

Cornerstone Trading Group

v.

Richmond Unsafe Building Commission

Unsafe Building Commission Hearing

September 24, 2019

Cornerstone Trading Group v. Richmond Unsafe Building Commission



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Unsafe Building Commission Hearing - - September 24, 2019
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STATE OF INDIANA)
) SS:
COUNTY OF WAYNE)

IN THE WAYNE COUNTY CIRCUIT COURT
CAUSE NO. 89C01-1911-MI-000145

CORNERSTONE TRADING GROUP, LLC,)
)
 Plaintiff,)
)
v.)
)
RICHMOND UNSAFE BUILDING)
COMMISSION,)
)
 Defendant.)

RICHMOND UNSAFE BUILDING COMMISSION HEARING

SEPTEMBER 24, 2019

TRANSCRIPT OF PROCEEDINGS

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1 MR. HEETER: Roll, please.

2 MS. CARR: Diane Whitehead?

3 MS. WHITEHEAD: Here.

4 MS. CARR: Sue Mathews? Dwayne Heeter?

5 MR. HEETER: Here. No minutes for this
6 time. Do we want to go over anything before we
7 start on new business? Kim?

8 MS. VESSELS: If you have any proposed
9 motions where you would want to take
10 administrative notice of the state, federal,
11 local codes. And then we also have a proof of
12 publication that I would ask the board to
13 approve.

14 This was published for the last meeting
15 and then it was tabled at the request of the
16 attorney for three of the properties. So we
17 tabled this and republished it. This notice
18 does appear to be in order to hold this public
19 hearing.

20 So in addition to any other
21 housekeeping motions for taking administrative
22 notice, I would ask the board to make a motion
23 to accept the proof of publication, as well.

24 MR. HEETER: Okay. So I make a motion
25 that the commission take administrative notice

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1 of both Indiana Code for Unsafe Buildings, as
2 set forth in Indiana Code 36-7-9, and Richmond
3 City Code.

4 MS. WHITEHEAD: Second.

5 MR. HEETER: All in favor say aye.

6 MS. WHITEHEAD: Aye.

7 MR. HEETER: Aye. All opposed? Motion
8 carried.

9 MS. VESSELS: And I would -- I would
10 actually ask for an additional administrative
11 notice because I believe that the administration
12 city enforcement authority is going to be
13 presenting some codes that are Indiana
14 Administrative Codes, IAC codes. So I would
15 also ask that you take administrative notice of
16 those, as well.

17 MR. HEETER: So it would finish with
18 the IAC codes? Is that how you finish the
19 motion?

20 MS. VESSELS: That could be a second
21 motion.

22 MR. HEETER: Okay.

23 MS. VESSELS: And then I would also ask
24 for a third motion to accept the proof of
25 publication.

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1 MR. HEETER: Okay. I make a motion
2 that the commission take administrative notice
3 of both Indiana Code for Unsafe Buildings set
4 forth in Code -- Indiana Code 36-7-9 and
5 Richmond City Codes for the IAC and for proof of
6 publication.

7 MS. WHITEHEAD: Second.

8 MR. HEETER: All in favor say aye.

9 MS. WHITEHEAD: Aye.

10 MR. HEETER: All in favor -- or all
11 opposed? Motion carried.

12 Do we want to do the swearing in of all
13 the witnesses or people who want to speak?

14 MS. VESSELS: Yes. So everybody who is
15 going to be speaking today or presenting today,
16 please stand and raise your right hand.

17 Do you swear or affirm under the
18 penalties of perjury that the testimony you will
19 give today will be the truth, the whole truth,
20 and nothing but the truth? Say I do.

21 UNIDENTIFIED SPEAKERS: I do.

22 MS. VESSELS: Thank you.

23 MR. HEETER: Is there any other
24 housekeeping things we need to do here before we
25 move to the new business?

1 MS. FIELDS: I think we're ready. Just
2 as a little background and reference, I'm going
3 to direct your attention to the screen. What
4 you'll see on the screen is time-lapsed. We
5 have images from 2006 through 2019 to kind of
6 show where the property was in '06 versus where
7 it is now just to give you a little context to
8 that.

9 So this does include all three
10 properties in new business: 308 Northwest F,
11 310 Northwest F, and 358 Northwest F. So this
12 is '06, '08, '9, '11, '13, '14, '16, '17, '18,
13 and then '19, the most recent that we have.

14 So just kind of wanted to give that as
15 some background there, and then I will turn it
16 over to Aaron Jordan, who will be doing the
17 first --

18 MR. HEETER: So just to make sure we're
19 clear, we are dealing with all three properties
20 at the same time?

21 MS. FIELDS: We'll deal one at a time.

22 MR. HEETER: Okay. So we're looking --
23 we're going to look at 308 Northwest F Street
24 first?

25 MS. FIELDS: Correct.

1 MR. JORDAN: Correct. I was going
2 to -- would it be all right to read the
3 legislative findings as far as IC 36-7-9 again?
4 I know we read it at our -- one of our first
5 meetings that we had.

6 IC 36-7-9-4.5. This is the section for
7 legislative findings; vacant or deteriorated
8 structures. Section 4.5(a) says, "In Indiana,
9 especially in urban areas, there exist a large
10 number of unoccupied structures that are not
11 maintained and that constitute a hazard to
12 public health, safety, and welfare."

13 (B) says, "Vacant structures often
14 become dilapidated because the structures are
15 not maintained and repaired by the owners or
16 persons in control of the structures."

17 (C) says, "Vacant structures attract
18 children, become harborage for vermin, serve as
19 temporary abodes for vagrants and criminals, and
20 are likely to be damaged by vandals or set
21 ablaze by arsonists."

22 (D) says, "Unkept grounds surrounding
23 vacant structures invite dumping of garbage,
24 trash, and other debris."

25 (E) says, "Many vacant structures are

1 situated on narrow city lots in close proximity
2 to neighboring structures, thereby increasing
3 the risk of conflagration and spread of insect
4 and rodent infestation."

5 (F) says, "Vacant, deteriorated
6 structures contribute to blight, cause a
7 decrease in property values, and discourage
8 neighbors from making improvements to
9 properties."

10 (G) says, "Structures that remain
11 boarded up for an extended period of time also
12 exert a blighting influence and contribute to
13 the decline of the neighborhood by decreasing
14 property values, discouraging persons from
15 moving into the neighborhood, and encouraging
16 persons to move out of the neighborhood."

17 (H) says, "Vacant structures often
18 continue to deteriorate to the point that
19 demolition of the structure is required, thereby
20 decreasing available housing in a community and
21 further contributing to the decline of the
22 neighborhood."

23 (I) says, "The blighting influence of a
24 vacant, deteriorated structure adversely affects
25 the tax revenues of local government. The

1 General Assembly finds that vacant, deteriorated
2 structures create a serious and substantial
3 problem in urban areas and are public
4 nuisances."

5 (K) says, "In recognition of the
6 problems created in a community by vacant
7 structures, the General Assembly finds that
8 vigorous and disciplined action should be taken
9 to ensure the proper maintenance and repair of
10 vacant structures and encourages local
11 government bodies to adopt maintenance and
12 repair standards appropriate for the community
13 in accordance with this chapter and other
14 statutes."

15 The first property is at 308
16 Northwest F, and IC 36-7-9-4 for -- our chapter
17 for unsafe buildings is noted. Section 4(a)
18 says, "For the purposes of this chapter, a
19 building or structure, or any part of a building
20 or structure, that is: (1) in an impaired
21 structural condition that makes it unsafe to a
22 person or property; (2) a fire hazard; (3) a
23 hazard to public health; (4) a public nuisance;
24 (5) dangerous to a person or property because of
25 a violation of a statute or ordinance concerning

1 building condition or maintenance; or (6) vacant
2 or blighted and not maintained in a manner that
3 would allow human habitation, occupancy, or use
4 under the requirements of a statute or an
5 ordinance is considered an unsafe building."

6 (B) says, "For the purposes of this
7 chapter, an unsafe building and the tract" --
8 and (1) says "an unsafe building," and (2) says
9 "the tract of real property" -- "on which the
10 unsafe building is located are considered unsafe
11 premises."

12 (C) says, "For the purposes of this
13 chapter, a tract of real property that does not
14 contain a building or structure, not including
15 land used for production agriculture, is
16 considered an unsafe premises if the tract of
17 real property is a fire hazard, a hazard to
18 public health, a public nuisance, or dangerous
19 to a person or property because of a violation
20 of a statute or an ordinance."

21 36 -- or 308 Northwest F, you can see
22 here the -- this aerial overhead picture here
23 was taken from Beacon. This picture was taken
24 March 23rd of '19. And right here, 315.4 of the
25 IAC says, "Outdoor storage. Outdoor storage of

1 combustible materials shall not be located
2 within 10 feet of a lot line."

3 "Exceptions: The separation distance
4 is allowed to be reduced to 3 feet for storage
5 exceeding 6 feet in height." And 2 says, "The
6 separation distance is allowed to be reduced
7 when the fire code official determines that no
8 hazard to the adjoining" -- "to the adjoining
9 property exists."

10 I'm not going to expound on the
11 majority of the fire codes. Only to say that
12 here we see that IC 36-7-9-4 for the unsafe
13 building described, it says fire hazard.

14 So 308 does have a fire hazard with
15 materials, that you can definitely see here on
16 the east side right here that the materials are
17 right against the buildings to the east right on
18 the lot line. So it does create a fire hazard
19 with materials too close to the property line.

20 Here's another picture. You can see
21 the materials right here along the buildings.
22 Right here along the -- on the east side of the
23 property. Here's a view looking at it from the
24 west. And you can see materials right here
25 even -- on the property line to the west that's

1 right here against the property line. Here's
2 another view looking at it -- looking at it from
3 the west. You can still see all the materials
4 that is piled up right against the property line
5 to the east. And that was the -- the first --
6 the first thing I was going to deal with.

7 The second thing is, is the structure
8 out front. The structure out front has not been
9 maintained. The overhangs has fallen off the
10 building. The roof has got a considerable
11 amount of leaks inside the building, which has
12 damaged the interior of the building.

13 And 36 -- IC 36-7-9-4, unsafe buildings
14 and unsafe premises are described. It says,
15 "For the purposes of this chapter, a building or
16 structure, or any part of a building or
17 structure, that is vacant" -- this is No. 6 --
18 "vacant or blighted and not maintained in a
19 manner that would not [sic] allow human
20 habitation, occupancy, or use under the
21 requirements of a statute or an ordinance is
22 considered an unsafe building."

23 The violations on 308 Northwest F,
24 we've got a leaky roof that has leaked water
25 into the inside of the building and caused water

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1 damage. The building has no utilities and would
2 need extensive repair for occupancy. Overhangs
3 are falling off the building due to leaking
4 roof. Ceiling covering has fallen off portions
5 of interior due to leaking roof.

6 150.18 of our city code, (a) says,
7 "Exterior Maintenance Standards." (1) says --
8 the first one, "The exterior of all premises and
9 the condition of all buildings and structures
10 thereon shall be maintained so that the
11 appearance thereof shall reflect a level of
12 maintenance in keeping with the standards of the
13 City and so as to avoid blighting effects and
14 hazards to health, safety, and welfare.

15 "(2) The owner and the operator shall
16 keep the exterior of all premises and every
17 structure thereon, including but not limited to,
18 walls, roofs, cornices, chimneys, drains,
19 towers, porches, landings, fire escapes, stairs,
20 refuse or garbage containers, store front,
21 signs, windows, doors, awnings and marquees, in
22 good repair, and all surfaces thereof shall be
23 kept painted or protected with other approved
24 coating or material where necessary for the
25 purpose of preservation and avoiding a blighting

1 influence on adjoining properties."

2 "Exterior wood, composition or metal
3 surfaces shall be protected from the elements by
4 paint or other protective covering. Surfaces
5 shall be maintained so as to be kept clean and
6 free of flaking, loose or peeling paint or
7 covering. Those surface materials whose
8 appearance and maintenance would be enhanced by
9 a natural weathering effect or other natural
10 effects may remain untreated."

11 "All surfaces shall be maintained free
12 of significant broken glass, loose shingles,
13 crumbling stone or brick, peeling paint or other
14 cumulative conditions relative [sic] of
15 deterioration or inadequate maintenance, and not
16 show evidence of weathering, discoloration,
17 ripping, tearing, or other holes or breaks, to
18 the end that the property itself may be
19 preserved safely and fire hazards eliminated,
20 adjoining properties and the neighborhood
21 protected from the blighting influence."

22 Chapter 98 of our city code, which is
23 our -- which describes the -- our definitions
24 for our unsafe building code, IC 36-7-9. 98.07,
25 "Description of Unsafe Building. The

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1 description of an unsafe building contained in
2 Indiana Code 36-7-9-4 is hereby supplemented to
3 provide minimum standards for building condition
4 or maintenance in the City of Richmond, Indiana,
5 by adding the following to said definition:

6 'Unsafe building' - Any building or structure
7 which has any or all of the conditions or
8 defects hereby" -- "hereinafter described shall
9 be deemed to be an unsafe building provided that
10 such conditions or defects exist to the extent
11 that life, health, property, or safety of the
12 public or its occupants are endangered."

13 (E) says, "Whenever any portion, member
14 or appurtenance thereof is likely to fail, to
15 become detached or dislodged, or to collapse and
16 thereby injure persons or damage property."

17 (M) says, "Whenever any property or
18 structure has been constructed, exists, or is
19 maintained in violation of any specific
20 requirement or prohibition applicable to such
21 building or structure provided by the Building
22 Code of the City of Richmond, Indiana, or any
23 law or ordinance of the State of Indiana or the
24 City of Richmond relating to the condition,
25 location, or structure of buildings."

1 Our Indiana Administrative Code, this
2 is the code for the Fire and Safety Building
3 Commission as far as the administrative rules.
4 675 IAC 12-4-9, "Maintenance of buildings and
5 structures." Section 9(a), "All buildings and
6 structures and any part of the permanent
7 heating, ventilating, and air-conditioning,
8 electrical, plumbing, sanitary, emergency
9 detection, emergency communication, or fire or
10 explosion systems, and all parts thereof shall
11 be maintained in conformance with the applicable
12 rules of the commission, or applicable rules of
13 its predecessor agencies, in effect when
14 constructed, installed, or altered."

15 (C) says, "Buildings and structures and
16 any part of the permanent heating, ventilating,
17 air-conditioning, electrical, plumbing,
18 sanitary, emergency detection, emergency
19 communication, or fire or explosion systems and
20 all parts thereof, constructed, installed, or
21 altered prior to the adoption of applicable
22 rules by the commission or its predecessor
23 agencies (including construction, installation,
24 or alteration prior to the creation of the
25 predecessor agencies) shall be maintained in a

1 condition at least as safe and sanitary as they
2 were when constructed, installed, or altered."

3 Here's a picture of the building. You
4 can see here from the roof leaks you've got
5 overhangs that are decayed and falling off the
6 building. Here's another picture of a corner of
7 the building where you got more -- where the
8 plywood overhang is falling off the building.

9 Here on the side of the building,
10 you've got control boxes that are dislodged and
11 hanging from the building and the lids is bent
12 up on it. Here in the front, you got more
13 overhangs falling down. And you've got fascia
14 caps -- fascia boards that are rotten. And you
15 can see here that the roof covering has come
16 dislodged here along the front.

17 Here's another photo of the side of the
18 building. You can see right here the overhang
19 falling down right here in the front. There's
20 another piece of overhang falling right there.
21 Inside the building, this is a picture looking
22 up.

23 If you look, these right here are boxes
24 that are stacked all the way to the ceiling.
25 Right here is a piece of the ceiling tile, the

1 existing ceiling tile. All the ceiling tile
2 over here is falling off due to water leaks, I'm
3 guessing, because you can see all the water
4 damage right here on the insulation. And if you
5 look right here, you can see the water
6 discoloration where the water has leaked onto
7 these boxes.

8 Right here is a picture of the floor.
9 This is just some material that was laying on
10 the floor. Probably the -- maybe the ceiling
11 material that fell off the ceiling. And you can
12 see here where it's all been wet at one time or
13 another.

14 And at that --

15 MS. VESSELS: If there are any -- if
16 you're done with your testimony, we can have
17 questions from the board and then there would
18 need to be cross-examination from any of the
19 owners or interested parties.

20 MR. HEETER: Is there anybody here to
21 speak on 308 Northwest F Street?

22 MR. SOWERS: Good morning.

23 MR. HEETER: State your name, sir.

24 MR. SOWERS: My name is George Sowers.
25 I'm the attorney for Cornerstone. Seth Smith,

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1 beside me, is the owner of Cornerstone. A
2 couple of his neighbors who have businesses on
3 Northwest F are also here.

4 I would have a question as -- this is
5 cross-examination, so this -- I am not
6 presenting any -- do you have any photographs of
7 Northwest F after March 23, 2019? The reason I
8 ask, Mr. Smith has shipped out over 160 shipping
9 containers. Each hold over 40,000 pounds,
10 20 tons.

11 MR. JORDAN: Right.

12 MR. SOWERS: And so I would submit that
13 those pictures today don't accurately reflect
14 the inventory. Now, there's still inventory
15 there and he's working on removing further
16 inventory. But I do not believe the March 23rd
17 photograph accurately depicts the conditions.

18 MR. HEETER: You're talking about the
19 stuff that's surrounding it?

20 MR. SOWERS: Yes.

21 MR. HEETER: Aren't we just dealing
22 with the structure?

23 MR. JORDAN: I do -- this morning I
24 went to the sidewalk at the property and took a
25 picture of the east lot that I was concerned as

1 far as being a fire hazard. I do have a picture
2 on my phone that I can present that would show
3 materials still on the east side of the lot.

4 MR. SOWERS: It doesn't show that it's
5 been removed away from the building so that
6 there is access --

7 MR. JORDAN: The fire hazard that I'm
8 concerned about at this time is what I'm saying
9 is the material that's on the far east lot. The
10 code said that any material on the lot line has
11 got to be 10 feet away.

