

**WRITTEN SUMMARY  
NUISANCE APPEAL BOARD  
MEETING MINUTES  
Thursday, November 10, 2016  
1:30 p.m.**

The Nuisance Appeal Board meeting was called to order by Chairman, J. Scott Scrimizzi presiding at 1:35 in City Council Chambers, 345 High St, First Floor, Hamilton, Ohio.

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

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

It was noted by Scott Scrimizzi that Chief Bucheit would not be present today.

Motion to approve the recorded minutes and written summary of the October 13, 2016 meeting was made by Chief Steven Dawson and seconded by Eugene Scharf. All 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.

Chairman, Scott Scrimizzi stated that we will not be following the exact order that was on the agenda for this meeting.

**New Business:**

**Appeal Hearing #1 – 441/443 North 5<sup>th</sup> Street – Owner/Appellant: J. Pacific Ventures LLC**

Cindy gave the Health Commissioners report. There have been 16 complaints including unsecured dwelling, rubbish, tall grass/weeds, repairs to interior and exterior, junk vehicles, rehabilitation or demolition orders, and a public declaration of a nuisance property. J. Pacific Ventures acquired the property August 21, 2013. This property was declared a public nuisance on August 1, 2016 and the owner was served on August 5, 2016.

It was noted board member Myra Hargrove was now present.

Attorney Thomas J. Novack introduced himself, John Drake, Manager of J. Pacific Ventures, and Dan Dermody, Contractor who has been retained to rehab 441/443 North 5<sup>th</sup> Street, and then addressed the Board about this property. Mr. Novack stated that while there is not any evidence of physical changes, the behind-the-scenes work has been taking place. He stated they have applied for a building permit and this is still pending, but the contractor is ready to begin work as soon as this is approved. Mr. Novack pointed out that this property is not such a nuisance as compared to other properties within walking distance of this property, and he provided photos of other properties in the area. Mr. Novack stated that there is no evidence of squatters on this property. Mr. Novack said he was open for questions.

Board member Ashlee Willis stated she didn't find it very compelling when someone brings pictures of other properties and says, 'these are bad, so mine is not so bad.' She also inquired

if J. Pacific normally takes three years to begin rehabbing properties or if this timeline was just chosen for our city. Mr. Novack stated that there were liens, foreclosure issues, and other legal matters that had to be cleaned up and that was part of the reason this has taken so long.

Kathy Dudley clarified that the administrative process adopted by the City does not require they be given a particular amount of time. This may be an issue J. Pacific can take up with the Court of Common Pleas, should they choose to pursue that avenue.

Eugene Scharf mentioned that the title was cleared in October, 2015, so owner has already had a year. He went on to mention that during that year, several notices had been sent from the City of Hamilton Health Department, but J. Pacific did not respond until there was a nuisance declaration. Cindy Hogg confirmed there had been notices and orders to clean, secure, and cut the grass, to which there was no response of any kind from J. Pacific Ventures. Mr. Novack stated that he and his client are here to apologize and that J. Pacific Ventures does not normally take this long to rehab a property.

Myra Hargrove pointed out that City has spent \$1,196 to date on this property, cleaning it up, cutting the grass, etc. Mr. Novack presented a copy of an invoice that he stated shows J. Pacific has spent \$1,900 getting the property secured, etc.

Scott Scrimizzi stated that he had been out to the property and it isn't well secured. He said it is not very hard to get into that property. Both he and Chief Dawson expressed concern for the safety of our firefighters, first responders, and the public.

Mr. Novack stated that in effort to show good faith, his client is offering to reimburse the City for the maintenance expenses the city has encumbered on this property during the interim. Mr. Novack maintained there is no sign that there has been any squatters on this property. He also stated this property has good curb appeal.

Cindy Hogg stated she had been at the property with an officer on June 22, 2016 and they discovered an extension cord that had been rigged to bypass and the cord was hot at the time she was at the property, so it was evident someone had been in that house using electric.

Chief Dawson expressed his concern about the trust factor and asked if J. Pacific has a contractor. Mr. Novack stated that they have a contractor from Cincinnati. But after considerable questioning, he admitted that there is no contract on this particular property. John Drake, promised he will hire a local contractor for this property the minute he gets approved for a permit.

John Drake was directly asked about the notices from the city that J. Pacific did not respond to and he claims the notifications the city had sent were lost in the shuffle. Ashlee Willis said that based on their history, it appears that the City of Hamilton is just not that significant to J. Pacific. She further stated that we love our city and want to keep it safe. Myra Hargrove commented that she represents Investment Property Owners and J. Pacific has gone about this the wrong way.

Cindy Hogg stated that the Health Department has had to mow the grass on this property four times this year and someone should be regularly cutting the grass instead of the city having to send a letter every two weeks to remind them.

Mr. Novack acknowledged that things have been done wrong in the past and said he respects the concerns Chief Dawson has raised.

Scott Scrimizzi suggested that we could possibly allow J. Pacific to go forward with their rehab and that the Board checks it monthly. Mr. Novack offered to entertain possibly putting up a bond to ascertain the work gets done.

