
Ashland City Council

Work Session Minutes
Thursday, September 25, 2008 7:00 p.m.

Thursday, September 25, 2008 Mayor's Conference Room 7:00 p.m.

Purpose:

Housing Maintenance

Attendance:

Council members: Ruth Detrow W3, Paul Wertz W4/President, Stephen Stuart At Large, Robert L. Valentine W1, Robert M. Valentine W2

Mayor: Glen P. Stewart

Assistant to the City Engineer: Larry Paxton

Building & Zoning: Roger Gordon

Council Clerk: Valarie Bishoff

Housing Committee: Nevin Bowers

Law Director: Richard P. Wolfe II

Housing Committee: John Chorpening

Housing Committee: Roger Hazen

Housing Committee: Keith Ballantyne

Media: T-G: Ginger Christ

Public

Roll Call: Ruth Detrow W3, Paul Wertz W4/President, Stephen Stuart At Large, Robert M. Valentine W2

Move to excuse Robert L. Valentine W1 by Paul Wertz. (He will be arriving late)

Pledge of Allegiance:

Paul Wertz - Tonight's meeting is a Work session on Housing Maintenance. I will turn the meeting over to Ruth Detrow.

Ruth Detrow: This is by way of a report to the Mayor, Council and the Public. The committee has worked diligently and they have done good work and we have reached the point where there is nothing that we can do now except ask for Legislation. It is in the Legislative Body's hands after tonight. There was not nearly so much that needed to be legislated as I had thought at least and that is what the first section, section 2 of your agenda is. It is my thought at least that we ought to have something that has been compiled from what we already have with references to the applicable Ordinances which we already have so that we know how to proceed and then there are a few holes that need to be plugged and I am going to be asking Council about those toward the end of our meeting. But right now we already have in 521.05 an Ordinance about drainage of lawns and saying that you cannot obstruct it and you can't flood your neighbor. We also have an Ordinance about keeping sidewalks in repair and clean, and you can see from your agenda that is 521.06. Keeping yards free of garbage, junk, refuse and other matter Ordinance. And that is quite lengthy. But what it amounts to and I would like to read a little bit from this because we get complaints about this and I think it is okay since we weren't sure that we had a law that said you had to keep your yard free of refuse and junk, but we do. It explains what junk is and its old or scrap copper, brass, rope, rags, batteries, paper, rubber, lumber, pipe, used building material, roofing, old or held for sale for re-melting purposes by an establishment having other facilities for processing and on and on it goes. Refuse includes ashes, crockery, bottles, cans, paper and other wood pulp products, boxes, rags, grass clippings and other cut vegetation, older discarded clothing, bedding, mattresses, furniture, appliances, rubbish, dirt, nails, pieces

of glass, oil and all other similar nonputrescible wastes. You are not allowed to throw it, deposit it or let somebody put it on your lawn, on your property. And this is already in an Ordinance. We have one about not causing noxious or offensive odors. You cannot do that either. We have an Ordinance already for not causing infestation by insects or rodents. The owner, or the person living on the property is responsible for getting rid of insects or rodents that are on the property. Those of us on Council will remember that we have had many, many discussions about that. The rats are running into the house because my neighbor has a building that has all sorts of rats running in and out and they are not there and now it is spreading. We already have an Ordinance for this. We have a couple about partition fences. The fact that people have to share the cost of a partition fence and the fact that on a property that is a residential property, it can't be more than 6' high. By the way, in a business area, it can only be 3' high. So these are all things that we already have and it seems to me we need to put them in some kind of form so they are easy for us to get at and I would appreciate some comments from Council and the Public on that. What can we do?

Paul Wertz: Do we need to change any laws Rick, because we have the State Fire code; it covers a lot of this. Health Department covers a lot of this. Plus what we already have. We just need enforcement, I guess. That is the main thing.

Richard P. Wolfe II: It is not like we haven't had any enforcement or hadn't done any. As far as this junk and trash Ordinance 521.08, Council created that back in 1977. We have sent hundreds if not thousands of letters pertaining to complaints about that and many of them get cleaned up and sometimes they end up going to court over it. There is always going to be problems and somebody is always going to see something and there is always going to be something that doesn't get cleaned up right away or somebody doesn't respond to it but I don't think we need to change much of anything. There may be a couple of things at the end there we don't have that you might want to consider and that is certainly Council's discretion. I think what Mrs. Detrow is talking about is if somebody wanted to know all of the Ordinances that pertain housing or housing maintenance, there is one place they could look, other than saying the Codified Ordinance book, which includes a lot of other things. There isn't any one single place and I think Mrs. Detrow has made up a list of the various Ordinances that she has found that relate to this general subject and I mentioned to her earlier that if we wanted to unofficially put together some sort of listing compendium or listing of all of those Ordinances that were related and run them off and make copies available and then make references to the Ordinance sections. There is no harm in that. I don't think it requires any specific adoption or enactments.