12 MR. SOWERS: And did you find the
13 material was 10 feet away?

14 MR. JORDAN: No. The material is still
15 against the wall. I've got a picture I can show
16 you.

17 MR. SOWERS: What about the building?
18 Is it away from the building?

19 MR. JORDAN: I'm not concerned about
20 the building. Just the lot line.

21 MR. SOWERS: How does material against
22 the lot line create a fire hazard?

23 MR. JORDAN: Because it's against the
24 adjoining property. If it was to catch on fire,
25 it would catch the buildings adjoining them on

1 fire.

2 MR. SOWERS: How much distance from the
3 lot line to the adjoining property?

4 MR. JORDAN: Needs to be 10 feet to --

5 MR. SOWERS: But how much distance does
6 exist between the lot line you're referring to
7 and the adjoining property building?

8 MR. JORDAN: The lot lines are just a
9 line that separates two properties. I guess I'm
10 not following your question.

11 MR. SOWERS: Well, I'm trying to figure
12 out how much of a fire hazard it is.

13 MR. JORDAN: Well, if the material on
14 his property would catch on fire and it's
15 stacked right against the building to the
16 adjoining property, then it would catch that
17 building on fire.

18 MR. SOWERS: Well, I guess that's my
19 question. Is it stacked against --

20 MR. JORDAN: It is.

21 MR. SOWERS: -- the building on the
22 adjoining property?

23 MR. JORDAN: It is. It is. I've got
24 pictures right here I can show you.

25 MR. SOWERS: Okay.

1 MS. FIELDS: And I think, too, the
2 photos where he's showing the decay, those were
3 from the May 15th inspection that was on the
4 site. We did try to get access to the site to
5 do a follow-up inspection, but were unable to
6 get that accomplished.

7 So the photos that he's showing of the
8 building and the issues, those were from
9 May 15th. The aerial photos that he was
10 referring to at the beginning portion were the
11 March photos from Beacon.

12 MR. SICKMANN: Aaron, that photo was
13 taken from when?

14 MR. JORDAN: This morning.

15 MR. SICKMANN: So just for purposes of
16 our record, I want to reflect that Aaron is
17 handing you a cell phone and you're looking at a
18 photo of the property that we're discussing that
19 was taken this morning. Is that correct?

20 MR. JORDAN: Correct. That's correct.

21 MR. SICKMANN: Okay.

22 MR. SOWERS: I have no further
23 questions.

24 MS. VESSELS: We might ask for you to
25 not vote on this particular property, but there

1 are two other properties, so I believe we can go
2 ahead and state for --

3 MR. HEETER: Are we going to redo the
4 roll call?

5 MS. VESSELS: No. We'll just note for
6 the minutes that one of the members came in
7 late. So I'll ask you to abstain from the vote
8 on this property since you did not --

9 MS. MATHEWS: Okay.

10 MS. VESSELS: -- you're not caught up
11 on this particular property. But we've got two
12 more.

13 MR. HEETER: Do we have anybody else
14 that would like to speak on this property?

15 MS. VESSELS: We're going to -- I'm
16 sorry. We're going to ask -- continue with this
17 line of questioning, I believe.

18 MR. SICKMANN: Actually, no, I don't.
19 I'm fine. But for purposes of our structure,
20 it's my understanding that subsequent to Aaron's
21 testimony, Doug Gardner will present from the
22 fire department's perspective, so it would be --
23 it would make sense to me that we would hold off
24 on any vote and kind of --

25 MR. HEETER: Right. Right. I was

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1 trying to -- was there somebody else to speak?

2 It sounds like the gentleman from the fire
3 department needs to speak.

4 MS. VESSELS: Yeah, unless you have any
5 other questions for Aaron on Aaron's testimony.

6 MR. HEETER: Not at this time. I'd
7 like to hear everybody's input, please.

8 Could you state your name, sir, first
9 just for the record.

10 MR. GARDNER: Douglas Gardner, deputy
11 chief, Richmond Fire Department.

12 MR. HEETER: Thank you.

13 MR. GARDNER: These photos and
14 violations are from the May 15, 2019, inspection
15 on 308 Northwest F Street. International Fire
16 Code 304.1 out of 2012, "Waste accumulation
17 prohibited. Combustible waste material creating
18 a fire hazard shall not be allowed to accumulate
19 in buildings or structures or upon premises."

20 There's an excessive amount of plastic
21 materials stored in and around the building.
22 Many of the stacks are unstable and several have
23 fallen over and/or apart due to weathering.
24 These two photos, the photo on the left is from
25 the interior of the rear structure on the

1 property.

2 You can see that some of the gaylord
3 skids are falling over. And then the one on the
4 right is on the exterior. You can see that the
5 gaylords have been exposed to the weather and
6 are falling apart.

7 315.3 IFC 2012, "Storage in buildings.
8 Storage of materials in buildings shall be
9 orderly and stacks shall be stable. Storage of
10 combustible materials shall be separated from
11 heaters or heating devices by distance or
12 shielding so that ignition cannot occur."

13 Again, you can see here in this photo
14 of the -- the stacks that are fallen over and
15 you see this one here. It's leaning against the
16 other ones that were three to four pallets high.

17 304.1.1 IFC 2012, "Waste material.
18 Accumulation of wastepaper, wood, hay, straw,
19 weeds, litter or combustible or flammable waste
20 or rubbish of any type shall not be permitted to
21 remain on a roof or in any courtyard, vacant
22 lot, alley, parking lot, open space, or beneath
23 a grandstand, bleacher, pier, wharf,
24 manufactured home, recreational vehicle or other
25 similar structure."

1 These photos, again, are from the
2 May 15, 2009 [sic], inspection. As you see, the
3 left picture would be on the east side of the
4 rear structure on the property. And as you can
5 see in the left -- or the right picture, also,
6 we've got material that is piled outside.

7 315.3.2 IFC 2012, "Means of egress.
8 Combustible materials shall not be stored in
9 exits or enclosures for stairways or ramps."

10 The picture on the left, this door is
11 labeled as an exit. As you can see, that this
12 exit passage is blocked. The picture on the
13 right is also an exit. And you can see where
14 the material is at the bottom of the stairs.

15 1003.6 IFC 2012, "Means of egress
16 continuity. The path of egress or travel along
17 a means of egress shall not be interrupted by
18 any building element other than a means of
19 egress component as specified in this chapter.
20 Obstructions shall not be placed in the required
21 width of a means of egress except projections
22 permitted by this chapter. The required
23 capacity of a means of egress system shall not
24 be diminished along the path of egress travel."

25 1005.4 IFC 2012, "Continuity. The

1 capacity of the means of egress required from
2 any story of any building" -- "of a building
3 shall not be reduced along the path of egress
4 travel until the arrival at the public way."

5 1003.3.4 IFC 2012, "Clear width.
6 Protruding objects shall not reduce the minimum
7 clearance width of accessible routes."

8 As you can see, that the accessible
9 route on this one has been diminished, also.

10 315.4 IFC 2012, "Outside storage.
11 Outside storage of combustible materials shall
12 not be located within 10 feet of the lot line."

13 This aerial photograph was pulled off
14 of Beacon, which Beacon also states that the
15 markings of the property lines could be off just
16 a little bit, depending on angle. As you can
17 see here, we have materials stacked adjacent to
18 the property lines on three sides of the
19 property. And the photos that I showed previous
20 would be this building here at the rear. This
21 property has two structures on it.

22 906.2 IFC 2012, "General requirements.
23 Portable fire extinguishers shall be selected,
24 installed, and maintained in accordance with
25 this section and NFPA 10."

1 Under 6.91 IFC 2012, "Extinguishers
2 weighing 40 pounds or less, portable fire
3 extinguishers having a gross weight not
4 exceeding 40 pounds shall be installed so that
5 their tops are not more than 5 feet above the
6 floor."

7 These photos were taken inside the rear
8 building on May 15, 2019. The photo on the left
9 shows two fire extinguishers laying there on the
10 floor. The photo on the right shows a fire
11 extinguisher that is mounted, but is in
12 violation of being readily accessible. Here's
13 two more photos. You can see on the photo on
14 the right we have one sitting there on a window
15 or shelf.

16 1006.1 IFC 2012, "Illumination
17 required. The means of egress, including the
18 exit discharge, shall be illuminated at all
19 times the building space served by the means of
20 egress is occupied."

21 As you can see, this path of egress is
22 not illuminated.

23 And then we got 675 IAC 12-4-9,
24 "Maintenance of buildings and structures.
25 Building and structures, and any part of the

1 permanent heating, ventilation,
2 air-conditioning, electrical, plumbing,
3 sanitary, emergency detection, emergency
4 communication, or fire or explosion suppression
5 systems, and all parts thereof, constructed,
6 installed or altered prior to the adoption of
7 applicable rules by the commission or its
8 predecessor agencies (including construction,
9 installation, or alteration prior to the
10 creation of the predecessor agencies) shall be
11 maintained in a condition at least as safe and
12 sanitary as they were when constructed,
13 installed, or altered."

14 These photos here, the photo on the
15 left is from an inspection on 9/10/2018
16 conducted by the state fire marshal's office.
17 The photo on the right is on May 15, 2019. And
18 we can see in this roughly eight-month period
19 that the conditions have remained the same.

20 MR. HEETER: Anything before we see if
21 there's anybody else?

22 MS. VESSELS: Do you have any questions
23 or are there any cross-examination questions?

24 MR. HEETER: Is there any
25 cross-examinations for the fire department's

1 testimony?

2 MR. SOWERS: I have no questions.

3 MR. HEETER: Okay. Thank you. Any
4 questions?

5 MS. WHITEHEAD: I do not.

6 MR. HEETER: Is there anybody else? I
7 just want to hear everybody before I ask a
8 question. That's where I was trying to -- so I
9 want to make sure I'm clear. We're dealing with
10 the entire lot, not just that building?

11 (No audible response.)

12 MR. HEETER: Okay. And I think I
13 understand the attorney was concerned about
14 whether it was -- the debris was still 10 feet
15 away, but it sounds like there's all kinds of
16 issues inside the building, around the building,
17 so that -- okay.

18 It sounds like they've gotten quite a
19 bit of stuff out of there, but still it -- I
20 thought those were cars around there. That's
21 all the debris that's collected over the years,
22 so -- do you have anything else for us beyond
23 that? Yes, sir?

24 MR. SMITH: It's not debris. It's
25 inventory.

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1 MR. HEETER: Okay. Okay. And your
2 name, sir, just for the record?

3 MR. SMITH: Seth Smith. I'm the owner
4 of the property.

5 MR. HEETER: Okay. Thank you.

6 MS. VESSELS: And so then -- and then
7 they would be allowed to come up and present
8 their evidence --

9 MR. HEETER: Yeah.

10 MS. VESSELS: -- and their case, so --

11 MR. HEETER: Yeah. If you'd like to
12 speak --

13 MS. VESSELS: Yeah. If you don't have
14 any more questions --

15 MR. HEETER: No, I --

16 MS. VESSELS: -- of the administration.

17 MR. HEETER: I'm just at the point now
18 where I'd like to know what your recommendation
19 is if -- unless you have something to say, sir.

20 MR. SOWERS: I think my preference
21 would be to deal with all three properties from
22 the city's side and then we can address them,
23 because they're very similar. And I would tell
24 you that in addressing the other two properties,
25 I would waive the reading of the statutory and

1 code citations. Then we'd need to deal with the
2 facts.

3 And as a preview, I would tell you that
4 Mr. Smith is here to offer his cooperation, but
5 it's going to take some time and he's going to
6 suggest that we prioritize the issues. We also
7 want to report on -- an update on what he has
8 done since some of the inspections.

9 But my preference would be to hear the
10 city's presentation on all the properties and
11 then allow me to address those three -- those
12 three properties together. And I would waive
13 further recitation of the statutory authority
14 because it's going to be pretty redundant, I
15 think.

16 MS. VESSELS: Okay. And I think we can
17 do that. I would need to state that we would
18 probably want to wait and do the recommendations
19 of the administration until after they present
20 their case. And then, also, because we have
21 three separate properties with three separate
22 findings, I still would need the board to make
23 three separate sets of motions.

24 MR. HEETER: At the end?

25 MS. VESSELS: At the end of the entire

1 set. So I think yeah, if you are willing to let
2 us go ahead with the other two properties.

3 MR. SOWERS: I think that would be the
4 most efficient.

5 MS. VESSELS: Yeah. We'll still allow
6 for cross-examination after each speaker.

7 MR. JORDAN: The property at 310
8 Northwest F, as far as the building itself, I'm
9 going to -- I'm going to let the fire department
10 go over all the violations of the IFC on that.

11 But as far as the 310 property, if you
12 look right here, it's the middle property right
13 here to the middle. And here again, this photo
14 was a Beacon photo that was taken on March 23rd
15 of 2019. And I do not have any photos that I
16 took this morning of this property because I
17 couldn't get a -- with all the stuff in the way,
18 you can't really see, but I feel -- I feel that
19 the -- you know, the debris could still be there
20 maybe.

21 But, anyway, on this aerial photo, you
22 can see that the debris is right against the
23 property line. And there's only one building on
24 the premises, which is this building right here.
25 You can see right here, looking at the building

1 from the west -- I mean -- yeah, looking at the
2 building from the west, that you've got
3 materials right against the building to the east
4 and right against the property line here.

5 And as far as this -- these slides
6 right here, the only thing that I had was
7 materials that are close to the property line,
8 which if you go back to the IC 36-7-9-4, which
9 No. 2 says a fire hazard, and 315.4 as far as
10 outside storage, as far as the material being
11 10 feet away from the property line.

12 MS. VESSELS: Is that the only
13 photographs you have?

14 MR. JORDAN: It's just the aerial
15 photos. Yes.

16 MS. VESSELS: Okay. And do you want to
17 address the fact that it's -- well, I guess if
18 you could give testimony on it being debris
19 versus being inventory. What, in your
20 perspective or your testimony, is the
21 difference?

22 MR. JORDAN: Well, there was a lot of
23 cardboard where the -- that the material was
24 built up in that was laying around where it got
25 wet and blowed around. I mean, I would call

1 that debris. But the material itself, even
2 though it looks like debris, I would consider
3 materials since the owner does have an intention
4 of selling them.

5 MR. HEETER: Is there any issues with
6 this structure, or are we just talking about the
7 inventory around the property?

8 MR. JORDAN: There was some minor fire
9 code as far as fire extinguishers and means of
10 egress and stuff like that, but the structure
11 itself is sound.

12 MR. HEETER: Does anybody have any
13 questions? I was going to ask -- before we go
14 to him, I was going to make sure there wasn't
15 any questions. We'd like to hear from the fire
16 department, from Doug again.

17 MS. VESSELS: There needs to be
18 cross-examination.

19 MR. HEETER: Oh, okay. Okay. I'm
20 sorry. Gentlemen, do you have -- do you want
21 some cross-examination at this point?

22 MR. SOWERS: I have no cross for this
23 witness.

24 MR. HEETER: Okay.

25 MR. GARDNER: This is 310 Northwest F

1 from the May 15, 2019, inspection. Again, here
2 are waste accumulation on the property. A
3 little bit more about it. I will explain these
4 pictures here and you'll probably see them
5 again.

6 The picture on the right -- or I'm
7 sorry. The picture on the left is standing at
8 the exit on the east side of the building
9 looking down being diminished and no path
10 through the public way. The picture on the
11 right is towards the rear of the property. As
12 you can see, this chain link fence right here is
13 the property line that goes from 310 into the
14 rear of 308 Northwest F. Obviously this
15 material is stacked against the fence.

16 We talked about the means of egress,
17 clear width, and continuity of egress. Again,
18 here's that picture from the east exit and this
19 is looking once you get past this, continuing
20 towards the public way. Pictures here refer to
21 also storage of -- within 10 feet of the lot
22 line. Again, the fence. This is looking back
23 towards the fence or this opening. And so the
24 fence is right in here on the right side of the
25 photo.

1 Here is the aerial view from Beacon.
2 And just to clarify something, this bare spot
3 right here is a large mound of dirt with an
4 asphalt ramp that goes up and down from the
5 previous tenants of the property. So,
6 therefore, there's nothing that is stacked on
7 this because of the stability of it and the
8 slope.

9 Fire extinguishers. During the
10 inspection on May 15th, several fire
11 extinguishers were noted sitting in an office
12 area on the floor and none were noted elsewhere
13 in the facility. I did not photograph this
14 because it was in the office area and I did not
15 want to photograph Mr. Smith's desk or office or
16 anything like that. I didn't want any of that
17 in the photographs. 675 on the maintenance of
18 the building structures.

19 MR. HEETER: Do you have any questions?

20 MS. WHITEHEAD: No.

21 MR. HEETER: Did you -- Doug, did
22 you -- okay. So just the fire extinguishers.
23 Any issues with debris in the building, or is
24 that -- the inside of the building okay?

25 MR. GARDNER: The inside of the

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1 building was fairly orderly, as any facility
2 would be. The problem was with the egress from
3 the building.

4 MR. HEETER: Okay.

5 MR. GARDNER: And material on lot lines
6 and fire extinguishers.

7 MR. HEETER: And the material is not
8 too close to the building like the other one?

9 MR. GARDNER: Right.

10 MR. HEETER: Okay.

11 MR. GARDNER: Well, there's no
12 requirement on that setback from the building.

13 MR. HEETER: Okay. So what was the
14 reference to the -- like the 10 feet away?

15 MR. GARDNER: That's the lot line.

16 UNIDENTIFIED SPEAKER: The property
17 line.

18 MR. HEETER: Okay. Okay.

19 MR. GARDNER: Lot lines.

20 MR. HEETER: Thank you. Sir?

21 MR. SOWERS: What was the last date
22 that you viewed 310?

23 MR. GARDNER: May 15th.

24 MR. SOWERS: Okay. That was the last
25 time you were there?

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1 MR. GARDNER: Yes.

