

## ZANESVILLE CITY COUNCIL MEETING – MONDAY, NOVEMBER 26, 2018

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, November 26, 2018 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Mrs. Norman, Miss Bradshaw, Ms. Gildow, Mrs. Osborn, Mr. Sharrer, Mr. Foreman, Mr. Roberts, Mr. Baker, Mrs. Gentry, and Mr. Vincent.

### APPROVAL OF MINUTES

Mrs. Osborn moved to accept the minutes of November 13, 2018 as printed, seconded by Mr. Sharrer.

Motion carries.

### COMMUNICATIONS, REPORTS, AND RESOLUTIONS

There were none submitted.

### PROPOSED ORDINANCES

**Ordinance No. 18-127** - Introduced by Council – An Ordinance providing Temporary Appropriations for use during the period January 1, 2019 through March 31, 2019 and declaring an emergency.

Mr. Roberts moved to waive the readings and it was seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion? Hearing none, we will have roll call vote.

Roll call vote on waiving of the readings.

9 Ayes

0 Nays

Motion carries.

Mrs. Norman moved for passage, seconded by Mrs. Gentry.

Ms. Gildow: A comment, that this went through the Ways & Means Committee and Ms. Heskett answered any questions we had and we are ready to present this.

Mr. Vincent: Thank you, Ms. Gildow. Is there anything else from Council? This is a temporary budget to get us so we can continue into the next year and get some final figures to get the year wrapped up, finding out what we have money-wise and then we will do a permanent budget. We will pass that in the first quarter.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

Mr. Vincent: I noticed we have a lot of people standing in the back. We have some empty chairs. I know things are tight so feel free if you want to spread chairs out a little to make a little bit more room. We have a couple more seats up front here if you would like to come in and have a seat. There are two up front here. There is one in the second row.

Some time was allowed for people to be seated.

Mr. Vincent: Okay. Good to see a great crowd. Glad you are all here this evening.

**Ordinance No. 18-128** - Introduced by Council – An Ordinance adopting Chapter 523 of the Codified Ordinances of the City of Zanesville, entitled “Public Nuisance Abatement” Relating to Combatting Crime, Combatting Drug-Related Offenses, Removing Problem Residents, and Abating Other Public Nuisances.

Mr. Baker moved for first reading, seconded by Mr. Foreman.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye.

All were in favor. None were opposed.

Motion carries.

Mr. Vincent: This will return for second reading at our next meeting. Since we have new people here this evening, when we do first and second readings, we vote on them as a tradition, where most do not, but I think that helps people to see where Council is and their position on an Ordinance. On the first and second readings the vote does not count. It still comes back three readings and the third reading is what counts for

passing. This is just to give you a little insight, if you are seeing something different than you have seen someplace else.

**Ordinance No. 18-129** - Introduced by Council – An Ordinance authorizing the proper City Official to enter into a contract with Crawford, Murphy, and Tilly Inc., consulting engineers for engineering services related to the development of the Zanesville Municipal Airport.

Mr. Roberts moved for first reading, seconded by Mrs. Osborn.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of first reading signify by saying aye.

All were in favor. None were opposed.  
Motion carries.

## **ORDINANCES FOR ACTION**

**Ordinance No. 18-123** – Introduced by Council – An Ordinance authorizing the Mayor to enter into an agreement with the Muskingum County Commissioners, for the reimbursement of fees paid to attorneys who represent indigent defendants in Municipal Court.

Mr. Foreman moved for second reading, seconded by Mr. Roberts.

Mr. Vincent: Is there any discussion? Hearing none, all in favor of second reading signify by saying aye.

All were in favor. None were opposed.  
Motion carries.

**Ordinance No. 18-124** – Introduced by Council – An Ordinance to amend Chapter 1153 of the City of Zanesville's Planning and Zoning Code.

Mr. Baker moved for second reading, seconded by Mr. Sharrer.

Mr. Vincent: Is there any discussion?

Mr. Baker: Just to refresh your memory a little bit, this was up for first reading before The Community Development Committee had actually been able to take a look at it which we did last week. This is an Ordinance that tends to get the City Codes in line and in agreement with the recent Supreme Court decision with the Gilbert case which greatly restricts the ability of city governments and state governments too probably; to regulate or limit signage based on content. There was no formal adoption or recommendation of this by the committee, because we didn't have a quorum. Not to speak for everybody there was very little dissention with this and we all thought it was a great idea. We went through this more or less line by line with the changes and agreed with it. The only thing that I can see that kind of raises my concerns is what kind of content, if content of city signs are not regulated at all will that mean an influx of people putting up signage that is either obscene or otherwise inappropriate. From what I understand from graphics people, but more to this; we have very little power to really regulate that.

