

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Agenda

May 24, 2011

5:15 PM

City Hall, Room 16

Community Development Committee

*Commissioner Thomas Hawkins, Chair
Commissioner Susan Bottcher, Member
Commissioner Scherwin Henry, Member*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER**ROLL CALL****ADOPTION OF THE AGENDA**

The Community Development Committee approve adoption of the May 24, 2011 agenda as circulated.

APPROVAL OF MINUTES**110007. Community Development Committee Minutes of February 22, 2011 (B)**

RECOMMENDATION *The Community Development Committee approve the February 22, 2011 Minutes as circulated.*

110007_Feb 22 Minutes_20110524.pdf

110011. Community Development Committee Minutes of March 22, 2011 (B)

RECOMMENDATION *The Community Development Committee approve the March 22, 2011 Minutes as circulated.*

110011_Mar 22 Minutes_20110524.pdf

DISCUSSION ITEMS**100922. Review of Pending Referrals (B)**

RECOMMENDATION *The Community Development Committee review and approve the pending referral list and proposed action schedule prepared by staff.*

100922A_Memo_20110426.pdf
100922B_Pending Referrals_20110426.pdf
100922_Pending Referrals_20110524.pdf

090925. Strategic Initiative 6.1 - Develop Creative Ways to Measure Progress in Code Enforcement (NB)

Discuss the possibility of creating a Livability Court model in the City of Gainesville as it relates to Code Enforcement issues.

Explanation: Commissioner Wells requested that the Community Development Committee discuss the issue of creating a livability court model in the City of Gainesville

similar to what is utilized in Charleston, South Carolina. Charleston created the Livability Court in 2002 to address minor disturbances and ordinance violations ranging from noise complaints to animal violations and parking infractions. Prior to the Livability Court cases of this nature were heard in Municipal Court. This issue Charleston had with the Municipal Court process was that cases that are now heard in Livability Court were heard along with felony type cases and seemed less significant by comparison. The Livability Court is presided over by a Judge and has a full-time police officer assigned to the Court who investigates cases, and supports the city's code enforcement staff. In Charleston, when a resident files a complaint a code enforcement officer responds and investigates. If a violation is found, the code enforcement officer issues a warning and gives the resident five days to bring the violation into compliance. If compliance is not achieved the violator is issued a court date. If a violator is found guilty in Livability Court punishment can range from a fine to community service or time in jail.

The current process in the City of Gainesville for similar violations differs mainly in the judicial aspect. When a complaint is filed with the Code Enforcement Division or an officer makes a proactive finding, a civil citation or a notice of violation is issued depending on the ordinance violated. This is generally after an official warning has been issued unless there is an immediate life safety issue involved. If a notice of violation is issued and compliance is not achieved the case is referred to the Code Enforcement Board. This is where the Livability Court model and the City of Gainesville process differ.

The Code Enforcement Board is a quasi-judicial board comprised of seven citizens who are selected by the City Commission. If the Code Enforcement Board finds a respondent guilty it can grant a timeframe to achieve compliance and impose a fine, either a one-time fine or a running fine until compliance is achieved. Both the Code Enforcement Board's finding and the civil citation can be challenged in county court by the party found guilty. The process the City of Gainesville uses, as well as jurisdictions throughout the State of Florida is governed by Florida State Statute Chapter 162. An alternative to the Code Enforcement Board in Florida is to use a Special Magistrate. The Special Magistrate is an attorney or member of the Florida Bar appointed to preside over code enforcement matters. The Special Magistrate has the jurisdiction and authority to hear and decide alleged violations and exercise the powers of a Code Enforcement Board as provided in Chapter 162, Florida Statutes. Many Florida jurisdictions utilize a Special Magistrate rather than a Code Enforcement Board. Some examples are: City of Port St. Lucie, Brevard County, City of Fort Lauderdale, City of South Daytona, City of Madeira Beach, Clay County, Collier County, and Deland.

Fiscal Note: None

RECOMMENDATION

The Community Development Committee discuss the Livability Court model and its applicability to the City of Gainesville.

Legislative History

3/4/10 City Commission Referred

Community Development
Committee

100529.**College Park/University Heights Heritage Overlay District Referral (NB)**

Explanation: On November 18, 2010, the Gainesville City Commission referred an item to the Community Development Committee regarding the concept of adoption of a regulatory mechanism similar to a pattern book for the College Park and University Heights neighborhood.

RECOMMENDATION

The Community Development Committee hear a brief update from staff regarding this item.

Legislative History

11/18/10	City Commission	Referred (7 - 0)	Community Development Committee
12/14/10	Community Development Committee	Discussed	

100529_CDC Memo_20101214.pdf

100529A_Heritage Overlay District-CDC_20101214.pdf

MEMBER COMMENT**CITIZEN COMMENT****NEXT MEETING DATE**

To Be Determined

ADJOURNMENT