

Service Committee Minutes

Honorable Council
City of Newark, Ohio
April 9, 2013

There was a meeting of the Service Committee in Council Chambers following the Finance Committee, on Monday, April 8, 2013. These members were present:

Jeff Rath, Chair	Ryan Bubb
Ed Houdeshell	Shirley Stare
Duke Frost	

We wish to report:

1. Ordinance No. 13-10 amending the Property Maintenance Code of the City of Newark, Ohio regarding the enforcement of certain notices of violation was considered.

Director Spurgeon- stated they evaluated how they were doing things in Property Maintenance that they are always looking for ways to make it more efficient and expedite the process so he was there to ask the Committee to consider allowing him to cut grass or the Director of Public Safety the authority to cut grass, to collect trash, garbage, rubbish or rodent harborage more expeditious. In the current model it can take him three to four weeks to actually mitigate those. He and the Mayor made a commitment to improve the neighborhoods and they don't think that it is reasonable for citizens to sit three or four weeks while your neighbor has trash sitting out and/or high grass and weeds. Therefore they would like to reduce that to a four day period where they can inspect it, mitigate it and then do cost recovery accordingly.

Mr. Frost- asked if Mr. Spurgeon actually meant 48 hours, two days not four days.

Director Spurgeon- confirmed that he did actually mean two days. Within 48 hours we would like to do that. He stated he thinks it sets a great example of the City trying to come together and improve Property Maintenance.

Mr. Bubb- stated he thinks that it is a proactive approach to improve Property Maintenance and he made a **Motion to send it to full Council, second by Ms. Stare**

Steve Smith- 18649 Brushy Fork Rd, he stated he doesn't live in the City but he is a landlord. He asked a question about trash, since it is scheduled weekly and if a tenant for example is vacating the property and they put their trash out it could be several days before the trash will be picked up yet you have a two day schedule.

Director Spurgeon- stated the way they would address that is that they are always willing to listen to reason if you need some extended period of time to comply. He said honestly what he addresses are set outs that aren't in approved containers then before you know it there are animals ripping into the trash, rodents in the trash and trash blowing all over the neighborhood. He said he doesn't have 7 days to offer that. If we have approved containers, which by the way he was going to roll this out like a public education campaign, he is going to ask our friends of the media to help him. If you can put it out there in a covered receptacle then 48 hours doesn't become a nexus for them to react.

Mr. Rath- asked Director Spurgeon if someone has an issue with trash how does he come about being made aware of that.

Director Spurgeon- typically he gets a complaint.

Mr. Rath- asked if there were dumpsters from the trash hauler companies sitting out by the curb and trash is in those dumpsters or bagged than you are not going to get a complaint.

Director Spurgeon- said if they are bagged he will still get a complaint, because if there is food in those bags then animals will find a way to tear them open. He said they were not here take the trash and back charge because the dumpster had been sitting out for three days. It is the unapproved method of sitting those out that are below the residential standards for sitting those out or the lack of service that causes the community problems.

Mr. Rath- clarified if food items were in the container and non-food items are in plastic bags so the weather can't destroy them then you probably wouldn't get a call on that.

Director Spurgeon- probably not.

Law Director- clarified what this is doing and not doing. He and Bill met about this and he wrote this to basically modifying the appeal process, it isn't changing the requirements of a property owner with the regards to how they are supposed to maintain their property, all it simply does is shorten the appeal time for when a complaint is filed. An important distinction to clarify Mr. Smith's question, we are talking about non containerized trash, not trash that someone has taken to the curb because the trash man comes tomorrow or the day after tomorrow. We are talking about trash problems that are non-containerized that have either been torn out of the bags or as we know someone just tosses it off the back porch it gets ripped open and ends up blowing down the street. That is the kind of trash they are referring to.

Mr. Frost- said from his understanding by shortening the appeal process length it allows them to take action sooner so within 48 hours of a violation if nothing has been done you can take action then charge the owner of the property. He verified with Director Spurgeon if his statement was correct.

Director Spurgeon- absolutely correct. He said they have a responsibility to put people on notice and they are not doing this under the cover of darkness. We are here, there is a problem can you help us. It is certainly our hope that they would say yes, thank you for making me aware, I will take care of it. Unfortunately, that is not always the response he gets.

Mr. Frost- said from his understanding under the old system you had to wait thirty days, so if you saw a problem you had to wait thirty days before you could set people out, clean it up and charge the people, now it is 48 hours. Clean it up, you have 48 hours, if you don't the City will and we will bill you.

Director Spurgeon- That is exactly what we are doing.

Mr. Rath- said he thought that it sounded like a good plan.

Mr. Houdeshell- asked where the billing goes.

Director Spurgeon- the Code says that he can assess the costs by any manner of the Code. He said the Code says he can assess the owner but they will make a reasonable attempt to hold those responsible. He said it would be a straight bill from them, they would write a letter stating that you owe these fees and we would like you to make due on those fees. If they don't then they will come to Council and get permission to put it on their property tax bill.

Ms. Best- 205 W Church, asked with reference to what Mr. Rath was referring to about complaint driven; she wanted to know what the policy was for a City employee, for example, a landlord throwing out a tenants belongings after they have been evicted without the use of a container and say it is across the street from the Fire Department, do the City employees have a duty to report this.

