

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

MINUTES
CITY OF PALATKA CITY COMMISSION WORKSHOP
January 26, 2012

Proceedings of a workshop meeting of the City Commission of the City of Palatka, Florida, held on the 26th day of January, 2012.

PRESENT:

Mayor	Vernon Myers
Commissioner	Mary Lawson Brown
Commissioner	Allegra Kitchens
Commissioner	Phil Leary
Commissioner	James Norwood, Jr.

Also Present: City Manager Elwin C. "Woody" Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matthew Reynolds; Planning Director Thad Crowe, Police Chief Gary Getchell; Fire Chief Mike Lambert, and Liz Hearn and Ed.

CALL TO ORDER – Mayor Myers called the workshop to order at 4:00 p.m. and read the following call, dated January 10, 2012:

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, PHIL LEARY AND JAMES NORWOOD, Jr.:

You are hereby notified that a workshop meeting of the Palatka City Commission is called to be held on January 26, 2012, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 4:00 p.m.

The purpose of the workshop is to discuss potential and/or proposed amendments to the Municipal Code, Chapter 30, Environment, including but not limited to a new residential rental registration program, standards for chronic nuisance properties, and the application of non-ad valorem assessment to chronic violators.

Isl Vernon Myers
Vernon Myers, MAYOR

The following commissioners acknowledged receipt of a copy of the foregoing notice of a special meeting on the 10th day of January, 2012.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Phil Leary
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

Mr. Crowe said this presentation is meant to be a general discussion of nuisance programs. He presented a brief PowerPoint presentation, per discussion at the August 25, 2011 commission meeting. They did a baseline survey of chronic nuisance violations. These include substandard housing, overgrown weeds/litter/debris, and derelict vehicles & commercial vehicle parking.

The biggest problem is overgrown weeds/unkept yards, followed by derelict vehicles. There are just a handful of commercial vehicle issues. The last two categories could be combined; they looked at substandard housing, both occupied and unoccupied. There are 80 unoccupied and 20 occupied houses that could be considered grossly substandard.

Commissioner Norwood asked if the renter has any recourse to get these glaring things corrected. Ms. Hearne said this was a drive-by survey and looked at every property. They did not look into homesteaded property vs. non-homesteaded property during the drive-by survey.

Mr. Crowe said they then broke these down by homesteaded vs. non-homesteaded properties. The great majority of nuisance housing is non-homesteaded. Most of the derelict vehicles were on homesteaded properties. Chronic nuisance code problems are mostly non-homesteaded properties. Police Chief Gary Getchell noted most of his calls come from non-homesteaded properties. Calls for service are part of this process, both code enforcement and police. A map was included in their packet that shows where the housing is located (filed). Derelict vehicles tend to be spread out, and there are pockets of substandard housing in the north side. The yellow properties indicate non-homesteaded properties. Commissioner Brown said they rehabbed homes with CDBG money in the 1980's. Some of these were older people and they have died, and their children now occupy these homes, but they are now aged. They have taken advantage of weatherization grants, but that money doesn't go far enough. They need to find a way to help some of these people rehab their houses. Youth Build is a program that trains young men on housing construction and helps to accomplish rehabbing houses. Mr. Boynton said 80% of these houses are unoccupied and many are rentals. Commissioner Leary said they need to look at aesthetics vs. structural deficits. Mr. Crowe said they focused on Code Enforcement. 10% of the properties in the City have chronic nuisance problems. The packet also contains a memorandum on how these properties impact surrounding neighborhoods and property owners. They create an impact on City resources.

Ms. Hearne said many nuisance properties have been unoccupied for a long time, sometimes several years, and maintenance has not been done in some time. Nuisance properties are those she receives complaints on, unoccupied properties that are unsecured and could attract nefarious activities. Mr. Crowe said for the purpose of this survey they determined there are serious structural issues. There are many properties

that need work but they are not substandard. Commissioner Norwood said they need to have a nuisance definition that is well defined. Mr. Crowe said eventually the ordinance will contain a definition. An objective standard will be set.

Potential programs to address problems were proposed.

