

City of Bellefontaine Neighbors, MO
Planning & Zoning Meeting Minutes
June 13, 2022

The meeting was called to order at 7:12 pm by Chairman Barrett.

Present: Members Barrett, Borzymowski, Gordon, Lane, White, City Engineer Klein.

Absent: Mayor Pierson, Member Duhadway.

Member White made the motion to approve the agenda, seconded by Member Gordon. Motion unanimously passed.

Member Gordon made the motion to approve the May 9, 2022 minutes, seconded by Member White. Motion unanimously passed.

Business Discussions

On 6/2/22, the Board of Alderpersons held a board workshop to discuss Administrative Warrants, specifically as they pertain to residential property maintenance ordinance requirements for the City of Bellefontaine Neighbors. The Chair summarized the details of this workshop on the document he authored entitled *Residential Maintenance Compliance*, dated 6/6/22. This document is detailed, complete with comments and suggestions posed by P&Z members at the 5/9/22 P&Z meeting. Please see the attached document for details.

Members raised questions pertaining to advertising channels for the vacant Building Department full time inspector position. Suggestions included the state employment office, Monster.com, and LinkedIn. The Chair suggested the MO Association of Building Officials & Inspectors' (MABOI) website; the yearly membership is \$200. City Engineer Klein suggested we might contract with St. Louis County to perform inspections for a period of time and review how that arrangement is working, depending on experience. Member Gordon stated that, in his experience, County inspectors are "harder" (more rigorous) than municipal inspectors.

We discussed several scenarios regarding the best way to manage this vacancy until a full inspector is employed. The City's electrical and plumbing inspections are performed by St. Louis County, and this contract could possibly be extended to include building inspections. Of note, St. Louis County inspection codes are stricter than Bellefontaine Neighbors' codes. Additionally, there are premium costs associated with this service, as well as loss of city revenue from fees associated with this service.

The City Engineer presented the optimum scenario for the efficient management of our Building Department: Based on City activity and challenges, we need to hire two full time building inspectors and two full time clerical staff. However, Members noted these are budgetary items that we are not yet privy to. At this present time, the City is seeking to fill the vacancy of City Treasurer. The new budget period begins July 1, 2022.

Please see the attached document *Residential Maintenance Compliance*, Item 5, dated 6/6/22, for complete narrative.

Members noted the increase in turnover of residential occupancies. It is suspected that renters move out, then turn the property over to new renters, unbeknownst to the City. This transient and illegal activity contributes to the increase in derelict properties, and further degrades our neighborhoods. Member White asked if utilities can be compelled to alert the City if/when a new or different user requests reconnection. Chair said he would follow up.

The next meeting is scheduled for July 11, 2022. Member Borzymowski made a motion to adjourn the meeting, seconded by Member Gordon. The Chair adjourned the meeting at 8:30 pm.

Respectfully submitted,

Wanda Lane
Secretary
Planning & Zoning Commission

Residential Maintenance Compliance
Comments & Suggestions by P&Z Members 5/9/22
Date of this report: 6/6/22

- 1) Administrative Warrants for property maintenance inspection/enforcement—that will be discussed in BOA pre-meeting Thursday 6/2/22.

Understanding Thus Far:

A special Board meeting was held 6/2/22 regarding Administrative Warrants. The City now has permission to go on a given (occupied or vacant) property easement after 24 hours nuisance posting (to remove trash) ...OR... go on property around vacant homes (to cut tall grass) under present city code without a warrant. For most other reasons to set foot on property, the City will/may have to apply for and obtain an Administrative Warrant to avoid Fourth Amendment issues to avoid potential allegations of unlawful search & seizure.

