



CITY OF HEDWIG VILLAGE, TEXAS
PUBLIC HEARING
WEDNESDAY, JANUARY 23, 2019
7:00 P.M. - 955 PINEY POINT ROAD

MINUTES

1. Call to Order

Mayor Muecke called the Public Hearing to order at 7:07 p.m.

Present: Mayor Brian Muecke

Councilmember Harry Folloder	Kelly Johnson, City Admin./Secr.-Treasurer
Councilmember Dane Johnson	David Gott, Police Chief
Councilmember Barry Putterman	David Foster, Fire Chief
Councilmember Shirley Rouse	Alan Petrov, City Attorney
Councilmember Matt Woodruff	Kevin Taylor, Building Official
	Evan DuVall, Building Official

Absent: None

2. Public Hearing concerning the Buildings and/or Structures Located at the Property Addressed as 9533 Katy Freeway #157, Houston, TX 77024 Also Known as Memorial Inn & Suites, the Same Being Identified by the Harris County Appraisal District (HCAD #0410770000558); Legal Description: Trs 42 & 43 Abst 121 I Bunker, Such Hearing Shall Consider the Condition of the Buildings and/or Structures, Whether Substandard and Whether Such Buildings and/or Structures Should be Vacated and Repaired or Demolished.

Alan Petrov, City Attorney, stated the City held an emergency meeting on Thursday, January 17, 2019 when it was discovered that the property under consideration was possibly a danger and an immediate and serious threat to life and public safety. The City Council heard evidence at the January 17, 2019 meeting regarding the property in question and issued an Order to Vacate. City procedures require a public hearing within ten days of the Order to Vacate. Proper notice was given to the property owners and they are in attendance at this meeting. The property owners will be given the opportunity at this meeting to show cause as to why the property should not be ordered vacated, repaired, or demolished.

Scott Hutchinson, a seven year tenant of Memorial Inn & Suites, stated he believed there is not an emergency situation at the Memorial Inn & Suites that would force the need to vacate the property. He stated the fire alarm in each room has now been repaired. He acknowledged that parts of the roof are leaking but he knows of no area on the building where the roof has caved in. He stated the building is repairable. He stated other residents of the Memorial Inn & Suites cannot afford to move and the short timeline makes moving more difficult. He stated he recently met two residents that will lose their independence by having to move into

a group home. He stated that Memorial Inn & Suites is an affordable place to live and the monthly rent includes electricity. He stated the air conditioning works and the linens and towels are always clean. He stated the residents need time to find other places to live and that the condition of the motel is not an emergency situation.

Omar Izfar, an attorney representing the owners of the motel, stated he received a building condition report from Kevin Taylor, Building Official, on Friday, January 18, 2019. He has been in discussion with Kevin Taylor and Alan Petrov regarding what could be accomplished over the next couple of months. He stated the owners have done a lot to address the most pressing concerns regarding public health and safety including repairing the fire alarm. He stated sections of the building are not in use at all. He stated the owners shared photos with the City of the building to show the contrast between those sections of the building not in use and the sections where individuals live. He stated the owners agree that the conditions in the unused portions of the building are not tolerable and that no one lives in those sections. The owners will empty those sections of furnishing and other items. The owners will work toward winding down operations in a responsible manner. The building was damaged during Hurricane Harvey. The building will be inspected to identify any others conditions, such as mold, that need attention and repair. The owners will develop a plan of action and present that plan to city officials. The plan will outline winding down operations, shutting down and securing the building, and finalizing the sale, repair, or demolition of the building. The property has been on the market for some time and a broker is possibly interested in the property. The owners are interested in conducting the repairs to remove any concerns regarding public health and safety. The owners will terminate the electric and gas service to the property. The owners have been in contact with Centerpoint Energy and Centerpoint Gas to begin the process of terminating both services. The owners ask for the City's support and patience, as well as additional time, for this plan.

Councilmember Johnson asked if Mr. Izfar is in agreement with the City that the defects in the building as it currently exists would deem the building substandard that constitutes a hazard to the health, safety, and welfare of the public.

Omar Izfar stated he did not agree. He stated a portion of the building is habitable and people are staying in that portion.

Councilmember Johnson stated the structure is one building and either the entire structure is substandard or not substandard. He asked if the City Code allowed the building to be divided into sections to determine if certain portions are substandard.

