

Honorable Council  
City of Newark, Ohio  
February 1, 2017

The Safety Committee met in Council Chambers on Monday, January 30, 2017 following the Service Committee with these members present:

Mark Fraizer, Chair	Curtis Johnson
Jeremy Blake	Carol Floyd
Jeff Rath	

We wish to report:

1. **Ordinance No. 17-02** adopting and codifying a vacant property registration code for the City of Newark, Ohio and authorizing the director of public safety to administer the provisions thereof was considered.

**Mr. Fraizer-** just to provide some background information, prior to my coming into office in 2016 I met with the administration and the previous Safety Director and this item came up. What do we do about vacant properties, how do we get a handle on it, how do we identify it and how do we make progress in occupancy rates and removing blight within our community? One of the items that is frequently used in other communities is a vacant property registration. In discussing this with members of the administration as well as looking for the best use cases this legislation came about. The one thing that we want to prevent is people that are doing work, renting, living and maintaining their properties so what we are looking at is vacant unoccupied properties where people are not performing work or renting they are just letting it sit and rot. Working with the Law Director who was very receptive of this we came up with this legislation. We tried to protect as many of those parties as possible as well as hold those people accountable for those properties.

**Mrs. Floyd-** can we ask to hear from the Safety Director?

**Director Baum-** Mr. Fraizer and I spoke about this more than once. One of the reasons that I am in this position is because I am a straight up guy. At this time I am not necessarily in favor of this. I don't hate it. It has too many unanswered questions for me and I don't know who is going to pay for it and who is going to implement and enforce it as well as who is going to manage it and track it. I know the ultimate answer to that question is me but I don't necessarily know how we are going to do it. What I will also say and while we talk about this and I think this is absolutely worth of continuing

discussion is that this is like discipline. The idea behind discipline is to change behavior. I don't think the idea behind property registration should be to generate revenue and this is what this does. I am uncomfortable with that and I am uncomfortable with that specifically because we have lost two levies for capital improvement monies and I am afraid this will be viewed as a tax. Now can we argue and make a legitimate argument that it's not but just as Director Sassen and I discussed public opinion doesn't necessarily listen to that they are going to see it as a tax. That is what I am afraid of. It also won't be fully applied, we don't know every property in town that is going to fall under these guidelines and if I don't know them all I need to go out and find them because I can't just use it on the ones that come up. If Joe Paul is out taking care of business and he finds one of these structures and applies this to it then I won't say that I've singled this person out but I should really be enforcing this across the board. In order to do that I am going to need somebody do that and there's not money for someone to do that right now. I'm not necessarily against the concept there's problems with implementation. We discussed this fully and openly I just couldn't commit to it. My 24 years in the Police Department tells me if I don't think it is a really good idea I probably ought to wait and that is where I am at right now. I'm not willing to commit to this at this time.

**Mr. Rath-** I have two questions for you. I would imagine there is going to be initial man hours expended to basically take inventory of the stock in the City of Newark to see what is vacant. Once we have an inventory of what is vacant obviously that is going to be an ever evolving inventory. What do you think the man hour requirement would be once that initial inventory is taken to maintain the program?

**Director Baum-** I don't know. The initial thought that I had on how to find these properties was that I would go to various real estate companies and ask for a list of properties they have listed residential for 6 months and commercial for 12 months. That gives me my list now I need to know which ones are occupied and which ones aren't if you have that information. That would be the quickest and the easiest way to find these properties. Now that is going to make realtors go the other way when they see me coming and I also think that their client base would have issue with me asking for that information although it very well may be public information and you can have that.

**Mr. Rath-** if I understand you right a building is considered occupied if it has furniture in it.

**Director Baum-** I couldn't speak to that right now without looking at it or asking the Law Director's opinion but what I would say is to enforce this equally and across the board that is how I would do that. If we are going to use this to pinpoint certain properties it is another tool in the toolbox but there are plenty of tools in there now. We have more work than what I can meet with two people. Could I use three or four people? Absolutely. They are already putting liens on properties and I am working on efficiencies

in that mechanism to have those liens applied more often than once a year but that will require the cooperation of county agencies. I have a meeting set up to talk about that so maybe we can meet some efficiency there in doing a little better job at getting them applied. What happens is if Jeremy owes liens and sells the property to you before those liens are applied then the lien goes to you.