Mr. Bennett: That is correct, but ultimately I think when I talked with the committee I said there could be possibly another way through other city codes that you get into obscenities and things of that nature. The Gilbert decision talks to police power and permitting signage; like with square footage surface area and those kinds of things, placement, not resembling a traffic devices, those kinds of things, so that is what we do, but our code did have some language in it that regulates content. That goes to the heart of what the Supreme Court ruled on is local governments cannot regulate as it is free speech. So anything under an obscenity or something of that nature, Mr. Tarbert, do you have anything on that?

Mr. Tarbert: If it falls under the criminal code it can still be prosecuted.

Mr. Baker: So this is regulated, just not through here?

Mr. Bennett: That is what I would say is there are other places within the code.

Mr. Baker: Okay, so this just prohibits using that to deny a permit whereas there are other avenues to deny it for those very reasons.

Mr. Tarbert: Yes.

Mr. Baker: Okay.

Mr. Vincent: Okay, thank you. Is there anything else from Council? After the last meeting I did talk with Mr. Arnett. I had some concerns as far as some edits that need to

be made and Council was presented with a memo from him, with a recommendation for edits. There are a lot of edits to this and some minor things were missed. Under Table 27, for you to follow, under (f) remained in there and is no longer an (f) as (f) was removed with this so (f) needs to be removed on the sixth line down under Institutional/government announcement board in the far right column under other requirements (f) needs to be stricken. Then under the notes for Table 27 since (f) came out, that changes the lettering for all that follows after that. Council did get a memo on that from Mr. Bill Arnett, the Planning and Zoning Administrator. So with that I will entertain a motion for that amendment.

Mr. Roberts moved to amend and it was seconded by Mr. Baker.

Mr. Vincent: Is there any discussion on that? Is Council clear? So, we have a motion for those amendments that I just discussed and were presented to you in a memo, so all in favor of those amendments signify by saying aye.

A voice vote was taken with all members being in favor. None were opposed.  
Motion carries.

Mr. Vincent: We are now at Ordinance 18-124 as amended. We are at second reading.

Mr. Roberts moved for second reading as amended and it was seconded by Mr. Baker.

Mr. Vincent: Is there any further discussion? All in favor of second reading signify by saying aye.

All were in favor. None were opposed.  
Motion carries.

**Ordinance No. 18-111** – Introduced by Council – An Ordinance authorizing the proper city official to provide funds for a Humane Officer

Mr. Sharrer moved for third reading and passage, seconded by Mr. Baker.

Mr. Vincent: Is there any further discussion? Hearing none, we will have roll call vote.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 18-112** – Introduced by Council – An Ordinance authorizing the proper city official to purchase items for employee recognition.

Miss Bradshaw moved for third reading and passage, seconded by Ms. Gildow.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 18-113** – Introduced by Council – An Ordinance authorizing the proper City Official to provide funds to South East Area Transit for the year 2019.

Mr. Foreman moved for third reading and passage, seconded by Mr. Baker.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 18-114** – Introduced by Council – An Ordinance authorizing the proper City Official to provide funds to the Zanesville-Muskingum County Port Authority for organizational, promotional, and operational expenses during year 2019.

Mrs. Osborn moved for third reading and passage, seconded by Mr. Foreman.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 18-115** – Introduced by Council – An Ordinance implementing a new City Purchasing Policy for items greater than or equal to \$5,000 and under \$49,999.99.

Mr. Roberts moved for third reading, seconded by Mr. Foreman.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 18-116 Amended** – Introduced by Council – An Ordinance authorizing the Proper City Official to enter into a Professional Contract with Hull Inc. for the design of Pioneer Reservoir Replacement Project.

Miss Bradshaw moved for third reading and passage, seconded by Mrs. Gentry.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 18-117** – Introduced by Council – An Ordinance authorizing the Proper City Official to enter into a Professional Contract with Poggemeyer Design Group Inc. for Design and Bidding Services for the Replacement of the Linden Avenue Sanitary Sewer Pump Station.

Mr. Foreman moved for third reading and passage, seconded by Mr. Baker.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 18-119** – Introduced by Council – An Ordinance authorizing the proper City Official to dispose of surplus property. (Streets Division)

Mr. Sharrer moved for third reading and passage, seconded by Miss Bradshaw.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

**Ordinance No. 18-120 Amended** – Introduced by Council – An Ordinance authorizing the proper City Official to dispose of surplus property. (Sanitation Division)

Mr. Roberts moved for third reading, seconded by Mr. Sharrer.