Omar Izfar stated he did not agree that the building could not be separated into certain portions being substandard. He stated the International Building Code does allow buildings to be sectioned off into habitable and uninhabitable portions. He stated there are examples of this in other cities in the Houston area where certain floors of some buildings are habitable and other floors are not. He stated those habitable floors in other buildings are not a concern for public health and safety as long as those uninhabitable portions of the building are not accessible to individuals. He stated the Memorial Inn & Suites have portions of the building

that are habitable as well as portions that are not. He stated the property owners take the City's concern seriously. The portions of the building where the office is located and where the residents live are not substandard.

Councilmember Johnson asked if Mr. Izfar would be concerned to learn that several of the habitable rooms are located next to rooms that are uninhabitable.

Omar Izfar stated he would be concerned if the uninhabitable room were accessible to individuals. He believes a full engineering survey of the building should be done to determine if the building is substandard.

Councilmember Johnson asked if Mr. Izfar has read the City Code of Ordinance in regards to determining if a building is considered substandard. He stated there are five defects any one of which would determine a building substandard. He stated one of the defects listed in Section 14-97 refers to damage through exposure to the elements, such as flood, wind, hail, rain, etc.

Omar Izfar stated he has read that section of the Code.

Khalid Kajani, property owner, stated he has read Section 14-97 as well. He stated his family has owned this property for approximately forty years. He stated the property will be one hundred percent different within one year.

Councilmember Woodruff asked if the property owners intend to continue renting rooms during the time frame needed to clean up and repair the building.

Khalid Kajani stated there would be no tenants in the building during the time frame in question. He stated this is a sad time for his family and their tenants. His father has maintained an office at that location for forty years. Some tenants have lived there a long time. He stated all tenants will have vacated the building by Sunday, January 20, 2019.

Omar Izfar responded to Councilmember Johnson's question in regards to the criteria listed in Section 14-97 of the City Code. He stated he believes the language of Section 14-97 is purposely used to convey a sense of urgency. He used the example of a mere hole in the roof caused by weather would cause the building to be declared substandard according to the Code. He stated other contributing factors should be taken into account before declaring a building substandard. He does not believe the condition of the building causes a menace to the residents. He does agree that portions of the building are not habitable.

Councilmember Johnson asked Mr. Izfar if he has had an opportunity to go into the unoccupied room and to view the photos taken by Kevin Taylor, Building Official. He asked if Mr. Izfar considers the unoccupied rooms to be substandard and the occupied rooms to be habitable.

Omar Izfar stated he has not been in the unoccupied room but he has seen the photos. He stated he agrees that some portions of the building are substandard and not fit for habitation. He stated he does not agree that the building is such a menace or an immediate threat that it should be immediately demolished. He stated the residents will have until the end of the week to vacate the property, the property owners will secure the property, and the utilities will be terminated in a reasonable time. The property owners will seek demolition in an orderly manner.

Councilmember Johnson asked what Mr. Izfar believes is a “reasonable manner”.

Omar Izfar stated he believes the building could be demolished in the later part of 2019. He stated the property owners would like to come back to City Council in thirty days to discuss the plan the owners will propose for the property.

Councilmember Johnson asked what other efforts have been made with the property other than fixing the fire alarm.

Omar Izfar stated the property owners have been in contact with Centerpoint Gas. He stated Centerpoint Gas would take approximately twelve weeks to cap the gas and terminate service.

Khalid Kajani stated the property received a fire inspection from the fire department. The fire department inspection report included a list of rooms that needed to be cleaned out and no longer used for storage. The fire alarm has been fixed. The boiler has been inspected. The rooms on the second floor are in the process of being cleaned out. He stated some of the furniture is still usable and has been donated to area charities. The property owners have made arrangements for an eighty two foot dumpster for the property. The owners have contacted Cherry Demolition for an estimate on the demolition of the building and contacted Centerpoint Gas to cap off the gas line. The owners have contacted Darin Gosda with CBRE to discuss the time line to demolish the building and sell the property.

Councilmember Johnson asked if the property owners have been in contact with anyone in regards to mold abatement, asbestos abatement, or the structural integrity of the building.

Omar Izfar stated no contact has been made regarding those concerns. He stated those concerns will be addressed prior to demolition.

