

Building Committee Meeting
April 10, 2019 8:00 a.m.

Present: Chairman Schloss, Councilman Porter, Building Inspector Hocevar, Chief Rizzo, Mayor Koons, Building Department Secretary Kris Wilson

Schloss stated that he had been contacted by Hocevar about junk cars and trailers in the Village and requested a committee meeting. Hocevar advised there was an issue at a residence on Chillicothe Road with junk cars and garbage in the yard. Hocevar wanted to determine who was responsible for enforcing the junk cars/unlicensed vehicles. The Chief advised that the South Russell Police Department enforced the Junk Motor Vehicle Ordinance if the vehicle was unlicensed or could not be propelled on its own power. The Chief spoke last year to this resident about the box truck and other vehicles for which there had been complaints. The resident was given 30 days to correct the violations and did correct some of them. While there, the Chief noticed the box truck had expired license plates, which the resident then renewed. Additionally, the box truck was not permitted to be parked where it was. It was being used as a camper and was parked on a gravel addition to the driveway. He questioned whether this would be considered a hard surface. Hocevar said he would look into this. He also wanted to look through the backyard. He understood that the woman worked for the school, or her daughter did, which made a difference. Hocevar wanted to knock on the door and introduce himself and walk around the property.

Rizzo advised that there were other vehicles, including lawn mowers, tractors, etc. Deep in the woods were additional pick-up trucks and a jeep. At the time, the residents said they were being sold, and the vehicles were not visible from the street. The Chief would send a notice, giving the resident a window of time to allow them to address the issues that are visible. Previously, the resident corrected the violations that were visible.

Hocevar was concerned that he and the Chief were on the same page in case the issue went to court. He added the house was a disaster and wanted to make sure efforts were coordinated. He stated that a certified letter had been sent to a resident on E. Washington Street about junk in their front yard. Wilson said the letter had been sent in March, and that it took several weeks for the Building Department to get the cards back if the letters were not accepted. Hocevar added that people who know they are in violation will not accept a certified letter. The Chief suggested determining the timeframe involved in receiving the return notice, and added that if the letter were refused, that charges should be referred. If the letter did not appear to have been received, he suggested a personal delivery. Porter stated in his experience with certified letters, if the certified letter is not picked up, the postal worker would take it back and send him a notice that it was not picked up. At that point, the Clerk of Courts would note it on the docket. Then, a notice would be sent in regular mail. He agreed it could take a couple of weeks. Once this was done, the person is considered served when the notice sent in regular mail. He suggested using certified mail first, then regular mail, and then cite the individual and proceed with court proceedings. He said this would about one month. He also said there was personal service. It was important to document the process.

The Mayor said it was getting close to a month since the certified letter was sent. Wilson said with individuals who are sent certified mail of septic notices, the residents don't open the mail. Porter said the personal service option is most effective. Wilson asked who was responsible to do this. The Chief said if the certified letter did not work, the Police would be willing to do this. He did not want to get involved, however with the police department enforcing the septic system and zoning. He added that there is another layer of charges and prosecutor's fees. The prosecutor's fees come from the Police Department budget, and he stated that the Building Department needs to have a prosecutor line if more individuals will be pursued. The Chief explained that the zoning issues would be generated from the Building Department and the Building Department would be charging those as the complainant. Licensing issues would be cited separately by the Police. Porter said funds could be added to the Building Department budget for enforcement of zoning regulations, but in the meantime, Council could amend the appropriations to include a line item for this enforcement. He would check the budget.

Schloss stated that the home of Chris Wilbur, on East Washington Street was issued a certified letter. Wilson clarified that this was the only resident sent a certified letter. The others were pending review by the Solicitor. The Mayor asked what the procedures would be. Schloss explained this was what he was trying to establish. The Mayor stated he had the Street Department employees drive through the Village and 40 or more vehicles, campers, trailers, and busses were found sitting on properties. He wanted to make sure the process was in place. Hocevar stated the individuals violating ordinances would be pursued. He said the others fell into a grey area, and zoning might have to be adjusted. Wilson questioned whether residents could store campers if they were behind the front of the house. She asked the Mayor if all 42 vehicles he identified were in violation. The Mayor said some of them were. He added that there is a camper in Kensington Green, and he believed the people were living in it. The Mayor added that there was a car on Morningside Dr. in the front yard.

The Mayor said "Bucky" was there yesterday. Hocevar asked if he was doing anything, and the Mayor replied that he was not. He said he called Henry Mitchell, who would be sent a letter, and the Village needed to be ready. Hocevar said he was in violation with the cars. The Chief said this was because they were not moving. He explained that he beat the system because he purchased historic plates for the vehicles. Mitchell was in violation because he had not moved the vehicles which violated zoning. The Chief asked if this fell under zoning or under the Junk Motor Vehicle Ordinance. Hocevar said it was under Codified Ordinances under Nuisance.

