City of Hamilton
BUTLER COUNTY OHIO

**Nuisance Appeal Board**
**February 9, 2017 @ 1:30 P.M.**
Council Chambers
First Floor, 345 High Street
Hamilton, Ohio 45011

**Chief Craig Bucheit** Board Member
**Chief Steven Dawson** Board Member
**Lorie DiStaola** Board Member
**Myra Hargrove** Board Member
**Eugene Scharf** Secretary
**J. Scott Scrimizzi** Chairperson
**Ashlee Willis** Board Member

**Roll Call:**

| Bucheit | Dawson | DiStaola | Hargrove | Scharf | Scrimizzi | Willis |
|---|---|---|---|---|---|---|
| | | | | | | |

**Motion to Approve the Recorded Minutes and Written Summary of January 12, 2017 Meeting**

| Bucheit | Dawson | DiStaola | Hargrove | Scharf | Scrimizzi | Willis |
|---|---|---|---|---|---|---|
| | | | | | | |

**Swearing in of Those Providing Testimony to the Nuisance Appeal Board:**

Kathy Dudley, Assistant Law Director

**OLD BUSINESS:**

**Continuation of August 11, 2016 Appeal Hearing – 641 S. 11th Street – Owner/Appellant: Aristocrat Properties**
Accepting the Health Commissioner's Report declaring 641 S. 11th Street, Lot 6686, Parcel Number 6451003000073, a Public Nuisance under the City's Codified Ordinance 1709.35

Staff: Health Commissioner Kay Farrar, RN
Cindy Hogg, Registered Sanitarian

| Bucheit | Dawson | DiStaola | Hargrove | Scharf | Scrimizzi | Willis |
|---|---|---|---|---|---|---|
| | | | | | | |

**Continuation of August 11, 2016 Appeal Hearing - 261 Washington Street – Owner/Appellant: Aristocrat Properties**
Accepting the Health Commissioner's Report declaring 261 Washington Street, Lot 1376, Parcel Number P6421013000066, a Public Nuisance under the City Codified Ordinance 1709.35.

Staff: Health Commissioner Kay Farrar, RN
Cindy Hogg, Registered Sanitarian

| Bucheit | Dawson | DiStaola | Hargrove | Scharf | Scrimizzi | Willis |
|---|---|---|---|---|---|---|
| | | | | | | |

No Action

**Progress Report - 441/443 N. 5th Street – Owner/Appellant: J. Pacific Ventures LLC**

**NEW BUSINESS:**

**No Appeal Request Received (***All property interests have been properly noticed and served.)*

**Report # 1 – 798 Forest Avenue – Owner: Matthew E. Wallar**
Receiving the Health Commissioner's Report declaring 798 Forest Avenue Avenue (AKA 2575 Madison Avenue), Lot 10103, Parcel Number 64610460000029 , a Public Nuisance under the City Codified Ordinance 1709.35.

**Other:**

**Adjournment**

798 Forest Ave

February 9, 2017

Background information January 26, 2017

798 Forest Ave aka 2575 Madison Ave

This duplex has two apartments with one bathroom in each. It is located at the back of the property at 798 Forest Ave, Hamilton Oh 45015, lot 10103, Parcel 64610460000029. It is situated at the corner of the alley and Madison Ave. The total gross building area is 220 sq. ft.

There have been 16 complaints associated with this property. These include tall grass, rubbish, dwelling exterior, dwelling interior, unfit dwelling, unsecured, and rehabilitation or demolition orders.

The Health Division has had to hire contractors to remove nuisance situations from the dwelling and the property. The City has maintained this property to a cost of approximately $255.50. The employee cost to this property is approximately $756.50.

The utilities department has this duplex listed as 2575 Madison Ave.The utilities were shut off on September 5, 2015 as per request of the owner. The dwelling has remained vacant and without utilities since these shut off dates by the City of Hamilton Utility Department.

The responsible party for this property is Matthew E. Wallar. He purchased the property on January 30, 1996. He has have failed maintain his property.

This structure continues to be a health hazard. In its present condition, the structure has a blighting influence on the community (HCO 1701.01).

