

STOW CITY COUNCIL

PUBLIC IMPROVEMENTS COMMITTEE

Minutes of the Public Improvements Committee of Stow City Council held on Monday, January 25, 2010 at 6:17 p.m.

Committee Members Present: Pribonic, Drew, Hickin and Rasor

Committee Members Absent: None

Other Council Members Present: Costello, D'Antonio and Riehl

City Officials Present: Assistant Director of Planning and Development Kurtz, Mayor Fritschel, Manager of Information Systems Germano, Clerk of Courts Carano, Economic Development Coordinator Weddle, Chief Building Inspector Catalano, Assistant Director of Law Bryan, Law Director Reali (left at 7:30 p. m.), Finance Director Baranek, Director of Budget and Management Earle, Director of Public Service Koehler and Deputy Clerk of Council

Press Representatives: Stow Sentry

Mr. Pribonic called the meeting to order.

CREATION OF CHAPTER 1361 – PROPERTY REGISTRATION & MAINTENANCE CODE

Mr. Pribonic said that they were going to discuss the second part of Mr. Catalano's presentation and that would be registration of vacant industrial and commercial buildings.

As he stated earlier this evening at the beginning of the Finance Committee meeting, how they were going to handle this was that this was the second part of what they were looking at as far as rental properties and so forth. At a later date, they were going to have a Public Hearing, which again everyone was welcome to speak. They might have several Public Hearings.

Council was in no hurry to pass this legislation at this point. But they will reserve comments from the public to that Public Hearing. One thing that he also asked was if they would if they were here for this meeting and they were a landlord, citizen or resident, please feel free to go ahead and also put their name and address on the sign

in sheet so that they could be contacted personally so that they will not be let out of any meeting. He wanted to make that clear.

Mr. Costello wanted to make a statement before Mr. Catalano began his presentation. He wanted them to clarify what he thought has been a misunderstanding that going back to the private property on the rental units, the inspections would be strictly external. There would be no internal inspections. Was that correct?

Mr. Catalano said that that was technically correct. If they received a complaint from a tenant regarding an interior issue to that unit, they would go out and look at that complaint. But the program was set up for just biannual exterior inspections. They would only be inside a unit if they received a complaint about a defective heating unit or electrical issue or something of that nature. He asked if that answered Mr. Costello's questions.

Mr. Costello said that it answered his question.

Mrs. D'Antonio asked what he did now. If someone were to call now and ask for him to check out something, would he do it without this legislation?

Mr. Catalano said that they did do that to a certain extent now. If they got a complaint from a tenant, they will go out and look at the situation, try to assess what that situation would take to fix and make contact with the landlord to try to affect that repair. He said that they had to understand that that was just... They could not compel the landlord at this point. They just try to work with them to cooperate.

Mrs. D'Antonio said that a person renting a house or an apartment could let him into the apartment. They could choose to allow them in to look at something if they wanted.

Mr. Catalano said that was correct.

Mr. Costello said that it would have to be strictly voluntarily by the renter. Correct?

Mr. Catalano said that was correct. That has happened occasionally. Usually it was himself and a Fire Prevention officer will go out together and do an assessment of the situation. Then take the appropriate action.

They had to understand that they really did not have the authority to compel a landlord to affect a repair with what they presently had in their ordinances.

Mr. Rasor thought that the question that Mr. Costello had was as far as interior inspections went, part H Section 2 "A comprehensive inspection is a semiannual, interior and exterior inspection of the premises." There were interior inspections under this ordinance.

Mr. Catalano said that the trigger for comprehensive inspections were multiple violations within a specified period of time. If they had a property that was problematic, it could be subjected to comprehensive inspection clause in this legislation whereby they would

be doing semi-annual inspections on the unit until they felt that the problem was mitigated.

Mr. Razor said in Section B(h)(B) and (C) seemed to indicated only one violation whether it be that the landlord did not comply with just one violation triggering semi-annual inspections at a cost of \$550 over a 4 year period.

Mr. Catalano said "if any notice or order to comply has been issued" was he talking about subsection (B) there?

Mr. Razor said yes and (C).

Mr. Catalano said "...and such order has not been complied within the time set forth in the notice/order, the premises ... may be subject to semi-annual comprehensive inspections." The key word there was "may."

Mr. Razor said that that would leave that to someone's discretion.

Mr. Catalano said that was correct. He said that they had to understand that they were not trying to be punitive with this. They wanted to be able to have the inspector to have some discretion. They understood things happened. They did not want for this to be a hammer that they were dropping on people. That was not the intent here. On the other hand that they had a particularly complex or unit that was problematic, they wanted to be able to deal with that effectively. But the key word there was "may."

Mr. Razor wanted to clarify that this ordinance did authorize it while it did not require but did authorize interior inspections.

Mr. Catalano said under certain circumstances that was correct. That was why he mentioned technically speaking.

Mr. Riehl said that his voice has gone hoarse from talking to so many landlords and tenants over the past week about this issue. Surprising many of them did not even know that this problem even existed and they did not see the need for it and they were not really consulted on this issue. When drafting this legislation, how many landlords or tenants did the city consult to make sure that the city's, residents' and landlords' best interest was in mind?

Mr. Catalano said that when drafting this legislation, he did not consult with any landlords. He visited numerous cities that had this type of program personally and spoke with many administrators in cities that had this type of program and this was what they came up with. He did not interview landlords per se.

He will share with them this, over the past several days, he, too, has had many discussions with landlords. They all felt that this was a worthwhile program—the ones that he has spoken with. The fees and so forth were another manner. He did not want to get too far into this because he knew that they wanted to get... There was going to

be time for this, he knew that the chairman has set aside a separate date for public comment where they could really get into it.

Mr. Riehl said that the reason that he asked that question was that this affected the landlords and a \$40 fee may not sound like a lot of money to some people but they were talking about real money here. He was not in favor of charging everyone a \$40 fee. The reason that he asked about the conversation with landlords was he thought that it should be a collaborative effort. They could bring everyone into a room and say that they had a couple of trouble properties in the City of Stow and ask what they thought. What could the city do to upgrade those properties or put pressure on these landlords and not charge everyone a fee and subject them to an annual or bi-annual inspection?

Mr. Catalano understood.