Keith Ballantyne: There needs to be something put together that the public could recognize and know where these things are. If it is not compiled, it is all over the place.

Ruth Detrow: That is a perfect comment because Roger has started to do that; to a certain extent at least. Would you be willing to explain to us what you are doing which will eventually be on our website?

Roger Gordon: Just over the years we had numerous, different questions that people ask as to where can they find a particular Ordinance or how can they resolve a particular problem. So we have actually come up with a couple of pages of frequently asked questions and then we have attempted to supply answers to those questions and not only supply the answers but then put an Ordinance such that they can reference the Ordinance. We don't have it in a format ready to put to our webpage right now but we do have some copies, I can give you some copies of some common things that we hear from people. I am sure it is not a complete list. We are hoping to add to it and add it to the page such that people can go to the web page and find their answers. It will help us; maybe relieve some of the phone calls that we get. And consumer time. And of course, if we get it to the web we can also make copies of it and just provide it to people at the counter as people show up at the counter. If you look at this, one of them is just "Do I need a permit for a fence?" I know that is one of your questions. And what are the requirements for installing a swimming pool on a residential property. We get those questions 15 times a month, I am sure. Do I need a permit to install or replace shingles, house siding or any other exterior surfaces? We suggest to them as to what they need to do as far as a permit but at the same time we kind of encourage them into this that we hope

that they do some maintenance things to prevent issues that relate to public safety and property values. It is kind of a nicety page. It is giving the answer to you but not just go look at this reference. It is giving it to you verbally. Installing an accessory building, types of yard maintenance; what type of yard maintenance is required in the city of Ashland. Are there sidewalk regulations in the city of Ashland? What requirements does the city of Ashland have regarding signs? Some of these have already changed as far as what the answers might be but once we get it to the page, we can always change the answer slightly if we need to. I am sure each Councilperson has ideas that we might be able to add to that and add to reference sections. If you get down to that reference Codified Ordinance section, sidewalk, construction, damage or injury, improper drainage. You and I didn't collaborate on this so these are some of the things you have are common things that I have here. A duty to keep sidewalk in repair and clean. The positive accumulations to garbage, junk, refuse and others. The trimming of trees and shrubbery. Removal of weeds. Existing sidewalks as to how they are to be kept and just some general yard regulations. Once we get that into a format, I have already talked to the IT guys. They are happy to work with us and promote it and put it in some sort of, with some pictures to kind of enhance it as to the web page.

Ruth Detrow: And that would be printable then?

Roger Gordon: Certainly, we can print it.

Ruth Detrow: I did not specifically invite our computer people tonight but I think you said that probably 10% of the populous reads this?

Roger Gordon: When you and I met with them independently, they suggested to us that only 8-10% of citizens actually inquire over the computer as to this type of material or as to even the home page. So it is kind of shocking that is all the better response we get with the home page.

Ruth Detrow: I know that this is a work in progress and of course it will never really be done because things will come up. Do you have people in your office who have the time and expertise to do this as quickly as possible?

Roger Gordon: Not as quickly as possible as I would like. No. Lindsay was actually working on this and we lost Lindsay at this point as to her being employed. I have got a few hours from her a week or every other week presently but she is kind of a person that has geared this up and she understands it and being that she is not from our community. She lives outside of the city. She does have some real true questions because she is similar as to a citizen, she doesn't know where to look. So sometimes she researches these things a little better than what other people would just because she doesn't know the answer to the question.

Ruth Detrow: So we will eventually; and I wish we had a date on eventually; I don't want to try to nail down specific date and say there has to be something on the computer by that day.

Roger Gordon: Well I am sure that they can add these things pretty quick with Bear and with Sean, you know as far as getting them to the web page but then as to a constant update, then it is just something that we have to continually add to; then address the different issues that are pertinent to Council.

