

MEETING MINUTES 16016 N. 70TH AVE.

CITY OF GLENDALE
BUILDING SAFETY DEPARTMENT

COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE

WEDNESDAY, OCTOBER 12, 2016
10:30 AM

Hearing Officer Harold Merkow called the meeting to order at approximately 10:41 a.m.

CITY STAFF PRESENT: Mark Ptashkin, Senior Building Inspector
Robert Essel, Revitalization Coordinator

Property Owner Present: John Eagleton

PROPERTY ABATEMENT HEARING

Mark Ptashkin was sworn in to testify. The subject property is located at 16016 N. 70th Avenue in Glendale, with a Maricopa County Assessor parcel number of 200-52-376. The main structure on this property consists of a manufactured home with several room additions and/or expansions.

On July 26, 2016 The City of Glendale's Police Department contacted the Building Safety Division due to what they believed were conditions they found at this property that were potentially dangerous.

Upon arriving at the site, a representative from the Building Safety Division found conditions at the property that posed a serious threat to the occupants of the structure. As a result, he deemed those conditions to be imminently unsafe and posted the building as unsafe to occupy as required by International Building Code sections 116.5, 116.5.2, and 116.5.2.4.

The initial investigation of the property identified the following conditions:

- The structure was occupied but did not have an operational electrical system.
- The structure did not have an operative plumbing system.
- Emergency egress paths were locked or blocked.
- There structure had a significant amount of exposed or non-compliant electrical work.
- Smoke detectors were missing or inoperative.
- There were several areas of the structure that appear to have been constructed without the required building permits and inspections.
- There were cooking facilities that shared the same room as the plumbing fixtures for human sanitation.
- There is evidence of a previous fire, it did not appear that the impacted area was properly repaired.

- There were areas of the structure used as sleeping areas that did not meet the minimum requirements established by the building code for bedrooms.

Subsequent to the posting of the structure as unsafe to occupy, the property owner appealed the City's position that the structure was unsafe on August 12, 2016. Accordingly, the City scheduled a public hearing for October 12, 2016 which is today.

On August 18, 2016, the Building Safety Division visited the property and posted a copy of a request for the property owner to contact the City to discuss their appeal request. At the time of posting of the request, it was noted that there were animals present in the structure. The notice posted on the structure contained an order for the property owner to remove the animals as the housing of such animals is considered a use and illegal occupancy. This is in clear violation of the posting and International Building Code section 116.5.2.4.

On September 16, 2016 a status check of the property found the property still being used to house animals. At this time the City also posted a copy of the notice of a public hearing which was to be held October 12, 2016.

On October 7, 2016 a status check of the property again found that animals were present inside the structure in direct violation of the orders and posting.

As of the date of this hearing, the property owner has not complied with the lawful orders from the Building Safety Divisions to abate the hazards at the property and to vacate the premises. That closes my opening statement.

Mr. Eagleton was asked if he had any questions to ask Mr. Ptashkin. Yes were there people in the property after it was condemned? Well it wasn't condemned it was posted as unsafe to occupy to my knowledge no one had occupied the structure no person has occupied the structure other than to enter to feed the animals. Which again constitutes an occupancy or use of the property. No one is allowed to enter the facility for any reason at this time. What is it that you want me to ask or answer I can't really hear you? I am not allowed to ask you any questions at this point. It's not my turn in the process.

Mr. Merkow asked Mr. Eagleton if he would like to have one of these two people speak first or would you like to speak first? Marie was sworn in as a witness. Mr. Eagleton has lived there for twenty six years he's had two wives die there, he built the home from the bottom up. He had a lot of pride in there and it's pretty much usually a show case. What he did is he rented out two rooms to people that didn't care. They tore his place up. They were negligent of the property value of his concerns and I will admit they did take advantage of him and the property and destroyed a lot of it. He's more than willing to do whatever it is necessary to get the property back to par. Whatever it is you want done he's more than willing to do. He has hired a contractor he has people that are available to him to help him. I would really hate to see Mr. Eagleton loose the property that's all he has that's all he knows he's been there, he's 75 years old and to lose your place of living at that age would be devastating. If there's anything I personally can do to help him I will and there are a lot of other people as I've said that are willing to help him. If you give him a list of things that need done I'm sure he would be quick to get them done rather than loose his property. Mr. Merkow asked if she was related to Mr. Eagleton. Mr. Eagleton took me in about five years ago when I fell and broke my hip and was incapacitated he took care of me for two

years until I could get my hip surgery. He's my very very best friend. Mark Ptashkin was asked if he had any questions. He did not.

