
Ashland City Council

Work Session Minutes
Tuesday September 11, 2007

Tuesday, September 11, 2007, Council Chambers Conference Room 7:00 P.M.

Purpose:

“Maintenance Codes/International Maintenance Code Book”, with Roger Gordon, Building and Zoning.

Attendance:

Council members: Bob Valentine W1, Bob Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Finance Director: Anna Tomasek

Building and Zoning, Roger Gordon

Council Clerk: Valarie Bishoff

Media: T-G Ginger Christ

Assistant to the City Engineer, Larry Paxton

Water Treatment, Bruce Wiser

Fire Department, Captain Mark Miller

Public

Roll Call: Bob Valentine W1, Bob Valentine W2, Ruth Detrow W3, Paul Wertz W4, Glen Stewart

Pledge of Allegiance:

The meeting is being recorded and Valarie takes notes for complete Minutes.

Glen Stewart - Tonight's meeting is a Work session and the only things being discussed this evening are Agenda items.

Raise your hand and we will acknowledge you. Give your name and address.

Roger Gordon has prepared a binder with 450 pages of information from contacts of approximately 45-50 municipalities. We have had responses from 25 of what they are doing in their communities relative to maintenance codes. Roger has been able to go online or they have sent him material and that is what Roger has compiled here for us to look at. I am only guessing, that there will be many similarities from some communities. Each one of these tabs will not represent something brand new from the previous community. The International building codebook is just one source for this type of maintenance codes. We had asked Roger to get these for us and he did, but it is only one of the sources of possible building maintenance restrictions, guidelines, and rules, however you want to look at it. Roger, any other pre-introduction to this?

Roger Gordon: I think the key to this is that those 45-50 communities that we have contacted were communities of similar size from about 16,000 to 22,000 population. As you go through this, you will find a map in there with a pretty good cross section of the entire state of Ohio. So it sounds like they picked out one area and just concentrated on that area.

Questions or comments?

Glen Stewart: Roger I want you to, if you will, to take charge of the presentation to us. Tell us where to be in the book or whatever you want.

Roger Gordon: I didn't really prepare a presentation and that was not originally what we were talking about. It was just to have a general discussion as to the things the Council was looking for. I think as you have the opportunity to look through these 25 communities, you will find that only four of them have adopted the international Book in its entirety. The biggest bulk of the International. The rest of the communities may have blocked and have stolen sections from that and they may have utilized them and may have deleted a majority of them. So there are a lot of options available to Council. How they might want to use the International Maintenance Code. Just for a basis or whether if they ever had it in its entirety or not at all. There are some really good documents. It is amazing that some communities can put 65 pages together and have another community say what they have said in 7 or 8 pages.

Robert L. Valentine W1: Roger, I don't know how far you went with this, and I appreciate the information that you have here and I looked down through to find out the four that have adopted it in the year 2003. Do we have any reaction on how things are working?

Roger Gordon: The conversation we had with those people, it was not all positive and there are some communities that will tell you that they have not had the least bit of luck with their maintenance code. As you go through this, you are going to find exterior maintenance codes, you are going to find entire maintenance codes, you will find nuisance codes, you will find housing codes. You can utilize a mix of all of those together or separate them and just go with an exterior maintenance code.

Robert L. Valentine W1: Did they all create a committee like that was suggested since they followed this?

Roger Gordon, Building and Zoning: There are quite a few of those communities that have created committees as far as hearing committees to review and look at the documentation and adoption of whatever they find to put in place for maintenance codes.

Robert L. Valentine W1: In this booklet here, it talks about a committee of three and then an Ex Officio.

Roger Gordon: That is actually a Board of Appeals that you would have. Something you would almost have to have with any maintenance codes.

Robert L. Valentine W1: And no politics involved, as I understand it, right? Well that is what it said.

Robert M. Valentine W2: There are some good things in this book, but some of this book goes a little over the edge on a lot of stuff. There is some stuff in here that I had to chuckle at. You have to take it as an outline.

Roger Gordon: There are a lot of things that we have already approached that we have in our Codified in other sections. Accumulation of junk and those types of things. We have addressed those items someplace else in our Codified. We could delete those sections if we felt it was the appropriate thing to do. Or I would like to see Council study this. There are 450 some odd pages in there. And maybe just go through and tag the good things, the ones you think are really appropriate.

Paul Wertz: Roger, I have gotten a couple of calls here on mold in houses. I referred her to the Health Department. I have not heard back from anybody. I wondered, is that a health issue or is that a maintenance issue?

Roger Gordon: You are not going to find that under the Maintenance Codes.

Glen Stewart: Roger, all of us have had what we frequently refer to as “Bad Neighbors”. In other words neighbors that may not remove their brush. Neighbors that do not remove their trash to someone else’s expectations. Does that fall under maintenance? It does in this one book.

Roger Gordon: They have listed it in the International maintenance Code. Some communities separate it out. Once you have the opportunity to look at this book, we will get together and compare notes, as it is maybe a similar city that you might be interested in and it addresses the majority of the things that I have kind of grasped from Council that were concerns. They do separate out some of those items and they have combined them into a very condensed exterior maintenance document.

