

A workshop meeting of the City Commission was held on February 7, 2012 at 5:00 p.m. in the Commission Chamber at the Municipal Administration Building. The meeting was called to order by Mayor Michael S. Carter.

**COMMISSIONERS PRESENT:** John Paul Rogers; Betty Wojcik; Terry Y. Howell; Jonathan Thornhill; Mayor Michael S. Carter

**COMMISSIONERS ABSENT:** None

**CITY REPRESENTATIVES PRESENT:** Terry Leary, City Manager; Albert C. Galloway, Jr., City Attorney; Clara VanBlargan, City Clerk; Jacquie Hawkins, Deputy City Clerk

[Meetings are recorded but not transcribed verbatim]

**Agenda Item 2. International Property Maintenance Code, Abandoned Property Registration and Related Code Enforcement Procedures**

The full staff memo is incorporated into the minutes.

[Begin Agenda memo]

**SUBJECT**

International Property Maintenance Code, Abandoned Property Registration and related Code Enforcement procedures

**RECOMMENDATION**

City staff is requesting direction from the Commission as to the adoption and implementation of tools available under Florida Law to curb blight in both residential and commercial properties within the City limits and to further protect the health, safety and welfare of the citizens of Lake Wales, Florida.

**BACKGROUND**

Staff has done considerable research on how surrounding communities handle blighted properties within their jurisdictions and provide a safe environment for the community. Attached you will find several examples of codes adopted in such communities as Winter Haven, Auburndale, and Fort Meade. Our research also included the city of Lakeland and Haines City. All of these communities have adopted similar mechanisms.

Although quite voluminous, I have included in your packets sample ordinances to illustrate what is being done and what is available to Lake Wales. These samples include:

1. Notice of required registration of rental properties in the city of Fort Meade
2. Assessment for lot clean-up in the City of Fort Meade by establishing a special assessment district (entire city) whereby fines are placed on the property owner's tax bill via a contract with the County Tax appraiser and County Tax Collector.
3. Adoption of the International Property Maintenance Code by the City of Auburndale.
4. Adoption of the International Property Maintenance Code by the City of Winter Haven.
5. Adoption of ordinance relating to Abandoned Real Property whereby properties are registered with the City and conform to maintenance standards. City of Winter Haven.
6. Abandoned Property Registration Application Form. City of Winter Haven.
7. Copy of Florida State Statutes: enables the City to levy a non-ad valorem assessment to properties that are non-compliant or where the City has placed liens for work done by the City. This requires an agreement with the Tax Collector and Property Appraiser of Polk County

Staff has determined that many properties within the City are blighted, unkempt, abandoned and in many cases are a health and safety threat. The appearance of some of these properties does not further the economic development of the City. The existing codes do not adequately address the standards necessary to accomplish our goals. If the Commission would consider adopting the IPMC (International Property Maintenance Code) it would, for the first time prescribe standards for maintaining residential structures in the City as well as create new, revised and updated standards for commercial properties.

Notable highlights of the IPMC (with local amendments) include:

- Increased enforcement of “living standards” regulations (light, ventilation, living space, heating and sanitation) in housing quarters, improving overall quality of rental units;
- Increased focus on the commercial sector, requiring that commercial structures be maintained to minimum standards similar to residential buildings;
- Legislative authorization for officers to use any available method of code enforcement to bring an IPMC violation into compliance, including citations, need for correction/removal before the City’s Code Enforcement Board.
- Creation of an enhanced ability for City officials to “close” or secure dangerous or abandoned structures (commercial or residential) in an effort to protect the health, safety and welfare of the general public should the situation require; and
- Allowance for modification to IPMC requirements as determined by the City, should such modifications be necessary and meet the standard criteria for a variance of land development regulations (essentially, necessity and lack of fault).

The Building Official is now in charge of Code Enforcement. His knowledge and training will ensure our ability to interpret the Code and work with the community to achieve compliance and to be as flexible as possible. Our current Code Officer has received adequate training and certifications to begin implementation. In the future, all code officers will be required to attain “ICC Property Maintenance and Housing Inspector” certification.

We are going to present a slide presentation at our workshop in order to illustrate some of the problem properties and I am sure you will recognize many of them.

I realize that this is a lot of information and it will take months to sort out how we want to proceed. But, we have to start somewhere. Once the codes are drafted, we plan to hold public forums to receive input from the Community as well as business owners and realtors to name a few.

In addition to the IMPC, the ordinance would address nuisance abatement liens which would have “special assessment” and super lien status (equivalent to the lien of municipal taxes) to prevent their discharge in a foreclosure action. If you concur, staff will be working closely with our City Attorney to draft a sound document according to law.

It is my hope that the proposal and information before you is helpful and we look forward to your guidance for the future.

[End Agenda Memo]

A PowerPoint slide show and presentation was given depicting some of the current existing abandoned and neglected property in Lake Wales, and a video from the City of Lakeland depicting their approach to code enforcement.

There was a long discussion and the following points were made by City Manager **Ms. Leary**:

- Lake Wales’ code enforcement problems did not happen overnight and won’t be fixed overnight but if the City is to make any kind of come-back in the economy, we need to start especially with code violations downtown and along main thoroughfares.