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Public Health
345 High Street, Suite 330
Hamilton, Ohio 45011

11/16/2016

Matthew E Wallar
105 W Stoneridge Dr
Milford, OH 45150

Dear Matthew E Wallar:

Location of property 798 FOREST AVE BUILDING AT REAR OF PROPERTY LOCATED NEAR ALLEY
Complaint ID # 201604522
LOT # 10103 PARCEL P6461046000029

You have been served a copy of this notice as you have some legal interest in said property. To protect said interest, you may want to consult legal counsel.

NOTICE OF PUBLIC NUISANCE
Pursuant to Section 1767.03(a) of the Hamilton Codified Ordinances, the Commissioner of Health finds that the above referenced property is a public nuisance. This finding is based upon inspection of the property and the discovery of the following conditions:

The property has a deteriorating and blighting influence on nearby properties by reason of continued vacancy and a lack of reasonable or adequate maintenance of structures and grounds.

The property is vacant and is not secured in the manner required pursuant to Hamilton Codified Ordinances section 1705.19.

The building or structure has been abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

The building or structure is in such a condition as to constitute a public nuisance known to the common law or as defined by statute.

The building or structure is a fire hazard.

The building or structure is used or intended to be used for dwelling purposes and, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

The building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, is unsafe for occupation due to the lack of:

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Fire-resisting qualities or characteristics; or

Weather-resisting qualities or characteristics required by law.

The building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this City, as specified in the applicable Building Code or the Housing Code, or of any law or ordinance of this state or city relating to the condition, location, or construction of buildings.

The building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:

An attractive nuisance to children;

A harbor for vagrants, criminals or immoral persons; or as to

Enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

The public nuisance must be abated. Abatement can be completed by rehabilitating the structure(s) on the property or removing (demolishing) the structures. In the event that the public nuisance is not abated, the public nuisance may be abated by the City of Hamilton at the property owner's expense.

NOTICE TO ELECT WHETHER TO REHABILITATE OR REMOVE
Within thirty (30) days of the receipt of this Notice, the property owner shall submit a proposal to either rehabilitate or remove (demolish) the public nuisance. That proposal must contain a timetable for completing the rehabilitation or removal. The proposal must be submitted, in writing, to the Department of Community Development --Health Division, 345 High Street, 3rd Floor Suite 330, Hamilton, Oh 45011. The proposal may be, but is not required to be, submitted using the enclosed form.

Election to Rehabilitate
The Commissioner of Health shall approve a proposal to rehabilitate if the Commissioner determines that:

- the proposal timetable for the rehabilitaion is reasonable; and
- the proposal will correct the conditions detailed above.

If the property to be rehabilitated is a residential structure, the proposed timetable may not be more than six (6) months. If the property to be rehabilitated is a non-residential structure, the proposed timetable may not be more than twelve (12) months. If the property is located within one of the City's Historic Preservation Districts, the proposed timeline must also contain details regarding contacting the Architecture Design and Review Board (513-785-7350 or email hamiltonhistoric@ci.hamilton.oh.us) and obtaining a Certificate of Appropriateness before commencing any exterior work.

If the proposed is approved, the Commissioner will suspend further enforcement action so long as the owner starts the rehabilitation within thirty (30) days and meets the timetable in the approved proposal.

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The proposal will not be approved if the Commissioner of Health determines the timetable for rehabilitation is unreasonable in light of the structure's currrent condition, or if the Commissioner finds the proposal to rehabilitate will not correct the conditions detailed above. The Commissioner shall provide the property owner with the reasons for disapproval and shall continue enforcement action.

PRIOR TO REMEDIATING THIS ORDINANCE, PLEASE VIEW THE EPA WEBSITE FOR A BRIEF BROCHURE ON HOW TO PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME.
http://www.epa.gov/lead/pubs/leadpdfe.pdf
IF YOU DO NOT HAVE ACCESS TO THE INTERNET, COME INTO THE HEALTH DEPARTMENT FOR A FREE BROCHURE: 345 HIGH ST SUITE 330, HAMILTON, OHIO 45011.