The Mayor said there was also Chuck, who moved or probably just pushed the vehicle. Schloss added that the Chief said the vehicle runs. The Chief believed the vehicle was moving.

Porter said he believed Nuisance was criminal and would fall under the Police Department. Wilson asked if zoning permitted vehicles to be parked in the back yard. Hocevar said he thought the Village would have to adjust the Ordinances. He addressed the Chief and said the Codified Ordinance was 148002 under Maintenance. Schloss clarified that this was not criminal and would not be under the Chief's jurisdiction.

Schloss asked about the home with the two trailers on Maple Ridge Dr. and Bell Rd. Hocevar said this would have to be addressed by the Solicitor and Ordinances because the vehicle was in the side yard. The Chief asked about the issue with corner lots, and Hocevar stated the Solicitor provided an interpretation different than the Building Department originally thought.

Schloss asked if the Mayor had contact with the Leopold's and confirmed that they would not comply. The Mayor said that it was a trust and the Leopold woman died. Someone named Holle lived in the home. The Mayor put something in the resident's mail box, but did not hear anything back from them. He followed up around March 17 and left a business card on the front porch requesting they call him. The individual texted the Mayor and said he was not in violation until the Mayor took care of other offenders. After this, he had the Street Department crew ride around the Village taking note of residents in violation. Schloss said the trailers were moved over the weekend but then returned on Sunday. Schloss added that every resident on that street asked what could be done about the trailers. The Mayor said that right now, the Village could do nothing. Hocevar stated that because there were so many in the Village, it was unclear how the issue could be addressed. Schloss stated it was an eyesore. The Chief added that some of the vehicles may not be in violation. The Mayor stated that Solicitor Ondrey said not to go near the issue with Ziegler's recreational vehicle (RV). Porter said that he essentially moved it voluntarily after the Village applied pressure. Porter said that if the matter had gone to court, Solicitor Ondrey felt that the Village would not have won the case. Porter said the junk cars would need to be sited either criminally or civilly and then resolved in Chardon Municipal Court. The Chief added that resistance could be expected from some of the individuals.

Schloss asked if the vehicles did not meet the criteria for getting them moved out, was there a way that the Village or residents could ask the offender to landscape or put a fence around it. The Mayor stated that this is the reason he would speak to the resident in person. He added that he even went to Chris Wilbur's house. Schloss asked if he was permitted to do this. Porter said he could as a private citizen and neighbor. The Mayor added that the former Building Inspector and Wilson sweet talked Ziegler into moving the vehicle. He did not know if this was how the Village would want it. The Chief and the Street Commissioner had addressed this with the Mayor. He added that when he went to Chuck Mason's home to discuss the problem, he thought his Pitbull was going to come through the sliding glass door. He did not know if the Village wanted to do it this way. He said he did not mind trying it. The Mayor added that he warned Henry Mitchell that he would be receiving a letter and asked him to move his cars. Schloss asked if the Leopold property was a rental home and rented to Holle. The Mayor stated he was not sure.

Regarding Village regulations, Wilson asked if it was not permissible for residents to own even a well-maintained RV. The Chief said that as long as the vehicle was running and had a valid registration, it was not classified as a "junk motor vehicle." She asked why the trailer was considered a junk vehicle, or was it just not allowed to own one in the Village. Hocevar said residents can own RV's but must store them elsewhere.

The Mayor asked about a vehicle parked in the yard of a home on Morningside Dr. that operated and had current registration. The Chief said the fact that it was sitting in the yard was a

violation. The Mayor clarified that it was a violation because it was not parked on a hard surface.

The Chief said in the past, the Police did enforcement based on a complaint unless they observed something apparent. With residents resisting, the enforcement would need to be more consistent across the board. The Mayor said it would be necessary to decide the procedure and then have it reviewed by the Solicitor. He added that the Village did not need the situation with Henry Mitchell and the Chagrin Valley Times. Wilson offered that the first she and Hocevar should drive around the Village and make note of the violators. She found it hard to believe 42 individuals were in violation. She added that the former Building Inspector did this weekly and would call violators. Schloss stated that whatever the Building Inspector did formerly did not work, so the Committee needed to start anew. Wilson explained that she felt it was important for Hocevar, who knows zoning, to determine the violators.

Schloss addressed the Brown residence on Hazelwood which had exterior maintenance issues. Hocevar was waiting to hear from the Mayor or the Committee to authorize him to send a letter. Schloss thought the resident was in the hospital or a nursing home. The Mayor stated he spoke to the neighbors who live east of the residence. The Mayor left two letters in Ms. Brown's mailbox which she ignored. The Chief asked what her violation was. Hocevar said it was that the house was overgrown. Schloss mentioned the shingles on the roof and said it was an eyesore. Hocevar advised that the neighbor provided a legitimate complaint. Hocevar stated he wanted to make sure everyone was on the same page.

