

**BRISTOL TENNESSEE BETTER PROPERTY BOARD
MEETING MINUTES
February 25, 2021**

Members Present:

**Pamela Offield, Chairwoman
Randall Cook, Vice-Chairman
Wayne Humphrey
Lonnie Barrett
John Cartwright**

Staff Present:

**Cheyenne Powers, Code Enforcement
Matt Bailey, Code Administrator
Tim Beavers, Development Services Director
Cari Seaton, Staff Attorney
Danielle Smith, City Attorney**

Public Present:

**Adrian White
Kelly Graham
James Mottern
Sean St. Clair
Kathy Compton
Darlene Graham**

This meeting was conducted electronically using Zoom.

I. CALL TO ORDER:

Pamela Offield called the Bristol Tennessee Better Property Board meeting to order at 5:03 p.m. on Thursday, February 25, 2021. Mrs. Offield performed roll call. A quorum was declared.

II. DISCUSSION OF NECESSITY FOR CONDUCTING ELECTRONIC MEETING:

Staff Attorney Cari Seaton stated that Governor Lee suspended the provisions to the Open Meetings Act to the extent necessary for conducting the meeting electronically instead of physically in order to protect the health, safety and welfare of Tennesseans in light of the COVID-19 crisis. Ms. Seaton stated that the Better Property Board must make a determination on whether or not meeting electronically is necessary rather than in person. She also requested that a vote be done by roll call and that any member of the Board or Staff participating by video identify themselves when speaking or voting.

Randall Cook made a motion to conduct the meeting electronically, Lonnie Barrett seconded the motion. Pamela Offield asked board members if any further discussion on this matter was required. With no further discussion to be heard, roll call was performed and the motion carried unanimously.

III. APPROVAL OF MINUTES:

A correction to the January 28, 2021 minutes was necessary in Section VIII. Progress Report, under item B. 1141 Indian Hills Drive. The first sentence of the third paragraph should be amended to state "addressed and discussed" and not "addressed discussed." The corrected sentence should read: "The contractor assisting the property owners, Chris Foran addressed

and discussed the differences of the estimate he provided the City for repair versus the City's estimate." John Cartwright made a motion to approve the January 28, 2021 minutes as corrected. Lonnie Barrett seconded; roll call was performed and the motion carried unanimously.

IV. PRELIMINARY INVESTIGATIONS

None

V. PUBLIC HEARING

A. 701 Alabama Street

Pam Offield opened the discussion for the public hearing on the property at 701 Alabama Street. The property owner, Mr. Adrian White was in attendance via telephone. Mrs. Offield inquired to make clear which apartments were occupied. Cheyenne Powers commented that the three downstairs apartment units were uninhabited and not secure, and open to vagrants; the upstairs apartment unit is occupied. Ms. Powers stated that all four of the apartment units were inspected.

Mrs. Offield commented that the property owner, Mr. Adrian White stated within his letter that there was a hearing on June 24, 2021, and Mrs. Offield asked staff to clarify what hearing was taking place on June 24, 2021. Cheyenne Powers stated that June 24, 2021, is the scheduled court hearing date for the court order on the property and not the public hearing date for the Better Property Board.

Property owner, Adrian White addressed the Better Property Board via telephone. Mr. White commented that due to the eviction ban during COVID-19, he was not able to evict the non-paying tenants. The occupants of the units on the lower-level have left the property, and have caused damage to the units. Mr. Adrian White stated that his handyman occupies the upper-level apartment unit and has been making repairs. Ms. Powers commented that code violations have been present on this property prior to the COVID-19 pandemic under Mr. White's ownership.

Cheyenne Powers provided pictures of the damages in each unit, including the upper-level apartment unit which is currently occupied by Mr. Harless, a tenant and handyman for the property owner. Ms. Powers displayed pictures of a modified closet in the upper-level apartment unit that was being used as a bedroom, which is considered illegal as it does not have operable windows and doors with access to the outside. Mr. White was unaware of the modified closet and the unknown occupant that resides in the closet space. Ms. Powers proceeded to display the pictures representing the damages to each unit, as well as the outside of the property.

Staff is requesting an *Order to Demolish* with a sixty (60) day completion date. A damage assessment was performed and the estimated damage is 51.9% with severe electrical, plumbing, and interior damage. All bottom units are posted unfit for occupancy, and have continued to experience trespass from vagrants. The overall conditions of the property are unsanitary and deplorable due to trash, and junk and debris that are scattered over the inside and outside of the building.

Pam Offield commented that with an *Order to Demolish* the property owner has sixty (60) days to fix and repair the property. Prior to the expiration of the sixty (60) days, and fifteen (15) days prior to a Better Property Board meeting within that timeframe, a request for rescission of the *Order to Demolish* may be submitted in writing to staff.

Lonnie Barrett and John Cartwright inquired about approving an *Order to Demolish* while having a tenant inhabiting the upper-level apartment unit that has not been posted as unfit for occupancy. Mr. Cartwright was specifically concerned about having electrical issues in the bottom units and access of vagrants to the bottom units. Cheyenne Powers commented that all units are on separate electric meters and the power was not on in the bottom units.

