

RECORD OF PROCEEDINGS

For the Weathersfield Township Trustees Special Meeting

Held on Tuesday, July 9, 2024 at 6:00 PM

Call to order: Steve Gerberry

Pledge: Completed

Roll Call: Steven Gerberry - Present
Edward Whittaker - Present

Richard Harkins - Present
Patrick Glunt - Present

Public Hearing:

This is a Public Hearing held pursuant to Ohio Revised Code Sections 505.86 and 505.87 challenging Resolution 24-087 issued for the property located at 3084 Trumbull Avenue, McDonald Ohio, 44437, Permanent Parcel Nos. 23-006107, 23-006108, 23-006109, and 23-006110 (the "Property") in Weathersfield Township. In that Resolution, the Board of trustees found that the structure is unsafe and structurally deficient and must be demolished, and that the garbage, refuse, and debris on the property constitutes a nuisance and must be removed. The property owner, Felix A. Barrios, requested the hearing.

The hearing was recorded electronically.

Law Director Cherry Lynne Poteet represented the Township. The following documents were presented as Exhibits by attorney Poteet and accepted into evidence:

1. A certified copy of Resolution 24-087 adopted by the Weathersfield Township Trustees at their meeting on May 14, 2024, declaring the structures on the Property to be unsafe and structurally defective and ordering their demolition and ordering the removal of junk, garbage, and debris from the Property.
2. A copy of the letter dated May 8, 2024, from the Weathersfield Township Fire Chief indicating the property to be insecure, unsafe, and structurally defective, with attached photographs.
3. A copy of the lien report for the Property dated May 28, 2024.
4. A copy of the letter sent by certified mail on May 21, 2024, to the Property owner, Felix A. Barrios, notifying him of the order to demolish the property and right to request a hearing.
5. A copy of the letter from the Property owner Felix Barrios requesting a hearing.
6. Letter to the property owner dated June 18, 2024, sent certified mail, setting the hearing for July 9, 2024 at 6:00 PM.
7. Complaint and docket from the Niles Municipal Court Case No. 24CRB64, brought by the Trumbull County Board of Health, ordering Felix Barrios to remove the solid waste from the property and submit disposal receipts on or before April 30, 2024.
8. Letter dated May 29, 2024, sent by certified mail to the lienholders of the property - 2nd National Bank, Household Realty, Mahoning Mini loan, Metropolitan Savings Bank, and Vincent Barrios.
9. Four photographs of the property taken July 8, 2024
10. Aerial photograph from the Trumbull County Auditor's website showing the four parcels owned by Felix Barrios
11. Aerial photograph from the Trumbull County Auditor's Connect Explorer system dated April 18, 2020
12. Aerial photograph of the property
13. Two Photographs of the property with debris piled up along the property line, taken by neighbor Gary Golden August 15, 2023
14. Case information from the Niles Municipal Court Case No. CRB 1900791 brought by the Trumbull County Health Department, where the Court found that the house was vacant and ordered that it remain vacant, as it was not connected to the sewer service.

The Property Owner, Felix A. Barrios, was sworn in and testified. He presented as an exhibit copies of nine receipts he had for disposal of some scrap metal on the property that he had hauled off over the last several weeks, and some photos of a truckload of the metal and pallets that were removed. He stated that he had been ill, and then the weather was bad, but that he was now working on cleaning up the property and he just needed more time. He said

RECORD OF PROCEEDINGS

For the Weathersfield Township Trustees Special Meeting

Held on Tuesday, July 9, 2024 at 6:00 PM

that the taxes are paid up on the property and it was his son's childhood home. He wants to leave it to his son.

Mr. Barrios, when questioned by attorney Poteet, admitted that the photographs placed in evidence were true and accurate depictions of the property when they were taken. He claimed that he had not been bringing things to the property recently. Mr. Barrios admitted that the Trumbull County Health Department had ordered him to clean up the property in the Niles Municipal Court case that was Exhibit 7. He also admitted that as reflected in Exhibit 14 the Court ordered the property to remain vacant, but he stated that he had recently moved back in.

Mr. Barrios admitted that he spoke to the Fire Chief in May and told the Chief that the house has no running water or gas service, and that it still has no utilities other than electricity. Mr. Barrios told the Fire Chief that he could not inspect the property. There is a six-foot fence around the property, and it is posted no trespassing. Mr. Barrios admitted that the photographs attached to the letter of the Fire Chief accurately showed the condition of the roof of the house. He admitted that there is a thick layer of moss on the roof, as well as leaves, branches, and bricks holding down a tarp on the roof. The roof decking is collapsing between the rafters. One photo shows a window cracked open with an electrical cord running out of it, which Mr. Barrios stated runs to a shop light hanging in the trees.

Felix Barrios's son, Philip Barrios, was sworn in and testified that he understands the property got out of hand, but he is willing to step in and help take care of things.

Felix Barrios stated that there has to be a way that he can save the property. It is his last asset, he just needs a little more time.

The Fire Chief stated that when he spoke to Mr. Barrios in May, he was living in his son's home down the street. Now he states he is living in the property, which presents a danger to Mr. Barrios and to the members of the fire department. He is very concerned about the stability of the home, and if a fire were to start, the firefighters would be in extreme danger entering the building. No one should be living in this house.

The Trustees stated that although Mr. Barrios is asking for a little more time, a few more months is not going to make a difference. There is such a vast quantity of junk and debris on the property that Mr. Barrios admits has been there for years. The house is not safe for anyone to live in or for first responders if anything should happen. The neighbors have had to tolerate this situation for too long, and the property is a nuisance.

There was no testimony from any other interested parties, and the hearing concluded.

- 24-105 Motion to ***adopt a resolution to proceed with the demolition of the structure which is unsafe and structurally defective and to remove the junk, garbage, and debris located at 3084 Trumbull Avenue, McDonald Ohio, 44437, Permanent Parcel Nos. 23-006107, 23-006108, 23-006109, and 23-006110 in Weathersfield Township, Trumbull County, Ohio.***

Motion by: Rich Harkins Seconded by: Edward Whittaker
 Vote: Steven Gerberry - Yes Richard Harkins - Yes Edward Whittaker - Yes
 Motion Carried

- 24-106 Motion to ***adjourn the hearing.***

Motion by: Rich Harkins Seconded by: Edward Whittaker
 Vote: Steven Gerberry - Yes Richard Harkins - Yes Edward Whittaker - Yes
 Motion Carried

Patrick J. Glunt, Fiscal Officer

Steven J. Gerberry, Trustee

Richard T. Harkins, Trustee

Edward K. Whittaker, Trustee