

May 14, 2025 1pm

Building Code Board of Appeals

Meeting open 1:00 pm by Ryan Dodson

Roll Call for Hearing was done by Tammy Kost

Jeffrey Bond- here

Shon Roberts-here

Bennis Bulter- here

Samuel Thomas- here

Lawrence Meder- here

Jasmine Lipscomb- late

Lonnie Jones- here

Ryan open nomination for Election of Chairman

Jeffrey Bond nominated Bennis Bulter

Nomination was closed.

Board voted

Jeffrey Bond- yes

Shon Roberts- yes

Samuel Thomas- yes

Lawrence Meder- yes

Lonnie Jones- yes

Bennis Bulter Elected as Chairman for the Board

Ryan opened nomination for Vice Chairman

Lonnie Jones nominated Lawrence Meder

Nomination was closed

Board voted

Jeffrey Bond- yes

Shon Roberts- yes

Bennis Bulter- yes

Samual Thomas- yes

Lonnie Jones- yes

Lawrence Meder Vice Chairman of the Board

Bennis Bulter- I think there is a specific part of business of what is follow beyond what is shown on the agenda. Is that correct? From a local building and fire prevention code.

Ryan- That was part a manual for recommendations at this time not aware of any bylaws its sort of pre-flowing for the control with you for problem area matters.

Bennis Bulter- So, we required to fall specifically to what falls here. Now we can hear any comments from the appellate in this Bobby Jones and Justin Williams.

Open the Hearing to Bobby James and Justin Williams

Jasime Lipscomb came to Board.

Justin Williams- Appointed Building Code of Board of Appeals Members, Employees and the citizens of City of Danville Virginia. Good morning. My name is Justin Williams, I will be representing not only Bobby B James and myself as the current owner of the property in question 1521 Goodyear Blvd. So, today you will hear from the City of Danville representative that this building is unsafe and hazardous to the local community. To be quite honest to you, the photos that have been presented to you look like somebody has wipe out four point of contact with them but I am here to tell you today it doesn't look like that current . My uncle and I have taken very strong and diligent measures to secure the building and to make it more appealing to the local surrounding area.

At this time call my business partner, my uncle Bobby B James, up as a witness. Good morning, sir, for the record can state your name and current residence.

Bobby James- Bobby James 128 Beaver Brook Court Danville Va

Justin-Okay, sir how long have you lived at that residence in the City of Danville?

Bobby- I guess about 40 years.

Justin- Born and raised

Bobby- No, I was born and raised in Sutherlin Virginia

Justin- Current occupation

Bobby- Retired from Goodyear and also owner the Seafood and More that is operating now.

Justin- I see that you have on a United States Marine Corp shirt on. Are you a pro-service veteran?

Bobby- I am a veteran, Vietnam Veteran.

Justin- Do you currently own the property in question at 1521 Goodyear Blvd?

Bobby- I do

Justin- How long have you owned this property?

Bobby- about 6 years

Justin- about what time do you purchase the property?

Bobby-Around 2017-2018

Justin- How did you come about purchasing the property?

Bobby- I was passing by one day and looking at it and it was looking like that right there. I just happened to look and that doesn't make no sense, it had been sitting about 15 years. It had some good history. So, I spoke to my account about who owned the property. They said Virginia Bank and National owned it. My account called up a guy the Vice President and talked he to me. He told me to go by and look at it. I went by and looked at it, it was gutted. Absolutely gutted wires and everything gutted. I called him and told him it wasn't worth anything. So, he said why do you say that, he came by and looked at it. He came, looked at and said oh my God, he said make me an offer. I told him I would do some checking. Before I could get over to my accounts office, he called me back. He said I would be willing to give him \$50,000.00 for it. I said sure. I went to the bank and signed off on a loan. They wouldn't let me buy it out right, they said we are going to loan you money. He what do you think it would it take to fix it. I said about \$150,000.00 to fix back. Because I don't like what I see on the inside. That's how it started initially how I got it. After, I purchased it. The city came by took the water main up and electric meter off after I purchased it but all that time it sits there it was on there but when I got it. I couldn't use the electricity in it or couldn't use the water. So, it started from there.

Justin- Do you have intention on reopening this establishment?

Bobby- I do

Justin- On or about late September of 2024, did you receive a phone call from a gentleman about purchasing this property?

Bobby- Yes, I did but I don't remember his name, but I remember he was from Florida. What had happened, he was trying to open up an RV park over there but people signed off, it was kicked out. So, he was trying to come back and put some apartment over there.

Justin- What was your response to that about purchasing the property?

Bobby- I told him it wasn't for sale.

Justin- Shortly after that, did you notice any unusual activity on the property. Possible vandalism.

Bobby- Sure, I had writing on it called graffiti on the outside and broke windows. They threw brush, took brush off and it cost me \$2,500.00 to get it cleaned up the first time. The second time it started happen again, I went to the police station and told them about it. Right after I talked to those people about it they said they was going to install a camera, but I never got the camera. The same day I talked to them somebody came out there and

dumped a whole load of tires out there. I am not getting any help as way the police go. I am just doing it myself.

