

**BCC REGULAR MEETING
 JANUARY 11, 2016 – 5:00 P.M.
 AGENDA ITEM #21 – AMENDMENTS TO SHORT-TERM VACATION RENTAL ORDINANCE
 CORRESPONDENCE RECEIVED
 (LISTED IN CHRONOLOGICAL ORDER BASED ON DATE AND TIME SENT)**

DATE/TIME	FROM
01-08-2016 – 11:02 p.m.	Jan Cullinane – 27 Ocean Ridge Blvd., S.
01-09-2016 – 10:02 a.m.	James Fitzgibbons – 15 Ocean Oaks Ln. (with attachment)
01-09-2016 – 11:00 a.m.	Roger Cullinane – 27 Ocean Ridge Blvd., S.
01-09-2016 – 11:10 a.m.	Lois and Barry McDermott – 62 Oakview Cir. W.
01-09-2016 – 12:26 p.m.	Ron Boyce – 31 Ocean Oaks Ln. (with hyperlink)
01-09-2016 – 12:27 p.m.	Ron Boyce – 31 Ocean Oaks Ln. (with hyperlink)
01-09-2016 – 01:14 p.m.	William White – 70 Ocean Oaks Ln. (with Hadeed reply 01-09-2016 at 01:44 p.m.)
01-10-2016 – 01:52 p.m.	R. Todd Swinderman – 54 Ocean St.
01-10-2016 – 02:31 p.m.	Charles and Jeanette Prellwitz – 31 Hammock Beach Pkwy.
01-10-2016 – 04:12 p.m.	Steven and Jill Neyer – 11 Driftwood Ln.
01-10-2016 – 04:33 p.m.	Ann Butler – 25 Ocean Oaks Ln.
01-10-2016 – 04:47 p.m.	Carolyn Chick Smith – 30 Oakview Cir. E.
01-10-2016 – 04:54 p.m.	Deb and Den Clark – 5784 N. Oceanshore Blvd. (with Mengel reply 1-11-2016 at 08:39 a.m.)
01-10-2016 – 05:37 p.m.	Doug and Linda Hager – 3 Atlantic Pl.
01-10-2016 – 07:42 p.m.	Donna Richardson-Drevniok – 6 Ocean Vista Ln.
01-11-2016 – 12:04 a.m.	Joy Ellis – 85 Ocean Oaks Ln.
01-11-2016 – 11:40 a.m.	Dennis Clark – 5784 N. Oceanshore Blvd.
01-11-2016 – 02:46 p.m.	Nanci Carstens – 27 Ocean Oaks Ln. and 117 Yacht Harbor Dr. (omitted from BCC packet)

Adam Mengel

From: Jan Cullinane [jancullinane@gmail.com]
Sent: Friday, January 08, 2016 11:02 PM
To: Adam Mengel
Subject: RE: RESEND -- Flagler BCC agenda -- Monday, January 11, 2016 -- Agenda Item #21

Dear Mr. Mengel,

Can you please send me the supporting info proving that the county isn't allowed to enforce the ordinance through suspension/revocation of rental certificates? Just because the county can't limit frequency and duration of rentals, why would it automatically follow that they can't suspend/revoke the license if the ordinance isn't being followed? In other words, where is it written that ONLY the state can suspend/revoke the certificate and there is no local control by the counties as far as suspension/revocation?

Thanks for your help,

Jan Cullinane

P.S. It seems that the fire safety laws were going to be ignored until the issue was pressed by Mr. Ron Boyce.

From: Adam Mengel [<mailto:amengel@flaglercounty.org>]
Sent: Friday, January 08, 2016 4:43 PM
To: Adam Mengel
Subject: RESEND -- Flagler BCC agenda -- Monday, January 11, 2016 -- Agenda Item #21
Importance: High

PLEASE DISREGARD EARLIER EMAIL – THE BCC AGENDA HAS BEEN REVISED AND THIS EMAIL INCLUDES THE CORRECTED PAGE NUMBERS FOR AGENDA ITEM #21

Good afternoon:

This email is being sent to those persons who had previously provided email correspondence regarding the County's Short-Term Vacation Rental Ordinance; my apologies in advance if you receive multiple emails.

As you may be aware, the Flagler County Board of County Commissioners (BCC) will consider an amendment to its Short-Term Vacation Rental Ordinance at its next meeting on [Monday, January 11, 2016](#). The meeting starts at 5:00 p.m., with public hearings starting no earlier than 5:30 p.m. The [agenda](#) and [backup](#) (in part, Agenda Items #13-21) for this meeting has now been posted; Agenda Item #21 (the amendment) starts on page [206](#) ~~313~~ of the 229 page pdf file.

As always, you may provide comments via email, fax, letter, or in person at the meeting.

Please contact me with any questions.

Thank you,

Adam

Adam Mengel

From: James Fitzgibbons [fitzgib3145@gmail.com]
Sent: Saturday, January 09, 2016 10:02 AM
To: Adam Mengel
Subject: Proposed Short Term Rental Ordinance Changes
Attachments: unsolicited amicus copy final.rfd.zip; ATT00001.htm

Mr. Mengel,

I would like to express my disappointment with the County Administration for proposing to dilute the original enforcement provisions of the Court tested Rental Ordinance.

Why have an ordinance which grants a rental certificate and subsequently fails to reasonably retract nor enforce the conditions of a granted certification permit or license.

This original Ordinance conditions were thoroughly vetted in public and legally reviewed prior to passage. Furthermore, as I recall the Ordinance was court tested and modified by the Honorable Judge Orfinger in minor areas not withstanding enforcement of the basic conditions of the mechanism for granting and retracting a permit.

Personally I spent my own resources submitting to the Court an Unsolicited Amicus Curie **on behalf of the Defendant (Flagler County)** which was accepted and recorded by the Honorable Judge Offender as part of the court records. (see attached)

In the absence of a court directed Ordinance modification, it is a disservice to all those who have supported the County Administration and opens the door once again to an unregulated commercial rental business which impacts the both the quality of life and safety of Flagler County residents, first responders and unknowing renters.

Mr. Mengel could you please share this with the County Commissioners and appropriate Flagler County Administration.

