

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 15.

Date of Request: December 21, 2007

Date Request Received: December 21, 2007

Board Meeting Date Requested: January 7, 2008

Board Meeting Date Assigned: January 7, 2008

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: At the November 5, 2007 meeting, Planning staff presented a detailed report (included in this packet) that summarized the challenges facing the Pender County Code Enforcement Program. It was the consensus of the Board and Ms. Brill to revisit the issue after the first of the year (2008).

(Administrative Use Only)

Specific Action Requested: Reconsider the options for increasing Code Enforcement staff.

CONTRACT TYPE

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

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

Date Sent:

Signed:

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

Date Sent:

Signed:

FINANCE Sufficient Funds Available
Date Rec'd: 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 original 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: Williams ___ Tate ___ Blanchard ___ Brown ___ Rivenbark ___

J. David Williams, Jr., Chairman

01/07/08
DATE

Attest

01/07/08
DATE

APPOINTMENTS

19. Resolution Approving Appointment of Citizens to Various Boards, Commissions, Etc.

Mr. Blanchard said he can't make a motion to appoint the applicant for the Board of Adjustment, Ms. Mary James, but he certainly recommends her appointment. Mr. Thurman added that Ms. James had attended the Board of Adjustment Training Workshop held last week and she made a very good impression. Mr. Williams made a motion to appoint Ms. Mary James to the Board of Adjustment in an Alternate position, to serve the remainder of the unexpired term of Mr. Larry Johansen, term to expire January 4, 2010. Mr. Tate seconded the motion and it was unanimously approved.

A break was taken from 11:05 a.m. to 11:11 a.m.

Mr. Brown said that District Attorney Ben David is present and asked that he be allowed to speak at this time. Mr. David said the Computer Cop software has arrived and he wants the Commissioners to be the first to receive it in Pender County because of their commitment to help achieve this goal. Mr. David said this software will put parents in charge of what goes on in their homes with respect to home computers and that copies are available for the public in various places in the County. He said the purpose of this program is to prevent crimes committed on the Internet and that prevention is more effective than punishment after something happens. Mr. David said he'd like to personally thank the Board and said this wouldn't have been made possible without them. Mr. Tate said he and Mr. Brown attended a meeting with the City of Wilmington on racial relations that it went really well; he thanked Mr. David for his efforts in this meeting.

PRESENTATIONS/RESOLUTIONS: PLANNING ITEMS

18a. Planning Priorities FY 07-08 Update.

Planning Director Joey Raczkowski made a detailed presentation on Planning priorities and noted these priorities were set by the Planning Board. The presentation included: Factors Affecting Planning Priorities; Factors that Continue to Affect Planning Priorities; A New Direction for Planning in Pender County; Planning Priorities – Administrative Related Projects which include Development Project Tracking and Facilitation, Educational Efforts and Technical Review Committee; Research Projects which include Special Use Permits, Nuisance Abatement Program, Planned Developments & Conditional Use Zoning; Overlay Districts which include Transportation Overlay District for Coastal Pender County-US 17, Overlay Districts-Coastal Pender US Highway 17 Corridor, Kick-Off Meeting Highway 17 Corridor Overlay, Flood Hazard Overlay District, and Prioritization of other Areas for Potential Study; New Programs; Miscellaneous Issues; Identification of Future Priorities and Hampstead Area Planning Efforts. The complete presentation is on file with the permanent records in the County Manager's Office.

18b. Special Use Permit Inventory Update.

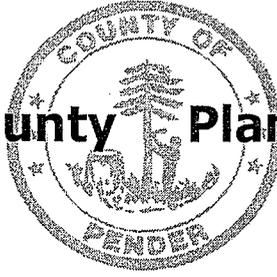
Mr. Raczkowski made a detailed presentation on Special Permit Inventory Update and said this is a result of concerns over the existing special use permit process by staff, Planning Board, Board of Commissioners and the general public. The presentation included the following: Special Use Permit Inventory, which includes files dating back to July 1988; Special Use Permit Process; Special Use Permit Process Recommendations; and Special Use Permit Process: Resources Needed. The complete presentation is on file with the permanent records in the County Manager's Office.

18c. Code Enforcement Program Report and Recommendations.

Mr. Raczkowski made a detailed presentation on the Code Enforcement Program which included: Current Code Enforcement Program (staff of one); Duties of the Code Enforcement Officer; Challenges Facing Code Enforcement Program; What is an Effective Code Enforcement Program; Recommendations; and Code Enforcement Program Staffing Options. Ms. Brill asked if the Board has any direction in staffing. Mr. Williams said at the very least, Code Enforcement needs to have more man power next fiscal year. Mr. Blanchard said we should revisit the issue after the first of the year (2008) and Ms. Brill said that is a good idea. The complete presentation is on file with the permanent records in the County Manager's Office.

18d. Request to Approve Dissemination of a Request for Proposal (RFP) to Update the County Growth Management Plan and Create a Unified Development Ordinance.

Pender County Planning Department



Joey Raczkowski, Planning Director

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

805 South Walker Street
Post Office Box 1395
Burgaw, NC 28425

Phone (910) 259-1202

Fax (910) 259-3735

MEMORANDUM

October 22, 2007

TO: Lori Brill, County Manager

FR: Joey Raczkowski, Planning Director *JR*

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.

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- 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

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:

(Administrative Use Only)

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.

CONTRACT TYPE

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.

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

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

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

Date Sent:

Signed:

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

Date Sent:

Signed:

FINANCE Sufficient Funds Available
Date Rec'd 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: NO ACTION TAKEN.

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

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

F. D. Rivenbark

F. D. Rivenbark, Chairman

11/5/2007

DATE

Carla Briley

Attest

11/5/2007

DATE