2 MR. SOWERS: Thank you.

3 MS. VESSELS: No other questions?

4 MR. HEETER: Is there anybody else here
5 to address this property?

6 So we move on to the next one now, the
7 358 Northwest F Street. So is this kind of
8 right next door or is this further away?

9 MR. JORDAN: It's right to the west.

10 MR. HEETER: Okay.

11 MR. JORDAN: Right next door to the
12 west. The next property is 358 Northwest F.
13 And applicable codes here is 36-7-9 as far as
14 fire hazard. You can see the 315.4 as far as
15 the debris on the property lines. Here's
16 another aerial view.

17 And the different applicable -- it
18 violates (1), (2), (5), (6) of 36-7-9-4,
19 Section 4. And it also violates 150.18 of the
20 City of Richmond Exterior Maintenance Code and
21 it violates Chapter 98 of our description -- our
22 unsafe building code for the City of Richmond as
23 far as definition and description of an unsafe
24 building. It violates our rules of our Fire
25 Safety Building Commission, 675 IAC 12-4-9.

1 And the building in several locations
2 is showing signs of lack of maintenance and is
3 in need of being repaired. The building has
4 several large holes and deficiencies in the roof
5 system and has walls that are leaning outward.
6 The building has locations that masonry wall is
7 cracked and separating.

8 The building has no utilities and
9 sprinkler system is not operating. The building
10 has no emergency lighting and egresses are
11 compromised due to material blocking exits.

12 This is just a couple photographs of
13 the front of the building. Another aerial view.
14 You can see that it's the building here to the
15 far left. If you look right here, you can see
16 the materials to the lot line. And right here,
17 if you look right there on the building on
18 the -- it would be the northeast side -- you can
19 see that the roof is collapsing right there.

20 If you look right here just to the west
21 of it, you can see another area that the roof is
22 sagging. And, also, we'll look at more photos.
23 There's a hole in the roof right here. And all
24 these aerial photos were taken -- were Beacon
25 photos pulled off of Beacon in March of -- 23rd

1 of 2019.

2 Here's another aerial photo. Pretty
3 much the same as the last one. Here's another
4 one looking at the building from the west. You
5 can see the roof structure that is caving in,
6 sinking in right there.

7 Right here is another aerial photo,
8 which we'll look at some more close-ups. And
9 this is on the two long buildings here that run
10 north and south and two warehouse areas. The
11 roof between these two buildings has got several
12 large holes in the roof. And you can see here
13 on the side as far as the amount of debris on
14 the lot line.

15 There's a close-up of one of the holes
16 in the roof. There's a hole right there in the
17 roof and there's another hole in the roof and
18 another hole in the roof right there.

19 All right. Here's another aerial
20 photo. This is looking to the west. You can
21 see the roof structure right here is caving in.
22 And there's a hole right here in the roof. If
23 you look right here, you can see the area right
24 here of the roof structure that it's sagging
25 here and it's sagging right there.

1 This right here is the area that we
2 looked at that -- where the roof structure is
3 collapsing. Right here you can see that the
4 block wall -- the block wall right here on this
5 corner is trying to push out because as the roof
6 is collapsing, it's pushing on this exterior
7 wall. And this exterior wall, as the roof tries
8 to push the exterior wall out, the exterior wall
9 is pushing out the block.

10 This is the same block wall around the
11 corner on the north side of the building where
12 it's trying to push out. You can see that
13 the -- the crack in the block and you can see
14 where the block has been repaired in the past.
15 This has been going on for a few years. In the
16 past, somebody has repaired it, so -- I mean,
17 this crack right here without the repair could
18 be a lot larger crack than what we're looking at
19 right there.

20 This right here is the crack we just
21 looked at right there. This side -- this corner
22 of the building right here is trying to --
23 trying to lean to the east. Right here is the
24 wall. This is the area, again, of the roof
25 collapsing and you can see how much the wall --

1 the upper part of the wall is moving inward.

2 The upper part of the wall is moving inward and
3 the bottom part of the wall is moving outward.

4 There's the area right below it at the
5 foundation where you can see the decay of the
6 wall and you can see -- right there you can see
7 the hole in the roof and the light is coming
8 through. This is the wall to the east, the
9 masonry wall.

10 And you can see -- as this exterior
11 wall right here on the bottom is pushing out,
12 you can see that the masonry right here, the
13 block (inaudible) is cracked open. You can see
14 the gap in the block right here as a result of a
15 focal point of the wall separating.

16 Here's another aerial view of the --
17 another aerial view of the premises. This is
18 another view of the -- also, all these pictures
19 right here, other than aerial views, these
20 pictures were all taken on our May 15th
21 inspection of 2019. This is the block wall
22 right in this area right here that's pushing
23 out, and this is the close-up of the picture
24 that we showed of the exterior wall that's
25 decaying.

1 Here's another close-up picture of the
2 roof structure that's fallen in. Here's some
3 loose brick that -- this right here is directly
4 to the south of the area that we were just
5 looking at in the other part of the building.

6 We've got a chimney cap that it looked
7 like it was dislodged. Here's another aerial
8 photo of the roof. And if you look right there,
9 there's a hole in the roof right there. Here's
10 another one looking from the north looking
11 south. You can see that the roof structure
12 right here that's caving in.

13 You can see the area right here that we
14 talked about earlier in (inaudible) that's
15 sagging right here really bad. There's
16 another -- there's -- as far as the area between
17 the two warehouses, you can see the hole there.
18 You can see another hole there.

19 This is a picture looking from the
20 south. Another picture of the roof collapsing.
21 You can see the hole right there in the wall --
22 I mean a hole in the roof there. This area here
23 is a photo of the -- another photo of the
24 May 15th inspection and this is looking at the
25 loading dock looking north. And the caution

1 tape we had placed there during our inspection
2 because of the brick above this area right here,
3 above the loading dock. The steel lintel that's
4 in this area has become dislodged and allowing
5 the brick to fall.

6 You can see right here this is before
7 the caution tape was put up. If you look right
8 above here in the brick and the brick that's
9 above here, you can see a crack in the brick
10 right there.

11 Here's a close-up. If you look right
12 here at the bottom, there's a steel lintel right
13 here and that lintel right here on the right
14 side connects to that I-beam right there. And
15 this lintel right here has failed and it's
16 dropped and allowing this brick to fall. You
17 can see that section of brick right there has
18 actually become separated and moved out away
19 from the wall.

20 We see a crack in the wall right here.
21 That's a pretty decent size crack, indicating
22 that the brick is dropping. Here's a close-up.
23 You can see that the -- another close-up of the
24 brick separating and, you know, over time this
25 whole brick structure right here is going to

1 fall.

2 And right here, if you look close, you
3 can see probably an inch gap between the steel
4 lintel and the brick facade right there. Right
5 there you can see the gap better. If you look
6 right there toward the bottom, you can see the
7 gap right there between the steel lintel that is
8 to support the brick and the brick itself.

9 We have a broken sprinkler line. And,
10 you know, the building itself, I mean, not to
11 mention all the violations in the building
12 itself (inaudible), it's being used to store
13 material, and the building does not have an
14 operating sprinkler system. And the entire
15 building being used as a storage building
16 without a sprinkler system creates a fire
17 hazard.

18 The building doesn't -- as we indicated
19 earlier, it don't have utilities. There's no
20 lights in the building. There's no emergency
21 lighting. So --

22 MS. WHITEHEAD: Aaron, how many
23 structures are on the 358 Northwest F Street
24 property?

25 MR. JORDAN: 358 are all one structure.

1 I mean, if you go back several years ago and
2 looked at it, it had been added on to at one
3 time. There was a building to the east and
4 there was a building to the west. And at some
5 time, the past property owners have obtained
6 both properties and connected all the buildings
7 together. So right now they look like one
8 building.

9 MS. WHITEHEAD: Okay.

10 MR. JORDAN: They're all attached to
11 each other.

12 MS. WHITEHEAD: And what kind of
13 conversations did you have with any owners or
14 any interested parties on the structures?

15 MR. JORDAN: Mr. Smith was present the
16 day of our inspection and the -- he had noted
17 that day that he understood that the building
18 was unsafe and that the utilities weren't on and
19 the sprinkler system wasn't up. And he
20 indicated himself that the wall or roof
21 collapsing, that he was afraid he would walk by
22 it himself.

23 And at that time, our conversation
24 between the City of Richmond and him was that in
25 that area, that he would pull a trailer along

1 the side of the building and that he would
2 put -- that he would put some crates inside of
3 where the loading dock was falling just
4 temporarily because he said he wanted to demo
5 the whole property.

6 And I know, oh, two or three weeks ago,
7 I was in the area of the building. Maybe a
8 month ago. I can't -- I didn't (inaudible)
9 drive-by and the trailer and the crates weren't
10 there as far as the emergency blocking the
11 buildings in the area.

12 But as my -- today when I drove down
13 Northwest F Street, I noticed that the trailer
14 and the crates were in the area that were
15 blocking the areas and could fall, which
16 (inaudible) that was just emergency-wise because
17 Mr. Seth indicated that he needed access to get
18 all the material out of the warehouses because
19 he was wanting to vacate the buildings.

20 MS. WHITEHEAD: So -- and then you also
21 said -- you did confirm that the other
22 photographs were from the May 15th, but then the
23 Beacon property photographs were still from the
24 March date?

25 MR. JORDAN: Right.

1 MS. WHITEHEAD: And so we wouldn't have
2 any way of getting updated aerials for that
3 until Beacon updates its system?

4 MR. JORDAN: I will say that as far as
5 the structure itself, no building permits or
6 anything like that has been pulled on the
7 building. So I feel confident that no work has
8 been done to the structure of the building.
9 There's been no building permits as I know of.
10 There's been no fire -- fire detection or fire
11 (inaudible) or anything like that.

12 MS. WHITEHEAD: I don't have any more
13 questions.

14 MR. HEETER: Cross-examination? Sir,
15 do you have any --

16 MR. SOWERS: No cross.

17 MR. HEETER: And the fire department,
18 do you have -- Doug, do you have some input on
19 this one?

20 MR. GARDNER: Yeah. This, again, is on
21 May 15, 2019, when the inspection of this
22 property was conducted. And I wanted to note
23 limited access to this building was allowed due
24 to accumulated contents in and around the
25 structure and owner's willingness to allow full

1 access to the structure.

2 Again, 304.1, 304.1.1, here's some
3 photographs from that. The photo on the top
4 left is on the west side of the structure. The
5 other two are on the east side in the back part
6 of that (inaudible) building.

7 Here's photos from the interior. We
8 were allowed to go into an office area into the
9 second floor and kind of look out. That's what
10 this photo is here, is looking north into the
11 warehouse from that office area. As you can
12 see, there's no accessible aiseways or
13 anything. This photo here is in the -- on the
14 bottom left is the northeast part of the
15 building. These two photos on the right are
16 from the southwest corner of the building.

17 315.3, storage in buildings. I can see
18 that there's -- shall be orderly and stable --
19 limited (inaudible) and access.

20 Means of egress. As you can see, this
21 is a set of stairs that goes upstairs into the
22 warehouse. It is blocked here. Also, along
23 this building here, you can see from the aerial
24 photographs that it's stacked all the way along
25 the building, blocking the exit out there.

1 Outside storage. Just for reference,
2 some of those photos were right here in this
3 area here. That was the furthest we could get
4 back. And then the others were in this area
5 right here with no access ramp.

6 904.1 -- this is from the roof. 904.1
7 IFC 2012. "Installation. Fire protection
8 systems shall be maintained in accordance with
9 the original installation standards for that
10 system. Alterations to fire protection systems
11 shall be done in accordance with the applicable
12 rules of the commission."

13 901.6 IFC 2012, "Inspection, testing
14 and maintenance. Fire detection and alarm" --
15 I'm sorry -- "Fire detection, alarm, and
16 extinguishing systems, mechanical smoke exhaust
17 systems, and smoke and heat vents shall be
18 maintained in an operative condition at all
19 times, and shall be replaced or repaired where
20 defective. Non-required fire protection systems
21 and equipment shall be inspected, tested and
22 maintained or removed."

23 So this is on the interior of the
24 building of 358 up in the office area. We have
25 a sprinkler head here that is missing the glass

1 bulb, indicating that it has either went off or
2 it's been shut down and broke (inaudible). This
3 is on the outside of the building. This is the
4 post-indicator valve. This is a valve that is
5 to remain open to supply water to the fire
6 protection system.

7 Again, here we have exterior sprinkler
8 that is underneath the canopy. We have broken
9 lights here. This is a photograph of the fire
10 department connection. Missing caps and stuff
11 here.

12 906. On the fire extinguishers, we see
13 that we're missing a fire extinguisher here.
14 Again, on the main egress.

15 MS. VESSELS: Doug, can I interrupt?
16 Back to the outside picture, you didn't mention
17 it, but it said the word "shut." And you said
18 that was to remain open, so --

19 MR. GARDNER: Right.

20 MS. VESSELS: -- is that telling you
21 then that it is, in fact, not open?

22 MR. GARDNER: Yes. Yes. So what this
23 is, is a post-indicator valve. As you turn the
24 top of it, this will either say open or shut in
25 the window here. And this is indicating that it

1 is shut. There's a handle that goes over the
2 top of that that comes down that is required to
3 have a (inaudible) lock on here or a tamper
4 switch. And that prevents anybody from just
5 walking along and shutting it, so --

6 MS. VESSELS: Thank you.

7 MR. GARDNER: Here's some photographs
8 of the inside again. 1006.1 IFC 2012,
9 "Illumination required," the means of egress,
10 anytime the building is occupied. During the
11 inspection on May 15th, Mr. Smith told me that
12 there were no utilities to the structure.

13 Therefore, that indicates that we have
14 no electric for emergency lighting. We have no
15 electric for smoke detection. We have no
16 electric for water for fire protection systems.

17 This explains the requirements for
18 emergency power. 675 is on the maintenance of
19 the buildings again. Here's a photograph from
20 September 10, 2018, from the state fire
21 marshal's office and the photograph that I took
22 on May 15th.

23 This was an air plume study that I had
24 NOAA do for me last week, and they selected four
25 different days with four different wind

1 directions. This was just for information.
2 Just for a reference of the materials, they done
3 the study on the three properties combined as a
4 smoke plume of unknown particles in the air. As
5 you can see, here is the reservoir. Here is the
6 new Reid Hospital. So when we look at this, we
7 look at possible evacuation areas. And we've
8 done this for four wind directions.

9 MR. HEETER: What were the different
10 colors? What do they represent?

11 MR. GARDNER: The density of particles
12 in the air.

13 MR. HEETER: Okay. So the darker in
14 the center is the --

15 MR. GARDNER: Correct. Yeah.

16 MR. HEETER: And what kind of hazard
17 does that --

18 MR. GARDNER: We done it on an unknown
19 particle -- unknown material that was burning.

20 MR. HEETER: So it's --

21 MR. GARDNER: So --

22 MR. HEETER: So there was a fire on the
23 property then?

24 MR. GARDNER: If we had a fire, yeah.

25 MR. HEETER: Okay. If they had a fire.

1 MR. GARDNER: (Inaudible) particles in
2 the atmosphere.

3 MS. WHITEHEAD: Can you --

4 MR. GARDNER: We have a complete study
5 that shows it has to travel (inaudible).

6 MS. WHITEHEAD: Doug, can you maybe
7 expand or elaborate some more on the response in
8 case there is a fire, what that would entail or
9 what that would consist of?

10 MR. GARDNER: Yeah. (Inaudible)?

11 MS. WHITEHEAD: Sure.

12 MR. GARDNER: So on the properties
13 that's listed (inaudible) today, they've done an
14 incident pre-plan from the fire department's
15 perspective on resources needed. Some of our
16 concerns on these is access in and around the
17 structures. Let me back up here so you
18 understand what I'm talking about.

19 So in getting access around to the rear
20 parts of the structure, this right here is a
21 railroad track, which renders it impossible just
22 about to come in the backside here. This is
23 Northwest F Street. From this aerial
24 photograph, there's no access to the sides of
25 the building. And this is continued through all

1 the properties.

2 We look at fire flow, fully involved,
3 gallons per minute needed, resources needed,
4 water available, evacuation areas, depending on
5 wind direction. It's a multi-agency possibility
6 with, you know, the health department, emergency
7 management, local departments outside the City
8 of Richmond. Looking at toxins and stuff like
9 that.

10 And the way we do this is by this and
11 also in recent history of incidents throughout
12 the country or around the world. And in the
13 recent years -- the past couple years, there's
14 been a fire at a storage recycling facility in
15 Australia that had a lengthy fire ground
16 operation upwards to close to two weeks of that.
17 There was one in Parkersburg, West Virginia,
18 that lasted for over eight days. The one in
19 Australia was June this year.

20 We look at the after-effects and we
21 look at runoff of contaminated water from the
22 suppression efforts. And then we also look at
23 the lack of fire protection and fire detection.
24 In a situation like this with the 358 building,
25 it was designed and intended with a suppression

1 system and a detection system. Those work to
2 get ahead of the game if a fire did occur.

3 With no detection system, that's a
4 delay in notification, meaning that it could
5 possibly be through the roof, through the
6 windows, or whatever before somebody called it
7 in. A suppression system is designed to
8 suppress the fire and slow the spread of fire
9 once detected. So, therefore, with no detection
10 system, we don't have that or fire protection
11 system and it allows that fire to grow more
12 rapidly than (inaudible).

