

Community Development Committee

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

Meeting Minutes

Tuesday, June 19, 2007

5:15 PM

City Hall, Room 16

*Commissioner Scherwin Henry, Chair
Commissioner Jack Donovan, Member
Commissioner Craig Lowe, Member*

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

CALL TO ORDER

The meeting was called to order at 5:20 P.M.

ROLL CALL

Present: Craig Lowe, Jack Donovan and Scherwin Henry

ADOPTION OF THE AGENDA

Approved

APPROVAL OF MINUTES

Carol Daly asked that the minutes be changed under the energy efficiency item to reflect: 1) change the words "City should" to "market discourages" in paragraph 8, 2nd sentence; 2) add a new sentence "She suggested that rental and owner properties be treated equally; and 3) Ms. Daly also suggested that there is no statistically reliable information regarding rentals being less efficient than owner-occupied projects.

070157. Minutes of April 10, 2007 (B)

The Committee agreed to the first two suggestions, but asked staff to review the minutes on the third item, and to hold back approval until the next meeting.

RECOMMENDATION *The Community Development Committee approve the minutes of April 10, 2007.*

Continued

DISCUSSION OF PENDING REFERRALS

060085 Administrative Appeals of Nonconforming Uses (NB)

Mr. Saunders, Community Development Director, stated that the Community Development Committee took action several months ago, and an agenda item had been prepared for the City Commission. He stated that since this item will be discussed at the City Commission, that the Committee remove this item from their referral list.

RECOMMENDATION *Community Development Committee to the City Commission: The City Commission remove this item from the referral list.*

Approved as Recommended

060548. University Park Neighborhood - Heritage Neighborhood Designation (B)

John Wachtel, Neighborhood Planning Coordinator, reviewed the draft proposal for the neighborhood heritage designation with the Community Development Committee. He stated that this includes the University Park Neighborhood Area (UPNA), and that other areas could be added into the heritage district through the zoning process. He noted that the proposed draft includes specific regulations recommended by the UPNA Board. The UPNA Board gave their opinion as to what would be acceptable for the majority of the members. Staff came up with specific language based on that information, and asked the City Attorney to review the draft. The City Attorney noted that a study would be required for justification. He stated that the regulations have to relate to the study. The UPNA felt there is a big problem with demolitions, and they would like to limit demolitions. Mr. Wachtel stated that the City can not limit demolitions unless it is in a historic district, but the City can regulate redevelopment and new development. Staff's recommendation is to restrict this to residential areas.

Chair Henry asked if architectural style and features (predominantly building materials used) and cultural and architectural features would be considered in designating a particular area in a heritage district.

Mr. Wachtel gave an example that suppose 80% of the homes had porches, then this would be justification to designate the area as a heritage district.

Commissioner Donovan stated that a historical district preserves history, and a heritage district preserves appearance and character.

Mr. Wachtel asked for guidance from the Community Development Committee on how to handle enforcement after a district was in place. He presented to the Committee 3 options. 1) Have an architectural review board review the proposed development (Staff prefers this alternative). 2) Have a review board for each district (staff feels that this would be too hard to administer). 3) Have the Plan Board or Development Review Board review the proposed development. Mr. Wachtel stated that the HPB has their own set of rules and this might confuse the issue.

Commissioner Lowe asked if there should be an alternative approach in creating a historic district, possibly the absence of more stringent aspects of what is in place now.

Mr. Wachtel stated that there needs to be a more in-depth study in order to implement a historic district and suggested that the City do a less in-depth study initially. He suggested that someone first implement the heritage overlay, and then, if the City feels like there is justification for it to be a historic district to pursue this at a later date.

Mr. Saunders stated that whether to create the heritage overlay is a policy question. He stated that there are five or six areas of the City that are eligible for further studies for historic districts (Hibiscus Park, Golfview, 5th Avenue, Palm Terrace, Northeast neighborhood area, Eastside and the Duckpond neighborhood).

Mr. Wachtel stated that the enabling ordinance would establish a base line, and after adoption of the ordinance, a neighborhood could ask for a study.

Commissioner Lowe asked if staff will be able to work out the means to give the kinds of protection the neighborhoods are looking for.

Mr. Wachtel confirmed that the only limits are the constitutional case-law type of limits. He stated that staff will work with the neighborhoods to make sure that they are covering the components that the neighborhoods would like to see happen.

Jimmy Harnsberger, citizen, stated that the UPNA started from the premise of what the City can constitutionally regulate. He stated that the HPB is the appropriate board, to be the enforcing board.

Mr. Saunders stated that the Community Development Department has a contract with an architect and a landscape architect, and they meet with the Community Design Center once a month to review projects that are in the Special Area Plan. The architects make voluntary suggestions, and he suggests that they would be appropriate to provide these kinds of reviews.

Commissioner Lowe asked about the appeal process.

Mr. Saunders stated that the City Commission would be the logical ones to hear an appeal.

