

**MONDAY FEBRUARY 20TH 2023
NOTES FROM INTERNATIONAL PROPERTY MAINTENANCE CODE WORKSHOP**

Present: Jesse Nelson, Mayor
Brandon Aldridge, Commissioner
Pat Perno, Commissioner
Jamie Warrick, Commissioner
Judy Vandergrift, Commissioner
Vickie Gainer, City Manager
Lt. Enfinger, Sergeant at Arms
Kevin Obos, City Legal Counsel

The Mayor called the workshop to order at 5.31pm.

Invocation and pledge by Commissioner Aldridge.

The Mayor introduced the topics and format for the workshop.

The Mayor asked that the City Manager to put on this Tuesday's agenda to table this final reading of Ordinance 1137 till the meeting in June to allow time to go through each chapter at the meetings leading up to that.

The Mayor said there will be discussion among the Commissioners first and then open up to the public for discussion.

Commissioner Warrick spoke first about the purpose of wanting this code voted in. He wanted the residents to know that it is not simply for revenue gathering. 25%+ of other municipalities use this IPMC, but not in its entirety. They amended it for what they needed for their community. He feels we should do this, but it would be a lot more time consuming. For those concerned about the code for right of entry outlined in the IPMC, he wanted everyone to understand that there is already a Lynn Haven code for right of entry.

Mayor invited the building official and code enforcement officer to speak.

Mr. Vannatter presented showing a number of photos from past properties he has visited in other Cities.

Mayor asked if a house is built in 1970 and we adopt this code, how would that work? Charles said if you built a home in 1970, as long as you maintain it then it will stay under the codes for a 1970's build. Building code only deals with modifications and new builds, and if the property is not kept maintained. That building will be judged by the code according to the code of the year it was built.

Commissioner Warrick - what is the process for going into a person's property? Building official said they are all complaint driven.

Mayor asked Mr. Freeman – if this is implemented how would he enforce and respond? Is it complaint drive? When would you have the freedom to just go in? Mr. Freeman said that Lynn Haven is probably the cleanest city in the County. He said that if he drove by an obviously unsafe building, he would probably

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open a case on it himself. Other things would be complaints driven. He recommended adopting the IPMC and if there are things that we don't like we can remove it.

Commissioner Aldridge – knows they are both good guys, but the citizens are concerned about 10-15 years down the line when they are dealing with someone else. He agrees with the Mayor to go through each chapter and have the officials point out the things they don't like, and we can put a line through it and remove it. He reminded the citizens that if there are things they don't like they must just approach the commission and let them know and it can be changed.

Commissioner Vandergrift – feels the same as Commissioner Aldridge, that some time down the line someone else might enforce some of the rules and make the citizens feel they are losing their rights. She understands it is a good framework to start but suggested to not rush into it.

Mr. Freeman – advised he had received a complaint over the phone and cannot address it because the current code does not give them the ability to do anything about it. He proceeded to show the commissioners a photo on his phone. The property management code would identify this issue and allow them to deal with it.

The Mayor opened the floor to the public and asked the public to be specific about what they want them to address in the property code.

Mr. Peebles suggested that when it is amended, we are not stacking things, for example stealing electricity is already illegal so don't stack it by adding it to this code, so the city is not accused of revenue gathering.

Commissioner Perno – This is a huge all-encompassing umbrella code, and we should pull out only that which we want to enforce. He appreciates the work Commissioner Warrick does gathering data for consideration.

Ellyn Fields 3507 Hidden Valley Road – said she lives in an HOA so understands the desire for a code. What is your plan to enforce what is in this code? Is it fines, evicting etc.? She is in classes at the moment for emergency management and her lecturer was surprised saying why would you need that because you have Florida Statutes that would cover all of this. Perhaps we can take what we have and apply what we want from the code and add it to our current code.

Mayor – regarding the statutes that we have, we don't have any laws for maintenance, it is only for new construction.

Mr. Freeman addressed the fining of people to correct the violation – there is a process outlined in the IPMC. Also, a lot of our ordinances do not address the complaints we receive.

Attorney – we have a nuisance ordinance already, but there may be some issues that are not covered under the nuisance code, so this IPMC code would come into effect, and would work the same way. He suggested scratching out the items that residents don't want in the code.

Steve Novakoski – Dundee Lane – it is a large document that many people feel is overreaching. There is no perfection, but we can look at this document in three sections and some codes are not aggressive enough. He agrees we should use some of this and expand on stuff that doesn't go far enough.