The Board also debated an order to demolish with a 51.9% damage assessment when they had recently issued orders to repair on properties with higher damage assessments. Ms. Powers stated the staff recommended the order to demolish, however, the ultimate decision was with the board. Mr. Cook indicated Mr. White had owned the property for 14 years and could have made the repairs during that time, therefore he was comfortable with voting for an order to demolish. Mr. Cook also stated if Mr. White made the necessary repairs he could make a written request to the board to rescind the *Order to Demolish*.

John Cartwright made a motion to issue an *Order to Demolish* with a sixty (60) day completion date for the property located at 701 Alabama Street due to unfit for occupancy, junk and debris, and overall unsanitary and deplorable conditions. Randall Cook seconded; roll call was performed and the motion carried unanimously.

B. 705 Alabama Street

Pam Offield opened the discussion for the public hearing on the property at 705 Alabama Street. The property owner, Mr. Adrian White was in attendance via telephone, he is also the owner of 701 Alabama Street.

Cheyenne Powers presented the evidence relating to the public hearing for 705 Alabama Street. The property has had numerous complaints regarding the condition of the structure. There is excessive amounts of trash, junk and debris, and an inoperable/unregistered vehicle on the property. Codes Division performed a damage assessment of the structure, and the damage assessment estimate is 59% with severe electrical, plumbing, and roof damage.

Mr. White addressed the Better Property Board and discussed that he filed an eviction notice on both tenants of this property in November 2020, and has been unable to successfully evict the occupants due to the COVID-19 eviction ban. The tenants of the lower-level unit have moved out, but they have not removed their belongings; the upper-level tenants have not left the property and have had power restored to the structure, which Mr. White opposed.

The Board indicated 705 Alabama Street was similar to the previously discussed issue at 701 Alabama Street.

Lonnie Barrett made a motion to issue an *Order to Demolish* with a sixty (60) day completion date for the property located at 705 Alabama Street due to unfit for occupancy, junk and debris, inoperable vehicles, and overall unsanitary and deplorable conditions. John Cartwright seconded; roll call was performed and the motion carried unanimously.

C. 2089 King College Road

Pam Offield opened the discussion for the public hearing on the property located at 2089 King. Mr. Kelly Graham was in attendance via telephone to represent the property owner during this public hearing.

Mrs. Offield commented that the damage assessment lists this property as residential, but it is a barn structure that is not residential. Mrs. Offield asked if the damage assessment was a valid assessment tool to reference having noted the differences. Code Administrator, Matt Bailey commented that there is no classification for a barn/accessory structure, but the assessment tool is a valid tool for assessment of this structure.

Cheyenne Powers presented the property located at 2089 King College Road and stated that there have been multiple complaints regarding junk, trash, and debris located on this property as well as complaints of the dilapidated accessory/barn structure. A damage assessment was performed on the accessory/barn structure and the estimated damage is 56.1% with severe damage to the superstructure and roof covering. There are also piles of trash, debris, and tires on the property. Staff is requesting an *Order to Demolish* with a sixty (60) day completion date due to the estimated damage.

Mr. Kelly Graham addressed the Better Property Board on behalf of the owners. Mr. Graham commented that the property is up for sale and has a buyer who has been performing clean-up at the property. Mr. Graham stated that the two (2) current property owners are in dispute over the sale, and the dispute will be resolved through the court system once a court date is scheduled. Mr. Graham has hired a company to remove the debris located on the property, and once it is sold, the new owner currently plans to restore the barn.

The Board discussed the item and had concerns about the structural integrity of the barn and the trash, and the junk and debris on the property.

Randall Cook made a motion to issue an *Order to Demolish* with a sixty (60) day completion date for the property located at 2089 King College Road due to an estimated damage assessment of 56.1%, and severe damage to the superstructure and roof covering. John Cartwright seconded; roll call was performed and the motion carried unanimously.

Pam Offield commented that with an *Order to Demolish* the property owner has sixty (60) days to fix and repair the property. Prior to the expiration of the sixty (60) days, and

fifteen (15) days prior to a Better Property Board meeting within that timeframe, a request for recension of the *Order to Demolish* may be submitted in writing to staff.

VI. TRASH AND DEBRIS

None

VII. OLD BUSINESS

None

VIII. PROGRESS REPORT

A. 1133 Anderson Street

Cheyenne Powers presented the property located at 1133 Anderson Street. Ms. Powers stated that a structure fire occurred in 2018 and the property has been scheduled to be repaired. Codes Division met with the contractor in October 2020 to discuss a revised floorplan layout of the upper-level, which has since been determined that it will not be modified. During that meeting the contractor stated that the project would be completed in a couple of months, however, no obvious work has been performed since 2019. Ms. Powers commented that on 08/15/2019, one inspection has been performed under the current building permit for a 45-day power approval. The permit was expiring due to a lack of inspections and was extended on 02/14/2020. The permit is still active.

