

Chairman Koziura called the meeting to order at 6:08 p.m.

Present: Messrs. Koziura, Springowski, Henley, Flores, Carter, Argenti, Moon, Faga, Thornsberry

Absent: Mr. Fallis, Arroyo

***DISCUSSION OF LAW DIRECTOR RILEY'S CORRESP. AND REPORT DATED AUGUST 28, 2018, REGARDING THE ANTICIPATED INCREASES TO THE HOUSING COURT DOCKET AND RELATED EXPENSES.***

CHAIRMAN KOZIURA: I am glad you all met and put this together. Back in 1997, we tried to do point of sale way back then. I am convinced that if we had done that 21 years ago, this city would not be in the shape it in with its housing. People think that Section 8 is a big problem, which is administered by Metropolitan Housing. They are charged with making sure those homes are up to date. This subject is near and dear to most of us. Mr. Riley.

LAW DIRECTOR RILEY: I assume you all have the report I prepared to address what was a priority given to me by the administration and frankly by some of the members of your body I was contacted perhaps eight or nine months ago with a charge by two members of your body asking what can we do to increase and improve the housing court. At that time, I commenced a review of what I thought was a thoughtful and in depth review of the issues. I met with many of the departments at City Hall who engaged in the Housing Court (HC) process. From investigations, citations, preparation of cases for prosecution and prosecution and disposition in court. At that time, it became clear to me from the parties of interest, those who work here at City Hall and were in a position to administer the HC that were likely not to be able to make much progress without addressing the need for an increased capacity and add'l monies to fund the housing court. Historically, as you all know, we don't have a true HC in the City of Lorain. The HC is a special court approved by the state legislature upon the recommendation of the OH Supreme Court and it is a separate court and has separate powers. For instance, as Judge Mihok and I came to understand, when we first investigated creating the HC many years ago and which led to what we now have as a Housing Docket. We visited the HC in Cleveland. That is a fully staffed operational housing court with powers granted to it by the State Assembly but operates at a budget of \$3.4M annually, which is in large part subsidized with 80- 90 % of that budget is paid for by the City of Cleveland itself. The court does not return those dollars in terms of fees generated from the prosecution of cases. It is a wholly subsidized court. Judge Mihok and I recognized early on and when we began the process of considering the creation of the court that this city could not afford a separate HC. The judge investigated what we could do and that was to create a HD (Housing Docket) for the prosecution of cases. We received permission of the OH Supreme Court to do that and that is what we have operated on these past several years – a HD. Like the concerns of council that were expressed to me, several months later after it was clear to me that we would not be able to without a further appropriation of money, increasing the capacity of the HC process, the administration came to me and said they were seriously considering increasing the number of citations that we want you to prosecute from 150 per month to 650 a month – and add'l 500 cases per month. Of course, that was a very serious message delivered to me and along with that message, the S/S Dir. asked me to again engage the process of a study, an academic study of what it would take

to increase the capacity of the HC docket. I then embarked upon doing that. In creating the report you had before you, I spoke with each of the officials and the administrative staff that are in the HC process. From that, based upon an increase of 500 cases per month, 6,000 per year, I came away with information from each of those offices as to what they think they would need in order to increase their processing in cases by over 300 percent. What you have before you is the information that I gleaned from those several officers and offices, condensed as well as I could express it so that we can all get our arms around this and have a healthy debate about what we wish to do and what council wishes to do in terms of appropriating money. As the best that I could discern from those people who are otherwise engaged in the process, we cannot increase our caseload by 500 cases per month or tripling the number of cases that we are going to handle without increasing the capacity or having add'l resources to process the cases. That being said, I went through in this report to you, department by department and outlined as specifically as I could each of the components that you would have to consider if you are going to increase the capacity of the HC. I am not a proponent of this, this is a study that I was asked to engage in. I am not opposed to it; I will do whatever council decides and wishes to do. From the law department standpoint, we have as you know from the report; one staff person who prepares what are 150 cases a month. She is at perhaps capacity and may be able to produce a few more but taking on 500 cases is not something my administrative staff can do without more capacity. You will see that from step through step through the program that I have laid out before you. I will defer to the S/S Dir. and he can express his overall objectives and concerns.

S/S DIRECTOR GIVEN: I regularly receive daily correspondence from many of you with regards to the violations that take place within your ward. As part of that, we have taken a serious approach and with the direction of the mayor, have taken on the task to go to the BHP and put more emphasis on housing code enforcement, the quality of the neighborhoods, the issues with regard to junk cars, tires, trash, etc. As Mr. Koziura stated, it has been a bone of contention for present and past council members in terms of improving the process of having violators taken to task and clean up their properties. We have had plenty of discussions with regards to the judges and their employees, the BHP and their employees, and we continue to try and figure out the best way to solve this problem. After debate/discussion we felt the only way was to start addressing it with the best of our ability and that is getting people into court. Once we started doing that, we saw that there were bottlenecks in the process. The housing staff increased their number of citations they understood and are aggressively going out there and we have divided the city up into specific areas for each one of them that they are responsible for. Kellie Glenn and I have been going out on Wednesdays and patrolling the neighborhoods and coming back with violations and asking why is this still out there, what is going on, etc. They are starting to see more and more of what I am looking for in terms of overall housing code enforcement and improvement. In doing that, the number of citations issued have gone up exponentially. As it continues to grow, the bottleneck continues to fall. That is why we sat down with the judges and law director and they came back with a potential answer to the plan with what you have before you. Understanding that there is a cost for government to provide this type of service. I think Mr. Stewart will tell you that with regards to the violators out there, I think the number was 70+% of those people are paying those fines. Money is coming in and hopefully we can push it back into the department so we can provide the service to continue to go after violators in our community. It is far easier to issue a

complaint on a piece of property than it is to issue a citation, get service to the individual that owns the property, get them into this building and get them before the Magistrate and have them address the situation and hopefully continue to keep the property clean going forward. Those are the types of things that it will take a lot of repetition and time in order to train everyone what is acceptable and what is not acceptable in Lorain Ohio. For years and years and year, this has been allowed. That is why we ask “why are not other communities having the same problem” etc. It all comes down to basic enforcement. Either we will try to enforce these issue or we will turn a blind eye to them. It is the mayor’s stance that if we do not clean up our own backyard, we are not going to have the ability to attract developers, etc. into our community to invest millions of dollars need to ultimately bring more tax dollars in to improve our community more.

LAW DIRECTOR RILEY: I would look to the chair for some guidance as to how you wish to proceed. I can go through the report item by item and we can take questions, etc. We have many representatives here from the various departments and they may have some comments.

Page 2 – S/S Director. I started this process some months ago when two members from your body asked me for my thoughts on this. It became clear to me that we were not going to be able to meaningful things because we didn’t have enough money to increase the capacity. More recently, the S/S Director came down recently with a charge that I wish to increase our case load by 500 cases a month. As far as the administration is concerned, it is a priority. You are the policy makers and it is up to you to decide what our priorities are. I will begin the discussion on whether or not increasing the case load to enforce our PMC is a priority for the City of Lorain?

CHAIRMAN KOZIURA: Any comments?

LAW DIRECTOR RILEY: Assuming then that we all agree that attacking our housing stock problems and making that PMC enforcement a priority and we all agree it is a goal that we would increase the case load by some 500 cases a month, I wish to dig into the details on how we might do that.

