
MINUTES OF SYMMES TOWNSHIP SPECIAL MEETING

July 13, 2017

The meeting was called to order at 7:00 p.m. Elected officials present were: Ms. Jodie Leis, Mr. Kenneth Bryant, and Mr. Phil Beck.

Also present: Kim Lapensee, Administrator.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ms. Leis made a motion to approve the Agenda, Mr. Bryant seconded the motion. Motion passes.

OLD BUSINESS

None

PUBLIC HEARING

Ms. Leis made a motion to open the public hearing and Mr. Beck seconded the motion. Ms. Leis introduced the board and stated that she was going to turn the meeting over to Ms. Lapensee to go through the presentation concerning the property maintenance code.

Ms. Lapensee welcomed everyone in the room to the meeting and stated that she going to go through the slides that would hopefully sum up the property maintenance code for everyone. She stated that she left copies of the proposed code, excerpts pertaining to property maintenance in the ORC and the slide presentation on the table outside for everyone’s reference.

Ms. Lapensee stated that the Board has been working on this property maintenance code now for more than 2 years and it came to be due to several complaints that were received for a house that did not fall into any of our categories for property maintenance that we could enforce. She stated that in Section 505.06 and 505.86, we have the authority to remove buildings after they have been declared nuisances by the Health, Building and Fire Departments. We also have the authority to remove junk vehicles per section 505.173 and 505.871 and remove junk, debris and weeds per section 505.87. She stated that we do not have the ability to deal with all the maintenance that falls between. Ms. Lapensee went through our notification/complaint process that we currently have in place. She went through the time line of when we started and we have ended up today. She also went through the proposed property maintenance code and what it will require which would include general maintenance of all exterior properties and structures. She stated that the code would also include where garbage containers could be stored and how long

they can sit out before and after pickup, graffiti, junk vehicles, commercial vehicles, trailers and recreational vehicles parked on the street, signage and lighting, dead animals and accessory structures and buildings. She also talked about what the new process could look like and how complaints will be taken. She showed the audience some pictures of some of the complaints the township has received in the past.

Ms. Leis asked if anyone would like to speak about the property maintenance code.

Andrea Barnhill, 7914 Clement Street, stated that she would like us to do something about permanent yard sales, junk on the porch, rental properties and properties that have damaged or dead trees on them. She stated that it is an eye sore for the communities.

John Riester, 12025 Paul Meadows Drive, stated that he is concerned about the dead animals hanging from people's properties. He stated that in his neighborhood, they had a neighbor who would take road kill home and hang it on the property and feed it later to his dog. He stated that he was glad to see that included in the new code.

Randy Wilson, 7906 Clement Street, asked about gravel driveways and why concrete aprons would be included? Ms. Lapensee stated that if you have an existing gravel driveway, you would be permitted to keep it. What the township is concerned about is the area of the driveway that touches the pavement (known as the apron) and where gravel spills out into the roadway making it dangerous for motorists and those driving other roadworthy vehicles such as motorcycles. She stated that if you made improvements to your home or if someone complained about the apron, then you would be required to upgrade the apron to either concrete or asphalt. She stated that our zoning code currently requires all driveways to be improved and all vehicles must be parked on an improved surface.

John Abraham, 10005 Humphrey Road, stated that he is concerned about the lack of specificity in the proposed code. He says that there are many items in the code that should be more specific, such as definitions, easements, the qualifications of the Code Enforcement Officer (whether appointed or elected), inoperable vehicles, what kind of inspections will be made and when. He stated that an inspector can be a little Hitler. He stated that if we hold people to a 10 day notice to file an appeal, then we should hold the government to do the same with the hearing for the Property Maintenance Board of Appeals. He stated that section 3.14 should be taken out of the code that gives the power to the Code Enforcement Officer. He stated that this person may or may not be professional.