Ms. Daly, citizen, would like to state for the record that she objects to the way the meeting is run. She stated that if you have citizens commenting, it should be at citizen comment. If you are having citizen comment, then that individual shouldn't participate as if they are on the Committee. She asked if the City is going to start prioritizing what they spend their money on, and suggested that the City put a price tag on projects it is going to undertake. Ms. Daly requested that staff include all owners in the area in order to get their input, with regards to any issues regarding heritage neighborhoods. She asked if the City is going to stay in the past with regards to elder issues. She stated that there might be a need for more than the normal number of bathrooms.

Chair Henry stated that he tries to run an orderly meeting, but in doing so, he tries to give some latitude. In this instance there was more latitude than normal, but he asked that those who participate recognize the Chair before they speak.

Commissioner Lowe stated that in committee they occasionally take more latitude than in a formal setting, and if the Committee can't do that, he doesn't know how to get to the issues at hand.

Commissioner Lowe asked if we need to specify the enforcing board at this time.

Mr. Wachtel stated that the Committee can make a recommendation as to the enforcing board, but ultimately the City Commission as a whole would make that determination.

Mr. Harnsberger stated that the draft proposal is to regulate new home construction, and has nothing to do with additions to an existing home.

RECOMMENDATION *The Community Development Committee recommends that the City Commission adopt an ordinance establishing a heritage*

neighborhood designation, and initiate a petition to the City Plan Board.

Approved as Recommended

050761. Energy Efficiency Standards and Requirements (B)

Mr. Saunders stated that the Community Development Committee asked that this item be put back on the Committee's agenda for further discussion. He noted that some of the Committee's concerns were: 1) what a code enforcement program would look like in terms of numbers and costs, and the general impact that included owners in some proportion; 2) implications of the requirements for both the citizens and staff; 3) impacts on different income levels; 4) why not implement the program during change of ownership; and 5) have an appeal process that would be a financial-needs based process.

Mr. Saunders informed the Committee that staff is still in limbo as far as the budget scenario because of the property tax discussion in Tallahassee. He stated that the recent increase in landlord fees has allowed the Department to add four new officers. However, the last two officers have not been filled, because if the Department has to make significant budget cuts, the Department would take two existing officers and transfer them to rental inspections. He wanted to mention this because a part of the discussion was about whether to start adding more inspections of owner-occupied units, in addition to rental in order to equalize the review of who is meeting the energy efficiency standards.

Commissioner Lowe asked how the City would time this in a way to better serve our citizens. He stated that the timing would be important in terms of helping people with their homes. He suggested that financing be facilitated by GRU in conjunction with a financial institution, and that it would be important to have this implemented at the same time.

Kathy Viehe, Marketing and Communications Director, stated that the low interest program will begin within the next week or two with a financial institution. She mentioned that there will be a period of time where no one gets fined (1-2 years), it will be warning. GRU will begin an education campaign, and that there will be other options available to customers through rebates, programs through the City, NHDC, and funding through the Community Action Agency.

Commissioner Donovan asked how the City determines which homes will be inspected.

Mr. Saunders stated that there are a number of random inspections to homes yearly.

Ms. Daly stated that if the City is going to inspect rentals only, then it is not an equitable ordinance. She suggested that one of the ways to not have an equitable ordinance, is to inspect upon sale of transfer. She also stated that it is not necessarily true that rental properties are not sufficient.

Chair Henry stated that during the beginning of these discussions, he suggested that

the City not single out groups for inspections.

RECOMMENDATION *Community Development Committee to the City Commission: 1) direct the City Attorney to draft, and the Clerk to advertise, changes to the Minimum Housing Code (Chapter 13, Article 2, Code of Ordinances), to incorporate R-19 insulation as a minimum requirement; 2) staff address the issues proposed by Chair Donovan; 3) establish this update of the Minimum Housing Code, but don't change Code Enforcement programs to add a different type of enforcement, and to not implement until the financing program for energy updates of homes are in place; and 4) remove this item from the referral list.*

Approved as Recommended

060785. Student Community Relations Advisory Board Ordinance Referral (B)

Staff updated the Committee on the appointed members to the Student Community Relations Advisory Board. Mr. Saunders stated that the staff liaison will be Dave Watkins, Code Enforcement Supervisor.

Dave Watkins, Code Enforcement Supervisor, stated that there is an appointed member who resides outside the City limits. He has addressed this issue with the Clerk's office. He stated that the meetings will be held on the fourth Wednesday of every month.

Mr. Saunders raised the question as to whether the Advisory Board can only take up issues if they are referred by the City Commission, or whether they can develop their own agenda.

Chair Henry thought that when the Advisory Board was established, that any issues between student residents and landlords, or anything under their purview, would be handled by the Advisory Board.

Commissioner Donovan stated that it wasn't as narrowly defined that it was just student landlord relations. He thought it was community/student relations, and that it has to do with any number of issues that might arise. He suggested if they feel that they are too constrained, to ask for a revision in the future.