Item 2, the BHP Dept., we do have members of the BHP here and the recommendations are pretty straight forward. Heather Graves is our Housing Court staff person in BHP. I did consult with her directly during several meetings. She indicated to me that she felt that to increase the processing of the paperwork that she must do with the preparation of a prosecution of a PMC case; it is far more expansive that you might have thought. She indicated that an add’l part-time assistant would be necessary. I spoke with the Auditor’s office and the payroll department and was given a number of \$25.25 per hour for an adm. staff person. That includes all the employer contributions. That would be a part time person and no benefits but you would have employer contributions. She felt that she could increase the capacity to 650 cases a month by having an additional part time assistant to her. We have Kellie Glenn here to address it more fully. She has to send out certified mailings, etc., postage, paper, mailings, she estimated for another 500 cases around \$6,000 annually. It is somewhere between \$7 - \$10 per mailing per case. We estimated that at \$5,000. The third component of the BHP dept. is inspectors. Will we need more inspectors and where will the cost of the inspectors come in? I didn’t address that in this report because it is my understanding that those monies would not necessarily be needed from our GF but they can address that as well. I will defer to Mr. Given and Ms. Glenn.

S/S DIRECTOR GIVEN: The easy part for me is finding the violations. The one thing we regularly see and it will be a follow up discussion in future meetings is we currently have two open positions for housing code inspectors. Those two positions will help us aggressively

attack what is going on and will provide more case load to the courts but the problem with that is that I cannot find qualified people that are willing to come to the City of Lorain because of the low wages that we have set for those positions. There are two positions which could help solve the problem on the BHP side. The people involved to do that are what we are having a problem with. They must be certified and must be licensed and the one thing we must be aware of is that the current construction market is over the top. Most of your tradesmen that have these qualities, they are making far more money working where they are at. As we move forward, we will have to deal with that issue. Our current staff which handles this and Heather have been mentioned. Overall, she has been keeping up but she has many other responsibilities that she has to do on a daily basis: point of sale, rental registration, legal aid, granting extensions, and all the daily tasks she performs on a regular basis. As we take that case load from 200 to 650 a month, obviously that work grows to a point of breaking. The individual that is handling it right now is to the point where she cannot handle anymore. We are now to the point where we are pushing through all the violations that we need to. The supplies and postage, it costs \$7 for one certified letter. We talk about adding 300 additional letters that have to go out, someone has to process those, etc. There is also a cost associated with that. As we attack items, there are other items that go with it regarding the additional workload and related expense. Ms. Glenn can deal with the staff issue she has right now regarding why an add'l staff member is essential. I am with her in agreeing that without add'l help we cannot do the volume that we want to do. I think everyone is finally onboard to say we want to address this problem but we are at capacity. I think it sends the wrong message for us to scale it back and say that we are not going to be aggressive about it. It sends a message to the staff and the community that we are still not serious about going after the blight and problems within the neighborhoods.

**BHP DIRECTOR GLENN:** I wanted to reiterate, it is a bit overwhelming for the legal liaison to handle doing rental inspections, point of sale and was even doing high grass at one point. When we research and try to determine who these property owners are, that is Heather doing that by herself in addition to entering the violations and when people call in for complaints, she also handles those. She is the sole person that grants the extensions. When you get a violation letter right now, you have ten days to correct it. If you call in, you can get a 30 day extension. She is handling all of that. In addition to that, we have two electrical inspectors, two building inspectors and two housing inspectors. The building & electrical inspectors are also doing inspections for the permitting. The housing inspectors, they do the rental inspections as well. With just Dan and I going out every Wednesday for four hours, on average when we are writing up those violations, we are getting at least 100 violations in addition. That is in addition to what Heather has to enter. There is no way that she will continue to handle this volume that will be increasing. If I ever get the other two housing inspectors that I need, that will be even more violations that we will have. I think this body needs to realize that they are trying to do the best that they can and are doing a better job. If the volume goes up, it will be hard.

**SAFETY/SERVICE DIRECTOR GIVEN:** We have also turned the demo board back on. Please explain the work that needs to be done on those.

**BHP DIRECTOR GLENN:** Chris Yates?

**CHRIS YATES, BUILDING INSPECTOR:** The demo board is basically a full time job on top of a full time job. I do commercial inspections and code enforcement and I squeeze in the demo. It is getting to a point now with the volume of code violations and trying to keep up

with that, I am falling behind on the demo. There is just not enough time in the day. Every month we have a demo inspection and we were shooting for 20 houses but we are getting 8 – 10. We inspect the homes; take pictures with Police, Fire and Health Dept. We create a report and I must mail to every interested party that we find or whoever owns the property must be sent certified letters. One property could have 14 people but it usually averages three or four. Once we get the receipts back, it goes for a title search which goes to the law department. Once they return it to me, then I process it. We also have a monthly meeting on the third Thursday of the month. I do a slide show and show the conditions in the homes and whatnot. The demo board will then vote on it. That is basically the process of the demo board. The thing that takes the longest is the titles searches and attempting to get a hold of the people. Many times with certified mail, people have mailboxes and you cannot serve a mail box, etc. and this pushes the process back. If all of our ducks are in a row, we can get ten to 15 a month. We have to categorize all the information and retain the files.

**SAFETY/SERVICE DIRECTOR GIVEN:** Chris has to ensure that all the detailed data is there from a historical prospective as well. If we were to go to the land bank and a house taken down was to be challenged, we have to make sure we did all the inspections, etc. Chris has the minutes and pictures and documentation that he sent out etc. Originally he was tasked with I want 20 a month; we have 300 properties out there that are in need of demo today without even trying. We have a master list that we must work our way through and we have to go through that entire process that Mr. Yates explained to us prior to us going to the Lorain County land bank. They do help us with the extreme homes, such as the one by St. Mary's that burned and sat there for awhile. We had to ensure that the City of Lorain had all of its ducks in a row, etc. The first question they ask is if we have the demo board rulings and if we have completed our process and they want letters verifying that all that took place. He is responsible on top of his day to day activities of being a building inspector.

**CHAIRMAN KOZIURA:** I hope we adopt this and we know where the worst of the worst is. I hope we don't go crazy and cite every little mom and pop and think we should target the worst of the worst.

**SAFETY/SERVICE DIRECTOR GIVEN:** To validate what you stated, the building inspectors as well as I go out and I classify this as the low hanging fruit. We are not out there looking for gutters, etc. but rather we see four junk cars in your front yard or you have piles of trash all over the place, your front porch is falling off of your house, etc. Right now, we are going after the blatant violators who do not care about things in our community. As time goes on, I would be happy to get to the point where we actually entertain whether we want to be like a lot of our communities to the east. We are not there and we will not be there for quite a while. We have more than enough work to go after the extreme property owners for a couple of years if we are successful. It will take retraining on what is acceptable and what is not. When traveling in this city we all pretty much travel the same roads we always do. A lot of the public is not getting into the core of the neighborhoods unless they actually live there. When you go off the beaten path, driving up and down and looking at every individual house, it is embarrassing what we have allowed ourselves to become. It is very important for us to recognize that and say that enough is enough. We want better for ourselves and mediocrity is not what we expect. We want the lakefront to flourish; we want the Broadway Streetscape to entice true businesses to come in, which will expand our tax base. In order to do it, it all goes back to the Staubach report which said to clean your neighborhoods and fix your roads and solve your crime. Very simple, I think we can get there if we continue on this path of improvement.

