

**WRITTEN SUMMARY
NUISANCE APPEAL BOARD
MEETING MINUTES
Thursday, August 11, 2016
1:30 p.m.**

The Nuisance Appeal Board meeting was called to order by Chairman, J. Scott Scrimizzi presiding at 1:30 in City Council Changers, 345 High St, First Floor, Hamilton, Ohio.

Members Present: Chief Craig Bucheit, Chief Steven Dawson, Lorie Distaola, Eugene Scharf, J. Scott Scrimizzi

City Staff Present: Kathy Dudley, Kay Farrar, Cindy Hogg, Kimberly Preston, Kimberly Kirsch

Motion to approve Ashlee Willis as the Greater Hamilton Chamber of Commerce Representative was made by Eugene Scharf and seconded by Chief Craig Bucheit. The motion passed.

Motion to approve the recorded minutes and written summary of the April 28, 2016 meeting was made by Chief Steven Dawson and seconded by Chief Craig Bucheit. The motion passed.

Motion to approve the recorded minutes and written summary of the June 9, 2016 meeting was made by Chief Steven Dawson and seconded by Lorie DiStaola. The motion passed.

Those who were providing testimony to the Nuisance Appeal Board were sworn in by Kathy Dudley, Assistant law Director.

Old Business:

None

New Business:

Appeal Hearing #1 - 641 S. 11th Street-Owner/Appellant: Aristocrat Properties

The Health Division Report was presented by Cindy Hogg which stated that the interested party for 641 S. Eleventh Street has not filed an appeal. Cindy also shared that there has been 38 complaints associated with this property, which include removing trash, tall grass, rubbish, dwelling is insecure, and rehabilitation or demolition orders. The Health Division has had to hire contractors to remove nuisance situations from the dwelling and the property. The dwelling has been vacant since November 17, 2009, and the utilities have been off since that date. The Health Division has maintained this

property at a cost of approximately \$1,600.00 in contractor fees and the Health Division employee cost associated with this property is approximately \$1,900.00.

The responsible party for this property was Affordable Housing in 513 Inc. The structure continues to be a health hazard and was declared a public nuisance on June 21, 2016 by Kay Farrar, Health Commissioner for the City of Hamilton Health Division. The property was purchased by Aristocrat Properties June 23, 2016 and on July 28, 2016 Kay Farrar the new owner was served this information. The structure continues to deteriorate and remains a blighting influence on the community.

J. Willard Cruz, representing Aristocrat Properties, addressed the board regarding his property at 641 S. Eleventh Street. There was a great deal of discussion between J. Willard Cruz, members of the board, and Cindy Hogg as to whether he had filed an appeal, efforts to rehab this property, efforts made by the city to enter the property to conduct inspections, permits for exterior work, and permits for plumbing and electric. In response to a question by Ashlee Willis regarding what needs to happen next on this property, Cindy Hogg replied that an inspection by the Health Division and Construction Services is required before more work can be done.

Kathy Dudley asked J. Willard Cruz if we are supposed to communicate to him or to his attorney because there has been a lot of confusion. After a lengthy discussion between Mr. Cruz, Kathy Dudley, representatives from the City Health Division, and several members of the board, J. Willard Cruz indicated stated that he wanted everything directed to his attorney, Rusty Thomas.

J. Scott Scrimizzi noted that while the presentation was being made by J. Willard Cruz, board member, Myra Hargrove came in to the meeting.

Motion to continue this hearing at the next meeting, September 8, 2016 allowing the property owner to file an acceptable rehabilitation plan that's showing effort in progress in abating the nuisance which includes all the applicable rules and regulations, was made by Eugene Scharf and seconded by Lorie DiStaola. The motion passed.

