

## Board Meeting Minutes

April 26, 2018

### CALL TO ORDER

Attendee	Title	Status
Brian Ball	City Engineer	Present
Julie Miller	Board Member	Present
Jim Gustin	Board Member	Present
Sam Filkins	Board Member	Present
Chad Christopher	Fire Chief	Excused

Attendance: Jeff Shrimplin, Nancy Vail, Bob Harrod, John Lengacher, Charles Fisher, Jeff Gottke, and Lindsay Hoar

Mr. Ball: We would like to call this April 26<sup>th</sup> meeting of the Board of Property Maintenance Appeals to order. Thanks everyone for being here. First order of business, not on the agenda, Mr. Sam Filkins welcome to the Board. Thanks for accepting the Mayor's and City Council's appointment and we need to swear you in, so I will defer to our Law Director, Rob Broeren and he will have a statement.

Mr. Broeren: If you will stand and raise your right hand please.

Mr. Filkins: I, Sam Filkins, do solemnly swear that I will, upon entering office, support the Constitution of the United States and the Constitution of the State of Ohio, and that I will faithfully, honestly and impartially discharge and perform all duties incumbent upon me as a member of the Board of Property Maintenance Appeals for the City of Mount Vernon, State of Ohio, according to the best of my ability and understanding.

Mr. Ball: Second order of business, is there a motion to excuse Chief, Chad Christopher?

Mrs. Miller: So moved.

Mr. Filkins: Second

### MINUTES APPROVAL

- Board of Property Maintenance Appeals - Board Meeting - Dec 7, 2017 5:30 PM

Mr. Ball: Alright, the next order is the approval of the minutes from our December 7, 2017 meeting. I believe we have had these for a while, there were a couple small text changes, if no other issues, is there a motion to approve?

Mrs. Miller: So moved.

Mr. Gustin: Second.

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Julie Miller, Board Member
<b>SECONDER:</b>	Jim Gustin, Board Member
<b>AYES:</b>	Ball, Miller, Gustin, Filkins
<b>EXCUSED:</b>	Christopher

### 14 KENYON STREET - REVIEW

- 14 Kenyon Street

Mr. Ball: Onto this evenings business. I believe everyone has seen 14 Kenyon and 806 S. Main. These properties have condemnations on them, requiring those properties to be demolished and we believe we have some new owners. There has been some recent movement. This is a general request to reconsider the current orders that are on the two properties. So we will begin with 14 Kenyon Street and if we have a representative for our new owner, if you will come to the podium. There is a statement that we will need you to read.

Mr. Shrimplin: My name is Jeff Shrimplin, I affirm that my testimony is truthful, to the best of my knowledge and ability, so help me God or under penalty of perjury. I bought the house two weeks ago. The second story of the garage is going to be torn down in the next week or two. The garage is going to try to be savable if I can, if I can't save it then it would come all the way down. The house, we're going to vinyl side it, I just bought the siding today. There is the color, so it is going to be a gray with white corners, red shutters. It's going to have all new windows, new siding, new roof, porch re-built. The porch to me is the house, I fix the house. So the porch is going to get new flooring put in and then the ceiling of the porch, if you've all been there, it's an L shaped porch, the ceiling is going to be in wood and clear coated. So that to me is like a focal point. The garage will be the same color as the house, vinyl siding on the outside, It'll have two new garage doors and cleaned up. As you know, I've taken about three dumpsters of trash out of the place, so I've cleaned up the last two weeks. A lot more to do but I'm planning on it to be done in 90 days.

Mr. Ball: Okay, that was the question we were going to have.

Mr. Shrimplin: I mean weather obviously has an issue with that.

Mr. Ball: And Greg says, have you completed other projects like this in Mount Vernon?

Mr. Shrimplin: I have, I've worked on Columbus Road about 25 years ago. I used to work at Coopers but 25 years ago I remodeled 149 Columbus Road, two other properties on Columbus Road and then one on this end of town. But yes, I've done this before so it's not a new thing for me. Do you have questions?

