

# CITY OF LARGO CITY COMMISSION REGULAR MEETING

March 5, 2019  
Minutes

**COMMISSION PRESENT:** Mayor Brown, Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll

**COMMISSION ABSENT:** None

**PARTICIPATING STAFF PRESENT:** City Mgr. Schubert, City Attorney Zimmet, City Clerk Bruner, OPB Mgr. Payne, Engineering Services Dir. Woloszynski, Planner Friel, Planning Mgr. Perez, Economic Dev. Mgr. Brydon

Mayor Brown called the Regular Meeting to order at 5:59 pm.

Invocation was given by Reverend Andre Blunt, Pastor, Greater Faith Temple Holiness Church, followed by the Pledge of Allegiance.

## CEREMONIAL

None

## CITIZEN COMMENT

1. Joe Rommel stated that his business was located on Starkey Road and that his sign was grandfathered in when he annexed. He stated that he paid \$38,000 for his sign and moved it as required by the City. He stated that to lower the sign now would be an additional cost.

Mayor Brown stated that the first reading of the sign ordinance would be on March 19th.

2. Andrew Grantham stated that he was part owner of the Extended Stay Hotel. He stated that even if all of the signs in Largo are changed the City would still have a mixture of sign heights due to the erratic nature of the City's boundary lines. He stated that monument signs could obstruct drivers' views of traffic.

3. Alexander Grantham stated that his business collected 6% from customers to promote the City. He stated that the City would never have all monument signs because of the other jurisdictions in and near the City. He stated that making business owners change their signs amounted to punishment.

4. Atul Jobanputra stated that he was the owner of Belleair Village Motel. He stated that he was opposed to the upcoming sign ordinance. He stated that his sign has been standing since 1963 and that he already lowered it in 2003 as directed by the City. He stated that a generic monument sign will strip the motel of its identity.

5. Debbie Donovan stated that she has been visiting the area for the past five years and that it seemed better to have signs higher up than lower, monument signs.

6. Rita Moffitt stated that she has been visiting Belleair Village for the past 20 years and that if the sign is further lowered people would be unable to see it.

7. Steve Starrett stated that he was the General Manager of the Extended Stay hotel. He stated that forcing them to replace their sign was not business friendly. He stated that a monument sign will provide limited exposure and sight distance issues.

8. Dr. Agnes Green stated that she recently moved her medical office to West Bay Drive and that she was against changing the signage. She stated that a compromise was needed.

9. Gregg Petrakis stated that his family owned Largo Subs. He stated that if they lower their sign they will lose their marquee. He stated that they cannot afford a new sign.

10. Larry Bobenhausen stated that his business was at 1796 Clearwater-Largo Road. He stated that business costs were rising and that he did not need the additional expense of a sign. He stated that visibility was already an issue due to the large amount of trees planted along Clearwater-Largo Road, which created sight issues.

Mayor Brown thanked the audience members for attending the meeting and providing input. He stated that there are about 550 non conforming signs, and about 2,500 businesses in the City.

**AGENDA – APPROVED**

Approval of the Regular Commission Meeting agenda of March 5, 2019.

Discussion:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Robinson, to approve the agenda for the Regular Meeting of March 5, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

**MINUTES – APPROVED**

Approval of the Regular City Commission Meeting minutes of February 19, 2019 as on file in the City Clerk's Office.

Discussion:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Robinson, to approve the minutes of the Regular Meeting of February 19, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

**CONSENT DOCKET**

None

**PUBLIC HEARINGS**

None

## **LEGISLATIVE MATTERS**

### **Ordinance No. 2019-28 – First Reading – Short Term Vacation Rental Ordinance - APPROVED**

#### **City Commission Workshop**

On November 13, 2018, the City Commission considered the limited state preemption of short-term vacation rentals and various categories of permissible regulations. As a reminder, below is a summary of the state preemption and permissible regulations of short term rentals. As a result of this discussion, the City Commission directed Legal to prepare a proposed ordinance with only the following permissible regulations:

- Maximum occupancy limits based on the definition of “bedroom” found in § 381.0065(2)(b), Fla. Stat.
- Parking requirements
- Minimum life safety requirements
- Local “designated responsible party” capable of being on the property within 2 hours, and the posting of the designated responsible party’s contact information on the exterior of the short-term vacation rental unit

The City Commission desired to avoid any kind of registration with the City, Business Tax Receipt requirement, or requirement of state licensure.