Mayor Stewart: I can say that the IT people, once the document is prepared and actually in the format to put on the screen or the system; it isn't going to be of any significant time; certainly less than a week. That is after it is totally ready for them to put it on the system.

Ruth Detrow: Since you already have a print out; is this the format you are thinking would work?

Roger Gordon: I think it is written similar to Berea's. It is similar in text and language as to not getting too detailed into the particulars of the Ordinances but allowing you to reference the Ordinances if you want to.

We do now have Codified available on the net so you can go from this to the Codified if you want to and look those particular Ordinances up.

Ruth Detrow: And they already have that done?

Roger Gordon: Yes. And make that comparison if you want to make the comparison, if you want to get into the technical data; you can go to technical data or you can take this as laymen's answer to the question.

Ruth Detrow: I knew that I had taken that CD to them. Thanks Mr. Wolfe. I don't know that we have our Codified Ordinances on the CD but we do and they have it now.

Roger Gordon: I think it is available if you know the process to get there. You have to talk to Bear to be sure. I can get there. I don't know whether we have made it clear to the general public.

Ruth Detrow: You know weeks ago, I was pushing hard, it has to do with this, but not entirely. Egovlink is a wonderful tool to use and it is a part of our city website. Egovlink is something that will help you communicate with different departments in the city and make comments and say things about one of the problems that are addressed here. And I was talking to our city Librarian because I had spoken to one of the other Librarians and said, if someone came into the Library and asked you, someone who was computer illiterate came into the Library and asked you to help them get on the city website and get into egovlink, would you help them? And they said yes and when I talked to the Librarian the other day, she said we actually had a class all set showing people how to use the computer to access our whole city government because certainly transparency in our city government is something that we all want. They canceled the class because nobody signed up. I don't know what to do next on that. I honestly don't know. But anyhow, it will be wonderful to have that. Do you think that will work Nevin, a printout like this?

Nevin Bowers: All I am saying is, I am a citizen and have been involved with the city. There is always the cumbersome thing of trying to pinpoint things or trying to find things. So there needs to be compiled, I don't care how many pages it takes, compiled that you have a document anybody can look at and know exactly where to go for any circumstances. Some are not covered. A couple of questions that I have, relating to the penalty for noncompliance. Is that penalty strong enough that it is going to make somebody comply, rather than a daily, day at a time type penalty rather than a one-time penalty if you don't comply, the fine is sufficient that it is going to hurt a little bit? One of the other questions that I have is one of the major things in building a maintenance code is aesthetics. I don't see anything about exterior surfaces. And maintaining exterior surfaces.

Ruth Detrow: There isn't anything and I should have put that as item C. I have it now.

Nevin Bower: That is probably the top question for many people in a Maintenance Code. Exterior surfaces, grass, weeds, and trash.

Paul Wertz: Roger, this is your area; is there anything you have run into that needs changed in the Ordinances or Charter or anything that would help you more in your department?

Roger Gordon: I think if you are going to lean towards exterior surfaces and from the last Committee meeting that we had I think there was about 18 or 19 pages of minutes. As I went through and just re-briefed myself on those minutes; about every third paragraph was in relationship to paint and paint peel and those types of things that maybe aren't addressed directly enough that we can enforce it.

Paul Wertz: You don't want to address too tight.

Roger Gordon: Well, I think that has been the question, and I think if you had the opportunity to read those minutes you could see by the different comments that the Committee Members had in regards to

that. And I think again, if you had the opportunity, there was a lot of conversation back and forth that the whole thing has been a good process for us because I think we had the opportunity to make a lot more people familiar with some of the answers to the questions and then become more familiar ourselves as to helping in educating the general public as to their needs and where it might be and the answer to our questions. I think that is why we have kind of addressed this as frequently asked questions and a lot of phone calls that we get are; they start off people saying, you probably can't answer this question; but they do call and we then attempt to answer the question for them. And a lot of times it does have to do with compliance whether it be them or a neighbor.

Ruth Detrow: Since we are on that subject, I have added section C part 3 which is surface of paint on houses. And this is an area which may need legislative action. If we do anything we have to pass legislation to do it. I need to know if it is even worth my asking Rick to please put together the legislation because in some cities I believe it is 15% of the paint is damaged and then it goes up to a much higher percentage and so let me ask members of Council and the Public too; Do we want to do that? Do we want to do it now? Do we want to do it later when times are a little bit better and money is more plentiful? What do we want to do about paint surfaces? I think everything here is going to have to be complaint-driven because we don't have investigators to go around and look at the paint on every house. It is going to have to be; "The House next to me is driving down my value of property because it is 50% of the surface is falling off; so Council do we want to do anything now? Or do we not?"

