

**HOUSING BOARD OF APPEALS
MINUTES**

**DATE: July 30, 2019
TIME: 9:00 a.m.
PLACE: Council Chambers**

The meeting of the Board of Appeals called to order at 9:00 a.m.

MEMBERS PRESENT: Gary Fischer, Jeff Neal, Cynthia Carter-Smallwood, Daniel Given

OTHERS PRESENT: Richard Klinar,

Board of Appeals

Acting Chairman Dore: First order of business is roll call.

Richard Klinar: Mr. Dore?

Phil Dore: Present.

Richard Klinar: Mr. Fischer?

Richard Klinar: Mr. Neal?

Jeff Neal: Here.

Richard Klinar: Mrs. Smallwood?

Cynthia Carter Smallwood: Present.

Richard Klinar: Mr. Rodriguez?

Natalio Rodriguez: Here.

Richard Klinar: First item on the agenda is H.B.A. #1-2019 826 W. 11th St. Appeal from section 304.7 of the property maintenance code to replace roof. A.H.M. Property Management, David Meerdink, applicant. Held in abeyance from June 18th meeting.

Acting Chairman Dore: Is there anyone in the audience for 826 W. 11th St? Please come to the microphone and state your name and address for the record and give us some communication if you would please.

David Meerdink: Dave Meerdink owner of A.H.M. Property Management.

Acting Chairman Dore: Can you give us an update please?

David Meerdink: Yes at our last hearing I made the argument that the property had a rental inspection in May of 2018 where the roof was inspected by the City Housing department and it passed the exterior rental inspection and I was granted a rental certificate for three years to be in place for all exterior maintenance issues that they passed. Eight months later the City had some reason to drive by and reassess my property for some reason and decided at that time that I needed a full roof replacement. So I argue that the certificate for a rental inspection was in place for three years and I was relying on that as their assessment of my property. To come in eight months later and reassess it for – with no real change in the status of the roof I thought was overreaching and too much. So from the last meeting I was asked to get an assessment from a construction contractor regarding the opinion of the roof and I have done that. I can give that to you. It has evidence that there is some remaining life in the roof per this contractor. You can take it under advisement.

Acting Chairman Dore: Okay what has been submitted is a valuation from TNT Remodeling. Are you TNT Remodeling?

David Meerdink: No.

Acting Chairman Dore: This is TNT Remodeling – you are A.H.M. Property Management sorry. TNT Remodeling at 122 E. 23rd St. Are they a registered contractor with the City? While we are looking to see if they are a registered contractor their evaluation of the roof shows general wear, but no gaps or leaks were detected. The roof is functional and may have three to five years of useful life remaining. This is dated July 24th, 2019. So I guess the question here is whether or not the condition of the roof would require replacement of the roof as opposed to as far as the City's position goes even if you had a valid rental certification that was in force for three years any condition on that house can change (even the day after the inspection) so what we need to do is evaluate if the condition of the roof warrants replacement not so much whether or not an existing certification is in place.

David Meerdink: I understand that but to pay fifty dollars for an inspection of the property which I comply with and to be given a clean bill of health for the property exterior and then eight months later with no tornado or hurricanes or roof damage done to that roof I have to be able to rely on that certificate that I pay for to be worth something. If nothing has happened to degrade that roof any more than eight months of regular wear and tear that certificate has to mean something or why do we do it? At the time I believe the

only reason that the inspector came to the house is because I had some jacks jacking up the front porch roof because I was preparing to do some work on the porch deck and I believe that is why they even stopped at the house which I was in the process of doing and they required me to do that and I did have that work completed. It is just that then just made them take another look at the exterior of the property which wasn't any different from the time of the inspection.

Acting Chairman Dore: Well apparently TNT Remodeling is not a registered contractor in the City of Lorain number one. The motion by this Board when you met was to have you submit an inspection by a registered contractor in the City of Lorain. A person could come in here and just grab someone off the street and say hey take a look – we were relying on the word of a registered contractor in the City of Lorain. To give us some evidence in whether or not this roof needed to be replaced or not, and that still has not been submitted. Now whether or not (inaudible) The building inspector (inaudible) what is the procedure?

Richard Klinar: He was cited for the deterioration in the roof itself. There are shingles missing. I did notice – was the porch roof resingled?

David Meerdink: It had been at some point I don't know when.