Mr. Ball: Let me open it up for our Board, if you have questions for Jeff.

Mrs. Miller: Do you plan to rent it or live in it?

Mr. Shrimplin: No it's a flip so I will fix it up and someone will buy it. No rent at least from my aspect, what someone else does with it.

Mr. Gastin: I have a question. I just drove by that property recently; it looks like the entire garage is leaning a little bit.

Mr. Shrimplin: It is, I mean I'm going to start at the very top, work my way down and try to square back up as I get down to the rear garage and I'll keep going until I can. If it gets to the point where it's costing me more money than it's worth I'll take it all the way down. One way or another it's either going to be a garage or it will no longer be there. To me it's \$10,000 for a garage if I can save it. I mean that's how I look at it, I look at it as a dollar amount, I don't look at it as anything else.

Mr. Gastin: Right, it's a flip?

Mr. Shrimplin: Yeah.

Mr. Ball: For the work on the house, are you amenable to having our folks stop by and inspect your work on a periodic basis?

Mr. Shrimplin: Yeah, you're more than welcome to.

Mr. Ball: Okay.

Mr. Shrimplin: When I took the property over I went through it and went down to the basement. The previous owner took the water meter out and then turned the water back on so that water was just pouring into the basement. So I had to have the City come and shut the water off, they then dug it out, put in a new meter. He had power to the place but his electrical knowledge was not very good so I shut the power off until I can have some new service put in. Basically the house is going to have a new furnace, a new hot water tank, a new bathroom, a new kitchen, there's nothing in the kitchen, so brand new kitchen. It's basically going to be a brand new house.

Mrs. Miller: Was there problems with the foundation?

Mr. Bemiller: There were some holes cut in but they can be repaired.

Mr. Shrimplin: They cut out underneath the porch to get something, I assume, out of the basement. I don't know what the hell they did that for, but it caved in so the only way for me is I'm going to re-pour concrete in there, build it back up and then I'll fill it back in with dirt, the way it should have been. Then you won't have it caving in anymore. It's in the process of, one of the many thousands of things it needs.

Mr. Ball: Okay, Greg do you have anything to add or any comments?

Mr. Bemiller: Just that I think that this is the best solution for this property, tearing it down isn't going to actually happen by us or anything so it's a way to get this house into a productive, viable, livable house. Which is the intent of our Code to begin with, it's not to go around and tear houses down. The intent is to get houses back to livable, viable rehab houses.

Mrs. Miller: I think I would reiterate what Brian asked. When we condemn a property, I think it's the codified ordinances of the City that we condemn them to be unfit for human habitation. So my concern is someone says that it's fit for human habitation when you believe you're done with it.

Mr. Shrimplin: Absolutely.

Mr. Bemiller: Well and that lies with me. I want to make that clear.

Mrs. Miller: Right and that's what I mean.

Mr. Bemiller: And I've talked to Jeff about it, the condemnation stays until he's done and that doesn't get lifted until the property is rehabbed.

Mrs. Miller: Right, it's just serious.

Mr. Ball: And we would want Greg to do more periodic inspections. Like we wouldn't want you to show up when all the drywall is done. We want him to see progress and making sure there aren't structural defects or other things. So as we go through we want him to be part of the progress of this effort.

Mr. Filkins: When you say 90 days total, is that for the things outside or is that for the entire project?

Mr. Shrimplin: I'm hoping the entire project, 90 days. Now again, weather, things can change. Material not coming. I have windows that were supposed to be here a week ago and they're still not here, so windows have got to be the first thing and then start with the siding. My plan is that all of the outside will be done first, because to me if I get all of the outside done first I can put stuff across the windows and I can put a for sale sign and people can see it. So that's how I see it, but again it's going have all new kitchen, a brand new bathroom, new furnace, new hot water tank, all new plumbing. The plumbing was plastic and it all froze, that's why it was leaking in the basement.

Mr. Ball: Other questions from the Board?