Glen Stewart: Would Council agree that probably relative to this sort of thing, grass and weeds are probably our most common. Rubbish that is collected and not disposed of. Junk, what the neighbor may consider a junk car, the owner may consider an antique. We do have Ordinances requiring current license plates. These are very common things that come to us. General outward appearance and we have had numerous homes that the outward appearance is not like we, I would think the majority of the people in the community, would like to see but that becomes very judgmental and is not really addressed specifically in anything that we have that I am aware of, is that correct Roger?

Roger Gordon: Yes.

Glen Stewart: The Corridors coming in to our community have been a subject of interest to some in the community. That first impression as you drive in to Ashland Ohio from 71 from the east to down 60 from the North or South or on 96. Those Corridors generate first impressions and some of our Corridors are obviously have more curb appeal than some of the others. That starts to get into borderline maintenance I believe, but again you go to this book and it gets very specific. I don’t like to bring up the term affordability but there are people in our community that own their home and actually may not have the funds to maintain it at a level that many of us think it should be maintained. Now I had some conversation earlier this evening with a couple of gentlemen and there was some discussion about Grant money. May I digress just a second and ask Anna; this is a blind sight to you, so if you can’t answer this, that’s fine. But do we not have access to some funds for home repair Grant funds?

Anna Tomasek: Yes we currently have what is called a C.H.I.P program (The Community Housing Improvement Program) for those individuals is based on income guidelines. But basically the City of Ashland receives \$550,000.00 dollars for Emergency repairs, like a roof or a furnace, actually rehabbing the house. Based upon the application, we can improve a house up to \$30,000.00 dollars and we also have down payment assistance program if you want to purchase a house; we will basically give about \$3,000.00 to \$5,000.00 dollars for closing costs and also improve that house. There are three different programs within that and if anyone wants more information about the housing Grants, please give me a call at my office at anytime.

Glen Stewart: Are we expending those funds?

Anna Tomasek: Yes. We just finished the last of the three-year cycle. Completed last years Grants. We are starting the new one relatively in October. The first of October, we will be excepting applications again.

Glen Stewart: That is \$500,000.00 a year.

Anna Tomasek: \$550,000.00 dollars for three years.

Ruth Detrow: The City of Ashland used it up. There was a while when there was no Grant money available. This also is key to low income. If you have an average or above it. It is pretty high; 200% of poverty?

Anna Tomasek: It is basically federal guidelines. It depends on the number of household members and how much income you have. The City of Ashland is receiving the C.H.I.P Grant since 1999.

Ruth Detrow: It is good. And it can be used to purchase as you mentioned. The thing is, not too many people can use it because they run out of money and if you already have a decent income, it is not available to you. It is kind of restrictive, but it is certainly good for people who don't have.

Robert L. Valentine W1: I know we are talking about the City of Ashland, but the County has the same thing and the headquarters is over in the County building.

Anna Tomasek: Michelle Burdette is our Rep. She represents the City of Ashland and Accounting.

Robert L. Valentine W1: But she has her office over there, correct? And they serve both City and County? It is both ½ million for each one, roughly?

Anna Tomasek: Yes, I believe so. The County's application is a little different from the City's because the City we actually have Habitat for Humanity. We give additional dollars for them. We actually apply for more money than the County. Habitat for Humanity will be building two houses.

Robert L. Valentine W1: Robert L. Valentine W1: I just wanted to make sure they knew where the headquarters was.

Anthony Watson, 1025 Elmarna These funds are available just on your income? The assets that they have, does that apply to these funds if you determine who gets the money?

Anna Tomasek: It is basically strict income guidelines. We look at your current wages, and if you own any business, we project in the future what your income would be.

Glen Stewart: I guess the key to this, based on an earlier conversation, there are funds available, but when you break down \$550,000.00 for three years, you are looking at \$185,000.00 dollars. It is not much money, annually when you start fixing up homes. I do not know that there are not other Grants available, but I don't know that there are either. I guess Anna kind of runs the Grant process for the most part and I would assume that there are no other Grants available or you would be aware. Am I making an inaccurate statement?

Anna Tomasek: We have more need than Grant money. There are other Grants available for Maintenance Codes and Building Codes but that is what we will be discussing further.

Robert L. Valentine W1: Glen, coming back to what you had talked about just before; what are the concerns that is the upkeep of the houses, because I remember when I was first elected as the Councilman of the First Ward, I had calls from people that lived on Smith Road or close by; you remember that house Roger? And all the trouble we had, what two years? Three years, to get that straightened out. I do not know how it happened.

Glen Stewart: It burned down by design.

Robert M. Valentine W2: Glen, remember when I called you about that garage on Chestnut? If I had kids in the neighborhood, I would be afraid that it would fall on them. Remember what you told me? There wasn't anything we could do about it! I think that is a problem.

Glen Stewart: Roger, if you were to choose, from this book and this book; could you choose a major code that addresses many of the issues that come to you and choose a code that you feel would be enforceable?

Roger Gordon: There is one particular document in there I prefer, but I do not want to lead anybody.

