

MARIETTA POLICE DEPARTMENT

CHIEF DAN FLYNN



FRANKLIN ROAD / WEED & SEED AREA

2007 STRATEGIC PLAN

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INTRODUCTION

The Marietta Police Department's philosophy of policing is represented through the M-STAR Program, (Marietta – Strategically Targeting Areas with Resources). Through M-STAR, the Marietta Police Department gathers criminal statistical data and allocates its resources to combat crime and quality of life issues. The M-STAR philosophy is also citywide. Citizens, visitors, business owners and city employees identify problems of criminal activity and/or quality of life issues through the use of M-STAR complaint forms. Once identified these problems are sent to one of five Marietta Police Zone Commanders.

The M-STAR Program is the format by which the Marietta Police Department implements Community Policing, which is based on the “Broken Windows” Theory. The “Broken Windows” Theory was co-authored by political scientists James Wilson and criminologist George Kelling. The theory holds that if symptoms of larger crimes are addressed, such as how graffiti relates to gang violence and drug trafficking, then these larger crimes may not be committed because there is no tolerance for the smallest infractions of laws and/or quality of life issues. In the “Broken Windows Theory” article the co-authors wrote, “If a window is broken and left unrepaired, people walking by will conclude that no one cares and no one is in charge”.

The Marietta Police Department takes the lead in spearheading a strategic plan as part of a Federal grant entitled “Weed and Seed” designed to reduce crime and disorder in the Franklin Road Community. The City of Marietta procured the Weed and Seed Grant specifically to improve the quality of life conditions in the

Franklin Road community. The grant enables the City of Marietta to be aggressive in addressing any symptoms that may fester into criminal activity.

This plan was created by a police-community relationship within the spirit of M-STAR. It includes two (2) sections. The first section identifies the current issues, goals, and plans of action within the Weed and Seed area. The second section is a list of suggestions to enhance the safety and quality of life for the Zone 1/ Weed and Seed community for a better tomorrow. Most importantly, this strategic plan calls for teamwork among the different departments within the City of Marietta Government, the Weed and Seed area residents and the business community.

SECTION I.

IDENTIFIED PROBLEMS

Through dialogue with the Franklin Road Community, the Marietta Police Department has isolated four topics, or areas of concern, that constitute the community's current major concerns. These four concerns are the Q Club, the vacant building located at 555 Commerce Avenue (the old Chili's Restaurant), the traffic problems on the Franklin Road corridor located between the South Marietta Parkway and Delk Road, and the concerns of criminal and drug activity in and around the apartment complexes on Franklin Road. This strategic plan will address these issues as well as planning for long-term quality of life improvements in the Franklin Road area.

GOALS

The goals of this plan will include the short-term and long-term objectives listed below.

1. To reduce the crime rate related to the Q Club by a minimum of twenty-five (25) percent in 2007 as compared to 2006.
2. To bring closure to the issue of the dilapidated vacant building, located at 555 Commerce Avenue, by complete demolition or to have the building meet the zoning requirements set forth by the City of Marietta.
3. To reduce the number of serious injury pedestrian related crashes by at least fifty (50) percent over the next three years as compared to the statistical data from the years 2002 – 2006.

4. Cause at least a ten (10) percent reduction of Part I crimes in the Weed and Seed area in 2007 as compared to 2006 statistical data.
5. Reduce the number of M-STAR disorder complaints from citizens and business owners on Franklin Road by twenty-five (25) percent from April 01, 2007 through December 31, 2007, as compared to the total number of disorder complaints from January 01, 2006 to January 31, 2007.

Q- CLUB

The first of the community's concerns is the Q Club located at 585 Franklin Road in the Nazareth Plaza, located at the intersection of Franklin Road and the South Marietta Parkway. Complaints about the Q Club involve excessive noise levels, littering on the properties in the area of the Q club, traffic congestion on Franklin Road, and illegal parking on private property from the patrons of the Q Club. These concerns were identified through seven (7) separate M-STAR complaint forms dated December 12, 2006 through January 09, 2007 and then reaffirmed at the February 2007 Zone 1 Town Hall meeting. In addition, there were many concerns of the illegal activity that involved the patrons of the Q Club. There have been over forty (40) police reports documenting activity at the Q Club since the start of 2006 to March 01, 2007. Of these reports over twenty-eight (28) have included public peace crimes such as disorderly conduct, obstruction, public drunkenness, noise violations, and crowd dispersals. The Q Club was also the scene of ten

(10) more serious/violent crimes such as aggravated assault, simple battery, weapons violations, and drug offenses.

Below is a time line that includes thirty-eight (38) of these police reports and seven (7) M-Star complaints related to the Q Club:

- **March 3, 2006 (Sunday at 3:00 AM) – Simple Battery – Fight**
- **March 25, 2006 (Saturday at 2:04 AM) – Public Drunk**
- **June 11, 2006 (Sunday at 3:00 AM) – Criminal Trespass**
- **July 09, 2006 (Sunday at 2:59 AM) - Disorderly Conduct**
- **July 23, 2006 (Sunday at 3:52 AM) – Obstruction**
- **Aug. 06, 2006 (Sunday at 4:34 AM) – Public Drunk**
- **Sept. 17, 2006 (Sunday at 4:10 AM) – Aggravated Assault**
- **Sept. 23, 2006 (Saturday at 11:40 PM) – Drug Possession**
- **Sept. 24, 2006 (Sunday at 1:40 AM) – Disorderly Conduct**
- **(2:20 AM) – Drug Possession**
- **(3:10 AM) – Disorderly Conduct**
- **Oct. 01, 2006 (Sunday at 12:25 AM) – Illegal Poss. of a Firearm**
- **Oct. 22, 2006 (Sunday at 1:15 AM) – Disorderly Conduct**
- **(3:43 AM) – Aggravated Assault**
- **Oct. 28, 2006 (Saturday at 1:30 AM) – Aggravated Assault**
- **Nov. 26, 2006 (Sunday at 1:30 AM) – Disorderly Conduct**
- **(3:45 AM) – Disorderly Conduct**
- **(4:00 AM) – Disorderly Conduct**

- **Dec. 03, 2006 (Sunday at 3:27 AM) – Disorderly Conduct**
- **(3:30 AM) – Disorderly Conduct**
- **Dec. 17, 2006 (Sunday at 2:20 AM) – Drug Possession**
- **Dec. 31, 2006 (Sunday at 2:50 AM) – Disorderly Conduct**

- **Dec. 31, 2006 (Sunday at 3:00 AM) – Disorderly Conduct**
- **Jan. 28, 2007 (Sunday at 1:55 AM) – Cited for Noise Violation**
- **(2:50 AM) – Disorderly Conduct**
- **Feb. 09, 2007 (Friday at 2:00 AM) – Aggravated Assault**
- **Feb. 11, 2007 (Sunday at 2:40 AM) – Cited for Noise Violation**
- **Feb. 17, 2007 (Saturday at 1:47 AM) – Public Drunk**
- **Feb. 18, 2007 (Sunday at 1:30 AM) – Drug Possession**
- **Feb. 24, 2007 (Saturday at 10:30 PM) – Crowd Dispersal - Fight**
- **(11:45 PM) – Disorderly Conduct**
- **(11:45 PM) – Obstruction**
- **(11:54 PM) – Obstruction**
- **(11:54 PM) – Obstruction**
- **Feb. 25, 2007 (Sunday at 12:15 AM) – Obstruction**
- **(12:30 AM) – Disorderly Conduct**
- **(3:30 AM) – Disorderly Conduct**
- **(3:30 AM) – Disorderly Conduct**

M-STAR COMPLAINTS

The following are M-STAR complaints received by the Marietta Police Department from residents and businesses in the area of the Q Club.

- December 17, 2006 – noise, illegal parking, alcohol and drugs.
- December 18, 2006 – damage to private property, noise, traffic, alcohol and drugs.
- December 18, 2006 – noise, traffic, loitering, littering, alcohol and drugs.
- December 27, 2006 – noise, traffic, illegal parking and drugs.
- January 04, 2007 – noise and illegal parking.
- January 05, 2007 – noise, traffic and illegal parking.
- January 09, 2007 – noise, parking, general safety and alcohol.



Q CLUB PLAN OF ACTION

The Marietta Police Department has initiated several steps to address the concerns of the community in regards to the Q Club. On February 27, 2007, a letter from Chief Flynn was delivered to the Owner and Manager of the Q Club advising that the Club has become a nuisance to the Franklin Road Community and the problems associated with the Q Club would not be tolerated anymore.

