

CITY OF REYNOLDSBURG

MINUTES

**BOARD OF NUISANCE ABATEMENT.
THURSDAY, SEPTEMBER 6, 2018 7:00 PM**

**PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068**

A. CALL TO ORDER

PRESENT: Rettke, Zollars, Donovan, Hicks, Bizjak
ABSENT:

2. APPROVAL OF AGENDA

Agenda is approved

3. SWEARING IN OF SPEAKERS

B. PUBLIC COMMENT

C. NEW BUSINESS

1. Rules of the Reynoldsburg Board of Nuisance Abatement

Mr. Zollars: Now in session. Would you please call the roll.

Ms. Wheeler: Mr. Bizjak Here. Mr. Donovan Here. Mr. Hicks Here Mr. Rettke here and Mr. Zollars here. Thank you.

Mr. Zollars: Any changes to the agenda? Very good.

Mr. Zollars: Anyone speaking, I see none. No public comment. New business first we need to do is nominate and then select a vice chair. Any nominations.

Mr. Bizjak: I move to nominate Mr. Hicks as vice chair.

Mr. Zollars: Very good. We have a first on that second someone please.

Mr. Cullinan: I second.

Mr. Zollars: Good. Very good. Hicks is nominated ice Chair. Any other interested parties? Very good. Would you call the role on Mr. Hicks's appointment please?

Ms. Wheeler: Mr. Bizjak Yes. Mr. Donovan Yes. Hicks abstain. Mr. Rettke Yes. Zollars yes.

Mr. Zollars: Congratulations. Thanks.

Mr. Zollars: A new business. I'm going to turn this part over to staff for explanation and discussion.

Mr. Bowsher: Great. So we call this board of nuisance abatement as properties begin to deteriorate within the city. This is our legal recourse to be able to consider these properties nuisances so we can take further legal action further down this is health safety and welfare matter within the city. We had a couple of properties that will come up at a later date. Currently right now we are still formulating more information putting the documents together. This was in order to get all of the members together to vote on a vice chairman. And now we will. I know you have a copy of the rules of the Reynoldsburg Board of Nuisance abatement kind of goes through. Real brief on what is being charged upon you in this appointment. And as further things Congress we'll call special meetings as such for these properties we know there is quite a few of them. It hasn't been convened in quite a while. We're hoping to be more proactive more aggressive within this strategy to be able to kind of go after and beautify the city again. So if there's any questions on the rules. I'll take that now and then leave it up to this board to vote and approve of the rules.

Mr. Zollars: What is the frequency of the meetings? And when are they?

Mr. Bowsher: The frequency of the meetings is not stipulated as there won't always be a property. So my goal moving forward after this date is once we have the two properties with hand that are mentioned we will call a special meeting I will ensure that it works within everyone's schedules, and moving forward as something comes available. We will call a special meeting in accordance with that regard.

Mr. Zollars: Mr. Hood Would you like to say something?

Mr. Hood: Thank you. I'd also like to thank all of you for once again volunteering your time for yet another board. We have in the city and I know all of you guys take your responsibility very seriously and being volunteers. We do truly appreciate it. What I would also say is that ultimately I will be dealing with these in some sort of fashion. What I want to kind of give you is a little bit of an outline maybe some of my vision based on my past experience with some of these cases. First I want to make sure you understand as you will not be called upon in every circumstance where we have a violation of property. This is not the intent of this Board. This board will be used for much more difficult more egregious more serious problematic properties that we have. So if someone's got a peeling paint on their fence or fallen down a gutter we're not kind to ask you guys to come together and arrest and declare their property a public nuisance. We're still going to go out of our property maintenance codes that will be a quasi-judicial come in the mayor's court have a citation filed against you fix it voluntarily yourself. If you don't then they come see me and we talk about fines and costs and things like that until we finally get compliance. Now the two that Mr. Bowsher is speaking the two properties that Mr. Bowsher are speaking of are two of the hard cases. It's one of the reasons that we talked about reviving the Nuisance Abatement Board. To be quite frank with you. Ultimately I was not in favor of this because I'm not really in favor of a another layer of bureaucracy of the government because that basically gets in my way it's an