Roll call vote for passage.

9 Ayes

0 Nays

Motion carries. Ordinance is passed.

## **TRAFFIC ORDERS**

None were filed for this meeting.

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

The Law Director did not have anything to add tonight.

The Mayor couldn't be here this evening so we hope everything is going well there and with the Safety Director too.

## **PRIVATE PETITIONS AND COMMUNICATIONS**

### **Non-agenda item petitions filed**

Mr. Vincent: To get us started on the non-agenda items. Obviously, there is a lot of concern here as we have such a great turn-out. This is the best turn-out I think I have seen at Council in many years. So we appreciate your being here. We appreciate your concerns. With that, I think there is some misinformation out there so there will be some disappointment, but I am working to address that.

There will be some disappointment, as far as the fact; the City right now at this point is not really involved. We are not making any decisions tonight about what is going to happen to the properties. We don't have properties. This is a legal matter still at this point not a legislative matter or an administrative matter. A legislative matter would be Council and an Administrative matter would be the City. There is more information to come. So we are not making any decisions tonight. I saw an e-mail circulating around and so with that we are going to hear your concerns so if in the future something comes into play we will know where you stand and what your concerns are. I think I have a good idea of what those are already. We will hear them from you. With that to help us out tonight, as far as to set us straight; we are we have the Assistant Prosecutor that agreed to come as a special guest and subject matter expert to speak tonight. He will finish up the evening for us and share with us what is going on. Again at this point, the city is not involved. It sounds like there is potential, but I don't know details on that. I know the Mayor is being talked to, but I don't know anything as far as we are taking over properties; that is not in to play. At this point, we are not kicking out tenants. We

will be finding out more as far as what happens then. With that, I do have several speakers tonight. I will have you come up and announce who you are and have you come up to the microphone and adjust it down so you can be heard. You will have three minutes and I will let you know when your time is up. This is to be laid out as far as how it relates to City Council and what we might be able to help you with in the future keeping in mind what the City might be able to do. You don't want to get into a lot of personal details. Keep it professional and not going after people if you have someone you disagree with or feel something is wrong. Please, just present your facts so Council can look at that from a factual stand point instead of an emotional standpoint. So, with that, let me turn it over to our first speaker this evening. If you have any questions when you come up you can let me know as far as for clarification.

Laura Landolt, P.O. Box 615, Buckeye Lake, Ohio speaking on help for John Kemp's renters who have been told they are losing their homes.

Laura Landolt: Thank you all for letting us come and meet with you today. As you are saying we are not really expecting any solutions right now, but there was an article that came out in the paper (Zanesville Times Recorder) that, by the way, I am Laura Landolt and I run Inner City Ministries. I have been working in the area for about 27 years and our minister when I was in seminary this was my field placement and myself and other ministers came in to the area and we did outreach programs with at risk kids and their families. That is how I became acquainted with John Kemp. He helped me get into the neighborhood and meet the people. He helped set up the programs and he also did a lot of outreach over the fifteen years that we were in the Greenwood area. He took in renters that really couldn't afford rent. He helped people to find jobs. He really supported us and provided even direction when we didn't know how to deal with certain situations that were coming up. He prayed with me. He prayed for me. I just want to provide that side of the story and a lot of why many people who are here tonight have connections with him because he has taken in people when they had no place to go and they didn't have other opportunities. He really has helped a lot of people in the community. I just want to get that out there first.

The main reason we are here is there was an article that came out that shocked the majority of his tenants and all of us involved with the ministry because none of us had any information ahead of time and we were just told that a list of houses of people who were going to become homeless. It even had been put out on the street that beginning in December there were going to be notices sent out for 30 day eviction notices and this was during the holidays. These people come from a very, very struggling backgrounds already and they already have stresses and problems with finances and physical and mental problems that having this surprise come in was really traumatic for a lot of

families. It really was a concern for us too, because we have no way to help them. There are not enough properties for these people to go to and there are no means for them to move. A lot of them don't have cars and they are they already are dealing with things going on in their lives so this panic that came in really shocked a lot of people. So the main reason I wanted to come tonight is to get everybody on the same page and meet the key people that are involved and really get the word out. I met the Mayor a couple of times. He assured me that nothing is going to happen in the immediate future and that there will be no surprises and that everything will be taken care of in a step by step process. The tenants and everyone involved will be involved with the planning that is happening and with what is going to be happening with their future. I really wanted everybody to know that and to hear that because there are a lot of really scared people right now. One of the other key things that I wanted to get out there is these people have formed their own connections and their own support systems in their neighborhoods. They have family members living with them: their moms live with them, children and grandchildren, and they also have neighbors that they depend on to get them to the grocery store or to the doctor or even to work. So, if they have to move from their homes, they not only will be losing their homes; they will be losing their connections. I want to thank everybody and I hope we can all work together and I do want to thank the Mayor even though he is not here for his compassion. We just ask for compassion and mercy in this situation.