Ms. Powers stated that the contractor has begun replacing the roof and is near completion. The Codes Division has met with the contractor, Mr. James Mottern, on 02/18/2021 to perform a new damage assessment and the estimated damage is 57.1%.

Staff is requesting a public hearing to be scheduled at the March 25, 2021 meeting for the property located at 1133 Anderson Street to discuss the issuance of an *Order to Demolish* if no work has taken place before this date.

The contractor for the property located at 1133 Anderson Street, Mr. James Mottern was on teleconference to address the Better Property Board. Mr. Mottern stated that the delay in repair has been a result of theft of materials and weather. Windows have been ordered, and are awaiting delivery before installation can be scheduled.

Mrs. Offield asked Mr. Mottern to provide an estimated date of completion. Mr. Mottern stated that he believes the exterior can be completed within two weeks. The interior completion date is difficult to estimate, as it requires other contractors to be scheduled.

Randall Cook made a motion to schedule a Public Hearing on the property located at 1133 Anderson Street for the March 25, 2021 meeting. John Cartwright seconded; roll call was performed and the motion carried unanimously.

B. 901 Georgia Avenue

Pam Offield asked if there was anyone present from the public who wished to address the board regarding the property located at 901 Georgia Avenue. Tim Beavers commented that the owner, Sean St. Clair was on the phone line to address the board.

Cheyenne Powers presented the property located at 901 Georgia Avenue and commented that due to inactivity on the Code Repair permit which expired on December 1, 2020, an *Order to Demolish* with a sixty (60) day completion date was issued. The owner, Mr. Sean St. Clair submitted a written request to the board to *Rescind* the *Order to Demolish* on 02/08/2021.

Sean St. Clair addressed the board to discuss the updated estimated repair timeline. Mr. St. Clair advised the board that he has local family members who will be assisting him in hiring and monitoring the progress of contractors.

The Board asked Mr. St. Clair if he has hired any contractors to perform the repairs. Mr. St. Clair stated that the next item of repair was the electrical work, and he has identified a contractor for these repairs, but has not hired anyone pending rescension of the *Order to Demolish*. Also, no structural contractor has been secured. Mr. St. Clair commented that he will have financial assistance to complete these repairs if an *Order to Repair* is issued.

Lonnie Barrett and Wayne Humphrey requested that a new damage assessment be performed and a progress report be presented at the March 25, 2021 meeting.

Wayne Humphrey made a motion to postpone action on the property located at 901 Georgia Avenue until a new damage assessment is performed and a progress report be held at the March 25, 2021 meeting. John Cartwright seconded the motion; roll call was performed and the motion carried unanimously.

C. 1141 Indian Hills Drive

Pam Offield asked if there was anyone present from the public who wished to address the property located at 1141 Indian Hills Drive. Tim Beavers commented that the owner, Kathy Compton, and the realtor Darlene Graham were present on the phone line to speak.

Cheyenne Powers presented the property located at 1141 Indian Hills Drive and commented that the board rescinded the *Order to Demolish* and issued an *Order to Repair* with a sixty (60) day completion date, ending on March 25, 2021. Temporary power was restored so that repairs could be made. A code repair permit was issued on 02/03/2021, and work is being performed. The damage assessment performed on 01/22/21 estimated the damages at 51.8%.

The owner, Kathy Compton was on the phone line and addressed the board. Mrs. Compton stated that the insulation and sheetrock are currently being installed. The hot-water heater is being replaced and inspections are being performed by BTES. Mrs. Compton stated that the painting of the entire house will begin in the next few days, and sanding of the flooring will occur soon. Mrs. Compton commented that the work will be completed within the next thirty (30) days.

Mrs. Offield stated that there will be a progress report on March 25, 2021.

D. 404 Pennsylvania Avenue

Cheyenne Powers presented the property located at 404 Pennsylvania Avenue and commented that the work to remove the foundation has continued to progress. The owners have the equipment to continue the removal of the foundation but have been delayed due to weather. Staff is requesting additional time for the completion. There will be a progress report on March 25, 2021.

E. 1208 Windsor Avenue

Cheyenne Powers presented the progress report for 1208 Windsor Avenue and commented that the City hired a contractor to perform the demolition, however, the demolition has been delayed due to asbestos issues. There will be a progress report on March 25, 2021.

IX. FUTURE PROGRESS REPORTS

- A. 600 Bluff City Highway 03/25/21
- B. 902 Windsor Avenue 03/25/21
- C. 124 16th Street 03/25/21
- D. 1405 E. State Street 03/25/21
- E. 2662 Anderson Street 04/22/21
- F. 120 Esther Street 07/22/21

X. OTHER BUSINESS

A. Rules & Procedures

Tim Beavers stated that staff would like to discuss the Better Property Board Rules and Procedures and asked the board to review the current rules and procedures and consider amendments. A discussion will postponed to the March 25, 2021 meeting due to time restraints.

With no other business to discuss, the meeting was adjourned at 6:43 p.m.



Chairwoman, Pamela Offield