Karen Diehl, 10072 Lincoln Road, stated that her biggest concern was how complaints would be handled. She said her husband compared it to a Howitzer killing a bug. She stated that they were told at an earlier public meeting, that there were 12 open property maintenance complaints at any one time. She stated that she asked for public records relating to property nuisance complaints

and that was not true (0 in 2014, 5 in 2015 and 3 in 2016). She stated that either good records are not being kept or this is not as big a problem as everyone is letting on. She stated that since 2001, 99% of the complaints have related to tall grass and weeds or junk and debris. She stated that if those are the common problems, then we should just deal with grass and junk and debris instead of including gravel driveways (which there were no complaints about). She stated that this new code is overkill and overreaches government powers. She stated that this exactly what people do not want from their government.

Rick Vonderhaar, 9240 Souffle Circle, stated that he has a neighbor that has a trailer that is attached to his F-150 and is about 7 feet wide and 18 feet long. This neighbor continues to park his vehicle attached to his trailer in the street directly in front of his driveway and he has a very difficult time getting out of his driveway. He stated that he has called the Sheriff and he was told that he only has to move his vehicle once every 72 hours. He said it's usually parked there for 4 to 6 days at a time. He said the original version had a statement in there that trailers could not be parked in the right-of-way at any time. Now the code says 48 hours. He wanted to know when the 48 hour rule was changed from the original version of the code. He wanted to know how we would be able to enforce it. He suggests that we just prohibit it at all times.

Mike Tingley, 7881 Daniel Avenue, asked if the names of the complainers would be filed for public record or will there be an anonymous phone number to call. Ms. Lapensee stated no. She would take anonymous complaints. She stated that she felt it would be better to do it that way as she did not want neighbors showing up to each other houses fighting. He asked about if a referendum could be filed if this code is enacted. Ms. Lapensee stated yes, a referendum could be filed for any action taken by this board because the Township is Home Rule.

William Hauck, 11817 Enyart Road, stated that he has been a resident here since 1984. He said that he had a neighbor that had many commercial vehicles parked on his property. He asked what our definition of a commercial vehicle. Ms. Lapensee stated that it is any vehicle that has a gross vehicle weight of over 10,000 lbs. He shared a story about his son who is an over-the-road truck driver. He had questions concerning commercial vehicles not being allowed to park on the property or on the street. He stated that some trucks are over that weight limit but aren't commercial in nature. Mr. Hauck stated that he thinks gravel driveways should be permitted. He said gravel driveways are better for the environment. He also stated that there are disparities in construction of housing in this area (single car garages) and some houses are larger than others and have more space to store equipment (like lawn mowers, weed eaters, etc.) and have more parking for their vehicles. He stated that he is opposed to us telling people they need to maintain their landscaping. He stated that unless you make really good money, you don't have the resources to hire someone to maintain the landscaping.

Lee Winters, 9247 Cactus Lane, stated that she represents the neighborhood and many of her neighbors are here in support of adopting a property maintenance code in the township. She

stated that her neighbor owns the property next to hers and would violate many sections of the code. She stated that he owns the property, but does not live in the state to maintain the house. She stated that pays a lawn company to come in and mow but the company does not pick up the dead trees and limbs that have fallen all over the property. There is also an abandoned car in the driveway. She stated that she and her neighbors are concerned about all the dead trees on the property and it has become a safety hazard. She stated that she feels that those trees when they fall will be detrimental to the adjacent neighbors. Ms. Winters asked about time lines. Ms. Lapensee outlined the process and stated that it would take about a month to clean up the property based on time lines for meetings and the notice process. Ms. Winters stated that she is very concerned about the safety of everyone's children and their property values in the neighborhood.