Mr. Vincent: I am sorry, but I have to cut you off because I have people with stop watches that time everything and if I give you extra time then I am not being fair to everyone else.

Ms. Landolt: I understand.

Mr. Vincent: My apologies, but I have to be firm. My apology that I keep looking down, but I am having timer problems here so sorry to be rude and keep looking down. I am not looking down because of the time; I am looking down because of technical difficulties. With that, I will apologize in advance as I am not sure how to pronounce the next name.

Anita R. Ayotte, 1142 Putnam Avenue, Zanesville, OH speaking on I want to help work with the City to help Mr. Kemp's tenants. Help to find a solution to the mayhem.

Ms. Ayotte: This pretty much sums up what Laura says. Thank you for hearing us. We really appreciate that. Like she said these people; most of them, didn't have means to move out of these houses and that is why they are in this horrible situation where like she said that popped up from the newspaper. It blew a bunch of people's minds. I am

sure Mrs. Frank's phone blew up because everybody was like what? Mainly, there aren't enough housing situations for all of these people. If we were only taking ten or fifteen it would be different. There are a lot of people in these houses. I have looked. I have been looking for a year and a half and have found nothing for me. I don't have a bad background, I don't have a drug problem, and if I can't find it, how are all of these people with all of these children going to find places. So we are just asking that maybe we can touch resources. We have very limited resources in Zanesville. Cathy Holmes is an option once evictions come out. She might be able to help with deposits. A lot of these people do not even have money to put a deposit down. That is why they are in his houses. He was the only person who would take you in whether or not you could afford \$2,000 or whatever the price was. I have seen him help so many families over the years and it is sad that he can't help us anymore, but there isn't anybody else willing to do that so far. I am trying to work with some of the relators in the area to hopefully help people who will be displaced to find somewhere to go. We would appreciate the City and any help that you can give us in this area. We are not sure where we are at and we don't know what our legal options are or if there are any. As far as we know on that type of situation with a seizure like that we just have to go. There are no real recourses for us so anything you can do to help we would be so appreciative. Thank you for your time.

Mr. Vincent: Thank you very much. We greatly appreciate it.

Ashley Frank, 5900 Cutler Lake Road, Blue Rock, OH speaking on Kemp property forfeiture/residents

Ashley Frank: Hi, thank you for hearing us out. Thank you, Anita and Laura. As many of you know Mr. Kemp is currently incarcerated. He feels as if he was forced to forfeit his properties by not wanting to go to a jury trial of course. He is 64 years old he didn't want to die in prison. He has pled guilty to three charges with a max of seven years. Part of the deal was for Mr. Kemp to forfeit some of his properties and he has now realized that he has voluntarily giving up his properties with no choice. I have a letter here from a tenant. We are all here concerned about the tenants and where they are going to go. Mr. Coleman Farr he states I have rented 47 Glessner Avenue for over ten years. I have always paid my monthly rent on or before the first of every month. I have made this my home along with precious dogs which is my family. I take pride that I have planted a garden each year and share my produce with my neighbors and different businesses that I frequent. I don't know what I will possibly do if I am forced out of my home and I pray you will have compassion for me and my family.

As the newspapers have stated they are stating that all of these properties are crack houses, drug houses, and that our tenants are drug dealers. That they are on drugs and

that is not true. We have a lot of elderly tenants that are disabled and that are on fixed incomes. We have single mothers, we have hard working families in these properties, and the City is going to force them all out of their homes which are going to cost the City a lot of money to tear these properties down. We are trying to seek alternative methods rather than kicking these people out on the streets. So if you could help us it would be much appreciated. Thank you for your time.

Mr. Vincent: Thank you very much.

Doug Ray, 22 S. 7th St., Zanesville, OH speaking on Kemp Houses: Property Management

Doug Ray: Hello, my name is Doug Ray. I have Shield Properties and we do property management. I just want to reiterate that what Laura said was spot on as far as there are not going to be enough houses available or properties available that will be rentable to cover this kind of 100 plus or minus people. So, if this does come about I hope the City has some type of placement program to help them through this. That is really all I have to say.

Mr. Vincent: Thank you, sir. We appreciate it.