On February 28, 2007, the co-owner and manager of the Q Club, Mr. R. Lopez, met with Chief Flynn, Commander Messimer, and Lieutenant Campisi. During the meeting the concerns of the community and the Marietta Police Department were clarified for Mr. Lopez. Mr. Lopez was accepting of the issues that were raised and as a result of the meeting, he agreed to implement a series of actions designed to remedy many of these problems. The following is a list of actions that the Q Club agreed to implement throughout the month of March 2007:

- Comply with Marietta Noise Ordinance (10-04-20) in that the business' noise level shall not exceed 60 decibels. Mr. Lopez advised that the noise problem occurs when emergency exit doors are left open and noise escapes. He therefore offered to post security guards near the doors to ensure they remain unlocked, but closed.
- The Q-Club will provide a staff member(s), equipped with golf carts, to monitor the Q Club parking lot and the lots leased by the Q Club for their patrons. The staff will ensure that there is no loitering in these parking lots. The prevention of loitering will be instrumental in preventing any other criminal activities from escalating in the parking lots.

- **The Q-Club will provide a clean up crew that will pick up trash and litter along Franklin Road between the South Marietta Parkway and Twin Brooks Drive. This clean up will occur on early Sunday mornings (one hour after the Q Club closes).**
- **The Q Club will provide personnel (a Marietta Police Officer per Mr. Lopez's request) to direct pedestrian traffic, from the paid parking lot at Furniture Land to the Q Club, to use the marked crosswalk at Parkway Place. This will aid the flow of traffic so that jaywalkers do not disrupt the vehicle flow and it will also assist in the prevention of pedestrian related crashes.**
- **The Q Club will require all patrons to have official identification on their person prior to entering the Q Club (i.e. state drivers license, state identification card, and/or a passport).**
- **Mr. Lopez suggested and advised that he would raise the age requirement for his male patrons from eighteen (18) to twenty-one (21) by March 10, 2007. Mr. Lopez stated that in his opinion many of the problems relating to the Q Club were from patrons under the age of twenty-one and many of the issues would be remedied by raising the age requirement.**

A copy of the agreement letter is included in the Appendix, (Appendix A).

Q CLUB RECOMMENDATIONS

Working in concert with Q Club management, the Marietta Police Department will implement several actions to ensure the safety and orderly conduct of the business.

1. The Marietta Police Department Morning Watch Shift will continue to monitor the noise level on a weekly basis to ensure that the Q Club is complying with the city ordinance.
2. The Marietta Police Department will continue shift zone patrols of the parking lots to ensure that loitering is not occurring. This type of zone patrol is conducted throughout the city of Marietta.
3. The Marietta Police Department will periodically monitor the Q Club on early Sunday morning to ensure the roadway clean up is occurring.
4. The Marietta Police Department will cite pedestrians that violate the pedestrian related traffic codes. The Marietta Street Department will erect the recommended signage (as part of Project PEDS) to educate and encourage pedestrians to cross at the crosswalks.
5. The Marietta Fire Department Fire Marshals will continue to conduct safety checks of the Q Club to ensure the business is within the allowed occupancy and check the parking lots to ensure emergency vehicles have access to the business.
6. The City of Marietta Zoning Department will also assist the Police Department with the noise compliance checks as well as ensuring all other city zoning codes are being followed. The Zoning Department will also

provide a report to MPD Zone 1 Commander Messimer that includes all checks performed and citations issued within the Weed and Seed area. These documents will be analyzed and maintained.

- 7. The City Business License Department will ensure that the Q Club is current in its license and all other requirements set forth by the Business License Department, such as number of parking space allotted for a business.**
- 8. The surrounding businesses will continue to contract a towing/booting service for vehicles that are illegally parked on their property.**

555 COMMERCE AVENUE

A common complaint among the Franklin Road community is the vacant building at 555 Commerce Avenue. This building is located close to the intersection of Franklin Road and the South Marietta Parkway. This building was once occupied by Chili's Restaurant, but is now owned by Lee Jaraysi. This building has received the nickname of the "Blue Wave" from the local community due to a large blue frayed tarp that was placed on the exterior of the building. This building is an eyesore and a safety concern to the local community. It is the epitome of the Broken Windows Theory for the Franklin Road area.

There previously has been communication between the property owner and the City of Marietta, but all work has ceased since January of 2006. Since this time the Zone 1 Commander has received complaints from other business located next to the vacant building in regards to vagrants occupying the building. The property has alcoholic beverage bottles scattered around. Officers that have checked the building for vagrants have seen discarded condom rappers inside of building.

555 COMMERCE AVENUE REMEDIATION

On March 15, 2007, the City of Marietta filed two legal actions against the Jaraysi property (see Appendix B). It is not the city's intention to punish the property owner, but rather require them to forthwith clean up the property and bring it into legal zoning compliance. Nothing short of that will suffice.

TRAFFIC COMPLAINT

A major complaint identified through the M-STAR complaint forms and the Z-1 Town Hall Meeting was the issue of traffic. The community voiced their concerns as it related to the Q Club (the plan of action was previously described). There were also concerns of intoxicated drivers and speeding motorists on Franklin Road. The last issue of this complaint was in reference to the pedestrian traffic crossing the roadway in unmarked crosswalks causing a hazard to the pedestrian as well as to the motorists.

PLAN OF ACTION

In 2006, the Marietta Police Department issued over 500 citations for speeding and arrested over 50 motorists for D.U.I. on Franklin Road. The Marietta Police Department's S.T.E.P. (Selective Traffic Enforcement Program) Unit issued a large number of these citations. These citations were a result of daily patrols as well as organized Saturation Patrols on weekend nights. These patrols will continue in 2007 as well as Safety Check Points on Franklin Road. Beginning in March 2007, the S.T.E.P. Unit will conduct a series of high intensity traffic enforcement operations on Franklin Road.



ACTIONS

The following Marietta Police actions will address the community's concerns in regards to speeding motorist, impaired drivers, and pedestrian traffic:

- 1. The Marietta Police Department S.T.E.P. Unit will initiate a total of six (6) traffic operations dedicated to Franklin Road in 2007. These details will be a combination of Safety Check Points and Saturation Patrols. The first detail was put into action on March 17, 2007 (see Appendix C – Marietta Daily Journal news article).**
- 2. The Marietta Police Department S.T.E.P. Unit will deploy traffic enforcement officers who are trained Drug Recognition Experts (D.R.E.) in the Franklin Road area.**
- 3. Each Uniform Patrol Zone 1 Management Team Member will become Laser and RADAR certified and that officer shall be proactive in their traffic enforcement efforts in the Franklin Road area.**
- 4. Each Uniform Patrol Zone 1 Management Team Member will complete the S.F.S.T. (Standardized Field Sobriety Test) Course and shall be proactive in D.U.I. enforcement in the Franklin Road area.**
- 5. The Marietta Police Department should seek funding through the G.O.H.S. (Governor's Office of Highway Safety) for a Marietta H.E.A.T (Highway Enforcement for Aggressive Traffic) Team. This grant will provide the Police**

Department additional officers and equipment, which can be utilized for extra patrols in the Weed and Seed area.

6. The Marietta Police Department will intensify implementation of the Project P.E.D.S. Program on Franklin Road.

In 2006, the Marietta Police Department implemented the Project P.E.D.S. (Pedestrian, Engineering/Education/Enforcement to reduce Deaths & Serious injuries) Program. This program was developed in 2005 by the S.T.E.P. Unit to address the high number of fatalities and/or serious injury pedestrian related crashes inside the city of Marietta. The 2006 goal was to reduce these crashes in specific areas that were identified as locations of common occurrences (Powder Springs Road (between Griggs Street and Chestnut Hill Rd) and the South Marietta Parkway (between Fairground Street and Aviation Road). In 2006, the S.T.E.P. Unit achieved their goal because there were no fatality pedestrian related crashes and only one (1) serious injury pedestrian related crash in these targeted areas. This was a significant decrease from four (4) serious injury crashes and two (2) fatal crashes in 2005.

Project P.E.D.S. required posting hundreds of signs along both sides of the roadways on the South Marietta Parkway and Powder Springs Road. These signs instructed pedestrians to not cross the street outside of a crosswalk.



Below is a list of Marietta Police Department recommendations that the Marietta Street Department will consider for implementation.

- 1. Post the “Use Crosswalk” signs 185 feet apart from each other on both sides of the roadway on Franklin Road from the South Marietta Parkway to Delk Road.**
- 2. Post two (2) flashing yellow signs on Franklin Road advising motorists that there is a lot of pedestrian traffic in the area. One sign for the southbound traffic on Franklin Road (posted just south of the South Marietta Parkway) and the other for the northbound traffic (posted just north of Delk Road).**
- 3. A mid-block crosswalk controlled by a traffic signal on Franklin Road in the area of 1033 Franklin Road (Franklin Plaza). There have been multiple S.T.E.P. investigations for pedestrian related serious injury crashes in this section of Franklin Road. This area is a common location for pedestrians to cross due to the large number of businesses in the Plaza.**
- 4. Paint a crosswalk at the intersection of Franklin Road and Franklin Court. This intersection is currently controlled by a traffic signal and there is an electronic pedestrian signal to assist pedestrians cross the roadway.**
- 5. Paint a crosswalk at the intersection of Franklin Road and Kingston Court. This intersection is currently controlled by a traffic signal and there is an electronic pedestrian signal to assist pedestrians cross the roadway.**

CRIME AND DRUG COMPLAINTS IN AND AROUND THE FRANKLIN ROAD APARTMENT COMPLEXES

During the February 2007 Zone 1 Town Hall meeting many of the attendees expressed their concerns for their safety as Franklin Road residents. There was a lot of discussion about general resident safety and the amount of drug activity in the Franklin Road area.