COUNCILWOMAN CARTER: I agree that we need to continue to do something with our PMC. I am one that has called in and asked our inspectors to look at some homes. But, I want to tag along with Mr. Koziura's comments about making sure that we have some checks and balances in place and that we are not targeting those who are trying and really do care. I don't think that everyone falls into that category. Many of these homes have different circumstances going on. They just don't have \$10k saved in the bank. You can look at some of the homes and know which ones those are. It is disheartening when you have someone who calls you and this recently happened to me. I know our housing stock is bad but when you get someone call you and cry because of the letter that they received from the housing court and how it sent her into a tizzy. She could hardly breathe because of the way the letter was written. Her first letter, and then she received a second and third one. I begin to have some empathy here and try to understand where she is coming from. What I am saying is that I just want to make sure that while we are doing this that our checks and balances are in place and those we are showing empathy and not just pushing people out of their homes. Which, I do not think that we are but I want to make sure we tread lightly on some of this. Those that need to have that hard hammer, we need to do that but let's have sympathy. The other thing, have we done a salary survey yet regarding these positions?

S/S DIRECTOR GIVEN: Salary survey is just about complete. The HR Director is here but she will bring that down for another meeting. Regarding your other comments Mrs. Carter, I don't think the department is heavy-handed. If someone calls and they need additional time, if they request it and make that phone call, the dept. will go out and will address it and meet with the people if necessary. If someone is in extreme hardship, they would be referring that individual to Kellie Glenn for programs that may or may not be available. Understand that it is the inspector's job to inspect. They are not going out there and saying this is Pam's house, let's let this one go. Inspector's have called me up saying this is so-and-so's house. I am not doing that, in order for them to properly do their job, they have to cite whoever it is. That is important for everyone to realize, we don't want the sins of the past. The reason why much of this stuff is here is because of that mentality. Our ordinances state no garbage no cars, etc., there are no exceptions. I don't want them to think outside of that box. They are inspecting. I try to sit in on as many housing courts as I can to see what is going on. I think for the people coming to court, understand that you are coming to court because you didn't make the improvement or you didn't respond to the letter asking for additional time. That is Heather's responsibility right now and she spends a lot of time dealing with those people. As they come in, they sit down with a prosecutor or someone from the law department. They ask what is going on and has it been corrected, if not why, is additional time needed or should we continue, etc. The vast majority coming in are saying that it was fixed already and they pay their fine and are on their way. Some people refuse to pay the fine and will not fix it. That is fine too because the next time they are cited, it is a stronger violation. I think with the law department staff sitting in on these meetings, they are definitely listening to what is happening with the people and where need be, there have been charges against some people for whatever reason when necessary. It is in no way the strong hammer that we want to put an 80 year old with an income of \$600 and spends \$500 on medicine in jail for something like this. We have to deal with it; it is not fair to everyone in the neighborhood if they have to look at that. But, in those instances we direct them to Ms. Glenn for alternatives. If you look at the Board of Control, you will see that on a regular basis, we are awarding more and more repairs if they qualify. Some people have the funds they just chose not to put it into their property.

LAW DIRECTOR RILEY: I was going to say many of the things Mr. Given stated. My two prosecutors who are assigned to the HC, we are human beings. We have what is known as prosecutorial discretion. We make the recommendations to the court and the court has the ultimate authority to dispose of the case. We have sympathy and empathy for people who otherwise find themselves in very difficult circumstances. I would have to say that on a regular basis Mrs. Santiago and Mr. Zaleski appeal to me in seeking guidance about affording those persons latitude and room to solve their problem. I have not instructed them in any way to be heavy-handed in such a way as to not provide an appropriate human response to people who find themselves in difficult circumstances. As supervisor for my two prosecutors, I can assure you that we realize that these are our neighbors and we attempt to apply our authority in a way that would be appropriate in those varying circumstances. Each case is different and they know what my thoughts are about it, etc. Loan documents regularly come across my desk from Ms. Glenn and those are directed to the housing repair program. You must qualify and I encourage this body to consider what other relief might be out there that we could construct for persons who find themselves in a difficult position to repair their homes.

COUNCILMEMBER CARTER: Thanks for the clarification that eases my mind.

CHAIRMAN KOZIURA: Perhaps the letters could be changed a bit; they are kind of mean.

COUNCILMEMBER SPRINGOWSKI: I hope you are ready. We will talk about the service on sending out these registered letters is a joke. All they have to do is not sign for them. I will talk about 1145 W. 20<sup>th</sup> Street that was on the news recently about how many times it was in court, etc. No one can find this person because the mail was to be going to this house. But, I managed to find him in a half an hour. He lives on Baumhart Road by the way. On 3500 Oberlin Ave. the former house of Phil Taylor who sold it and then that person died. I managed to contact Wells Fargo who foreclosed on the house and got them to come out and start cutting the grass and taking care of it. I told them that they would be held accountable. Mr. Given, I will challenge you on this when you said they are picking the low hanging fruit and not going after some of the chipping paint. I will refer you to 837 W. 29<sup>th</sup> Street. This homeowner was challenged last year when she was getting her house painted; it is aluminum siding. She was told that it was chipping off and got dinged again for it. At 304 W. 32<sup>nd</sup> Street, this is a person of reduced circumstances and she was dinged on minor chipping paint. I have seen these inspectors go out and be punitive in this. We have a problem with service and the perfection of service. I understand that Mr. Riley is attempting the State law on this because of the punitive nature of this business. However, we do have some issues and we keep getting told that we got to go and clean up our city. I drive this city regularly, how many houses do I turn in to you on a regular basis? You get a lot of them on a Sunday don't you? Because I am driving through the city with my husband and I am researching who owns the houses. I will use the white pages, FB or any means necessary. I have even paid for a cell phone directory out of my own pocket so that I can get a hold of these people. I try to contact homeowners first. Our biggest problem is with the landlords, the out of town landlords. They have these LLC's, they have dozens of homes and they are not being held accountable. Then we get the houses that are foreclosed on – these are my favorites. The banks or whatever predatory lending institution foreclosed on them and then after the people have moved out, they vacate the judgment so the houses sit there and rot. They bring down all of the houses around them. Until we address all of these issues, nothing will move. We have been lackadaisical and when we say that we have not given political consideration to people and the buildings and houses they own, that is not true because I will reference Bob Gary Building. That one was a disgrace to the City for years and

no one did anything about it because he is a buddy. We need to move forward on this, we can afford to be compassionate. I had the meeting with you and with the building department. I asked for the address to make sure that these houses that I am turning in are being looked at because I am looking at blatant violations, porches falling off, windows broken out, grass taller than me, dozens of cars with no plates that are left abandoned. I have notebooks upon notebooks because I ask for a report on all of these houses that have been turned in. I don't want to see the numbers because I can't verify those numbers; I want to see the addresses to make sure that these are actually being addressed. This is what needs to be done. We have got to be aggressive on this. We paid a fortune for studies to tell us the same thing time and time again and we don't follow through on it. We have become a slum when it comes to some of these houses. We have created these wards that the houses are falling apart and we just ignore them because of who might own them. They are getting around them with a land contract. That is a cute one; they get around the point of inspection with a land contract. It has got to stop.

