

CITY OF UNIVERSITY HEIGHTS, OHIO
Minutes of Building and Housing Committee
June 21, 2022

Present were Chair/Councilwoman Barbara Blankfeld; Vice Mayor/Councilwoman Michele Weiss, Councilwoman Sheri Sax; Councilmen Christopher Cooney; Justin Gould, and Brian King; Mayor Michael Dylan Brennan, Law Director Luke McConville, and Director of Housing and Community Development Geoff Englebrecht.

Mrs. Blankfeld called the meeting to order at 5:40 p.m.

Agenda Items:

1. Discussion regarding updating University Heights Codified Ordinances as they relate to Building and Housing, including the following:

Ordinance 2022-31, An Ordinance Amending Codified Ordinance Section 1060.02 entitled “Notice to Owner or Occupant to Repair” to Establish the Obligation of the City to Maintain Stormwater Features installed by the City in the Right-of-Way

Ordinance 2022-33, An Ordinance Amending Codified Ordinance Chapter 1064 entitled “Solid Waste Disposal” and declaring an emergency.

Section 1476 With Particular focus on Certificate of Occupancy fees and Inspection of Apartments and Dorms.

Ordinance 2022-31, An Ordinance Amending Codified Ordinance Section 1060.02 entitled “Notice to Owner or Occupant to Repair” to Establish the Obligation of the City to Maintain Stormwater Features installed by the City in the Right-of-Way

Mrs. Blankfeld noted that these items have been reviewed by the City Prosecutor and been before both this committee and Council; the intent this evening is to confirm that everything is in order and can be referred to Council for a vote. Mrs. Blankfeld referred the matter to Law Director McConville for discussion.

Mr. McConville referred to concerns expressed by Councilman Rach regarding residential homes situated in the right-of-way intersections with bioswales on the tree lawn portion. It was expressed that residents should not be responsible to maintain those areas because it is the City’s stormwater features being installed; hence, it should be the City’s obligation to maintain. It was also pointed out that these areas are hilly and could be dangerous should residents attempt to repair. The manner in which homeowners would be made aware of the existence of these impediments and who and when homeowners would be notified was discussed.

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Mr. Englebrecht clarified that the curb bump-outs recently obtained by a grant would be maintained by the City as well, including any plantings or extensions of the curb. Mrs. Blankfeld mentioned that this legislation provides forethought to any circumstance that may occur in the future and ensures that the City will be obligated to maintain these areas – not residents.

Law Director McConville suggested that an easement could be drafted by a surveyor and recorded so the City and prospective buyers would be made aware. The easement becomes part of the record by law. Mr. McConville suggested that perhaps there should be additional language indicating that the City will have **sole** responsibility to maintain these areas so that residents don't take it upon themselves to attempt what could be a risky endeavor. Mr. McConville stated that when buyers purchase property, encumbrances, easements and other pertinent information are included in title reports, and that buyers should be made aware of the easement on a pre-purchase basis.

In response to a question about how changes in ownership should be communicated to residents and what body would be responsible for doing so, Law Director McConville stated that it should come from Council; this project was presented to Council and construction costs of this nature would be approved by Council.

It was agreed to table Ordinance 2022-32 An Ordinance amending Codified Ordinance Section 1060.02 entitled “Notice to Owner or Occupant to Repair” to Establish the Obligation of the City to Maintain Stormwater Features installed by the City in the Right-of-Way.

It was agreed that Mr. McConville will make changes to the ordinance based on discussion this evening, and the legislation can then be forwarded to Council in the fall.

Ordinance 2022-33, An Ordinance Amending Codified Ordinance Chapter 1064 entitled “Solid Waste Disposal” and declaring an emergency.

Mr. McConville stated that this ordinance is to update references to the Building Commissioner, Housing Director and Community Development Department, and that the Mayor objected to a portion of the ordinance as it relates to special pickups, Section 1064.07, because the language does not reflect current administration practices. Mrs. Blankfeld stated that it is her understanding that this is to update the language to reflect current practices.

Mr. Englebrecht explained that the Service Department does the special pickups, but people come into the office to pay \$10 (or it can be done online).

Mr. Cooney asked if it would be appropriate for 1064.11 Screening to include a reference to section 1448.03 and 1448.05 for fencing. He stated that this would provide guidance to anyone reviewing section 1064.11 regarding the requirements for residential and commercial fencing.

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Mr. McConville stated that he saw no harm in cross-referencing same; Mr. Englebrecht concurred.

Tagging of properties was discussed; the Housing Department does tag houses for violations. It was felt that the penalties imposed are not always enforced, and the penalties aren't commensurate with the offense; residential versus commercial fines were discussed. The process of how residents are cited, the time limits extended to the property owner and the importance of communication with the departments/inspectors were also issues discussed.

Mr. Gould commented that the focus has been on criminal violations as the city's enforcement mechanism rather than civil. The pitfalls of having to enforce violations were discussed and the suggestion that language should be changed throughout the Code. Mr. McConville acknowledged Mr. Gould's concerns and stated that the civil enforcement mechanisms should be explored

It was agreed to table Ordinance 2022-33, An Ordinance Amending Codified Ordinance Chapter 1064 entitled "Solid Waste Disposal" and declaring an emergency.

Mr. McConville will explore the Code and suggested that the departments get together to determine how many areas have more infractions. Ordinances will be reviewed to see whether it makes sense for fines/assessment. The language will then be changed in the Code based on review.

Section 1476 With Particular Focus on Certificate of Occupancy Fees and Inspection of Apartments and Dorms.

Mrs. Blankfeld noted that when Prosecutor Cicero provided Council with items, it was discovered that fines were too low, and not enough to remedy problems of work that is being done with inspections. Also, it was pointed out that while the fire department inspects lobbies and common areas of dorms, there are a number of apartment buildings in the city where the city is unaware of whether or not these structures are safe. Mr. McConville stated that provisions in this ordinance will be drafted that will allow the housing authority to inspect individual units. Mayor Brennan agreed that these inspections should be done.

Mrs. Blankfeld confirmed with Mr. McConville that he will draft legislation to include comments this evening; the legislation will be considered either at a special meeting this summer or in the fall.

The meeting adjourned at 6:40 p.m.

Submitted by Jeune Drayton,
Assistant Clerk of Council

Barbara Blankfeld, Chair
Building & Housing Committee