#### **• Short Term Rental Regulations Summary:**

##### **State preemption of short-term vacation rentals:**

Local laws, ordinances, or regulations may not **prohibit** vacation rentals or **regulate the duration or frequency** of their rental. § 509.032(7)(b), Fla. Stat.

##### **What is a “short-term vacation rental”?**

Any **condo, single-family home, or multi-family home** which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month (whichever is less), or which is advertised or held out to the public as a place regularly rented to guests. §§ 509.242(1)(c); 509.013(4)(a)1., Fla. Stat.

##### **In light of the preemption, what can the City regulate?**

So long as the regulation does not have the effect of prohibiting or regulating the duration or frequency of the vacation rental, then it would be permissible despite the preemption.

*Examples of permissible local government regulations:*

1. Maximum occupancy limits
2. Noise and parking requirements for vacation rentals specifically
3. Minimum life/safety requirements
4. Requiring registration with the City
5. Requiring a local “Designated Responsible Party,” i.e. property manager
6. Requiring a Business Tax Receipt
7. Requiring a certificate of registration from the Florida Department of Revenue for collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes
8. Requiring a license as transient public lodging establishment from the Florida Department of Business and Professional Regulation
9. Requiring affidavits of compliance with City codes and ordinances and other state and federal laws

*Examples of impermissible local government regulations:*

1. Distance separation requirements between vacation rentals
2. Limiting the number of vacation rentals within the City
3. Any regulations which would have the effect of prohibiting vacation rentals where residential uses are otherwise allowed

#### **Recommendations from Staff Task Team**

After the City Commission workshop, the City convened a team of staff members representative of the Police Department, Fire Rescue, Code Enforcement, Planning, and Permitting. Team meetings were facilitated by representatives of Legal and Intergovernmental Relations. Thank you to members of the team for jumping in on this project on an expedited basis: Cheryl Reed, Sam Ball, Shawn Cheney, Naomi Vernoy, Whitney Wright, and Peter Jensen! The team met several times on an expedited basis from December 2018 through January 2019 to discuss potential issues with the implementation of the proposed ordinance as discussed in the City Commission workshop. As a result, the staff task team had the following recommendations:

- Base occupancy limits on gross square footage as opposed to bedrooms
- Require all short-term vacation rental units to register with the City's Emergency Decal System, and use the decal as opposed to posting of designated responsible party contact information
- Require an internal posting with emergency information and other information regarding parking, trash, noise, etc.
- Require BTRs

#### **Recommendations from Community Development Advisory Board**

Following the Staff Task Team meetings, on January 28, 2019, the Community Development Advisory Board (CDAB) considered the regulations discussed by the City Commission at its workshop, the recommendations from the Staff Task Team, and a potential draft of the ordinance. CDAB made the following recommendations:

- Short-term vacation rentals should not be required to obtain BTRs
- Board prefers the use of the City's Emergency Decal System, but
- If posting of designated responsible party contact information remains a part of the ordinance, add language to the ordinance to regulate the size, placement, materials, etc. of postings, with a strong sentiment that postings should be required to be weatherized; and
- Make the registration process available online.

#### **Recommendations from Planning Board**

On February 7, 2019, the Planning Board also considered the regulations requested by the City Commission, the recommendations from the Staff Task Team, a potential draft of the ordinance, as well as the recommendations from CDAB. The Planning Board made the following recommendations:

- Require all short-term vacation rental units to register with the City's Emergency Decal System, and use the decal as opposed to posting of designated responsible party contact information
- Require a form internal posting created by the City
- Clarify the situations in which a designated responsible party would be required to come to the short term rental location in response to an issue; and
- Make a pre-prepared packet available to applicants containing everything that is needed to comply with the ordinance

After the City Commission meeting and staff report on February 19, 2019, we finalized Ordinance No. 2019-28 for first reading, incorporating the recommendations from CDAB and the Planning Board and basing the

maximum occupancy on square footage.

Ms. Bruner read Ordinance No. 2019-28 by title only.

Questions:

Commissioner Robinson stated his support for the Ordinance. He stated that there have been bills filed in this year's Legislative Session that would preempt the regulation of vacation rentals to the state.

Motion was made by Commissioner Holmes, seconded by Vice Mayor Carroll, to approve with changes Ordinance No. 2019-28 on first reading and schedule a second reading and public hearing on March 19, 2019.