Councilmember Johnson asked why the property owners need a year to deal with the details.

Anwar Kajani, property owner, stated when he realized the extent of repairs needed after the city and fire inspections he informed Khalid Kajani and the City that the motel will close. He stated Memorial Inn & Suites has not accepted any new tenants and cancelled any reservations. The residents were informed they would need to vacate. Mr. Kajani stated the decision was made to demolish the building in a responsible manner and to work with the City toward this end. He stated Memorial Inn & Suites needed the support of the City in

order to close operations, demolish the building, and perhaps build a building more desirable in that location.

Councilmember Johnson asked why the timeline to demolish the building would take eleven months.

Omar Izfar stated the property is on the market for sale. He stated that ideally the demolition of the building would occur in connection with redevelopment plans. He stated the property owners will secure the building, make sure it is not a magnet for crime, and commit to demolishing the building within the time frame. He stated he did not believe the building will fall down and injure anyone. He stated realistically the building can be demolished during development of the property. He stated the property owners are committed to demolishing the building within this year.

Councilmember Woodruff stated City Council is exercising its rights as a governmental entity in regards to this property. He stated the Code of Ordinance, Section 14-97, clearly states the conditions of a building that would be deemed a hazard to the safety, health, and welfare of the citizens. He stated City Council made a determination at the meeting held on January 17, 2019 that those conditions did exist. He stated Section 14-102 of the Code discusses remedial action after a determination has been made. Section 14-102 states the City Council may direct that the building or structure be repaired or removed within a reasonable time. He stated City Council needs to decide what the reasonable time is. He stated the property owners have the choice to repair or remove the building.

Omar Izfar stated he agreed that Section 14-102 gave the authority to City Council to direct property owners to either repair or demolish a structure deemed substandard. He stressed that City Council has the ability to give the property owners a reasonable time frame to carry out the repairs or demolition. He stated the property owners are asking for the time necessary to present a plan of action for demolition of the property that is responsive to the concerns of the City, the police and fire chiefs, and City Council.

Councilmember Johnson stated Section 14-102 requires City Council to order repairs or removal of the building. He believes one year is not a reasonable time frame especially since there is no one occupying the building. He stated that based on the testimony and photographs City Council received at the previous meeting he feels the building is substandard. He stated that twenty two percent of the calls received by the police department is for that location. He stated boarding up the building does not accomplish the repairs or removal of the building. He stated City Council has only two options in a situation like this – repairs or removal of the building.

Omar Izfar stated City Council has a third option which would be to not issue an order and accept the plan of action from the property owners. He stated the City would have enforcement action in case the plan of action is not pursued.

Councilmember Johnson asked Mr. Izfar where in Section 14-102 it states City Council has the authority to offer a third option.

Omar Izfar stated Section 14-102 is permissive with the use of the word “may” in regards to City Council may direct repairs or removal of a building deemed substandard. He stated the property owners would like to present a plan of action to City Council. He stated the City would still have enforcement action available in order to ensure the plan of action is carried out. He stated a third option would give the property owners some time for this plan of action.

Councilmember Johnson stated Section 14-97 uses the word “shall” in regards to finding a building substandard. However, he does not believe the Code gives City Council a third option in regards to Section 14-102.

Omar Izfar agrees the word “shall” is used in Section 14-97 in reference to finding a building substandard. He stated Section 14-102 uses the word “may” which is more permissive. The use of “may” means City Council does not have to issue an order to repair or remove. It gives City Council the ability to pursue other options such as an agreement with the property owners to demolish the building. An agreement between the City and the property owners would give the City the ability to enforce the agreement.

Councilmember Johnson asked if the property owners have another time frame, other than one year, they would like to propose. He stated one year does not seem like a reasonable time frame to have a building demolished. He stated he believes demolishing the building would make better business sense if the repairs are cost prohibitive. He stated if the property owners have made the decision to demolish the building, spending more money to hire a structural engineer and to do other possibly unnecessary things would just prolong the decision already made.

Anwar Kajani stated he agreed with Councilmember Johnson. The decision has been made to demolish the building. They are seeking a reasonable time frame to carry out the decision. He stated they may demolish earlier in the year.

Councilmember Johnson stated City Council is willing to work with the property owners in regards to this issue.