Justin- On or about a month or two ago(December 2024), did you receive a notice from the City of Danville with regard of a demolition action that they were going to take. They were stating that the property in questioning 1521 Goodyear Blvd was hazardous and unsafe structure.

Bobby- Well the first thing they said is its eye sore that is where it started from. They said I had to start fixing it up so it could look better. I started putting the boards out front. I talked to Seth Payne, he said to board it up and to get the graffiti off it.

Justin-Our plan of action was drawn up from you and business partner naming myself was drafted and submitted to the City of Danville Representatives. Correct?

Bobby- Correct

Justin- You started working on this property and purchased materials for it. Do you know how much money you spent in materials alone.

Bobby- Material alone, I have spent \$9,000.00 to get fixed, it was going to cost me \$17,000.00.

Justin- Okay Materials and Labor

Bobby- hum

Justin- That material was mainly for what parts of the project

Bobby- That was for the roof and going around putting up boards. Taking out the old stuff they had

Justin-Do you know how long it to you to from you start and stop?

Bobby- Yep, Seth came by one day guys were stripping the boards up and he told them they had to stop and go pulled the permit so they could continue doing the work. The guys stopped, called me, and told me. So, after that it took about 30 days to get a permit. I came down here to talk to them. There was a man and woman outside they told me I had to come back. I called and told you that.

Justin- The plan of action completion date, correct me if I am wrong, it was sometime in March 2025. Correct?

Bobby-Correct

Justin- So, did anything this prohibit or prolong the process of this project in the time City of Danville, yourself and business partner agreed upon.

Bobby- Yes weather, weather was a big factor, because once they stopped me from doing fixing the roof they guy went to work on the inside. The weather was so bad he couldn't get back on the roof. By the time he come back the weather had started getting better. That's how that transpired.

Justin- On about April 2025, you received a notice from the City of Danville by the way of myself by a phone call that the completion of the approved plan was not finished. They were going to put it back on the demolition schedule. Correct?

Bobby- Correct

Justin-Do you make a phone call to anyone in regard to the City of Danville?

Bobby- I talked to Seth Payne

Justin- How did that conversation go?

Bobby-I called and told him that once I saw what he said that they were going to move a machine over there and proceed tearing that building down. Man I don't want to tear my building down , I have spent all this money. I've spent this money and done all this work. Its like this place out in West Virginia, I was looking at this movie and they took another land same way. He wasn't trying to kill anybody just shooting at them to get them off his property. I looked at another movie, Gunsmoke, and the same thing transpired taking a man's land but it all turned out to be a good thing. That what I bought to Seth. Seth is the only one that I know. When I met him, he told me exactly what to do to the building. So I proceeded to get the stuff to do, got the graffiti off, wrote him the letter on what to do, you did that for me. We proceeded to do that.

Justin-That same day, possible a couple of hours later. Where you greeted by anyone at your residence?

Bobby- Yes, 3 police officers, my wife called me she was upset, my granddaughter was scared. They had told them that I threatened somebody at the city. I said threatened, It was a Sergeant there. I walked up to him once I got there. I asked him what was the problem, he said "did you threaten somebody at the city"? Nah, I didn't threaten no body. I told him what I said that I was trained well in the Marine Corp, and I know what to do and what I had to do. It wasn't threating that way, it was legally what I was talking about. I am trained really well, I didn't a lot work like that in the military. I wasn't trying threaten anyone.

Justin- If you had individuals from the City of Danville at this current moment and had to appear. What would you say to them?

Bobby- I would say it was a misunderstanding on what I said (on what I meant) and sorry you took it the wrong way.

Justin- So currently you are banned from this building.

Bobby- I am

Justin- Mainly possible why the 2 gentlemen are here.

Bobby- I am a dangerous person.

Justin- No further questions from this witness. I would like call Seth Hawker.

Jeffrey- I have one question before you get started. When was the original plan of corrective actions submitted to the city and agreed to the city?

Justin- That was sometime in December. It was dated December 12, we had 14 calendar days possible business days to submit back to the city.

Jeffrey- I just trying to understand when that falls in with the demolition.

Lawrence- So sometime in December you had to respond by late December and the city responded back to you when January.

Justin- Yes, I would say no later than January.

Lawrence- The City gave you 3 months to do corrective actions.

Justin- Yes sir

Lawrence- that would take us to January, February, March, April 1st perhaps

Justin- March, I want to say sometime in March

Lawrence- Sometime in March, really only talking 45 days since that expired give or take

Bennis- But we are talking 5 months since the notice of demolition

Justin- From here

Bennis- The notice of demolition was the 11th or 12th

Justin- the 12th of December

Lawrence- That procedure, so somewhere along that line you got told you need a permit. It sounds like it was early February. I am assuming that was for the roof.