**Mr. Fraizer-** that's kind of off topic. |

**Director Baum-** yes but it is a problem. Getting back to topic, how many man hours, I don't know.

**Mr. Fraizer-** my struggle is and Law Director correct me if I'm wrong but we don't exactly spell out how the administration is supposed to roll this out and what their procedures are. This is more of the guidelines or the guiding principles of what is a vacant or unoccupied structure how the system of payment is and fee structure is set up. As far as going out to lenders or real estate agents and asking if they have vacant properties is not in this legislation at all right.

**Law Director Sassen-** I think that is exactly the Safety Director's point it's not in there. It simply says that the Director of Public Safety shall do these things now go figure out how to do it. That is exactly the Safety Director's point.

**Mr. Fraizer-** my struggle is we are based on a complaint driven model for Property Maintenance so when we go out there and find that a property is not only in violation of the Property Maintenance code but it is also vacant that would be the scenario in which to implement this legislation. We don't need to exhaust our resources going out to every part of the city to identify vacant properties. Part of this legislation is to identify properties in everyday work that is vacant and building documentation on top of that to assist with safety services and Property Maintenance continuous activities. Do you not see any value in that being used?

**Director Sassen-** I think what you just said should be followed by a question mark not a period because it says vacant properties shall be registered, if you are not registered you are in violation. In the past we have administered the Property Maintenance Code for many reasons because of staffing issues as a complaint driven model but that is an administrative choice based on limited resources. How you enforce a mandate that a vacant property be registered would be a decision the administration would have to make anew with regard to this and you get to the age old question of if we can't enforce it why would we pass it. It is a circular argument it is exactly the point the Safety Director was making that there are questions from an implementation standpoint that he doesn't necessarily have the answer to. I can give you the legal answers to your questions but that doesn't have anything to do with the practical application of the ordinance. I think that everything you said should have been followed by a question mark not a period.

**Mr. Frazier-** I think I meant it as a question. Do you see that as being added value as Safety Director of implementing it in that perspective?

**Director Baum-** I don't like to put any law on the books that I don't know I can enforce or equally enforce across the board. I think that they are doing well with what they have; this is going to be a distraction to myself, Mr. Paul and Mr. Carter because we would have to come up with an implementation or an enforcement model and at this time I am not convinced.

**Mr. Rath-** with regards to the safety forces meaning police department and fire department do you see it as being useful information or a benefit to those two departments to have a database of vacant properties within the city and second should this be implemented and we have that database do you see a way to easily and readily have that information at the hands of those at the Police Department and Fire Department?

**Director Baum-** when our business contact list prior to transferring dispatch to the county was maintained by our dispatchers. We did have an on call list for businesses and officers would collect that through their daily interactions. Information is always valuable. I will never tell you information is not valuable because it absolutely is. The question would be who is going to collect that information and what model it is going to be kept and disseminated in. I can't answer those questions either but I can tell you that it is a lot of man hours to do them.

**Mr. Johnson-** presently we do know that we have vacant properties around, how do we deal with long stating vacant properties that goes into disrepair?

**Director Baum-** the current process is Mr. Paul and Mr. Carter address the specific issues and violations they find and then assess fines if violations aren't corrected and then attach liens to the property if those fines aren't paid. Eventually we acquire the property or it is sold to someone else and if it isn't repaired the process starts all over again. Would this be another step in that process? Yes, if it is a vacant property they could add this fine to it also. I don't think this will make the transfer of property go any faster. Will you have a contact person, possibly if they register it? Can you still find that information? Yes I believe you can still find that information. I'm going to go back to my answer to Mr. Rath, information is always good but the question is who is going to put the information in and how are you going to pay the person to do that, what software are you going to use? It always comes down to money and/or time.

**Mrs. Floyd-** as I read this the other day I had the initial idea that this could be a good idea because I live in a neighborhood where there are vacant properties frequently. They are abandoned. The house next to me is a double rental and it was vacant for a couple of months last year but as I read through it I compared it very distinctly to the rental registration that we had several years ago that we went round and round with.

