



# Board of Property Maintenance Appeals

## Board Meeting

~ Minutes ~

40 Public Square  
Mount Vernon, OH 43050

<http://www.mountvernonohio.org/>

Lindsay Hoar  
(740) 393-9520

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Thursday, December 7, 2017

5:30 PM

Council Chambers

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### I. Call to Order

Attendee Name	Title	Status	Arrived
Brian Ball	City Engineer	Present	
Julie Miller	Board Member	Present	
Chad Christopher	Fire Chief	Present	
Susie L. Simpson	Board Member	Excused	
Jim Gastin	Board Member	Present	

### II. Minutes Approval

1. Thursday, November 02, 2017

### III. 14 Kenyon Street

#### 1. 14 Kenyon Street

COMMENTS - Current Meeting:

Mr. Bemiller: 14 Kenyon Street, it's been a problem property for quite sometime. As you can see in the pictures - the house isn't in good condition at all. There's a two story garage that is either not ever been finished or has fallen apart. It's getting quite dangerous. The property now is owned by JPMorgan Chase Bank and that's been since May of '17. Shortly after they took ownership, I did send them a notice on the condition of the structures on the property. They contacted me through their preservation department and during the summer they did some clean up. The place was kind of a mess outside. They didn't do anything to the two story garage, I sent for everything as far as the garage, the fence, the shed, everything. They weren't willing to do anything like that. They did get quotes this summer on tearing the garage down, the shed down, the fence down, it seemed like that was just a pacifying the City. They didn't do anything about it so that's why I progressed to suggesting we condemn this and order it demolished. As you can see by the pictures, it is in terrible condition. This has been a problem in this neighborhood. The previous owner pretty much stripped out a lot of the plumbing. He tore sections of the foundation out. I'm not sure how much of it that is out but you can see sections of the foundation is gone and it could collapse on those sections. But obviously anything can be re-built, if they want to sell this, but it would take a lot of money. And I don't think it's reasonable really to renovate this property. Based on that and the evidence before you, I am recommending that this property be condemned and order all structures be demolished. I know that they weren't going to have a representative here, the law firm called me this week and said they didn't really intend to contest it at this point. It has been for sale for quite sometime. They've gone through 10 or 11 online auctions, they now have it with a realtor. They have shown it and we've even had calls to the Engineering Office about buying it, renovating it but no one's really been a taker. It's in pretty

poor condition to consider even renovating it. I'm recommending it be condemned and demolished and not really giving them more than 45 days to actually comply with that order.

**2. Motion To:** Motion to Condemn with 45 days to demolish all three structures

COMMENTS - Current Meeting:

Mr. Ball: We have a motion to condemn the property at 14 Kenyon Street to be removed, complete removal of all three structures within 45 days.

Mrs. Miller: You haven't been inside Mr. Bemiller?

Mr. Bemiller: No, it's not really safe to go inside, I think it's locked anyway. You can see into the basement, where the foundation's been torn out. But other than that, it's definitely been ripped apart inside and I've actually talked to a realtor that went through it with a client and gave me a pretty good description. It's pretty bad inside.

Mr. Christopher: Yeah, I was there today and the front porch door along the side is actually unsecured, it's open, there's no door, board or anything. You can see where people are getting in the back slider door, it was open. Kitchen area is gutted out from walls to ceiling. It's an unsafe structure.

Mr. Bemiller: I will point out, they are going to pursue selling it, which they can do but this order we put on it, transfers to that new owner. And that's why it's important that we get this done, so someone else can't just let it sit there.

Mr. Ball: Other questions, comments?

Mr. Daniels: I was in the front door in that kitchen area when I was doing Greg's job a few years ago and it was pretty well gutted up to the roof. He had stripped the whole place out even while he was living there.

Mr. Ball: I also visited the property earlier in the week, I did not step on the porch. I applaud your courage. I took a close look at the two-story garage. That structure has significant rot/decay, there seems to be some slight shifting in the recent windstorms. I think that this is an immediate hazard because if this were to collapse, it could fall into the alley or into Kenyon Street. We have a pretty significant concern with the stability of this - it's wide open, kids, animals can freely enter this structure. And now we know the house additionally.