Elect to Remove
The Commissioner of Health shall approve a proposal to remove (demolish) the public nuisance if the Commssioner of Health determines that the proposal:

- states that demolition process will be commenced within fifteen (15) days following the approval;
- shows that the owner(s) will comply with Section 1767.07(d)(3) of the Hamilton Codified Ordinances (a copy of Section 1767.07(d)(3) is enclosed); and
- authorizes and consents to the City of Hamilton's demolition of the structure(s) on the property, at the owner's expense, if demolition is not completed as proposed.

If the proposal is approved, the Commisioner will suspend further enforcement action against the property. The Commissioner will continue to suspend further enforcement action so long as the owner(s) start the demolition process actions within fifteen (15) days.

If the proposal is not approved, the Commissioner shall provide the property owner(s) with the reasons for the disapproval and shall continue enforement action.

Extension of Time
Upon the owner's written request, and for good cause shown, the Commissioner of Health may grant an extension of time for the owner(s) to decide whether to rehabilitate or remove the public nuisance, or provide an amended proposal to rehabilitate or remove.

Failure of the owner(s) to obtain additional time to present an orginal or amended proposal to rehabilitate or remove may result in the City's removal of the public nuisance, at the expensive of the owner(s).

APPEAL HEARING
Within thirty (30) days after receipt of these notices, or within thirty (30) days after any other determiniation has been made by the Commissioner of Health, any addressee above may make a demand for an appeal hearing. A demand for an appeal hearing must be submitted, in writing to the Director of Community Development, 345 High Street, 3rd Floor Suite 370, Hamilton OH 45011.

The demand for an appeal hearing must:

- include the correct mailing address of the owner, lienholder, or person representing the owner or

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lienholder;

- state the reason the demand for an appeal hearing is being made: and
- be accompanied by an appeal fee in the amount of $100.00. If the person demanding the appeal hearing cannot afford to pay the appeal fee, the demand far an appeal hearing must be submitted with a notarized affidavit of indigence.

The appeal hearing shall be held at the next regular meeting of the Nuisance Appeal Board following the Director of Community Develpment's receipt of the demand for an appeal hearing.

After the appeal hearing, the Nuisance Appeals Board may vote to :

Sustain the finding that a public nuisance exists on the property and order the abatement thereof by repair or replacement or removal of the items found to constitute a public nuisance, or order the abatement thereof by demolition; or

Continue the matter fora a period not to exceed 45 days for further investigation and disposition: or

Take such other action and render such other orders as it deems appropiate within the authority conferred by Chapter 1767 of the Hamilton Codied Ordinances; or

Reverse the finding that a public nuisance exists on the property and dismiss the case.

A copy of the decision of the Nuisance Appeals Board shall be the final order and shall be mailed. with certificate of mailing, to the owner or other person or entity that demanded the hearing, at the address provided in the demand for an appeal hearing. For the purpose of an appeal of the final order pursuant to the Ohio Revised Code Chapter 2506, the final order shall be deemed to have been entered on the date on which the copy of the decision was mailed.

Served: _____ Regular Mail ___x___ Certified Mail __x___ Posted on Property _____ Personal service

Kay L. Farrar
Health Commissioner
City of Hamilton Health Division
513-785-7080

Limited English Proficiency

Qualified translation and/or interpreter services will be provided, at no cost, to an individual who receives a NOTICE OF PUBLIC NUISANCE and a NOTICE TO ELECT WHEATHER TO REHABILITATE OR

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345 High Street, Suite 330
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REMOVE and who cannnot speak, read, write or understand the English language at a level that permits them to communicate effectively with the City of Hamilton. Any individual needing translation and/or interpreter services should contact the Department of Community Development--Health Division, 345 High St. 3rd Floor Suite 330,
Hamilton, Oh 45011 (513-785-7080) to arrange for such services.

Enclosure 3

798 Forest Ave
P6461046000029
Lot 10103, Sixth Ward (North)
Prepared 1/25/2017

| | |
|---|---|
| Owner of Property | Matthew E. Wallar |
| Last Known Address | 105 W. Stoneridge Dr, Milford, Oh 45150 |
| Date of Purchase | 01/30/1996 |
| Utilities Off | 09/05/2015 |
| Contractor Cost to Health Division | $255.50 |
| Estimated Employee Cost to Health Division | $756.50 |

There are 16 complaints regarding this property.

