

## COMMUNITY INVOLVEMENT COMMITTEE MEETING

January 17, 2024

12:00 p.m.

Councilman Denny Whayne Conference Room (Bush Building, 4<sup>th</sup> floor)  
840 Boonville Avenue

### MEMBERS

**PRESENT:** Heather Hardinger, Chair; Derek Lee; and Craig Hosmer.

### MEMBERS

**ABSENT:** Callie Carroll.

### COUNCIL

**PRESENT:** Monica Horton.

### STAFF

**PRESENT:** Jason Gage, City Manager; Collin Quigley, Deputy City Manager; Maurice S. Jones, Deputy City Manager; Brock Rowe, Director of Building Development Services; Brad Musick, Assistant Director of Building Development Services; Jordan Paul, City Attorney; Duke McDonald, Assistant City Attorney; Anita Cotter, City Clerk; and Lauren Fischer, City Clerk Administrative Specialist.

**GUESTS:** None.

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Councilwoman Heather Hardinger, Chair, called the meeting to order at approximately 12:18 p.m., and roll call was conducted. Present: Derek Lee, Craig Hosmer, and Heather Hardinger. Absent: Callie Carroll.

Councilman Hosmer moved to approve the minutes of the November 15, 2023, and the December 20, 2023, meetings as presented. Councilman Lee seconded the motion, and it was approved by the following vote: Ayes: Lee, Hosmer, and Hardinger. Nays: None. Absent: Carroll. Abstain: None.

Brock Rowe, Director of Building Development Services (BDS), noted the meeting discussion would be an overview of staff recommendations and clarifications regarding the Nuisance Property Work Group Final Report (Exhibit A). He noted item number one listed in the Nuisance Property Work Group Report (NPWG) referred to the Neighborhood Advisory Council (NAC) and Community Partnership of the Ozark (CPO) commitment to providing additional support to the top 10 nuisance property neighborhoods. He further noted this item did not require any action from the City.

Mr. Rowe reviewed the NPWG recommendation regarding removing barriers to neighborhood partnerships and becoming more active in nuisance abatement. He explained the neighborhood

organizations would still need to meet the same insurance requirements and City purchasing requirements through a formal selection process for the organizations to contract with the City.

Councilwoman Hardinger discussed the Vacant Property Leadership Institute and the best practice methods other cities had used to assist with nuisance issues. She noted some methods included creating programs for volunteers to assist with nuisance issues or providing grant funds to individuals who were willing to help. She expressed her opinion there should be some collaborative methods organizations could use to help neighborhoods to not rely on the City to mitigate nuisance issues.

Mr. Rowe noted there were programs encouraging neighbors to help those in their neighborhood discussed during the Vacant Property Leadership Institute. He noted many of the suggested programs would not require City intervention and would encourage people to help their neighbors without a Resolution or City Council Bill being in place. He discussed using the Clean Green Vouchers program to remove trash from neighborhoods. He noted many citizens do not have the ability or the means to remove trash from their property.

Mr. Rowe noted the BDS Department was currently working to empower inspectors to use more proactive methods to help mitigate nuisance issues. He noted the BDS Department currently had eight Land Use inspectors and five Residential Construction and Zoning Inspectors. He noted the goal was to use a strategic code enforcement approach after identifying the areas of the city which required the most intervention for nuisance issues. He noted the BDS Department would like to add two Code Compliance Investigator positions to the staff. He explained the two positions would be requested in the 2024-2025 budget. He further noted the positions would be responsible for overseeing Land Use and Residential Construction and Zoning staff and provide mid-level management to the department.

Councilwoman Hardinger asked for clarification regarding the leadership role of the two positions and whether additional staff would be needed to implement a rental registration program. Mr. Rowe responded additional staff would be needed to implement any new programs. He explained the Assistant Director of Building Development Services, Brad Musick, had been overseeing all the inspectors, but the two proposed positions would allow the Assistant Director to complete other duties within the department and provide mid-level management.

Councilman Lee asked if the two position would still be needed in the department if the nuisance resolution did not pass. Mr. Rowe responded the two positions would still be needed in the department.

Mr. Rowe discussed residential community outreach and the best practices considered by the Vacant Property Leadership Institute. He noted the best practices were recommendations which could be implemented for the City. He noted staff education would be provided during public neighborhood meetings to help citizens understand the BDS enforcement philosophy and to provide education to the citizens regarding what constitutes a nuisance property. He expressed his opinion encouraging citizens to talk with their neighbors would help mitigate nuisance issues before the City would need to intervene. He noted the NPWG suggested a home maintenance guide could be provided to homeowners based on the Property Maintenance Code.