The Chief referenced a statement made at a previous Council meeting by Councilman Carroll regarding a Nuisance Ordinance used by Lyndhurst. Hocevar said he was going to review some of the ordinances of neighboring communities and give the list to the Committee as a guideline. He felt the Village should mandate strong zoning. Schloss agreed and added that the Village has the Ordinances, and it should put some teeth in them.

Hocevar said with what the Village did not have, he would rely on Schloss and Porter to work on it and then have Wilson take it to Planning Commission to approve it. Then Council would have to approve it. Schloss asked why Planning Commission would have to approve it, and Hocevar explained it was because of standards. Porter said if it was made a criminal ordinance, there was no ex post facto law so the Village could not retroactively go after residents typically. The Chief asked about the 'grandfather clause'. Porter said this was the grandfather clause and explained that with a building that existed under old zoning, that zoning remained with the building until it was demolished. Schloss thought it would be important for the Solicitor to investigate the matter. Porter agreed.

The Mayor addressed a resident, Donna Bauman, who wanted her house reappraised for tax purposes. When the Mayor was at her home, she took him to her backyard where there were sheds and pipes and the yard is "trashed", but the yard was being maintained and there was a new flag. The Mayor surmised someone was taking care of it but did not know who. He said the address was 174 Lakeview Lane.

Schloss said that these residents were taking down the home values of the surrounding homes, and this was not fair.

Hocevar said the next letter would be sent to Mitchell. Schloss asked about Brown. Hocevar said letters had been ignored in the past, but because of the complaint from the neighbor it needed to be pursued. Hocevar also advised that some of the complaints were made anonymously. Schloss clarified that if Brown was in the hospital and no one was in the house, what could the Village do. Porter stated that the Village could maintain the yard and put it on her taxes. Schloss asked if this could be put on the priority list. Hocevar said a letter would be sent first, and if she did not comply in 30 days, a landscaper would be hired to cut the grass and clean up the brush. Porter said the down side to doing this is that the Village would not get its money until the house was sold. Wilson asked which Ordinance would be used to enforce the grass cutting and Hocevar said it was the Exterior Maintenance Ordinance. The Chief recommended documenting the condition of the house if the matter were taken to the next level.

The Chief said he looked at the Junk Vehicle Ordinance and it required a 10 day notice to comply. If the resident did not comply, they would be cited by the police. He offered that if there were zoning violations, the Building Department could fill out the form, sign it, and the Police would take it to court. He offered to help Wilson with wording the charges. She asked that the Police and Building Department keep each other apprised of citations. Schloss asked if the Solicitor should assist in differentiating between historic vehicles and junk vehicles. Porter stated that at the bottom of the Maintenance Ordinance, 14802, it addressed a violator's attempt to avoid compliance. The Chief asked if the same language should be incorporated into the 66018 under the penalty section of Junk Motor Vehicles Ordinance. Hocevar felt that the Ordinance should remain the same and if it appeared the resident was moving the cars around to avoid compliance, that it should go to court.

Wilson asked for clarification on what could be currently enforced with regard to parking vehicles. Schloss and Hocevar reiterated that this was what the Committee would try to resolve.

Regarding the Brown residence, Schloss asked if the Village or the Police could go into her house since she was not answering the mail or the door. The Chief said it would be up to the Police to do a welfare check or to obtain a search warrant. They could also notify the Department of Health for an inspection. Most times, if the residents have running water and food, no action would be taken. Action would not be taken until the conditions inside the house extend to the outside. It was infrequent, according to the Chief, for the Health Department to act. Schloss asked for the Police to keep an eye on the Brown property to determine whether someone was home. If there was no sign of activity, Schloss suggested the Village gain entry to the home. The Chief explained that he knew for a fact that the resident was temporarily in a rehabilitation facility. The neighbors had expressed concern with the house since the resident had not been home, according to Schloss. The Chief would follow up to determine another point of contact for the resident.

Hocevar again asked to whom he should send letters. He said the Wilburs received their letter and would be sent a regular letter. Hocevar would visit the property on Chillicothe Rd. and send

them a certified letter and a regular letter. He would follow up on the Browns, and the Building Committee would look into the Ordinance in reference to the trailer that is parked in the side yard. Wilson added that a letter would be sent to Mitchell and she questioned whether one should be sent to Bucky. In the past, the Chief had offered to help, but Bucky declined. Porter stated that if the problem was not visible from the outside, the Village was limited in what it could do. Only the Junk Vehicle Ordinance could be used at this point.

Schloss adjourned the meeting at 8:54 a.m.

Ray Schloss – Building Committee Chair

Prepared by Leslie Galicki