ACTION

The Marietta Police Department's main action with regard to the problems of crime and drugs in and around the Franklin Road apartment complexes will be to implement the Crime Free Housing Program in April 2007. This nationally recognized program was designed to reduce crime and drugs in multi-rental housing complexes by forming a coalition between police, property owners / managers, and the residents of these rental properties. This initiative should include a lease addendum for drug-free housing. The addendum is an agreement between the leaser and the lessee that no criminal activity, to include drug-related activity, will take place in the lessee's household. This agreement will empower the apartment complex managers to immediately evict violators of this agreement within a matter of days.

In mid-April the Marietta Police Department will host the Crime Free Housing training for Marietta Police Officers and Franklin Road apartment complex managers. Crime Free Housing experts from California will conduct the training. The implementation of this program is targeted for Spring 2007.

SECTION II.

Section II is a list of initiatives designed to enhance the safety and quality of life for the Zone 1/Weed and Seed community for a better tomorrow. It includes five parts: Enforcement, Data Collection, Environmental Factors, Education, and City Ordinances.

PART I. – ENFORCEMENT

The Marietta Police Department has begun several enforcement initiatives to combat the criminal activity within the Weed and Seed area. These include the following:

- **Foot Patrols by Zone 1 Evening Watch Officers.**
- **Narcotics Investigations by C.I.U. (Crime Interdiction Unit), the A.T.F. (Alcohol Tobacco and Firearms) Federal Agents, and Agents with M.C.S. (Marietta, Cobb, Smyrna) Drug Task Force.**
- **Weekend Franklin Road Saturation Patrols conducted by the S.T.E.P. Unit and C.I.U.**
- **Alcohol Compliance Checks.**
- **Strike Team Patrol (3 Officers and 1 Supervisor) on random nights.**

The following is a list of actions for additional enforcement:

- **Commence Foot Patrols on Day Shift (make contacts with the apartment complexes leasing offices and business owners/managers).**
- **Utilize the MPD Bicycle Patrol with a special emphasis within the apartment complexes and business plazas during daytime hours when school is out of session.**
- **Empower the Marietta Police Department Warrant Officer to coordinate with the Cobb County Sheriff's Office and periodically serve outstanding warrants within the Weed and Seed Area with the assistance of the Marietta Special Response Team.**
- **Deploy the Marietta Police Department Warrant Officer to act as a liaison with the city, county, and state probation/parole officers to ensure that the people on probation/parole within the Weed and Seed area are complying with the rules and regulations of their probation/parole and if not take the appropriate action.**
- **Create a surveillance team from the Investigative Division to operate as a Stake-Out Unit as needed.**
- **Create three (3) separate larger strike teams that consist of eight (8) officers from the various specialized units within the Marietta Police Department. These teams will consist of a mixture of even officers from specialized units and will utilize foot patrols, marked**

vehicle patrols, and under cover patrols. These teams will be activated when the Detective Division and/or the Zone 1 Management Team establish crime patterns.

- **Direct the Research and Development Sergeant to work with C.I.U. and pursue procurement of a state-of-the-art video camera that can be placed on a portable platform with real time monitoring capabilities to place in areas with reoccurring criminal activity. Logistically, this camera would have to be supported by Fiber Net lines that will need to be put in place.**
- **Distribute a flier throughout Franklin Road advising of the Marietta Police Department's Tip-Line telephone number. The flier will ask residents to call, anonymously if they wish, and report any illegal activity they see. The Marietta Police Department will follow-up on all reasonable tips.**
- **In March 2007 the Weed and Seed Coordinator, Daneea Badio, along with the Marietta Police Department and other partners with the Weed and Seed committee applied for a grant through the U.S. Department of Justice's Project Safe Neighborhoods Initiative. If awarded the grant will provide additional equipment and manpower to concentrate on reducing gun violence and gun crimes as wells as gang prevention and gang enforcement.**

PART II. – DATA COLLECTION

Once the Zone 1 Commander deems a location as a “problem” area involving a criminal activity and/or issues that diminish the quality of life (such as a problematic businesses that is or is becoming a community nuisance), a file will be initiated to track past, current, and future activity. In order to analyze the data that is collected regarding the Weed and Seed Area the Zone 1 Commander will designate a Zone 1 Team Management Member to maintain a filing system to include, but not limited to the following data:

- **Marietta Police Reports.**
- **Marietta Fire Marshal Reports.**
- **M-STAR Complaint Forms.**
- **Detective Arrest Reports.**
- **Over-lay mapping system displaying Part I crimes.**
- **Field Interview Cards/Reports (these also need to be scanned into the MPD computer system and accessible to Shift Officers on their MDT patrol car computers).**
- **Reports from the MPD Tip-Line.**
- **Reports from all Alcohol Compliance Checks.**
- **Reports from additional Enforcement activity (i.e. Check Points / Saturation Patrols).**
- **Surveys from residential and businesses within the Weed and Seed Area. An example of this type of survey is located in the Appendix, section D.**

PART III. –ENVIRONMENTAL FACTOR

Environmental factors such as lighting play a key role in the prevention of criminal opportunity. Below is a list of actions to address this issue. The implementation of these actions will impact the reduction of criminal activity in the Weed and Seed Area.

- Request the Marietta BLW increase the wattage (400W) of the light bulbs along Franklin Road to increase driver visibility.**
- Request the Marietta BLW place a light on each city light pole along the Franklin Road corridor (between the South Marietta Parkway and Delk Road) that will emit light downward to the sidewalk and the tree lines/property along the sidewalk. The additional light will increase pedestrian safety.**
- Assign the MPD Community Outreach Unit to create and perform a property safety checklist that would evaluate fence lines, lighting, manicured landscaping, security of common areas, security of vacant apartments, security of storage areas. (Example, an informal survey of the exterior lights of the apartment complexes on Franklin Road was conducted and results are located in the Appendix, section E). This is similar to C.P.T.E.D. (Crime Prevention Through Environmental Design).**

PART IV. –COMMUNITY EDUCATION/ ASSISTANCE PROGRAMS

A key element to any strategic plan is to provide education to the community. There are currently several educational and assistance programs in place on Franklin Road and the management of the Las Colinas Apartment Complex, 861 Franklin Road, hosts many of them. Current education programs on Franklin Road include:

- **Boys and Girls Club – ages 6-12 - Monday through Friday.**
- **Latin-American Association – Monday through Friday – classes/programs include English, Mothers Assistance, Computers, and Health Fairs.**
- **Travelers-Aid – assists with utility bills, rent payments, food supply, and Senior Citizen Assistance.**
- **Grass Roots – art class for children ages 8-15 on Monday afternoons.**
- **Alcohol and Drug Prevention Classes – ages 10-15 on Tuesdays and Thursdays.**
- **Pre-Natal Class – on Thursday afternoons.**
- **Domestic Violence Classes (March 14, 2007).**

The following are suggestions to add to the education in the community:

- **Fire Safety presented by the Marietta Fire Department to cover topics such as city ordinances enforced by the Marietta Fire Department, grilling on decks, over-heated stovetops, extension cord fire hazards, and C.P.R. classes (Lt. T. Nalley @ 770-794-5498).**

- **Car Seat Safety Classes – child car seats provided by Cobb Safe Kids.**
- **Advertise the MPD Tip Line and a safety message on the commercial billboards that are on Franklin Road.**
- **Have the Community Outreach Unit create a brochure in English and Spanish to include tips on personal safety, residence safety, and securing vehicles.**

PART V. ORDINANCES

Some long-term goals that will aid officers of the Marietta Police Department would be to review and update some of the existing city ordinances and consider creating some new ordinances. The following are suggestions to be considered by the city attorney and city counsel:

- **Revise Marietta City Ordinance 10-4-010 (Disorderly Conduct) to include the offense of obstruction of a police officer while in the discharge or apparent discharge of his lawful duties. This addition to the existing ordinance is similar to Jefferson County (Louisville), KY, ordinance 132.03 (line 15), which is located in the Appendix, section F.**
- **Revise Marietta City Ordinance 10-4-140 (Loitering for the Purpose of Using, Possessing or Selling any Controlled Substances) to generalize the meaning of loitering so that controlled substances are not an element of the crime. An example of this is located in the Appendix, section G.**
- **Revise Marietta City Ordinance 8-12-8-010 (Burglar Alarms) to include a fine associated with repeat false alarms. Currently, there are no fines associated for repeat offenders within Marietta and zone officers are removed from other calls and routine patrol to answer these false alarms. One example, of such a repeat offender is Graphic Packaging. This business has two separate buildings in the Franklin Court Business Park. One is located at 824 Livingston Court. From June 01, 2006 to December 31, 2006 there were fourteen (14) false alarm calls. At this same location from**

January 01, 2007 to March 01, 2007 there have already been four (4) false alarms. The second location of Graphic Packaging is at 835 Franklin Court. From June 01, 2006 to December 31, 2006 there were ten (10) false alarm calls and so far in 2007 (from January 01 to March 01) there have already been five (5) false alarms. A total of thirty-three (33) false alarms in a nine-month period. These “false alarms” consume a lot of the police department’s time and manpower. Included in the Appendix, section H, is a copy of the Cobb County, GA, ordinance that addresses this issue.