Director Spurgeon- stated they don't have a policy and when we say a City employee that encompasses 380 people. He said he would ask our City employees to partner with them and the Mayor's administration in trying to protect the esthetics of the neighborhoods. He said he would certainly welcome them making him aware. He said they did have a situation across from the Fire Department that he got a complaint about from a private citizen and a Councilmember as well.

Mr. Rath- said he didn't think a City employee would necessarily know which is the tenant and which is the landlord.

Director Spurgeon- when you say City employee, let's talk about Property Maintenance. If one of his inspectors inspect property one and sees a violation at property three it is his expectation that they will process that accordingly. However if the Fire Department comes out to property one for an EMS call, ok maybe they report it maybe they don't. They have to use judgment; it is two different missions in his mind. He said he doesn't have a cut and dry policy which says you will do this or that.

Mr. Rath- stated that if a Street Department worker saw a pile of trash somewhere it would be nice if they were cooperative enough to at least notify our Property Maintenance Department there is an issue.

Director Spurgeon- said he believed they would, that the Mayor has been clear enough in his initiatives for the City and Directors. He said they are clear with their people what they are trying to accomplish as an administration.

Tim Bailey- Dragoo Rd Nashport Ohio. He asked if the 48 hours started after the person receives the notice. If the judge gives you permission to set someone out the Deputy doesn't help you set them out, he is just there in case you have problems. He stated that the stuff being set out has to be in bags, it can't be tossed out and he stated that the judge has never stated how long their stuff has to sit out there before you can get rid of it. He also said he thought legally the tenants stuff has to sit on that space between the sidewalk and the street. Within an hour or so the hoarders have come by and dug through the stuff and it gets blown around the neighborhood. He asked for some clarity.

Law Director- stated if there is a violation noted by the Code Official, set outs are not a good analogy to use because there are so many different types of property involved in set outs and that is not usually what is envisioned by these sections of the Property Maintenance Code. The way this amendment reads is that the property owner or agent in charge of the property will be served with that notice of violation. At that moment that first 24 hour clock starts to run and that person who was served has 24 hours to submit a written letter of appeal to the Safety Director. The Safety Director has 24 hours or close of the next business day to make a determination as to whether the appellants appeal has any merit. Your clock starts the minute the paper is handed to the appropriate person. You have 24 hours, if you submit an appeal that is when the Safety Director's clock begins, he has 24 hours to make a decision.

After a short pause by the Chair, the Law Director made an additional statement- because the context of Mr. Bailey's question was based on an eviction set out himself nor the Safety Director will try to argue that these provisions trump the Court Order. If the judge orders a set out and he specifies a timeline that timeline will trump their enforcement of this provision.

Ms. Best- thanked Director Spurgeon for bringing this forward.

Mr. Rath- thanked him as well and stated he thought this was a very proactive measure; he appreciated him bringing it to Council and the Service Committee.

Ron- 340 Eastern Ave, he stated he thought that this garbage stuff was garbage himself. He said when you can look at the building right across from them and see from their front door garbage, every day they add to it with another pile. He said their building has handicapped individuals and senior citizens. People with walkers and wheelchairs have to walk through that. He said that they have City people who drive by it and don't pay any attention.

Mr. Rath- said that he thought that was the purpose of this legislation to rectify such a problem.

Motion to send to full Council passed by a vote of 5-0.

2. Resolution No. 13-38 authorizing and directing the Director of Public Service to accept bids and sell certain surplus personal property now owned by the City of Newark, Ohio, and declaring that such property is no longer needed for any municipal purpose and declaring an emergency was considered.

Director Rhodes- told Ed Houdeshell it was good to see him back. They are going to have an auction at the Service Complex on May 18th. At that time they will be selling cars that have been left at the impound lot, as well as miscellaneous furniture and office supplies the City no longer needs. The reason for the emergency clause is due to the advertising requirement. It has to be advertised weekly in the paper to let people know they are going to sell these items. They had two auctions last year and they brought in a little over \$70,000.00 in revenue to the City. Currently they have a minimum of thirty cars being sold at this auction.

Motion by Mr. Bubb, second by Mr. Houdeshell to send to full Council

Mr. Houdeshell- asked what kind of condition the cars were in.

Director Rhodes- they are in various conditions, some of them don't run some of them do start, some of them they have titles to, others they have service titles to.

Mr. Frost- made a motion to amend Section 4 of the legislation 13-38 to include the reasoning for the emergency clause.

Motion by Mr. Frost to amend, second by Mr. Bubb

Motion to pass Resolution 13-38A to full Council as amended, passed by a 5-0 vote.

3. Ordinance No. 13-11 authorizing and directing the Newark City Division of Water and Wastewater, the Director of Public Service, to certify to the Licking County Auditor, the sum of \$22,335.54 for costs incurred by the Newark City Division of Water and Wastewater for storm water, water and sewer fees to be placed as a lien upon certain parcels of real property was discussed.

Mr. Loomis- explained this is their mechanism to collect their past due water and sewer bills, they have been doing this ever few months for the last year or so.

Motion by Mr. Bubb, second by Ms. Stare to pass on to full Council

Motion passed by a 5-0 vote.

Jeff Rath, Chair