

City of Gainesville

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



Meeting Minutes

Thursday, April 20, 2006

1:30 PM

Special Joint Public Safety/Community Development Committee
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

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

ROLL CALL

Commissioners Ed Braddy, Jack Donovan, Charles Chestnut and Craig Lowe were present

ADOPTION OF THE AGENDA

The Joint Committee adopted the agenda as presented, with modification to the back-up on legislative #050635.

051169**APPROVAL OF MINUTES (B)****RECOMMENDATION**

The Public Safety Committee approve the minutes of the March 16, 2006 Public Safety Committee meeting.

Approved

DISCUSSION OF PENDING REFERRALS**050635****Over-Occupancy in Single Family Neighborhoods (B)**

Tom Saunders presented a staff recommendation report, based on citizen and staff input meetings held since the January 20, 2006 joint CDC/PSC meeting. The report, included in the back-up, provided possible changes to enforcement of rentals in single-family neighborhoods, and involved: 1) changes to automation of the point system, 2) changes to point system rules, 3) increase fine levels and landlord permit fees and staff resources, 4) changes to how information is provided, and 5) other miscellaneous recommendations for change.

Comments made during Mr. Saunders review of the recommendations report included:

Citizen Mac McEachern stated that he has heard recommendations for the past twenty-four years and feels that the issue is the non-enforcement of rules that are already on the books. Others responded and requested that staff review the proposed recommendations with the Committee.

Citizen Kali Blount stated that the city "soft-steps" on holding landlords to task, on ensuring properties are up to code and compliant.

Mr. Saunders reviewed the recommendations for changes, developed by the staff

team. He noted that neighbors feel very strongly about the points staying with the property, however, legal staff has advised that the points are attached to the permit and not the property.

Regarding the recommendation to increase the landlord permit fees to \$150 annually, Mr. Saunders referred to the additional backup provided by Code Enforcement Manager Jim Garrett. The City Manager is proposing the addition of three officers (2 full time and 1 full time temporary for two years) and one clerk position. Using the caseload, staff came up with the approximate \$150 fee to cover the resource expenses.

Mr. Saunders explained that currently noise warnings last 90 days. Staff recommends the warnings last 180 days, making it easier for GPD to issue citations during that period. For example, if an officer issues a warning they have up to the end of that 180 day period if called back a second time to issue a citation.

Assistant City Attorney Dana Crosby advised that several changes in the Code Enforcement Board rules are already in the process of being made and do not require Commission approval.

Commission Comments to the Presentation:

C/Lowe advised that the Community Development Committee received this same report at their April 6, 2006 meeting and found the recommendations from staff to be very useful, as well as some of the general suggestions from UPNA and other citizens. He noted that one item being discussed was the outcome when a landlord amasses six points and whether it could be an automatic revocation of the permit with the right to appeal to the Board of Adjustment. Mr. Saunders stated that while there are a lot of violations, most come into compliance quickly so there are more warnings. He advised that the attorney staff felt the City should have a hearing as a part of the landlord revocation process, so they can't go from six warnings to an automatic revocation. Ms. Crosby added that the Board of Adjustment can hold these hearings, as this would be consistent with their duties. C/Lowe asked if noise warnings being extended to 180 days is good, why wouldn't extending it to one year not be a good idea? He stated that unless he hears otherwise, he would lean toward the one year. Chief Botsford indicated that from an enforcement aspect one year is better. Mr. McEachern commented that in his opinion the time frame doesn't matter as he felt that Party Patrol only issues warnings and not citations and should be targeting underage drinking. He suggested that the laws are on the books, but they aren't being enforced as they should. Chief Botsford responded to Mr. McEachern, giving general information relative to arrests.

C/Lowe noted that UPNA has asked that points stay for three years instead of the two years recommended by staff, and again, similar to above, unless he hears otherwise, he would agree with the three years. Regarding UPNA's third recommendation to "associate points to the property so that they are not cleared upon sale of the property", Ms. Crosby advised that the points are with the permit because the permit is the entity that lets them rent the property and opined that trying to connect it to the property would get into a constitutional issue. Citizen Sylvia McIntyre questioned the process when a landlord, through d/b/a's tries to evade the point process. Ms. Crosby advised that this has been discussed quite a bit and that staff has been discussing

requiring all owners' names on the permit. C/Lowe stated that all the remaining staff recommendations were good.

C/Donovan expressed appreciation for staff and citizen input into the recommendations. He stated he was glad to see the proposed addition of positions in Code Enforcement and the laptops, but suggested a need to have a formalized system for tracking enforcement and publicizing that. Citizens have asked in the past about the hours the code enforcement officers work and he questioned whether the officers were available during the times the calls are happening. He asked for a discussion on that and also questioned whether the city does an adequate job advising citizens of easy access numbers to call when they have a problem.