Mrs. D'Antonio said that Mr. Riehl brought up an interesting point. It was not necessarily that she thought because it would be very difficult without having a public meeting to speak to all of the people that wished to be spoken to. She thought that that was the way to do it. She did not have a problem with that. However, she guessed that they needed to get back to this legislation and all of these pieces of legislation as to what it was they were trying to accomplish here. Should they be trying to maybe look at putting more teeth to some legislation that they already had? That was her only concern. She wanted to get back to the basics on this. Did they need this legislation? Could they use the legislation that they already had to add some teeth to it? She knew that there has been a problem sometimes obviously or they would not even be talking about this. The problem has been exterior. She has had to call a number of times but it was not necessarily rental units. In fact, she personally has had less problems with rentals than she has had with single family houses needing work. Much of that had to do with the economy too.

She thought that maybe at some point during these discussions they did have to get back to the basic of what specifically they were trying to accomplish with this. She thought that all of them have lost a little bit of what that was. It should be more than just to raise money. There were a number of things that they had to look at here. Maybe after they got through all of this, they could go back to square one at some point and at least discuss a, b and c to see what they were looking for to accomplish with this legislation. She would appreciate that.

Mr. Pribonic said that they will do that. One thing that he wanted to add and agree with Mrs. D'Antonio totally, when they looked at this as far as rental property or residential property that was why he was kind of torn because he agreed with her. They had to have the same teeth involved if they were a neighbor to another resident and it was not correct also. They had to be more than fair to where they were not pointing out just rental property and he felt that that was very, very important. She was right, it was getting back down to the nitty gritty of why they needed this and how they were actually going to go ahead and enforce it if it would become such and not just with rental property but as the city as a whole whether it was rental or residential and whether they wanted to go ahead and address those issues.

Mr. Catalano proceeded with his presentation of registration of vacant industrial and commercial buildings. He said that over the last couple of weeks, he has had the opportunity to improve his power point skills and what they had here was a little slightly different than what he handed out at last meeting. He refined it a little bit. He will try to make this as brief as possible.

This was an interesting ordinance. As they were researching property maintenance in different communities, the City of Canton building official presented this to him. In working with our Fire Prevention office, they dealt with this kind of thing all the time. He will get into that as he got into this power point.

They might recognize these 2 buildings. The one on the top was the old Meyer's Appliance building on Kent Road. It was in a fairly serious state of disrepair. The foundation was collapsing there on the west side. The building on the bottom right, of course, was the Stow Kent Shopping Center.

They knew that vacant commercial/industrial buildings were increasing in number due to the recession and re-development. The problem that they had in the Building Department and Fire Prevention office was that they did not have a comprehensive inspection program that included property maintenance to monitor the buildings or the tenant spaces between periods of occupancy.

Their Fire Prevention office conducted safety inspections on primarily occupied buildings for compliance with the Ohio Fire Code. Often in the course of their activities throughout the city, they found a space that they thought was vacant that has been occupied without application for occupancy through the Building Department. The problem that they had with that was that occasionally that occupancy was not compatible with the building or space that it was located in.

On Commerce Drive, for example, this past holiday season, they found a warehouse that they believed was empty being stocked with combustible materials to a capacity that the building was not designed to hold. In other words, the fire suppression system in that building was not capable of dealing with the commodity that was being stored in there.

On Kent Road they knew that there was vehicle storage in a vacant building over there and they knew the building was not designed for that. The fire suppression system in that building was not designed for vehicles to be stored inside.

Then on Graham Road, they have had an on again, off again issue with a building there that was now being utilized as a party rental center without having made application for a change of occupancy.

This was an ongoing problem that they had. There was just a disconnect between periods of occupancy on vacant buildings. If they really needed to bring full circle and connect the two issues.

Mr. Pribonic asked if a building was empty for a period of time, what criteria did they have in place—fire suppression system or whatever—did they know that that was operable? How did they know these things?

Mr. Catalano said in the fire code, the fire code stated that fire suppression had to be operable at all times. If a building went vacant, the owner could make application to have that system disconnected or shut down for a period of time. It was a complicated process.

He could tell them right now that in the old Stambaugh's space, the fire suppression system that was in there has been active now for about 20 years and that building has been vacant, primarily because occasionally their Fire Prevention office found commodity and material stored in there that really should not be there. What they needed was just a comprehensive mechanism whereby they were out there doing annual safety inspections on these spaces—property maintenance inspections.

The interesting thing about this ordinance was that he thought as he was thinking about it that they might be able to take this a step further and involve the Planning Department. The Building Department was in a unique position whereby they could inventory those spaces for building height area; develop floor plans, information that would be valuable to a design professional, for example, or real estate persons that might be interested in those spaces. They could inventory that building for a fire suppression system or fire alarm systems.

Mr. Pribonic asked how they did that currently. Who did that for a commercial building? Did they have any safety measures in place? Or as Mr. Catalano stated that there might be a warehouse full of combustibles, how did they trip across that and how did they find out?

Mr. Catalano said that they just happened on it. In their activities in and about the city, their Fire Prevention office occasionally came across that kind of thing. It was happenstance. They did not have a systematic inspection process whereby they were getting into these spaces and seeing what they were being used for during the period of vacancy.

The purpose here was to monitor the business activity and close the records gap between periods of occupancy so that they would know or at least getting into that space periodically and finding out what the condition of the building was, if the systems were being properly maintained, if there were any safety hazards that needed to be addressed, etc.

Finally, to establish and maintain a comprehensive data base of information that would be useful to the Planning Department and safety forces that he alluded to a minute ago.

Mr. Pribonic said that right now they could actually have buildings—he was using this as an example—Stow Kent Plaza or another that was empty, they did not have fire suppression in the active? Was that possible?

Mr. Catalano said that was correct if they made an application with the Fire Department to have those systems shut down.

Mr. Pribonic said what if they were not. How did they know?

Mr. Catalano said that they did not. That was the problem. They did not know when the building went vacant. He thought that this would be a very useful tool for the Building Department, Fire Prevention and Planning Department.

The program benefits. The Planning Department put this together for him.

Mr. Weddle said that the primary purpose of what the legislation was trying to accomplish was to maintain the safety of the buildings, maintain the property values of the surrounding property owners as well. However, when they looked at the implementation of this ordinance or the development of this chapter in their codified ordinances, a secondary benefit came to mind in that it also provided an opportunity to get both the number of vacant properties that were currently available in the city and also to quantify some of the essential information related to the vacant properties.

