

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Minutes

Tuesday, January 12, 2010

5:15 PM

City Hall, Room 16

Community Development Committee

*Commissioner Thomas Hawkins, Chair
Mayor-Commissioner Pro Tem Scherwin Henry, Member
Commissioner Craig Lowe, Member*

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

The Community Development Committee was called to order at 5:15 PM.

ROLL CALL

Present: Craig Lowe, Scherwin Henry and Thomas Hawkins

ADOPTION OF THE AGENDA

The Community Development Committee approved the agenda as circulated.

APPROVAL OF MINUTES

090674. Minutes of November 16, 2009 (B)

RECOMMENDATION *The Community Development Committee approve the Minutes of November 16, 2009.*

Approved as Recommended

090674_Nov 16 09 Minutes_20100112.pdf

DISCUSSION ITEMS

These minutes are a summary of the meeting and is not verbatim discussion. A copy of the meeting recording will be provided upon request.

061025. Landlord License Fees for Non-Conforming Uses (B)

The CDC heard discussion from Fred Murry stating the city received a request on this referral from property owners to review the landlord permit (LLP) non-conforming uses particularly for multi-family zoning in single family neighborhoods; and to hear a presentation and recommendations from staff. Submitted as back-up are a memo from Chris Cooper, Interim Codes Enforcement Manager, a memo research statement from the City Attorney's office and a letter from the North Central Florida Apartment Association that questioned the City's jurisdiction over the apartment complexes relating to non-conforming uses.

Chris Cooper referred to his memo that the provisions of the landlord permit (LLP) ordinance were implanted as a tool to control negative impacts of rentals in single family neighborhoods. In summary, after careful review and research it is determined that there appears to be good cause to approach any revision of the LLP process with caution and there are no recommendations at this time to change the ordinance.

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

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 simplified workflow to inform the applicant of the reviewing steps and time frame to ensure that citizens are made aware of the process.

- Planning staff coordinated with human resources staff to create a detailed workflow using the arisbpm software that maps out all steps for development review processes. This is being used as a reference to create the Innoprise 'workflow' feature.
 - Staff comment sheets for all departments have been designed and implemented to consolidate and streamline the information that is presented to the board for review.
 - Per consultation with the development community, Planning has established a two-month review cycle. To reduce application review time, staff has instituted a one-month short circuit review to accommodate plans which have successfully addressed the major issues and only require minor changes for final approval.
 - Planning has implemented a one-day turnaround for Alcoholic Beverage permits
 - The minor development review schedule has been condensed to provide clear communication of the review process and to expedite the process
 - An alternative to the established Minor Subdivision procedures has been proposed to the Commission to provide an opportunity for property owners to subdivide their property where it previously did not exist
 - Planning staff now exchanges electronic documents and comments with the applicant during initial plans submission and the plan review cycle
 - Planning staff worked with GRU to reduce the separation requirements between trees and utilities in order to reduce conflicts between development requirements and utility requirements.
4. Determine a Form for Planning Department Staff Reports - Date: December 2009
- Staff reports for Development Review Board have been standardized in terms of converting various formats of staff comment sheets into a single format
 - A template for future staff reports in narrative format is being presented for approval and integration into review process
 - Agenda formats for Planning Boards have been standardized
7. Continue Working with Industry Representatives on Processes; Survey Users of First Step Process - On-going

Staff reported that the electronic system will have a citizen portal. Staff will present an Aris electronic system demonstration during the April 2010 CDC meeting.

The work flow charts presented by staff represent a map of all the development review processes by the departments for an overall view.

Staff offered to have Planning Works give a status presentation report as a special meeting in February 2010.

Commissioner Hawkins commented:

- 1) If after getting the system out, the mapping will give opportunity to see the complexity of the process and where improvements can be made.
- 2) Staff name and contact information be available on the Planning website.
- 3) The processes that involve the City Clerk and City Attorney, anything under Comp Plan and subdivisions and a few others ones that are Special Use Permits, should come before the Commission, that rule should be incorporated.
- 4) Incorporate how we go from an application description to which one of the columns it falls under, or under which columns simultaneously.
- 5) Regarding staff reports, it would be appropriate to incorporate Ms. Shalley or Mr. Radson' input.

MOTION: Amend the Strategic Initiative 2.4 action step dates from December 2009 to April 2010.

*Commissioner Hawkins moved
Commissioner Lowe seconded*

The motion carried.

RECOMMENDATION *The CDC hear a status update from staff on this Initiative 2.4: Ensure Transparent, Efficient and Consistent Regulation of Land Development In Furtherance Of The Comprehensive Plan.*

Approved as shown above (See Motion)

080465_CDC Backup_20090122.pdf
080465a_Initv 2.4 Updated_20090930.pdf
080465b_CC Minutes 9-17-09_20090930.pdf
080465_PPt CDC Sp Mtg Planning Wks_20090930.pdf
080465A_Memo-Staff_20100112.pdf
080465b_Strategic Init 2 pt 4_20100112.pdf
080465C_Memo from Consultant_20100112.pdf
080465_CDC Handouts #A_20100112.pdf
080465_CDC Handouts #B_20100112.pdf

MEMBER COMMENT

None.

CITIZEN COMMENT

Mr. Ashbrook noted that at a recent Gator Exchange Club meeting a few members had discussion that government was not friendly, but he felt that the City is making strides towards making government "more friendly", and he would relay that at the next meeting.

PENDING REFERRALS

The Community Development Committee reviewed the pending referral list and advised staff as to which items the Committee wished to address at the next few meetings, and made a motion to remove item 070871 - Places of Religious Assembly, once it is heard by the Commission on January 25, 2010, and request that item 090648 - Contaminants from the Cabot-Koppers Superfund Site, be retitled to Industrial Stormwater Pollution and Airborne Dust Pollution.

MOTION: Remove item 070871 and retitle issue 090648

*Commissioner Hawkins moved
Commissioner Lowe seconded*

The motion carried.

ADJOURNMENT

The meeting adjourned at 7:05 PM.