

City of Sandusky Housing Appeals Board
October 30, 2018
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The Chairman called the meeting to order at 4:00 p.m.

The following members were present: Frank Valli, Sharon Johnson, Walt Matthews, and Gary Guendelsberger.

City staff present: Dante Shipp and Amanda McClain -Code Enforcement Office; and Kelly Kromer- Clerk

All audience members were sworn in by Ms. McClain.

Approval of minutes from the previous meeting:

October 30, 2018. Mr. Matthews moved to approve the minutes; Mr. Guendelsberger seconded the motion, which carried unanimously.

OLD BUSINESS: None

NEW BUSINESS:

First Item on the agenda is 18-06 Gail Pullano is appealing the first administrative penalty for 523 Jackson Street, Sandusky, Ohio 44870. Parcel Number 56-00775.000

Mr. Valli at this time asked Ms. Pullano to please take to the podium.

Ms. Pullano stated that she is appealing because she received a letter on December 27, 2017 and she was told by Code enforcement that it was for peeling paint. She added on December 14, 2017 that she was written up. She stated that she was given until April 16, 2018 to repair the peeling paint. She said that it was winter time and she was unable to paint. She stated that between that time she had some unusual circumstances with her family and the interior of the house that needed to be addressed as the tenant that moved out created many problems at the house. She stated that her family problems were during the summer months that didn't allow for her to spend time on the property. She stated that since the summer months she has begun to work on the property again and only has one small area that needs to still be painted and will be done next week weather permitting She added that the porch has been done. Ms. Pullano thanked the board.

Discussion: Mr. Guendelsberger asked how long this has been going on and when was the initial inspection. Mr. Shipp stated that the initial inspection was December 14, 2017. Mr. Guendelsberger asked for more current pictures to show the improvements. Mr. Shipp stated that the picture he is showing was this morning and the porch was finished. He added that when she appealed it she said it would be done in a week and that is why he went to get pictures this morning. Ms. Pullano stated that it had rained and she was unable to get it done. They agreed that only the top peak is the part that needs to be finished.

Ms. Johnson asked when the re-inspection was. Dante stated that it was April 16, 2018. Dante stated that he would have worked with Ms. Pullano, however there was no communication. Ms. Johnson asked Ms. Pullano if there was a reason she didn't communicate. Ms. Johnson added that she thinks that the reason why people end up in front of the board is because they

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don't communicate with the City. Ms. Pullano stated that it didn't cross her mind because of everything else that was going on with her family. Mr. Guendelsberger stated that he understands the situation; however his concern is that we are recognizing that a house needs painting in December and giving them until April is not a reasonable time to do any painting until we get into warmer weather. He added that Ms. Pullano is working towards solving this now. Mr. Guendelsberger stated that he is willing to give 30 days to the next meeting to demonstrate that the problems have been solved and move forward.

A motion was made by Mr. Guendelsberger to grant the appeal to allow a 30 day extension when the owner will provide documentation that the issues have been resolved, the penalty will be waved unless the owner is unable to provide the documentation; Mr. Matthews seconded the motion which carried unanimously.

Discussion: Ms. Pullano asked if she has to come back to the meeting next month with the pictures. Mr. Guendelsberger stated yes. Dante stated that he will be out to get pictures and that she will need to come back. Ms. McClain stated that it may be inconvenient for Mr. Pullano to reappear. If she gets the okay from Dante, is it okay to have Dante testify that it's done and she won't have to physically appear. Mr. Valli stated that would be okay.

Second Item on the agenda is 18-07 Todd Lavey is appealing the final notice of the first and second administrative penalties for 2231 Columbus Avenue, Sandusky, Ohio 44870. Parcel Number 57-02868.000

Mr. Todd Lavey took to the podium. Mr. Lavey stated that he got his notice December 27, 2016 and started on his property in June. He stated that he was waiting on his uncle as he is a professional painter. He added that they did get the bottom part of the house done and when they got to the back of the house they noticed hail damage which made them stop and contact the insurance company. He stated at that time they were waiting on the insurance company and getting estimates which put him into late October 2017. Mr. Lavey explained that there is a tree in the back which blocks the sun during the later months of the year which pushed them into the late spring of 2018. He stated that he had 2 boys paint and they quit. He needed to hire 2 more people and it is complete now.

He stated that he has multiple houses in the City and got wrote up for only 2. He explained that his tenants would tell the board that the insides are very nice and that he is not a slumlord and takes very nasty properties and turns them into very livable places. Mr. Lavey stated that he is all for what Code Enforcement does and thinks it's making Sandusky better. He stated that he is asking that the board forgive him of the fine.

Discussion: Mr. Guendelsberger asked to hear from the inspector. Dante stated that the first inspection date was December 27, 2016 and he issued a re-inspection date of April 11, 2017. He added that the April timeframe that he gives is to give them time to get someone to get the painting done. Mr. Shipp stated that sometimes you have fair weather in March and

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sometimes you don't. Mr. Shipp stated that he issues the first penalty July 18, 2017 which gave him extra time from the April date.

