

**PROPERTY MAINTENANCE REVIEW BOARD
Meeting
City of Huber Heights**

October 14, 2021

- I. Mr. Winkler called the remote meeting to order at 6:30 p.m.
- II. Present at the meeting: Ms. Ballard, Ms. Gray, Ms. Hess, Mr. Roberts, Ms. Roster, and Mr. Winkler

Members Absent: Mr. Ambrose

Staff Present: Don Millard, Code Enforcement Administrator, Gerry McDonald, Law Director, and Geri Hoskins, Administrative Assistant

- III. **Approval of the Agenda**

Mr. Roberts moved to approve the Agenda, seconded by Ms. Hess.

- IV. **Swearing of Witnesses**

Mr. Winkler administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All person's present responded in the affirmative.

- V. **Pending Business**

None.

- VI. **New Business**

- A. **PMRB Case 21-26**

- Determination of Violation and Existence of Nuisance**

- 6475 Rip Rap Road, Huber Heights, Ohio**

- Parcel No: P70-00202-1185, 1186, 0728 and 0729**

- Violation #20211849**

- Determination of Abatement if Nuisance Exists**

- 6475 Rip Rap Road, Huber Heights, Ohio**

- Parcel No: P70-00202-1185, 1186, 0728 and 0729**

- Violation #20211849**

Mr. Millard stated that on or about October 1, 2019, the City investigated a complaint regarding this property. The complaint indicated trespassers were occupying the vacant structure. Upon investigation by the Chief of Police and Code Enforcement it was discovered a fire had occurred and the house was indeed open and an attractive nuisance.

On October 15, 2019, I had a phone conversation with Rebecca Hyden in which she stated she does not nor ever has owned this property. Review of the Montgomery County Auditors records listed and still lists Ms. Hyden as the owner.

The City has been mowing the grass several times per season due to non-compliance and lack of communication from the owner. Letters sent to the owner have not been returned by the post office therefore we are assuming the owner is aware of all issues.

As of this meeting the house remains in the same condition and is having a blighting influence on neighboring properties. Also, due to its location it is visible to passersby on Rip Rap Rd.

Section 1313.04 (h) states: In all properties and structures, the following standards shall be met:(1) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare. The owner shall keep the exterior of all premises and every structure thereon, in good repair. All surfaces thereof shall be kept painted or protected by other approved coating or material where necessary for the preservation of the property and avoiding of blighting or influence of adjoining properties. All exterior surfaces shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, peeling paint or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated, and adjoining properties and neighborhoods protected from blighting influence. " The property meets none of the required standards and is therefore in violation of the Code.

Property taxes ceased being paid in 2007so the City may incur charges associated with demolition and removal of the structure if the owner fails to pay their City invoice.

Staff Recommendation:

- 1 - The Board declare the property a nuisance and not habitable.
- 2 - The Board order staff to have the structure demolished and the lot filled and graded as needed.

Gerry McDonald said we are asking you to authorize somebody's house to be torn down. The government is going to go on to someone else's property and tear down their house. We have to make sure we went through all the correct steps. We have to show, and we did, that we did everything correct. Is there anyone in the audience who wishes to speak? Read the definition of nuisance. The fire chief declared it as well. We did a preliminary title search, no change since.

Motion made by Ms. Gray to declare the property a nuisance. Seconded by Ms. Hess. Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, Mr. Roberts, and Mr. Winkler. NAYS: None. Motion to determine the violation and existence of a nuisance carries 6-0.

Motion made by Ms. Ballard to abate the property. Seconded by Ms. Roster. Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, and Mr. Winkler. ABSTAINED: Mr. Roberts NAYS: None. Motion to determine abatement carries 5-0.

Mr. McDonald asked if we assess the property owner for this which decision would come from Council, would it be this board's recommendation that the property be assessed?

Motion made by Ms. Gray to assess the property. Seconded by Ms. Hess. Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, Mr. Roberts, and Mr. Winkler. NAYS: None. Motion to assess the property carries 6-0.

B. PMRB Case 21-20 The property owner, 4465 Procuniar, LLC, is in violation of Section 1313 of The Property Maintenance Code at property located at 4465 Procuniar Drive (21-20)

Mr. Millard stated that the property is compliant.

Motion made by Mr. Roberts to dismiss the case. Seconded by Ms. Ballard.

Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, Mr. Roberts, and Mr. Winkler. NAYS: None. Motion to abate carries 6-0.

C. PMRB Case 21-21 The property owner, Lee Alan Colville, is in violation of Section 521.07 of The Property Maintenance Code at property located at 4988 Fishburg Road. (21-21)

Mr. Millard stated that the property is compliant.