Mr. Saunders advised that Code Enforcement officers do attend evening meetings, although there is only a certain amount of overtime funds available. Mr. Watkins advised that they staff M-F, 8-5 p.m. and have looked at a possible 4-10 schedule that could include officers being available on weekends and evenings, under the proposed plan with the additional staff. Staff currently are assigned to a district, with two officers specifically assigned to rental properties. Calls generally come in during the day with follow-up within two days. C/Donovan commented that his neighborhood has a huge parking problem usually between 10 p.m. and 2 a.m. when codes is not working so there really is no place other than GPD to call. He indicated he would like a report on when the violations occur and how that corresponds with the hours worked. It was noted that GPD's Party Patrol, funded through City Commission support, handles most party, noise calls on weekends, which also generally involves vehicle parking issues. Mr. McEachern refuted GPD's claim of the number of citations written by Party Patrol and indicated he would submit a public records request. Sgt. Kameg, Party Patrol coordinator, spoke to the number of arrests and warnings issued. Cpt. Hanna did note that noise is the only violation that amasses points against the landlord permit, advising that underage drinking or open house party citations do not earn points.

C/Chestnut asked if Code Enforcement has considered flexible hours or shifts for their officers. Mr. Saunders stated that part of the staffing proposal is extended hours coverage. He also added that code enforcement officers' cases have grown from approximately 250 per year per officer to almost 800, and noted the growth in the strong market for rentals in Gainesville. C/Chestnut also asked if the Code Enforcement Board is imposing fines or waiving them. Mr. Watkins advised that they frequently impose the maximum \$200 per day per violation charge and typically get compliance pretty quickly.

C/Nielsen agreed that hours of work should be explored and further that educating the students early on as well as the neighborhoods about the process will help as it is not always obvious to either what the expectations and responsibilities are and what can be done when they have concerns.

C/Chestnut asked Ms. Crosby if the fines recommended by staff are the maximum that can be assessed. Ms. Crosby advised that the civil citation fines are capped at \$500 by law and that about a year ago the City increased some civil citation fines from \$50 to \$125. Code Enforcement fees, as ordered by the Code Enforcement Board, are capped at \$250/day until compliance is reached; however the Commission could

increase the CEB fees with CC approval. She added that staff has discussed that as well as enforcing the absence of a landlord permit before the CEB. Mr. Goldstein commented that the City doesn't issue civil citations for absence of landlord licenses.

Jennifer Whiting, Sugarfoot, suggested a 7 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m. shift for code officers. She asked why GPD cannot enforce parking on the lawns and Ron Combs advised he would return with a response on that.

David Chalmers, Golfview indicated that while it is and has been a work in progress, they do see progress. He continued to recommend a method to deal with the definition of over-occupancy so that when a car is parked overnight a certain number of days it could be prima facie evidence of over occupancy. He recommended the neighborhoods could keep records and testify in court, if that would hold up as evidence. C/Braddy stated he felt that might be worth looking into.

Mark Goldstein stated that right now the City is accommodating an industry that is taking over the neighborhoods and recommended the City needed to start with at least what has been presented on the table.

Jimmy Harnsberger, UPNA, agreed with all of staff's recommendations, however, would still like to see points stay on the permit for 3 years.

Kathy Meiss, agreeing with Mr. Goldstein's comments, asked what the landlords are doing to help with this situation.

Landlord Juddy Carter stated that this is the first meeting he was invited to and aware of on this subject. He commented that raising landlord fees won't hurt him, but it will be passed onto the renter and it is an age old problem. He suggested possibly asking UF to have a site where perspective employers might go to obtain information regarding the "behavior" of the students as being a detractor to the students. UF's Associate Dean of Students Paige Crandall advised that there a lot of issues with student confidentiality, and while UF wants to help deal with the situation, many of the civil citation issues, such as yard parking, don't reach the level of review by Judicial Affairs.

Joe Schmidt, UPNA, commented that he likes the 180 day noise ordinance warning change, but would like any increase, and while he is passionate about keeping the points on the permit for three years, if that holds up the process, he would encourage the rest of the recommendations to move forward. He also stated he would like to see the permit fee higher than the proposed \$150. He stated he loves working with GPD and Tom Saunders, but he does not want to have to come back to city hall again on this issue as he's done with discussions. He thanked UF (Nora Kilroy) for the support and thinks that adding the tenant names on the permits may help UF track student complaints better. C/Braddy read some of the contents of UF's letter of response that was submitted in the back-up and stated that he felt they were productive recommendations and comments, and likely something SFCC would want to do as well.

C/Braddy commented that it seems everything hinges on technology and had questions regarding whether the city would purchase one package that all these

departments could use that would interface. Mr. Saunders advised that staff is looking into that for budget discussion as part of the two-year budget process. C/Braddy asked if unlicensed rental properties is a big problem to which Dave Watkins indicated it was so much so that one officer was specifically assigned to that issue. Code Enforcement sends an application and the landlords generally comply. If they had been mailed a notice letter in the annual cycle, then they pay the late penalty. C/Braddy suggested there should be fines for not registering for a landlord permit and while he agreed it could be accidental that they didn't apply, points and penalties should still be assessed and then given the opportunity to go to the Board of Adjustment for appeals. C/Braddy also suggested consideration of a technology assessment to offset ongoing technical improvements and perhaps dedicated to organizing neighborhoods - perhaps \$25 add on to the \$150. He asked for the ratio of rentals to owner occupied dwellings that Party Patrol responds to. Sgt. Kameg advised that the majority are rental properties. C/Braddy suggested a fee dedicated to Party Patrol might also be a consideration.

