



City Commission Workshop

Thursday, January 25, 2024

7:00 PM

Hillsboro Community Center

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 7:00 p.m., at the Hillsboro Community Center, Deerfield Beach, Florida.

Present:

Commissioner Todd Drosky
Commissioner Michael Hudak
Commissioner Ben Preston
Vice Mayor Bernie Parness
Mayor Bill Ganz

Also Present:

City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Heather Montemayor

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

There was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION AGENDA

January 25, 2024

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve the agenda as submitted. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz

Nays: 0

DEPARTMENTAL BUSINESS

1. Discussion regarding Code Compliance.

David Santucci, City Manager, said the existing code compliance services contract will end in June 2025, whereby, there have not been any cost increases for ten years. He stated that this workshop is intended for the Commission to provide input as to how the services should be provided in the future. Thereafter, he provided a brief overview of the presentation.

Rodney Brimlow, Director of Public Safety, displayed a brief PowerPoint presentation. He explained that the purpose of this workshop is to obtain commission direction on the desired level of service, functional management, and service delivery method of code compliance services. He said the City is growing, and there are various locations within the City, i.e. Pioneer Grove, Opportunity Zone, Central City Area, etc. that require additional code compliance efforts. Additional challenges include the implementation of the 25-year building inspections, short-term rentals, employee turnover, etc. Thereafter, he outlined the contract service

DEPARTMENTAL BUSINESS - CONTINUED

history, whereby, there was a single option renewal in 2020, but the cost remained at \$1,017,128. Further, he outlined the administrative processes and involvements, case initiation to final resolution; monthly inspections of prior, pending, and open cases; weekly code case review meetings; bi-weekly magistrate hearings; bi-weekly fine and lien mitigation reviews; weekly law enforcement and fire rescue coordination meetings; monthly special event permit review committee meetings; part of the emergency operations center rapid impact assessment team; operational support to law enforcement; coordination meetings with parks rangers and parks and recreation; business tax receipts (BTR) and certificate of use (CU); and short-term rental registrations and compliance.

Moreover, Mr. Brimlow listed common code cases, working without a permit, illegal dumping, illegal parking, abandoned and damaged property, tall grass, swale maintenance, snipe signs, etc. Thereafter, he outlined the code case process, whereby, anonymous complaints cannot move forward. He said complaints have been made regarding the length of the process but much of it is regulated by State Statutes and the City's Code. Further, he outlined the desirable outcomes, improved safety, enhanced quality of life, maintain environmental health, promote sustainability, reduce crime, etc. Mr. Brimlow said new protocols and procedures have been implemented, which includes standardized case procedures and timelines, established cost recovery basis for special hearings, eliminated endless continuances, established reasonable timelines for payment of fines, ensured repeat offender enhanced fines are levied, etc. Currently, staff is working toward Strategic Code Compliance (SCC), as it is equitable, effective, and efficient and focuses on maximizing compliance in all areas of the City, while minimizing intervention from government through engaging our private, public, business, and resident partners.

In response to Vice Mayor Parness' comment, Mr. Brimlow said the State does not want anonymous complaints for purposes of harassment from either direction. Thereafter, he provided various examples.

Continuing, Mr. Brimlow said Deerfield Beach was compared to 13 cities and was dead last in each comparison; 4.3 staff per square mile, whereas, a 37% increase is needed to get to the median; 0.8 staff per 10,000 residents, whereas, a 50% increase is needed to get to the median; and 2.5 staff per 10 miles, whereas, a 68% increase is needed to get to the median. Thereafter, he outlined the current workload, whereby, best practice is 100 cases a month per investigator, with the City's average being 157/month, so a 57% staff increase is needed. Further, he said based on size and area, three additional investigators would be needed; based on population, four would be needed; based on zones, five would be needed; and based on caseload, four would be needed. Mr. Brimlow said four additional investigators, which would be approximately \$624,000, are being recommended to bring Deerfield Beach to median staffing levels. With this addition, an in-house Code Compliance Manager would be needed, which would reduce the contractual services costs by \$156,000; nevertheless, a 28% - 37% increase can be expected in any new 2025 contract.