Mr. Matthews asked if the painting has been taken care of. Mr. Shipp stated that it's completed now. Mr. Matthews asked if there are 2 exits out of the home. Mr. Lavey stated yes and there is a fire escape.

Mr. Guendelsberger stated that we are in another issue of painting issued in December and expected to be complete by April.

Ms. McClain stated that is an administrative call from Matt Lasko as to giving the time period through winter. She stated that it is assumed that if you receive the write up in winter that you would call the office if the weather wasn't good. She added that this past spring it was very nice in March.

Mr. Shipp added that he has not issued any penalties in March or April its always in July or August as he extends the time for them to get the work lined up.

Mr. Guendelsberger asked Mr. Lavey if he has communicated with the inspector; Mr. Lavey stated that he has on both properties. Mr. Lavey added that between all of this he bought another house and completely painted it during this time. Mr. Guendelsberger asked when he painted it. Mr. Lavey stated it was in the summer.

Mr. Shipp stated that he wrote this up in December and its now in the second year and Mr. Lavey is just now appealing.

Ms. Johnson stated that she talked to Dante this afternoon about this. She stated that the penalty was issued on July 19, 2017. Dante confirmed that. Ms. Johnson asked Mr. Lavey when his claim was settled. Mr. Lavey stated that he got a letter from State Farm. Mr. Matthews stated it is dated October 2, 2017. Ms. Johnson stated the claim check was issued September 6, 2017 according to the letter.

Mr. Matthews stated that he has had since September 2017 to get the work done. Mr. Lavey stated that he has a lot of other properties and other things going on.

Ms. Johnson asked what Mr. Lavey did when he received the first penalty and he said that he has talked to Dante many times. Mr. Shipp stated that he called after he received the first penalty. He added that he didn't hear from him after the write up only the penalty. Mr. Lavey stated that Ms. McClain told him that they sent out 3 certified letters. Mr. Lavey stated that he didn't receive any of the letters. He stated that apparently the letters were mailed to his girlfriend's address and he didn't receive those. Mr. Shipp stated that he sends them to the statutory agent listed. Ms. Johnson asked where the City should be sending the letters. He said to Columbus Ave. Ms. McClain added that the city has to send it to the statutory agent as registered with the Secretary of the State of Ohio in order for it to be considered served. The letter was sent to Todd Lavey 4406 Woodridge Dr., Sandusky, Ohio as registered. Ms. McClain

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stated that the certified letters came back unclaimed and are also sent out by certificate of mailing that is stamped by the post office and proves we mailed it by regular mail. The mail was never returned undeliverable. She added that he was served correctly.

Ms. Johnson asked if anyone was at the 4406 Woodridge address. Mr. Lavey stated that his girlfriend lives at that house. He added that his girlfriend didn't get the mail. Mr. Lavey stated that he only sleeps at that address.

General discussion was made about the mail process for code enforcement according to the law.

Mr. Lavey stated that he didn't ignore the certified letters and that he is right for how long it took him. He added that he is asking for forgiveness because it took him longer to get it done. Mr. Shipp stated that once him and Mr. Lavey developed the correspondence they he didn't issue anymore penalties.

Ms. Johnson asked Mr. Lavey if 4406 Woodridge is his address. He stated that he sleeps there.

Ms. McClain explains the mail process to Mr. Johnson.

Ms. Johnson asked Mr. Shipp how much Mr. Lavey owes in penalties. Mr. Shipp stated at he owes \$425.00.

Mr. Guendelsberger asked if this now makes Mr. Lavey subject to semiannual inspections. Mr. Shipp stated yes any property that gets through the second administrative penalty if subject to semiannual inspections.

Ms. McClain explained to Ms. Johnson that the post office did state they tried to deliver the mail and it was unclaimed. Ms. Kromer explained the difference between certificate of mailing and certified mailing to Ms. Johnson.

General conversation was made at this time.

Mr. Guendelsberger asked Mr. Lavey what he thinks is fair at this point. Mr. Lavey stated that he feels \$425.00 is a little absurd and to be inspected twice a year. He added that he thinks the first penalty of \$50.00 would be fair.

A motion was made by Ms. Johnson to wave the second penalty and semiannual inspections and keep the first penalty due to the lack of the mail system; Mr. Guendelsberger seconded the motion. Roll call on the motion: Yeas: Mr. Valli, Mr. Guendelsberger, and Ms. Johnson
Nays: Mr. Matthews Motion passed

General conversation was made by the board.

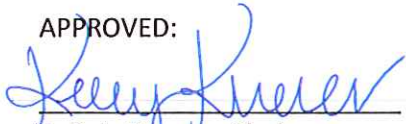
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There was no further business before the Board. A motion was made Mr. Guendelsberger to adjourn the meeting at 4:52 p.m. Seconded by Ms. Johnson. All in favor

Next meeting: November 27, 2018

APPROVED:



Kelly L. Kromer, Clerk



Mr. Frank Valli, Chairman