- a) *The procedure to apply for & obtain an Administrative Warrant is as follows:*
- i) *The resident & owner must be sent 1st notification letter via certified mail describing their violation and notifying them they have up to 14 days to correct the out-of-compliance condition. (If only the property management company can be contacted in lieu of the Owner, the Property Manager becomes an “Agent for the Owner”).*
 - ii) *The resident & owner must be sent a 2nd notification letter via certified mail describing their violation and stating they have up to 14 days to correct their out-of-compliance conditions*
 - iii) *The resident & owner must be given a 3rd final notice with compliance date to correct the out-of-compliance condition. This notice can be posted on the property.*
- b) *If there has been no contact or corrective action after the last compliance date has passed, any of the following people can apply for an Administrative Warrant through Court Clerk or Assistant Court Clerk:*
- i) *Police Officer*
 - ii) *Code Enforcement Officer*
 - iii) *Prosecuting Attorney*
 - iv) *City Attorney*
- c) *Administrative Warrants must have “probable cause” including facts, circumstances and inferences surrounding those facts & circumstances. The applicant must present these to the judge in a hearing and sign an affidavit. The judge must know who is going set foot on the property.*
- d) *If an Administrative Warrant is granted by the Judge, police must act on the warrant within 10 days or warrant will expire. They must take evidence, which can include pictures.*
- e) *Clarification:*
In the Board meeting, it was stated that any unpaid fines generated by property maintenance violations would be added to the property tax for that address rather than as a lien on property. If property taxes go unpaid for three years, the property is forfeited to the County who is able to sell it and recover unpaid taxes. Bellefontaine would recover fines at that time. Contrary to what I thought at the time, this is the same process as existing, i.e., a lien is placed on property taxes, NOT on the property itself. If a lien were placed on the property itself, the City would only recover fees when the property was sold, something that might not happen for 10 years, 20 years or longer.*

**A “Tax sale” by the County is timed by the number of offenses by the Owner. On their first offense, the Owner has up to 12 months to pay back property taxes, essentially giving them a fourth year to pay taxes. As an Owner’s history of tax non-payment continues, that grace time shortens from 12 months for their first offense to 90 days for their third offense before the property is forfeited to the County. Paying one year’s tax will reset the clock by one year.*

The County’s posting of this fine on their real estate website is not straightforward. Fines are implied under the column “Other Charges” rather than “Penalties”. The “Other Charges” column is not shown for every property and only for certain years for properties where the City has filed a lien against property taxes.

At the end of the year, when St. Louis County disperses proceeds from back taxes to municipalities, it does so in a lump sum, not identifying what properties the proceeds came from. It is up to each municipality to figure which properties of theirs were paid out of tax sales.

- 2) It was stated in the May 9th P&Z meeting that, in the City of St. Louis, utilities can't be turned on until permission is given by City. P. Barrett to verify/follow up.

Understanding Thus Far:

P. Barrett went to the City of St. Louis' Building Department 5/31 to get information "from the horse's mouth" concerning turning on utilities. It was stated in our meeting that the City of St. Louis authorizes utilities to be turned on, assuming only after an occupancy permit has been granted.

In the City of St. Louis, that is close to but not the case. P. Barrett spoke with Felitia Richmond, Electrical Customer Service Rep. They will not issue an occupancy permit unless the electricity and water are turned on in a residence. If it is between October 1st & March 1st, the gas must be turned on as well. If a residence has been vacant for six months, Ameren requires the city perform an electrical inspection before they will reconnect power. The gas company does their own inspection. Except for time needed for inspections, the City of St. Louis does not hold up reconnection of utilities to residences.

- 3) Make a requirement that new home buyers must live in home for at least one year before selling or renting. - *Awaiting opinion from City Attorney now.*
- 4) Can requiring rental property to be inspected once per year without triggering Constitutional issues? - *Awaiting opinion from City Attorney now.*
- 5) Contracting with St. Louis County for inspections or hiring directly or through MABOI or Combined:
- a) *Considerations for expanding contract with St. Louis County to include Building, Residential, Existing Building, Mechanical & Property Maintenance (currently contracted for Electrical & Plumbing inspections only):*
- i) Bellefontaine Neighbors would have to revise its building code and standards to County standards. Board involvement and approval is required to adopt County standards. Procedures and Template documents have been forwarded by Curt Juergens, Municipal Contracts Manager.*
 - ii) All fees will be paid to St. Louis County vs. Bellefontaine Neighbors, a loss of \$19,700/year averaged over the last five years.*
 - iii) Fees for proposed additional inspection services (Building, Residential, Existing Building & Mechanical) would come from inspection fees paid directly to the County (no hourly fee).*
 - iv) County-performed Property Maintenance inspection includes STLCO Problem Properties Unit; can be contracted with the County but inspections are only performed at request of municipality for each individual address and are billed at \$47/hour. That hourly fee can be accrued by an onsite inspectors, laborers and by work by others behind-the-scenes. This could result in significant charges only discovered upon monthly billing by the County. <https://stlouiscountymo.gov/st-louis-county-departments/transportation-and-public-works/problem-properties/>.*
 - v) Property Maintenance inspections, including Services of the Problem Properties Unit, would have to be individually authorized by the Mayor, likely by address and type of service they're authorized to provide and charge for.*
Note: In all cases, the County will not issue Occupancy Permits. Occupancy Permits would be issued by Bellefontaine Neighbors only.
- ...OR...*
- b) *Considerations for BN hiring inspector(s) directly or through MABOI (Missouri Association of Building Officials & Inspectors):*
- i) Inspector will continue to be employed directly by BN at lower hourly cost.*
 - ii) Fees for BN-performed inspections will continue to be paid to BN vs. County-performed tasks.*
 - iii) BN Inspector hourly cost may be somewhat higher than in the past. Recent Code Enforcement Officer posting by the City of Ellisville specified a position with an advertised salary of \$49,000/yr. to \$68,000/yr. = ~\$58,500 average before benefits.*
Last BN inspector had ~\$49,000 salary before benefits. BN benefits are 22.1% on top of salary.
- ...OR...*

