

*Nicolle Shalley spoke to the matter and concluded in her summary, that “based on an analysis of the facts and laws, it is our opinion that the City landlord permit regulations are not expressly or impliedly preempted by State law regulating non-transient public lodging establishments. In addition, since the ordinance and the statute serve separate regulatory ends, there is no conflict rendering the landlord permit ordinance invalid. Therefore, the City, under its municipal home rule powers, validly enacted and may continue to enforce its landlord permit regulations.”*

*Saul Silber, citizen and apartment complex owner, spoke to inform the committee of his 20 units involved in this dilemma and to request an exception. Thirty years ago, Mr. Silber's property was originally not included within the boundary lines on SE 4th Place subject to the ordinance and is appealing not to be included in the cost of the landlord fees. Mr. Silber has three tax parcels encompassing his 20 apartment units he has owned since 1974 and has no code violations.*

*Commissioner Henry pointed out that in acknowledgment to Mr. Silber's prior 25 years' communication with City officials to correct the boundary line oversight on the City's part; staff will collect and research all prior communication on Mr. Silber's behalf to be presented at a future meeting.*

*MOTION: The CDC continue this item on the legislative referral list to come back to the committee at a future date*

*Commissioner Henry moved  
Commissioner Lowe seconded  
Yes - 3 No - 0*

*Noted: Fred Murry noted that in the meantime, the property owner would still be subject to the ordinance fees.*

**RECOMMENDATION** *The Community Development Committee hear a brief presentation from staff about the issue of how landlord licenses are applied to legal non-conforming uses within single-family neighborhoods.*

### **Continued**

061025\_Memo\_20090423.pdf  
061025\_Memo\_20090713.pdf  
061025\_Memo\_20100112.PDF  
061025\_Legal Memo\_20100112.pdf

### **080579.**

### **Landlord Licensing Late Fees - Reid Fogler - Citizen Comment (NB)**

*The CDC heard from Fred Murry reviewing the landlord late fees and the notification process of late fees. The CDC asked staff to look at the notification process to property owners and agents when landlord fees are overdue. Staff recommendation of the notification process would take the form of email as well as postcards to those without email access for late fees notification. Staff has come back with two solutions; one being to allow a prorated \$3.09 daily penalty for the first 30 days and late fees after the initial 30 days would remain as provided in the current ordinance;*

and the second being, instead of increasing the penalty by \$92.75 the first day of the first 30 day cycle, the fee would be \$46.38 if paid on days 1-15 and increase to \$92.75 if paid days 16-30 with late fees after the initial 30 days would remain as provided in the current ordinance.

Chris Cooper gave a review of the current delinquent landlord permit fees process. The landlord permit fees are due August 1st of each year and we send out the first notice in mid-July by mail according to State statute to the address on file with the tax collector's office. The second reminder notice is mailed in mid-August. In early November we send out a 3rd notice notifying the landlords they are past due, at that point the 90 days past due mark and if still past due we mail out violations. The current fee structure if paid on time or anytime between August 1st and August 31st are \$185.75 and increase to \$195.00 the next year; 31-60 days past due \$274.00 and increases to \$287.75 next year; and 62-90 days past due \$362.00 and over 90 days past due \$450.50 which increases to \$473.00 next year.

Mr. Cooper handed out an example of the notices that are sent out and the public is encouraged to pay online to help increase the electronic data base.

The notification process solutions refer to sending email notification as a courtesy supplement to the mailed notices. Payment will be allowed directly in person or online.

Citizen Tonya Chappell, Property Manager, Watson Realty Property Management met with Jim Garrett prior to his retirement, and stated that 1) the notification process does not notify the agent of record; and 2) consideration should be given to the timing of the fee due date if the property is vacant or a lease is pending. Additionally, Ms. Chappell asked if the landlord fees could be prorated if property is rented in June and then charged again August 1st.

Commission Henry directed staff to initiate a perpetual workshop program in February or March to inform property owners and real estate agents of landlord permit fees. Staff also added that the information for landlord licensing can be added to the City community television channel.

MOTION: 1) amend our fee schedule that on day 1-15 late the late fee would be reduced 50% of the current amount; and 2) initiate a new email and postcard system that would be directed to the person on the license not the property owner.

Commissioner Hawkins moved.  
Commissioner Henry seconded.

Yes - 3 No - 0

The motion carried.

**RECOMMENDATION** The City Commission refer the issue of landlord license late fees (doubling after 30 days) to the Community Development Committee.

**Approved as shown above (See Motion)**

080579\_Late LLP Memo\_20090326.pdf  
 080579\_Ordinance Excerpt\_20090326.pdf  
 080579\_Memo\_20100112.PDF  
 080579\_CDC Minutes\_20100415.pdf  
 080579\_Draft Ordinance\_20100603.pdf  
 080579\_ordinance\_20100617.pdf

**080465.****Initiative 2.4: Ensure Transparent, Efficient and Consistent Regulation of Land Development In Furtherance Of The Comprehensive Plan (B)**

*The CDC heard a status report from staff on the Strategic Initiative 2.4. Staff handed out backup to CDC members a matrix of Strategic Initiative 2.4 action steps and results linking the electronic Aris software system to the Planning Department, Building Department and Code Enforcement Department, example of the electron screen shots, sample of agenda printouts and two draft plan/permits flow charts.*

*Noted: At 6:31 PM, Commissioner Henry left the meeting with intent to return.*

*Staff explained the matrix, the Strategic Initiative 2.4 response from the Planning Department, lists action steps, a target date and results.*

*Action Steps - Date Due - Results**2. Implement Planned Electronic Management Systems - Date: December 2009*

- Innoprise is the project management database that the City purchased and employed 'live' January 2009. All new projects received in the Planning Department are entered into the database at the point of receipt and can be tracked with planner assignment, board hearings, and associated planning*
  - At this time, Innoprise is only accessible by assigned users within city staff that also includes Code Enforcement and the Building Dept. A future deployment will include the public portion that enables customers to file applications electronically.*
  - An automated functionality, called 'workflow,' has not been fully implemented due to challenges with the database structure but is being actively researched. This feature provides automated project tracking and prompts for the review process. Additionally, the Technical Review Committee will have the opportunity to input their comments into each project when they have received user status and training.*
  - Starting with the first submittal deadline this year an Innoprise report of current development projects will be posted on the department website as a pdf link until the public portion is implemented.*
  - The departmental website has been utilized throughout the year to post agendas, minutes, staff reports, applications, and other helpful information for the public. It has recently been given a facelift to make navigation simpler.*
- 3. Reduce Application Review Time - Date: December 2009*
- Applications are being evaluated to ensure they follow the submission requirements of the Land Development Code which will reduce the number of incomplete applications and facilitate a smooth review process. Applications are also being transferred to fill-in forms to increase ease of use for the applicant and for reviewing staff.*
  - The Board of Adjustment applications have been completed in this manner with a*