- Rental registration – there are a number of Florida cities that do this and involves people who rent single family, duplex or triplex dwellings. They require properties to be registered with the City and the owners are informed of City Code. There is a period of inspection involved, sometimes done by the City, sometimes done independently. The intent is to identify rental properties and make sure the owners know what the rules are.
- Foreclosed property registration – requires foreclosed and vacant property registration. Many communities are putting programs in place to get a handle on these.
- Concentrated Code Enforcement – right now this Department is complaint driven and many things are falling through the cracks. This takes us out of complaint wards, but they need to do concentrated sweeps in areas which makes it fair and objective.
- Non-ad valorem assessments – right now the City levies liens and penalties on properties to get them into compliance; they tend to stack up and some liens go back 20 years. You can't collect on these until the property turns over, and then the City is last in line. Non-ad valorem assessments allow the City to tack liens onto tax bills. When you don't pay your tax bills you may lose your property and the City will be first in line to collect these liens. This has been very successful in other cities. You have to enter into an agreement with the property appraiser, and you have to be judicious with this, and only apply this to the most serious and chronic abusers.
- Administrative costs and added regulations vs. the issue of neighborhood protection improvements – this is a balancing act. The program must pay for itself and a fee must be charged. They need to balance the needs of the neighborhoods against property rights.

Commissioner Leary said this is a real problem in his neighborhood and others. They are trying to revitalize neighborhoods. This is as close to a “silver bullet” that they can come up with at this time. Mr. Holmes noted the concept results in a fine of some sort being assessed in addition to the ad valorem tax bill and asked if this is going to achieve compliance with Code, or if they don't get increased compliance they will recoup more of the fine cost if and when the property is bought at tax sale? Mr. Crowe said they will have to look into this a little deeper and talk to other communities that have this in place. His feeling is that if the threat of losing the property is there, people will be more responsible. Mayor Myers said this is about cleaning up your property, too; it is more than just fixing up a house. Mr. Crowe said the goal is neighborhood revitalization and positive action towards that. Mayor Myers said some derelict homes results from the financial situation of the owner. Mrs. Hearne said from what she's read and her research, other municipalities and counties throughout the state have been doing this to abate nuisances. They will mow and secure a property, and the cost of that is added to the tax bill. Lien costs are not so much what they want out of this, but the need to at least recoup what it's costing the City. Commissioner Kitchens said they need to do something, but as for the people that own their homes and live in them, the majority of them are poor. They need to exempt homestead properties. They are focusing on the Codes aspect of this, but more serious is the crime issue. Vacant homes or slum landlord situations create drug and crime situations. They create numerous calls for

service. Commissioner Leary said some people just ignore code violation notifications. This will enable the City to recoup its cost on abating these nuisances. With the Governor's housing initiative program, it targets revitalization of homes and existing home purchases. There is a movement in the community to help people that need help and this program will unearth those people and direct them towards getting the help they need.

Mayor Myers said some of this is behavioral and has nothing to do with money. The minor part is the substandard housing. Commissioner Brown said when the SHIP program came into being they all thought SHIP was going to be a cure-all. The County controls SHIP. They can't do enough with SHIP. You have to go to several pots of money to get a house up to Code, including CDBG. She related an instance where the City had condemned a house; the house was vacant because the owner was out staying with a daughter while recuperating from an illness. They don't want to put homeowners out of their homes. The majority of black people, when they buy a home they stay there for life.

Commissioner Norwood noted they are talking about rental properties, according to the Call. He asked why they are putting the registration program together, and asked if they will be inspected when they are registered. When the City has no other recourse but to declare the property a nuisance, that's when the nuisance part will kick in. Mr. Crowe said other cities have a point system and are given grades.

Mr. Holmes said the trend in the country is towards more bureaucracy and more government. When you start imposing programs such as a rental registration that the County doesn't have, there may be some who see that as nothing more than the City putting one more layer of bureaucracy on people and the purpose may be lost. He questions whether they have the staff to inspect every piece of rental property, note the code deficiencies and monitor correction of those problems.

Mr. Holmes asked, if they do note violations, and those aren't fixed, where do you go from there? Do you automatically start that property on the road towards fines and assessments? From where he sits, and has for 10 years, the majority of the people don't understand the difference between something on their tax bill and a lien on the property. To the average person, who has the problem, if a lien on their property doesn't frighten them an assessment on their tax bill doesn't either. A lien is what they understand. Most of these people haven't paid taxes on their properties in seven years or so; no one wants the tax deed. He doesn't see this doing much more for compliance. If you have liens on work you've done, in nuisance abatement costs, you have a chance of recouping that at a tax sale, but this is not going to be a huge silver bullet to fix properties, in his opinion. Commissioner Leary said he did not think they were contemplating a rental inspection program. They need to find a way to address nuisance properties. He thinks this is the next step in abating nuisance properties. They should establish a fund like the city of Detroit has done, they need to demolish the house. Mrs. Hearne said they have been doing that. Finance Director Matt Reynolds said all Code Enforcement fines are earmarked for demolitions. Mr. Holmes said last month they received seven different liens on properties to recoup the costs of abating nuisances and there are two properties up for demolition now.