Timothy Hardwich, 468 Spangler Drive, Zanesville, OH speaking on Kemp Property forfeiture/demolition

Timothy Hardwich: They have pretty much said everything I wanted to say. So, other than a lot of these people those are in here now are good people. I think a lot of people are judging everybody else and maybe they should look at the good people that are in these properties and try to keep these properties and let them try to buy these properties. Set up a payment plan where they can pay the back taxes owed or anything. Everybody in here is good people or they wouldn't be here today. Like I said, everything that everybody has said is what I wanted to say so I can't really say any more, but I appreciate your time. Please give us some sympathy for everybody. Thank you.

Mr. Vincent: Thank you, sir. We appreciate it.

Rachel Roush, 1228 Putnam Ave., Zanesville, OH speaking on Kemp properties

Rachel Roush: Hello, I am Rachel Roush. I had rented off of John (Kemp) for 19 years and I had to leave my property because you guys condemned my property. I put my own money into this house, my own money to fix the walls, the floors, brand new

windows. I have never seen anything wrong out of John (Kemp). He has been a good guy. My husband beat me, threw me out on the street with a new born baby and he took me in with no money. Now thanks to Ashley, she found me a place within a week and I found out on Sunday that I had to have all of my stuff out in five days. I have all my blood, sweat, and tears in this house. I work ninety hours a week to provide for my family and my dying father who has stage three lung cancer. We had to get out of our house. I am not a good speaker in front of people. I never was, but this is wrong. I shouldn't not have to vacate my property because of one little hole in the roof. I can only do so much with my money and three babies. Everything everybody is saying in here is true. We are all being shamed for something he has done. We can't help all the other drug dealers, prostitutes, and whatever we are called in the newspaper. We are not. I pay my taxes. I work hard for my family to pay my bills. Now I am out of a house I spent all of my children's life in; all of them. Now I have to start all over again. I had to spend my whole paycheck to move in five days. So who is going to pay my electric bill, who is going to pay my gas bill, and who is going to get my water? Who is going to buy my groceries for all my babies? I got to do this all over again. I feel this is wrong that I got put on the street because I am putting my money, breaking my back, to fix this house because I didn't want his workers in my house. I can tell you are bad just by looking at you. I fix my own property with my own money on my own time. I had holes in my walls when I moved in. I got new drywall, new windows, a hot water tank, and I fixed the property up from looking like trash. Now it looks like something and they want to kick me out for that hole in my roof. I can only do so much with the little bit of money I got. I didn't want nothing from him. All I did was pay my bills and paid my rent on time for 19 years and now I am out. All that money I put in to this house and I am out. I don't see it is fair. I don't. That is all I have to say. Thank you for you guys time.

Mr. Vincent: Thank you very much.

Ryan Norman, 423 Dryden Road, Zanesville, OH speaking on Kemp properties

Ryan Norman: I am another one that has put a lot of my own money into a house at 423 Dryden Road. In 2014 it was caught on fire. The kitchen was gone and everything. It is pretty much our home. We have put all this time and we put our own money into it. We rehabbed everything ourselves. It is ours, you know what I mean. John ain't done, he hasn't had to. He gave me that option to make it my home. It is going to be torn down for no reason. There is nothing wrong with it. It is in the paper that you guys are going to these houses down. Why? That is the big question. Why? That is all I have to say. Everybody else has really covered the rest of the points. You all have a good night.

Mr. Vincent: Thank you, sir. We greatly appreciate it. Again I would like to say thank you all for coming. I appreciate your comments. Council is learning things tonight. I guess the question that is going to be stuck in my mind is people who invested a lot in these homes. I guess what pops in my mind, is there any way they could purchase these homes somehow. I don't know if that is an option. Like I said before we don't have (Interrupted) just a moment, let me finish here. I don't know if that could be an option. It is something that popped into my mind. We are going to learn now, as we have Assistant Prosecutor John Litle who is here this evening to speak. He is going to share with us and Council is going to learn a lot of things as far as what is going on. I think he has probably met with the Mayor before and probably the Law Director, but Council is going to learn a lot of things tonight. As I said before, the City is not really involved to this point, but we are going to find out things that I think where we might become involved. So, I will turn to Mr. Litle.