A motion was made by Eugene Scharf to close the public hearing and seconded by Ashlee Willis. All members present signified they were in favor by saying "aye." None were opposed.

Kathy Dudley explained options of the Board to accept the declaration or continue with conditions.

A motion was made by Ashlee Willis to continue the deliberations for thirty days; within that time period, the applicant will have had to have posted a bond to the City of Hamilton in the amount of \$60,000, submitted a rehab plan, pulled the permits, paid \$1,100 reimbursement costs in fees, and have a contract with a property manager. Lorie DiStaola seconded the motion. The motion passed with four in agreement and two opposed.

#### **Appeal Hearing #2 – 1527 Dixie Highway – Owner/Appellant: Michael P. Higgins**

Kathy Dudley stated that Mr. Higgins has requested a 30 day continuance and that is by mutual agreement with the city. Mr. Higgins verified he is in agreement with this.

Scott Scrimizzi inquired if someone was living at the property, because he had been by there and observed children's toys on the porch. Mr. Higgins replied that there was no one living there, but the man he had hired to do some work at the property had brought his kids play out in the front.

#### **Appeal Hearing #3 – 360 South 11<sup>th</sup> Street – Owner/Appellant: Ryan S. Jarrett and Obrian O. Jarret**

Cindy gave the Health Commissioners report. It was purchased December 22, 2014. There have been 47 complaints including unsecured dwelling, rubbish, tall grass/weeds, repairs to interior and exterior, zoning violations, animal nuisance, animal control, junk motor vehicles, and a public declaration of a nuisance property. A rehabilitation/demolition order was sent to the owner May 18, 2015. After a rehab submittal was accepted, the final completion date was noted to be March 31, 2016. An inspection which was conducted on April 8, 2016 showed very little improvement. On October 17, 2016 Ken Rivera, City of Hamilton building official provided information showing that all permits had expired on September 30, 2016, with no inspections being conducted. This property was declared a public nuisance on October 5, 2016. The electric has been shut off since September 19, 2011 and the gas/water has been shut off since October 4, 2011. The electric was restored October 12, 2015 so that repairs could be made per the rehab proposal. The Health Division has spent approximately \$400 in contractor fees and over \$2,000 in Health employee costs. The property continues to deteriorate and remains a blighting influence on the community.

Ryan Jarrett addressed the Board and stated that some of the aforementioned issues have already been corrected, but no one was at the property for her (Cindy) to be able to inspect when she came. When asked why no one was there for the inspection, Carmen Dillingham interjected that they do not live there and did not know when she was coming. Cindy Hogg

stated that she called the phone number given twice and received a message that the mailbox was full. Cindy further stated that she went out on August 1, 2016 and tagged the door asking the owner to contact her to schedule an inspection. There was no response, so the property was then declared a nuisance on October 5, 2016.

Carmen Dillingham stated they have a contractor that has been working on the house. She stated that the HVAC system has been completed, the electric is finished, there are new doors and windows, new siding has been done, the walls and ceilings are done. She stated there are only minor things still needing to be done.

Eugene Scharf inquired if the permits are current. Carmen stated they are not current and have to be renewed. Carmen also stated that the cost will be less than \$5,000 to finish the rehab of this house.

A motion was made by Eugene Scharf to continue this appeal until the January 2017 meeting, all necessary permits must be up to date and valid. A new rehab plan must be filed with the Health Division. And prior to the January, 2017 meeting, appellant will have to give access to the Health Division to inspect the property. Also, at this time, all work is to be complete within 90 days. Motion was seconded by Ashlee Willis. All were in favor and motion passed.

#### **Old Business:**

The following two items are Old Business. (Meeting summary notes will show the meeting continued with additional New Business items after these two were heard.)

#### **Continuation of August 11, 2016 Appeal Hearing #4 – 641 S. 11<sup>th</sup> Street – Owner/Appellant: Aristocrat Properties**

Cindy Hogg gave report that an inspection had been conducted November 9, 2016 and rehab is ahead of schedule. Permits are still open.

#### **Continuation of August 11, 2016 Appeal Hearing #5 – 261 Washington Street – Owner/Appellant: Aristocrat Properties**

Cindy Hogg gave report that an inspection had been conducted November 9, 2016. Plumbing permit is still open, and they plan to be in compliance by Friday, November 18, 2016.

Eugene Scharf made a motion to continue on both Aristocrat properties (641 S. 11<sup>th</sup> Street and 261 Washington Street) until the December 8, 2016 NAB meeting. The motion was seconded by Ashlee Willis. The motion unanimously passed by all "ayes."