Mr. Gastin: I have none.

Mr. Ball: Well thanks, at this point we will open it up to anyone else here that would like to make a statement about 14 Kenyon Street.

Mr. Fisher: My name is Charles Fisher. My address is 8 Miami Street, Mount Vernon, Ohio. I affirm that my testimony is truthful, to the best of my knowledge and ability, so help me God or under penalty of perjury. I live across the street for the past 28 years of this lovely home. I was hoping the last seven years this thing would have fallen down or burned up to be honest. Progress has been made just in the last couple of weeks just in the trash being hauled out that he's done. Although my biggest concern right now is the river of mud crossing the street and going into my property. And I have had the City out to find the drain that use to be at the corner where the culvert crosses Kenyon. There is a culvert on the south side of Kenyon and Miami, there is a drain there. It used to collect the water and then drain all the way down the south side to a twenty-four inch and then going over to Center Run. I would like it found and re-attached. Shawn filled it in approximately 6 1/2 - 7 years ago with gravel because he didn't like it, because it made a bid di-dut in his big truck, so he filled it in with gravel. And now the water comes from that property across the street and flows right through my yard. Right now it's a bunch of mud from the tractors and stuff that are hauling the dirt and debris out of the yard that is there now. So right now it's construction debris that's going through my yard and paper and trash. We had discussed the fact that during the clean-up that it was difficult because of the mud for him to clean-up the roadway due to that mess. Understandable, at least it's getting cleaned. The animals that are living in there as the property is being cleaned out, what's happening with all the - I think 16 cats are living in the home, what is the City doing about the animals? I ask who's doing what with them, how are they being taken care of, what's being done with them? Are they just going to be pushed out onto the rest of the neighborhood?

Mr. Ball: I don't know, I wasn't aware there's cats.

Mr. Fisher: Yes, there's tons of them downstairs. I have video, okay. I've caught many of them and taken them to be destroyed at the shelters but I shouldn't have to keep paying for it. It's items like this that have been left opened because of the basement being caved in for so many of years. They've gone down there and re-populated because they have lovely elderly neighbors that love to feed them and won't pay to have them fixed. So it's items like this that need to be addressed but I am glad that it is being fixed. So that's my main comment

is that I'm glad that someone is finally doing something to it. As far as taking care of it and flipping it...

Mr. Broeren: That's beyond this Board's purview.

Mr. Fisher: Thank you for your time.

Mr. Ball: Thanks for your comments. I did drive by today and the open area of the basement appears to be boarded up, part of it, you still have a little bit of an opening.

Mr. Shrimplin: Part of that has to be - it's crawl space. Well they cut out the foundation wall and then dug whatever, I don't know what they did, I don't know why they did it, but eventually I've got to pour concrete back in there and fill the concrete back up to where it was before. The outer wall's got to be concreted and then blocked back up for the porch. Then it will be solid, you won't be able to get into it from the outside until I get the porch boards put on. Then it will be solid, you can't get to it unless you're in the house because then once you're in the house it's crawl space, that top spot 2 1/2 foot from the ceiling down is a crawl space, I don't know, where the kitchen is and that's where your electrical comes in, some of your water lines will be going in. So I can't close it totally but it will be closed and all that hole underneath the porch will be filled back in with dirt. So it will be fixed, I just need time.

Mrs. Miller: What about the cats?

Mr. Shrimplin: I've seen two cats since I've been there, I mean I can't, I don't know if there's twenty or, I've seen two. They have ran in past me, until I can get concrete set, they're going to do it no matter what. So I mean I don't know if there's thirty, I haven't seen that many and I've been in and out of that house the last couple of weeks. So I know of two and one's a dark haired one, don't know of any others.

Mr. Ball: As far as the storm drain, I will have the Street Department check on that, that is probably in the right of way.

Mr. Fisher: It is, it runs through his gravel there.

Mr. Ball: Yeah, we'll check on that. That would be in the right-of-way and wouldn't have anything to do with this board.