Richard Klinar: It appears that they got to the porch roof and stopped.

David Meerdink: Well it may have been prior to me owning the property I don't remember doing it myself. So I don't know if there was a breach in that roof that warranted reroofing that at some point I don't know. I don't think it has been since I owned the property but I don't know the story behind the porch roof.

Cynthia Smallwood: I drove by that roof. (Inaudible) Deteriorated. (Inaudible)

Acting Chairman Dore: With that all being said I think we have fallen a little short on what we have asked for as this Board and it doesn't sound like there is a lot of evidence – there is no evidence from a registered contractor that the roof should not be replaced. There is a comment from the Building Inspector and a member of this Board that in their opinions the roof needs to be replaced. Is there a...?

David Meerdink: Can I say something though? We have two opinions from the City of Lorain. One was in May of 2018 that assessed the roof to be acceptable and the second one was in whatever – February 2019 that said it wasn't. So we do have two expert opinions from the City of Lorain. One that says it's acceptable and signed a rental certificate to that effect so it isn't that we don't have an opinion that the roof is acceptable. We do from the first inspector that gave me the rental certificate.

Acting Chairman Dore: The rental certificate was issued and inspected in May of 2018. That is over a year ago this is now in a couple of days it will be August of 2019. Yesterday I didn't need a shave – today I do. If that roof has deteriorated there is

nothing that says if you get an inspection over a year ago that that means that you never have to get it repaired if it deteriorates further. So that comment just doesn't hold water with me in my opinion.

David Meerdink: Well the certificate looks out three years. To me the inspector is making an opinion about the life of the roof for the next three years because he is signing off that in his opinion does not need to be replaced in the next three years assuming normal wear and tear on that roof.

Acting Chairman Dore: That is absolutely in my opinion not what that inspection means. If you didn't have a broken window in May of 2018 and today you have a broken window that doesn't mean you aren't required to fix that broken window for three years.

David Meerdink: I understand but that is a specific event that broke that window it's not that the window is worn normally over the course of three years I would say to that.

Daniel Given: The rental inspection is a condition of the property – nowhere in the legislation nowhere in the code nowhere in anything states that it's the responsibility of the inspector to look out and assume in any fashion that these conditions would be consistent for one day, on year or three years. I had this discussion at the last meeting. There is a specific intent for the rental inspection. I think Mr. (inaudible) made it clear and from they are telling me your argument – I don't want to replace the roof. That is what you are saying. I think it is evident by you waiting the thirty days without a qualified inspection or by a company – you chose to get somebody that wasn't licensed in the City of Lorain. You had the opportunity to bring in multiple (inaudible) stating that your roof isn't bad. You didn't. I don't think the city has any other option but to deny your appeal because it was totally on you to present the evidence that the roof was still good. You have failed to do so. You can continue your arguments elsewhere. The burden was given to you and you did not fill the obligation.

David Meerdink: I called several companies some didn't call me back some didn't show up. This is one of the companies I called and they showed up and I tried to get several companies to look at it and several didn't show up.

Dan Given: This Board doesn't have a different opinion of (inaudible) it is our obligation to listen to what our inspectors and the Chief Building Official who is responsible (inaudible)

Acting Chairman Dore: Is there any other opinion from the Board?

Jeff Neal: I don't know if there is really something that it needs to be replaced in the code? (Inaudible) with that pitch I understand. (Inaudible) is it impervious to water or does it just not look good. That is what I am asking. I agree with you and that is in the code. (inaudible) I just wanted to clarify is all.

David Meerdink: What I would ask also if this is generally applied to all properties in the City of Lorain equally and if so are all roofs in the City subject to the same judgment and will action be taken if other roofs are identified that have the same type of wear? Are all people subject to the same standards and they will be brought in this fashion with every roof that is identified in this condition.

Daniel Given: Through the chair to the gentleman; we have inspectors in the community every day citing every violation. I would state that 89.9% of people that get cited will go to court or try to find a way to fix the roof. We aren't trying to do this in a malicious manner. We are trying to protect the residence that they live in a house that is safe. If you have a rental property that (inaudible) So the question with regards if everyone is getting treated the same – every house is being (inaudible) if you have a list of people that you think that their roof is bad you are free to submit then and we will go out and take a look.

