

City of Gainesville

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



Meeting Minutes

Thursday, January 19, 2006

1:30 PM

**Joint Public Safety Committee & Community Development Committee
Special Meeting - C/Braddy, C/Donovan, C/Lowe, C/Chestnut
City Hall, Ground Floor, Room 16**

Public Safety Committee

*Commissioner Ed Braddy, Chair
Commissioner Jack Donovan, 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

Commissioner Braddy called the meeting to order at 2:22 p.m. when Commissioner Chestnut arrived. Commissioner Lowe entered the meeting at 2:27 p.m. Commissioner Donovan entered the meeting at 2:30 p.m.

ROLL CALL

Present: Commissioner Braddy, Commissioner Chestnut, Commissioner Lowe, Commissioner Donovan

Present: Edward Braddy, Jack Donovan, Chuck Chestnut and Craig Lowe

ADOPTION OF THE AGENDA

Commissioner Braddy moved and Commissioner Chestnut seconded adoption of the agenda as presented.

DISCUSSION OF PENDING REFERRALS

050635

Over-Occupancy in Single Family Neighborhoods (B)

This is a joint referral to the Community Development and Public Safety Committees regarding the issue of over-occupancy in single family neighborhoods.

Community Development Director Tom Saunders provided an overview of the items attached as backup to the agenda, that included: 1) Current programs for enforcement of rentals in single-family neighborhoods. Mr. Saunders described the various programs in place, many of which were generated as a result of the Ad Hoc Committee on University Neighborhoods in 2002, and the Rentals Ad-Hoc Committee prior to that in 1999. 2) A status report of recommendations that depicts what was adopted after those ad hoc committee discussions. 3) A report from Code Enforcement reflecting enforcement and the changes to enforcement in the last few years. 4) A listing of possible changes to enforcement, compiled from staff, University of Florida, Santa Fe Community College and citizen meeting discussions held this month. 5) Notes from one of those meetings. Mr. Saunders commented that Code Enforcement's report reflects a substantial increase in applications for landlord permits, enforcement, and investigations since 2000 and noted that it is difficult to know whether the violation increases are the result of more rentals in single-family neighborhoods or the result of stepped up Code Enforcement.

The Gainesville Police Department (GPD) has researched into what works in the Ft. Collins, Colorado area and Code Enforcement has been looking at East Lansing, Michigan. East Lansing charges more for their landlord permits, and are therefore able to enforce more. Gainesville's permits have gone from \$25 to the current \$84 for a permit, and late fees have been raised to the current \$336. East Lansing conducts more inspections, charges \$1500 for the permit, and additional charges for

inspections, follow-ups and no-shows, so a landlord could pay as much as \$2000 in the first year. With the departments involved (GPD, Neighborhood Planning, Codes, Legal, etc.), Mr. Saunders pointed out that the City is not covering all of the costs, and recommended a review of resources and the costs associated might be in order. Since the last Ad Hoc meetings three years ago, the dynamic has changed substantially, i.e., price of homes have doubled, and the scenario seems to have shifted toward both owner-occupant interest in the neighborhoods and more interested investors, particularly parents buying for student children to live in homes. Gainesville's housing market is still a bargain for buyers from larger metropolitan areas.

Mr. Saunders explained the University Context Area, which the University of Florida designates in its Master Plan as an area that becomes eligible for transportation improvements. In 1999, the City adopted yard-parking regulations in the Context Area, not required outside of the designated University Context Area. University of Florida is in the process of updating its Plan and has proposed a new area generally north and east of the current Context Area. Staff will be presenting to the Community Development Committee a proposal for neighborhoods, outside of the Context area, to opt into yard parking. It was noted that many neighborhoods throughout the City would like this option.

Commissioner Donovan asked the City Manager if any consideration has been given to comments made in an earlier meeting that the Code Enforcement Division be structured as a Code Enforcement "Department". Mr. Blackburn reported that there were no changes proposed to the structure, but Code Enforcement will continue to be as active as possible with the resources available. Commissioner Donovan asked if there was a difference in fees for someone who bought and rented as their primary business, as opposed to a homeowner renting their home to their children and friends. Mr. Saunders advised there is no differentiation between owning and renting 1 or 5 homes, but added that even the parent who rents their house to their child and two other unrelated people, would still have to get a landlord license. Commissioner Donovan asked why no one had lost their license. Mr. Saunders explained that landlords are given a clean slate after 12 months as the point system is currently written. Seventy-nine properties have reached 3 points and received warning letters, which seems to generate compliance. He noted that Code Enforcement has not communicated to neighbors when points are issued, and noted that one of staff's recommendations is that points stay with the property for 18 months instead of 12 months. Commissioner Braddy passed out information on "red-tagging" problem houses, an initiative in Lincoln, Nebraska and asked the City Attorney to look into this initiative to see if it is working. Commissioner Donovan asked about requiring landlords to register by name, all occupants of the house. Mr. Saunders noted that this is a staff recommendation being proposed.