Appeal Hearing #2 - 261 Washington Street-Owner/Appellant: Aristocrat Properties

The Health Division Report was presented by Cindy Hogg which stated that the interested party for the property at 261 Washington Street has not filed an appeal concerning the declaration. This property has had 33 complaints which include insecure dwelling, unlicensed autos, removing rubbish, tall grass, repairs to the interior and exterior, and the public declaration of this property as a nuisance. Cindy Hogg stated that the property was declared a public nuisance June 21, 2016 by Kay Farrar. The property was purchased by Aristocrat June 23, 2016. The new owner was served the nuisance declaration July 28, 2016. Utilities have been off since June 23, 2009 due to credit issues by previous owner and the property has remained vacant since that date. The City Health Division has spent approximately \$1,600.00 in contractor fees

and \$1,900.00 in Health Employee costs. On August 4, 2016, a rehab proposal was received from Juan Willard Cruz and the proposal was approved on August 10, 2016 with a completion date of January 1, 2017. Permits for exterior work have been obtained. Permits are now required for inside work that was completed without permits. This property continues to deteriorate and remains a blighting influence on the community.

J. Willard Cruz, representing Aristocrat Properties, addressed the board regarding his property at 261 Washington Street. He stated that he does not disagree with the statements made by Cindy Hogg. J. Willard Cruz said that he has a rehabilitation plan in place and the work will be completed by January 1, 2017 and he confirmed that he understands he has to obtain all the required permits for this work. And he understands that he has until September 13, 2016 to submit his rehabilitation plan.

Motion to continue this hearing at the next October 13, 2016 meeting, allowing the property owner to show efforts on abating the nuisance and following the rehab plan, as well as all appropriate permit processes was made by Eugene Scharf and seconded by Ashlee Willis. The motion passed.

Appeal Hearing #3 - 353 Hanover Street-Owner/Appellant: Larry Combs

The Health Division Report was presented by Cindy Hogg regarding the property at 353 Hanover Street. The owner, Larry Combs has filed an appeal concerning the nuisance declaration. There have been 25 complaints concerning this property which include rubbish, tall grass, unsecured dwelling, repairs to the interior and exterior, water leaks, and rehabilitation or demolition orders. There has been court action regarding rubbish not being removed. A submitted rehab proposal had been approved January 8, 2015 with a completion date of June 1, 2015. As of June 2, 2015, the inspection showed very little improvement. Utilities have been off since May 29, 2013, due to nonpayment from the tenant. And the dwelling has remained vacant and without utilities since that date. The structure was declared a public nuisance June 21, 2016. Since that time, several inspections of the interior and exterior have been made and the structure shows great improvement. But there are still major outstanding issues. The Health Division has not spent any money for contractors for the maintenance of this property, but there have been approximately \$1,200.00 in costs for Health Division employees.

Owner, Larry Combs and Joe Brown gave testimony to the board in which they stated Brown's Plumbing was currently at the property. Larry Combs stated that he has made repairs to the windows and they are working well now. He said he has been trying to keep the yard clean.

Motion to continue this hearing at the next meeting, September 8, 2016, and at that time make sure there is proper progress was made by Ashlee Willis and seconded by Myra Hargrove. The motion passed.

Eugene Scharf read the addresses and identification information for the following seven properties which have been declared nuisances with no appeals being filed. Then Cindy Hogg gave the Health Division Reports concerning each property.

Report #1 - 524 Vine Street – Owner: Erika DeLeon

The Health Division report stated that there have been eleven complaints concerning 524 Vine Street, regarding unsecured dwelling, rubbish, tall grass, repairs to the interior and exterior. There is currently an order concerning a window and door on this property that have been broken into. There has been debris in the front and back yard. This property has cost the Health Division approximately \$145.00 in contractor fees and \$623.00 in Health Division employee costs. The property was declared a public nuisance on June 21, 2016 and no appeal has been filed. The property continues to deteriorate and remains a blighting influence to the community.

Report #2 - 852 Vine Street – Owner: Nicole Vanlieu and Heather Simboli

The Health Division report stated that there have been twenty-two complaints concerning 852 Vine Street, which include unsecured dwelling, removing rubbish, cutting grass, repairs to interior and exterior, and remediating squatters. The utilities were turned off January 6, 2016 due to the death of Shirley A. Johnson, the previous owner. The property has remained vacant and without utilities since that time at the request of the new owners, Nicole Vanlieu and Heather Simboli, who are the daughters of Shirley A. Johnson, the previous owner. The Health Division has spent approximately \$725.00 in contractor costs and approximately \$900.00 in Health Division employee costs. The property was declared a nuisance June 20, 2016 and no appeal has been filed. The property continues to deteriorate and remains a blighting influence to the community.

