
MINUTES OF SYMMES TOWNSHIP SPECIAL MEETING

OCTOBER 17, 2017

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

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

Property Maintenance Code. Mrs. Lapensee stated that we have had our required two public hearings and multiple work sessions. She has given the Board copies of the minutes from the last public hearing and the last work session. She stated that she has also provided copies of the first draft of the PMC from March of 2016 and version 5B that was last updated in July of this year. Mrs. Lapensee stated that we have heard from the residents that we were too specific with the first version and not specific enough with the last version. Mrs. Lapensee stated that she has asked the Township Administrator’s group which version they have all adopted for their property maintenance code and the majority of the group have adopted the International Property Maintenance Code and enforce it through the criminal route instead of civil. Mrs. Lapensee asked what the Board wanted to do at this point.

Ms. Leis stated that on the criminal side, the judge can order the clean-up and if the resident can’t pay, then they send someone out there to clean the area up through community service.

Mr. Bryant stated the reason we started this whole thing was because we needed a little bit of teeth to enforce clean up and we did not want to be punitive. He feels that the criminal avenue would be a smack in the face and be counterproductive.

Ms. Leis asked if the township would write a warning first then the last step would be court. Mrs. Lapensee stated yes. We would give them multiple warnings to fix the issues then cite them to court if we could not get them to comply any other way. Ms. Leis stated that we were also working on that list of social service agencies that may help with cleanup as well if anyone needs help.

Mr. Beck handed out a new version of the code, Version 6. He stated that he would like to go through his changes based on the comments he has heard over the last two years. He stated that he wanted the document to flow better. He stated that anything was struck did not need to be there, anything in red was added and anything in yellow, needs to be better defined. His proposed changes are:

Article 1 – Mr. Beck made minor changes to the first paragraph, deleted verbiage that sets minimum standards and establishes the responsibilities of the owners and vacant property, deleted the third paragraph setting forth minimum conditions, and deleted the second sentence that was redundant.

Article 2 – Mr. Beck deleted the reference to gender language, removed wording under graffiti (public or privately owned), corrected Enforcement Officer under junk vehicle, added abandoned or unmaintained swimming pools under public nuisance and asked if we could cross check every word that is defined to make sure that it is used in this document.

Mr. Beck stated that he would like to see Article 3 and 4 switched so that they flow better. Mrs. Lapensee stated that she would take care of that. He also wanted to eliminate as many redundant code sections/resolutions as they could so that they only needed the Zoning Code, The Property Maintenance Code and the Ohio Revised Code. Mrs. Lapensee stated that it is good to have as many tools in the toolbox as possible so you can use them to your advantage. Ms. Leis asked Mr. Beck if he was trying to make this as simple as possible. Mr. Beck stated yes. Mrs. Lapensee stated that she would check to see if the current sections of the property maintenance code were covered anywhere else (i.e. Zoning Resolution, etc.). Mr. Bryant wanted to know if there were any requirements to being a Code Enforcement Officer. Mrs. Lapensee stated that there are no certifications that you have to have to be a Code Enforcement Officer.

Article 3 – Mr. Beck stated that he would like to delete 3.01 (Application of Exterior PMC), 3.04 (Existing Remedies), 3.06 (Savings Clause), part of 3.07 (Liability), 3.14 (Rule Making Authority), 3.15 (Transfer of Ownership), 3.16 (Abandonment of Construction Project), 3.17 (Impounding of Junk Motor Vehicles because its already covered in Article 4), 3.18 (Vegetation and Weed Cutting should be moved to Article 4), 3.18.1 and 3.18.2 (Notification of Weed Cutting and Failure to Comply) and 3.99 (Violations and Penalties). He stated that he feels that these article are redundant and do not need to be in the document. Mrs. Lapensee stated that she would review these sections with Legal Counsel to make sure they do not need to be in there for legal reasons. She stated that Section 3.99 should be in there because you have to define penalties for violations in case it goes to court. Mr. Beck stated that he would like for staff to see if the transfer of ownership can't be replaced with Affidavit of Fact that gets filed with the Records Office instead so that when a deed is researched the new owner can see that there is a violation and they will be responsible for correcting it.