Mr. Litle: Thank you members of Council. I want to address a couple of things first. I know there are a lot of people here who are very concerned about housing security and generally this whole situation. So, as a first piece of background Ms. Roush I know has invested 19 years of her time into her property. That property eviction had nothing to do with this criminal case. That is I believe a Code violation condemnation eviction which means that although she paid her rent and improved her home for 19 years the way the landlord maintained it caused it to be condemned. That is what caused her to have to move. So when she thanks Ashley Frank who is the power of attorney over all of these properties for finding her a new place, but it is also the same person who didn't keep the place up to code and caused it to be condemned. So, I want to separate that issue because it is traumatic and that example I think causes a lot of fear for people. There is not a circumstance that is going to happen in this case where you are going to get some five day notice that says you have got to leave. It is not how we are proceeding.

A speaker from the audience spoke out.

Mr. Vincent: I am sorry, but we are not going to get into debate here. Please let him present.

Mr. Litle: That is not how this is going to proceed. I don't know how Code Enforcement works when something is condemned and declared unsafe. That has nothing to do with what we are doing here.

Mr. Vincent: Just to help out if you will just address Council then and you can address these concerns and Council appreciates that. With that also to be clear, if it was a Code

violation the City would have been responsible for the Code violation and enforcing that. With that, it becomes a property owner not keeping something up and it led to eviction.

Mr. Litle: So, Mr. Norman asked why this has to happen. In order to understand that you have to understand that this is the third time that Mr. Kemp's properties have been involved in some form of criminal prosecution. It started with federal prosecution and it has now moved down here into these cases. The tenants are victims just as much as other people are victims in this case. They didn't do anything to get themselves drug into this situation and I have tried to make it as clear as to anyone who will listen to me that just because Mr. Kemp was operating his entire real estate entity as a criminal enterprise does not mean that the individuals who are renting from him did anything wrong.

More disruptions came from the audience.

Mr. Vincent: Please those in the audience; if you would like to stay I need you to remain quiet. If you speak out...

Some people quickly and loudly left Council Chambers and slammed the door.

Mr. Litle: The people who are renting are, as I said, victims as well. Here is the financial situation. Mr. Kemp owes the federal government \$816,000. That is a lien on every one of these properties.

Someone from the audience said let us buy our houses.

Mr. Vincent: Sir, sir, that is the last warning, sir. I will have you removed and if I need to I will have you arrested.

A few people left the Council Chambers.

Mr. Vincent: Thank you. I appreciate the passion here and the upset, but I cannot tolerate interruptions of this meeting. I have to be fair to everyone; a professional, fair meeting is what I need to run here.

Mr. Litle: I shared your instinct which is there is there some way we can make it so that somebody can buy this property? If you buy the property, then you buy the \$816,000 of debt that comes with the property. So these houses are unsalable. In fact, there is an individual who was sold a house on a land contract. He fully performed, he fully paid for the house, only to basically be strung along and not until I was sitting down and talking

to him, realized well this house comes with \$816,000 of debt if you have it transferred into your name. So, that brings us to the resolution on this case which is these houses are subject to forfeiture. They have been agreed to be forfeited and I have tried to work with and I have been calling landlords to find out about housing availability. I have been playing phone tag and I was on vacation last week, with individuals in various ministries trying to provide housing security for people. I have been in touch with the State Senate, Senator Balderson's old office, trying to find grant funding for the City to assist with the demolition of these properties, but the IRS and the federal government are willing to release their liens on the property provided that the property is demolished. So, that is how these properties become marketable again; and that is how this \$816,000 federal tax lien stops being a force field against our ability to stop the activity that has been going on.

I have lived and breathed this case for the last nine months plus and the situation that was going on with the Real Riders Gang and Mr. Kemp's rentals has been under investigation for long before that. This is not a new issue. We are between a rock and a hard place because this process doesn't give us an option to just give the house away to someone and basically the choice is between leaving the properties with Mr. Kemp to be run as they have been run or to proceed through this process whereby we can obtain the properties and get them into some sort of marketable fashion even if it as getting it into a land bank as private lot. So, I know that is not what people want to hear, but I do and have been fielding calls from many people who are renting. I am trying to meet with people to try to provide some housing security. This isn't really my direct area of expertise, but I am trying to reach out and work with people who are willing to work through this process; but the option of leaving the properties with Mr. Kemp to continue this path is not an acceptable one for this community in my opinion.

The list of properties is right there in the plea agreement. I invite every one of you to drive out and some of these properties are in varying stages of the way that Mr. Kemp has maintained these properties. I am very sensitive to all of these people who poured their own money into Mr. Kemp's properties, but convincing people to spend their own money on that is another unfortunate situation. I don't know if there are any questions or if I have left out some form of explanation here. I know that the tenants are another set of victims of Mr. Kemp.

Mr. Vincent: Thank you, Mr. Little. I appreciate your time. Are there questions from Council?