Mr. Bemiller: And they've had a lot of people look at this place and no one's been a taker.

Mrs. Miller: So Mr. Broeren, what's our minimum, with Mr. Ball's concern about this outside structure falling - do we need to have it removed more quickly than 45 days?

Mr. Broeren: Well we talked about the time frame and the 45 days takes into account that there is a 30 day window to appeal and so we thought that putting it that would reserve the window to appeal as well as give us the quickest turn around we thought we could do.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chad Christopher, Fire Chief
<b>SECONDER:</b>	Julie Miller, Board Member
<b>AYES:</b>	Brian Ball, Julie Miller, Chad Christopher, Jim Gastin
<b>EXCUSED:</b>	Susie L. Simpson

#### IV. 208-218 West High Street

##### 1. 208-218 West High Street

COMMENTS - Current Meeting:

Mr. Bemiller: Yeah, we all know this one. There's not question that it qualifies as a condemnable building and even to the extent of ordering it to be demolished. The exterior of the building is deteriorating pretty fast, the west wall - that's starting to fall, there's holes on that side. The mortar is nearly gone in most of that brick area and that's not going to take too long before we have some freeze and thaw and some of that starts falling off. The front wall has material falling off of it, stucco, the sidewalk covered with that, and some pretty big chunks of it has come down, they're still laying there. There's a lot to it, plus the roof has collapsed on the section that's considered 208. Now there is talk that they want to redevelop the property, which is great but I don't feel like those buildings are considered buildings that someone is going to come by, buy, renovate and redevelop it that way. They're going to be torn down. And we can only wait so long for some kind of a development like that to take place before we take a stand on a building that is considered and is unsafe. There's no telling of what kind of winter, if we have any heavy snow loads that roof's going to come down even more. Now there has been a development today, we had contact from Joel Mazza and his attorney, Phil Lehmkuhl. They're requesting an extension on this, to not make a decision on this until our next meeting. Joel is trying to get approval through the State to repair the roof, they have talked about putting some kind of construction fence around it, which I'm not really in favor of at this point. It's going to look like that's what we're approving for all buildings, is to put fence it up and I don't really agree with that. The building itself though, if we keep waiting, the building is unsafe and I can't imagine repairing a building that is ultimately going to be torn down. I believe the building is unsafe enough to go ahead and order it condemned, order it demolished and if they have some kind of other evidence that they can show a plan they're going to do, they can bring that to our next meeting. But I don't really feel like we should wait on this one, I think it's something that needs to be acted on now and get the order in place. And again, it's one that would transfer to the next owner, if they do sell it in that time. Now on that one, I'm thinking like 90 days on the order, as far as demolishing that building.

##### 2. **Motion To:** Motion to Condemn and Demolish the Properties at 208-218 West High Street within 90 days

COMMENTS - Current Meeting:

Mr. Ball: Alright, we have a motion, it has been second at this point. Questions and discussion on this motion?