- Revise Marietta City Ordinance 10-8-010 (Nuisances) to criminal activity as a nuisance and strengthen the city’s ability to handle such nuisances. An example of this ordinance is included in the Appendix, section I, from Jefferson County, (Louisville, KY). Also included in the Appendix, section J, is an example from Portland, OR. This ordinance identifies nuisances as they relate to business that serves alcoholic beverages and the consequence of having three (3) violations within a thirty (30) day time period.**
- Research the legality of mandating apartment complexes to maintain undamaged fencing surrounding their property. This will help reduce the pedestrian traffic from traveling from complex to complex. This type of movement invites criminal activity that is difficult to detect by law enforcement. If deemed legal then the City of Marietta should write an ordinance requiring such fencing and penalties for non-compliance.**
- It is recommended that the city of Marietta Legal Department research the legality of restricting the number of businesses that serve alcoholic beverages**

within a geographic area (i.e. square mileage). Exceptions to the ordinance should be considered, (i.e. Historic Marietta / Marietta Square).

CONCLUSION

The goals and suggestions that are listed in this strategic plan are consistent with the M-STAR vision of allocating all resources to combat community problems. The City of Marietta truly cares for its residents and businesses. The City of Marietta will leave nobody doubting that the City will take charge when someone or something threatens our community. Together as a TEAM the City of Marietta and the community that it serves will accomplish these goals.

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APPENDIX – A

(Q Club Agreement Letter)

March 02, 2007

Ms. Idalyd Lopez, Owner: Salon Q a.k.a. Q Club
R. Lopez, Manager
585 Franklin Road
Marietta, GA 30067

To all,

I would like to thank you, Mr. Lopez, for coming to the Marietta Police Department on February 28, 2007, and meeting with Commander Messimer, Lieutenant Campisi and me in regards to the Q Club. As a result of this meeting you have shown that you want to be a partner with the Franklin Road Community. In short, this letter is intended to summarize what was discussed and agreed upon by both you and the Marietta Police Department.

The issue of the previous noise complaints and violations was addressed. You agreed to comply with Marietta City Ordinance 10-04-020 and we agreed to meet with you with a noise meter so that the lawful level of music can be determined and set by your master volume control. You also stated that you will keep two employees posted by the Club's exterior doors to ensure that the doors remain unlocked (per the city fire code), but closed so that the noise level will not disturb the neighboring residential and hotel communities.

We discussed and agreed that on Saturday nights the Q Club will provide staff to regularly monitor the Q Club parking lot and the Furniture Land parking lot (leased by the Q Club on Saturday nights) to prevent loitering that may escalate to other law violations. These employees will advise the Q Club patrons not to loiter when the loitering occurs.

The next issue that was discussed and agreed upon by all is that the Q Club will provide a clean up crew on Saturday nights to pick up trash in the parking lots used by Q Club patrons and along the roadway between the South Marietta Parkway and Twin Brooks Drive. This clean up will take place one hour after the Club closes.

We also agreed that on Saturday nights the Q Club would provide a person in the area of Furniture Land to direct the pedestrians to cross Franklin Road at Parkway Place to prevent pedestrian related crashes and to ensure that the normal flow of traffic on Franklin Road will not be disturbed. It was your suggestion that the Q Club hire one additional Marietta Police Officer to handle this post and all agreed upon your suggestion.

The next issue that was agreed upon was that the Q Club would make a policy that would require all patrons to have on their person official photo identification, (i.e. a state drivers license, a state identification card, and/or a passport).

Finally, you committed to raising the age requirement to enter the business. You recognized that many of the problems that were discussed involved patrons under the age of twenty-one (21). You advised that the Q Club would raise the age requirement for entrance into your business from eighteen (18) to twenty-one (21) years old for men and remain at eighteen (18) for women. You stated that the Q Club would implement this change by March 10, 2007. You also stated that you are taking steps and are committed to creating a dress code policy that the patrons of the Q Club would have to comply with in order to enter the Club.

If you have any comments or questions about any of these agreements please contact me so we can discuss your concerns. The Marietta Police Department will also permit their Police Officers to continue working off-duty at the Q Club through the end of March, with Saturday, March 31st being the last approved date. The City of Marietta will continue to monitor the Q Club through the month of March and if needed we will meet again in early April. The Marietta Police Department is pleased to be working with the Q Club in addressing these any future issues and I am excited that with this partnership we will be strengthening our professional relationship with each other.

Sincerely,

Chief of Police, Dan Flynn
240 Lemon Street
Marietta, GA 30060

APPENDIX - B

The following pages in Appendix –B include the March 19, 2007, court filings, Petition and Notification of Request for Demolition, from the City of Marietta to the interest holders of the property located at 555 Commerce Avenue.

IN THE MUNICIPAL COURT OF MARIETTA
STATE OF GEORGIA

CITY OF MARIETTA

vs.

CASE NO: 07 TR 03257

Jaraysi's Entertainment Hall & Restaurant, LLC,
Yasmine's Entertainment Hall & Restaurant, LLC
Aladdin's Entertainment Hall & Restaurant, LLC
Waleed "Lee" Jaraysi
SunTrust Bank
American Innovative Management, Inc
Mingledorff's
Nazareth, LLC,
555 Commerce Ave. Marietta, Georgia, in rem
Respondent(s).

C. Harper

PETITION AND NOTIFICATION OF REQUEST FOR DEMOLITION

COMES NOW, the City of Marietta by and through its Solicitor and Counsel for the City and files this Petition and Notification of the City of Marietta's request for demolition of an unsafe building and shows as follows:

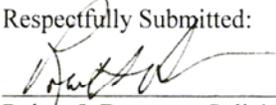
1. That the City Housing Inspector has determined that there exists an unsafe building or structure within the City; and
2. That such structure or building is located at: **555 COMMERCE AVENUE, MARIETTA, GEORGIA**, a location subject to the jurisdiction of the Municipal Court of Marietta,
3. That the City Housing Inspector has inspected, declared unsafe with a concurrent request of the purported agent of owner that such building be repaired in compliance with the appropriate codes of the City of Marietta and the owner has not complied. The building or structure has been declared unsafe because of violation (s) of the following code section (s) and its heading:
SEE ATTACHED AND INCORPORATED HEREIN EXHIBIT "A", City of Marietta Housing Inspector Report.
4. Petitioner shows that a hearing is necessary by the Judge of the Municipal Court of the City of Marietta to consider whether such building or structure constitutes an unsafe building or structure, and, if so, whether there is a need for remedial action of the owner or interested party to render such building or structure safe as well as whether the demolition and removal of such building or structure is appropriate.

WHEREFORE, the City of Marietta prays:

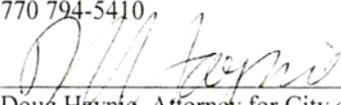
- (a) That the record owner and any other persons known to have a vested interest in such building receive notice at least fifteen (15) days prior to such hearing; and
- (b) That a copy of this petition and notice be posted in a conspicuous place on the premises to which it relates; and
- (c) A hearing to determine whether such building or structure is unsafe and if found to be such, the specific conditions and deficiencies rendering such building or structure unsafe; and/or whether the said building can be repaired or restored to a safe condition within a reasonable period of time or;
- (d) An order finding that such conditions cannot be corrected within a reasonable period of time and that the building should be removed by the owner or in the alternative by the City with such expense being a charge against the owner and the property.

This ^{19th}~~17~~ day of March, 2007.

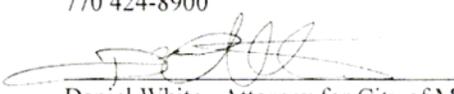
Respectfully Submitted:



Robert I. Donovan, Solicitor for City of
Marietta
Georgia State Bar number 225819
240 Lemon Street
Marietta, Georgia 30060
770 794-5410



Doug Haynie, Attorney for City of Marietta
Georgia State Bar number 340800
222 Washington Ave.
Marietta, Georgia 30060
770 424-8900



Daniel White, Attorney for City of Marietta
Georgia State Bar number 153033
222 Washington Ave.
Marietta, Georgia 30060
770 424-8900

MUNICIPAL COURT OF MARIETTA

STATE OF GEORGIA

CITY OF MARIETTA

CASE NUMBER:

07TR03257

vs.

