

City Council of Peachtree City
Minutes of Meeting
May 6, 2010
7:00 p.m.

The City Council of Peachtree City met Thursday, May 6, 2010, in the City Hall Council Chambers. Mayor Don Haddix called the meeting to order at 7:00 p.m. Council Members present: Vanessa Fleisch, Erik Imker, Kim Learnard, and Doug Sturbaum.

Announcements, Awards, Special Recognitions

Mayor Haddix proclaimed May as Lyme Disease Awareness Month. Donnie Davis, chairman of the South Metro Red Cross Heroes Campaign, and Les Dyer accepted the proclamation for Red Cross Month. Louis Dunn of the Sons of the American Revolution, along with members of the City's Police Department, accepted the proclamation for Police Week and Peace Officer Memorial Day (May 10 – 16 and May 15). Lieutenant Gary North accepted the proclamation for EMS Week (May 16 – 22). Jason Epps was recognized for 15 years of service in the Police Department. Stan Pye was recognized for 20 years of service with the Police Department. Mayor Haddix swore in Anthony Ramkissoon as a reserve Police officer. The graduates of the most recent Community Emergency Response Team (CERT) class were recognized.

Citizen Comment

There were none.

Agenda Changes

There were none.

Minutes

Sturbaum moved to approve the April 12, 2010, workshop minutes and the April 15, 2010, regular meeting minutes as written. Learnard seconded. The motion carried unanimously.

Monthly Reports

Sturbaum noted there had been several donations in March from citizens and organizations totaling \$4,935, including a \$4,000 donation for the bridge at Picnic Park. Sturbaum reported that RelocateAmerica had named the City to their list of the top 100 places to live.

Consent Agenda

1. Consider Alcohol License – NEW – Mirko Pasta
2. Consider Disc Club Association Agreement

Fleisch moved to approve the Consent Agenda. Sturbaum seconded. The motion carried unanimously.

Old Agenda Items

04-10-11 Consider Vacant Structure Registration Ordinance

Interim Community Development Director/City Planner David Rast gave a brief overview on the background for the proposed ordinance, noting that Housing Code Official Tami Babb had done a great deal of research on other jurisdictions with similar ordinances, both in Georgia and

throughout the United States. The proposed ordinance would give the City the ability to identify vacant structures and provide some teeth in requiring maintenance.

He continued that the ordinance addressed residential structures, as well as office, commercial, and industrial buildings. It was designed to protect the community as a whole, ensure the structures were safe and secure, and maintain property values and the integrity of established neighborhoods. It would also ensure the vacant structures were not vulnerable to criminal activity, which was a major issue in many jurisdictions.

The ordinance would allow staff to maintain a database of all the vacant structures, identify the owners of the structures, and require a written maintenance plan. It would also give the City the ability to inspect for compliance with the maintenance plan. The ordinance would be administered by the Housing Code Official. She would track the structures known to be vacant, track foreclosure notices, and work with utility companies, homeowners associations, and neighborhood representatives. A lot of data had to be gathered to identify a building as vacant. Rast said when vacancy was determined, the owner would be contacted, and he noted that it was difficult to track down an owner when there had been a foreclosure. Once notified, the owner would have 180 days to register the building and submit a maintenance plan. The recommended registration fee was \$200, and registration would be annually. Rast continued that there would be a lot of follow-up work required to monitor and inspect the property. It would also give Babb and other staff the ability to go on a property and address issues.

Rast said the proposed ordinance included three exemptions – properties with an active building permit, properties being actively marketed for sale or lease, and properties under contract for sale or lease, which would not require registration or a maintenance plan. He said staff was not looking to intimidate property owners, but wanted to work with them to protect their property values and those of their neighbors. It would be a time-consuming effort, but it fit in with the goal of re-establishing and maintaining the integrity of neighborhoods. The proposed ordinance also provided the ability for the City to assess fines up to \$500 per day. The current fee structure through the Municipal Court allowed the judge to impose fines of up to \$1,000 per day, depending on the severity of the case. The ordinance only provided the ability to assess \$500 per day.

Sturbaum asked how the fee/fine structure was determined. Rast said fines and penalties from different jurisdictions had been varied. Staff looked at existing ordinances and the Code Enforcement fine schedule. Rast said a lot would depend on the efforts of the owner to comply. The procedure was fairly straight forward, and fines would be the last resort. Staff wanted to work with the owners to get the properties in compliance. Based on what was allowed by the Court, staff felt \$500 was appropriate if an issue got to that point.

Fleisch clarified that the ordinance was primarily about exterior maintenance. Rast said it was predominantly about the exterior, but noted that there had been a recent water break inside a vacant townhome unit, and staff did not know who owned the property. Staff would not go inside a structure unless there was cause. The issues would be primarily the exterior, including fences, crawl spaces, basement doors, and pools, which often had stagnant water.

