

## Maintenance and Building Codes Meeting

Friday, January 18, 2008 10:00 a.m.

Mayor's Conference Room

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Purpose: Partial committee meeting. Health, Fire and Building and Zoning.

### **In Attendance:**

Ruth Detrow, Councilwoman W3  
Roger Gordon, Building and Zoning  
Capt. Mark Miller, Fire Department  
Al Sanders, Health Department  
Glen Stewart, Mayor  
Paul Wertz, Councilman W4/President  
Richard P. Wolfe, Director of Law  
Valarie Bishoff, Clerk of City Council

**Ruth Detrow:** Who is the Maintenance Inspector? Roger, you are the Housing Inspector, but that is new housing correct?

**Roger Gordon:** Actually, the Building Inspector, the Zoning Inspector, Housing official. The maintenance inspector as far as that terminology, doesn't exist anyplace that I know of, not today, not presently in any of the Codes that we have.

**Ruth Detrow:** In the Family Dwelling code, they refer to "The Inspector".

**Roger Gordon:** Right, by assumption, I assume that would be myself, but that terminology doesn't exist.

**Al Sanders:** It says in lieu of that, that it is the City Engineer.

**Roger Gordon:** The Codified follows that too.

**Al Sanders:** There is a section in that 1,2, 3 Family Dwelling Code that says, if we don't have the Maintenance Inspector, then it reverts to the City Engineer.

**Ruth Detrow:** Roger, you are busy already, can you do anything more?

**Roger Gordon:** Well I think once we decide the direction we want to go, we can delegate those things and still operate as it is set up presently. I don't know if we have to determine that we have an actual Maintenance Inspector. There may be situations where

Jim Cooper may want to be involved and the way the 1,2 3 Family is written, is that I can request Jim's input as the Engineer, or any subordinate as far as another person in our office as far as inspectors.

**Ruth Detrow:** We have 2-3 people in the city whose job could include that; of course Roger Gordon and who else would you delegate to?

**Roger Gordon:** Kevin in our office, he actually works as an assistant to me, Anne in my office and she works as my Aide and she also has some of those responsibilities and is capable of doing some of those things. Certain things and certain situations that Kevin may be more qualified to do than Anne and may be some that Anne may be more qualified than Kevin and there may be situations where I would want to involve Jim rather than either one of those two.

**Ruth Detrow:** The buck has to stop somewhere, so it actually stops with Richard Wolfe, Law Director, right?

**Roger Gordon:** That is the way it has been.

**Glen Stewart:** In most of Al Sander's cases, you had forwarded them to Rick, right.

**Al Sanders:** When we get a call, our practice has been to forward the call to Rick to investigate and bring in whoever they think they need Citywide to assist.

**Roger Gordon:** We do the same thing because sometimes we don't know what the involvement is. If we know it is something that we want involved with or we have dealt with in the past, we handle those issues. If it is something that we are uncertain where the Law Director wants us involved with, we forward those to Rick and we will let Rick forward them back to us if he feels it is appropriate for us to do.

**Paul Wertz:** What happens, if we are talking houses here too, but this Maintenance includes other structures too, so what happens if it is a Garage or a Barn? It goes to Rick?

**Roger Gordon:** If it is something we feel that we can actually take action upon and we initially go look at and say, yeah we can handle this or if we think it is something that we can't, then we forward it back to Rick and let Rick suggest to us. I get involved a lot of times with attorneys with handrails, decks, steps, and rather than me go and look at all of these issues, and typically they are not attorneys from our community because most of those guys got a call. I will get cases going on where tenants are not paying their rent and those types of things and I have those attorneys go to Rick rather than try to deal through our office, such that we are not plagued with those issues.

**Glen Stewart, Mayor:** Captain Miller, are you in the same position.

**Capt. Mark Miller:** Similar for Commercial properties or Commercial buildings.

**Paul Wertz:** Barns with holes in them, animals running in and out of them. Who would handle cases like that? Is there anything in our Maintenance Codes that says that?

**Ruth Detrow:** I should have copied this. I have a letter that came with a listing of the different things that Rick uses. Made copies.