Building located at 555 Commerce Ave., Marietta, Georgia,
Jaraysi's Entertainment Hall & Restaurant, LLC
Casmine's Entertainment Hall & Restaurant, LLC
SunTrust Bank
Cazareth, LLC
Jaddin's Entertainment Hall & Restaurant, LLC
Valeed "Lee" Jaraysi
American Innovative Management, Inc.
Küngledorff's
et. al.,

D. Harper

Respondents.

NOTICE

YOU ARE HEREBY NOTIFIED that the City Housing Inspector has determined that the structure and building located at: **555COMMERCE AVENUE , MARIETTA, GEORGIA**, is an unsafe building or structure by virtue of being in violation of:

SEE ATTACHED AND INCORPORATED EXHIBIT "A", City of Marietta Housing Inspector Report

YOU ARE ADDITIONALLY NOTIFIED that a HEARING will be held before the Judge of the Municipal Court of the City of Marietta to consider whether such building or structure constitutes an unsafe building or structure and the remedial action which shall be required of the owner to render such building or structure safe, including the issue of whether demolition and removal of such building or structure is necessary.

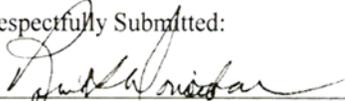
You, the owner, or any other parties having a vested interest in such building or structure are advised that you may be represented by attorney at such hearing, also you shall be permitted to present any relevant evidence and be given an opportunity to cross examine all witnesses.

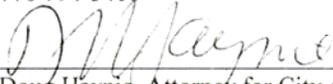
Concurrent with the posting of this notice the owner and any other persons known to have a vested interest in such building have been mailed by First Class and Certified Mail a copy of this notice giving at least fifteen (15) days prior notice of such hearing. Said Hearing is set for hearing on 10th April, 2007, at 1:30 a.m.(p.m.) At any such hearing, which can be continued from day to day and term to term hereafter, the Judge of the Municipal Court shall determine whether such building or structure is unsafe, and

if so, the Judge shall enter an Order setting forth:

- (1) Whether the structure(s) at such location are found to be safe or unsafe.
- (2) If found to be unsafe, the Judge shall enter an order detailing the specific conditions and deficiencies rendering such building or structure unsafe.
- (3) If the Judge determines such building or structure is unsafe then the Judge shall also enter an order as to whether the structure can be repaired and restored to a safe condition, within a reasonable period of time and with a reasonable amount of expense. Such Order shall also state that if the specific conditions and deficiencies are not corrected within a reasonable period of time then the owner or other interested party shall be required to demolish such structure. If the structure has not been demolished within such period of time then such Order shall grant to the City of Marietta authority to demolish such structure and remove remains AT THE OWNER'S EXPENSE.
- (4) If the Judge determines that such building or structure cannot be repaired and restored to a safe condition within a reasonable period of time or because such building or structure is a non-conforming structure, such Order shall state that the owner shall demolish and remove such building or structure within ten (10) days hereafter, and upon the failure of the owner to do so, the City will demolish and remove such building or structure AT THE OWNER'S EXPENSE. (MARIETTA CITY CODE 10-8-060)
- (5) You have the right to have an attorney represent you.
- (i) Please govern yourself accordingly.

Respectfully Submitted:


Robert I. Donovan, Solicitor for City of Marietta
Georgia State Bar number 225819
240 Lemon Street
Marietta, Georgia 30060
770 794-5410


Doug Haynie, Attorney for City of Marietta
Georgia State Bar number 340800
222 Washington Ave.
Marietta, Georgia 30060
770 424-8900


Daniel White, Attorney for City of Marietta



205 Lawrence S
P. O. Bo:
Marietta, GA 3
Telephone (770) 794-
Fax (770) 794-

March 15, 2007

RE: Unsafe building/structure at 555 Commerce Ave.

Jaraysi's Entertainment Hall & Restaurant, LLC
Yasmine Restaurant & Shadia Restaurant, LLC
c/o Waleed "Lee" Jaraysis
3301 Lynhurst Drive
Marietta, Georgia 30062

The Marietta Code Enforcement Division along with the Fire Department, Building Division and Police Division conducted an inspection of the structure and premises at 555 Commerce Avenue on March 8, 2007 from the road way and Hardee's parking lot. Upon completion of the inspection, the City of Marietta has determined that the *subject property is in violation of the following sections of the Marietta Code of Ordinances:*

1. City of Marietta Zoning Ordinances

- | | |
|----------------------|--|
| Code Section: 706.03 | Continuance of a non-conforming use or structure |
| 706.04 | Exceptions |
| 708.16 | CRC, Community Retail Commercial |

2. City of Marietta Code Section 7-4-2-100 International Property Maintenance Code.

- | | | |
|--------------|---------|----------------------------|
| Code Section | 108.1.1 | Unsafe Structures |
| | 301.1 | Scope |
| | 301.2 | Responsibility |
| | 301.3 | Vacant structures and land |
| | 302.1 | Sanitation |
| | 302.3 | Sidewalks and driveways |
| | 302.5 | Rodent harborage |
| | 304.1 | General |
| | 304.2 | Protective Treatment |
| | 304.4 | Structural members |
| | 304.5 | Foundation Walls |
| | 304.6 | Exterior walls |
| | 304.7 | Roofs and drainage |

304.13	Window, skylight and door frames
305.1	General
501.1	Scope
501.2	Responsibility
601.1	Scope
601.2	Responsibility
604.3	Electrical system hazards

3. City of Marietta Code Section 7-4-2-020 State minimum standard codes adopted

Code Section	105	Permits
	105.3.2	Time Limitation of Application
	115	Unsafe Structures and Equipment
	115.1	Conditions

4. City of Marietta Code Section 2-6-010 Fire Prevention Code: The International Fire Code 2006 Edition.

Code Section	311	Vacant Premises
	311.2.1	Security
	304	Combustible Waste Material
	304.1	Waste Accumulation Prohibited
	1410	Access for Firefighting
	1410.1	Required Access

5. Memo by Marietta Police Department revealed multiple empty alcoholic beverage bottles, litter and debris. Structure was not secure and could be easily entered. They had also had been advised of vagrants activity in the building.

Pursuant to Marietta Code of Ordinances Section 10-8-60 this letter will serve as notice that the building/structure located at 555 Commerce Avenue, Marietta, Georgia 30067 has been **declared by the City Housing Inspector to be an unsafe building/structure** as defined in paragraph E of 10-8-060, due to the above listed violations. Additional notice will be given to you regarding a hearing on this matter before the municipal court judge of the City of Marietta at which you may be represented by counsel and at which you will be permitted to present any relevant evidence and will be given an opportunity to cross examine all witnesses.

If additional assistance or information is required, please call my office during regular business hours at 770-794-5439.

Sincerely,



Judy Garrett

MUNICIPAL COURT OF MARIETTA

STATE OF GEORGIA

CITY OF MARIETTA

CASE NUMBER: 07 TR 0 325

vs.

Building located at 555 Commerce Ave., Marietta, Georgia,
Jaraysi's Entertainment Hall & Restaurant, LLC
Yasmine's Entertainment Hall & Restaurant, LLC
SunTrust Bank
Nazareth, LLC
Aladdin's Entertainment Hall & Restaurant, LLC
Waleed "Lee" Jaraysi
American Innovative Management, Inc.
Mingledorff's
et. al.,

Respondents

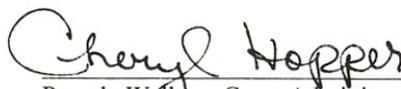
RULE NISI

Please take notice that the Movant, City of Marietta, will bring forth a hearing before the Honorable Roger J. Rozen, Judge of the Marietta Municipal Court on the 10 day of April, 2007 at 1:30 a.m. (p.m.), you are invited to show cause why an Order of Demolition should not be entered in the above-referenced case.

Respectfully submitted:

This 15 day of March, 2007.


Robert I. Donovan, Solicitor
Georgia State Bar number 225819
City of Marietta Municipal Court
240 Lemon Street
Marietta, GA 30060
(770) 794-5410


~~Pamela Wallace, Court Administrator~~
Marietta Municipal Court **Clerks Office**
240 Lemon Street
Marietta, GA 30060

IN THE MUNICIPAL COURT OF MARIETTA
STATE OF GEORGIA

CITY OF MARIETTA

vs.