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Mr. Walker – 1106 Michigan Ave – the constitution of the United says it is not constitutional to do a search and seizure of a home without a warrant. He agrees with Commissioner Warrick to go through this piece by piece, and we should look at the Florida Statutes. People are putting up fences to keep code enforcement out, and people are taking photos over their fences to catch out their neighbors. He went on to explain some of his experiences.

Mayor clarified that every workshop has had a 3-minute time limit for public forum.

Mr. Cooley - 206 Georgia Avenue – wonders why someone has to have a building permit to change a window that is bad? Who will be looking after the code enforcement people to ensure they don't target the residents? Who is pushing the IPMC? Is it code enforcement? Mr. Freeman said he did request it. The speaker said he just doesn't want it to get out of hand.

Mrs. Beshearse – Louisiana Ave – said she has been in a career where she has been into people's homes that have not been maintained and she has seen some horrific things inside of homes she has visited for insurance claims purposes. She herself finds nothing substantially objectionable with this IPMC and would like to see it adopted.

Ms. Geary - 1403 New Jersey Avenue – said she built her home in 2001. She said that this is an INTERNATIONAL property maintenance code, and it is not based on the United States constitution. So if the city rewrites this code to meet our needs they need to keep in mind the citizens United States and Florida Constitutional rights. She feels the current process works and has worked for her so far.

Sue Bynam - 703 W. 12th Street – was concerned about adopting this code without changing anything. She said the commission should look at it and pick and choose and take their time. She has issues with neighbors that code enforcement has never been able to do anything about. She would like to give code enforcement the teeth they need to do their job.

Ms. Roberts - 2006 Andrews Road – said that she has learned a lot from this meeting so far and the biggest thing she has learned is that code enforcement does not go out and look for issues. She recommends that they go through and pick out what we need here instead of removing those that we don't need. There are people that are nit pickers who will use the code to get rid of neighbors they do not like, so the city should be careful of this when putting this together.

Mr. Beshearse – Louisiana Ave – first responders should be safe when they enter a home. Problem houses can be a serious danger to children. Parking lots – surfaces – would it allow our code enforcement to still drive by and look at those. Unpermitted work – this should give us the option to go through and make them fix it. People being worried about the enforcement – we have an ordinance that says you can only have 6 beds, and you have to register your pets – this doesn't happen – he doesn't think over enforcement is something this city does.

Cory Langford – Louisiana – thank the Commission and city for doing this workshop. He was worried there may be a vote on it so is happy that they decided to work through it. 98% of homes in Lynn Haven are immaculately maintained. He feels this code is too much enforcement for the 2% that are the issue. He spoke briefly about his siding issue with code enforcement. He said we already have rules and ordinances to address most of these issues and adopting a once size fits all document to fix issues not addressed is

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not needed. He thinks the city needs to educate themselves on the ordinances we already have in place. He asked why are we passing ordinances that we are saying before we pass them that we won't enforce them? He feels that in itself should be an indicator that this code is overreach.

Kathy Bruce – Indiana Ave – feels the code is too universal. Do you know how many people this will affect? There are a lot of older homes in Lynn Haven. She mentioned a lot of maintenance issues that we all have that some won't be able to afford to fix. No one wants to be in violation of the law, but how many would be because of this code? She feels we should rewrite it now so that it is applicable to Lynn Haven. The Mayor explained that is the plan right now, chapter by chapter.

Workshop adjourned at 6.39 P.M.

Workshop reconvened 6.47 P.M.

Mr. Scray – Missouri Ave – regarding neighbors going at neighbors – one of the city's he has looked at has a data base of who reports on who's property, so records requests doesn't need to be made. All public records requests that are made can be put on a searchable database, so the requests aren't made over and over again. All these little things need to be done with common sense.

Member of public – thought process of going in and adopting something like this is needed for decades. Don't want to be over intrusive, but we need these types of things. There is a difference between health and safety standards and unfit and unsafe, and petty things, and that needs to be clear in the code that is eventually put together for adoption. Commission needs to decide what is necessary and what is more visual issues. He said that one cannot go according to 1970's codes anymore because that covers asbestos. Think about ordinances that allow you to make massive upgrades. Putting a faucet into a back yard is probably not necessary for a permit.

Workshop adjourned at 6.53 P.M.