Mr. Foreman: I have one. I just want to make sure I understand. I don't know if I understood what you said, but if the tax lien would be removed only under the condition of the properties are demolished? Is that correct?

Mr. Litle: I reached out. I was trepidatious in trying to reach out to try to get the IRS to lift a tax lien. In conversing with them the discussion is, now there are five properties in this, I believe, that are actually not subject to the federal tax lien. Those are not included in the mandatory demolition section which I could follow up with you later. The rest of them the federal government has an interest in these properties so that's (Interruption)

Mr. Foreman: I guess the reason I asked is first of all I wanted to make sure I understood. Second of all I am just curious as to why they would remove the tax lien for a demolished property, but not for a standing property. Not to rehab or, do you know what I mean, I don't understand that.

Mr. Litle: If there is a standing property; the answer is one; I am not going to speak for them necessarily, but in my kind of back and forth the standing properties are of potential monetary value. So, that is something for them to foreclose on and I think there is also. This is how my discussions went with them basically.

Mr. Foreman: This is what you were told.

Mr. Litle: Yes, our back and forth with them which has been months now began with how do I go about, if it is possible, because at the time I looked at this and I thought I may not be able to do anything and that is where our discussion got us. They would lift it in that circumstance.

Mr. Foreman: One other question. Who razes those properties? Who would be responsible?

Mr. Litle: I believe it will be the City and it is going to be expensive. That is an accurate statement. I had an opportunity to meet with Mr. Bennett, Tim Smith, and the Public Safety Director Toney before this plea went down to kind of discuss this situation and how to best proceed.

Mr. Foreman: So the City pays to raze the properties, the tax lien goes away, the properties get demolished, and then who sells the properties? Do they go into a Land Bank?

Mr. Litle: No, the process and I talked to Mr. Tarbert about this today and I not a real estate attorney, but I have talked to Assistant Prosecutors in my office who do this. The property forfeited to the City, the property is razed by the City and the federal tax liens are lifted. The cost of the razing is placed onto the property taxes, foreclose on the property taxes, if it doesn't sell at auction, which it is unlikely to sell at auction because it is not going to be worth as much as the demolition costs then it goes to the Land Bank. I don't know if that process makes sense to you, but that is

Mr. Foreman: I mean I understand what you are saying.

Mr. Litle repeated what he said for a lady in the audience who couldn't hear what was said.

A lady from the audience then asked who owns the Land Bank. Mr. Litle said the Land Bank is a City entity. Others said it is a County entity or a quasi-City/County entity. Many people in the audience started talking all at once.

Mr. Vincent: Hold on folks, hold on, hold on. I allowed the questions to take place because it had to do with a hearing issue, which I am very sensitive to as we don't have the best sound system here, so I wanted that addressed as far as repeating information. With that as far as additional people speaking that then falls to Council's hand. We had people who filled out petitions tonight who wanted to speak and they were allowed to speak. I just can't... I need to follow protocol and rules and so on. Now it falls to Council if someone else wants to speak and their hand is up or whatever, if Council wants to make a motion for that, to waive our rules to allow them to speak they may do that. Otherwise I encourage people to stick around and talk with either Mr. Litle or someone from Council as far as to get your questions answered. Then Mr. Litle is there some place or some way, I am looking down the road and how is information going to be out there for people to know what is going on? I don't know of any easy way to do that. I know it sounds like you are going above and beyond, taking phone calls and trying to talk to people and help people, and dealing with relocation and things like that, which I don't think falls really in your department. I don't know that we have any social service type program either county or the city.

Mr. Litle: As of right now, I am trying to handle it the best I can. Obviously, that is not, I have a whole docket of people to prosecute. The best place to get accurate information is going to be to contact me. That is the best thing I can suggest as to right now. So, if you call my office you might end up having to take to my Victim Witness Coordinator, but as I said I largely hand the tenants here as being victims. I do not believe that is being communicated, but I think this is a source of frustration for a lot of people who

didn't do anything wrong and don't deserve to be besmirched when all they did was rent a property from someone.

Mr. Vincent: They are suffering.

Mrs. Osborn: I just have a question for John (Litle). Keely Warden from Christ's Table talked to me a little bit about this because she has had a lot of folks also express concern and the date that seems to be thrown around at her when she questioned me about it was December 23. Is that accurate?

Mr. Litle: First there is no accuracy into that date and I think that date may have been circulated for some other purpose. We are not kicking people out of their houses for Christmas. We are trying to make this place a better community and a safer community and something; not trying to throw people out on the streets and make their lives awful.

Mrs. Osborn: Okay, thank you. I wanted clarification on that. Thank you.