Amelia Packard, citizen, spoke in support of the Advisory Board. One issue that she would like to see is more interaction with the President of the University of Florida. She would like to see information be relayed to the University, and not have individuals come and complain to the Advisory Board. This way there would be more community involvement. She stated that the leeway is very wide in the guidelines, and that the Advisory Board is going to have to take time with their mission statement.

Alan Rezaei, Chair of the Student Community Relations Advisory Board, stated that they will try to have periodic meetings with UF Administrators in order to share their concerns.

RECOMMENDATION *Community Development Committee to the City Commission:*

Remove this item from the referral list.

Approved as Recommended

040180 Principles of Sustainability in Significant Decisions (B)

Mr. Saunders reported that LeeAnn Lowery, Assistant City Manager, will be the Chair of the Steering Committee, and that Heidi Lannon will be representing GRU. He stated that the Steering Committee didn't want to commit yet as to whether to add a sustainability note on future City Commission agenda items.

Mr. Saunders read into the record a memo from Lee Ann Lowery stating: the Steering Committee is in the process of developing a charter which will focus on serving in the role of coordinating sustainability efforts and reviewing proposed projects for appropriateness and calculability, and to determine if appropriate, the Committee would then assign the projects to the existing team or recommend development to the new team.

Mr. Saunders stated that as to the Clearinghouse Committee providing sustainability goals, that he is not sure what the Clearinghouse Committee sees itself as of yet. His recommendation would be to let the Steering Committee sort this out for the next few months, and get an update from the Chair to determine what the best approach is for the City.

Commissioner Lowe suggested that staff report back at a future meeting to find out what other cities are doing, and possibility adopt those best practices, especially with cities that are similar in terms of climate, demographics.

RECOMMENDATION *Community Development Committee hear an update at a future meeting to be sure that the City identifies recommendations for best practices, and to look at other communities, making sure that we are undertaking sustainability practices.*

Approved as Recommended

060630. Standards for Installation and Maintenance of Fencing (B)

Mr. Saunders stated that this item was from an initiative from the City Manger for the Public Works Department to clean up along City right-of-ways and medians, in cooperation with the County and DOT. This also went to the City Beautification Board and they have approved the recommendations. The City Commission referred this to the Community Development Committee to flesh out the rest of the ordinance.

Jim Garrett, Code Enforcement Manager, stated that the only method that the City has to cite an owner with a fence falling down is under the existing Housing Code, and is recommending incorporation of fence maintenance standards into the Code. He stated that the Code Enforcement Board will be the enforcing board. He reviewed the proposed revisions with the Committee.

Chair Henry asked if the proposed ordinance pertains to homes and businesses.

Mr. Garrett stated that Section 13.171 is the residential application, and Section 13.2004 is the exterior of commercial buildings. He is requesting that the proposed revisions be applied to both of these sections.

Chair Henry asked how the City is notifying the public that this is something that is being considered.

Mr. Garrett stated that staff will work with the Broadcasting Department to publicize this on Channel 12, and will look at existing fencing along the main corridors. If these fences are in violation, the property owner will receive a notice. He stated that there is no grace period in the proposed recommendations, but would suggest a 30-60 day grace period.

Chair Henry would be comfortable with a 60-day grace period.

Ms. Daly asked if this applies to existing fences. She has concerns with prohibiting razor wire or barbed wire, and asked if there is a possibility to keep that use.

Mr. Garrett stated that when staff looked at different cities, there was no prohibition in place for installing a barbed wire fence. He stated that the City is not necessarily trying to outlaw barbed wire fencing, but trying to restrict them somewhat before there is a problem.

Commissioner Lowe noted that there is a barbed wire fence in a residential area now that is half-way across the front yard, and asked if this would now be against the Code.

Mr. Garrett confirmed that it would be against the Code.

Amelia Packard asked if there are fence setbacks in place.

Mr. Garrett confirmed that setbacks are in place, and that there is also a vision triangle in the Code.

Chair Henry requested that the City incorporate a grace period, to inform citizens of the upcoming fence maintenance standards, in order for them to make preparations.

RECOMMENDATION *Community Development Committee to the City Commission: 1) authorize the City Attorney to prepare and the Clerk to advertise revising both the housing and commercial property sections of Chapter 13 to require fences to be maintained in good condition; and 2) remove this item from the referral list.*

Approved as Recommended

060854.

Healthy City, Healthy Region: An Update - Ten Years Later - January 2007 (B)

Mr. Saunders stated that staff had prepared a recommendation and that the City Manager had approved the staff recommendations.

Commissioner Donovan stated that density is not a good criterion for annexation. He stated that is because, if we wait for density to get to a certain level, say to an "urban" level, growth inappropriate for the City's prosperity and health may already have occurred by the time of annexation. He stated it is better for annexation to occur at the time a developer wants to increase density above a "rural" level. Any "suburban" development should also come under the approval of City land use and zoning regulations.

RECOMMENDATION *The Committee flesh out the six recommendations from the Rusk report.*

Continued

NEXT MEETING DATE

July 30, 2007 3:00 P.M.

ADJOURNMENT

The meeting adjourned at 7: 15 P.M.