04/11/2005 Received a complaint regarding rubbish.
04/12/2005 Notice of Violation issued by regular mail.
04/17/2005 Notice of Violation issued by certified mail.
05/13/2005 Abated.

11/15/2005 Received a complaint regarding rubbish.
11/15/2005 Notice of Violation issued by regular mail.
11/20/2005 Abated.

03/29/2006 Received a complaint regarding rubbish.
03/30/2006 Notice of Violation issued by regular mail.
09/29/2006 Abated.

02/26/2009 Received a complaint regarding rubbish.
02/27/2009 Notice of Violation issued by regular mail.
03/06/2009 Notice of Violation issued by certified mail.
04/06/2009 Abated.

05/14/2010 Received a complaint regarding dwelling interior.
06/14/2010 Talked to tenant, dwelling interior has no issues.
06/16/2010 Abated.

03/13/2013 Received a complaint regarding rubbish.
03/14/2013 Notice of Violation issued by regular mail.
03/22/2013 Abated.

01/29/2015 Received a complaint regarding dwelling interior.
01/30/2015 Conducted inspection.
02/02/2015 Contacted utilities-has gas and electric entering structure from 2575 Madison Ave. Abated.

06/01/2015 Received a complaint regarding dwelling interior.
06/18/2015 Abated.

06/18/2015 Received a complaint dwelling is unsecured.
06/19/2015 Notice of Violation issued by regular and certified mail.
06/26/2015 Violations remain; waiting on the green card.
07/06/2015 Letter returned with new address for the owner.
07/07/2015 Notice of Violation re-issued to new address by regular and certified mail.
07/15/2015 Violations remain; waiting on green card.
08/05/2015 Received unsigned green card.
08/05/2015 Notice of Violation issued by regular mail and posted on dwelling.
08/12/2015 Violations remain.
08/17/2015 Filed for court.
10/26/2016 Received failure to serve from HMC. Abated.

06/18/2015 Received a complaint regarding dwelling exterior.
01/13/2016 Received failure to serve back from HMC.
06/19/2015 Notice of Violation issued by regular and certified mail.
07/07/2015 Notice of Violation re-issued to new address by regular and certified mail.
08/05/2015 Notice of Violation issued by regular mail and posted on dwelling.
08/06/2015 Notice of Violation issued by regular mail and posted on dwelling.
11/06/2015 Violations remain.
01/13/2016 Received failure to serve from HMC. Abated.

08/06/2015 Received a complaint regarding rubbish.
08/07/2015 Notice of Violation issued by regular and certified mail.
08/13/2015 Violations remain, waiting on green card.
09/10/2015 Abated.

08/06/2015 Received a complaint regarding tall grass.
08/07/2015 Notice of Violation issued by regular mail.
08/17/2015 Contracted. $48.00.
08/28/2015 Abated.

06/03/2016 Received a complaint dwelling is unsecured.
06/06/2016 Complaint confirmed.
06/07/2016 Notice of Violation issued by certified mail.
06/17/2016 Notice of Violation issued by regular mail and posted on dwelling.
06/20/2016 Notice of Violation returned- unclaimed from UPS.
06/27/2016 Violations remain.
07/01/2019 Contracted. $90.00
07/11/2016 Abated.

06/27/2016 Received a complaint regarding rubbish.
06/28/2016 Notice of Violation issued by certified mail.
07/11/2016 Notice of Violation returned-unclaimed.
07/15/2016 Notice of Violation issued by regular mail.
07/18/2016 Notice of Violation posted on dwelling and picture taken.
07/25/2016 Violations remain.
07/26/2016 Contracted. $60.00.
08/04/2016 Abated.

