

**ADMINISTRATIVE VIOLATION REVIEW BOARD  
MEETING MINUTES**

October 18, 2022 – 2:00pm  
City Hall, Fourth Floor Conference Room

	<u>Name</u>	<u>Attendance</u> (mtgs attended-mtgs absent)	<u>Term of Office</u>
<b>MEMBERS PRESENT:</b>	Doug Brownfield	(04-0)	4/29/23
	Don Daffron	(18-0)	4/29/26
	Amy Drake	(01-0)	10/03/27
	Jason Eslinger	(15-2)	5/27/24
<b>MEMBERS ABSENT:</b>	Mary Kottenstette	(18-3)	4/29/25
<b>STAFF PRESENT:</b>	Juston Carr, Property Maintenance Manager		
	Lisa Robertson, City Attorney		
	Sheri Whetstine, Property Maintenance Inspector		
	Tiffany White, Property Maintenance Inspector		
	Lori Gilpin, Property Maintenance Inspector		
	Carol Flury, Recording Secretary		

2022 NOV 18 8:53

Eslinger called the meeting to order at 2:00pm.

**ROLL CALL** – Four (4) members were in attendance, quorum present. Brownfield - present, Kottenstette – absent, Daffron – present, Eslinger – present, - Drake - present.

**APPROVAL OF MINUTES**

Motion to approve September 14, 2022, minutes as written by Eslinger; second by Daffron. Verbal vote taken; Ayes - 4, Nays - 0. **MOTION PASSES.**

**NEW BUSINESS**

**A. CASE NUMBER AP23-26571-** A request for review of administrative penalty in the amount of \$100 by John Corcoran, 2906 Penn Street, for Violation of Section 15-26: Maintenance of Property – Weeds and Rank Growth of Vegetation – for failure to cut all weeds/tall grass and rank growths of vegetation over 7” in height. Viewed 7/21/22. PM23-00172

**Eslinger:** We will move to new case number AP23-26571, request for review of administrative penalty in the amount of \$100 by John Corcoran, 2906 Penn Street, for Violation of Section 15-26: Maintenance of Property – Weeds and Rank Growth of Vegetation – for failure to cut all weeds/tall grass and rank growths of vegetation over 7” in height. Viewed 7/21/22. Is Mr. John Corcoran here?

Man sitting by the door: There is not a John Corcoran here, there is a John Michael here.

Flury: We have a John Corcoran, too.

Man sitting by the door: What address?

Eslinger: At 2906 Penn Street. Is that you, sir?

Man sitting by the door: No.

Eslinger: One is for the weeds and rank growth, and one is trash and debris.

Brownfield: Is it more trash or just more of that rank growth?

Whetstine: The brush and debris I believe.

Brownfield: At some point he cuts the crap and it becomes the debris and no longer rank growth. Is that right?

Whetstine: I can tell you from experience, that when I used to work this district, this property has always been like that. He always got overgrowth and stuff.

Daffron: He is not here to defend it either.

Carr: It is done at this point. We will go back out and we will clean it up. Penalties are to encourage the property owner to take action on his own. If he doesn't, we will go ahead and wrap it up now.

Brownfield: \$200 is pretty cheap for the amount of time that it has been accruing. He is actually getting off easy.

Carr: Like Sheri said, he has always been like that.

Daffron: I think we go ahead with the penalty.

Eslinger: Second?

Brownfield: Second.

Eslinger: Carol

Flury: **VOTE:** Brownfield – aye, Daffron – aye, Eslinger – aye, Drake – aye. Ayes – 4; Nays - 0. **MOTION PASSES**

**B. CASE NUMBER AP23-26572-** A request for review of administrative penalty in the amount of \$100 by John Corcoran, 2906 Penn Street, for Violation of Section 15-25: Nuisance Defined or Declared – Trash and Debris – for failure to remove all debris from the entire property. Viewed 7/21/22. PM23-00171

Eslinger: Moving on to case number AP23-26572 - A request for review of administrative penalty in the amount of \$100 by John Corcoran, 2906 Penn Street, for Violation of Section 15-25: Nuisance Defined or Declared – Trash and Debris – for failure to remove all debris from the entire property.

Eslinger: Is this you again?

Whetstine: Yes, it is the same thing, just brush piles.

Eslinger: Is there a motion of this one?

White: Yeah, I was going to say I think that was what they were trying to do, was demo the house.

Eslinger: That is the trouble with out of state investors, they don't know what they are getting into when they see these houses.

Daffron: But there are still weeds isn't there?

Eslinger: Yeah.

White: So, has it already been brought in for the hearing?

Carr: Yes, it has already been ordered demolished. So, we will cut the weeds and keep it secured until we take it down.

Daffron: Then what happens? The weeds grow back up?

Carr: Yeah.

Eslinger: Yes, but there is no house there now.

Carr: The neighbor may purchase it.

Eslinger: And it will eventually go to the trustee and then something else.

Brownfield: Does the City pay for the demolition of that?

Carr: We will invoice the property owner at that time.

Eslinger: Any discussion?

Eslinger made a motion to enforce the penalty; seconded by Daffron.

