

**APPROVED**  
**SHORT TERM RESIDENTIAL USE COMMITTEE**  
**TUESDAY, NOVEMBER 23, 2010 3:30 P.M.**  
**CITY HALL, 100 NORTH ANDREWS AVENUE**  
**1<sup>ST</sup> FLOOR, FORT LAUDERDALE, FL**

**CUMULATIVE  
MEMBER**

		<b>MAR 2010 / FEB 2011</b>	
		<b>Present</b>	<b>Absent</b>
Marilyn Mammano, Chair	P	8	0
H. Collins Forman, Jr., Vice Chair	P	6	1
Larry Isakowitz	P	6	2
Dwight Ledbetter	P	6	2
Ronald Mastriana	P	6	2
Lula Myers	P	7	1
D.J. Parker	P	7	1
Annette Ross	A	6	2

At this time there are 8 appointed members to the Board, which means 5 would constitute a quorum.

**Staff**

Deborah Rutkowski, Assistant Planner, Planning and Zoning Department  
Cheryl Felder, Service Clerk, Planning and Zoning Department  
Terry Burgess, Zoning Administrator  
Barbara Hartmann, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. Call to Order**

Chair Mammano called the meeting to order at 3:36 p.m.

**II. Roll Call**

Roll was taken and it was noted a quorum was present.

**III. Approval of October 27, 2010 Minutes**

**Motion** made by Vice Chair Forman, seconded by Ms. Parker, to approve the minutes of the October 27, 2010 meeting.

Vice Chair Forman recalled that on October 5, he was granted a waiver by the City Commission of any conflict of interest regarding his service on the Committee.

In a voice vote, the **motion** passed unanimously.

#### **IV. Approval of November 9, 2010 Minutes**

Mr. Mastriana recalled that he had asked Mr. Ledbetter in which geographic areas of the City most crew quarters are located. Mr. Ledbetter clarified that “95% of crew accommodations... are located between the boundaries of 595, I-95, Davie Boulevard, and the Intracoastal Waterway.”

**Motion** made by Ms. Myers, seconded by Vice Chair Forman, to approve the minutes of the November 9, 2010 meeting as corrected. In a voice vote, the **motion** passed unanimously.

#### **V. Discussion to Determine December Meeting Date**

The Committee members determined that they would hold an early January 2011 meeting in lieu of a December 2010 meeting. This meeting was scheduled for Wednesday, January 5, 2011, in addition to the regularly scheduled meeting on Thursday, January 27.

#### **VI. New Business**

##### **a. Chair / Vice Chair Update**

There was no new information at this time.

##### **b. Working Session (continuation): Interim Report DRAFT / Members' Presentation of Comments and Revisions**

Chair Mammano noted that Ms. Ehle had sent a copy of the outline to the members, some of whom had commented upon it. She noted that she, Mr. Isakowitz, and Vice Chair Forman had expanded upon the outline, while Mr. Mastriana had taken a different approach. He explained that he felt what the Committee should strive not only to impart information, but to let the public know the direction in which they are moving. To this end, he had provided an executive summary of “where we could be heading,” which invited public comment as well.

Mr. Ledbetter said while the summary is succinct and likely to receive a response, he felt “some of the things mentioned here... are draconian.” He noted that the executive summary stated all rentals in single-family neighborhoods greater than six months would be subject to registration; no rentals under six

months would be permitted in these neighborhoods. Mr. Mastriana added that only two rentals of six months or more would be permitted per year, and registration would be “strict registration,” as the Committee had previously noted is done in other cities.

Ms. Parker said her initial response was that these restrictions would be “a huge violation of our property rights,” and added that she was not aware of any place in which long-term rentals must be registered. Chair Mammano noted that this was similar to but not the same as an ordinance in Destin.

Mr. Mastriana continued that at the previous meeting, the Committee had discussed the existence of issues with long-term rentals as well. He stated “the problem is that no one wants to take responsibility.” He felt this would be an issue regardless of the length of a rental, even in the case of “one year or... two years,” and registration would ensure that individuals assume responsibility for their properties.

Ms. Parker said she did not feel it should be necessary to register every rental property, noting that in some cases there are “ideal tenants.” Mr. Mastriana asked why this would be an issue. Ms. Parker said this information is included in tax registry. Mr. Mastriana cited the example of “investment homes” in his neighborhood that are owned by an entity with a registered agent, and said the owner(s) are difficult to find. Ms. Parker said these are often exceptional cases.

