

OAK RIDGE BOARD OF BUILDING
AND HOUSING CODE APPEALS

MINUTES

APPROVED
Corrected

DATE: May 14, 2015

LOCATION: Municipal Building Training Room

PRESIDING: Bruce LeForce

PRESENT: Joseph Lee, Amy Seiber, Philip Nipper, Leonard Vaughn, Phil Yager, Aaron Wells

ALSO PRESENT: City of Oak Ridge: Matt Widner, no visitors were present

- I. Meeting started at 10:00 a.m. - Ms. Amy Seiber took the roll.
- II. Approval of the February 12, 2015 Minutes: Motion to approve by Aaron Wells; seconded by Joseph Lee; no discussion; motion passed unanimously.
- III. Hearing of Cases:
 - a. **Case# 15-01: 115 Warrior Circle Oak Ridge, TN 37830** Legal Address: Map: Map: 099G Grp: A Ctrl Map: 099G Parcel: 010.00 Pl: S/I: 000 Subdivision: BLOCK 0B10 LOT 0031. (Owned by: CHARLES F AND BARRY MCMILLIAN of PO BOX 392 CLINTON, TN 37717) Complaint: Unfit for Human Occupation or Use - Vacant single family residential dwelling. Matt Widner introduced the case by describing the circumstances, location and condition of this structure. The current property owner was not in attendance but agreed to allow the Board to hear this case. Mr. Widner asserted the dwelling lacks adequate ventilation, light, air, heat or sanitary facilities; it is in a state of dilapidation due to disrepair and vandalism. Evidence of rodent infestation and vagrants found. There are structural defects noted that have attributed to the structure becoming a public nuisance. This structure is dangerous to the health and safety of the general public. Per §108.1.3.1, non-structural repair exceeds 50% of property estimated value. Mr. Widner requested structure be ordered vacated and demolished. Joseph Lee made motion that the structure be declared unfit for human occupation and use per ORPMC § 108.1.3; Seconded by Phil Yeager; No discussion; Motion passed unanimously. Mr. Lee made motion for structure to be ordered vacated and demolished per ORPMC § 111.4(b); Seconded by Phil Yeager; No discussion; Motion passed unanimously.
- IV. Unfinished Business
- V. New Business
 - a. Legal implications of public comment and other Board discussions – Matt Widner presented the topic previously requested by Aaron Wells about the BBHCA having discussions regarding issues that are not formally on the agenda, even if the issue is raised by the public. Mr. Widner consulted with City Attorney Ken Krushenski as directed and presented Mr. Krushenski's position on the matter. A copy of City Council's policy and memo from Mr. Krushenski was provided to the members. Mr. Widner confirmed that the Board may in fact discuss any topic during the formal meeting no matter if it is on the agenda or not. If during public comment a board member wishes to engage the citizen in a discussion, the BBHCA may do so at the Chairman's discretion. The BBHCA may not however make case decisions or vote on matters that were not formally on the agenda. Leonard Vaughn posed a question regarding time limits for public comment with follow up discussion. Philip Nipper suggested public comment should be set up to allow comments for items on the agenda separately from items not on the agenda. Aaron Wells suggested that BBHCA is not even required to allow public comment and should consider not allowing it all together. Joseph Lee supported the need for public comment and stated he doesn't support any changes to the agenda format. Mr. Vaughn

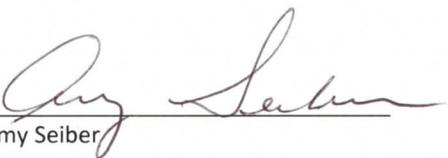
commented that a change is needed to improve public opinion. Mr. Nipper made a motion to adopt City Council Rules and Procedures provided by Mr. Krushenski that specifically addresses citizen participation in BBHCA meetings as modified; Seconded by Leonard Vaughn; Discussion to clarify what changes were to be expected on the formal agenda; Motion passed unanimously.

VI. Public Comment & Communications

a. Matt Widner provided an update on housing enforcement, AHO and Land Bank activities while offering justification for a slow BBHCA agenda year to date.

Being no further business, meeting adjourned by consensus.

Meeting adjourned at 3:42 p.m.



Amy Seiber
Secretary