

City of Gainesville

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



Meeting Minutes

Thursday, July 21, 2005

9:00 AM

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

Meeting called to order at 9:10 a.m.

Present: Edward Braddy and Jack Donovan

ADOPTION OF THE AGENDA

Commissioner Braddy moved modification of the agenda, to include new referral #050217, under Pending Referral Discussion. Commissioner Donovan seconded.

APPROVAL OF MINUTES

Commissioner Donovan requested the following changes to the minutes: Page 4, under Parking "Boot" On Private Property, "it was mentioned that this particular issue may not be a concern in the near future, as the bookstore business, along with others, may be moving as a result of the new University Corners project."

Commissioner Braddy moved and Commissioner Donovan seconded approval of the minutes with the above modification.

DISCUSSION OF PENDING REFERRALS

030125

Public Safety Involvement in Site Plan and Land Review Process

Sergeant Jeff Reese, Gainesville Police Department, provided the committee with an historical and update on his involvement in the land development and site plan process. He reported that his participation has been very well received by both the planning staff and the developers and had reached a point where the developers, architects and engineers know what is expected from a police standpoint and are already incorporating that into their design plans. He did note that there are the occasional developers who do submit incomplete plans, but for the most part, they are not police related and they are not in the eighty percent of developers who do projects in the city.

Commissioner Braddy explained that this referral came as a result of City Commission discussion about GPD's participation in the site plan process and not having approval or denial authority in that process. From those discussions, GPD appointed Sgt. Reese as the site plan reviewer, and after one year it appears this process has been quite successful. The PSC had reported this progress out to the City Commission last year but asked that the item remain on the referral list to receive periodic updates. C/Braddy asked Sgt. Reese to speak to his credentials. Sgt. Reese advised that he attended a regiment of crime prevention courses since 1993 through the Attorney General's Crime Prevention curriculum. He has received a certificate for a 40 hour Residential Crime Prevention course, a 40 hour Crime Prevention Through Environmental Design course, as well as an advanced course certificate, and has received a designation by the Attorney General as a Crime Prevention Practitioner. He has also received a site plan and lighting certification. In his work

as a site plan reviewer, he looks at exterior and interior lighting, natural surveillance, access points, security issues, etc. While going through the process, he ensures that they meet code and are adequate. Having been involved for a year now, he indicated it was his opinion that if the city was going to be serious with this process, they should look at incorporating CPTED security design for certain projects in the ordinance. Right now, there are no specific requirements in the ordinance for CPTED recommendations by GPD. As an example, there are no lighting requirements for bus shelters or bike paths. The Chief pointed out that these types of issues will come up again and again and in the near future with Depot Park. Recognizing the need to balance additional requirements on developers, with public safety, the committee felt that making this a more formal process would be beneficial. Commissioner Braddy requested Sgt. Reese prepare a brief memo to justify the need for the Commission to consider potential ordinance/code changes that would more formalize the police department's role in the site plan and land development review process. This memo will be attached to the committee's report out with the recommendation to continue the referral with the Public Safety Committee in looking at those potential ordinance changes.

RECOMMENDATION The Public Safety Committee hear a six month update from Gainesville Police Department staff and take appropriate action.

Discussed

CPTED Ordinance from Site Plan Reviewer.doc

040547

Dangerous Dogs Issues

Ray Sim, Animal Services Director provided an update on his discussions with county attorney staff as it regards his recommendations for changes in the current county ordinance. He related that he would like them to strongly consider a recommendation prohibiting anyone from owning/maintaining a dog that has been designated under the dangerous dog category. If that is not a consideration, then he will be recommending several other changes to the ordinance, including new language on the enclosure definition that would strengthen the requirements to ensure the dog cannot escape from the floor.

