

Minutes - Final

Legislative Hearings

Tuesday, April 19, 2016	9:00 AM	Room 330 City Hall & Court House
	legislativehearings@ci.stpaul.mn.us 651-266-8585	
	Jean Birkholz, Hearing Secretary	
	Mai Vang, Hearing Coordinator	
	Marcia Moermond, Legislative Hearing Offic	er

9:00 a.m. Hearings

Remove/Repair Orders

1 RLH TA 16-187 Ratifying the Appealed Special Tax Assessment for Property at 201 SNELLING AVENUE NORTH (File No. VB1608, Assessment No. 168808).

Sponsors: Stark

Peter P. Nadimi, owner, appeared.

Ms. Nhia Vang: -asked Mr. Nadimi how far along his was with this property

Mr. Nadimi:

-he waiting for approval from the city re a permit; there are some changes; he thinks that they are meeting today to review his site plan -it won't take much time after he's done with the city - 2-10 days after that

Inspector Joe Yannarelly: -checked in the file: site plan review is in progress per Larry Zangs

Mr. Nadimi: -every city you go to, they help their residents; but in St. Paul......

Ms. Nhia Vang: -if the rehab is done by the end of May, she will reduce the assessment by half; you've already had more than 180 days to complete it already

Mr. Nadimi:

-if it were my fault, I could accept that; but it took 3 months just to get the results of the fire investigation; then, from there it went to the insurance company; it took them 3 months to do what they thought they had to do; then,.... everything was out of my control

Ms. Nhia Vang: -will think about this more -Recommendation is forthcoming.

Referred to the City Council due back on 5/18/2016

2 <u>RLH TA 16-193</u> Ratifying the Appealed Special Tax Assessment for Property at 1294 BOHLAND PLACE (File No. J1608E, Assessment No. 168309).

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 5/18/2016

3 <u>RLH TA 16-174</u> Ratifying the Appealed Special Tax Assessment for Property at 1231 FARRINGTON STREET (File No. J1608A, Assessment No. 168517).

<u>Sponsors:</u> Brendmoen

Approve; no show.

Referred to the City Council due back on 5/18/2016

4 **RLH TA 16-179** Ratifying the Appealed Special Tax Assessment for Property at 907 FIFTH STREET EAST (File No. J1608A, Assessment No. 168517).

<u>Sponsors:</u> Prince

Chou Kue, tenant, appeared. (Mai Vang interpreted.)

Inspector Paula Seeley:

-Summary Abatement Order issued Jan 21, 2016; compliance Jan 26; re-checked Jan 26 -work done Jan 28m 2016 for a cost of \$344 + \$160 service charge = \$504 -remove bags of garbage/rubbish on ground in rear yard near alley

-sent to Kong Vang, 8184 9th St N, Oakdale, MN; and Occupant -no returned mail

VIDEO - crew picked up bags of garbage/rubbish on ground in rear yard near alley

Mr. Kue: -has not been in this country long -he didn't understand the Notice; the owner, Kong Vang, gave him the Notice

Ms. Nhia Vang: -going forward, does he understand that he needs to pick up the garbage; he can't leave the bags on the ground

Mr. Kue:

-when he came, he was aware of these situations but he was in the process of moving and the trash company didn't pick it up; he didn't think that it was an issue -the owner, Mr. Vang, told him that he had to pay for the fee but at that time, he had already moved to Mpls -he is not living here; he lives in North Mpls -he apologizes

Ms. Nhia Vang: -will recommend deletion -Mpls is different

Delete the assessment.

Referred to the City Council due back on 5/18/2016

5 RLH TA 16-200 Ratifying the Appealed Special Tax Assessment for Property at 675 HALL AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Noecker

Carolyn E. Curtis, owner, appeared.

