

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Monday, November 16, 2020

9:00 AM

Main Library - Council Chambers

Community Redevelopment Agency

Roll Call

Present 5 - Chair Frank Hibbard, Trustee David Allbritton, Trustee Hoyt Hamilton, Trustee Kathleen Beckman, and Trustee Mark Bunker

Also Present: William B. Horne II – City Manager, Micah Maxwell – Assistant City Manager, Michael Delk – Assistant City Manager, Pamela K. Akin City Attorney, Rosemarie Call – City Clerk, Nicole Sprague – Deputy City Clerk, and Amanda Thompson – CRA Executive Director

To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.

Unapproved

1. Call to Order – Chair Hibbard

The meeting was called to order at 9:00 a.m. in Council Chambers at the Main Library.

2. Approval of Minutes

- 2.1 Approve the October 12, 2020 CRA Meeting Minutes as submitted in written summation by the City Clerk.

Trustee Allbritton moved to approve the October 12, 2020 CRA Meeting Minutes as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

3. Citizens to be Heard Regarding Items Not on the Agenda – None.

4. New Business Items

- 4.1 Approve the proposed 2021 Community Redevelopment Agency Board meeting schedule and adopt Resolution 20-03.

Community Redevelopment Agency staff has prepared the proposed meeting schedule of the City of Clearwater Community Redevelopment Agency (CRA) Board for the calendar year 2021. The CRA board meeting will be held monthly in the City Council Chambers, 100 N. Osceola Avenue. The meeting schedule will be posted on the CRA's website, with separate meeting notices provided by the City Clerk's Office and noted on the City's website prior to each meeting.

If there is no action for the board to consider at a schedule meeting, staff will recommend the meeting be cancelled. Changes to the dates may be required to accommodate needs of board members and/or CRA staff.

If there is a need for a special meeting CRA staff will notify the board and the meeting will be noticed by the City Clerk's Office as well as on the City's website.

One eComment was received in opposition and was read into the record by Trustee Beckman (see page 7).

In response to a question, CRA Executive Director Amanda Thompson said, in her experience, individuals get involved when there is an issue that directly impacts them. The City offers meeting videos online and a Downtown Clearwater Email list as ways individuals can engage with the City. She said a newsletter or special meetings on specific topics can also be considered as additional options to engage the public.

Trustee Hamilton moved to approve the proposed 2021 Community Redevelopment Agency Board meeting schedule. The motion was duly seconded and carried unanimously.

Resolution 20-03 was presented and read by title only. Trustee Bunker moved to adopt Resolution 20-03. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Chair Hibbard, Trustee Allbritton, Trustee Hamilton, Trustee Beckman and Trustee Bunker

4.2 Discuss limiting property ownership in the Downtown and regulating commercial properties in the Downtown that are code-compliant but vacant.

At the September 14, 2020 Community Redevelopment Agency meeting, the Trustees raised two questions for legal review. First, the trustees asked whether the CRA or the City may limit the amount of property owned by any one organization. Second, the Trustees asked whether the CRA or the City may regulate commercial properties in the City's downtown that are code-compliant but vacant.

On the first issue, it is a fundamental tenet of the United States and Florida Constitution that the government cannot regulate land ownership absent a valid public purpose. Florida statutory law also prohibits government action that places an inordinate burden on a property owner's use of the real property. Finally, the City cannot regulate land ownership through imposition of its zoning laws.

On the second issue, the City may regulate vacant commercial buildings in the downtown area that are otherwise code compliant. Specifically, the City may

establish a registry of vacant properties requiring owners of these properties to report them to the City and pay a registration fee. However, while the City does fine owners of “abandoned buildings” that are unsecured or not maintained, there appears to be no authority for the City to levy fines merely because a commercial building does not have a tenant. Moreover, the City does not have the authority under Florida law to adopt so-called vacancy taxes. On the other hand, the law is clear that the City could fine property owners who fail to register their properties on a duly adopted vacant property registry.

An eComment suggesting the City seek a second opinion from the State Attorney was received and read into the record (see page 8).

In response to questions, Assistant City Attorney Mike Fuino said the foreclosure registration program requires the property owner to register if the parcel is being foreclosed. If the property owner fails to register, the City can issue a code violation. The city should not be able to profit from regulatory fees. Mr. Fuino said the vacant property registration fee would be administered annually. The annual registration fee can be increased if the property continues to be vacant as it will require staff to administer code inspections and enforcement. Planning and Development Director Gina Clayton said staff does not maintain a list of vacant properties and their respective zoning classifications. Zoning information is not included in the property tax information. If an outside party is contracted to maintain the information, staff will provide the zoning information. CRA Executive Director Amanda Thompson said a proposed registration fee would pay for the associated work. CRA staff is balancing the amount of time associated with stimulating the economy against the time associated with collecting information on the property.