Mr. Lehmkuhl: (Sworn in by Mr. Broeren) My business address is 101 N. Mulberry Street, Mount Vernon, Ohio. I did not expect to be here tonight because I first got wind of this problem from my client, Joel Mazza, about 10:30 this morning. Simple enough, he forgot that the hearing was tonight and simply could not make and therefore asked me to come instead. Here's what he's seeking - a postponement of a vote on this matter until your meeting next month when he can attend. I can update you a little bit with regard to what Mr. Bemiller just told you. There is not dispute as to the condition of the building, Mr. Bemiller is correct, it will be torn down before long. The question comes down to when and who pays for it and in that regard it is important that you know that there are two interested parties for the building. The one that would be in first position proposes to rent/lease a professional office building and that can be done without modification of zoning variances, in other words the footprint of the structure will permit that fairly readily. However, no deal has been inked on that prospect. The redevelopment plan that is in position two involves a Dunkin' Donuts restaurant and Joel will need to secure some zoning variances to build such a property like that because it will have drive-thru window. Now, Joel Mazza has filed with the Ohio Department of Commerce, an application to affect some temporary repairs to the building. I cannot tell you how long it will take for that application to be approved. I can tell you, from my discussions with him today, that the State of Ohio Department of Commerce is insisting that he submit the plans he has to remedy the property. And as Mr. Bemiller pointed out, it doesn't make a whole lot of sense to invest a lot of money to repair a property which will meet with a wrecking ball fairly soon. But if we move to defer action on this for 30 days it will enable Mr. Daniels, Mr. Bemiller and Mr. Ball in advance of this next meeting to receive the same plans that are submitted to the Department of Commerce concerning the repairs. Mr. Bemiller also mentioned something else and that was construction fencing. I submitted a copy today to Mr. Bemiller, Mr. Daniels and Mr. Ball, of a work order invoice for the erection of a construction fence starting tomorrow morning. And of course Joel is proposing to do that because if the property can be fenced off while the roof repairs are being made and even before the roof repairs are being made, any hazard to the public is thereby minimized. Now I will tell all of you, I don't begin to know the details of these two tenants, how soon it might come to or the details of the plans he submitted to Ohio Department of Commerce today, I don't know them, I can't answer a great many of your questions. I do know that Joel can next month and next month, I am confident, he'll be in a much better position to tell you what I think you really want to know. And that is, how soon will the repairs be made and what repairs will be made and how soon do you expect to redevelop the property. I can't answer those questions tonight, I suspect Joel can next month, that is why I am asking that you defer action here today. And I would say that Joel, I believe, with the City, once an agreement has been reached he follows through on it. So really that concludes my presentation, I would hope that you would simply postpone action on this motion until your next regularly scheduled meeting so that Joel can be here and can give you more detail than I can provide today. And they'll probably be further down the track in terms of the State permit, and further down the track then in terms of how the property will be developed and when and when those two buildings will in fact be torn down. Thank you all.

Mr. Ball: Does the board have questions?

Mr. Bemiller: I have comments. I'm not sure what our going ahead with the condemnation and order of demolition has anything to do with him repairing the roof. I mean he can still go ahead and repair the roof. He can still go ahead and sell and redevelop the property. This though, gives us the protection of that building definitely does come down and it comes down soon. It doesn't

stop you from doing the repairs and also we're really not after just the roof be repaired, the whole building is an eye sore and that also is included. I can't imagine that he's going to re-stucco the front re-mortar the brick on the side that is falling off and fix the holes all around the building. So I mean there's more to it than just that roof and us doing the condemnation order and demolition order doesn't stop him from doing that, he's welcome to go ahead and do all of that. But this gets us in a position that protects us and it gets rid of this building.

Mr. Lehmkuhl: Mr. Bemiller, I would say this in response, in your motion you had proposed a 90 day time frame, if you wait to hear from Joel Mazza next month and you're not satisfied with the answers he gives you, you can make it a 60 day time frame then. And it results in the same outcome.

Mr. Bemiller: Well that's my recommendation so the Board can determine what to do from there.

Mr. Gastin: I do have a question. Let me follow along here, why would he be interested in fixing up the roof if the building's going to have to come down anyway?

Mr. Lehmkuhl: Okay, that relates to the nature of real estate redevelopment, which is that there's a lot of talk before a deal is inked. Once it's inked it proceeds in a fairly methodical fashion. As of right now, because he has given first priority to that professional office building, he's put the Dunkin' Donuts on the back burner and that will probably no longer be true, instead he'll probably reverse course within the next 30 days. And assuming he can get the variances he needs, wouldn't be surprised if he tells you next month it will become a Dunkin' Donuts facility, will be torn down on the certain date and as part of the deal signed with that outfit, the funding to demolish it will be in hand. Does that help?

Mr. Gastin: It does, thank you.

Mr. Christopher: It does, and with that I say we move forward with our motion. There's no doubt in my mind that is a very valuable piece of property there. It's even more valuable without that building there and as you stated, if it's going to be a Dunkin' Donuts then the building comes down. No one in their right mind would want to pay to fix the roof and everything else knowing that it's going to come down in a certain amount of time. So, I'm excited that some people are interested in the property and there's a future for it but lets get it in motion that it can come to the ground and hopefully those good plans can start sooner than later.

Mr. Broeren: If I may, Mr. Ball - Mr. Lehmkuhl it's unclear to me, so are you suggesting that someone who would this space for professional office would then mean to go and to use the current buildings that are there and reconstruct them?