13 MR. HEETER: So there's nothing to
14 contain it and then you don't find out about it
15 very quickly, it sounds like?

16 MR. GARDNER: Right. You know, if it's
17 during the day, it's probably going to be more
18 easy to spot it because we have more people out.
19 Mr. Smith may be there and notice it. Or if
20 it's at night, the amount of people that are
21 out --

22 MR. HEETER: Right.

23 MR. GARDNER: -- in the middle of the
24 night --

25 MR. HEETER: I was going to say I know

1 from personal experience when you have a system
2 in place, you guys come out, like, immediately,
3 before it --

4 MR. GARDNER: The system is designed to
5 have flow detection, sprinkler detection, smoke
6 detection, and those are all set in standards in
7 NFPA 13 on transmitting, the forms of
8 communication, and all that.

9 MR. HEETER: Are there other properties
10 that are around it that you would consider in
11 danger in that case? I mean, it's spreading,
12 you know, to businesses or other properties?

13 MR. GARDNER: Anything in the immediate
14 area. It's weather-dependent, also. You know,
15 wind travel, wind speed, you know, that plays
16 into it. If it's contained in the building or
17 it's on the lot, you know, all of that, it's all
18 taken into effect. And depending on the size of
19 the fire (inaudible) then would determine what
20 we determine would be an immediate threat.

21 MR. HEETER: Any questions? Sir, did
22 you want to cross-examine?

23 MR. SOWERS: I have a couple questions.
24 With respect to the red indicator valve that was
25 shown outside the 358 building that was

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1 indicated shut, do you know who shut that off?

2 MR. GARDNER: No, I do not. I would
3 say that it's probably Mr. Smith. He's
4 responsible for them.

5 MR. SOWERS: I'm informed that the fire
6 department actually turned that off. Do you
7 think that could be correct?

8 MR. GARDNER: I cannot state that.

9 MR. SOWERS: With respect to the fires
10 in Australia and Parkersburg, West Virginia,
11 it's true those were chemically related fires,
12 were they not?

13 MR. GARDNER: I cannot relate to that.
14 One was a storage recycling facility.

15 MR. SOWERS: That involved chemicals?
16 You don't know?

17 MR. GARDNER: I do not.

18 MR. SOWERS: No further questions.

19 MR. HEETER: Sir, did you have
20 something you wanted to add?

21 MR. SMITH: When the alarms went off
22 when the -- when the previous owner left the
23 facility --

24 MR. HEETER: What year was that
25 approximately?

1 MR. SMITH: That would have been about
2 2011.

3 MR. HEETER: Okay.

4 MR. SMITH: When they left --

5 MS. WHITEHEAD: Can you come to the
6 podium, please, sir?

7 MR. SMITH: When the previous owner of
8 the property left the property, that winter,
9 along about December, the fire -- all the fire
10 suppression systems froze and busted. The fire
11 department responded. Water was gushing in the
12 building, out on the street, so they shut the
13 fire service off themselves to stop the water
14 flow at that time. I wasn't in the building at
15 that time.

16 MR. HEETER: Right.

17 MR. SMITH: So I didn't have anything
18 to do with turning that off. And the system --
19 after they left the building, the people that
20 they hired to auction off all of their assets
21 went in and cut most of the large steel pipes
22 down. They completely destroyed the fire system
23 itself. So there's large -- very large
24 sections, hundred-foot sections, of piping
25 missing from the -- from the sprinkler system.

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1 MR. HEETER: So it sounds like that
2 thing almost -- it would -- we would surmise
3 that has to be off? It has to be shut because
4 it's got no place to flow to now, right?

5 MR. SMITH: Right. That's correct.

6 MR. HEETER: Okay. Have you had that
7 system checked since you've -- since you took
8 ownership of it?

9 MR. SMITH: I myself --

10 MR. HEETER: Have you had maintenance?

11 MR. SMITH: I myself did a review of
12 what was there and what it would take to do it.
13 And basically there's no fixing that system.
14 And so it's in -- like I said, it's been cut out
15 of it.

16 MR. HEETER: Okay. So you --

17 MR. SMITH: Many sections, but the main
18 section --

19 MR. HEETER: Right.

20 MR. SMITH: -- that brought the water
21 in, many of the fingers that go out into the
22 building --

23 MR. HEETER: So you --

24 MR. SMITH: Scrap prices were high at
25 that time.

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1 MR. HEETER: Absolutely, yeah.

2 MR. SMITH: So they went in and cut
3 everything that was accessible down and took it.

4 MR. HEETER: So you do agree there's no
5 fire suppression system in there at this point?

6 MR. SMITH: Absolutely.

7 MR. HEETER: Are you planning on
8 putting one in or what's your --

9 MR. SMITH: If, in fact, I can gain --
10 attain ownership -- well, I'm going to leave
11 that for George.

12 MR. HEETER: Okay.

13 MS. VESSELS: And we do have one more
14 witness that wants to testify about some things,
15 unless there were any other questions of Doug
16 Gardner.

17 MR. HEETER: Did you have anything
18 else, sir? Okay. Beth?

19 MS. FIELDS: I just wanted to go on the
20 record. We did request and do the inspection on
21 May 15th. Attorney Sickmann did reach out to
22 try to schedule a follow-up inspection prior to
23 this hearing so that we could take additional
24 photographs from the same images that we had so
25 that we could do a side-by-side to show what

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1 work had been done in the last four months. But
2 we were denied the ability to do that follow-up
3 inspection, so we have not been able to do that
4 at this time.

5 MR. HEETER: Is there a reason for
6 that? Just curious.

7 MR. SOWERS: That really would be part
8 of my presentation, but I had requested a
9 further extension to do that. As I can tell you
10 when it becomes my turn, there's a great deal of
11 work to do and Mr. Smith is willing to do that
12 and would like to establish a plan and work with
13 the city establishing priorities. It can't all
14 be done at once. And there are many complicated
15 issues. And so I would simply -- I had asked
16 for an extension before we did another
17 inspection.

18 MR. HEETER: You asked for this in May
19 then?

20 MR. SOWERS: I asked --

21 MS. WHITEHEAD: No. Recently.

22 MR. SOWERS: I've asked for it during
23 this -- earlier this month.

24 MR. HEETER: Okay. So what was the --

25 MR. SOWERS: The first notice of this

1 hearing was dated July the 15th -- August 15th.
2 I've got it in my file. It wasn't signed until
3 later. It wasn't received and -- anyway, there
4 was a very short period. I asked for this
5 hearing to be continued. It was continued.

6 Mr. Sickmann asked for an inspection
7 about two weeks ago and I asked for additional
8 time because there's more work to do. And I'm
9 going to propose that we try to set up a
10 schedule of priorities with regular inspections
11 and reports and try to overcome some of these
12 hurdles. And I want to give you some of the
13 background for this business and some of the
14 complications, but that's really not
15 cross-examination at this point.

16 But yes, there was a request and I
17 didn't agree to it. I asked for more time and
18 Mr. Sickmann didn't agree to that.

19 MR. HEETER: Okay.

20 MR. SOWERS: So here we are.

21 MR. HEETER: Okay. Okay.

22 MR. SOWERS: In fact, I think it was
23 last Friday he said no --

24 MR. HEETER: Okay.

25 MR. SOWERS: -- we're having the

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1 hearing today.

2 MR. HEETER: Right. Right. And I
3 suspect that's what we're going to discuss now.
4 Are we --

5 MS. VESSELS: I think we're done as far
6 as --

7 MR. HEETER: Are we ready for his
8 presentation?

9 MS. VESSELS: Yeah. We don't have any
10 other testimony unless you've got any other
11 cross-examination.

12 MR. HEETER: Do you two have any
13 questions before we proceed? Anything else?

14 MR. SOWERS: As I indicated earlier,
15 Seth Smith is the owner of Cornerstone Trading
16 and he's here to tell you he wants to work with
17 the city. It seems to become a little more
18 adversarial than I think it should be.

19 There are things to be done and he
20 doesn't deny most of those things. In fact,
21 after the inspection on May 15th, when nine
22 people showed up at his business, which was a
23 little overwhelming, he was promised a report.

24 And eventually, about a month ago when
25 I requested, Kim Vessels gave me a summary with

1 ten color photographs that were attached to an
2 e-mail. I don't have a color printer, so I
3 don't have those. But we certainly didn't get
4 all the material that was presented today. And
5 that would have been helpful. And, hopefully,
6 after this hearing we can get that, too, so we
7 can go down that list.

8 Seth started in the recycling business
9 32 years ago at the suggestion of Charlie Mosey,
10 who was his mentor. Charlie helped him get
11 started. And he's been in the business of
12 receiving and selling recyclables. And what
13 you -- it bothers Seth when it's called waste,
14 because to him it's his inventory.

15 MR. HEETER: Right. Absolutely.

16 MR. SOWERS: Right down to the
17 cardboard that was referred to as waste. He
18 packages the cardboard up after he takes the
19 plastic recyclables out and sells or gives the
20 cardboard to the recycling center.

21 MR. HEETER: And you had said something
22 about he's had like 140 tons or something? So
23 many tons already removed here in the last --

24 MR. SOWERS: Well, in his career, Seth
25 tells me he's processed and shipped 425 million

1 pounds of plastics. 15 million of those pounds
2 came from Wayne County. He receives plastic
3 product from Johns Manville and from Transilwrap
4 and other local businesses, and that keeps them
5 out of our landfills.

6 MR. HEETER: So is -- the inventory,
7 slash, debris on the property, is that something
8 that's like inventory that's turning; so it's
9 coming in, it's going out?

10 MR. SOWERS: It is. It's a little more
11 complicated. At the end of '15, Seth became
12 very seriously ill and his employees were not
13 entirely honest. They didn't run the business
14 well. Seth ended up filing a Chapter 11
15 bankruptcy. Used to be called My Way Trading.

16 MR. HEETER: In 2015, did you say?

17 MR. SMITH: At the end of 2015, I was
18 diagnosed and it took me two years to get myself
19 back to a healthy (inaudible).

20 MR. HEETER: So you were back in the
21 business in 2017?

22 MR. SMITH: First of -- like March of
23 2018.

24 MR. SOWERS: The Chapter 11 was
25 eventually dismissed. Seth got refinanced by a

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1 local bank and he's been back in business now
2 since March of '18. I mean, the business was
3 always there, but when you're a small operator,
4 businesses don't run themselves very well when
5 you're not there.

6 MR. HEETER: Right. How many employees
7 does he currently have?

8 MR. SOWERS: He has nine employees,
9 including himself and his wife.

10 MR. HEETER: Okay.

11 MR. SOWERS: So he has seven other
12 employees. In any event, over the course of
13 that time, he's processed that 425 million
14 pounds of plastic. Starting back in about
15 March, he began receiving orders -- there
16 were -- most of this plastic -- I would say all
17 of it -- he can correct me -- is sent overseas.
18 Earlier on, it was China. China doesn't buy
19 plastics anymore.

20 MR. HEETER: Right. Right.

21 MR. SOWERS: But he has other markets.
22 And the market has actually been better
23 recently. It's shipped overseas by boat in what
24 are called shipping containers. To me, they
25 look like the back -- it looks like a

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1 semi-trailer to me.

2 MR. HEETER: Right. Right.

3 MR. SOWERS: And they're loaded on a
4 trailer bed. And he tells me each of those
5 contain 40,000 pounds of material.

6 MR. HEETER: How many -- just curious,
7 how many has he shipped out since he started
8 back in March of '18?

9 MR. SMITH: That would be the 140.

10 MR. HEETER: 140,000 or --

11 MR. SOWERS: 140 containers.

12 MR. HEETER: 140 containers. Okay.

13 MR. SOWERS: And he --

14 MR. SMITH: That number seems -- that
15 number of 425 million pounds does not include
16 2018 and 2019 --

17 MS. VESSELS: Sir, we need the speakers
18 at the podium because we're trying to pick up
19 the audio.

20 MR. SOWERS: I'll let Seth fill in.

21 MR. HEETER: Okay.

22 MR. SOWERS: I would welcome that you
23 ask him questions.

24 MR. HEETER: Right. Absolutely.

25 MR. SOWERS: In the process of his

1 being absent, the -- his inventory accumulated.
2 The market wasn't too good either. The market
3 is now better. The other complicating factor is
4 the recyclables. If you've ever flown standby,
5 well, recyclables sort of go on boats standby.
6 And Seth can load those containers when there
7 are empty containers that arrive for him to
8 load. And so he's been --

9 MR. HEETER: So he's having trouble
10 getting containers in to load? Is that what
11 you're saying?

12 MR. SOWERS: Pardon me?

13 MR. HEETER: Are you saying he was
14 having trouble getting enough containers in to
15 load --

16 MR. SOWERS: That's not --

17 MR. HEETER: -- the inventory?

18 MR. SOWERS: Containers are not always
19 available. That's correct. As -- when I talked
20 to him last Thursday or Friday, he had four
21 containers available for Friday and four for
22 Monday. And he was driving a forklift to try to
23 help get them loaded.

24 MR. HEETER: Right. So he's got four
25 containers that he's loading right now is what

1 you're saying?

2 MR. SOWERS: Those are all -- those
3 have all been --

4 MR. HEETER: Those are all done?

5 MR. SMITH: (Inaudible.)

6 MR. HEETER: How many -- just curious,
7 how many container loads has he got -- how many
8 container loads has he got scheduled that
9 he's -- I mean, how much of this stuff that the
10 city is concerned about is going to be -- is
11 waiting on containers to get out -- to move out
12 of there?

13 MR. SMITH: I have orders for another
14 hundred containers, which will -- as the -- the
15 original containers did make the difference in
16 what we have from those pictures --

17 MR. HEETER: Right.

18 MR. SMITH: -- to what is now, it will
19 continue that same thing. It will give me an
20 ability to meet some of these requirements
21 they're asking for.

22 MR. HEETER: Okay. That's probably
23 going to be part of your plan, I would guess?

24 MR. SMITH: Yes.

25 MR. SOWERS: After the -- an earlier

1 visit, I believe in late April, it was Seth's
2 belief that the immediate need was to clear
3 aisles and to get the plastic materials away
4 from the buildings. He's worked on that.

5 As we listened to the direct
6 examination this morning, Seth said he didn't
7 understand that they wanted it 10 feet back from
8 the property lines. That's something he could
9 work on. And that's -- that's how -- setting
10 some priorities and biting these chores off one
11 at a time, I think, would be helpful.

12 Complicated by that, Seth has been on
13 Northwest F since the late '90s. And his
14 building is next to the Hoffco buildings.
15 Hoffco left in the early 2000s and they
16 basically abandoned the building and salvaged
17 all the salvage materials, including the metal
18 and the copper in the sprinkling systems.

19 Seth began the process of -- those
20 buildings have not had -- are delinquent with
21 property taxes. Seth began the process of
22 acquiring those buildings from the
23 commissioners. And that came to a -- ground to
24 a halt with his illness and the bankruptcy.

25 And he now needs to resume that

1 process. There's a petition for waiver of
2 property taxes to acquire those buildings that
3 is available, and I was working with Ron Cross
4 on that and we now need to resume that. So one
5 of the issues is he needs to gain title to the
6 358 building, the Hoffco buildings --

7 MR. HEETER: 358 is the Hoffco
8 building?

9 MR. SOWERS: Yeah.

10 MR. HEETER: Okay.

11 MR. SOWERS: -- before he spends too
12 much money on it. His -- he thought his first
13 priority was getting aisles around the
14 buildings. And at the request of Mr. Jordan, he
15 did put semi-trailers along the rear -- the east
16 rear wall where -- that was -- that was a
17 temporary stop until things could be done.

18 He's also put Ropak cases in front of
19 the loading dock to keep people back, at the
20 request of Mr. Jordan. He's done that. That's
21 temporary, but it helps prevent some emergency
22 accident happening.

23 So what Seth would propose is that we
24 set a list of priorities, to meet with Aaron and
25 the fire department and try to schedule --

1 create a schedule and have regular views. He
2 would also invite the three of you to come out
3 and look at the plant. I don't think pictures
4 often -- pictures can show what you want them to
5 show sometimes. And, again --

6 MR. HEETER I don't know if it's
7 appropriate now, but may I ask -- one question
8 I'm going to have is has Mr. Smith communicated
9 with you over --

10 MR. JORDAN: I haven't had --

11 MR. HEETER: Have you guys --

12 MR. JORDAN: -- contact with Mr. Smith
13 since the May 15th inspection.

14 MR. HEETER: Okay. So prior to that,
15 was there contact?

16 MR. JORDAN: No. That was my first
17 time meeting him.

18 MR. HEETER: Okay. Had you tried to --
19 just curious, had you tried to contact him or
20 was there -- was it -- or was it appropriate
21 or --

22 MS. VESSELS: I believe that -- and
23 George indicated this earlier. We issued a
24 report. I'm not sure if that report was
25 technically issued or if it was issued as part

1 of the public records request. That's
2 information I don't really have, but --

3 MR. HEETER: Did this not come up on
4 the city's radar until a certain period of time
5 maybe or --

6 MS. VESSELS: But as -- well, but as
7 far as having a plan of action now, I think
8 that's important to focus on.

9 MR. HEETER: Okay.

10 MR. GARDNER: The fire department and
11 the state fire department was in there, you
12 know, months before I was.

13 MR. HEETER: Okay.

14 MR. GARDNER: So I was kind of on the
15 later end of the inspections.

16 MR. HEETER: Okay. Yes, sir?

17 UNIDENTIFIED SPEAKER: (Inaudible.)

18 MR. SOWERS: During the past year, Seth
19 has been inspected by IDEM, Indiana Department
20 of Environmental Management. They came to
21 inspect the soil samples and they came to
22 inspect for toxic materials in the inventory.
23 They didn't find any problem. He's been
24 inspected by the state fire marshal. I think
25 they've deferred to local authorities. He's

1 been inspected by OSHA. And then on May 15th,
2 there were nine people that showed up on his
3 property.

4 MR. HEETER: Nine people from the city
5 or --

6 MR. SOWERS: Yes.

7 MR. HEETER: That was -- okay. That
8 was the inspection. Okay.

9 MR. SOWERS: And it was suggested that
10 he would get a full report. And I got a summary
11 from Kim when I requested it. Kim was most
12 cooperative. We didn't have anything like what
13 we've heard this morning. And Seth said if we
14 had had these itemizations, it would be helpful.
15 And I would request that we do get that so that
16 we can work with the city.