Discussion:

Mayor Brown questioned Item 3, which required a hard wired smoke detector system. He stated that this would be a hardship on some owners and suggested requiring a working system with a ten year battery. Mr. Zimmet stated that staff would look at the Code requirement prior to second reading. He stated that the Fire Code treated homes differently based on whether they are owner occupied.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

Mr. Zimmet stated that staff monitor all bills regarding vacation rentals and that it would be a good idea to have the ordinance in place prior to any new legislation.

**Ordinance 2019-39 – First Reading – Amending The FY 2019 Environmental Services Department Wastewater Fund Budget By Appropriating Expenditures In The Amount of \$542,000 For State Revolving Loan Fund Administration Services – APPROVED**

Ordinance 2019 – 39 is amending the FY 2019 Environmental Services Department budget to appropriate \$542,000 for State Revolving Loan Fund (SRF) administration services.

On January 22, 2019, the City Commission awarded a contract for SRF administration services to Angie Brewer and Associates. Angie Brewer and Associates provides consulting services to support the loan compliance documentation and administrative management for the Biological Treatment Improvements capital project at the wastewater treatment plant.

These funds were budgeted as a capital expenditure in the initial project; however, because capital expenses are not appropriated within the Wastewater Fund, the funding was not appropriated in the Operating Budget for these services. This budget amendment appropriates the funding for loan consulting services as an operating expense and does not represent any additional expenditure for the project.

Ms. Bruner read Ordinance No. 2019-39 by title only.

Questions:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Robinson, to approve Ordinance No. 2019-39 on first reading and schedule a second reading and public hearing on April 2, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

**Ordinance No. 2019-40 – First Reading - Amending The FY 2019 Adopted Budget In The Amount Of \$96,000 For Hurricane Michael Emergency Response Expenditures – APPROVED**

Ordinance No. 2019-40 is amending the FY 2019 adopted budget by appropriating expenditures in the amount of \$96,000.

Following Hurricane Michael, the City of Largo dispatched emergency services to support the disaster response in the panhandle of Florida. City of Largo Police and Fire personnel responded following the hurricane and incurred overtime and operating supply costs that are deemed reimbursable by the Federal Emergency Management Agency (FEMA). The City is currently seeking reimbursement for the additional expenditures. This budget amendment will appropriate the necessary additional funding to reflect the actual unplanned costs incurred within the Police Department and Fire Rescue Department budgets as a result of these emergency response activities.

Ms. Bruner read Ordinance No. 2019-40 by title only.

Questions:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Smith, to approve Ordinance No. 2019-40 on first reading and schedule a second reading and public hearing on April 2, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

**Ordinance No. 2019-24 – First Reading - Amending Section 16.6.2 Of The City Of Largo Comprehensive Development Code To Allow The City Of Largo Bookmobile And Not-For-Profit Mobile Blood Donation Banks To Function Without Requiring A Temporary Event Permit - APPROVED**

City Commission approval is requested for Ordinance No. 2019-24, to allow the City of Largo Library Bookmobile and not-for-profit mobile blood donation banks to provide educational and public health services without requiring a Temporary Event Permit.

The Largo Public Library purchased the Bookmobile in 2018 with donations raised by the Greater Largo Library Foundation. In the process of developing Bookmobile stop policies, Library staff contacted the Community Development Department to identify whether permits were required to operate. Planning staff determined that without amending the Comprehensive Development Code (CDC), the Bookmobile as well as not-for-profit mobile blood donation banks would be required to obtain Temporary Event Permits when setting up at non-exempt locations such as multi-tenant shopping plazas.

Ordinance No. 2019-24 was approved with a minor grammatical change at the February 7, 2019 Planning Board

meeting. The updated Ordinance No. 2019-24 reflects the grammatical change and staff recommends approval of the proposed CDC Amendment.

Ms. Bruner read Ordinance No. 2019-24 by title only.

Questions:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Smith, to approve Ordinance No. 2019-24 on first reading and schedule a second reading and public hearing on March 19, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

**Ordinance No. 2019-25 – First Reading - Amending Section 4.1.2.C Of The City Of Largo Comprehensive Development Code To Add Subsection (3) To Establish Standards For The Date Of Rendition Of Quasi-Judicial Orders - APPROVED**

City Commission approval is requested for Ordinance No. 2019-25, to establish the date of rendition of quasi-judicial land use decisions that could affect City Commission and Planning Board actions.