Flury: **VOTE:** Brownfield – aye, Daffron – aye, Eslinger – aye, Drake – aye. Ayes – 4; Nays - 0. **MOTION PASSES**

**D. CASE NUMBER AP23-26837-** A request for review of administrative penalty in the amount of \$100 by John Cayer, 2206 Marion Street, for Violation of Section 15-26: Maintenance of Property – Weeds and Rank Growth of Vegetation – for failure to cut all weeds/tall grass and rank growths of vegetation over 7” in height on the entire property. Viewed 9/13/22. PM23-01466

Eslinger: Moving on to case number AP23-26837. John Cayer?

Cayer: John Michael, family name Cayer.

Brownfield: Mr. Cayer, you agree with the penalty? You are all good?

Cayer: I am not, I am not here to dispute the facts, I am only here to tell you what is being done and how the real world operates. I don't know how to operate in the fictitious world. So, uh.

Eslinger: I am completely, you've got me completely confused.

Cayer: I overstand that you guys maybe confused and misunderstanding but I assure you ten to fourteen days the accountant will clear things up for you, so.

Brownfield: But this is what it is all about is the penalty, so, if your accountant is paying for it anyway, there really is no argument, is that right?

Cayer: I, I need to know, too, I believe I did send that out

Eslinger: You must understand that the Board might not have all the documents that you sent to the City.

Cayer: Yeah, like I said, it was sent. They gave you until yesterday at the end of the day to reply, there were no replies, so it is agreed upon at that point, hum

Brownfield: I am confused, so you are not disputing the \$100 right?

Cayer: I don't dispute facts but is there anymore facts you would like to release as in like as in it is already been cleaned up and taken care of, huh.

Gilpin: No that would be, uh, I will refer that to legal.

Cayer: Okay. Uh, but yeah, I have noticed everyone with the city or noticed the city as all principles.

Eslinger: You have noticed the city as what? I am still confused as to what you sent.

Cayer: Well, I have settled the matter. The accountant, there was no, I am just giving you basically your receipt, like there was no dispute other than.

Eslinger: I don't know what you are talking about but. Okay, let's see what you sent here.

Brownfield passed Mr. Cayer's document to Eslinger.

Brownfield: Jason can translate.

Cayer: So, on the record, Jason has received the documents containing the bill and the form 8300 to fill out. Would you like to read through the Notice of Special Appearance?

Eslinger: You can give that to counsel back there. I am still confused as to what this even is. So, you are asking the City to pay for your cleanup?

Cayer: Well you answered questions. I mean you read my letter saying that you didn't, basically I asked for information. You guys said no, I am not going to give you that information. But you did receive the letter. In that letter, just like I am supposed to know every stinkin law in this city.

Eslinger: If you own property, yes you do.

Cayer: Okay, then, you received a letter or the City received a letter. You guys represent the City, do you not?

Eslinger: I do not.

Cayer: You don't represent the City?

Eslinger: I am on the Board appointed by the City Council.

Cayer: You are on the Board.

Eslinger: I am appointed on the Board by the City Council.

Cayer: So you are representing the City. All that was sent in. There was a QR code that could easily to put you to all my fees and charges are.

Eslinger: QR codes now. Well, since I am thoroughly and utterly confused, I am going to make a motion to go ahead and enforce the \$100 penalty: second by Daffron.

Eslinger: Carol

Cayer: Like I said, the accountant will be in touch with you.

Eslinger: That's fine. Legal will handle anything your accountant, I guess, sends the City:

Daffron: I don't understand the \$4,000 you are talking about.

Cayer: Well

Brownfield: It that to show that it has been cleaned up? Is that what it is for?

Cayer: Well, I got photos if you need to see photos.

Brownfield: No, I drove by, and it looks real nice. But this is only to address the \$100 fine which you said you agreed to because it was what it was, so you are not willing to dispute that at all?

Cayer: No, it is settled, it is being settled, is what I am getting at. My only thing is being settled, they are also going to pull \$4,250 in credits from your account, and you didn't dispute it.

Eslinger: I don't think that is going to happen, sir, but if you want to get your attorneys involved, then contact legal.

Cayer: There is plenty of weeds and tall grass, but it is plenty of areas and garden.

Gilpin: All property owners are responsible for center of the street, center line of the alley, and center line of right-of-way. You did not cut them; you got a penalty. That's it.

Eslinger: Okay, Carol, I think we are done here. Let's go ahead and take a vote.

Flury: **VOTE:** Brownfield – aye, Daffron – aye, Eslinger – aye, Drake – aye. Ayes – 4; Nays - 0. **MOTION PASSES** Penalty will be enforced.

Cayer: I will need a copy of the minutes from this.

Eslinger: Well, you won't get them today.

Cayer: You did receive the form 8300?

Flury: I didn't, but maybe my boss did.

Cayer: Well, I have it on record, too.

**UNFINISHED BUSINESS - None**

**PUBLIC COMMENT – None**

**ADJOURNMENT**

Eslinger: Is there any other business? Motion to adjourn.

By general consent, the meeting adjourned at 3:25pm.

Minutes respectfully submitted by Carol Flury, Recording Secretary.