

**PROPERTY MAINTENANCE APPEALS BOARD**  
**Monday, March 13, 2023 at 1:00 p.m.**  
**141 N. Front St. Columbus, OH 43215**  
**First Floor Conference Room**

The Property Maintenance Appeals Board met at 141 N. Front Street – First Floor Conference Room, at 1:00 p.m. on March 13, 2023. The following members were present:

**Joyce Bruce, Vice Chair**  
**Patrick Dukes**  
**Tiffany Harris**  
**Tony Riffe**  
**Scott Wolf**

City Attorney Robert Tobias was present as counsel to the Board. Code Enforcement Manager Edgar Dillon was present as Board Secretary.

A motion was made by Patrick Dukes to accept the minutes from February 13<sup>th</sup> meeting in its entirety. Anthony Riffe seconded the motion, and it was passed.

**Old Business:**

None.

**New Business:**

**PMA-495**

Chris Heaton, the Vice President for Government Relations with AMAROK appeared before the PMAB. Patrick Dukes administered the oath to Mr. Heaton.

The first matter of business for the Board was to determine if Mr. Heaton had standing to represent DeMary Truck. Mr. Heaton was there representing AMAROK which is the manufacture of the electric fence. After some discussion, the board proceeded to Mr. Heaton's testimony concerning the safety of the electrical fence that DeMary Truck is looking to get a variance for.

Vice Chair Bruce inquired about the possibility of death, Mr. Heaton responded with there have been zero (0) deaths attributed to AMAROK electrical fence, that it feels like holding on to a spark plug as it is firing. That it is constructed to electrical standards and that they have a PHD who has determined that it is safe. Board member Dukes, inquired about a picture of the fence, if the current fence at the property has barb wire and if other areas of Ohio have these. Mr. Heaton, stated that there are other locations in Ohio that have these fences installed, and that currently the property has barb wire, he did not however have a good picture of what the electrical fence looks like but went on to describe it.

Board member Dukes inquired about how many thefts have occurred at the property, and Mr. Heaton, said that 5 thefts were reported last year, but others did occur but went unreported since the owner of DeMary Trucks felt as if the city was not doing anything in regards to reported thefts. Board member Dukes then inquired about the neighboring property, Mr. Heaton said that he was out there looking at the property the day prior and that it is a landscape company by the name of Scioto, and that according to the Franklin County Auditor it is a commercial property. At this

point, Board member Dukes swore in Edgar Dillon, who then went on to explain the difference between what the county auditor shows as the current use and what the Columbus zoning map has the neighboring property zoned as. Board Member Riffe inquired how weather effects the fence, particularly should a tree fall on it. Mr. Heaton, explained that should a tree fall on it would trigger an alarm event and that the fence would deactivate if it occurred. Mr. Heaton also said that the barbwire that is currently present would be removed along with shrub growth around the perimeter of the property.

A motion to table was Board Member Dukes to table the variance request pending BZA application, the city looking into the barbwire fence that is currently there, and notice being given to the neighboring properties. Board member Harris seconded the motion, and upon vote, all member voted to table except for Board member Riffe who opposed the motion. The motion passed 4-1 with Board member Riffe opposed.

### **Appeal Tabled, 4-1**

#### **PMA-497**

The appellant, Benjamin G. Horn, was present. Refuse was represented by Adam Gray, Supervisor for the Solid Waste Inspectors and Solid Waste Inspector Phyllis Ware.

Adam Gray explained that the city issued a notice for the property located at 30-34 N Waverly St, Columbus, Ohio for solid waste being in the right of way area and that it was observed on February 10<sup>th</sup>, 2023 and that service was performed by mailing the notice to the property owner. That when the inspector went back out to the property that the solid waste had been removed and that as far as the city was concerned the notice was compiled and no further action was necessary. Mr. Horn was contacted and informed that the notice was closed but had requested an appeal and would like to have the appeal heard.

Vice Chair Bruce then prompted Mr. Horn to present his case to the board, Mr. Horn stated that he just wished to ensure that the case is done. At that point Mr. Gray confirmed that the case is done and that no further action was going to be taken on this case. Board member Riffe inquired about the service of the notice to Mr. Horn, Mr. Gray said that the notice was mailed in this case.

Vice Chair Bruce then made a finding of fact that was seconded by Board member Harris.

**Finding of Fact:** Based on the evidence and testimony presented that the property is in compliance.

Board member Riffe, inquired if it is proper for the chair to initiate a motion or finding of fact, and the PMAB Attorney Tobias, stated that it is not improper for the chair to make the motion. At this point a vote on the finding of fact was made, and it was 5-0 in favor.

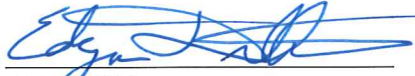
Board member Dukes then made a motion to deny, which Board member Riffe seconded, which was voted 5-0, to deny the appeal

**Motion:** Based on the facts that the appeal is denied

A motion to adjourn was made by Board member Riffe and seconded by Board member Dukes at 2:05pm, and Approved 5-0 by voice vote.

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Joyce Bruce  
Vice Chairperson



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Edgar Dillon  
Secretary (Acting)

*Amela Palma - Final*

