

May 21, 2019

Members present: Mr. Landon, Mr. Huddle

Members absent: Mrs. Blevins

With a quorum present, Mr. Landon called the meeting to order at 6:59 PM.

New Business

Item 1. DISCUSSION ON VACANT PROPERTY REGISTRATION

Chairman Landon explained that there was a recent town hall meeting related to housing and blight issues in Marion. There has been discussion in previous meetings about building codes, housing codes, contractor registration, etc. This is a community issue of high priority that needs a discussion to explore pros and cons.

He referenced a handout that is a template ordinance used by another municipality for the registration of vacant properties. Law Director Russell stated that he had not communicated with any cities that have this type of ordinance. He has been contacted by private parties that want to operate a program like this. Our community typically finds that it is better to operate it in house. This is the most difficult issue that we face in dealing with nuisances.

They find 7/10 times the owner is deceased. This type of legislation would not cover that type of situation. His/her heirs typically do not have an interest in the house. Sometimes there is no will. They turn away from it and the community is left to deal with it. The receivership program is a program that could address that type of situation. There is an upcoming meeting with the receivership program (started last fall).

In other scenarios, they get compliance. They may not want to keep the house, but they do assist with the removal of rubbish, etc. They work hard to identify a responsible party. Another partner is the health department. They work together cooperatively. They have done a good job identifying and locating responsible party. Early in the housing crisis, the problem was banks sending the owners a notice to get out that they are taking possession and then they never moved forward. That was 10+ years ago. We are dealing now more with deceased people and children who have no desire to deal with house. Very few cases where a bank will file a foreclosure and end up with the title. They have other nonprofit entities that will hold title. During the recession, the banks would file foreclosures – hundreds a year. Those cases would often be dismissed. They are not seeing that now.

Mr. Huddle talked about how to get after vacant properties sooner. Law Director Russell explained that many times that real estate taxes are behind. The mechanism in the state of Ohio is a real estate tax foreclosure by county government. There was a period after the recession where there were 0 foreclosures filed by county government, so there was quite a backlog. Current county prosecutor is moving forward on those, but it will take a while to get to them all. The city government is not in the position to

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step in and move that. In the past 10 years, they have filed 3-5 cases in probate trying to move a nuisance property. They also have attempted to find the responsible party to see if they can get them engaged to deal with the nuisance that exists.

Mayor Schertzer explained that every house seems to have its own unique story. The model ordinance identifies some exemptions – the owner is deceased but in probate court. Most of the time these properties are not in probate. They are zombie houses and just hanging in limbo. That is where the receivership program can come in handy. They have moved about 6 (12?) houses on to a local attorney who will evaluate them to determine whether he wanted to be the legal council for the receivership group out of Columbus. They have spoken with local legal council that they selected (not the city). If appropriate, the attorney will take to common pleas court and ask to put them in receivership for the company to deal with. They will come in and bring them back up to code, they would market and sell house, they have a real estate license the idea is to get that zombie house back to a responsible property owner or a property owner that can take care of it. They are dealing with two houses on Chicago and one on east Washington – two on Chicago, the owners are deceased and there is no probate. The one on Washington, the owner is elderly and does not live there anymore and she is physically not able to take care of it. They want the responsible property owner to live up to their responsibility and maintain their home. He has had trouble kick starting receivership program with county land bank. They are not interested. He disagrees with that as a board member. This receivership program deals with the franklin county land bank all the time and has had great success. They have torn down over 300 homes since he has been in office. No one has ever done that before. If the county landbank receives more grant, they will continue to tear down more homes. They are getting to the point that some of these homes should be saved and that's where the receivership program can come in.

Proposed ordinance references positions and departments that do not currently exist. Mayor has preferred to not to grow local government. Mortgage companies are hard to deal with. They reach out to homeowner or mortgage companies but find that transfer of title has not occurred. If person's name is still on property, they are responsible. The only way you must move out of your house once you get nasty grams from mortgage company is if the sheriff comes and removes you from the house. The mortgage companies keep the owner and shows that it is still titled to person. The receivership is an avenue to solve some, but not all, of these issues. However, every house is unique. If this will help to move some of these properties, we should consider it. If this is just going to create a new level of government and not resolve the problem, then he would be opposed to it. He is not sure yet what it is.

Mayor Schertzer suggested that they look at zoning codes that were codified in 1969. They have been updated over the years and added updates. It will take some time for a committee to work through these. Additionally, they need to look at an ordinance that addresses the disposal of used tires. What city government does is that we treat the symptoms of the disease – the high grass and weeds, the tires, the refuse, etc. He would rather cure the disease, but right now they also must treat the symptoms as well.

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The city is working to get local attorney and the receivership program all on the same page. They meet regularly with health department, code enforcement, and zoning inspector to deal with symptoms. They believe that the receivership program will help deal with the disease. They have 12 cases with attorney now, and another 12 ready to go next. They go to common pleas court to get legal authority to take over property that owner id not taken care of. They take property rights very seriously. They want to be sure that they follow the right procedures for the receivership program to work. It has worked very well in Columbus.

Chief Collins stated that he wanted council to know that there has been a lot of discussion about the judge and the money and because of that Casey Thomas came to be our code enforcement officer. He shared situation where they found someone who was stockpiling used tires in a vacant home. Officer Thomas goes out and find that this guy is getting paid to take tires from a business. The house is full of tires. The guy kind of owns the house, so he's putting tires in his own house. Van Creasap at Health Department is handling it now as an EPA violation that you can only haul so many tires. He also shared a situation where they were at houses that are entirely full of trash. That has been referred to Officer Thomas who is trying to locate owners, several of which have no interest/responsibility in the house.