Chair Mammano said she would like the Committee to focus more closely on whether or not they agreed to offer possible solutions such as those presented by Mr. Mastriana’s executive summary. She noted that they could produce more discussion, and added that she would like a sense of whether or not the Committee felt this was “the appropriate way to go in this Interim Report.”

Mr. Ledbetter agreed he would like more accountability, noting that properties owned by LLCs in his neighborhood are “horrendous” and difficult to hold accountable by the City. Chair Mammano said while increased responsibility should perhaps be an area of concern for the Committee, they must also consider that it may not be a good idea to “put out a couple of solutions,” as it may lead to “this exact same discussion.” She proposed that the Interim Report could indicate the Committee is concerned with accountability, and that licensing is a possible solution to this concern.

Vice Chair Forman suggested that while there are differing opinions on the Committee, he would not like to “create an executive summary that’s absolutely controversial.” He felt parts of the summary were appropriate, but noted that the Committee did not agree on all the points raised by the document, and had “never even discussed the last two [points].” He felt it would be more helpful for the Committee to “list issues that we find,” as reflected in the draft outline.

He continued that he felt strongly there should be some evidence, such as the police reports requested by Mr. Ledbetter at a previous meeting, testimonial evidence, or information from City Staff, as this would be "somewhat impartial." While he was sensitive to the concerns of single-family neighborhoods and felt they should be addressed, he pointed out that "sometimes the neighborhoods want to go too far," which could lead the Committee into an unnecessarily controversial area and "create possible problems for the City." He felt their recommendations should withstand scrutiny and should work for property owners, neighborhood associations, and individual neighbors.

He concluded that they could work toward defining short-term rentals and creating registration requirements for them that would allow for greater responsibility by the owner or operator of the property.

Mr. Mastriana said this does not accomplish what most single-family neighborhoods want, which is "a limitation on short-term rental, period." He said it would be wrong for the Committee to "try to escape that," and noted that the Committee was begun because single-family neighborhoods called the City's attention to the issues affecting them and requested a response.

Chair Mammano said she agreed with the genesis of the Committee, but felt once the Committee began meeting, "it became a bigger issue" for which there may be unintended consequences. Mr. Mastriana asserted that "just giving facts" would not invite the kind of testimony that the Committee needs to hear.

Ms. Myers said she has heard some of the same issues discussed at more than one meeting, and suggested that a better solution could be determined by stating what is wanted in a neighborhood rather than what is not wanted. Mr. Mastriana said with regard to short-term rentals, he would be comfortable with "none." He did not believe there was anything that could be done to make short-term rentals acceptable to single-family neighborhood associations.

Mr. Mastriana asked why the Committee felt most condominium association documents restrict short-term rentals, including the amount of time for which these units may be rented. Ms. Myers said the Committee must look at what is wanted by the community rather than by restricted associations such as condominiums. She urged the members to consider what might be the best way to work with rental properties in their communities.

Vice Chair Forman noted that small neighborhoods may vote to have restrictive covenants that prevent short-term rentals. He pointed out that "because there is a vocal minority" does not mean that "majority rules" in every case. He felt that requiring registration of rentals for periods of six months or longer would be "an intrusion to people's rights."

Mr. Mastriana asked if Chair Mammano would like the Committee to present an outline of the issues to the public. Chair Mammano said this was her preference, as the Committee has not yet reached a compromise on what they felt should be done. She felt it would be better to present the issues with which the Committee is dealing to the public. They would then receive public input, at which time they could begin to arrive at an agreement.

Ms. Myers said the Committee could solicit public input, possibly in the form of letters, and then hold the public hearing. This would allow the Committee to know "what we're up against."

Mr. Mastriana asked Mr. Burgess how he felt the Committee might proceed. Mr. Burgess said the best way is often to "ask the questions to the public."

Vice Chair Forman said he felt the Committee's job is to make a recommendation to the City based upon "what our charge is under the Resolution, and not necessarily bow to public pressure."

Mr. Mastriana said the outline as presented by Chair Mammano was "less troublesome" and did not "raise any side of the issue." He noted that he did not agree with some of the comments made on the outline by other members of the Committee.

**Motion** made by Mr. Mastriana that we take Chair Mammano's outline and find out from the City how they should dispense it and set it up for a public workshop/meeting for the 27<sup>th</sup> of January.

