

Minutes of the Clay Township Dangerous Building Commission meeting held on Wednesday, January 10, 2007, at 2:00 p.m., at Clay Township, 4710 Pte. Tremble Rd., Algonac MI.

Chairman Uschwald called the meeting to order at 2:00 p.m.

Roll Call: Uschwald, Kot, Salvador, Miller, Piotrowski, Williams, Edler Excused: Drake, Manos.

Also Present: Michael J. Kras, Building Official

Motion by Kot supported by Salvador to approve the minutes of December 13, 2006. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

Chairman Uschwald: We are going to take the cases where the citizens are present, so they will not have to wait. Therefore, some of the cases are out of order from the agenda to accommodate the public.

DB-2003-025 & LEO/DELORES SOLTYS 9380 NORTH RIVER RD.
DB-2003-026

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: These structures have been on the Dangerous Building list since before 1997. We need to sign an Order of Compliance and perform a finding of fact.

Uschwald: Kathy Schmidlin, the daughter of the property owners is here today. Would you like to speak?

Ms. Schmidlin: My mother is ill and so is my husband and I am the only one to take care of them. I just cannot handle to take care of this property at this time. We wanted to repair the buildings awhile ago, but now we are not so sure.

Uschwald: Does anyone have Power of Attorney for your mother?

Ms. Schmidlin: Yes, I do.

Ms. Schmidlin and the Board discussed the case and several options. Board came to a conclusion that Ms. Schmidlin should pull a demolition permit and contact a contractor and get things started. Mike Kras will send the building permit application and a list of contractors to Ms. Schmidlin.

Motion by Miller, supported by Kot to give Case #DB2003-025 and #DB2003-026 a 30 day extension in order to get a demolition permit and if the permit is not pulled and work started, Order of Compliance will be issued. AYES: Uschwald, Kot, Salvador, Miller, Piotrowski, Williams. NAYS: Edler. Excused: Drake, Manos. MOTION CARRIED.

STATEMENT OF PARTICULARS:

DB-2007-001 WILLIAM S. BUNN 9298 STONE RD.

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: This house had a fire and has extensive damage. It is boarded up.

Motion by Miller, supported by Kot to have a Showcause Hearing on Case#DB2007-001 in 60 days. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

DB-2007-002 EDWARD/RITA WASIK 5365 HARCUS CT.

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: This house also had a fire. It is totaled and is not repairable. Jarvis Construction was there and boarded up the house. The State of Michigan was there for an investigation and had to remove the front of the building.

Motion by Kot, supported by Salvador to have a Showcause Hearing on Case#DB2007-002 in 60 days. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

SHOWCAUSE:

DB-2006-012 MELISSA FAIRCLOTH 7313 BEALANE RD.

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: I talked with the mother of Melissa and there has been some cleaning up in the back yard. Also, according to the mother, some of the neighbors have been cleaning up, but it is still a mess and asked for additional time.

Kot: When was this case started?

Kras: October 2006.

Motion by Piotrowski, supported by Miller to table Case#DB2006-012 for 90 days. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

DB2006-013 ALBERT KASPARK 10535 ST. JOHNS DRIVE

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: This is a detached garage that has holes in the roof and is in bad shape. We were asking he either fix it up or tear it down. He has done neither.

Miller: There are a bunch of huge holes in this roof. Have you heard from him?

Kras: I have not heard from him.

Uschwald: Did you call him or send him a letter regarding the situation?

Kras: All correspondence is sent by mail so we have some kind of record. All Showcause letters are sent certified and we received the receipt back signed.

Miller: Is there any recourse for us if no one shows for the Showcause Hearing?

Kras: Our recourse is an Order of Compliance, which gives them another 60 days to do something.

Motion by Miller, supported by Salvador to perform a Finding of Fact and issue an Order of Compliance for Case#DB2006-013. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

Kot: Have we already done a Title Search on this?

Kras: No.

Previous motion rescinded by Miller and Salvador. New motion by Salvador, supported by Piotrowski to do a Title Search of property and send another certified letter stating final notice on Case #DB2006-013 and must respond within 30 days. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

UPDATE ON OLD CASES:

DB-2006-011 SHELLIE A. DOMALSKI 8238 ANCHOR BAY DR.

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: This building has been removed.

Motion by Miller, supported by Salvador to dismiss Case#DB2006-011. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

FINDINGS OF FACT/ORDER OF COMPLIANCE:

DB-2004-014 TIMOTHY J. NELSON 7833 DYKE RD.

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: We had a Statement of Particulars back in July 2004. We had a Showcause Hearing in September 2004. He has asked for a couple of extensions and he has not done anything. I am asking the Board to perform a Finding of Fact and issue an order of Compliance.

Miller: We have been dealing with this case for a couple of years.

Motion by Williams, supported by Miller to perform a Finding of Fact and issue an Order of Compliance for Case #DB2004-014. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

DB-2004-017 ROBERT W. BURNS 7444 DYKE RD.

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: This is the garage over there on Dyke Road with no roof on it. We do have a Demolition Permit in place, but the owner has not acted upon it and I am requesting the Board to perform a Finding of Fact and issue an Order of Compliance.

Williams: He did not call you when he got the lawyer's letter?

Kras: No.

Motion by Kot, supported by Miller to perform a Finding of Fact and issue an Order of Compliance for Case #DB-2004-017. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

DB-2004-023 WILLIAM D. DOUST 5127 PTE. TREMBLE RD.

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: This is the one where the property owner is refusing to take care of the building. The building is actually half down and the roof is imploded and I am asking the Board to perform a Finding of Fact and issue an Order of Compliance.

Miller: How long have we been working on this case?

Kras: Since 2004.

Motion by Miller, supported by Salvador to perform a Finding of Fact and issue an Order of

Compliance for Case #DB2004-023. AYES: ALL. NAYS: NONE. Excused: Drake, Manos.
MOTION CARRIED.

DB-2005-003 ALBERT BETZOLD/MCINTYRE SNI BORA LOTS 182-183

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: This building has been falling down since I have been here. Mrs. McIntyre wrote us several letters that she was going to pass the Dangerous Building information onto her grandson. She is a very elderly lady and does not want to give up the property, but she also does not want anybody else to do anything. Last year when we were out there on the boat, the building was still up and I am asking the Board to perform a Finding of Fact and issue an Order of Compliance.

Motion by Kot, supported by Miller to perform a Finding of Fact and issue an Order of Compliance for Case #DB2005-003. AYES: ALL. NAYS: NONE. Excused: Drake, Manos.
MOTION CARRIED.

DB-2005-006 RICHARD WOLFE LIV R TRUST 8139 SOUTH CHANNEL DR.

Chairman Uschwald called Mike Kras, Building Official, as first witness to this case.

Kras: We have all been out to the property several times and have seen the building, which is in very bad shape. Mr. Wolfe is an elderly gentleman and has not done anything to fix the problem. Statement of Particulars was in March 2005 and the Showcause Hearing was in May 2005 and he came in and asked for some additional time, but nothing has been done with the building at all. It is a very dangerous building.

Motion by Miller, supported by Salvador to perform a Finding of Fact and issue an Order of Compliance for Case #DB2005-006. AYES: ALL. NAYS: NONE. Excused: Drake, Manos.
MOTION CARRIED.

CHANGE MEETING DATE FOR MARCH 2007:

There was not any conflict with the Board of Review dates, so the March meeting date will remain the same.

Motion by Miller, supported by Salvador to adjourn the meeting at 3:00p.m. AYES: ALL. NAYS: NONE. Excused: Drake, Manos. MOTION CARRIED.

Patty Watson
Recording Secretary