Respectfully,

James M Fitzgibbons (Resident Flagler County)

Jim Fitzgibbons
fitzgib@hargray.com

Honorable Judge Orfinger, Civil Court
1769 E. Moody Blvd. Bldg. 1
Bunnell, FL 32110

The following *unsolicited Amicus Curia* is respectively submitted in support of Flagler County, Florida, the Defendant in Case # 2015 CA 000167.

Whereas the Plaintiff; Vacation Rental Pros Property Management LLC, is a registered Florida business.

I would like to present how this LLC business is noncompliant and exploitive of Flagler County Building codes and has impacted the quality of my life, family, neighbors and residential community

When my wife and I retired (2012) to 15 Ocean Oaks Lane, the adjacent home, **11 Ocean Oaks Ln.**, was built and permitted as a four bedroom, single family residential home, owner occupied. The adjacent home, **9 Ocean Oaks Ln.** was also permitted and built as a four (4) bedroom home.

Attached is the original Flagler County Building Permit stating four (4) bedrooms for **11 Ocean Oaks Ln.**, subsequently no other bedroom additions were ever permitted, as required by the County. **EXHIBIT #1**

The home, **11 Ocean Oaks Ln.**, was eventually purchased by the current commercial holding company, **Eleven Ocean Oaks LLC** and was internally modified to eight (8) bedrooms. The additional four (4) bedrooms was constructed without securing and complying to the required Flagler County Permitting Process.

This residence is advertised for rent, as an eight (8) bedroom home, accommodating fourteen (14) to as many as twenty (20) tenants in the past. Attached is the most current rental advertisement accommodating (14) renters. **Exhibit #3**

As required by the Flagler County Building Codes any physical modifications (four bedroom to eight bedroom) requires a permit application and county inspections prior to occupancy.

The aforementioned is required via Florida Statute Chapter 713.3 prior to the scheduling of building inspections. This one unregulated LLC commercial rental business endangers all; the unknowing renters, first responders, and adjacent properties owners for obvious reasons.

During the past two years the Flagler County Sheriff and HOA Security officers have been called to **Eleven Ocean Oaks Ln. LLC** for innumerable recorded disturbances, some of which include:

- Eviction, Disturbing the Peace, Threatening behavior to the neighbors following behavior complaints.

- Parking in neighboring driveways without permission by renters and service vendors

- Insufficient property parking to accommodate more than six vehicles thus resulting in a dangerous street configuration of one lane, of a two way street, completely blocked.

- Empty liquor containers discarded on adjacent properties.

I requested and implemented ARB approved modifications to my landscaping due to sustained damage by renters/vendors driving through my property.

The neighbor who resided on the adjacent side of **Eleven Ocean Oaks LLC** recently sold his home (Mr. Kopec) to improve his quality of life. He had been legally threatened by **Eleven Ocean Oaks LLC** for reporting the uncontrolled overcapacity, parking obstructions and obnoxious personal attacks against him and his wife. **Exhibit #7**

My Quality of Life and safety concerns do not negate the right of an owner or commercial LLC entity to rent their county compliant permitted home.

However without reasonable parameters such as Ordinance 2015-2 and verifiable adherence to the Flagler County Building Codes the safety and quality of life for all can be compromised by an uncontrolled, non regulated opportunistic approach to short term rental properties.

What has been created within **Eleven Ocean Oaks Ln.** is a representative unwarrantable LLC rental business jeopardizing all those within, first responders and homes in close proximity.

Respectfully submitted,

James M. Fitzgibbons

State of Florida

County of _____

The foregoing instrument was acknowledged before me this

20_____, at _____, day of _____,

by _____ Florida, to be his free act and deed.

Signature of Notary Public

Notary Public, State of Florida

Name of Notary Public
(Print)_____

My commission
expires:_____

Seal

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:26 AM
To: Adam Mengel; Sally A. Sherman; Albert J. Hadeed
Subject: FW: Changes to short-term rental ordinance

FYI



Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110
Office 386.313.4001 | Fax 386.313.4101 | www.FlaglerCounty.org

From: Roger Cullinane [<mailto:rcullinane@gmail.com>]
Sent: Saturday, January 9, 2016 11:00 AM
To: Frank Meeker <fmeeker@flaglercounty.org>; Charles Ericksen Jr. <cericksen@flaglercounty.org>; Barbara S. Revels <brevells@flaglercounty.org>; Nate McLaughlin <nmclaughlin@flaglercounty.org>; George Hanns <ghanns@flaglercounty.org>
Cc: Craig Coffey <ccoffey@flaglercounty.org>; Jan G. Carter <jcarter@flaglercounty.org>
Subject: Changes to short-term rental ordinance

Dear Commissioners, County Administrator, and County Attorney:

I am sure you know by now that many residents of the county are very unhappy about the proposed changes to Ordinance Nos. 2015-02 and 2015-05 related to short-term rentals that 1) delete all references to revocation and suspension of certificates as a noncompliance remedy and 2) will now allow vesting will run with the land and not terminate with the sale of the property. These changes should not be approved.

SUSPENSION OF CERTIFICATES AS A NONCOMPLIANCE REMEDY

The back-up material provided to you by Adam Mengel suggests that these changes are based on important feedback received from the Court hearing the case against the County dealing with the Ordinance. While it does seem odd that the County has the authority to issue rental certificates but no authority to revoke them, it is even odder that the County would simply remove its ability to revoke/suspend the Certificates and not replace it with something else equally meaningful. For example, if the problem is related to the County's inability to regulate the frequency of rentals (and thus cannot suspend a Certificate), why not replace the suspension provisions with a fine commensurate to the rental income that would have been lost had the Certificate been suspended. Thus, if average rent for one week would have been \$3,000, why not replace what would have been a one week suspension with a \$3,000 fine, and a 4 week suspension with a \$12,000 fine, etc. Revocation would have to be replaced with court action by the County to force compliance with the Ordinance.

ALLOWING VESTING TO RUN WITH THE LAND

This change seems to make no sense at all. If the County is allowed to provide for vesting, surely it is allowed to determine when vesting will end. There is no reason to allow investors to perpetuate the short term rental over occupancy problem by allowing vesting to continue on to a new investor. The back-up material provided to you by Adam Mengel does not indicate that this change was based on feedback from the Court; if not there is likely no acceptable (to the residents) reason to make this change.

