

CITY OF BEAUFORT
302 CARTERET STREET
BEAUFORT, SOUTH CAROLINA 29902
WORK SESSION
JANUARY 5, 2010

CITY HALL CONFERENCE ROOM
302 CARTERET STREET

- I. **Call to Order** – Mayor Billy Keyserling **6:00 PM**
- II. **Board and Commissions Interviews**
- Redevelopment Commission Applicant Interviews (2)
- III. **Council Discussion Items**
- Discussion regarding Vacant Lot Remediation Program
 - Discussion regarding 2010 MASC Hometown Connection Meeting Schedule
- III. **Reports**
- IV. **City Manager Agenda Items**
- Discussion regarding Retreat Process and Dates
- VI. **Adjourn**

**NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE, PLEASE
CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL INFORMATION**

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

City of Beaufort Department of Planning and Development Services

M E M O R A N D U M

TO: Scott Dadson, City Manager

FROM: Libby Anderson, Planning Director

DATE: December 31, 2009

SUBJECT: Status Report on Codes Compliance Program

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The City's codes compliance activities can be divided into two categories: voluntary or support programs, and regulatory or enforcement activities.

Support Activities

In September, in an effort to make comprehensive improvements in the City's neighborhoods, City staff organized a Neighborhood Improvement Team. The Neighborhood Improvement Team includes members from the City Manager's Office, Finance, Fire, Planning, Police, and Public Works. One of the goals of the Neighborhood Improvement Team is to work with neighborhood associations to help them address code issues in their neighborhoods. The Neighborhood Improvement Team has begun meeting monthly with neighborhood association representatives to share information and collaborate on code enforcement activities. A successful example of that collaboration has been the neighborhood clean-up weekends that were held this fall. Five neighborhood clean-ups have been held to date--The Point, Old Commons, Northwest Quadrant (two), and Pigeon Point. A clean-up weekend is scheduled in the West End neighborhood on January 16.

While the weekend community clean-ups provide a one-time impact on neighborhood cleanliness, we expect to see continued improvement in neighborhood cleanliness as a result of the City's new contract with Waste Pro. The Neighborhood Improvement Team is encouraging the neighborhood associations to spread the word that white goods, bulky items, limbs, and other hard to dispose of yard debris may be collected at no charge to the resident with simply a call to Waste Pro. In addition, the Neighborhood Improvement Team is recommending initiation of new programs geared to improving the quality of life in the City's neighborhoods. The Vacant Lot Remediation Program (outlined in a proposal under separate cover) is an example of a new voluntary program being considered.

Regulatory Programs

The City Code contains a number of ordinances targeted at neighborhood cleanliness. These include a prohibition on unlicensed vehicles, a limitation on overgrown lots, and a restriction on the accumulation of trash or waste debris. The City Code also contains regulations regarding buildings unfit for human habitation. In addition, the City has also adopted the International Property Maintenance Code which includes regulations addressing lot cleanliness as well as

provisions addressing the maintenance of buildings. The City's code enforcement program also includes enforcing the City's zoning ordinance, including the removal of illegal signs. Planning staff currently is tasked with enforcing and administering the zoning ordinance and the City's property and building maintenance codes. In recent months, code enforcement activities have been generally been initiated based on complaints.

The Neighborhood Improvement Team believes the City should take a more proactive approach to enforcement of property and building maintenance regulations. To that end, the Neighborhood Improvement Team will be distributing responsibility for code enforcement among several departments based on department goals, operations, and staffing. The Fire Department, with its emphasis on fire prevention, is being considered for enforcement of regulations pertaining to overgrown lots, debris, and abandoned vehicles. Because the Fire Department will have staff in the field, the Fire Department may be asked to remove illegal signs that are placed in the right-of-way including political signs. The Planning Department may continue to administer the vacant, abandoned building program, since most of the structures currently on the list are in the Historic District. The Police Department will be asked to be the Neighborhood Improvement Team's "eyes on the street" and report violations they see as they move through the neighborhoods. If additional code enforcement assistance is needed, the City could consider a contract with England Enterprises, the firm that administers the City's building codes for new construction. The City may also want to consider contracting with England to develop and administer a residential rental inspection program to increase public safety and improve property maintenance.