CJ Carr, 10403 Willow Drive, Loveland Park, stated that he does not want to live underneath an HOA and that is why he built his house where it is located. He feels that all individuals that do not live in an HOA are being singled out. He stated that he is concerned about the power of the Code Enforcement Officer because they will have the right to inspect properties and bring in people for a fee to inspect as well. He wondered what their qualifications would be. He stated that he is also concerned about the fees associated with getting a violation. He stated that the commercial vehicle section needs to be more specific about what a commercial vehicle will look like (the exact definition). He stated that he has two pickup trucks that are labeled commercial vehicles and he parks them on his property but they are less than the 10,000 gross vehicle weight. He stated that the code says that property owners will be responsible for cutting all of the ROW's now. He stated that the township maintains most of them currently. Will this also include vacant lots and highways? He wanted to know if people would have to start maintaining all the paper streets that are out there. He stated that there are a lot of dead trees out there that are located on private and public properties including township parks. He wanted to know who was going to pay for the removal of all those trees. He stated that the code applies to all residential and commercial properties throughout the township. He wanted to know what we are going to do in the parks. He stated that the parks are full of dead trees. He stated that everyone in his neighborhood was against the adoption of the property maintenance code. Mr. Carr stated that the county already has codes that they enforce concerning sump pumps and down spouts for gutters and we shouldn't add another layer on top of it. He stated that the driveway section is conflicting. He also wanted to know if commercial properties would have to comply with the commercial vehicle section of the code. He stated that this proposed code is not clear.

Gail Trickey, 7879 Camp Road, stated that she is against having an HOA and the code needs to be more specific. She is worried that once this code is adopted, then it could be changed again by another board. She stated that she feels it should be voted on versus the Trustees adopting a code and that they are confusing. She feels that we already have enough codes available to us to handle some of these issues. She stated that she has personally called about issues and nothing

has been done about it. She prefers no enforcement and gravel driveways are better, especially where drainage is concerned.

Howard Taragano, 8499 Calumet Way, thanked the board for trying to put something together to help protect the beauty and value of the township. He stated that he felt that the concept of the property maintenance code is a good idea. He stated that he is concerned about Section 3.11 D fees and assessments and we should work on the speed of the complaint and board timing. He said there is no amount listed. He wanted to know if those amounts are going to be determined. Ms. Lapensee stated that all the fees will be adopted by a separate resolution so that the property maintenance code does not have to be updated continually.

Barb Wilson, 7906 Clement, stated that gravel driveways are okay as long as they are maintained. She thinks we should alley paved aprons instead of concrete. She said that there are a lot of alleys within Camp Dennison and all over that are not being maintained by the township or the people who abut them. She would like for us to either maintain them or vacate them. She stated that there is an alley behind her house and they are not being maintained. She stated that one is partly graveled and there are telephone poles within that alley. Ms. Lapensee explained that plats that were approved long ago did not have to improve the streets or alleys before they were recorded. She stated that there are many paper alleys and streets that were recorded and dedicated to the public, but never accepted by the county or township for maintenance. She stated that if a street or alley has never been accepted for maintenance, then the township is under no obligation to maintain those public areas. She also asked about the bike trail and who is responsible for maintenance of that area. She stated that there are trees that hang over the bike trail and they are not being maintained. Ms. Lapensee stated that she has talked to ODNR about the maintenance of the trail and how there is tall grass and debris on the ground. She stated that ODNR only has one person available for maintenance of that whole trail. She stated that there is a "Friend of the Trails" group that helps to clear some of those areas. Ms. Wilson stated that they don't really haul away any of the brush that they cut back because they leave it in piles along the trail. Ms. Lapensee stated that she will ask Bill (the Public Works Director) if we can help out.

Carol Sims, 9972 Washington Street, stated that she wanted to acknowledge that Mike Howell send a letter to the Board concerning the property maintenance code. She said that it's been stated that there will be time frames to work people to clean up their violations. She wanted to know when those time frames would start. Ms. Lapensee stated that we send out a notice and give the property owner time to clean up the violation (about 2 weeks). She stated that she will have to talk to the board about whether or not we should speed that time frame up or slow it down. She that she is concerned about the time frames listed in the code for filing appeals. She wanted to know when the 10 days would start to go to the board. Ms. Lapensee stated that it would be 10 days from the receipt of the violation. Ms. Sims stated that it would be hard to work with someone on a violation but yet give them 10 days to file for an appeal. Ms. Lapensee stated that she will work with the Board to come up with a solution. Ms. Sims stated the property

maintenance board will only have 5 members and 3 people make up a quorum for the maintenance board if 2 people are absent. She wondered if the owner would have the ability to wait until the next meeting to get all 5 members. She stated that she has concerns about the rule making section which can be adopted by the Code Enforcement Officer, and assessment fee. She asked if individuals would be subject to the assessment fees and fees under the ORC for minor misdemeanors. Ms. Lapensee stated yes. She also asked what an approved garbage can looks like (needs a definition) and their placement in an apartment complex could be someone else other than the rear yard if it's a PUD Plan approved by the Zoning Commission. She suggested other wording to make that work.