CASE NO: 07 TC 03257

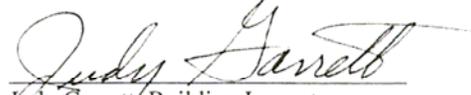
Jaraysi's Entertainment Hall & Restaurant, LLC,
Yasmine's Entertainment Hall & Restaurant, LLC
Aladdin's Entertainment Hall & Restaurant, LLC
Waleed "Lee" Jaraysi
SunTrust Bank
American Innovative Management, Inc
Mingledorff's
Nazareth, LLC,
555 Commerce Ave. Marietta, Georgia, in rem
Et. al.

Respondent(s).

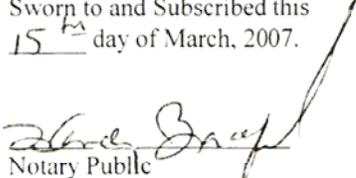
VERIFICATION

Comes now, Judy Garrett, the City of Marietta Building Inspector, who appears below the below official who is authorized to give oaths and does state that the within and foregoing Petition for and Notification of City of Marietta's Request for Demolition is true and correct to the best of her knowledge.

This the 16 day of March, 2007.


Judy Garrett, Building Inspector
City of Marietta

Sworn to and Subscribed this
15th day of March, 2007.


Notary Public

Notary Public, Paulding County, Georgia
My Commission Expires February 2010

MUNICIPAL COURT OF MARIETTA

STATE OF GEORGIA

CITY OF MARIETTA

CASE NUMBER: 07TR032

vs.

Building located at 555 Commerce Ave., Marietta, Georgia,
Jaraysi's Entertainment Hall & Restaurant, LLC
Yasmine's Entertainment Hall & Restaurant, LLC
SunTrust Bank
Nazareth, LLC
Aladdin's Entertainment Hall & Restaurant, LLC
Waleed "Lee" Jaraysi
American Innovative Management, Inc.
Mingledorff's
et. al.,

D. Heppner

Respondents.

CERTIFICATE OF SERVICE

COMES NOW Daniel W. White, City Attorney and certifies that he has this date caused the entities on Exhibit A attached and incorporated herein, to be served by certified mail, return receipt requested and First Class Mail with sufficient postage thereon with a Notification of Request for Demolition of Unsafe Building Petition with attached exhibit of City Housing Inspector Report and Rule Nisi giving notification that the owner and any other party known to have a vested interest in such building or structure that he or she has a right to be heard as well as represented by counsel and to present any relevant evidence pertaining to the subject matter contained therein as well as to cross examine all witnesses.

This 15 day of March, 2007.



Daniel W. White
Georgia State Bar number 153033
City Attorney for City of Marietta
222 Washington Avenue
Marietta, Georgia 30060
(770) 422-8900

EXHIBIT A

<p>Title Holder (as listed on WD @ DB 14036/154): Jaraysi's Entertainment Hall & Restaurant, LLC Principal Place of Business: 3301 Lynhurst Dr. Marietta, GA 30062 Registered Agent: R. Bradley Carr Andersen, Tate & Carr 1505 Lakes Parkway, Suite 100 Lawrenceville, GA 30043</p>	<p>LLC name changed 11/10/2004: Aladdin's Entertainment Hall & Restaurant, LI Principal Place of Business: 3301 Lynhurst Dr. Marietta, GA 30062 Registered Agent: R. Bradley Carr Andersen, Tate & Carr 1505 Lakes Parkway, Suite 100 Lawrenceville, GA 30043</p>
<p>LLC name changed again 1/10/05: (current name) Yasmine's Entertainment Hall & Restaurant, LLC PPB & Registered Agent: (see above) Principal Place of Business: 3301 Lynhurst Dr. Marietta, GA 30062 Registered Agent: R. Bradley Carr Andersen, Tate & Carr 1505 Lakes Parkway, Suite 100 Lawrenceville, GA 30043</p>	<p>Previous owner (and officer of Jaraysi's): Waleed "Lee" Jaraysi 3301 Lynhurst Dr. Marietta, GA 30062</p>
<p>(Security Deed @ DB 14036/154) SunTrust Bank P.O. Box 4418 Gainesville, GA 30501 Attn: Greg Castronova, Assistant VP with a copy to) Andersen, Tate & Carr 505 Lakes Parkway, Suite 100 PO Box 2000 Lawrenceville, Georgia 30046 Attn: Thomas J. Andersen</p>	<p>Materialman's Lien claimed in the amount of \$48,300.00 Recorded 11/29/05, @ Lien Book 11, Page 6386 Claimant: American Innovative Management, Inc. 110 Quincy Avenue Griffin, GA 30223 Attn: Omar Ali</p>
<p>Promissory note giver mentioned in Security Deed Mazareth, LLC R. Bradley Carr Andersen, Tate & Carr 505 Lakes Parkway, Suite 100 Lawrenceville, GA 30043</p>	<p>Materialman's Lien claimed in the amount of \$21,625.53 Recorded 5/24/05, @ Lien Book 9, Page 89 Notice of Action to Enforce filed 3/21/06. @ DB 14303, Page 3951 Claimant: Mingledorff's PO Box 2608 Norcross, GA 30091 Attn: Al Carlson</p>



IN THE MUNICIPAL COURT OF MARIETTA
STATE OF GEORGIA
240 Lemon Street
Marietta, Georgia 30060
770-794-5400

CASE NO. 07TR03257

CITY OF MARIETTA
V.
JARAYSI'S ENTERTAINMENT HALL & RESTAURANT,
LLC

JARAYSI, WALEE LEE
3301 LYNHURST DR
MARIETTA, GEORGIA 30062

You are hereby ordered to return to the Marietta Municipal Court for

MOTIONS HEARING
on

April 10, 2007 AT 1:30 pm

You will receive no further notice. If you cannot appear on the above date, the solicitor's office requires notice at least five working days in advance so that witnesses can be contacted.
770-794-5410

DEFENDANT/ATTORNEY SIGNATURE

PHONE NUMBER

WW 3/15/07

APPENDIX - C

Marietta Daily Journal – March 20, 2007

Franklin Road sting nets 184 citations

By David Brandt

MDJ Assistant News Editor

MARIETTA - For as many police officers patrolling Franklin Road near the Franklin Oaks business complex Saturday night, there were almost as many arrests.

Traffic slowed to a halt in each direction. Drivers gave excuses for no ID. Dogs sniffed cars for anything and everything.

And it was just a traffic safety checkpoint.

In an effort to encourage driver safety and decrease danger along Franklin Road, Marietta police Saturday led a multi-agency operation with more than 80 officers stopping drivers and checking for the necessary documents.

By the end of the night, 184 citations were issued, 73 of which were arrests.

And it all was done in just six hours.

"In one night, to arrest 73 people for so many violations, it's really disconcerting," said Marietta police Chief Dan Flynn.

The operation, partially funded through the city's federal Weed and Seed grant, started at 8 p.m. Saturday and didn't close until 2 a.m. Sunday.

Among those arrested, five face DUI charges and four weapons and a stolen vehicle were recovered, authorities reported Monday.

Officers with the Marietta Cobb Smyrna (MCS) COBRA unit, a special police task force, also captured four people who were later charged with felony cocaine and misdemeanor marijuana charges.

The MCS COBRA K-9 unit searched 37 vehicles, which resulted in three arrests for Marietta officers, according Marietta Police Department spokesman Officer Casey Camp.

Camp said officers stopped "hundreds" of vehicles in northbound and southbound lanes to check licenses, insurance, registration, driver's driving under the influence of alcohol and other possible traffic violations.

In fact, Camp added, "a lot of people probably turned around and headed home. We had different Cobb police units along Franklin Road catching (unsafe drivers) who tried to avoid the checkpoint by turning around."

Chief Flynn, who was hired in December to lead the department, said the operation primarily focused on curbing dangerous driving and traffic violations, a problem that has drawn complaints from the Franklin Road community for several years.

The most common traffic violation Saturday night was the inability to produce proper documentation.

"It's troublesome to know that people are driving around without documentation. No license, insurance, or registration," Flynn said. "That poses a great risk to our law-abiding citizens."

Angela Smith, apartment manager at Las Colinas Apartments on Franklin Road, said that she was "very pleased and happy," with authorities' efforts to improve public safety in the community - dangers she said are well beyond traffic violations.

"Franklin Road is used as a crossover from point A to point B for so many people," said Ms. Smith, an active community member known by some as the unofficial mayor of Franklin Road. "Drinking and driving, drugs, guns - so many problems are brought into this area. This is why we need the Weed and Seed program. We've got to weed all of the trouble out."

Although she said she was "very excited" over the number of arrests made within the six-hour operation, she knows the area needs similar police efforts.

"I know it won't be the last time we'll see this," Ms. Smith said. "It just takes time."

Marietta city manager Bill Bruton was on hand Saturday night during the operation briefing all participating officers attended. Bruton said the order and control authorities used to make the operation as effective as possible impressed him.