Mr. Lehmkuhl: No, no matter which project is selected, the buildings will be torn down.

Mr. Broeren: Okay, it was sort of unclear to me why would you go to the trouble of shoring up the roof and then tear it down. Second, do you have a copy of quotation for the fencing services, is that correct?

Mr. Lehmkuhl: I do.

Mr. Broeren: That was provided to you by Mr. Mazza?

Mr. Lehmkuhl: It was.

Mr. Broeren: He didn't provide you with a copy of whatever he submitted to the State to show what he is asking for them, did he?

Mr. Lehmkuhl: Not much of one, what he sent me by email and I relayed it to Joel and I think also to Brian, but I'm not sure was the front page of the application form.

Mr. Broeren: You didn't provide anything beyond that?

Mr. Lehmkuhl: No, I gave all that I could get from him today.

Mr. Broeren: And when was that submitted, do you know? (Date it was submitted to the State)

Mr. Lehmkuhl: That would be today, December 7th.

Mr. Broeren: So he couldn't be here today but he did manage to get that application in today?

Mr. Lehmkuhl: He did.

Mr. Broeren: And you said that he wants to start constructing a fence first thing in the morning, is that correct?

Mr. Lehmkuhl: Yes.

Mr. Broeren: Have you secured a fencing permit?

Mr. Lehmkuhl: No.

Mr. Broeren: So he actually can't start putting up a fence in the morning.

Mr. Lehmkuhl: That is something I don't know. I am aware generally that the City has permit process for fences, I simply don't know whether it applies to temporary construction fences or not.

Mr. Broeren: I would tell you that as the City's lawyer, it does and therefore you won't be able to do this.

Mr. Lehmkuhl: So we would need to get a permit to put the fence in?

Mr. Broeren: Yes. And he just requested that quotation for fencing today?

Mr. Lehmkuhl: That was the quote he got from the fencing company.

Mr. Broeren: That was today?

Mr. Lehmkuhl: Yes.

Mr. Broeren: I have no further questions for Mr. Lehmkuhl. Thank you.

Mr. Ball: Mr. Bemiller when was the letter for the notice for this meeting and potential condemnation transmitted?

Mr. Bemiller: I believe it was early November.

Mr. Broeren: November 9th.

Mr. Lehmkuhl: Mr. Ball, Mr Mazza does not dispute that he got notice of tonight's meeting, simply that it has slipped up on him sooner than he thought.

Mr. Ball: That's good, for the record we just want to make sure that our notice was sent out in a timely manner. Other questions? Chief, have you been inside this structure?

Mr. Christopher: I have not been inside this structure, I have been around the outside, we've looked on the roof and where that roof collapses. And I have marked it with the double X sign. Firemen will not go in unless there is a life safety matter on that structure. But I have not been inside it for quite sometime.

Mr. Ball: So we do not have a good feel for how long the roof has been leaking before it collapsed? I did notice this summer, the one glass door seems to be culturing some sort of mold or other materials so obviously that is somewhat dormant in the winter time but I think that is also a public health concern. Yeah, we don't have a feel for how long the roof has been leaking, the gutters obviously are leaking and the westerly section (of the roof) are blowing off and those

shingles are blowing through town. Do you have any knowledge of the last or any repairs or any maintenance that has been done to the building?

Mr. Lehmkuhl: I do not.

Mr. Ball: Any other comments, at this point I would open up to the audience. Alright I see none, Greg anything else to add?

Mr. Bemiller: Just that putting this order in is not going to change whether they sell the property, it's not going to change whether they redevelop it. It's not going to change anything. It would change the fact that we don't sit and wait for a deal to come through. And we can't make our decision based on proposed deals that are out there because they could fall through very easily. So it's definitely something that we need to go forward with and order the building demolished.

Mr. Ball: Mr. Broeren, if we pass the motion, would it still be possible to entertain an update at next month's meeting?

Mr. Broeren: Sure, I mean this Board can choose to revisit the previous orders if there is good cause to do so.