Motion made by Ms. Gray to dismiss the case. Seconded by Mr. Roberts.

Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, Mr. Roberts, and Mr. Winkler. NAYS: None. Motion to dismiss carries 6-0.

D. PMRB Case 21-22 The property owner, Timothy Mason, is in violation of Section 521.07 of The Property Maintenance Code at property located at 4690 Longfellow Road. (21-22)

Mr. Millard stated that the property has a large bush that overhangs the sidewalk and needs to be trimmed. Section 521.07(A) states: "(a) No person in possession or control of any real property shall allow any plant or tree on such property to overhang any public sidewalk by less than eight feet in height. (b) Whoever violates this section is guilty of maintaining obnoxious plants, a minor misdemeanor."

Inspection verifies the property does not meet the standard set forth in the Code, therefore the property is in violation.

City Zoning letters have not been returned yet the property remains in violation. The property owner has not communicated with the Code Enforcement Officer. The tax record shows all taxes are current and have historically been paid. I believe it is reasonable to assume that any work this board orders will be paid by the property owner or through the assessment process.

Staff Recommendation:

- 1 - The Board declare the property a nuisance.
- 2 - The Board order staff to have the City contractor trim the bush as required by code.

Motion made by Mr. Roberts to declare the property a nuisance and proceed with abatement. Seconded by Ms. Hess.

Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, Mr. Roberts, and Mr. Winkler. NAYS: None. Motion to abate carries 6-0.

E. PMRB Case 21-23 The property owner, Blaine Clark Jr., is in violation of Section 1313 of The Property Maintenance Code at property located at 5479 Naughton Drive. (21-23)

Mr. Millard stated that there is significant overgrowth and discarded items throughout the property as photos illustrate.

This is a nuisance property which is vacant and under maintained.

Section 1313.04(h)(4) of The City code stipulates: "All land shall be properly maintained with lawns, hedges, bushes, trees, and other vegetation to be trimmed and kept from becoming overgrown and unsightly where exposed to public view or such vegetation may constitute a blighting influence on adjoining property."

Section 1313.04 (h)(6) stipulates: "A. Any items used or stored outside of an enclosed building or structure shall be limited to items manufactured for, intended for, or customarily used in an outdoor environment. No items manufactured for, intended for, or customarily stored or used indoors may be placed or stored outside.

B. All permissible items stored outside must be in good condition and usable as intended by the manufacturer. No such items that are broken, dilapidated, or discarded shall be stored outside."

Inspection verifies the property does not meet the standard set forth in the Code, therefore the property is in violation. All violation letters have been returned as undeliverable by the post office.

The property tax record indicates no property tax payments since February 2019. I believe it is safe to assume the City will incur all costs for an abatement, but that cost lies well within our budget for abatements. As usual, an invoice will be mailed by the finance department and if not paid a property tax assessment will be submitted to the Auditor's office.

Staff Recommendation:

- 1 - The Board declare the property a nuisance.
- 2 - The Board order staff to have the City contractor abate the property.

Motion made by Ms. Hess to declare the property a nuisance and proceed with abatement. Seconded by Ms. Ballard.

Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, Mr. Roberts, and Mr. Winkler. NAYS: None. Motion to abate carries 6-0.

F. PMRB Case 21-24 The property owner, Mark Bishnow, is in violation of Section 1313 of The Property Maintenance Code at property located at 5519 Toni Court. (21-24)

Mr. Millard stated that the property is compliant.

Motion made by Mr. Roberts to dismiss the case. Seconded by Ms. Gray.

Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, Mr. Roberts, and Mr. Winkler. NAYS: None. Motion to dismiss carries 6-0.

G. PMRB Case 21-25 The property owner, Realty Income Properties 29, is in violation of Section 1313 of The Property Maintenance Code at property located at 5958 Old Troy Pike. (21-25)

Mr. Millard stated that the property is compliant.

Motion made by Ms. Gray to dismiss the case. Seconded by Ms. Hess.

Roll call showed: YEAS: Ms. Ballard, Ms. Gray, Ms. Hess, Ms. Roster, Mr. Roberts, and Mr. Winkler. NAYS: None. Motion to dismiss carries 6-0.

VII. Additional Business

None

VIII. Approval of Minutes

Without objection, the minutes of the July 22, 2021, and August 26, 2021, PMRB meeting are approved.

IX. Upcoming Meetings

October 28, 2021
November 10, 2021

X. Adjournment

There being no further business to come before the Board, the meeting was adjourned at approximately 7:15 p.m.




Richard Winkler, Chair



Date



Geri Hoskins, Administrative Assistant



Date