

SPECIAL SAFETY COMMITTEE MEETING MINUTES

March 20, 2006

Members of Safety Committee present: Brett Baxter, Ron Stake, Doug Joseph, Donna Shirey.
Other members of Council present: Preston Stearns, Mel Clemens, Antoinette Newman, Council President William L. Hills.

The meeting was called to order at 7:00 p.m.

Mr. Baxter: I'd like to move on to Item 2 as a continuation of discussion of the International Property Maintenance Code. First held, discussion on 2-6. Next discussion, 2-21, and then from there 2-13.

The first question I have is, has everybody had an opportunity on Council and committee to review the updates that Chip sent out in our packets? (No response). If not, I plan on discussing them at our next meeting _____ this meeting. Give everybody an opportunity to look through them clearly and understand them. Tonight, I think our goal here is to go through some of the funding issues, correct?

Mr. Hopper: That's correct.

Mr. Baxter: So I'll go ahead and turn it over to you, Chip. If you want to go ahead and start that discussion.

Mr. Hopper: It's always been my intention since getting involved with property maintenance, there's no true way of getting compliance, other than writing citations. My attempt at you know, putting this fee schedule together and charging some reinspection fees, would not only be a way for us to track you know, the amount of time that we spend on one particular residence. But it would certainly compensate for the code enforcement staff, for them to have to go out and continue to ask the resident to take care of a code violation that they have. So as you can see in the fees that you were presented with when we first started this, simply the first inspection, and if there's a code violation, Code Enforcement Officers will issue a code violation such of what you guys get copies of on an occasional basis. If, within a 12 month period there would be the same violation that either needs to be corrected again or has not been corrected, and we have to go out and issue another code violation, that in turn would create a reinspection fee. And you know, I put it at a cost of \$20. If we would continue and there would be a third reinspection on the same code violation within that same 12 month period, that would then create a \$50 reinspection fee. And the fourth inspection on the same violation in that 12 month period would then be a citation that cites them into court. And then that references back to Section 106 in the Property Maintenance Code. Keep in mind that throughout any violation that a resident would have, they always have a means to appeal the violation that we are writing. And that's simply stated in the Property Maintenance Code. There's a whole section on their appeals process. It would be something that you know, if this is adopted and enforced, it would go to our current appeals process we have with BZBA. And then you know, if they're still not happy with that, I know they can come before Council to address those issues. As you can see further, there's...

Mr. Baxter: Chet, if I could interrupt real quickly.

Mr. Hopper: Okay.

Mr. Baxter: Just for the Council members, and for committee members, you'll find that appeal process in Section 105 in the Property Maintenance book. So if you're looking to see what that is, I'm sorry. Go ahead.

Mr. Hopper: The, one piece that we've kept out of that was the ordinance for cutting the grass. You know, if we would have to be the, the city would have to contract or go out and cut their grass, we already have a means to re-collect that fee. That's in our current ordinance and I would like to just stay with that. There's some administrative costs that we can charge you know, and that process is already in place. So I'd rather just leave that piece of it alone. There are some penalties. I know it's a minimal penalty but you know, it's just something I'm throwing out there to you know, again see if we can get some voluntary compliance. And if we don't get voluntary compliance you know, we have to have a way of you know, people are going to try and ignore us you know, I think there needs to be something in place that you know, kind of enforces that a little bit.

Mr. Baxter: The noxious vegetation to cut, destroy, and removal. You're saying that you want to use the current Chapter 543 of the Reynoldsburg Code?

Mr. Hopper: That's correct.

Mr. Baxter: Okay. And how are we going to implement that from our existing code with the grass and what not in the International Property Maintenance? How are they going to realize that that exists?

Mr. Hopper: Again, it's just, something that's part of our current ordinance. You know, it's something that's always been an ordinance. You know, as we've dug deeper into that ordinance, we found that you know, there are you know, some things that we can do. We were at one point in time prior to me being Building Official you know, we were just charging what it cost to cut the grass and then you know, as we've looked into it, we could see that we could charge administrative fees. I think that would work well for us. Plus, that gives us that 7 day. It's treating it a little bit different than we do our other violations.

Mr. Baxter: Well I think the reason I'm bringing that up is, 543 has several sections. From .01 to .99 dealing with anything from planting of trees down to Trees Commission duties. Are you just discussing the penalties to be left alone for 543.99 Penalty section? Or are you planning on continuing with 543 existing code 01 thru 99?

Mr. Stake: Mr. Baxter.

Mr. Baxter: Yes, sir.

