ADMINISTRATIVE VIOLATION REVIEW BOARD
MEETING MINUTES
February 12, 2019 – 1:00pm
City Hall, Fourth Floor Conference Room

<table>
<thead>
<tr>
<th>Name</th>
<th>Attendance (mtgs attended-mtgs absent)</th>
<th>Term of Office</th>
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</thead>
<tbody>
<tr>
<td>Pat Benedict</td>
<td>(45-6)</td>
<td>4/29/22</td>
</tr>
<tr>
<td>Michael Comella</td>
<td>(42-1)</td>
<td>5/27/19</td>
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<tr>
<td>Becci Goodwin</td>
<td>(37-3)</td>
<td>4/29/23</td>
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<tr>
<td>Michael Grimm</td>
<td>(48-3)</td>
<td>4/29/20</td>
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MEMBERS ABSENT: None

OTHERS PRESENT: Clint Thompson, Planning and Community Development Director
Ted Elo, Assistant City Attorney
Juston Carr, Property Maintenance Manager
Carol Flury, Recording Secretary

ROLL CALL – Four (4) members were in attendance; quorum present. Grimm - present, Pat Benedict - present, Comella - present, Goodwin - present.

Grimm called the meeting to order.

APPROVAL OF MINUTES
Comella moved to approve the minutes of January 8, 2019, as written; second by Benedict. VOTE: 4 Ayes, 0 Nays. MOTION PASSES.

NEW BUSINESS

A. Columbia’s Chronic Nuisance Ordinance.
Benedict brought to the attention of the Board Columbia’s Chronic Nuisance Code Section 16-321. Benedict said that as she talks to residents from other neighborhoods they talk about “that house has always been trouble”. She liked the way it gave the police more power. Grimm asked Elo if the City had a nuisance code; Elo said yes, Chapter 15. Grimm asked the Board to look at the City’s ordinance and we will put it on the agenda for their next meeting if it has something to do with their Board. Benedict thinks it is more for the police and is going to pass it on to the police advisory board.

B. Proposed Revision of Sec. 25-313 Tree Ordinance
Grimm asked Carr to talk about this proposed revision. Carr explained that the current ordinance requires trees have to be 14 feet over the streets and 8 feet above the sidewalks for clearance for traffic and pedestrians.

Grimm had talked with an arborist at Earl May and asked him what would happen to the tree when you cut one side to 8 feet and the other side to 14 feet. He said besides the esthetics, it is really not good for
Grimm made a motion to revise Sec. 25-313 to read “Trees shall be pruned to provide a clear space of 14 feet above the surface of the street or alley or sidewalk; second by Comella.

**VOTE:** Grimm – aye, Benedict - aye, Comella - aye, Goodwin - aye. **VOTE:** 4 Ayes, 0 Nays. **MOTION PASSES.**

**UNFINISHED BUSINESS**

Grimm talked about the Council meeting where Brian Myers proposed that city staff write an ordinance for a mandatory rental inspection program starting July 1, 2020.

Clint was not available to discuss the mandatory registration and licensing.

Grimm brought to the attention of the Board that at last night’s council meeting, the Board had two ordinances up for first reading; first one was allowing one unlicensed vehicles per residence and the carbon monoxide monitors. Both will be voted on Monday, February 25.

Chief Dalsing called Grimm and told him that since last October, they have had seventeen calls where there was a significant amount carbon monoxide in homes in St. Joseph.

Grimm stated that maybe next month they can work with Mary Robertson on how to get the word out to everyone in St. Joseph about this ordinance.

**PUBLIC COMMENT**

Grimm opened the floor for public comment. He said that everyone will be limited to five minutes and if it is about rental inspections, they don’t have anything to do with it.

Darren Burnett, 1620 South 12th, voiced his opposition to the mandatory rental inspection that was voted on by Council. Grimm stated that this Board has always been for a mandatory rental inspection program but the Mayor asked everyone on the committee to work on a voluntary program and that is what they did.

Sheri Schmidt, 1721 County Road 308, Savannah, asked about the chronic nuisance code. Benedict stated that she just wanted to bring I the code up to the Board for discussion because they were not allowed to discuss anything amongst themselves outside the meetings.

Schmidt said the real reason she was there was about the garbage cans; the landlord was to provide them and if any garbage falls out, it would be her responsibility to clean it up. She said that she feels the tenants should be responsible so she put it in their lease that they had to provide their own garbage can and pay for their own trash service. She feels that we aren’t making the right people responsible and, instead, making the landlord be responsible.
Elo explained to Ms. Schmidt that it is a State statute that the City operates under for property maintenance code and building development code. They state that notice and responsibility is on the property owner and she, as the landlord, is the property owner.

He told her she may want to delegate that to her tenant via a lease or she may want to retain that via a lease to her tenant, but ultimately, under Missouri law and our code, it is a property owner function so, she, as the property owner, are the ultimate individual that is responsible for it, even if she has a written lease that says her tenant is responsible for a keeping a fly tight container, and keeping everything in the trash can and keeping the weeds down and the grass mowed. If there is a property violation, it will be sent to the owner of record and a copy sent to the tenant. Ultimately under Missouri law, the landlord is the final responsible party.

Schmidt told Elo that this creates a tenant that doesn’t give a crap. If something goes wrong, it is not their fine, they are going to leave the house and the fines are going to be on the property.

Elo said when the code was tightened up, in reference to fly tight containers and other things, and with his dealings with municipal court, some landlords take that upon themselves now to modify their leases and increase their rent commensurately, because they didn’t trust their tenants to obtain trash service or make sure they hit the trash can when they put the trash in there. That was a factor that resulted in a higher rent but also there was no expense for the tenant to pay for trash service. As far as inspection, that is done by the City on a complaint basis or a routine drive by basis. We do not have the resources to make sure that everyone has a fly tight trash can and has routine trash service.

Burnett asked if we inspected by grids and that other cities are getting away from complaint basis. Carr responded that we have four districts and that each inspector surveys their districts. Burnett wanted to know how much time is spent on surveying versus complaint. Burnett thought it would be more effective to spend more time on the grid rather than responding to complaints.

Schmidt said that if we enforced the codes in the IPMC book, most of St. Joseph would not pass inspection. She said that inspectors could use this as a weapon. Grimm told her there would be an appeal process built into the program.

Burnett stated that he understood that the houses had to be vacant before inspection. Elo stated that if it is something that won’t keep you from having renters move in, then you will get a notice and have a certain amount of time to get the issue taken care of. If you need a couple more weeks, call your inspector and ask for more time and they usually will grant it. You can ask for a formal appeal hearing within ten days of the date of the notice and a date will be scheduled. If you want to know if something is in violation, you can go to the City Clerk’s office and look at the IPMC book or order one.

Burnett said that by the time you get a ten day notice, you only have three days to take care of the problem. Elo stated that was the time you need to call and ask for an extension.

Elo stated that there has been a shortage of affordable housing for the elderly. There are a couple of projects that will be providing an additional hundred units within the next twenty-four months.
Grimm called for the meeting to be adjourned at 1:35pm.

Minutes respectfully submitted by Carol Flury, recording secretary.