**Roger Gordon:** Showed picture of house on East Main Street. I have visited this property three times. There were 30 trash bags in the back yard; a couple of dogs were tearing things up. The roof sheeting is bad. It has a poor appearance. The rafters are fine. The decking on the floor of this porch has an area where you might find yourself two foot shorter than you are. She is purchasing this house land contract; she is a single lady with five children. She states, "I realize it does not look good" I think it is sound. I have had a contractor here and I am going to get it repaired in the spring. I just don't have the money right now.

**Ruth Detrow:** Would you have to be considerate of that it is bad everywhere. We are in a bad spot right now financially.

**Glen Stewart, Mayor:** Let me ask of the situation. There are funds to help people.

**Roger Gordon:** We have discussed that. C.H.I.P. And when I left her, she was in the state of mind that she was going there today. But it took three times before I had any contact with her.

**Al Sanders:** Is that something then after you have done that visit that you follow that up with a letter to her following your investigation?

**Roger Gordon:** We will probably give her some time before we do that and see what kind of reaction we get out of it.

**Ruth Detrow:** Rick, we are on the first question, who is the Maintenance Inspector and it sounds as though all sorts of people are. But we just got copies of that letter which you sent which says among other things; that it all ends with you or starts with you. There is some overlapping and my office will always be involved if formal legal action is needed. So it has to go past you at some point. As a Councilman, we are concerned that we really don't have answers for people. We really can't say that that house should have the porch roof fixed, whether it is in the spring, or it is right now. We cannot refer to the law that says it should be fixed because some of that is in the Codified Ordinances and some of it isn't. Are we to dump everything on Rick's office?

**Glen Stewart:** Well, a logical step, if they are contacted by the appropriate inspector, whether it is Fire or Health and they are made aware and they comply, Rick wouldn't get involved. It is those that are noncompliant.

**Richard P. Wolfe II- Director of Law:** This is not new, and this is really the way it has been functioning for many years. All of these agencies here have investigative enforcement capabilities. If there is actually formal court action, that is where it has to come through me because I am a prosecutor. So a lot of things can get resolved without it getting to that stage. I think most of us view the less aggravating problems, the every day problems as or view court as the last resort. We really don't want to have to be taking people to court for every little thing that could be a technical violation, but we would like to get them resolved which is why we send notices, we ask people to take care of them. Depending on whether something is urgent, a Fire or Safety or Health hazard. That dictates how much indulgence we exercise. A lot of these problems certainly is commonly indicated as come and go without my having to know about it because these people get them resolved. There are some of them and I don't know if this is just evolution but I think particularly in the Health Departments case it is where there is some that if they get a call about this kind of a problem, they just call my office. They take the complaint, but they refer it to my office because I have a form letter and I send it out and I take care of it. And likewise, there are some that they take if I get the call first, I call them and they take care of it. Sometimes the call goes where it should to start with and there isn't that back and forth and we work very well with that. Those kinds of things have settled into their niches. I know the Fire Department has ongoing inspections and I don't need to know about them unless it becomes an impasse or a problem or something requires immediate action and there are different kinds of legal action. There is prosecution action and there is injunctive action. I recall a couple of times in this last year that reports sent to my office, no problem, that needed further legal action, so that is when my office would get involved.

**Capt. Mark Miller:** If I could just interject on that, some of the items that would fall under the Fire Department's jurisdiction for commercial properties or buildings, they don't necessarily end up funneled to the Law Director because of the way Ohio Fire Codes are written; some of the citations go directly from the owner to the Board of Building Appeals. So it bypasses even local to go to a State level. If we issue a citation for a variety of safety infractions, those citations aren't written for local resolution. They are forwarded up to the State level. The State Board of Appeals handles anything that we would request be handled that isn't the next step in that process. It goes to the State level.

