

ORDINANCE COMMITTEE MEETING  
MAY 29, 2018

Committee Co-Chair Mr. Kasunick opened the meeting at approximately 6:00 p.m. Members of the Committee in attendance were Co-Chairs Mr. Kasunick, Mr. Overstreet, and Mr. Spotton. Present from Council were, Mr. Zuren, Mr. Hoefle, Mr. Evers, and Council President Mr. Meyers.

In attendance from the Administration were Mayor Morley, Fire Chief Whittington, Police Chief Reik, CBO Menn, Service Director Rubertino, Finance Director Schindel, and Law Director Klammer.

There were no members of the public in attendance.

PROPOSED

1. To discuss Chapter 1390 "Licensing of Single-Family Residential Units."

Mr. Kasunick: Mr. Menn would you like to start us off on this?

Mr. Menn: I was asked to put together an ordinance for a possible licensing of single family residents. I have put together an ordinance and I passed it out to all of you. The Law Director has seen it and he's had a few comments, nothing major that can simply be added to it and that is about it.

Mr. Kasunick: Mr. Klammer what were those issues?

Mr. Klammer: I sent five bullet points back to Mr. Meyers and Mr. Spotton. Nothing huge that we couldn't take care of...Mr. Spotton had a good point too of clarifying in talking about residential renter units. We discussed whether it is going to be something such as we are going to exclude apartment buildings, because census is that apartment buildings are the least of our concerns. They seem to be pretty well managed across the board. I had some questions about whether there are any duplex units and it doesn't sound like we have a lot of duplex units to worry about and Mr. Menn and I could work our way through that. My big issue was just making sure that they \$300.00 a year reflects the work that the Building Department is going to do. They assured me that they are going to make sure the inspections are thorough so that the residential units are safe for the tenants as well as for the neighbors in the community. I have a list of about five different things that Mr. Menn and I can work through and it shouldn't be that bother some to you guys. In the past most of the prior Council's said that they want to do this for every unit and sometimes the owner occupied units are worse than the residential rental units. And that has been the debate in the past and why we wanted to hear from you guys before we spent a bunch of time drafting things.

Mr. Kasunick: Mr. Zuren?

Mr. Zuren: As I read through this my first question was on the multi-family, because residential property is considered one to four families. I know that there is not a lot of multi-family or there are not a lot of housing where there are two dwellings on one parcel. We probably would want to add that if it is a rental situation or if there are two houses on one parcel. I think that

there are a few on Lakeshore Boulevard that if one is a rental and one is owner occupied it should fall under this ordinance.

Mr. Menn: They are still a single family. It is still a single family.

Mr. Spotton: It is still zoned single family.

Mr. Zuren: But if there are two single families it is actually...it would be two units on one parcel.

Mr. Menn: It's a single family.

Mr. Zuren: Yeah but if one's a rental.

Mr. Menn: That one will be a rental as a single family.

Mr. Klammer: I think that the definition...we do have a definition of single family dwelling in the ordinances. One family dwelling is what we say in the ordinances. That probably is going to cover your concern.

Mr. Zuren: But if there is a two family won't we just want to put them in here just so we...even if there is only a...

Mr. Menn: We will and that is one of the bullet points that Mr. Klammer has.

Mr. Klammer: Mine was duplex units where they are connected. That was my concern whether we wanted to cover duplex units, so if we do we just need to decide if we want to do that, because we need to adjust that. Because we don't have a definition for duplex units in our ordinance...but if that is what you wanted just let me know and I will make sure that's completed.

Mr. Zuren: The other concern that I had is...I think that there is a group of people that we don't have covered in here that we should clarify very precisely and that is if a family member owns a house and even though it is covered in here. I think that we need to clarify it that if a family member owns a house and lets their children live in the house rent free and they consider it not a rental property, because that is how they perceive it. But their family members are living there rent free I think that even if there were one or two sentences in here to just clarify that it is the person in title is the one who needs to...that would deem it as owner occupied.

Mr. Menn: We don't worry about...we don't get into contracts with fee.

Mr. Evers: I thought that we had something in here...

Mr. Menn: Yes.

Mr. Evers: Something about non-owner occupied...non-owner occupancied.

Mr. Zuren: But to eliminate any kind of confusion or argument I think to clarify the rent free situation to a child or family member, because that is common in the city.

Mr. Spotton: It is still a non-owner occupied house.

Mr. Zuren: Right.

Mr. Klammer: I think if to walk through it with you just looking at the first paragraph there.

*"Where in such person or other is not physically resided at such dwelling unit on a full-time..."*

I think that what Mr. Menn is saying is that all we care about is that a non-owner is occupying the dwelling space regardless of the terms of the contract between them. So it would be a non-owner occupying the space.

Mr. Zuren: I don't know if we would want to put clarification because there could be no contract or no lease agreement and just a rent free situation with the child where the parent owns the house. It just might eliminate an agreement in the future, because that is going to come up and it is very common in the city.

Mr. Klammer: I think that I can get something in there.

Mr. Kasunick: If I may walk this discussion back a little bit. What issues are we looking to address with licensing of rental units and how is the licensing going to address those issues?

