

HOUSING TASK FORCE MEETING

TUESDAY – NOVEMBER 9, 2010 – 6:00 PM

The meeting was called to order by Mr. Hach at 6:00 PM. The City of Painesville Housing Task Force Meeting convened in a meeting in Courtroom #1, with the following in attendance: Chair Paul Hach, Abby DelaMotte, Andrew Flock, Dave Komjati, Richard Tibbits, Father Vellenga, City Manager Rita McMahon, Assistant City Manager Doug Lewis, and City Planner Russ Schaedlich and Intern John Heart.

Motion by Mrs. DelaMotte seconded by Mr. Tibbits to approve the minutes of the November 19, 2009 Housing Task Force Meeting. By voice vote, all members answered "yes". The minutes were unanimously approved.

Mr. Hach stated he would allow public comments during the meetings up to two minutes per resident to present their views or to make inquiries on the topic of their choice. He asked that visitors state their name and address for the record.

No one from the public indicated that they wished to speak.

Mr. Lewis presented a summary of information on the proposed modification to the Property Maintenance Code. He explained the concerns about these areas of the Property Maintenance and Building codes that could contradict each other. Sections were identified where there were conflicts such as weeds and trees. Some sections were suggested to be changed to make them consistent and specific. Mr. Lewis provided the recommendations from the staff in a memorandum. He discussed the various items in the memorandum.

Mr. Lewis stated that Council had to change the Code about requiring permission to go into resident's backyards. Inspections can take place from the sidewalk and what can be seen from the street and posting a notice of violation on the property. The current ordinance says posting on the property and the Law Director says that is not acceptable. During a recent seminar we were informed that we can do this with a photo. It is more economical to post because of the cost of sending a certified letter.

Mrs. DelaMotte asked about changing to not posting? She thought this had just started.

Mr. Lewis stated that the posting procedure recently began, but there are legal concerns about the notice.

Mrs. DelaMotte stated that posting could still be a gentler way to resolve issues in a friendlier manner. It could still be done if it resolves the issue and for inspectors to still send a formal notice.

Mr. Tibbits stated that posting gets the resident's attention and begins the process. It is also a reminder.

Mr. Komjati asked if postings get people's attention or not?

Mr. Lewis stated there are some problems with posting on the door such as the neighbors see it versus sending a letter.

Mr. Tibbits asked if these are the same people that the neighbor's call on anyway?

Mr. Flock asked if residents complain when they receive a call and do they comply?

Mr. Lewis answered often times it does result in compliance. Inspectors can post and send a certified letter and if they post the letter and a picture that can serve as notification.

Mr. Komjati asked what the notice is like and can it blow away if it is windy?

Mr. Lewis stated that the notice is a triplicate form and one of the copies is posted on the door. Mr. Lewis referred to the Property Maintenance Code and the issue of conflict between the sections. The Rental Registration Ordinance needs to be included in a section of the Property Maintenance Code.

Mr. Lewis reviewed the time extension section. It must be all in writing. Extensions are almost always given so maybe there should be some discussion of the timeframe.

Mr. Flock stated the property owner is responsible for knowing about City codes and a new resident should be informed of what the steps are to resolve an issue. Mr. Flock asked if there was a list of items that can be given to residents?

Mrs. DelaMotte asked if the notice contains information for how to resolve the issues? Is it provided?

Mr. Lewis reviewed the information in a letter that is now used. They have created an extension request form that is available on the website or at the office. Staff will follow through with some written approvals.

Mr. Vellenga stated many residents' alternative is to ignore the letter.

Mr. Lewis discussed the final notice letter which is sent within 30 days of the date for compliance.

Father Vellenga stated if there is communication it will never end up in court.

Mr. Lewis explained extensions are generally given and the City ends up dealing with those people continually in violation and make no progress in correcting the violation. If the resident is at least making an effort the City will work with them on the violation. The flip side is that neighbors get frustrated that additional time is given to correct the violation.

Mrs. DelaMotte asked if paint and siding issues are referred to the City's Vinyl Siding Program?

Mr. Lewis stated this year inspectors gave residents information on the Vinyl Siding Program and for 15% of the cost. The resident received significant investment. This year ten houses were sided and new gutters were installed.

Mr. Tibbits asked if these houses were in violation or did they make a request to be in the program on their own?