17 MR. HEETER: Now, these reports that
18 this gentleman is talking about that he's got
19 from the state, do we have those or -- I mean on
20 the city or are they relevant?

21 MS. VESSELS: I don't know that we have
22 them. I'm not even sure that we would
23 necessarily need them.

24 MR. HEETER: Okay. That you would need
25 them.

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1 MS. VESSELS: It would be public
2 record.

3 MR. HEETER: Okay.

4 MS. VESSELS: Unless George would enter
5 them into evidence, I don't know that we would
6 have them or would need to enter them --

7 MR. HEETER: Okay.

8 MS. VESSELS: -- on the record.

9 MR. HEETER: Okay. Sir, are we okay?
10 Are we fine with moving -- is the recommendation
11 going to be that we're -- I'm sorry.

12 UNIDENTIFIED SPEAKER: (Inaudible.)

13 MR. HEETER: Okay. Sorry.

14 MS. VESSELS: We're just -- yeah, we're
15 going to let them present their case and --

16 MR. HEETER: Okay.

17 MS. VESSELS: -- then we want to have
18 the recommendation at the conclusion of that.

19 MR. HEETER: Okay.

20 MR. SOWERS: Okay. There was
21 correspondence directed to me by A.J. Sickmann
22 on behalf of the city regarding Cornerstone on
23 April 16th. And in addition to a lot of
24 concerns, there are nine numbered concerns. And
25 I responded to Mr. Sickmann on May the 3rd, and

1 Seth was able to cure some of the easy ones
2 fairly quickly.

3 And then I got a follow-up request --
4 or, actually, I didn't get a request. I got the
5 notice of this hearing. And I did receive the
6 report that Kim Vessels gave me. I don't know
7 if you have that correspondence in your file or
8 not, but I would be happy to provide those
9 things to you so that you can see the
10 correspondence that has occurred.

11 MS. VESSELS: I'm not sure if I've got
12 it, Mr. Sowers. I -- we've got separate public
13 records files.

14 (Inaudible conversation occurring.)

15 MR. SOWERS: And then my response -- if
16 you review my response, you would see there was
17 a -- we were predicting we were going to have
18 more containers shipped than we -- we didn't
19 meet the deadline. And that was because of the
20 availability of containers. Then as the report
21 from the different inspections (inaudible) these
22 were documents (inaudible).

23 Now, there has been e-mail
24 correspondence between A.J. and me, and that was
25 related to a follow-up inspection. And we know

1 that we haven't solved many of these problems.
2 We're willing to work on them. And I had simply
3 asked to postpone that inspection. And I guess
4 time ran out and -- I also asked that this
5 hearing be postponed, and A.J. declined to do
6 that. And I'm not quarreling with that, but it
7 didn't allow time for an inspection.

8 With that, I wanted to give you the
9 overview of the complication of the -- the
10 Hoffco buildings, which are in the name of AFG,
11 I believe, which Seth is using and has
12 petitioned for tax waiver, but we need to
13 reactivate that petition now that he's back on
14 the road, out of the bankruptcy, refinanced, and
15 is marketing a lot of material.

16 MR. HEETER: Did you -- I wasn't clear.
17 Did you say that the issue is you're working on
18 gaining ownership or you're just -- does he own
19 that building, the Hoffco building?

20 MR. SOWERS: He does not. We have
21 petitioned -- we petitioned for the buildings
22 back --

23 MR. HEETER: Does the city own that
24 building then is what --

25 MR. SOWERS: Well, they're in

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1 never-never land. They've gone up --

2 MR. HEETER: Oh, okay. It's a --

3 MR. SOWERS: They've gone up for tax
4 sale.

5 MR. HEETER: Right.

6 MR. SOWERS: But for technical reasons,
7 the commissioners have control of them, but they
8 don't have title because they don't want the
9 responsibility. So they're waiting for a sale
10 to another purchaser. And there is a special
11 proceeding in which you can waive many of the
12 property taxes, because the buildings aren't
13 worth even what the taxes are owed --

14 MR. HEETER: Right.

15 MR. SOWERS: -- on them. But that --
16 that got stalled out because of health problems,
17 bankruptcy, and I need to --

18 MR. HEETER: So you're trying to
19 restart that?

20 MR. SOWERS: We need to restart that.

21 MR. HEETER: And you haven't -- they
22 have -- the city hasn't addressed it with you
23 yet is what you're saying?

24 MR. SOWERS: No.

25 MS. WHITEHEAD: The county.

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1 MR. SOWERS: This would be --

2 MR. HEETER: Or the county.

3 MR. SOWERS: This is with the county.

4 MR. HEETER: Okay.

5 MR. SOWERS: This is the county

6 commissioners and the county auditor. Our

7 petition was filed with the county auditor.

8 It's actually a proceeding that is rarely used.

9 And I believe even Mr. Cross, the county

10 attorney, who is quite experienced, had not done

11 one before. And so we were working together to

12 process that. And we need to get that back on

13 track.

14 I'd be happy then to let Seth tell you

15 what he has done as a result of the inspections,

16 and you will see in my letter which I sent to

17 A.J. that the initial inspection -- the initial

18 letter, April 16th, was concerned mostly about

19 all of the stock around the buildings.

20 And then Items 7, 8, and 9 were cured

21 very quickly. And I reported that to A.J. I

22 gave him a report on the containers to be

23 shipped and we did not meet that schedule

24 because of the availability of containers. But

25 we have even more orders now to ship even more

1 loads.

2 And so what I would like to do then is
3 make Seth available to you to answer factual
4 questions you may have. And I would also tell
5 you that he has three of his business neighbors
6 here, not necessarily because they want to talk,
7 but to show support, because they do support
8 him.

9 They will tell you that before Seth
10 took possession of the Hoffco building, there
11 were vagrants that would go into that building.
12 And the sheriff at that time, Sheriff Cappa, and
13 a member of the Richmond Police Department asked
14 him if he could do something to secure that
15 building.

16 Well, he did do that. And he has
17 improved the neighborhood and eliminated a lot
18 of the risk from transients being where they
19 shouldn't be. The buildings are occupied.
20 They're not vacant. They are being used in a
21 business. They do have defects. And we would
22 like the opportunity to work with the city on a
23 cooperative basis on prioritizing, as I've
24 mentioned more than once, and trying to chip
25 away at all these defects.

1 It will be important that we secure
2 title to the AFG property, the Hoffco property,
3 because it's -- we don't want to spend money on
4 that building until we know he's going to own
5 it.

6 MR. HEETER: I'm guessing that would be
7 part of the communication and the plan --

8 MR. SOWERS: Yes.

9 MR. HEETER: -- probably because you're
10 just getting started?

11 MR. SOWERS: If we can do this, I will
12 be -- I'll get in touch with Ron Cross
13 immediately.

14 MR. HEETER: Okay. (Inaudible.)

15 MS. WHITEHEAD: Well, I know that -- I
16 just have a question for you. If they don't
17 have a title, if they don't own 358, who does?

18 MR. HEETER: It's in --

19 MS. WHITEHEAD: I know they're using
20 it. They have property on it. But do they own
21 it?

22 MS. VESSELS: Well, even if they don't
23 own it, as an interested party, as someone who
24 has a vested interest in that party, they would
25 be the proper party to actually take the steps

1 needed to get the property into compliance.

2 MR. HEETER: So they're responsible --

3 MS. VESSELS: Yes.

4 MR. HEETER: -- is what we're saying at
5 this point?

6 MS. WHITEHEAD: Okay. And I see that
7 you have property -- adjacent owners, but I know
8 that we have had complaints from neighborhood
9 residents about mice and rats in the area.
10 What, if anything --

11 MR. SOWERS: I would like to have
12 Mr. Smith deal with that. I don't think
13 plastics are a great attraction for vermin, but
14 I'm going to let Mr. Smith answer that question.
15 And I'd be -- I welcome you to ask him any
16 questions that you have.

17 MR. HEETER: Okay. Thank you, sir.

18 MR. SMITH: As far as the mice and the
19 vermin, Daryl will tell you -- he's a neighbor
20 there -- the misconception was that the plastic
21 products that I had were old food containers.
22 I've been told by many of those people that had
23 concerns that they were old food containers and
24 they contained some kind of an attractant.

25 I don't do any kind of post-consumer --

1 post-consumer meaning it has been used for its
2 intended purpose and is no longer usable for
3 that purpose and may contain, you know, trace
4 amounts or, you know, a lot of -- a lot of food
5 products.

6 All I do is post-industrial materials,
7 so this would be rejects from the manufacturers.
8 Once I explained that to these individuals, I
9 was -- I was inspected twice by IDEM. One of
10 them was for -- there was a complaint put out
11 that said I had hazardous materials on the
12 property. So they came and did water and soil
13 samples and checked everything and they didn't
14 find anything.

15 The second one was for the hazardous --
16 or for the mice and the vermin for old food
17 containers. Whenever they came and did their
18 inspection, they didn't find anything like that.

19 All I do is post-industrial materials,
20 so there wouldn't be anything there to attract
21 the mice or the rats or things that they -- when
22 they drove by, they perceived that that would be
23 an issue, but once that it was actually
24 discovered, it was not an issue. I think Daryl
25 being a neighbor, he can tell you what he sees

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1 as far as mice and rats.

2 Do you mind talking?

3 MR. HEETER: What's your name, sir?

4 MR. WILSON: Daryl Wilson.

5 MR. SOWERS: What property -- where are
6 you located?

7 MR. WILSON: At 708 -- or 705, 715, and
8 709 Northwest F, which we're just west of the
9 adjoining properties there. There's a residence
10 in between, but it actually connects right at
11 the back of my building.

12 But the only animal traffic I see
13 around there is there is an extreme amount of
14 cats. I haven't seen any rats. I haven't seen
15 any mice. Nothing of that.

16 MS. WHITEHEAD: Maybe they're taking
17 care of the mice.

18 MR. WILSON: I haven't seen anything of
19 that nature. You know, there's material over
20 there, but, you know, to me, I see it as every
21 bit that's not made to a landfill and he's
22 producing and generating revenue here in Wayne
23 County. And there may only be seven employees,
24 but that's --

25 MR. HEETER: You're not having any ill

1 effects to your --

2 MR. WILSON: Yeah.

3 MR. HEETER: -- business or your
4 property?

5 MR. WILSON: Doesn't bother me a bit.
6 And, you know, I've been there since -- I've
7 been there about eight or nine years. And it
8 hasn't affected me at all.

9 MR. HEETER: So you were there when --
10 before he purchased it then?

11 MR. WILSON: Right.

12 MR. HEETER: Or before he took
13 ownership of it. So it's -- how has it changed
14 since then?

15 MR. WILSON: I mean, there's material
16 sitting there.

17 MR. HEETER: Yeah.

18 MR. WILSON: But it's no different than
19 if you drive by Sheridan Street and see 750 bags
20 of plastic sitting out there.

21 MR. HEETER: Right.

22 MR. WILSON: I mean, it's intended for
23 a purpose. And his might be in the raw material
24 to where it isn't processed yet, but it's a
25 process and that's part of the process. You

1 have to get the material to be able to process
2 it, to get it out to be brought into a finished
3 product.

4 So, you know, I'm sure he has a process
5 that he's going through to get it all, you know,
6 processed to where it can be used, but it's no
7 different -- you have to have the inventory to
8 be able to move it. So, you know, to me, I see
9 it as a good situation (inaudible) --

10 MR. HEETER: He had mentioned -- the
11 attorney had mentioned something about vagrants
12 and a lot of activity around there. Was that
13 the case before?

14 MR. WILSON: I have had in the past a
15 lot of thefts and things like that. But, I
16 mean, I still have some now, but I don't think
17 it has anything to do with his property bringing
18 it in or anything. I just think that's a
19 problem with a lot of cities as a whole, you
20 know, with the drug epidemic and what have you.

21 But, you know, I think a lot of people
22 complain. I've seen on social media a lot of
23 people online complain that it didn't look too
24 appealing to them. But, you know, the building
25 is sitting vacant and not generating any revenue

1 and income and people not being able to work
2 there, to me, is more of an issue.

3 So, I mean, if you're going to belittle
4 him for the type of product that they're
5 processing, you know, it's not a sewage plant,
6 but, you know, they also -- it might not be
7 their ideal thing. That doesn't make them
8 right.

9 To me, this gentleman is conducting
10 business and generating revenue and helping the
11 environment. He might have to do a little
12 upkeep on his buildings, but I think he's doing
13 a good thing for the community and, you know,
14 for Wayne County being able to produce plastic
15 and send it all over the country and the world.

16 Anytime I've ever had an issue with
17 him, I just go and address it to him
18 face-to-face, and he's been very kind and
19 courteous and addressed anything that was a
20 problem. And the same back to me if anything
21 happened there. So I'd just, you know, urge
22 people that do have an issue to speak with him
23 and understand how the business works and they
24 might not have so many issues with him, so --

25 MR. HEETER: Okay. Well, thank you

1 very much.

2 MR. SMITH: He owns a pharmaceutical
3 company where they (inaudible). He's my direct
4 neighbor to the east.

5 MR. HEETER: Okay. What's your --
6 state your name.

7 MR. MARCHINALLO: My name is Ike
8 Marchinallo. I am a pharmacist. I have worked
9 for CVS for 32 years and I'm just starting to
10 live my dream at this age. We have our business
11 in Economy, Indiana, for several years. About,
12 oh, four years ago, so we had opportunity to buy
13 700 Northwest Second Street, the old Oberle
14 building.

15 And Seth has been a good neighbor. And
16 now when people go by there, they see probably
17 what they call trash. But that place is really
18 what -- exemplify what they say: One man's
19 trash is another man's treasure. I can tell you
20 that I have watched trucks come and pick up
21 containers after containers from there.

22 And if you don't believe me, go by
23 there on Friday afternoon and you see these
24 employees getting paid. Every Friday, they go
25 and get paid. They work hard and they get paid.

1 I've been in this city for 32 years. I've seen
2 a lot of companies go out of here. It was so
3 heartbreaking when Winworks (phonetic) closed
4 down and all this.

5 As a pharmacist, we know what happen.
6 When companies close down, people lose their
7 insurance. They can't get their prescription.
8 And we've seen that happen. And so this is a
9 small business. It is -- sometimes people
10 settle with what they have, you know. Bible
11 says that contentment with godliness is a great
12 gain.

13 Richmond, Indiana, may not have a Eli
14 Lilly. They may not have Ford that has closed
15 down. But they will be good to celebrate and
16 appreciate what we have. I think there is some
17 work to be done there. A lot of work maybe.
18 But it also takes a lot of funding.

19 We used to have a 5,000-square-foot
20 area in Economy, Indiana. And we purchased this
21 building, 20,000 square feet. Initially we
22 could hardly pay the utility. We were adjusting
23 to the change.

24 And so sometimes people don't realize
25 how much it takes to keep up a building.

1 There's work that needs to be done. Some of
2 them are cosmetics. Some of them are serious.
3 And those serious one will take a lot of money
4 to do them.

5 Like the attorney has mentioned, if the
6 city will find a way to support small
7 business -- in fact, I went to talk to the mayor
8 about possible funding to help us adjust to the
9 big building, and there wasn't anything
10 available. But I'm trying to say it is a lot of
11 work to own a business, especially with this
12 economy.

13 Brother Seth has been shipping stuff to
14 China, but with all the stuff going on
15 politically, things kind of slowed down. But
16 the good thing is that he has not laid anybody
17 off. And I appreciate that, as a businessowner,
18 to make these checks for employees every week --

19 MR. HEETER: It's not easy.

20 MR. MARCHINALLO: -- it's a -- if we
21 can find a way to support him. I don't know
22 what might be available to help out. Because
23 not only that he is recycling stuff that people
24 look at as trash, but it's a livelihood for
25 those employees. And it just means a lot to me.

1 Maybe because we have eight children we
2 have raised. In fact, the youngest is at Purdue
3 now and we're empty nest. But I think of family
4 and I think of what makes the community go
5 around. Whatever we can do to support that.

6 Prioritize -- our business is regulated
7 by FDA. I remember in 1999 we failed
8 inspection, FDA inspection. We had to hire a
9 consultant. Well, you know, we got everything
10 under control.

11 One time I went to FDA meeting and I
12 said isn't that funny? We didn't know. We fail
13 inspection in 1999. Our oldest son is a
14 regulatory affair consultant now. Master's
15 degree in regulatory affair. Bachelor's degree
16 in pharmacy, working as a quality control.

17 In fact, FDA is coming to their
18 facility next week to learn new project they
19 have where you can use drug developed so that it
20 will fit a person genetic.

21 And as I said, the young shall grow.
22 With a little bit of help, with a little bit of
23 priority -- prioritizing what need to be done.
24 That's what FDA did with us. What -- we need to
25 start with SOPs and all that. We got it under

1 control. Needless to say that with my level of
2 FDA issues, I probably have a Ph.D. in that now.

3 So situations change. Conditions
4 change. But it just -- it takes time. If we
5 can find a way to work together and give those
6 little support, it goes a long ways. You know,
7 the Ten Commandments hinges on two things: Love
8 the Lord your God with all your heart, with all
9 your might, with all your soul, and love your
10 neighbor. Deuteronomy 6:4.

11 It doesn't get any better than that.
12 And a little bit of love, a little bit of
13 compassion. In the pharmacy, I practice with
14 compassion. That's my ministry. When people
15 come in, I see them as people. I see them as
16 people that will sit at a church and worship
17 with me and not druggies. People don't choose
18 to be druggies. Sometimes circumstances lead to
19 that, but --

20 MR. HEETER: And I think in the past
21 we've always worked with each property owner, so
22 I think that we're getting ready to do that
23 right now, so --

24 MR. MARCHINALLO: And --

25 MR. HEETER: -- I think we're all on

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1 the same page.