06/28/2016 Received a complaint regarding dwelling interior of rear apartment.
06/28/2016 Interior inspection conducted with HPD. Pictures taken of downstairs apartment at the back of the property near alley, extreme damage to floors, walls, and ceiling, ceiling joists have dry rot, damaged to HVAC plumbing, and electrical systems, damage to walls and ceiling in small storage unit, did not have access to upstairs apartments, but repairs needed to wood steps to upstairs apartment, etc.
07/12/2016 Health hold placed on dwelling.
07/12/2016 Notice of Violation issued regarding unfit dwelling by certified mail and and posted on dwelling. Utilities are listed under 2575 Madison Ave, there is no electric, water has one meter, and is tied to main dwelling. Water is on, also maybe gas because it is tied to the main dwelling.
11/16/2016 Notice of Public Health Nuisance issued by certified mail and posted on dwelling, picture taken. Window found open.
12/14/2016 Notice of Public Health Nuisance issued by regular mail.
01/23/2017 As per owner, Matt Wallar- he has come to terms with S/R Ind to demolish the rear structure. He states the anticipated time frame for permits to be pulled by them is about two weeks, this is as per Sharon with the demolition company.

11/16/2016 Received a complaint dwelling is unsecured.
11/16/2016 Complaint confirmed.
11/17/2016 Notice of Violation issued by certified mail.
11/28/2016 Violations remain; pictures taken.
11/31/2016 Notice of Violation posted on dwelling; picture taken.
12/19/2016 Contracted. $57.50. Abated.

**WRITTEN SUMMARY**
**NUISANCE APPEAL BOARD**
**MEETING MINUTES**
**Thursday, January 12, 2017**
**1:30 p.m.**

The Nuisance Appeal Board meeting was called to order by Chairman, J. Scott Scrimizzi presiding at 1:31 p.m. in City Council Chambers, 345 High St, First Floor, Hamilton, Ohio.

**Members Present**: Chief Craig Bucheit, Chief Steven Dawson, Eugene Scharf, J. Scott Scrimizzi, Myra Hargrove, Ashlee Willis, and Lorie DiStaola.

**City Staff Present**: Kathy Dudley, Kay Farrar, Cindy Hogg, Ken Rivera, and Kimberly Preston

Motion to approve the recorded minutes and written summary of the December 8, 2016 meeting was made by Chief Steven Dawson and seconded by Lorie DiStaola. All members were in favor and the motion passed.

**Swearing in of Those Providing Testimony to the Nuisance Appeal Board:**

All of those present to provide testimony to the Nuisance Appeal Board were sworn in.

**Old Business**:

**Appeal Hearing #1 Continuation of August 11, 2016 Appeal Hearing – 641 S. 11th Street – Owner/Appellant: Aristocrat Properties**

Cindy Hogg gave report that all permits have been finaled out and a final inspection is scheduled for the following Tuesday.

**Appeal Hearing #2 Continuation of August 11, 2016 Appeal Hearing – 261 Washington Street – Owner/Appellant: Aristocrat Properties**

Cindy Hogg gave report that a final inspection is scheduled for the following Tuesday for this property also.

Eugene Scharf made a motion to continue on both Aristocrat properties (641 S. 11th Street and 261 Washington Street) until the next NAB meeting, in February, 2017, and at that time the Board will make a decision. The motion was seconded by Ashlee Willis. All members were in favor and the motion passed.

**Appeal Hearing #3 Continuation of November 10, 2016 Appeal Hearing – 360 South 11th Street – Owner/Appellant: Ryan S. Jarrett and Obrian O. Jarret**

Cindy Hogg gave report that the property owners were required to contact her for a walk through inspection with Construction Services, but no one has contacted her or Construction Services to schedule an inspection and there is no rehab plan.

Chairman Scrimizzi inquired if there was anyone in the audience for 360 South 11th Street. No one answered or came forward.

Eugene Scharf mentioned that Ms. Dillingham, mother of the owner, did appear in Construction Services December 28, 2016 and received information about a plumbing permit.

A Motion was made by Ashlee Willis to deny the appeal and seconded by Chief Steven Dawson. Eugene Scharf said that work has been done at that property; however, their disregard for what the Board asked the owners to do, speaks for itself. Roll was called for approval of Motion. All members were in favor and the Motion passed.