Robert M. Valentine W2: You start on surfaces of paint, then you go to roofs you drive around town, I see porches hanging down. You were talking about fines. We did the one out here on cottage. What was that fine Rick, \$25.00?

Richard P. Wolfe II: Yes plus court costs. As far as answering the question about fines and what are the penalties, as far as criminal penalties; most of them are minor misdemeanors on a first offense, become 4th degree misdemeanor on a second offense which is slightly higher, possible penalty. On a scale of criminal justice, these are not going to be 1st degree misdemeanors. It is not going to be serious criminal offenses. I am not thinking we are going to put anyone in jail for 6 months because they do not paint their house. The penalties, if somebody is found guilty of the offense, it is up to the discretion of the judge of penalty ranges. So we do have a few penalties where we have minimum penalties such as our income tax Ordinance, there is a minimum fine. For the most part, we have to be careful not to interfere with judicial discretion on assessing fines and penalties. There are Building Codes and then there are Housing Codes. Building Codes are how you build them and what the standards are they have to meet. Housing Codes tend to be the maintenance, the exterior and the surfaces. We don't have a Housing Code. We do have a Building Code. Most any city that I know of that has any kind of Housing or exterior maintenance code has a department that does nothing but deal with that; and they have inspectors that go around and they issue notices and they come back to re-inspect. That is their full time job. It is a department that does that, it is all they do. We don't have that and we have to create that. I certainly don't think that what it would take to affectively enforce a full-blown home maintenance housing code would be something that Roger and his current staff have extra time to deal with. If we are going to go in that direction; we have to be prepared to link it up with the resources it is going to take to enforce it.

Robert M. Valentine W2: I don't think we want to become the Housing Police.

Richard P. Wolfe II: That is a decision Council has to make.

Robert M. Valentine W2: Also when I get calls and complaints; I go out and look at stuff and if it is offensive to me; I know it is offensive to them if they are living next to someone. It is almost a case-by-case basis. A lot of times you houses that are in foreclosure; you have houses that people died and there is no estate. You have government houses out here with weeds high and the federal government says, "We don't want you to mow it, because it sells quicker when the weeds are high". And if the city does it, who are they going to bill? That is money we lose. That is a true story Glen. I was talking to Meyer and he said the

Government says, even though his sign is in the yard, the Government says you do not touch that yard because they sell faster. People think they are getting a deal. That is exactly what he told me.

Richard P. Wolfe II: I have had people that have complained when somebody painted their house, but they didn't like the color. Or there was another case where somebody started painting their house and got about halfway done and quit and then that looked almost worse than if they hadn't painted at all.

Mayor Stewart: But the surface is covered.

Richard P. Wolfe II: I guess you are just going to have to decide; if you are going to get into this; you have to be prepared to deal with it fully.

Roger Hazen: Can I say something? I was a housing inspector for the City of Crestline. We had two people and a secretary in our department. That is all we did; was go and look at the houses. That was our job. We had the property maintenance code and that was our bible we went with. But there were times that you just had to back off. You have an elderly lady who is 90 years old and no money and so you back off, talk to church people. This is a judgment thing. You can hit everyone down the street with paint jobs but most of them are not going to be able to do it. You are going to have to pick your battles. It took two full-time people and a secretary to run this department for 5,000 people.

Robert M. Valentine W2: I have a problem with selective enforcement though. If you are going to enforce something, you enforce it. You do not just pick and choose.

Richard P. Wolfe II: The last meeting we had, a full committee meeting; It seemed like the general consensus of the committee members there just wasn't a lot of desire to move in that direction to a comprehensive housing code or home maintenance code and it seemed like what we were going to try to do from that point was pick out a few things that we thought were particularly needing in the city and Mrs. Detrow has several of those listed. With the maintenance code it almost has got to be all or nothing. It is hard to pick. Council will have to decide.

Ruth Detrow: Is paint surface something we want to address legislatively; right now there is nothing in our city Ordinances that says you have to repaint after your paint starts to peel? Do we want to ask Mr. Wolfe? There are all sorts of levels of stringency. Everything from 15% peeling, you have to re-paint the whole building up to 25,35, 40% and you have to re-paint that side.