SUMMARY

A lot of time and effort was spent by the County, and by many residents, to get control of short-term rentals back to the County level. We were thrilled with the success of these efforts and by the County's Ordinance, and saw it as a wonderful example of the County listening to its residents and working to correct a wrong. However, should you now simply remove any meaningful penalty for disregard of the Ordinance by the investor group, they will simply ignore the Ordinance. Surely the residents will conclude that the County has failed us.

In addition, allowing the vesting to run with the land simply perpetuates the over occupancy problem longer.

Please give these two items an additional look. You have the ability to preserve the Ordinance as a meaningful measure to keep your ability to control short-term rentals. Please do so.

Respectfully,

Roger Cullinane
27 Ocean Ridge Blvd. South
Palm Coast, Florida

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:22 AM
To: Adam Mengel
Subject: FW: Vacation rental ordinance

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Sunday, January 10, 2016 4:12 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>;
Sally A. Sherman <ssherman@flaglercounty.org>
Subject: FW: Vacation rental ordinance

FYI

Geo

From: Lois McDermott [lojmcd@icloud.com]
Sent: Saturday, January 09, 2016 11:10 AM
To: George Hanns
Subject: Vacation rental ordinance

Attention Commissioner Hanns:

Why are you even considering to amend the current vacation rental ordinance????? WE Flagler County full-time residents have worked so hard to get this ordinance passed which protects OUR rights as homeowners against money hungry short-term rental companies who don't care how much they ruin our lovely communities and lifestyles. WE are the ones who voted YOU in to protect OUR best interests. WE are the ones who work in this county and donate our monies and time to improve the lives of our fellow residents. DO NOT change any part of this rental ordinance PLEASE!!!!

Lois and Barry McDermott

Sent from my iPhone

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:22 AM
To: Adam Mengel
Subject: FW: Judge Rules Mostly in Favor of Flagler County Authority to Regulate Vacation Rentals | FlaglerLive

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax 386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Sunday, January 10, 2016 4:17 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>; Sally A. Sherman <ssherman@flaglercounty.org>
Subject: FW: Judge Rules Mostly in Favor of Flagler County Authority to Regulate Vacation Rentals | FlaglerLive

From: Ron Boyce [RBL123FDNY@aol.com]
Sent: Saturday, January 09, 2016 12:26 PM
To: Nate McLaughlin; Barbara S. Revels; Frank Meeker; George Hanns; Charles Ericksen Jr.
Cc: Jim Fitzgibbons; Jim Cappola; Jim Ulsamer; Owens Jim Kathy; John Bettencourt; Roger Cullinane; Jan Cullinane; <jbeystehner@cfl.rr.com>; Beth Kelly; Rich DeMatteis
Subject: Judge Rules Mostly in Favor of Flagler County Authority to Regulate Vacation Rentals | FlaglerLive

The statement made in this article by your county attorney speaks volumes. Your Administrator has been working behind the scenes creating amendments to an ordinance that has already been vindicated by the court. This is unacceptable. Your attorneys have been involved in the process from the beginning. Show us in the judges ruling that contradicts your attorneys comments.

Your County administrator from day one did not want to suspend a vacation rental certificate. This is on public record from his statements to the planning board and the county commission. It is time to start enforcing the ordinance that is in place. Including all the State Florida Fire prevention codes that are required by law.

Thank you for your time,

Ron Boyce

<http://flaglerlive.com/79378/vacation-rentals-ruling/>

Sent from my iPad

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Judge Rules Mostly in Favor of Flagler County Authority to Regulate Vacation Rentals

[FlaglerLive](#) | June 1, 2015

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The property owner of 30 Cinnamon Beach Way in Palm Coast, the house at the center of the image, is also at the center of a lawsuit against Flagler County over short-term vacation rental regulations.

Just five days after hearing arguments, a circuit judge today ruled against an attempt to stop Flagler County government restrictions of the short-term vacation rental industry from taking effect. But the ruling also found the ordinance unconstitutional if applied to vacation rental contracts that predate the day the ordinance was passed in February.

The swift and unambiguous ruling, by Judge Michael Orfinger, is largely a victory for county government in its drive to regulate a narrow but booming industry in the Hammock—lucrative to some, a nuisance to others. The ruling is also significant for other counties, who are looking at Flagler for the resolution of an issue with similar application elsewhere.

“This is the gate that would either allow them, if the gate were open, to regulate,” County Attorney Al Hadeed said this morning, “or the gate be closed, which would forbid them from regulation, and essentially what the court stated was, it was very clear in the 2014 legislation, that the Legislature did intend to give us regulatory authority, provided that we do not prohibit vacation rentals—which he found our ordinance did not—and did not regulate the duration or the frequency of rentals of vacation rentals.”

But the matter is not done with. Hadeed expects it to be appealed and to likely and finally to be settled only by the Florida Supreme Court. Today’s decision is only an interim order, and it does not stop the parties from moving on to a trial phase. “It’s

really uncertain to know what the next step is,” Hadeed told the county commission. “Our next step is, we’re going to continue to prepare the case for a trial.”

The county commission passed the regulations in February in response to persistent opposition to short-term rentals in the Hammock from a segment of residents there. It was not balance enough for the owner of a vacation rental on Cinnamon Way, and for Steven Milo, who runs Vacation Rental Property Management, which between 70 and 80 single-family homes as short-term rental properties in Flagler, and many more in counties along the coast. The two parties are seeking to prevent the county from having much of a regulatory say at all, arguing that state law prevents it.

Opponents of the ordinance argued that state law “preempts” Flagler County from enacting its regulatory ordinance, that the ordinance applies unfairly to properties on the east side of the county and not its western side, that the deadline to apply for short-term rental certificates is arbitrary, and that the ordinance would impair contracts the rental companies signed with customers before the ordinance passed.

Orfinger ruled against the opponents in every instance except in the case of contracts signed before Feb. 19, 2015, when the county passed its ordinance. The county may not apply its regulations retroactively to those contracts. That would be unconstitutional, Orfinger ruled. But it may apply them by grandfathering existing *properties*, in the months and years ahead.