David Meerdink: Okay that is all I am asking that things are applied evenly for every property. If I as a tax payer in Lorain identify other properties that have like situations that they are addressed evenly as I am being addressed.

Acting Chairman Dore: All that being said is there a desire from this Board to act on this appeal?

Jeff Neal: I will make the motion.

Cynthia Smallwood: I will second.

Acting Chairman Dore: Motion was made and seconded. All those in favor signify by saying aye?

All: Aye.

Acting Chairman Dore: Opposed? Motion carries. Next item please.

David Meerdink: Will I have time to line up you know people to look at this and take care of this and so forth?

Richard Klinar: This will just follow the regular procedure we do for the property maintenance violations.

David Meerdink: Okay it will be a court proceeding or? You just decided now that I have to do something and this has been the appeal until today. Can I have sixty days to line up before it goes to court? When these go to court I have to get an attorney and I have to show up to court. If I have sixty days to line up so that I have somebody..Can I have forty five days? I may be calling my insurance company today to see if its insurance claim or whatever and there will be adjusters and other

contractors – and they probably can't even put me on the schedule if they are booked up.

Acting Chairman Dore: I think it would be appropriate that you should have a signed contract and apply for a permit within thirty days.

David Meerdink: Can I get forty five days?

Acting Chairman Dore: Well...

David Meerdink: I have had a lot of trouble getting contractors to even show up.

Acting Chairman Dore: Well to complete the job within thirty days is unrealistic. But I think it doesn't take a full month to get several estimates and a signed contract.

David Meerdink: I am just saying that I may be involving my insurance company which hopefully I can get word from them and get that lined up in that time frame?

Acting Chairman Dore: Does the Board want to give – in thirty days I could get a list of estimates in thirty days and choose one. So I think we are just stretching this thing out. We are going to give thirty days and keep it from going to court until then.

David Meerdink: Okay.

Richard Klinar: Next item on the agenda is H.B.A. #2-2019 2011 Hamilton Ave. Appeal to allow more time which expired on April 30,2019 from section 304.2 protective treatments, of the property maintenance code and waive fees, per section 1521.04 (A) Bernard Coultrip, applicant. Held in abeyance from June 18th meeting.

Acting Chairman Dore: Is there anyone here representing 2011 Hamilton Ave. ?

Bernard Coultrip: That would be me.

Acting Chairman Dore: Please step to the microphone and state your name and address please.

Bernard Coultrip: My name is Bernard Coultrip and I live at 2011 Hamilton Ave.

Acting Chairman Dore: Do you have an update for us sir?

Bernard Coultrip: When a person from I imagine it was a Director from the Building Department called me four or five days ago – he was wanting to know what was going on and I advised him that it was just a matter of three days after I came out of the hearing last time that the director from Erie County his name is Robert England. He came to my house and he had a technician with him. I guess they referred to it as a radar gun and he did indeed inspect my whole house and garage. Now it was previous

to the time that he came out to inspect the house that during the time of my first hearing I had went to (because they had advised me of a lead based paint abatement program) there wasn't any more available at that time in Lorain so they sent me to Erie County. I talked to Mr. England at that time and he said that for people like myself that doesn't have any children and I guess the cut off age is six years old that there wasn't any funds until the first of the year which would be January 2020. So he comes out to the house with his technician he was there for at least a half hour to forty five minutes and he did his assessment and he left. So it stands now where it was when I talked to him the first time that they won't have for individuals that don't have children that are six years old or younger – they don't have a lead based paint program until January 1st. Provided that I make it that far because I do have a very serious health problem and all of the previous known methods of keeping me alive; they have gone through those and the normal age span for an individual prior to modern times here was two to three years and they usually expire. I had one personal friend that expired from leukemia – it is a very deadly disease not to overly dramatize it. I am sure that this is information that is out there and I don't have to describe it. Rather than two to three years the Cleveland Clinic the main campus in Cleveland they have been keeping me alive. I just went through what they call a trial clinic out there. There were four of us that started the trial clinic at the same time – the other three they had to pull it off because they weren't going to make it. As far as half way through the trial program I am the only one that survived the program without being pulled off of it. Now tomorrow I have an appointment with the Cleveland Clinic and they will have more data. They are looking at it very closely to see if they can follow up on the other half of the trial clinic and it looks somewhat encouraging, but they aren't – in the words of the Doctor there is nothing definitive yet in terms of where I am actually at on this trial clinic. According to the phone call that I had with the I think it was the Building Director and he talked to me on the phone – he didn't indicate that I needed any documentation for my trial clinic up there or my status as a cancer patient so I think it basically stands where it was. That is basically all that I have. I don't have anything else.