Fleisch, who was a realtor, said that banks were dragging their feet when it came to maintaining the homes in foreclosure, which made them difficult to sell. In many cases, neighbors were mowing the grass, but their patience would run out. Fleisch said she had originally been very concerned about how the ordinance would affect people selling their homes, but she was comfortable with the exemptions. The proposed ordinance was not perfect, but it would help the people living next to the vacant homes and would give Code Enforcement more leverage with the owners.

Rast said that, following the publication of the agenda in the weekly *UPDATES*, staff had received e-mails asking that some houses be checked. Babb found one of the properties had a broken fence and pool with brackish water and was already working with the bank to get that taken care of.

Learnard verified that the proposed ordinance would provide the teeth needed to go after those who did not take care of their property. Rast said that was correct. Once a property was identified, staff would contact the property owner, who would then have 180 days to either register the property or send the City letter saying what was going on with the property. Learnard asked if the City would get the response it wanted. Babb said that once a bank got a legal notice of default, they were responsible for a property.

Imker said he did want the ordinance, but he wanted to understand the magnitude of the problem. Babb said that, at any given time since the first of the year, there had been 30 – 40 homes on her radar, some of which were for sale. Imker asked about businesses, and Babb said there were a few.

Imker clarified that the property owner would be notified when the City determined a property was vacant. He said 180 days was generous, and 60 days seemed more reasonable. He asked what the rationale was for 180 days. Rast said 180 days sounded like an extended period of time. Babb said if the City could prove a building was vacant for 180 days, then the ordinance, if approved, could be invoked. She had a few properties that had been vacant a year or more. Imker said he did not want to give those property owners another 180 days. He asked if there was a problem with 60 days. Rast said the owners were on the clock once they were notified. Imker suggested lowering the \$200 registration fee, which he felt would discourage owners from registering. Imker also asked about loopholes and someone coming back to sleep in a home and sweep the floors on the 178th day, then moving out again. He asked whether that building would be considered occupied. City Attorney Ted Meeker said a business would have to transact some form of business, not just come in and clean up.

Imker said he needed to understand the inspections, asking when the first inspection took place following registration. He noted that the first inspection would be \$50, the re-inspection would be \$75, and subsequent inspections would be \$100. Rast said the registration would be an annual fee, and owners would have to re-register the building by October 31. Imker suggested it be the one-year point from the first registration. Rast said staff would drive by the building and look at the windows, doors, and other areas. Imker asked when a property would be inspected again. Rast said it would be done as needed. Imker said he had a problem with that. He felt staff

needed to get inside to make sure no one was squatting, running an illegal meth lab, or growing illegal plants. There was an additional layer of responsibility. Meeker said there had to be a reason or probable cause to go inside the vacant structures, such as evidence that someone was in the structure or that there had been damage. Based on that, Babb would either have the ability to go in or the ability to secure a warrant to enter. Imker said he had trouble justifying the increases in the cost of inspections. Rast said the inspection fees were structured after the Building Department inspection fees. A drive-by inspection was not billable, but more detailed inspections would have fees. The routine inspections would be part of the administration.

Haddix said he thought the \$200 registration fee covered the cost of the visual inspections. If there was a reason for a more detailed inspection, the inspection fees would be applied. Rast said that was correct. If the issues were not fixed, then the fees would go up each time the property was inspected. Rast added that there would be dialogue between Babb and the owner during that time. Haddix said, under that scenario, the fees were not out of line. The purpose of the proposed ordinance was to protect the City's quality of life and the neighbors. Learnard said it was almost like the property owner was employing the City to inspect the vacant buildings because the owner was absent rather than applying penalties to owners who did not keep up their buildings.

Sturbaum asked if the definition of "vacant structure" could include a time frame on it so that it would not be considered vacant when owners were in the structure, such as two weeks every six months. Meeker said yes.

Imker said he would like to reduce the 180-day period to register to a much shorter length of time, lower the \$200 registration fee, and set a lower cap on the \$500 per day penalty, maybe \$100 per day. Sturbaum suggested a fee moratorium until August 30 to give everyone time to comply. Imker said it would not address future issues, when someone registered their home in August and had to re-register in October. Fleisch asked if the registration time was due to the fiscal year. Rast said the billing period was October through September. It was easier for staff to have common registration dates. Imker suggested pro-rating the fees the first year of registration.

Imker said that, with all the questions, approval of the ordinance should be continued for two weeks. Sturbaum agreed, adding that staff needed to look at the definition for vacant structure, a pro-rated fee structure, a lower registration fee, and shortening the 180-day time period to register the building and provide a maintenance plan.

Rast clarified that once a structure had been determined vacant, a formal notice was sent to the property owner, and the 180-day time frame started when the notice was sent to the building owner notifying them that the building had been identified as vacant. He said Babb had already identified several structures, and the owners would be notified once the ordinance was approved.