The key issue in the case was preemption—whether Flagler County government could regulate short-term rentals without violating state law, and to what extent. That question appeared to have been answered by the Legislature last year when it passed an amendment to a law explicitly repealing that preemption. But the amended law had never been tested. That’s what the vacation-rental proponents were doing in this case.

Between 2011 and 2015, the state forbade the county from regulating those properties. It enacted that prohibition—or preemption, in the state’s technical term—on the assumption that easing short-term rentals in the state would help property owners carrying outsized mortgages to keep their homes and get back on their feet. But the provision also was a boon to the short-term rental market and its derivatives, among them rental managers like Milo. Short-term rentals in the Hammock grew fast, sundering the community between those benefiting from the market and those suffering its collateral clutter: noise, visual pollution, spikes in traffic or parking chaos. Rentals could accommodate up to 24 people at a time, creating what their opponents dubbed mini-hotels that were incompatible with a residential setting.

Last year the Legislature, after two years’ lobbying from Flagler, amended its 2011 law to return some regulations to local governments.

The average household size in the county was under 3 people in the last full census. Renting a house to as many as 24 people was beyond the sort of norms the county was willing to accept, even for short-term rentals.

*A decision that
may resonate
across Florida
—and possibly all
the way to the
Supreme Court.*

In February, the county commission [unanimously approved the short-term rental regulation](#) ordinance. It applied to rentals east of U.S. Highway 1 only. Owners running their home as a short-term rental would have to apply for a certificate from the county and a business tax receipt. They’d have to submit interior drawings of the property and other documentation, and submit to an inspection. (Owners who live at their short-term rental property are exempt from the regulations.)

Rentals are to be limited to 10 people at a time in single-family homes, and 16 in multi-family homes. Grandfathering applies in various ways, with properties given until Dec. 1, 2015, to come into compliance, and a phased-in occupancy allowance for larger homes of 14 through February 2018, and 12 until 2021. After that, the 10-person limit applies. That’s assuming the house isn’t sold. Those grandfathering allowances—or “vesting rights”—are erased the moment a house is sold.

Three weeks after the ordinance passed, Milo filed a suit to stop its enactment. He argued that state law preempts the county from enacting short-term rental regulations. “This court does not agree,” Orfinger wrote. “The Legislature removed the language prohibiting local governments from restricting the use of vacation rentals or regulating vacation rentals. It instead substituted a prohibition *only* against regulating the duration or frequency of rental of vacation rentals.”

Click On:

- [Ending Long Fight, County Approves Short-Term Rental Regulations—With Grandfather Clause](#)
- [Flagler Gives Initial Approval to Vacation Rental Regulations and Pledges Revisions](#)
- [Flagler Seeks, Flagler Wins: Bill Restoring Vacation-Rental Regulation Authority Passes House and Heads for Scott’s Desk](#)
- [n a Victory for Flagler, Senate Measure Restoring Local Authority to Regulate Vacation Rentals Moves Ahead, With Long Way to Go](#)
- [Nothing Flagler Can Do About Divisive Vacation Rentals, Attorney General Bondi Confirms](#)
- [Bowling to Hammock, Thrasher and Hutson Will File Bills to Restore Vacation-Rental Regulations](#)
- [It’s Not Just Hotels: Flagler Seeking to Collect Bed Tax From Booming Short-Term Rentals](#)
- [Conflict Over Hammock Vacation Rentals Dominates Legislative Meeting, To Little End](#)
- [Proposed 2014 Flagler County Ordinance Regulating Short-Term Vacation Rentals](#)

Orfinger also found it unobjectionable that the county would apply the ordinance only to properties east of U.S.1, since that's where the majority of vacation rental properties are concentrated. And based on the evidence he heard last week, he ruled that "it is not impossible" for vacation rental managers to comply with a June 1 certificate application deadline.

The only matter in which the opponents of regulations prevailed is regarding contracts that pre-date February 19—a limited number of contracts, making that victory one with an expiration date. Nevertheless, those contracts are exempt from the ordinance regardless of when the property is to be occupied in coming months or years.

"The court did handle this under an expedited schedule," Hadeed said of Orfinger's ruling. "To take four hours out of the judge's hearing time is—I don't want to use the word extraordinary—but it reflects the court's dedication to its responsibilities to handle a very complex case, because of all the various issues, constitutional, statutory and otherwise, and to address them in a timely way, and to commit itself that it would do so."

"I know that all counties around the state are looking at this and watching this, and so we've got the lead ordinance that many people will look to," Commissioner Barbara Revels said. "I'm fairly proud of that," she said, thanking the county staff.

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:22 AM
To: Adam Mengel
Subject: FW: Flagler judge rejects motion for injunction in vacation rental case | News-JournalOnline.com

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax 386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Sunday, January 10, 2016 4:19 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>; Sally A. Sherman <ssherman@flaglercounty.org>
Subject: FW: Flagler judge rejects motion for injunction in vacation rental case | News-JournalOnline.com

From: Ron Boyce [RBL123FDNY@aol.com]
Sent: Saturday, January 09, 2016 12:27 PM
To: Barbara S. Revels; Nate McLaughlin; George Hanns; Frank Meeker; Charles Ericksen Jr.
Cc: Jan Cullinane; Jim Fitzgibbons; Jim Ulsamer; Jim Cappola; Owens Jim Kathy; <jbeystehner@cfl.rr.com>; John Bettencourt
Subject: Flagler judge rejects motion for injunction in vacation rental case | News-JournalOnline.com

<http://www.news-journalonline.com/article/20150601/NEWS/150609988>

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regulating tourism

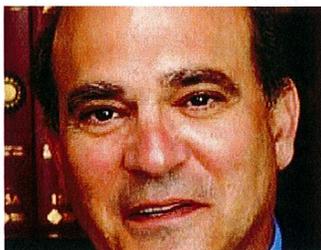
Flagler judge rejects motion for injunction in vacation rental case

By [Tony Holt](#)

tony.holt@news-jrn.com

Published: Monday, June 1, 2015 at 11:06 a.m.

BUNNELL — A motion for a preliminary injunction to delay implementation of Flagler County's short-term vacation rental ordinance was denied by a judge Monday, but contracts signed before passage of the ordinance means some occupants will be exempt from one significant regulation.



