

RECORD OF PROCEEDINGS

Minutes of the Weathersfield Township Trustees Special Meeting  
Held on Tuesday, December 10, 2024 at 6:00 PM

**Call to order:** Steve Gerberry

**Pledge:** Completed

**Roll Call:** Steven Gerberry - Present                      Richard Harkins - Present  
Edward Whittaker - Present                      Patrick Glunt - Present

**Public Hearing:**

This is a Public Hearing held pursuant to Ohio Revised Code Section 505.86 challenging a demolition order issued for the property located at 1375 Emerson Avenue, Niles, Ohio 44446, Permanent Parcel Nos. 24-274100, 24-274000, 24-273900, 24-273800, and 24-273700 (the “Property”) in Weathersfield Township. Alecia DeFrank, daughter of the property owner, Anthony Foutz, who is deceased, requested the hearing.

The hearing was electronically recorded.

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

- 1. A certified copy of Resolution 24-164 adopted by the Weathersfield Township Trustees at their meeting on October 8, 2024, declaring the structures on the Property to be a nuisance and threat to public health and safety as unfit for human habitation and ordering their demolition.
- 2. A copy of the declaration of the Trumbull County Board of Health, adopted at their regular meeting on August 14, 2024, declaring the structures on the Property to be Unfit for Human Habitation.
- 3. A copy of the lien report for the Property dated October 22, 2024.
- 4. A copy of the letter sent by certified mail on October 23, 2024 to the Property owner, Anthony Foutz, notifying him of the order to demolish the property and right to request a hearing.
- 5. A certified copy of Resolution 24-180 adopted pursuant to Ohio Revised Code 505.871, by the Weathersfield Township Trustees at their meeting on November 12, 2024, declaring the vehicles on the property at 1375 Emerson Avenue, Niles, Ohio 44446, to be junk motor vehicles and requiring their removal.
- 6. A copy of the letter from Alecia DeFrank, daughter of the Property owner, dated November 18, 2024, requesting a hearing.
- 7. Letter to Alecia DeFrank dated November 22, 2024, setting the hearing for December 10, 2024 at 6:00 PM.
- 8. Notice of Publication of the order to demolish the property and right to request a hearing published in the Tribune Chronicle October 27, 2024.

Alecia DeFrank, daughter of the Property Owner, Anthony Foutz, was sworn in and had the opportunity to present her evidence and arguments to support her claim that the structures are not a nuisance and a threat to public health and safety and should not be demolished and the vehicles are not junk and should not be removed.

Ms. DeFrank testified that her father died in the home in August 2023. There are five children, three sons and two daughters, and the children were not in agreement as to what to do with the house. Two of the brothers want nothing to do with the property, while she and her sister and the third brother want to repair the property. It was just over Thanksgiving that she was able to obtain signatures from all of the siblings and she opened up a probate estate November 25, 2024. Ms. DeFrank was appointed executor.

Ms. DeFrank stated that she maintained the yard, having it mowed regularly over the summer. She is willing to get rid of the junk outside. She admitted that the inside of the house is really bad. There is mold – it smells musty, and there was water damage, as shown by the leaks in the dropped ceiling. There were dogs in the house, and they had it exterminated to get rid of the fleas.

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Adrien Foutz, Mr. Foutz’s daughter, was sworn in and testified. She stated that she also wanted to clean up the house and not have it demolished. She is willing to help her sister Alecia clean it up.

Ms. DeFrank stated that the travel trailer on the property belonged to a person from Pennsylvania who she had not been able to reach. She stated that she would try to get a scrap company to take it off the property.

Ms. DeFrank stated that she has spoken to attorney Mark Hanni, who is a friend of the family. He sent an email, which she provided to the Trustees, stating that he would be willing to purchase the property through probate and rehab the house. He stated that he could have the house completely emptied out and secured 14 days after he purchased it, and would take 120 days to rehab the house.

Attorney Poteet provided Ms. DeFrank a copy of a proposed Agreement to remove the house from the demolition list, requiring the property owner to obtain a rehabilitation permit from Trumbull County Building, make specific repairs to the house and have all work permitted and inspected.

Ms. DeFrank stated that she would be willing to enter into such an agreement, but was not clear how she could, because the property is in probate. She presented an Exhibit to the Board, an entry from the Probate Court issued December 6, 2024. The Order stated that before the property could be transferred, the estate would need to receive a response from the Ohio Department of Medicaid as to whether there was a Medicaid lien that would be asserted, and the transfer must be to all five children unless the two sons who have stated they do not want the property sign a disclaimer of interest and file it with the Court.

Attorney Poteet stated that the Agreement could only be signed by the owner of the property. If Mr. Hanni is going to be involved in the rehabilitation, he would need to sign the Agreement. Ms. DeFrank said that she is not able to commit to rehabilitating the property until they know if there is going to be a Medicaid claim and know which of the children will own the property and if they are willing to rehabilitate it.

The Trustees stated that it will be a few months before the demolition would occur. Ms. DeFrank could show good faith by cleaning up junk from the exterior of the property and getting rid of the RV. If she decides to rehabilitate the home, she can come back to the Trustees with a deed to the property, a signed Agreement, and a plan for the rehabilitation. The Trustees could then reconsider their demolition order.

The hearing was concluded.

24-186 Motion to ***adopt a resolution to proceed with the demolition of the structure which is unsafe and structurally defective and to remove the junk vehicles located at 1375 Emerson Avenue, Niles, Ohio 44446, Permanent Parcel Nos. 24-274100, 24-274000, 24-273900, 24-273800, and 24-273700 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

24-187 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