I don't believe there was any support for that at those committee meetings.

Ruth Detrow: It didn't sound like a lot, no.

Robert M. Valentine W2: You have to look at the times you are dealing with. That has a lot to do with everything. Some people out there are having a hard time getting by. Paint is not cheap. A lot of times older people can't do it themselves and can't afford getting anybody to do it for them.

Ruth Detrow: I just want sort of a feeling what Council wants to do.

Mayor Stewart: I would like to ask some questions of the committee: Paint is only one form of covering of a house. There could be dilapidated aluminum siding that the paint is perfect on. There could be a shingle gone. When you talk about paint; are you talking about any exterior surface regardless of what it is?

Ruth Detrow: Yes, I think that is what our committee was seeking. Do we want to say, "No we do not want to do this right now?" or do we want to ask Mr. Wolfe to draft an Ordinance to consider it?

Stephen Stuart: You know you start with, what do we want Ashland to be, present and future? I suspect it will all weigh in favor of that we want Ashland to be as aesthetically attractive as possible and people taking

care of their homes. Now you get to the reality of things, and you have talk about having to establish a department to enforce it; but I think even more important is the economic times that we are faced with now and how this would impact people. You cannot pick and choose. If it is going to impact adversely a property owner who is renting the property, then I don't care, but you cannot pick your battles that way. It is a dilemma.

Ruth Detrow: I am getting the feeling that Council does not want and of course we can't vote or anything like that. It is not that kind of meeting. This is a Work Session. I am getting the feeling that Council wants to at least delay any decision on this for a year or two, that is just my guess, what do you think? On this specific thing, surfaces of houses. I am going to take that as a yes for a delay.

Richard P. Wolfe II: I would suggest that in order to determine when you may want to revisit that, whether it is near or further down the road; I think that is going to have to come when the city does its appropriations and if they can find a place to put in sufficient resources to address this on the basis of which you have just mentioned, then you can put the mechanism into place and go forward; but unless those two pieces come together at the same time; I think it is kind of a mute point. I do not think it is going to be effective; so the other I think almost has to come first and in such time whether it is 2009 or 2010 or whenever it may be, you can say this has become one of our financial priorities and you have the resources to do it and then it won't take much to put the mechanism into place because we have already done a lot of that research. There are several options that Roger has looked at that may be suitable and we can go from there. It just seems to me that those two decisions have to kind of go hand in hand.

Nevin Bowers: It needs to be a full-blown Maintenance Code or it is going to be pick and choose. Whether it is time for it now or drop it now and down the road, do it. If the economic times are such that Council feels that it is not appropriate, so be it.

Paul Wertz: Rick do you remember the C.H.I.P Grant we get every year? Doesn't part of that Grant money go for stuff like this when people can't afford to paint their house?

Richard P. Wolfe II: Community Housing Improvement Program is what that stands for. We have made a number of loans through that program and it is not; I don't believe the entire city is included; there are certain areas or zones that are determined low to moderate income and so that is a tool that we have been using. There have been two or three foreclosures a year that our C.H.I.P Grant is involved and it is normally a second mortgage and if there is a foreclosure, there is probably not enough equity to pay off the first mortgage and usually you don't get that money back. But it is Grant money and it is not out of pocket for our money but the money that gets paid back does go back into the program.

Paul Wertz: But there is money out there for them.

Richard P. Wolfe II: Well that is an option, it is not wide spread. I don't know what the annual amounts are that we get but it is something that is there and has been used.

Keith Ballantyne: What is the extent of the problem, what percentages of properties are in trouble this way? We need to do a little survey I think. That would dictate how soon you would address the problem.

Ruth Detrow: What percent of houses in Ashland are in disrepair? Two to three a year?

Robert M. Valentine W2: More than that. I get calls all the time.

Richard P. Wolfe II: It is an ongoing thing. I don't think it is unique to Ashland.

Ruth Detrow: So do we want to bring it up in a Council meeting a year from now?

Stephen Stuart: Well I think the idea of being part of the process is important and it is also important as you prioritize the kind of needs that we have. How does that stack up with some other priorities?

Richard P. Wolfe II: That is an annual process.

Robert M. Valentine W2: We come up with our list every year.

Robert L. Valentine W1: Ruth, I am late and I apologize, but the point was when you first brought this up, was it the recommendation or was it the idea of just presenting the information and then have Council react to that? Was it a recommendation by the committee?