Ms. Myers said she would like greater clarity on what the Committee hopes to accomplish at the January 27 meeting. Mr. Mastriana said members of the public would be invited to respond to the Committee's outline, which would be made public, and the Committee would listen to this input. He asked if the members would be able to ask questions of the public. Mr. Burgess said this was done by most Boards or Committees.

Ms. Parker advised that the Committee is charged with addressing short-term rentals, and felt they should strike any references to long-term rentals.

Vice Chair Forman said he objected to the **motion**, as he and other members had made comments on the outline; by offering only Chair Mammano's outline, he said these comments would be "completely ignored." Chair Mammano agreed that the draft must be inclusive. She pointed out that most of the Committee members had commented on the same draft, and suggested that the three versions of the outline be combined by Staff and presented to the Committee on January 5 for final approval.

The **motion** died for lack of second.

Mr. Mastriana asked what amount of time the City felt was sufficient to advertise the January 27 meeting to the public. Mr. Burgess said 15-20 business days would be adequate. It was noted that this would mean the public meeting would be held in February.

Mr. Ledbetter said the points of view that have been discussed thus far have come from the members' personal experience and areas of expertise. He recommended that they "stop advocating and... take these points of view and put them into this document and submit it to the public." He felt they could accomplish their job by identifying the positive and negative uses and concerns, at which time they could move on to advocacy and recommendations.

Mr. Mastriana asked if it would be fair to ask Staff to combine the members' comments on the outline into a single document. Mr. Ledbetter offered to put together an outline that was "not advocating" and considered all the options without placing them in a positive or negative context.

Chair Mammano said she would be more comfortable if the outline was compiled by someone other than a Committee member, such as a member of City Staff, who did not have a position to advocate. Mr. Burgess advised that the compilation of the document was "what the Committee is for."

**Motion** made by Vice Chair Forman, seconded by Ms. Myers, that we ask Mr. Ledbetter to synthesize the drafts that we have and provide us with something to look at in the next couple of weeks before Christmas. In a voice vote, the **motion** passed unanimously.

It was agreed that Mr. Ledbetter would combine the drafts into a single document prior to the next scheduled Committee meeting on January 5, 2011, and return it to Ms. Ehle for distribution to the members. The document would be reviewed at the January 5 meeting and made public prior to the Committee's public meeting on February 2011.

Vice Chair Forman referred to Mr. Mastriana's executive summary, which cited an "overlay district." He recalled there had been an earlier suggestion of establishing such an area within a specific number of feet of an arterial roadway, and suggested that this could be discussed further by the Committee for possible reconsideration. Chair Mammano said the Committee's recommendation would be more general: for example, an overlay district might accommodate short-term rentals "where they are geographically located," but the Committee would not designate these areas.

**Motion** made by Vice Chair Forman, seconded by Ms. Myers, to set the February meeting for the public meeting.

Mr. Mastriana added that he would like further direction from the City with regard to how notice would be provided for the public meeting. Mr. Burgess said this is primarily done through the Public Information Office and the City's website. Chair Mammano recalled that a representative of the Public Information Office had discussed ways to publicize information at a previous meeting. Vice Chair Forman suggested members could include the date in their homeowners' association newsletters as well.

It was noted that the date for the public meeting would be Thursday, February 24, 2011.

In a voice vote, the **motion** passed unanimously.

**c. \*\*Public Comment (approx. 4:30 p.m.)**

Paul Jones stated he was present on behalf of "about 400" City residents who are presently engaging in short-term rentals. He felt the bottom line was that Fort Lauderdale is "known to be a vacation city" and what everyone wants is for money to come into the City and for residents in single-family neighborhoods to experience peace. He did not feel all residents of single-family neighborhoods, however, would want restrictions similar to those enforced by condominium associations.

He said imposing some of the restrictions discussed would be "harsh," and added many individuals believe the hotel industry was "lobbying and pushing to stop the short-term rentals." Mr. Jones concluded that if this was a successful effort, even more homes in the City would go into foreclosure, which would lower property values for all residents.

He continued that because the Committee meets during business hours, it can be difficult for some members of the public to attend meetings. He said individuals engaging in short-term rentals also want "peace... responsibility, and accountability," and that many other cities ensure that this is part of any short-term rental policy.

Mr. Mastriana asked if Mr. Jones would provide a list of the roughly 400 individuals on whose behalf he was speaking. Mr. Jones said he was not comfortable doing this, as "the City would probably go after these people in terms of short-term rental," but he could provide affidavits.

