

City of Sandusky Housing Appeals Board
July 27, 2021
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The Chairman called the meeting to order at 4:00 p.m.

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

City staff present: Stephen Rucker- Housing Manager, Ron Snyder- Code Compliance Inspector, Dante Shipp – Code Compliance Inspector, Scott Thom- Building Official, George Poulos- Building Official, and Kelly Kromer- Clerk

Audience members sworn in by Kelly Kromer

Approval of minutes from the previous meeting: June 29, 2021

No comments. Mr. Matthews moved to approve the minutes; Ms. Johnson seconded the motion, which carried unanimously.

Old Business:

21-06 Review of Variance - Charles Kraisner is appealing the demolition of 520 E. Jefferson St., Sandusky, Ohio 44870. Parcel Number 56-00555.000

Mr. Snyder stated that they granted Mr. Kraisner an additional month at the last housing appeals board meeting. Mr. Thom, Mr. Poulos and Mr. Snyder went to the residence 520 E. Jefferson on July 13, 2021 for an inspection. Mr. Snyder described the pictures and stated that the fire damage is no longer there. Ron Snyder introduced himself to the board members. Ms. Johnson asked if there were any violations. Mr. Snyder told her that the violations that existed still exist. He added that the house cannot be inhabited.

Mr. Poulos stated that when the property was condemned it was due to the fire a few years ago. He stated that nothing has changed besides the applying of primer which is all part of bringing the building back. He added that the owners and contractors that they met on site have the knowledge to bring the building back. He stated that at the inspection they went over a timeline that is to be put into a formal contractual agreement between the owners and the contractor. The agreement has been brought to the meeting. He added that the building has good bones to it. The timeline requested was 6 months and Mr. Poulos gave them 9 months. The contract shows a start date of September and a completion date of within 1 year. The contract is for over 75,000.00. Mr. Guendelsberger asked if the number has improved from the previous estimate of 58%. Mr. Poulos said it's not brought down at this point. He said they took out all of the affected components and they are ready to start with the rebuild. Mr. Matthews asked how long the rebuild is. Mr. Poulos said that the agreement with the contractor says it will be completed in 1 year. He stated they have submitted the proper documents to proceed. Mr. Poulos stated they have done everything that the City asked of them. Mr. Johnson asked the contractor if he will focus on this property and get it completed in 9 months. Mr. Poulos stated that the materials are not always available right away. Mr. Poulos stated that once the permit is issued work had to proceed and can't stop for a period of 6 months.

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Mr. Guendelsberger stated that he would feel more comfortable with this if he followed a comprehensive rehabilitation plan approved by the Chief Building Official. IT give an inspector the right to enter and view progress being made. Mr. Kraisner stated they can come anytime.

Mr. Guendelsberger made a motion to agree to the variance providing that the owners follow a comprehensive rehabilitation plan approved by the chief building official. Ms. Johnson seconded the motion. Motion passed unanimously.

21-05 Review of Variance – Justin Hinkle is appealing the demolition of 923 Ogontz St., Sandusky, Ohio 44870. Parcel Number 57-03824.000

Mr. Rucker stated that nothing has changed since the last time the case came before the board and added that attempts were made to contact the representative from the estate with no success. Updated photos were shown to the board. No open work permits and the water is shut off. He added that he spoke to the auditor's office and there was a tax payment schedule however that has been defaulted on. The house is still at 80+ deterioration.

Mr. Guendelsberger asked if there was someone there representing the property. With no response from the audience.

Mr. Guendelsberger made a motion to deny the appeal based on the fact that the appellant is not present. Mr. Matthews seconded the motion. Roll call was taken. Mr. Valli-yes, Mr. Matthews-yes, Mr. Guendelsberger-yes, and Ms. Johnson-abstain. Motion passed.

New Business:

21-07 Floyd Matthews (Matt Pool LTD) is appealing the demolition of 1528 Columbus Ave. Sandusky, Ohio 44870. Parcel Number 57-04877.000

Mr. Shipp stated that he had been working on the property since about February prior to that it was Angie Kotsopoulos and Brad Link. He stated that it was inspected on March 3rd and the demo order was sent out with the penalties. The front and rear unit was inspected. He stated that he repaired all the issues in the rear unit and was closed within 30 days. He said the top unit had to have the tenants evicted in March and was able to get a little work done. Pictures were shown to the board. He added that Scott Thom gave it 59% of deterioration. Ms. Johnson asked if Mr. Poulos was at the inspection. Mr. Shipp indicated that Mr. Thom was at the inspection.

Mr. Floyd Matthews stated that he has more pictures.

Mr. Guendelsberger asked what the issue is primarily about. Mr. Shipp stated lead abatement. Mr. Guendelsberger asked who he received a complaint from. Mr. Shipp stated that the complaint came in about 2019 to Brad Link about a child with lead poisoning which is what started this and that's when Mr. Link did the first inspection of the interior. Mr. Guendelsberger stated that it's a much more complicated issue than just lead abatement. Mr. Walt Matthews asked if anything has been done with the lead. Mr. Shipp stated that the Health Dept. went out yesterday for the inspection and noted that the letter was in the packet.