Inspector Joe Yannarelly: -this is a late snow/ice removal -Notice sent Jan 6, 2016; compliance 48 hours after post mark; re-checked Jan 8 -work done Jan 11, 2016 for a cost of \$160 + \$160 service charge = #320

VIDEO - saw only tulips the first time VIDEO - crew cleaned snow/ice; salted & sanded

Ms. Curtis:

-that was just a small amount of snow; must have missed that snow fall
-she is asking for a reduction or forgiveness; she has numerous assessment with this house;
-is on disability and is renting from her daughter
-there were drugs involved here and house was Condemned last Apr
-after this, she wants to talk about the VB fee renewal too today
-she thought that she would be signing the final loan papers from the city last Fri;
she's been approved for \$75,000 for rehab inside & outside of the house
-she is moving into this house as soon as the rehab's done
-she has insurance that will be applied to the rehab
-anticipated that the rehab should take 4-6 weeks; has bids here

-the house is on the historic list; it has good bones; now, it's just filthy inside -she has re-done this house 2 or 3 times since 1985; her daughter and family has lived there periodically; there have been struggles with drugs, etc; they were evicted; it was very stressful and they aren't accepting responsibility for their behavior, etc. -no one is living in this house at this time; the house is a Cat 2 VB

Mr. Yannarelly:

-your VB fees are due Apr 21, 2016; call Mr. Dornfeld, 266-1902, to ask for an extension; explain that you have all this money lined up; if you don't get the house done in the time that he can grant you, you can send in the gold card for an appeal; call Mr. Dornfeld right away and leave a message

Ms. Nhia Vang: -given your hard work and the fact that you have everything lined up, she will recommend deleting this assessment

Delete the assessment.

Referred to the City Council due back on 5/18/2016

6 RLH TA 16-204 Ratifying the Appealed Special Tax Assessment for Property at 985 JENKS AVENUE (File No. CRT1608, Assessment No. 168208).

<u>Sponsors:</u> Bostrom

Reduce the assessment from \$953.00 to \$449.00.

Referred to the City Council due back on 6/1/2016

7 <u>RLH TA 16-198</u> Ratifying the Appealed Special Tax Assessment for Property at 716 MAGNOLIA AVENUE EAST (File No. CRT1608, Assessment No. 168208).

<u>Sponsors:</u> Bostrom

Assessment amount is incorrect. Invoices are correct \$645.00, and include a \$70.00 no entry fee. When failed to pay invoice, \$70.00 no entry fee cannot be assessed, so is deleted but adds \$155.00 assessment fees. Total amount to be assessed is: \$575.00 + \$155.00 fees = \$730.00

Reduce the assessment from \$1375.00 to \$730.00 per comments above.

Referred to the City Council due back on 6/1/2016

8 <u>RLH TA 16-194</u> Ratifying the Appealed Special Tax Assessment for Property at 23 TENTH STREET WEST. (File No. CRT1607, Assessment No. 168206)

Sponsors: Noecker

Approve; no show. (Original hearing was March 15, Rescheduled to April 19 per owner's request). 2 missed hearings so Appellant will need to appeal at City Council.

Referred to the City Council due back on 5/4/2016

9 <u>RLH TA 16-197</u> Ratifying the Appealed Special Tax Assessment for Property at 1169 UNIVERSITY AVENUE WEST (File No. J1605A2, Assessment No. 168524).

Sponsors: Stark

Approve; no show.

Referred to the City Council due back on 5/18/2016

10 <u>RLH TA 16-199</u> Ratifying the Appealed Special Tax Assessment for Property at 76 WHEELOCK PARKWAY EAST (File No. J1608E, Assessment No. 168309).

<u>Sponsors:</u> Brendmoen

Approve; no show.

Referred to the City Council due back on 5/18/2016

Special Tax Assessments - ROLLS

11RLH AR 16-25Ratifying Property Clean Up service on October 8, 2015 at 1169
UNIVERSITY AVENUE WEST (File No. J1605A2, Assessment No.
168524).

Sponsors: Stark

Approve; no show.

Referred to the City Council due back on 6/1/2016

12 RLH AR 16-26 Ratifying Collection of Fire Certificate of Occupancy fees billed during November 10 to December 11, 2015. (File No. CRT1608, Assessment No. 168208)

Sponsors: Stark

Referred to the City Council due back on 6/1/2016

13RLH AR 16-27Ratifying Graffiti Removal service during January 21 to February 2,
2016. (File No. J1608P, Assessment No. 168407)

Sponsors: Stark

Referred to the City Council due back on 6/1/2016

14RLH AR 16-28Ratifying Tree Removal services from January 2016. (File No. 1604T,
Assessment No. 169003)

Sponsors: Stark

Referred to the City Council due back on 6/1/2016

11:00 a.m. Hearings

Summary Abatement Orders

15 RLH SAO 16-12 Appeal of Tylon Newcomb to a Vehicle Abatement Order at 488 ROBERT STREET SOUTH.

Sponsors: Noecker

Tylon Newcomb, owner, appeared.

