

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PUBLIC HEARING MINUTES**
 - A. **Approval of February 28, 2019 Code Enforcement Board Meeting Minutes**
- IV. **PUBLIC HEARING**
 - A. **New Business**
 1. CE190027 193 Canton Street – Officer Smith
- V. **ADJOURNMENT**



CODE ENFORCEMENT BOARD MEETING SUMMARY MEETING OF FEBRUARY 28, 2019

PUBLISHED: MONDAY, MARCH 11, 2018

PUBLISHED BY: DAWN CROWLEY

OFFICE OF COMMUNITY DEVELOPMENT

WWW.ALPHARETTA.GA.US

678.297.6079

The public is advised the following minutes are not a verbatim transcription of business presented at the Code Enforcement Board meeting of the date shown, but are a synopsis of pertinent information. The public is further advised that the recording of said meeting is a matter of public record and is available to be heard at the City of Alpharetta Community Development Department during normal business hours.

The purpose of this Board is to hear testimony and review evidence related to alleged violations of the City Codes and ordinances. It is the responsibility of the Board to judicially consider such evidence and make findings of fact related to the enforcement of the Codes and ordinances.

I. Call to Order:

Meeting was called to order by Officer Bret Schroeder at 3:30 p.m.

II. Roll Call:

Board:

Fred Smith
Wayne Rand
Richard Freeman
Jim Cregge
Barbara Oswald

Staff:

Sam Thomas
Beau Smith
Jennifer Baptie
Bret Schroeder
Dawn Crowley

III. Items from Staff

A. Election of Officers

Code Enforcement Manager Bret Schroeder requested that the Board elect a Chairman, Vice Chairman, and Secretary - Treasurer to the Code Enforcement Board for the calendar year 2019.

I'D LIKE TO NOMINATE MR. SMITH. (FOR CHAIRMAN)

By: Richard Freeman

Seconded: Wayne Rand

Vote: Unanimous (4-0) (Freeman, Rand, Smith, Oswald)

I NOMINATE MR. RAND. (FOR VICE CHAIRMAN)

By: Fred Smith

Seconded: Richard Freeman

Vote: Unanimous (4-0) (Smith, Freeman, Rand, Oswald)

I'LL NOMINATE MR. FREEMAN. (FOR SECRETARY- TREASURER)

By: Wayne Rand

Seconded: Fred Smith

Vote: Unanimous (4-0) (Rand, Smith, Freeman, Oswald)

IV. Approval of November 29, 2018 Minutes:

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF NOVEMBER 29, 2018.

By: Richard Freeman

Seconded: Wayne Rand

Vote: Unanimous (4-0) (Freeman, Rand, Smith, Oswald)

The City Attorney, Mr. Sam Thomas, swore in all parties.

Mr. Cregge arrived at 3:35 pm.

A. Old Business

CE180029

2385 Old Milton Parkway

Code Enforcement Officer Beau Smith testified that at the direction of the Board, he was able to locate the second Estate Administrator, Mr. Curtis George Adams. Officer Smith sent Mr. Adams a Summons to Appear by Certified mail on January 30, 2019 and received the return receipt signed by Mr. Adams, indicating the Summons was received. Officer Smith reviewed the case and concluded by informing the Board that the property remained out of compliance.

Mr. Edwin Mull approached; read a prepared statement explaining to the Board that the property was under contract and the approximate closing date was July 5, 2019. Mr. Mull testified that upon closing, the property would be brought into compliance.

The Board and Mr. Thomas discussed the case in detail with Mr. Mull.

MR. CHAIRMAN, I MAKE A MOTION THAT WE THE BOARD AS A MATTER OF FACT AND THE CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF VIOLATION OF CPMC AND UDC 2.3.3 (C), 2.5.4 (B), AND 302.8.

By: Jim Cregge

Seconded: Barbara Oswald

Mr. Rand requested clarification of who the defendant is. Mr. Cregge verified that the defendant is both the Estate of James R. Mull as well as the two Co-Administrators, Mr. Edwin R. Mull, Co-Administrator and Mr. Curtis G. Adams, Co-Administrator.

Vote: Unanimous (5-0) (Cregge, Oswald, Smith, Rand, Freeman)

MR. CHAIRMAN HAVING FOUND THE DEFENDANTS GUILTY OF VIOLATING CPMC AND UDC SECTIONS 2.2.3 (C), 2.5.4 (B), AND 302.8, I MAKE A MOTION THAT THE BOARD TAKE THE FOLLOWING ACTIONS, IF THE DEFENDANT DOES NOT BRING THE PROPERTY INTO COMPLIANCE BY JULY 31, 2019 A FINE OF \$25.00 EACH DAY BE IMPOSED UNTIL THE PROPERTY COMES INTO COMPLIANCE.

By: Jim Cregge

City Attorney, Mr. Same Thomas requested clarification regarding the commencement of the \$25.00 a day fine. Mr. Cregge confirmed the fine would begin August 1, 2019 if the property was not brought into compliance.