Mr. Broeren: Well the issue is that the previous owner probably filled it in and so we'll need to make sure that whenever we dig it out that it is not filled in again.

Mr. Ball: Yes, we'll check on that. I was not aware of that but we'll put that to the Street Department.

Mr. Shrimplin: Just one question. I'm fine with anything being dug out or drain being put back in as long as, is it going to cost me?

Mr. Ball: No, it should not.

Mr. Shrimplin: I just want to know what it's going to cost me.

Mr. Broeren: No, it's the City's system so the City should have never allowed the previous owner to fill it in and so we'll dig it out but we just don't want you filling it back in once we do that.

Mr. Shrimplin: No that's fine as long as there's, I assume they'll do it correctly and put a catch basin, square headed, concreted and whatever drains there drains there. I'll concrete it out if I have to just to make it nicer.

Mr. Ball: Yeah we'll work with you, I just didn't know that had happened and we'll have to come out and take a look.

Mr. Shrimplin: Yeah, me neither.

Mr. Ball: Alright so as far as orders of business, at this point this structure has an order to be demolished and removed under the condemnation, including the two outbuildings and the house. The action this Board, if it so chooses, would take, is to convert this to a condemnation with rehabilitation. And we would basically create a motion to convert the condemnation to a rehabilitation...

Mr. Broeren: Well the condemnation will stay, is to convert the demolition to a rehabilitation. It moves it under Ordinance 1303.12(C)1 and under the ordinances the board can grant 90 days to rehabilitate the project which is within his proposed timeline.

Mr. Ball: Do we have authority to make it slightly longer than 90 days?

Mr. Broeren: It says 90 days and I'm sure that we could work with Mr. Bemiller about the end time on that.

Mr. Ball: Could we say 120?

Mr. Broeren: If it's not we can re-review it in 90.

Mr. Ball: Okay, so in 90 we could have another meeting..

Mr. Broeren: If necessary.

Mr. Ball: If there's a time extension needed.

Mr. Broeren: Yeah, we'll do that.

Mr. Ball: So give me the proper wording, we're saying we are...

Mr. Broeren: You're moving to rescind the Board's previous determination that the property is condemned and it must be demolished and instead move that the property be condemned but give the owner 90 days to rehabilitate it with whatever specific conditions such as inspection or things of that nature that the Board would require.

Mr. Ball: Is there a motion?

Mrs. Miller: Before I would move, do we need specifics on inspections?

Mr. Broeren: Well the Board might suggest to allow Mr. Bemiller or his designee to inspect as necessary.

Mrs. Miller: Is that good enough for the Board? I mean I believe Mr. Bemiller's going to do his job but as needed could be at the 89<sup>th</sup> day too.

Mr. Broeren: Well during the process, I would expect that there would be several.

Mr. Bemiller: Yeah, I would make several trips out to take a look at it and see what they're doing; and Jeff and I have worked together good so far and I see no problems with being able to get in there and inspect it whenever we need to. I can have him give me reports on where he's at as far as electrical done, drywall, that type of thing. And it is a matter of just making sure he's doing the work and we can see the workmanship. We don't actually have building codes to go by so it's just a matter of making sure that he's doing what he says that he's going to do and that the workmanship's done right and it's done good.

Mr. Ball: Right, because we can't make you meet a building code because we don't have one but it does need to be safe and sanitary. I think on the subject, while we're discussing it, I think it would be extremely difficult to stabilize that garage. That has significant rot and it is very dangerous. So we would encourage you to remove as much of that as fast as possible.

Mr. Fisher: I think there's only one code in violation that he has to follow and it's an OSHA safety guideline that because he's not a licensed electrician that he has to stay, as a homeowner, 15 feet from the primary electric line from that garage.

Mr. Broeren: Well that'd be a federal matter and so..

Mr. Fisher: So as long as he stays 15 feet from the top of the garage from that primary, that's the only thing that I see as an electrician but otherwise he has to bring in another entity to do it.

