

VILLAGE OF MAGNETIC SPRINGS

MINUTES OF REGULAR MEETING FEBRUARY 18, 2010

Present - Martha "Kathy" Cantrell – Mayor
Dean Bowsher, Sr.
Carol Verity – Council President
Deb Lutz

Melinda Ritchie – Clerk/Treasurer
Richard Murphy
Rex Pierce

Village Solicitor – Alison Boggs

Visitors – Mary Sampsel, Union Co Engineers
Elmer Fuller
Ann Hatter

Tony Fuller
Mike Hatter

OPENING: This meeting of the Council of the Village of Magnetic Springs was called to order by Mayor "Kathy" Cantrell at 7:05 PM at 30 W. Magnetic St., Magnetic Springs, OH 43036.

BUILDING PERMITS:

Mayor Cantrell introduced Mary Sampsel with the Union County Engineers whom she met with last week concerning moving building permits to County jurisdiction. Residential, Commercial, Electric, Building, and Plumbing are areas the county services for other villages within the County. There are only two Villages within the county that are not enforced by the County currently and Magnetic Springs is one of them. Ohio divides codes into two sections Residential (1, 2, or 3 family dwellings), and Commercial (4 family or greater units and business).

One way that the County can take over our permit issuance and enforcement is for the Village to become a County Building Department on paper and then contract with the County. Or the Village can give rights to County all up front.

No Fees to Village to be a Building Department, fees are derived from the issuance of permits. New Construction and Commercial Owner Changes would require upgrade to current code. A plan must be submitted, that plan is then checked for conformance with building codes, approval of that plan becomes the permit. During construction several inspections will occur to make sure all is going as planned and is compliant. At the end they will be certified for occupancy.

With residential you will not be required to upgrade to code because of any additions. However, if a building is falling down and a serious hazard, then they could require a structural engineer to do an inspection and require repairs to a location. They can help enforce health, electrical, carbon monoxide, and plumbing issues, or those things that are a danger to the health of occupants and the surrounding areas. They can not enforce aesthetic upgrades or appearances.

Boggs questioned Sampsel that if a property is structurally unsound is it the property owner's responsibility to cover any expense of the structural engineer. Yes replied Sampsel. Boggs questioned if enforcement was by Ohio Revised Code, or Magnetic Springs Zoning. Magnetic Springs zoning differences like deck size, and out buildings will convert to county. Zoning is the allowance of the building, building permits is more of description of what is to be done. For residential, a building permit is not required for a 10 x 20 out building or anything under 200 square feet that is not a means of egress out of structure. A zoning permit will still be required, but no building permits, so therefore there will be no inspection or regulation. For commercial anything under 120 square feet and is not a means of egress out of a structure.

There is no FENCING regulation that is zoning responsibility unless it is commercial and over 6 ft. then a permit will be required. There is not effective enforcement for fences for swimming pools, especially inflatable ones where residential has no idea a fence is required as the season is usually over by the time of enforcement.

Mayor Cantrell asked Alison Boggs how enforcement would be handled. The response was 1st a letter, or written order to address would go out, the property owner then has 30 days to address the adjudication. There are property owner rights, they can question why in violation, seriousness, the time to comply.

Residents can be sighted for violations that can be seen from plain view. However one can not be sited for inside remodeling.

The county does receive complaints concerning the building department and the code enforcement. Some complains they are too picky, others complain they are not picky enough. The county has been doing Residential code since 1974 and Commercial since 1997. These are an effective tool for rental properties, however it can be difficult to enforce on single family homes.

MINUTES:

Rex Pierce made a motion to wave the reading of the minutes. Richard Murphy seconded the motion, and all present council members agreed.

WARRANTS:

Melinda Ritchie presented the warrants that were due and payable in the amount of \$1056.70. Rex Pierce made a motion to accept the warrants and pay the bills, Dean Bowsher, Sr. seconded the motion and all present council members agreed.

PARK WELL:

Mayor Cantrell reported that the monthly test paper on the well was received, but nothing else.

VILLAGE PROPERTIES/ZONING/STREET:

Mayor Cantrell reported that the main complaint received concerning the approval of the store from Ms. Payne was the possibility of people walking through Payne's yard to access the store. Cantrell has witnessed this action herself and noted that Mrs. Zimmerman will need to be notified to install a fence by the back alley to stop residents from crossing the yards. Cantrell will send a letter to Mrs. Zimmerman concerning the fence.

Cantrell addressed the visitors stating she realized they were present concerning the letters that were received as a result of information received from the Union County Health Dept. concerning the condition of their properties.