Administration of codes that create and maintain safe, clean, and attractive neighborhoods is one the most important functions of local government. The Neighborhood Improvement Team is committed to increasing the efficiency and effectiveness of the City's codes enforcement functions.

Please contact me with any questions.

Thank you.

CITY OF BEAUFORT
DEPARTMENT REQUEST FOR
CITY COUNCIL AGENDA ITEM

*** (Deadline for Submission - Wednesday Noon
Prior to Tuesday's Meeting) ***

TO: *City Council*

DATE: **December 28, 2009**

FROM: City Manager

AGENDA ITEM TITLE:

1.) Approval of Resolution authorizing City Manager to implement a Vacant Lot Remediation Program

MEETING DATE:

January 5, 2010

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached memorandum

APPROVAL BY CITY MANAGER: APPROVED NOT APPROVED

CITY ATTORNEY APPROVAL REQUIRED YES NO

PLACED ON AGENDA FOR:

REMARKS:

Council action:

To: Scott Dadson

From: Mack Cook

Date: December 26, 2009

Subject: Vacant Lot Remediation

SUMMARY

This proposal advocates the creation of a vacant lot remediation program wherein the City, for a period of 6 months, will, with the consent of the property owner, clear vacant lots of overgrown vegetation and trash. The cost of clearing, cutting and clean up of the lot will be borne by the City and to the extent possible, the property owner. The City will refrain from filing any lien for costs incurred in the initial clean up. However, should the property owner subsequently fail to maintain the property in accordance with City Ordinances, and thus, cause the City to again remedy conditions, the City may file liens equal to the cost of the initial clean up and the subsequent clean up.

MEMORANDUM IN SUPPORT

The presence of overgrown and trash strewn vacant lots are not the unique problems of any single City neighborhood. Currently there are 27 vacant lots in the City in which the vegetation has reached a maturity level and is of such size that the lots cannot be mowed. Each of these lots has become a depository for trash, yard debris, abandoned property and other waste materials. It is without question that overgrown and trash laden lots are an impediment to individual neighborhood redevelopment and ultimately, to achievement of City-wide economic development goals.¹ In its report to City Council, the Northwest Quadrant Study Group found that “vacant and abandoned structures are aesthetically diminished by overgrown vegetation and piles of refuse”.² Further the Group found that “vegetation can damage a structure; refuse can attract vermin and together discourage interest in future rehabilitation of the structures on the lot”.³

The City’s Code of Ordinances has two chapters relevant to the control of vegetation and litter: Part 6, Chapter 2, “Weeds” and Part 6 Chapter 3, “Litter and Trash”.

Chapter 2, Section 6-2001 makes it unlawful to permit any grass, weeds, and/or vegetation not planted for some useful or ornamental purpose to grow or remain in excess of six inches in height. Excess growth is declared a nuisance and as such is detrimental to the health, safety, cleanliness and comfort of the City’s residents.⁴

¹ *Vacant and Abandoned Properties*, The United States Conference of Mayors, The Task Force on Vacant and Abandoned Properties, June 2008, page 1

² *Report to City Council*. Northwest Quadrant Study Group, August 25, 2009, Recommendation 1.17

³ *Id.*

⁴ City of Beaufort, Code of Ordinances, Part 6: *Health and Sanitation*, Chapter 2. Weeds

Upon compliance with due process procedures outlined in Sections 2-2003 the City may clean the lot of such non-conforming grass, weeds and vegetation and invoice the property owner for costs. If the property owner fails to pay, the Ordinance permits the placing of a lien upon the property.