Glen Stewart: Am I correct in saying that many of the issues that we are called on and asked if we can do something about, the enforcement end of the process isn't there. Not people wise, but we do not have the documents on the books unfortunately. Is that accurate? If you cannot answer that question, I don't want you to answer for Mr. Wolfe.

Roger Gordon: I think it would be more appropriate if Rick answered that question as to what he thought the logistics of it was as to how it is handled.

Glen Stewart: One thing I would like to share and you have way more experience than I do and the rest of you are very knowledgeable in experience. In many cases, someone will say, well there are rodents over there. Well we have a Health Department who will check that out. And if there are rodents, and there is always evidence that they are there and that could become a health issue, I think. There are issues where a structure is not structurally sound or it may not be habitable. That is something that you as an Engineering Department determines. There are situations where it may be determined that the structure is a fire hazard for some reason, whether it is debris, the way it is packed with junk inside, around the outside, that is another issue. We have health issues, we have fire issues, we have structural issues and other health issues besides rodents and so on... And when we have these, it often times takes all three divisions to get together to make a recommendation and then we often get caught in a legal process. Is that accurate?

Roger Gordon: That is a fair evaluation. I think in the last year, we have had a little better cooperation, a better effort made through all of those agencies to not only independently but also jointly look at some of those issues that we have had a little more success with.

Phil Rafeld, 1039 Oakhill Circle: This question would be for Mr. Gordon. How do we become the house police? I am very impressed with you folks lately. You at least have take into consideration there is a variance of income in this community. How do you police these issues when you get to a situation like this when: Look you cannot live here because your porch does not have house numbers, and they are not an inch and a half wide you cannot live here or we are going to fine you everyday which was reported in the paper for aesthetic reasons. In the old days, Mr. Valentine said, there was a Garage leaning over on Chestnut. The only thing that held that garage up was a trash can. When they removed that trash can, the whole garage went. But it was looked at for 10 years. But my parents did come to not qualify them to be able to put the garage back upright. There are 7 children in our family and if the City would have ever came back by then, I don't know what we would have done, realistically we, because my dad didn't work for the City and there was no extra money for repair bills. And you guys would say, you have got to get that garage upright. Well we are feeding 7 children. And some people do not have 7 seven children. Let me give you an example of something that happened recently and when you think of these things, you think there was an accident on a County Road and there were four children involved and one person thought well I better take control, and I called an ambulance. When the ambulance got there, the father got mad at the children. He wasn't at the scene. He came to the seen a little bit later. He was mad because now he had to pay another bill because in that township, they did not have ambulatory service; so it was pay out of your pocket. He was mad at the guy who called the ambulance for the children.

This seems like what we are trying to do here. It is like not everybody has money up to par to be able to do everything. I am very pleased at the way you are handling it. With the common sense approach. I think that is what it takes to get everything taken care of. To look at it and realize some of these are over the top. I understand we want to make our City the best because we want to lead by it and not follow someone else's lead. It is very much appreciated that you are taking the time to consider some of these.

Adrian Bauer, Ashland Apartment Association: You asked Roger if there is a Garage falling down, it is obviously very unsafe unless we have the tools, or the codes to do anything about that. I think we asked that same question 1 ½ years ago when we had a Work Session on this and Rick's response was, " just tell the neighbors to stay off of the

property; we can't do anything about it; if the house is falling down, tell people to stay away from it, not to trespass on their property". Which I think he was saying is basically no we don't have the codes to tell me I can do something.

Ted McFadden, 810 W. 10th Street: I would like to ask Roger if he made a study of all the real estate taxes that went up in the communities that passed these codes. I should also like to know; so when these deals come along, if you follow the buck, you know what is going on. What is his interest in this?

Glen Stewart: whose interest?

Ted McFadden: Roger's

Glen Stewart: He was directed by City Council and the Mayor to do this. It is his interest. He is doing his job.

Ted McFadden: You need to do a study of all these cities on looking at the real estate tax.

Glen Stewart: We did not ask that question, but you asked that earlier of me out in the hall and since that time, I haven't had a chance to check that out. I am being kind of sarcastic, but seriously I don't know the answer to that, but I can assure you or anyone else that wants to know; we at City Council are not asking for these codes to be looked at and reviewed and potentially enacted a piece of, some of, or all of to raise real estate taxes. That is not our intent. That was a statement that was made earlier and I want everyone to rest assured, that is not our motive behind this, absolutely not.

Fred Pryor, 526 S. West 15th Street: It is kind of a running joke in this town about things getting done, getting repaired. I have had a lot of phone calls about trying to get things done. It really hit home; have you read Ohio magazine? They ranked Ashland and Ashland County at the bottom of Housing Codes. That is pretty bad. Every time I have called about a problem, my Landlord can circle my house with junk vehicles to the point of trapping me in that house and nothing anybody can do.

Glen Stewart: Would you mind sharing the issue that you are referring to in Ohio magazine?

Fred Pryor: It was Housing Codes, stuff like that about 6 months ago. It told about Ashland being at the bottom of the whole state on Housing Codes and regulations. Personally, I know for a fact, if you have a problem and you call, forget it.

Ruth Detrow: It is time to change that, isn't it?

Fred Pryor: It has been time to change that for 24 years.