S/S DIRECTOR GIVEN: I will not disagree with you about pointing out what the problems are. I am not going to get upset and raise my voice over the matter. I know what the problems are, the inspectors and law department know what the problems are. What we are saying is we are trying to correct those problems. I challenge anybody, if a letter goes out to a homeowner, if we disagree that the violation exists, call and the inspector will go out with you and show you why so and so got a letter. Understand, the code is on the books and I have tasked these individuals with enforcing it. We can talk about what happened in the past and I really don't care what happened in the past. I only care about what happens today under Dan Given's leadership and I challenge you to ask any member currently sitting out there, have I ever said don't cite somebody or don't deal with this property? I want them all dealt with. I have told them point blank that it will get to the point where if I go after a certain amount of time to do their job and then if I go into those neighborhoods and come back with an address and go to our file and you are the inspector for that property – at that point in time, I don't care what the excuse is. You, as the inspector, will be written up and reprimanded. We need to get to that point. We are not there yet but getting there. These guys know how serious I am taking this and we just had back to back meetings with them over the past week where I stated that over the past few months I have been doing all the talking. Now, you tell me what we can do better. They sat down and told us. Last week they had a meeting without me there. I don't want them to be intimidated that the director wants them to do certain things, tell the other people what we can do better. I am trying to right the ship; if you do not allow us to right the ship, it will be business as usual and we will have complaints as usual. I don't want that for members of council or myself. We have finally gotten to the point where based upon the vision of council, the law department listening to what council and the administration is trying to do, the judicial part of our system understanding what council wants to happen in this community. Based upon this, we are truly starting to work together. That is what the purpose of this document was to say, we want to go further, we want to see if we can achieve what we have spoken about for a long time. Help us help you. Pam, from the housing code prospective, 70% of the people are coming and paying those fines. Hopefully, that money is coming in to funnel through to help us achieve this goal. Maybe if we stay the course and do this for 24-36-48 months, we can turn around and say that we accomplished something and no longer have the complaints of blight. When you have blight, you also have crime. If you have broken down houses, those

that I cannot board up, etc., the addicts, the homeless, all these things will bring in crime that we cannot even comprehend.

CHAIRMAN KOZIURA: The people who sat around that council table for the last 20 years and up to this time are just as guilty also. Because when things were brought in, just like the junk cars last meeting that I wanted to pass and many of you wanted to send it to committee. If you want to get rid of stuff, you have to pass things.

COUNCILMEMBER CARTER: Of the 70% of the violations being paid, would you say that most of those people knew that they had some violations and were preparing for it?

S/S DIR. GIVEN: I think you should direct that to the courts. The inspectors are not involved in the day to day process.

LINDA WEBER, MAGISTRATE: When people come into court, I think they are well aware they had issues and just put them off for a variety of reasons. Some because they chose to and others because of financial issues. Yes, I think most people are aware.

COUNCILMEMBER FAGA: I appreciate all the work done by all the departments. It has provided us with all the info we need and I support this going forward. I have a question on the two employees. We have not been able to fill those positions what is our game plan?

BHP DIR. GLENN: We have been doing a salary survey comparing what our housing inspectors current salary is compared to other communities to see if we are in line. What we found is that we are not. I will let Lisa talk.

HR DIRECTOR ZAMISKA: I think when we get to the 100%, there is a step system in place right now when hiring in people through the 6621 contract. When they start out, it is at 80% of the actual salary. So, the salary that is already low is even lower because it is 20% under. Once they are here a year, they go up to 90%. Once they are here two years, they are up to 100%. We are looking at a way to correct that issue.

BHP DIR. GLENN: If we hire an inspector now at 80%, they are only making \$16.04 per hour. Not many people are going to come here to do that type of work for that type of salary. It takes two years for them to get to \$19.24 at 100%.

HR DIR. ZAMISKA: You are seeking people with trades' backgrounds to perform these duties and we just can't pay them enough. It is hard to find people at that pay scale, the benefits are great.

COUNCILMEMBER FAGA: Do you intend to come back to us for additional funding in the next few months? Is there a timeframe?

HR. DIR. ZAMINKA: We are trying to be thorough and make sure we have a good presentation to give to you when it is time. We have been reviewing the job descriptions, etc., trying to see how to structure the department to make sure that it functions properly.

CHAIRMAN KOZIURA: The next budget Mr. Faga.

COUNCILMAN FAGA: The collections piece of this, where do you see that going?

LAW DIR. RILEY: I wish to defer until we get into the next block of discussion – the Lorain Muni Court part in the new housing court program. I think they are prepared to address that.

PRESIDENT ARREDONDO: Two points were brought up and I wish to substantiate what you said. First, on the citations about chipped paint, etc. and some feel those are minor issues and also you stated there were not any special exceptions to this and I would be the first to say yes. Mexican Mutual Society which we honored last week for the 90<sup>th</sup> anniversary, we received a citation in September. As any citizen here, we received a letter and called the building department. I spoke to an inspector and he came out. We discussed it and I thought it was a little trivial because it was just chipped paint and some other issue but once again, I complied

with it and the organization had members come out and repair it and I am happy to say Mr. Chris Pyles came out and gave us a clean bill of health. So, yes, there are no special exceptions. Secondly, this past week the planning commission had a meeting which I attended along with Mrs. Springowski, Ms. Moon and Mr. Arroyo. It dealt with rezoning of a junk yard which had expired. The owner was asking to get it reinstated. It was good to see that the council people, including myself, came out and took our time from our work and express our concerns. Just like you stated in the Staubach Report, it was simple. Get rid of blighted housing, clean up the streets and properties, etc. I came on council in 2008 and this was prior to that. Going back one step further when Mr. Koziura was mayor back in 1997 over 20 years ago, this was brought up; this is nothing new, etc. I would like to substantiate everything Mr. Given stated and we cannot worry about the past, let's focus on the future. The good thing is we have a lot of council people here encouraging seeing this done. Let's move forward and get it done.

LAW DIR. RILEY: Moving on to Block #3 in the program I prepared is the Lorain Muni Court. We have Judge Mihok and Magistrate Weber here along with Mr. Stewart the Court Administrator. We all identified the pieces the court believes it needs in order to move forward. Some of you may not know the Magistrate's hearing room is used by LCADA on Friday mornings and we have discussed the possibility of moving them from that chamber so we might utilize that on Fridays and to do so, the court has indicated that we would need to have a magistrate available on Friday mornings. I have identified with the courts help, what they believe the cost of such additional personnel would be. We have an ambitious \$75/hr. for a local lawyer to come in here four hours a week on a Friday to handle the additional case load. I am not necessarily convinced we can get someone in here at that rate but I think there are good minded lawyers, one of whom I have already spoken to and suggested to the court at the appropriate time if Council wishes to move forward with this. I am cautiously optimistic that we can find such a person for a four hour stint is not much to bring another professional in to assist us. The court indicated to me, as I requested, that court security – we have not had any violent episodes in the housing court. We do get raised voices and people who are frustrated and some who voice that but the mandate from the Ohio Supreme Court is to have their chambers at all times secured. They indicated to me that they could provide the bailiff at no additional cost. There are administrative assistants, and this is where the cost comes in. My two prosecutors, Mr. Zaleski and Mrs. Santiago, are assisted by Margie Senquiz in the performance of our duties. She prepares the papers and so forth. I spoke with her and she indicates that she feel that she can absorb these additional duties. So, from the stand point of the prosecutor's assistance in the HC as sessions are conducted, I don't see any additional cost from the prosecutor's standpoint. As you know, the magistrate in the HC does have an assistant prepare what are all the things that the court must prepare in order to dispose of a case. In talking with them, the current magistrate's assistant is not going to be able to absorb any additional work and so we added an add'l eight hours a week of administrative time to the magistrate in the housing court for their four additional sessions per month. Eight hours, even though court is only open for four hours, there is paper work that must be prepared before and afterward. They indicated a one time a week 8 hour shift would be the best way to address their additional administrative needs. That is the review from the Muni Court standpoint. Judge Mihok and Ms. Weber along with the court administrator are here. Mr. Given has indicated, and I find this to be interesting, that although not surprising to me, that for violators of the HC we have the highest rate of payment of fines across the board for any other

component of the criminal prosecution system. I find that to be reasonable because these are people's homes. More likely than not, homeowners are going to be responsible and I think that is evidenced in part by the fact that they pay their fines. Mr. Stewart is here to address that. I will defer to Judge Mihok and Mrs. Weber and Mr. Stewart.

