



CODE ENFORCEMENT BOARD MEETING SUMMARY MEETING OF DECEMBER 12, 2019

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OFFICE OF COMMUNITY DEVELOPMENT

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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 Chairman Smith at 3:30 p.m.

II. Roll Call:

Board:

Fred Smith
Richard Freeman
Jim Cregge
Barbara Oswald

Staff:

Sam Thomas
Bret Schroeder
Beau Smith
Jennifer Baptie
Wes Webb
Mitchell Poole
Frank Jackson
Dawn Crowley

III. Approval of September 26, 2019 Minutes:

MOTION TO ACCEPT THE MINUTES OF THE MEETING OF SEPTEMBER 26, 2019.

By: Jim Cregge

Seconded: Richard Freeman

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

IV. New Business

City Attorney Sam Thomas swore in all parties.

CEB190027

193 Canton Street

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

02/27/2019	While on patrol Officer Smith observed several code violations of Alpharetta's Property Maintenance Code sections 302.4, 304.13, 304.15, and 304.2.
03/01/2019	A Notice of Violation was issued for noncompliance of the City of Alpharetta's Property Maintenance Code sections 302.4, 304.13, 304.15, and 304.2.
04/02/2019	Officer Smith re-inspected the property and found only minimal work had been done. A Summons to Appear was issued.
05/29/2019	Officer Smith inspected the property again, found the grass had been cut and other minimal work. Unfortunately, the property remained out of compliance.
11/22/2019	An updated Summons to Appear was issued.
12/12/2019	Officer Smith visited the property and the violations remained.

Photographic evidence was shown throughout the testimony.

The representative of the property, Mr. George Jackson approached and testified that the property is under contract and will be sold in approximately eleven days. Mr. Jackson informed the Board that it was never their intention to ignore notices but due to the property being in flux, they wanted to secure the home but were cautious not to make any repairs that may be a wasteful use of funds, due to the pending sale. Mr. Jackson apologized for the properties neglect and further testified that he would make every effort to make known the issues to the new owner or bring the property into compliance as soon as possible.

MOTION THAT WE THE BOARD AS A MATTER OF FACT AND THE CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF VIOLATION 304.13, 304.2, 304.15, AND 302.4 THAT THE DEFENDANT HAS BEEN CHARGED WITH IN THIS CASE.

By: Barbara Oswald

Seconded: Richard Freeman

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

HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING CODE 304.13, 304.2, 304.15, AND 302.4 I MAKE A MOTION THAT THE BOARD TAKE THE FOLLOWING ACTIONS IN THIS CASE, IF THE DEFENDANT DOES NOT BRING THE PROPERTY INTO COMPLIANCE BY DECEMBER 20, 2019 THAT A FINE OF ONE HUNDRED DOLLARS (\$100) A DAY BE IMPOSED UNTIL THE PROPERTY COMES INTO COMPLIANCE.

By: Jim Cregge

Seconded: Richard Freeman

FRIENDLY AMENDMENT, THIRTY (30) DAYS; DUE TO THE HOLIDAYS.

By: Barbara Oswald

Accepted: Jim Cregge, Richard Freeman

FRIENDLY AMENDMENT, THIS FALL INTO A HEALTH AND SAFETY ISSUE.

By: Fred Smith

Accepted: Jim Cregge, Richard Freeman

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

CEB190100

160 North Main Street

Code Enforcement Officer Beau Smith showed the Board pictures of the property and gave a quick overview of case.

Senior Transportation Engineer Eric Graves presented the case for the City. Mr. Graves testified that on July 25, 2019 he was notified that there was flooding occurring on the downstream neighboring property known as Main Street Commons. Upon a site visit Mr. Graves discovered a rock flume that was gathering water from the upstream neighbor located at 160 North Main Street. The flume was catching water and rushing it toward the receiving property. This is a direct violation of the City of Alpharetta's Property Maintenance Code sections 507.1 and 507.2. Mr. Graves testified that efforts were made to contact the property owner and asked for information from him or his Engineer regarding the flume and if they had approval from the City's Stormwater review process. The City's did not have plans on file reflecting the flume. Mr. Graves informed the Board that he did not receive any communication from the owner until after a Notice of Violation was issued.

09/05/2019	A Notice of Violation was issued for noncompliance of the City of Alpharetta's Property Maintenance Code sections 507.1 and 507.2.
11/07/2019	Since the mitigation report had not been submitted a Summons to Appear was issued.

Photographic evidence was shown throughout the testimony.

The property owner, Mr. Kim Dolleh approached and testified that it was not his intention to not respond to the City, but he was out of town. Upon his return, he has been in contact with an Engineer and is waiting on his recommendations. Mr. Dolleh further testified that he wants to get to a solution and be a good neighbor. He explained the stormwater issue and informed the Board that a City representative and City Land Disturbance Inspector met him at the property and recommended solutions before a permit was issued.

A representative of the adjacent property, Elaina Marino approached and testified that their property has had repeated flooding due to the stormwater issues from the defendant's property and until a solution is in place, they will continue to have flooding. Ms. Marino showed the Board several photos and explained that while she is sympathetic to Mr. Dolleh difficulties, it is negatively impacting their property.

MOTION THAT WE THE BOARD AS A MATTER OF FACT AND THE CONCLUSION OF LAW FIND THE DEFENDANT GUILTY OF VIOLATION 507.1 AND 507.2 THE CODES THE DEFENDANT HAS BEEN CHARGED WITH IN THIS CASE.

By: Barbara Oswald

Seconded: Jim Cregge

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

HAVING FOUND THE DEFENDANT GUILTY OF VIOLATING 507.1 AND 507.2 I DO MAKE A MOTION THAT THE BOARD TAKE THE FOLLOWING ACTIONS IN THIS CASE, IF THE DEFENDANT DOES NOT WITHIN FORTY-FIVE (45) DAYS HAVE A MITIGATION REPORT TO THE CITY ENGINEERING DEPARTMENT, INCLUDING MR. GRAVES SPECIFICALLY AND IF YOU DO NOT DO THAT IN THAT FORTY-FIVE (45) DAYS WE WILL IMPOSE A FINE OF TWENTY-FIVE DOLLARS (\$25.00) PER DAY AND WITHIN FORTY-FIVE (45) MORE DAYS THE MITIGATION REPORT MUST BE EXECUTED AND THE PROPERTY BROUGHT INTO COMPLIANCE ACCORDING TO THE MITIGATION REPORT.

By: Barbara Oswald

Seconded: Jim Cregge

FRIENDLY AMENDMENT, FROM THE POINT A PLAN IS APPROVED BY THE CITY, THE FORTY-FIVE (45) DAYS TO GET IT IMPLEMENTED AND IF NOT, AN ADDITIONAL TWENTY-FIVE (\$25.00) PER DAY.

By: Jim Cregge

Accepted: Barbara Oswald

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

CEB190081

115 Laurelwood Lane

Due to a Summons to Appear date discrepancy the case will be re-heard at the February meeting.

Mr. Cregge informed the Board that he will be stepping down from the Board as soon as another Board member is appointed.

Having no further business, the meeting adjourned at 5:05 p.m.