Khalid Kajani stated the decisions that have been made so far in regards to this issue have been numerous. The property owners request time in order to make sound decisions and to make sure all necessary steps have been taken. He stated the building will be removed as soon as possible after all necessary steps have been taken.

Omar Izfar stated the property owners do not want to prolong the decision; however some steps will take time to accomplish. He stated Centerpoint Gas will take approximately three months to cap the gas line.

Councilmember Woodruff stated progress has been made by the property owners. They are taking steps to abate the threat to the residents by vacating the building. He stated the property would be considered an “attractive nuisance” to minors. He stated City Council must ensure public safety until the building is demolished. He stated City Council has to balance the risk to public safety and the property owner’s need to have enough time to make informed business decisions. He stated City Council needs to determine what a reasonable period of time would be in order to ensure public safety and still allow the property owners to make the necessary decisions.

Councilmember Putterman stated the evidence of substandard and dangerous conditions presented at the previous meeting held on January 17, 2019 were being repeated here at this meeting. He stated the conditions in an abundance of the rooms at the location and the lack of fire suppression, in part, led City Council to determine the building was substandard. He suggested a stage of deadlines for the property owners that would need to be observed. He suggested the following outline:

- Deadline #1 - all occupants removed
- Deadline #2 - gas cut-off
- Deadline #3 – property secured with an approved fence and 24 hour security patrolled by a company approved by the City
- Deadline #4 – asbestos and mold report Phase 2, meaning there will be testing done instead of just observations by a company approved by the City
- Deadline #5 – adequate warning notices of electric arcs and anything else that was observed during the inspections to make sure an individual does not enter a room with hazards
- Deadline #6 – electrical disconnect to the building but keep exterior lighting
- Deadline #7 – regular fumigation and rodent control service approved by the City
- Deadline #8 – demolition of the building down to and through the foundation to include proper capping of all utilities

Omar Izfar requested time to prepare a timeline and to call the various companies needed to ensure the property owners cover all the above listed deadlines. He requested City Council not issue an order today but to allow the property owners to come back in thirty days with a plan to implement the suggested deadlines.

Councilmember Putterman stated the property owners do not need thirty days to complete some of the suggested deadlines.

Omar Izfar stated Deadline #1 has been accomplished, the occupants have been vacated. He stated one resident spoke earlier in the meeting regarding the short notice given to the occupants to vacate. Concerning Deadline #2, the property owners have been in contact with Centerpoint Gas and if the City can assist with the gas shut-off the property owners welcome

the assistance. He stated the property owners have started the process on several of the deadlines such as security, asbestos, and mold testing, Phase 2 (Deadline #3 and 4). The property owners have started discussions on how the building will be demolished (Deadline #8). He requested time to talk with contractors regarding some of the other suggested deadlines.

Councilmember Putterman stated City Council needs to discuss and decide what should be issued at this meeting.

Councilmember Johnson suggested Sunday, January 27, 2019 for vacating the building (Deadline #1).

Omar Izfar stated the owners can secure and board up the building and erect fencing to eliminate the appeal of an "attractive nuisance". He stated 24 hour security is excessive for the property and not possible. He stated another property in the city was not in use for years and was not boarded up, did not have fencing, and did not have 24 hour security.

Councilmember Rouse stated the property owners are presenting themselves tonight as responsible business owners. However, they acknowledge they ran the motel without a working fire alarm system. She stated the property owners have taken steps to have the fire alarm system repaired and to have the boiler inspected because the city's and fire department's reports have been issued.

Khalid Kajani stated that frequently fire alarm systems are assumed to be working until an inspection is conducted. The fire alarm system is repaired and working. He stated the damage, as documented in the pictures taken for the building inspection, did not impact the occupied rooms. He stated the boiler had a valid certificate until July 2018. There was an inspection in December 2018. The certificate was shown to Rusty Kattner, Fire Marshall, at that time. He acknowledged there was a lapse in the certificate for the boiler and the certificate was misplaced for a while.