JUDGE MIHOK: As Law Dir. Riley indicated, we started this back in 2011 to try to fast track housing court cases. Instead of throwing these code violations into the courts' regular docket where they come up with the shoplifting and domestic violence, etc. We thought it would be more efficient to have a separate segregated time where these cases could be heard separately. As these cases would come up on the judges' dockets, the defense or the people would come in and say that they fixed it and it is all taken care of. Well, we don't know that and then we have to try to contact the building dept. and it became very cumbersome to try working these cases out on an ad hoc basis. So, we set aside these cases on a separated docket, assigned that to the Magistrate. When we started it was Chris Cook. We had one session a month and it was on Wednesday at noon. These were set at noon because cases were already set in the morning and in the afternoon. So, we set it at the noon hour so no one was hired and no one got a raise, etc. we just had people doing more work. It started out as a manageable number of cases and it has increased over the years, there were 677 cases filed to date. That means there will be maybe 900 HC cases this year. That is a heavy load to push on people who are maxed out as it is. If you are talking about 6,000 cases, the court handles about 18,000 criminal/traffic and civil cases a year. If you are going to give us 6,000 more cases a year, that is one third of our entire docket and that work just cannot be absorbed by the people who are already there. We met on this and we think that these are reasonable, if we dedicated these people to just these cases that hopefully we can take of any additional cases that come through the court. I noticed there is not a section for the Clerk, I don't know if the Clerk has weighed in on this but again, 6,000 additional cases per year will require some clerking also. There is a hearing officer component but as the Law Dir. indicated, these must be processed before and after by the staffer. One of the big issues that we have in court is people not showing up. When we started this process back in 2011, we had prosecutor hearings. In order to short circuit it so people were not thrown directly into court, they were sent a letter to appear in the prosecutor's office to discuss the matter. If people got a letter from the prosecutor, hopefully they would show up and it would get their attention. They were told to do A, B and C or this case would be filed in court. The prosecutor's hearings went by the wayside because as I understand it, almost no one showed up. That was then abandoned and we now just file the cases. The BHP issues a letter fix this problem within so many days and if not, it will be filed in court. Now it gets to enter the court process. We also have the same issue of people not showing up to court. Many times it is because we can't get service. Any criminal case, the defendant must be legally notified to come to court; that has been true since 1789. We cannot penalize people if they don't know what is going on. They have to be notified by certified mail, personal service, etc. We have a hard time identifying defendants as Councilwoman Springowski indicated. They go certified mail or are unclaimed or no forwarding address, etc. We can't do anything and the case just sits there. We cannot put a warrant out for them unless we know that they knew they had to come to court. The other issue that we come into is let's say someone did not come into court and were notified, if we don't have a social security number, a birthdates, the police are not going to arrest them. We have to have a ssn so the police know to arrest the right person. Many times the BHP does not have that; we don't have that so we can't move to the next step of arresting people. That has been a big problem since day one. Of the people that do come to

court, I think our success rate has been pretty good. Magistrate Webber can answer that better than I can. My impression is that we have three classifications of defendants. We have the “I don’t care” and they are hard to deal with. Some of them maybe landlords or some not but basically uncooperative. Then we have the middle section of people who had a violation and came to court and immediately take care of it and either the case is dismissed with court costs or they pay a small fine, etc. The other section is those that cannot take care of it. Say they inherit a house, they didn’t want it and things are falling apart and they are the legal owner and don’t have the means to take care of it, or the foreclosures as we discussed. The bank forecloses, the people are already living somewhere else and we can’t get Deutch Bank into Lorain Muni Court to take care of these properties. So those are the three classifications as I see them. The two on each end of the spectrum are the tough ones. At time, I think Council and people have an unrealistic expectation for what HC can do. The court can only do what the legislative authority gives it power to do. That is City Council and the State Legislature. I think people are frustrated and I understand. These steps are falling down; we sent them a citation, why can’t the court get them to fix their steps? The PMC, all we can do is give them a \$150 fine. I cannot order contractors to come out and fix it or I can’t order a bulldozer to come by and fix it, or I can’t order the house to be torn down. Magistrate Webber cannot order that either and all we can do is issue a \$150 fine if they come to court and are found guilty. If they decide not to comply, they throw that notice to pay \$150 away that is it. That was discussed a few years ago; City Council then amended some of these ordinances to make a subsequent violation escalate to a jailable fourth degree misdemeanor. If you get one conviction in the bank, and get charged again, that second one can be filed as a jailable fourth degree misdemeanor. Now we have your attention, now we can throw you in jail. For these difficult defendants, maybe now you get some jail time but it takes time to build all these things up. Those are some issues we have. I understand you are frustrated but sometimes we are limited in what we can do. Specific HC like Cleveland’s have powers granted to them by the State that we don’t have. They also have a \$3.3M budget and 42 employees and collect about \$300,000 annually. The City of Cleveland subsidizes them \$3M. We are about 1/6 the size of Cleveland. If you were to want something similar, be ready to subsidize us a half of a million dollars a year. I don’t see that happening. I think we are doing a good job and it has been basically free so far, in fact it is money maker because we are collecting more than the cost. The only cost as I understand it is certified mail. We have not hired any add’l personnel and no one received a raise. If we file more cases, theoretically, at this collection rate, maybe we will also make money and it will also maybe fast track some of these cases. I know there were complaints recently that we cited people in April but can’t get them scheduled in court. We maxed out, its 75 case per session, that is realistically all you can do per session. We now have two sessions a month @ 150 cases a month. We get them so fast, that we can’t get them scheduled. I am not going to give my people any more work than what they already have. We are not scheduling anymore unless we get additional staff. It will be a lag time, I indicated that they might want to have targeted enforcement instead of a shotgun approach where everyone gets cited, target certain really bad apples. If we are going to do a shot gun approach of 6,000 cases a year, then we need more people, it is just that simple.

CHAIRMAN KOZIURA: I think most of our problems are LLCs out of town. Someone stated the Mr. Sutton sold over 100 properties to an LLC in Florida. How do we go about serving those folks? Can we fine more if we prove that it costs us more money? Is there a limit to what we can do?