Commissioner Lowe advised that the League of Cities has a University Cities Caucus where these issues are discussed and Gainesville is doing most of the things discussed. He noted, however, that other cities have established landlord permit density requirements, prohibiting certain number of rentals within a designated area from another, similar to the City's Day Care Center zoning. Mr. Saunders advised that there are mixed levels of support from neighbors for that level of regulation. Mr. Radson advised that a consultant hired by the City Attorney's office presented the

"Duncan Study" as an option, but he cautioned that there are issues for consideration: 1) the City would have to grandfather those already existing or phase them out over time, 2) it could make those properties more valuable; 3) it creates property rights that the City would have a difficult time taking away at a later time; and 4) rentals could disperse into other neighborhoods as a result. Mr. Saunders noted that in discussions with the University of Florida, there are no plans to add additional on-campus housing. Staff has asked the University of Florida if they would consider jurisdiction over the behavior of their students, with no commitment one way or the other at this point.

Commissioner Lowe asked about a stricter definition of "family" to close the loopholes often found. He also suggested review of redevelopment areas near campus that would encourage housing, to relieve the pressure on single-family neighborhoods.

Commissioner Nielson passed out information on a 3-day conference hosted by Colorado State University covering these types of issues and suggested it would be a good means to see what other cities are doing.

Commissioner Chestnut asked Mr. Saunders what fee increases should be considered if the City wants to cover costs for more enforcement. He asked if fees could be assessed for warnings and was advised that this is done through the civil citation process as per Florida State Statutes and requires a warning before a citation can be issued. The officer can return, after a reasonable period of time, to issue a citation. The tenant gets the citation but the landlord gets the point. There was discussion about staff's recommendation to amend the noise ordinance so that warnings last 180 days rather than 90 days and the fact that there are houses that plan their parties around that current 90-day warning window.

The following citizens spoke to this matter: Mary Ann Gularte, Jodi Gentry, Holly Zuczek, Bill Gager, Jimmy Harnsberger, Chester and Joann Leathers, Mark Goldstein, Joe Schmid, Laura Callopy, Jean and David Chalmers, Beverly Hill, Nora Kilroy, Nancy Jordan, Glen Smerage, Mike Wright, Mac McEachern, Mary Anderson, and Jodi Gentry.

Ms. Gentry, Forest Ridge citizen, shared photos of a rental house across from her and stated that she does not object to students, but does object to the behavior that she witnesses. The house has changed hands from student to student. They have bonfires in the backyard, have a lack of regard for their neighbors and the City's inability to respond to this behavior is a problem. She recommended removing the economic incentive of the homeowner, where it is cheaper for parents to buy the home so the students can live there. She recommended severe penalties to the homeowner, not the \$75 citation level used now, but significant enough that liens could be placed against the house. She reported calling the police, although felt officers should spend their time on violent calls, but felt her interaction with the officer was not helpful. She stated that subsequent calls have resulted in better results, however, feels citizens should not have to call police officers for this type of problem/behavior.

MaryAnne Gularte, Forest Ridge resident, lives across the street from a rental with four college boys (2 brothers and 2 renters), owned by the parents who live in Delray

Beach. There are hot tub parties near her bedroom window starting at 3:30 am, involving numerous students who are slamming doors in and out, which is keeping her up at night. She has called the Mayor, Commissioners, Code Enforcement, GPD, and the neighbors, and is trying to be "reasonable in her sensitivities" to the noise (referring to language in the noise ordinance). Although the renters have received a warning, she indicated that another responding officer later in the week did not follow up to see that they received the warning, and therefore, were not given a citation. She feels it unreasonable for her to have to keep calling City officials to check on what they should already be doing. She ended by saying she was very concerned, and did not want to have to move out of the neighborhood.

Joanne Leathers, Mason Manor resident, has lived in her home for 24 years, where there is no homeowner's association. Her experience with excellent police service has fostered more togetherness in other neighborhoods. She commented that renters are not just students. She stated that making landlords and tenants responsible is the right thing to do and she agreed that when complaints are made, citizens deserve to hear back from staff. Mr. Leathers also spoke about the growing number of students, Santa Fe Community College and University of Florida combined, and recollected when he graduated 50 years ago, young women had a midnight curfew.

Holly Zeczek, Turkey Creek Forest resident, commented that her neighborhood has not experienced this problem and commented she would like to hear more about homeowner associations. Mr. Saunders will have the Neighborhood Planner contact Ms. Zeczek regarding registering her neighborhood and associations.