Mr. Stake: I'm a little confused of which, what we're talking about here. I thought we were, we started talking about 103.5 Fees. And then we got to noxious weeds.

Mr. Baxter: It's part of those fees in the first, second, third, fourth, fifth, sixth sentence on the fees page. It states "See Chapter 543 of Code of Ordinance of the City of Reynoldsburg".

Mr. Stake: I'm looking at, maybe we're not looking at the same thing. I'm looking at a memo from Mr. Hopper dated March 10 where he's got International Property Maintenance Code Ordinance attached to it. And we're looking at fees?

Mr. Baxter: I'm looking at the actual, inside his black binder. And I think that's what he was discussing. The different fees that were inside that black binder. Correct, Chet?

Mr. Hopper: That's correct. Yep.

Mr. Baxter: And there's a tab labeled "Fees".

Mr. Hopper: It's the same thing in the memo also.

Mr. Baxter: And that's how we jumped over to 543. Because he's suggesting that we leave that out.

Mr. Stake: Okay. I see that.

Mr. Baxter: So what I wanted to do was address in the tab, 543, the fact that it states here, you're talking about vegetation, cut, destroy and removal. My question is, is that also the planting of trees and all the other sub-sections to that? The penalties?

Mr. Hopper: I'm just talking about where it talks about failure to cut, and destroy, and remove. Cost to be paid in 15 days. Unpaid cost reported to Council. That's 543.06, 07, 08.

Mr. Baxter: Okay. I think that's what I was trying to get at. Which areas you were after. Because I was starting at 543.04 which is noxious vegetation and remove or destroyed. But you're saying that's not the case? You want to go to 543.06?

Mr. Hopper: Yes. That's correct.

Mr. Baxter: Okay. And that's all you're referencing in this case here. The rest of that legislation will stay in place as well?

Mr. Hopper: That's correct.

Mr. Baxter: Okay. Are there any questions on that particular section? Councilman Stake.

Mr. Stake: Thank you, Mr. Baxter. Yeah, Chet, just to reiterate I guess. First time somebody does something wrong, they'll get a warning basically?

Mr. Hopper: That's correct. They'll get current violation notice. We're actually changing the way the violation notice is going to look. It's not going to have anybody's name on it. It will actually state on there that they have an appeals process. It gives them all that information up front. But they will get similar to what you guys are currently getting. That'll be their notice. They'll have 'x' amount of days depending on what the violation is to get things straightened up, cleaned up, removed, whatever it may be. If we have to go back out a second time and ask them to either do it again or you know, it's not been completed you know, that's when we start putting reinspection fees in place.

Mr. Stake: And they progressively get higher.

Mr. Hopper: That's correct. That's correct.

Mr. Stake: Which you believe will help deter?

Mr. Hopper: I would hope so.

Mr. Stake: Okay. I don't have a problem with that.

Mr. Hopper: Well, it also gives us you know, that once it would get to a citation, certainly anybody's going to be able to see that we have where you know, we've wrote the first violation notice. We've hit them with a reinspection fee, another one. You know, now we're at the fourth time where we've had to actually write a citation and they still haven't resolved the issue. I think that just helps our case in court.

Mr. Stake: And it's continually cost us money to go out there as well.

Mr. Hopper: That's correct. That's correct.

Mr. Stake: Thank you.

Mr. Baxter: Would a second violation...

Mrs. Newman: Mr. Baxter, could I have a...

Mr. Baxter: I'll get with you in one minute, Mrs. Newman, Councilman Newman. Would a second violation on the same situation for example, let's talk about cutting grass. And you've written a violation and they've corrected the problem whoever that might be. And then later on in the season, they have a second occurrence. Is that considered a start all over again, get a warning? Or are you now going to go to, immediately to a fee?

Mr. Hopper: I've got in here that if it's within a 12 month period and we have to tell them again to, like parking their cars. If somebody's parking on the grass and we've told them the first time, and two months later they're back out parking in the grass, that's a second violation in a 12 month

period. They need to be hit with a reinspection fee.

Mr. Baxter: Okay.

Mr. Hopper: Trash cans are the same way. You know, we're going to tell people to keep their trash cans you know, at the side of their house like our code says currently you know, if 6 months down the road the cans are out and we have to tell them to move them, that should be reinspection fee.

Mr. Baxter: Okay.

Mr. Hopper: I think it drives the point home a little bit.

Mr. Baxter: Councilman Newman.

Mrs. Newman: Yes. Thank you, Mr. Baxter. Chet, I just wanted to know, do you think this is going to require a lot of bookkeeping? Like when you issue your second citation for example, are you going to have to enter that on your books as a receivable? And then when you get the money you know, do all this bookkeeping? How are you going to account for that? And do you think it will be honourous?

