

Canton, Georgia

*110 Academy Street
Canton, Georgia 30114*



Minutes - Final - Final

Wednesday, March 10, 2021

9:00 AM

Blight/Code Compliance Committee

Public Call In: 1-413-648-7707 PIN: 768051472

City Council

1. Call to Order

Present:

*Councilmember Shawn Tolan
Mayor Pro Tempore JoEllen Wilson
Councilmember Nick Estes
Councilmember Sandy McGrew
Mr. Billy Peppers, City Manager
Mr. Nathan Ingram, Assistant City Manager
Mr. Bobby Dyer, City Attorney
Mr. Merrick McClure, Code Compliance Manager
Ms. Lauren Johnson, Communications & Marketing Specialist
Ms. Annie Fortner, City Clerk*

Councilmember Tolan called the meeting to order.

2. Recap of the Last Meeting and Motion to Approve Minutes

- A. Blight/Code Compliance Committee Draft Minutes - March 1, 2021 - Attachment 2A

Attachments: [Minutes - Blight/Code Compliance Committee - March 1, 2021](#)

Councilmember Tolan reviewed key topics discussed during the last meeting. These items included the use of parts of the adopted International Property Maintenance Code (IPMC) to formalize how to move forward, the use of urban redevelopment powers once a property has moved from code compliance to blight, defining blight as having safety or health concerns for a property, understanding code compliance can move into blight, and the use of abandonment liens to bring attention to issues. The Committee agreed to approve the minutes.

3. Motion to Approve (or Change) Today's Agenda

The Committee agreed to approve the agenda with no changes.

4. Agreement on What is Blight and What is Code Compliance

City Attorney Bobby Dyer stated blight is an unfit or uninhabitable building. There is a property located at 8 Riverdale Circle that is currently pending with code cases and is sliding into becoming an unfit building. This property would be a good case study to identify or create processes of how to determine when a building reaches the point of blight. This would include getting the Building Department involved. Councilmember Tolan asked if a property can be fixed after being deemed blighted or if it must be torn down. Mr. Dyer stated once a property goes through the unfit building process, repairs are an option. The City has the power to make the repairs. A judge must decide if repairs will fix the problem, if repairs will cost more than the property is worth, or if the property is not salvageable. This is where the Building Department expertise is needed. Councilmember Tolan discussed concern for spending City money on a property

owned by a negligent landlord. Mr. Dyer stated a lien would be placed on the property and the City can force the sale of the property to get repaid. Code Compliance Manager Merrick McClure noted the City also issues unfit for human habitation notices for properties that do not have running water. Councilmember Tolan asked how it is determined that a property has no running water. Mr. McClure stated they are notified by the Utility Department. Generally, the water has been cut off for an extensive amount of time before the Code Compliance Department is notified. Councilmember Tolan clarified that this means water was cut off and there is not an issue with getting water into the building.

**5. Discussion of 2-3 Worst Cases of Known Blight in Canton
Today (Bobby Dyer/Merrick McClure)**

Mr. McClure displayed pictures of the property at 8 Riverdale Circle. Mr. McClure provide the Committee with a background of the property. The Code Compliance Department had been notified that the building did not have running water for a period of time due to non-payment on the utility account. Code Compliance visited the property to speak with the owner and observed the poor condition of the inside of the home from the front door. The Building Department and Police Department were then notified. After a further investigation, an unfit for human habitation citation was issued. The City is now waiting on direction from the court. City Manager Billy Peppers discussed a situation of having a tenant who is no longer paying rent for a property that is not being kept up by the landlord. The landlord then requests the City shuts off water to the property. This would then require the City to post the property for not having running water. This situation puts the City in a position of being the evictor for the landlord. In some cases, these situations involve children or drugs causing involvement from Department of Family and Children Services (DFCS) and Cherokee Multi-Agency Narcotics Squad (CMANS). Mr. McClure noted the property at 8 Riverdale Circle is owner-occupied. Mr. Dyer discussed the process for a property such as the one on Riverdale Circle. The City would be to file a complaint with Municipal Court declaring the house is unfit and record a lis pendens on the real estate records so the property cannot be sold. The judge would supply a list of repairs to be made on the property and the owner is given an amount of time to complete the work. A judge would also provide an order to demolish if that is needed. Councilmember Tolan asked what to do if an owner only completes part of the repair list and if a time limit should be given. Mr. Dyer stated it is a judgement call as to how much you work with the owner. Most often once properties get to this point, the owner does not have the money to make the needed repairs, and this is a way to get them to sell their property. Mr. McClure discussed a property which may become the next blighted building. It has been vacant for numerous years. Councilmember Estes asked how to define what the options are for the houses along Academy Street. Mr. Dyer stated this would involve a neighborhood solution and urban redevelopment powers. Councilmember Estes asked about the urban redevelopment powers. Mr. Dyer stated they go as far as being able to condemn properties. The powers also include financing. Mr. Dyer noted the City can enforce parking rules along Academy Street. Mr. Peppers stated the Council would first need to designate the street as not allowing parking on the street. Mr. Dyer stated Council could also designate the street as one way and only allow parking on one side. Councilmember Estes stated he would like to have a way to define neighborhood areas such as Academy Street that is separate from individual properties with blight issues. Mr. Dyer stated areas such as Academy Street can cause property values not to rise. It may also make more sense not to describe single properties