Ruth Detrow: But we are here and it is time to make changes. There is a section in this book, we are not adopting all of it, but there is a section regarding rubbish and garbage and it says that you can't accumulate rubbish and garbage outside your house. You have to dispose of it in what they call approved containers. You have to remove rubbish and it goes on. I had a question for Roger, it didn't seem to make sense to me, but there is a section in here about you can't pile rubbish out in your yard. Is that something you think we should adopt?

So you think that part of we adopt should say maybe in the language here because this has been tested verbally that you can't put garbage and rubbish outside without having it in the right containers. You have to have it disposed of within a reasonable time and so on. I think that is one of the sections that we should consider adopting. That is what I am asking all of you!

Yes.

Phil Rafeld: I did once say, if you Google Ashland Ohio, Ashland is ranked no# 2 for the best valued home. There are five best value places to live and they are all in Ohio, but Ashland is ranked no# 2. I don't want to take anything away from you sir; you had a very good point where you live and what your surroundings are. You will get more home for the value of your dollar.

Pat Williams, 333 E. 9th: The house beside of us is everything that you guys mentioned earlier. It is not that they don't have the money to do it. It is they are too lazy to do it. They have mowed the yard three times this year. I had to call one of the departments to get it done the first time. They have piled their garbage on the back porch 8-10 bags at a time. Maybe once a month he will put his trash out. I called the Health Department about that. They came down, he put his trash out. He might have 6 or 7 bags but he puts like 2-3 out at a time. He will not put all of it out at one time. Around their front porch, they never trim or weed eat. They let the weeds grow up around the front. They have a fence that is bad. The backside of the fence is on our side. The posts aren't even 20 foot up. The guy that lives there; he has his Mom and Step Dad that own the house. They live on Rt. 60. It is not that he does not have the money to do it; it is probably that he is too lazy to do it. I feel that something should be done to stop this because if I were going to sell my house right now, put it up for sale, somebody would come by and say, well you have a nice house but I won't live beside that mess. So I think something should be done. I have pictures in my purse right now of everything I am telling you.

Glen Stewart: I am not going to tell you that I do not want to see them; but I would like you to make them available to Valarie to get them to the Law Director.

Pat Williams: Every year, we have to call to get him to mow the yard. That is unfair to us. We sit outside and we have to look at that mess.

Glen Stewart: One of the comments I would like to make is that maintenance is not always spending money. As this Lady is pointing out, maintenance is taking your garbage to the curb. We have twice a week pick-up. We have a spring clean up. Those types of things do not cost. It is a matter of doing it. That is where we may need more teeth than what we got. That is something our Law Director has to tell us. I appreciate the input on this sort of thing. If you will give Valarie some more information and the pictures, we can forward them down to the Law Director and he can send the investigator out.

Captain Mark Miller, Ashland Fire Department: I am head of the Fire Prevention Bureau. Part of our job is inspections of not only new construction but also existing buildings. Any buildings really within the jurisdiction of the Fire Department. The Ohio Fire Code does give you some of what you are looking at or what you are referring to in the Maintenance Code that is already built into the Ohio Fire Code which the City Council adopted that we have followed already for a number of years. Things that are on the worse case scenario end of the spectrum as far as dangerous buildings. You mentioned a cooperative effort between different entities of the city. We have done that on occasions with Building and Zoning, with Engineering. Our departments, we work very well together, whether it is on new construction or existing buildings. The things that are already there; again, I want to echo with what Roger Gordon said, it is not necessarily the code enforcement. It is the end result where we don't have needs or mechanisms to make these changes happen. We can issue citations and there are a number of things that we can do with existing buildings that would be considered unsafe for a hazard. Accumulation of combustible materials, trash. All of that is already in the Fire Code. The problem is the end enforcement of that. We do have options that are built into the Fire Code that aren't necessarily called upon to any great number of topics and that is something else we can consider. You can find all of the information in the Ohio Fire Code On-line. Most of the passages that refer to safety of buildings or unsafe buildings; unsafe conditions; unsanitary conditions; are all in the administrative section; in the first couple of pages, first few chapters of the Fire Code. Again, we enjoy a very cooperative effort with Building and Zoning. I don't want to take anything away from the Maintenance Codes. I think there are things in there that don't deal with that extreme end of the spectrum; are more aesthetic changes that do help the community. On the far end where some of these peo-

ple have described problems with a house that is a fire trap or that is going to fall down and are structurally unsafe. There are means that we can do about citing people for that. It is the follow-up, that is where we are lacking.

Glen Stewart: Citation is just the beginning of the process.

Ruth Detrow: So what do we need, do you think? Obviously it doesn't do much good to issue a citation if it stops there. A citation would cause a certain percent of people to say well I don't want this to go any farther and I will fix it. But if you choose not to, then what?

