

stated that not expanding could put the franchise at risk and that there is no alternative that they know of.

Mr. Stacer asked where the 41' 6" is measured to.

Mr. Wherry responded that it is to the roof line or the floor of the upper deck.

Mr. Stacer closed the public hearing.

MOTION was made by Rhonda Eaton and second by Joan Kovac to recommend approval of the rezoning PZ #17-13000005 per Alternative Motion I as described in the staff report. All voted in favor of the motion with the exception of Tony Hill and Jerry Mills; therefore, the motion passed.

8. CHAPTER 155 ZONING CODE TEXT AMENDMENTS: EMERGENCY GENERATORS

Consideration of proposed Text Amendments to Chapter 155.4203 and 155.4209 in order to require Assisted Living Facilities (ALFs) and Nursing Homes to have permanent emergency generators.

Ms. Dolan, Principal Planner, introduced herself to the Board. She stated that following Hurricane Irma in September 2017 and the tragic death of several individuals housed in nursing homes with no backup power generation capabilities, the Florida Department of Elder Affairs and the Agency for Health Care Administration issued temporary, emergency rules on September 16, 2017, requiring Assisted Living Facilities (ALFs) and nursing homes in the State to implement a plan within 60 days (by November 15, 2017) providing for the installation, operation, maintenance and testing of a generator system to maintain an ambient temperature of no more than 80 degrees for a period of at least 96 hours, in the event of the loss of electric power. The City Staff has prepared the attached draft ordinance to permanently require nursing homes and ALFs to provide electric generators that meet these and more stringent standards.

At the October 24, 2017 City Commission hearing, Mayor Fisher brought up the issue of requiring a permanent requirement for generators at ALFs and nursing homes and requested Staff to prepare the necessary amendments to the City's Code of Ordinances.

The proposed text amendments to Article 3, Use Standards for ALFs and nursing homes found in the staff report require all existing and new facilities to provide a permanent emergency generator to provide the capacity and on-site fuel storage to keep the facility at the maximum of 80 degrees for a minimum of 96 hours and also provide for the electric generation capacity to run all electrical devices that protect life and safety for the facility's residents and patients. There is a waiver provision for constrained sites where these new facilities might need to be placed in a parking space or landscape island.

Staff recommends approval of the draft ordinance to require generators for Nursing Homes and ALF with any minor amendments that may be necessary prior to first reading by City Commission.

Mr. Klosiewicz stated that he doesn't understand why this wasn't already a requirement.

Dr. Mills added that after Hurricane Wilma a similar requirement was mandated for gas stations. He echoed Mr. Klosiewicz's sentiment that he doesn't understand why this is just happening now.

Mr. Hill asked why having a service provide temporary emergency power isn't an adequate option. Ms. Tracy Lyons, Deputy City Attorney, explained that the State measures requiring some form of emergency power is only an emergency measure, issued by the Governor, that will soon expire. The City's proposal is stronger and requires more than just power for air conditioning but extends to powering medical equipment.

Mr. Hill asked if there is an alternative plan for the nursing homes that do not have room on site for these facilities. He pointed out that those without natural gas connections would have to install large propane or diesel fuel tanks.

Ms. Lyons responded that the City is looking for permanency.

Mr. Stacer stated that as proposed, a facility wouldn't be strictly required to have a generator as long as they had a gas line connection to provide backup power. He stated that from his experience, the larger power plants are diesel powered and have large tanks built-in.

Mr. Hill expressed concern that that there may not be much compliance if the required options all involve very expensive installation of on-site, permanent generators.

Ms. Lyons stated that this was considered and therefore a facility has the option of either providing a supply connection or storing fuel on-site.

Mr. Hill stated that the amendment requires a permanently installed power source on-site and that this is his concern. He stated that an option should be that a facility could contract with a provider to bring a generator truck to their site in order to provide emergency power.

Ms. Kovac stated that her reading of the text would allow for this.

Mr. Stacer noted that the State has different plans that might be adopted. He would like the City's amendment to be flexible enough to work with whatever the State adopts.

Ms. Dolan stated that if a contract for someone to bring a temporary generator is allowed as an option, the requirement should be that the generator must be delivered before the storm in order to avoid the possibility of road closures.

Mr. Stacer added that there should be a quick-connection required in order to handle this temporary generator power.

Mr. Klosiewicz added that the temporary generator must also be compatible with the building's connection. He echoed also that there should be some flexibility.

Dr. Mills stated that there should be a stipulation in the contract that states when the generator will be delivered.

Mr. Stacer agreed with Ms. Dolan's earlier comment that the equipment needs to be delivered before the storms arrives.

Ms. Lyons suggesting using the issuance of a Hurricane Watch be the trigger by which these temporary generators would need to be deployed.

Ms. Eaton suggested that temporary generator contractors might be able to help with costs associated with the retrofitting of buildings to accept this temporary power.

Mr. Stacer stated that each nursing home facility will need to figure out however they will comply with whatever the new standards are.

MOTION was made by Richard Klosiewicz and seconded by Tony Hill to recommend approval of the proposed text amendments per the staff's recommended alternative motion with the amendment that facilities have the option of contracting with a provider to bring temporary power on-site in advance of a hurricane. All voted in favor of the motion.