Justin- Yes

Lawrence- How long did it take to turn that around?

Justin-To my uncle's knowledge, a month roughly month

Lawrence- Then, that would take us to the middle of March to the middle of April, because you got delayed for the permit, so now we are only talking 30 days out of compliance

Lonnie- Question about the previous speaker, City Attorney can you confirm that is why they have 2 sheriff officers

Ryan-I am just aware that he is banned from the building for conversation over the phone with Inspector Payne

Justin- Mr. Hawker, can you state your name and current residence for records.

Seth- current residence My name is Seth Hawker. My current residence is XXXX Orphanage Rd Danville VA

Justin- The property is in question 1521 Goodyear Blvd, can you briefly describe how we got here

Seth- To my understanding it was just a field observation by Seth Payne that is his area he enforces maintenance code. Its just a field observation that's how this originated.

Justin- Just a field observation, so those orange stickers, that I am pretty sure that a lot of you have seen riding around Danville on people's property. Do you know how much it would cost for someone to send in a response to be heard to come up with a plan of action?

Seth- The cost not sure I understand

Justin- The property owner to send in documentation to your office to hear the plan to save their building

Seth- It doesn't cost anything to send a plan in for us to review

Justin- I think it was about \$206.00

Seth- I think you are talking about the appeal, its \$206.00

Justin- Do you know how many of these that you guys have sent out this past year?

Seth- If I had to guess its between 35-40.

Justin- 35-40

Jeffrey- What is the relevance?

Justin- The relevance is the basis of possible gentrification situation sir. So, The City of Danville they have a brand-new business here on West Main Street. Big one can't miss it.

Seth- Oh casino

Justin- Correct, since that casino has been here would you say City of Danville a fire has been ignited to beautify

Seth-perhaps but I don't that for a fact

Justin- Oh okay, but would you say it's taken action to clean up the area

Lawrence- I will tell you the City of Danville has taken the same actions over the last 14 years. I lived in the Old West End and demo orders were coming in like Harry Potter owls. So, demolition orders are nothing new to the City of Danville. And to be honest with you it's needed.

Justin- How would someone make a complaint if they see something that is out of the ordinary.

Seth-There is a couple of ways, they can visit us in our office, phone it in, there is a program that they can go to called seeclickfix they can go to report problems online and it gets sent directly to us.

Justin- Did you receive a complaint about 1521 Goodyear Blvd?

Seth- Not to my knowledge.

Justin- Just through observation by Seth Payne. Are you familiar with J. Cubas Holdings, LLC?

Seth- I am not

Justin- You are not. Do you know what is going on across the street from 1521 Goodyear Blvd?

Seth- I do not

Bennis- I am not sure where you are going with this and if all this is relevant to these procedural issues at hand this is just a consideration of extension on appeal

Justin- Relevance is that this building was targeted sir that is what I am trying to type

Jeffrey- That is outside our purview as a board

Justin- I will save that for another day. So moving along, this property when you went out there to look at it what was the condition.

Seth- Poor condition

Justin- Poor condition, when was the last time that you went to the property?

Seth- April 4th

Justin- So I would like to submit the following. (Justin passed out tablets) Before the gentleman and lady is the current condition of the property. What you will see vs what the City of Danville has taken name as photos a complete revamp of said location 1521 Goodyear Blvd. So, there is a brand-new roof, the building is secure, there is no busted windows, there no terrible debris, still a mountain of tires that someone has went out there and dumped. I would like to work with the city on removing that somehow, or my uncle might know someone that could pick those up. I believe it's 75 to 100 tires out there. The inside of the building, which the city took photos of, from the packet that I saw in the email. I went in myself tore down the drop ceiling, pulled out all insulation, dropped ceiling ridge, drop ceiling tiles and put in a dumpster, which is still out there. There is regression in the building. Its not unsafe anymore. I would say it was unsafe, the only people that it was unsafe to was the people breaking in. We have called down plenty of times to the City of Danville for some type of assistance. I know that can't be everywhere at one time but one of those sky cams would be a deterrence. Any questions.

Samuel- How much would you say you spent on the roof?

Justin- On the roof, about \$17,000.00

Lawrence- Currently have you met all the agreed upon steps that was outlined in your December, January agreement with the City

Justin- So, there are no new doors, to answer your question, no. There are no new doors on the property because they weren't secure. We went on the inside and put actual new latches to secure them from the inside. The main door we secured that; you can't get in the building. The only way you get in it now if you deliberately break into it.

Lawrence- The building is secure; the roof is new so its preventing any further damage. Is the electric hooked back up and water

Justin- No sir not at this time. The reason why is because we didn't want to put too much money into it with you all decision today.

Bennis- I don't think it's within the board. The one thing that strikes me is the ability to restore 4600 sq ft building for \$125,000.00. Perhaps that's just a statement of my opinion. So that is roughly disregard. If this board elects to give you an extension to complete your work. Is it your opinion that you can restore that building for that number \$120,000.00.