- We presently have \$10,000 in this year's code enforcement budget of which \$4,300 has already been spent without making much of a dent.
- Lakeland, Winter Haven, Auburndale and several other cities in our immediate areas have adopted the International Property Maintenance Code. If it is approved for Lake Wales, she will work with the city attorney on the necessary changes. The assessment ordinance will come from the International Property Maintenance Code but another ordinance allowing people to register abandoned and foreclosed property can be done at a later time.
- Ms. Leary explained a Special Masters system used in other places, though she was not recommending that for right now, where usually an attorney hears the case, applies it to the law or code, and makes a determination about the fines levied.

The following points were made by **City Attorney Chuck Galloway**:

- Many other cities use a magistrate instead of a code enforcement board, but a magistrate gets paid whereas our board is made up of volunteers who are doing the best they can.
- Some of the surrounding communities have the ability to attach a special assessment to the tax bill for expenditures the city spent to demolish, clear grass or whatever was needed. That way the City has the ability to recoup the funds that presently exist and it also cleans up the property.
- When the cost becomes part of the ad valorem tax bill, it will get paid. If the tax bill is not paid, someone will buy that tax certificate, can apply three years later for a tax deed and eventually take title to it.

The following points were made by **Mayor Carter**:

- The blight on the City caused by code enforcement violations was surely affecting the economic development of the City.
- If the City acquires property through foreclosure, it will be stuck with all the encumbrances including the due property taxes, which he said we might not want to do.
- Though there are over 100 properties out of compliance, he suggested that a group made up of staff from the police, fire and city hall departments compile a list within the next couple of days of properties containing a building that are out of compliance and then prioritizing them. That way the code enforcement officer will have a starting point. Commissioner Howell added that citizens use the City's website to report abandoned houses.

The following points were made by **Commissioner Thornhill**:

- Presently the Code Enforcement Board has no teeth to enforce anything and has no money with which to demolish or foreclose on abandoned buildings. Therefore, the Board's hands are tied and there is no option other than to place a lien on the property.
- Many of the liens are for inherited property and the new owner lives in another state.
- The Board's ultimate goal is to recoup the actual cost to the City and get the property cleaned up so if the owner of a property asks for a reduction because they cannot pay, the Code Enforcement Board may reduce the lien to the actual cost incurred by the City, though they will not go below that. An example was given of a property with a \$400,000 lien that the Code Enforcement Board reduced to \$262, which was the actual cost to the city without the administrative cost.
- He was in favor of using a special assessment for at least things like mowing because he felt sure the City would be reimbursed.

The following points were made by **Commissioner Wojcik**:

- We call it code enforcement but it really is a community appearance and safety issue and educating the public will be part of the process.
- As it stands now, the Code Enforcement Board is limited to placing a lien on a property, which may or may not be collected at the time the property is sold, and may take fifty years to recoup the money spent. In the meantime, abandoned property becomes breeding places for rats and snakes.

- Commissioner Wojcik suggested putting the money that we recoup into a special account that can be used toward other code enforcement issues.
- Commissioner Wojcik was in favor of having staff prepare a resolution and assessment ordinance.

The following points were made by **Commissioner Howell**:

- One code enforcement officer is not enough to get much accomplished.
- Putting a lien on a house may not help because many times the owner doesn't live in Lake Wales and doesn't care if there is a lien on the property.
- Commissioner Howell asked if they could list Lake Wales' properties that have unpaid taxes in the Lake Wales News so people will be aware of what is available. Mr. Galloway said the City cannot publish them because the tax collecting body sells the certificates. Ms. Leary said we can't publish it ourselves but there is nothing keeping us from posting the County' list highlighting those in Lake Wales to draw attention them. Commissioner Wojcik suggested putting a link on the City website.
- Commissioner Howell asked if a letter is sent to those who owe money for things like mowing. Code Enforcement Officer Angella Knapstein said she sends a letter giving them thirty days from the date of the letter to reimburse the city for costs incurred and if they don't, a lien is placed on the property for those costs plus administrative costs.

The following comments were made by **Commissioner Rogers**.

- The problem with the city tearing down a house is that it may cost \$10,000 to do, and the lot with no house on it may be worth only \$4,000. The lot may not be in a desirable place, and past taxes alone may be more than it is worth. Mr. Galloway said that this vehicle is more for recouping money for things like mowing because it will get paid and will solve some of the blight concerns.
- Commissioner Rogers suggested starting right away with abandoned and inoperable vehicles because the City already has an ordinance against those. If we start enforcing the laws we already have, people will understand that we are not going to put up with unsafe conditions and we will have more than enough to keep staff busy. Ms. Leary said it will take one to two months to get the ordinance drafted properly but in the meantime we can start with things like abandoned cars and mowing.
- Commissioner Rogers asked if the City could sell some of the junk cars for a couple hundred dollars each to go into the kitty to go toward other code enforcement issues. Mr. Galloway said he didn't know if the City had that ability, but the City does have a continuing contract with the junk yard to pick up vehicles. He said he would check and see if selling them for junk is an option.

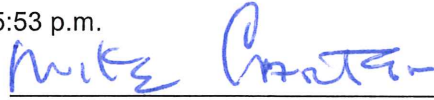
Mr. Leary said Finance Director Dorothy Pendergrass has offered to track the liens and money the City spends on liens and once an ordinance is passed, staff will work with the tax collector and property appraiser to get it set up.

Commission consensus was to authorize staff:

- From fire, police and city hall departments to work on a prioritized list of properties out of compliance.
- To work on the ordinance and resolution

**PUBLIC COMMENT:** There was none.

There being no further business, the meeting was adjourned at 5:53 p.m.

  
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Mayor/Commissioner

ATTEST:

  
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City Clerk