Seconded: Richard Freeman

Friendly Amendment, that we extend the \$25.00 to each container per day.

By: Wayne Rand

Accepted: Jim Cregge and Richard Freeman

Vote: Unanimous (5-0) (Cregge, Freeman, Smith, Rand, Oswald)

B. New Business

CE180108

770 Marianna Lane

Code Enforcement Officer Beau Smith presented the case for the City. Officer Smith went over the timeline with the Board as follows:

08/15/2018	Complaint received regarding chickens kept at the property. A violation of the City of Alpharetta's Unified Development Code section 2.2.5.
------------	---

08/16/2018	Officer Smith made contact with the property owner Mr. Nicholas Yohn and it was revealed that poultry was indeed on the property. The homeowner informed Officer Smith that he was unaware that having chickens was a violation of City Codes. Officer Smith gave the homeowner two weeks to bring the property into compliance.
12/03/2018	A Notice of Violation was issued for non-compliance of the City of Alpharetta's Unified Development Code section 2.2.5.
12/05/2018	Officer Smith re-inspected the property and found it to be in compliance.
02/18/2019	A complaint was received again regarding poultry on the property. Officer Smith verified that the property had fallen out of compliance and a Summons to Appear was issued.
2/28/2019	Re-inspection found the chickens had been removed and the property in compliance.

Photographic evidence was shown throughout the testimony.

The owner of the property, Mr. Nicholas Donald Yohn approached and testified that the chickens had returned to the property due to negligence of the new owner. Mr. Yohn further testified that two of the chickens has passed and that these were family pets. Mr. Yohn stated he found a safe home for them and the chickens had be permanently relocated. Mr. Yohn informed the Board that he would not violate the City Code in the future and his property would remain in compliance.

I MAKE A MOTION THAT WE THE BOARD AS A MATTER OF FACT AND THE CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF VIOLATION OF CODE 2.2.5 IN THIS CASE.

By: Fred Smith

Seconded: Jim Cregge

Vote: Unanimous (5-0) (Smith, Cregge, Rand, Freeman, Oswald)

MR CHAIRMAN HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING UDC CODE 2.2.5, I MAKE A MOTION THAT THE BOARD TAKE THE FOLLOWING ACTION IN THIS CASE, THAT WE ISSUE A CEASE AND DESIST ORDER TO THE DEFENDANT IN THE MATTER.

By: Jim Cregge

Seconded: Barbara Oswald

Vote: Unanimous (5-0) (Cregge, Oswald, Smith, Rand, Freeman)

Having no further business, the meeting adjourned at 4:22 p.m.

CE190027

193 CANTON STREET



City of Alpharetta Codes Enforcement

2 Park Plaza - Alpharetta, GA 30009

Tel: 678-297-6080 Fax: 678-297-6081

NOTICE OF VIOLATION 5482

Date: 3/1/19 Time: 11:10 AM - PM Case No. _____

Location: 193 Canton St

Suite/Apt. No.: _____ Alpharetta, Georgia Zip: 30009

Owner / Occupant: Mayfield LLC

You are hereby notified the above stated property has been inspected by City of Alpharetta Codes Enforcement Officials and has been found in violation of below listed codes or ordinances. You are further notified to correct violation(s) listed below within the time limits stated herein. Failure to correct such violation(s) within the time limits granted herein may subject you to fines, liens or further prosecution as determined by the city Municipal Court or Codes Enforcement Board.

Violation Description: Broken windows, Peeling and Flaking Paint, Doors not secured, + weed and plant growth in excess of 12 inches.

Recommended Correction: Replace or repair broken windows to be in good repair and weather tight. Peeling and flaking paint shall be eliminated and surfaces repainted. All doors and door assemblies and hardware shall be maintained in good condition. Cut grass and weeds below 12 inches.

Corrections must be completed by:

4:00 A.M. / (P.M) on the 31st day of March 20 19

Violation: ☒ CPMC ☐ UDC ☐ City Code Section: 304.13, 304.2, 304.15, 302.4

Type of Delivery: ☒ Hand Delivery ☐ U.S. Mail ☐ Courier ☐ Other _____

X: Louisa

Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

Comments: _____

Citing Officer: B. Smith Badge No.: 604

Signature: B. Smith Tel. No.: 678-297- 6087



City of Alpharetta Codes Enforcement
2 Park Plaza - Alpharetta, GA 30009
Tel: 678-297-6080 Fax: 678-297-6081

SUMMONS TO APPEAR

5273

Date: 4/9/19 Time: 11:00 (AM) PM Case No. _____

Name: Mayfield LLC

Address: 193 Canton St

Suite/Apt. No. _____ City/State: Alpharetta, Georgia Zip: 30009

YOU ARE HEREBY COMMANDED TO BE AND APPEAR before the

☐ **Municipal Court Judge** in the City Courtroom located in the Crabapple Government Center at **12624 Broadwell Road, Alpharetta, GA 30004**

☒ **Code Enforcement Board** in the Council Chambers located in Alpharetta City Hall at **2 Park Plaza, Alpharetta, GA 30009**

At: 3:30 A.M. (P.M.) on the 23rd day of May 2019

To answer to the charge of

Violation: ☒ CPMC ☐ UDC ☐ City Code Section: 304.13, 304.2, 304.15, 302.4

Violation Description: Broken Windows not weather tight or in good repair. Peeling and Flaking paint. Doors not maintained in good condition. Grass and weeds in excess of 12 inches throughout property.