Mr. Ball: Alright the motion on the floor is to order condemnation and complete removal of the structures located at 208-218 West High Street. Okay we would also ask that this be put on the agenda for our January meeting to revisit and any updates we will make time for. Mr. Bemiller will send out proper notice of that meeting to Mr. Mazza and yourself.

Mr. Lehmkuhl: Thank you very much.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Julie Miller, Board Member
<b>SECONDER:</b>	Jim Gastin, Board Member
<b>AYES:</b>	Brian Ball, Julie Miller, Chad Christopher, Jim Gastin
<b>EXCUSED:</b>	Susie L. Simpson

**V. 304 E. Ohio Avenue - Review**

**1. 304 E. Ohio Avenue**

Mr. Ball: And last on the agenda is 304 E. Ohio Avenue, Mr. Bemiller, please give us an update.

Mr. Bemiller: Okay, I gave everybody updated pictures of what the place looks like now, as you can see, there's not much change. The only change is that some stuff has left and new stuff is in place, so there's been no clean up, the vehicles are still there. The shed, today, he actually tore part of it down, he's scraping it - that's not going to help a lot. The property is still very filthy, it's



very cluttered. There's still trash and debris everywhere. And really because of his lack of compliance, we were asking him to get the place completely cleaned up on the outside, and that has not happened. By invitation by Mr. Stagg a group of us did take a tour of the inside of the building to determine the livability of it. In most standards, it's not livable but there's not much we can do with that. But taking into account what the inside looks like along with the outside, it's still something that I believe fits into the category of 1303.12 in the condemnation section "A structure is unfit for human occupancy whenever the Property Maintenance Enforcement Officer finds that it is an unsafe structure as defined in Section 1302.01, it is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities, or contains unsafe equipment." It does not have water right now, that's been shut off due to non-payment.

Mr. Broeren: That includes wastewater as well.

Mr. Bemiller: Yes so based on that, you have a real sanitary issue as far as I'm concerned. Heat wise, he can do what he wants there, and he is heating with a wood stove. To the Fire Chief, that's going to send up some real red flags based on what we found inside the building. But it also meets the category of 1302.01 item 36 where it's an "Unsafe structure" means one that is dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, ...." I mean it fits everything. He's affecting the neighborhood in a way that we really can't allow. Mr. Strouse is here, he has a property right beside it, they even have their property surveyed to show the property lines. Mr. Stagg is still placing stuff over on their property. There's just no consideration here at all for laws, codes, neighbors, City in anyway. What I'm recommending is that we do uphold our previous order of condemning, order the property vacated - he can do the repairs to make the structure livable but until then I really believe we have to order it vacated and do the repairs and give him 90 days on that, to do the repairs to make it livable and get the property, again, cleaned up. Which I will start next week anyway on towing vehicles.

Mr. Ball: Questions for Greg?

Mr. Bemiller: Let me go ahead and add, what I meant as far as condemning it, we're using 1303.12, a couple things that can be done besides what I just said, you can use (C)(1) "Condemn the structure and order it to be vacated, with further occupancy prohibited until completion of repairs ordered by the board" or with (2) "Condemn the structure and order it to be demolished, upon a finding that it is so deteriorated or dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and that it is unreasonable to repair". So we went through it, it is solid enough that it can be repaired and made livable so that's why I'm recommending (C)(1) to just order it vacated until he does get the repairs made.

Mrs. Miller: So the motion's already been made and I apologize I wasn't here.

Mr. Broeren: What we're looking to do is we're making another motion specifically to determine which branch of the condemnation we're going to proceed under.

Mr. Ball: Specifically for the house.

Mrs. Miller: So thirty days was given? Because I'm not seeing it reflected in what I'm looking at.

Mr. Bemiller: In the order?

Mr. Broeren: I think it talked about a review.

Mrs. Miller: Yeah, there's a review piece.

Mr. Broeren: And that's the reflection there.

Mr. Bemiller: The clean up can be separate from the condemning and vacate it and show he does the repairs, clean ups actually another issue that we'll take other action on.

Mrs. Miller: My question is, to clarify, there are currently people living there in this structure?

Mr. Bemiller: According to him, two but we're pretty sure there are more.

Mrs. Miller: Are there children living in this structure?

Mr. Bemiller: No.