The county currently requires registration of all dogs who have been designated as dangerous, with a \$450 initial fee and \$45 annually thereafter. As well, dogs designated as aggressive must also register and pay \$350. Aggressive dogs only relates to its interaction with other animals as opposed to humans, and that is also where Mr. Sim would like to strengthen the language. The county currently does not prohibit tethering but he would recommend that the county prohibit tethering over extended periods of time and during inclement weather.

With regard to education, Mr. Sim acknowledged the need to increase education at various outlets, including schools, libraries, YMCA, etc. He advised that Animal Services just hired an additional animal investigator, bringing total personnel to 10 Animal Control Officers and 2 Investigators. Mrs. Meiss suggested flyers could be distributed to local veterinarians.

There was discussion about the cycle of animal/social issues and the correlation with loneliness and fear and companionship and protection. Mr. Sim did point out that in general, people don't like to accept that their dog may be dangerous, reinforcing the need to have education go hand in hand with enforcement. He commented about a number of good local and national foundations serving animals and announced that Dr. Julie Levy of UF Veterinarian Association was recently honored with Female Veterinarian of the Year. C/Braddy requested information on this recognition to share with the City Commission.

Ron Combs, Assistant City Attorney reviewed his memo (distributed during the meeting) on tethering animals. His research included Boca Raton, Brevard County, Broward County, Sanibel, Clearwater, Ft. Lauderdale, Hillsborough County, Marion County, Ocala, Palm Beach, Pasco County, Seminole County, Shalimar, St. Augustine, St. Petersburg, Tarpon Springs, Tampa and West Palm Beach. Mr. Sim advised that he would lean toward modeling Alachua's after Orange County, as it addresses the length of the restraint, addresses inclimate weather, and limits the time the animal may be confined while on the owner's property.

It was noted that regardless of the decision of the county to make any changes, the city, through it's Interlocal Agreement with the County, can still make changes to the city ordinance. It was also pointed out that if the county prohibits ownership of dangerous dogs, once they've been categorized as such, the issue of requiring additional homeowner insurance, would not be necessary. If the county/city determined the need to instead include that provision for defined aggressive dogs, Mr. Combs advised that that would be allowable and not a conflict with State Statutes. Mr. Sim indicated he could include this as a discussion item with county counsel.

Commissioner Braddy requested Mr. Sim provide a copy to the PSC of what he is proposing to the county, after his discussion with county attorney staff.

This item will be reported out to the City Commission on consent, explaining the research conducted, the coordination with legal staff and Animal Services staff and recommending the city allow the county to consider these ordinance changes first. The item will also be recommended for removal of pending items, however, the Chair noted that if the county does not take action on these recommendations, this can be referred back to PSC.

RECOMMENDATION *The Public Safety Committee hear reports from Animal Services and City Attorney staff as requested from the June 16, 2005 meeting and take action as necessary to report this item out.*

Discussed

050115

Laws Related to Sexual Predators

Gainesville Police Chief Norman Botsford, Captain Lynne Benck and Detective Duane Diehl spoke to this matter. Detective Diehl provided a presentation on Sexual Offender/Predator Tracking. He reported that the State of Florida implemented mandatory registration of offenders/predators in 2000, and that there are over 34,000 registered offenders and predators in the State of Florida at this time. Total known offenders currently registered as living within the city and county are 300 with 209 of those in the city limits. There are 107 convicted child molesters living in the city. Due to the most recent child abduction cases throughout the nation and Florida, municipalities are considering other restrictions and regulations for sexual offenders and predators.

The Gainesville Police Department discussed their recommendation for an ordinance that would limit where a convicted child sex offender/predator could live, and used the State of Iowa as a model. Highlights of the ordinance include, 1) restricting an offender/predator from living 2500 feet from any school, public school bus stop, day care or park/playground, 2) making a violation a misdemeanor offense, 3) subjecting landlords to code enforcement citation, if in violation, 4) would apply only to those who move to or from an address after the ordinance is enacted and 5) would apply only to offenders/predators who offend on children 15 and under (state law provision).

