

## Service Committee Minutes

Honorable Council  
City of Newark, Ohio  
March 1, 2016

There was a meeting of the Service Committee in Council Chambers on Monday February 29, 2016 after Finance Committee with these members present:

Jeff Rath, Chair	Carol Floyd
Bill Cost Jr.	Ryan Bubb
Mark Fraizer	

We wish to Report:

1. Roger Loomis, Utilities Superintendent provided a brief overview of the Division of Water & Wastewater's annual report and discuss water quality.
2. **Resolution No. 16-21** adopting a statement indicating what services, if any, the City of Newark, Ohio, will provide for approximately 2.0 acres, more or less, located in Newark Township, a territory proposed for regular annexation, and declaring an emergency was considered.

**Law Director Sassen-** the two resolutions and the one ordinance relate to the same annexation. I will just address the first two initially they are fairly common you have seen these before they are required by the annexation law. Before the County Commissioners finalize the annexation we are required to pass a resolution which sets forth the various services the city has to offer for this piece of property and also if there is going to be a bifurcation or roadway which in this case there's not so a highway resolution is not necessary. The second resolution with regard to a buffer zone that basically says to the person annexing that if this property is annexed and there are zoning conflicts you are required to do a buffer. There won't be in this case. On the third issue the Ordinance if you will recall and you have been here long enough we changed the process we present this ordinance. It used to be the piece of legislation before you would be an ordinance annexing the applicable piece of property into the City of Newark. In my opinion from a logic standpoint it didn't give City Council a meaningful opportunity to object to an annexation if you wanted to do that. The reason why is basically because the law says that the city can vote to accept the property in or they can do nothing and if you do nothing that is deemed to be acceptance of the property.

Let's assume you have a piece of legislation in front of you accepting this property and agreeing to this annexation but you don't want the property annexed so Council votes no on that. That kills that piece of legislation. That is by some people's definition deemed as inaction and under statute inaction on part of City Council it is deemed to be annexed. So under the old system there was no way to logically and meaningful way to object to the annexation of the property if you wanted to object. This is the one that we refer to as you vote no if you mean yes. Today in committee I will ask you all to vote yes to send it on for consideration by the full Council. When we come back to consider the annexation next Monday then I will be asking if you if you want this property to annex into the city than you should vote no. By voting no on this legislation it dies. That is deemed to be action and by statute it is annexed into the City of Newark. We do this reverse logic because it is really the only way you can statutorily and legally object to the annexation.

**Motion by Mr. Bubb to send to full Council, second by Mrs. Floyd**

**Mr. Cost-** where specifically is this property?

**Director Sassen-** the map is attached to Ordinance 16-02

**Director Rhodes-** it is behind God's Acres Church off of Buena Vista.

**Motion passed by a vote of 5-0.**

3. **Resolution No. 16-22** regarding a buffer zone for the annexation of approximately 2.0 acres, more or less, located in Newark Township; and declaring an emergency was considered.

**Motion by Mr. Bubb to send to full Council, second by Mrs. Floyd**

**Motion passed by a vote of 5-0.**

4. **Ordinance No. 16-02** objecting to the annexation of certain territory, generally described as being approximately 2.0 acres, more or less, located in Newark Township, to the City of Newark, Ohio, and declaring an emergency was considered.

**Motion by Mr. Bubb to send to full Council, second by Mrs. Floyd**

**Motion passed by a vote of 5-0.**

5. **Ordinance No. 16-03** amending the Property Maintenance Code of the City of Newark, Ohio to provide standard fees for certain abatement actions was considered.

**Director Spurgeon-** the Division of Property Maintenance I believe is doing very good work. We are protecting property values and we are vigorously enforcing the code.

There are two reasons for that, this Council's support and we have very good people, Joe, George and Cindy. Annually we review our efforts and there are times that we come to this Council for increased support because we think we can do better and tonight we have four instances where we believe revisions to this ordinance will help us to protect property values in this community. I have asked our Code Official Joe Paul to come tonight and explain those to you.

**Joe Paul, Property Maintenance Code Official-** we are proposing to raise the mowing and grass cutting service to \$200.00 a cut from \$100.00 to more accurately reflect what we actually have in the grass cutting with the service of the equipment and those types of things. When this legislation first came forward it was new to us and we were using city employees for the first time. Now we have gotten a little bit better handle on what it actually costs us. Part of this is removing rubbish and garbage. The original legislation said \$250.00 whether we were taking one truckload or 6 truckloads. This reflects \$250.00 per load. Just to let you know we have gone to places and picked up 5, 6, 7 dump truck loads of trash from a property and we were only able to bill them \$250.00. This is to adjust it to what we actually have into that process. Section 2 of this is talking about taking what is now allowable which is 20 tires on a property and reducing it down to 4. Common sense says that 4 tires sitting outside in your yard is more than enough. Section 3 deals with Chapter 8 which is our reference standards which we use that was omitted for whatever reason from the original code.

**Mr. Rath-** the tire quantity is complaint driven?

**Joe Paul-** everything we do in Property Maintenance is complaint driven

**Mr. Bubb-** I think these are all changes for the better and I will make a motion

**Motion by Mr. Bubb to send to full Council, second by Mr. Cost**

**Mr. Fraizer-** what is your volume like for the year?

**Joe Paul-** I didn't bring those with me but we are right around 2000 inspections a year for George and me.

**Mr. Rath-** can you clarify yourself? Volume for what dump truck loads?

**Mr. Fraizer-** complaints of him going out there to inspect properties. How many of those result in fines or fees?

**Joe Paul-** I don't have that with me but I could give it to you, it is a considerable amount.

**Mr. Fraizer-** a high percentage?

**Joe Paul-** yes

**Mrs. Floyd-** your department does a wonderful job. I know you hear complaints from me and everybody else because people call us but we do appreciate the work that you do because it can be very frustrating to live in a neighborhood where there is a very rundown property and a bunch of junk left lying around. We appreciate the work that you do.

**Mr. Rath-** is there an occasion or occasions when you will go out and do an inspection and you assess a fine then they come into compliance and you reverse the fine?

**Joe Paul-** we have the ability to abate fines and we certainly do provided you're not a repeat offender. If it is a one-time offender or a very infrequent offender we will abate fines.

**Mr. Fraizer-** I want to say thank you to George, we had a constituent who copied us on an email and George was prompt to respond and remediate the situation so once again it's an example of you guys doing your jobs and taking pride in what you do.

**Joe Paul-** I will let George know. He does a wonderful job up there for us.

**Mr. Fraizer-** appreciate him

**Motion passed by a vote of 5-0.**

Jeff Rath, Chair