



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 02/27/2024

REQUESTER: Jeanne Snider

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2324-125: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDUCTING AND CLOSING A PUBLIC HEARING TO DETERMINE THE APPROPRIATE ACTION FOR ABATEMENT OR CONDEMNATION OF 3104 WOODCREST CREEK DRIVE, NORMAN, OKLAHOMA, AS A PUBLIC NUISANCE; AND ORDER CITY SERVICES TO BE DISCONNECTED FOR A PERIOD OF SIX MONTHS.

BACKGROUND:

The single-family home at 3104 Woodcrest Creek Drive was purchased by Eric Scott Hudson on February 16, 2021 for \$188,000. There is a mortgage with Veterans United Home Loans in that amount and the property has a Tax-Exempt Financing Rider.

The property has been the source of over fifty (50) calls for service since March 2022 for criminal activity such as illegal drug use (namely methamphetamine and fentanyl), constant suspicious foot traffic, disturbances involving weapons, health and safety violations, erratic and violent behavior from individuals at the residence, shots fired, harassment, threats, suicide attempts, and a fentanyl overdose. The neighbors feel unsafe due to the criminal activity, disturbances and drug use at the residence and have established a Neighborhood Watch Group due to the illegal, threatening and harassing activity. Neighbors frequently report violent and erratic behavior of the people at this residence. Vineyard Park is across the street from the residence. Neighbors do not feel safe taking their children to the park due to the proximity of this house and the amount of drug paraphernalia (uncapped needles) found in the park.

The homeowner, Eric Scott Hudson, has a pending Cleveland County District Court case for maintaining a dwelling for the purpose of narcotics from September 20, 2023. He has convictions in 2023 in Norman Municipal Court for failure to have a short-term rental license, public nuisance, and a health code violation.

Daniel Owens, a resident of 3104 Woodcrest Creek, has a pending Cleveland County District Court case for Assault and Battery and Malicious Injury to Property from October 23, 2023, three disturbing the peace violations and various traffic violations in 2023 with Norman Municipal Court, an Officer Safety Alert due to confrontational behavior with police officers and wears body

armor and carries a retractable baton and pepper spray. Mr. Owens also operates a lawn care and bicycle repair business out of the residence.

A third resident, Roberta “Birdie” Wilson, was evicted from Grace Living Center due to possession of methamphetamine and marijuana in her room. An Adult Protective Service referral was made in September 2023.

In addition, approximately twenty (20) people known to be associated with 3104 Woodcrest Creek Drive, have charges in District Court (misdemeanors and felonies) for illegal drugs, paraphernalia, stealing packages from porches, false ownership (pawning stolen property), burglary, breaking/entering, forgery, domestic assault and battery, stolen vehicle, malicious injury to property, and other disturbances. Charges have also been filed in Norman Municipal Court for possession of marijuana, paraphernalia, molesting property, under the influence, petty larceny, public intoxication, trespassing and failure to appear. At least eight (8) defendants have active warrants with Norman Municipal Court.

DISCUSSION:

16-304 Public Nuisances authorizes the City Council to declare a property a “nuisance property” if certain conditions are met.

16-304(b) states as follows:

(b) The following specific acts, places, conditions and things are hereby declared to be nuisances:

(1) Operating/or allowing a nuisance property.

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

Nuisance property means a location zoned residential, where the occupants, invitees, owners or other persons utilize the property in a manner which shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons; shall offend the public decency; or shall in any way render any considerable number of persons insecure in life or in use of property.

In or on the premises of any dwelling means either within a dwelling or the area within the boundary lines of any real property of the same ownership on which such dwelling is located.

(b) A location shall be determined to be a nuisance property if, within a 365-day period, on three different dates, citations resulting in a plea of guilty or no contest, or result in a finding of guilty, for violations in at least two of the following: NCC chs. 2, 16, 20, 24, 32 and 36; or State law, affecting any considerable number of persons.

16-304(b)(1)(a)

The definition of nuisance property, found in 16-304(b)(1)(a), specifically addresses occupants and others who utilize the property in a manner which “*shall annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons; shall offend the public decency; or shall in any way render any considerable number of persons insecure in life or in use of property*”. The surrounding neighbors have expressed for almost two years they do not feel safe and are annoyed and frightened due to the aggressive behavior of the occupants of 3104 Woodcrest Creek Drive, the continual illegal drug use, and other threatening, criminal behavior. The Norman Police Department has responded over fifty (50) times and has documented the concerns and illegal activity in incident reports and criminal charges. A neighbor also expressed her concern at a recent City Council meeting.

16-304(b)(1)(b)

Eric Hudson was charged with a health violation (Chapter 16) on October 11, 2023, a nuisance violation (Chapter 16) on October 23, 2023, and failure to having a short term rental license (Chapter 20) on November 17, 2023. He pled no contest to all three violations on December 7, 2023. Although Daniel Owens has two disturbing the peace charges pending, he was charged with disturbing the peace (Chapter 24) on September 10, 2023, and entered a plea of no contest on October 3, 2023. These charges clearly meet the requirements of a nuisance property as stated in 16-304(b)(1)(b).

16-304(4)

16-304(4) authorizes the City to hold a public hearing to determine appropriate action for abatement or condemnation of the nuisance. Upon a majority vote by the City Council, City services to the location, including, but not limited to, water, may be ordered to be disconnected for a period not to exceed six months. During this disconnected period, the location and/or other structures shall be deemed uninhabitable. Uninhabitable is defined in 108.1.3 and states “*structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanity or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.*”

Notice

On February 16, 2024, Notice was sent to the owner at 3104 Woodcrest Creek Drive advising him a public hearing will be held on February 27, 2024, to determine the appropriate action for abatement or condemnation of the nuisance. A Notice was also posted in the yard at 3104 Woodcrest Creek Drive notifying the residents and surrounding neighbors of the February 27, 2024, public hearing. In addition, a Notice was sent to the owner’s mortgage holder, Mortgage Research Center, LLC dba Veterans United Home Loans.

RECOMMENDATION:

Staff recommends that the property at 3104 Woodcrest Creek Drive be declared a nuisance property and that Staff be ordered to disconnect the City water meter for a period of six (6)

months. During that period of time the house shall be deemed uninhabitable and any persons entering the structure will be subject to citations or arrest. This recommendation is based on the overwhelming, ongoing and escalating criminal activity at and around 3104 Woodcrest Creek Drive that has created a serious and negative impact on the surrounding neighborhood.