Mr. Menn: It was brought to my attention that there seems to be a lot of rentals in the City of Eastlake. Every city has them. It seems like we've been getting a lot of complaints...mainly about the outside conditions about the homes. So this was put together to help maintain the outside and to also check on the inside of the house, who is living in the house and that the house is fairly kept up especially on the outside.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: I just want to say that Mr. Meyers and I brought this up to Mr. Menn. We get a lot of complaints...almost everybody that we talk to. There is a renter across the street and the houses aren't maintained stuff like that. I mean a lot of people...so property owners right now are operating unregulated businesses in the City of Eastlake. Do the properties have smoke detectors? How many people are in the home related to square footage? Is the home even safe? We don't know anything about these homes right now. There is no accountability at all.

*"The person is to ensure the inspection process and maintain the maintenance standards necessary to ensure that the residential units safe, sanitary, and free from fire and health hazards, fit for human habitation, and promote the public welfare in addition too, or addition this establish minimum standards governing the maintenance of all residential rental units and the premises standards. And such conditions as to not constitute a blight or detriating affect in the neighborhoods of the general community and maintaining the housing stock of the community."*

That is basically why we are going about this.

Mr. Kasunick: Mr. Evers?

Mr. Evers: We all have to remember something. Yes we have rental units in this city and these people who own these units are running a business. They are running a business in a residential neighborhood. It is a business and they are making a profit.

Mr. Spotton: Another thing if we don't have any accountability on these guys are they...they are running a business within the city and most of them are remotely from outside of our city. Are they paying any kind of taxes to the city? They are running a business within the city that we probably aren't even aware of.

Mr. Kasunick: Well that another question how are we going to...how do we know which units are rental units?

Mr. Menn: To start with you find them by if we get complaints. We always look at who is the owner is on the County website. Obviously if they have a different mailing address that is a good sign that possibly it is a rental house. We would send out a notice to them saying that "such and such house could be a possible unit that needs to be a single family license." Then we would wait for their response. When we do grass complaints and notices...I see all the time that a lot of times they have different mailing addresses. People will call and complain about a house...there are numerous ways.

Mr. Kasunick: Mr. Zuren?

Mr. Zuren: That was one of the questions that I had was how do we verify if the property is a rental property, owner occupied? I think that we need one clear way to verify that and I think most financial institutions use utility bills souly; however that...

Mr. Menn: I personally don't want to go down that road. I've done this for many, many year and I think that just doing it by the County and doing it by...if I have to start looking at bills, utility bills and everything else I do not have the man power to get into all of that. I think that if you get complaints you look it up on the County and if the County says that it's a different mailing address you send out a notice. They respond and eventually you will see them coming in, but if I have to start checking utility bills...

Mr. Klammer: I don't think that we have access to utility bills either.

Mr. Zuren: It could be a way to prove occupancy for the tenant or the owner.

Mr. Klammer: If somebody comes in and says that I am the owner and I'm living here then Mr. Menn could take the extra step and say well show me some utility bills and show me some other stuff to show that you're the owner. Right?

Mr. Menn: Yeah I could but if I have to sit down...but there are other questions.

Mr. Kasunick: Mayor Morley?

Mayor Morley: We are going to step back one and talk about what Councilman Zuren talked about, because some of the complaints that we get are the parents own the house and they let their kids in there. Their kids don't pay the garbage bill, the utilities, keep the grass up, so we still have...if you are going to do the inspections you are going to do them regardless of who is in that house. The Law Director brought up one of my issues from before too...we have and we can go anyway that you want to go on this. We have houses that aren't rentals that could be right next door and you can have a prestine rental and the house next door is owner occupied, but we are okay with that house. That has always been one of my issues here. So we need to identify how we are going to take care of that also with this. Because I get the whole...they are running a business...

Mr. Spotton: That is a total separate subject...irrelavent to this. That is a building issue. This is not unique...

Mayor Morley: This is a building issue too.

Mr. Spotton: That is a separate building issue this is managing a business in the city and it is not unique. Just spending a little time...Cleveland Heights, Mentor-On-The-Lake, Solon, University Heights, Willowick, South Euclid, Beachwood...

Mayor Morley: My suggestion will be that before this moves forward that we invite the landlords, because you're not going to get the call, you're not going to get the call, you're not going to get the call. He is going to get all of the calls. So before...I would suggest that someone invites the landlords like we did the last time when we went through this and see some of the things on the opposite side. I don't have an issue with this moving forward and looking at it, but again if we are going to pass something then the paper puts it in and it's passed, then everyone from the landlords start coming down on him it's not fair to Mr. Menn. I've seen all of this before, but thank you.

Mr. Zuren: I have another comment.

Mr. Kasunick: Yes Mr. Zuren?

Mr. Zuren: Somehow I think this has to encompass vancant properties. Especially the properties that we've all heard about where they have been vacant for three, four, or five years. They are all throughout the city and to let the properties transfer when they are in horrible condition isn't right. Somehow there has to be something added to this ordinance to cover violations on vacant properties, so that they can be cleaned up when they are transferred. Or the new person who purchases them, which often are the landlords that are buying these houses for dirty cheap. That would also be a way to clean up the city. I think that this is the purpose of what we are looking at is to clean up the housing stock and that should be addressed in here.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: In theory if you buy a house that is in poor shape and they are planning on renting it then they would have to file a license and we will be looking at that house before it's available for rent.

Mayor Morley: For rent or for sale?

Mr. Zuren: For rent he's talking about or rent to own houses.

Mayor Morley: Mr. Zuren is talking about if you are selling it right?