Chris Waggoner, 9837 Union Cemetery Road, stated that the code has him very angry and that there is no acknowledgement of property rights. He wanted to know conceptually how does the Board justify adopting this. He stated that property rights are under attack in this country. He stated that it is terribly vague, overly broad, and the aesthetics required are too heavy. He does not think the township should be able to tell owners how their yard should look. He wanted to know our definition of clean. He stated that it will cost a lot of money for the residents, and that this code will make a mockery of property rights.

Andy Egloff, 9391 Bainwoods Drive, asked if by this code his neighbors would have to put their garbage cans on the side of the house or in front. Ms. Lapensee stated along the side of the house. He stated that he had to agree with others in the room that the code was entirely too vague. He said that he had sympathy for the lady who had the absentee home owner in her neighborhood. There was a discussion over yard waste and where to take it. However, he did say that people move into communities for a reason and that we should focus on people who are absent or vacant or renters. He stated that he does not want someone to devalue his property, but thinks we should have sound regulations. He stated that we all have obligations to our communities and that we should not trash them. He understands that some people have smaller houses, but that does not give people the right to leave out their garbage or junk all over the property. He feels that we should concentrate our efforts on the absentee owners and renters who do not take care of the property.

Ken Durham, 9233 Shallowcreek, stated that he is in complete agreement with the adoption of these regulations. He stated that when you adopt a code like this, you don't want to leave much up for interpretation. He stated that he lives in an HOA and is the president. He stated that when we buy a house, we want to either maintain the same value or increase in value as we own it. He stated that he works in the insurance world and policies can be cancelled if there is too much junk everywhere or it's an unsafe environment where someone could get hurt. He stated that safety is crucial and neighbors have to pay when maintenance is ignored like when dead trees fall onto your property from your neighbor's yard. He stated that he did not feel the Board was trying to be big brother. He stated that he wants to do something to get something to happen in the

township. He believes we should put together a list or group of people to help those who can't help themselves.

Branden Carr, 12029 Oak Drive, stated that the township already has codes in place and there are many township properties that are a mess and they should be cleaned up. He stated that we don't follow codes already out there in place.

Robert Sorscher, 9944 Lincoln, stated that he enjoys living in Camp Dennison and does not really want to take care of his property. He stated that he wants to enjoy his life more instead of always having to take care of his house. He stated that he is concerned about environmental degradation and we must use less carbon. Dead trees and plant growth plays a part in life and is a good thing. He stated that all this property maintenance adds to the carbon footprint.

Tina Martin, 11809 Enyart Road, stated that she is not really in favor of a property maintenance code, but she takes pride in her yard and her community. She likes everyone to have a presentable yard. She states that she wants us to do something about the complaints when they are given to the township. She states it takes too long to move these nuisances through the process. She feels it has a negative effect on property values. She stated that she does not agree with burning trash. She stated that her neighbor does not have trash service and burns his trash on a regular basis. Ms. Leis stated that this is the first time she has heard of it but we will pass that along to the proper party.

Ms. Leis asked if anyone would like to speak about the proposed property maintenance code.

There was no discussion.

Ms. Leis made a motion to close the public hearing. Mr. Beck seconded the motion.

NEW BUSINESS

None.

ADJOURNMENT

MS. LEIS made motion to adjourn at 8:57 p.m. Mr. Beck seconded the motion and the roll call vote was as follows: Ms. Leis - 'aye', Mr. Bryant - 'aye', and Mr. Beck - 'aye'.

No further action was taken and the meeting adjourned at 8:57 p.m.

Approved:

Jodie Leis, Board President

Kimberly Lapensee, Secretary ProTem