

Safety Committee Minutes

Honorable Council
City of Newark, Ohio
April 21, 2025

The Safety Committee met in Council Chambers on April 21, 2025 following the Service Committee meeting with these members present:

Mark Labutis, Chair
Bill Cost, Vice Chair
Beth Bline
Michael Houser
Jeff Rath

We wish to report:

1. **Resolution No. 25-28** A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY FOR THE CITY OF NEWARK, OHIO, TO RELEASE THE LIEN PREVIOUSLY PLACED AGAINST THE PROPERTY LOCATED AT AND KNOWN AS 45 SOUTH MORRIS STREET, NEWARK, OHIO

Mr. Houser - Thank you, Mr. Chair. I'll be presenting on the legislation. This is Resolution 25-28. This is in regards to, as you mentioned, 45 South Morris Street. This property is owned by Mr. David Spivey, who is with us here today. The purpose of the ordinance is to request the removal of a \$3,400 property tax lien that is related to a past zoning violation from 2023. It was related to a shed being placed in the front portion of the yard, which caused the violation. A couple things I want to share about this, as I've spoken to committee members. Definitely from a communication standpoint, this should have been handled better. The property owner certainly was sent notices, and what I think was a relatively minor issue became something a lot bigger, certainly as the fines were continuing to add up over the months. But there was no corrective action taken, and so the property, through communication with George Carter, he had numerous communications, and the property was sent to, or the fines were sent to tax lien. That being the case, I do want to mention, and this is going to kind of lead into some of the reasons why I'm introducing this. One is that the property is now in compliance with the city's zoning code because a variance was granted. During the process, one of the things that Mr. Carter had offered was to have the property owner, in this case Mr. Spivey, receive a zoning variance. And admittedly, that was not done, which is why the taxes were gone to lien. But at this point, Mr. Spivey, after the violation fines were sent to the county for lien, did receive that zoning variance, and that was granted. So, the property is now in compliance with the zoning ordinances. Now I think that, you know, certainly in a case Mr. Spivey should have gone, as I've mentioned, should have gone to the zoning variance board prior to them going to lien. I would fully admit that. But I think, while I certainly appreciate all the work that our property

maintenance teams and the zoning group does, ultimately, I think their fines had the desired effect. Obviously, it should have been taken care of at a sooner time, but ultimately the fines had the desired effect, that a variance was obtained, and the property is now in compliance. Again, that's one of the reasons I'm bringing this forward. I think if the variance was not granted and the property was still in violation, we wouldn't be having this discussion and I wouldn't be introducing this legislation because ultimately it would be non-compliant still. And so again, I just want to say I appreciate all the zoning and property maintenance does to keep high standards in the city. And again, the reason I'm bringing this is certainly because the property is now in compliance. At the zoning variance meeting there were no neighbors that came and spoke against. I believe only in favor at the zoning variance meeting. So again, this is not an eyesore, really. It essentially matches the house. It's not an eyesore. It's not something that causes a lot of concern on the street. Again, should have been better communication on the part of Mr. Spivey, but again, we are in compliance. So, with that, I guess that's the reason for proposing legislation, and if the Chair will permit it, I would like Mr. Spivey to comment on the situation himself.

David Spivey, 45 S. Morris St. - Well, I made a mistake and I apologize. I'm here to, you know, trying to get this straightened out. It was just a lack of communication and things, you know. I'm very sorry. I go by the pen and, you know, rules, but I didn't know. You know, I didn't really know all of the details. Like I told him, I'd have moved it, you know. I was going to move it when I came up here the first time, get it moved, because I just paid my taxes off and this popped up. So, I'm back again.

Ms. Bline - How many years was this in process between the original application and then how many years did it take for the bill to accrue to this amount?

Mr. Spivey - I wouldn't say when, to be honest, I think I had that thing a year, a year and some months. If I'd have known then, we could have worked this out in a better way, you understand? If I'd have known, I'd have done just what I was supposed to do, put it in there, wherever it was supposed to go, you know? They came out and looked at it and things, and the neighbors and people didn't see that it was home, but I've never been in a zone like this, you know? And that threw me off, it wouldn't have happened, you know?