Chapter 3, Section 6-3001 makes it unlawful for any property owner to permit the accumulation of trash or waste material. As with vegetation, the accumulation of trash is deemed to be a nuisance and, therefore, deemed to be detrimental to the health, safety, cleanliness and comfort of the City's residents.⁵

The size, age, density of the overgrown vegetation and the quality of accumulated waste material makes it apparent that the enforcement of the two Ordinances referenced above has been problematic. The estimated cost to abate vacant lots by clearing the vegetation and removing the trash range from \$980 to \$1860 dollars⁶; making it beyond the resources of many property owners to resolve the problems.

However, the problem persists and becomes more serious with the passing of each growing season. In addition to the visual discomfort caused by the overgrowth, recent traps set by Animal Tracks Inc., as a prelude to the demolition of three houses, revealed the presence of raccoons, rats and other rodent species at odds with the objectives of maintaining public health and safety. And rodents are not the only inhabitants of these lots, for ventures into the lots reveal a mixture of beer and liquor containers, chairs, mattresses and other indicators that the lots are not currently being used in a manner consistent with the promotion health, safety and welfare of residents. And if the above problems are not sufficient to warrant City intervention, the Fire Chief has opined that the overgrown vegetation represents a fire hazard and, therefore, a threat to life and property.

In short, the social, safety, public health and welfare problems generated by the conditions and numbers of these now vacant lots in confined geographical areas outweighs relying on the property owners to take corrective actions without involvement of the City.

This memorandum proposes that the City create an amnesty program to encourage property owners to seek the assistance of the City to remedy unacceptable conditions on their property. Under the proposed amnesty program, the City, with the consent of the owners, will resolve the problems and return the lots to a condition more in keeping with the City Ordinance. The City will absolve the owner of any financial liability for the remediation cost upon the condition that the owner formally agrees to maintain the property in accordance with the applicable Codes. Should the owner fail to maintain the property to prescribed standards, the City will, with the pre-agreement of the owner, be entitled to place a lien upon the property for the costs of the original remediation, the second corrective remediation and all subsequent remediation. **THIS PROPOSAL SHOULD NOT BE CONSTRUED OR INTERPRETED AS AN ATTEMPT BY THE CITY TO EITHER TAKE OWNERSHIP OF, OF FORCE THE TRANSFER OF OWNERSHIP, OF ANY PRIVATE PROPERTY. INSTEAD THE OBJECT OF THIS PROPOSAL IS TO REMEDY A CLEAR AND PRESENT DANGER TO THE HEALTH AND SAFETY OF RESIDENTS.**

⁵ City of Beaufort, Code of Ordinances, Part 6: *Health and Sanitation*, Chapter 3. Litter and Trash

⁶ Per quote obtained from Preservation Tree Company, Beaufort, SC

Inherent in any discussion pertaining to the merit of this proposal is the risk that once the current situation is corrected, in time, the lots will again revert to the previous neglected state. Therefore, the causes that attributed to these conditions must be identified.

This proposal attributes the current situation to the following:

1. Reactive code enforcement of nuisance violations based upon written correspondence,
2. Lack of a mechanism within individual neighborhoods to exert pressure,
3. Unclear procedural issues pertaining to heirs property,
4. Aggressive real estate speculation, exacerbated by the downturn in the economy,
5. Lack of a resident-friendly method whereby bulky goods, white goods and yard debris could be properly, efficiently and easily disposed of,
6. Inconsistence maintenance of City owned properties within the neighborhood, which set poor examples of appropriate standards,

To minimize instances of rescission, the City has, or is in the process of, addressing past causes. Specifically;

- A. Realigned the enforcement of the Nuisance Codes responsibility under the singular auspices of the Fire Department, thereby coupling the Nuisance Codes enforcement with parallel fire prevention practices and standards while adding the benefit of personal contact with uniformed City personnel⁷
- B. Establish partnerships with private sector providers that have significantly enhanced the City's ability to maintain City owned properties.⁸
- C. Contracted for the weekly curbside pickup of residential yard debris, bulky trash and white goods at no additional cost to residents.
- D. Fostered structured working relationships with Neighborhood Associations which have opened lines of communication between the City and Residents and resulted in a series of neighborhood clean-up days and the removal of considerable trash and debris.⁹
- E. Consulted with the City's attorney regarding the preparation of such documents that create a contractual relationship between the City and property owner consistence with the goals of this proposal.

