

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION WORK SESSION - VACATION RENTALS/
BUSINESS LICENSES
THURSDAY, MAY 21, 2020
IMMEDIATELY FOLLOWING THE SPECIAL MEETING**

The meeting was called to order by Mayor Triolo on the above date at 6:40 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were; Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

UPDATES/FUTURE ACTION/DIRECTION:

A. Work Session Discussion - Vacation Rentals

Vice Mayor Amoroso asked if there would be a motion or if the Commission was being asked to pick one of the two options.

City Attorney Goddeau replied that she was looking to see if the Commission would change anything, which would require an ordinance.

City Manager suggested that City Attorney Goddeau do her presentation.

City Attorney Goddeau said the William Waters, Community Sustainability Director, was available and had a lot of knowledge. She explained that the City did not allow vacation rentals. She stated that in 2013 there had been a discussion about vacation rentals; there was a broad pre-emption on restrictions from the State. She said that there could not be a law restricting vacation rentals after 2011, but since the City prohibited vacation rentals before 2011, it could. She asked if the City should stick with a prohibition or make a change. She said that the option was to remove the grandfathered position and allow vacation rentals everywhere with requirements such as business licenses, fee requirements and annual inspections related to health and safety.

Comments/requests summary:

1. Commissioner Hardy spoke in favor of allowing, taxing and regulating vacation rentals. He stated that he understood the objections, but some owners would not be able to afford their homes without renting out part of their properties. He asked City Attorney Goddeau if the vacation rentals could be taxed or charged an impact fee.

City Attorney Goddeau replied that there would be a tax and fees for use and occupancy and business licenses. She said that some cities were charging a registration fee based on the occupancy, but that there would be a cost to the City for regulation by staff. She stated that she would have to research impact fees to see what could be charged by the City.

2. Commissioner Maxwell said that he was looking at the work session as a first step. He stated that it would be prudent to identify best practices in Florida and in the County and then have a dialogue with the operators before making a policy decision. He said that vacation rentals could have a negative effect on affordable housing.

Vice Mayor Amoroso recapped that the operators came to the City in 2011-2013 and said they would police themselves, but he did not know if that was being done. He said that there was an issue with a lack of business licenses and needing regulations. He stated that there were people in violation being fined and opined that the issue should be clarified at the work session. He stated that there should not be a Homestead Exemption for any rental properties.

3. Mayor Triolo stated that the issue would have to be addressed; she had to call the police several times for violations at a vacation rental across the street from her home. She said that people treated the rentals as a hotel where they were on vacation and were not cognizant that they were in a residential neighborhood. She iterated that people who lived in or near the properties monitored the properties more carefully; there needed to be an investigation of the operators to see which were good. She asked about having a manager onsite or the owner nearby and if the nuisance rules could apply.

Mr. Waters replied that there was a requirement that a responsible party had to be located within 50 miles of the City.

Mayor Triolo said that members of the community should be able to comment in the Chambers after hearing the Commissioners debate the issue. She said that the City would be diligent on inspections and other regulations.

4. Vice Mayor Amoroso asked if the City had a permitted timeframe regarding the rentals.

Mr. Waters replied that rentals were under 60 days while the State had a timeframe of 30 days. He stated that the ordinance might need to be a changed.

City Attorney clarified that transient facilities were less than 30 days for the State. She said that the City did not allow any rentals for less than 60 days and the ordinance would have to be changed. She said that other cities created rules that addressed the State's definition of transient lodgings.

5. Commissioner Robinson said that the Commission would hear from the public and would have to make decisions about the issue. He expressed surprise that the Code department did not follow up on properties that advertised on Airbnb and that the City should get some of the bed tax. He said that the government should do the regulating, there should not be self-policing. He stated that there should be a heavy deposit for Airbnbs to address any calls for services from the City.
6. Mayor Triolo said that it was different if someone was living in the house and renting out a portion from owners who lived far away. She stated that the City had to crack down on nuisance properties that were affecting single-family neighborhoods.