Elmer Fuller received a letter concerning 75 Miller and had questions concerning the time frame and what would need to be completed to remove the property. Council reported that paperwork needed to be completed by the end of March including property cards, so it could be sent to John Cleek in April to leave time to complete a title search, and verify all forms have been completed. June 30 is the deadline for the county to have had all the paperwork and process and in place based on the December minutes.

Elmer Fuller also received notification for 81 Rose St. He has siding for this location, but because of weather what kind of time frame does he have to complete the job. Council is willing to be lenient this time of year, but would like to see progress when weather permits.

Mike and Ann Hatter's were upset with the letter received concerning 26 E. Magnetic St., Ann stated she knows it has fallen in disrepair in past few years, and the grass was way too bad over last summer. She apologizes for this but she was trying to get starts on some new plants. She reminded council they took over 3 foot of junk out of every floor in the house and took the trash out and locked it up. Ann questioned council if they new what the ORC 3767.13 and 714.26 stated since that was their basis for the letter. While not specifically known, noxious weeds, garbage, animal infestations, and other hazards are contained within the code, including sewage. Mike Hatter does not understand why sewage would apply if the building is vacant and being used for storage. He stated that there is no sewage problem at the location. The sewage problem that occurred prior was at Kimmy Ridgeway's property corner 2 story, not their house on Magnetic St. The pink house has 2 – 50 gallon ceramic tiles there but there is a big septic tank in the right of way between the pink house and the house of Lynn Slone.

Mrs. Hatter attempted to contact Paul Pryor; however he was not in to answer questions. Mike Hatter stated he paid too much for the property and invested time in cleaning it up. It is much better than what it was and if they are just using it for storage, then the sewage is not an issue.

Their letter stated that council requested to have their property inspected. Paul Pryor stated no citation was issued. Without a citation how can the council move forward to have it torn down. Hatters do not believe council can try to have it torn down just because it is ugly. Financial restrictions disallow many homeowners from the ability to repair their properties. They fenced the property to secure it not to store trash. There is not trash back there and do not understand how council can tell them to clean it up.

Hatters questioned about the past when Village did nothing, and Hatters purchased the property for \$24,000 to try and clean up the eye sore for the village. Ann Hatter is concerned with due process. What does cleaning up the property mean specifically? Does she need to clean the windows, Council trimmed her weeds last year where she was trying to get flower starts to begin.

Cantrell stated council only requests that the property owner keep the property presentable. Ann stated she would be more than happy to keep the yard in better condition this year, however they cannot afford to invest money in Magnetic St., and the store at this time.

Ann stated they are on the list for houses council wants torn down with no citations, she wants off the list as the house at 26 Magnetic St. is structurally sound, and contained. She will sincerely give the effort to keep the weeds cut down.

Rex Pierce suggested painting the house for appearance, Ann said send me a letter to request upgrades instead of saying "nothing short of demolishing will solve the issue". Alison Boggs apologized for the poor form letter, but the issues mentioned included mold, water damage, etc. She can not begin to express what conditions exactly Paul Pryor meant. Cantrell expressed it is council wish that that clean the property up. Ann Hatter stated due process will require specific, not general, requests for property clean up. She will respond to each request thereby eliminating any citations and the ability for council to move forward with a demolition. Boggs stated they have put on notice that their property needs repair. Letters were sent to various villages, the Village council then moves forward and sends the letter to the respective residents. This letter puts you on notice that you need to repair property. The property owner can now move forward with repair, or village will begin to take steps necessary to enforce clean up all the way up to possible demolition. Their citation is via Alison Boggs letter that you need to clean up property. Hatters stated they will try to take care of property so no council will bother them.

41 ROSE ST:

Alison Boggs will contact Rick concerning 41 Rose St.

ECONOMIC DEVELOPMENT:

Alison Boggs has left a message for Audrey Stone, but no contact has been made.

HEALTH & SAFETY:

Mayor Cantrell offered thanks to Rex Pierce, Dean Bowsher, Sr., and Robert Baughman, who have been kind enough to spend their time plowing the Village streets. She did receive a complaint from Mr. Scott Cloud that our plow needed to shovel the handicap parking out. She also received complaints about the alley by Hiney's was not being plowed. Count of the passes concluded the alley had been plowed at least 5 times. There were limitations given that cars were parked within the alley. There was a question as to who the Winnebago belonged to. No reply was recorded

ADJOURNMENT:

In agreement that all business had been concluded, Rex Pierce made a motion at 8:19 PM for adjournment of meeting. Carol Verity seconded the motion and all present council members agreed to adjourn until March 18, 2010, at 7:00 PM at the Village/Twp Hall at 30 W. Magnetic St., Magnetic Springs, OH 43036.