Councilmember Rouse stated City Council should take into account her concerns regarding the lack of a working fire alarm system and a boiler in need of an inspection when setting a time frame for completing any actions that need to be taken. She observed the letter from the City has spurred action on behalf of the property owners. City Council should remain vigilant, active, and not leave the operation and the plan in the property owner's hands. She stated the City does have an opportunity to support the property owners in being responsible business owners by allowing sufficient deadlines to complete tasks tactically but not expansive time which would draw out the timeline. She stated this is an urgent situation. She stated the property owners have the intention to demolish the building. She stated City Council needs to be involved in the process to support the property owners being responsible.

Omar Izfar requested to appear before City Council in thirty days. He suggested language for the agenda:

Consideration of a plan of action regarding the security and demolition of the structure or in the absence of which consideration of repair or removal by City Council

Omar Izfar stated the City does have the option to demolish the building if the property owners fail to act responsibly. He stated the residents of the motel have been given notice to vacate by this weekend, Sunday, January 27, 2019. He stated the property owners will continue to do what they can to ensure the residents have been relocated. He stated the property owners will come before City Council in thirty days requesting approval of a plan of action with an enforcement mechanism.

Councilmember Woodruff suggested having an agreed Order to Vacate the property no later than Sunday, January 27, 2019. The agreed order would be between the City and the property owners. The agreed order would protect the City and assist the property owners in handling difficult residents.

Omar Izfar stated the property owners have notified the residents of the need to vacate. He stated if there are difficult residents, he would request the assistance of the City to help relocate those residents.

Councilmember Woodruff stated the City would be able to assist with any difficult residents.

Alan Petrov, City Attorney, stated the Order to Vacate would be enforced by the police department.

Khalid Kajani asked if the City already issued an Order to Vacate.

Councilmember Woodruff stated the Order to Vacate did not have a “vacate by” date. He stated City Council balanced the need to ensure the resident’s safety by getting them out of that building against the risk to their safety by putting them on the street with nowhere to go, especially those who are vulnerable. He stated the residents have had sufficient notice to start the process of relocating. He stated social service agencies have been contacted to assist with placement of the residents.

Councilmember Folloder asked if the City could confirm the county social services have been contacted to assist in relocating the residents.

David Foster, Fire Chief, stated the fire department has contacted the county and several private agencies to request assistance.

David Foster, Fire Chief, stated there are residents in every portion of the building. The residents are not grouped together in a specific section of the structure. He stated he is very concerned with the ongoing hazards in the building that have not been abated. The fire department issued a letter to the property owners, delivered on Thursday, January 17, 2019 at noon and signed for by the manager of the motel. The letter gave the property owners seventy two hours to complete repairs to the fire alarm. The fire department returned after the

seventy two hours, on Sunday, January 20, 2019. At that time, no repairs had been done to the fire alarm system. Repairs began when the fire department posted a fire watch. He stated it appeared to him that the cost of the fire watch was the main reason repairs began.

Councilmember Folloder asked if the fire alarm system has been repaired, inspected, and a green tag issued.

Chief Foster stated yes, the fire alarm has been repaired, inspected, and a blue, not green, tag issued today. He stated a fire watch has been on the property twenty four hours a day since Sunday, January 20, 2019.

Councilmember Folloder stated he is a former fire fighter. When called to a fire at a structure, the fire fighters are required to search every room for residents regardless of occupancy status. He stated a fire could spread through the roof to other portions of the building quickly regardless of the type of material the building is built from. He stated a fire could happen at any time. He stated that lack of occupants does not render a building safe. He stated if a fire were to start at the motel the buildings to the west and east would be at risk as well as any individuals who were in those buildings. He stated he is concerned with the life and safety of residents and visitors to the City. He appreciates the property owner's willingness to do what is right. He also appreciates the property owner's willingness to attend this meeting and address City Council's questions and concerns. He stated he would support the property owners in their efforts but the health and safety of the public supersedes that support. The expertise of the fire chief and the building official will be invaluable in making the decisions.

Councilmember Johnson continued discussing the proposed deadlines suggested by Councilmember Putterman.

- Deadline #1 – vacate the property of all residents by Sunday, January 27, 2019. The City will assist as much as possible to facilitate this deadline.

Khalid Kajani requested a concession on the order to vacate by Sunday, January 27, 2019. He stated the property owners use the office on the property as their business office and will need time to properly pack the office. The property owners request two to three weeks to relocate their office to another location. He again suggested allowing the property owners to come back to City Council in thirty days with a plan of action. The property will be vacated by that time.

