

COMMONWEALTH OF KENTUCKY
CITY OF BEREA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
CLAUDE AKERS)
)
(Property located at 201 E. Haiti Road)
Berea, Kentucky)

ORDER

* * * * *

This matter having come on for a hearing before the Code Enforcement Board upon the issuance of a complaint charging that the structures at 201 E. Haiti Road are unfit and unsafe and the grounds constituting a public nuisance, which complaint was made by the Code Enforcement Office of the City of Berea. Code Officer Amanda Haney, originally on August 8 2020, posted to the structure which alleged that the structure at 201 E. Haiti Road is in violation of the Property Maintenance Code, pursuant to Section 70.005(b) and the grounds in violation of Section 50.001 of the Berea City Code. A few months later, it was determined that there was at least one person living there without electric, water, sewer or trash service. On September 25, 2020, a follow-up notice with a fine of \$25 per day was sent by 1st class U.S. mail as well as posted conspicuously to the structure. This Board held a hearing to determine whether the dwelling is unfit for human habitation and/or dangerous and grounds constituted a nuisance.

A hearing was held on this matter before the Code Enforcement Board on November 10, 2020, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, chair, Ken Vasey, vice chair, Terry Bingham, Tom Schultz and James Anderson. Also present was Amanda Haney of the Code Enforcement Office, and Robin Adams, City Clerk, who made notes and prepared the minutes of the meeting; and Jerry W. Gilbert, City of Berea Corporation Counsel.

After being duly sworn, Amanda Haney of the City of Berea Code Enforcement Office, offered testimony and a written and photographic record of the inspections of the dwelling and grounds at 201 E. Haiti Road, summarized as follows:

The structure is located 201 E. Haiti Road. The structure appears to be inhabited by at least one person and there is no electric, water, sewer or trash service. Haney further testified that the property owner, Claude Akers, has been in contact with the Codes Office stating that he intends to make repairs and restore utilities but did not provide a date by which these improvements would be completed. The property, in its current state, is unfit for human occupancy and is dangerous. As of the date of the hearing, the total fine accrued is \$1,150.00

The property owner, Claude Akers, appeared at the hearing and stated that he plans to install new windows, soffits, and siding but has been delayed as he suffered a broken leg. Mr. Akers requested six (6) months in which to bring the property into compliance.

Carol Dollins, Doyle Keith and Jim Scheff, residents and/or property owners on E. Haiti Road testified that the property attracts the homeless, drug activity and crime. Neighbors testified that the structure has been uninhabitable for several years and that it is a blight on the community and has caused their property values to decrease.

Based on the evidence, the Codes Enforcement Board makes the following Findings of Fact:

1. The owner of the property at 201 E. Haiti Road, Claude Akers, was properly notified of the violations and of these proceedings.
2. The structure at 201 E. Haiti Road is unfit for human occupancy and is dangerous in violation of Sections 70.005(b) and 50.001 of the Berea Code.


Based upon the foregoing findings, the Code Enforcement Board concludes as follows:

1. The owner of the premises located at 201 E. Haiti Road is in violation of the aforesaid provisions of the Property Management Code and constitute a nuisance.

Based upon the foregoing Findings and Conclusions, it is hereby ORDERED pursuant to Section 70.005 of the Berea City Code, KRS 65.8821, 65.8825, and 65.8828, the structure at issue located at 201 E. Haiti Road is found to be in violation and a fine of \$1,150.00 be imposed and the City is authorized to board up the doors and windows on the structure to prevent unlawful occupancy of same. The property owner shall have until May 10, 2021, six (6) months from date of hearing, to bring the property into compliance. In the event the property is brought into compliance by May 10, 2021, the fine will be withdrawn. If, however, the property is not brought into compliance by May 10, 2021, the fine of \$1,150.00 will be imposed along with further fine of \$25.00 per day until brought into compliance. It is further ORDERED that the Code Enforcement Office of the City of Berea shall immediately cause to be posted on the main entrance a notice that the dwelling is unfit for human habitation, and occupation of the building is unlawful, and shall further board up the windows and doors to prevent occupation and the total cost of same along with any fine imposed thereon shall constitute a lien against the real property at 201 E. Haiti Road to be placed on the City's tax books and to be collected and foreclosed upon in the same manner as taxes and tax liens.

BEREA CODE ENFORCEMENT BOARD

Date: 11-17-2020

By: 
Andrew Baskin, Chairman

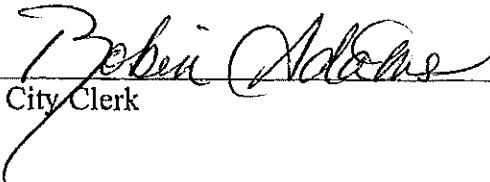
CERTIFICATE OF SERVICE

I certify that true copies of this Order has been sent to the persons listed below, by first class United States mail, or hand-delivery, on the date set out below.


Claude Akers
141 Liberty Avenue
Berea, Kentucky 40403
Owner

Amanda Haney
Code Enforcement Office
City of Berea, Kentucky

Date: 11-17-20

By: 
City Clerk

Prepared by:


Jerry W. Gilbert
Corporation Counsel