**Richard P. Wolfe II, Director of Law:** That is an important distinction too, because what he is saying is that he is talking about legal action that is not criminal; not a criminal prosecution. It is an Administrative action. And there can be sanctions, it can be fines. But it is not a criminal offense. My jurisdiction is adult, misdemeanor offenses that occur anywhere within Ashland County. So anything that has potential of fine or imprisonment and it is any one of the five classes of misdemeanors and if the offender is 18 years or

older, that is within my jurisdiction. Worker's Comp claims, unemployment compensation, those are administrative legal proceedings. Now, there might be a time where on the behalf of the City they might desire representation and I might get involved, but I don't think that happens very often and there are attorneys for those agencies to which they pursue those appeals, so that is why I wouldn't even know about those cases and I have no need to. It is difficult for everything to be encapsulated into one place because there are just so many different areas of responsibility and so many different jurisdictions and in the Health Department, health laws that is in a world of its own.

**Ruth Detrow:** It sounds from the reading that I have done that there could somehow be a person who is responsible for taking maybe eventually there will be something on the Internet on our City Website that people can use and maybe copies of it in our Council Office of someone. How can the public know what to do and who to go to because there are so many places? It seems as though there ought to be somebody someplace where the buck stops.

**Glen Stewart, Mayor:** Well wouldn't that be where the Councilman comes into effect that a constituent has a problem and they don't know what to do and many of them are calling Valarie, many of them are calling Rick, or the Mayor's office. That is where we need to be a little more in tune to the next more direct step. We as Elected persons choose to go directly to Rick. I think if we define this, we have the definitions given to us, to Rick and the others here; we may be better tuned to what to do. The frustrating part is to me as a former Councilman the slowness in which the process goes and I would guess, and Rick has explained this to me, it is a process, you see them, you write them a letter and you give them some time and it does not evolve into Resolution many times overnight and a dissatisfied neighbor and we have all talked about the "Bad Neighbor" situation. And if I lived next to this house, I would probably want something to be done. But there is a process. I don't have an answer to the irate individual that they do not want to wait two months or three months or however long it might take.

**Richard P. Wolfe II:** To answer your question Ruth, I think that place is my office. But here is how things have worked and I suppose there can be slight variations, but lets say, a call comes in about a problem, either to the Mayor's office, to Valarie's office or to anyone of you as Council members. It is one issue to have a clear understanding of what kind of problem it is and you know it is something that the Health Dept. deals with and you tell the person that you will refer that complaint to the proper agency to deal with. That might be a direct call by you; if you are not sure, you would call my office and I would re-direct the matter. There are times where I am not sure and I call Roger and I say here Roger is this something you would look at to see if that is something you can deal with and if not, let me know. We don't always know when you get a complaint, who may be responsible for addressing it and with what tools; until my investigator looks at it or Roger looks at it or sometimes Pat Donaldson would go out and have a look at something and say yes I can deal with that or not. You do not necessarily have the answer right away for the constituent as to what type of administrative or legal action is necessary or appropriate

but if you take the complaint, pass it on to where it is going to get addressed and we get back with you, you can be in contact with your constituent and tell them what is going on. Normally when we get a complaint, we get a name and address of someone who is complaining and any type of correspondence that I send out, I copy that person so they know what has been done. They know that a letter has gone out. They know what the time frame is. That is just standard procedure on my part. In the Fire Dept. case I don't think it is quite as necessary because there is usually not a citizen complaint, you guys make your own inspections and you find the problems yourselves. Health Dept. is kind of some of each. They find things but they operate on a complaint basis and you communicate with people who are the complainants.

**Al Sanders:** We usually always send a copy of any correspondence to the complainant without divulging who they are. It would be necessary at some point in that process but not initially. But we do require a Name, Address and phone number of the complainant. We do not look at anonymous complaints.

**Richard P. Wolfe II:** I generally don't deal with anonymous complaints either.

**Al Sanders:** We do not drive around town looking for problems. We do not stop places routinely unless somebody calls and complains.

**Roger Gordon:** It is hard to drive by something similar to this and not have contact with them and that is why we make contact with them. I have had a couple of different people relate to the fact that they did have a problem. I stopped there yesterday but it is like the third time I have stopped at this place. It is right on East Main past Maple, in that little triangle. When I pulled out that camera, the Landlady was on her front porch and it is a wonder I didn't get her in the picture. She wanted to talk to me and she stated she is the mother of five children, single. She is working on the inside of the house and she is buying it by land contract, can I have some time? I realize it doesn't look good but I have had somebody here to look at it. It is not falling in. The rafters are good and the floor joices are good. Is this one of those issues where she doesn't have the finances?