JUDGE MIHOK: I think LLC's have a \$1,000 fine. I think the statute says corporate defendant. Magistrate Webber asked me if I consider LLCs a corporate defendant and I said yes I do. Unless the Court of Appeals tells me I am wrong, we will assume that LLCs are corporate defendants. I think you have to get service on that out of state person, they would have to be extradited. So, the city would have to pay to fly police officer x to Florida to grab them and fly them back. That would cost some thousands of dollars. We can fine them per charge only the maximum that City Council has levied. Are we limited by the State? What I hear the most is the fact that people went there and there was a continuance, continuance, continuance. How often do we allow a continuance?

JUDGE MIHOK: That is something Magistrate Webber has to answer. Many time people hired an attorney two days ago and don't know anything about the case.

MAGISTRATE WEBBER: Typically, on the minor misdemeanors, we will set them for trial unless there is some reason they need more time. Our position has been that hopefully they can take care before then. The trials are usually being set thirty days out. When they appear at their arraignment and plead not guilty, you have to set another court date for the trial. If it is a M1, those typically go on a bit longer and the attorneys ask for continuances as they are trying to resolve the issues prior to entering a plea. It depends.

CHAIRMAN KOZIURA: I was talking with our Law Director and I think we should research amending our ordinances to include Banks in our point of sale and also land contracts in our point of sale. So, no one could transfer property without a point of sale. There seems to be too many shenanigans.

JUDGE MIHOK: I will say that on Friday, I did issue a warning against some landlords in town whose social security number we do have, so there is warrant out there for him.

LAW DIRECTOR RILEY: An arrest warrant is a serious thing. This city faced a lawsuit several years ago where the person who had the same name as another person was arrested wrongfully. What we did not have on the warrant was a SSN. Since that case, it has been our position that we will not arrest without identifying information. That is why the judge referenced that matter.

COUNCILMAN FAGA: On the information Mr. Stewart provided, the collections show an increase from 2015 to current. What do you attribute that to? What is that process like?

JUDGE MIHOK: They do not have a specialized collection process; it is a mass collections. If you are notified by the clerk that someone has not paid for a period of time, depending on the case, we may cancel a driver's license and send a notice to the BMV. That gets a lot of people in court, the driver's license. We may set them for a fine hearing with a probation office where they are asked to explain why no payments. If they do not show up, we can typically put an arrest warrant out or do something else to them. It is just part of the overall collection process. We do 18,000 cases a year and have stacks of files. In 2016, there were some severe budget issues that the court has really pushed harder and used our own court personnel to do collections. Much of their time is spent on collections now instead of other things and I would attribute that to our increased collections and obviously the number of cases has grown too.

S/S DIR. GIVEN: Having us focus on these problems as a group is also very important. I use this as an example. We mail out a violation, here is what the county website says, maybe we get a reply maybe we don't and it comes back and gets thrown in a pile. Soon, we have hundreds of complaints in a file because no one signed for them. The issue is for us to be aggressive and continue to go after these. We have someone right next door to City Hall that continues to look at the properties that are there and we all know who it is and he is dropping

the ball and has not taken it seriously. I finally grabbed an aux. officer and scheduled an appointment to get the individual to show up, met and served him. This is typical of a lot of the people we are trying to solve this problem with. They state that they did not think we were serious; they will think this if we are not serious and not consistent and aggressive. I hope now that with the renewed emphasis on it, that we will create a standardized process, put something in writing so that everyone treats every case the exact same way and treat everyone the same way and are consistent. I am not mad at Joe Smith because he didn't fix his property. My goal is simply to get the property fixed. That is what I want the staff to do and focus on. If we can remove the emotions out of our day to day lives while making these decisions, I think long term we will have a much better community because we will have consistency.

COUNCILMAN ARGENTI: This has to do with the numbers, the 150 cases per month number is the basis for all the increases. The chart you provided to us listing cases filed from 2014 through third quarter of 2018 that averages more to like 280 per month cases filed. What is the difference in that number?

SCOTT STEWART: I am not sure of the numbers you have in front of you. I did print more up to date numbers this evening. The cases you have are 425 for this year through third quarter. That is less than 150 per month.

ARGENTI: That is 425 for? The year or month?

SCOTT STEWART: That is a whole year. It may seem low because cases entered into our case management system are entered for PM cases, I personally enter them and I enter them in a specific way. I am not the only person that can enter those cases. I tag them a certain way so that I treat information on just those cases quickly. It is a large enough sample, in my opinion, to trust the percentages collected.

ARGENTI: The charges would mean that certain cases had multiple violations.

COUNCILMEMBER HENLEY: Potentially, so far in 2018, we have collected about \$30,000. If we are going to triple the cases, we have the potential of collecting \$90,000 and then that goes back to the Admin. Would those funds be applied to the new costs incurred to hire the add'l personnel?

SCOTT STEWART: As I stated, the sample is large enough that I do think it would triple. However, it is important to understand that this is not just fine money but also court costs as well. A percentage of that court cost is distributed to the city's GF which would be used however you determine is appropriate. Another percentage goes to the court for paying personnel, security, etc.

HENLEY: Do you have a breakdown or know what percentage can be used to fund some of the additional personnel that we have listed in this report?

CHAIRMAN KOZIURA: I am sure there will be additional funds for this.

HENLEY: I am looking for an approximate percentage?

STEWART: Court costs are \$110, I believe somewhere between \$30 - \$40 dollars goes towards the GF per case. The fine is up to \$150 for a non-corporate entity. So, 100% of that goes to the GF if it is filed under city ordinance. If it is under state code, that number might be different.

HENLEY: I would like to say that in my short time, I am very pleased with the inspectors that go out in the field and anything that has been handled through Mr. Given's office, Heather Graves is outstanding and is Mr. Pyles here? Thank you, Mr. Pyles, for all that you do.

COUNCILMEMBER FLORES: There are many interesting parts of this proposal and the economic issues that we are having. I also attended the HC and witnessed our senior citizens

on fixed incomes have to pay the court costs and the fines. I understand creating a hardship but there is more to it than just the HC. You have people that would rather shoot up heroin than fix up their house. You have people that cannot pay their water bills that are sitting in their homes with no water. These problems are not going to go away. I turned in plenty of drug houses with no results. They are still there dealing 24/7, walk up traffic, bicycle traffic, cars, etc. It is a plague in our communities. The other break out part of it is how to handle vacant properties, the code enforcement on a vacant property. You have \_\_\_\_\_1736 Reid Ave., that house has been vacant as long as I have been on Council. The address listed in the Auditor's office is 5027 E. 114<sup>th</sup> Street. At 1832, that is William Rice and he lives at 1834 Lexington Ave. that house has also been empty for a long time. At 1939 Lexington, I am not sure if that house made it the housing court or not. We have an untenanted property ordinance where we have to pay the \$125 to register to tell the city that your property is vacant. Where are we on that list? I started reporting them a few years ago. The LLC's, that land purchase for Sutton, on Oakdale Ave. there are four of those houses that are boarded up. Sutton got rid of those properties; it was one of the largest real estate sales in the county with 200 properties. Many of those houses are boarded up. I understand the PMC enforcement, I dig it that we are going to do something about it but we have to understand that the people on a fixed income or suffering the most, those are the people that I feel sad for. I have been in many houses and sent many picture. I talk with Chris on a daily basis. What can we do with these vacant properties? We cannot cite them because we cannot get a hold of them. They just sit there; that is the bottleneck I was referring too. We have to allow the inspectors to do their job. We must give them the tools and teeth to enforce the PMC. You mentioned the backlog of six years. We want to fast track and want to improve the community and I think this is a step in the right direction.