Mr. Zuren: Yeah I mean if it's vacant at some point at some time period if it's sixty days at some point it's vacant it needs to be addressed. He's got problems with the grass and all of the other complaints, but if these fines will speed up the process of getting the house sold or put some pressure on the bank or the mortgage company to keep it in better condition, while it is sitting there vacant. Going through the bankruptcy process or whatever is happening on these multiple houses in our city. This could be a tool to clean up a lot of the problems in the city with these vacant properties.

Mr. Menn: Just from my stand point we are talking about two different things. We do have issues with this...we do have a vacant property register now. If you want I would suggest that we take a look at that and beef that up or change what we do with that ordinance. Make changes on that one. Because it would be two separate issues I think.

Mr. Zuren: Okay.

Mr. Menn: But we can look at that one and change that one if you want. Or change it to point of sales or however you want to address that.

Mr. Klammer: You still need to see how much of burden this one is going to be on you're...

Mr. Menn: Correct. You still get the vacants and I know that it doesn't clean them up always, but we still get them to register with us. But again if you want to make changes or stricter rules on that then we can take a look at that set ordinance and change that then.

Mr. Kasunick: One area of confusion for me is that it say's that the intial application fee is \$300.00 and it is good for two years. What happens in two years is it another \$300.00? Are re-novels also \$300.00?

Mr. Menn: Yeah it is every two years.

Mr. Kasunick: I don't think that it clarifies's that...I don't see that.

Mr. Menn: It's in the re-newal. Fee for initial inspection and for the renewal for a period of inspection resulting for application for permit, shall be \$300.00 for a single family home. Then it gets into if they are late by the month they get charged additional money.

Mr. Kasunick: With respect to right of entry if there are any fourth amendment issues Mr. Klammer did you want to comment on maybe...

Mr. Menn: If we don't enter we don't get permission. I never enter even on a permit.

Mr. Kasunick: So it is going to be permission first or is there going to be a certain amount of...fourteen day notice at least for a rental inspection?

Mr. Klammer: He's not going in.

Mr. Menn: I'm not going in.

Mr. Klammer: He's asking them to get in if they don't he's going to go get a warrant to go.

Mr. Menn: We would have to get a legal warrant to go in. It's just like with a building permit if someone doesn't let me in I can't just go into the house and say "hey let me in." If they refuse my entry I would have to get a warrant.

Mr. Kasunick: It says that no person shall refuse admittance to such official or cause to refuse such official. So are they allowed to refuse or no?

Mayor Morley: 1390.04 is what he's talking about.

Mr. Menn: Yeah.

Mr. Klammer: Yeah they can refuse but he can't go in without it.

Mr. Kasunick: I mean the express in the language is that they can't refuse.

Mr. Klammer: Yeah well they still need to get a warrant to get in there.

Chief Reik: Can't write an ordinance to supersede the Constitution.

Mr. Klammer: We could write it to say shall in order to perform the inspection they shall allow complete access...we can also say in order to perform this inspection you shall provide complete access to the premissis. And then if they refuse it we will just have to get a warrant to get in there. The reality is we're not going to go get a warrant to go get in there, because we are going to get in there to help them get their permit. So obviously if they don't want their permit so then we are just going to show them a violation for not having a permit. What we are saying is in order for you to get the permit you have to pay the \$300.00 and give us access to do our job. But if we want to go get in there and they say "no" obviously they didn't want their permit so we are going to site them for not having a permit.

Mr. Menn: Then eventually it will go to the Willoughby Court.

Mr. Klammer: It would be a violation to deny of a permit. Does that make sense? We are going to go get a warrant to go in there if they don't fill out the application and pay \$300.00. I presume that if they did that they are letting us in there to do the inspection.

Mr. Kasunick: My other question is are the current building codes sufficient as far as if it's a matter of the appearance of places and what they look like from the outside? Don't we already have building regulations?

Mr. Menn: Yeah we have our city ordinance housing code.

Mr. Kasunick: So what does this do above and beyond that and why is it necessary?

Mr. Menn: The housing codes?

Mr. Kasunick: The proposed legislation?

Mr. Menn: I was asked to put this together as by Mr. Spotton and Mr. Meyers asked.

Mr. Spotton: As discussed by Mr. Klammer that...people are going to let you in the house so they can get their permit. You can also check for the safety of the residents. Check for fire extinguishers, smoke detectors all that kind of stuff and to make sure that the house is safe also. That is going to go above and beyond the basic outside.

Mr. Kasunick: Mr. Overstreet did you have a comment?

Mr. Overstreet: As far as a landlord's prospective on it, because I do own a house I Willoughby. If you're going to go into a house that is already occupied you need to at least notify the owner or the occupant that we want to do an inspection on this day. My house is rented out through Section 8 so they come through and they inspect everything. And if you don't let them inspect you don't get paid.

Mayor Morley: Is that separate...does Willoughby have an ordinance or is that from HUD?

Mr. Overstreet: That's from HUD.

Mr. Menn: That's HUD.

Mr. Overstreet: That's also part of the rental contract.

Mr. Menn: So when they would fill out the application...they would fill out the application and then they would set that time just like a building permit. Say someone wants to pour a driveway...you would come in and set up the appointment on the application. Ask them for a date and time that we could come out. So say that it is three o'clock on the fifth it would already be logged in as a three o'clock appointment.