Al Hadeed

Attorneys for Steve Milo, who owns two rental companies listed as plaintiffs in the case, is fighting a new ordinance Flagler County commissioners unanimously approved in February that implemented new rules for owners of short-term vacation rentals, including putting a cap on the number of occupants who can stay in one house. That cap is currently 14. In six years, it will be reduced to 10.

"We are deeply disappointed by the ruling and its impacts on persons owning short-term rental homes in Flagler County," said Peter Heebner, one of the plaintiff's attorneys.

An exception to the ruling that favors the plaintiffs is that rental agreements that were signed before Feb. 19, the date commissioners approved the ordinance, cannot be applied to the new rules. Therefore, if a contract was signed prior to that date and the agreement calls for up to 20 occupants in a home, the county cannot use the new ordinance to prevent the owner or manager from fulfilling the terms of the contract.

Otherwise, the county scored a major legal victory that sets a precedent for other municipalities wishing to implement similar ordinances, County Attorney Al Hadeed said.

"The most significant ruling, from a statewide perspective, is the conclusion that the Florida Legislature allows us to regulate short-term vacation rentals," Hadeed said. "(The plaintiff) filed an across-the-board challenge and the judge basically held (the ordinance) as valid."

With the ruling, Circuit Judge Michael S. Orfinger effectively ruled that state law does not preempt the ordinance. In 2014, the state gave counties like Flagler the legislative power to enforce regulations on short-term vacation rentals, the judge said.

Additionally, the June 1 deadline the county imposed for applications must stand. That means Monday was the last day applicants could apply for the 14-person maximum occupancy for new contracts. Otherwise, homes can not accommodate more than 10.

The ordinance does not cover condominiums or short-term rental homes located west of U.S. 1 in the county.

“(The) Plaintiffs have failed to establish that they are entitled to preliminary injunctive relief ... (and) their Motion for Preliminary Injunction must be denied,” Orfinger stated in his 22-page ruling. He went on to write that the ordinance does not violate the Equal Protection Clause of the Florida Constitution, which was one of the major arguments made by Milo’s attorneys.

Orfinger’s ruling also means the plaintiff is on the hook for \$5,000. The due date for that payment is Thursday, according to the court order.

The judge pointed out in his ruling that municipalities do not have the authority to prohibit short-term vacation rentals or dictate the length of contracts. Hadeed interpreted that to mean if someone was to rent a home for a night or a weekend, the county cannot step in and void such a contract.

The original June 1 deadline remained in place for the more than 100 rentals in Flagler County covered by the new ordinance. County spokeswoman Julie Murphy said 53 had submitted applications as of midafternoon Monday, but more were expected to be brought in before the end of the business day.

The occupancy issue was critical for the plaintiff. Commissioners in February moved to have a 14-person cap in effect for three years. The ensuing three years would include a 12-person cap. By February 2021, all vacation homes covered in the ordinance would have a cap of 10.

Property owners seeking an exemption from the occupancy limit may file requests through a special master, according to the ordinance.

Hadeed predicted the plaintiffs will continue the legal battle.

“I do know, based on what they have done to this date, they are ready to challenge this regulation in any way because they feel it is improper,” Hadeed said. “This is not the end of the case, in my opinion.”

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Adam Mengel

From: FJMeeker [fmeeker@bellsouth.net]
Sent: Saturday, January 09, 2016 1:44 PM
To: William R White; Albert J. Hadeed; Craig Coffey; Adam Mengel
Subject: RE: RESEND -- Flagler BCC agenda -- Monday, January 11, 2016 -- Agenda Item #21

William,

The courts have already ruled on this issue and that's the problem. We're prevented doing as you've suggested by their decision. I suspect it probably goes back to inserting ourselves in a contract we were never a party of, but unless somebody takes this to a higher level court, this issue is lost to us, and for that reason, we had to modify the ordinance striking the possibility. If you want a more detailed discussion, I'd suggest contacting Al Hadeed at the government services building, not Adam as the is a legal issue, not planning and zoning.

Frank

Sent from [Mail](#) for Windows 10

From: [William R White](#)
Sent: Saturday, January 9, 2016 1:14 PM
To: [Adam Mengel](#)
Cc: [Frank Meeker](#)
Subject: Re: RESEND -- Flagler BCC agenda -- Monday, January 11, 2016 -- Agenda Item #21
Importance: High

I wish to make the following comment regarding the proposed change to the county ordinance regarding short term vacation rentals.

It should always be an option to suspend or revoke a license for non compliance with the ordinance.. Therefore I am against the proposed changes. As you know the county and our community spent a long time to get the ordinance in place and now is not the time to "slack off" on enforcement.

Regards

William White

70 Ocean Oaks Ln

Palm Coast FL

On Jan 8, 2016, at 4:43 PM, Adam Mengel <amengel@flaglercounty.org> wrote:

PLEASE DISREGARD EARLIER EMAIL – THE BCC AGENDA HAS BEEN REVISED AND THIS EMAIL INCLUDES THE CORRECTED PAGE NUMBERS FOR AGENDA ITEM #21

Good afternoon:

Adam Mengel

From: Luke Guttman [lukelbg@aol.com]
Sent: Sunday, January 10, 2016 3:08 PM
To: Adam Mengel
Subject: Fwd: Vacation Rentals

Sent from my iPhone

Begin forwarded message:

From: R Todd Swinderman <rtodds.eng@gmail.com>
Date: January 10, 2016 at 1:52:17 PM EST
To: fmeeker@flaglercounty.org
Cc: Ann Butler <annbutler110@cfl.rr.com>, Ann Wilson <Annewilson@cfl.rr.com>, BARBARA HARPER <onehappytoes@bellsouth.net>, Carelli Frank <fcarelli@cfl.rr.com>, Carol scott <cescott9@gmail.com>, chris goodfellow <goodfellow@bahama.com>, Dennis Clark <denclark@cfl.rr.com>, Donna Richardson-Drevniok <donnadbeach@earthlink.net>, "Dr. Lynne Bravo Rosewater" <lynnerosewater@mac.com>, "Guttman, Luke" <LukeLBG@aol.com>, Hoskins Don Linda <Donaldhoskins@bellsouth.net>, Jan Sullivan <janet_lynn@att.net>, John Mampe <jjmampe@juno.com>, "John, Harper" <HarperJr@hotmail.com>, Joy Ellis <s.joyce.ellis@gmail.com>, Marge Rooyackers <petmom07@cfl.rr.com>, Rebekah Lafferty <rebekah.lafferty@gmail.com>, "Schober, Rick, Lorene" <loreneschober@att.net>, Sean P Lafferty <laffertysp@gmail.com>, "Simms, bonnie" <simmsjen@aol.com>, Todd Swinderman <rtodds.eng@gmail.com>
Subject: Vacation Rentals

I disagree with the proposed elimination of the suspension of certificates for noncompliance for vacation rentals.