#### **New Business (continued):**

#### **Appeal Hearing #6 – 332 S. 11<sup>th</sup> Street – Owner/Appellant: Frederick A. Ihejirika**

Cindy gave the Health Commissioners report. There have been 44 complaints including unsecured dwelling, rubbish, tall grass/weeds, repairs to interior and exterior, junk vehicles, and a public declaration of a nuisance property. The owner has been notified of all violations since his ownership occurred September 9, 2009. This property has been placed on the derelict property list for grass cutting for the 2015 and 2016 grass cutting seasons. A rehabilitation or demolition order was sent to the owner January 8, 2016 and there was no response. This

property was declared a public nuisance on August 24, 2016 and on October 20, 2016 the owner contacted the Health Division regarding the declaration. Repairs to the structure included, but are not limited to damaged siding, damaged exterior surface, damaged gutters and downspouts, damaged windows, damaged fascia and soffits, peeling/chipping paint on the exterior. Repairs needed to the interior include floors, walls, ceilings, electrical, plumbing, and HVAC systems. As of November 8, 2016, required permits have not been obtained from the City of Hamilton Construction Services for the repairs needed. Utilities have been off since October 21, 2013 due to dwelling being vacant. The house has remained vacant. The Health Division has spent approximately \$2,000 in contractor costs and \$2,000 in Health employee costs. The property continues to deteriorate and remains a blighting influence on the community.

Mr. Ihejirika stated that four years ago, he rehabbed the house. He said he lives in California and after he put lots of money into the plumbing, new roof, and other repairs, he rented the house to a family. After approximately six months, the family stopped taking his calls and paying rent. He could not come back to Ohio right away, but when he did return, he found the family had moved out and trashed the whole house.

Mr. Ihejirika stated that he has now paid the back tax, cleaned up the trash, cleaned the interior, and completed some of the repairs on the interior and exterior. He shared current photos and told of the damage that had been done to the house. He stated that he needs 60 – 90 more days to complete repairs. He stated his intention is to sell the house when rehab is complete.

When asked, Mr. Ihejirika stated that he is prepared to pay back to the city the costs they have incurred on his property.

Cindy Hogg commented about how the City has been maintaining this property for him, beginning with mowing in 2014. Eugene Scharf mentioned that we do not know how long it will take for this property to sell and that we have concerns that next year, we will be still dealing with the same kinds of problems. Ashlee Willis asked what would keep the property from continuing to be vandalized repeatedly. She emphasized that with the owner being in California, it doesn't matter how nicely the property is fixed up, that this may be a viscous cycle that continues. She noted that even if the property is listed with a realtor, they typically only show the property and they aren't responsible for keeping the property secure.

Eugene Scharf asked if Mr. Ihejirika would be available for a meeting in December if the board decides to continue this appeal. Mr. Ihejirika stated that he is an attorney and he has cases and doesn't know if he would be available. Eugene Scharf inquired if he would be available to meet in January. Eugene Scharf also expressed concern as to who would be pulling permits since Mr. Ihejirika would not be here.

Chief Dawson inquired as to what caused Mr. Ihejirika to choose to purchase this property in Hamilton when he does not live in this area. Mr. Ihejirika replied that this was part of a portfolio and it was purchased unseen.

Myra Hargrove inquired if Mr. Ihejirika was interested in filing a rehab plan with the city and he stated that he was.

Ashlee Willis made a motion that this appeal is continued to the January 12, 2017 meeting with stipulations that Mr. Ihejirika file a rehab plan with the city, pull all necessary permits, hire a contractor and a property manager for this property, and that arrangements are made with the

property manager so that the city can come in and do inspections. The motion was seconded by Myra Hargrove. The motion passed with five in favor and one opposed.

**Other:**

**506 Heaton Avenue**

Mr. Gregg Krupp who owns 506 Heaton Avenue addressed the Board. His property was declared a nuisance but he stated he had an emergency involving his son in another state and also the death of an employee which caused him to be late in filing an appeal. He had thirty days to file, but didn't come in until day thirty-one. He is requesting the board to grant permission for him to submit his appeal and rehabilitation plan even though it is one day late.

Eugene Scharf made a motion that the Board will accept the appeal by Mr. Krupp although it was one day late. Motion was seconded by Ashlee Willis. All were in favor, motion passed. This will be on the agenda for December 8, 2017.

**No Appeal Request Received:**

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

**#1. 229 Wayne Avenue**

**#2. 340 Ross Avenue**

**#3. 820 Vine Street**

**#4. 116/118 North 8<sup>th</sup> Street**

**#5. 1780 Kahn Avenue**

**#6. 1234 Campbell Avenue**

**#7. 1103 Hamilton Avenue**

**#8. 1682 Dixie Highway**

**#9. 1675 Shuler Avenue**

**#10. 444 North 7<sup>th</sup> Street**

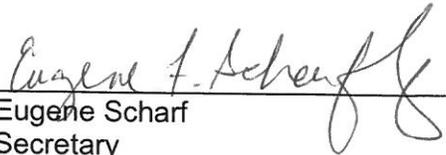
Chief Dawson made a motion to accept the Health Commissioner's report on these ten addresses. Myra Hargrove seconded the motion. All Board members present expressed they were in favor of motion by unanimous "aye's." There were none opposed. Motion passed.

**Adjournment**

Ashlee Willis made a motion to adjourn. Chief Dawson seconded motion. All were in favor. Motion passed. Meeting was adjourned.

Respectfully submitted,

Kimberly Preston  
Community Technician

  
Eugene Scharf  
Secretary

  
J. Scott Scrimizzi  
Chairman