administrative remedy that's kind of in my way as far as judicial remedies. But I've softened in that stance and here's why. I like the idea. You know I'm on board totally now because the city's nuisance code is much more powerful than the state code that I would normally attempt to invoke. It gives us much greater discretion. Actually I should say it gives the Board much greater discretion in declaring what is and what is not a public nuisance under our laws in the City of Reynoldsburg. So it may not be a nuisance in the state of Ohio but it could be a nuisance in the city of Reynoldsburg. And that's why I've kind of done a little bit of a reversal. This is a newer code that I believe Mr. Snowden authored a year or so ago that we really haven't implemented yet. But as I really dug into it after speaking to Andrew I like the idea of having our own standards as opposed to the state standards. So ultimately, if the staff were the service department is actually who is kind of in charge of this service director has the building officials or the building department go out do their investigations. They think that it's a public nuisance. We're going to call a meeting of the board and we're going to ask you to find a public nuisance and ask you to declare the property to be a public nuisance. Under the definitions of our city code we're going to ask you for an order of abatement which is just a fancy term of fix the nuisance. Get rid of the nuisance if it is something that there's no shingles on the house, put shingles on the house, whatever that specific thing is the abatement is nothing more than saying get rid of the nuisance right. It's not like a bad act that we're going to punish you for. It's a continuing course that we want to get rid of. What are the particular nuisances we want an order of abatement. We're going to give the property owners the appropriate time to abate the nuisance voluntarily if they do so after you've declared it then it's basically we're done. However in the cases where maybe in these cases where the homeowners on the willing because of foreclosure, vacancy, unwilling because of monetary issues and things of that nature unwilling or unable to abate the nuisance. You will have the authority to basically direct the city to abate the nuisance at our cost and then us attempt to recover those costs on the tax duplicates. It gets similar I'm sure you guys have been to meetings where we have the the grass cutting ordinances right, so someone doesn't cut the grass we cut the grass and we charge a hellacious fee because of it because we want them to cut the grass voluntarily and then ultimately we assess that property, that cost of that grass cutting similar. Similar kind of concept with this. So ultimately we will have, if the city is going to undertake the abatement itself we will have an outlay of dollars to do that and then we'll attempt to collect it on a tax to get through either a transfer of title to the property. The idea is we will outlay the cash in attempted to collect it later but the nuisance will be abated. That's the most important. We won't just bought up a house and go.

Mr. Hicks: Just a couple of questions so that's the kind of the hypothetical cases you're going through. You cut the grass, fix the window, etc. What happens in the situation where you have homes vacant as in such poor condition that it's a direct safety issue? As for a collapse would the board have the ability to require that the abatement be demolition and then would the city then have the ability to perform that?

Mr. Hood: Yeah I don't want to jump over the idea of declaring a public nuisance right. And what that means. Okay. But when you're talking about a serious life safety issue we still have kind of a parallel track with where we have our chief building official that can declare the property unfit for occupancy. Right. So basically review revoke the documents it's condemnation really and they condemn the property. So we at least extricate everybody so no

one theoretically could get her at that point we may even do a board up under the state law which were permitted in that circumstance and then we could talk about how it is we deal with it. In the first the first goal in a situation that dire would be to make the building as safe as possible and then deal with it how we see fit. So it's hard in my mind. I'm thinking if it goes to that level to where we're talking about a true life safety issue as opposed to what we're going to deem a nuisance because it doesn't meet up to our standards of Reynoldsburg we may not use the board. We may go directly to court.

Mr. Hicks: So does the city have the ability when you go to court. Are you starting some type of just civil action or is it a court an environmental court. Is there any section in Ohio Revised code or there is basically like a foreclosure process where the city acquires the land for a land bank type deal.

Mr. Hood: Yes. And for those of you who were in town who lived in town when we had the fire right across from Connell's Hardware where actually Prost parking lot is now right. I commenced an action because that that property burned without insurance. We paid for the demolition costs and I commenced an action to get the title of the property in satisfaction of the debt. The demolition costs and the haul away and all that kind of stuff that's why in this part. Now we owe that property. So the statute allows us to do that. The Nuisance Abatement Board will use the more administrative action where we will assess the cost of the tax duplicate. But if I go to court I absolutely have the right to get those costs back.

Mr. Hicks: If you take it you take it to court. And that process would this board review though most likely we would be involved at the beginning of that process but will we be the ones ultimately like you know.

Mr. Hood: We haven't really had the time to work those things out yet but it'll be a combination between service department and the chief building official.. I mean at this point Mr. Hicks you really dealing with the most severe of a severe.