These are businesses operating in residentially zoned areas. On my street 3 of the 4 vacation rentals have never had the owner spend a single night in them. These are not distressed homeowners who need help with their mortgage payments, they are businesses owned by distant investors and should be regulated as such. I can not have a business in my house with 6 or 12 or 18 or 24 people coming and going all day long - why can they?

My wife and I have to pay commercial water and waste pickup rates for our commercial building in a R/C zoned area at 5404 N. Oceanshore Blvd. Are the Vacation Rentals paying commercial rates? I am inundated with inspections, government reports and countless county regulations to comply with to operate a business. These vacation rental investors should receive the same treatment.

The whole concept of vacation rentals has been corrupted and will accelerate the demise of single family residences in the Hammock. I urge you to strengthen regulation and inspection of these properties.

--

R. Todd Swinderman, PE
RTodds Engineering, LLC
54 Ocean St.
Palm Coast, FL 32137
Cell: [386-589-4384](tel:386-589-4384)
Fax: [386-246-5218](tel:386-246-5218)
rtodds.eng@gmail.com
www.rtodds-eng.com

Adam Mengel

From: Charles Prellwitz [cprell12@gmail.com]
Sent: Sunday, January 10, 2016 2:31 PM
To: Christie L. Mayer; Adam Mengel; Barbara S. Revels; George Hanns; Jan G. Carter; Charles Ericksen Jr.; Frank Meeker
Subject: Amendment to Rental Ordinance

Mr. Mengel and Mr. Coffee,

Thank you for advising of the upcoming BOCC meeting regarding this subject. We had commented on this subject at various BOCC Meetings last year when the Ordinance was under discussion. My wife and I will be out of town, and cannot attend the meeting, so we have prepared this information for your consideration.

We are disappointed by the Amendment as it eliminates a remedy (Suspension of Rental Certificate) that we feel is necessary. The Ordinance was passed after extensive review, presentations and meetings with various factions. This went on for about 5 months. The final approved ordinance was done for the **“Common Good”** of all property owners, not just a particular segment. **To now propose elimination of this remedy/section, prior to even attempting to enforce same, seems to be inappropriate.** We ask you to reconsider or revise this proposed amendment.

We assume that the Battle Cry of Property Rights played a part in drafting this amendment. Please remember Property Rights ARE NOT ABSOLUTE. The proposed change seems to forget that All Owners (Not Just Investment/Rental Owners) Have Rights. By removing the remedy of suspending the Rental Certificate the County forces an Owner, living next such premise, to endure continuing abuses, such as overcrowding, noise, trash, loss of property value, etc. which the Approved Ordinance was designed to reduce or eliminate. How is this fair to this owner and or other owners, who may rent, and comply with the Ordinance. It is not the Ordinance that creates the suspension it is the actions by the owner. Many property owners who are effected by STR's are full time residents who support the county, it's business, contribute to community causes and vote as opposed to those who merely have a financial Nexus.

From the drafting it appears that the county is considering utilizing fines per Fl Statute 162 as the method of enforcement. A way of looking at this is “ If You Are Willing to Pay the Fine You Can Do As You Please”. We would hope that if fines become the enforcement vehicle that such fines are substantial. Lacking a substantive fine, the amount will just become a cost of doing business which will be passed on to the renter and business will continue as usual. **We ask the question “if Fines Are Not Paid WHAT IS REMEDY??**

The original ordinance was well thought out and included all stakeholders. It had a logical procedure for enforcement and a meaningful remedy which protected “all owners equally”.

Here is a simple analogy.

With an Automobile you have speed limits, safety requirements (lights, brakes etc) and insurances. If you speed you receive a ticket and points. After a certain amount of tickets/points your license is suspended for a period of time. Basically the same is true for the STR's. Exceed the occupancy a certain number of times and the Rental Certificate is revoked.

With leave you with this and hope that common sense will take hold and the amendment will be revised.

Charles and Jeanette Prellwitz
31 Hammock Beach Parkway
cprell12@gmail.com

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:22 AM
To: Adam Mengel
Subject: FW: Proposed Amendments to Vacation Rental Ordinance

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Sunday, January 10, 2016 4:20 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>;
Sally A. Sherman <ssherman@flaglercounty.org>
Subject: FW: Proposed Amendments to Vacation Rental Ordinance

From: jay steven neyer [jsnandmjn@outlook.com]
Sent: Sunday, January 10, 2016 4:12 PM
To: Charles Ericksen Jr.; fmeeker@flaglercounty.org; Barbara S. Revels; Nate McLaughlin;
George Hanns
Subject: Proposed Amendments to Vacation Rental Ordinance

Dear Worthy Councilmembers,

We recently learned of some troubling amendments to the Vacation Rental Ordinance that your Council will be considering at its meeting on January 11th, 2016.

My wife and I recently moved to Palm Coast. Three years ago, we came here for the first time and immediately fell in love with the area. We purchased a condominium to serve as a winter retreat, and we rented it out during the summer months. One year ago, we decided to move here permanently. We bought land and started to build a home. We sold the condo and are now leasing it from the new owners until our home is completed in February.

I am providing this brief story only to note that in a relatively short period, we have been both landlords, tenants, and residential owners in Palm Coast, so we have some appreciation of each perspective.

We made the decision to buy land and build here in Palm Coast because it is a largely undiscovered gem with a tremendous quality of life.

However, a critical consideration for us was also the quality of local government - its willingness to listen to the concerns of residents regarding vacation rentals and achieve a reasonable balance between these concerns and commercial interests.