Councilwoman Hardinger asked for clarification regarding the home maintenance guide. Mr. Rowe responded the guide would be used to help people fix their home in the most practical and efficient way. He noted the home maintenance guide would include tips and resources for maintaining a home throughout the year, such as the best time of the year to paint, how to remove asbestos, and information on siding replacement. Councilwoman Hardinger asked if the guide would include information regarding different resources and assistance programs to help people maintain their property. Mr. Rowe responded affirmatively.

Mr. Rowe discussed other best practices which could be used within the city. He noted the NPWG suggested a Property Care Team could be established to investigate nuisance property issues prior to City mitigation. He explained the Property Care Team would have to be initiated by the neighborhood. He noted Code compliance encouragement methods, such as door hangers, could be used to acknowledge those who had corrected a nuisance property issue. He further noted a guide regarding landlord and renter responsibilities could be provided using QR codes and websites.

Mr. Rowe discussed residential-driven data which could be used to educate neighborhood residents regarding the impacts the demolition of a building could have within the community. He noted the Vacant Property Leadership Institute discussed using strategic code enforcement to approach different property types such as vacant properties, owner-occupied properties, and rental properties.

Mr. Rowe discussed the NPWG recommendation to revamp the City Code to improve the nuisance abatement process. He noted Chapter 26 and Chapter 74 of the City Code were based on State statute and the international standards outlined in the Property Maintenance Code. He further noted the City's legal team had researched this recommendation to ensure the City was within the guidelines of the State. He explained by modifying the Code from the standard Statute, the City would become liable for the condition of the property.

Mr. Gage discussed Chapter 26 and Chapter 74 of the City Code. He explained the City had draft legislation which, if approved, could modify the abatement process by changing the requirements regarding certified mail which would help expedite the process.

Mr. Rowe discussed the recommendation regarding the ability of the Code Official, who would be the Director of Building Development Services, to judge whether a property's appearance was reasonably consistent with the expectations within a given neighborhood. He expressed his opinion the Code Official should not have the ability to judge a property's appearance because the City must maintain consistency by treating every citizen the same. He noted other areas which could be improved included writing tickets to owners and renters for violations and having the City staff facilitate a Property Care Team.

Councilwoman Hardinger discussed the benefits of facilitating a Property Care Team. She noted the Property Care Team would not be managed by the City, but it would be good resource to help mitigate nuisance issues so people do not receive tickets or go to court. She noted the number of homes going through the abatement process could be detrimental to a neighborhood. She

expressed her opinion a Property Care Team could be a collaborative effort between neighborhood groups to help mitigate the different nuisance issues. She noted the City should be the last resort when addressing nuisance issues. Mr. Rowe expressed his agreement BDS and the City should be the last resort to mitigating nuisance property issues. Councilwoman Hardinger commented she would like more input from the neighborhoods regarding creative ways to help build up the communities. Mr. Rowe noted during the Vacant Property Leadership Institute, representatives from Detroit, Michigan, discussed the consequences they faced for over demolishing the buildings in their neighborhoods and leaving vacant lots. He expressed his opinion the City must be cautious regarding nuisance properties and demolition to avoid over demolishing structures throughout the city.

Mr. Rowe provided an overview of the modified language regarding the citywide board-up and summary abatement information listed in Section 26-62 and Section 26-74 of the City Code. He noted the proposed modified language to Section 26-62 referred to the conditions of buildings or structures constituting a public nuisance. He explained Section 26-62, Subsection 13, would modify language to state “Those boarded buildings, that lack a valid, boarded-building permit issued by the department of Building Development Services under section 36-1212 of the Springfield Code 36-1225.” He further noted the NPWG requested the City explore extending the board-up policy to citywide instead of only enforcing the policy in historic districts such as downtown.

Mr. Rowe noted Section 26-74 addressed summary abatements when immediate danger exists. He noted the Section stated the Director of Building Development Services may take emergency measures to vacate, repair, or demolish a building or structure which would be considered a public nuisance under the provisions of this article. He noted the modified language would include the removal of the remains of a demolished building or structure. He explained if a building had been destroyed due to fire, and the Fire Department demolished the building, it would no longer be considered a building or structure and would be subject to the nuisance abatement process. He further noted the modified language would allow the Director of Building Development Services to take immediate action to remove the debris.