"They handled themselves very efficiently," he said. "The public was as inconvenienced as possible. They had enough manpower to keep traffic smooth."

He added that the checkpoint should have long-lasting effects on the area, regardless of how soon officers stage another massive operation.

"If you're going to do something bad, you don't need to be on

Franklin Road," Bruton said.

Marietta Mayor Bill Dunaway, who campaigned on a promise to clean up Franklin Road, echoed the sentiment.

"The Weed and Seed program has been having an effect on the Franklin Road area," Dunaway said. "I wish we could cure it all, but all we can do is give Franklin Road a lot of attention."

Flynn, a former Savannah police chief, said that a "bigger plan for the Franklin Road area" likely will be announced to the public early next week, which will include expansion of the department's efforts in code enforcement. He also plans to apply for an additional state grant known as HEAT, the Heavy Enforcement of Aggressive Traffic, the Governor's Office of Highway Safety offers.

"We have a comprehensive plan that focuses on the Franklin Road area," Flynn said. "We're going to push traffic violations down and preserve the area's quality of life."

He also said visitors to the Franklin Road area should be mindful of the law as they pass through the area.

"The law-abiding citizens in the Franklin Road area deserve our attention and protection," he said. "We're doing this for them."

dbrandt@mdjonline.com

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APPENDIX - D

FRANKLIN ROAD – ZONE 1 – WEED AND SEED AREA
SURVEY

Name of Complex/Business _____

Name of Manager / Owner _____

Telephone Number(s) for Manager / Owner _____

E-Mail Address _____

Emergency Contact _____

Emergency Contact Telephone Number(s) _____

Security Officer / Name & Telephone Number _____

Are you familiar with the Zone 1 Town Hall Meetings _____

Prior Attendee / When _____

3 Concerns for the Weed and Seed area:

1. _____

2. _____

3. _____

Suggestions/Comments:

Officer _____

Date _____

APPENDIX - E

FRANKLIN ROAD APARTMENT COMPLEX LIGHT SURVEY

Lieutenant Campisi conducted this survey on March 02, 2007 during the late evening hours. The rating systems are based on GOOD (sufficient lighting, none to few dark shadowed areas), FAIR (less than sufficient lighting with several dark shadowed areas), and POOR (insufficient lighting with numerous dark shadowed areas).

707 Franklin Road	Ashton Place	= GOOD
720 Franklin Road	Ridge Point	= POOR
730 Franklin Road	Cinnamon Ridge	= POOR
750 Franklin Road	Glenbrook	= POOR
849 Franklin Road	Flagstone Village	= POOR
860 Franklin Road	Castle Brook	= POOR
861 Franklin Road	Las Colinas	= FAIR
875 Franklin Road	Xing @ Wood Station	= FAIR
1019 Franklin Road	Highland Trace	= POOR
1034 Franklin Road	Preston Chase	= GOOD
1035 Franklin Road	Autumn View	= FAIR

APPENDIX - F

Jefferson County (Louisville) KY 132.03 DISORDERLY CONDUCT.

132.03 DISORDERLY CONDUCT.

(A) It shall be unlawful for any person within Jefferson County to violate any of the following subsections of this section:

(1) No person when in a public place and with intent to cause public inconvenience, annoyance or alarm, or wantonly creating a risk thereof, shall:

(a) Engage in fighting or in violent, tumultuous or threatening behavior; or

(b) Make unreasonable noise; or

(c) Refuse to obey an official order to disperse, issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

(d) Create a hazardous or physically offensive condition by any act that serves no legitimate purpose.

(2) No person, with intent to harass, annoy or alarm another person, shall:

(a) Strike, shove, kick or otherwise subject another to physical contact or attempt or threaten to do the same;
or

(b) Follow a person in or about a public place or places; or

(c) Engage in a course of conduct or repeatedly commit acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

(3) No person shall throw any stone, snowball, or any missile on or at any vehicle, building, tree, or other public or private property, or at any person in any public or private way or place or enclosed or unenclosed ground; or

(4) No person shall throw any stone, snowball, or any other missile from any vehicle, either moving, stopped, or parked, on or at any building, tree, sign, or other public private property, or on or at any person in any public or private way or place or enclosed or unenclosed ground; or

(5) No person shall loiter or remain in a public place for the purpose of unlawful gambling, except that the provisions of this subsection shall not apply if the person is participating in charitable gaming defined by KRS 238.505; or

(6) No person shall loiter or remain in a public place for the purpose of unlawfully using a controlled substance; or

(7) No person shall loiter or remain in a school, college or university building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any other specific legitimate reason for being there and not having written permission from anyone authorized to grant same; or

(8) No person shall loiter or remain in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade or commercial transactions involving the sale of merchandise or services; or

(9) No person shall appear in any public place with intent to obtain money from other persons by any illegal or fraudulent scheme, trick, artifice, or device; or

(10) No person shall make an appointment, solicit, offer, or agree to commit any act of prostitution, or aid, abet, allow, permit, or participate in the Commission of such act or acts; or

(11) No person shall appear in any house or other establishment of prostitution, or any place where unlawful gaming is being engaged in or the illegal sale or possession of alcoholic beverages or unlawfully used controlled substances is practiced, allowed, or tolerated; or

(12) No person shall disrupt any meeting or procession or gathering, when, with intent to prevent or disrupt a lawful meeting, procession or gathering, he does any act tending to obstruct or interfere with it physically or makes any utterance, gesture or display designed to outrage the sensibilities of the group; or

(13) No person shall unlawfully congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear the public way when told to do so by a member of the Louisville/Jefferson County Police Department or other lawful authority; or

(14) No person shall refuse or fail to comply with any lawful order, signal, or direction of a police officer in the control of vehicular traffic; or

(15) No person shall physically hamper, obstruct, impede, or interfere with any member of the Police Department while in the discharge or apparent discharge of his lawful duties; or

(16) No person shall obstruct any fireman or any member of the Fire Department while in the discharge or apparent discharge of his duty or in any way hamper, impede, or interfere with him in the discharge of his duty; or

(17) No person shall urinate or defecate on any sidewalk, street, or floor in public buildings or on any other public place within Jefferson County; or

(18) No person shall occupy, lodge, or sleep in any vacant or unoccupied barn, garage, shed, shop, or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning it or without permission of the owner or person entitled to possession of it, or sleep in any vacant lot, or in any alley, street, or on any sidewalk, or under any bridge, or in any park or other public property during the hours of darkness; or

(19) No person shall wander abroad and beg, nor go about from door to door of private homes or commercial and business establishments, or places himself in or on any public way or public place to beg or receive alms for himself, in interference of pedestrian or vehicular traffic, or in association with any act posing a threat to public safety; or

(20) No person over 14 years of age shall assume a mask, false face, cover or partial cover, or other apparel with intent to conceal his identity or counterfeit another with the intent to prevent disclosure or recognition in any public street or other public place.

(B) Any person who violates any subsection of this section shall be charged with the offense of disorderly conduct, and on conviction thereof, shall be found guilty of disorderly conduct.

(1999 Lou. Code, § 132.03 (Lou. Ord. No. 192-1967, approved 11-1-1967; Lou. Am. Ord. No. 105-1997, approved 5-27-1997)

APPENDIX - G

LOITERING

Cobb County, GA

Sec. 86-2. Disorderly conduct.

(a) No person shall remain, loiter or prowl in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity, after having been ordered to clear such place by the county police.

APPENDIX – H

NUISANCE ALARMS

Cobb County, GA

ARTICLE II. ALARM SYSTEMS

Sec. 46-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means an assembly of equipment and devices designed and arranged to detect a fire or to signal an unauthorized intrusion into a premises or to signal an attempted robbery at a premises, and with respect to such signal public safety officers are expected to respond.

False alarm means the activation of a fire, burglary, robbery or other similar alarm by an event other than a fire, burglary, or robbery on the premises.

Person means the owner or lawful occupant of a residence, or any owner, partner, or manager of a business.

Public safety officer means a law enforcement officer or a firefighter.

Response means the dispatch of a public safety officer to the premises where an alarm system has been activated indicating that a fire, burglary or robbery is in progress on the premises.

(Ord. of 1-27-92, § 2; Code 1977, § 3-11-2)

Cross references: Definitions generally, § 1-2.

Sec. 46-27. Prohibited acts.

(a) It shall be unlawful for any person to activate an alarm system, otherwise cause an alarm system to be activated, or operate or maintain an alarm system which is activated at a time when no fire, burglary or robbery is in progress at a premises but public safety officers are nevertheless dispatched to such premises.

(b) It shall be unlawful for any person to activate, cause to be activated, or operate or maintain any alarm system which automatically sends a prerecorded message or coded signal indicating the activation of an alarm system to any public safety agency.

(c) It shall be unlawful for any person to fail or refuse to obey a cease and desist order issued pursuant to this article.