It is our perception that the Vacation Rental Ordinance as it stands places reasonable requirements on landlords, while the proposed amendments remove its "teeth". It is our hope

that you will continue to listen to the concerns of current residents (including new ones such as us), as you have so admirably done so in the past, and decline to pass the amendments.

Thank you for your attention.

Sincerely,

Steven and Jill Neyer

1000 Cinnamon Beach Way, Unit 934 (until February, 2015)
11 Driftwood Lane (after February, 2016)

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:21 AM
To: Adam Mengel; Sally A. Sherman
Subject: FW: rentals

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Sunday, January 10, 2016 6:45 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>
Subject: FW: rentals

From: Ann Butler [annbutler110@cfl.rr.com]
Sent: Sunday, January 10, 2016 4:33 PM
To: Barbara S. Revels; Charles Ericksen Jr.; Frank Meeker; George Hanns; Nate McLaughlin
Subject: rentals

Commissioners, Although I cannot attend the meeting tomorrow night I urge you to vote against any weakening of rules or enforcement of rules that regulate the vacation rentals. We all fought for home rule on this issue and fully expected that the county would work to keep residential neighborhoods just that and also to ensure the safety of renters. It appears that the county is considering not enforcing the rules. If the county is concerned about lack of staff they could easily charge for the inspections just as inspections in the home building process are charged and thus pay for staff time. Please do not take steps backward when the court and county citizens have clearly sent a message that the regulations are needed and crucial to our well being. Please do not kill the goose to try to get more eggs. Don't ruin the Hammock! Ann Butler

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:21 AM
To: Adam Mengel; Sally A. Sherman
Subject: FW: Against Amendment to Short-Term Vacation Rental Ordinance

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Sunday, January 10, 2016 6:45 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>
Subject: FW: Against Amendment to Short-Term Vacation Rental Ordinance

From: csmith561@cfl.rr.com [csmith561@cfl.rr.com]
Sent: Sunday, January 10, 2016 4:47 PM
To: George Hanns
Subject: Against Amendment to Short-Term Vacation Rental Ordinance

Dear County Commissioner Hanns,

I am opposed to the pending amendment to the Short-Term Rental Ordinance.

If this amendment passes it will take the guts out of the original amendment.

I am against deleting references to revocation and suspension of certificates. I am also opposed to extending the application schedule to transfer to a successor owner.

I thank you for your service to the county.

Sincerely,

Carolyn Chick Smith
30 Oakview Circle E
Palm Coast, FL 32137

Adam Mengel

From: Adam Mengel
Sent: Monday, January 11, 2016 8:39 AM
To: 'Deb & Den Clark'
Subject: RE: RESEND -- Flagler BCC agenda -- Monday, January 11, 2016 -- Agenda Item #21

That is correct. This time there is no change to the actual list of permitted and permissible uses (unlike before), so only one reading is necessary.

From: Deb & Den Clark [<mailto:debdenclark@cfl.rr.com>]
Sent: Sunday, January 10, 2016 4:54 PM
To: Adam Mengel
Subject: Re: RESEND -- Flagler BCC agenda -- Monday, January 11, 2016 -- Agenda Item #21

"First and final reading" means this is our only chance to comment?

Sent from my BLU smartphone device

On Jan 8, 2016 4:43 PM, Adam Mengel <amengel@flaglercounty.org> wrote:

PLEASE DISREGARD EARLIER EMAIL – THE BCC AGENDA HAS BEEN REVISED AND THIS EMAIL INCLUDES THE CORRECTED PAGE NUMBERS FOR AGENDA ITEM #21

Good afternoon:

This email is being sent to those persons who had previously provided email correspondence regarding the County's Short-Term Vacation Rental Ordinance; my apologies in advance if you receive multiple emails.

As you may be aware, the Flagler County Board of County Commissioners (BCC) will consider an amendment to its Short-Term Vacation Rental Ordinance at its next meeting on [Monday, January 11, 2016](#). The meeting starts at 5:00 p.m., with public hearings starting no earlier than 5:30 p.m. The [agenda](#) and [backup](#) (in part, Agenda Items #13-21) for this meeting has now been posted; Agenda Item #21 (the amendment) starts on page [206](#) ~~313~~ of the 229 page pdf file.

As always, you may provide comments via email, fax, letter, or in person at the meeting.

Please contact me with any questions.

Thank you,

Adam

Adam Mengel, AICP, LEED AP BD+C
Planning and Zoning Director
Flagler County Planning and Zoning Department
1769 E. Moody Blvd., Building 2, Suite 105
Bunnell, FL 32110
Direct line: (386) 313-4065
Fax: (386) 313-4109
E-mail: amengel@flaglercounty.org
Visit our website:

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:21 AM
To: Adam Mengel; Sally A. Sherman
Subject: FW: Changes to the Rental Ordinance

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Sunday, January 10, 2016 6:46 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>
Subject: FW: Changes to the Rental Ordinance

From: Doug/Linda Hager [ldhager@cfl.rr.com]
Sent: Sunday, January 10, 2016 5:37 PM
To: Frank Meeker; Nate McLaughlin; Barbara S. Revels; Charles Ericksen Jr.; George Hanns
Subject: Changes to the Rental Ordinance

Dear Commissioners

We are writing to ask you, our elected commissioners to leave the recently enacted ordinance in place as written except for changes required by the courts. You worked hard to get the state to enact legislation allowing the return of local rule to our county to properly manage the rental of single family homes.

You gave the owners of these homes a generous grandfathering clause allowing them to further protect their investment. Why would the county allow a new owner to be grandfathered when they knowingly buy a property with rental restrictions in a predominantly single family neighborhood? The sale of a property should be subject to the laws in place at the time of the sale. This proposal simply allows current rental owners to pass the same problems.

If our recall of the original statute is correct, these homes have up to 7 violations before the rental certificate is pulled. When an offending home is not in compliance a minor fine is of no consequence when they are making thousands in rental income. Only the lifting of the rental certificate will ensure compliance with rules the County has enacted.