Just last week, he got a lead from Summit County. An outside source was looking for between 40,000 and 60,000 square feet of space. He searched his database and he came up with 4 buildings that met their criteria. He had a wonderful callback from the County and told him that he was on the short list. He went out and looked at the 2 properties that were on the short list—one has been occupied and the other they did not have the information that it was a multi-tenant building. It demonstrated a failure in their inventory.

Much of what they saw on the screen related to the Planning Department more specifically his ability to help lease some of the vacant property in the City of Stow. They could read some of the items that they put up there. However, he thought that the most important one to look at, at least in taking advantage of this opportunity was that it also increases the effectiveness of the city's economic development efforts by collaborating with the Building, Engineering and Fire Departments.

If they were given an opportunity to inspect a building, specifically the interior of the building, they would get essential information that they would need to maintain on file when they got another one of these leads from either the county or the State of Ohio from someone outside of the community looking for space. Even the inventory that they had that was currently vacant, they lacked substantial information on the available properties and they needed pictures of those as well, which was going to be a requirement to submit properties for the state's consideration.

He supported this section of Chapter 1361 and he would be happy to answer any questions that they might have as it related to this particular slide or if there was anything that he could help Mr. Catalano on this.

Mrs. D'Antonio said that all of these empty buildings as well as those that were filled would be subject to a yearly inspection.

Mr. Weddle said that he would have to go back to reread this.

Mr. Catalano said that vacant buildings would be subject to an annual inspection.

Mrs. D'Antonio was assuming that many cases these buildings were vacant because they could no longer maintain them for whatever reason.

Mr. Weddle said that a company had gone out of business.

Mrs. D'Antonio said that they had gone out of business and most of those then were still owned by the original owners.

Mr. Weddle said that it was hard to say. They knew that some vacant properties have transferred ownership over a period of years. What was in the buildings and the specifics of the buildings—what type of electrical, ceiling heights, did they have cranes, overhead doors, etc. Much of this information was critical information in helping them to move the buildings either for lease or for sale.

Mrs. D'Antonio said that this was something that also might be helpful to the person, she assumed, to sell this building. If they ended up doing something like this in the commercial area, they needed to be giving them something that prominently showed that it had been inspected at such and such a time and everything has passed inspection. She would think that that might make it easier to have to sell a commercial building.

Mr. Catalano felt that that would be a huge benefit to the property owner as well knowing that they could market that property with that—that it had passed city inspection. The systems were in good working order.

Mrs. D'Antonio said especially with a vacant building.

Mr. Catalano said that they were properly maintained. This was what this building was about. This was how it was used. This was how it could be used. It was a big deal. Most of the vacant building ordinances that he looked at did not deal with this particular issue but he thought that this would be a huge benefit for their community to develop a comprehensive database of their vacant building inventory and really get into what that building could possibly be used for and that type of thing.

Mr. Weddle said to piggyback on top of that. More often than not, the properties were listed with a real estate agent. Many times the city would get the first call or there might hear through back channels that someone was looking for space. They then had at their finger tips information that could be forwarded on to a prospective buyer or lessee. That was very, very important and relevant information for the Planning Department to have at their finger tips.

Mr. Razor said that he was hearing a lot of good things about the benefits of gathering information, preventing spontaneous explosions and all that but no one has really mentioned \$150 per year to someone who was already down in their luck who has lost a

tenant and after 30 days—30 days was a very short time to try to get a new tenant. All of a sudden the city would come by with a bill, he found that very unfair. There were great benefits to this, especially as Mr. Weddle was saying as far as marketing when he got that call. But was there a way they could do this without the fees? It was a tax really.

Mr. Catalano said that they established that number based on what they thought it would take to send their personnel out there to do a comprehensive inspection of the space, administer this program within the city. They had clerical staff that was going to work. This will all be tied to their GIS system. This stuff should be web based and accessible to people out there doing searches on the internet looking for space in the City of Stow. It was a big deal and they felt that the number they put on there accurately reflected what it would take for them to go into a space such as the Stow Kent Plaza and do a comprehensive inventory of those buildings with the staff that would be necessary to gather that information.

Mr. Razor said that the legislation talked about a \$17,000 revenue benefit to the city. They were talking about some money—some profit.

Mr. Catalano said if they thought about they had what they knew of approximately 110 vacant commercial/industrial units citywide. That was the Planning Department's most recent records. For them to go out and inventory 110 properties would take a lot of resources.

Mr. Razor asked if that was how many vacant properties they had.

Mr. Catalano said that the amount that they knew of.

Mr. Pribonic asked if there was any input from the Fire Department, through Chief Kalbaugh.

Mr. Catalano said yes. He talked to the Chief about a week and a half ago about this. His only concern was the time and resources that his department would need to devote to this to make this work. But he explained to the Chief that he did not expect them to do this in a week or 7 days or 6 months. He thought that if they were proactive about this, they knew that they were going to see an economic turnaround at some point. He thought that it would be hugely beneficial for this city to have a comprehensive database of available properties for their Economic Development Coordinator to have at his disposal.

Mr. Pribonic thought that one of the biggest things about that besides that no matter what was the safety of these buildings. If the Fire Chief did not know what was being stored in these buildings, did not know whether there was a fire suppression system going on in these buildings; he felt shame on the city because they were putting people's lives at risk not only just the citizens but also the firefighters. They did not know what they were dealing with.

He knew that this was the beginning of their talks on this but he thought that they were looking at something to where they did not know what was in those buildings. He thought that that was very ignorant of the city. He wanted to go and protect maybe a neighboring business that might be burned down because of lack of knowledge of what was in the business to them or the vacant building.

Mr. Catalano wanted them to understand that their Fire Prevention office did a fabulous job. They really were stretched in their capacity to deal with this kind of thing. They did do a great job. He thought that they could piggyback on to their efforts and really make this a comprehensive interdepartmental program that really would have some benefits for the city. The primary goal, first and foremost, was safety and maintenance and then to establish this inventory of buildings for the city.

They might recognize that photograph. It was taken a couple of weeks ago. That was the old Carter facility on Graham Road. That building to the far right there that shed was actually sinking into the wetlands. The roof was coming off of it. This was a problem that needed to be addressed.