2 MR. MARCHINALLO: (Inaudible.)

3 MR. SMITH: Have you seen any mice or
4 rats?

5 MR. MARCHINALLO: No, not really.

6 MR. HEETER: Right.

7 MR. MARCHINALLO: A raccoon has come
8 around. But you know what? Those creatures,
9 they get around everywhere. Several years ago,
10 I come back from work and the police was at our
11 house, the fire department was there, a truck
12 was there. I didn't know what was going on.

13 They said something was in the house in
14 the attic. You know, it turned out to be a
15 raccoon. That was 2800 Southeast Parkway, just
16 beside the Jewish temple and the Lutheran
17 church. Those animals, they get around, but we
18 haven't had any problem with --

19 MR. HEETER: There's not -- yeah, I
20 think there was a -- it sounds like any vermin
21 issues would have been resolved, you know, if
22 there were any.

23 MR. MARCHINALLO: Yes. Yes.

24 MR. HEETER: So --

25 MR. MARCHINALLO: He has --

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1 MR. HEETER: I appreciate that.

2 MR. MARCHINALLO: -- placed a lot of --
3 all those baits to control whatever.

4 MR. HEETER: Okay.

5 MR. MARCHINALLO: And just a little
6 more time and we'll get everything together.

7 MR. HEETER: Right.

8 MR. MARCHINALLO: Thank you so much --

9 MR. HEETER: Thank you very much.

10 MR. MARCHINALLO: -- for the
11 opportunity.

12 MR. JORDAN: Would it be all right if I
13 took a quick restroom break?

14 MR. HEETER: Sure. Anybody else --

15 MS. VESSELS: The board can take a
16 five-minute break if they want to.

17 MR. HEETER: Okay. I think you wanted
18 to have a little conference. I think she'd like
19 to --

20 MS. WHITEHEAD: Let's have a -- let's
21 go ahead and do a five-minute break here.

22 (There was a recess.)

23 MS. VESSELS: Do you want to wait for
24 your attorney, though?

25 MR. SMITH: It's okay.

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1 MS. VESSELS: Okay.

2 MR. SMITH: It's okay.

3 MS. VESSELS: I'll give you that out.

4 MR. SMITH: That's fine. The nature of
5 my business, I'm a commodities dealer. Plastic
6 material are commodities. So we gather scrap
7 materials. Each one of those boxes that you see
8 may represent only 150 or 200 pounds in scrap
9 form. Then when we process them inside my
10 facility, that same box will weigh 1,500 pounds.
11 And then we can load those onto the containers
12 that go out to the different countries.

13 I ship to 29 different countries around
14 the world. Most of the products that are
15 produced come back to the dollar stores. Dollar
16 Tree, all of these type facilities.

17 MR. HEETER: What are your materials --
18 where do your inventory come from?

19 MR. SMITH: I got 350 different
20 customers. A lot of them from automotive
21 companies. I own a bunch of trailers, so I take
22 those semi-trailers and set them at these
23 facilities. They fill them with their scrap
24 materials.

25 MR. HEETER: What kind of radius do

1 you -- are you --

2 MR. SMITH: 150 miles. Just as a note
3 for you guys, when I started in 1987, there was
4 literally only 4,000 plastic companies within
5 that radius. Now there's 47,000 plastic
6 companies in that same radius.

7 MR. HEETER: How many containers' worth
8 or pounds or tons do you bring in versus goes
9 out?

10 MR. SMITH: The out has been -- I only
11 bring in about 10 million pounds per year. The
12 out for these last -- since I got back from my
13 illness, you know, I shipped out 30 million
14 pounds there in the beginning of 2018. And then
15 in this year's period of time, I've -- it's
16 right at 55 million pounds.

17 So we had a lot of material on-site
18 during that two years. I hired a couple of guys
19 to run the business for me. Their paychecks
20 were generated by how many pounds of materials
21 they brought in and how many materials that they
22 sent out.

23 MR. HEETER: So they're almost like
24 account managers then?

25 MR. SMITH: They were account managers.

1 MR. HEETER: Yeah.

2 MR. SMITH: And they were running the
3 business for me. Unfortunately, they weren't
4 totally honest with me about how many pounds
5 were going out.

6 MR. HEETER: Oh.

7 MR. SMITH: I ended up paying a lot of
8 salaries, a lot of bonuses during that period of
9 time that ended up causing me to have to file
10 bankruptcy. I learned a very valuable lesson
11 during that period of time.

12 One of my best business-minded friends
13 told me I needed to shutter my business during
14 that period of time, just shut it down. And I
15 couldn't imagine that. I had contracts with,
16 you know, GM, Ford, Chrysler. I couldn't
17 imagine --

18 MR. HEETER: So once you --

19 MR. SMITH: -- just shutting it.

20 MR. HEETER: -- lose them, it's hard to
21 get them back, yeah.

22 MR. SMITH: In a couple of those cases,
23 I was bound to taking the material where I had
24 to pay a fine for not taking the material. If
25 they had to go to the landfill with it, I was

1 going to be -- you know, pay the landfill and
2 then a fine for them to have to handle it in
3 that manner.

4 So I didn't do that, but if I had it to
5 do it over -- you know, hindsight is always
6 20/20. If I had to do it over, I would have
7 shuttered the material so it wouldn't have got
8 out of control like this.

9 I've been -- I've been doing it, you
10 know, over 30 years now. Never had an issue
11 with the city. I've always been a good
12 neighbor. But during that period of time, I
13 will admit openly, it got out of control. I
14 have a plan now. Been working on that plan.

15 MR. HEETER: I think key -- what I
16 think I'm hearing here is -- I know I run into
17 this in my life -- a lack of communication, I
18 think, and that's what you're talking about
19 doing. Because I know we -- that's what we see
20 is it's important to communicate with Aaron.

21 MR. SMITH: Yes, sir.

22 MR. HEETER: You know, so you got to
23 make sure you do that in the future. That's
24 real important.

25 MR. SMITH: When the -- and I don't

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1 mean this with any disrespect for either one of
2 the representatives here. When the inspection
3 took place, I was promised a summary.

4 MR. HEETER: Right.

5 MR. SMITH: I didn't -- you know, it
6 was two and a half months later when we got, you
7 know, a notice that this -- that this was going
8 to take place. The inspection, you know, we
9 were told on -- last Wednesday that they wanted
10 to have an inspection. I physically was driving
11 the fork truck myself and unable to escort them
12 around the facility.

13 MR. HEETER: Right. You're a small
14 businessowner --

15 MR. SMITH: So -- so --

16 MR. HEETER: -- yeah --

17 MR. SMITH: -- with only three days --

18 MR. HEETER: -- doing it all.

19 MR. SMITH: -- to make it happen, it
20 just didn't happen. I apologize for that.

21 MR. HEETER: Yeah.

22 MR. SMITH: But I thought it was more
23 important -- well, I needed --

24 MR. HEETER: To get more -- to get more
25 stuff out.

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1 MR. SMITH: I needed to get the
2 material out.

3 MR. HEETER: Yeah.

4 MR. SMITH: And I needed the money to
5 be able to make payrolls with.

6 MR. HEETER: Right.

7 MR. SMITH: So I asked for more time.
8 George asked for more time.

9 MR. HEETER: Right.

10 MR. SMITH: It didn't work out for
11 either -- either party.

12 MR. HEETER: Right. Right.

13 MR. SMITH: But I'm not saying that I
14 won't, you know, make it open to them to be able
15 to come and do whatever they need.

16 MR. HEETER: Right.

17 MR. SMITH: Just by the pictures and
18 what I will admit myself, there's a lot of work
19 to be done there. It's not going to happen, you
20 know, in a short period of time. This is a long
21 process. But I am dedicated to the process.

22 My dad always told me if it takes you
23 two years to get into a circumstance, it's going
24 to take you two years to get out of it. So I
25 don't -- I don't mean that, you know, as trying

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1 to set a timeline for me. I'm certain they have
2 their timeline. I'm going to try and meet that.

3 MR. HEETER: Right. But I think --

4 MR. SMITH: But to get --

5 MR. HEETER: -- there will have to
6 be --

7 MR. SMITH: -- myself --

8 MR. HEETER: -- a discussion --

9 MR. SMITH: -- back where I need to be
10 at, I just -- I just want to make sure that we
11 all understand there is a lot of work there that
12 needs to be done and I am committed to that
13 work.

14 MR. HEETER: Okay.

15 MR. SMITH: So we bring in small scrap
16 amounts, which builds up quickly, but I don't
17 try to process it until I have 40,000 pounds.

18 MR. HEETER: Right.

19 MR. SMITH: Once I start a machine on
20 that material, we process the 40,000 pounds,
21 load it in the container, and ship it out.

22 So if there's any other questions that
23 you guys have for me about the process or the
24 business itself, I'll be more than glad to
25 answer any of your questions.

1 MR. HEETER: Well, thank you very much.
2 Appreciate your time. So are we --

3 MS. FIELDS: I was just curious. Just
4 a quick question. Are you last in/first out or
5 first in/first out for your -- processing your
6 product? So is your inventory -- when -- you
7 just said that you --

8 MR. SMITH: Oh.

9 MS. FIELDS: -- wait until you get
10 40,000 pounds. So is it on a rotation? I know
11 some -- some keep their inventory and they --
12 the first product in is the first out.

13 MR. SMITH: No, that's --

14 MS. FIELDS: So the oldest product is
15 the first to be shipped out.

16 MR. SMITH: The oldest product -- with
17 the change in the market, I -- China hasn't
18 accepted anything in eight years. They've put
19 up a green fence. And I used to primarily ship
20 to China.

21 After a couple of years of not shipping
22 to China, there were people showing up at my
23 door saying, Hey, we were buying your stuff from
24 the Chinese. They were dropshipping it to us.
25 We want to buy it from you directly, thus

1 opening up the 29 countries that I ship to
2 currently. So they are buying the old
3 materials. That's where their focus is at.

4 Now, I do have a small amount of
5 material that's coming in that we process and
6 send back out the door as it comes in. But
7 primarily now I'd say it's 75/25 old material to
8 new material.

9 And these containers I talk about,
10 these are old stocks. These are things that
11 I've been trying to sell for a period of time
12 and the market wasn't conducive to that process.
13 Now the market is working.

14 And the container thing, I don't know
15 if you guys, you know, understood how the
16 containers come available. But if, you know,
17 Emerson or Copeland or some big manufacturer
18 says they're going to take X amount of
19 containers on the container ship and then they
20 have an overage of material that gets ordered
21 and they need to ship it along with the original
22 order, then I get bumped off of that ship,
23 because recyclables is the lowest -- they charge
24 the least amount for that container.

25 And if they can -- you know, my

1 containers are \$4,000 a container. If they can
2 charge Emerson or Copeland \$12,000 a container,
3 you know, it's just a business decision at that
4 point in time, so -- but we have these orders in
5 place.

6 I work with a freight forwarding
7 company that makes sure when the containers are
8 available they bring them to us from Cincinnati.
9 I've got containers over there right now sitting
10 against the door that the guys are loading for
11 me.

12 So it's a process. It takes a lot
13 of -- it takes a lot of communication. It's one
14 of the things I spend most of my time on.
15 Making sure I get a schedule, knowing what's
16 going to happen and how we're going to meet that
17 schedule. But I can assure you my focus is on
18 the material that is out there.

19 And I'm just thankful that the
20 market -- you know, God works in some mysterious
21 and magical ways and, you know, him opening up
22 that market for me in 2000 -- about the middle
23 of 2018, September 2018, whenever that opened up
24 for me, you know, it was a relief to me to know
25 that I had someplace to go with this material.

1 Because I'll be honest with you guys.
2 We take all this material and take it to the
3 Wayne County landfill, we're going to shut the
4 landfill down.

5 MR. HEETER: Oh, yeah.

6 MR. SMITH: I'll shut the landfill down
7 in, you know, the first two weeks, so -- but I
8 have rendered many millions of pounds. With
9 what we're doing here currently, that will be
10 over 260 containers. We're talking about, you
11 know, another, what, 12 and a half -- 12 and a
12 half million pounds of material.

13 That is something that, you know, is
14 going to come out of that inventory, be shipped.
15 Those areas won't be repopulated with material.
16 I've made headway since they were there. I
17 haven't made the headway I'm sure that they
18 would have liked, but we're working on it.

19 And so I want to know -- I want to make
20 sure you know I'm committed to the process. You
21 know, that's how I pay my bills. That's how I
22 get what money I have invested in that stuff
23 back out of it, so -- it's not great margins.
24 You know, there's not -- you know, I'm not
25 making millions.

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1 MR. HEETER: Right.

2 MR. SMITH: But I have paid my bank
3 bills.

4 MR. HEETER: Making a living --

5 MR. SMITH: I'm paying all --

6 MR. HEETER: -- and taking care --

7 MR. SMITH: -- my utilities and --

8 MR. HEETER: -- of eight -- nine
9 employees.

10 MR. SMITH: -- all my employees and,
11 you know, the workman's comp insurances and all
12 the other stuff you got to have, so --

13 MR. HEETER: Thank you. Let's see what
14 the recommendations --

15 MR. SMITH: Any other questions?

16 MR. JORDAN: Ready?

17 MR. HEETER: Yes, sir.

18 MS. VESSELS: Do you have anything
19 else?

20 MR. JORDAN: With great respect for the
21 businessowner, I mean, you know, my job, Doug's
22 job, and the reason we're here today is to
23 protect property and life. I mean, that's, you
24 know, our -- that's what our main goal is.

25 And, you know, for the 308 property, I

1 would recommend that all the material that would
2 be on the applicable lot line that are a fire
3 hazard to be removed to the required distance
4 and all the applicable fire lanes that the
5 fire -- that the Richmond Fire Department would
6 need as far as access to a lot, that that would
7 be done, and the structure in the front that is
8 where the roof is leaking and that that will be
9 repaired and removed.

10 MR. HEETER: And then I think we're
11 dealing with all these -- are we dealing with
12 all these at the same time?

13 MS. WHITEHEAD: No.

14 MR. HEETER: Just deal with this one
15 first and then move to the next one?

16 MS. VESSELS: Well, we're going to
17 need -- because these are separate findings,
18 separate properties, I would need you to vote
19 separately on each property and each
20 recommendation.

21 MR. HEETER: Okay.

22 MS. VESSELS: He didn't really make a
23 recommendation on the time.

24 MR. HEETER: Right.

25 MS. VESSELS: But that's something that

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1 you need to consider. And then we also have --
2 that kind of ties into time -- we've got bonding
3 recommendations.

4 So if there's going to be an extensive
5 amount of time allowed or permitted or modified
6 in the order, we would ask the board to approve
7 that they issue -- they receive or obtain a bond
8 so that if we notice as the months progress that
9 there's no progress, we could cash in the bond
10 that they obtain to assist the city with --

11 MR. HEETER: So are you --

12 MS. VESSELS: -- enforcing that.

13 MR. HEETER: Are you recommending a
14 specific time frame or --

15 MR. JORDAN: I would say for the
16 material --

17 MR. HEETER: I'm guessing that two
18 years is not acceptable.

19 MR. JORDAN: I would say for the
20 material, that needs to be -- on the lot lines,
21 that needs to be done really quick. Say
22 30 days. But if the hearing authority would
23 like to give him 60 to 90 days or whatever,
24 whatever you would, you know, come up with on
25 the building.

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1 MR. HEETER: Right.

2 MR. JORDAN: You know, the building is
3 unoccupied. I mean -- I mean, so I would
4 recommend, you know, that would be at your
5 discretion.

6 MR. HEETER: Okay. And then the
7 structural -- the structural -- that was the
8 other thing, right? Fixing the structure or
9 taking it down?

10 MR. JORDAN: Right.

11 MR. HEETER: And that's -- and what
12 kind of time frame are you talking --

13 MR. JORDAN: I would say on that, that
14 would be the 60 to 90 days --

15 MR. HEETER: Okay.

16 MR. JORDAN: -- or whatever. Whatever
17 you --

18 MR. HEETER: So all of it then. Okay.

19 MR. JORDAN: Yeah, it's not -- I would
20 say 60 days on that. Well, our original order
21 said 30 days, right? Yeah, our original order
22 said 30 days.

23 MR. HEETER: Right.

24 MR. JORDAN: So that's what -- I would
25 stay with the original order.

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1 MR. HEETER: Right.

2 MR. JORDAN: And that should modify it.

3 MR. HEETER: Yeah. Right. And then
4 you'll work with them like normal. If --

5 MR. JORDAN: Right.

6 MR. HEETER: -- he's making, you know,
7 reasonable progress, then --

8 MR. JORDAN: Correct.

9 MR. HEETER: Okay.

10 MR. JORDAN: The only thing I would
11 like to add to our original order is --

12 MS. VESSELS: For 308?

13 MR. JORDAN: -- for 308 -- as far as
14 also on the -- that -- as far as the removing of
15 materials to get away from lot lines, to say
16 that to remove material or vacate premises.

17 MR. HEETER: Okay.

18 MR. SMITH: I couldn't hear that one.
19 What was that?

20 MR. JORDAN: The materials that are
21 close to the lot lines, to either remove
22 materials from that area, that 10-foot area, or
23 vacate premises.

24 MR. HEETER: What is the --

25 MS. VESSELS: And since the vacation is

1 a stricter requirement, it would be -- it would
2 also be a modification that the board would have
3 to make.

4 MR. HEETER: So vacating means if he
5 can't get it done within that reasonable time or
6 doesn't want to, then he vacates it and then the
7 city takes it over, tears it down, and clears
8 it? And then charges the property -- charges
9 the property taxes. Is that what we're --

10 MS. VESSELS: Well, if they -- if the
11 board recommends that they get a bond, you would
12 give them so much time to get the property taken
13 care of. If they don't get the property taken
14 care of.