John Riskind, Sugarfoot resident, encouraged Commissioners to look at what is working in other communities, and commented that a single-family neighborhood should not be a way to make money. He added that the University should be responsible for ensuring behavior of their students is responsible behavior.

Bill Gager, Golfview resident, stated that over-occupancy seems to be the root of the problem, but suggested that labeling houses that can't be rented anymore would be disastrous.

Jimmy Harnsberger, Palm Terrace resident, stated that Gainesville has a lot of rules, which is almost unique compared to other communities, and in fact, these rules have not been challenged. He sees the problem related to enforcement. He asked about revocation of landlord licenses and what happens when 6 points have been accrued. Mr. Saunders responded that at that point, the landlord would go through an administrative hearing or they could evict the problem tenant. Mr. Harnsberger commented that it should be time for the landlord to lose their license when they've reached that point. He suggested that at 6 points, landlords should lose their license automatically for six months, and that staff should review the costs to enforce and match that up with the cost for the permits.

Mike Wohl, Code Enforcement Officer, discussed the problems with enforcing over-occupancy, and in proving more than three unrelated people are living in the residence. If Code Enforcement finds reasonable evidence, they will mail a letter to the landlord giving them notice that an inspection will be occurring, which gives them time to clean up. He indicated that Codes has yet to find a violation when conducting

an inside inspection, and described the other kinds of evidence used instead. Code Enforcement documents all vehicles and tags and cross references the owners of the vehicles, but the vehicles may be registered in the parents' names. He added that just because a vehicle is parked at a residence doesn't mean they are living there.

Commissioner Braddy asked if any of the ordinances have been challenged legally. Mr. Radson advised that the most recent case involved the definition of single-family, and the city prevailed.

Dr. Goldstein, University Park Neighborhood Association (UPNA) resident, summarized the problem as going from a trickle to a flood and that family zoning is being threatened to the point of extinction. He stated that while the City is spending millions of dollars on enforcement efforts with Party Patrol and increased code enforcement, the City is not charging enough to keep up with that enforcement. Dr. Goldstein stated that he would not like to see laws that would allow some to rent, while others on the same block could not.

Joe Schmid, UPNA resident, stated that single-family is not functioning as single-family and that the City is paying police professionals to act as babysitters. He supports the points being extended to three years or longer, instead of the current 18 months, and keeping them with the house even if the ownership transfers, if that's possible. He also supports laptops for Code Enforcement Officers. He asked staff what happens if a landlord is caught without a license. Mr. Saunders advised there is a \$320 penalty. Mr. Schmid suggested restitution for police to break up parties-- a recommendation discussed in his police district council meeting-- and would like to see that added as a possible recommendation. As to the comment for Code Enforcement to report back to the neighbors regarding points issued, he suggested that a report, similar to a report he receives once a week from GPD on Party Patrol, be posted on the web that would show enforcement initiatives.

Laura Callopy, UPNA resident, stated that the University should have some oversight over students' behavior. She commented that GPD is doing a wonderful job but there are limited resources. She stated that the Combined Communications Center is a problem in terms of not following through, inappropriate dispatching to the wrong address, not providing police with accurate information and treating callers like they are criminals when asking for personal information. She suggested that the judges who have to hear these cases ride with party patrol and that making community service as part of their sentence would have an impact on the students.

Beverly Hill, Anglewood/Sugarfoot resident, stated that student renters across from her are lovely, but are not typical of the rest of the neighborhood. When she inquired of one student how many students lived in the house, she was told five. She recommended that landlords who want to rent, be required to have a waiting period while signs are posted on the house with information that they have applied for a license, similar to past requirements when other home businesses were required to advertise they were conducting a business from their home. She thanked GPD and Code Enforcement for their efforts.

David Chalmers, Golfview resident homeowner and landlord, commented that he always had student renters in his neighborhood. With regards to over-occupancy,

which he sees currently as close to impossible to prove, he recommended language where a vehicle parked overnight for more than 30 days in a 90-day period would be a statement of residence. However, he noted that Code Enforcement would have to observe nightly and wondered if that could be defined legally. He also asked whether, if residents were willing to keep careful records on vehicles, or in the case of the noisy neighbors, would their records and/or testimony in court be acceptable in law as evidence.

Mac McEachern, Audubon Park resident, stated his neighborhood has become a growing rental business operation. While he doesn't object to students, he does object to renters when they destroy property value. He shared his frustration regarding the India Culture Center; with insufficient parking to handle their events and overflow into the neighborhood. He alleged they are taking advantage of the neighborhood, as expressed in e-mails to the Commission. He suggested enforcement could be partially paid for by writing parking citations on any given Sunday morning. He commented about houses that are advertising multi-family in real estate brochures, yet they are in single-family neighborhoods. He also expressed concerns regarding the Combined Communications Center.