Mr. Overstreet: Also as far as the health and safety on the inside of the house, when I first go hired on the department there were places that we would go to...we would carry a can of deet woods OFF with us, because we would come out of those houses with fleas. You want people living in that kind of stuff?

Mr. Kasunick: Mr. Evers?

Mr. Evers: Going back to your comment. To me here again you have people that are operating a business in the city and it is not regulated. This is forcing them to get more less a CUP or a license to operate a business in a residential neighborhood.

Mr. Kasunick: Mr. Rubertino did you have a comment?

Mr. Rubertino: I am just curious how many do we roughly have in the city...rental homes? Do we know I mean roughly?

Mr. Menn: If I had to guess about 1,002 I think.

Mr. Rubertino: And your department is going to be able to take on all of this with just two of you?

Mr. Menn: I would need help eventually yes.

Mr. Rubertino: That would be my biggest concern.

Mr. Menn: It's my concern too.

Mayor Morley: We are about 82% homeowner and 18% rental, between us and Willowick...the two closest to highest of rental. Willoughby is 65/35, because of a lot of the apartments that they have. Willowick and us are about 82/18.

Mr. Rubertino: So a lot of this is complaint driven?

Mr. Menn: Yes.

Mr. Rubertino: To find the inspector and homes that are...so that is something else that you will have to take on.

Mayor Morley: It can't be complaint driven it can be to a point, but if we are going to have them register it's everyone. It can't be complaint driven.

Mr. Rubertino: I understand. I'm just looking at the...

Mr. Klammer: From the outside it's going to have to be complaint driven.

Mr. Evers: Last time you said that it had to be complaint driven through fair housing other wise it was considered...for a better word targeting.

Mayor Morley: The other cities all have...

Mr. Klammer: I think that they are saying the same thing. From the outside Mr. Menn is going to learn about these things because of complaints and slowly but surely people are going to learn about the registration requirements...

Mr. Zuren: This would fall under health and safety umbrella for renters.

Mr. Evers: It still falls under fair housing Mr. Zuren.

Mr. Zuren: Well right but health and safety and that is what HUD would view this as. There are fleas in houses and other incidents that we could site.

Mr. Overstreet: Not all houses are rented through Section 8.

Mr. Zuren: I understand that.

Mr. Evers: The incident that he is talking about wasn't a rental it was owner occupied. It has nothing to do with this.

Mr. Zuren: HUD is...okay I'm not going to argue...HUD is the over all governing agency that oversees all property. They make the laws, ordinances, and a lot of other government agencies abide by those ordinances or abide by those regulations.

Mr. Kasunick: Mr. Hoefle?

Mr. Hoefle: A couple of questions that I have are the \$300.00 fee that is per unit. Now if you have an owner that has half a dozen is there going to be like a break that if they own more than one property...\$300.00 a pop and somebody owns six properties here...

Mr. Rubertino: Your business does...

Mr. Menn: Yeah.

Mr. Hoefle: So there is a...

Mr. Menn: No it's \$300.00.

Mr. Hoefle: It's \$300.00 no matter what.

Mr. Menn: Yeah.

Mr. Hoefle: My second question that I have is regardless if it is owner occupied or a rental property when you have a violation case...like I recall that is somebody on Stevens Boulevard that had a bad porch one time...you go in there and you give them a violation telling them to get it fixed. What is the time frame? Sometimes it looked like it was streaching out over two years sometime, because they can ask for an extention, then they can ask for another extention and they can appeal it.

Mr. Menn: Usually what I do is I try to be sensible depending on what the violation is, but I try to work with people. Usually it's a thirty day for the first one. Excuse me if they are making progress you try to work with them to keep them going until they stop making that process. Then you have to speed them along and eventually you have to take them to court.

Mr. Kasunick: Mayor Morley?

Mayor Morley: The problem that we continually find out...and I talked with the Chief today he is going to another house the same house. We are going to give the fifth ticket for the garbag. They go to court and the way the laws are set up now is that they go to court and they don't have any money it's thrown out. We just keep spinning our wheels and we can keep going to court and they can keep not paying their garbag bill. That is where we are at on a few houses in the city. When they go to court the way the laws are set up if you don't have the money to...before they could just put you in jail. Now they are not allowed to put you in jail anymore, because you don't have money. Everytime I talk to discrutalled residents I try and say that we try and get it done before it goes to court, because once it goes to court it's a lot of times not...

Mr. Klammer: We have a lot of those where you know it could be their shingles, the gutters, and home owners just can't afford to fix those things. Mr. Menn trys to find community resources that can help these folks, because siting them isn't going to solve the problem. There is just a void there that's a vacuum that some of these are just going to get sucked into with no easy answer.

Mr. Menn: The last thing I want to do is take anybody to court. That is what you want to avoid all together.

Mr. Kasunick: Chief Whittington?

Chief Whittington: Just a couple of things and thoughts. For smoke detectors we have a smoke detector program but that's not for people who own...so if they call and say that "I own a house and I want to put smoke detectors in." we don't give it to them. We give it to the people that own houses in the city...resident's that live in the city. Because we will get those quite often, because what these guys will say is that you need to have smoke detectors. So the guys that actually own the house who's renting it will call and say "I need smoke detectors" and I will say "Are you the owner?" I am the owner but I'm not living there. So we kind of shy away from that as far as that goes. I will tell from the fire experience during an emergency we have access to inside of homes during emergency things. Honestly I know that we are talking about outside stuff, but between the hording situations and bed bugs, you know longer have fleas. Don't worry about fleas, fleas aren't your issue the issues in the city are bed bugs and different things like that. I think that there are a lot of issues that are going to be brought up under these cercumstances. We've always tried to get help for these people and offer it up and it really goes nowhere. My final thought was maybe I am missing something, but we got sued last time we pursued this and I'm not sure if we're doing it any different than we did last time. So are we setting ourself up for more litigation based on what we've already tried to pass? I'm only bringing that up becaue I don't know.

