

Columbia City Council Work Session Minutes

Monday, December 1, 2014 6:00 p.m.

City Hall – Conference Room 1A/1B

701 East Broadway

Council members present: Mayor McDavid, Ginny Chadwick, Mike Trapp, Karl Skala, Ian Thomas (arrived at approximately 6:06), Laura Nauser (arrived at approximately 6:06), and Barbara Hoppe

Absent: None

Mayor McDavid called the meeting to order at approximately 6:01 p.m.

Citizens' Chronic Nuisance Property Abatement Ordinance and Fireworks and Office of Neighborhood Services: City Manager Mike Matthes introduced Leigh Britt, Neighborhood Services Manager, to provide an overview of our current processes on these issues. Ms. Britt explained that there are currently 17 properties on the nuisance "watch list" which will go through the nuisance structure process. In order to be on the watch list, a property must meet a certain standard and be deemed unsafe to the public. She added that this has been a priority for the Office of Neighborhood Services this past year. Four of those were sold at tax sale and we will give those through fall 2015 to give the new owner time to act. Demolition budget was doubled for FY15. She thanked the City Manager and Council for the resources to handle this issue. She explained that when a nuisance property is identified, the owner and all interested parties are sent a notice detailing the violations and a timeline to commence and complete the work. If those deadlines are not met, a hearing is held with the Community Development Director issuing his facts and findings with an additional deadline. When that has passed Council is asked to approve demolishing and tax billing the property for those expenses. She displayed some photos of neglected homes that are obviously unkempt, dangerous and would improve the neighborhood by demolishing the structures. Neighborhood Stabilization Program funds purchased numerous sites which Ms. Britt overviewed and noted that most have been demolished. Ms. Britt showed photos of 413 W. Ash, a Net Zero home to be sold in coming months and explained that the property at 106 Lynn will be reconstructed by Job Point. Surrounding properties are also being impacted positively from this.

Council person Nauser stated that the recent NLC Conference she attended in Austin had a policy that homes must be built to affordable housing standards. She asked if we do that same practice. Ms. Britt replied that homes are funded through CDBG and HOME funds and are built with that audience in mind. Randy Cole, HUD Housing Program Specialist added that we do that currently, though

we do not have a land agreement to ensure it continues to be affordable housing should ownership change hands. Council person Chadwick asked if CDBG and NSP funding are our two major mechanisms. Ms. Britt replied yes, as well as the general fund. The City can demolish property and then tax bill property for the cost of the demolition. There are about two per year done by tax billing. Ms. Chadwick asked if the number of properties on the watch list was a matter of funding. Ms. Britt replied that staff currently works them one at a time and plans to reassess funding in the next budget cycle. Council person Hoppe asked what is done proactively to keep housing from getting to that stage. Ms. Britt replied that she was not prepared to discuss that tonight, but noted that we do send notices to owners and there are HUD programs that provide assistance for repairs and rehabs to owner occupied homes. Council person Skala asked about zoning violations where people are operating businesses out of their homes illegally, but inspections find no evidence. He asked if those issues are handled separately through another ordinance. Ms. Britt said those are separate issues and are handled through investigation by police.

Ms. Britt introduced Officer Buckner to discuss crimes relating to residences. He explained that approximately 1,200 addresses are reviewed weekly and addresses with multiple nuisance occurrences are pulled and warning letters are sent to property owners. There have been 9 letters sent this year so far. A chronic nuisance property is defined as a residential property on which or within 200 feet of which any person associated with the property has engaged in three or more nuisance activities during any four-month period. Property owners are notified of arrest or warrants being filed. He reviewed the list of nuisance crimes which included: Harassment, Assault, Sexual Offense, Prostitution, Violation of Liquor Control Law, Trespass, Stealing, Arson, Drug Control violation, Gambling, Discharge of a Fire Arm, Possession of open liquor, Indecent exposure, Peace disturbance by fighting, Unlawful use of weapons, and Certain Noise violations. He noted that domestic violence issues are not included on the list. A warning is sent on the 2nd violation within 4 month period. He added that if a shots fired call comes in with no exact address, that violation doesn't make the list because it must be associated with a property. He noted that fireworks are not listed in the ordinance, so those disturbances are not part of this violation process. Ms. Hoppe stated that she talked to the police department about changing that, but it never happened and she wants to move forward on that. Ms. Chadwick added that it was important because you can't tell the difference between gun shots and fireworks. Ms. Nauser noted that there is also nothing included for nuisance businesses, but she would like to see that revisited since it is a drain on city resources when there are businesses that continue to have calls like this. Officer Buckner clarified that it's not just calls for service; it's calls for service with prosecution. He added that the ordinance requires a meeting be offered to owners after two qualifying violations have occurred on a property, but there were no meetings for this purpose held in 2014 and most issues resulted in

action by the owner to evict the problem tenants. Council person Trapp stated that he likes the refresh of the 4 month time period, people need places to live with all backgrounds or other issues arise. Council discussed COFER's as it relates to this issue and how it could potentially make the review and reporting process easier. Mr. Matthes noted that the analysis currently is done by staff and the COFER's system will provide a more complex relational database system that can help with the automation of reporting on these issues. Officer Bucker added that the problem with fireworks is that it's hard to determine who was shooting them. He noted that about 9 persons have been prosecuted this year. Council discussed adding domestic violence to the list. Issues are that it is a nuisance to neighbors, but at that same time, you could potentially be evicting an entire family for a parental dispute or issue. Mr. Trapp added that it could also decentivize people from calling in offenses. Officer Buckner continued to explain that nine offence letters were sent this year and one was to a group home. He felt unclear on how that falls in this ordinance mostly due to the majority of the tenants being juveniles and juvenile delinquency is not on this nuisance list. Ms. Nauser asked if these nuisance issues are tied to nuisance violations on weeds, etc. Officer Bucker said no. Ms. Britt added that the owner is held responsible for weed violations, but trash violations are tenant issues. She indicated she would look into other cities to see how those can be correlated. Officer Bucker added that none of these issues have ever gotten to the point where action has been taken at a further level.

Mr. Trapp felt that is would be an easy fix to add fireworks to the ordinance and felt that Council would like to see a commercial property nuisance ordinance as well.

Mr. Skala felt that if there are no real consequences, it's not a valuable enforcement tool. Mr. Trapp asked if a longer time period take more work. Officer Bucker said it would take about the same staff time. Mr. Trapp suggested the consideration of an increased time frame. Mr. Matthes commented that council will need to consider all this and staff will bring back a report after doing some research. City Counselor Nancy Thompson added that this is an issue that deals with property rights. You can still prosecute for violations, but taking away property rights has constitutional issues that need to be considered. Staff will prepare a report to include rental license components. Mayor McDavid commented that you can't eliminate bad behavior, so he wasn't sure how much time should really be invested in this.

The full presentation on this item can be viewed at the following link:
<https://www.gocolumbiamo.com/Council/Commissions/downloadfile.php?id=16066>

The handout provided by 5th Ward Council person Nauser can be viewed at the following link:
<https://www.gocolumbiamo.com/Council/Commissions/downloadfile.php?id=16067>

Other items Council may wish to discuss: None.

There being no further discussion, the meeting adjourned at approximately 6:55 PM.