Captain Mark Miller: I think on the level of an everyday resident of the city, the Fire Department's involvement goes into effect after buildings are abandoned or after buildings have been in a sense abandoned even if they have owners where they are left in disrepair. I think both of our departments would echo the same thing. Personnel is an issue too. We don't have in the Fire Department, can't speak for Building and Zoning, but the Fire Dept does not have the personnel to go out and actively pursue code enforcement as vigorously as we would like to. There are just not enough people to do that part of the job. They are doing the rest of the Fire Department things that people normally think of that Fire Departments do, so inspectors; I mean we can adopt a lot of rules; we could come up with something that everyone agrees with but until we have people to go out and do these inspections, to go out and practice code enforcement; I think that is one place where we are already missing a step in the process.

Ruth Detrow: That is something that effects Council directly because as I have read through this; they talk a lot about the person who enforces this and that person would have a tremendous amount of power if this were adopted this way. Do you have enough people to just absorb that job into your department?

Roger Gordon: No, and not do a real active job of it, no.

Ruth Detrow: So Council is going to be stuck with the job of coming up with the money for that very important position or not, aren't we?

Glen Stewart: Indirectly yes. The budget is the process of the Mayor. The department heads submit the budget to the Mayor; the Mayor peruses the budget; agrees or disagrees and makes the adjustments; sends it to the Finance Dept and to us. The budget can come to us but it must not be a deficit budget. So the budget is built around the anticipated and estimated income for the year with which we are budgeting. If there is 10.00 dollars there to work with, the Mayor has to present a budget to the Finance Director, to Council that spends \$10.00 dollars. He may, he being the Mayor, may present that budget that \$9.00 dollars for Building and Zoning and \$1.00 for everyone else. That is his prerogative. Then it is up to us, either we will pass it, amend it, send it back but we do not build the budget. We approve the appropriation after we agree with the appropriation. The first cut of the 2008 budget, the first blush of it went to the auditor in July for 2008, that is called the tax budget; but that tax budget, it will be, it will reflect a lot of what will go into the actual appropriation request that comes to Council. When we say it is our responsibility, we have the responsibility to pass, a jest and pass or whatever; but it is the responsibility of the department heads to present their needs, work with the Mayor and it is the Mayor's budget that comes to Council and Finance Director. And I would say that if he were sitting here because that is the truth, the fact. We do have a responsibility to review it and in some cases if we choose to, make changes in the budget. We have to vote on it. It is our authority to vote on it.

Robert L Valentine W1: Not to be repetitious, but Roger I think, months ago you mentioned the idea of having more employees. I know you said that. I think we pretty much talked about excepting it, of course like Glen said, you have to have it within the budget but it makes more sense. The idea we have to have an enforcing mechanism.

Roger Gordon: Our department is still working with a part-time Secretary since the last budget cut.

Roger Hazen, 1713 Linda Lane: You guys are getting way off base. You have got Zoning Codes here you are looking at and we have complaints back here about grass and stuff; it is all covered in here.

Glen Stewart: In where?

Roger Hazen: In that Code you have. It says you can go and get somebody to mow the grass and put it on their taxes. Why not use that?

Glen Stewart: If you really want this and if all of you really want this; it is pretty easy for us to pass it, but there is going to be a lot of things that you won't like.

Roger Hazen: I am not saying pass the whole thing. You have a problem here with this grass, cars, things like that you can take and put in that code and pass that and forget the rest of it. The Fire Department has got the Fire Stuff; the Building Department has got the bad stuff, Engineering has got the structural stuff. You already have it covered. And you are trying to put it all in one Code. I think you are wrong. I have worked with this Code from 1968 to 1978 in the City of Crestline. But we had Federal Funds there, and somebody's house, if they needed work done, we went and got a Grant and we get it as it is. You can't do that here; you have some money, but not enough to get everybody. So this is what I am saying; we had that part of the Code that was property maintenance code. And we used that, and it worked. So you had an old Grandma that couldn't afford something but you had two teenage boys down the street, that all you had to say was "Hey, Grandmas yard needs mowed", and they would go up and do it. This is the thing, you have to work together. And there are a lot of different ways of doing things.

John Miller, Route 42: I am chairman of the legislative committee for the Board of Realtors. What I say tonight is my own personal opinion, because the legislative committee has not looked at this completely which we will be studying it. There are a few things that I think you need to look at. If you look at the intent of this, which it says in the Administration. The intent is to keep, to assure public health, safety and welfare in so far as affected by the continued occupancy and maintenance of structures and premises. And it says to provide a minimum level of health and safety required. I think that is a good part of it too. I am listening to you talking about houses coming into the corridors. If a person chooses not to paint his house, I think that is his privilege. I have seen some houses around town that they go down to the weatherboard, paint is all gone. They are safe to live in on the inside; so I think you have to be careful not to get into that type of thing when you look at this building code here. The other thing that I would like to point out is; you have a lot of foreclosures now days and in many cases those foreclosures are trashed before the people move out. Most of the banks who buy these foreclosures will do what they call a trash out and sometimes it costs 2,000 - \$3000.00 dollars to have it trashed out but you wouldn't want to go right in and live in that house either. Now there is a market for these houses so that people can buy them and they fix them up and either put them back on the market for a better home for somebody and a less expensive home. So I think we need to watch that we don't put these things out of the market with this Code that you have here. The other thing; a few years ago we did a lot of FHA loans and VA loans; now in listing properties, I have listed properties before and the seller would say; I don't want to mess with an FHA loan. There could be a lot of mess with an FHA loan. FHA has requirements. Your house must have this and must have this. And you say; if I wanted to fix it up like that, I wouldn't sell it now. I would fix it up and sell it for a higher price. Our people will buy these houses and fix them up. I think you have to look at that when you get into your codes there exactly what you are going to do. I think if you go mostly on the safety issue of that and the thing about trash that the lady has here, we get calls from people who own these houses that we list, who do not manage their lawn. The banks have managers that come and they mow it. They do not mow it quite as often as we mow our own houses. We have calls and these people think well you are responsible for mowing the yards. That is not true. The banks have managers that come and they do the trash outs and they mow the lawn. I feel from my experience that we need to be careful of what you put on to people. Now I did sell a house one time, I didn't sell that house; but I went into that house. I noticed a particular odor in that house. He said let me show you something. He opened up the closet door and from upstairs, the upstairs bathroom; the sewer pipe was cracked and liquid was running on the outside of that all the way down through into the apartment. He said, I can't get the Landlord to do any-

