
MINUTES OF SYMMES TOWNSHIP SPECIAL MEETING

NOVEMBER 29, 2018

The meeting was called to order at 7:03 p.m. Elected officials present were: Mr. Phil Beck and Ms. Jodie Leis.

Also present: Kim Lapensee – Administrator and Kevin McDonough – Township Law Director.

PLEDGE OF ALLEGIANCE AND INVOCATION

APPROVAL OF AGENDA

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

OLD BUSINESS

None

PUBLIC HEARING

Mr. Beck opened the public hearing at 7:03 p.m.

Mrs. Lapensee went through the highlights of the property maintenance code with the audience. She stated that we have five different sections of the ORC that we can use for nuisance abatements. She stated that we can use Sections 505.06 (abatement of building nuisances), 505.173 (storage of junk motor vehicles), 505.86 (removal, repairs, securance of insecure, unsafe buildings or structures), 505.87 (abatement, control or removal of vegetation, garbage, refuse and other debris) and 505.871 (removal of junk motor vehicles). She stated that we currently handle nuisance complaints by performing initial inspections to check the validity of the complaint, a notice is then sent via mail to the owner, we work to resolve the issue with the owner if they call us, a second inspection is made, if no progress, then a resolution to declare the property a nuisance is passed, notice is then sent certified and the owner is given 7 days to clear up the nuisance and if the nuisance has not been cleared, then the township will abate the nuisance and charge the owner the full clean-up costs. Mrs. Lapensee stated that we have been working on this proposed property maintenance code since 2015 and we have held 2 work sessions in September and December of 2015, a first draft was issued in March of 2016, a public hearing was held in April of 2016, several more work sessions were held in June of 2016, May of 2017 and October of 2018 and two more public hearings in July of 2017 and again tonight November of 2018. She stated that the property maintenance code will require the general maintenance of all exterior properties which will include the outside property area and all the structures thereon. It will include all surfaces, yard areas, garbage containers, junk motor vehicles, refuse, graffiti, commercial vehicles, trailers, recreational vehicles, signage and lighting, and accessory buildings and structures. She stated that the bulk of the code will include drainage (all swales must be maintained, downspouts 10 feet away from the property lines and sump lines 15 feet away), yards (all yards must be cut and clean from debris and all vegetation must be maintained), exterior structural surfaces and features (doors, windows, chimneys, porches, decks, gutters, foundations, overhangs, siding, decorative features, roof, etc. must be maintained), garbage containers (removed within 24 hours of pickup and kept to the side of the house outside), accessory structures (must be maintained), junk motor vehicles (must be kept inside a garage or enclosed accessory building), cars must be parked on a driveway, trailers, campers, RV's or boats may be parked on the street for no more than 48 hours for unloading/loading and cannot block driveways, commercial vehicles (must be parked off-site), lighting (must be directed down) and dead animals (can be hung outside after slaughtering). She stated that all citations issued will be complaint driven, the inspections will be made by the Code Enforcement Officer, a time period will be given to work out the complaint with the owner and if the repairs are not made, a citation will be issued to the owner to Housing Court.

Mr. Phil Beck stated that this proposed language was a township driven complaint that has been narrowed down and based on complaints received in the past. He stated that the wording is referenced from the International Property Maintenance Code.

Ms. Jodie Leis stated that it is a living document and the wording can be changed later if things do not work out.

Mr. Beck asked if anyone had any comments, if they do, please step up to the podium and give us your name and address for the record.

Mr. Steven Wolf, 11740 Symmes Valley Drive, stated that he is disappointed that he is here tonight. He stated that this property maintenance code is a solution looking for a problem. He stated that it is just a financial justification to the township and it will be nothing but a cost to him. He stated that he feels that this will just put neighbor against neighbor and will be a new tax for him. He stated that he does not want to give the township power. He stated that he could have moved into a neighborhood with an HOA but did not want to. He feels that this is an unneeded code and will just cost him money.

Carol Sims, 9972 Washington Street, stated that at the last public hearing she asked what was an approved garbage can was since there was no definition. There now appears to be one which is acceptable to the Code Official. With the Code Official being defined as the person who is in charge of the Administration and enforcement of this code or any representative. So, it appears that the approved garbage can will be whatever the Code Official seems acceptable and no one will know until they are in violation. In regards to the Code Official, Ms. Sims is concerned with the powers the code gives this person by the Board. In fact, once the Board adopts this code, the Elected Officials are no longer involved. She questioned what authority is given to the Code Enforcement Officer because she feels that it is too much authority and the Elected Officials are no longer involved. What negative impacted is this code going to have on the General Fund because it appears that no income is being generated for these expenses. Ms. Sims stated that she is not sure at this time that a property maintenance code is necessary for Symmes Township.

Mark Leguillon, 9355 McKinney Road, stated that he was distressed about the communication of this proposed plan. He stated that he only found version 5 on the website. He stated that he feels that we need a committee to help neighbors that this may affect. He stated that he has lived here for 50 years. He asked the Board if they have even considered the residents and their thoughts. He feels that everyone should be able to vote on this issue and that the whole process is in the toilet.

