



MEMORANDUM

To: Mr. Billy Peppers, City Manager
From: Mark J. Mitchell, Chief of Police *mjm*
Date: May 23, 2016
Ref: **Priority Goal # 3 – Blight Management Plan Development**

On Thursday, April 28, 2016 at 1000 am, personnel from Command Staff, Code Enforcement, City Attorney's Office, Community Development, Building Inspections and Fire Department Inspections met to establish the Committee that has been tasked with the research and development of a City Blight Management Plan.

Multi-Department Committee members present at the meeting:

Assistant Chief Stephen Merrifield
Capt. Jeff Tucker
Lt. John Lummus
Fire Inspector Roger Bailey
Code Enforcement Officer Joel Parker
Code Enforcement Officer Michael Sweat
City Attorney Jeff Rusbridge
Community Development Director Ken Patton
Building Inspector Eric Fortner

Our first meeting was utilized to establish the Committee's purpose and to go over the next steps so the team would have an understanding of what will need to be researched, refined, amended and employed in order to define blight and to develop a solid management plan.

We discussed the importance of our multi-department partnership, reviewed the next steps in the process, and assigned each member the task of researching a step in order to bring the information back to our next meeting which is scheduled for **Thursday, May 5, 2016 at 1000 hrs.**, at the Police Department.

Next Step #1

Review the Urban Development Code (UDC) on the definition of blight.

Overall Responsibility

City Attorney Jeff Rusbridge and Community Development Director Ken Patton took the task of working together to review the State definition of blight to bring back to the Committee for possible implementation into the management plan.

Next Step #2

Determine which portion is blight and which is nuisance.

Overall Responsibility

As previously stated, City Attorney Jeff Rusbridge and Community Development Director Ken Patton will be working together to review the State definition of blight to bring back to the Committee. At that time, under their guidance and direction, the group will breakdown what portion of the definition is blight and what percentage is defined as a nuisance.

Next Step #3

Review other city's code enforcement structures to include an administrative employee and also research how other jurisdictions conduct their Rental Property Registries.

Overall Responsibility

Asst. Chief Stephen Merrifield will be researching and assigning segments of this step with Code Enforcement Officer Joel Parker and Code Enforcement Officer Michael Sweat to bring this information back to the Committee. The Committee will then review the information in order to make a collective recommendation on how our Code Enforcement Division should be organized to meet the demands of the Community.

Next Step #4

Implement a call number to allow citizens to report concerns or complaints.

Overall Responsibility

Fire Inspector Roger Bailey is going to contact the Information Technology Director to see what it will take to develop a phone contact line and to also

explore the idea of having a link on the City website for complaints. The Committee's idea is that complaint information from our website will go directly to an Administrative Assistant that the Committee is researching to build into the Code Enforcement structure.

Next Step #5

Create additional oversight for all demolition orders.

- *Before there are any official court orders to tear down, City Council will have an opportunity to review.*

Overall Responsibility

City Attorney Jeff Rusbridge is going to review and share with the Committee the current process for the demolition of residences that is specifically structured by State Law. The Committee, under the guidance of Mr. Rusbridge, will analyze if there is any other mechanism that needs to be added for Council review before there are any official court orders for demolition. Both Mr. Rusbridge and Mr. Patton advised there is currently a step for Council review but we all agreed the process needs to be simplified and a checklist made for all to know the procedure for the demolition of residences in the City.

Next Step #6

Partner with the Housing Authority to create an incentive plan or add an additional tax to properties deemed "blighted."

Overall Responsibility

City Attorney Jeff Rusbridge and Community Development Director Ken Patton advised there are already incentives and an additional tax to property options in our current code. They are going to research this information to bring back to the Committee for further discussion and recommendation to Mayor / Council.

If you have any questions, suggestions or concerns please give me a call. I am going to keep a weekly summary of Committee meetings and forward them to your attention in order to keep you updated as to the progress of this project.

Priority Goal # 3 – Blight Management Plan Development

Meeting # 2

On Thursday, May 5, 2016 at 1000 hrs., members of the Blight Management Plan Committee met to follow up and discuss findings from each Next Step that was assigned to committee members from our previous meeting.

The following is a summary of member research and feedback from that meeting:

Next Steps #1 and #2

Review the Urban Development Code (UDC) on the definition of blight.

Determine which portion is blight and which is a nuisance.

