

HOUSING TASK FORCE MEETING

TUESDAY – SEPTEMBER 30, 2008 – 6:00 PM

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

Motion by Mrs. DelaMotte, seconded by Mr. Komjati to approve the minutes of the Tuesday, August 26, 2008 Housing Task Force Meeting. By voice vote, all members answered “yes”. The minutes of Tuesday, July 29, 2008 were unanimously approved.

The first item on the agenda was introduced by Mr. Hach regarding the International Property Maintenance Code (IMPC).

Mr. Lewis provided a summary of the IPMC versus the City Code. Ms. Sivertsen had identified the code sections in IPMC that are also in the City Code. IPMC is often more in depth than the City Code. It was explained the first section overlaps with the Building Code. Mr. Lewis referred to the definitions section as an example of where the City Code is more general. Sections in the IPMC are also enforced by Engineering. Mr. Lewis explained the section identified as “no” are sections not covered in the City Code. He asked that the Committee review the areas not covered in the City Code.

Mr. Lewis stated that the Housing Inspectors were split on which Code, but agreed that it would be best to incorporate those sections of the IPMC that were not covered in the City Code. The reason they preferred the City Code was because they have more ability to enforce the City Code. The City Code is more restrictive and has stronger penalties. Mr. Lewis suggested the adoption of various sections of the IPMC Code into the City Code because the Housing Inspectors preferred it.

Mr. Flock asked about a section on Page 15 about the total number of people that can occupy a residence and to why 8 people were crossed out and 4 rooms written next to it. It was explained that it is basically the equivalent.

Mrs. DelaMotte asked about garbage containers for all garbage being mandatory and not bags that was mentioned on Page 11. She recommended, and the members agreed, that we should not substitute containers for bags and that people should have the option.

Mr. Hach stated that it is easier to adopt separately by section and that sections of the IPMC could be included in the City Code. Mr. Lewis suggested he talk with the Housing Inspectors to determine which sections they believe fit our needs and incorporate them into the City Code.

Mr. Flock asked if other communities have adopted the Code in total or just amended the Code. He asked how they should proceed. Mr. Lewis suggested adopting the sections of the City Code that are more restrictive and include those in the Code.

Mr. Flock asked if City inspectors carry the existing Code with them. Mr. Lewis indicated that the Housing Inspectors do have it with them and they are familiar with the Code.

Mr. Tibbits stated that he feels the Housing Inspectors know the Code. He suggested that we stay with the existing code and use the parts of the IPMC that are lacking. He felt that we would be in good shape if we did so. Mr. Flock agreed.

Mr. Hach asked how soon the proposed Code Amendment could be sent to Council. Mr. Schaedlich replied this can get done pretty quickly, and suggested they work on it over the winter.

Mr. Lewis stated he would work with the Housing Inspectors to pull out sections that are not included in the City Code and make a recommendation to City Council after review by the Law Director.

Mr. Flock asked what the Building & Housing Departments do in the winter. Ms. McMahon explained that they still have the same duties as during the summer, but the nature of the duties may change. For example, the Housing Inspectors might inspect if residents are putting snow in the street as well as their normal duties of property maintenance. She also explained that the Building Inspectors would be working with on inspections and permits for the new high school.

Mr. Flock asked if there were fees for the inspection. Ms. McMahon explained that fees were charged and the monies went back in the General Fund to support the Community Development (Building) Department.

Ms. McMahon asked if the Task Force would like a copy of the duties and the consensus was "yes".

Ms. McMahon asked if the member of the Housing Task Force would like to review the proposed changes to the City Code by the end of the year. Mr. Schaedlich asked for confirmation of the time frame. Mrs. DelaMotte asked it by the end of the year.

Mr. Hach then introduced the second item on the agenda regarding the Nuisance Ordinance.

Mr. Lewis explained both Fairport Harbor and Cleveland Heights have adopted a Nuisance Ordinance, and copies of which were distributed to the Task Force Members. Mr. Lewis stated he discussed the ordinance with the Police Chief and the Court. The two ordinances are very similar. Mr. Lewis explained that a Nuisance Ordinance would impact property owners as well as rental properties. He had talked with Police Chief Smith and he is supportive of a Nuisance Ordinance. Chief Smith has talked with the Fairport Harbor Police Chief who said it worked well and received compliance when letters were sent. They have not yet had to address any fines.