Mr. Hopper: I think it'll require a little more from Code Enforcement Officers to make sure that we're documenting. But again, I don't think it's any more than you know, what we currently do when we're taking in fees. And you know, we'll be able to take the fees at the counter in the Building Department. And you know, we've already got a number of fees that we collect. So that would just be one more fee that we're collecting.

Mrs. Newman: Okay. Thanks.

Mrs. Shirey: Mr. Baxter.

Mr. Baxter: Just one minute. Councilman Clemens.

Mr. Clemens: It's the same thing on property maintenance. And I think I've talked to you about this before. When somebody comes in and gets a permit to do home maintenance which we're talking about property maintenance, building a shed and things like this, residing their house, and I've seen commercial do this too, and they don't finish it. And they just keep going and going, I think you've said that there's no time limit on the permits or something like that. I mean, they could do a little bit? Let it sit 6 months and...

Mr. Hopper: Currently, our permits are good for 6 months. So if they're continuing to work, progress towards the completion of that project, that permit's going to be good. You know, it gives people an opportunity to you know, some people don't have an opportunity to work from you know, Monday through Saturday or whatever to get something completed. But you know...

Mr. Clemens: I mean, there's places I could show you that's been going on for a year, a year and a half. And I just wondered if that's, do we consider that a violation of our code?

Mr. Hopper: I think we would have to look at it a case by case basis. And you know, look in to see when the last time we were out to do an inspection and that type of stuff.

Mr. Clemens: You do an inspection if somebody is siding their house?

Mr. Hopper: No. No.

Mr. Clemens: That's what I mean. So you wouldn't know really.

Mr. Hopper: Yeah. We wouldn't know. It doesn't even require a permit. We consider that just maintenance. So I think that you know, that would be something we would look into and you know, there may be circumstances beyond their control that you know, they haven't gotten completed. I guess we just take it case by case.

Mr. Clemens: Just a question on that, that's all.

Mr. Baxter: Very good. Councilman Shirey.

Mrs. Shirey: Thank you. If we should adopt this Property Maintenance Code, which I really think we should, in regards to the rental properties with the grass cutting, how is that going to play a part as far as the occupant who is on the, renting the property? I mean, is it going to be their responsibility as soon as they move out and there's nobody there? I mean, is it going to fall upon the person who's owning that home? And are you guys going to strictly enforce that? Because I see a lot of rental property out there where the grass just you know, is really high and it stays that way for a long time. I really feel that we should enforce that upon them as well as the homeowner. Because it's not fair to you know, enforce this on a homeowner and let the rentals property go away.

Mr. Hopper: I agree.

Mrs. Shirey: It's just not right.

Mr. Hopper: I agree. You know, we have, currently have in place, and a lot of times right now under our current code, we have to give certain notification and it has to be certified mail. So if they don't accept certified mail, then yeah, we can go out and post the property. But some times finding out who the owner is you know, it takes a lot of work and it takes a lot of time some times. So you know, it's not that they're treated any differently. It just some times the process takes longer because we don't know who to enforce it to.

Mrs. Shirey: And the property that's also listed for sale, does that go the same for them as well? The vacant homes.

Mr. Hopper: Yeah. And we try to deal with the realtors. If they're advertising a house you know, I've made phone calls to realtors before. Hey, you need to get the grass cut. And that usually works. It's just trying to find the right way to get the, get something completed.

Mrs. Shirey: Okay. Thank you.

Mr. Baxter: Councilman Newman.

Mrs. Newman: Yes. Thanks. Chet, I thought you could access the Franklin County Auditor's web site and just you know, put in the address and get the property owners name and address. And then the property owner ultimately responsible for what goes on on that property regardless of whether or not it's rented, unoccupied.

Mr. Hopper: That's correct.

Mrs. Newman: So that shouldn't be too much of a problem, should it?

Mr. Hopper: Depends on if the property owner still lives at that address. You know, it just depends. I mean, we've had situations where you know, it's under a limited partnership and you don't know really who the property owner is until you really dig into it. So it just takes time some times.

Mrs. Newman: Okay. Thanks.

Mr. Baxter: Chet, with the changes we're talking about here in fees, will we have opportunity to bill back to banks who have these vacant properties? I know we ran into a situation last year I believe it was, where we had a vacant home and the only property owner was the bank. Does this allow us to also bill the bank for fees?

Mr. Hopper: I never thought about that. But I would assume. It's the property owner.