**Richard P. Wolfe II:** This is where the different social groups come into play to haul the garbage away. A lot of different methods of persuasion we try to use. Probably what is most aggravating, the problems that we deal with and the success rate we have far exceeds the unsolved problems but it is the ones that are most visible and they are annoying and it doesn't seem that much is happening and is not happening quickly enough and they are not a fire hazard, not a health hazard, they do not fit into the 1,2 3 book dwelling code. Maybe the grass is a little too high.

**Paul Wertz, President of Council:** 75% of my calls on maintenance and houses are rentals. It seems like the Landlords just want the money and they don't want to fix the houses up or the barns or garages or whatever is attached to it.

**Richard P. Wolfe II:** There is just no way to make somebody proud of their property and make somebody be a good neighbor and a lot of what we are dealing with is a “Good Neighbor” or “Bad Neighbor” syndrome. I have had complaints of even of what color somebody painted their house; they are actually painting their house but I can tell you two or three instances where I would probably lay awake nights if that house was next to me because of it being a hideous color.

**Roger Gordon:** I get those phone calls from people that call us up and want to suggest that the neighbors are putting the ugly part of the fence up towards them. And my question is which side is ugly, and they don't like that very well, because to me a fence is a fence and whether they turn it around inside or out whatever. We don't have any input on that. That is back to the good neighbor situation. I would not put a fence up with the rough side out.

**Ruth Detrow:** We have a group of citizens who want and deserve to be consulted about this. Is it possible to combine all of the guidelines into one document or why shouldn't we. Can we?

**Roger Gordon:** I wouldn't want that job of putting all of those together and I would hate to try to put the Fire Code with the Building Code.

**Capt. Mark Miller:** Maybe a reference guide is more of the document where the answer is and where to look at.

**Richard P. Wolfe II:** The Health Laws are a whole chapter in the revised code. The Fire Code is several volumes of different codes. The Building Code, we have adopted two or three international codes that are huge codes within themselves. There is no way to put all of that together. Probably the most practical thing is to try to categorize the problems so we can follow them in the right direction.

**Ruth Detrow:** Can we create something that is not too stringent?

**Roger Gordon:** When we compiled the different codes that we looked at as far as whether they were dwelling codes, maintenance codes or whatever they were, in that format or the accumulation of that, the one that I had seen in there that actually covers a lot of the issues that I have heard Council discuss and issues that were repetitive are in Berea's exterior maintenance code or structure. I have seen different websites as to where if you want to propose a website to suggest what the question is and supply the answer; those might be on a home page for a community, not necessarily in Building Department and Health division.

**Al Sanders:** There is a section for nuisance complaints.

**Richard P. Wolfe:** Almost every time we have one of these conversations, we go all the way around and we almost always come back to the fact that the things we are really

talking about, the bulk of the problems are aesthetic issues that are maintenance issues. Those aren't Health Department matters, those aren't Fire matters and in large part, they aren't building matters. Remembering that building code is one thing and maintenance code is something else and it all comes back to aesthetics and maintenance. So it is just the nature of what we are dealing with. That is the main thing that we are frustrated with that doesn't seem to be getting dealt with quickly enough and there are a lot of different reasons. It could be the house is abandoned and the owner is out of state, there are properties that are in foreclosures or bankruptcies. There are properties that are elderly. This was a health issue, but we had some elderly people that had 30 some cats; you really feel bad taking some 80 some year old person that is not even being capable of maintaining these cats but we are taking them to court because there is no other way to deal with it. So it is a Health issue, it is clearly a health issue and we can deal with it, likewise with Fire, Safety and with unsafe structures and we always keep coming right back to what I think in the whole scheme of operations is a smaller portion of everything we deal with. It is those things that we see that are annoying that are aesthetics that are maintenance. The other things aren't broken. I don't think there is anything wrong with all the other areas. There is nothing wrong with the way they are operating. If somebody has that kind of a problem, it can quickly be identified and forward it to the right department.