Mayor Morley: We got sued for the high rises last time.

Mr. Klammer: Well we got sued...and we just need to make sure... the reason we got sued is because we were charging a fee that was not related to the work that we performed. So we need to make sure that...a lot of these...run these things and they never get sued. But it doesn't mean that they shouldn't get sued. So we need to make sure that when Mr. Menn is doing an inspection its \$300.00 worth of time. The fact that it covers two years doesn't mean you can inspect less. So it's going to be a burden on Mr. Menn's department to justify a \$300.00 fee. If

they go out there and it takes ten minutes the fee can't be \$300.00, because that is what we call a tax.

Mr. Menn: Mr. Klammer brings up a good point. There's more than just the inspection...a lot more to it.

Chef Whittington: You will have to be...you will have to be able to justify what the \$300.00 represents, so whether it's in the field or filing the paper work and signing things along those lines.

Mayor Morley: I think that the \$300.00 can be justified if you sit down and break it down with time, everything...vehicle, gas....

Mr. Spotton: Everything vehicle, gas, insurance.

Mr. Rubertino: \$300.00 is enough...because you're going to need another employee.

Mr. Kasunick: We do have a section for public comment and we will get to it for sure. Chief Reik?

Chief Reik: Most of our stuff is complaint driven. I mean unlicensed vehicles...we had one the other day it was a 2015 that I was surprised, but normally the ones that you go to are pretty evident and probably should have been addressed. We used to have a program going way back where the part-time officers would go down each street and check just for that and find the ones that are obviously expired. We are not looking for the guy that the car fell on the expiration the day before, but the ones that are just sitting there. The same thing with the alarm permits, you have to have an alarm permit, but we are not going door to door. Once we get an alarm somewhere we and we don't have it registered then we have a process to do that. But if a house is well kept and nobody's calling on it I think that it is unlikely that it's going to be on anybody's radar other than us going up and down the street. I don't even know how we would verify where it's a rental or not without some type of complaint to originate it. You're looking for 18% of the city according to the Mayor's numbers, so you're going to knock on ten doors to only get two and I don't know how we would verify that anyway, unless people are dishonestly giving us the correct answers.

Mr. Kasunick: Current rental units be grandfathered or would they subject to it as well? Or would we be able to go retro actively back and hit the rental units that are already being rented?

Mr. Klammer: I assumed it would...

Mr. Menn: Start it right now.

Mr. Spotton: Right now.

Mr. Kasunick: Alright so no grandfather clause?

Mr. Spotton: You have a rental house that's been rented for ten years and it's in poor condition.

Mr. Kasunick: But landlords took on the business with the expectation of the current laws and it's going to be a change to them, so I think that it is something that needs to be taken seriously. Chief Whittington?

Chief Whittington: Just to clarify would this cover and again I'm not focusing on that but that's what we deal with...so if you go in someone's house and there are bed bugs how does that get addressed?

Mr. Menn: If I go on the inside I'm not looking for bed bugs, unless you're coming with me. What I'm going to do is making that there are adequate bedrooms, people aren't being stuffed in the basement, smoke detector at least on each floor level, make sure that there aren't any light's hanging from wires and things like that. It's an inspection where you go through the house and just make sure...am I looking underneath the bed sheets or inside the drawers? No I'm not doing that.

Chief Whittington: So hoarding...

Mr. Menn: Hoarding you would be able to see...you're in the house, but bed bugs I'm not going to be looking at their mattresses or anything. I'm not qualified I don't think to determine what a bed bug is, that's not what I do.

Mr. Overstreet: So you would be looking for things like exposed wiring, bad plumbing, structural things...

Mr. Menn: Make sure that the sinks work, toilets flush...we get complaints from people that don't have toilets believe it or not...and the exterior.

Mr. Kasunick: Mr. Rubertino?

Mr. Rubertino: Is there a check list that is going to be provided?

Mr. Menn: Yes.

Mr. Kasunick: Are there any further comments on this matter? Mr. Zuren?

Mr. Zuren: I just wanted to say one thing. What we are talking about is health and safety and it is for renters, their safety...renting properties that have issues that should be up to code, we're not changing the code of the city we just want them to live in a safe environment. And we are talking about health and safety.

Chief Whittington: It sounds like we're restricted a little. Again health and safety for me might be different for what it is for Mr. Menn or Chief Reik. For me when you have a house where you have eight children living in there with no beds that's a safety issue. Bed bugs are a health concern and I know that Mr. Menn is limited on what he can do, but I'm just saying that we are taking on an issue here...the neighbor's being upset because of what the exterior looks like I get that and I understand that. I would be in the same position if that was my neighbor, actually what I'm trying to say is that some of the concerns that are being brought here...I understand

that there is a tremendous...that's 1,500 homes that are being rented. But there are also homes that aren't being rented that are in the same scenario's where we have health issues. People using the bathroom in the back of their house, in the woods and stuff like that. There are a lot of concerns just in general with homes and the safety. I know that we are restricted on that, but I could just tell you that so that you guys have the gist of what I'm trying to say here. I know we've brought this issue up to health people and they are very restricted on being able to go into people's homes and say "you need to clean this up or you need to do that." Mr. Menn isn't looking for it but if he goes into a house and there are no beds but there are eight kids is that something that he can look at?