Mr. Pribonic agreed with him. Their Fire Department, there was no one that stood close to them as far as their performance and everything else. He was looking for their safety also. As he said he thought that it was very important for them to know what was in these buildings at all times.

Mr. Catalano said that they needed to know what was going on in and around their vacant buildings. He thought that they needed to get into them at least once a year.

Mr. Pribonic said that vacant buildings did invite outsiders. It could also go ahead and bring down values of nearby properties if things started going along that line. He was looking at the safety aspect. Again it was just one of those types of things. He agreed with Mr. Catalano but he thought that they had a lot further conversation to go on.

Mrs. D'Antonio did not have a problem with the \$150 because she thought—as far as vacant buildings went. She did understand what Mr. Weddle was saying. She went through this whole same thing. It was a lot of money if one was down and out because they could not sell the building. However, they needed to be able to pay the people that were going to do this. She did not have a problem with \$150. She did agree with Mr. Razor about the 30 days. She thought that the 30 days... The places that they seem to have the most problems with were ones that have been vacant for a longer period of time. She did not see why... It was not the money aspect as much to her. Give them a chance to take care of what they needed to take care of. Thirty days... She did not think most things were going to happen in 30 days in a building. If they were talking Stow Kent and places like that, they have been there for a long, long time. Those were the ones that she thought needed to be looked at.

Mr. Razor said that Mr. Riehl talked to a bunch of commercial real estate people or commercial property owners this week. Did they have any idea how long it might take?

Mr. Riehl said that that was one of the reasons why he asked if they had gotten any input into the actual landlords of these buildings. He talked to about 10-15 real estate agents on the commercial side as well as property owners, plaza owners, etc. It took them an average of a year to 18 months from the time that someone left until the time that a new tenant entered. Wasn't that unfair to them to give them a benchmark of 30 days which was really a short period of time compared to the average. If they did not fill this in 30 days, bam \$150.

Mr. Hickin said one of the questions that he had when Mr. Weddle mentioned that he went to visit a building and it was occupied but they did not get a permit for occupancy. Wasn't that breaking the law for Stow? Didn't they have some enforcement there?

Mr. Weddle said if that were in fact the situation, then he would be correct. That would have been breaking the law. He did not go back to check the occupancy permits. What that particular instance reflected was their lack of maintaining the inventory. He doubted very seriously if the 2 businesses that were in the first building that was supposedly unoccupied. There was one property that changed hands under his predecessor and it was still on their inventory. That was the issue. In the second building that he visited was well occupied, cars and employees were running all over the place. It was still showing up as vacant on their inventory. They just missed the paperwork there.

Mr. Hickin said for having a resource for the city having the buildings would be great but he believed most business owners, property owners, could fill out a sheet and turn it in at no cost. They knew exactly what they had. If the Fire Department _____, he knew in his business, the Fire Department came by annually to inspect and they did that he was sure with businesses in Stow also. He did not know whether they needed to have another city employee to go in and make sure what was in there when the Fire Department has already been there.

Mr. Catalano said what the Fire Department did was primarily a safety inspection. They were looking at what commodities were stored in there, if the building systems were properly maintained and those kinds of things. Property maintenance was a different issue. They were looking at the overall building exteriors, sidewalks, roofing, all those kinds of things. They were 2 separate issues. When the Fire Department stopped by his business, they wanted to make sure that he did not have combustible materials stored in this closet that could potentially cause a fire or cause a problem for an adjacent property. The safety issue and the maintenance issue were 2 separate things. They were thinking that they could consolidate their efforts and make this a comprehensive inspection process on vacant structures and in addition to that develop this comprehensive database and inventory that would be a useful tool for their Planning Department for perspective buyers or tenants. He thought that this was a win/win all the way around. They put a number out there that they thought was reasonable that they could operate this type of a program in the city.

Mr. Weddle wanted to speak regarding the timing issue. As Mr. Riehl had pointed out, he believed that 18 months might even be on the optimistic side of turning some of the properties that they have seen in the City of Stow. He certainly believed the real estate professionals assessment that it would take 12-18 months to reoccupy the building

either through sale or lease. However, the sooner that they could get the information on the building, the sooner they could assist in helping to market that building as well. Thirty days from that perspective just from the registration if not from the inspection point of view did definitely play to the Economic Development Coordinator's hand as far as helping to reoccupy the building. The cost of the inspection was something that will be highly debated he was sure in the weeks to come.

He said that Mr. Hickin's comment of having a form filled out and submitted back to them, if they knew that the property was vacant and they could get the information sheet in their hands, he would be plenty happy to follow that process. However, they could not get around the safety issue which was really what Mr. Catalano was looking at. That actually played to the long term vacancy gap as Mr. Catalano has referred to it before.

Mr. Catalano wanted to expand on one thing that he said too. When it came to building occupancy, building construction type from combustible to noncombustible there were all kinds of issues involved there. Certain businesses fit better in certain types of buildings. The Building Department had the expertise and document what those buildings were about—whether it was Type 2 construction, Type 3, Type 5, protected, unprotected, etc. They knew all that stuff. That was highly valuable information design professionals out there that may be thinking of a perspective suitor for that space. If the fire suppression system was not capable of supporting the commodity that they intended to store in there, they needed to know that up front. That saved a lot of aggravation down the line. They just recently had a situation out at Twin Sisters where they took over another area of warehouse in that building. The sprinkler density would not accommodate the type of storage they had in there. They finally came to a resolution to that problem and they were able to move forward. This kind of information was invaluable to persons that were thinking about moving in to a vacant space. They thought that it had a lot of merit for the city.

(He continued on with his presentation.) The last part of the presentation was the ICC Property Maintenance Code. It was this document right here (he showed the book). He will take this up to Council's office tomorrow so that they could all have a chance to look through it. It was not very complicated. It dealt with standards—property maintenance of heating equipment, electrical equipment, life safety issues, exterior issues, sidewalk—maintenance of sidewalks—etc. What was unique about this book was that in 2006 the state adopted—finally after a long fought battle with the Homebuilders Assoc.—a uniform statewide residential building code.

When they were looking at property maintenance at different communities in and around our region, most of them were moving to this document because this was developed by the international code council who were Ohio residential code and Ohio building codes were modeled after their national model codes. This document was compatible with the Ohio Building Code and Residential Code of Ohio. Most communities—Akron, Canton, etc.—they were all dropping their homegrown, home developed property maintenance codes and moving to this document for compatibility. The nice thing about this also was that the ICC offered a certification program for

property maintenance inspectors, which he thought was a worthwhile program for them to be involved in as well.

