

MINUTES OF THE REGULAR MEETING OF THE BOARD OF
WORKS AND SAFETY FOR THE CITY OF ATTICA
September 6, 2022

The Board of Works and Safety for the City of Attica met, pursuant to Public Notice, on Tuesday, September 6, 2022, at 5:00 P.M. in the City Council Room.

Present was Board Members, Andy Smart, Chris Gayler, Mayor Duane Roderick, Attorney Mallory Redlin, and Clerk-Treasurer Joanne Broadwater

Minutes from the previous meeting:

Gayler made a motion to approve the minutes from the August 16th, 2022, meeting, Gayler seconded, all were in favor, and the motion passed.

Citizens petitions:

- None

- Eric Smith from HWC Engineering - handed out a letter of Water System Improvements project bid review to the board, he reviewed these bids and explained that a rate hearing is scheduled with the council, based on that outcome, he would recommend a motion to award the contract to Graves construction.
Gayler made a motion to award the project to Graves construction contingent upon legal review and the final approved rates, Smart seconded the motion, all were in favor, motion approved.

- Eric Smith of HWC solicited quotes for the demolition of 211 and 213 S. Perry St. Four bid packets were sent out and 3 were received back. See below for the bids:

1) Gates Excavating	\$50,560
2) Joe Rasmus Excavating Service	\$87,800
3) Studio D5	\$55,550

Smart made a motion to approve the bid for Gates Excavating upon review of HWC for \$50,560, Gayler seconded, all were in favor, motion passed.

Department Head Reports:

Director of Public Works / Building Commissioner, Eric Swank:

- Had nothing to report.

Meeting Suspended for UBO hearings:

- 430 E. Main St – John Smith – Swank reported no change to the property. Smith provided an update on work that was completed since the last review hearing. **Smart made a motion to set a review hearing for October 4th, 2022, to seal up the few remaining areas, Gayler seconded, all were in favor, motion passed.**

- 204 W. Pike St. – John Smith stated all necessary repairs are complete. Swank confirmed this information.
Smart made a motion to release the UBO for this property, Gayler seconded, motion passed, the Unsafe Building Order has been released.

Smart made a motion to remove the fine for noncompliance with the UBO, Gayler seconded, all were in favor, motion passed.

- 424 E. Main St. – Wayne Tibbitt owner, Eric Swank provided an update of the progress on the property. Smart stated he believes since the property owner is working on the property and continuing to make progress the city needs to work with the property owner. Mr. Tibbett came in in the middle of the property update and provided a brief update himself to the board.

Attorney Redlin asked what must be done in the next 60 days, Swank stated the roof needs sealed up. **Smart made a motion to set a review hearing for November 1, 2022, Gayler seconded, all were in favor, motion passed.**

- John Smith asked the BOWs to reconsider the demolition bid, his company Studio D5's bid was not the lowest and the work was given to another contractor, Mr. Smith indicated his bid may contain more work than the bid that was accepted, and asked the BOW to reconsider their award.
- 1104 N. Perry St. – Kenneth Bradbury owner – Swank reported it is unfinished new construction. This is an initial UBO hearing.

Attorney Redlin stated Mr. Bradbury is currently incarcerated but was served with UBO paperwork. This is an initial hearing to determine if this property meets the guidelines as an unsafe building.

Redlin swore in DPW Director Eric Swank as a witness. Redlin confirmed Mr. Swank was the City of Attica Building Commissioner and Director of Public Works, she also confirmed that part of Mr. Swank's responsibilities in his positions is to review properties and their condition.

Redlin asked Mr. Swank if he reviewed and has physically visited the property at 1104 N. Perry St. Swank confirmed he has.

Redlin asked if on July 11th, 2022, Swank prepared an order of the City of Attica Building Commissioner, Swank confirmed that he did.

Redlin handed Swank what has been marked "Exhibit A" and asked him what is the document? Swank replied it is a copy of his Unsafe Building Order, Redlin asked if it is a true and accurate copy of what he prepared, Swank confirmed that it is.

Redlin moved to admit Exhibit A. **Gayler made a motion to admit Exhibit A, Smart seconded, all were in favor, motion passed.**

Redlin asked Swank to the best of his knowledge has Mr. Bradbury been served a copy of the Unsafe Building Order? Swank confirmed.

Redlin asked if Exhibit B is a copy of the Warden's Return of Service confirming the UBO was served to Mr. Bradbury? Swank confirmed.

Redlin moved to admit Exhibit B. **Gayler made a motion to admit "Exhibit B" Smart seconded, all were in favor, motion passed.**

Redlin asked Mr. Swank what he was most concerned about at this property? Swank responded the integrity of the structure. Redlin asked if Swank took photos of the property, Swank confirmed. Redlin asked Swank to describe what is marked as "Exhibit C". Swank stated it is pictures of the structure at 1104 N. Perry St. Redlin asked what

Swank's concerns are on page 1 of Exhibit C? Swank stated the property is open to the elements, and there is deterioration of the OSB of the roof section. Redlin asked to describe page 2, Swank stated virtually the same as picture 1, open holes in the structure, deterioration of the roof. Redlin asked if pages 3 and 4 of Exhibit C show the same thing? Swank confirmed the statement.