Justin- I would like to make a point order to your statement sir, we didn't completely renovate the building \$120,000.00 The \$17,000.00 went directly to the roof, we still have other material and labor to pay for the boards that you see along inside the windows that cost money. We paid someone to do that. We paid someone to go out there and paint over the orange obscene images that was on the property. Also, there is a section on the back side of the building, that is a walk-in cooler. We are waiting for the contractor to come back out hopefully sometime this week. We have to work with his schedule and his crew to take off the old rotting wood and put new wood on there. Still already have the grooved tin material that matches the rest of the cooler. That's the only thing on the outside appearance that would be an eye sore.

Lawrence- I guess we need to ask somebody from the city, what is left for them to do to get them to the standard, so you don't demo. Is there anything left?

Seth-Our biggest concern is to make sure the building is secure and stabilizes with the roof being in the poor condition it was in. Which, judging by these pictures, looks like the roof has been completed. At the time that we made the decision it was not. That is why we are here today.

Lawrence- I drove by this past weekend. I thought a lot of work had occurred. I know others on the board also.

Lonnie- My question for the city is why we didn't get new pictures in this packet because if we had just voted by looking at the pictures these are from December. Obviously, they have done a lot of work since December. I don't know who this question goes too.

Seth- the most recent pictures that we have is April 4th. Justin satisfied the appeal on April 16th. I was thinking at that point we would just come to the hearing. I did not revisit the property at that point.

Lonnie- We got 20 pages in our packet that building it looks like a match should be lit to it. Absolutely, today it changed

Bennis- I was out there the day before yesterday. I noticed the work done on the roof and secure the entrances of the building. However, I haven't seen the inside of the building. But the exterior is beyond that is certain a lot of debris and trash. The attached room that you pointed out has a lot of necessary repairs to be done. I think that unless someone feels to contrary that in consideration of time unless you have more witnesses to come. That we can move into some opening statements from the appellee so we can get on with the objective of this board. That is to make that decision to grant that extension of time relative to the appeal.

Justin- One more sir. Good Morning sir could you please state your name and address for the record

Harry- Harry Brooks 513 Walter Beavers Place Danville VA. I have a Danville address, but I live in the County. I figured y'all would come and get it soon later.

Justin- Do you remember the time and day a long time ago when this location 1521 Goodyear Blvd was thriving and open for business?

Harry- I go back to '97, '95 when Eli Jefferys owned it, and it was called the Boulevard then. I also, did security for when I got laid off at Goodyear for a short period of time. The building was thriving, people were coming, and spending money. He was able to keep the building up and running but I think he got too old to keep it up. When he had it, it was everything that you need far as getting off 3rd shift I mean 2nd shift come by there and you could see parking lot full of cars. You go in there grab you a beer, listen to music, and It was a wonderful place. I think it should be saved.

Justin- Did you attend an event out there on the 10th of May, a couple of days ago?

Harry- Yes, I did

Justin- How did you hear about that event?

Harry- Facebook, of course it had Boulevard Reunion

Justin- How would you say that the event turned out?

Harry- Very peaceful, they had a Jamaican food truck. DJ playing music, people sitting around in lawn chairs. I think it would be hurtful for the city to tear it down.

Justin- Thank you, any questions

Bennis- questions of the witness or presenter

Lawrence-I have quite a few.

Jasmine- I do too

Lawrence- If I understand it right, seems like you are in compliance with the initial items to get the building safe, secure, not a safety hazard. This question is out of the purview of the board, but I am going to ask it anyway. What is the future use of the building and how do you get there?

Justin- The future use of the building lies within two avenues: first to open it with it previous existing nightlife entertainment to include restaurant. To sale alcohol in the city you have to sale food. So, want to offer the City of Danville another outlet when they get off work on the

weekends we want to relax, let their hair down. Anytime I go to event here, Korea, Germany you can't stop people from doing dumb stuff. You take those litigating actions to alleviate possible risk and hazards. The other avenue would be to expand a current business that I am in that would possible compliment what is possible going across the street with adult day care center for individuals with mental facility.

Lawrence- part of the reason for that question, is that if nothing else continues there then the building degrades, that is where I was headed with that. This question does apply, we noticed that there is areas around the building that need to be cleaned up. You mention the cooler. Do you have a timeframe for when you can say around the building will be cleaned up?

Justin- The area around the building what sir

Lawrence- That it cleaned up

Justin- It cleaned up now

Lawrence- The tires, the cooler

Justin- I would say a month and half at the latest, given the weather it rains off and on. We can't make the contractor come out there at any given timeframe when it comes to weather. They are not going to get up there and try to get sick.

Lawrence- I wasn't concerned about the roof; the roof looks good. I am concerned about fixing the exterior perimeter.