Mr. Olson was sworn in to testify. I, you were reading off about animals on the property, he informed me Mr. Eagleton that he didn't get anything saying you know didn't give a warning about the second or the third violation. Somebody is not going on the property to feed them. It's kind of strange about the animals being on the property. Yeah the house is vacant so evidently the animals just kind of moved in. Nature takes its course I guess. That's all I had to add. Mr. Merkow asked if before today did you know there were animals on the property. No I didn't. I've been to the property three times now or outside the gate and I'm the contractor that's going to be doing it but nobody's aware of any kind of animals on the property. Marie asked if she could say something. Mr. Merkow stated that she already had her chance. Mr. Ptashkin was permitted to question Mr. Olson. Mr. Olson you stated that you had been at the site three times? On the sidewalks yeah. On the sidewalks? Right I didn't go in the property. Did you visit the front of the property? Yes I did. Did you see the notices posted at the front door? I did see the notices yes. I wasn't close enough to read them you know I've been around I know the color of the paper. So you couldn't tell one way or another whether there were actually animals in the structure or not? Not really but I didn't see any no. Ok. And he wasn't notified that there was a problem with animals on the property. Now you had stated before the hearing that you were an electrical contractor? Yes. What is your capacity here for this property? What are you here for and in what capacity? What I'm here for the court hearing to present just as like a witness you know tell them what I'm going to do if it came down to that you know. Ok but you're not aware of the conditions inside the facility? I've seen pictures you know I kind of have an idea you know what needs to be done electrical wise. Have you been hired to do any of the work at the facility? He's not put a retainer down or nothing yet no. And you do not have a general contractor's license correct? I do have a general contractor's license yes I do. You are both an electrical contractor and a general contractor? I'm a electrical contractor but I'm not a general no. What's the name of your electrical contracting firm? Oly's Electric. I'm sorry. Oly's Electric. Could you spell that please? Oly's. In your discussions with Mr. Eagleton did he indicate that he had received the notice dated August 1, 2016? Pardon me sir. Did Mr. Eagleton discuss with you the original notice of August 1, 2016? He did yes sir. You have the hearing book in front of you correct? Pardon me. You have the hearing booklet in front of you? Yes I do. Can you turn to page 5 I'm sorry 7? It's the second page of the August 1st letter. After tab 2. Yes I do I got it sir. Ok if you'll look at the third paragraph. Ok on July that one it starts on July 26th? No turn the page one more time please. Ok. Third paragraph on the second page. Let me read that for you real quick. The legal owner or occupant of the structure may access the building between 6:00 am and 7:00 pm to remove personal belongings through August 15, 2016. Any access or use outside of these hours or beyond August 15, 2016 without written authorization is a violation of this order and unlawful. Please note that this access is limited only to remove personal belongings and removal of rubbish. No other use or access is permitted. Yes. Would that allow anybody to house animals or willingly or unwillingly in the structure. Not that if he's not aware of it no. Next question if there are animals in the structure would you consider the property secured? I would call the city on that and have the animals dealt with by the city. My question is if there's animals in the building is the property considered secured? I guess not. Ok thank you. Mr. Olson was asked if there was anything else that he would like to add. No I'd like to have the court look at you know that he was not notified of the animals being there and on the property that's kind of what the big picture is here. Ok you have already testified to that. Ok.

Mr. Eagleton do you wish to make a statement if you do I need to swear you in as a witness. Mr. Eagleton was sworn in and asked what he would like to tell Mr. Merkow. I bought the place in 1989 my father and I when I purchased it it was a burned house. We completely rewired it sheet rocked it

insulated it changed pretty much everything inside the house and there's nothing there that cannot be repaired tore down or replaced. Whatever it takes I will have it done. I need my home. I have a lot of memories there. As far as the dog he keeps coming back he's been there a long time. That's all I got to say. Mr. Merkow asked did you know about the dogs. He keeps coming back to the house? The dogs do? My dog yes. It's your dog? He keeps coming back and like the probably cats in the front and they're not my cats. That's all I have to say sir. Ok thank you.