Mrs. Miller: And we know for a fact that the wastewater/water is turned off?

Mr. Bemiller: Yes, I checked today actually and it's still not turned on.

Mr. Broeren: It's been off for about at least 30 days.

Mr. Bemiller: Yes, it's been off since November 7th.

Mrs. Miller: And there's people living in there. How's its odor from the house?

Mr. Bemiller: Are you asking me that?

Mrs. Miller: I'm asking the world.

Mr. Bemiller: I didn't get close enough for that. You could only assume.

Mr. Christopher: So we're looking for another motion tonight?

Mr. Ball: Right, the motion would be specific to the house - either to condemn order it repaired or to condemn and order it demolished.

Mr. Christopher: I'll make the motion that it's condemned for the 90 days for the repairs.

2. **Motion To:** Motion to Condemn with an Order that the House be Vacated and Repair the House to Livable Condition and Utilities back on within 90 days

## COMMENTS - Current Meeting:

Mr. Broeren: We need to specifically talk about what repairs we want on the house. What specifically are we looking at?

Mr. Bemiller: Well as far as the outside, which is what our code would go for, obviously the outside has a lot of deteriorated wood, there are holes, there are foundation holes. I believe he's working on them but with this gentleman not a lot happens and his word's not worth a whole lot which he's proven on his own by the last meeting saying he was going to get rid of a lot of the stuff in the yard and none of it's gone. I'm not sure I believe anything that he would say that he would do.

Mr. Broeren: So we're asking to have the foundation shored up. The building weather tight. Are there issues in regards to the deck?

Mr. Bemiller: He started a deck on the back but he didn't get a permit for it. He came in the day of the last meeting to get that permit, which obviously we didn't approve anything at this point. So with that - we would have to go ahead and give him approval to build that deck. But the condition of the outside, the whole basement's open, it's not closed off or secured. He fixed one hole from the last meeting that we talked about but the overall condition of the outside, it qualifies under what you would consider a blighted property, where it is just so deteriorated that it's affecting other properties. Now whether he can do that in 90 days or not but obviously if we saw some real progress, that would hold a lot.

Mrs. Miller: Question, do we have any authority on repairing, meaning that they have water?

Mr. Broeren: I would certainly say that to make sure that it would have to include water and other utility services to make it habitable.

Mrs. Miller: And is there any way, with our authority to tell him specifically he can't trash his neighbors properties?

Mr. Broeren: Well if there is in fact trash on the neighbor's property that can be reported and we can take care of that separately. There are other levers that we have in regards to that.

Mr. Ball: So we have a motion on the floor and I think at this point that we want to allow comments from the neighborhood.

Mr. Strouse: (Sworn in by Mr. Broeren) My names is Joshua Strouse and I own the property next door, 306, 308, 310 E. Ohio Avenue, also 304 S. McArthur which is right around the corner, so I get to look at this trash pile regularly. I've never been to one of these meetings so I don't know what you do or what authority you have but to give you a little insight into what I've witnessed over the last year or so - this guy just collects trash is what he does, I don't know if it's construction materials. He has a boat he puts in there and uses that as a trailer/hauler of sorts. He spray paints the siding on his house. He's lately been cutting up trees to heat his house and