Justin- I thought you were talking about the slither of the walk-in cooler. I would say 2 weeks. I work in Newport News, and I come down here every weekend three and a half hour drive. To check on my uncle and my family, also this building. My uncle is in his 80's so I don't expect him to get out there and do any lifting.

Lonnie- Do you have somebody hired now to help with the work?

Justin- yes sir

Lonnie- So you don't have to be here to get the work done.

Justin- No sir

Bennis- Do we have other questions?

Justin- I have a question. If this building is torn down, who is responsible for the payment of the demolition?

Bennis- Ryan

Ryan- It would be attached as a lien to the property, and it would be the equivalent of a property tax to the owners.

Justin- Mainly myself and uncle, correct?

Ryan-If the city is required to hire a contractor to do that.

Justin- At what timeframe would we have to pay that lien back.

Ryan- payment plans can last up to 5 years for real estate taxes

Justin- A building of this size roughly how much do you think it would cost, what will we be charged

Ryan- I would not know

Justin- We would have a timeframe to do that and if we don't do that. Then what happens if we don't pay it.

Ryan- It would submit to TACS, the city tax collectors. It would go up for auction.

Justin- For someone else, to purchase it and if the building is torn down would we be able to rebuild.

Ryan- If you meet all current zoning and building codes.

Justin- okay, no further questions, thank you sir

Bennis- thank you, any more questions

Jasmine- right so, where we are at in the proceedings, his opening statement is closing out, correct. Once he is done who

Bennis- The appellee will make a statement if we have no more questions for the group of appellant witnesses.

Jasmine- I do, it's a lot going on in this case. The ending solution is to say yes or no to whether we are going to agree to demo the building or not. That's the ending result.

Bennis-The question before this group, this board, to make a determination to grant an extension for the work to be performed as previously agreed. In the event this board fails to do that there is a part of appeal that goes beyond the purview of this board.

Lawrence- As they have pointed out, they may have met all the reasons why the building should not be torn down. So, we will find out from the city, it almost makes the appeal vaporized because they have met the conditions, with the exceptions with maybe the cooler on the roof to get them to a point that the building is not considered safety hazard

and not considered with the roof now creating more degradation to the building. That is why I am conflicted with because they have met requirements but not met in the timeframe that they initially allotted. I could be wrong but it kind of sounds like that.

Bennis- I think that is where in lies consideration for an extension process. We can discuss at the end of the presentation. However, with regard to meeting those previous requirements, we have not heard from the appellee. In the absence of any additional questions. That where we will go next. Do we have more questions?

Lonnie- Do you have a ballpark figure on actually what you have spent starting with the roof and everything else.

Justin- To include my time and my uncle's time, I would say close to \$25,000.00 to \$26,000.00

Lonnie- I am not sure if time counts. Does time count?

Lawrence- It makes sense.

Bennis- Any consideration counts in amount with this board when we make a decision. But we must get on with this meeting and hear from the other side. If there is not any further questions. Who will present on behalf of the appellee?

Ryan- I will

Jeffrey- One more question, do you have a timeframe for finishing the interior of the business?

Justin-Timeframe, no, to be honest that was not the issue as we know. That is a lot of money, but I do have quotes from individuals that I work with. One to get utilities back on, two the material that I would like to see in there. But yes timeframe no, dollar amount yes.

Jasmine- question, so the city took pictures on December the 3rd and then pictures taken on December 12th. What happened between those dates? Where they went back and took more pictures and how did they get access to take pictures on the inside. The beautification needs to be done on the outside. Would he know, he would through this whole duration. Would you have a conversation and had access to the inside.

Seth-There was a permit issued on the property, so we have access because of that permit. The door was open, and pictures were taken from the doorway into the building. The building was not entered.

Jeffrey- How long is the permit good for?

Seth- 6 months

Jeffrey- Which date?

Seth-February 3rd

Bennis- Back to the issue at hand. There was an issue of plan of action summary originally that was approved by the city. With the respect of those items that have been completed under that plan of action is really what we are talking about here today. In my personal observation on site the day before yesterday, it is that these items appears to be completed with the exception of two items. The one been the offensive graphic paintings on the exterior of the building, and the exterior doors. They are secure but they are not new doors. That is my personal observation. Do we have more questions?

Justin- There is no more graffiti, no more graphic.

Jasmine-on the pictures

Justin- Its gone

Bennis- As of today, very good

Justin- Last thing, I would like to pass this petition around for you all viewing pleasure. To see the number of people that would like to save this building.

Bennis- While he is doing that, do we have more questions from the board. Okay if not, Ryan.