thing about that. Now to me that is a public and safety value there that you need to be able to address through the Health Department; if it comes to you, I guess you send it to the Health Department. But you need to have some co-operation between your departments on how you are going to enforce it; the Fire Department; A lot of them come to you guys since you are councilman. But you have to have a procedure and a way of doing it so somebody just can't say well, keep the neighbors off of the property. That is not a very good answer. That person's job got caught in the garage that fell down. So you will be hearing more from us I am sure. But that is my opinion for tonight. Just be careful on how much you put in here.

Ted McFadden: This is Friday September 7, 2007. It says the foreclosure rate in Ashland has increased by 683.3% in the past 11 years. According to a study by Policy Matters of Ohio. We have to be careful we don't push more people into foreclosure and Bankruptcy.

Keith Ballantyne, 844 Hillcrest: I have been trying to figure out the problem to begin with. Because I keep hearing you say we can't enforce this and can't enforce that. Maybe you have done a study of it and examine what regulations or Ordinances are not enforced. Whether they are enforceable or not, and attack it from that point.

Glen Stewart: I don't want to infer that our departments and various entities of the City are not working together. They do and they have been and I believe more so in recent years than in my first time around in council several years ago but times are very different and I believe that there is more to look at today than there was 10-15 years ago. The economy has changed in Ashland Ohio and not all of it is for the good for some folks and so what they may have been able to do to keep up on their property several years ago may not be obtainable today or affordable today. However, I do go back to putting trash out, mowing your lawn, although I know gas is expensive. There are some things that are not ridiculously costly to do some maintenance but I think our general goal here is not to adopt a particular document but as to look at and to hear what is being said; what can we do with what we have? And that is a legitimate question and we may address that.

Adrian Bauer: Just a note of encouragement, lets get on with it. About two months ago I sent out a newsletter to about 120 landlords and one of the questions on there was we should be in favor of the city enforcing a basic code having to do with the deteriorating buildings and mowing lawns and taking the trash out and 94% of the people that answered the survey said "Absolutely", they agreed. The Landlords I could say are very much in favor of some kind of basic enforcement of codes. We are behind you.

Glen Stewart: That group, that Landlords group, could they define basic? What is basic to one person may be superficial or way out to lunch with another person. I think that is a legitimate question to ask.

Adrian Bauer: My point of view, the corridors, if you have a front porch removed on a corridor on Main Street that is half falling in, that is basic to me. Not does your house need to be painted. Basic stuff.

Phil Rafeld: It is amazing just listening to this. We are all looking for common sense here. I mean that is the general jest of everything. Where does common sense lay in this? How do you get the most bang for our buck? I don't think you guys are looking for some kind of Lord Czar, that can go out and strike you down if your garbage is not in the right container, if your grass is higher than three inches tall, if your roof shingles look like they need to be replaced. I think that is assessing too much power to somebody when we are homeowners. We are not villains of any type. Not everybody has a good paying job, not everybody has good parents that taught them how to maintain their property. I know people who are alcoholics and you can see that they never paint their house. Do we shoot that person; do we fine that person because that is an affliction? What I am asking here is where is the common sense going to be? I think if we take a little initiative, baby steps, light. Lets go with this, let's start with something small. If we don't put our garbage out in the proper containers and a deer comes by and it gets into that garbage and then the Lord Czar comes by and says look, I get to fine you for that and he gets fined. Why don't we start with something small like grass clippings. If we notice your grass clippings are excessive; we are going to annex that on your water bill. We will

put it right in your water bill. If you don't pay your water bill next month; you won't get your water turned on either because you didn't pay for lawn being mowed. We will send the City out to do it and we will give you a charge. Why don't you do something along that line that can kind of help everybody because I understand the anger? There is one person where I live, one person that likes natural looking. Trees are all over the place, the grass is tall. That is what they like. Then there is that person across the street from me doesn't let two leafs fall on the street before he gets out there. What we are doing is we are creating something. I understand Roger's point because we want the City to look its very best. But look at it from the legislation; do we want to live in a communist area? They can put down the law. Your grass has to be this tall; your roof has to be replaced every 15 years. This is a very basic thing. Cut the grass and garbage first; see how well that pans out before we jump into something real huge and say your numbers have to 4 inches tall and ½ inch wide. Your living room has to be 120 square feet. We don't want them inside our house; what we are trying to do is say; what can we do to be a good neighbor to our neighbors that exist?

