

OAK RIDGE BOARD OF BUILDING  
AND HOUSING CODE APPEALS

MINUTES

DATE: June 14, 2012

LOCATION: Municipal Building Training Room

PRESIDING: Dr. Bruce Leforce

PRESENT: Dr. Bruce Leforce, Joseph Lee, Amy Seiber, Philip Nipper, John Russell, Aaron Wells

PRESENT: City of Oak Ridge: Matt Widner & Kathryn Baldwin, 400 Tuskegee Dr. Jeff Lewis and members of public

ABSENT: Hugh Ward

Meeting Started 3:00pm - Ms. Amy Seiber took the Roll.

May, 2012 Minutes: motion to approve by John Russell, seconded by Joseph Lee. Motion Passed

**Hearing of Cases:**

**New Cases: Case No. CORRECTION – June 14, 2012 New Case Number 12-05 is now changed to the correct New Case Number 12-06.**

- a. **Case No. 12-06** - 400 Tuskegee Drive, Oak Ridge, TN 37830; Legal Address- Map: 105C Group: B Ctrl  
Map: 105C Parcel: 005.00 PI: S/I: 000 Subdivision: BLOCK 0811 LOT 0530 (Owner: CLARY THOMAS ETAL & JEFF LEWIS (Lewis Electric Company) 399 WAREHOUSE ROAD OAK RIDGE TN 37830 - Complaint - Deteriorated exterior condition of the building and refuse on surrounding grounds in violation of ORMC §302.1, 307.1, 304.7, 304.6.::: Matt Widner introduced the case stating this is a long standing old commercial structure that is primarily being used as a storage occupancy. The building has had a history of minimum repairs and maintenance with has led to repeated roof covering failures each time there is a high wind storm. The last storm cause entire sections of the roof to come off the building which has remained on the ground for several months. Matt Widner continued that other violations exist such as trash and debris are scattered all over the exterior of the property that does not appear to be actually generated by this occupancy but is dumped by the unknown persons. Matt Widner gave credit to the owners for keeping the grass mowed but indicated that property maintenance needed to be constantly worked on in an effort to limit the potential of future dumping. Matt Widner showed and explained original violation photos vs current photos of the work that had been completed as of the date of hearing. Matt summarized a conclusion that given the current condition of the structure, it does qualify to be declared unfit for human occupation or use and to further conduct interior inspections to determine if a demolition order is necessary. Bruce Leforce asked Jeff Lewis what he had to say about this case. Mr Lewis introduced how the building is currently being used and said the landscape contractor still occupies the building but needed more time to find an alternate place for him. Mr Lewis acknowledged that storms have taken its toll on the building but assessed it is a pretty solid building despite its looks. He further explained that demolition of the building didn't make sense given there is an interested buyer. Mr. Lewis continued saying his business has picked up thus not allowing him time to spend on this issue. Joseph Lee asked who has controlling interest in the building which Mr Lewis replied he was the "go to guy" and that three other persons had equal interest. Mr. Lee further asked if there was any plan or interest of the owners to make improvement or repairs to reduce the blighted appearance. Mr. Lewis replied there is no plan to improve, repair, investment or otherwise. Aaron Wells asked if 60 days was enough time for the possible purchase to take place which Mr. Lewis responded "yes...he thought it appeared to be a motivated buyer". Phillip Nipper