Councilmember Woodruff stated he is still concerned with the public health and safety and keeping individuals off the property and out of the building within the thirty day period requested by the property owners.

Khalid Kajani stated there will be a fence in place within the two weeks needed to properly pack up the office.

Councilmember Woodruff suggested language regarding allowing access to the building by the property owners only for limited hours during the next two weeks after which time a fence will be erected. He suggested City Council take some form of action to ensure security at the property prior to the fence being installed to abate the risk to the public.

Councilmember Rouse suggested City Council agree to a date to vacate the residents, agree to a date to vacate the office by Monday, February 4, 2019, and agree to allow the property owners to present a plan of action for the remaining deadlines to the Building Official in a reasonable time. She stated she is not comfortable with a thirty day time frame for the property owners to present their plan. She suggested Monday, February 4, 2019 as the date the property owners must present their plan for the remaining deadlines and the property must be vacated and fenced.

David Foster, Fire Chief, stated the fire department has a process underway. The process requires eliminating the combustible fire load (mattresses and furniture) in each of the rooms. He would prefer the fire load in the rooms be removed before the fence is erected.

Mayor Muecke asked Chief Foster if there would be a distinction between a resident or the property owners and someone on the property doing work, such as cleaning out the rooms.

Chief Foster stated the fire department would be able to make the distinction. He stated the building would remain a hazard for the fire department regardless of any additional time City Council may give to the property owners.

Councilmember Putterman suggested a deadline for starting the removal of any combustible materials.

Chief Foster stated the fire department gave the property owners ten days, until Sunday, February 3, 2019, to remove all combustible materials from all rooms. After Sunday, January 27, 2019 there will be fines of \$2,000.00 per day for each fire code violation.

Councilmember Woodruff stated the requirements imposed by the fire department would be in addition to the requirements imposed by the City.

Chief Foster stated the fire department made a concession to the property owners to close off the building and secure it but the fire hazard is still inside the building. There is still an electrical hazard and a gas hazard. He stated waiting three months for the gas to be turned off is unacceptable. He stated the gas could be capped now and turned off at a later date. He stated the fire department will allow the property owners to isolate the fire alarm system so it will continue working, turn the gas off, and secure the rest of the building.

Councilmember Folloder clarified that the City does not have any authority over the decisions made by the fire department in regards to Memorial Inn and Suites.

Anwar Kajani verified that he would have to pay \$2,000.00 per day after Sunday, January 27, 2019 if the fire hazards are not removed from the building.

Alan Petrov, City Attorney, clarified the fire department enforces the Fire Code and has the authority to issue orders relative to the Fire Code. The City does not enforce the Fire Code.

Councilmember Johnson stated the property owners and the City Council have made progress. He stated the property owners have acknowledged their plan to demolish the building and that decision should move things along more smoothly.

Councilmember Woodruff stated City Council needs to make a decision, at this meeting, regarding ensuring public safety between now and the next meeting between City Council and the property owners and how long that time frame will be. He stated there should be on-site security between now and when the building is adequately secured through fencing and other means. The owners should continue working on the order given to them by the fire department to remove the combustibles from all rooms. Electricity and gas should be cut-off as soon as practicable and remove the office from the building.

Kevin Taylor suggested the property owners meet with Chief Gott and the Building Official to determine what would constitute a secure building. He agreed with Councilmember Woodruff that some form of security would have to be in place until the building is properly secure. He agreed that the building would be a danger to minors and residents to leave the building open and unsecured.

Councilmember Johnson stated a fence would not deter a youth from entering the property. He stated the Toys R Us Building is a single large building with a large space inside whereas Memorial Inn and Suites has over two hundred units that teenagers could access if they wanted to.

Councilmember Woodruff agreed the Toys R Us property is easier for the police to patrol compared to the Memorial Inn and Suites. It would be difficult to ensure the Memorial Inn and Suites remained secured and sealed.

Chief Gott, Hedwig Village Police Department, stated he agreed with Councilmembers Johnson and Woodruff. He stated an abandoned building is attractive to minors, transients, and others. He stated the Toys R Us Building was broken into a lot. He stated the property owners could make it harder for anyone to enter the property. He stated boarding up the building and fencing the property could be the best the property owners can do until the building is demolished.