Ryan- thank you, the city intent to make two arguments today. One being jurisdiction and the other being on the merits. We can proceed with jurisdiction, really quick that won't take long and then proceed to the merit's argument. In reference to the appeal, the city believes the item that is being appeal is the demolition order that was issued in December. So, I do have prepared some packets on relevant law. I have copies for everyone including the appellant. So the first item is the Virginia statue 36-98 that states that the state is order to create a uniform statewide building code which supersedes any and all contrary for all local departments. That is found in the statewide building code including the maintenance code which is the next page. It gives the authority to the property maintenance code to the safety of buildings in his or her interpretation in demolition is called for and it can be ordered. In section 107 appeals, 107.5 right to appeal any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant may submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. Further down in that paragraph it says. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision. In this case the city believes that the date being appeal from is

either December 12 the date of the order is also the date it mailed out, recorded at the courthouse. It could be December 16th the date the order was signed for by the applicant when it was mailed first- class. It could be December 14th or 21st which was the dates it was advertised in the newspaper. I think even if we accept the latest date, the appeal was filed on April 7th. As jurisdiction is mandatory, we don't believe the board can decide on this because they didn't file within 14 days. Now, I have additional arguments in the merits before deciding on this, it's at the pleasure of the courts.

Bennis-Well, my comment relatively, is certainly to pretend to be a court of law. Our authority here to do actually what we are doing. It's hearing both sides of this issue and try make the best judgement call that we can in consideration of what the city has to say. Also, consider what the owners of the property and citizens of our fellow neighbors would have to say. In my personal opinion with being swayed with abundance of caution and consideration on behalf of the citizens and property owners. Further, I would state it's not my role as chair to participate in the arguments if there are such pros or con. When we reach a point, consideration is made if there is a tie. I will only vote in the event of a broken tie. I don't think there is any question relative to the legal merits to what you say. It witnesses to that fact this board is meeting. This is properly seated and chairman chosen and hearing taken place. With that being said, do you have further statements to make and witnesses to call.

Ryan- We are prepared to argue the merits as well.

Bennis- Okay let's do that.

Ryan-The only witness we have would be Mr. Hawker from earlier. So, I just have a few questions for you Seth. Are you Seth Hawker, property maintenance inspector for the City of Danville.

Seth- I am

Ryan- What is your full title?

Seth-Property Maintenance Code Supervisors

Ryan- Where you appointed to that position by the City Manager?

Seth- I was

Ryan-As part of your duties, are you responsible for enforcing the Virginia Maintenance Code. That includes the declaration of unsafe structures when it call for.

Seth- That's right

Ryan- Have you ever ordered demolition other than in this case?

Seth- Yes

Ryan- Approximately, how many?

Seth- Maybe 100

Ryan- Was the declaration of unsafe structure in this case made after an inspection?

Seth- Yes

Ryan- Was that inspection documented through photography?

Seth- Yes

Ryan- I guess the packet that was sent out to everyone includes those photographs.

Seth- Yes

Ryan- When you made the determination as to whether or not the building was safe or not did you base your determination on the pictures.

Seth- yes

Ryan- In your interpretation or your opinion as maintenance code official, do you believe the structure is unsafe as a matter of law accordance to maintenance code.

Seth- Yes

Ryan- Were the pictures and the potential the risk of public safety was the sole base to your determination

Seth- yes

Ryan- Was a plan of action issued for this property?

Seth- yes

Ryan- What date was that plan of action entered into?

Seth- It was approved on January 3rd

Ryan- When was it set to be completed by?

Seth- We have a completion date of March 7th.

Ryan- Was it completed by that date?

Seth- No, sir

Ryan- So, let's say the board decides in our favor the property is on the demolition list. Are there other properties currently on the demolition list?

Seth- Yes

Ryan- Approximately, how many?

Seth- I think we have about 50 that are active right now.

Ryan- As part of the process abating these unsafe structures, does the city have to bid out and contract for their removal?

Seth- yes

Ryan- Approximately, how long does it take to bid out a group of properties?

Seth- To complete the properties are gone.

Ryan- yes

Seth- Three to four months minimum.

Ryan- Prior to a decision to award a contract, are the properties looked at again to make sure they are still unsafe.

Seth- yes

Ryan- So, hypothetically the board were to decide in our favor and uphold the determination it's still possible not be demolished by city forces if we bought into compliance, correct?

Seth- yes

Ryan- No further questions

Bennis- Anymore witnesses

Ryan- no sir

Bennis- Do we have questions from the board?

Jasmine- yes, If they did an extension on time would it had been accepted?

Seth- If they had completed all the work by the agreed upon date?

Jasmine- No, if they had, so the issue is they have not completed the work originally

Seth- correct

Jasmine- So, it's past the expiration date of completing the work. Before the expiration date, if they had been like we need more time. Would that extension been granted even further out to allow them more time for weatherization, travel, and contracting issues.

Seth- Possibly that could have happened

Jasmine- Possibly

Lonnie- Did they ask for any?

Seth- Not that I recall

Lawrence- As of today is the building unsafe

Seth- No, not according to the pictures I have seen

Lawrence- Is the building in compliance

Seth- No, we haven't done a final inspection on it, so No

Jasmine- No or you don't know

Seth- I don't know, my first statement is based off the pictures that the owner had provided. But I haven't physically been to the property to confirm that

Jasmine- What is the reason you haven't updated the pictures since December?

