

February 25, 2019
Tipton City Council Nuisance Hearing

The hearing was called to order at 6:04 p.m. Answering roll call were Mayor Jennifer Cary, Aldermen Mark Hampton, Charlie Hainen, and Mike Kelley and Legal Counsel Cydney Mayfield. Code Enforcement Officer Bruce Crider and City Clerk Jennifer Schmidt were also present.

Mayfield stated the public hearing was being held to determine potential nuisances at 143 & 147 W Cooper St, owned by Mike & Joyce Burns.

Schmidt swore in Bruce Crider. Crider is a police officer and code enforcement officer with the City, who has had no special training because the city ordinance does not require it. Mayfield submitted Exhibit A, Ordinance 16-05, as evidence to the council. Crider stated a notification of the hearing was prepared and given to Mike Burns in person on Feb. 13, 2019. Mayfield submitted Exhibit B, notification of hearing letter, as evidence to the council.

Joyce Burns and her daughter, Germaine, joined the hearing at 6:09 p.m.

Crider further testified that he has been in contact with Burns' on several occasions. Mayfield submitted Exhibit C, contact dates, as evidence. It was noted that contact with the Burns' had been made at least five times since July 2018. Some improvements were made to the properties. Crider stated that the properties were in violation of Ordinance 16-05, Section 2, Subsections 2, 4 and 14. Mayfield submitted Exhibit D, photos of the property taken on Feb. 13, 2019, as evidence. It was noted that the recliner in the picture has been removed. Crider recommended the nuisances be abated and vehicles get licensed. There is debris along the side of the home and on the front porches. Crider was excused from testimony.

Germaine Burns, daughter of Joyce Burns, who resides at 147 W Cooper St, stated the motorcycle is the only item on the porch at her residence. Germaine stated she is gradually going through her mother's things and that items still remain on the porch at 143 W Cooper St.

Joyce stated she had a stroke and she hasn't had any mobility issues with all of the items on her porch and in her yard. She believes she can get everything cleaned up by March 31. Germaine stated she has taken two weeks off of work with plans of working on cleaning up the properties. It was stated that Burns' could have been utilizing the city wide cleanups to remove such nuisances, as the city offers two per year.

There were no further witnesses and the council deliberated.

If the city does abate the nuisance by hiring a contractor, a special tax bill will be prepared and placed on the property tax statement. Once a date is given by the council to Burns' for the abatement, it cannot be changed. Germaine stated she does not believe the properties can be cleaned up by March 31. Mayfield asked the council, 1) Does the council believe a nuisance exists at 143 & 147 W Cooper St – the council unanimously agreed; 2) How much time does the council want to give the Burns' to remove such nuisances – the council unanimously agreed that the nuisances at 143 & 147 W Cooper St must be abated by June 10, 5 p.m.

Mayfield will prepare such order and the hearing ended at 6:42 p.m.

Jennifer Schmidt, City Clerk