Mr. Menn: That would be something I would address with the Health Department or something like that.

Mayor Morley: I think what this covers is that there are renter's rights with the Fair Housing. The renter's won't go that route because then the owners upset. This is we are inspecting for them so they don't have to call Mr. Hoefle because he's a bad landlord, because they don't want to do that. One they don't want to be evicted and two they don't want to get the price raised on them. Renters have rights they just don't use it, they don't go to the County.

Mr. Menn: If I know a house is Section 8 I will call Section 8 and hopefully develop a good relationship with them. To say "hey this guy is renting his house out as Section 8, he's collecting this money and I find out that this is going on." I would hope which with the success that I had before with Section 8.

Chief Whittington: I just think that historically we've had issues that were very hard to enforce anything. I would hate to see us just do a particle issue here and if we're not empowering Mr. Menn to be able to address a lot of issues and give him the ability to do so, I'm not sure it benefits. Because again we are all concerned the way houses look and I know that he will be able to go in and do certain things. I hope that this is just a discussion form and I am just showing experience with what the Fire Department deals with. We've actually called Job and Family, Health Department, and we've called a lot of different organizations to help come into these things and it is a slow moving if not an impossible process to do things. Just some thing to think about more and put something together...I would like to see it a little bit more encompassing to empower somebody to be able to help get some of the stuff cleaned up.

Mr. Kasunick: So if there is an issue like bees or bed bugs and there are children in the house then it could be a Social Services issue or a Job and Family Services?

Chief Reik: Yeah but it's not going to speed up the process.

Mr. Kasunick: Right so it's not necessarily something that would protect the license under what is required here.

Chief Whittington: So we go to Mrs. Smith's house for an ambulance call and Mrs. Smith is covered in bed bugs. We take Mrs. Smith to the hospital and we follow our protocol's right now we don't have much ability to say "you have to clean that up." We can encourage it, but

that's not something that we can afford. When we go into houses...we've been in a house within the last year where there are no beds for children. What do we do about that? I'm just saying to you and I guess that we're thinking about this there has got to be some limits or maybe...

Mr. Klammer: Mr. Menn's done it before at University Heights...

Mr. Menn: Yeah I don't want to over think this either. Again where the Fire Chief is coming from, but if I go through a house and notice a problem I'm going to reach out to someone to see if I can get help for it. Just like if I were to go into anybody's house now...

Chief Whittington: You feel you're power to do that?

Mr. Menn: Even now if I go somewhere and I see a bad situation I call Chief Reik a lot for help on things.

Chief Whittington: I'm just making sure you're...I think that when we add stuff on like this just make sure you have the ability to do that so I'm good. I'm just throwing some thoughts out.

Mr. Menn: I am lucky to work with the Director's because they all help me. Not just about this but everything. But it is nice where I can call...I don't actually deal with Chief Whittington so much I deal with Mr. Drake the Fire Marshall all the time and I deal with Chief Reik, Mr. Rubertino, and Ms. Schindel.

Chief Whittington: With this kind of thing I think that there is probably a need and I think that you guys are definitely onto something to try help rectify a lot of things that the city...what ever I can to help and support you got it.

Mr. Rubertino: I'm with him. I support it as well. Anything I can do to help.

Mr. Kasunick: Before we decide on what to do with this issue I think that we should move on to recognition of the public even though it is a little bit off schedule.

#### RECOGNITION OF PUBLIC

Ron Constantino, 1368 Waverly Rd., Eastlake, OH

Mr. Constantino: I've lived here about 27 1/2 years and I've been pushing with Mayor DiLiberto, Mr. Daily and every Councilman in the world has been over and seen the problems that I have on three of my rental properties and I've been getting no where with the city. We need something; we have to make it work. If you can't get in the houses to do inspections lets start out with some sort of inspection of the exterior and see how that works and late add something to get inside later. I'm tired of calling the Building Department and I'm tired of calling Chief Reik because of problems that I have with renters with not following the ordinances and laws of the city. The property values have dropped. When I go for a home and they get out of the car and they do an appraisal they look around and go I can't give it to you, we're not going to do it. That's sad...spend that much time and money and my neighbor's don't because it's a rental property. Its 2018 let's bring the codes up to 2018.

There was no one else who wished to speak.

Mr. Kasunick: We have some issues that need to be included and the Mayor mentioned inviting landlords to speak about the matter. I think that we should hold it in Committee right now that would be my personal preference. I will poll the committee? Mr. Overstreet what do you want to do?

Mr. Overstreet: I think that it needs a little more work yet.

Mr. Spotton: I would like to put it on First Reading and work on it as we are going forward.

Mr. Kasunick: Mr. Overstreet do you agree with that?

Mr. Overstreet: We can put it on First Reading.

Mr. Kasunick: We will move it forward and put it on First Reading.

Mr. Evers: I really think that before we put it on First Reading the issues need to be ironed out.