Type of Delivery: ☒ Hand Delivery ☐ U.S. Mail ☐ Courier ☐ Other _____

X: _____

Signature of Recipient

Notifying Officials Certification

The undersigned, being a City of Alpharetta Georgia codes enforcement official, deposes or states that he or she has reasonable grounds to believe and does believe the person(s) and property named herein are in violation as set forth herein and contrary to law.

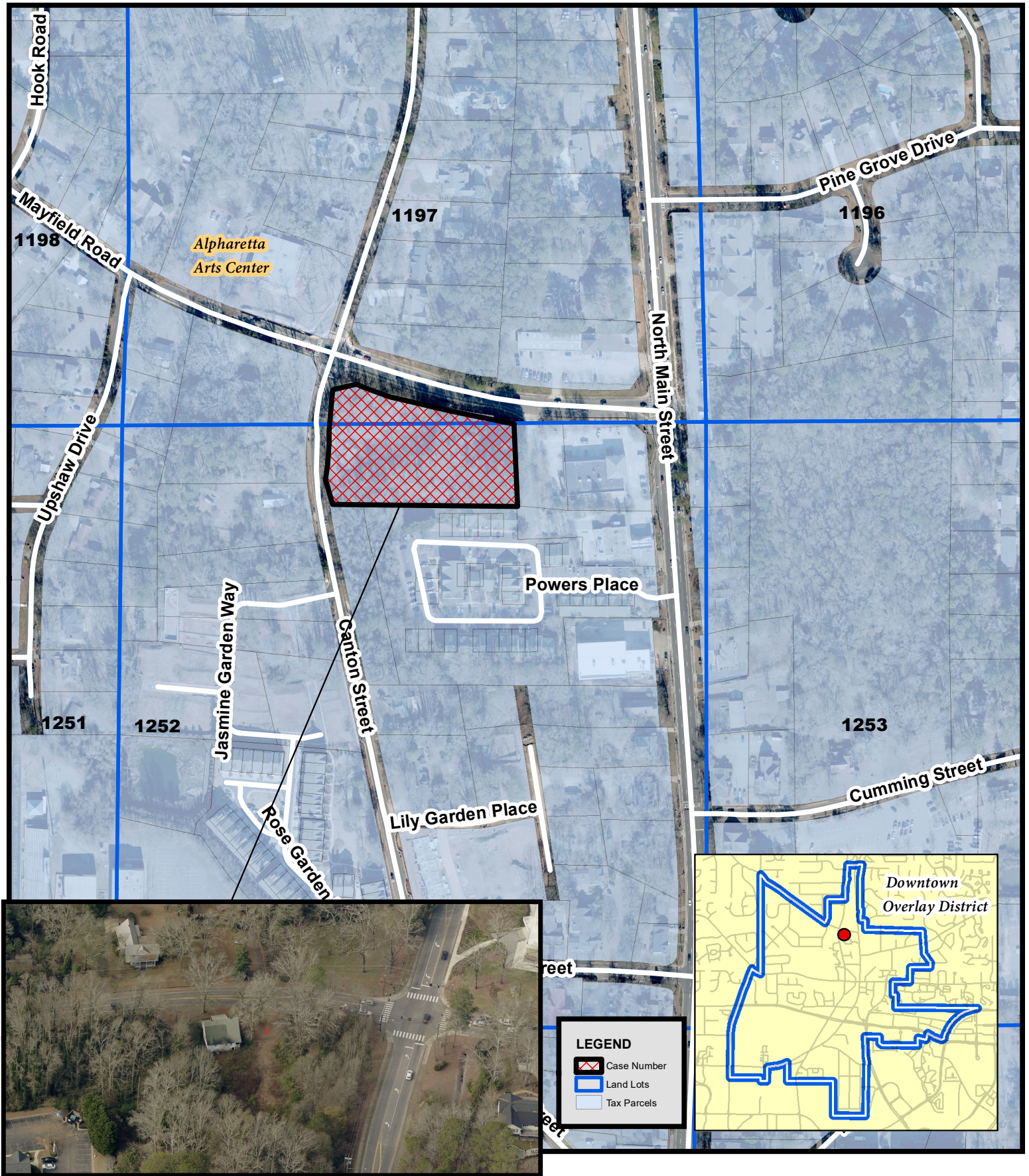
Comments: _____

Citing Officer: B. Smith Badge No.: 604

Signature: B. Smith Tel. No.: 678-297- 6087



02.27.2019



Location Map
193 Canton Street



Location Map Provided by:
Community Development - GIS

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

302.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.