Report #3 – 221 N. “E” Street – Owner: JP Morgan Chase Bank NA

The Health Division report stated that there have been eleven complaints concerning 221 N. “E” Street, which include unsecured dwelling and garage, rubbish, tall grass, repairs to interior and exterior, rehab or demolition orders. Utilities have been off since May 20, 2013. The Health Division has had a cost of approximately \$25.00 in contractor fees and \$623.00 in Health Division employee costs. The property was declared a public nuisance June 21, 2016 and there has been no appeal by the owner. The property continues to deteriorate and remains a blighting influence to the community.

Report #4 – 1126 Ross Avenue – Owner: Douglas M. Jackson Danielle A. Jackson

The Health Division report stated that there have been fifty-two complaints concerning 1126 Ross Avenue, which include unsecured dwelling, removing rubbish, cutting grass, repairs to exterior, fire to the interior, rehab or demolition orders. Utilities have been off since 2009, at the request of the owner. The structure has also remained vacant since

2009. The Health Division has incurred approximately \$2,260.00 in contractor costs and approximately \$2,500.00 in Health Division employee costs. The property was declared a public nuisance June 21, 2016 and there has been no appeal by the owner. The property continues to deteriorate and remains a blighting influence to the community.

Report #5 – 121 Sherman Avenue – Owner: Jason Frost

The Health Division report stated there have been sixteen complaints concerning 121 Sherman Avenue, which include rubbish, tall grass, repairs to the interior and exterior, unsecured dwelling, unlicensed autos, rehab or demolition orders. The property has been vacant and the utilities off since October 9, 2012, due to credit issues. The Health Division has incurred approximately \$500.00 in contractor fees and approximately \$750.00 in Health Division employee costs. The property was declared a public nuisance June 21, 2016 and there has been no appeal by the owner. The property continues to deteriorate and remains a blighting influence to the community.

Report #6 – 1451 Parrish Avenue – Owner: Paul Schlembach

The Health Division report stated there have been twenty-one complaints concerning 1451 Parrish Avenue, which include rubbish, tall grass, unsecured dwelling, unlicensed autos, repairs to interior and exterior, rehab or demolition orders. The property has been vacant and the utilities off since February 12, 2014, due to the owner's request. The Health Division has incurred approximately \$360.00 in contractor fees and approximately \$1,000.00 in Health Division employee costs. The property was declared a nuisance June 21, 2016 and there has been no appeal by the owner. The property continues to deteriorate and remains a blighting influence to the community.

Report #7 – 1246 Campbell Avenue – Owner: Karol Rios

The Health Division report stated there have been nineteen complaints concerning 1246 Campbell Avenue, which include rubbish, tall grass, repairs to interior and exterior, rehab or demolition orders. The property has been vacant and the utilities off since December 19, 2014, due to owner's credit issues. The Health Division has incurred approximately \$83.00 in contractor fees and approximately \$1,000.00 in Health Division employee costs. The property was declared a nuisance June 21, 2016 and there has been no appeal by the owner. The property continues to deteriorate and is a public nuisance.

A Motion to receive the Health Commissioners Reports #1 through #7 was made by Eugene Scharf and seconded by Ashlee Willis. The motion passed.

Other:

Creation of Policy to Limit Acceptance of Agenda Items to ten calendar days before the meeting date.

A Motion to create this policy was made by Lori DiStaola and seconded by Myra Hargrove. The motion passed.

Adjourned:

A Motion to adjourn was made by Eugene Scharf and was seconded by Chief Craig Bucheit. The Motion passed and the meeting was adjourned.

Respectfully submitted,

Kimberly Preston
Community Technician



Eugene Scharf
Secretary



J. Scott Scrimizzi
Chairman