City Attorney Jeff Rusbridge and Community Development Director Ken Patton shared some very good information as it relates to the State of Georgia and Georgia Municipal Association (GMA) definition of blight and nuisance. Mr. Rusbridge advised that our current Unified Development Code (UDC) contains steps in reference to blight and nuisance that follow what is described in the State and Municipal Association definitions. In addition, Mr. Patton forwarded copies of an in-depth Ordinance Code that covers Public Nuisances and Blighted Properties from the City of Chillicothe, Missouri.

After a group discussion, the team decided that City Attorney Rusbridge (along with assistance from Mr. Patton) would take the researched information and feedback from our meeting to compare with our current UDC for recommended changes and amendments to our current code.

Next Step #3

Review other city's code enforcement structures to include an administrative employee and also research how other jurisdictions conduct their Rental Property Registries.

Asst. Chief Steve Merrifield was assigned this task and delegated the research to Code Enforcement Officer Joel Parker and Code Enforcement Officer Mike Sweat. The Officers were assigned to call the Cities of Acworth, Douglasville, Smyrna and Woodstock due to their similar size and general makeup. Before making contact, there were a set of standardized questions formatted to ask each City's representative.

The questions asked are as follows:

How many are in the Code Enforcement Division?

Is the Division Civilian, Sworn Officer or combined?

How do the Officers receive complaints and how are they funneled to the Division?

Does the City have a rental registry and if so, how does it operate?

Are there things that are really good about the Division or problems they would like to share about current operations?

First, Officer Sweat contacted the City of Acworth and the City of Douglasville. He reported that Acworth has one (1) sworn Officer and Douglasville has three (3) Civilian and one (1) Sworn Officer for a total of four (4) Code Enforcement Officers in their unit. Officer Sweat advised that both agencies take complaints through phone calls and e-mails. He stated that the Douglasville Sgt. told him that their e-mails are also interfaced with the City website so they can share their complaints with the citizen's HOA's and it works very well as far as taking care of Code Enforcement issues.

Additionally, Officer Sweat reported that Acworth has a rental registry but it is currently not in use and Douglasville uses a vacant and foreclosed property process so they can keep up with owners and managers who live outside the state. He also relayed that the City of Douglasville taxes a property owner seven (7) times the millage rate until the owner comes into compliance with code issues. Officer Sweat advised that neither representative has any issues. He did tell the group that the Douglasville Sgt. found that educating the public and working with their HOA's has really worked for their city. He also advised for Officer Sweat to contact the Gwinnett Police Department's Quality of Life Unit in an effort to go train with their sworn Code Enforcement Officers because they are the best in the nation. The Asst. Chief is familiar with that unit and advised that their personnel train other agencies and they are nationally recognized for their efforts.

Second, Officer Parker contacted the City of Woodstock and the City of Smyrna. He reported that Woodstock has two (2) Civilian Officers and Smyrna has five (5) Civilian Officers that both fall under the umbrella of their City's Community Development Department. Officer Parker advised that both agencies take complaints through phone calls, e-mails, walk-ins, Uniform Patrol Officers and links on their City's websites.

In addition, Officer Parker reported that neither Woodstock or Smyrna has requirements for the use of a rental property registry. He advised the Committee the representative that he spoke to in Smyrna advised that the use of door hangers has been very affective for citizen compliance and the fact that their court has a totally separate day for Code Enforcement cases works very well and expedites the court process.

After a group discussion, the team agreed that our current Code Enforcement structure works well but the addition of an Administrative Assistant under the umbrella of City Hall is a very important needed position for the improved function of the division. This position would be responsible for taking all complaints / concerns and either handling the issue with available information or funneling the problems to our Code Enforcement Officers. The Assistant will also be responsible for maintaining a rental property registry that is already contained in our current UDC as this will be an extremely vital resource for Officers as they address issues of blight and nuisance problems.

Also, the Committee supported the idea for our Code Enforcement Officers to contact the Gwinnett Police Department's Quality of Life Unit to schedule a ride-along and to train with this nationally recognized agency to gain knowledge and learn the processes that have worked well for them in an effort to bring that experience back to serve our community. At time of this report, Officer Sweat is already scheduled to conduct a ride-along with Gwinnett in the coming weeks.

Next Step #4

Implement a call number to allow citizens to report concerns or complaints.

City Fire Inspector Roger Bailey was assigned this responsibility and reported that he was able to contact Information Technology Director Ms. Camille Wehs who advised that the new phone system was scheduled to be implemented within the next thirty (30) days. He advised that the Director told him a dedicated phone line / number for Code Enforcement issues and complaints can be built once the new phone system goes into effect.

