

Minutes of the Clay Township Dangerous Building Commission meeting held on Wednesday, December 10, 2008, at the Clay Township Meeting Hall, 4710 Pte. Tremble Rd., Algonac MI.

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

Roll Call: Leonard Uschwald, Mary Kot, Jim Miller, David Salvador, Georgia Williams, John McQuade, & Jay DeBoyer Excused: Don Drake & Rick Edler.

Also Present: Michael J. Kras, Building Official

Motion by Miller, supported by Williams to approve the minutes of November 12, 2008.

AYES: ALL. NAYS: NONE. Excused: Drake & Edler

MOTION CARRIED.

SHOWCAUSE:

DB-2008-015	STEVE/LINDA MAHAC	6493 BENOIT RD.
DB-2008-016	STEVE/LINDA MAHAC	6493 BENOIT RD.

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

Kras: I talked with Mrs. Vincent, who is the occupant, and she said she was going to attempt to get the owner to repair the building and I see that the owner is here today, so I am sure he would like to speak on his behalf. When I performed an inspection on that building the first time there was a blue tarp that covered the whole top of the building and there was no siding on the outside of it. The house is in a very disrepair state and when I talked with Mrs. Vincent she said the roof has been leaking for many years. Every time she contacted Mr. Mahac before, he never did anything or he would tell her he would send somebody over, but nobody has ever been there. We started on this case back in March of last year trying to get something done on this building. So basically it is in violation of International Property Maintenance Code, the Michigan Building Code, the Michigan Fire Code, etc. Now regarding the blight, most of the things belong to the occupants. The house next door (that is the other building having Showcause today) hasn't been lived in for at least ten years, so there have been no essential services on that building for the last ten years. Under the 2004 act we can take this building under blight and basically put it as a dangerous building and have it removed. So that is where we are at with the two buildings at 6493 Benoit.

Williams: Mike, have you talked to Mr. Mahac?

Kras: No. This is the first time at this meeting I have seen him since I sent letters out back in May. I sent him a letter telling him that basically we had problems with these two buildings and sent him all the information about everything that was wrong with the property from the outside. I never received a response.

Williams: Is there any reason why that house has never been repaired?

Mr. Mahac: There is quite a history to what has gone on here. Mr. Kras sent me the current Building Code which indicates I have to have dead bolt locks on new construction and a whole list consisting of 30 pages on what you need to do to have a new house. As far as the small

house goes that roof has not leaked for three years. The occupant had cable brought in and they took it upon themselves to peel the flashing around the chimney back to run the cable down which precipitated the leak. The whole roof has been removed and the roof has been replaced. It is all new. As far as the siding goes, the siding is decorative. There is one side aluminum and one side wood. There are a lot of homes in the community that just have wood alone, so that siding business has nothing to do with us. The second home has water, has electric – it has services there. There is no ordinance that says a house must be occupied. There are a lot of homes that are seasonally occupied or not occupied. Also that home is in good repair. Mr. Kras, I would like to know who is the complainant in this matter and what got you out there?

Kras: I am and I drive by this property every day.

Mr. Mahac: Ok.

Discussion ensued between Mr. Mahac and the Board about Mr. Mahac's history and connection to Clay Township and the Clay Township Board of Trustees.

Mr. Mahac: The building he says is unoccupied; I have had new vinyl windows put in that. I have had the house raised and a new foundation put under it. All of this might have been done before Mr. Kras started here, but there is no ordinance that states a house has to be occupied. As far as the small house goes, yes, I have been after the tenant to remove those cars. She says they all are properly licensed. I don't know whether they are or not. I wish all those things were out of there too, but I don't have the ability to force her to remove it.

Williams: I don't feel all those things have anything to do with the house we are discussing. We have all seen the house. The house has looked like that for 30 years and you have not proved to me, maybe you have to them, why the house should look like that.

Mr. Mahac: Have you seen the new roof, and improvements?

Williams: No, I haven't.

Kras: We did not receive any building permit applications, so we don't know about the roof.

Mr. Mahac: I hired a contractor, so I assumed he pulled a permit.

Uchwald: What work exactly did this contractor do?

Mr. Mahac: He removed the old roof, replaced what wood was necessary and put on a complete new roof, drip edge, and so on.

Miller: Is that second home or the home that is not occupied boarded up so people cannot get in it?

Mr. Mahac: It is locked with dead bolt locks on it. Also it has all new windows.

Miller: We are concerned right now at the present time with your building and whether it is dangerous or not. Is there a crawl space under this house?

Mr. Mahac: Yes, but it is completely secured.

Williams: The house with the lady that is living in it, you are saying that looks fine?

Mr. Mahac: I am saying that it is livable, not dangerous. It has a good foundation. It has a new roof.

DeBoyer: My attitude about these kinds of situations is obviously one - safety. Mike you are making a statement that perhaps you don't believe it is safe.