**Appeal Hearing #4 Continuation of November 10, 2016 Appeal Hearing – 332 S. 11th Street – Owner/Appellant: Frederick A. Ihejirika**

Cindy Hogg gave report that an inspection was done with Construction Services on January 6, 2017. An electric permit, which was needed, was obtained on January 11, 2017. But the owner has not submitted a rehabilitation plan.

Mr. Ihejirika stated that his property manager will be coming to work on this property on the following Monday. He said he has a handyman who will be doing the smaller work. Mr. Ihejirika proposed that he have until the end of March to finish all of the interior work and would need to do the exterior work after that time.

A Motion was made by Eugene Scharf to continue this appeal hearing until the April, 2017 Nuisance Appeal Board meeting and an extension for the exterior painting may be granted, based upon staff recommendations. Also, Mr. Ihejirika is required to contact the Health Department at least seven days prior to the April meeting for an inspection. This motion was seconded by Myra Hargrove. All members were in favor and the Motion was passed.

**Appeal Hearing #5 – Continuation of December 8, 2016 Appeal Hearing 723 Sycamore Street – Owner/Appellant: Steph Brown**

Cindy Hogg gave report that inspection was conducted by her and Ken Rivera of Construction Services. A building permit application was submitted on January 10, 2017. Also a rehab plan was submitted with a completion date of May 30, 2017.

Mr. Brown stated that he just asks that the Board give him a chance to get the work done and he will get it done. Exterior repairs, soffits, painting the exterior, work on doors, broken windows and on interior walls and ceilings, plumbing and electrical need to be done.

A Motion was made to continue until the March NAB meeting by Ashlee Willis and seconded by Eugene Scharf. All members were in favor and the Motion passed.

**New Business:**

**Appeal Hearing – 625 Ludlow Street – Owner/Appellant: Jose Luis Macias and Alejandra Pimental**

Cindy Hogg gave the Health Commissioners report and stated that an appeal was received by Alejandra Pimental on December 28, 2016. There have been 29 complaints concerning this property including unsecured dwelling, junk motor vehicles, tall grass, rubbish, repairs to the interior and exterior and a public declaration of a nuisance property. September 28, 2016 in interior inspection was conducted, which revealed extensive damage to the interior walls,

ceiling, electrical, plumbing, and HVAC system. Repairs have been started without permits. Owners have taken this single family dwelling and converted it into a duplex without a permit from the City of Hamilton. Utilities have been off since 2006 and the dwelling has remained vacant since that time. This property has cost the City $60.00 in contractor costs and approximately $1,200.00 in employee expense. This property was declared a nuisance by Health Commissioner, Kay Farrar November 16, 2016. The owners received notification December 9, 2016. The structure continues to deteriorate and remains a blighting influence on the community.

Ken Rivera from Construction Services explained that converting the single family house into a duplex would require a permit and any work would have to be followed by an inspection. There had been no requests for permits for this property since 2006 and all of these have expired. Ken went on to explain that this house was a single family house at that time, and anything that was done to make this a two family house was done without a permit. Also, Cindy Hogg confirmed that there has never been a rehabilitation plan submitted for this house.

Owner, Alejandra Pimental took the stand and a great deal of discussion followed. She insisted that nothing was done to the property without permits, as she does not like to break the law. However, she went on to explain that her financial circumstances had not permitted her to fix the house timely while also working on her East Avenue property.

When asked by Eugene Scharf, Ms. Pimental verified that she did own the house in 2006. Additionally, she stated that in the past, she had not been able to afford necessary repairs on this house, but she and her children are now getting money together to make needed repairs and if the Board will tell her what she needs to do and give her time, she will try her best to do it while she is also fixing up her East Avenue property. She said she wants to have this property on Ludlow to be used as a heritage for her kids after she passes.

Ms. Pimental went on to inquire as to what the costs were for which the City has incurred, because every time she receives a letter from the city that her grass needs cut, she cuts it. Eugene Scharf mentioned that it is a cost to the city every time we have had to send her a letter.

Chairman Scrimizzi noted that Ms. Pimental has had eleven years to do something with this but she has not [rehabbed property].