as blight since they are unfit properties. Councilmember Tolan asked what happens in a situation where several properties along a street need repair but there is one nice house among them. Mr. Dyer discussed infrastructure problems can keep properties from being used to its best use. Condemnation may also come in during this situation. Councilmember Estes noted this Committee is reviewing and discussing more than just blight within the City. Councilmember Tolan stated the Committee has been changed to the Blight/Code Compliance Committee since it encompasses several different attributes.

- 6. Discuss the 2-3 Worst Cases of Known Code-Compliance in Canton Today (Merrick McClure)**
- 7. How does this committee suggest we handle those 2 categories of cases above and the specifics discussed once Council approves a recommended action plan?**
- 8. Case Study: House on East Main Street that was ultimately torn down - How was it handled? What were the challenges? What could the City have done differently, if we could go back and do it over? How long did it take from identification of the issue to the tear down? (Bobby Dyer and City Staff)**

Mr. Dyer stated this was a worst-case scenario. The initial complaint was received in 2009 and the structure was torn down in 2016/2017. The official process began in 2015. Mr. Dyer stated the owner was willing to do things however the bank had started the foreclosure process so there was not anything to owner could do. The City received an order to demolish 2015 but had to start the process over. A second order to demolish was given in 2016. The process can be as short as two to three months. The City learned some lessons regarding dealing with banks during this process. Council must be willing to get to the point of tearing down a property. Mr. Dyer suggested the City having a budget to handle these types of properties. This would show as a commitment from the Council to spend funds on blighted properties however there may not be repayment on all the properties. Mr. McClure stated the price to tear down the house on East Main Street was under \$7,000. Mr. Peppers stated there are two ways to handle this financially. Funds can be given in the Code Compliance budget or money can be spent out of the contingency fund. The case on East Main Street was the first property the City has torn down. Councilmember Tolan stated he hopes the report that is generated from this Committee demonstrates the will of this group and Council to move forward and act while being sensitive to individual situations. Councilmember Estes suggested conducting a current case study such as the Academy Street area. Councilmember Tolan asked if Mr. McClure can bring something back for the next meeting. Mr. Peppers reminded that Council recently approved a proposal from KB Advisory Group for a Tax Allocation District and Academy Street is part of that area. Mr. Peppers suggested Mr. McClure pull all code compliance cases/violations for the area for the next meeting. Mr. Dyer stated there is not a clear process for deciding when to move forward with an unfit building complaint. At some point there is a transition from Code Compliance Department to Building Department. Eventually decisions are made but take some time due to not knowing who

makes the call. Mr. Dyer suggested some internal processes which could involve the City Manager's approval as well as Council's approval to move forward with these types of cases. The Committee agreed with Mr. Dyer. A process will be drafted by Mr. Dyer. Mayor Pro Tempore Wilson stated if a process is developed then a statement can be given to the public showing what the City is looking to maintain. Councilmember Estes stated certain areas should be noted as well as the possible solutions.

9. Schedule Next Meeting

The Committee agreed the next meeting will be held on Thursday, March 25th at 1:00 pm.

10. Adjourn

Councilmember Tolan adjourned the meeting.