Seth- The most recent pictures I have are April 4th, that is the most recent pictures. Then, his appeal was filed and satisfies April 16th. I haven't been back to the property.

Lawrence- On the plan of action submittal form, it says new exterior doors. Do you know how many they need to put up? I guess it would be one

Seth- Only ones the ones that, sorry

Jeffrey- If it's unoccupied with no certificate of occupancy, one should be sufficient.

Seth- What was the original question, I am sorry

Lawrence- It says here new exterior doors, I don't know what the mean. If it means one or two, or many.

Seth- We are just looking to have the ones that were unsecure to be fixed. I don't know if all of them were not fixed at the time. We do know that some of them were open, or hardware was missing.

Jasmine- The pictures of the inside was those from the back door or front door.

Seth- Back Door, and that picture was taken April 4th by the way

Jasmine- This last one

Seth- The one inside that you were speaking of

Jasmine- All the ones on the inside were taken April

Seth- April 4th

Jasmine- The question about the demos how many demos that you put out, how many people come back and ask for a plan as such

Seth- maybe a quarter of them, I can't put an exact figure on it though

Jasmine- How many of those quarters ask for an extension?

Seth- I am saying a quarter of them want a plan of action or extension to repair the property.

Jasmine- They want one, go through with them

Seth- sometimes they do sometimes they don't

Lawrence- I can say with experience there are often many delays when you are trying to get up to compliance. You can be delayed because of the supplies weren't available, people weren't available, the weather didn't cooperate. So, a lot of times you are coming back in saying we need to extend this. Sometimes you bingo that extension date, same thing with permits. You pull a permit and in 8 months it expires, and you have to get another permit.

Jasmine- things happen

Lawrence- Especially when you have a lot of moving parts.

Bennis- Do you have other questions?

Jasmine- Yes, how many rezoning applications have been submitted from the property owners or representatives, property owners adjacent to this building with in 500 ft approximately.

Seth- that I do not know

Jasmine- This is privately owned, correct

Seth- Yes

Lonnie- when was the last time it was a functioning business, how many years has it been?

Seth- I don't know, I know the utilities have been off since 2014, so probably before that.

Jasmine- If you demo the building, what are you planning on doing with the property?

Seth- If we demo the building it would be an empty lot with a lien against it for the demolition cost.

Jasmine- Does that mean someone can come along and buy it?

Ryan- The owners would still continue to own it until court action that would be a enforcement action for taxes. Usually, a lien has to exist for at least 2 years prior to that, they would continue to own the property for a couple more years.

Jasmine- You said court action, explain

Ryan- So, in order to enforce a tax lien, we have to go to the court and have a court case.

Jasmine- That's if they don't pay it.

Ryan- Correct.

Lawrence- So, what you are also not hearing is if you have a demo order and you actually do you agree with the demo order. There is 2 options, you can demo the place, or the city will come and demo it if you don't.

Jasmine- So this notice of demolition was never agreed upon, is that what you are saying because the plan was submitted

Lawrence- No, if the city gives us a demo order and I come, someone comes back with this is mine plan of action to do this. If you do the plan of action and make it safe, then you don't demo it. But if you don't make it safe then the city will (tell me if I am wrong) come back and say no, it's still unsafe. We are going to move forward with the demo. Now it's 2 options, you can demo it because maybe you know someone that has a giant crane and only cost you \$10 grand, if the city does it they are going to contract it out. They are going to get multiple bids, and they are going to choose one. Normally it's probably more expensive than if you got somebody. Then you either have to pay the city their money or get on a plan or liens against the property. Eventually with not paying for property tax or liens, it goes to court and get sold on the courthouse steps.

Ryan- This occur in the Council chambers now. It's a court supervising process and the judge has to approve any final bid as a fair offer because any surplus balance to back to the property owner.

Bennis- Do we have other questions more to the city? If not, I am going to conclude this part of the board meeting go into a closed session, the audience is welcome to stay. Then,

we will reopen the meeting for final consideration of the board. I will open the closed meeting for discussion.

Lawrence- I kind under the opinion that the building is safe. They have met the plan of action (late) but they have met it. The demo order is for something that is unsafe, doesn't appear to be unsafe. I think that we need to kick this meeting until next month. The city needs to go down and make an assessment to see if it's safe. If they have met the requirements of this and come back and tell us. Which gives them a 30-day extension indirectly 30-day extension. While the city can come down and see if it's safe. And if its safe I don't know if we have a decision to make then because with the exception of the new exterior doors. Its written in here, I don't know how many doors they need. He did make a good point its unoccupied, its no electric. So, maybe just one door. I would like to see the building flourish and part of the Danville community. It sounds like they are on their way. Ladies and gentlemen tell me if I am wrong.