Jim Meyer, 9347 McKinney Road, stated that he found version 5 on the website. He stated that the township did not notify anyone. He stated that he agrees that the Code Enforcement Officer will have too much power. He asked what mechanism is in place for the residents to vote on these issues. He asked that someone explain 102.7 exhaust vents. He wanted to know if that would be the same as having a smoker in the rear yard. He questioned section 102.11 exterior storage and how that is defined. He questioned section 105 burning of trash/brush and if this means he can't have a fire pit in his rear yard anymore. He stated that there is a section in there about on-street parking and that on McKinney there is no option but to park on the grass if you have company over. He questioned page 13 section 204.3 that no one should have access to your home if this is an exterior property maintenance code.

CJ Carr, 10403 Willow Drive, stated that the communication about this plan was poor and is not easy to find. He stated that he had to go under news feed on the website to find it. He stated that maintaining our properties in the community is good for everyone and that the PMC and the Zoning Code conflict with each other. He questioned section 105.21 and 105.3 owner/occupant and storage while under construction. He stated that there is a need to have outside storage while building a house or job trailers. He stated that the Code Enforcement Officer has the power to do everything and can enter your house, or cite you to court or even demo your house. He stated that you will not be able to burn rubbish – which mean no outdoor fire pits. He stated that section 208 deals with unsafe structures and due to the location of the structure could be demolished. He stated that there is a section in there about needing to warn residents of a fire – doesn't that mean smoke detectors, which is an inside thing. He questioned why we need 104.10 that deals with windows

opening and closing properly, this is inside not outside of the home. He wondered if the residents will come home one day and their house won't be there anymore. He stated that he feels we do not need this code and that we can just change our existing zoning code and some items are covered under the building code. He mentioned a previous BZA case where a resident was renovating their home and living in their RV in the driveway. He stated that the RV was connected to water, the sewage was discharge into the sewer line on the property. The Zoning Code specifically spells out you cannot live in a trailer, tent while you are constructing or working on your house. This went to zoning, they were denied their zoning certificate. They went to BZA, they were denied them living in the trailer. At that point it was taken to housing court. The steps were followed, this is how these things should be handled.

Scott Sellers, 9349 Greenhedge, asked if the complainer will have to register and is this public information. Mr. Beck stated yes. He stated that he does not want to see neighbors using that against each other. He stated that a few years ago on his street they had quite a few complaints and people leaving anonymous letters in mailboxes. For the last couple of years there have been a turnover in on the street and that stopped, so that tells you something there. New people have bought houses on the street and they have not heard anything in the last couple of years. Mr. Seller asked if there is any time frame on this where the Board is going to vote to enact this? Mr. Beck stated that they are not voting tonight. This is a public hearing to gather information. Mr. Seller stated that there needs to be an advanced notification to the public before this is voted on.

Jack Horvath, 8366 Jeanette Lane, stated that he heard about this meeting through his HOA meeting and applauds the effort and that they need to continue with the process. He stated that there is overlap between agencies and feels that the PMC should only deal with those areas in the middle. He stated that he does agree with the previous comments about the garbage containers and that the Code Enforcement Officer will have too much power. He asked who was involved with the property maintenance code and how can someone volunteer to help make this a worth while effort. Mr. Beck stated that the three Trustees and the Administrator are involved with making the Property Maintenance Code. Mr. Horvath stated that in his opinion they might not be qualified to make these decisions and they should look into to getting help. This is not ready to go anywhere yet, there is a lot of work that still needs to be done.

Howard Taragano, 8499 Calumet Way, stated that the wording is too ambiguous, arbitrary, too vague and overreaching. He wondered what was driving this, how many complaints has the Township had. He thanks the Board for their efforts but there is still a lot of work that needs to be done on it.

Larry Harte, 13365 Avant Lane, stated that he thinks there should be good government that is inclusive and would like to talk more about this. He stated that this document is sloppy for a 9th version and is not good. He stated that this has a first public hearing feel and that the trustees should not be involved in writing this kind of document. He stated that he has lived here for two years and if you want to live in an HOA neighborhood, then go live there. He feels that it should be complaint driven.

Leslie Yeomans, 11609 Symmes Creek, stated that she has been an attorney for 15 years and this document is not specific enough and that the expense is unnecessary. She stated that there is a typo on page 11 and wondered how rodents in the home affects public safety. She stated that we do not need this.

Jim Meyer stated the that he thought of other comments. The enforcement officer, has there been any discussion on how they are going to be paid. Mr. Beck advised that they loosely have discussed that that individual would be the Administrator. Mr. Meyer stated that going back to living in an RV. What if someone is having a relative coming into town for Christmas and there are not enough bedrooms in the house. Is it against the law if they stay in an RV in the driveway? According to what Mr. Meyer's is reading in the draft, it would be. That is a concern to him.

Mark L. stated that this is a diverse and very rural community. He wondered if we could put this to a vote on the ballot. Mr. McDonough stated that the trustees have the authority under the Ohio Revised Code to vote to adopt this document, then a petition could be filed to put it up to a vote.

Brenda Meyer, 9347 McKinney Road, stated that she likes living here and if things are not broke, they do not need to be fixed.

Mr. Beck asked if anyone else would like to speak for or against the proposed property maintenance code. No one else spoke.

Mr. Beck thanked everyone for attending and that they will need to do more work and talk internally about what to do next.

Mr. Beck closed the public hearing at 8:15 p.m.

NEW BUSINESS

None

Mr. Beck made a motion to adjourn the meeting. Ms. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Ms. Leis - 'aye'.

Meeting adjourned at 8:16 p.m.

Approved:

Kenneth Bryant, President

Philip Beck, Vice-President

Jodie Leis, Trustee