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Ms. Johnson asked if the water was on and Mr. Floyd Matthews said it is. Ms. Johnson asked if he was up on his registration and he stated that he is. She asked if he was up on the taxes and he said that he was. She asked if he has any other violations at any other property he stated no. Mr. Shipp stated that he has minor siding issues on Putnam St. Mr. Guendelsberger asked to hear from Mr. Thom.

Mr. Guendelsberger stated that Mr. Thom's estimate of damage on this 3 unit, what's it going to take to put it together. Mr. Thom said it's going to take a lot. He said it's going to take significant repairs. He said the first floor is completely gutted out and evidently there was a water leak that flooded portions. He said Mr. Floyd Matthews took some of the floor coverings and plaster out. He said the second floor is in deplorable condition based on the way the tenants left it, it was filth and trash. He said the plumbing, HVAC, and electrical are going to have to be up to code. He stated that the whole one side is in bad shape and looks to be an illegal addition. He said that it looks by the aerial views that the roofing wasn't done correctly. Mr. Guendelsberger asked if the rear unit was a garage at one time. Mr. Thom said he suspects that it once was. Mr. Guendelsberger asked if it is a permitted use for residential and is it a permitted use for residential without the front structure. Mr. Thom said that he would have to talk to Code and the zoning code would be more applicable for that issue. Mr. Thom asked Mr. Floyd Matthews if he has any estimates on what it's going to take to get it back. Mr. Floyd Matthews said the top floors have all been redone with a new kitchen. He stated that he hasn't touched the downstairs because it was condemned. He said the only floor that is bad is the bathroom and that has been ripped out. Mr. Guendelsberger asked who is doing the work and Mr. Floyd Matthews said he was. He is not a register contractor. They said that created another problem for any electrical, any mechanical work, or framing work would have to be registered. Ms. Johnson asked if he had legal representation with him. Ms. Kromer asked if he could please take to the podium if he's going to speak on behalf of the property.

Mr. Walt Matthews said he has to have \$20,000.00 to get the lead out. Mr. Floyd Matthews said that is originally what it was. Mr. Walt Matthews said it was written 7/27/21. Mr. Floyd Matthews said that is inaccurate and it should have been based on a 3 unit. Mr. Rucker stated that it requires a 10% match of the total cost of the project up to \$20,000.00 anything over that he will have to figure out where to get those funds from. Ms. Johnson asked how much he estimates that it will cost to fix the house up and he said he didn't know the exact number as he has been doing a lot of it himself cosmetically. He added that the wiring is not all bad and was going to say 10k-15k. Ms. Johnson asked if the lead abatement has to be done professionally. Mr. Shipp said yes before they can start the abatement the whole downstairs has to be cleaned out and they will come back and start their process. Ms. Johnson asked if he will need a permit for that. Ms. Shipp said yes for lead abatement and it's done through the state. Ms. Johnson asked if there is a Health Dept. report on this. Ms. Shipp showed her the document. Mr. Shipp explained the letter. Mr. Shipp stated that there is now 2 units upstairs and one downstairs. Ms. Johnson asked how many more rentals he owns. He responded four. Ms. Johnson expressed her concern about the cost. Ms. Johnson asked if he has a letter of credit from the bank. He stated that he doesn't but could probably get one. He said that he has guys/contractors that trade work and work for better prices. He added that he does a lot of it

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himself so he can save money for the project. Mr. Guendelsberger stated that he sympathizes with Mr. Floyd Matthews but the code is specific and it requires being registered with the City. He asked what becomes of the 2 unit in the rear. Mr. Shipp stated that the Health Dept. will have certified contractors to do the lead abatement.

Mr. Mark Smith attorney with Flynn, Py, and Kruse represents Mr. Floyd Matthews and represented him for the eviction in this case which presented some challenges for the board given the Covid moratorium. He added that every landlord has been dealing with this for the last year. He asked Mr. Shipp if Mr. Floyd Matthews goes through this program with the Health Dept. would they select the contractor and other than coming up with the match for the grant they would take care of everything else with the approved contractors. Mr. Shipp said yes, they will do the lead abatement and they want him to clean out the lower unit so they can go in and do the work. He added that for the repairs moving forward he would have to get a certified contractor. Ms. Johnson asked if Mr. Shipp knew about how much the lead abatement would cost. He said that the Health Dept. said it would take an additional 90 days to determine that.

Commissioner Dick Brady took to the podium and stated that he serves as the President of the commission. He stated that he received a letter from residents regarding this issue. He asked Ms. Kromer if she furnished the letter to the board. She responded she has. He stated that his purpose of being there was to reiterate how serious the city is regarding the taking of someone's property and that's what we are doing when we deny the man use of the property. He added that after reading the letters from the residents in the neighborhood and viewing the property himself he cannot help but feel that this property is holding that neighborhood hostage and has done that not just since April but for several years and that's unacceptable to him and should be unacceptable to everyone in the city. He asked the board that they listen to the residents as well as to listen to Mr. Matthews but he would ask that the process has been stalled and the reason is that once Mr. Matthews made an application for funding from the Health Dept. we had to stand down. Once that time expired Mr. Matthews made an application to the State for grants and again the City had to stand down. He stated that at some time the City has to represent its residents and that means in total its residents as well as preserve the rights of a property owner to own and maintain and manage his property. He said the question needs to be asked has Mr. Matthews been responsible in doing that, he added that he thinks the answer to that question is a resounding no.