Furthermore, Mr. Brimlow outlined the options and potential solutions, do nothing and remain status quo; add staffing with current contract provider, which would reduce 2025 increase or add it over two fiscal years; outsource with the Broward Sheriff's Office (BSO), which he does not recommend; bring code compliance completely in-house; hybrid model with in-house manager and contract operations; or issue new RFP. He said bringing code compliance in-house would require recruitment, uniforms, vehicles, training, increased staffing with benefits and risk management, increased legal responsibility, and management and supervision. Lastly, he said he will be bringing forward a methodology for recuperating some of the court costs, as well as an amnesty program, which he briefly outlined.

Vice Mayor Parness spoke in opposition to an amnesty program, as people should be held responsible for their actions.

Mr. Santucci stated that in many cases, the City does not have the ability to foreclose on properties.

Anthony Soroka, City Attorney, said pursuant to Florida Law, if a property is homesteaded, the City cannot foreclose on the property for a traditional code enforcement violation; however, if the property is not homesteaded, the City can potentially foreclose on the property but staff would have to perform an analysis.

Mr. Santucci said it is unlikely to recoup money from a homesteaded property, so the amnesty program entices those property owners to come into compliance with a reduced fine.

DEPARTMENTAL BUSINESS - CONTINUED

Mr. Soroka stated that if a homesteaded property owner goes to sell their home or tries to get an equity line, they will have to deal with the City at that point, but if they don't have those needs, the lien will accrue and there is not much the City can do.

Commissioner Hudak said the entire point of code compliance is to ensure properties are in compliance, not to make money. Further, he said not everyone will qualify for the amnesty program, and there will be rules put into place that must be followed; therefore, he spoke in support of exploring the amnesty program.

In response to Commissioner Hudak's questions, Mr. Brimlow replied that the City's flat annual fee is \$1,017,128. He said the current contractor has other contracts which are much higher than ours, so if the Commission decides to stay with the current contractor there will be a significant increase. Further, if the Commission decides to hire an inhouse code compliance manager, the \$156,000 cost would be carved out of the contract.

In response to Commissioner Preston's question, Mr. Brimlow replied that there are costs with the administrative processes and involvements.

Commissioner Preston spoke in support of exploring the amnesty program, as it will become an inspirational tool to make the community look better and will be a city incentive as well because it will clear the books.

Mayor Ganz said he does not object to an amnesty program, but does not want it used as a reward and have individuals have the ask for forgiveness, not permission mentality. Further, he stated that he was part of the City's Code Enforcement Board and has never been satisfied with code enforcement, whereby, it's either too aggressive or too lenient. Thereafter, he outlined areas within each district that are troublesome. Mayor Ganz said one of the issues with code enforcement is when they are responding to a complaint, they cannot turn a blind eye to other code violations they happen to see when they are in the area; nonetheless, all areas and properties must be treated the same. He stated that what the City is currently getting out of code enforcement is not working, and if it's because staff is short-handed, it must be rectified. Further, he agreed with not outsourcing to BSO and spoke in support of exploring the idea of bringing services entirely inhouse, as it would provide the City with more control.

Commissioner Drosky said code enforcement has come along way since he's been in office, as the amount of calls he's received over the years has diminished. Further, he would like to see the costs associated with bringing the services completely inhouse. Thereafter, he expressed concerns with where the money would come from in order to get staffing to the median level and spoke in opposition to adding the four additional inspectors. Commissioner Drosky stated that Sunrise is the closest in population and size and the numbers are very similar; therefore, he would need more clarification. He reiterated that he would like to see the costs for bringing the services inhouse and the costs for bringing staffing to the median level. Lastly, he has no objections to the amnesty program, but agreed that it shouldn't be used as a reward.