She said staff focuses more on stimulating the economy. Mr. Fuino said the City cannot legislate how a property is used.

Discussion ensued with comments made that a list of vacant properties that includes zoning information should be created. There was consensus to limit the registration program to the CRA. Staff was directed to come back with a proposed registration program.

5. Director's Report

CRA Executive Director Amanda Thompson encouraged all to visit downtownclearwater.com/holiday-extravaganza for this year's holiday event schedule.

6. Adjourn

The meeting adjourned at 9:45 a.m.

Attest

Chair
Community Redevelopment Agency

City Clerk

Community Redevelopment Agency on 2020-11-16 9:00 AM

Meeting Time: 11-16-20 09:00

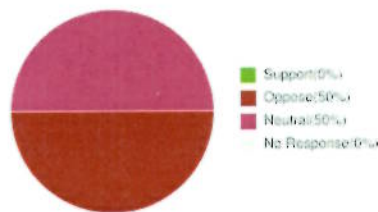
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Community Redevelopment Agency on 2020-11-16 9:00 AM	11-16-20 09:00	10	2	0	1	1

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



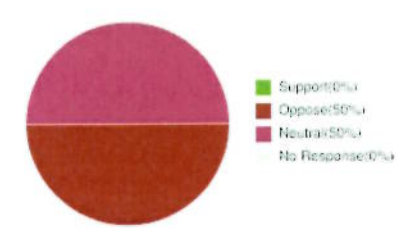
Community Redevelopment Agency on 2020-11-16 9:00 AM
11-16-20 09:00

Agenda Name	Comments	Support	Oppose	Neutral
4.1 ID#20-8346 Approve the proposed 2021 Community Redevelopment Agency Board meeting schedule and adopt Resolution 20-03.	1	0	1	0
4.2 ID#20-8430 Discuss limiting property ownership in the Downtown and regulating commercial properties in the Downtown that are code-compliant but vacant.	1	0	0	1

Sentiments for All Agenda Items

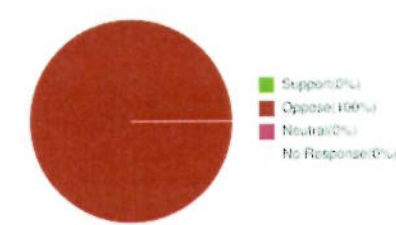
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 4.1 ID#20-8346 Approve the proposed 2021 Community Redevelopment Agency Board meeting schedule and adopt Resolution 20-03.

Overall Sentiment



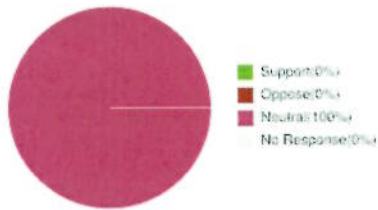
Kathy Flaherty

Location:
Submitted At: 2:01pm 11-15-20

I think these meetings should be held in the evenings when people who work can attend. You could ask in the community what time would be convenient for them in the survey requested by the Mayor regarding the CRA mission. Also, I think there should be at least one community meeting whereby everyone in the CRA district is invited. If not a community meeting, then there should be a newsletter that goes out to all residents and owners in the district telling them how the Trustees are spending their blight meditation funds.

Agenda Item: eComments for 4.2 ID#20-8430 Discuss limiting property ownership in the Downtown and regulating commercial properties in the Downtown that are code-compliant but vacant.

Overall Sentiment



Kathy Flaherty

Location:

Submitted At: 2:30pm 11-15-20

I have no issue with the City Attorney's opinion. I do however think it would be wise to ask the Florida Attorney General for a second opinion. The Attorney General's office gives free / non-binding opinions to City Attorneys upon request. At the same time you could ask the Florida Attorney General to review the CRA's current policies and agreements to make sure the CRA funds are not being misspent. I know there has been confusion with the DDB / CRA contract. At the last meeting Mr. Albrighton was still under the impression that the funds given to the DDB were a pass through, not a payment. Ms. Akin tried to correct his statement but I am not sure he understood. This issue still needs clarification.

Also, Ms. Akin makes a point to include that the properties are code compliant. The CRA does not do any code enforcement even though it has authority to have an enhanced code enforcement program throughout the area. There are numerous properties in dilapidated condition, broken down cars park on grass, and unkempt yards / lots. This includes both businesses and residences. Currently the City conducts code enforcement and the CRA Trustees wait for investors to rehab derelict properties. The City Code Board is having its first meeting since February - I would assume lots of backlog.

If the CRA's only remedy against vacant properties is to have them be code complaint I think it is imperative that the CRA Trustees start an enhanced code enforcement program in the CRA. Just as is done with enhanced policing. This would allow the already overburdened code department more resources to help improve Clearwater and to monitor that the vacant buildings in the Downtown are indeed code compliant.