Nora Kilroy, Director of Off-Campus Life for the University of Florida expressed her appreciation for being invited to participate in these meetings where she will continue to attend and bring back concerns to the University in an effort to address.

Mary Anderson, citizen, praised GPD and Community Development and agreed that the issue is behavior and indicated support for community service as a punishment. She stated that renters are all over the City and recommended that landlords and management companies be involved, supporting any City efforts.

Nancy Jordan, Millpond/Monticello resident, stated that this subdivision has three associations who have hired separate management firms to assist with problems like this. She reported that GPD is called because the management firms are not doing their jobs. She noted that fines from those associations range from \$100 to \$1,000 and suggested that when they reach the higher level, is when compliance is attained. When police made arrests at a recent party that ended a noise problem.

Glen Smerage, a resident at Northwest 22nd Street and Northwest 15th Avenue, stated that most people are not against students. He referred to the Ad Hoc Committee on University Neighborhood meetings that occurred five years ago. He suggested that while the City Commission did take action on some recommendations, they addressed the symptoms, and not the issues. He felt the University Context Area was inadequate and that the core problem is over-occupancy. He offered the Commissioners to walk with him to see the number of houses with 5, 6, and 9 cars parked outside.

Commissioner Brady thanked everyone for their input and asked Commissioners to give concluding comments with recommendations. He recommended that staff could continue meeting with interested citizens and then report back to the individual committees or go directly to the City Commission, or meet again as a joint committee before going back to the Commission.

Commissioner Donovan stated that while there have been accomplishments from the past, the need is still great to do something to support families who own their homes and the kind of neighborhoods that sustain the City.

Commissioner Lowe agreed that the discussion should continue and asked staff to return to the next Community Development Committee with recommendations on: 1) beefed up enforcement; 2) speeding up the clock on the point system; 3) increase in the landlord license fees to cover enforcement costs; 4) alternatives to the non-related occupancy regulations; and 5) discussion of the use of the University's Context Area and reference parking regulations (pointing out that the City should not rely on another entity regarding an area that doesn't meet the City's needs.)

Commissioner Nielsen recommended charging the City Manager, to come back with recommendations. He suggested gaining the same reputation as Waldo (no one speeds in Waldo) with regard to code violations (no one violates codes in Gainesville). He asked for the City Manager to provide a report on what he would recommend to increase code enforcement (structural reorganization, adding personnel and equipment) and to consider these during the upcoming budget discussions. Additionally, he asked that the City Manager and City Attorney come back to this joint committee with a report on how to increase fines, penalties, points to maximize effectiveness, and procedures to determine the number of unrelated persons. He noted this is a nationwide issue. He indicated support for expanding parking regulations and an accelerated survey of those neighborhoods that want it.

Commissioner Chestnut stated he liked all of staff's possible changes (as provided in the back-up), but especially liked higher fine levels, amending the point system so the points stay for 18 months, urging the University to issue penalties for off-campus violations, and laptops for Code Enforcement. He added the need for those laptops to communicate with GPD. He indicated his support for requiring landlords to include the names of tenants and better defining single-family. There was discussion concerning when residences move from homesteaded to rental and the difficulty in sometimes not having that information due to parents who deed the home to their children. If Code Enforcement doesn't have that information, an application is not mailed. Staff is recommending that for every transfer of property, they send a letter providing information on rental regulations. Mr. Garrett advised that they currently look at the Property Appraiser's records, but will also include utility records. Commissioner Chestnut suggested requiring residents to obtain a "party permit" if they hold a party. Mr. Radson advised that some cities require that.

Commissioner Braddy felt the discussions were very useful and supported the increased fees to cover all associated costs to enforce. He asked staff to do a calculation study on what those increases might be to cover the costs. He suggested using the City's website for posting names of those receiving a citation. He asked the City Attorney to look at the red-tagging initiative to see if it's working in Tucson, Arizona and whether it has come under any legal challenges. Commissioner Braddy further supported increasing points for warnings and encouraged information sharing through Santa Fe Community College and University of Florida orientations.

Mr. Saunders, who was tasked with coordinating this effort by the City Manager, indicated he would meet again with staff and citizens and work with the City Attorney

and City Manager to report back to the two separate committees. Commissioner Braddy asked that he categorize the recommendations by Department.

The meeting was adjourned at 4:40 p.m.

RECOMMENDATION

The Community Development and Public Safety Committees begin discussions on this joint referral, hear from staff and community members, and determine necessary steps for action.

Discussed

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MEMBER COMMENT

CITIZEN COMMENT

NEW BUSINESS

None.

NEXT MEETING DATE

ADJOURNMENT

The meeting was adjourned at 4:40 p.m.