Acting Chairman Dore: Well rest assured that everybody on this Board is encouraged by the fact that you are here with us and hope that your health improves. My question did you get any documentation that in fact that the lead based paint exists on your house?

Bernard Coultrip: Only that I followed – no I didn't get any documentation. I suppose I can go out there and ask for it. I suppose I could go out there and ask for it. But he just told me verbally that I followed him throughout the house and everything. Now the complete outside of the house is lead based paint and for some reason or another the upstairs is clear.

Acting Chairman Dore: So this Board gave you a stay on this action to give you time to see if you can get funding. So you have applied outside of Lorain County because you have been told that the funding source does not exist in Lorain County but you

have not gotten any response from Erie County so at this time we have no reason to believe that you are going to get any funding to help paint the house.

Bernard Coultrip: Well it wouldn't be available in any case until January 1st. Now if you want me to get documentation of that fact I wasn't advised to that, but I could go out there. I don't have a problem going out there and asking him if he could give me documentation about funds, but he told me it wasn't going to be available until January 1st. According to how he talked about it – it would be on a first come first serve basis. Of course to comply I would be the first one there on January 1st if it was a work day if you want documentation I can go out there to get it.

Acting Chairman Dore: Mr. Given?

Dan Given: Based upon I took the gentleman upstairs myself. Kellie (inaudible) since we haven't heard from Kellie- I texted her but I would say let's grant another stay for thirty days and see what comes up and we will find out from Kellie and see what the plans are. So at least we will know what the process is before making a decision. Based upon previous conversations that Kellie and this other agency that they involved – I would like to give (inaudible)

Active Chairman Dore: That sounds reasonable to me but I need that in a form of a motion.

Cynthia Smallwood: I will make that motion.

Natalio Rodriguez: Second.

Acting Chairman Dore: Motion has been made and seconded to grant another stay for thirty days to get more information on the funding. All those in favor?

All: Aye.

Acting Chairman Dore: Those opposed? Motion carries. Thank you.

Bernard Coultrip: Can I ask a question? Since I have thirty days what about in the next few days if I get the documentation can I bring that to the Building Department?

Acting Chairman Dore: Any documentation you have would be helpful for us, yes.

Bernard Coultrip: Could I bring it in before the thirty days and that would influence whether I may or may not have to come in here again?

Acting Chairman Dore: Yes.

Bernard Coultrip: So if I bring the documentation there it looks like we are all good here. Okay.

Acting Chairman Dore: As soon as you can get the information that would be great.

Bernard Coultrip: I will be right on it. I wasn't aware that it was going to be a requirement that I would have to bring the documentation to that effect. This guy from Erie County his name is Robert England and he is the Chief Environmental Public Health officer there. He is the one that told me about these funds so I have a doctor's appointment tomorrow but Thursday and Friday I will be open and I will get right on out there. The fastest way to get any kind of documentation is right there on the spot.

Acting Chairman Dore: Right. Good luck at the doctor tomorrow.

Bernard Coultrip: I will probably need it, thanks.

Acting Chairman Dore: Next item on the agenda please.

Richard Klinar: Next item on the agenda H.B.A. #4-2019 3834 Pearl Ave. Appeal from Section 302.4 Accumulation of weeds, Section 304.13 Replace broken window, Section 304.7 Roofs and drainage, replace roof, repair falling gutters, repair falling soffits. James Logson & Wade Logsdon, applicant.

Acting Chairman Dore: Is there anyone here representing 3834 Pearl Ave.?

Donna Logsdon: My name is Donna Logsdon. I did the appeal for my husband and my brother in law. The property there – we have done some of this citation. Doors have been boarded up, windows have been boarded up, weeds, trees, rubbish all around the building. I do have pictures. Why I have appealed is because I have talked to Chris Pyanowski at Lorain County Prosecutor's office and it is actively in foreclosure. Until February of this year we didn't even know that they still owned it. They both filed personal bankruptcy on the note that was with Lorain National Bank. At that time which was about 2009 we vacated the building in 2007 and gave the keys back to the bank. So we have not actively been at that building for twelve years. They did because of this – because of the citation; Wade and James both have had numerous people go in and clean up, cut down trees, board up the windows and doors so that no one can get in there because that is what they are doing and dumping tires down there in our parking lot. Chris Pyanowski said that it would take thirty to sixty days and it would be a done deal. I talked to him June 15th and I actually put his name in the appeal with his direct number. I could try to get an exact, but he told me it would be between thirty to sixty days. Financially we can't do anymore to the building and they both have health issues. We wanted to make an effort.