Kras: Let's take a look at the things that have happened – since March of last year, really they have had the tarp over the roof since September of the year before, so all winter long that tarp was on and then they put on a second tarp. Those tarps don't last a long time, they degrade very easily. So now you have water entering the building on the insulation, so the insulation is now deteriorated.

DeBoyer: Mike, you have not been in the building?

Kras: No, I have not been in the building. It is just the exterior of the building that is required by code, the International Property Maintenance Code, to have a weatherproof surrounding.

DeBoyer: We are at a point now that the complaint is formally brought against you. Mike, can you tell me specifically what you would want as a resolution to his.

Kras: We would like some type of siding or paint on the exposed wood of the building. Obviously I will have to work with Mrs. Vincent on getting the yard cleaned up. I know he put a roof on it as I go by every day, but there wasn't a permit pulled so I don't know if it was done properly.

DeBoyer: Steve, if that is the case and a permit wasn't pulled, is that something you could rectify with Mike.

Mr. Mahac: If need be, yes and once the weather is dry in the Spring, I can put some paint on the wood.

Motion by Miller, supported by Williams to table case #DB-2008-016 for 180 days.

AYES: ALL. NAYS: NONE. Excused: Drake & Edler

MOTION CARRIED.

Williams: Mike, on the house that is vacant, what is your preference on that?

Kras: We want to know what is going to happen with it. We have a vacant building that is not occupied with any essential services at this time. So it would have to be weather sealed on the outside.

Mr. Mahac: I have electricity to it. I have city water bills.

Kot: Do you have separate electric bills for the two houses?

Mr. Mahac: Yes.

Uschwald: Do you heat the vacant house?

Mr. Mahac: No and the water lines are drained.

DeBoyer: Mike what is an acceptable remedy to the bonding?

Kras: It is going to have to be covered, a weatherproof covering.

Mr. Mahac: I am retiring this year, so I will have time next year to work on these buildings, so the covering will be fine.

Motion by Williams, supported by Miller to table case #DB-2008-015 for 180 days.

AYES: ALL. NAYS: NONE. Excused: Drake & Edler

MOTION CARRIED.

DB-2008-017

JASON KUSZPIT

7320 JO CHAR

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

Kras: Mr. Kuszpit has contacted me by email numerous times and has been fixing it up. He has not put any money into it other than he has turned on the water and electricity and wants to get it back into shape. But his plan is to demolish the building and build new, but wants to keep this building here till the following summer. I would like to give him some extra time to see what he is going to do with the building.

Motion by Miller, supported by Salvador to table case #DB-2008-017 for 180 days.

AYES: ALL. NAYS: NONE. Excused: Drake & Edler

MOTION CARRIED.

UPDATES:

DB-2006-012

MELISSA FAIRCLOTH

7313 BEALANE RD.

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

Kras: Ms. Faircloth has been here numerous times and I have been out to her house and check it out on a regular basis. She has cleaned a lot of the yard up and the building is secure now as she has installed a new door, so I would like to dismiss this case.

Motion by Williams, supported by Salvador to dismiss case #DB-2006-012.
AYES: ALL. NAYS: NONE. Excused: Drake & Edler.
MOTION CARRIED.

DB-2008-009 THOMAS/MARY ANN STOWERS 8536 ANCHOR BAY DR.

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

Kras: Mr. Stowers was here the last time he was supposed to be here and he had advised us he was waiting on the insurance company. But I got a call from the neighbor, who is a policeman, and he says Mr. Stowers plans on taking the insurance money and leaving without fixing the building. But, I didn't hear from Mr. Stowers on that respect. We did do a title search and you have that.

Salvador: The house still has the board on the front door so it is all padlocked.

Kras: We did send him a letter, so he should have been here today.

Miller: What can we do to expedite this?

Kras: I can ask Mr. McNamee to send him a letter or send him an Order of Compliance.

Motion by Williams, supported by Miller to have Mike Kras send him an Order of Compliance by registered mail and table case DB-2008-009 for 30 days.
AYES: ALL. NAYS: NONE. Excused: Drake & Edler
MOTION CARRIED.

DB-2008-014 KARI JO LAYNE 7322 JO CHAR

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

Kras: I have received a letter from Ms. Layne's attorney, which you have a copy before you, and wants some additional time as she is trying to sell the property, as she doesn't plan on doing anything to it.

Motion by Miller, supported by Williams to table case #DB-2008-014 for 90 days.
AYES: ALL. NAYS: NONE. Excused: Drake & Edler
MOTION CARRIED.

MEMBERS COMMENTS:

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Discussion commenced amongst members and Mike Kras about cases on the dangerous building list that have been sent to the Township attorney and other dangerous buildings in the township.

ADJOURNMENT:

Motion by Miller, supported by Salvador to adjourn the meeting @ 3:10 pm.
AYES: ALL. NAYS: NONE. Excused: Drake & Edler.
MOTION CARRIED.

Respectfully Submitted,

Patty Watson
Recording Secretary