Mayor Muecke suggested reconvening in ten days and requested language in regards to securing the building to the satisfaction of the Building Official and the Chief of Police.

Councilmember Johnson stated he was agreeable to giving the property owners two weeks to remove their office from the premises.

Councilmember Rouse stated she would prefer not to give the property owners another weekend.

Councilmember Woodruff asked Chief Gott for clarification on boarding up and fencing the property. He stated the property would not be secure until every door, window, and opening where an air conditioner use to be was boarded up. He stated that unless the fence was a see-through fence, it would be difficult for the police officers to adequately see the property to do a proper patrol.

Chief Gott agreed that every door, window, and opening will need to be boarded up. He also agreed that patrolling the property would be difficult unless the fence were see-through. He stated the fence will help secure the property but the building will also need to be secured.

Councilmember Putterman stated City Council has agreed to a time frame of two weeks for City Council to reconvene on this matter. City Council agreed that all occupants will vacate by Sunday, January 27, 2019 at 5:00 p.m. Management will vacate by Wednesday, February 6, 2019 at 5:00 p.m.

Councilmember Rouse suggested the property owners have until Friday, February 1, 2019 to secure the building and until Monday, February 4, 2019 to vacate the office.

Kevin Taylor, Building Official, suggested supplying electrical power only to the fire alarm system and to the office. The electrical breaker panel will be locked down in such a way that no one will be able to turn the power back on to other parts of the building. The electrical lock down would be in addition to boarding up all doors, windows, and openings.

Chief Gott stated electrical power to the exterior and parking lot lights would need to remain on.

Kevin Taylor stated the exterior and parking lot lights could be isolated as well. He stated the property owners would need to hire a master electrician to eliminate any immediate hazards and isolate electrical power only to the areas that are necessary. The gas meter would be removed as well.

Omar Izfar and the property owners agreed they would fence the perimeter of the property and board all doors, windows, and openings on the first floor. They agreed with the necessity of keeping the parking lot lights on. They stated they should be able to accomplish all this within the next few weeks. They stated they are currently working on removing the fire load from the rooms.

The property owners agreed to have the residents removed by Sunday, January 27, 2019 by 5:00 p.m. They also agreed to have the office space cleared and the first floor boarded up by Wednesday, February 6, 2019.

Councilmember Rouse asked for the property owner's proposal for security of the property between the dates of January 27, 2019 and February 6, 2019 when the property is vacant.

Omar Izfar stated the property owners are taking steps towards having the security for the property.

Councilmembers Rouse and Woodruff are concerned about the gap in time between the two deadline dates.

Omar Izfar stated the property owners are doing everything they can to take accelerated steps to do what they can within two weeks, such as remove the residents, remove the office, and isolate the electric to certain areas only. He believes on-site security to be excessive.

Councilmember Johnson stated the City has concerns regarding the property sitting vacant for a length of time with no security. He stated a vacant building is a danger.

Omar Izfar stated it will take time to contact the various contractors needed to do the necessary work to secure the building and the property.

Councilmember Folloder stated, as a sign of good faith, the City is looking for a temporary process that there will be no trespassing that would put the safety of individuals at risk. He suggested security for the property from dusk to dawn.

Councilmember Woodruff suggested a deadline of January 27, 2019 at 5:00 p.m. to evacuate all the residents. He suggested a deadline of February 6, 2019 at 5:00 p.m. to get out of the office. The February 6, 2019 deadline includes securing the building to the satisfaction of the Building Official and the Police Chief. In the time frame between January 27, 2019 and February 6, 2019 there will be security from dusk to dawn.

Omar Izfar and the property owners agree to the deadlines as stated by Councilmember Woodruff. They will present a plan to City Council on February 21, 2019 at the next City Council meeting.

Councilmember Folloder stated the agreed upon deadlines are in conjunction with the order issued by the Village Fire Department. He suggested the property owners discuss any clarification needed on the Village Fire Department orders with the Fire Chief.

Omar Izfar stated the property owners will meet the City's deadline but it will be difficult to vacate the residents and still remove all the fire hazards from all the rooms. They are concerned they will have to pay a \$2,000 fine per day by not meeting the requirements of the fire department order.

Councilmember Johnson asked if there was anything the City could do to assist the property owners in meeting the requirements set by the fire department and the City.