FUNDING

⁷ Fair and full enforcement of City ordinances is consistent with the Northwest Quadrant Study Group's Recommendation 1.17 of August 25, 2009

⁸ The City, in conjunction with its tree maintenance and landscaping partners, has cleared and opened up the six city-owned lanes referred to in the Northwest Quadrant Study's *Report to City Council* and reference to as Recommendation 2.12. The City has also embarked on a systematic program for the maintenance of street right-of ways, curbs, and storm water drains in the Northwest Quadrant (Recommendations 3.11 and 3.12), Pigeon Point, and the Old Commons neighborhoods

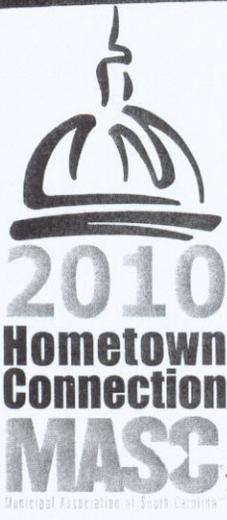
⁹ Organization of neighborhood clean-up days was contained (Recommendation 1.18) in the Northwest Quadrant Study Group's *Report to City Council*, August 25, 2009.

This proposal envisions that an expenditure account within the purview of the City Manager Department will be established. The account will be funded with a \$50,000 draw from other accounts where year-end budget surpluses are now evident. In no account will more than 50 percent of the estimated surplus be re-appropriated to fund this proposed program.

IMPLEMENTATION

This memorandum contemplates that implementation of this proposal will be a joint effort of the Neighborhood Associations and the City. The City will look to the associations to inform, explain and work with property owners to secure their consent to allow the City to enter upon their property and abate the situation. The City attorney will prepare such documents as needed to document consent to proceed, the City's agreement to refrain from filing an initial lien, the property owner's agreement to maintain the property thereafter or, upon failure to do so, the City's right to file a lien equal to the cost of the initial and subsequent abatement, and the property owner's agreement to hold the City and its agents harmless for any damages resulting from the City's cleanup efforts. For property not located within areas currently represented by an active association the City will work directly with owners seeking to participate in this program.

DISCUSS WORKSESSION JAN



Hometown Connection

Hometown Connection brings municipal officials to Columbia, giving them the opportunity to talk to their legislators about the local impact of State House actions. Municipal Association staff briefs the visiting officials on pending legislation, gives them a House and Senate calendar of the day's activities and answers questions. Following the briefing, the officials go to the State House to meet with their legislators, attend committee meetings and listen to the floor debates.

If you cannot attend on your scheduled date, join us for any of the scheduled Hometown Connections. Registration is free and available online after December 1. Call Michelle Willm at 803.933.1259 if you have any questions about registration.

2010 Schedule

Municipal officials should come to the Municipal Association office at 1411 Gervais Street, Columbia, at 10:30 a.m. on their county's designated date. Free parking is available in the parking garage at 1411 Gervais.

Tuesday, January 26 - City Council Regular mtg. date

Cities and towns in Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Dorchester, Hampton, Jasper, Kershaw, Lee, Orangeburg, and Sumter counties

Wednesday, February 17

All cities and towns for *Hometown, SC* Legislative Action Day

Tuesday, March 23

Cities and towns in Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Richland, Saluda, Spartanburg, Union and York counties

Tuesday, April 27

Cities and towns in Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro and Williamsburg counties

All dates, except for February 17, are subject to change if the legislature schedules a furlough week.

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