While I believe in the concept of rental registration it was the same deal, it was going to be going through the Safety Department just like this is. You have to have a database, someone to set it up; forms for people to fill out and you have to have someone to do the tracking of everything. As Mr. Rath said it is going to be a constantly changing thing. I see it as something that would require at least one more person in your department and I know how strapped we are given the State Auditor's report the other day and how much work somebody would have to do. I know George and Joe Paul do over 2,000 places a year and that keeps them very busy. I have the same concerns the Safety Director has with this.

**Director Baum-** to your response Mrs. Floyd with respect to the legislation, if you are going to give me money give it to me for a Police Officer or a Firefighter.

**Mr. Fraizer-** my struggle is when do we tackle vacant properties, when do we have a plan in place, when is that time frame?

**Director Baum-** we will have to and the answer is I don't know. We will have to when Licking County's population hits 200,000 then rental registration becomes mandatory.

**Mr. Fraizer-** so forty years from now, maybe.

**Director Baum-** I don't know.

**Mr. Rath-** that is a pretty arbitrary number.

**Director Baum-** like I said I think it is a conversation worth having but we don't have the money to implement it right now.

**Mr. Johnson-** I personally like the concept and I think we need to do something however it comes back to the same problem we don't have the money and the citizens said they didn't want us to have the money so therefore as much as I'd support this if we had the money, I will not support it based on this.

**Mr. Fraizer-** my struggle is there is reimbursement associated with this program. Sixty percent dedicated to the administration of this program and 40 percent to our desperately needed Capital Improvements of our Police and Fire and Service that is called upon for mitigating fires and crime and mitigating poor maintenance. We do have a mechanism to recover the additional person associated with that. I have no problem removing the initial registration fees so it doesn't look like a tax but I feel the benefit that we get out of this is much more than \$150.00 from somebody registering the property. I also think the access to information is something we lack when the US Census tells us that nine percent of our residential properties are vacant in the city and we have no source of record to dispute that or confirm it we are dealing with a lack of information. In order for us not to have a plan and in order for us to say this is too complex to solve just continues as a problem down the road. If this isn't the legislation that we decide on please bring forth legislation that we can enact but I'm tired of having these problems that we don't solve and I'm tired of having legislation brought forth that

we can't agree on. Please work with me on this. If this isn't the solution and this isn't the right time what is the solution and what is the right time?

**Director Baum-** I'm happy to discuss that with my people and discuss it with you at any time.

**Mr. Marmie-** just off of the top of my head as far as a possible solution to your concern and also the Safety Director's concern is first and foremost we need to get some folks involved in the conversation. I would say lending institutions because foreclosures become an issue. I honestly think the main concern is more with commercial property than it is with residential property. I don't know if registration requirement should be something or whether it is along the lines of giving the Property Maintenance Code some additional leverage on an additional issue such as a vacant commercial property for more than 12 months. That just adds a little more to their procedures because honestly half the time with them they notify the owner of a property maintenance issue and they make one little correction and we have to start all over again where if it is a vacant property we wouldn't have to. Maybe it's not as much as a separate piece of legislation rather it could be added to the Property Maintenance Code. Perhaps not a registration but a section of the code that addresses vacant properties because they do become a safety issue when vacant over an extended period of time. I say vacancy more unoccupied because I have made you aware by definition snowbirds fall under this definition and we don't ever want that because some properties are unoccupied for 6 months because residents are in Florida or Arizona. Can we ask Joe and your folks if we added something to the Property Maintenance Code what would that be and work with them instead of having a separate piece of legislation.

**Director Baum-** absolutely.

**Mr. Fraizer-** my frustration is you see vacant properties turn into dilapidated properties, turn into red X properties then somebody has to pick up the tab to demolish them. The impact to the neighborhood and our community is visible. I think that it should be a priority of the administration to get legislation to help you do your job and to help improve our community.

