

City of Gainesville

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



Meeting Agenda

May 22, 2012

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 adopt the agenda as circulated.

APPROVAL OF MINUTES**120027.****Community Development Committee Minutes of March 27, 2012 (B)****RECOMMENDATION**

The Community Development Committee approve the Minutes of March 27, 2012, as circulated.

120027_Draft 3-27-12 Minutes_20120522.pdf

DISCUSSION ITEMS**110747.****Review of Pending CDC Referrals (B)****RECOMMENDATION**

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

Legislative History

2/27/12	Community Development Committee	Approved as Recommended
3/27/12	Community Development Committee	Approved as Recommended

110747_Pending Referral List_20120227.pdf

110747_Pending Referral List_20120327.pdf

110747_Pending Referral List_20120522.pdf

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

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.

The Community Development Committee discussed this referral on May 24, 2011 and requested staff provide further information on the following items: cost of a Special Magistrate; framework and division of labor (if a hybrid model); timeliness of enforcement; transparency of LLP points removal; and the level of penalties that can be issued. Staff will make a presentation addressing the items included in the May 24th motion and request that the CDC approve staff recommendations and provide a recommendation to the City Commission.

Fiscal Note: If the Community Development Committee accepts staff's recommendation to implement a Special Magistrate for Code Enforcement staff recommends a budget increment in an amount up to \$20,000 be included in the FY2013/14

budget.

RECOMMENDATION

The Community Development Committee: 1) approve staff's recommendations; 2) direct staff to provide the Community Development Committee's recommendation to the City Commission; and 3) remove this item from the Community Development Committee's referral list.

Legislative History

3/4/10	City Commission	Referred	Community Development Committee
5/24/11	Community Development Committee	Approved as shown above (See Motion)	

090925A_Presentation_20120522.pdf

090925B_May 24 2011 Minutes_20120522.pdf

MEMBER COMMENT

CITIZEN COMMENT

ADJOURNMENT