Inspector Lisa Martin:

-Vehicle Abatement Order issued on Apr 13, 2016 for an unlicensed trailer parked on an unapproved surface by Inspector Mark Kaisersatt -the inspector had talked with the owner previously regarding storing this trailer and shack on an unapproved surface; and the shack looks as though it could be intended for a candy shack, which is also not allowed in the City of Saint Paul -not the first time we've issued Orders or talked with the owner about this same situation -we would like to see this removed -photos

Mr. Newcomb: -this is his first time buying a property; he is trying to do something positive to stay out of the street -he wants to put a food stand/food truck there but he thought that he could just go ahead and do it; now, he is learning that there are a lot of rules and regulations that he needs to abide by; he sees that he needs more knowledge in order to move forward; this is basically, why he scheduled this hearing; he needs some understanding about what he can do to move forward -he is not moving the trailer; he will fix what he needs to fix but the trailer is going nowhere -he talked with code enforcement; they told him that all he had to do was to put down gravel, pavers, etc, which he attempted to do and it's still a problem

Ms. Nhia Vang: -asked if he got an approved plan from Zoning

Mr. Newcomb:

-that's why he's here now - to see what he needs to do -he's gotten over 17 tickets; he gets tickets for everything; he doesn't know where they're coming from

Ms. Nhia Vang: -if you want to make this into a food truck or something like that, you need to talk with the proper people

Mr. Newcomb:

-I have a lifetime license on the trailer (in her name: Ms. Qui Lewis) -it's licensed with the DMV - the sticker is on the side where it's most visible -he emailed a photo of the sticker to LH

Ms. Nhia Vang: -noted that if the sticker is not in the proper place, an inspector may not see it -try to put it in the right place -submit a site plan for approval with Zoning

Ms. Lisa Martin:

-Inspector Kaisersatt has talked with them before about the parking on an unimproved surface; and the Vehicle Abatement Order shows "No parking permitted on the vacant lot without site plan approval;" no site plan has even been applied for at this point; the parking area needs to be concrete or asphalt after the sit plan is approved

-we could probably give them another week to get that site plan in; otherwise, the vehicle will be towed

Ms. Nhia Vang:

-go to Zoning today and submit a site plan - draw it up and measure it; we can give you time

Mr. Newcomb: -when I talked to Kevin in Zoning (not sure of his title); he told me asphalt, pavement or pavers

Ms. Nhia Vang: -will Lay this Over to next Tue, Apr 26, 2016 LH

Ms. Martin:

-just so you know, too, it appears that a food/candy stand cannot be on the property -go to DSI and let them know that you want to open a business and they can give you all that information as far as what licenses you will need, etc; there's all different types of Zoning and uses that allowed in that Zoning

Ms. Nhia Vang:

-talk with DSI about your plans and they can guide you

Layover so appellant can get a site plan to Zoning for review of unapproved parking surface as well any business plan for a food truck. Appellant will need to relocate the license plate for the trailer so that it's visible to the public.

Laid Over to the Legislative Hearings due back on 4/26/2016

Correction Orders

16 <u>RLH CO 16-12</u> Appeal of Gene Marault to a Correction Notice at 937 CHARLES AVENUE.

Sponsors: Thao

Gene Marault, owner, appeared.

Inspector Paula Seeley:

-received a complaint about a deficient garage

-Summary Abatement Order was issued Mar 7, 2016; compliance May 2 -garage is structurally deficient; garage roof is deteriorated - replace under permit; garage roof has failed and is severely sagging; garage eaves and soffits are in disrepair

Ms. Marault:

-when she bought the house, the garage was in bad shape; she bought the property with a loan through the City of St. Paul and she had to pay for a lot of different inspections; so, if the garage was that bad, why didn't code enforcement catch it before she bought the house

-she was in the back yard when the inspector came and she talked with him; he said that her garage was no worse than half the garages on her block but that someone had complained, so he had to come out and write it up; ordinarily, he said that he wouldn't do anything about it but someone had complained; he said that the complaint was probably retaliation