Mr. Baxter: The property owner for that's the bank and they've gone through foreclosure. I don't know if we still have those type of teeth to be able to do those things or not but I would hope that this would give us some, at least ability to recover funds where we've had to cut the grass and go back after the bank. Okay. Do we have any other questions about fees from committee? (No response). From the Council? (No response). Well, I think this is a great idea that we're looking to go this direction. I know that some times it takes a little bit of incentive to help people understand that they need to take care of their property. And I think this gives us an opportunity to do that. One other thing that I think Councilman Clemens brought up was, saying the 6 months that we have a use of build, or the Building Permit. After that 6 month period, is there anything in our documents that allows us to go back and verify that the work has been completed and that they're not continuing work? Would that not be a violation to continue work after your permit expired?

Mr. Hopper: Yes.

Mr. Baxter: And do we have anything in place to go out and say, okay, it expired today. How many expire today and have we had any completion notices on the work that was done? I know you said maintenance, that doesn't happen very often. But then when you have a deck built or other things like that done, you usually have a final. So I would wonder if we have anything in place that we could back and look and say, today these numbers are expired, we need to send out letters requesting if it's been completed or not.

Mr. Hopper: We have that opportunity with our current program. And I just don't know that we run across that situation very much where people aren't completing their projects. You know, if they're doing all the work and you know, they've made the attempt to get the permits, I think most people are following through. And our inspectors are pretty good about following through with that to make sure that things are completed.

Mr. Baxter: Okay. But would you not have a completion date on that permit then if they were completed? You would know that. I would be after more of those that finished that didn't have a completion date. Maybe that's just a letter going out to the homeowner saying, or the company, your permit has expired. If work hasn't completed, you need to come back and get another permit.

Mr. Hopper: Yeah. We've ran across that situation. Yeah.

Mr. Baxter: Rather than add a violation would be this.

Mr. Hopper: Yeah. Yeah. We run across that situation all the time.

Mr. Baxter: Okay. Alright. I think that pretty much closes. Unless there's any other arguments about fees. We've actually got done before 7:30.

Mr. Hopper: I would like to add that there was some discussion last week about the new 2006 Code that just come out. And you know, we haven't, I've had an opportunity to look at '06 versus '03. There's not that many significant changes that I feel that we really need to start this process all over. I would prefer us just sticking with the '03 Code. We've all had an opportunity to review it. Give us as a department, an opportunity to get into it, enforce it, see where we're at you know. Let us figure out you know, the good points and the bad points of it. And then you know, maybe a year from now we can come back and get a little more current.

Mr. Baxter: And certainly, I know you've done a deep dive into the 2003. And I wouldn't really expect you with it just coming out, to do another deep dive and be able to give us the differences and then try to do it now. It does make sense to hold off and re-visit this in the future.

Mr. Hopper: Right. At the rate we're going, it's going to be probably the first of June before we even get an opportunity to enforce this.

Mr. Baxter: I agree.

Mr. Hopper: I'd like to have that some time....

Mr. Baxter: Comments from the table? (No response). It sounds like everybody else is in agreement as well, Chet.

Mr. Hopper: Great.

Mr. Baxter: Okay. Do you have anything else you'd like to address on this? (No response). I see Sharon standing up, so I'm a little bit worried to ask that question.

Mrs. Reichard: I just wanted to respectfully ask that we now put this into the regular committee cycle so that we can begin to have the readings and start moving forward on this. Obviously, if there's any questions anyone has about any of the issues, Chet and I are available to sit down and talk with you at any time.

Mr. Baxter: In looking at tonight's Safety Committee, I don't see it on here. So then what you're asking is that I add this to the agenda for this evening? To have it sent to Council for its first reading?

Mrs. Reichard: That would be great. Thank you.

Mr. Baxter: So I'll go ahead and add that when we open that meeting up. I'll do that. Any other questions? (No response). Hearing none, I'd like to thank you for the great job you did Chet, and Sharon for putting this together. I think this is going to be a very valuable tool for our department here to be able to help keep our city looking the way that it does. So thank you both for your efforts.

Mr. Hopper: Well, I would like to thank everybody on Council for the discussions we've had. It's been a big help for me. It's been a learning process. And you know, I appreciate the understanding and the time we've had. So, thank you.

Mr. Baxter: Well, I'd also like to thank my committee members and all the Council members here for attending each of those meetings. You didn't have to do that. And I do appreciate that. So thank you for your input. It's been very valuable.

And with that, I'll go ahead and close the Special Safety Committee meeting at 7:23.

Safety Committee
March 20, 2006
- - -Nancy C. Frazier, Clerk of Council
(Transcribed - Susie Smith)