

LEGISLATIVE COMMITTEE MEETING

April 30, 2020

The Legislative Committee of Chardon City Council met on Thursday, April 30, 2020, at 4:30 PM via video conference.

Deborah Chuha, Chairman of Legislative Committee presiding.

Members of Legislative Committee present: Andrew Blackley, Deborah Chuha.

Others present: City Manager Randy Sharpe, Law Director Benjamin Chojnacki, Community Development Administrator Steven Yaney, Clerk of Council Amy Day, Jeff Smock, Richard Crombie, Robert Cromwell.

Mrs. Chuha called the meeting to order at 4:30 PM.

ACCEPTANCE OF MINUTES

Mr. Blackley moved and Mrs. Chuha seconded to accept the minutes of the Legislative Committee from December 15, 2018.

Upon voice vote the motion passed unanimously.

Regarding Property Maintenance Regulations, Law Director Benjamin Chojnacki stated that he prepared draft legislation resulting from discussions between staff and residents related to the exterior appearance of properties. He stated that the City's Codified Ordinances are solid on giving the City the authority to issue citations to property owners when there is an exterior maintenance concern that presents a risk to the health, safety and welfare of City residents; however, it doesn't cure all of the aesthetic issues of properties that are not maintained or occupied. The City's ability to police unsightly properties of structures that do not pose a health, safety or welfare of residents is limited, but if a property is unoccupied, the City would like to have someone the City can contact to fix the problem.

Mr. Chojnacki stated that the proposed legislation would require a property owner to provide the City a contact so that the City can contact someone in the event that there are improvements that need made even if they do not pose a health, safety or welfare issue but are not aesthetically pleasing.

Mr. Chojnacki added that the City's existing ordinances give the City the authority to police private property to the fullest extent possible while recognizing that there are

private property rights. They are trying to balance private property rights with the public's interest in securing some sort of aesthetically pleasing structure. He stated that the presented legislation is a best compromise and staff is not able to expand the property maintenance provisions without opening the door to a selective enforcement claim. Staff is trying to combat the problem and recognize that it is a limited solution and may not cure the problem but it is the least subject to challenge.

Bob Cromwell, 120 Huntington Street, stated that the legislation will give the City information that they already have and it will not change any of the enforcement that currently exists. He explained that a house in his neighborhood goes well beyond what is reasonable when it has eight rusted bicycles on a porch of an unoccupied residence.

Mr. Chojnacki stated that absent there being a risk to the health, safety or welfare of the City, the City's authority to enter onto private property, and tell someone how many bicycles they can have on their property is non-existent. The value of the legislation is that it gives the City someone to call to tell them to clean up the property and if they don't, it imposes a fine that can be put on the tax duplicate. He doesn't see an avenue for selective enforcement because vacant properties are being treated with a higher degree of scrutiny.

Mr. Cromwell questioned how this is this selective enforcement.

Mr. Chojnacki stated that the City does site this property when it is in violation of the property maintenance code.

Mr. Cromwell stated that the City's code should be upgraded.

Mr. Smock stated that he wants to do whatever needs to be done to keep the properties cleaned up.

Mr. Yaney stated that the City is at the mercy of what the court decides. He added that while there may be properties that are unsightly, it doesn't make it illegal. The property in question, has high visibility.

Mr. Blackley inquired where the property is located.

Mr. Yaney stated that it is at the corner of Goodrich and Huntington Streets.

Mr. Sharpe asked if the code could be tightened up for broken items.

Mr. Smock stated that if the appearance detracts from the

property values in the neighborhood, there should be something done about it.

Mr. Blackley stated that while he likes the proposed legislation, it has nothing to do with property maintenance. He thinks the City's property maintenance code should be reviewed in addition to adopting the proposed legislation so that staff has a way to address blighted properties.

Mr. Cromwell asked what the legislation will do for the City.

Mr. Chojnacki stated that the City will have the benefit that if the property is not registered, the fees associated with it will be put on the property tax duplicate.

Mr. Blackley asked the City's vacancy rate.

Mr. Yaney stated that he does not know the vacancy rate but would consider it low.

Richard Crombie stated that the house being discussed has a structural failure.

Mr. Blackley stated that the house sounds like it is in violation of the property maintenance code.

Mr. Blackley asked if the County Building Department could inspect the interior.

Mr. Yaney stated that the County does not and the City's code is for the exterior only.

Mr. Chojnacki stated that the process by which the City would have to go to court for a search warrant to go on the land to confirm a property is a risk to health, safety and welfare is one that the City can include in the code; however, it is a significant administrative cost to the city.

Mr. Yaney stated that staff does not have this certification to do this either.

Mr. Chojnacki stated that there are entities that the City can contract with to perform these services.

Mr. Blackley stated that a person could be hired similar to the City architect that gets paid an hourly rate that is charged to the property owner.

Mr. Blackley spoke about pursuing this.

Mr. Smock spoke in support of pursuing this.