Mr. Gage asked for clarification regarding the boarded-building permit language originally listed in Section 26-62, Subsection 13. Mr. Rowe responded the modified language was added to clarify a person must have a valid boarded-building permit issued by the Department of Building Development Services. Mr. Gage asked why a boarded-building permit would not be required in certain areas of the city. Mr. Rowe responded the intent for requiring a boarding permit in the commercial historic areas was because the boarding would be temporary until the building was in usable condition. Mr. Gage asked for clarification regarding when a boarded-building permit would be required. Mr. Rowe responded a permit would be required, and the fee schedule would begin when the property became vacant or the property owner chose to board the property and the property was in a historic commercial area. Mr. Gage asked what criteria would require a building to be boarded. Mr. Rowe responded BDS did not have a certain criteria for boarding a building. He noted BDS would board a property if the property has been abandoned, but a permit would be required if the property owner voluntarily chose to board their property.

Mr. Rowe provided an overview of the next section of recommendations made by the NPWG regarding new investments. He discussed the Restore SGF's Block Challenge Grant Program and the future Down Payment Assistance Program and the positive impact these programs would have on a neighborhood. Councilwoman Hardinger added the Restore SGF Program had several projects in progress, and additional information regarding the different programs was available on their website. She discussed the Drew Lewis Foundation and their projects to revitalize neighborhoods by repurposing vacant lots.

Councilman Hosmer asked if BDS was responsible for maintaining vacant lots. Mr. Rowe responded BDS maintains vacant lots acquired by the City. He noted a property owner would be responsible if they maintained ownership of the lot. Councilman Hosmer noted the City could preapprove plans for those vacant lots which would allow a developer or builder the option of using the lot without having to go through an approval process with a separate set of plans which may not be approved. Councilman Hosmer expressed his opinion using preapproved plans to fill the vacant lots would decrease crime in those neighborhoods and provide an opportunity to create more affordable housing. Councilwoman Hardinger noted the preapproved plans could be a solution to adding more affordable housing stock in the city. Mr. Gage noted the Planning Department currently had approved plans to create affordable housing under certain programs such as the Land Trust.

Mr. Rowe noted the NPWG recommended updating the section of Codes which would assist in the development of a chronic nuisance property program for blighted buildings. He provided an overview of the proposed update to Section 26-77 – Penalty for failure to comply with the order of Director of Building Development Services. He noted the proposed modified language to this section included fines for any person, resident, or non-resident of the property who allowed or caused a chronic nuisance property to exist in the city upon conviction in Municipal Court. He noted the modified language would define a chronic nuisance property as properties which had been a final order under Section 26-70 two or more times; two or more properties under the same ownership for which there had been a Final Order under Section 26-70; or properties for which notice had been issued under section 26-65 but for which no substantial progress towards abatement had been made 45 days after notice had been issued.

Councilman Hosmer asked what the option would be for the City if a property owner failed to comply with BDS and whether the City would need to file a personal judgement order against the property owner. Duke McDonald, Assistant City Attorney, responded the City could file a personal judgement against the property owner for a special tax bill if City funding had been used to mitigate the nuisance issue. He noted the suggested modified language to Section 26-77 would use Municipal Court proceedings and apply a fine to the property owner. Councilman Hosmer asked for clarification regarding a forfeiture proceeding. Mr. McDonald responded most of the properties the City addressed were due to issues such as a destitute property owner or a deceased property owner. He explained sometimes the only way for the City to collect the fees applied to the property owner would be to go through proceedings for the property to be acquired by the City.

Councilman Hosmer asked if there was a way for the property owner to avoid court procedures by voluntarily surrendering their property to the City. Mr. McDonald responded some property

owners have forfeited their properties to the City in the past by using a Quit Claim Deed. Councilman Hosmer expressed his opinion there should be a policy in place which allows property owners to have the option to voluntarily surrender their property to the City due to certain circumstances such as financial hardships. Mr. Rowe noted many properties are put up for sale once the property owner has received the notice to vacate the property. Councilwoman Hardinger commented voluntarily surrendering the property could provide an option for the property owner during the abatement process. Mr. Gage discussed his concern creating a policy for a property owner to voluntarily surrendered their property due to financial hardship to the City could be misconstrued as the City taking a person's property.