Mr. Ball: He's not planning to re-build that.

Mr. Fisher: I'm talking about removing it, to touch it he has to be 15 feet, that's the only guideline that I saw that he would be in interference of.

Mr. Ball: Well yeah, he's responsible for his safety and his compliance with the rules of AEP and the electric code, so that's not relevant. Thanks for mentioning it but not for this group.

Mrs. Miller: Motion to rescind the Board's motion to condemn and demolish 14 Kenyon Street to change it to condemn and rehabilitate that property with oversight by Mr. Bemiller and approval of him to move forward in 90 days.

Mr. Ball: Is there a second?

Mr. Gastin: I have second.

Mr. Ball: Alright, further discussion on the motion on the table?

- Motion to Rescind the Motion from Condemnation and Demolition to Condemnation and Rehabilitation to be Done Within 90 Days With Oversight by Mr. Bemiller

All in favor.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Julie Miller, Board Member
<b>SECONDER:</b>	Jim Gastin, Board Member
<b>AYES:</b>	Ball, Miller, Gastin, Filkins
<b>EXCUSED:</b>	Christopher

## **806 SOUTH MAIN STREET - REVIEW**

- 806 S. Main Street

Mr. Ball: Alright, moving onto the structure at 806 S. Main Street, if we have a representative of the new

owner, come on forward and state your name, address and read the statement please.

Mr. Lengacher: My name is John Lengacher. My address is 1658 Cullison Road, Utica Ohio and I affirm that my testimony is truthful, to the best of my knowledge and ability, so help me God or under penalty of perjury.

Mr. Ball: Welcome, tell us what your plans are. We notice that there is some work already started.

Mr. Lengacher: Yes, we actually started yesterday just cleaning out, there's a lot of trash in the place. It's a mess but it's already looking different inside. We are going to be completely rehabbing the place, it's going to have a new metal roof. It's going to have a new deck in the back, the front deck is going to be repaired. All new windows. We're going to be repairing the siding. It's going to have a new furnace, new AC, new drywall, new kitchen, new plumbing, new bathroom, new water heater, new wiring, new flooring, new interior/exterior doors, new trim and it'll have a new garage door. The garage will also have a new roof and probably new siding also. So it's basically going to be a brand new house when I get done.

Mr. Ball: Okay, does the Board have questions?

Mr. Gastin: After viewing this months ago, is it safe enough to even walk on the floors with the fire from before?

Mr. Lengacher: Well, the first floor there is absolutely no damage. There's one room upstairs where we're going to tear out the floor and the joist and put new joist and new floor in it. It's just an upstairs bedroom right above the dining room. And so that is the only floor that is questionable but I mean we can walk on it now to clean it out but there are several holes burned in the floor but the joists are bad enough where we're going to tear them all out, put in new floors, it's probably a 14 x 14 area. The rest of the house, the old plaster protected everything. On the first floor there's absolutely no damage.

Mr. Ball: Other questions?

Mr. Filkins: What's your timeline for this project? Do you have an estimate?

Mr. Lengacher: Well if we put a timeline on it takes a lot longer. I mean we're hoping by fall sometime to be done, that's our goal. We do have another house going right now in Newark that we had started but we thought since this one the roof is open we're going to work on getting the house done on the outside so things are closed in and that we can store some of the tools inside so we don't have to be taking them in and out. So our goal right now, we pulled off of that house in Newark, our goal is to get a new roof on, get new windows in, siding stuff on and get everything enclosed however long it take us in the next month or so. The inside it'll probably be fall sometime, there's a lot of work here.

Mr. Gastin: How's the foundation? You know I have pictures off of the old meeting notes.

Mr. Lengacher: The foundation is really

Mr. Gastin: It was just really due to the fire before?

Mr. Lengacher: The foundation is actually in really nice shape. It's got a really nice basement, I mean there's a couple holes here and there in the block and different places but those will be repaired. It's going to be actually a really nice basement. Right now it's piled high in trash, you can barely walk around.