Commissioner Brown said it is hard to get someone out of a house when they stop paying rent. By the time you get them out of the house, you have to take the house down because the renters have destroyed it. They need a very broad view for everyone. They need to find a way to ask the owners to help the City solve these problems and get

cooperation from the people who have nuisance properties. People are not going to pay liens and fines if they don't have the money to fix up their properties. Mr. Crowe said many programs have that element, the back and forth with the property owners. The City only intervenes on the worst properties and they work out an action plan with the property owners. That can be a positive approach. Commissioner Leary said they can't solve all the social and socio-economic problems out there. Their core responsibility is safety, and this ordinance goes to that. Commissioner Norwood said if they aren't going to be doing inspections, they need to spell that out. Mayor Myers said most of these problems are behavioral problems – overgrown lawns, weeds, trash, and crime.

Chief Getchell said when he came here in 2001 he faced insurmountable issues, some of which have been addressed. Crime rates, child abuse rates, mortality rates are high. His job is public safety. He had to understand how the City got to where it is. He assessed the housing stock. Neighborhoods have life cycles. If there is no reinvestment in a home, the house decays. The broken windows theory said if a house goes into decay, the houses around it will begin to decay. The values of surrounding homes go down because the value of one house goes down. From an enforcement standpoint he's exhausted all his avenues. The hardest thing for them to deal with is a 'bad neighbor;' there aren't a lot of tools out there to address a 'bad neighbor.'" What happens when property decays is that people begin to move out, properties are sold and become rentals. Owner-occupied homes are investments and those people are involved in things. When you rent, people don't care what the house really looks like or about fixing it up. In his original study he found that 60% of single family residences in the City are rentals and that number has increased since 2001. They are seeing a lot of formerly owner occupied homes that are now rental properties. When people "abandon" neighborhoods after a disaster, investors come in, buy houses up wholesale and start renting them out. He related the crime statistics after an apartment complex was built in a certain neighborhood. Chief Getchell said the lion's share of operating costs are paid by businesses, but they aren't the ones using the services. The people that aren't paying are using the services. They need to charge for services. They can't be everything to everyone. Somewhere along the line people have to pay for services, or the services go away. He delivers whatever services the budget allows him to deliver or based on policy. There is a break-even point and they need to look at where those services are going. There is one property owner in Palatka that generates over 1/3 of all police calls. One address generates over 1,000 calls per year, and these properties pay almost no taxes. These are major crimes. He has been asked to decrease crime so Palatka can attract business. They are at a 33-yr low in crime, but for a city of Palatka's size, they should have half the crime they have now. They allowed him to put an alarm program in place to address false alarms. After the policy went into place, 60% of their false alarm calls went away because people had to pay for the program. This is a policy decision on the Commission's part. He attended meetings at both historic districts and those neighborhoods asked him to make a presentation on what the City can do to address these problems. Folks want them to do more than they can do based upon the resources they have. If the ordinances aren't in place, he can't address certain things. They aren't going after renters, they are going after owners. Communities are addressing on-site managers for rental properties. They need someone to go to in order to address issues, someone to hold accountable. There is a level of frustration in neighborhoods where they want the City to do something about these nuisance properties. Owners have an investment in the community. Renters do not. Palatka's rental industry is 100% unregulated. They are trying to do an impossible job and need the tools to do the job.

Commissioner Leary said in order to get white-collar workers to invest in the community, they need to make an effort to revitalize communities and make them attractive to live in. This is not “outside the box” and within their scope. Commissioner Kitchens said they put a nuisance abatement ordinance on the books that was supposed to alleviate some of the problems, but it only addresses prostitution and drugs. In looking at the information he distributed on the apartment complex, if his hands weren’t tied by the abatement ordinance, he could make some changes in some of these areas. Chief Getchell said there is latitude to change that, but they are limited on changes by statute. They are looking at abating nuisances rather than criminal activity. They have narrowed down criminal nuisances to drugs and prostitution. The alarm ordinance assesses a user fee. He’d never heard of applying it to a tax bill before they started looking into this. A user fee is used more widely. This worked for the alarm ordinance and it worked quite well. When someone allows weeds to grow up, that’s a house in decay, and crime comes after a neighborhood decays. People will want to come here when they get the neighborhoods out of decay. People want to live in decent housing in a safe community. This is one of the first things people look at. They can make this better. From a law enforcement standpoint, a nuisance abatement program would be beneficial.

Commissioner Leary said they need to bring a draft ordinance forward to look at.