Mr. Gage discussed the process of issuing a notice under Section 26-65 – Notice of public nuisance and order of abatement. He asked for clarification regarding Section 26-70 – Order of Abatement and how it would be implemented if the person complied with Section 26-65. Mr. McDonald responded Section 26-65 provided guidance for the City to send out the notices for the abatement. He noted if the property owner received the notice under Section 26-65 and had not made substantial progress, it would be considered a chronic nuisance. Mr. Gage asked if the property would still be considered a chronic nuisance and would proceed to Section 26-70 if a person received a notice under Section 26-65 and corrected the issues each time a notice had been sent. Mr. McDonald explained a property would be considered a chronic nuisance property if it met the definition listed in proposed Section 26-65 Subsection 1, Subsection 2, or Subsection 3.

Mr. Gage discussed adding further clarification regarding Section 26-65 and Section 26-70. Councilwoman Hardinger suggested changing the order of the Subsections to provide more clarity regarding the definition of a chronic nuisance property and substantial progress. She expressed her opinion the proposed section needed further discussion and clarification regarding the definition of chronic nuisance property. Mr. Rowe expressed his agreement. He noted staff would review the proposed for further discussion.

Mr. Rowe discussed the Crime Prevention Through Environmental Design (CPTED) Grant program suggested by the NPWG. He explained this program would allocate grant funding to encourage people to invest in home security equipment. He noted items for City Council to consider when implementing the grant would include ensuring proper installation, setup, and use training for those who qualify for the program, possibly requiring video capture obligations, and the lawful access by the City of all videos captured. He further noted the Springfield Police Department currently facilitates security surveys for neighborhoods as a crime prevention method. Mr. Gage discussed expanding education to the neighborhoods regarding the CPTED program. He noted methods such as websites could be used to provide information regarding how environmental design could be used to help prevent crime in the neighborhood.

Mr. Rowe noted the next recommendation made by the NPWG included a City of Springfield Employee Assistance Housing Grant. He noted this grant was used 15 to 20 years ago, but it was suspended due to the recession. He further noted this program would be easy to re-establish, but there were legal questions regarding using public funds for a private program. Mr. Gage explained funding an employee's housing would not be considered a public service, and this program raised other other legal concerns regarding the State statue and Charter Section 19.16 which would need further research.

Mr. Rowe discussed replacing rental registration with rental inspections suggested by the NPWG. He explained the City's current rental registration policy was currently not being used because it was difficult to have people sign up for the program. He noted BDS currently used the Lexus Nexis program to find information related to property owners. Mr. Gage noted the primary use of the rental program was to obtain the property owner's contact information. He further noted the rental registration program would need to be further researched before it could be implemented.

Councilwoman Hardinger suggested researching other models of rental registration programs used by other municipalities. Mr. Rowe responded municipalities such as Lawrence, Kansas, Columbia, Missouri, and St. Joseph, Missouri, had great programs. He noted rising rental costs or removal of the tenant could be an unintended consequence to implementing a rental inspection program in Springfield. Councilwoman Hardinger discussed homes currently within the rental stock in the city which should not be rented. She expressed her opinion there should be interventions in place to protect renters, encourage homeownership, and create an environment people want to move into long term. Mr. Rowe noted rental inspections could help create a quality of place, encourage people to restore the old housing stock, and lower the number of blighted nuisance cases. Mr. Gage noted a rental registration program could also encourage a landlord to sell the home to the renter. Councilwoman Hardinger expressed her opinion she would like Springfield to be known as the place that encourages homeownership.

Councilman Hosmer discussed BDS inspectors wearing uniforms to help identify themselves when approaching property owners. He noted St. Louis County had uniforms which has helped people be less confrontational when they were approached. Mr. Rowe noted the BDS Department was currently looking into the possibility of providing uniforms to the inspectors.

Councilwoman Hardinger thanked Mr. Rowe for his presentation. She discussed the next steps for the Committee members regarding the charge listed in Resolution 10722. Mr. Gage noted staff would be reviewing any legislative changes, if needed, based on the Committee members' recommendations. Councilwoman Hardinger further noted the Committee would need to review the feasibility of the NPWG recommendations and evaluate what resources may be needed to help implement the suggested changes for the City.

There being no further business to come before the Committee, Councilman Lee moved to adjourn. Councilman Hosmer seconded the motion, and it was approved by the following vote: Ayes: Lee, Hosmer, and Hardinger. Nays: None. Absent: Carroll. Abstain: None.

The meeting was adjourned at approximately 1:09 p.m.

Prepared by Lauren Fischer