The Court has said this ordinance is proper. So why water it down and take out enforcement measures? What good is an ordinance if there is no penalty when violated? We believe these business owners will use every means possible to expand their profits at the expense of residents. This ordinance is not yet fully implemented, so why remove the enforcement mechanism originally adopted? Give it time to work.

We, the citizens of this county who voted for you need you to stand firm for residents. Please leave the ordinance in place and don't give more latitude to investors at the expense of residents who live, work and volunteer in Flagler County.

Sincerely,

Doug and Linda Hager
3 Atlantic Place
Palm Coast, Fl 32137
ldhager@cfl.rr.com

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:20 AM
To: Adam Mengel; Sally A. Sherman
Subject: FW: Rental homes' Septic Tanks & Garbage

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Monday, January 11, 2016 7:42 AM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>;
Sally A. Sherman <ssherman@flaglercounty.org>
Subject: FW: Rental homes' Septic Tanks & Garbage

From: Donna Richardson-Drevniok [donnadbeach@earthlink.net]
Sent: Sunday, January 10, 2016 7:42 PM
To: Barbara S. Revels; Commissioner Meeker; Nate McLaughlin; George Hanns; Charles Ericksen
Jr.
Subject: Rental homes' Septic Tanks & Garbage

Dear Commissioners,

Further to the issue with rentals I would ask that you take all the time that is needed to quietly consider all the issues.

We only have one rental on our road but the Septic Tank pump truck comes up here at least once a week.

I have not seen any mention of SEPTIC TANK HOME RENTALS being A D R
E S S E D ???? SO MANY PEOPLE A DAY.

And it really does make a huge difference to a neighborhood.

Another issue is If they rent from Sat. or a non garbage day when the garage sits out until
GARBAGE DAY?

The rental owners need to have someone take care of GARBAGE to be put
out on the APPROPRIATE DAY. Garbage put
out before that day always attracts racoons which leaves a mess all over the road and
attracts other animals/birds which is an UNHEALTHY and unsightly nuisance .

One other issue is SUFFICIENT or INSUFFICIENT PARKING for all the
rental/family vehicles. This too can be a issue many times.

Please do not be influenced by the few that have benefited by our County's market of low-
priced acquisitions that will have a negative impact on many neighborhoods.

I thank you for your time,

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 9:20 AM
To: Adam Mengel
Subject: FW: Vacation Rentals

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Monday, January 11, 2016 7:43 AM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>;
Sally A. Sherman <ssherman@flaglercounty.org>
Subject: FW: Vacation Rentals

From: Joy Ellis [s.joyce.ellis@gmail.com]
Sent: Monday, January 11, 2016 12:04 AM
To: George Hanns; Barbara S. Revels; Nate McLaughlin; Charles Ericksen Jr.; Frank Meeker
Subject: Vacation Rentals

Dear Commissioners,

Please do not weaken the Vacation Rental Ordinance. We count on you to protect our neighborhoods from these vacation rental businesses and hope you will enforce the Ordinance as originally accepted. Without enforcement, the ordinance is meaningless.

Joy Ellis
85 Ocean Oaks Lane
Palm Coast, FL32137

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 3:35 PM
To: Adam Mengel
Subject: FW: Short Term Vacation Rental amendments

FYI, CC

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Monday, January 11, 2016 2:36 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>;
Sally A. Sherman <ssherman@flaglercounty.org>
Subject: FW: Short Term Vacation Rental amendments

From: Dennis Clark [denclark@cfl.rr.com]
Sent: Monday, January 11, 2016 11:40 AM
To: Frank Meeker; Nate McLaughlin; Barbara S. Revels; Charles Ericksen Jr.; George Hanns
Subject: Short Term Vacation Rental amendments

Dear Commissioners,
After all of the grueling work putting these regulations in place, it seems like a step backward to soften the enforcement to something very vague. The temporary suspension of the rental certificate seemed very appropriate for the offenses stated and was clear. I am concerned that owners will just pay the fine, if they even get one, and write it off to rental expenses.

I have heard my friends in the community complain about rental guests keeping them up at all hours of the night, parking all over the place, driving golf carts on the dunes, and more. We are just hoping and praying that our next door neighbors don't sell or start leasing to a vacation rental company.

Dennis Clark
5784 N Oceanshore Blvd
The Hammock

Adam Mengel

From: Craig Coffey
Sent: Monday, January 11, 2016 4:18 PM
To: Adam Mengel
Subject: FW: Vacation Rental Ordinance

Missed one. Craig

Craig M. Coffey
County Administrator
1769 E. Moody Boulevard, Building 2 | Bunnell, Florida 32110 Office 386.313.4001 | Fax
386.313.4101 | www.FlaglerCounty.org

-----Original Message-----

From: George Hanns
Sent: Monday, January 11, 2016 3:14 PM
To: Albert J. Hadeed <ahadeed@flaglercounty.org>; Craig Coffey <ccoffey@flaglercounty.org>;
Sally A. Sherman <ssherman@flaglercounty.org>
Subject: FW: Vacation Rental Ordinance

From: nlcarstens@aol.com [nlcarstens@aol.com]
Sent: Monday, January 11, 2016 2:46 PM
To: George Hanns; rericksen@flaglercounty.org; Frank Meeker; brevels@flaglercounty.org;
Nate McLaughlin
Subject: Vacation Rental Ordinance

As a homeowner in Palm Coast, I am asking you not to change the Vacation Rental Ordinance that is in place. To consider dropping any penalty for violations/infractions would be like our police officers giving a ticket to a person speeding, but never requiring them to pay the fine. What would be the point? If the rental owners do not have any consequences of violations, then our neighborhoods could become problem areas with an increase in noise, crime, and potential injuries.

We love living in Palm Coast because it is an amazing place that allows us to have peace and quiet in our neighborhoods. We left the DC area to enjoy nature, the bike baths, the beach, and the way of life here in Palm Coast. As owners of 2 lots in Hammock beach, 1 condo in Hammock Beach, and our current residency in Harborside Townhouse community, we want to see that our tax money is spent well and our laws enforced.

Thank you for NOT changing the current vacation rental ordinance.

Sincerely,

Nanci Carstens
100 Palm Harbor Parkway #5, Palm Coast, FL

27 Ocean Oaks Lane
200 Ocean Crest Drive #523
117 Yacht Harbor Drive