Mr. Lewis stated that Fairport Harbor has sent letters to landlords and they have taken care of any problems. No fines have needed to be sent. He did ask the Court how they determine nuisances. He asked if these situations have to go through the Court. The Court doesn't get involved in determining a nuisance. The determination is made by the Chief of Police and is based on the police reports and the number of complaints received. Fairport Harbor and Cleveland Heights use more than two phone calls on a property in order to declare it a nuisance. A notice includes the nature of the problem and the approximate cost that could be incurred if there is another call made within a twelve month period. The Fairport Ordinance allows the notice to be posted on the property, delivered to the home or businesses of the owner, and/or published in the newspaper.

Mr. Lewis stated Fairport Harbor has an Appeals Board. The nuisance complaint is reviewed first by the Police Chief and then forwarded to the Board of Zoning Appeals if it cannot be worked out. The overall purpose is to abate the nuisance, not to fine property or rental owners. Fairport Harbor has not had to fine anyone because the owners have addressed the issue when notified.

Mr. Tibbits asked when a rental owner is made aware that there is a nuisance at one of their properties. Mr. Lewis stated that Fairport Harbor's ordinance indicates after the second time. The owner receives notification when it becomes a nuisance and not when something happens just a single time.

Mr. Tibbits stated that it sounds similar to Crime-Free Multi Housing Program.

Mr. Hach asked if those participating in the Crime-Free Multi Housing Program receive two chances.

Mr. Flock asked if the City has a database of rental properties. Ms. McMahon replied that the City has a database based on garbage collection that is updated monthly by the Public Service Department. Utility information also enables us to identify rental properties.

Mr. Flock asked about a house on Hine Avenue where garbage was placed on the tree lawn and asked if it can be picked up. He stated that the garbage had been there for some time. Mr. Lewis asked for specific information on where it was located.

Mrs. DelaMotte asked for more information about the Crime-Free Rental Housing Program. Ms. McMahon explained that the Police Department had sent an officer (Dan) for training and that Police Chief Smith was looking at the possibility of implementing a program. If a program is implemented, Ms. McMahon

explained that there may be a budget impact to implement the program and she was working with Police Chief Smith. She explained that the implementation of the nuisance ordinance would be a nice compliment to the Crime-Free Housing Program.

Mr. Flock asked if Argonne Arms was participating in the Crime-Free Multi Housing Program. Ms. McMahon stated that they were with great success.

Mr. Tibbits asked about section (e) of the Nuisance Ordinance. Who is responsible for the fine? Mr. Lewis stated the property owner.

There was some discussion of not including domestic violence.

Mr. Lewis stated if the landlord does nothing after being notified on the third time they can be fined. If the landlord shows they are trying to fix the issue they will not necessarily be fined. They need to put forth an effort to show that they are working to correct the problem.

Mr. Hach asked if this would be brought to the City Council.

Mrs. DelaMotte stated that the Fairport Harbor Nuisance Ordinance is more in line with what the Task Force is looking to accomplish. In addition, if Painesville's ordinance was the same, the Court would be familiar because they also enforce Fairport Harbor's ordinance.

Mr. Tibbits stated he would like to use Fairport Harbor's ordinance over the Cleveland Heights version. Mr. Flock agreed.

Mr. Hach asked when this would be brought to City Council. Mr. Lewis explained that he would work with the Police Department and the Law Department to change the code references and then bring it back to the Task Force for their final review.

Mr. Flock asked what revenue sources would fund the program. Mr. Lewis stated that, in Fairport Harbor, they always received compliance from the letter and no fines had to be issued.

Mr. Hach introduced the next item on the agenda pertaining to posting of forms for High Grass/Weeds and Debris.

Mr. Lewis stated Section C on the second page stated that the requirement for grass/weeds on residential properties is 6 inches. He stated that it was 12 inches for residential zoning vacant land and/or lots. Mr. Lewis stated that the Housing Inspectors recommended seven days to comply versus Cleveland Heights 48 hours. Mr. Lewis described how the notice would be sent. One notice per year would be sent, which helps the Housing Inspectors. This year the City did a lot of mowing and notices. There are over 300 notices with 150 mowings.

Mrs. DelaMotte stated certified mail takes time and thought notices should be posted instead. It serves the same purpose.

There was discussion regarding the weeds along the River Walk in Recreation Park and Mr. Flock asked if they could be removed. Mr. Lewis replied he will look at flood management and determine if the brush could be removed.

Mr. Flock asked if the Housing Inspectors could give the grass/weed letters to the appropriate Council person and then they could deliver the letters. Mrs. DelaMotte stated she is would not be interested in delivering the letters and explained it is the role of staff.