Mr. Kasunick: I agree.

Mr. Evers: We need to have some Public Meetings. If it was me on the Committee I would ask that the issues get ironed out and we start scheduling some Public Meeting before we put it on First Reading.

Mr. Kasunick: That was my preference as well.

Mr. Hoefle: I would concur as well.

Mr. Klammer: You can move to Council-As-A-Whole and ask for a Notice of Public Meeting in the agenda. Say move it to Council-As-A-Whole and per Public Meeting and have the Public Meeting right after, well whatever Council President would prefer. You could have a Public Meeting right after Council-As-A-Whole. At least you have a full Council Meeting.

Mr. Evers: I just think that we should put something in the paper and get the residents in here.

Mr. Meyers: We can do Council-As-A-Whole or we can do a separate, whatever you prefer.

Mr. Kasunick: Okay well if it's no First Reading I would prefer that this goes to Three Readings...I think that it is important that it should go to all Three Readings and make sure that there is time for the public to come and comment. They can do so at the City Council Meetings I suppose would be appropriate time to do that.

Mr. Klammer: If you would just have Mrs. Simons note it on the agenda that there is going to be a Public Meeting before Council-As-A-Whole or after Council-As-A-Whole. So then you just hold it in Council-As-A-Whole if you want some stuff that you want me to revise.

Mr. Kasunick: So we move forward to Council-As-A-Whole and request Special Public Notice be given. Is that satisfactory to the Committee? Mr. Hoefle?

Mr. Hoefle: One of the questions that I have is we want to make sure that it gets out to the Gazette before so the residents are aware of it? I mean...

Mr. Kasunick: The July edition would be the next available.

Mr. Hoefle: That's the one thing...every resident gets a copy of the Gazette if they read it or not. Not everybody is on social media, not everybody gets the News-Herald. The one thing that we can say is that we've done our deal and advised our residents in our paper that all of them get. I think that would be fair and that way if there are any landlords, renters...

Mr. Kasunick: If it goes to Three Readings then that would push us into July, because there would be two meetings in June and then force it into July.

Mr. Meyers: The first meeting in July.

Mr. Kasunick: We are going to move this into Council-As-A-Whole or are we going to move it to the actual Council Agenda?

Mr. Spotton: Move it to Council-As-A-Whole...it gives us enough time to get the word out, but yet it doesn't stall.

Mr. Kasunick: Are we going to request a Special Notice for public comment? So are we in agreement Mr. Overstreet and Mr. Spotton?

Mr. Spotton: Yes.

Mr. Kasunick: So that is what we will do.

#### PENDING

##### 1. Ordinance: To establish Fund 800 "General Fund Cash Reserve."

Mr. Kasunick: Ms. Schindel I know that you answered some questions about this matter.

Ms. Schindel: I brought my extra email that I sent to you. Really all this does is it establishes a general fund reserve. And it talks about how it can be spent. The target number of 20% can be discussed and the 20% is merely used for definition of how you want to spend. So we are saying if the reserves are near or at that threshold the Administration should review...and revenue enhancements. If the cash reserve is below that it can only be used basically for emergencies as Council and the Administration designates. But if the reserve is above that it could be used for early retirement, a debt, or capital projects, or something with the useful life of five years more. Really all this does is it say's "we are going to have a General Fund Cash Reserve...it's going to be 800 and if it falls under 20% this is what you can do with it. If it is over 20% this is the other purpose as to what you can use it for." But the question came about for funding...funding is not a just in this, funding is strictly through the Finance Committee through a different process. This is just saying let create one...if we put money in it so be it. If

it's fewer than 20% its emergency use and if it's over 20% then maybe consider a debt or capital assets. It can be any number, but 20% seems to be a common number to be used for a dividing line of what is an emergency and what is for another purpose. It still always must go through Council, but it is saying let's set up something that you can put aside some funds as a rainy day fund. That's an old fashion word but everybody knows what that is...it's a rainy day fund. That's all that this does it doesn't talk about funding at all, but I did add the balance so it would clarify it and you can see that I added that. The the uncumbersome General Fund these are accounting words, cash reserve balance, every one knows what that is...of 20%...at least 20% then you can do this, but if it's over 20% then you can do that, so that's the only purpose of this. Is to establish one in accounting purposes and then to say "here is how you can spend it." It's up to you through a different vehicle as to how you want to fund it.

Mr. Kasunick: Are there any futher comments on this issue? Mr. Zuren?

Mr. Zuren: I like the concept of saving for the future a rainy day. I think that 20% is way too high to put those restrictions on the city. I like the concept and I think more of like 10%...a million dollars...anything above that to make the city a better place to live, or more equipment, or whatever is needed. But to put the restrictions at the 20% level I think is too high at this point for the city.

Ms. Schindel: I'm a little confused, because 20% isn't where we're funding it. It's only saying that if you are under 20% it's an emergency use. You can't go and buy equipment. That is all that the 20% is used for. It's not a target for how much money to put aside, it's not a target for funding, and it's not a target for a balance unless you want to spend. If you are under 20% of the year's expenses then you really can't go and buy new equipment out of it. You are only able to use it for an emergency basis, which all of you decide anyway. Maybe something happened and maybe the emergency basis might include something along that line. I can't speak for the future, but it's really just to differenchiate what you are going to use the money for, that's all. If you want to buy a loader well it has to be over 20%, unless we have an emergency that we feel or you feel really is an emergency.

