

Westmoreland City Council
Special Meeting-Public hearing Minutes
August 24, 2021

The Westmoreland City Council met for a special meeting on August 24, 2021 at the Community Center for the purpose of: Discussion with property owners to show cause as to why their structure should not be condemned and ordered repaired or demolished.

Governing Body members present: Mayor, Mark Goodenow; Councilmembers, Jeff Rosell, Waide Purvis, Ashley Rice and Mark Jack.

Governing Body member absent: Councilmember Jim Smith.

City Staff present: City Attorney, Summer Dierks; Municipal Court Judge, Erich Campbell; City Maintenance Supervisor, Robert Krohn and City Clerk, Vicki Zentner.

Others present: Terry Tabb, owner of Westy Antiques located at 319 Main Street; Rita Newell, owner of Main Street Mercantile and Scott Schwinn, resident.

Others absent: Theresa Pudenz, owner of property at 204 S. Walnut.

There being a quorum present, Mayor Goodenow called the meeting to order at 6:00 PM and turned the floor over to the City Attorney.

Attorney Dierks stated that the first property owner that was summoned to appear before the council was not in attendance. She stated that the property at 204 S. Walnut had been found to be in violation of the unsafe structure Ordinance # 456 of the city. Attorney Dierks informed the council that they can rule that the structure is unsafe, unfit for occupancy and have them remove or repair the structure within 30 days of notice mailed to them.

Councilmember Purvis moved to find the structure at 204 S. Walnut in violation of city Ordinance #456 and have notice to remove or repair the structure within 30 days of such notice. Councilmember Rosell seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Smith being absent.

Attorney Dierks inquired if the owner of the property at 319 Main Street was in attendance. Mr. Terry Tabb stated that he was present.

Attorney Dierks stated that only Mr. Tabb was allowed to speak to the council regarding the violation of the city Ordinance #456 as it applied to the structure at 319 Main Street and that if any other persons in attendance were present to give testimony,

they would be sworn in by Judge Campbell and be given the opportunity to speak for Mr. Tabb as witnesses.

There being no such request from others in attendance, Attorney Dierks continued.

Attorney Dierks stated that Mr. Tabb was provided with a copy of Resolution #05-21 requesting his presence to show cause as to why the structure should not be removed or repaired.

She stated that there had been a report and pictures provided to the governing body from the city agent as to the condition of the structure and this was the time for Mr. Tabb to show just cause as to why it should not be removed.

Mr. Tabb stated that he was not sure what the governing body wanted him to do with the structure. He had cut down trees that were impeding upon the foundation and the foundation was fine. He had painted the building as was requested by the governing body at a prior meeting.

Councilmember Rosell asked Mr. Tabb what his plans were for the building.

Mr. Tabb wanted to know what the issues were. Attorney Dierks asked if Mr. Tabb was willing to fix the building.

Mr. Tabb stated he could "jack" up the floors. Councilmember Rosell asked Mr. Tabb if the floors and foundation needed repaired. Mr. Tabb responded they did.

Councilmember Rosell informed Mr. Tabb that the governing body was asking Mr. Tabb to do something with the building. Mr. Tabb asked if the governing body was asking him to fix everything.

Councilmember Jack stated that Mr. Tabb would need to have a licensed contractor inspect the building and give the governing body a written report of his/her findings, especially if the building was safe or not.

Attorney Dierks recommended that the governing body give Mr. Tabb 30 days to fix the issues and to have a licensed contractor give his/her findings to the governing body in writing.

Mr. Tabb inquired if he could still sell the building. Councilmember Rosell stated that the licensed contractor would need to tell Mr. Tabb what needed to be fixed within the 30 days. If Mr. Tabb were to sell the building within the 30 days, it was his right to do, the governing body would then take up the issues with the new owner(s).

Councilmember Rosell moved to give Mr. Tabb 30 days from August 24, 2021 to have a licensed contractor come to the governing body with his/her findings of what was fixed and/or needed to be fixed with the understanding that the governing body would then re-address the issue(s) with the building with Mr. Tabb. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Smith being absent.

Attorney Dierks then stated that Mr. Tabb had until September 24, 2021 to address the issues and have them fixed. Then, the governing body would decide if Mr. Tabb had addressed the issues and fixed them to their satisfaction as to whether to request Mr. Tabb attend another special meeting with them.

There being no further business of the special meeting, Councilmember Rosell moved to adjourn the meeting. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Smith being absent.

Mayor Goodenow declared the meeting adjourned at 6:19 PM.

Approved by the Governing Body on September 9, 2021.



Vicki B. Zentner
Vicki B. Zentner, City Clerk

Signed: Mark A. Goodenow
Mark A. Goodenow, Mayor