Mr. Brimlow stated that the amnesty program would have to be brought forward to the Commission through an ordinance. Further, he said amnesty programs are always time bound, so after the timeframe, anyone who participated in the amnesty program and has a subsequent violation is a repeat violator, so it's an incentive for them to maintain their compliance.

Mr. Santucci said staff will look into the potential costs associated with entering into a new contract at the current service level, and also look into costs for bringing it inhouse at the current service level; staff will also look at the costs for adding additional service levels for each case. Further, he said the Commission can set a goal as to what service level they want to reach, which does not have to occur right away.

Mayor Ganz said currently there are issues with code enforcement not following up, which is something that could be better streamlined with bringing it inhouse. Further, he stated that the numbers will be shocking, but bringing it inhouse will be an overall investment to the City.

Commissioner Preston agreed with looking at the numbers for inhouse services, as bringing it inhouse will allow for more accountability and control.

DEPARTMENTAL BUSINESS - CONTINUED

Commissioner Hudak agreed with reviewing the costs associated with bringing it inhouse, but expressed concerns with bringing the services inhouse, i.e. recruitment, labor costs, vehicles, vehicle maintenance, etc. Further, he spoke in support of increasing the current staffing levels and suggested hiring an additional magistrate to expediate the process, offering training to educate the public on the process, and implement follow up calls to explain the lengthy process. Thereafter, he reiterated that code enforcement is to ensure properties are in compliance, not to make money.

Vice Mayor Parness spoke in support of exploring bringing the services inhouse, but suggested going out to bid to see what other companies offer the services.

Mr. Brimlow said providing an educational component is extremely difficult with the current caseloads, and call backs are nearly impossible with the current caseload and not mandated.

Commissioner Hudak suggested sending a mailer out to the individual who complained explaining the process.

Mr. Brimlow said the cost and process would have to be incorporated into the workflow.

Mayor Ganz opened the public hearing.

Roger Freitag, 418 SE 2nd Street, Deerfield Beach, asked how many homesteaded properties account for the \$1.7 million and if any commercial properties owe money. Further, he said current code enforcement services do not meet city standards. He said there are many commercial properties that should be in compliance, as they would be more attractive to new businesses, which would assist with the tax base. Mr. Freitag said an amnesty program is a great idea, but who will police the program. Thereafter, he commented on his experiences with code enforcement.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, commented on a house on her street that was a nuisance for years until someone called code enforcement. She stated that there is no accountability, nor communication between building services and code enforcement. Further, she agreed with educating the community as many are unaware that permits are required for certain projects.

Gloria Battle, 1240 SW 6th Way, Deerfield Beach, agreed with the amnesty program. Further, she said an issue that is occurring within the City, especially in District 2, is cars are parked everywhere. She stated that she has called code enforcement, and they advise her to call BSO because code staff gets off at 4:00 p.m., which is unacceptable. Thereafter, she continued to express concerns with violations that are taking place and stated that something must be done.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said the City overall does not have a good appearance, whereas, garbage is everywhere. She has called code enforcement in the past, and stated that there should be an expected turnaround timeframe. Further, she asked for clarification on the hybrid option. She said something needs to put into place now, so everyone has a clear understanding of the costs and the direction the City should move toward.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, spoke in support of the amnesty program, adding the four additional inspectors to assist with the caseload, as well as bringing the services inhouse. Thereafter, he commented on the number of violations in Century Village and suggested streamlining the building permitting process.

Mayor Ganz closed the public hearing.

In response to Mayor Ganz's comment, Mr. Brimlow stated that building, code and planning & zoning all work hand in hand with one another, whereby, if building has an issue, they immediately contact code enforcement to cite a property.

Mr. Santucci thanked the Commission for their suggestions and feedback.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to adjourn the meeting at 8:48 p.m. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Heather Montemayor, CMC, City Clerk