15 MR. HEETER: The bond --

16 MS. VESSELS: The other alternative --

17 MR. HEETER: -- covers the rest of --

18 MS. VESSELS: -- is that they vacate.

19 And then also with that would be the bond
20 that -- it would be cashed in so that the city
21 could either make the repairs or, I believe, we
22 put in there repair all roofs, walls, and any
23 structural components or remove.

24 And that's -- one reason we do that is
25 because if it's not -- if it's

1 cost-prohibited -- prohibitive to repair it, the
2 other option is to remove the structure
3 entirely. So, again, that's why I'm leaning
4 towards recommending that the board provide
5 adequate time to get these items taken care of.

6 MR. HEETER: And he's saying that 30 to
7 90 at the max to address all these -- he doesn't
8 like the 90, I can tell, but that -- they need
9 to get this done pretty quick. And if they're
10 going to do it, there needs to be a bond because
11 it may be --

12 MS. VESSELS: Because this is --

13 MR. HEETER: So to cover --

14 MS. VESSELS: -- not something --
15 because the timing aspect was not brought up
16 during the hearing --

17 MR. HEETER: Right.

18 MS. VESSELS: -- other than Mr. Smith
19 indicated it during the latter part, I think the
20 board needs to ask for feedback as to how much
21 time they think they would need for 308.

22 MR. HEETER: So we'll just -- so us
23 just affirming the order and then probably
24 revisiting is what's going to happen here.

25 MS. VESSELS: I would ask for a

1 modification, but before that, I would want the
2 feedback from either Mr. Sowers or Mr. Smith as
3 to whether or not 90 days would be enough time
4 for 308.

5 MR. HEETER: Can you address that?

6 MS. VESSELS: And that's for structural
7 repairs.

8 MR. HEETER: Structural. Okay.

9 MR. SOWERS: 90 days will work.

10 MR. JORDAN: Is that for the material
11 and the structure or just materials?

12 MR. SMITH: The front gray building --

13 MR. JORDAN: Yeah.

14 MR. SMITH: -- I will make improvements
15 to that building for you (inaudible).

16 MR. JORDAN: When you say --

17 MR. SOWERS: We'd like 90 days for
18 both.

19 MS. MATHEWS: Does that include what
20 the fire department is asking, also?

21 MR. HEETER: That would take care of
22 the fire department's issues, right, what Aaron
23 is asking to be done? Doug?

24 MR. GARDNER: The building -- his front
25 building, I had some -- the egress, the

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1 emergency lighting, the exit signage, fire
2 extinguishers on --

3 MR. SMITH: I can put fire
4 extinguishers in there, but there's -- I can put
5 fire extinguishers in there, but there's no
6 electric. There's no power.

7 MR. GARDNER: In the back building?

8 MR. SMITH: No. In the back building,
9 there is.

10 MR. GARDNER: Yeah.

11 MR. SMITH: So I've already put the
12 fire extinguishers there. I took care of the
13 doors that were covered up that said exit on
14 them. Those are things -- that aisleway that
15 you were concerned about, I took care of that.
16 All that stuff was inspected by OSHA whenever
17 they came through. So I'm good there. There is
18 no fire sprinklers back there and that
19 building --

20 MR. GARDNER: I understand that.

21 MR. SMITH: -- was never built --

22 MR. GARDNER: Right.

23 MR. SMITH: -- with one.

24 MR. GARDNER: Right.

25 MR. SMITH: So --

1 MR. GARDNER: Right. Right.

2 MR. SMITH: -- fire extinguishers and
3 opening up those doors for you, being able to
4 get the aisles opened up for you, I don't have a
5 problem doing that.

6 MR. GARDNER: The front building, the
7 block building, you say you're going to make the
8 repairs. Are you going to make the repairs to
9 occupy it or make the repairs to seal it up?

10 MR. SMITH: I plan on making the
11 repairs to use it as a storage facility for
12 motors and -- all of my equipment, I have extra
13 parts in that front building up there to be able
14 to go and get them whenever we have an issue
15 with a motor or, you know, bearings or something
16 like that. So I'm going to try to repair it to
17 be able to use it as a storage facility. It has
18 no power, no water, nothing like that in it.

19 MR. GARDNER: But after the 90 days,
20 will the power be on? I mean, will it be ready
21 for an occupancy inspection?

22 MR. SMITH: It's -- whenever -- before
23 I took over that place back in, like, the late
24 '90s, the middle '90s, they had already sold all
25 the copper, all the wiring. Everything from

1 that building was gone.

2 MR. GARDNER: I understand that, but
3 from an occupancy standpoint, it has to have
4 power. If you're going to occupy it as a
5 building, it's got to have lighting, emergency
6 lighting, and (inaudible) rules of the
7 commission.

8 MR. SMITH: I wouldn't be capable of
9 being able to make that happen, sir. So you're
10 telling me the only thing I can do is either
11 tear it down --

12 MR. GARDNER: You can fix it --

13 MR. SMITH: -- or board it up.

14 MR. GARDNER: You can fix it, repair
15 it, and board it up. But until you have power
16 on and lighting, then you can't occupy it.

17 MR. SMITH: So like I said, I can
18 either --

19 MR. GARDNER: Right.

20 MR. SMITH: -- tear it down or tear it
21 down.

22 MR. GARDNER: Or repair it to where it
23 looks good from the exterior and not use it.

24 MR. SMITH: Okay.

25 MR. HEETER: So can we just -- we just

1 modify, affirm the order, and then I'm guessing
2 in 30 days, he's probably going to think about
3 this and then get back to you and see if there
4 is something that could be -- does that make
5 sense?

6 MR. JORDAN: Are we going to do the
7 30 days for the --

8 MR. HEETER: Yeah. Yeah. I mean --

9 MR. JORDAN: For all the fire lanes and
10 the lot lines as far as --

11 MR. HEETER: Right.

12 MR. JORDAN: -- (inaudible).

13 MR. HEETER: Yeah, he can maybe clear
14 up the property and that --

15 MR. JORDAN: And then --

16 MR. HEETER: -- and, you know, decide
17 what he's --

18 MR. JORDAN: -- 90 days on the front
19 building?

20 MR. HEETER: Yeah.

21 MS. VESSELS: They're asking for
22 90 days on all of it, so -- but I want to -- I
23 want to (inaudible) --

24 MR. HEETER: You're going to want the
25 bond, though? Are you going to want the bond

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1 to -- -- if they don't --

2 MS. VESSELS: I want to give them a
3 chance to address --

4 MR. HEETER: Yeah, I didn't know if
5 they'd be able to do that right now in this
6 amount of time.

7 MR. SMITH: I think we need to agree to
8 the 90 days on that front building in which we
9 can make a decision, and if we find that we can
10 comply with what you need but need more time, we
11 can return and ask for additional time. Is
12 that -- I don't think we can -- I don't think we
13 have a solution today.

14 I don't think we can do it in 90 days,
15 but go ahead and put that in the order. If we
16 can work toward a solution -- decide which way
17 we're going and work toward a solution, come
18 back and tell you what our plan is and I would
19 hope that we can work something out. Does that
20 sound reasonable?

21 MS. VESSELS: Well, during the break,
22 the director and I were talking about possibly
23 asking for a building assessment. Is 30 days --
24 would that be enough time to maybe supply a
25 building assessment, or would that be just a

1 moot point at this point --

2 MR. SOWERS: When you --

3 MS. VESSELS: -- as far as getting it
4 fixed?

5 MR. SOWERS: When you say a building
6 assessment, what are you --

7 MS. FIELDS: I guess what I'm thinking
8 of is having someone come in and assess each of
9 the buildings and provide you with a list of
10 items to bring them up to code and estimated
11 costs for each of the different buildings if
12 you're going to be repairing them. Because
13 you'll have mechanical, electrical. You'll have
14 water. You have roof. You have a lot of
15 different things that go in there.

16 So I'm wondering -- my question was
17 does it make sense for you to get a
18 comprehensive picture of each building to help
19 you make a decision as to what you want to do
20 with each building?

21 Because if you look at the building and
22 it's going to be a half a million dollars to fix
23 it, is that something feasible to be done in a
24 time frame or is it something that it's only
25 \$100,000 and it makes sense to invest that and

1 move it forward? That was the only thought
2 behind that.

3 MR. SOWERS: Seth is fairly
4 knowledgeable about what the buildings need, and
5 I think it does not seem like we want to do a
6 building assessment. I don't want to put a time
7 period (inaudible).

8 MS. VESSELS: So you're asking for the
9 90 days --

10 MR. SOWERS: Yes.

11 MS. VESSELS: -- for compliance?

12 MR. SOWERS: Yes.

13 MS. VESSELS: So would there be any
14 objection to a bond, because I think that a bond
15 is very much warranted?

16 MR. SOWERS: Well, I hadn't
17 contemplated and I don't know what size bond
18 you're talking about. Are you going to talk
19 about a bond for each tract?

20 MS. VESSELS: Yeah, we're requesting a
21 bond on each tract. For the size, it would be
22 \$20,000 (inaudible).

23 MR. SOWERS: So you're asking for both
24 a demo bond and a repair bond?

25 MS. VESSELS: It would be a repair

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1 bond.

2 MR. SOWERS: I have never purchased a
3 repair bond for -- does RMD-Patti sell such
4 bonds?

5 MS. VESSELS: I think the last one that
6 was recommended was --

7 MR. SOWERS: I have no idea the cost,
8 so I'm rather caught off guard. I don't know
9 how much money I'm trying to spend for my
10 client.

11 MS. VESSELS: I'm trying to even recall
12 in my head the last time the board recommended
13 one. It's been several years.

14 MR. HEETER: I don't know they actually
15 took the offer at the time. I remember we --
16 it's been discussed, but I don't --

17 MS. VESSELS: I remember a bond. And I
18 remember it because I remember we had one
19 individual who actually -- was it Big Red?
20 Mr. Cahill requested a copy of someone else's --

21 MR. HEETER: Right.

22 MS. VESSELS: -- bond. Mr. -- I think
23 the property owner was Mr. Frank Ditty. Those
24 were smaller bonds because they were residential
25 properties. One was Frank Ditty's and one may

1 have been Welvest, Ahmet Basgelen. I think
2 we've had one or two bonds, but those were for
3 residential. We've never recommended a bond for
4 this size.

5 MR. HEETER: And is this the kind of
6 thing where we take this -- we take the 30 days
7 and then everybody kind of gets their bearing
8 and checks into that? I mean, are we saying
9 right now he's got to commit to the bond?

10 MS. VESSELS: The board could table
11 this matter --

12 MR. HEETER: I mean, it seems --

13 MS. VESSELS: -- for 30 days without
14 taking action.

15 MR. HEETER: Right. It seems fair
16 that -- at least I think that they at least --
17 they got to do their research to find out is it
18 cheaper to get the bond or are they better off
19 just maybe looking at tearing it down. I mean,
20 I don't know what other options they're going to
21 have to have, but, I mean, it seems like
22 something they got to look into. I mean, I'm
23 just asking.

24 MS. VESSELS: If it's a repair or
25 remove, we would want a repair bond.

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1 MR. HEETER: Right.

2 MS. VESSELS: You know, and --

3 MR. HEETER: Can we revisit --

4 MS. VESSELS: -- any funds -- any funds
5 we used, if we cashed that in, we would use to
6 (inaudible).

7 MR. HEETER: Right. So does it make
8 sense that we revisit this in -- I mean, does it
9 need to be less than 30 days because you're
10 concerned about the safety issues or --

11 MS. VESSELS: You could even -- without
12 taking action, you could even table the hearing,
13 if you wanted to, to, you know, get some
14 follow-up information. You could take action
15 right now. You could affirm or modify the order
16 right now. You could table it without taking
17 any further action if you wanted more
18 information.

19 MR. HEETER: So does that seem
20 reasonable, I mean, from --

21 MS. VESSELS: I'm not recommending
22 that.

23 MR. HEETER: Oh, okay. Okay. Okay.

24 MS. VESSELS: I'm just saying these are
25 what I think your options would be.

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1 MR. HEETER: So you're -- so we are
2 going to have to do this and say he has to
3 commit to a -- to getting a bond, not knowing
4 the cost?

5 MS. VESSELS: We've never done one this
6 size. I don't know what the cost would be.

7 MR. HEETER: Right. I'm saying that we
8 have to affirm the -- we either have to table
9 it, affirm the order and then he has to get a
10 bond without even knowing the cost, or we just
11 reject this?

12 MS. FIELDS: With the costing of the
13 bond, a lot goes into determining what the cost
14 of that bond is.

15 MR. HEETER: Right.

16 MS. FIELDS: Because they look at the
17 company. They look at the company's financials.

18 MR. HEETER: Right.

19 MS. FIELDS: They look at the work
20 that's to be done. They look at the
21 reasonability of getting that work done.

22 MR. HEETER: Right.

23 MS. FIELDS: So the cost of that
24 \$20,000 bond is going to be different for all
25 five -- five companies.

1 MR. HEETER: Right.

2 MS. FIELDS: Not one. It's going to be
3 different for every one. So until you actually
4 apply for the bond with the work -- with a
5 listing of all the work that you're going to
6 complete under the bond, you're probably not
7 going to have a good ballpark as to what that
8 bond costs.

9 MR. SOWERS: That sounds like a pretty
10 knowledgeable statement. So who is it that
11 issues these bonds?

12 MS. FIELDS: There are a lot of
13 different bonding companies. Some have more of
14 a capacity than others. All of our projects
15 that we have are bonded and they're bonded by
16 non-local companies.

17 RMD-Patti does do some bonding, so they
18 may be able to assist you with a local bond.
19 Harrington-Hoch, I'm not sure. I believe they
20 do some bonding, as well. But it would be a
21 matter of reaching out to them with a list of
22 what you want to do, the estimated cost.

23 MR. SOWERS: Well, my bonding
24 experience is related to guardianships and
25 estates. Those are rather inexpensive because

1 the risk is lower. I would anticipate that a
2 repair bond would be substantially more costly
3 and, frankly, I'd rather my client spend the
4 money on the repairs than on the bond. And I
5 guess in the interim, I'd like to see this
6 tabled for a month until we can explore the
7 cost.

8 MR. HEETER: I was going to say what
9 we've been -- what we'd like to see happen is I
10 think we'd like to table this, but we'd like,
11 when they come back, to know what their -- we'd
12 like them to be able to work with Aaron and have
13 a plan, you know, as far as whether they're
14 going to do the bond, whether they're going to
15 tear it down.

16 I mean, does that seem -- that's what
17 we would like to do. We don't -- I can't
18 imagine any of us want to commit to something we
19 don't know what the cost of it is. But they
20 have to do something. They have to -- they have
21 to move forward with a plan. But I think it's
22 fair -- we'd like to let them have some time to
23 figure out what their cost is going to be and
24 which way is going to be the most
25 cost-effective, I think.

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1 MS. MATHEWS: The 30 days. And then in
2 the meantime, continue with the cleanup and the
3 efforts that you need to do as far as that goes.

4 MS. VESSELS: So if the board takes no
5 further action right at this time, then we would
6 reschedule everything for the specific date
7 of -- it would be October -- I don't have a
8 calendar in front of me.

9 MR. HEETER: Do we need to go --

10 MS. VESSELS: The regularly --

11 MR. HEETER: Do we need to go through
12 this process for the other two? I mean, to
13 know -- that way they know what they've got
14 to -- that way they know if they need to get
15 three bonds if -- or if they know what things
16 we're expecting to be done, he could also be --
17 obviously, in good will, be cleaning -- you
18 know, get -- moving that -- getting that stuff
19 cleaned up on the property lines and the
20 entryways and that kind of thing that are safety
21 issues.

22 MS. VESSELS: I would like to have
23 Aaron give his recommendation on the other two
24 properties.

25 MR. HEETER: Right.

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1 MS. VESSELS: But, again, it's the
2 board's discretion to table this --

3 MR. HEETER: Right.

4 MS. VESSELS: -- for one month without
5 taking any --

6 MR. HEETER: Right. But --

7 MS. VESSELS: -- specific action.

8 MR. HEETER: -- I think we probably --
9 it sounds like what we would like to do is table
10 the entire thing, but I want to make sure
11 they're clear on what needs to be -- what they
12 need to be working towards.

13 MR. SOWERS: I am concerned about
14 tabling for one month.

15 MR. HEETER: Can we modify and just
16 affirm the cleanup part?

17 MS. VESSELS: Can I -- well, can I hear
18 his concerns --

19 MR. HEETER: Sure. Sure.

20 MS. VESSELS: -- on what --

21 MR. HEETER: Go ahead.

22 MS. VESSELS: -- what the issue is with
23 tabling?

24 MR. SOWERS: Well, my availability next
25 month.

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1 MS. WHITEHEAD: It would be --

2 MR. SOWERS: I'm going to --

3 MS. WHITEHEAD: -- the 22nd.

4 MR. SOWERS: I'm going to be -- it
5 would be when?

6 MS. WHITEHEAD: October 22nd is the
7 fourth Wednesday, not the last.

8 MR. SOWERS: Okay. The Tuesday?

9 MS. WHITEHEAD: Yes.

10 MR. SOWERS: I can do that. I'm going
11 to be in Wisconsin on the 23rd for the rest of
12 the week, but I can do it on the 22nd. And I'm
13 not staying on from Wisconsin.