Ruth Detrow: No.

Robert L. Valentine W1: So the point was you were just what?

Ruth Detrow: I am hoping that we will either do or not do, but make a decision one way or the other on a few things that we discussed in the committee, also what you have there is something that Roger is working on to make it available to the public. So we have made some strides. We just need to know firmly exactly where we are. But the committee at our last meeting and most who are here; they pretty much said well you Council people were the ones who were saying that we needed some laws for this and that; am I right?

Keith Ballantyne: Yes but at the committee meeting, as it ended, we ended on the agreement of what you have here in part 2 things we were considering. At that point we thought no need to pursue it further.

Ruth Detrow: I think the committee was very surprised to learn how much we actually have. I was surprised to learn how much we actually have scattered throughout the Ordinances and as Mr. Wolfe said; "There is a reason for them being where they are." And I am not suggesting that we pull them out of the Ordinances and put them in a separate little book of just housing code things but that we do as it says there and reference why according to our Codified Ordinances why this, that and the other thing has to be done." All right, [budgetary process one year from this one. That is when we will discuss again very briefly at least surfaces of houses?](#)

Roger Hazen: I think it should be everything on your list that should be looked at?

Nevin Bowers: Is this being delayed until next year?

Ruth Detrow: I am asking

Stephen Stuart: Well number 2 is in effect so the question is what about a and b? That is the question right?

Ruth Detrow: Right. Lets go to a first; removal of weeds and the Ordinance number is there. I would appreciate it if Mr. Wolfe would explain what we were talking about and I do have a couple of things to add to it. Some additional research that I have done. We have been thinking about maybe the way Mansfield does it, is a good idea because they actually do have a process for making sure that the grass is mowed in the lawns in Mansfield. Mr. Wolfe would you?

Richard P. Wolfe II: Well, they do it and they also have a department that does it and it is called the Building and Codes Department and not to be confused with our Building and Zoning Department because this department in Mansfield does a lot of different functions as it relates to grass and weeds and maintenance clean up and that sort of thing. I think they have about 10 or 12 people on staff and they have the city divided into 4 quadrants and an Inspector for every quadrant and so forth. What I told Mrs. Detrow when we met on this the other day and there are three areas here that come into play and unfortunately budgetary considerations are significant in all three of them. (1) [is sidewalks because part of the reason that in my](#)

opinion, part of the reason the sidewalk program has stalled, there is a variety, but one is that we didn't commit sufficient resources to putting in the sidewalks ourselves which is a pre-requisite before we can assess the cost. If we are going to assess the cost for putting in sidewalks, we have to go ahead and do it. So we have to be prepared to do that. That is a budgetary consideration that was part of the material that I provided to you in the letter, the envelope I gave you about sidewalks here recently. (2) The second one that has been mentioned in that is this exterior maintenance, if this is the route we want to go, we have to be prepared to commit resources and that is people and additional monies to do that to effectively address the problem. (3) The third one is the problem with grass mowing. I think that we could compress the process if we are prepared to devote some sufficient resources to effectively doing a lot of the mowing ourselves. Now I know we do already and you were going to check and see how much we have already expended in terms of time or money to do that. Do you have some idea of that?

Ruth Detrow: They have an average of eight lawns they mow for summer.

Richard P. Wolfe: Eight? That would be one week's worth and then maybe the same lawn a number of times. There is a process under state law and Mansfield uses it. I don't think it is really meant to deal as much with grass and weeds as it is with structures. But it does talk in terms of abating nuisance and we have termed high grass and weeds as a nuisance situation. But in order to make the process function, Mansfield gives notice of the problem, and if it is not corrected within a certain number of days, 3 or 5, they go out and mow it, they send a bill. If the bill is not paid, they assess it on the taxes. Okay now that doesn't mean that they get money back dollar for dollar because there are a number of variables. First of all there is cut off in September for anything that is to be assessed on taxes for the next year to be submitted to the Auditor; so anything after September for in 2008 won't appear on tax duplicate until 2011. So there is a time lag. There is uncollectible circumstances; Foreclosures, Bankruptcies, Deaths. There are delinquent taxes and things of that sort. So nothing is returned from assessment unless something is collected; so it is only the collected taxes and the assessments don't come back at the same rate as the money is expended. You expend all the money up front and then you get the assessments back over a period of time. So you subtract the time lag and the losses and it is not a dollar for dollar return. But the process can be compressed if we are willing to go ahead and do it ourselves or pay somebody to do it, then bill them and then assess it on the taxes. One of the reasons why we seem to have a delay with our current process is the really only hammer we have is criminal prosecution which we don't really, our objective is not to take people to court and punish them criminally for not mowing their grass. We try to encourage and cajole and urge and a lot of people take care of it and some slower than others; and others don't. The ones that have been safety issues, I think we have taken care of on our own and we haven't really; we have been more concerned about the safety than the return of the money. If we are going to collect the money, there is a specific process that you have to go through and so that is part of the reason why we had delay with the way we had been doing it in the past. I found out about Mansfield's procedure, I talked with their Law Director; I have talked with our County Auditor and we can do it but we have to be willing to commit resources to it. So this is why I said this is another item that we should put on the agenda for the [Appropriations for 2009](#). As we are pretty much through the grass mowing season for this year.