Jasmine- I feel we should, going straight for the request, I feel it should be approved. I feel they should have their extension in conjunction in what you are saying.

Bennis- Approve far as the extension whether its through the method that you describe or any other formal method.

Jasmine- They should have an extension to be able to help that building thrive, they are coming from grassroots. They are trying to the best they can they are not millionaires. He served his country; this other gentleman is traveling back and forth. You don't know his lifestyle is, he is trying to help his uncle. They are trying to make it. I don't see, we got a whole casino and all the stuff going on in our own community. We have people in our own community that is trying to help the community. They have options making it adult lounge or adult day center that positively there. My concerns is the I don't know if it would have been an extension request in time, why would it have been know to whether they would have extended it or not.

Bennis- If that ends up being the recommendation of this board how long would it be before you could reinspect.

Seth- I could do it tomorrow

Bennis- You could do that tomorrow. So, the effect of that could be relative to the recommendation of this board is to do an effect what you just say to do Larry. Is to extend or defer consideration for another 30-days or make a formal decision to reach a formal

decision to recommend a 30-day extension. To correct any deficiencies that you might find tomorrow. Would that be correct. Other comments from the board members

Samual-I agree

Shon- I agree

Jeffrey- I think its unclear to grant the extension instead of tabling the meeting for 30-days.

Lawrence- How long is the extension requested for because I haven't seen that.

Bennis- would you be able to accommodate or finish any completion any deficiencies that he found if he inspects tomorrow or the following day in the next 30 days

Justin- I would say so yes sir

Bobby- yes

Justin- It depends on what he finds. I don't know

Bennis- I think we have to be definitive with the respect of this board because on the one hand we are hearing in your opinion that the deficiencies have been corrected pursue to this approved plan of action. If that is the case if should be none found tomorrow.

Lonnie- If we are asking him to go tomorrow, what are we asking him to look for tomorrow?

Bennie- To determine if there is any deficiencies from this approved plan of action.

Justin- He is going to find 1 of 3 possible 2 things. One is definitely the side on the back is a walk-in cooler. That needs new wood, possibly new rafters up there, and a new roof with the tin. We already have the tin, some of the wood but definitely going to notice that. There are no new doors on the property, the doors are secure. That's about it to my knowledge. The electrical is done cap off possibly one concerns there. Nothing out of the ordinary. To my knowledge.

Bennis- I have to clarification questions if I may. With the doors secure as opposed to a new door. Would that satisfy the city?

Seth- Yes

Bennis- Then, back to my original question, assuming of what we just heard from both parties. If there are any deficiencies would 30- day extension be satisfactory.

Justin- Depending on the weather, yes sir it should.

Bennis- So that haven't been said, if it no further decision among the board members.

Jeffrey-Is there any reason not to grant a longer extension?

Bennis- That is what I was trying to clarify here, I was trying to hear from the appellant whether or not he could complete any deficiencies. Which we are hearing from you that there are none other than what you just pointed out. The fact that it would be satisfied in 30 days, if not what would be a reasonable time.

Justin- 60 days

Bennis- Is 60 days is what you are requesting?

Justin-Yes sir

Bennis- Thank you for your comment. In view of those comments should we reopen the meeting for a decision to be made. Are there any further comments from the board?

Jasmine- So you are saying we are not going to defer it for 30 days.

Bennis- Saying is what been proposed as opposed to deferring the 30 days is go ahead and make formal decision to extend their time to meet their deficiencies that are found or he saying 60 days. So, that what we open back up and that is what I am going to ask the board to decide.

Jasmine- Okay

Bennis- everybody good with that as far as propose, comments, or concerns. Okay the meeting is reopened. As we reopen the meeting, I would ask the board member to vote on the following proposition, that we recommend giving the owners 60 day extension to meet any deficiencies that might be found relative to this plan of action submittal form previous approved by the city.

Lonnie- question, does that mean we come back here in 60 days?

Bennis- That means there would be no need to come back in 60 days unless we heard something to the contrary from the city. Is the board in favor of that recommendation? If you are raise your right hand.

Lawrence-we have to have her do the thing.

Bennis- Getting ahead of myself

Tammy- its okay

Jeffrey Bond- yes

Shon Roberts-yes

Samuel Thomas-yes

Lawrence Meder-yes

Jasmine Lipscomb-yes

Lonnie Jones-yes

Bennis- Okay recommendation stands approved by this board. You have down what you need relevant to this proposition that was considered.

Tammy- yes

Bennis- any far comments from either sides appellant or appellee.

Justin- No sir

Ryan- Once it reduce to writing you just have to sign as chairman

Bennis- Once that is prepared you will just call me.

Tammy- yes sir

Bobby- I just want to let the board know, if you see Seth Payne tell him I am sorry that he took it the wrong way because when I met him, we had a good relationship. I didn't mean anything toward him.

Seth- Okay

Bennis- Any more comments, if not meeting adjourned.