Mr. Hicks: Yeah. Well just to point everybody out. I'm very excited nobody's excited about things like these, but I see the necessity in this. I live in Old Town Reynoldsburg and part of Old Town is the charm of older homes and everything and the home that we acquired and fixed up was in very poor conditions. So you never really want to see older homes get demolished. However, the property next to me has been vacant for 20 years and is inhabited by a family of raccoons that come up out of the chimney every night and greet my dogs who bark and create more public nuisance. They break into my barn every evening perform their nightly B&B and destroy anything in the barn. So I see very definite need for this. It's been something that I've been bugging and my wife has been bugging city service director about for years. So I just I just want to point out to everybody this is a necessity and it does impact people's lifestyle and safety and and everything else and communities.

Mr. Hood: So not to belabor this but hypothetically speaking if that property is free and clear. Right. And we were to declare a public nuisance and we have determined in order to abate the nuisance we have to take the step of demolishing the building as opposed to rehabilitating, for whatever reason right. As long as the property is free and clear our lean. So

our debt to the city will be first. The tricky situation is when you have a mortgage your mortgage is generally first in time first in right as far as when you pay these things back right. So unless you're a tax man, which we're not.

Mr. Hicks: So the city's lean does not become taxes.

Mr. Hood: No it does not. It gets taxed to the tax duplicates. That's how they pay them. But it is not a tax debt which is very very significant.

Mr. Zollars: Let me interrupt for just a second. This is a first meeting very high level and this commission hasn't been around for a while.

Mr. Hood: I don't mean to drive. All right.

Mr. Zollars: Let's keep it up here.

Mr. Hood: Yes but I want to give you a little bit of a vision. So the idea is we're going to have a mechanism to deal with these kind of eyesores that we haven't had before. I would encourage you to talk to your council members OK at this point and you got one back there. Because in order to do this right away. And I've already had this conversation with him you know in order to do this the right way they're going to need to appropriate money to our building department. To when you guys declare a public nuisance. It just doesn't get a piece of paper that Mr. Hood gets to hold up and say it's a Nuisance it's a Nuisance. And we do nothing with it right. We need to appropriate the money, invest the money in our community can then abate the nuisances whether it be demolition remodeling board up whatever it is as we get them as they come. Okay, that's the right way to do it.

Mr. Zollars: When it was the last time this was commissioned?

Mr. Hood: The board itself it was debunked since I've been here and I've been here almost 13 years.

Mr. Zollars: And that's the frequency. I understand to be the cause for this now being that for the record.

Mr. Hood: I was saying that tongue in cheek for the record in 2006 is when they first adopted the International Property Maintenance code, which I think in their mind at the time was going to be adequate remedy to replace the thing the nuisance abatement board did. I think that it's found now to be. It's really good for really small things but some of these bigger nuts to crack. It's really difficult to deal with.

Mr. Zollars: Thank you at least for the record sir.

Mr. Hood: If you guys want to talk to me any individual time you know how to get a hold of me I'm always here. Give me a call. Stop in whatever you like.

Mr. Zollars: Thank you. Thank you. All right. So we will await further information from staff about meetings. So can we get a motion to approve the rules?

Mr. Rettke: Well has anybody read these. There's a few issues that I have with them. I just got, they're all small. I think its bad cut and paste mostly but three point one under officers and duties I think that things changed. You referenced on a board of zoning and building appeals. There is a few more I saw but I can't remember off the top where they were. So if you guys wouldn't mind I'd take a quick read through and see if it makes sense to you.

Mr. Zollars: Can we just. Can we. Sorry. Is there going to be another meeting? Okay. Then why don't we entertain a motion to table these until next meeting. Does that mess anyone up?

Mr. Bowsher: No, that's absolutely fine so when we do have a special meeting when we come back up to 2 to hear any sort of nuisance potentially then we'll approve them wrong.

Mr. Hicks: In the meantime can we just individual Council or individual members read line and send it to staff and they can just get them updated so that when they do come before our next meeting they'll be new and improved next year.

Mr. Rettke: Like I said they were real minor. I think it is a board step a foot. When he got the wrong Board in there. If somebody were to read it because it's new and say hey actually.

Mr. Zollars: Let's make a list I attend a motion to table these until next meeting followed by a second.

Mr. Bizjak: I move to table.

Mr. Hicks: Okay, I second.

Mr. Zollars: Okay roll call please.

Ms. Wheeler: Mr. Bizjak yes. Mr. Donovan Yes. Mr. Hicks Yes. Mr. Rettke yes. Mr. Zollars.

Mr. Zollars: Yes. With that we are adjourned.

RESULT:	TABLED [UNANIMOUS]	Next: 10/4/2018 7:00 PM
AYES:	Rettke, Zollars, Donovan, Hicks, Bizjak	

D. ADJOURNMENT

Chairman

Planning and Zoning Administrator