14 MR. HEETER: Don't blame you.

15 MR. SOWERS: Okay. So I can do that.

16 MS. VESSELS: And then I forgot your
17 question.

18 MR. HEETER: We were asking if we can
19 affirm or modify just part of it. So we say the
20 cleanup continues on and then we table as far
21 as, you know, the bonding and the structural --

22 MS. VESSELS: Just from a procedural --

23 MR. HEETER: I'm guessing it's easier
24 to --

25 MS. VESSELS: -- standpoint --

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1 MR. HEETER: It's better --

2 MS. VESSELS: -- because we do --

3 MR. HEETER: -- we table the whole
4 thing.

5 MS. VESSELS: -- we do a notice of
6 action taken, we do a follow-up letter, and we
7 do findings of fact. So I've got three sets of
8 documents that I need to prepare. And just from
9 a procedural, simplistic standpoint, it's going
10 to be a little bit tricky for me to kind of
11 separate --

12 MR. HEETER: Just better to --

13 MS. VESSELS: -- all that out.

14 MR. HEETER: -- table it all. Okay.
15 Just -- so let's proceed with -- we're going to
16 table this, but let's proceed with the other two
17 as far as what Aaron's recommendations are, so
18 that way we've got that out in the open.

19 But our intentions are at this point to
20 table all three for 30 days. I won't -- I think
21 we'd like to make sure they understand what
22 expectations are, you know, and that way they
23 know what they're looking into and getting ready
24 for when they come back.

25 MS. VESSELS: Do you want to go ahead

1 with your recommendations --

2 MR. HEETER: For 310.

3 MS. VESSELS: -- for 310 and 358?

4 MR. JORDAN: Okay. 310 was -- not a
5 whole lot of violations on it other than the
6 materials that was on the property lines, so --
7 and my recommendation for that would be to --
8 for all material to be removed away from the
9 property lines to the 10-foot rule and that all
10 the fire lanes and all the City of Richmond fire
11 codes, that would be brought up to date, and
12 inside the building as far as fire
13 extinguishers -- I think he said all that stuff
14 is already done.

15 So I would ask that -- recommend that
16 all that be 30 days for the fire lanes, the
17 material moved away from the sidelines, and
18 whatever -- the violations that the Richmond
19 Fire Department had inside the building.

20 MR. HEETER: And you're saying that
21 from a procedural standpoint, we shouldn't --
22 that seems cut and dry to affirm, but you're
23 saying it would be better to just table that, as
24 well, and do the whole package?

25 MS. VESSELS: Well, because my

1 understanding was that the administration wanted
2 to ask for bonds on all three properties.

3 That's why I would --

4 MR. HEETER: Okay.

5 MS. VESSELS: -- prefer to --

6 MR. HEETER: Okay.

7 MS. VESSELS: Okay.

8 MR. HEETER: Okay. Well, if that --

9 MS. VESSELS: To have that tabled.

10 MR. HEETER: Are you clear on what
11 Aaron is looking for when you come back on the
12 310? Just basically the clearing of the 10 --
13 okay. Okay. So --

14 MR. JORDAN: And, additionally, just
15 like on the 308 property, I would recommend that
16 if it's not done, as far as if the property --
17 if the material is not moved away from the
18 property lines, that the premises would be
19 vacated.

20 MR. HEETER: Okay. Okay. And then for
21 358?

22 MR. JORDAN: 358 is a Type 1 structure
23 that's been used as a business without any
24 utilities. I mean, the sprinkler system is
25 down. I mean, it's got --

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1 MR. HEETER: That's the one with the
2 fire suppression system --

3 MR. JORDAN: Right.

4 MR. HEETER: -- that's been gutted?

5 MR. JORDAN: It has. And, you know, by
6 the rules of the commission, you know, for him
7 to occupy that building, he should have electric
8 power.

9 MR. HEETER: It doesn't have power at
10 all?

11 MR. JORDAN: It doesn't have --

12 MR. HEETER: Okay.

13 MR. JORDAN: -- any electric. The
14 sprinkler system should be up and running. All
15 the emergency --

16 MR. HEETER: Yeah.

17 MR. JORDAN: -- lighting should be on.
18 I mean --

19 MR. HEETER: It's a safety issue for
20 the community, not just -- and the neighborhood,
21 not just --

22 MR. JORDAN: Well, it's a safety --
23 it's an issue for himself being in the building.

24 MR. HEETER: Yeah. Yeah.

25 MR. JORDAN: It's an issue for his

1 employees being in the building or who else
2 would enter the building.

3 So my recommendation for 358 would be
4 for them to remove all the materials out of the
5 building within 30 days and vacate the building
6 and remove the areas -- there was three
7 different -- there's three areas.

8 You've got the roofline between the two
9 buildings, between the two long warehouses,
10 where the roof is caving in. You've got the
11 building on the northeast side where the roof
12 structure is falling in. And you've got the
13 area right to the south of that that the roof
14 has got holes in it. So I would recommend --

15 MR. HEETER: And that wall, right?

16 MR. JORDAN: Right. The wall. I would
17 recommend that them three areas, that either
18 this: they vacate the building, get all the
19 material out of it, and tear the whole thing
20 down. Or they get a structural engineer to make
21 sure that they can remove the buildings that's
22 in question, and the buildings that's left will
23 be structurally independent and able to impose
24 all (inaudible) that apply to it.

25 Because, you know, without going in

1 there and analyzing the building -- some of
2 these buildings -- the newer buildings in the
3 middle was built after the fact, you know, and
4 they might be attached to the brick building
5 that needs to be removed.

6 MR. HEETER: Right.

7 MR. JORDAN: So it really needs a
8 structural engineer, you know, analysis to go in
9 there and look at the building if they plan on
10 leaving part of it. I mean, so my
11 recommendation would be to remove all the
12 material, tear the whole thing down, or get a
13 structural engineer to analyze the buildings and
14 see if some of the buildings can be left
15 (inaudible).

16 MR. HEETER: They need to clear the
17 debris and vacate or they need to get a
18 structural engineer in to --

19 MR. JORDAN: They need to get the
20 material out no matter what.

21 MR. HEETER: Regardless. Okay.

22 MR. JORDAN: Regardless. But after
23 they get the material out and they start
24 focusing on the structure itself, it's either --

25 MR. HEETER: That way the engineer can

1 say exactly what needs to be done --

2 MR. JORDAN: Right.

3 MR. HEETER: -- to bring it up to code.

4 MR. JORDAN: Right. And at that point,
5 once all the material is out, you know, they can
6 get the engineer to say, All right, we can save
7 this building, we can save this building. And
8 at that point, it needs to have all the
9 electric, all the fire suppression, everything
10 brought up to code.

11 MR. HEETER: Okay.

12 MR. JORDAN: Before it's ever occupied
13 again.

14 MR. HEETER: That makes -- are you
15 clear on what needs to be done there with 358,
16 gentlemen?

17 MR. SOWERS: I heard the choices.

18 MR. HEETER: Right. Okay. Okay.
19 Okay. Well, we're -- we will table this for
20 30 days and we'll all get back together and
21 see -- and you'll do your research to see what
22 plan you want to go forward with that. We're
23 looking at needing a bond if you do decide you
24 want to take on those three projects. But back
25 together on the 22nd.

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1 MS. VESSELS: Okay. On the 22nd?

2 MR. HEETER: 22nd.

3 MS. VESSELS: Because I'm not sure
4 that's exactly 30 days, but I just want --

5 MR. HEETER: Yeah. Well, regardless,
6 the next scheduled meeting, you know. You'll
7 still be in town, so -- okay. Okay.

8 MS. VESSELS: I don't know if we can
9 make a motion on this, but the administration
10 would like to have another inspection, if that's
11 possible.

12 MS. FIELDS: Prior to that 22nd.

13 MS. VESSELS: Prior to --

14 MR. HEETER: Prior to the 22nd?

15 MS. VESSELS: October --

16 MR. HEETER: Just to see -- just so
17 everybody will see where things are at, I mean,
18 physically. Would that work?

19 MS. WHITEHEAD: Because you've done a
20 lot of work.

21 MR. HEETER: Yeah.

22 MS. WHITEHEAD: So that (inaudible)
23 progress.

24 MR. HEETER: How long would that take?
25 Just a day or a few hours or -- a few hours.

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1 Okay.

2 MS. FIELDS: Just a few hours.

3 MR. JORDAN: At least half a day.

4 MR. HEETER: Okay. Do you want to just
5 leave that up to their discretion for you guys
6 to discuss that or do you want to actually --

7 MR. JORDAN: We probably --

8 MR. HEETER: -- set a day?

9 MR. JORDAN: -- (inaudible).

10 MR. HEETER: Set a date? Yeah, that's
11 what I was -- yes, sir.

12 MR. SOWERS: I'm thinking that Aaron
13 could come and inspect the building prior to the
14 next hearing.

15 MR. HEETER: Doug, I'm guessing, as
16 well.

17 MR. SOWERS: Maybe toward the end of
18 the preceding week sometime.

19 MR. HEETER: Okay. So like Thursday or
20 Friday of the previous week?

21 MR. SOWERS: And I think the best thing
22 would be to -- for you just to call Seth and
23 work that out.

24 MR. HEETER: That definitely -- I
25 understand you get busy with the business, but

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1 it definitely needs to happen. Definitely --
2 yeah, so you got to make -- figure out -- make
3 time.

4 MR. JORDAN: (Inaudible)?

5 MR. SOWERS: Pardon?

6 MR. JORDAN: What would be a number to
7 reach Seth at?

8 MR. SMITH: Yeah, I have a comment on
9 that. Can we just set the date and time now?

10 MR. HEETER: Yeah.

11 MR. SMITH: That gives you three
12 weeks --

13 MR. HEETER: Absolutely.

14 MR. SMITH: -- to make adjustments and
15 allows us to make adjustments to our schedules.
16 Just because every time I've made (inaudible)
17 referred to you, Mr. Sowers, for --

18 MR. HEETER: So the --

19 MS. WHITEHEAD: 17th.

20 MR. HEETER: -- 22nd, so that's -- the
21 17th is Thursday and the 18th is Friday.

22 MR. SOWERS: He prefers not Friday, so
23 Thursday.

24 MR. HEETER: So Thursday the 17th.
25 Certain time in the day? Said it's going to

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1 take maybe a couple hours, they said.

2 MR. SOWERS: Seth, do you have a
3 preference on the time?

4 MR. SMITH: After lunch. 1 o'clock.

5 MR. SOWERS: 1 o'clock.

6 MR. HEETER: 1 o'clock.

7 MS. VESSELS: Anything else that you
8 want to --

9 MR. SOWERS: No.

10 MS. VESSELS: Any other thoughts?

11 MR. SOWERS: No. So I am anticipating
12 a motion to table until Tuesday the 22nd.

13 MR. HEETER: -2nd.

14 MR. SOWERS: And the Thursday before
15 that --

16 MR. HEETER: The fire department and
17 code inspector --

18 MR. SOWERS: -- Mr. Gardner and Jordan
19 will visit the premises -- all the premises,
20 including --

21 MR. JORDAN: Was it Tuesday or
22 Thursday?

23 MR. SOWERS: Thursday.

24 MR. JORDAN: Thursday.

25 MS. VESSELS: Thursday the 17th.

1 MS. WHITEHEAD: Thursday the 17th.

2 MS. FIELDS: And from the
3 administration side, probably Derek Hill, as
4 code enforcement, and myself, as director of
5 infrastructure and development, would probably
6 attend that, as well. And I don't know if our
7 electrical inspector might also be a part of
8 that inspection, as well.

9 MR. HEETER: Might have the nine people
10 there.

11 MS. FIELDS: Everybody has -- everybody
12 has a different area of expertise, so making
13 sure that we get everything done in one fell
14 swoop.

15 MR. SOWERS: I would just like to limit
16 the number as much as possible because it's kind
17 of hard for Seth to keep track of what's going
18 on when you have people all over the place.

19 MS. VESSELS: The three of you, Derek,
20 and Tom? Would it be okay to limit it to the
21 five, which would be the three here and then
22 Derek, who is right behind you, and then Tom
23 Cannon, the electrical inspector? Is five okay
24 or is that --

25 MR. HEETER: That would cover all the

1 bases.

2 MS. VESSELS: That way we don't have to
3 do multiple inspections.

4 MR. HEETER: Yeah.

5 MR. SOWERS: That seems like a lot to
6 me, but I'm not sure I have a choice, so -- my
7 thought was Mr. Gardner and Mr. Jordan. That
8 should take care -- they're the ones who
9 testified today.

10 MS. MATHEWS: Well, this way you
11 wouldn't have --

12 MR. HEETER: You won't have to have
13 more --

14 MS. MATHEWS: -- a lot of different
15 series of inspections.

16 MR. HEETER: Yeah, you can cover --

17 MS. MATHEWS: If you get all --

18 MR. HEETER: -- all the bases.

19 MS. MATHEWS: -- five, then you won't
20 have all these different days set up for
21 different --

22 MR. HEETER: Yeah.

23 MS. MATHEWS: -- inspections.

24 MR. HEETER: And that way, it will make
25 it --

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1 MS. MATHEWS: You would cover it --

2 MR. HEETER: It will make it --

3 MS. MATHEWS: -- in one.

4 MR. HEETER: If we have all the experts
5 there, then it will make it better -- easier to
6 make a determination when we all meet again.

7 MS. MATHEWS: Yeah.

8 MR. SOWERS: Have you -- have any of
9 you guys -- and I mean this with no disrespect,
10 but have any of you guys ever had inspection
11 from five different agencies and all of them
12 telling you something that they want all at one
13 time and you're only one person?

14 MR. HEETER: Right. I'm hoping that's
15 not -- I'm hoping they're not going to all five
16 talk at you at the same time. Yeah, I think
17 what we're -- I think what I'm understanding is
18 you're going to have five experts of different
19 areas there at the same time.

20 And I suspect these -- I'm expecting
21 most of the feedback is going to come from these
22 two guys, but they're -- they've got their
23 experts, like the electrical fellow, you know.
24 He's going to be there to advise them. And
25 she's the administration -- administrative

1 person. She may be doing most of the talking,
2 actually.

3 But it's more that, you know, you've
4 got your -- it's kind of like your employees.
5 I'm guessing, if maybe when you do a certain
6 job, you may have -- you may have some of them
7 come in because they've got an area of expertise
8 in certain maybe products, that type of thing.
9 I think that's -- I don't think they're all
10 going to -- I guess Beth can speak to that.

11 You're not all five going to be talking
12 to this gentleman at the same time, right?

13 MS. FIELDS: I mean, really we're doing
14 a follow-up. We're looking at the things that
15 we listed. We're taking new photos to document
16 the progress that you've made. So, I mean,
17 really we're trying to assist --

18 MR. HEETER: And I think you --

19 MS. FIELDS: -- in the process --

20 MR. HEETER: -- all five --

21 MS. FIELDS: -- to show --

22 MR. HEETER: -- will be going around
23 together. You're not -- I can understand --

24 MS. FIELDS: Right. We're not --

25 MR. HEETER: You're not --

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1 MS. FIELDS: -- spreading out.

2 MR. HEETER: They're not all five going
3 to be wandering around your facility in --

4 MS. FIELDS: Right. We'll all --

5 MR. HEETER: -- different places --

6 MS. FIELDS: -- be together --

7 MR. HEETER: -- at different times.

8 MS. FIELDS: -- in the same building.

9 MR. HEETER: I don't think that would
10 be -- does that seem --

11 MR. SMITH: Well, with due respect once
12 again, that's not how the first inspection --

13 MR. HEETER: Okay.

14 MR. SMITH: -- went.

15 MR. HEETER: Yeah, that --

16 MR. SMITH: They all went in different
17 directions.

18 MR. HEETER: Okay.

19 MR. SMITH: And they were talking to me
20 as they were walking down the --

21 MR. HEETER: Right.

22 MR. SMITH: -- hallways.

23 MR. HEETER: So you've had a bad
24 experience.

25 MR. SOWERS: So if we could stay

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1 together.

2 MR. HEETER: Yes.

3 MR. SOWERS: Let's try to make that
4 work.

5 MR. SMITH: I'm not trying to say --

6 MR. HEETER: No, no. I absolutely
7 understand. Yeah.

8 MR. SMITH: (Inaudible) --

9 MR. HEETER: You need some guidelines
10 and some boundaries there.

11 MR. SMITH: (Inaudible) --

12 MR. HEETER: Yeah.

13 MR. SMITH: -- (inaudible).

14 MR. HEETER: Absolutely. So is that --
15 does that seem fair? Maybe -- would you be the
16 person maybe that would be communicating to him
17 and they'd come to you -- okay -- and they all
18 stay together?

19 MR. SOWERS: Yeah.

20 MR. HEETER: That's a very good point.
21 Thank you for bringing that up. Okay. So we
22 just make a motion to table?

23 MS. VESSELS: A motion to table these
24 three properties until the October 22nd hearing.

25 MR. HEETER: Okay. Do you want to --

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1 MS. WHITEHEAD: I make a motion that we
2 table the hearing on 308 Northwest F,
3 310 Northwest F, 358 Northwest F until
4 October 22nd, with an inspection to be held on
5 October 17th at 1 p.m.

6 MS. MATHEWS: Second.

7 MR. HEETER: You second?

8 MS. MATHEWS: Yes.

9 MR. HEETER: All in favor say aye.

10 Aye. All opposed? Motion carried.

11 Thank you, everybody, for all your
12 patience and time today. We -- it looks like we
13 have some old business with 224 Northwest.

14 (End of recording.)

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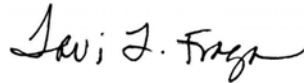
STATE OF NORTH CAROLINA)
) SS:
COUNTY OF MECKLENBURG)

CERTIFICATE OF COURT REPORTER

I, Tavi L. Fraga, the undersigned Court Reporter and Notary Public, do hereby certify that the preceding transcript of the September 24, 2019, Richmond Unsafe Building Commission hearing is a true, accurate, and complete transcription of the recording provided to me, to the best of my ability.

I do further certify that I am a disinterested person in this cause of action; that I am not a relative or attorney of any of the parties; that I am not a relative or an employee of such attorney or counsel; and that I am not financially interested in this action.

IN WITNESS HERETO, I have affixed my Notarial Seal and subscribed my signature below this 6th day of January, 2020.



Tavi L. Fraga, RPR, Notary Public
Notary Public #201229000172

Tavi L Fraga Notary Public Mecklenburg County, NC

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