**Mayor Hall-** I think that you assume that if we fine people they either fix it or pay the fine, understand they do neither many times. So then what? You fine them more. They didn't pay the first time so are they going to pay the second time? Hence you see in this room the liens that go on the properties from Property Maintenance. The ones that pay are probably your most compliant or forgot or something. If you want to go to Columbus, a city with a lot of resources and millions more dollars than we do. They have a prosecutor's office with a whole team just for Property Maintenance. They push it all the way through; they have the judges on board to prosecute people. We don't have that and will never have that. You can only work with the tools that you have. I'm not

saying that we can't work it better. As the Safety Director said if there are laws on the books it is our job to enforce it and our job to collect if someone hasn't paid. We ran into this in the tax office. Roger at the Water Office if you don't pay your bill then he shuts your water off so you go pay your bill. Nobody throws you in jail for not paying your taxes. It gets very frustrating but that office still has to send out delinquent reminders which are an enormous amount of money knowing that none of it is going to be collected back in. Those are the frustration the administration faces.

**Mr. Fraizer-** two scenarios to counter act that is I have a vacant property and I know I'm not going to do anything with it. I registered it to make the police and fire personnel aware of it so if there is an emergency here is who you contact and here is my insurance information if you have any questions. Responsible land owners with vacant properties. The other struggle that I have is the greatest benefit to this is the information at hand when people do register it we are able to protect first responders or we can help Property Maintenance know what they are walking out to before they go to it. I think that is something that is often over missed as well. I have no problem removing all associated fees with this to get the information. The point of the legislation is yes it costs people that is why there is a fee structure built in and yes you should be penalized if you don't follow the rules and that is why the fine structure was set in.

**Mayor Hall-** but they have to pay.

**Mr. Fraizer-** they do, same as with Property Maintenance fines

**Mayor Hall-** we constantly over project revenues on anything we ever do then we under estimate expenses and then what we find in a few years is that we can't do this anymore but it is still on the books and there is where the problems come. How much do you think that you'd collect out of those fines? You'd be lucky to collect 50% of them.

**Mr. Fraizer-** I was going for 20%

**Mayor Hall-** that won't even pay the staff to do the work. A \$34,000.00 employee costs us \$60,000.00 with benefits. The numbers just don't work. That was one of the things that were frustrating with rental registration. Some of this came to service and we had some discussions. Again, all good points but how do you do more with less financially or labor, manpower? There are some things we just can't do when you don't have the money.

**Director Baum-** I think there is merit to what Mr. Marmie said about tweaking existing ordinances rather than putting this on the books because I am afraid that will follow as Mrs. Floyd eluded to is that rental registration will be hot on the heels.

**Mayor Hall-** I want to be sure that we stay focused on what our goal is. Goal is to have these places occupied. Could you pick a single goal? If you have a good database that's fine. We have Lindsey Brighton up there who works 40 hours a week to maintain our database we use internally for all of our underground utilities. This would be every bit of

that.

**Mr. Fraizer-** I think it is multiple goals. One of it for sure is to improve neighborhoods and get people occupying those structures to prevent fire, crime and accidents occurring to children. I think the second fold is understanding the information at hand for first responders so when they go in they understand this is a vacant property and this is who owns it. They are then empowered with that information. The third fold is when we are doing development activities we understand what is going on in those neighborhoods, what is there and what are the opportunities in those neighborhoods for improvements.

**Mr. Cost-** I could be wrong but as many times as Joe and George are called out to the same properties over and over again I bet you they could probably tell you about 80% of the abandoned properties, I bet they already have the institutional knowledge so to me the information is already there.

**Mrs. Floyd-** I was just going to say that I talked to Joe Paul the other day about this issue and one of the things he said was some of these abandoned properties are being acquired by the County Land Bank then some of these will be torn down through the Land Bank. It will be an empty lot at that point.

**Mr. Fraizer-** I think we are targeting what 50 properties throughout Licking County for the Land Bank next year and I think there are 1900 registered through the US Census that are vacant currently.

**Mayor Hall-** Chief Simmons has said that just because there is something that says a house is vacant doesn't mean they won't go in because there could be someone inside whether it be a vagrant, a homeless or a kid so they aren't going to go by a data base that could be outdated and approach that fire any different. They are going to assume somebody is in there until they have done a complete check. I assume the Police are going to do the same thing.

**Mr. Fraizer-** to put you on the spot if you have an idea that a property isn't maintained or is vacant does that operate different procedures with stability of the structure at all?

**Chief Simmons-** it does it takes on a different mindset but your primary mission is life safety.

**No motion was made concerning Ordinance 17-02**

Mark Fraizer, Chair