The last page was his summary and this concluded his presentation.

Mr. Riehl said that one fee that he did not see on the slide but he did see in the legislation, what was the change of occupancy fee?

Mr. Catalano said that presently that was a fee change—actually an added fee. What happened the way their system worked was when, for example, Dr. Smith moved out of this building across the street and Dr. Baker moved in there. They would come into the Building Department and make application for occupancy. What happened then was he or a member of his staff and the Fire Prevention Officer would go out and conduct a safety inspection on that space. They made sure that all the life safety issues were current and in good repair—exit emergency lighting, door hardware, fire extinguishers, all those types of issues. They have been doing that for a long time and it took city resources to do that. They did not charge a fee for that. They had a change of occupancy fee through the Zoning Department but they did not have one through the Building Department. That was added in there to cover the cost that they have been incurring for years of inspectors going out when they had a change to look at the building systems and upgrade those systems as needed.

Mr. Riehl asked who paid those costs. Tenants? Landlords?

Mr. Catalano asked what costs.

Mr. Riehl said change of occupancy fee.

Mr. Catalano said that the tenant would come in and make application for occupancy in the space.

Mr. Riehl said up to this point, they have been charging no fees.

Mr. Catalano said that was correct.

Mr. Riehl said just to be clear this was an additional \$250 fee.

Mr. Catalano said that was correct. He wanted to clarify one thing. They did charge a zoning fee for that. He thought that the zoning fee was \$50.

Mr. Hickin asked if that was like an occupancy permit.

Mr. Catalano said that this covered the cost of the safety inspection that they did when they had a new business move in on in an existing space.

Mr. Riehl wanted to go back to page 5 of his presentation which dealt with residential rental properties. It talked about dealing with bulky trash, high weeds, litter, illegal outside storage, noise, graffiti, open and vacant structures, and junk motor vehicle

storage. He has been on Council for 2 years and he has almost gotten a call on every single one of those issues. Through the Zoning Department, every single one of those issues have been resolved to the satisfaction of the property owner, complainant and the City of Stow. Why did they implement a whole program then for...

Mr. Catalano said that they were talking about a _____ segment which was rental property, per se, and the thought was to include Planning in those inspection processes. Those were issues that they would deal with.

Mr. Riehl said that it was complaint only now and it was effective in many cases.

Mr. Catalano said right but this would be a regular inspection process. Right now, it was complaint driven but on rental property, they would be doing this biannually or on a complaint.

Mr. Riehl said that it was complaint issued already. In many cases, these were being solved. If it was complaint only, weren't they punishing, again, the bad apples and not subjecting everybody to this fees and inspections.

Mr. Catalano did not understand what he was saying.

Mr. Riehl said that if they...

Mr. Catalano said that Planning Department and Zoning Department did high weeds on detached single family.

Mr. Riehl said what he was saying was in his eyes the point of this was that they should punish the bad apples. He agreed that there were bad properties out there and they should go after those properties. They should not make everyone pay the fee to go after that. If it was already working on complaint only and they were going after the bad apples, why were they charging everyone a fee?

Mr. Catalano said that it was not just that that was involved in this program. There was a lot more to it than high weeds per se. They were going to be developing a data base of who owned the properties, of who was doing rental property business in this city. There was a lot more to it than just that.

Mr. Riehl asked if he had a sample budget of where the money would be going.

Mr. Catalano did not. They have not gotten that far yet in this process but he was sure that they will develop one at some point.

Mr. Riehl felt that it was pretty important because they levy the fee, they saw that \$172,000 coming in on the residential but there was no plan—at least in writing—as to how they were going to spend it.

Mr. Catalano understood that.

Mr. Riehl said that they had many concerned people here for those reasons.

Mr. Catalano completely understood that.

Mrs. D'Antonio said that this got her back to where they started. They should really be looking to putting more teeth to what they already had. She disagreed with Mr. Riehl on one thing, she has had the same problems. She has had a lot of those for someone who was at-large probably because she has lived here for a long time; she got a lot of those calls too. Sometimes, they could be taken care of and sometimes they could not. That was what they needed to be looking for to see how they could take care of the ones that they were not able to take care of now. At the end of the year they did some legislation or they looked at—she thought that Mr. Alexander had some legislation on blighting---maybe if that was where they were trying to get maybe that was more the type of thing that they should be looking at. She would like to see that type of legislation at least tightened to the point that if someone did call her and had a problem, she could actually do something about that problem because as Mr. Riehl said that sometimes it worked really well. They have changed... How many pieces of legislation have they actually changed so that they could do...? The noise problems that Mr. Riehl had... Well they had a piece of legislation in the beginning that addressed noise but it only addressed it to a certain point. They had to go back and look at it and make it a little bit stronger. Maybe that was what they needed to do here.

Mr. Pribonic agreed with Mrs. D'Antonio almost 100 percent. He did not think that this should just be... Again he went back to being on a soap box; he did not think that it should just be rental property. One thing that they have addressed, they went back on this, on blighted properties, whether it was residential or commercial. Also too and they ran into a stone wall was foreclosed properties. That was a big problem whether it was in the City of Stow, City of Cuyahoga Falls or whatever. They did not know who these people were. That was big. Let's say that it has reached the pinnacle that he hoped it had but these were scattered throughout their whole city. This was all a part of Mr. Alexander's point of blight—what was blight?

Mr. Catalano thought that rental properties were a good place to start with property maintenance. Just by the nature of that business, those properties took a lot more abuse than the single family dwelling out there—the privately owned properties. Most of the rental property owners that he spoke with saw the need. Let's face it. They knew that they had really good property owners—rental property managers and owners. Then they had some that were not so good. It was an issue that needed to be addressed.

They thought that if they put a program together that it should be equitable across the board. If they were involved in a rental property business in the City of Stow, there was a price involved in that. For that though, they were going to get a property maintenance inspector out there a couple times a year looking at the property, making sure that it was properly taken care of. Then they had the tools if they got a complaint to deal with that effectively and quickly so that the tenants were not forced to living conditions that would not be the most agreeable.