running his chain saw at 8:00 at night. I think the guy's got some mental health issues to be quite honest, he's a little crazy. But as far as encroachment on my property next door, I didn't know when I bought the building that there was a drive in the back of the property where he can access his unit because there's an alley way that runs right next to my property. He informed me of that. So I went to the Map Department and looked that up and sure enough it was. So he took down some bushes in the back and some trees, I don't know if those were on my property or his but they were pretty close. I thought that he was going to build a garage back there, that's what he told me he was going to do. And he's just piled stuff back there. So I got the property surveyed after you had your meeting last month, just to try to define where my property starts/ends and where his ends. Immediately after the surveyors were there, Vance Surveying, he took the stakes out, threw them, put his own stakes in there. I called the police, they came down, put the stakes back up. He's got a vehicle that doesn't have any wheels half parked on my property and half on the driveway that kind of goes to his. He hasn't moved it, I don't think he has any intention of moving it. It's clear as day that the stakes show that it's on my property. I'm thankful that my tenants haven't moved out of there because I don't know how I would put up with a neighbor like that. And if they do move out I don't know how I'm going to find a new tenant to move in there to deal with something like this. So the place has a lot of trash, it definitely needs to be cleaned up. This guy has been stealing water, not only from my tenant next door but then the tenant two doors over. I talked to the tenant at 308, two doors over, this morning and he had hooked a garden hose up to his outdoor spigot and was running it across one property into his and filling up a 55 gallon drum. So the tenant took the spigot off and he stole water from the next door tenant as well and ran up this poor lady's water bill to \$240 one month. This guy's a nuisance so the more that we can do to apply pressure to get him to fix this up. You know, if you don't have water in a house for a period of time, it's bad. I don't know where he's going to the bathroom but I think him and his girlfriend live there. They're a nuisance to the neighborhood, I think we'd be best to try and get him out of the house. There isn't a trash service there so I don't know where he takes his trash. He acts like he's trying to clean things up but his way of doing it is odd. He literally used his boat as a trailer to haul trash, so he pulls his boat up into the yard, fills his boat up with junk and then moves it somewhere and then the boat ends up on the street somewhere. I don't think he has tags for that. I mean there's just a slew of issues, I don't think this guy cares. There's a reason this guy's not here tonight because he doesn't care about the rules and whatever pressure we can apply to show him. I mean he bought this house for \$10,000, he hasn't done anything to it or significance. If you and I lived there, we'd move out immediately. So a years time of owning a place and not really doing a whole lot to it other than just bring trash in is not what we want in our neighborhoods here in town. So if you have questions for me, I'd be happy to answer them but that's just my perspective on things.

Mrs. Miller: Is one of the vehicles that you're planning to get removed the one that..?

Mr. Bemiller: It's that one, yeah.

Mr. Daniels: Joel Daniels, Safety Service Director for the City of Mount Vernon. As Mr. Strouse has said and I said last meeting, I didn't think this property could ever look worse than it did when the previous owner had it but it is worse. Mr. Bemiller could you state what your intentions are as far as cleaning up the exterior of the property?

Mr. Bemiller: Well a lot of the items, to a lot of people they're junk. It's a tough thing for us to actually go clean it up because they are his possessions. For the City to go do it, I think it puts us in a position of us determining what's junk and what isn't. I think our only recourse there, and Mr. Broeren can comment on this, I don't see any other way. I'm going to tow the vehicle but for us to go take everything off the property, I'd probably need some advice on whether we can do that. But the other option is taking him to court and file charges against him for that because he has orders to do that (do the clean up) and has not complied with any of them.

Mr. Daniels: And you've given how many letters in regard to this?

Mr. Bemiller: At least four.

Mr. Daniels: And at the last meeting we talked that there would be a clean sweep of the property.

Mr. Bemiller: Yes, very specific, it's actually in the order that I even had him sign. So we know that he received the order. I don't believe he ever will clean it up, it's just one of those things that if we can clean it up, that's fine but there are items that I don't know that we can take off so I don't know that it will help. We may just have to pursue this in court.

Mr. Daniels: Well, as your supervisor I would direct you to work with the Law Director and within the next 30 days do a clean sweep of that property with Law Enforcement present.

Mr. Bemiller: Right, if we can do that, if the items that are there can be taken they definitely need to go.

Mr. Daniels: There isn't anybody in this room that would want to live next to this property. And put up with it as long as these folks have and so we need to take action now. Thank you.

Mrs. Miller: Just to comment, a lot of times through our Agency, the perimeters we use are if they can't show use of the object within 30 days, that they're actually using, I think I'm looking at a shower maybe. That they're not using it, then it's trash or it needs to be gone somewhere else. If that helps.

Mr. Ball: So Mr. Bemiller, you feel that our motion that was accepted in the last meeting is sufficient for the exterior work?

Mr. Bemiller: Yes.

Mr. Broeren: I think the motion today is to condemn it, to give him 90 days to list that the exterior needs to be made weather tight, that the foundation needs to be done and no other outside decking can be done without a proper permitting or approval. In regards to the trash and things like that, I'll be working with Mr. Bemiller to bring charges based upon violation of those order and then we'll see what happens with the other things.