Mr. Lewis stated that most were requests from violations. The property owners must meet income guidelines to be eligible for the program.

Mr. Tibbits asked if there was more money available for the program?

Mr. Lewis explained that the City received an additional \$50,000 for 2011 and the City is still qualifying people. It is on a first come, first serve basis.

Mrs. DelaMotte asked if it was for owner-occupied houses and Mr. Lewis replied that it was.

Mr. Lewis returned to code changes and how the process was changed.

Mr. Tibbits asked about section 1137.12. There was discussion on adding stake bed vehicles. He understood the larger trucks are a problem because this type of vehicle often leaves with the person in the morning and comes back again at night. Where will they put these vehicles?

Mr. Flock asked if this pertains to flatbed trucks?

Mrs. DelaMotte asked if the truck has to meet a weight limit?

Mr. Lewis stated it is defined by vehicle type and not weight.

Mr. Tibbits asked what is the limit?

Mr. Flock stated that he knows people that have vehicles for work that they park in the driveway.

Mrs. DelaMotte asked what they looked like?

Mr. Tibbits asked about a Ford 250 that has a stake bed and what do we do with this type of vehicle? These are often work vehicles.

Mr. Lewis stated they need to be completely enclosed.

Mr. Tibbits stated that the solution is building a garage.

Mrs. DelaMotte stated overweight vehicles should be determined by weight and not type.

Mr. Flock stated if a person uses a work truck and needs to build a garage it could be too expensive or they may not have enough space on their property.

Mr. Tibbits stated there needs to be a clearer definition and a weight limit.

Mr. Hach stated the City should look into the weight limit.

Father Vellenga asked if this was a new issue?

Mr. Lewis explained the City is looking at where there are conflicts in the code and addressing them and this is one of the issues.

Mr. Tibbits stated there is a cut-off limit. The weight and size are too ambiguous. There are all types and sizes of trucks that will be called a flatbed.

Mr. Flock asked about tow trucks the regular ones and how do they rate? They are not permitted.

Mr. Lewis discussed Mrs. DiNallo's letter regarding Chapter 1365. There were comments about inspections of main thoroughfares by walking inspections. In the past inspectors were going into backyards. Now we are just addressing visual issues. We are still working on complaints. A majority of violations are because we have seen something and it is initiated by the inspection.

Mrs. DelaMotte asked if there was a method to how they are going through the process?

Mr. Lewis explained complaints are received and addressed. They also will look around at what is going on around them.

Mrs. DelaMotte stated this is part of some of the problem. It makes sense but sometimes this will upset residents. They are upset because they also get violations.

Mr. Flock stated this has happened to residents in his Ward.

Mr. Lewis stated people that call almost always have a similar violation. It affects all property. The City needs to be able to send people to court and do what the inspectors are trained to do. Violations create more violations. Property needs to be maintained and we cannot have it both ways.

Mr. Flock stated Cleveland Heights talked about planned area inspections so that residents would know when inspections were coming. People were warned ahead of time. Maybe something similar could be introduced? He asked if the school's can be enlisted to create a Housing ABC's video that people could watch?

Mr. Komjati stated they would have to work on it.

Mr. Lewis stated the City has a Property Maintenance brochure that it handed out. A Top 12 Property Maintenance Violation section may be created.

Mr. Tibbits stated he read the letter from Mrs. DiNallo several times. He stated if a "How to Take Care of Property" brochure was created will the public access channel 12 used to get the information out to the residents? He does not believe Channel 12 is used enough?

Mr. Flock asked if the information can be disseminated in the electric bill?

Mr. Tibbits stated people can feel singled out. If there is a plan that says when inspections in an area will occur then no one can say they are being singled out.

Mrs. DelaMotte stated that the hydrant flushing program is similar.

Mr. Komjati asked if the City has the manpower?

Mr. Lewis stated we can still receive complaints, but we would need to be able to identify the streets in an area.

Mr. Flock asked if the City can use interns to prioritize work to assist the inspectors.

Mr. Komjati asked if interns would be qualified?

Mr. Flock stated there are more violations than inspections.

Mrs. DelaMotte asked why there should be double work? Interns would be better to use to coordinate what is going to happen.

Mr. Komjati suggested a checklist be created and distributed.

Father Vellenga stated that this should not be a surprise.