Robert M. Valentine W2: Rick, didn't their City Council raise the rate because they had it like \$50.00 dollars?

Richard P. Wolfe II: Well like a Bank in California owns a property and they would be happy to pay the city \$50.00 bucks to mow the yard. So they did raise their rates to \$200- \$300 dollars. And that doesn't mean they are collecting it, but that means maybe those people are going to take care of it themselves.

Robert M. Valentine W2: Yes, but if you mow three yards and you collect \$200-\$300 dollars for just one, that would cover all three.

Richard P. Wolfe II: I am not saying it is a bad idea; I am saying we can do it and we can compress the time factor and we can get things done more quickly. I think here again it is; are we going to go looking for them? Or are we just going to wait for the problems to come to use and how are we going to address

them? That is an issue. How much money are we going to commit to the effort and they also, and if I am understanding this and you are familiar with it and please correct me; but I think that department also deals with some maintenance issues. It also deals with some junk and trash. I respectfully suggest that before we bite off too much, lets try it in a limited capacity; see how it works; see how we are doing and then if we want to expand it to clean ups and some maintenance and repair; I think without even having a home maintenance code, the applicable statute here could be used to shore up some of those porches that are falling and things like that and then we can still send the bill, whatever the bill may be for the labor and the materials and so forth. But I don't think, and it all depends on how much money we are willing to front for that to do that.

Roger Hazen: The City of Westerville does the same thing. They have their Parks Department go out and do their mowing. So it is all in-house. So they don't have to hire somebody to come in. So they are saving money there. They figure that because the people are already on their payroll.

Richard P. Wolfe II: But if we were to add those responsibilities to our existing personnel, I think there would be somewhat of a dilemma.

Mayor Stewart: If I may, I think it has to be decided; does this Council want to fund these processes? And once the decision is made to fund the process, then whether it is done outside or inside is another decision that can be made.

Richard P. Wolfe II: For the most part, that will be an Executive decision.

Mayor Stewart: I am not going to set here and cry poor; I am going to suggest that anything we add to the 2009 Budget comes out as something that we have allocated and appropriated that is going to be the same for 2009 as it is 2008 if we are lucky. I don't fight this; I am just sharing with you that balloon is so big and when you squeeze it here, it is going to get bigger over here. I would love to see Ashland a spic and span beautiful city, corridor side streets and all. And I would suggest to you that if we have mowed eight lawns there are at least 25 or 30 that we have had calls on that we haven't responded to because of maybe it didn't go so far as to go to Rick, but there are a multitude of lawns with high grass. Once we start doing it, and the residents recognize it; the phone is going to ring and we are going to have to fund it adequately to that and as Rick has pointed out, if in fact it has to go to a tax duplicate, it is just budgeted money that won't flow back in for several years.

Ruth Detrow: I called the lady in Mansfield who was so helpful about this and she said the City of Mansfield and they are 2 ½ times the size of Ashland; they have 1200 to 1300 lawns to mow every year and about 50 of those pay up right away and it doesn't have to go through the other process.

Mayor Stewart: I may have grossly underestimated this.

Ruth Detrow: I was kind of surprised.

Richard P. Wolfe II: It sounds like a significant outlay of resources.

Ruth Detrow: Yes it does. This does not require any legislation.