Mr. Rath - Well, first, being in a zone like that, every residential house has the same zoning.

Mr. Spivey - Right. See what messed me up...

Mr. Rath - So, I know you received some fines, at what point in time did you know that you had the opportunity to get a variance on the zoning?

Mr. Spivey - No, I went down and I paid my tax, but I'm going to be honest, I did get a letter from Mr. Carter. But at the particular time I was having death in the family, my mother, my brother, my sister, and I just got thrown off, you know? I was going to go take care of whatever I had to take care of when I go pay my tax. I didn't know it was going to lead up to this, you know, and that's what happened.

Mr. Rath - So when did you know that you could apply for a variance?

Mr. Spivey - Apply for... What do you mean, getting this...?

Mr. Rath - You applied for a variance that the zoning commission approved that allowed for that shed to be there.

Mr. Spivey - I had talked to Mr. Carter about it.

Mr. Rath - Was that before or after the liens were placed, that you knew that you could apply for a variance?

Mr. Spivey - After I went down there and paid my taxes and seeing that this was happening, they told me what was going on, so I came and talked to Mr. Carter, you know, and he told me to give him \$75, and I gave him \$75, and he said I could go to a board meeting, and I came to the board meeting and, you know, I was going to tell him I could have moved it, whatever, you know, anything to get right with him, and they granted that night. They told me I ain't got to move it or nothing, but they didn't tell me when I came to the board meeting afterwards that I was going to have \$3,500 on my tax the next day, you know, so Mr. Carter said, Spivey, would you stop by the office? I stopped by the office the next morning, and boom, this is what it was.

Mr. Rath - So it wasn't a \$3,500 fine.

Mr. Spivey - Yeah.

Mr. Rath - It was an accumulation of fines over a period of time that added up to \$3,500. Is that correct?

Mr. Spivey - I guess, well, they told me, they just told me I had \$3,500 on my tax because of the shed, and I came down and come to a meeting and tried to get straight with them, and, you know, then I had to come to another meeting today. I got it set up with Mr. Houser.

Mr. Cost - My understanding, Mr. Spivey, was that you were notified of this opportunity a year and a half ago, and there was nothing done from that point on until it appeared on your taxes. Because when you called me, you told me that your taxes had just gone up \$3,000. I didn't have a clue what that was about, but I think you obviously must have had an opportunity to have taken care of this some time ago, but you did not follow through with that.

Mr. Spivey - No, I mean, I didn't follow through on time. I didn't, you know. I had just got a big tax paid off because, see, I took over the house.

Mr. Labutis - Director Hickman, would you be willing to speak to this? Do you have knowledge of this?

Mr. Houser - Mr. Chair, I also have this information, too, so whatever your preference is.

Tim Hickman, Safety Director - Yeah, I found out about it after having a conversation with the law director's office. I'm not in favor of this legislation. I would encourage each of you to pull the case file from Property Maintenance. It has all the timelines and the officer's notes in that, which spells out pretty clearly what took place here.

Mr. Labutis - Thank you. Mr. Houser, we all have the information, but how many fines in that timeline were given?

Mr. Houser - On a quick count, let's see. Twelve, I believe, over that process. The notice was on June of 2023 regarding the property in violation, and those fines would have been at various times throughout 2023 and 2024. If this record is complete here, it looks like maybe July of 2024. It looks like the last citation would have been granted or would have been issued, I suppose, on the property. So, I think in September of 202...

Mr. Labutis - What was the date on the lien placed?

Mr. Houser - Let's see, there was a letter. I'm not certain. I believe the lien, oh yeah, it looks like there was a letter for a tax lien on 1-6 of 2025. I believe, I might be wrong about this, but I believe at the end of 2024 we passed on those to property tax lien, I believe.

Motion to send to full Council by Mr. Houser

Mr. Labutis – I have a motion by Mr. Houser. Do I have a second? This legislation dies due to no motions to go to Council.

Safety Committee stands adjourned

Mark Labutis, Chair