**Ruth Detrow:** The whole committee is not going to be successful with what we have talked about this morning. They are not going to grasp that at all. I think we need a code of how our homes should be maintained.

**Glen Stewart, Mayor:** I don't want to confuse the issue. I don't disagree; in fact I do agree that the aesthetics of our community is important to all of us. We will just use this as an example. That is on Main Street coming in from 71 so every stranger who comes to downtown Ashland passes this area. Now I am going to equate it to the Sidewalk problem. The same people that cannot afford to repair their sidewalks with the code that we already have are in many cases are homeowners, not in all, but in many cases and the financial bind is possibly keeping them from repairing sidewalks to code are the same issues that we are going to have with a maintenance code. I like a maintenance code. I don't know how we enforce a maintenance code that has the possibility of keeping bread and butter off the table. Some of you are on the same committee for the sidewalks. How are we going to fund this? Income property ought to be maintained. I will defer to the Law Director, and in this lady's condition, in this pictorial condition, and you own the house next door to it as an income property and it is in equally poor condition, how could I enforce a maintenance code on the rental income property and not enforce it on this property; I struggle with that.

**Richard P. Wolfe II:** I don't know about Berea whether you have detail enough to know but it is almost impossible to have something like that unless you have committed the resources to making the repairs yourself the city and assessing it on the tax duplicate. It is just like the sidewalks, if somebody doesn't put it in, we put it in. Otherwise I don't know

how you force somebody to spend their money for things that aren't safety or life threatening. I really don't think this is really a kind of thing we want to flood the courts with a lot of misdemeanor criminal charges because somebody didn't do this or that. Occasionally we do as a last resort. It is just not our first choice by any means. I don't know if there are mechanisms built in for the cities that have those kinds of codes.

**Roger Gordon:** Some of them do. They do have funding that they use for those to make those corrections. It is a major commitment if you do that.

**Richard P. Wolfe II:** I have vivid memories of somebody I knew 30 years ago in another city; it was in New York, got a citation because her spouting was disconnected. It was coming down on one side of the front porch and a step needed repaired. And if she didn't get it fixed within so many days, she was going to have to go to court. I personally and philosophically feel that was a little extreme and a little bit more of an intrusion into people's lives than local government ought to be making.

**Roger Gordon:** And you would have to be careful in the preparation of a Maintenance code because there are those issues that could overlap and like Rick is saying, in the Building code it says you have to have gutter on your house; and there are issues with gutter that sometimes you can get into a situation; it would be hard to tell somebody that they had to repair their gutter when the Building Code doesn't call for gutter. But yet I have had issues where somebody's gutter actually came down and fell over top of the electrical entrance and they were negligent as far as to repair it. Which we contacted them and said you really need to do something with this gutter. But it would be hard to tell someone they had to replace bad gutter on a house from an aesthetic standpoint when they are not required to start with.

**Richard P. Wolfe II:** There is still yet another classification of problems. And those are the ones that I have to tell somebody that it is not our problem. It is a private property owner problem between you and your adjoining property owner. And that could even be the fence thing. Which side of the fence is painted or whether somebody is grilling and the smoke is going down wind and getting somebody's sheets smoky because they are hanging out or blowing into their windows. Well that could be a health issue. There are some kinds of things where somebody is doing something with their property or using their property in a certain way that is not a violation of any law but it is having an adverse affect on their adjoining property line. In which case we have to tell them, hey that is a private property matter and you need to consult a private attorney if you want to pursue the matter. I think trees overhanging the property line would probably be one of the best examples. Personally years ago I had a neighbor that had a small tree, well three or four years later that tree got bigger and it got to sticking out over a common hedge and there is another illustration, fortunately I had a good neighbor, technically the property line ran right down through the middle of the hedge and if he didn't want the hedge, he could have cut it in half and I wouldn't have had anything to say about it, but I trimmed both sides of the hedge on his property and mine and everybody was happy so when the tree starts

getting out over the edge I said to him hey that branch is getting out a little too far and it is starting to get into my tree causing too much shade over the hedge; do you mind if I trim that back a little bit? And he said no go ahead. So I trimmed it and everybody was fine and everybody was happy. I get calls about somebody has got a branch and they don't want it cut down and I say I cannot tell somebody to trim their tree, you don't have authority to go on his property and cut his tree. I suppose you could trim it right at the property line but you better be sure where the property line is and that is going to create more hard feelings. So when people don't get along I have no way of making them get along, but if there is a private property dispute that is not something that falls into any of our daily things, then the only remedy is a private civil action in the civil courts. And there are those kinds of problems and I am the one who ends up telling them we don't have any regulations. It is just another category of problems that we get calls on all the time.