Glen Stewart: There is a need when identified to go inside the house for health reasons, for fire reasons.

Phil Rafeld: Would that not serve you under the Health Department?

Glen Stewart: I hear exactly what you are saying. I hear the common sense is the approach.

Anthony Watson: This is on a personal note. I live at 1025 Elmarna. Last year, I had two neighbors come in. There was an older fellow moved here last fall, next door. I mow my yard, I keep it up pretty good and he came over and leaned across the fence and he says; I suppose that is going to force me to mow mine now. He is an older gentleman now, right? I said, lets put this on a personal note; we got to know each other. When you get to know the other person, you can joke with them, like Larry; I got to know Larry a little bit. So anyhow, I say the only thing that will affect me, I don't care what my neighbors do but when it comes to the extent for health and safety of my family, I am going to; and a lot of people don't know where to go to for answers like your codes. I do, but a lot of the public do not. Paul, he had a problem with his neighborhood with vandalism, so I get up and I want to know to the extent and Richard, he says, "I don't know where you are coming with your questioning". To protect my property. A lot of people don't know what their rights are when it comes to codes; how far they can go. It is their own personal property in the City. Health and Safety to me is the most important thing for the people in the City of Ashland.

Glen Stewart: I am going to make a suggestion and blindside my four fellow councilpersons. I think it would be appropriate to establish another committee and I think we have two Council people who are already working on a committee pretty diligently. I would think it would be very appropriate to take two Council people, you can't take three, that constitutes an illegal meeting, but we can take two Councilmen, if we choose to and if you want to and work with Roger and get a better understanding. I am going to study this book and that committee is going to get some input from me and I don't expect you to report in two weeks, not 450 pages worth. But are you okay in studying that way taking a couple Council people and working with Roger and others whomever you might choose. You may want to bring some people in from the community, I don't know. But if we could get two Council people and I understand we still have one employee employed, Council member here. He goes to work everyday. I do not want to overlook you Bob. I will serve on it with Ruth if Ruth is okay with this and you are okay with that.

Robert M. Valentine W2: I am fine with that.

Glen Stewart: We can't make decisions tonight but we can make a decision next Tuesday night to appoint a committee if we choose to.

Ruth Detrow: I think we do need, in this committee, input from 2-3 of you because sometimes you are just so close to something, and you can't see it as clearly as somebody who is standing back and looking. I think we do need input from people.

Glen Stewart: If anybody that chooses to do that could offer to do it but I would suggest to you that we will; Roger is here 40 hours a week during the day; If we have people from outside, it would be my preference to have someone with some flexible hours that could come in during the day. If that is not possible, we could work some other evenings I would presume. I am not asking anyone in this group to nominate anyone else, however, if you want to hold your hand up and be considered or if you want to leave your name with Valarie when we adjourn tonight; if 25 or 30 of you do that, we will select 2 or 3. Now if there are only 2 or 3 of you signing up, our selection process wont be nearly as difficult.

John Miller: I am not volunteering myself, chairman of the legislative committee but I am sure maybe somebody on that committee might be interested in that to represent the Board of Realtors here today.

Glen Stewart: Would you be able to contact Mrs. Detrow?

John Miller: I think the Board Of Realtors or somebody would be happy to do that.

Glen Stewart: Is everyone else okay with this process?

Robert L. Valentine W1: Glen, kind of go back. I don't think it was ever, at least this Council, their intent to implement this program. The purpose of this and I think it has been misunderstood; and the purpose of this and going through this and researching this is to see what we can take from there to make our Code better. That was the purpose of this; not to use this. I think people misunderstood that.

Paul Wertz: I agree.

Glen Stewart: Along those same lines, Roger and company had no intent of us doing that either. Had they thought we were going to do that, we wouldn't have this 450-page document. We do not want to re-invent the wheel. And if we have a wheel that just needs the bearings replaced, maybe that is all we will be doing. But I heard one person volunteer someone else. I think we are at a point I am going to ask for comments from the Council people and we are very close to adjourning, but if someone wants to stand up and say, I would like to participate or if you will ask Valarie to hang tight here for a few minutes after we adjourn. If you want to leave an address and phone number.

Captain Mark Miller: I think the Fire Department would want someone with code enforcement to be on the committee as well.

Glen Stewart: Will you carry that back to the Chief?

Captain Mark Miller: Well it would probably be me.

COMMENTS AND QUESTIONS FROM COUNCIL:

Robert M. Valentine W2: We knew all along, once Roger brought this to us, this was something that we just wanted to look at and that is what we are doing, just looking at it, that's it. There may be a few things in here and I have read it cover to cover. There is some good stuff in here. There is also some stuff in there that is not so good. I am looking forward to these 450 pages here.

Glen Stewart: I would like you to read that tonight and give me a call in the morning.