PUBLIC COMMENT:

Charles Davis, 230 Jasmine Road, St. Augustine, 32086, said he is a developer and there is a lot of land here. The Police Chief said they want new homes. He wants to develop a golf course community. He works with Arnold Palmer. He’s tried four times to set up a meeting with the City Manager but has been unsuccessful. He drove over here from St. Augustine because the number to City Hall was busy. His issue is that they can bring jobs here and put a bottling facility in the 50,000 sf facility the City own. Mr. Boynton said he has not received any messages from him. Mr. Davis said as to the nuisance problem, they need to make jobs in the City and then people will have money. They need to create some developments. Mayor Myers noted this is a nuisance code workshop. Mr. Davis said they can’t take rights away from citizens through legislation. They need to create more jobs here. Kicking people out of their homes is not the answer.

Ken Schwing, 126 Elderberry Lane, Palatka, said he listened to Mr. Crowe and Chief Getchell, and he heard two different issues. Mr. Crowe’s comments were more oriented towards his concerns. They are talking about exempting apartment complexes, and according to Chief Getchell, apartment complexes are the problem. The County has a method of doing code enforcement that doesn’t penalize people who want to buy a tax deed property. The County will work with you on the fines and almost completely eliminate them. They want compliance. The City has never done that. Commissioner Kitchens said the City does that all the time. Mr. Schwing said they take code enforcement fines to tear down houses. They should use code enforcement as a revenue source. There is a higher percentage of owner occupied homes vs. apartment complexes. They don’t want to penalize renters and owners of rental properties. They pay higher taxes on a rental property and that is passed along to the renter. Registration fees will be passed along to the renter. The problem is there is no money. If they want investors to come in and fix things up, they need encouragement, not penalties.

Commissioner Leary said they are talking today about a potential ordinance and moving forward with something that sets parameters. They aren’t talking about penalizing people who rent or hurt people who are hurting. They want to help increase the value of rental

properties. Commissioner Norwood said they want voluntary compliance. The fines come in after they've exhausted all other resources. He tries to comply with code enforcement. They need to look at the County's code enforcement procedure.

Michael Gagnon, 703 Emmett Street, Palatka, said the rental topic is key to their historic neighborhood revitalization. They are an intricate part of the neighborhood providing diversity, but a lack of property management turns them into a nuisance. Many cities have chosen to put rental property ordinances in place to manage these properties. A program that is too aggressive bogs the system down. Registration is essential. This is a good program. They need to know who the owners of these properties are in case of emergency. The city doesn't need to make money on registration, but need to cover costs. This is do-able and critical for emergency and code services.

Bob Baumer, 415 Olive Street, said he moved here from Connecticut and is proud to be a homeowner here. He and eight of his neighbors came before this Commission and spoke in favor of this type of ordinance. They have a property in their neighborhood that has been fined heavily by Code Enforcement. Last night the Code Enforcement Board wrote off over \$60,000 in fines on properties. That will come before the commission shortly. He agrees with recognition of hardship and compassion and helping your neighbor. He received a call yesterday from someone who was ordered to do 100 hours of community service, and volunteered to help with Code Enforcement. He brought this up last night, and the attorney said there is a legitimate concern with liability. This can address some of the hardship cases. Mr. Holmes said \$60,000 in real money did not evaporate; \$40,000 of it was on a property with an assessed value of \$24,000, and the City would never have collected it. They could have gone to foreclosure and sold it, but they'd have put someone out of a house because her grass was overgrown.

Commissioner Leary asked under this scenario, if it goes to a tax sale, would the homeowners be interested in buying the property and bringing it up to compliance? Mr. Baumer said of the subject property, there were two people willing to make an offer on the property.

Commissioner Brown said she has lived here all her life, as have four generations of her family. Four of the members of this Commission are native to Palatka. There are wonderful things going on here. If someone gave her a house in Jacksonville she would not live there. There is crime here, but not near as bad as some surrounding areas. Their rates are based upon 'per capita,' stats, but this is overall a good place to live. She will suggest that more people that come to work for the City look for a home within the City limits. She doesn't mind taking a beating from citizens who pay taxes here.

Commissioner Kitchens spoke in defense of the Codes Enforcement Board, saying the Board is not in the business of putting people out of their homes or making money. They bend over backwards to work with homeowners and give people plenty of breaks. If a property owner makes an effort, the Board works with them. A fine is what gets a property owner's attention; once they bring the property into compliance, they make a recommendation to reduce or eliminate the fine.

Mayor Myers noted this is good information and valid comments, all of them constructive. They have not made enough progress. There are those citizens who were not born here but are equally devoted to the community and chose to live here. They all share Commissioner Brown's view on quality of life. There is no stigma attached to being a non-native. They should consider continuing this workshop and ask the Planning Director to come back with sample or draft ordinance to go through section by

section. Commissioner Norwood said they should define goals and objectives upfront and let the ordinance dictate the programs.

There was consensus to continue the workshop with a draft ordinance.

ADJOURN – There being no further discussion, the workshop was adjourned at 5:30 p.m. by Mayor Myers.