S/S DIR. GIVEN: I wondered where you were going with this conversation. I need to say this, you keep saying "how are you, how are you" and I think we should be saying, "how are we going to solve this problem" because as a member of council, you also are here to direct. You are here to direct funding, pass legislation, etc. We are all trying and we all know we have a long way to go. When you are turning these things in, they are not falling on deaf ears. If we don't know where Mr. Smith is. In these instances where we are struggling, someone like a Heather Graves who is here, she must try to see what she can find out. She is on the internet and at utilities, etc. and does what she can to try and find these people. I think we have to be patient as well. Just because we failed 50 times, does not mean we should not try 50 more. Thomas Edison was that kind of failure but he solved a lot of the world's problems back then by continuing to move forward. I think that is what we need to do as a group and keep trying to improve things vs. trying to cut each other off at the knees. We know where the problems are and we don't have all the answers. Let's try this and see what we can do. The only way I know how to deal with a problem when I am overloaded is to just start nibbling away at that problem. I have to eliminate the noise. If someone is constantly coming at me with more and more problems, I will never solve anything. I have to keep nibbling away and eventually that problem will come down and we can address it. We have to look at this as our problem not Dan's problem.

COUNCILMEMBER SPRINGOWSKI: Do we have standardized criteria? You sent me the one on the point of sale but have formulated standardized criteria for regular inspections. There was not one at the time of our last meeting. I still have not received it even though it was requested over a month ago. I did receive the point of sale criteria.

DIRECTOR GLENN: That is the form that we are using when we go out and do property maintenance.

S/S DIR. GIVEN: Understand, if an inspector goes out and we are nit picking anyone. We have ordinances on the books. If a councilmember feels it is not important to have screens in your windows, well let's talk about adjusting the code so it doesn't call that out. I am not going to tell these guys not to focus on what is in their code book. It is not fair to them or me and where do we draw the line? I choose not to go down that path. I use my father as an example; he was cited a few years ago. He calls me up frantic, and wants me to do something. I asked him what he was cited for. He said his garage is peeling and needs paint. I go to his house and sure enough his garage was peeling and needs paint. He asked me what I was going to do about it. I told him I was going to pay to get it sided because I don't want to deal with it. I am sorry but if we all neglect our own physical asset to the point of non-repair, there is no one to blame. You cannot blame city government because you are being cited for not following the rules of your community. I refuse to go down that path. If you want to change the rules, then change them but let's not criticize the government. You don't criticize a police officer when you're speeding.

COUNCILMEMBER SPRINGOWSKI: I am trying to weed out the subjectiveness of the inspections. My father was cited as you know; he didn't ask anyone to get him off. I went out and assessed the problem. I got him the proper permits and made the arrangement to go and get the situation dealt with. It was dealt with in a timely manner. I want to know, are we standardized on the criteria that we are looking at? Is everyone on the same page? I am not getting that from the stuff that is coming back on some of these inspections with the houses that are cited vs. those not cited. I would like to know where we are on the Emergency Home Repair program. How many people have we helped with this program? Heather does an outstanding job and I must commend her. She has been nothing but helpful. She really goes above and beyond whatever she is doing to help out people when they ask for assistance. We know pretty much by the house and who we are citing whether or not these people will qualify for assistance on this. I would like us to be very aggressive on this as well and utilize these funds. We have them here and they are available and should be used.

S/S DIR. GIVEN: If you want a check list, it is the International Property Code. What Kellie and I were using as a check list is because I was not interested when I was going out in terms of dissecting a house. I was looking at a quick improvement to the neighborhood. The code will call out everything.

COUNCILMEMBER SPRINGOWSKI: I would like a copy.

S/S DIR. GIVEN: With regards to the number of people coming to us for assistance. What are the rules and regs and what are you seeing, Ms. Glenn?

DIRECTOR GLENN: The rules for emergency home repair could be code violations, electrical, plumbing, roofing, steps etc. This year, we probably helped over thirty people and spent almost \$300,000. We are not even through the year yet and I ran out of money. I am not even talking about furnaces or hot water tanks. I am just talking about roofs, electrical, plumbing, etc. There are many, many roofs as Dan can tell you.

S/S DIR. GIVEN: The price is going up on every one.

DIR. GLENN: When I first came in 2015 and started the emergency home repair program, we were doing \$7,500 worth of assistance. I doubled that and now it is up to \$15,000.

S/S DIR. GIVEN: Understand that we could get more value out of our dollars but since we have allowed it to go on, we are not just replacing shingles now, we are tearing off, replacing

wood and heavy structural improvements to some of these houses because of the fact that the people were not brought to court a long time ago or they were not made aware of it, etc. Those are the important things too. They are versed in this; there are certain things they are looking at that property owners may not be aware of. We are pointing these things out to our property owners.

COUNCILMEMBER SPRINGOWSKI: I am concerned as there are so many vacant houses. I was on Florida Avenue today and there are two houses across from the house that I was visiting. One is open and I don't know what is going on with the other. There are people in it but I cannot believe someone is living in there. My concern is kids going in and playing in these or squatters or whatever. Like the house on 20<sup>th</sup> St. they go in and shoot up, etc. and possibly dying in there or something getting set on fire similar to 15<sup>th</sup> St. last month. Our firemen are having to go in and not knowing if someone is in there or not and risking their lives.

S/S DIR. GIVEN: Understand, everything comes back to the budget. It is not city property so we are taking a risk by going over there. Secondly, nowhere in our city budget is there money for anyone to board up houses or money for labor, materials. We have done it on occasion only because of the goodness out of some of these guys' hearts. I called up and said we have a major problem right by the school. I call Lori Garcia and ask what materials we have laying around the street dept. can we address this? If we want a board up program, someone asked me to go out for bids on a board up program before and we came back with numbers. If we want such a program, we have to fund one. Everything we touch burns dollars around here.

BHP DIR. GLENN: We cannot use federal dollars for a board up program.

CHAIRMAN KOZIURA: The debate today is not to hash out old stuff.

LAW DIRECTOR RILEY: We move on to the Law Dept. budget, a footnote to part A. I had received the resignation of my highest paid subordinate lawyer, Mr. Motsch. Today, what I was hoping would happen did happen. One of my interns who was on staff for two years, a young lawyer has agreed to take the position in place of Mr. Motsch. This will come at a savings of close to \$20,000 as I anticipated. So, I do not see a need to add an additional prosecutor or additional funds to that line item. I did note that in my footnote. I have one person in my office who prepares the cases for the prosecutors. She cannot handle another 500 cases a month; that is just not possible. Like with the aid to the magistrate and the aide to the BHP Dept. I used that number of dollars per hour given to me by the Auditor's staff for an add'l 20 hours a week. She indicated that she and a part timer could do these add'l 6,000 cases a month and we will see if that is the case. I asked how we can help her in making the processing of cases more efficient. She indicated to me that a labeling device that we might be able to produce these cases more efficiently and in greater number. We estimate the cost of that to be \$1,000. We will be sending out 500 cases per month more and I think that money should effectively be in the clerk's budget because we do the clerk's processing in terms of preparing those cases. Whether it is in her budget or my budget, it is an add'l \$5,000. That is what I see in additional capacity for something coming out of the law department.