Mr. Lewis stated that inspectors would have copies of the letter to be posted. The Housing Inspectors recommended keeping it at seven days. Mrs. DelaMotte and Father Vellenga stated the seven days seems reasonable and gives people the opportunity to mow.

Mr. Schaedlich stated a new form will be developed.

Mr. Tibbits stated cottonwood trees are prohibited. Many of them are on the railroad right-of-way and he asked what could be done. Mr. Lewis stated the ordinance would affect new plantings. It would be difficult to enforce if they were existing trees.

There was a discussion regarding charges for mowing. Mr. Tibbits recommended that a graduated rate be charged based on the number of mowings on a property. He recommended \$25, \$50, \$75, etc. He thought this would encourage compliance. The members agreed that the cost of mowing should increase with the number of mowings.

Mr. Flock asked what the City rate was for mowing. Ms. McMahon explained that it is based on the ordinance and we charge the actual cost plus 25% for administration of the program including inspections, letters, re-inspection, coordination of mowing and billing. Mr. Lewis stated the fee will stay the same but he is looking into charging an additional fee or adding an extra fine for multiple offenses.

Mrs. DelaMotte stated that the banks need to know the City is not in the business of providing landscape services. Mr. Flock and Father Vellenga agreed with Mrs. DelaMotte.

Mr. Hach led the discussion on the posting of notices. Mrs. DelaMotte agreed that posting would be more effective and efficient than mailing out certified letters.

Mr. Hach stated the next item on the agenda was the use of forms to post for "Litter and Debris".

Mr. Lewis stated the Department will use the same basic concept for the posting of Litter and Debris. He explained that evictions and/or foreclosures create the problem similar to the one brought up by Mr. Flock on Hine Avenue.

Mr. Flock asked about whether or not a map could be created for foreclosed and rental property. He stated that it would be a good visual. Mr. Flock stated it would show problem areas and we could focus on those areas more. Father Vellenga stated that it could be shown to Council.

Mrs. DelaMotte asked about what value this could have. A discussion ensued about how we would know the property was a foreclosure. The County publishes information once a week regarding houses up for Sheriff's sale.

Mr. Lewis stated he would look into it and determine if we had the capability.

Mr. Tibbits stated that he was in agreement with posting the properties vs. using certified letter.

Mrs. DelaMotte made a motion to begin to post violation notices on properties instead of sending them certified mail. Certified mail will be used as the last resort. The motion was seconded by Mr. Tibbits. By voice vote, all members unanimously agreed. Motion adopted.

Mr. Angelo Cimaglio, 477 Owego Street, asked about the Housing Task Force and the reason that the meetings were not open for comment. He questioned the make-up of the committee, specifically three (3) staff persons. Ms. McMahon explained that the staff served to support the Task Force and look into and provide any information requested. The decision to open the meeting to public comment was up to the members of the Housing Task Force.

Mr. Hach asked how we might go about opening the meetings to public comment. Ms. McMahon explained the various options, and stated that public comment is not required by law. This is a public meeting and any decisions are made in public. Ms. McMahon informed the members that we send notices regarding meetings to the public and it is their decision whether or not to publish it.

Mr. Cimaglio talked about the banks boarding-up houses and that this should be something that is open for discussion.

Mr. Tibbits stated that he wanted the meetings to be as open as possible. He thought that comments should be limited. He knows there are people who want to speak at these meetings. Mr. Flock stated people should have the option to speak.

Mr. Lewis stated people should contact Chairperson Hach if they had a speaker who wished to present information to the committee on a specific topic that was scheduled to be on the agenda.

Mrs. DelaMotte stated it was fine to open the meeting up for comments or other topics not on the agenda. She suggested that the public input be controlled (i.e., time limits).

Mr. Flock asked about having the Housing Inspectors present at the meeting. Ms. McMahon explained that they were union employees that it would cost overtime. Mr. Flock asked if they would volunteer their time.

Mr. Tibbits asked if the meeting with staff could be scheduled during the day. Mr. Flock could not attend as well as some of the other members.

The next Housing Task Force Meeting was scheduled for Tuesday, October 28, 2008 at 6:00 PM in the Courtroom #1. The agenda will be posted on the City's web site.

Motion by Mrs. DelaMotte, seconded by Mr. Tibbits, that the meeting be adjourned. All members agreed. The meeting was adjourned at 7:14 PM.

Rita C. McMahon
City Manager

Paul Hach
Housing Task Force Chairperson