Redlin asked Swank if he believes this property is a hazard to public health, a public nuisance, and is dangerous to a person or property because it is a violation of the Ordinances and Statutes? Swank stated yes in agreement.

Redlin asked what needs to be done to the property that was stated in his order? Swank replied, "the home needs to be demolished". Redlin asked if the property can be saved? Swank stated it could be depending on how much money a person wanted to invest in it. Redlin asked how long the property has been in this condition? Swank stated 3-4 years.

Redlin moved to admit Exhibit C. **Gayler made a motion to admit "Exhibit C" Smart seconded, all were in favor, motion passed.**

Redlin asked Swank if he believes this building meets the definition of an unsafe building and that the city should find is as such, and that Mr. Bradbury needs to address this property? Swank responded "yes".

Redlin confirmed that Mr. Bradbury submitted a letter to be considered. Roderick stated that a letter was received that addressed ownership of the property. Roderick asked if the letter should be included in the hearing documents? Redlin agreed that it should be. Swank stated that both Mr. Bradbury's parents are deceased, and he is the only child/heir to them. Redlin stated records indicate that Mr. Bradbury tried to open an estate for his mother, but the paperwork was not correctly submitted so the court did not process it.

Swank reported that he and Police Officer Askren spoke with Mr. Bradbury prior to his incarceration, and Mr. Bradbury stated he had been through this process in the past with a property he owned on Summit St., and he was not playing along. Gayler stated regardless of the status of the property the BOW needs to move forward with their responsibility with respect to the property being unsafe.

Smart made a motion to deem this property as unsafe, Gayler seconded, all were in favor, motion passed.

Smart made a motion to allow 90 days for the condition of the property to be brought to a standard that is not unsafe, Gayler seconded, all were in favor, motion passed.

Redlin stated this property will be set for a review hearing on December 6th, 2022.

Redlin asked that the initial hearing for 1110 N. Perry St. be rescheduled for the October 4th BOW meeting. **Gayler made a motion to reschedule the initial UBO hearing for October 4th, 2022, Smart seconded the motion, all were in favor, motion passed.**

The regular meeting of the BOW was resumed.

Attica Fire Chief, Mike Little:

- Was not present.

Police Chief, Garret Miller:

- Attica's call volume for August exceeded that of all other departments in Fountain and Warren counties.
- Officer Dillon is in his second full week of the police academy.
- The departments 3 new Tahoe's are scheduled to be delivered the end of October, then the vehicles will go to Move Over Outfitters to be wrapped.
- Miller reported that Alsop Chevrolet has generously agreed to donate a 2022 Chevrolet 1500 4-door Silverado to the APD for the school resource vehicle. The city is responsible for the cost of outfitting the vehicle. Sound Off equipment has agreed to make a \$2500 donation to this cost.
- The APD has been focusing on drug activity in Attica.

Unfinished Business:

- Redlin reported that she spoke to Mrs. Hoffa, who owns 204 W. Columbia St. and Redlin is confident that she can get the paperwork for the donation of this property to the city wrapped up within the next week so it can be considered at the next Council meeting.

New Business:

Utility Credits:

Smart made a motion to approve utility credits, Gayler seconded, all were in favor the motion passed.

Utility Disconnects:

Smart made a motion to approve disconnects, Gayler seconded, all were in favor the motion passed.

Payroll Ledgers:

Smart made a motion to approve the payroll ledgers, Gayler seconded, all were in favor, the motion passed.

Miscellaneous Business:

None

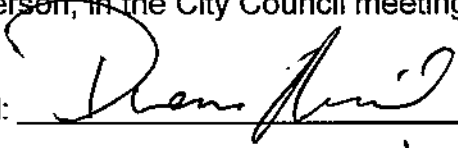
Claims:

The claims were presented by Clerk-Treasurer Joanne Broadwater, **Smart made a motion to approve claims, Gayler seconded, all were in favor, the motion passed.**

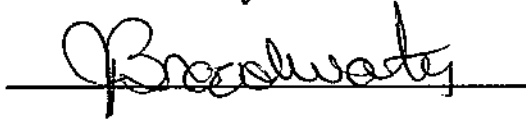
There being no further business, Gayler made a motion to adjourn, Smart seconded, the meeting was adjourned.

The next Board of Works meeting will be held on Tuesday September 20, 2022, at 5:00 pm, in person, in the City Council meeting room.

Approved: _____

A handwritten signature in cursive script, appearing to read "Dan Mori", written over a horizontal line.

Attest: _____

A handwritten signature in cursive script, appearing to read "Brookwater", written over a horizontal line.