Mayor Morley: It's like we've been going through for ten months and I'm sure the guy in the white shirt will agree with me. Like I said what we've been dealing with for ten months...if we would have had a reserve fund we would have paid for the phones and we would have been done. We've been fighting with the insurance company for ten months to get the phones fixed.

Chief Whittington: I'll agree with that...that's for sure.

Mr. Rubertino: I agree.

Mr. Klammer: Council can always accept...on that ordinance, so Council has to be disciplined anyways. Council can go we're not going to do it.

Ms. Schindel: So in that case it could have been a Capital Item because it was an emergency...it could have been considered that.

Mr. Klammer: The real benefit of it is when Finance and ultimately the Mayor, when he proposed the budget, is obligated to propose the budget within the confines of that ordinance. When you guys get it you can exempt yourself from the ordinance and pass whatever budget you want. It just forces you to do your analysis within those confines.

Ms. Schindel: This isn't for funding it's strictly for spending.

Mr. Klammer: Yeah does that make sense...like it forces you when you do to present them their spending budget, that you've done it within those perimeters. And if they look at it and say we don't care about the 20% that they can do whatever they want.

Ms. Schindel: Well it's even a little bit more complicated then that, because 800 is a whole separate number. So if we only have \$10,000.00 there, that's all we have. I'm not trying to reach 20% of our budget. If all we put aside at 800 is \$10,000.00 then you know what, then it says only for emergency.

Mayor Morley: We're not looking to put \$4Million in there a year...

Ms. Schindel: And we have to ask you to put the money aside. We need your blessing to do that. So whether we do \$10,000.00 or \$100,000.00, we need your blessing for that. But I'm just trying to define how you spend it going forward.

Mayor Morley: What Ms. Schindel and I have been talking about is whether...we're trying and that's what we are doing with the other thing with the twenty-seven pays that we are looking to do. We're trying...when I'm out of office or whoever is out of office, that someone has helped, or has some money instead of what we've gone through for the last fifteen years. Now we have finally built ourselves up to being a lot better then we were obviously for many years. So we're trying to make it even better yet for someone after me that money is there in case there's an issue. That's the bottom line on this.

Mr. Zuren: I have a question on this and I'm concerned that...I'm just using the General Fund at \$10 Million; I don't have the exact figure in front of me. But 20% of \$10 Million is \$2 Million. Now \$2 Million...if we have a surplus of \$2 Million and we didn't deem the roofs as an emergency yet, they technically wouldn't fall under that. We would have to vote that...it would be public knowledge that we passed an ordinance to use it for emergency purposes, but we have \$1.5 Million and we want to do something that isn't technically an emergency. I think that this is very restrictive, because...

Ms. Schindel: I understand what you're trying to say, but I'm suggesting that this is maybe a separate checking account. It's not really, but this number 800...if we put \$2 Million in it we did, but we don't have \$2 Million to put in it. We put in \$50,000.00 or we put in \$100,000.00...all we did was put \$100,000.00 aside saying look guys we have all decided that we are going to preserve that \$100,000.00 for a rainy day. When I come to you for the budget and you don't want to put any money in the rainy day fund, you don't have too. And if you decide that you want to spend that \$100,000.00 it's saying unless you change the rule it's only for an emergency. So it's really just carving it out, setting it aside...what ever is in there...whatevers in there...if we only have \$5.00 in there. In fact the State of Ohio one year

only had a dollar...they truly had one dollar in the rainy day fund. I know for sure, but the point is that this is just a separate...whatever you decided to put in there kind of thing. We don't have \$2 Million to put in there, we're not going to put in \$2 Million. If we had over \$2 Million then go ahead and buy equipment with, then go ahead and do something else with it. But if you don't have \$2 Million then only think about emergencies for that money.

Mr. Spotton: Just for that fund.

Ms. Schindel: Exactly...just whatever you put in this little checking account that is set aside that's called "800," and you don't have to fund it. You don't really need to fund it. I'm just suggesting that we consider putting money aside...into it at some point in time. Which has to go through the Finance Committee, but I want a vehicle for it...I want a vehicle for a rainy day and 20% says if your not getting 20% maybe I really should just think about it for emergency purposes. But you know it's just a number and if you don't put it in there it's not going to be there...\$2 Million isn't going to be there. Does that kind of clarify it.

Mr. Zuren: Yeah. Thank you.

Mr. Kasunick: Is there any further discussion on this matter? I vote to move this forward Mr. Overstreet do you agree?

Mr. Overstreet: Yes.

Mr. Kasunick: Mr. Spotton?

Mr. Spotton: Yes.

Mr. Kasunick: Then we will move it forward.

There were no further questions or comments.

#### MISCELLANEOUS

There was nothing under Miscellaneous.

There were no questions or comments.

#### MAYOR'S COMMENTS

Mayor Morley had nothing to report.

There were no further questions or comments for the Mayor.

#### BUILDING DEPARTMENT

CBO Menn:

There were no questions or comments for the Chief Building Official.

#### FINANCE DEPARTMENT

Ms. Schindel:

There were no questions or comments for the Finance Director.

LAW DIRECTOR

Mr. Klammer had nothing to report.

There were no further questions or comments for the Law Director.

The meeting was adjourned at 6:58 p.m.

tms

APPROVED: Jan Klammer

DATE: 10/9/18