Mr. Sharpe asked how the City would know to do the work.

Mr. Chojnacki stated that point of sale or by resident complaint are two ways.

Mr. Cromwell stated that what needs addressed now is strengthened legislation to clean up this property that is being used as a dump.

Mr. Chojnacki stated that a Council adding the IPMC guidelines to the City's property maintenance code is relatively easy; however, the challenge remains that there is a fine line between a property being unsightly compared to being dangerous or unsafe.

Mr. Cromwell stated that he doesn't see the difference between someone not parking a car in the front yard and parking a bike in the front yard.

Mr. Chojnacki stated that there are state regulations for vehicles that need to be registered and added that people have rights to do what they want with their property.

Mr. Cromwell asked how other communities seem to be able to enforce a more rigorous property maintenance code.

Mr. Chojnacki stated that this is a problem in every community and the City's enforcement provisions do not differ much from other communities and everyone has a house they don't like looking at.

Mr. Chojnacki stated that he can draft legislation to adopt the IPMC guidelines but he does not think it will address the issues being discussed today but it will put the City in line with the enforcement that most communities in the area have.

Mr. Yaney stated that the original intent of the property maintenance regulations the City adopted, was not to be overly strict but to give people the intent to allow people to work on home improvement projects.

Mr. Cromwell stated that Mr. Yaney is correct; however, in the case being discussed, this is not the issue. Help is needed to clean up unoccupied storage yards.

Mrs. Chuha concurred with Mr. Cromwell.

Mr. Smock stated that if it affects property values, something needs done.

Mr. Yaney stated that whatever changes are made to the code, he doesn't want it tied to if the house is occupied or not.

Mr. Smock stated that he did not care if it is occupied or not.

Mr. Blackley moved and Mrs. Chuha seconded to recommend the proposed legislation to be enacted by Council. Upon voice vote the motion passed unanimously.

Mr. Chonacki asked the committee if they would like him to work on legislation enacting the IPMC and also engage in legislation for additional interior building code violations and also some cost analysis to have a CBO be appointed or retained to conduct structural evaluations on private property.

Mr. Cromwell asked if there is any additional actions council can take.

Mr. Blackley stated that he is in favor of more if there is something that can put teeth into the regulations as long as it is legally defensible and does not violate someone's civil rights.

Mr. Smock stated that he would like to see the City's regulations strengthened for situations where the condition of a property is affecting property values in the neighborhood.

Mr. Chojnacki stated that the practical proof that a property has affected the value of another would be difficult to prove.

Mr. Smock stated that he would like the City to be able to classify junk so that it may be removed.

Mr. Chojnacki stated that while those types of ordinances exist, they open the City to a vagueness challenge. However, he will prepare something for the committee to review to determine if it is sufficiently clear.

Regarding Sign Regulations, Mr. Yaney stated that an oversight was discovered in the City's sign regulations for non-commercial signs in the commercial and industrial districts. Staff is recommending an allowance for property owners to put out non-commercial signs prior to elections so that all properties in the City would follow the same rules for time, place and manner. He noted that the revision in regulations would limit signs to a maximum size of 16 sq. ft. He stated that staff is looking for the committee to make a recommendation that the legislation go to Planning Commission as a text amendment followed by Council.

Mr. Blackley moved and Mrs. Chuha seconded that the sign legislation go to Planning Commission. Upon voice vote the motion passed unanimously.

EXECUTIVE SESSION - none.

ANY OTHER BUSINESS

Mr. Sharpe asked Committee members for feedback on options to offer the 9 Old Village Hall tenants regarding deferrals of rent payments.

Mr. Blackley stated that he would like to look at options based on individual circumstances. He asked if the City would be able to recover COVID 19 related costs.

Mr. Sharpe stated that he has not seen anything regarding deferred rental payments.

Mr. Chojnacki suggested that staff inquire if the tenants have secured funds under the small business provision of the CARES Act.

Mr. Sharpe stated that staff can contact Old Village Hall tenants to inquire what they have done and bring back to the committee for review.

Committee members concurred.

Discussion occurred regarding the sale of municipal water.

Mr. Blackley stated that he was in support of legislation to limit the ability of a business from bottling municipal water and reselling it for commercial gain.

Mr. Chojnacki stated that an alternative would be to implement a large user fee to discourage a business from bottling municipal water and reselling it for commercial gain.

Mr. Blackley stated that he would support legislation to limit the ability of a business from bottling municipal water and reselling it for commercial gain.

Mr. Chojnacki stated that an alternative could be instituting a large user fee. He stated that he would discuss the details with the City Engineer and report back to the committee.

Mr. Blackley added that he would also not want to give someone the ability to drain the City's aquifer either.

Mr. Chojnacki stated that he could accommodate that request.

ADJOURN

Mr. Blackley moved and Mrs. Chuha seconded to adjourn. Upon voice vote the motion passed unanimously.

The meeting adjourned at 5:49 PM

Attest:

AMY DAY
Clerk of Council