commented that there is a nice improvement over when the original violations had been cited and pointed out that neighboring property was just as bad and ended with a question about the roof structure covering the whole building. Mr. Lewis commented that the roof is not complete and there are open areas which is not weather proof. Kathryn Baldwin commented on the sensitive location of the building and how it fronts a major corridor into Oak Ridge which given the current condition of the building - it has a significant negative impact on our community. Mrs. Baldwin continued speaking of how this issue affects sales of new developments naming a few. Mr. Lewis replied that his property is zoned industrial looking about the same as surrounding properties and therefore not being solely responsible for the appearance of that area. Mr. Nipper asked if the landscaper was the only tenant. Mr. Lewis replied, yes. Aaron Wells made motion that given Mr. Lewis being a respected business person and willingness to work with the city to allow interior inspections that the board should table the case for an additional 60 days to allow for any possible sale to take place. Motion seconded by John Russell. Discussion: Joseph Lee requested that motion be amended by a motion to declare structure unfit for human occupation or use and allow the City staff to work with building owners to perform interior inspections. Matt Widner asserted that given this possible delay in action, that further direction is made for owners to maintain exterior grounds within reasonable time. Mr. Lewis inserted his previous efforts in trying to keep the property clean from vandalism and dumping and confirmed he would do his best going forward to keeping it clean. Dr. Leforce asked for a second on amending the original motion, seconded by Mr. Nipper. Discussion: Philip Nipper asked Mr. Widner what would happen if we declare it unfit and what advantages or disadvantages are there in doing so. Mr. Widner responded – if the board declared building unfit for human occupation or use, then that would cause the owner to no allow any kind of occupancy. To allow continued occupancy would be a citable offense should the City choose. The disadvantage would be to owners by causing the building to be no longer usable and therefore requiring them to empty all occupants and storage. Additional disadvantage would be to owners because once declared unfit, the order would then be filed with property assessors which will further reduce any value the property currently has. Aaron Wells asked Jeff Lewis what portion of the building roof is open. Mr. Lewis replied that the side not occupied by the landscaper is worst. Mr. Wells commented that given the disadvantages to owners of building being declared unfit and noting Mr. Lewis and other citizens/businesses need not be subjected to such harsh penalties and we should as a City do everything possible to keep our tax base and image strong in the community. John Russell commented that he disagrees with Mr. Lee's amendment that we don't have enough information to structurally declare the building unfit. Mr. Lee confirmed that Jeff Lewis is a fine upstanding business man and pointed out those other fine citizens have dilapidated structures and he further asserted that unmaintained buildings no matter who owns them should be either demolished or fixed. Mr. Lewis responded that given the economy it doesn't make sense to take action that would further jeopardize a possible sale if this or any other property. Mr. Lee countered that he had nothing against Mr. Lewis and gave credit to the point. He followed up that what if the building doesn't sale, what then? Mr. Lee continues that there are far too many buildings in the community that has been let go too long and have become a nuisance stating that the Board needs to define what is or is not acceptable. Jeff Lewis inserted that City taxes are up to \$2,000.00 and are being paid. Joseph Lee concluded that it is a good thing but regardless of taxes being paid, the overall effect of blighted property on the rest of the community outweighs the taxes paid by those blighted property owners. Phillip Nipper asked Jeff Lewis if the building is secure. Mr. Lewis said it is all secure. John Russell pointed out that he seen a door left open. Mr. Lewis responded that he had workers there cleaning up the property. Mr. Nipper asked Mr. Lewis if he was going to take better care of the property and not let it get out of hand again. Mr. Lewis responded "absolutely". Dr. Leforce called question on amendment motion which failed (5 nay, 1 yea). Dr. Leforce called vote on original motion to table case for 60 days. Motion passed.

#### **Unfinished Business:**

Adoption of 2012 Property Maintenance Code continued discussion. Matt Widner asked the Board if there were any questions or comments on the proposed ordinance after everyone has had a chance to review the documents and highlighted changes. John Russell pointed out that the proposed section 107.3.1 refers to printing notices in

questioned the section where the Board must prepare an actual report of findings each time there is a hearing. Matt Widner responded that is the same language in our current ordinances and has been done that way previously. Mr. Widner asserted that it is City Staff that actually prepares the reports and orders but they are signed by the Board Chair and notarized by City Staff. This new ordinance proposal does not seek to change that process and will continue likewise. Joseph Lee asked when we should see the proposed ordinance before council. Mr. Widner attempted to provide some background of tasks to be performed and projected end of June to mid-July for a final draft ordinance ready for presentation. Joseph Lee followed up that no matter what we present to Council it will be picked apart and most likely dragged out. Aaron Wells suggested that the Board has no authority to review and make letter of recommendations to adopt codes. Phillip Nipper disagreed that the Board is in a position to provide recommendation input. Mr. Lee commented that he did see it as a Board responsibility. Mr. Wells suggested that the board needed to respect the Council and be sensitive to council's authority. Mr. Nipper stated that he does believe it is the board's authority to act on either supporting or not supporting by recommendation any proposal to adopt codes that the board is charged with enforcing. Mr. Nipper made motion to draft a support letter for the proposed code change once the ordinance is completed and ready for the adoption process. Mr. Lee seconded the motion. Discussion: Aaron stated that he would vote against the motion as he believes it is above and beyond his oath to act on this board. He further stated he would be happy to act if asked by Council. Mr. Lee commented it only makes sense that the board would offer its opinion of proposed ordinances that affect the board and duties they are under oath to carry out. Mr. Lee continued that the City Manager has put in place City Staff to improve processes and if those processes are to adopt new codes, then the board should be involved as they are affected by any changes that come from the City Staff and Council. Mr. Leforce called for the question. Motion Passed. Mr. Nipper thanked Matt Widner for the professional courtesy of bringing proposed changes to the code. Mr. Lee agreed and stated the first question council would have for any code changes is .. "have the board seen these changes?"

**New Business: None**

**Communications and Miscellaneous Business:**

- a. Joseph Lee introduced "John Huotari" from a news and events website called "Oak Ridge Today" which has been operating about 2.5 months.
- b. Matt Widner provided updates on current and past open cases.

Meeting adjourned at 4:15 p.m.

  
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Amy Seiber  
Secretary