Furthermore, the group discussed other avenues of communication for Code Enforcement to include a complaint form or link that would be included on a needed stand-alone web page for Code Enforcement. The Committee strongly suggested that the web page contain the complaint link, all City Code links, frequently asked questions, availability to register for the rental property registry and other information available as it relates to Code Enforcement, Blight and

Nuisance issues for our community. The team all agreed that the phone and website would be managed by the newly recommended Administrative Assistant.

Next Step #5

Create additional oversight for all demolition orders.

- *Before there are any official court orders to tear down, City Council will have an opportunity to review.*

As noted during our last meeting, City Attorney Jeff Rusbridge is reviewing the current process for the demolition of residences that is specifically structured by State Law. Again, there is currently a step for Council to review final demolitions orders from the court that relays residences "may" be torn down. The Committee recommends for a simple case checklist to be generated so when Council reviews the destruction file they will know exactly what has occurred in that specific process.

Next Step #6

Partner with the Housing Authority to create an incentive plan or add an additional tax to properties deemed "blighted."

Overall Responsibility

City Attorney Jeff Rusbridge and Community Development Director Ken Patton are currently reviewing the incentives and an additional tax to Blighted property options in our current code to present to the Committee for further discussion and recommendation during our next meeting. The team also discussed the potential review of the City of Douglasville's method of the millage rate taxing of non-compliant citizens.

Our next Blight Management Committee meeting is scheduled for **Thursday, May 19, 2016 at 1000 hrs.** If you have any questions, suggestions or concerns please give me a call.

Priority Goal # 3 – Blight Management Plan Development

Meeting # 3

On Thursday, May 19, 2016 at 1000 hrs., members of the Blight Management Plan Committee met to follow up and discuss findings from each Next Step that was assigned to committee members from our previous meeting.

The following is a summary of member research and feedback from that meeting:

Next Steps #1 and #2

Review the Urban Development Code (UDC) on the definition of blight.

Determine which portion is blight and which is a nuisance.

City Attorney Mr. Jeff Rusbridge reviewed the model policy from the Georgia Municipal Association (GMA) definition of Blight and Nuisance and also reviewed the Ordinance Code that covers Public Nuisances and Blighted Properties from the City of Chillicothe, Missouri. He advised that our current Urban Development Code (UDC) contains the needed information that delineates the differences between Blight and Nuisance.

At that time, he provided a memorandum to the Blight Development Committee that outlines specific examples of Nuisances, remedies already in code, specific examples of Unfit Buildings (Blight), remedies in code and described the steps for additional tax (*7 X Millage Rate*) to blighted properties that is also already in City code.

After a group discussion, we cite that our current codes obtain the specific information that was requested in this Next Step. The Committee recommends that Mayor and Council review the simple breakdown memorandum that Mr. Rusbridge provided in order to know that our code contains the steps and methods needed to address what is a Nuisance and what is deemed as Blight.

Note: Please see the attached memorandum as supporting documentation.

Next Step #3

Review other city's code enforcement structures to include an administrative employee and also research how other jurisdictions conduct their Rental Property Registries.

During our last development meeting, the Committee recommended the addition of an Administrative Assistant under the umbrella of City Hall. We determined it is a very important and needed position for the improved function of the Code Enforcement Division. This position would be responsible for taking all complaints / concerns and either handling the issue with available information or funneling the problems to our Code Enforcement Officers, maintaining a stand-alone webpage and managing a Rental Property Registry for the City.

Note: Job functions for this position have been crafted and will be made available in the Police Department's Professional Action Plan that will be returned to the City Manager in the near future.

Today, Committee members discussed that to properly implement the rental registry, the information will need to be provided to the media and also disseminated via Social Media. In addition, the team recommends that if the registry is approved, the form will need to be made available to the community on-line with the stand-alone code enforcement webpage or by being mailed with the tax bill.

In addition, we also discussed that the registry (if approved) will take a lot of research and data entry to get the process going, but it will be an excellent source of information. With that said, the group discussed that what is going to be manpower intensive are the annual follow up and inspections. The suggestion is for you, the Mayor and City Council to evaluate the possibility of having a full time Rental Registry Field Inspector that comes under the umbrella of the Building Department at some point in the future.

Next Step #4

Implement a call number to allow citizens to report concerns or complaints.

This step was addressed and completed during our last meeting and the following was recommended sources that citizens can report their concerns and / or complaints.

- Call number to come to directly to the administrative assistant;
- Code Enforcement webpage with complaint links, all City Code links, frequently asked questions and the availability to register for the rental property registry;

Next Step #5

Create additional oversight for all demolition orders.