Robert L. Valentine W1: I made my comment, but I appreciate the input. It is so important to get, you are there, it is your house, and you live in the City. You have concerns. Things that we are aware of and maybe not aware of and I want you to know that I appreciate your input.

Ruth Detrow: I really don't have anything to add until we do some more work reading this and meeting as a committee. I think there are several things in here that are good. It is just that some of them I think are too tough for our community to tolerate but there are several ideas in here, several things that are excellent. So, at least my work on the committee isn't going to be; I am not going to ignore anything at this point. I am totally open for ideas and there are a lot of good ideas in this when I read how some other communities have toned them down to something more reasonable that that is going to help us a lot.

Paul Wertz: I would like to thank all of you for coming, for your input. I have already said, this is a guideline more than anything.

Glen Stewart: I would like to share with you that we have a good turn out for this meeting this evening. Though only half a dozen have spoke up. But the opportunity has been there to share with Council tonight and for us to share with you. I can assure you if we bring something to the table and pass it, we will hear from someone: "I didn't know you were doing that". I applaud you folks for reading the paper, for calling each other and sharing that we are doing something up here and that you are participating. It is extremely difficult to convey to our community what is going on. We frequently hear, well I didn't know that you were doing that. And sometimes we have been accused, we did it in the back room which believe me, it doesn't happen. Again, thank you for coming and I am serious, Valarie will take your name, address, and a contact telephone number if you choose to be a party to this. Are there any other comments?

Motion to adjourn the meeting to an Executive Session by Glen Stewart, Moved by Robert M. Valentine W2, seconded by Ruth Detrow.
Ayes;

What is that other item on the Agenda?

Glen Stewart: We had those other items on the Agenda for information only, is that not what your agenda says?

Yes.

Glen Stewart: It was by mistake, those were documents that were sent out; since you have an agenda that shares, I will open that. Which item are you referring to? Are you okay with that Council?
Give your name and address.

Byron Dilgard, 563 Twp Rd 1275: In reference to your code section 921.03 and 921.04. What are your thoughts on that?

Robert M. Valentine W2: Is this what we were talking about the other night Glen, in good working order?

Glen Stewart: This refers back to the annexation process; if in fact or when that moves forward. This is a draft copy that I asked the law director to prepare them, send out to the Council people. It impacts those people who live in an area we might annex. And if it were annexed and they have a working well that we; state codes and other health issues, and if they have a sanitary system that meets the codes and health issues, that we might eliminate their immediate requirement that will hook up to the City's sewer and water. That is a DRAFT copy that was sent out and inadvertently shows up on the Agenda item. We did not get this and didn't even look at it. I got it from the Law Director and passed it out one day this week. It went out in the Mail. It is something we are looking at to possibly because it is a draft, we don't know where it will end up but possibly alleviate that problem of a huge expense if a property were annexed in and they already have functional, healthy sewer and water private system.

Byron Dilgard: What about new construction?

Glen Stewart: New construction will not be impacted, they will hook up. This is for an existing water and sanitary system that exist. And again as I say, it is a draft copy that I don't particularly want to circulate it but you know I guess it is a public document but there is no meat to it, nothing signed and no number to it. Does that answer your question? Well what is your question?

Byron Dilgard: Like I said before, property that has been annexed and facilities aren't provided to it.

Glen Stewart: I didn't understand your questions, I'm sorry. We will provide those facilities as we have the ability to do so.

What happens in the meantime then, if you want to construct a new house, dare you put in a septic system that meets the code until your services are done?

Glen Stewart: I would suggest that anyone who is contemplating building a new home in an area that is being considered for annexation, get with the Engineering department immediately and determine what the plans are for the extension of services if they do not have them. If the City does not have them there.

Well this has already been annexed to the City.

Glen Stewart: I can't imagine that someone would want to drill a well and put a septic system in if we can get water and sewer to you in a reasonable time.

What is a reasonable time?

Glen Stewart: I don't know what it is. This has not been acted on, it may not be acted on, but if you are already in the city, I wouldn't invest a dime on a well or septic system until you got with the Engineering Department to find out what the plans are.

Questions or Comments?

Glen Stewart: We are going into Executive Session to consider the purchase of property within the city. We will not make the decision of whether to or not to purchase and we will be presented with the pros and cons possibly and be discussing it.

Motion to adjourn to Executive Session by Glen Stewart, moved by Robert M. Valentine W2, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart.

Glen Stewart: We will reconvene in here to adjourn. You are all welcome to stay here and join us when we adjourn. No action will be taken and no other business will be conducted.

Adjourned to Executive Session at 8:20 pm

Motion to reconvene from the Executive Session to the Work Session by Glen Stewart, Moved by Ruth Detrow, seconded by Robert L. Valentine W1.

Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart

Reconvened back into Work Session at 8:44 PM

*Motion to adjourn by Glen Stewart, moved by Robert L. Valentine W1, seconded by Robert M. Valentine W2.
Ayes: Robert L. Valentine W1, Robert M. Valentine W2, Ruth Detrow, Paul Wertz, Glen Stewart*

Adjourned Work Session at 8:45 PM

Submitted by
Valarie F. Bishoff
Clerk of Council