and noise	Occupancy limit All occupants listed in agreement Placards w/in unit for solid waste, responsible party, public safety contact
Miscellaneous			No code violations Register of all guests Inspection after each rental Certificate of Insurance on file One landline required
Penalties	1 - \$1,000 2 - \$2,000 3 - \$3,000	Code enforcement and civil citations not listed Criminal penalty \$500/day	1 - \$250 2 - \$500 Additional \$500

Short-Term Rental Program Comparison

	Panama City Beach	Destin	Wilton Manors
	Additional \$5,000	Criminal penalty <60 days jail	Irreparable - \$5,000
Enforcement	Special Magistrate	Special Magistrate Code Enforcement Board Civil Citation Denial/Suspension/Revocation Criminal Penalties	Special Magistrate Civil Citation Denial/Suspension/Revocation Criminal Penalties