Mrs. DelaMotte stated when a complaint is called into the Department, the resident should be told that the City will look at the area and address the location and others on the block. Tell people that everyone will get checked. Communication is key.

Mr. Tibbits stated that the public should be made aware of what is going on.

Mr. Lewis asked to what extent do we provide that information? At some point residents needs to take responsibility for their property.

Mr. Flock stated the City needs to address issues with information and create checklists about what is appropriate. The City will need to hold people's hand in the beginning.

Father Vellenga stated it is important to establish expectations and the consequences if those expectations are not met.

Mr. Hach asked if there were any other items in the letter to be discussed?

Mr. Lewis discussed the appeals process.

Mrs. DelaMotte asked for the cost and Mr. Lewis stated it is \$100.00.

Mr. Tibbits asked what happens if the resident does not have the money to fix the issue? Extended Housing always has lists of where resources are available. We need to do a better job of helping people to find these resources from various agencies if it is a financial issue. Most people do not know when to start to find these resources.

Mr. Lewis stated that the City already does this, particularly when it is an item that is a large expense. We often refer these projects to volunteers on volunteer days and adopt a project programs. The City uses the Western Reserve CDC and 211 to refer residents to appropriate agencies.

Mr. Flock brought up Ms. Nancy Bihary.

Mr. Lewis discussed the issue.

Mr. Komjati stated that most banks provide very low interest loans that are available to help people out, but they often are income-qualified.

Mr. Tibbits was thankful for the information.

Mr. Lewis addressed the Board of Zoning Appeals (BZA) and what their standards and powers are as given to them by the City.

Mrs. DeLaMotte exited the meeting at 7:05 p.m.

Mr. Lewis referred to an email from Mrs. DiNallo about frequent offenders and looking for compliance, particularly when it is an ongoing problem.

Mr. Lewis spoke about foreclosures and the difficulty in dealing with them. He is open to discuss how to address these. Banks will evict but afterward they are not taking ownership of the property until a much later date. Often banks sell the mortgages and it will end up taking a long time to accept responsibility. The property is in limbo because it is technically still under the ownership of the previous owner. Most of the former owners tell us they are no longer responsible. The question is who is responsible for maintaining the property? If there was money to make repairs to the properties possibly the City could make repairs and assess the parcel.

Mr. Flock stated he recently read an article about the Robo approval for foreclosure. Does this addresses who you go after?

Mr. Komjati stated this is a huge maze and most of the originators are out of business.

Mr. Tibbits stated there is an entity that starts foreclosure that needs to put them on notice that they are responsible.

Mr. Lewis stated everyone points to the other person. This is a problem with the regulations related to foreclosure.

Mr. Hach moved onto to Item C on the agenda relating to the legislation on third reading at Council Meetings amending Chapter 735 regarding Solicitation. Mr. Hach began by stating that he did not think this was a Housing Task Force issue. This is a mandate from the State of Ohio.

Mr. Lewis addressed the requirements for solicitation for a legal issue.

Mr. Flock asked about roadside stands and motor vehicles being sold on private property in residential areas. He read this section of Code.

Ms. McMahon described the history behind the section of Code.

The meeting went to Item D regarding non-conforming use properties.

Mr. Schaedlich described how the non-conforming use map was created by working with the County agencies. This allowed the City to create a parcel by parcel listing of non-conforming uses. All the parcels on the map identify non-conforming properties. The City will review the map to determine any rezoning possibilities. Mr. Schaedlich described an example such as Chestnut near the railroad tracks. This is the focus of the map.

Mr. Flock asked is people will be notified if they own a non-conforming use property and what that means to them?

Mr. Schaedlich explained the City is sending out notices to current property owner of non-conforming uses. If the City is considering rezoning a parcel the owner will be notified of the potential change.

Mr. Flock asked if the non-conforming area is a single-family home and it burns down, doesn't that mean that it will not be able to be rebuilt as single-family?

Mr. Schaedlich described the Code for non-conforming uses.

Mr. Flock asked if this information was being sent out to the City residents?

Mr. Schaedlich replied that the City will be sending the information out to residents.

The next meeting will be scheduled at a date to be determined.

Motion by Mr. Komjati, seconded by Father Vellenga, that the meeting be adjourned. All members agreed. The meeting was adjourned at 7:30 p.m.



Rita C. McMahon
City Manager

Paul Hach
Housing Task Force Chairperson