Both Ashlee Willis and Lorie DiStaola expressed a sympathetic understanding of Ms. Pimental's financial situation and the hardship, but at the same time both board members mentioned their concerns about the soundness of this structure. Lorie DiStaola stated her concerns about safety of first responders in the event of a fire at this structure.

Lorie DiStaola went on to say that the place she works owns 28 rental properties and she knows from personal experience that the city will work with you, but she doesn't see that any effort has been made by Ms. Pimental to make contact with the city.

A Motion was made by Lorie DiStaola and seconded by Ashlee Willis to close the public hearing. All members were in favor and the Motion passed.

Chief Dawson made a Motion to deny the appeal, which was seconded by Ashlee Willis. All members were in favor and the Motion passed.

Kathy Dudley told Ms. Pimental she will receive a letter stating what happened at the meeting here today.

**No Appeal Request Received:**

The following addresses were read to the Board by Scott Scrimizzi. These have all been declared nuisances by Kay Farrar, Health Commissioner, with no appeals filed by the owners.

**#1 – 1235 Shuler Avenue – Owner: Richard Weir**

**#2 – 2003 Benninghofen Avenue – Owner: James M. and Chandra G. Rogers**

**#3 – 999 Laurel Avenue – Owner: Blue Copper Holdings LLC**

Kathy Dudley made it known that there was an individual, Jeff Wendel, who signed in and was present to represent 999 Laurel Avenue.

Cindy Hogg gave report that this structure consists of fourteen total spaces and thirty-nine parcels. There have been 28 complaints concerning this property including unsecured dwelling, graffiti, tall grass and weeds, rubbish, repairs to the exterior, rehab and demolition order. Utilities have been off since October 28, 2016. The structure has remained vacant. The Health Department has spent approximately $1,300.00 in employee costs. The property was declared a public nuisance on November 4, 2016 by Kay Farrar. This property is a public health nuisance. It continues to deteriorate, and remains a blighting influence on the community.

Jeff Wendel stated that he was asked by the owner to come to the January Nuisance Appeal Board meeting. He stated that the owner sees the need to demolish the entire structure and is not fighting demolition. But the owner requests to do the demolition himself. Mr. Wendel stated that they have sent out requests for bids on this demolition; two of which have already been returned, and they are waiting to get one more. Mr. Wendel said they are hoping to have a signed [demolition] contract by the end of the month and that work will begin shortly.

Kathy Dudley recommended that we place this at the end of the City's demo list and give the owner the option to get that done within a timeline. And if not, the City is ready to go forward with the demolition. Mr. Wendel stated that they would be fine with that. Kathy Dudley suggested that we give them a 60-day window to do this.

All parties were in agreement, so the remaining two "no appeal" entries were read by Chairman Scrimizzi.

**#4 – 1095 S. 2nd Street – Owner: Nelson Johnson Etal**

**#5 – 1093 S. 2nd Street – Owner: Nelson Johnson Etal**

Cindy Hogg read Health Commissioner report on Item #4.

**1095 S. Second Street** has had 27 complaints associated with this property, including tall grass, securing the dwelling, graffiti, exterior and interior repair, rubbish, fire in detached garage, and rehabilitation or demolition order. Utilities have been off since March 8, 2006 and the structure has remained vacant since that time. This property has cost the City approximately

$130.00 in contractor fees and approximately $1,200.00 in employee costs. The property was declared a nuisance by Kay Farrar on November 16, 2016. This structure continues to be a nuisance and remains a blighting influence on the community.

A Motion was made by Eugene Scharf and seconded by Lorie DiStaola to accept all those reports. All members were in favor and the Motion was passed.

A Motion was made by Eugene Scharf to set a policy that calls for inspections must be placed a week in advance of the Nuisance Appeal Board meetings. This Motion was seconded by Ashlee Willis. All members were in favor and the Motion was passed.

**Adjournment**

Scott Scrimizzi made a motion to adjourn. Myra Hargrove seconded the Motion. All members present were in favor. Motion passed. Meeting was adjourned at 2:14 p.m.

Respectfully submitted,

Kimberly Preston
Community Technician

Eugene Scharf
Secretary

J. Scott Scrimizzi
Chairman

Draft