**Ruth Detrow:** So you are saying there is really nothing we should do; it is working fine, and we are all satisfied.

**Capt. Mark Miller:** I don't think we are satisfied. I think everyone sees a problem. I think as we discuss more of these things. We see that the overall goal of having a property maintenance code isn't obtainable unless we have other pieces to support that the infrastructure to support that. If you have a property maintenance code which we haven't decided yet which one would be good for us, but we see that we also need inspectors. I don't know how Roger's department works, but if someone suddenly said we needed to start inspecting other things for my department, that is another inspector to us. We have all that we can handle right now and I am sure Roger can shuffle some things around but this a full time position in many communities but I just say that to illustrate that this is part of what we are finding out about having a Maintenance code is that you need all of these other pieces of the infrastructure to support that whether it is the funding to support those who can't afford it. The ability for someone to go out and notify the owner of a problem. There are a lot of things there that need to be included in having the maintenance code vs this looks like a good maintenance code; lets go with this one. Then we have one we can't do anything with without having the funding having the inspectors, having the pieces that would make this work. I think some of what we lack for what we do have is maybe how it works together. If you had some sort of flow chart that says, if it is this issue, it goes to here, if it is a safety issue it goes to the Fire Dept., if it is a health issue, then you can see how those things could mingle together that maybe there is a mix of Health Dept/Fire Dept issue. You can kind of define these issues a little better so that people that aren't responsible for enforcing a remedy on these things could see where the remedy comes from. Some of the problems I heard described in this meeting and the one with various other subcommittees together were, we don't know who to go to or how do I get this fixed or why does it take so long. When you get calls like that or the Councilmen do, they can say this is how this goes. Here is where the problem starts and then it goes here. I think that is a big piece of what we are missing too.

**Ruth Detrow:** Can anybody go to flow charts?

**Capt. Mark Miller:** Sure. Visio Software does.

**Mayor Glen Stewart:** I like Mark's idea from the standpoint, we probably are not going to get to one document but you could get to a sheet or sheets of paper that would have some direction.

**Ruth Detrow:** There could be references to the Fire Code, Health Code.

**Capt. Mark Miller:** Once each department reaches the point where you say this problem falls under the Health Dept. Then the Health Dept I am sure has their own internal flow chart that says okay this problem starts here and now I am referring it to this Ordinance or Law. For us there are a variety of things once the problem gets to us a whole other process starts again and it may follow a contact or Building Appeals or contact the Law Director. I think it is combining all of these things into one set of instructions. It may not necessarily dictate how high your grass is but it tells you if you have a complaint about how high your neighbors grass, where does that go and how does it follow; the end resolution may not be where it makes somebody cut the grass but at least it notifies people with problems, it gets the problem attention and I think sometimes that is part of solving some of these minor issues that most people if you knock on their door, a good majority of them may fix things. There will be folks that don't but if you don't notify people that hey there are other people that see this as a problem, they may not have the attentiveness or awareness to recognize that. A lot of the things the Fire Dept goes out on, that is our usual remedy. Hey you have an exit light that is burnt out. And Oh I didn't even notice and they fix it. But the big step is finding it, notifying the responsible people of it and then coming back to see that it is fixed. And that adds a lot of work.

**Ruth Detrow:** Do you have the materials to create the flow chart? Do you need things from the rest of us?

**Capt. Mark Miller:** I could diagram a basic example of a variety of problems of what the various subcommittees said, that these are the things that we might handle and I think I know a lot of them on my own but if there is a list of the common questions I receive phone calls about, what do I do if I have a porch falling down or what do I do If my neighbor is storing washing machines in his garden? I think we could come up with a basic flow chart that this is how complaints are routed and then the end flow chart for various subcommittees.