- c) A third recommendation worthy of serious consideration:
 - i) The Building Department needs 2 full-time field employees to handle:
 1. Regular Inspections (Electrical, Plumbing, Building, Residential, Existing Building & Mechanical)
 2. Property Maintenance inspections.
 - ii) The City should contract with County for Regular Inspections (paid for entirely through County fees, no per hour costs to City) and hire a Property Maintenance Inspector directly as a City employee. The volume of property maintenance enforcement needs is large.
 - iii) There should be consideration in the very near future for two Building Department Clerks.
 Note: A search for a second Building Department clerk is underway through a recruitment service, Stivers Company. Existing Building Department Clerk will retire in 10 months.

6) Suggestion by P&Z member: Post signs on homes not ready for occupancy similar to:

St. Louis County Department of Public Works
 PROBLEM PROPERTIES UNIT
 PROTECTING PROPERTY VALUES, PROMOTING HEALTH & SAFETY
 ORDER TO VACATE

Sign Now Used by Bellefontaine Neighbors



7) Suggestion by P&Z member: Have Occupancy Permit applicants watch Video of good maintenance practices prior to issuing permit.

PROBLEM PROPERTIES

Department of Transportation and Public Works



Contact Information



314-615-4100



Monday-Friday, 8 a.m.-4 p.m.

HOME / DEPARTMENTS / TRANSPORTATION & PUBLIC WORKS / PROBLEM PROPERTIES

WHAT IS THE PROBLEM PROPERTY UNIT?

A St. Louis County partnership between Law Enforcement and Code Enforcement. Our teams consist of County Police Officers and Public Works Code Enforcement Inspectors. They tackle and solve especially persistent Problem Properties—the poorly maintained addresses that drive down land values and prompt neighbors to move. This unit works by referral only from fellow St. Louis County departments as well as local school districts.

How Do They Do It?

St. Louis County's Problem Property Unit marshals an immense array of resources to accomplish its mission. They are experts at using churches, volunteer groups, charities, governmental agencies and private sector businesses to make a positive and lasting change that benefits the community in general, the neighborhood and, more often than not, the problem property owner him/herself. We have coordinated remarkable changes in hundreds of properties.

'Problem Property': What is it?

Problem properties affect us all—rich, middle class and poor communities alike. They're the front yards overrun with vegetation, abandoned boats and scrap iron. They're the houses with sagging porches and boarded-up windows. They're the lots cluttered with engine blocks, bags of refuse and toppled over sheds. No city's property maintenance code is infallible. Eventually, a particular address—similar to one of those described above— will become a headache for your community.

Problem Properties: Contributing Factors

Old age, mental and physical health problems, divorce, job loss, child abuse, substance abuse, gambling, bankruptcy, grief, crime and isolation are all source causes. These conditions lead to hoarding, child and animal neglect and dilapidated homes.

SERVICES OFFERED BY ST. LOUIS COUNTY'S PROBLEM PROPERTY UNIT

- Physical investigation and in-depth records research
- Counseling of problem landlords
- On-site warnings to problem tenants
- Finding absent landlords
- Removal of trash and debris
- Prosecution at the local and state levels
- Demolition of condemned buildings
- Coordination of social services and public and private sector resources
- Orders to Vacate

Pat Barrett
Chair – Planning & Zoning