(d) Facilities owned or operated by the county or the county board of education are exempt from the prohibitions of this article.

(Ord. of 1-27-92, § 3; Code 1977, § 3-11-3)

Sec. 46-28. Cease and desist orders.

(a) The director of the department of public safety shall issue a cease and desist order to any person violating section 46-27(b). Such order shall direct that the alarm system in question be permanently disconnected immediately upon receipt of such order.

(b) The director of the department of public safety shall also issue a cease and desist order to any person who has violated section 46-27(a) six times within any calendar year. Such order shall direct that the alarm system in question be disconnected and shall not be reconnected until it has been inspected and serviced by a properly trained and licensed technician. Such order shall be rescinded upon receipt by the director of public safety of written proof that such inspection and service have been performed and any malfunction or maladjustment corrected.

(Ord. of 1-27-92, § 4; Code 1977, § 3-11-4)

Sec. 46-29. Penalties for false alarms.

(a) For the first three violations of section 46-27(a) at any premises in a calendar year, there shall be no penalty.

(b) For the fourth violation of section 46-27(a) at any premises in a calendar year, there shall be a fine of \$50.00.

(c) For the fifth violation of section 46-27(a) at any premises in a calendar year, there shall be a fine of \$75.00.

(d) For the sixth and any subsequent violation of section 46-27(a) at any premises in a calendar year, there shall be a fine of not less than \$100.00 nor more than \$500.00.

(e) Any violation of this article shall be punished as provided in section 1-10.

(Ord. of 1-27-92, § 5; Code 1977, § 3-11-5)

APPENDIX – I

Jefferson County (Louisville) KY § 156.057 PUBLIC NUISANCE.

A. Criminal activity as a public nuisance.

1. Definitions. For the purposes of this section, PUBLIC NUISANCE shall mean any premises or place where law enforcement officers have, on more than one occasion in the preceding 12-month period, criminally cited or arrested persons or executed court issued search warrants for violations of the law governing prostitution, controlled substances, alcohol or gambling.
2. Unlawful use of property. No owner of residential, commercial or vacant property located in the Metro Government shall allow his/her property to be used as the site for any public nuisance after having received notice pursuant to this chapter that the property has been used for the commission of a public nuisance. A legal or equitable owner of such property is deemed to have knowledge of such activity upon receipt of the notice as set forth in this chapter.
 - a. No person or owner shall destroy, remove or deface any order or notice posted by the code official.
 - b. No person or owner shall disobey any order issued by the Code Official, or use or occupy or permit any other person to use or occupy any premises ordered closed by the Code Official.
3. Duty of Division of Police. The Louisville/Jefferson County Police Department shall as soon as possible but not less than every 30 days after criminally citing or arresting persons or executing court issued search warrants for violations of the law governing prostitution, controlled substances, alcohol or gambling notify the Code Official in writing of the specific violation investigated, the address of the property on or in which the violations occurred, and the circumstances of the violation.
4. Notice. Whenever the Code Official receives information that a public nuisance exists in or upon residential, commercial or vacant property, he shall notify the owner that the property is a public nuisance and that the public nuisance must be abated. Such notice shall be provided as set forth in this chapter. Provided, however, that when notice is mailed, it shall be mailed by certified mail, return receipt requested.
5. Abatement. Should the public nuisance not be abated at the time stated in the notice, or any extension granted by the hearing officer(s), the Code Official shall be authorized at any time thereafter to issue an order closing and vacating the premises to the extent necessary to abate the public nuisance. Such closing and vacating shall be for such period as the Code

Official reasonably may direct, but in no event shall the closing and vacating be for a period of more than one year from the date of the closing. A closing and vacating ordered by the Code Official, pursuant to this subchapter is not an act of possession, ownership or control by the Metro Government. A close and vacate order of the Code Official will be rescinded within 14 days of an abatement unless such premises is the site of repeated close and vacate orders.

- a. If the premises consist of multi-unit dwellings or mixed uses and the public nuisance has occurred solely within a unit or units, the authority to close and vacate is restricted to the unit or units in which the public nuisance has occurred, and does not extend to any other unit in the premises.
 - b. Upon the issuance of any order provided for in this section, a copy of the order shall be served on the owner of the property in the same manner as the notice provided for in this chapter, and a copy shall be conspicuously posted on the property.
 - c. If any person or owner fails to comply with an order to close and vacate issued pursuant to this subsection, the Code Official may:
 1. Discontinue the furnishing of utility service by Metro Government to the premises at which the nuisance exists;
 2. Prohibit the furnishing of utility service, to include but not limited to gas, electric, water, and heating oil, to the premises by any public utility holding a franchise to use the streets and public ways of the Metro Government;
 3. Revoke the certificate of occupancy of the premises; or
 4. Use any other legal remedy available under the laws of the state.
 - d. Pursuant to the provisions KRS 381.770, the Metro Government shall possess a lien against the property for all fines, penalties, charges and fees imposed and for the reasonable value of labor and materials used to abate the public nuisance. The lien shall be superior to and have priority over all other liens on the property except state, Metro Government, school board and Metro Government taxes, and may be enforced by judicial proceeding.
6. Eviction as a defense.
- a. It shall be a defense to a violation of this section if the owner has instituted an eviction proceeding within 30 days against the offending tenant and all occupants of the premises, and completes the eviction within 75 days of commencement or as soon thereafter as court procedures allow. In the event that judicial or quasi-judicial proceedings prohibit an owner from proceeding with an eviction, abatement of the public nuisance by eviction will be stayed until the judicial or quasi-judicial proceeding is resolved.
 - b. In the case of multi-unit dwellings, the only parties necessary to name in an eviction proceeding are the occupants of the actual unit

involved with the activity suspected, or the occupants suspected of the activity described in the notice.

7. Relief from order. The Code Official may vacate or suspend the provisions of an order to close and vacate upon a showing by clear and convincing evidence that the public nuisance has been abated and will not be maintained or permitted in any unit of the premises.
8. Abatement actions not in violation of law. Actions taken by an owner to abate a public nuisance as defined in this section shall not be deemed to be violations of Fair Housing or Landlord-Tenant laws.

(Jeff. Ord. 37-2002, adopted and effective 11-12-2002)

APPENDIX – J

Portland, Oregon

TPM NUISANCE ORDINANCE

Approved by City Council on February 18, 2004; the purpose of the **Time, Place, and Manner (TPM) ordinance** is to provide an avenue for neighbors to petition the City of Portland to address chronic livability issues associated with problem liquor outlets. Specifically, the goal of the TPM process is to:

- Provide an avenue for neighbors to address livability concerns tied to specific liquor licenses;
- Provide an avenue for licensees, neighbors, police, crime prevention, and other City resources to identify and solve livability concerns;
- Consolidate complaints from multiple sources and evaluate the validity of concerns and issues liquor license outlet; and
- Provide a legal recourse where nuisance activity related to liquor license concerns is substantiated.

Definition of Liquor Outlets

Liquor Outlets are establishments that serve alcoholic beverages within the City of Portland.

Nuisance Activities

If 3 or more of any of the following nuisance activities^[1] occur within a 30-day period, the TPM process may be initiated:

- **Operation of sound producing equipment, as prohibited by City Code 14A.30.020.**
- **Disorderly conduct as defined in ORS 166.025 (2003).**
- Offensive littering as defined in ORS 164.805 (2003).
- Drinking on public rights of way, unless officially authorized, as prohibited by City Code 14A.50.010.
- Interference with vehicle ingress and egress as prohibited by City Code 14A.50.035.
- Alcoholic beverage violations in parks, as prohibited by City Code 20.12.040, where the violation relates to a specific licensee.
- Discharge of a firearm at the establishment, as prohibited by City Code 14A.60.020.

Abatement Plan

After determining that there is reasonable cause to believe that 3 or more nuisance activities have occurred within 30-days, a notice may be sent to the licensee asking them to propose an abatement plan that would address the identified nuisance(s). The Office of Neighborhood Involvement (ONI) and/or the Portland Police Bureau must then approve any plan proposed by the licensee.

Code Hearings Officer Remedies

If a licensee fails to submit an abatement plan or submits a plan that is unacceptable, the matter may be brought before the Code Hearings Officer. The Code Hearings Officer may offer the following remedies to address the nuisance activities:

- Limiting the hours or days during which the establishment may operate.

- Requiring the establishment to provide resources to monitor, control and respond to patron behavior at and around the establishment, including but not limited to, hiring adequate security personnel to patrol the establishment.
- Restricting the activities at the establishment to prevent the reoccurrence of nuisance activities, including but not limited to, restrictions upon the time and manner in which entertainment is offered.
- Ordering the licensee to undertake other actions reasonably necessary to abate the nuisance activities or mitigate the effects thereof, including but not limited to, modifying the establishment to include noise insulation to prevent and abate nuisance activities related to noise.



“THE DIFFERENCE MAKERS”