

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 18C.

Date of Request: October 22, 2007

Date Request Received: October 24, 2007

Board Meeting Date Requested: November 5, 2007

Board Meeting Date Assigned: November 5, 2007

Short Title: Code Enforcement Program Report And Recommendations.

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background: Planning staff will present a report that summarizes the challenges facing the Pender County Code Enforcement Program and will explore potential improvements in order to increase the effectiveness of the program. Additional nuisance abatement efforts not addressed by the current program will also be discussed.

(Administrative Use Only)

Specific Action Requested: Receive and accept the report and recommendations, and consider action regarding the request to create another full-time Code Enforcement Officer position.

Requested by: Joey Raczkowski
Department: Planning Department
Title: Planning Director
Contact Phone: 910-259-1529
Contact Fax: 910-259-3735

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grant or
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING

Date Rec'd: Budgeted Item: Yes No
 Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

ATTORNEY

Date Rec'd: Reviewed and Approved
 Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE

Date Rec'd: Sufficient Funds Available Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent:

Signed:

CLERK

Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd: Approved by Board: Yes No
At meeting on

MANAGER'S RECOMMENDATION

LAB

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that

the October 22, 2007 Code Enforcement Program Report and Recommendations is accepted along with the staff recommendations contained within.

The County Manager is authorized to execute any documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

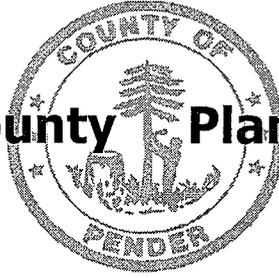
APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Rivenbark ___ Blanchard ___ Brown ___ Tate ___ Williams ___

F. D. Rivenbark, Chairman

11/5/2007
DATE

Attest 11/5/2007
DATE



Pender County Planning Department

Joey Raczkowski, Planning Director

Mark Walton, Chairman
Kevin Reynolds, Vice-Chairman
Rick Garrett
Karen Gonzales
William Marshburn
Burt Millette
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MEMORANDUM

October 22, 2007

TO: Lori Brill, County Manager

FR: Joey Raczkowski, Planning Director JK

SU: Code Enforcement Program Report & Recommendations

In April of this year, I conducted an initial assessment of the Pender County Code Enforcement Program. Since that time, additional issues have been identified by staff, county boards, and the citizenry. This report summarizes the challenges facing this county program and will explore potential resolutions in order to increase the effectiveness of the program. Additional nuisance abatement efforts not addressed by the current program will also be discussed.

Overall, I have found the Pender County code enforcement program to be highly organized, and is enforced as equally as possible on a complaint driven basis. Ralph Kays, the only Code Enforcement Officer for Pender County, conducts himself professionally, facilitates a highly organized and documented filing system, and enforces applicable ordinances to the best of his ability within the resources allocated to this function. Mr. Kays currently has 50 active cases, and has investigated a total of 82 cases during the 2007 calendar year. During the third quarter of this year, Mr. Kays received 20 new complaints and 286 telephone calls. On average, Mr. Kays achieves a voluntary compliance rate of 90%.

In summary, the daily duties of the Zoning Code Enforcement Officer position are as follows:

- Enforcement of Zoning Ordinance, which includes: Site visit after receiving complaint; take photos and process; contacting property owner in person, by phone or E-mail; delivering or mailing Zoning Ordinance "Informational Letters" pertaining to Ordinance; issuing "Notices of Violation" letters; possible issuance of "Second and "Final Notice" letters; follow-up on open cases; site visit prior to the issuance of each Notice of Violation; coordination and form completion for delivery of "Notices" by the Sheriff's office for "Notices" refused by violators by way of mail; possible Court appearance follow-up to obtain compliance; maintain records of all activities concerning cases and disposition of each case; follow-up inspections for compliance after court consent order issued.
- Inspections for "Final Zoning Compliance" on completed building projects, swimming pools etc.
- Inspections and form completion (Zoning) for State Alcohol Beverage permits.
- Stop work orders placed on non-permitted construction.
- Education of the public through public forums. IE: Public meetings, H.O.A.'s etc.
- Assist C.A.M.A officer on issues pertaining to coastal and waterway management.
- Building setback checks for Zoning Compliance.
- Site inspections to assist Permit Technicians in determining valid issuance of permits.
- Site inspections for requests and approval for power service poles. (Non-building).
- Placement and collection of legal notice signs listing Public Hearings for B.O.C.C., PB and B.O.A.
- Property inspections for requests for farm exempt status granted by county.
- Greeting and assisting the public "walk-ins" when visiting Planning Department.

In addition to the routine duties, Mr. Kays has also began researching other code enforcement related regulations that will address nuisances such as abandoned manufactured homes, junked vehicles, minimum housing code, abandoned and derelict vessels, and accumulation of solid waste.

Since April of this year, staff has conducted presentations to the elected and appointed officials, management, and the general citizenry of Pender County in order to provide code enforcement program education. These efforts have been very effective and have generated

substantial input from these sources regarding what is working well, and what needs improvement.

Identified challenges facing the current code enforcement program are as follows:

- Level of staffing - only one full time code enforcement officer
- Predominantly, the program can only react to violations that could pose a life-safety threat
- Program is complaint driven only (reactive)
- Past direction to county attorney regarding enforcement procedures (collection of fines, involvement of staff in mediation settlements)
- Community perception regarding the program
- Enforcement of other land development related processes such as Special Use Permits and Variances
- Regulations do not address all community concerns regarding appearance standards

In order for code enforcement program to be highly effective, a revised approach must be implemented. Highlights of an effective code enforcement program are:

- Create a proactive approach to code enforcement.
- Education of the community on code enforcement efforts.
- County Attorney fully enforces court ordered compliance requests.
- County Attorney facilitates mediated settlements with language that code enforcement staff can actually enforce.
- Program addresses other nuisance abatement efforts.
- Identifies enhancements to existing land development regulations affecting code enforcement.
- Creates a positive community perception of the program .

Recommendations:

- Increase level of staffing (see attached spreadsheet for options)
- Continue to utilize Pender County Building Inspectors and public inquiries to report potential violations.
- Partner with NC DOT to discuss removal process of illegal signs within State maintained right-of-ways.
- Consider routine "after-hours" code enforcement
- Present recommendations to Board of Commissioners (as preparation for FY 08/09 budget deliberations) regarding other code enforcement related programs to possibly implement: junked

vehicles, abandoned manufactured homes; minimum housing code; abandoned and derelict vessels; and accumulations of solid waste.

- Partner with planners during rewrite of ordinances to identify problematic language within existing ordinances.
- Create formal policy on collection of fines once voluntary compliance is achieved.
- Require County Attorney to submit routine (monthly) reports updating county planning staff and others on the status of all court ordered compliance cases.
- Direct County Attorney to include input from code enforcement staff during any mediation proceedings.
- Produce brochures and other materials for educational outreach.
- Continue quarterly reports to management, boards, and community.

Staff requests that the Board of Commissioners officially accept this report and the recommendations presented within.

Additional Code Enforcement Officer Options and Expenses

<u>Job Title</u>	<u>Grade</u>	<u>Annual Salary</u>	<u>Longevity</u>	<u>Retirement 0.05</u>	<u>FICA 7.65%</u>	<u>Health & Life Ins</u>	<u>TOTAL SAL/FRINGE</u>
Code Enforcement officer	66	\$26,087		\$1,304	\$1,996	\$6,300	\$35,687
1 PT code enforcement	66	\$13,044			\$998		\$14,042
2 PT code enforcement	66	\$26,088			\$1,996		\$28,084

PT = less than 20 hours per week,
no benefits