Mrs. Miller: I just don't want to forget the water/wastewater.

Mr. Broeren: Oh yeah, I have that as re-establish all the utilities. Those are the four issues specifically with this specific order. But he must also, under the (C)(1) subsection immediately vacate the property and we'll see about that as well.

Mr. Ball: So to restate the motion on the table, we are ordering..

Mr. Strouse: Can I ask a question real quick?

Mr. Ball: Yes, please.

Mr. Strouse: One of my concerns is how he's heating the place. I actually increased the insurance value on the property next door to him because I think he's going to burn the house down. Can there be some sort of inspection to see if it's safe for him to use the chimney that he's heating the house with? I mean we don't even know if this is installed properly, I mean he just literally brought a fire into the house.

Mr. Christopher: Mount Vernon has no building codes and the Fire Department only has authority over commercial buildings. So anything residential - my hands are tied.

Mr. Broeren: Yeah, they'll be ordered to vacate the property so they won't be heating it anymore. So that should take care of it but the Chief is correct in regards to our ability to really get at this sort of a home on the interior.

Mr. Strouse: And what if he is there, do I call the police and say hey he shouldn't be there?

Mr. Broeren: Well once the order is served on him, he will be ordered to vacate and if he's found there afterward we can bring charges for violating that part of the order, which is independent of the 90 days he has to repair the property.

Mr. Strouse: So does that mean he can't be there like after 9:00 p.m.?

Mr. Broeren: He can't be living in the structure.

Mr. Strouse: He can be there all day?

Mr. Broeren: He can be there to work on the structure, he can't be living there.

Mr. Strouse: So he can work at night?

Mr. Broeren: I'm not going to get into ..

Mr. Strouse: I'm just curious because I don't think he'll listen to the order, is my thought process and how do you know. I mean how do I help the situation?

Mr. Broeren: We'll work on that as we go.

Mr. Strouse: Thank you.

Mr. Ball: So maybe to answer some of your questions, he did allow an inspection of the house by the Police, the Fire Inspector and the Health Department the day after the last hearing, again with the openness of our rules/regulations, he was given multiple points by our Fire Inspector and the Health Department of things that are safety hazards within the house and safety concerns. But that is outside of our jurisdiction as the Chief mentioned.

Mr. Daniels: Rob, could you restrict the hours of work from 8:00 a.m. to 8:00 p.m. or something like that?

Mr. Broeren: I'm not sure that that's within the authority of the ordinance.

Mr. Ball: So to restate the motion on the floor, we are ordering property cleaned up pursuant to Section 1303.12(C)(1), it is condemned, he has 90 days to make repairs to a livable condition and requiring that the utilities are turned back on. Any objections [sic] or other discussion?

Mr. Gastin: Well the discussion I have, now these pictures were taken today, right?

Mr. Bemiller: Yes.

Mr. Gastin: Okay, without looking at the date, I thought these were extra pictures from the last time.

Mr. Bemiller: Yeah, it didn't change.

Mr. Gastin: Honestly. I mean we told the guy to throw away everything and the only thing we should see if the grass coming up through the ground, that's it and the rocks that are left in the driveway, that's it. And he doesn't care.

Mrs. Miller: As much as I don't like properties like this in Knox County and we deal with them all the time. I also care about the residence so typically if we ask somebody to vacate a property do we make all the resources available to them of where to find housing? Because essentially we can make someone homeless and we do have a shelter during the winter months but I do wonder if we do that. I know it's not a rule.



Mr. Broeren: I think this is probably the first time that we've done this, ordered it to be vacated, so we will work on making sure that we take as much care with the residents that are going to be displaced as possible.

Mrs. Miller: And you can refer them to us if you want for assistance.

Mr. Ball: Other discussion? Alright at this point we will do the roll call vote.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Chad Christopher, Fire Chief
<b>SECONDER:</b>	Jim Gustin, Board Member
<b>AYES:</b>	Brian Ball, Julie Miller, Chad Christopher, Jim Gustin
<b>EXCUSED:</b>	Susie L. Simpson

**VI. Adjourn**

Julie Miller made a motion to adjourn, Chad Christopher, second, meeting was adjourned.