Haddix asked Meeker what was considered an appropriate, legal time frame for a response. Meeker said notification time could be 30 - 60 days. Sturbaum and Imker suggested 60 days, and Haddix said it should be no less than 45 days. Imker suggested the registration fee be \$100.

Haddix asked if that would cover staff's time. Meeker said it was a regulatory fee, and the actual cost to the City would be more than the \$200, which was what could be justified. Imker said he did not want to get into a default penalty phase because people could not afford the fee. Sturbaum said a one-time fee moratorium or grace period could help, noting that staff could provide updates to Council every six months on how many structures had registered and the effectiveness of the maintenance program. Council consensus was that a grace period for the fees should go through September 30, in conjunction with the City's fiscal year.

Rast said he hoped everything had been covered in the ordinance, adding that a six-month follow-up would be beneficial to see if the ordinance was effective and make modifications. Learnard clarified that the owners would be notified during the grace period/moratorium, but fees would not be charged until October 1. Haddix preferred the fees not be pro-rated the first year.

Haddix asked if there was any public comment.

Clell Lambert said \$200 was excessive and asked what triggered an inspection. He said he and his wife had a couple of vacant houses, one being tied up in probate and his daughter's family having just moved out of the other one. He mowed the grass and checked on both regularly. They hoped to soon put both homes on the market. A homeowner could feel stigmatized because of vacant properties. He asked if there would be a higher standard of maintenance for those homes than neighboring homes. He was also concerned about the length of time on the sales exemption.

Fleisch said the time on the market for homes under \$500,000 was much shorter than for those that cost more. Only a handful of homes over \$500,000 had sold in the past year. A real estate agent became a property manager for homes for sale, picking up the newspaper and ensuring the lawns were taken care of.

Rast suggested posting the proposed ordinance and application form on the City website after the changes were made. The maintenance plan included lawn care and maintaining the exterior of the home. Fleisch asked if the ordinance would cover the vacant land at Lexington Circle. Rast said it only addressed structures.

Sturbaum moved to continue the Vacant Structure Registration ordinance until May 20 with the instructions given to staff. Learnard seconded. The motion carried unanimously.

New Agenda Items

05-10-01 Public Hearing – Consider Variance to Watershed Protection Buffer Ordinance, 614 Wingspread

Haddix noted that the applicant had asked to continue the variance request to May 20. Sturbaum moved to continue the variance request until May 20 at the request of the applicant. Fleisch seconded. The motion carried unanimously.

05-10-02 Consider Enacting a Moratorium on New Requests for Telecommunication Towers and Antennas

Haddix noted there was an additional item on the dais – the staff memo and resolution. Once the resolution was approved, a moratorium would be in place on new requests from 8:00 a.m. on May 7 until 8:00 a.m. on July 16 to allow adequate time to work on revisions to the City's ordinance on telecommunications towers and antennas. Fleisch moved to approve the moratorium on requests for telecommunications towers and antennas. Sturbaum seconded. The motion carried unanimously.

Council/Staff Topics**Hot Topics Update**

City Manager Bernard McMullen reported that the contractor had taken care of the issues with the Department of Transportation (DOT) regarding the Paschall tunnel and ramps, and staff expected to issue the notice to proceed in about a week and a half. The construction should be completed in 90 days. The CSX bridge was complete. The work on the Wisdom Road shoulder restoration was complete, with the exception of the fence along the cart path, which should be installed in two weeks. The City had not received any applications for cell towers. Imker asked to add the Rockaway Road re-routing to the list. He realized it was a state project and was part of the SR 74 South widening, adding that it was something citizens were interested in.

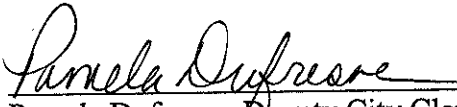
Sturbaum moved to convene in executive session for personnel and acquisition of real estate at 8:44 p.m. Fleisch seconded. The motion carried unanimously.

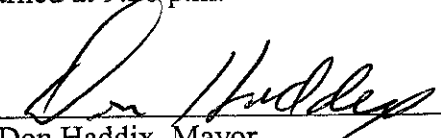
Sturbaum moved to re-convene in regular session at 9:25 p.m. Learnard seconded. The motion carried unanimously.

Sturbaum moved to accept the temporary and permanent easements from the Post Office for the Paschall Road tunnel for an amount not to exceed \$4,950. Fleisch seconded. The motion carried unanimously.

Sturbaum moved to accept the employment agreement between the City, Peachtree City Tourism Association (PCTA), and Nancy Price for her to continue in her position of Amphitheater manager and to fill the position of PCTA executive director and to accept the employment agreement for job-sharing between the City and the PCTA. Fleisch seconded. The motion carried unanimously.

There being no further business to discuss, Sturbaum moved to adjourn. Learnard seconded. The motion carried unanimously. The meeting adjourned at 9:26 p.m.


Pamela Dufresne, Deputy City Clerk


Don Haddix, Mayor