Mrs. D'Antonio said that she talked to one gentleman and she thought that this was interesting. He lived in Stow and worked in Euclid. Euclid did a drive by. That was how their inspectors... The only people who were actually paying were the people who did have a problem and who did need to fix something. Yet they were making good use of their inspectors in that they were actually driving by the places and they saw that the stairs were falling in and again she was talking about outside at this point any way. Then the inspector could address that problem with that person. It was just a thought. She just talked to a lot of different people and people had some very, very good ideas she thought of how to...

Mr. Catalano said the one thing that they had to keep in mind was most communities out there had very active property maintenance programs. They had departments devoted specifically to that purpose. It was citywide. It included the detached single family privately owned properties, commercial, etc. Stow did not have that. Stow has never had that. They had a very generic property maintenance code now in 1185 but it was not very comprehensive and it was relatively weak. This was really where they needed to go eventually citywide he would think. Property maintenance was a natural evolution of maintaining the city once things started to become built out. They had a little ways to go with that. This was something now that he thought that the time was right to start this kind of a program before property values started coming down and it started affecting the city negatively from a financial impact standpoint.

Ms. Drew said that as a city organization they have spent so much time talking about how they needed to have more collaboration between departments; they needed to have more cross training; they needed to be thinking outside of the particular area that each individual employee worked in. She wanted to say that whatever the final outcome of this legislation, she was so thankful that Mr. Catalano, Mr. Weddle, Mr. Kurtz, Chief Kalbaugh and a number of different departments have done exactly that. She thought that that was one thing that they needed not to lose sight of was that whatever they decided yes or no about this legislation this was a good example of the city functioning as an organization that was flexible and took a look at problems in a way that was holistic and not very specific to a department. She thanked them and thought that they needed to commend all of them for that.

She would say of the calls and visits and emails that she has had, she has had people who felt very strongly one way or another. She had a gentleman tell her today that this was the best idea that the City of Stow has had in 20 years and if they did not pass this, they were a bunch of idiots. She has also had people tell her that this was the worst idea that the City of Stow has had and that if they passed it, they were a bunch of idiots. She thought that they were on to something because clearly people felt very strongly and they saw that this was something that affected their community one way or another. She thought that in her experience starting her fifth year on Council whenever they had an issue that really elicited strong emotions in people on both sides of the fence then they have hit on a problem that was nagging in their community and needed to be solved in a good way.

For Mr. Weddle and the Economic Development Department, she thought that there were a lot of practical applications for the commercial side of this. Again, whatever they

decided with the timing and the structure of the fees and that sort of thing was a different issue but she knew just in her work with Mr. Weddle that he did find himself often times at a loss when they did not have the information at their hands when they had a company who was interested in coming to Stow and they said that they were ready to move and gave their specifications that they needed for their building and Mr. Weddle had to scramble a little bit to make sure that they had that. The practical applications for him, she thought, were outstanding.

When it came to the residential side, she thought that the point that she would like them to all think about—not necessarily make a decision about—was that they did have a number of groups of people that she had talked to and she was sure that they all have talked to who needed to be kept in mind. One of them were tenants because there were unfortunately a very small number of tenants who were trapped in a bad situation who maybe did not have the financial or wherewithal to speak up for themselves the way that they hoped they all would and she thought that it was important to make sure that there were mechanisms in place whether through this legislation or another means to make sure that their interests were protected because all of them could find themselves in those situations.

Certainly the other was landlords who did keep their properties up well, which she knew was the majority of landlords. They certainly did not want to unduly burden them in ways that they did not need to.

Those of them in this room who were homeowners, they knew that their biggest single investment was their homes. In the neighborhood that she lived in and probably the neighborhoods that all of us lived in with people increasingly leaving their homes and renting them out, that was a big concern of her neighbors that if down the block, this house became a rental because the family that owned it moved out and were unable to sell it and that property was not kept up in the same manner because they now did not live there and they have rented it out, what was going to happen to their house? She knew that that has been a concern that they have all heard from homeowners.

She knew that in Mr. Pribonic's neighborhood, there was a situation with a home that really deteriorated because of that and it did affect the property values in his neighborhood. She thought that it was important that they not get too far away from remembering that they were here to represent all of those different groups and that when they were taking a look at this legislation, they needed to think about all of those different people that they were representing and not get stuck on one position or another because they needed to take and juggle all those different priorities.

Mr. Razor said maybe it was because he was new but he was not comfortable with some of the sentiment in this room that more government control and more inspections were a good thing. He guessed that they could call him cynical but he just felt that the reasons given for this residential part of what they have heard seemed pretextual. Why, they heard Mr. Riehl stated, that many of the problems were getting fixed, maybe not all of them but it was not really government's role to fix every single problem that happened in one's life.

He read in the newspaper that to find out who these people were—who the landlords were—they had property records, they could have a FREE registration program on the internet. They could do all kinds of things without charging money. This really concerned him.

He was happy to hear Ms. Drew talk about concerns for tenants. He knew many tenants in Stow; many of them were his classmates. They were not happy about it because that \$40 was getting passed right down to them. This was troubling for landlords, tenants and for him. He did not see the upside to the residential part of this.

Mrs. D'Antonio also talked to a few tenants and surprisingly there were a couple who said that if it was another \$3.50 a month for them; it was a safeguard. They would like it. They were going to get both sides on that.

She personally was looking around what she was seeing was that she saw more problems in single family homes in the city that she has seen—again this was all on the outside, she was not inside these places so she did not know—more problems there than she had with the rental units. She lived in an older section of the city so she was not in a new area. She was off of Fishcreek. She watched the ones up there. She was not saying that there were not rental properties that probably needed to be looked at but for the most part she was not seeing those as the biggest problem. She actually did not pay that much attention until this legislation came up then she kind of probed around to see what was actually out there.

What was interesting too was to find a number of people who had rental properties and lived in Stow and were not living in their rental properties. There were quite a few. It was not like they were saying as they looked at money that they were getting money from a lot of people from out of town because that was not necessarily the case either. It was a lot of people that were already paying taxes here.

She thought that they needed to go back to square one and look at some other things. She did not feel the same way about the commercial she could tell them that. She thought that there were things that were needed because she has had to live with Stow Kent for the last ____ years. She had different feelings about that. She thought that there were things that they could do to make everyone's life better but it might not necessarily be within these pieces of legislation. She thought that they needed to go back and look at what they were trying to accomplish and come up with the best way to do it. They did need to put some teeth in some way—whether it was with this or with what they already had and just making it better—because too many times she has had too many people that said that they couldn't do... When she went to someone's house and said that this needed to be fixed but it could not be because they did not have anything in the code to take care of it.