C/Lowe stated that he was prepared to make a motion on the staff recommendations, with some modification as discussed, noting that some items are not ready to go to the full City Commission yet.

Motion: Commissioner Lowe made a motion to recommend the City Commission adopt the proposed changes to enforcement of rentals in single-family neighborhoods, as presented in the backup, with the following modifications: under the category of "changes to point system rules" - 1) amend the landlord point system so that each point stays with the property for 36 months, 2) amend the ordinance to have the Board of Adjustment hear landlord revocation cases based on points. Under the category of "other recommendations for change", 1) amend noise and other code enforcement ordinance warnings so warnings last 365 days rather than 180 days. (Note that after discussion with Code Enforcement, the "other code enforcement ordinance warnings" was added, but members agreed that if that "other" held up the recommendations, that noise warnings would still move from 180 days to one year) 2) Add one additional item under that category - all owner's names on the landlord permit are equally responsible and maintain responsibility for the remainder of the permit term, as long as owners remain on the property deed. (Dana Crosby advised that this language will require a minor tweak to the ordinance.

Commissioner Lowe's continued motion was that this item remain on the referral list for both committees, with referrals as follows: 1) CDC - lengthening hours of code enforcement, scheduling code enforcement officers to determine whether the work schedule conforms to when the enforcement needs are, 2) CDC - staff provide information to neighborhood associations and crime watch groups as to how to deal with code enforcement problems on rental properties, 3) CDC - continued discussion of increased fines for civil code violations, 4) PSC - the police department enforcing yard parking violations, 5) CDC - public reporting on enforcement activities, i.e. publicizing the reports, 6) CDC - additional definition of occupancy such as, but not limited to, presence of vehicles, 7) PSC - ways to deal with collaboration to evade prosecution of code violations (C/Nielsen), 8) CDC - means to more immediately enforce absence of a landlord permit, 9) CDC - an additional assessment for technology for code enforcement activities (C/Braddy), 10) PSC - how to deal with underage drinking in the context of neighborhood issues (C/Donovan).

Commissioner Chestnut seconded the motion.

C/Braddy clarified that the intent was to ask the City Commission to adopt the staff recommendations, with the above modifications, for consideration and approval. C/Braddy asked how long it would take to determine what level of assessment could be added for the information technology fee, noting he would like something for Party Patrol too. He suggested waiting to raise fees now if staff determines later a shortage in that assessment, and wondered whether we should hold that in committee. C/Lowe indicated he would be looking for a recommendation from a committee to determine whether this is even something that should be recommended. CDC could also look at how the assessment fee could be brought forward as a recommendation after that discussion. Mr. Saunders recommended waiting to go to the full CC until after the next CDC meeting, which will give him an opportunity to get with Information Technology staff and then CDC could finalize the recommendation on the appropriate assessment fee component when CDC meets.

There were no other questions to the motions on the floor. The motion carried by unanimous approval.

RECOMMENDATION

*The Joint Community Development/Public Safety Committee
1) hear a presentation from staff on a report of
recommendations for rentals in single family neighborhoods,
and 2) take any necessary action to report this out to the full
City Commission.*

Discussed

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MEMBER COMMENT

None.

CITIZEN COMMENT

None.

NEW BUSINESS

051080

Funding for Construction of New Gainesville Police Department Community Policing and Training Center and Renovation to Existing Facilities (NB)

This item requests the City Commission approval of funding for the construction of a new Gainesville Police Department Community Policing and Training Center and Renovation to Existing Facilities.

Approved to forward to full City Commission

RECOMMENDATION *The City Commission approve the appropriation and funding for the construction and renovation expenses related to the Gainesville Police Department's current and new facilities.*

051155 Federal LECFTF Funding for Special Investigations Division - Confidential Funds Enhancement (NB)

This item requests City Commission approval for funding narcotics and investigative expenses in connection with the enforcement efforts of the Gainesville Police Department's Special Investigations Division.

Approved to forward to full City Commission.

RECOMMENDATION *The City Commission approve the appropriation and expenditure of an amount not to exceed \$20,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the Special Investigations Division Confidential Funds Enhancement.*

Alternative Recommendation A: The City Commission approve an amount less than the \$20,000 requested.

Alternative Recommendation B: None.

051166 Federal LECFTF Funding for Joint Aviation Unit Helicopter Maintenance Components (NB)

This item requests City Commission approval for funding the purchase of helicopter components that are required for the safe operation of GPD's helicopter.

Approved to forward to full City Commission.

RECOMMENDATION *The City Commission approve the appropriation and expenditure of an amount not to exceed \$22,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the purchase of Maintenance Components for the Joint Aviation Unit.*

Alternative Recommendation A: The City Commission decline approval of this request with the understanding that the helicopter will not be operable.

Alternative Recommendation B: None.

NEXT MEETING DATE

The next regular PSC meeting is May 18, 2006, 1:30 p.m., however, pending the new committee assignments.

ADJOURNMENT

Adjourned at 4:10 p.m.