7. Vice Mayor Amoroso asked for clarification regarding the options, that the City could not label or point out vacation rentals.

City Attorney Goddeau stated that cities could target the vacation rentals and expand the business license structure to have more inspections and other regulations. She said that a separate ordinance could be created to target the operation of vacation rentals.

Vice Mayor Amoroso stated that the financial concerns should be addressed.

Commissioner Hardy said that there should be a fee structure to cover enforcement of the regulations. He stated that there was a cost to taking housing off the market for a vacation rental so there should be a charge to account for the removal of the property from the housing market. He said that the City should legitimize vacation rentals, which already existed in the City.

Mayor Triolo stated that the City knew that vacation rentals were happening and a set of rules and regulations should be created considering the neighbors.

City Manager Bornstein said that data would need to be provided to go to the next level. He stated that staff would look statewide at best practices, but the State did not always know what was best for the different cities. He iterated that it would be necessary to collect the appropriate fees and ensure the regulations were followed; the City followed the complaints but did not go after vacation rentals. He said there was a good list of items to bring back to the Commission.

Mayor Triolo said that the City should sit with PBSO so that they could issue citations for violations.

8. Commissioner Robinson asked when the issue would come back for consideration. He stated that PBSO should enforce the nuisance violations and Code should look at the properties advertised. He said that he supported option two.

Vice Mayor Amoroso said that he supported option two.

Deborah Andrea, City Clerk, read the public comment cards submitted by the following:

Ted Johnson wrote in favor of allowing Airbnb rentals.

Melissa Naman wrote in favor of vacation rentals.

Sarah Martin wrote in opposition to vacation rentals.

Cheryl Rashkin wrote in favor of allowing vacation rentals.

Jessie Shade wrote in favor of allowing vacation rentals.

Shane Reagan wrote in favor of allowing vacation rentals.

Bernard Guthrie wrote in opposition to vacation rentals.

City Clerk Andrea read the petition signed by 34 downtown merchants in favor of vacation rentals.

Anthony Segrich wrote in favor of allowing vacation rentals.

Melissa and Gary Madeline wrote in opposition to vacation rentals.

Sheryl Sperling wrote in favor of allowing vacation rentals.

9. Vice Mayor Amoroso expressed concern about parties with more than ten people taking place during the pandemic in a neighborhood and requested that the City speak with PBSO.
10. Commissioner Hardy stated that PBSO had to enforce the nuisance ordinances.
11. Commissioner Robinson said that the Commission heard from both sides and requested a date for the item to be brought back.
12. Mayor Triolo stated that the City would need to work together to progress in a positive direction.

B. Update on the Fourth of July Celebration

City Manager Bornstein stated that there was a dilemma about City events with large gatherings. He reported that many cities had canceled their Fourth of July events, some had postponed them, others had not decided yet and some would have fireworks without an event. He asked for a decision from the Commission. He said that the raft race would be postponed.

Vice Mayor Amoroso expressed concern about turning people away from Bryant Park and said there should not be an event. He said that fireworks would bring people and suggested that the City partner with a city to show virtual fireworks.

Commissioner Maxwell said that the Fourth of July would not be the same without a celebration. He stated that signs should be put up and it should be marketed that there would not be a celebration this year, as well as roping off Bryant Park. He suggested having the Fourth of July celebration when the raft race was rescheduled.

Commissioner Hardy stated that there could not be a Fourth of July celebration and Bryant Park should be closed off.

Commissioner Robinson stated that a public polling of the Commission was positive. He said that it would be fine to watch fireworks virtually.

Vice Mayor Amoroso suggested a Labor Day raft race with a Fourth of July celebration.

Mayor Triolo said she was in accord with the Commissioners' opinions.

City Manager Bornstein restated that the celebration would be rescheduled and that some options would be brought back to the Commission.

ADJOURNMENT:

The meeting adjourned at 8:19 PM.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes approved: June 2, 2020.

A digital audio recording of this meeting will be available in the Office of the City Clerk.