Those were they types of things that she felt that they needed to look at but some of this other was probably over kill. Actually when she saw it in the paper in Barberton she thought that that might not be a bad idea in Stow. That was her initial thought. But as they really got into this... Stow's problems and Barberton's problems were not the same anyway.

Mayor Fritschel said that she has been on Council since 1988. She had many complaints over the years about rental properties—duplexes and some other rental properties over the years—more so than residential properties although she has gotten complaints about both. When she talked to some different people about doing this, the purpose was to make sure that the properties were safe and also to make sure that the tenants also had a safe place to live. Some of the tenants over the years have said to her that they were afraid to talk to their landlords or their landlords will not do anything or they were afraid to talk to them. These were not all landlords; this was some. Some have had to go to court because of the problems that they have had and they wound up in court because the city did not have the right type of legislation to do anything about some of these problems.

She has talked—as Mr. Riehl had—to a number of landlords and asked them if they thought that something like this was needed and most of them said yes. They did but what they did not like was the cost. They thought that yes they needed some kind of legislation. She did not think that it was a bad idea for the city to have something that regulated because rental property was a business. They needed some kind of dealing with that business whereas residential homes were not a business obviously that was where people lived. The landlords that she talked with, a number of them already had to pay these in other cities. They said to look at some of the sliding scale type of payments because they thought that that was a lot fairer than charging everyone \$40 a unit especially for some of the larger ones. She knew that Akron charged on a sliding scale and it was not unreasonable but yet they still did a lot of looking—again it was the outside that they were looking at. Inside was only if there was a major problem as Mr. Catalano stated. People will not be going into apartment buildings and they were not going to go inside duplexes only if they got a complaint and it had to be something pretty major for them to be looking at that.

Some people also brought up foreclosures. She has had 2 on her street and that has been a problem too. One has been boarded up and finally someone bought the property but again how did they deal with that because the neighbors around that foreclosure property were concerned about their property values. The neighbors around some duplexes and some apartment buildings were worried about their property values. That was what this was really intended to. It was not trying to hurt landlords. It was not trying to hurt tenants.

Actually she did ask about passing on this amount of money and the answer was that it would depend on what the city would charge whether they would pass it on to their renters or not because they did not really necessarily wanted to get rid of their renters, not necessarily would they do that at least the ones that she talked to. Not all of them agreed. She found on this that there were so many varied viewpoints so there was much to look at.

When they talked about government control, no they did not want government in everything but they needed some government to protect those who could not protect themselves and sometimes the tenants have not been able to do that especially the ones that they had to go to court with. If someone had a very good apartment building and they had a fair cost of making sure that it stayed that way and they kept their

property values high, then to her it was not interference. It was if it was too high and if it was also getting into people's apartments, that type of thing was truly government interference but that was not what this was or was designed to be. This was to try to maintain their housing stock because Stow was getting older.

If they looked at some of the older cities and she has talked to some of the people in Barberton and Akron, they wished that they had started this earlier at an earlier stage because sometimes by the time they did something like this, the housing stock has deteriorated and they did not want that to happen. They were trying to keep it so that Stow was the place to grow; Stow was the place to be where people wanted to be. They were not trying to penalize people. They were trying to keep what they had to look good and right now 20 percent of their housing was in rentals. That was a high number for a community their size.

She just wanted to say that there were many points of view on this and that at the public hearing which Mr. Pribonic was going to have, they will be glad to listen to everyone's points of view. Mr. Riehl asked why they did not ask the landlords first. Well, she always found it easier to have something out there to look at and then criticize it rather than trying to get everybody who had all different points of view to put something together. They needed something in place first and then have people comment on what was good, what was bad, what should be kept and what should not. This has been in a number of other cities they looked at—she did not know how many cities they looked at but quite a few—to get ideas on what was fair and what was not fair. Maybe they did not have to go to this extent but maybe they did. As she said, she was surprised by Barberton and Akron both saying that they wished that they had done this sooner.

Mr. Lowdermilk called a point of order. (He made a statement that was not picked up on the tape.)

Brian Lowdermilk
2536 Samira Road

Mr. Lowdermilk wanted to bring up a point of order—Section 123.14 of the Administrative Code—Remonstrance Period. There were other things on the agenda tonight and at previous meetings they allowed the people to speak. People have come out here this evening. They have taken the time to listen to just about everyone here talk. He thought that it was only fair that the Chairman allowed the people that have taken the time to come out here this evening an opportunity to speak this evening since they made the trip.

Mr. Pribonic said that at the last meeting that they had, it was made clear that there would be a public hearing and at that point and time... In order to be fair, people that did not come this evening, it would not be fair to them because it was already explained how it was going to work—through a public hearing.

Mr. Lowdermilk asked if there was a date set now for the next public hearing.

Mr. Pribonic said that he will set that on Thursday evening.

Mr. Lowdermilk asked if that will be advertised as regular.

Mr. Pribonic said that was correct.

Mr. Riehl wanted to piggy back on collaboration. He thought that it would have been wiser to actually go to the landlords first to see what they thought of it before they put it into legislation. Who knew more about the business? The landlord and tenant or government? In that case, he believed that it was the landlord/tenant, the person operating the business. He thought that it was nice that they did collaborate among the cities. He applauded them for that. But he would appreciate it if they took the time to actually reach out to some of these groups—whether it was tenants, landlords, etc.—to help reach a solution on this.

Mr. Catalano said that he could not agree with him more. He wanted to add a couple of things to the Mayor's comments. The City of Akron had a sliding scale. They had 35,000 rental units in that city. At any given time, 10 percent of those were in some sort of enforcement action. Another issue here relative to funding in terms of entitlement cities and the City of Akron and the City of Canton, those were entitlement cities. They got HUD monies and so forth in grants. Stow did not have that here. He thought that they should do these programs even if they did not charge a dime for them. But they could not put a program out there... A city could not operate... Like a business, they could not operate at a deficit. If they put a program out there, they had to fund it.