Inspector Lisa Martin:

-looks like the property was purchased around 1998 - has been around for some time -usually, before you buy a property from the City of St. Paul, you will actually look at the property and probably get a pretty good deal on it, especially, if there's some repairs that need to be made

Ms. Marault:

-when I bought the property, there was snow on the roof, so, she couldn't tell what shape the roof was in and the previous owners had the garage packed with stuff from floor to ceiling, she couldn't see that the floor was dirt; she had less information about the garage than the city did and I had hoped to get a good deal on this property, too because the house needed some work; but a week before closing, the city told her that they decided that her purchase price was too low and charged her an extra \$4000 for the property; she had to come up with that on the spur of the moment in cash a week before closing in 1999

-when she realized the condition of the garage, she searched around for 0 interest/low interest home improvement loan programs for the garage but none cover garage replacement/repair and she doesn't have the money to fix it or to tear it down

Ms. Nhia Vang: -there's no financing that could help because garages are an accessory building to

the house

-the garage is in bad shape; it's unfortunate; she's afraid that someone could get hurt

Ms. Marault:

-no one can really get in the garage; the door is on the back and they're nailed shut; I just go in and grab equipment to use on the yard

Ms. Nhia Vang:

-understands her financial situation but the garage either needs to be repaired or demolished

Ms. Marault:

-she has had several contractors out there and it can't be repaired -for 17 years, she's been trying to figure out how to replace it

Ms. Nhia Vang:

-the only recourse seems to be to have the city demo it and the cost assessed

Ms. Marault:

-she's been told that the city charges 3 times more than local contractors and then charges interest on it, which she can't afford to pay

Ms. Nhia Vang:

-the city's charge is very comparable and we can talk about the assessment and can give you time, say 5 years to pay it -will recommend that it be demolished

Ms. Seeley:

-have the city tear it down; they are very comparable to any other contractor; it's a small garage and have it assessed over 5 years; and it will cost a lot less if it's empty from debris; she estimates about \$2000

Ms. Marault:

-and, I'll have to get a shed for about \$500 and then, I have to pay someone to put it together for her; also, I'll have to pay for permits - one cost right after another -she has volunteered for many years doing work for her community; when there was a need, I stepped up and here.....

Ms. Seeley:

-thinks that's there's something for people who have disabilities -you can go in front of City Council -you can have one of the Parks crew go out and give you a rough estimate of what it's going to cost -she doesn't think the garage roof will take another snow load

Ms. Marault:

-I live on about \$1000 a month; she is trying to keep up the property -it's just not possible to come up with more money

Ms. Nhia Vang: -will Lay this Over 4 weeks to May 17 LH

Layover for appellant to provide bids for the cost of the garage if she was to have it demoed.

Laid Over to the Legislative Hearings due back on 5/17/2016

17	<u>RLH CO 16-11</u>	Appeal of Jenneh Matthews to a Correction Notice at 1036 MINNEHAHA AVENUE WEST.
		<u>Sponsors:</u> Thao
		Jenneh Matthews, owner, appeared.
		Inspector Paula Seeley: -our office got a complaint Mar 24, 2016 that there was a large sink hole in the back yard -photos -not sure what caused the sink hole
		Ms. Matthews: -as far as she knows, nature caused the sink hole -she called the city and talked with a guy about it; he said that he could see it on his computer screen (and it was the middle of winter) -a guy came over from the city and said that it couldn't be filled up during the winter; she should wait until the ground warmed up -a couple days later, she got a letter in the mail -is requesting an extension; needs until May 15, 2016 for sure -she's a single mother
		Ms. Nhia Vang: -will recommend granting until May 15, 2016 to fill the sink hole and plant grass -suggested that she talk with a surveyor; it could get bigger
		Deny and grant until May 15, 2016 to bring the large sinkhole in the rear yard into compliance.
		Referred to the City Council due back on 5/4/2016
18	<u>RLH CO 16-16</u>	Appeal of Shoua T. Khang to a Correction Notice at 861 HUDSON ROAD.
		<u>Sponsors:</u> Prince
		Shoua T. Khang, owner of 861 Hudson Road, appeared. Cynthia M. Perron, tax owner of 726 Plum Street, appeared.
		Inspector Paula Seeley: -complaint came into office Apr 12, 2016 about a deteriorated retaining wall -inspector went out and said that the retaining wall at the rear of the property was in disrepair; remove/repair/replace; remove debris from crumbled retaining wall immediately; work may require a permit and approval from Heritage Preservation Commission (HPC) -her understanding from building official Steve Ubl, is that the retaining wall belongs to the property whose soil it is holding back -this is a civil dispute; we don't usually get involved; we tell them that they need to get their own survey or work it out together -both parties received the same Order
		Ms. Perron: -did get the Correction Notice -that retaining wall is not just between us; it goes down the whole block from one end