Mr. Beck asked that we add language to Section 3.08 Inspections so that they are done from the public ROW or from a cooperating neighbor's yard. He asked that we relabel Section 3.09 Notice of Violation to Warning and try and define how many days are actually reasonable (which is in several sections). The Board also talked about changing the time frames to coincide with what Hamilton County already does with zoning violations so that it is consistent.

Mr. Beck asked about time frames for the warning notices. Mrs. Lapensee stated that you have to give them a reasonable time to get things fixed. Ms. Leis stated that she wanted to make sure everyone gets ample time to fix their issues and we are doing what we can to help everyone. Ms. Leis stated that if we tie the time line down, then it hampers our ability to help. The Board agreed that we will need to define what a reasonable time period is. Ms. Lapensee stated that typically you issue the warning and give them so many days to fix the problem. Then you issue a Notice and cite them to court with a Citation Tag. Mr. Beck had questions about Section 3.12 Prosecution and 3.99 Violations and Penalties. Ms. Lapensee stated that she would check with Legal Counsel. She stated that she is certain that you have to spell out the violations and penalties if you have to go to court.

Mr. Bryant asked about whether or not wooded lots should be covered under the weed portion of the code. He asked if it made sense to put some measurements from structures (i.e. 50 feet away). Mrs. Lapensee asked how that would apply to commercial lots, because you have to make them cut the grass as well. She also stated that if there is a wooded lot in between two houses and you had a 50 foot setback, it would technically include the whole lot in the middle by default. Section 3.18 is already in the Ohio Revised Code (a & b). She will check on C as it may be covered under road maintenance (Chapter 45).

Mr. Beck asked about section 3.17 Junk Vehicles and whether or not it was included in another code. Mrs. Lapensee stated that it is already covered in the Ohio Revised Code so we may be able to strike that section altogether.

Article 4 – Mr. Beck suggested that we delete 4.01 General, 4.04 (B) Maintenance, (C) Yards, (I) Overgrown Grass, Vegetation, Garbage, Refuse or Other Debris (because its already covered in section 4.05, (L) Defacement of Property (because it is covered under graffiti), and Section 4.08 Placement of Garbage Containers (delete the first sentence about approved containers). He suggested that we come up with a good definition for "sound condition" and use that word in

many of the areas to shorten the definitions in Section 4.02. Mr. Beck suggested that we add language to 4.04 Exterior Spaces – walks, parking areas, driveways, etc. to define driveway aprons (non-gravel aprons), cite a resolution for outside storage (which would be the zoning resolution), add language to drainage to that it drains away from buildings and can pool an appropriate distance away from the buildings, add language concerning private drainage easements and not being able to change the historic flow of water, add language about dead trees to section 4.05, and add language to Section 4.12 concerning trailers and commercial vehicles.

Ms. Lapensee stated that she will work on a definition for “sound condition” for section 4.02 and define other nebulous wording that has been identified. She cautioned Mr. Beck concerning the private drainage issues that has been added to Section 4.02 (F). She stated that she will discuss this with Legal Counsel and drainage is an issue that is quite expensive and could be costly for the township to undertake. Drainage now is a civil matter between property owners and in order to enforce the law that is now in effect, a property owner would have to take another property owner to court to get the issue resolved.

Mr. Beck stated that there was a person at the last meeting who questioned permanent yard sales and he suggested that we find an answer to that question. Ms. Lapensee stated that it should be in our zoning code how often you can have them.

Ms. Leis stated that we will probably need to address pop up sales or shops that pop up in the neighborhoods in someone’s garage for two days at a time where they may sell Mary Kay or Tupperware.

Mr. Beck asked that Ms. Lapensee design a flow chart so that it can be easily shown the paths for resolution. He suggested using the VISIO program.

Ms. Leis stated that we probably should address basketball poles or hoops that are no longer being used and/or broken and have never been hauled away.

Mr. Bryant asked about next steps and what we should do from here? The Board agreed that we would make these changes, hold one more work session to discuss the changes and then hold one more public hearing.

NEW BUSINESS

None.

EXECUTIVE SESSION

None

ADJOURNMENT

Meeting adjourned at 9:34 p.m.

Approved:

Jodie Leis, Board President

Carol Sims, Fiscal Officer