The numbers he knew will be hotly debated but he honestly believed that—and he believed this for 10 years. He tried 10 years ago to get a rental property inspection program in place here. He believed that they really needed to be doing this now before their housing stock declined to a point where it started dragging down the private property values that were in and around those neighborhoods. Some people may not agree with that but he dealt with that type of thing quite often in his capacity in the Building Department. It was an important issue. He got calls from private property owners every day asking why they could not fix this, why did they have to live next door that? This was an issue that was important. In the long run, he knew that there was going to be a lot of angst about the numbers and about the taxes and those kinds of things but in the long run their city will be a lot better off with a comprehensive property maintenance program in place.

At some point, he would like to take it a step further and then get into the privately owned stuff. That was a whole other animal. It was tough when they had an elderly couple living in a home on a fixed income to tell them that their porch was in disrepair and they had to fix it. That was a tough thing to get into.

Rental property was a business—a for-profit business. There was nothing wrong with profit. He did not want them to misunderstand him but they had, as he said, really good rental property owners in this city that he knew that he was not going to have to have any issues with. Then they had those that he knew that they were going to have problems with.

Mr. Riehl said that they were talking about funding and they saw what they were going to be bringing in but it was almost the end of January and they did not even have a budget of where that money was going to go.

Mayor Fritschel said that the money was going to go to fund this program and it will go to fund some of the administrative costs and also the people who will do some of the inspections. That was where the money was going to go. It will not cover the whole program but it will cover a part of it.

Mr. Catalano said that they have a few internal discussions about that. Right now the money was earmarked in the legislation to stay in this program.

Mr. Riehl asked if they were hiring additional personnel for the program.

Mr. Catalano said no, not presently.

Mr. Riehl said that they were not hiring additional personnel but they were charging \$172,000. It was not making much sense to him.

Mr. Catalano said that at this point they did not feel that... They thought that they had the personnel to manage this program.

Mr. Pribonic thanked Mr. Catalano for his presentation this evening and for the collaborative efforts of the city. He invited the public to leave their name and address so that they could personally invite them to the public hearing meeting. The reason for a public hearing meeting was that they could see that they probably spent, which was great and fine, an hour and 15 minutes this evening learning about this. It was going to take that much more time or more to go ahead and actually have a public hearing to where everyone could be heard fairly and justly. There might be more than one public hearing. It might end up totally different than what this was. They were still in the infantile stages. But he was going to set that meeting Thursday evening. It was going to be on a night that there was not a Council meeting so that they could go ahead and fully take the time to go ahead and really discuss this issue.

As he said, whether they were a landlord, whether they were a tenant, whether they were a resident, they were talking about many peoples' lives and he wanted to make sure that they addressed all of these fairly and equally. That was why he wanted to have a separate night to where people did not feel rushed and they could address this. All the laws that came out were by the people. He thought that this was one excellent example to where this was where peoples' voices have to be heard and they had to make their decisions based upon that.

On Thursday evening, he will go ahead and assign a date to this. Right now they will hold it in committee the 3 pieces. He appreciated Mr. Catalano's presentation. As Mr. Catalano has seen, he has sparked a great deal of interest and many interesting feelings.

AMEND CODE – CHAPTER 1309 – BUILDING PERMITS & FEES – CHANGE OF OCCUPANCY PERMIT FEE

Mr. Pribonic held this item in committee.

AMEND CODE – SECTION 1135.05 – BOARD OF ZONING & BUILDING APPEALS

Mr. Pribonic held this item in committee.

ADOPTION OF STATE LAW UPDATES

Mr. Pribonic said that the attached legislation that they had in front of them adopted changes that have been made to state law over the last year. These were all the things that have come before state law that they had to go ahead and make sure that they were complying with under state law.

MOTION:

Mr. Pribonic move and Mr. Rasor seconded to assign a number to the sample legislation and recommend it be forwarded to Council.

Mr. Hickin said that he has never seen this before until today. He asked if the Law Director went through these and examined these to make sure that they fit with their...

Mr. Pribonic said that was correct. If he looked at the top of the legislation, this was requested by the Law Department. He asked Ms. Bryan if she would shed some light on this.

Ms. Bryan said that this was just to comply with the Ohio Constitution so that they had to comply with their laws. The city could not contradict. This was just to make sure that our ordinances were not in contradiction with the changes that the state has made over the last year.

Mrs. D'Antonio did not remember them having all of these codes in before but this was very nice to see what actually has changed. She thought that it was a very basic piece of legislation that they voted on before to replace things. This was nice.

Mr. Pribonic said that they had a motion before them.

Yes Votes: Pribonic, Drew, Hickin and Rasor

No Votes: None. The motion carried.

DISTRIBUTION OF PHONE BOOKS

Mr. Pribonic said that they will not make this a big one. They have already made this a big one for probably 2 months last year. He did not want anyone to wig out and say "Oh my gosh, here we go again."

If they looked in front of them, they had Ordinance 2009-120, this was regarding placement of phone books in or around their city. They were not controlling how many phone books.

What prompted this was that he did have a resident go ahead and call him. It really had no bearing upon this but the resident was handicapped and when the phone book was placed since they were not allowed to throw it now in culverts or whatever, it was thrown on their porch, which then blocked the door and it wedged the door shut.

What he wanted to do was to just amend Section 737.023(a) and add "not obstructing any entry or exit of the building."

Mrs. D'Antonio thought that this was a wonderful idea.

Mr. Pribonic said that they could not cover everything but he thought that it was one of those types of things that they had to make sure... It was unbelievable the amount of phone books that everyone received whether they had a landline or not. It was amazing. He was sure that they will be visiting the phone book issue again sometime.

MOTION:

Mr. Pribonic moved and Ms. Drew seconded to assign a number to the sample legislation and recommend it be forwarded to Council.

Ms. Drew said that she will support this because although she did not support the original legislation, it was on the books. She thought that if they were going to have that legislation, this certainly made sense especially with the example that Mr. Pribonic just gave them.

Yes Votes: Pribonic, Drew, Hickin and Rasor

No Votes: None. The motion carried.

ADJOURNMENT:

MOTION:

Ms. Drew moved and Mr. Pribonic seconded to adjourn.

Yes votes: Pribonic, Drew, Hickin and Rasor

No votes: None. The motion carried.

The meeting of Public Improvements adjourned at 7:42 p.m.

Helen Preebe
Deputy Clerk of Council

John Pribonic
Committee Chairman