Detective Diehl advised that the Iowa law was challenged by the ACLU, but has been upheld due to the public safety issue. Ron Combs stated that the challenge would generally be based on whether the courts felt that if there were restrictions for residency that the municipality is providing reasonable alternatives.

Chief Botsford stressed that this has almost reached an emergency situation and recommended that it would be worth taking the risk with the courts, rather than doing nothing. Other Florida cities currently adopting or considering the Iowa Model include: Dania Beach, Miami Beach, Pembroke Pine, Coral springs, Melbourne, Sanford, Lake Mary and Mount Dora. The Iowa Model buffer was upheld in federal court.

Commissioner Donovan asked about the unintended consequences of moving the offenders into one particular area(s), i.e., would they tend to disappear. Chief Botsford acknowledged that the offenders are already difficult to track as they move as fast as we find them, but having them generally in one area would make it a little easier. He also noted that GPD is currently working on a new tracking process where detectives and zone officers will track via a new database and by consistent visits to the offenders' registered residence.

The presentation to the committee included a map for coverage area with a 1500' buffer from public schools, day cares and private schools and one with a 2000' buffer. The Committee suggested adding school bus stops and parks to these maps.

Detective Diehl additionally advised that GPD works closely with the Florida Department of Law Enforcement and Probation and Parole, however, there is no state law that requires an offender sign the FDLE Offender Notice of Responsibilities. GPD would also like to recommend language be added in the ordinance requiring this, to assist in prosecution efforts. Ron Combs indicated this could be done.

The Committee requested Ron Combs review the police department's proposal, including the buffer and signature on the Offender Notice form, for a draft ordinance and return at the August 18, 2005 PSC meeting for anticipated final discussion before reporting the item out to the City Commission.

RECOMMENDATION *The Public Safety Committee begin discussions of this June 13, 2005 referral and hear from Gainesville Police Department staff.*

Discussed

PENDING REFERRAL LIST:

#050217 GFR Fire Fighter Staffing and Equipment Policies (NB) - scheduled for 8/18/05 PSC meeting (Commissioner Braddy requested Chief Northcutt and Jeff Lane be invited to attend)

#050115 Laws Related to Sexual Predators (NB) - scheduled for 8/18/05 PSC

#041097 City Co-Sponsorship and Expense Allocation for Public Events (NB) - currently with Recreation Committee, retain on PSC list until after the Recreation Committee reports out, unless issues relating to public safety are returned for consideration

#040703 Parking "Boot" on Private Property - should have been removed during 7/11/05 CC meeting

#040547 Dangerous Dogs Issues - PSC report out to CC at the 8/22/05 meeting

#040424 Bar Closing Times - Tabled at the 6/27/05 CC meeting

#030125 Public Safety Involvement in Site Plan and Land Review Process (NB) - report out to CC on 8/22/05, with recommendation to refer back to PSC for formal recommendations and potential ordinance/code changes.

MEMBER COMMENT

Commissioner Donovan spoke about the heightened sense of security in light of the London bombings. The Commissioner indicated he would bring this up during "Commission Comments" at the next City Commission meeting for a referral back to PSC.

Commissioner Braddy asked how long the ICAC (Internet Crimes Against Children) grant was funded. Chief Botsford advised that GPD just received another three years funding which also covers an additional investigator position.

Discussed

CITIZEN COMMENT

None.

NEW BUSINESS

Video Cameras in Public Places (B)

Chief Botsford spoke to this item explaining that it stemmed from a referral from the City Manager regarding cameras in the downtown bathrooms due to reported criminal activity. Staff would recommend that the City Commission consider rescinding the section of the ordinance 21-10 that pertains to this.

Commissioner Braddy will request a formal referral to the Public Safety Committee at the next City Commission meeting.

NEXT MEETING DATE

August 18, 2005, 9:00 a.m.

ADJOURNMENT

Adjourned at 11:25 a.m.