**Richard P. Wolfe:** I don't think the majority of people have trouble making complaints. They find ways to make the complaints somewhere. A couple of times Valarie has called about something that has been brought to her attention and I am thinking, why did they call the Clerk of Council about that kind of a problem. But I guess they don't know who else to call so they call her but then she would re-direct it or call me and I guess I have

informally been the clearinghouse for many of these kinds of things but even at that and I agree with everything that you said about that and I think it is a very good observation every once in a while there are even some problems that the four of us don't know exactly what niche it falls into. I get letters from Al every once in a while about a particular problem he wants me to do some legal research on it and so we have to do that. We have to search sometimes ourselves on unique problems to find out exactly what niche it falls under. So I don't know that we can pre-determine those in every case because of circumstances.

**Ruth Detrow:** A basic flow chart would be a start.

**Glen Stewart, Mayor:** You know Ruth, I like what Mark has suggested in even the examples of many calls that we receive on unlicensed vehicles or trailers or boats or high grass. Those can fall into an example block on a flow diagram. Notice of rodents running in and out of a vacant house. I bet a half a dozen examples for health for building and for fire would cover a vast percentage of the general criteria that most calls come in on. And that flow chart would be an example that the committee could see and have input on. My observation from this meeting is that a common book, if it were made will be put on somebody's shelf because it is going to be thick. By having available a more descriptive direction of where a call goes might help a great deal.

**Roger Gordon:** You are making an effort to educate. Even like Adrian for as long as he has been in the business, and has been around in the community; there were a couple of things that he through out there and tried to entitle into a specific area that really wasn't the end effect. He didn't suggest for somebody to give me the answer but he was answering his own question.

**Glen Stewart, Mayor:** I will need to leave the meeting but do not want to leave here with the impression that I am against the Maintenance code. I favor the maintenance code but I favor it with some mechanism to be able to present it equally regardless of income level and I do not know how to do that.

**Al Sanders:** What is, that is not in the book already that cannot get to where we want to be? Improper maintenance is in here. It talks about an appeal board. It addresses this right here.

**Richard P. Wolfe:** There is even one more category of problems, small category and those are the reoccurring problems. The same problem only another year. The people state, well you just took me to court last year, how can you do that again? Well the analogy I use there is; if a person runs a stop sign and gets a ticket, it doesn't mean he is never going to run a stop sign again, or if a person gets a speeding ticket, it doesn't mean he is never going to speed again. A person lets his grass grow and we lean on him and they finally get it mowed or in some cases, the city mows it; the grass grows again and it all comes back and we end up having the same problem. There are certain places and

certain properties and certain kinds of problems you can almost set your watch by because you just know; there is the leaf raking problems; there is the snow shoveling problems; there is the problems that we are kind of glad to see the snow cover up and as soon as the snow melts you know you are going to start getting calls. The repeat offenders for the same problems represent a significant number of these problem areas that we are talking about. It is some of the same people with the same problems and we address it and we moderate it or remediate it and it gets tolerable for a while and then it gets back to where it was. For some of these kinds of things, there are no permanent solutions; it is just a matter of constantly staying at it and staying at the same people with the same things.

**Mark Miller:** You will have someone who moves in and they are a problem for seven years, then they move away; it may be something over time that attrition solves some of the problems. There are a number of things that resolve themselves, not in the pace that we may like but I see the same kind of category too.