The City Attorney identified a new appellate case decision regarding the date of rendition of a local government's quasi-judicial land use decisions. The date of rendition is the date that the clock starts ticking to file an appeal to the decision.

The City Planning Board makes quasi-judicial land use decisions on Level III reviews which typically include:

- Conditional use requests;
- Hardship relief requests; and
- Appeals of administrative decisions.

The City Commission acts as a quasi-judicial body on Level V reviews which typically include:

- Recording of plats and replats;
- Vacation/dedication of right-of-way or easements; and
- Determination of vested rights.

Rendition of final orders resulting from a quasi-judicial hearing needs to be incorporated into the Comprehensive Development Code (CDC). Staff determined that a new subsection (3) should be added to Section 4.1.2.C. Quasi-judicial hearing procedures – of the CDC to clarify rendition of final orders.

Ordinance No. 2019-25 was approved by the Planning Board at the February 7, 2019 meeting. Staff recommends City Commission approval of the proposed CDC Amendment.

Ms. Bruner read Ordinance No. 2019-25 by title only.

Questions:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Fenger, to approve Ordinance No.

2019-25 on first reading and schedule a second reading and public hearing on March 19, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

**Ordinance No. 2019-16 – First Reading - Amending The Comprehensive Development Code By Amending Table 6-2, Providing Allowable Uses In The Community Redevelopment Districts And Creating Section 15.17 To Establish Supplemental Standards For Various Uses Within The Community Redevelopment Districts - APPROVED**

Staff presented to the City Commission at the October 9, 2018 Work Session new supplemental standards for the

Community Redevelopment Districts (CRDs) in order to simplify the allowable uses within the CRDs and make the process business friendly and less time consuming. A favorable motion was granted to move forward with the new standards and an update to Table 6-2 Allowable Uses within the Community Redevelopment Districts.

Following the drafting of the ordinance, staff then presented the supplemental standards request to the City's Planning Board on January 3, 2019 and the recommendation was a unanimous approval.

Ordinance No. 2019-16 amends the Comprehensive Development Code in three areas. The first amendment is to update Table 6-2 in order to reflect the new supplemental standards. The second change allows Animal Grooming establishments in the CRDs and the remaining is the creation of Section 15.17 Supplemental Standards for Community Redevelopment Districts.

Ms. Bruner read Ordinance No. 2019-16 by title only.

Questions:

None

Motion was made by Commissioner Holmes, seconded by Vice Mayor Carroll, to approve Ordinance No. 2019-16 on first reading and schedule a second reading and public hearing on March 19, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

**STAFF REPORTS**

None

**ITEMS FROM CITY ATTORNEY, COMMISSION, MAYOR, CITY MANAGER**

Commissioner Robinson requested that a draft of the new sign ordinance be sent to tonight's speakers with a cover letter detailing the timeline of the ordinance.

Vice Mayor Carroll thanked the speakers for attending the meeting. He stated that the Finance Advisory Board meeting was held last night and that Staff Attorney Sobel made a presentation on the Sunshine Law.

Commissioner Fenger stated that some of the speakers replaced their signs and questioned why they were not encouraged to comply at that time. Mr. Schubert stated that they did not replace whole signs, rather parts of signs can be repaired/replaced without requiring a permit that would trigger compliance. Commissioner Fenger requested that staff look at the impacts of signage on safety and tourism and check with other cities to see what their experience has been.

Mayor Brown requested that the sight triangle at Braginton Street and Clearwater-Largo Road be looked at. He also requested current information on digital signage and the number of permits for digital signs that have been issued.

Mr. Schubert updated the City Commission on the status of IAFF and PBA pension enhancements and stated that there will be an Executive Session immediately following the March 12th Work Session to discuss this item.

### **SUMMARY OF ACTION ITEMS**

1. Request by Commissioner Robinson that a draft of the new sign ordinance be sent to tonight's speakers to include a cover letter detailing the timeline.
2. Request by Commissioner Fenger that staff look at the impacts of signage on safety and tourism and also what impacts other cities that have changed their sign ordinances have seen.
3. Request by Mayor Brown that staff look into sight triangle issues at Braginton Street and Clearwater- Largo Road.
4. Request by Mayor Brown that staff provide current information on digital signage and the number of permits for digital signs that have been issued.
5. Request by Mayor Brown that staff look at smoke alarm requirements for short term rentals.

### **ADJOURNMENT**

The meeting adjourned at 6:55 pm.

---

Diane L. Bruner, CMC, City Clerk