Mr. Ledbetter requested further clarification of how engaging in short-term rental brings revenue to the City. Mr. Jones said the revenue intake is estimated at 6%

for Broward County and an additional 5%-6% to the Florida Department of Revenue. Based upon the location of the property, owners may realize "anywhere from \$1000 to \$3000 a week." He said if short-term rentals are not allowed, this revenue would instead go to the hotel industry.

Chair Mammano asked if the February 2011 public meeting might be held in the evening in order to accommodate a greater segment of the public. Ms. Rutkowski said she would discuss this further with Ms. Ehle.

George Brandt said the City's stance on short-term rentals "is affecting a lot of people." He noted that the realty market is "very slow" and it can be difficult to rent property on a long-term basis. He clarified that he was not advocating rentals "on a daily basis," but felt for holidays or special occasions, short-term rentals were a less expensive alternative to hotels. He said he owns a property that has been vacant for six months, which he must rent out in order to pay bills.

Mr. Mastriana asked why individuals seeking to rent in the short term could not rent apartments. Mr. Brandt said it would be difficult for vacationers to rent apartments that could accommodate a family with children. He continued that in other states, for example, families can rent homes for "a week" to ski or undertake other vacation activities.

Mr. Ledbetter asked if Mr. Jones and Mr. Brandt had learned of today's meeting "from the same source." Mr. Jones said individuals engaging in short-term rentals want to know "what [you would] like from us so that you understand the worth to the community." He asked if affidavits from homeowners would be suitable.

Vice Chair Forman suggested that the Committee needs information from the public, and that written comments would be helpful, as individual speaking time would be limited to three minutes per person in a public hearing. He explained that the Committee must use the information they receive to help make a recommendation to the City Commission. He briefly described some of the issues previously discussed by the Committee, including what is or is not considered appropriate in single-family neighborhoods.

Mr. Ledbetter explained he was concerned that members of the public do not know the issue of short-term rental is being discussed. Mr. Jones agreed "there is a large segment of the community... missing," and these individuals may be reluctant to come forward if they fear repercussion by the City.

Chair Mammano stated if an individual attends a public meeting and presents testimony, however, the Committee must know if they are representing individuals other than themselves. She said a petition including names could be suitable if people did not wish or were not able to attend meetings.

**d. Set Agenda for Next Meeting (5:00 p.m.)**

Chair Mammano noted that this Item had been previously addressed.

**e. Other New Business**

Ms. Parker said she felt the Committee should discuss potential definitions of the term "short-term rental." Mr. Ledbetter agreed, noting that the Committee has not discussed "what's to be done for... a family that comes here for four months," for example. He said the options for a family in this instance would be to stay in a hotel or rent long-term "and break the lease or continue to pay the lease." He felt there should be a provision to address these individuals.

Chair Mammano asked if all the members felt comfortable stating where they stand on the issue of short-term rentals. Mr. Mastriana felt they should first listen to public input, as there may be issues the Committee has not yet considered. He added that zoning may be another consideration: for example, short-term rentals may be more appropriate in some areas than in others.

Chair Mammano said there could be "any number of definitions of short term." She felt the Committee would ultimately need to draw a line between what constituted short- and long-term rentals, such as a specific amount of time. She noted, however, that she was also hesitant to state her own position on the issue without hearing more public input.

Vice Chair Forman said he was not opposed to arriving at a definition of short-term rental and including it in the Interim Report for public consumption.

Chair Mammano asked the members to consider a definition of short-term rental for further discussion at the January 5 meeting.

Ms. Felder said January 5, 2011 is an available date for the meeting. It was noted that while a later hour is being considered for the public meeting, the January 5 and January 27 meetings would be held at the regular meeting time of 3:30 p.m. in City Commission Chambers.

**VII. For the Good of the Committee**

Ms. Felder provided the members with a copy of a magazine article discussing short-term rentals in other cities, including Kissimmee, FL. She included a copy of that city's ordinance addressing short-term rentals.

Chair Mammano said the Committee had also received an analysis from Staff of the methodologies used by other cities to deal with short-term rentals, including

licensing and zoning requirements. She asked Mr. Ledbetter to include this with the outline of the Interim Report.

Vice Chair Forman thanked Mr. Burgess and all members of City Staff for their hard work.

**VIII. Communications to the City Commission**

None.

**IX. Announcements**

None.

**X. Adjournment**

There being no further business to come before the Committee at this time, the meeting was adjourned at 5:02 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]