**Ruth Detrow:** Does the penalty get worse each time?

**Richard P. Wolfe II:** It can, there are some kind of offenses that are minor misdemeanors on a first conviction and if we go all the way through the court process and get a conviction, then a second conviction can be what is called a 4<sup>th</sup> degree misdemeanor which is a step higher, does potentially involve jail and then of course sentencing is strictly within the courts discretion whether or not somebody should go to jail. There are some kinds of offenses that the Ordinance or the Statute says every day is a separate offense. I will say to you that it has always been my position to not charge a new charge every single day while a matter is pending right out of the box first time. Usually if it goes to the length of going to court, we ride that one out until a conclusion, then if the problem is not corrected and I think maybe in my tenure I have done this two or three times, then I start filing a charge the next day. Now we are talking about serious consequences. Pretty soon they get the point and it doesn't take too long. I usually let due process run its course on the first offense because I could file 16 charges and have them all pending at the same time and there might be some reason that the person has a defense or is not guilty. So I need to get the conviction first before we try to multiply the consequences. You had asked if the penalties enhance; that is only if we go to length of a court case and a conviction and the vast majority high 90% are resolved at some point less than that so just because we have gone after somebody and have written letters and have done other things and finally have gotten the matter resolved doesn't enable the penalty to be enhanced because it is only when there has been an initial conviction for the same conduct. And then sometimes we have somebody that does something one time but it is a different offense the next time. So they are totally unrelated matters, but they are still the same bothersome kind of thing.

**Ruth Detrow:** When you get your flow chart done, probably you won't be putting all of the Ordinances or items from the 1,2,3 Family Dwelling on that at that point will you?

**Capt Mark Miller:** I don't think so because that would be where each particular department's process begins. Ours is, how do we initiate the process? Or what I am kind of thinking is one piece of this that we need, how do we direct the calls? I think each department would then have their own process or subsection or piece of the puzzle.

**Ruth Detrow:** I hope eventually something of this can be on our city website so the citizens know how we are going to handle these.

**Valarie Bishoff, Clerk of Council:** There is e-gov link where the public can go onto our web site to issue their complaints. That is when our Council office receive calls regarding the publics complaint, we go into that site, register the complaint, print it off, and periodically update the site of what is being done and who is taking care of it so both you and the citizen can view what is being done.

**Ruth Detrow:** I will talk to the people at C.H.I.P and try to get some specific things that they can do. Does Human Services do anything about putting glass in windows, putting shingles on roofs?

**Richard P. Wolfe II:** That is the Department of Job and Family Services. I think those tend to be social services in terms of a certain income level and getting medical services and food stamps and aide for children and Medicaid/Medicare. I am not sure what else there is but I think a large part of what that department does is in the nature of what I just said.

**Al Sanders:** HEAP, Home Energy Assistance Program also. I don't know if windows would be considered one. It is assistance for paying utilities. They used to have a winterization program but again depending on where those folks are, they may be eligible, or not.

**Richard P. Wolfe II:** Then we start to get into that category of things that there isn't necessarily an agency to help with but it is just what a community does, the Church groups, the Associated Charities and those kinds of things. I suppose we need to maintain a list of those kinds of agencies. The Salvation Army and others where somebody is just in desperate need and would like to be able to do something but doesn't have any means to help themselves. Will these groups step forward and will they send out a crew to do some repair work. It is not a formal city function. Through Council on Aging, I had been on the Board at that time and I knew that there was a Grant that was available to help somebody to put in plumbing facilities.

**Capt. Mark Miller:** Part of the problem I think is out of our control too like Roger mentioned. He went and talked to this lady about the house, gave her information on C.H.I.P.

**Roger Gordon:** She probably will appreciate the help. And maybe she could get the help from Habitat just so she does not get into the court system.

**Ruth Detrow:** I appreciate the input from everyone.

**Al Sanders:** Is the whole group getting back together again because our subcommittee met and the recommendation was Health has all the tools we need? It was a group decision: John Chorpening, Phil Rafeld, Adrian Bauer, Myself, Pat Donaldson and Roger Hazen are on the committee.

**Ruth Detrow:** I found a letter in the computer that I sent to all of you. A thank you from the last meeting saying we would have a final get together with the whole group to record at the end of March.

Not everyone received the letter, it was stated.

**Ruth Detrow:** The flow chart would be helpful. I can scan it in.

**Capt Mark Miller:** It may be possible that I can do the flow chart in Visio and then cut that into a word document so you can open in word document.

**Valarie Bishoff, Clerk of Council:** Or he can print a copy off and I can have Bear scan it in also.

[Meeting was adjourned at 10:46 a.m. by Ruth Detrow.](#)