-that retaining wall is not just between us; it goes down the whole block from one end of the block down to the other end of the block -we are on the hill; Plum Street goes up the hill; Hudson is a level street; that wall

was put up to give us lateral support -when the city started to take down trees, they damaged the wall, too -the wall is about 2 feet high and goes through 4 properties to Maple Street

Ms. Nhia Vang: -will do some research & would like the Appellants to also do some research -she needs to know who owns what and who erected it -will Lay this Over for 4 weeks to May 17, 2016 LH and come back with what we've found -asked that both parties have a survey done -check with Amy Spong, Heritage Preservation Commission (HPC), PED; they may have some documents because a retaining wall requires HPC review

Ms. Perron: -has done some research and hasn't found anything

Mr. Khang: (Mai Vang interpreted) -the fence is his neighbor's, not his -if it's not on his property, he doesn't have to be paying the cost -the wall is supporting his neighbor's soil

Ms. Nhia Vang: -explained that a survey will be clear cut on both sides -who built it; who owns it; why was it built -find your pins; it will help

Man from Plum Street:

-it's his understanding that where the wall lies really isn't a determining factor; it's what was the purpose of the wall; the purpose is for lateral support from Plum Street to Hudson Road; Hudson is level for a while; basically, the soil was cut and that's why the wall was needed -cited Supreme Court decision 1885: a homeowner is entitled to the lateral support of adjoining street -the city could own that wall; the city could have built it

Ms. Perron: -that should have been something that was disclosed at the time

Mr. Khang:

-re to the tree that was cut, he's the one who hired the tree to be cut; the broken retaining wall is on the opposite side; he was present when the tree was cut -doesn't have money to pay for a survey

Inspector Lisa Martin:

-sometimes neighbors will share the cost of a shared retaining wall (Ms. Seeley: roughly costs about \$300 for a survey)

-sometimes the city will issue a Summary Abatement Order to remove the wall and the cost would be divided between/among the properties

-it's in each's best interest to get a survey to make sure that they can prove that it's not their property so that they are not assessed

Ms. Perron:

-if the wall goes all the way along for the entire block, how can it be ours or his if it's on everybody's property?

Ms. Martin:

-it's very similar to an alley situation; even though you don't own the alley, you are responsible for part of the alley

Ms. Perron: -if that wall were taken down, it would compromise almost the entire block

Ms. Nhia Vang: -again, the survey is necessary; it will make things clear; we will know what happened

Layover so Appellants can get a survey done.

Laid Over to the Legislative Hearings due back on 5/17/2016

19 <u>RLH CO 16-13</u> Appeal of Cynthia M. Perron to a Correction Notice at 726 PLUM STREET.

Sponsors: Prince

Shoua T. Khang, owner of 861 Hudson Road, appeared. Cynthia M. Perron, tax owner of 726 Plum Street, appeared.

Inspector Paula Seeley:

-complaint came into office Apr 12, 2016 about a deteriorated retaining wall -inspector went out and said that the retaining wall at the rear of the property was in disrepair; remove/repair/replace; remove debris from crumbled retaining wall immediately; work may require a permit and approval from Heritage Preservation Commission (HPC) -her understanding from building official Steve Ubl, is that the retaining wall belongs to the property whose soil it is holding back

-this is a civil dispute; we don't usually get involved; we tell them that they need to get their own survey or work it out together

-both parties received the same Order

Ms. Perron:

-did get the Correction Notice -that retaining wall is not just between us; it goes down the whole block from one end of the block down to the other end of the block -we are on the hill; Plum Street goes up the hill; Hudson is a level street; that wall was put up to give us lateral support -when the city started to take down trees, they damaged the wall, too -the wall is about 2 feet high and goes through 4 properties to Maple Street

Ms. Nhia Vang:

-will do some research & would like the Appellants to also do some research -she needs to know who owns what and who erected it -will Lay this Over for 4 weeks to May 17, 2016 LH and come back with what we've found -asked that both parties have a survey done

-check with Amy Spong, Heritage Preservation Commission (HPC), PED; they may have some documents because a retaining wall requires HPC review

Ms. Perron: -has done some research and hasn't found anything

Mr. Khang: (Mai Vang interpreted) -the fence is his neighbor's, not his *-if it's not on his property, he doesn't have to be paying the cost -the wall is supporting his neighbor's soil*

Ms. Nhia Vang:

-explained that a survey will be clear cut on both sides -who built it; who owns it; why was it built -find your pins; it will help

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Ms. Perron: -that should have been something that was disclosed at the time

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Ms. Perron: -if that wall were taken down, it would compromise almost the entire block

Ms. Nhia Vang: -again, the survey is necessary; it will make things clear; we will know what happened

Layover so Appellants can get a survey done.

Laid Over to the Legislative Hearings due back on 5/17/2016

1:30 p.m. Hearings

Fire Certificates of Occupancy

20 <u>RLH FCO 16-47</u> Appeal of Karl Benson, Cooks of Crocus Hill, to a Fire Inspection Correction Notice at 877 GRAND AVENUE.

Sponsors: Noecker

Angie Wiese can meet with Appellant to go over the counter top ranges and kitchen hood suppression system issues and give the hearing officer a staff report to make her recommendation. If a hearing is necessary, it will be on May 17th at 1:30 p.m.

Laid Over to the Legislative Hearings due back on 5/17/2016

21 <u>RLH FCO 16-52</u> Appeal of Jason MacDonald LLC to a Fire Certificate of Occupancy Approval With Corrections at 565 ANNAPOLIS STREET EAST.

Sponsors: Noecker

Continued to June 7. Grant until May 17 to have the greenhouse demolished; Inspector Niemeyer will keep the May 25 reinspection date. At that time, he will need to inspect the interior of the garage/shed and gazebo for any signs of leakage, water damage to trusses and how far away the dwellings are from public view.

Laid Over to the Legislative Hearings due back on 6/7/2016

22 RLH FCO 16-55 Appeal of Cornelius Brown to a Fire Inspection Correction Notice at 1694 EDMUND AVENUE.

<u>Sponsors:</u> Stark

Cornelius E. Brown Sr. appeared on behalf of owners Cornelius E. Brown Jr. and Gail Koslowski.

Fire Inspector A.J. Neis:

-Fire Certificate of Occupancy Correction Notice issued by Inspector Laura Huseby dated Mar 18,2 016

-appealed is the requirement for installing hard wired smoke detector that had already been in place and since, been removed; Inspector Huseby cited that the hard wired smoke detector must be re-installed appropriately

-the hard wired detector had been replaced with a battery operated detector (not allowable by code)

Mr. Brown:

-he assumed that it would be OK for a battery detector but if that's not in accordance with city code, we would like 2 weeks to allow time to install a hard wired smoke detector -we still have additional painting that needs to be done on the trim - just minor stuff -he cleaned up all the trash

-the electrical will be taken care of this weekend -he had a stroke; has high blood pressure

Mr. Neis:

-the inspector didn't expect the exterior work to be done until Jun 30, 2016 -just to be safe, May 30 deadline for interior work

Ms. Nhia Vang:

Grant an extension until May 30 to have everything in compliance with the exception

of the exterior item (painting of the trims) which is granted until June 30, 2016.

Referred to the City Council due back on 5/18/2016

23 <u>RLH FCO 16-46</u> Appeal of Steven Thorson, attorney for Patricia J. Jordan, Chief Manager, to a Correction Notice-Complaint Inspection at 2446 UNIVERSITY AVENUE WEST.

Sponsors: Stark

An occupancy load signed affidavit and plan for compliance has been submitted to Fire inspector and has been approved; therefore, the referral is closed and there is no issue anymore. Appeal withdrawn.

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations (NONE)