- *Before there are any official court orders to tear down, City Council will have an opportunity to review.*

The Committee, along with input from Mr. Rusbridge, recommends that City Council will need to review the demolition order for a residence only after it has completed the court process. It was discussed that City Council's role in this process will be to approve if funds will be used to tear down a residence or if there will be an approval for the property taxes to be increased until the residence is either in compliance or demolished.

Additionally, Mr. Rusbridge and Code Enforcement Officer Parker are going to work together to organize a demolition case file checklist which will denote each category from the start of the destruction order process to the end. This checklist will be managed by the administrative assistant. Also, when the demolition order makes it to Council review, the checklist will allow them the opportunity to see exactly what steps were taken from beginning to end.


Next Step #6

Partner with the Housing Authority to create an incentive plan or add an additional tax to properties deemed "blighted."

After further research, City Attorney Rusbridge advised the group that the method a Housing Authority takes is very lengthy due to the Federal process that is more geared toward larger city re-development projects. He relayed that our current code (that he included in the attached memorandum) describes the tax of 7 X Millage rate, which the group suggests will be effective toward owners who are not compliant with what is ordered by the court.

Conclusion

In closing, the Blight Management Development Committee sincerely hopes this information meets the essence and the desired outcome of Council's vision as it relates to the development of this Priority Goal for 2016 – 2017. The group feels our findings (if approved) will greatly enhance the Blight and Code Enforcement process which will meet our overall objective of improving the quality of life for the citizens in our community.


Mark J. Mitchell
Chief of Police

Attachment: Summary of remedies in Canton Ordinances

MEMORANDUM

TO: BLIGHT MANAGEMENT DEVELOPMENT PLANNING GROUP
FROM: S. JEFFREY RUSBRIDGE, ASSISTANT CITY ATTORNEY
SUBJECT: SUMMARY OF REMEDIES IN CANTON ORDINANCES
DATE: MAY 19, 2016

I. CITY CODE VIOLATIONS

A. Nuisances Delineated

1. Specific examples (§§ 33-2 – 33-4)
 - a. General interference with comfort/quiet
 - b. Odors/Discharge of offensive matter/Smoke
 - c. Water pollution/Stagnant water (Also §§ 33-63 – 33-68: Warning/Citation/Abatement)
 - d. Debris/trash/refuse/junk
 - e. Animal enclosures/Dead animals
 - f. Inoperable automobiles (Also §§ 33-95 – 33-99: Warning/Citation/Abatement)
 - g. Graffiti
 - h. LED lighting
2. Remedies: Up to \$1,000 fine / Up to 6 months jail (§ 1-12)

B. Vegetation

1. Application: Weeds on City subdivided lots
2. Remedies
 - a. Warning/Citation
 - b. Warning/City cleanup/hearing on costs

C. Noise – Remedied by Citation

D. Unfit Buildings

1. Specific examples (§ 33-11 / § 54-160)

- a. Unfit for human habitation or commercial use which are not in compliance with applicable codes
- b. Increased hazards of fire, accidents, calamities
- c. Lack adequate ventilation, light, sanitary facilities
- d. Vacant or dilapidated and location of drug crimes
- e. Otherwise dangerous to health, safety, and welfare
- f. Graffiti (only in § 54-160)

2. Remedies

- a. Citation
- b. Abatement (§§ 33-13 – 33-17)
 - (1) Complaint/Notice of Hearing
 - (2) Court hearing to determine whether building should be demolished or repaired
 - (3) Issuance of order giving owner time to comply
 - (4) Court hearing on compliance
 - (5) If no compliance, order allowing City to demolish or repair building
 - (6) If City demolishes or repairs, lien placed upon property for costs
- c. Tax of 7 × Millage Rate (§§ 54-158 – 54-169)
 - (1) Inspection
 - (2) Notice of Hearing
 - (3) Hearing
 - (4) Corrective Action Plan to remove tax
 - (5) Completion of plan to remove blighted status and receive .75 × Millage Rate for 3 years

II. UNIFIED DEVELOPMENT CODE VIOLATIONS

A. Construction Codes (§ 105.15.02(B)/(E)) – Remedied by:

1. Stop Work Order
2. Citation
3. Revocation of permit

B. Property Maintenance Code (§ 105.12.02(C)/(F)) – Remedied by:

1. Citation
2. Posting and Abatement (if unfit building)
3. Disconnection of utilities

C. Rental Dwellings (§ 104.03.13)

1. Requirements
 - a. Required floor space by number of occupants
 - b. Posting of notice of maximum occupancy
 - c. Registration of rental units
2. Remedied by Citation (1:\$100; 2:\$500;3:\$750;4:Misdemeanor)