The property owners requested assistance with vacating the residents.

Mayor Muecke closed the Public Hearing at 8:58 p.m.

3. Consider and Take Such Action as Deemed Appropriate with Respect to the Buildings and/or Structures that are the Subject of the Hearing

Councilmember Woodruff moved to amend the Order to Vacate, in the interest of public safety and the continuing condition of the building, that Memorial Inn and Suites be immediately vacated by January 27, 2019 at 5:00 p.m. and to direct the police department and the officers of the City to take such action as may be permitted under the law to ensure the premises are vacated.

Councilmember Putterman amended the motion to give management until February 6, 2019 at 5:00 p.m. to vacate.

Councilmember Johnson seconded the motion with the amendment.

Councilmember Woodruff asked the property owners, for the record, if they were in agreement with the motion.

The property owners are in agreement.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted "Aye", "Noes" none.

MOTION CARRIED UNANIMOUSLY

Councilmember Woodruff moved, Councilmember Rouse seconded, to issue an order that the facility, Memorial Inn and Suites property, be secured to the satisfaction of the Building Official and the Police Chief not later than February 6, 2019 at 5:00 p.m. and pending such time as the Building Official and the Police Chief determine the building has been adequately secured the property owner be required to have on-site security between dusk and dawn.

Councilmember Woodruff asked if the property owners are in agreement with the motion.

The property owners are in agreement.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted "Aye", "Noes" none.

MOTION CARRIED UNANIMOUSLY

Councilmember Woodruff moved, Councilmember Putterman seconded, to table any further actions City Council may take with respect to the property until the next regularly scheduled City Council Meeting and invite the property owners to address City Council and set a public

hearing at that time, but at any time should there be an imminent threat to life or public safety, then under the City's emergency powers, the City Council will at all times have the right to hold an emergency meeting and take emergency action.

Councilmember Rouse suggested amending the motion to include a specific request to the property owners to address asbestos/mold, rodent control, the demolition schedule, the capping of utilities, reporting any instances that have been observed at the property from today's date as well as verifying if the roof and ceiling structure has sustained any structural damage. The structural report is required within twenty days from today.

Councilmember Rouse asked Kevin Taylor if a structural report was needed prior to the demolition of the building.

Kevin Taylor stated he needed the structural report before the demolition permit could be issued.

Councilmember Woodruff accepted the amendment, Councilmember Putterman seconded, for the property owners to come before City Council to report on the items listed by Councilmember Rouse.

Councilmember Woodruff stated there was a possible second amendment to the motion regarding the structural report. He asked if an engineering report was necessary for demolition if the building was boarded up, fenced, empty, the utilities were shut off, and the owners did not intend to go back into the building.

Kevin Taylor stated there is a possibility that the building may sit vacant for a while before being torn down. He stated there might be an issue with the roof structure in regard to fire, police, and public safety. He stated the engineering report does not need to happen prior to the next City Council Meeting but the report should stay on the list of items as itemized by Councilmembers Putterman and Rouse.

Councilmember Woodruff amended his motion, Councilmember Putterman seconded, to include the property owners reporting on their plan in regards to the structural integrity of the building.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted "Aye", "Noes" none.

MOTION CARRIED UNANIMOUSLY

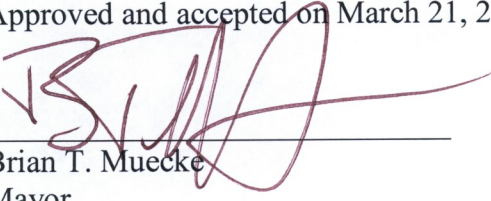
4. Adjourn

Councilmember Johnson moved, Councilmember Woodruff seconded, to adjourn the Public Hearing at 9:11 p.m.

Councilmembers Folloder, Johnson, Putterman, Rouse, and Woodruff voted "Aye", "Noes" none.

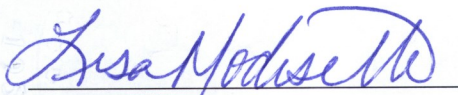
MOTION CARRIED UNANIMOUSLY

Approved and accepted on March 21, 2019.



Brian T. Muecke
Mayor

ATTEST:



Lisa Modisette
Assistant City Secretary