The next item is the Service Dept. Mr. Given and I, the prosecutors, the court; we grapple with this every day. It is just a very difficult problem to solve. The US Constitution, local rules of court, etc., require us to make service of process. As the judge just indicated, he will not punish someone and he shouldn't and can't effectively do that without being sure the person who has been charged and is to be punished if he or she is found to be guilty has not been served with process. We tried to think of different ways to enhance our ability to make

service effective. What we did do was a scan of private sector, private process servers, to determine what the market would cost us if we went that route. We received from outside vendors estimates of as low as 25 and high as \$50 to make three attempts at service on a named defendant. If you take that number \$50 per case x 6000 that is \$300,000. Going out in the market to find add'l help for service of process seems to be economically non-feasible. We debated another way, which is the way by which I proposed in my report to you. That is to hire our Aux. Police Officers. They are governed and supervised by the Chief of Police. I did speak with LPD today and they will not oppose the use of one of their auxiliary officers for the purpose of service of process of the housing court cases. That was a pleasant surprise. I was pleased to receive that from Acting Chief Cpt. Watkins today. They are on board. I estimated to do an add'l 500 cases a month that we would need approx. 32 hours per week of dedicated service time from one of our aux. officers. I received a number that we pay them from the Auditor's office @ \$15/hr. If you take 32 hrs @ \$15/hr over a year, we estimate the cost to be about \$25,000. In speaking with Mr. Given today about this, I think we both agree that this particular aux. officer, if we decide to proceed this way, may be someone we seek who has special skills. Maybe special administrative skills and not just get in a car and run around town but perhaps investigative skills that would be used by him to help Heather and Lauren find these people and get them effectively served. There are different ways to make service of process but the court has insisted that process be personal. That way, the court is assured that the person to be punished knows they were to be in court and are subject to the punishment of the law. We will look for a very special police aux. member to propose to Chief Rivera. If they hold true to their promise to work with us in this regard, I am hopeful we can improve the efficiency in the service of process on our HC cases.

COUNCILMEMBER THORNSBERRY: I want to thank everyone currently involved in his process especially our inspectors, etc. We have been asking you all to do a lot with a little. We appreciate what you have done so far and I hope some comments do not come off as negative towards you all; we know that you are doing the best you can with what we have given you to work with. There are frustrations in the system. I am hopeful this piece of legislation can fix some of those frustrations. I can tell you firsthand that I know favorites are not played. The inspector sitting right behind me happened to be my point of sale inspector back in January. I had to fix some stuff, handrails. I know for sure that special favor was not given to me. Secondly, I look at the numbers on the last page from Mr. Stewart and I am very comfortable in saying that this increase is at a bare minimum going to be cost neutral. My question is how can we ensure the increased revenue seen from these 500 add'l cases is going to make it into the proper funds through these various dept. to pay for the increased positions, \$134,000?

CHAIRMAN KOZIURA: The court does not \_\_\_\_\_ for their cost in fines; it goes to the GF and they share it in there and we appropriately, in the budget process, appropriate it properly.

COUNCILMEMBER THORNSBERRY: Will that be something we see new such as a line item or housing add'l? Can we do that? We will need to monitor this increased program throughout the years, I think if it was separated out, it would be easier for us to reference back to. How long do we see these positions being needed? We are log jammed now and way behind. In theory, I would imagine as we start processing five hundred add'l cases a month, at a certain point in time, it should start going down and things should start improving and people will realize the city means business. I always look at things from the point of a school teacher. Had a bunch of kids coming late to my class last week and stood at the door with tardy slips and gave out a ton. Guess what happened this week? Most of the kids were on time and I gave

out very few. At a future time, we should begin to see a reduction in these cases. If we don't reduce the additional staff, then we are no longer bringing in the dollars to pay for the add'l staff. That is my concern. How long will we need these add'l positions before the amount of cases we are processing stop funding these add'l positions?

S/S DIR. GIVEN: We have been going back and forth on that question as well. Realistically, as we looked at the size of our city and the amount of blight and neglect out there and the fact that there are people that still come in with fines and don't do anything. Or, they do it partway or maybe paint the front porch to get us off their back and don't address the rest of the house. During those back and forth discussions, we looked at it as a multi-year problem. I would say that if we can monitor the cases and the revenue coming in and its success. Are we seeing any improvements in our housing stock or not and over the course of time, council looks at the results and determines if we are succeeding or failing and can we trim this some. I feel this is multi-year because of the amount of problems that we have and the income levels of our residents. We have to keep pushing them to invest into this part of their life that they historically have not done. I think it will take quite a while.

COUNCILMEMBER THORNSBERRY: I concur and think that is even more reason why we should break this out with line items and money coming in and going out. This could be a four, six or eight year thing and we may not be the people sitting in these seats. They will be ones that need to continue to check on it. We need to structure in a way that future councils can continue to monitor this and make sure it produces the revenue to be cost neutral. I support this 100% and applaud you for your efforts. There are many improvements here besides just being able to process more cases. I think the better way of servicing will help a lot. I am excited to move this forward.

S/S DIR. GIVEN: Another thing that will allow us to monitor costs is that a bunch of the people working here will be federally funded. Don't know where that will be going forward. We may find out that items that we were using that were cost neutral, if that money disappears, it is a bigger problem for the GF. Hopefully that will not come about but we must consider that.

COUNCILMEMBER CARTER: You mentioned there was an International Property Maintenance Code. I pursued a few cities and they have a welcome letter. A few talk about housing issues.

S/S DIR. GIVEN: Kellie, I think this is something we need to talk with Mr. Comer about and see if we can get a link on the website.

BHP DIR. GLENN: We can put a link to the code on our website.

COUNCILMEMBER CARTER: Will it cost them anything to see that?

BHP DIR. GLENN: I don't think so, no.

COUNCILMEMBER MOON: I wish to thank you all. My neighborhood is starting to look good. I know most of the neighbors and get cussed out a lot and some won't vote for me next year but that is okay. Kellie, I know that if you take out a loan and your taxes are not paid, you cannot get a loan. I know that because I have a neighbor who has a hole in her porch, holes in her roof but can't get a loan at all because she is behind in her taxes. I have a landlord that has a hole in the wall and mushrooms growing in the basement. When your tenants don't want to do anything about it or say anything to those landlords, it just stays the same. Some are scared to say anything because they threaten those people sometimes. They tell them that if they complain one more time, I will increase your rent and move you out. Until you really get out and walk the area, I do that when there is a problem. I call my friends and say I need to go in

**FINANCE & CLAIMS & ALL COUNCIL COMMITTEE**

**Oct. 8, 2018**

the alley. I appreciate what you are doing. If you board up a house, the squatters will take it down and find a way to get in. The police put them out and they end up coming back. I talked with neighbors who cut the grass. I have to thank my ward because we really stick together when it comes to that. My kids told me to stay out of everyone else's ward and I do now. I try to work with everyone. I wish to thank everyone who rallied against the junk yard. I have a house where the owner lives in Alabama and she just doesn't care about the house. I am all for this. I will stuff those envelopes for you Mr. Riley. We all help each other and work together well. My nephew has a church at Body and Christ and there is a bus behind this church. We can't find out who owns this bus; it is huge and has been there for years. We have to have patience and this will work out.

Moved by Mr. Koziura, supported by Mr. Faga, to approve the report and request legislation to follow for incorporation into the 2019 budget. The motion carried.

The meeting adjourned at 8:15 p.m.