Wade Logsdon: The property ain't worth nothing. It's less now than it was thirty years ago. Vacant land over there sells for five hundred a lot. The same property is selling for the same amount now that it did fifty or sixty years is selling for the same amount today. Property isn't worth shit in Lorain that's what it is telling you.

Donna Logsdon: So I think that there are three things that weren't touched; the roof which is a big expense the building is thirty by eighty. The gutters and the soffit other than that the other items were taken care of on the ground level all around the building. I don't know if we get a stay until the foreclosure and I can get you the paperwork from Pyanowski at the County.

Acting Chairman Dore: Is this house scheduled for auction?

Donna Logsdon: The building will be yes. It is a building – it is Industrial right there.

Acting Chairman Dore: And is it scheduled to be auctioned?

Donna Logsdon: It is. I don't have the scheduled date but Pyanowski said that it is moving ahead.

Acting Chairman Dore: Oh okay.

Someone speaking (inaudible)

Donna Logsdon: If council would like to look at the pictures I do have them.

(Inaudible)

Wade Logsdon: The property is worth less now than it was sixty years ago. That vacant land thirty foot lots over there are going for thirty dollars an acre. When my dad built over there – let me tell you something – that property sold for five hundred a lot and that is what they are selling for today. That property is worth nothing. Why put money into a dead horse. I am not going to do it. (Inaudible)

Acting Chairman Dore: Well I think we have the option to extend for thirty days and we can investigate with the County and see what the status of the foreclosure process is. A lot of properties enter into the foreclosure process but that doesn't necessarily mean that anything will happen with it. If it isn't scheduled for auction and sometimes things end up in purgatory.

Donna Logsdon: Well they don't have to come to us. I went to him. Because the taxes are behind because for twelve years we didn't know we have the property. What Lorain National Bank what they did was not foreclose even after we filed bankruptcy on it.

Acting Chairman Dore: Well two things here; number one is what happened if you have a mortgage and the bank doesn't actively foreclose on it you are still the owner and you are responsible for it.

Donna Logsdon: Right, but we didn't get the mail. Because of the filing of the bankruptcy they aren't allowed to send – they are not allowed to legally contact you anymore for that debt. They didn't. We never heard from them.

Acting Chairman Dore: What is the status of the bankruptcy?

Donna Logsdon: It's discharged in 2009.

Acting Chairman Dore: So that means that the debt was discharged. That doesn't mean that you don't own the property.

Donna Logsdon: We thought they would actively foreclose on it. That was twelve years ago.

Active Chairman Dore: Well what I think we should do is probably extend for thirty days to see what the status is of the..

Donna Logsdon: If I can get something from Chris Pyanowski I will bring it in or mail into building.

Wade Logsdon: He said you can call.

Donna Logsdon: He actually said you can – I do have his phone number in the appeal there. He said that he would be more than happy to talk to anyone from Building here.

Acting Chairman Dore: If this mortgage has been discharged there is a good possibility that the bank doesn't have the ability to foreclose. Unless the County is...

Donna Logsdon: The County is.

Acting Chairman Dore: The County is..I understand okay. Do I have a motion to extend for thirty days to investigate?

Jeff Neal: Motion.

Acting Chairman Dore: Do I have a second?

Dan Given: Second.

Acting Chairman Dore: All those in favor signify by saying aye?

All: Aye.

Acting Chairman Dore: Those opposed? Granted for thirty days. Get us any information.

Donna Logsdon: Thank you.

Acting Chairman Dore: Anything else come in front of this board? Do we have to set a date or anything? Do I have a motion to adjourn?

Jeff Neal: Motion.

Acting Chairman Dore: Second?

Dan Given: Second.

Acting Chairman Dore: All in favor signify by saying aye.

All: Aye.

Acting Chairman Dore: Meeting adjourned.

Chairman of Housing Board of Appeal