Mr. Daniels referred to paragraph C regarding building being demolished. If you are in a land bank scenario and you are doing more than 4 in a group housing, 30 days is not enough. There is a waiting period of 15 days that does not include weekends by the EPA before the contractor can even start. By the time they sign a contract to tear a house down, they are lucky within 30 days to be able to tear it down. They must have an asbestos study done as well. Then they give 60 days, and then 15 days that the EPA takes away. There are timelines that may need to be reconsidered, i.e. 90 days is the average to sell a house. It is criminal to give drug addicts or sell tires and they stretch them all over the city. There are a lot of houses where the entire house is full of tires. The disposal fee is \$3 per tire. It is a health hazard to have these stockpiled. Consider an ordinance to require people to prove at any given point where they disposed of the tires. Where is their manifest. What does this ordinance really do other than require the owner to provide a lot of information and pay a fee?

Mr. Landon suggested having the receivership program come back to present. Mayor Schertzer asked for a little more time before inviting them, so there will be something to report. He also expressed a concern for funding for the county land bank moving forward. There does not seem to be an urgency to fund it and there is not enough money to do the work of the county land bank. Tax foreclosures would help. It is estimated that there is \$8.5-9 million in uncollected property taxes in the county. One of the highest in the state of Ohio. Perhaps if taxes were collected it might assist schools to not have to come back and request tax increases.

There being no further business, Mr. Landon adjourned the meeting at 7:36 PM.

Minutes of Legislation Codes & Regulations Meeting

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Chairman Landon

Clerk of Council

Minutes of Legislation Codes & Regulations Meeting

May 6, 2019

Members present: Mr. Landon, Mr. Huddle, Mrs. Blevins

With a quorum present, Mr. Landon called the meeting to order at 7:01 PM.

New Business

Item 1. LIQUOR CONTROL – HALAHS LLC DBA 5 POINT DRIVE THRU (C1, C2 TRANSFER) – WAHBI ALDAMEN, MANAGING MEMBER

No objections from police or fire departments.

Mr. Huddle made a motion to take no action, Mrs. Blevins 2nd; Roll Call – Ayes: Mr. Landon, Mr. Huddle, Mrs. Blevins

No action taken on permit request; no hearing requested

Item 2. LIQUOR CONTROL -- DAMEN ENTERPRISES INC DBA JACKS DRIVE THRU (C1, C2 TRANSFER) – MEGDAD ALDAMEN, CEO

No objections from police or fire departments.

Mr. Huddle made a motion to take no action, Mrs. Blevins 2nd; Roll Call – Ayes: Mr. Landon, Mr. Huddle, Mrs. Blevins

No action taken on permit request; no hearing requested

There being no further business, Mr. Landon adjourned the meeting at 7:03 PM.

Chairman Landon

Clerk of Council

Minutes of Legislation Codes & Regulations Meeting

April 16, 2019

Members present: Mr. Landon, Mrs. Blevins

Members absent: Mr. Huddle

With a quorum present, Mr. Landon called the meeting to order at 6:45 PM.

Mrs. Blevins made a motion to approve minutes for 03/19/2019, Mr. Landon 2nd; Roll Call – Ayes: Mr. Landon, Mrs. Blevins

Minutes for 03/19/2019 approved (2-0)

New Business

Item 1. LIQUOR CONTROL – NORTH MARION FUEL INC DBA MARATHON – 847 N MAIN STREET (MEGDAD ALDAMEN) – NEW (D1, D2)

There are no objections from police or fire chief. Mayor Schertzer indicated that the Department of Liquor Control enforces their own laws and will determine of eligibility.

Mrs. Blevins made a motion to take no action, Mr. Landon 2nd; Roll Call – Ayes: Mr. Landon, Mrs. Blevins

No action taken on permit request; no hearing requested

Item 2. PRESENTATION BY TEEN INSTITUTE YOUTH BOARD ON TOBACCO 21 PROGRAM

Representatives from the Teen Institute Youth Board explained that they choose to make drug-free choices and encourage their peers to do the same. They presented about the hazards of vaping and the lack of government regulation on the product.

Tobacco 21 is a national program with a focus on raising the age to purchase tobacco products to 21. It is enacted in 6 states and 22 cities around Ohio. They would like this to be considered for Marion City, as well as the reduction of window advertising, ban on vaping in public places and public parks, and community wide education.

Law Director Russell explained that the most effective way to make change would be a statewide or federal law. This may not be possible locally with a statutory city (vs. charter city). County government would be unable to prohibit in the county. He will research it.

Mayor Schertzer explained that it would be effective to write letters and meet with state representatives. Locally, he can look at ban for city parks, buildings, and city employees because they are a tobacco free zone (if it is not covered in current policy).

ITEMS NOT ON THE AGENDA:

Mr. Daniels explained that most of the discussion on public issues is done in committee meetings rather than council meetings. He has served almost 8 years. He stated that there are 3 council members that do not attend committee meetings and are not knowledgeable about the issues when they attend council meetings and it makes the meetings go long. They design committee assignments to sit on committees that do not meet regularly. Their vote means as

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much as his, but they are not versed about the issues. Two years ago, they passed legislation that required council members to be at council meetings. After they miss four meetings, they are docked \$150 a meeting. Legislation and Codes should consider a piece of legislation to require council members to attend meetings.

There being no further business, Mr. Landon adjourned the meeting at 7:05 PM.

Chairman Landon

Clerk of Council