Mr. Bennett: Just a question, I guess, for the Law Director for a point of clarification. The Council accepts property, so in order to bring properties from private through this process to the City, the Council has to accept them so it will come before you if it gets to that point. Mr. Tarbert?

Mr. Tarbert: That is correct.

Mr. Bennett: Then number two with the amount of money that has been kind of imagined about demolition. You all have to approve that as well. So, this is a process that you all have yet to come to you.

Mr. Vincent: So if it gets to that point and it comes to Council to approve whether to accept that property and to see if we can afford not only having the property, razing the property, but then also relocating tenants at that point.

Mr. Bennett: If that is something Council agrees to do. It starts with the do you want to accept the properties.

Mr. Tarbert: That is correct. You will know. You will have another opportunity to wait and see about this.

Mr. Vincent: I hope that is helpful to the people here. I know there is a lot of information presented tonight. I know some of it was not what you wanted, but I think you have to

deal with what the facts are and what is before us and what our options are whether it is Council or whether someone here is a tenant or someone who has offered to help however they can. We have to deal with the reality as far as what can be done. What are our true options? Not what we would like to happen as I would like to win the lottery and that is not going to happen. So, with that I appreciate all of you being here this evening. I am sorry some emotions got the best of some people and I am sorry that I had to be firm, but with that I have had to deal with this in the past and if I let it get a little bit out of hand it escalates, so that is why I was so firm. Again, I appreciate it. There will be some additional things coming before Council and probably additional opportunities for you to speak.

Ms. Gildow: I just wanted to make sure that I understand this correctly. Theoretically, if the City has the expense of demolition here; the City could be victimized just like some of the residents feel. Is that accurate?

Mr. Litle: I would articulate that the City has already been victimized.

Ms. Gildow: Well and I totally understand why you are saying that and I am not saying that to stir things up, I am just trying to understand that as much as we try to have a budget to take care of things here I wanted to understand if the City was going to be in a position to incur expense without the revenue to address that expense. I mean, the City; I don't see that the City benefits from this.

Mr. Vincent: Please, please, please, I am hearing noises, people are talking someplace. Please stop. Please stop! Go ahead, I am not sure who was talking, but I was distracted.

Mr. Litle: With the exception of the five properties more or less that are not going to have the federal tax lien on them, if the City does not, I don't know what the final cost would be for a large scale demolition like that or if we discussed doing them over time because I think the City only has some form of budget to do ten or fifteen houses a year. So, yes, the City is going to have to pay. At some point we are going to be standing in this room and you are going to have to vote on whether the City is going to have to deal with these properties or you are going to give them back to John Kemp. That is going to be a vote that this Council is going to have to make.

Ms. Gildow: Mr. Litle, will we deal with the properties one by one or collectively?

Mr. Litle: I would have to defer that to Mr. Tarbert. I think it is going to be a, but I am not exactly certain how the Council process would go with that. I suspect that it could be one by one. I suspect.

Mr. Vincent: This is new territory for us so we are finding out some things.

Mr. Litle: This whole case has been new territory for us.

Ms. Gildow: I am just trying to evaluate whether the City stands to incur expenses and be at a disadvantage because of the situation as well as the some of the people who are faced into moving suddenly.

Mr. Litle: Just because the City gives that property back to Mr. Kemp doesn't mean that the person who is living there gets to stay. That's a sad reality of a rental situation. More discussion about it.

An outburst from the audience occurred – “we're not all criminals”.

Mr. Vincent: Please.

More outbursts from the audience occurred

Mr. Vincent: (raps gavel for order) Sir! Ma'am! Excuse me.

Additional people storm loudly out of Council Chambers and slam the door.

Mr. Baker: John (Litle), could you explain that? I didn't quite get that so if the houses go back to Mr. Kemp then they don't necessarily stay. Are you just talking about a normal landlord-rental agreement?

Mr. Litle: Right.

Mr. Baker: Okay. Alright.

Mr. Vincent: Is there anything else from Council? (outburst from audience). Please! Please! Please! Sorry, with that again, thank you all very much. We appreciate you coming. We appreciate your sharing. I appreciate your passion and concern. Sorry that I had to be so firm. As I said before, if I let things get out of hand it just escalates and gets worse. I have to keep the meeting orderly. Again, thank you. There will be more to

come and more to come before Council. There are some tough decisions to be made.  
Thank you.

Mrs. Osborn moved to adjourn. It was seconded by Mr. Sharrer. A voice vote was taken with all in favor. None were opposed. The meeting adjourned around 7:58 p.m.