Richard P. Wolfe II: There is no change that it is necessary to do that other than to be prepared to put some anxious pork behind it. There is at least one item that was discussed; it is not an exterior item; and it is not grass and weeds. This was an issue that had come before Council a number of years ago. There was not sufficient support and it has been talked about and now it is back for consideration.

Ruth Detrow: That is b, fencing of swimming pools. Right now one can put a swimming pool into the back yard and have no fence at all and the neighbors can send their kids over to play and one of them can drown. Someone just can be walking across the yard and step into it. I don't know how we have gone this

long without a tragedy and it has been many, many years since there was. Now I am getting my personal feelings into this and I shouldn't. What is Council's and the Public's view about the fact that we have absolutely no Ordinance that says we must fence a swimming pool in the city?

Robert M. Valentine W2: I think most people who put an in-ground pool in do fence them for privacy. And above ground pools; I had a guy call me in the spring and asked if there was any Ordinance on above ground pools and I said I don't think so. It has to be in the back yard. He said that he had one of the ladders that you lock up and it is a 4 ½ foot pool. A little kid could not fall in an above ground pool. But most people I think, if they put in an in-ground pool, they want some privacy. I don't think I have seen any in-ground pool that doesn't have a fence around it.

Mayor Stewart: There are some.

Robert L. Valentine W1: I think most of the people in Ashland think you have to have a fence once you put the pool up.

Richard P. Wolfe II: There may be insurance issues. Their Home Insurance may require them to have a fence put up or they won't have adequate coverage. There are a lot of reasons why somebody may on their own have a fence installed.

Robert M. Valentine W2: I never remember seeing in the paper for as long as I have lived in this town anybody drowning in a pool.

Ruth Detrow: Because we have been lucky. Does Council want to ask Mr. Wolfe to draft legislation or not?

Stephen Stuart: I support an Ordinance for in-ground only.

Robert M. Valentine W2: Yes, I support it.

Robert L. Valentine W1: I support it also.

Paul Wertz: Yes.

Robert M. Valentine W2: Most do and the ones that don't, should. If you can afford a pool, you can afford a pool, you can afford a fence.

Ruth Detrow: Is there anything else that we need to say as far as Housing Maintenance is concerned?

Mayor Stewart: I would suggest that not wait; if the housing maintenance is going to be re-addressed for 2010, it needs to be considered next fall in 2009 at a point early enough that we can address it in the budget.

Ruth Detrow: In October?

Mayor Stewart: At least by October.

Paul Wertz: Roger, if there is anything that you think we need to address, think about it.

Roger Gordon: Go back to the minutes of that last committee meeting; you know Rick and I are always looking for new ideas and new opportunities/options. So as we come across those we will present them to you if we think it is something that is feasible or workable to do.

Ruth Detrow: Valarie, can you remind us in one year?

Valarie Bishoff, Clerk: I will do that, yes.

Richard P. Wolfe II: I think we accomplished more than one thing because assessing what we have and looking at various options and considering what the pieces are to all that have to come together to make the whole thing work in the different areas and as far as any specific new legislation, yes there is only one proposal. I think the committee has looked at this very carefully and worked with all the members and it is to be commended.

Nevin Bowers: Question Roger; under #2 item g, maintaining 6 foot high fence. In the front of the house and around, is that still 3 feet? Just so that doesn't get out and get misconstrued.

Roger Gordon: Yes. But it is not on something that is out of this room I don't think. I think that was a misinterpretation. If you get an opportunity, I will let you see what we have got in ours. Ours was written a little clearer as to what we are proposing.

Richard P. Wolfe II: Those titles are only indicative, they are not controlling what is down in the body of the section. But what Roger has put together is kind of a guide in directing people to various areas and we talked a little earlier about he said 8-10% use. That 8-10% may be half of the people who have questions.

Mayor Stewart: Item A under Roman numeral III. Removal of weeds, 547.02 and if you want to take noxious or poisonous out, is this something that can be addressed without Charter?

Richard P. Wolfe II: I don't recommend that it being changed. That is consistent with the language of the state statute when they talk about poisonous and noxious weeds. I don't think there is any harm with it being there. I am not recommending it be changed one way or the other.

Mayor Stewart: So how does this address high grass?

Richard P. Wolfe II: There is more than just those words. There were just some questions whether those words were unnecessary or misplaced and I cite, they are not.

Questions or comments?

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

Meeting adjourned at 8:05 p.m.

Submitted by
Valarie F. Bishoff
Clerk of Council