Mr. Ptashkin was permitted to question Mr. Eagleton. You are saying that the dog is coming back to your house but I'm wondering how is the animal getting access to the back yard if the front of the house is secured and the gate is secured? I have no idea sir. Ok and there are multiple dogs in there did you know that? Pardon me. There are multiple dogs in the facility. No I didn't know that. Next question sir we posted this property on August 15th I'm sorry that may be incorrect August 12th 2016 it is now sixty days after that posting what steps have you taken to abate any of the hazards at the property? I'm sorry I didn't understand. So in the last sixty days what steps have you taken to abate the hazards at the property what have you done to make corrections? Hired a contractor to do the work I'm not allowed to do any work. Ok the contractor hasn't been hired so the question is if you don't have a contract how can there be a contractor hired to do the work? Pardon me. Mr. Merkow said are you talking about Mr. Olson as your contractor? Yes. But he does not have a signed contract to make any repairs for the work. We have a verbal and a hand shake. Mr. Olson stated in the state of Arizona it's a legal binding contract. We could write one up today that's fine. I guess I understand that you have appealed the hearing which is absolutely your right again my question would be why haven't you taken any steps in the last sixty days up until the last few days to make corrections at the property? I didn't know I was allowed to do anything. I was told not to do anything. By who? By the gentleman that was at the house and put up the posters. I was told to do no repairs until I went to this hearing right here and no permits were being issued to me I tried to get permits. What day or who did you speak with to try to obtain the permits? I can't recall a lady that works at the permit department. A letter was delivered there I signed in I inquired about the permit I could not buy a permit. Do you understand the scope of work that's required to make repairs to the facility how extensive it is? Yes sir. Could you describe that for the courts please for the hearing? The scope of work. Some electrical work I know of two holes where you open the door in the front door that's going to have to be repaired. I need to put in a smoke detectors two of them three of them. Some of the light switches need bases put back on. The one room that was built needs to be tore off. The back porch on the north side that needs to be tore down and redone. Yes I know the work that needs to be done. Have you or your contractor come up with a dollar value of what you think this will cost? Pardon me. Have you or your contractor came up with a dollar value of what this construction or repair work will require? We are going to discuss that today. So you don't have a value in mind. Do you have a range? Is it \$1000.00 is it \$10,000.00 is there a range that we have? Probably three or four grand most of it is disassemble work labor like the room and the back porch. It's mostly labor and I have all the help for that. Ok I guess what I'm trying to get at is do you have an understanding of what it's going to take financially for you to make repairs of this facility? Not yet but whatever it is will be done. That's all I have for the moment sir. Mr. Merkow asked if there was anything further that he would like to tell him. No I'm good. Ok thank you. Any rebuttal by the City? Yes sir. Based upon the conditions at the property and I understand the property owners desire to make the required repairs The City would entertain an extension to make such repairs but an extension not to exceed 90 days. If within 90 days the property owner could not make repairs to give The City permission to move forward with the demolition of the structure. Mr. Merkow asked do you understand what Mr. Ptashkin was telling me. I can't hear him sir. Mr. Ptashkin is asking that I that my decision to be giving you an extension for 90 days to complete all the repairs that are necessary and if they are not done in three months then to tear the place down. Thank you. In the meantime no access to the property is

allowed that includes housing animals or feeding of animals at all. The only access that would be allowed would be for the repair of the structure. That would be good thank you I appreciate it. Mr. Merkow asked if Mr. Ptashkin had anything else. He did not. He asked if Mr. Eagleton had anything else that he wished to tell him. He did not. Mr. Merkow said that this will conclude the hearing and I will be making a decision and you will receive a copy of that Mr. Eagleton. So thank you for coming in this morning and that will conclude this hearing.

Sherry Crapser, Recording Secretary