Mrs. Miller: Is this a flip for you?

Mr. Lengacher: It is, that's my business, it's what we do. I don't know if you're familiar with 143 Mansfield, we did that one. There's one on O'Brien Road out there in the country, it did have some squatters living in it.

Mrs. Miller: I know O'Brien

Mr. Lengacher: Okay, we did that one. There's one on

Mrs. Miller: I know it well.

Mr. Lengacher: And then there's one on Route 3, it was in very bad shape. I forget the address but we did that one. I don't know if you're familiar with the one on Quarry Street. It was empty for a long time, we did that one. And then we also work in Newark and we've done a lot in Newark. I have an address, we just closed on one. I don't know if the pictures are still online, 376 Woods Avenue in Newark if you can pull it up on realestate.com. The pictures might still be on, 376 Woods Avenue, Newark.

Mr. Bemiller: And I've seen the 143 Mansfield Avenue they did. They made it a brand new house. Now it wasn't as bad as this.

Mrs. Miller: I'm going to go out to O'Brien now because I am really intrigued to see how it turned out.

Mr. Bemiller: And I like to hear that the outside's going to be concentrated on first because as far as the neighborhood that's where it's been lacking for a long time. So that's important.

Mrs. Miller: Were there any animals in this house?

Mr. Lengacher: I haven't seen any. I mean there's evidence there that they have been but I haven't. I mean

yesterday was my first day there so.

Mr. Ball: And I drove by today, looks like there's some pretty good progress on getting the trash out of it so that's good movement.

Mr. Lengacher: Yeah, we are open to any time we're there you're welcome to stop by and see what progress is being made.

Mr. Bemiller: Okay.

Mr. Ball: Great, other questions? Alright well we'll open it up to the floor if anyone has anything to say regarding 806 S. Main Street they are welcome to come forward. Alright well at this point, again, very similar situation the house has a condemnation for demolition, to be demolished and removed. We would entertain taking the same approach in changing that to a condemnation for rehabilitation, so I would entertain a motion.

Mrs. Miller: So move, can we say ditto only with a change of address?

Mr. Ball: Maybe we'll have Rob state it and then you can

Mrs. Miller: No, I can state it. I move to rescind the motion of our last meeting, December 7<sup>th</sup>, 806 South Main from condemnation and demolition to condemnation and rehabilitation to be done within 90 days with oversight by Mr. Bemiller.

Mr. Ball: I believe that was the November meeting.

Mr. Bemiller: March 22<sup>nd</sup>.

Mr. Gastin: March 22<sup>nd</sup> here. We did address that in November though, didn't we?

Mr. Broeren: Yeah, it was actually a while ago.

Mrs. Miller: I amend my motion to March 22<sup>nd</sup> of 2017.

Mr. Ball: Firmly amended. Alright do we have a second?

Mr. Gastin: Second.

Mr. Ball: Alright, any further discussion on the rescinding the demolition and converting to a condemnation for rehabilitation given 90 days?

Mr. Ball: Again, with the 90 days if we need to come back we can have another meeting, we can revisit it. Work with Greg and

Mr. Broeren: I mean once they have it buttoned up from the outside that sort of covers it.

Mr. Bemiller: If they do that in the 90 days that kind of covers what they would have to do as far as our codes.

Mr. Ball: Alright, any other business?

- **Motion to Rescind the Motion of on March 22, 2017, 806 South Main from Condemnation and Demolition to Condemnation and Rehabilitation to be Done Within 90 Days With Oversight by Mr. Bemiller**

All in favor.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Julie Miller, Board Member
<b>SECONDER:</b>	Jim Gastin, Board Member
<b>AYES:</b>	Ball, Miller, Gastin, Filkins
<b>EXCUSED:</b>	Christopher

## **ADJOURN**

Mr. Gastin moved for adjournment, Mr. Filkins seconded, all in favor. Meeting adjourned at 6:09 p.m.