Ms. Johnson asked how long he has owned the property. He responded 20 years. He asked how much has been done in the 20 years. He said paint, repair, new floors off and on, new kitchen cabinets, and carpeting. She asked how it got to look the way it does. He stated that he had a bad tenant and they quit paying and messed it up. He said he inspects monthly. Ms. Kromer passed pictures to the board to place on the record provided by Mr. Matthews. He stated that he could not get in to do an inspection. He said they got in because the dog warden was called and then the city and the Health Dept. were both called to come in. He said they left trash all over and broke things and left water in the toilets. Attorney Mark Smith stated that his rights as a landlord are that he is entitled to view the premises upon proper notice

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which is usually deemed 24 hours' notice, however if the tenant does not physically let him in his only recourse is to contact law enforcement for civil standby. He added that law enforcements position on this is that it's a civil matter and will not intervene, you then have to go to court and once you do go to court and someone files a Covid declaration then the case is stayed until the moratorium is lifted. He said there are certain criteria that the courts have to look at and the case law has changed almost every month over the course of Covid. Mr. Matthews added that the tenants were horrible people. He said that the toilets are new. Further discussion was made regarding the tenants. Ms. Johnson stated that she doesn't believe this all happened in 3 years after looking at the pictures. Ms. Matthews stated that they did that in less.

Mr. Smith asked how long Dante has been on the case file. Mr. Shipp stated that he just got it at the end of February or early March. Mr. Smith asked if there has been anything in the files that predates that. Mr. Shipp said no not from our pictures.

Mr. Guendelsberger asked Mr. Shipp where the structure falls in the 3 year cycle of rental inspections. Mr. Shipp stated that when they have a preexisting case like this they let that one go and this one has been going since 2019 so they will bypass it and it's also an interior inspection as well so that is why someone else had it. Mr. Guendelsberger asked if the previous inspector that looked at this has any documentation of problems. Mr. Shipp stated that it would have been Brad Link and would have been the one who started the write up process. He said that Angie started it in 2019 but Brad did most of the write-up.

Ms. Johnson made a motion that we go ahead with the demolition of 1528 Columbus Ave. Motion failed due to lack of second.

Mr. Guendelsberger asked to hear from Mr. Thom. Mr. Thom stated that he didn't know this was involved with a lead poisoned child. He stated that he used to formally be a risk assessor with the Health Dept. and a lead abatement contractor licensed by both the State of Ohio. He stated that there should be a risk assessment on this property. He asked if anyone has provided that to anyone. Mr. Shipp stated yes it should be in the copies. Mr. Shipp said he had one emailed to him from the state. Mr. Shipp located it in the file. Mr. Walt Matthews asked if the board has a copy and Mr. Shipp said no. Mr. Thom said that there is a significant amount of lead hazards on the project. Mr. Floyd Matthews stated that they prefer windows and siding. Further review of the risk assessment was made by Mr. Thom. Mr. Thom said that he used to estimate these and you're probably looking at between \$25,000.00-\$35,000.00 lead abatement project at least. Ms. Johnson said she would hate to see someone put this money into this and he can't finish it out.

Mr. Smith asked Mr. Shipp since he has been involved in the case the condemnation was in April? Mr. Shipp stated it was the end of February early March. Mr. Smith said and since then has Mr. Matthews been compliant with any requests you have made of him. Mr. Shipp said yeah the rear unit was corrected within 30 days so there are no compliance issues there and everything we have is in the front basically the lead and we have many people gut houses and

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do the work but we have the lead issue and that needs to be corrected. Mr. Smith said since he was made aware of that has he taken the correct steps in a timely manner to get that ball rolling and move on that. Mr. Shipp said yeah we are moving a little quicker with him this time around because of the complaints and he's doing what he has to do and it comes down to if he is going to get the stuff taken out of there and how quick he can get the Health Dept. there to get the assessment going.

Ms. Johnson said he has two other properties on Putnam St. that he has outstanding violations on. Mr. Shipp said one is a piece of siding and the other one is also a siding issue.

Mr. Guendelsberger asked Mr. Matthews if he is prepared financially to meet these obligations. Mr. Matthews said he believes he is. Mr. Guendelsberger stated that registered contractors must be involved in this. Mr. Matthews said that's fine.

Mr. Shipp said that he has been by every 2-3 weeks and Mr. Matthews calls regularly for updates and inspections. Mr. Guendelsberger stated that he has a serious problem with any owner of a rental unit who has been placed behind the eight ball and unable to collect any rent during this entire terrible time, it puts you at a tremendous disadvantage especially when you speak about the tenants you had to deal with that trashed the place and there was nothing you could do about it. He added that he doesn't want to see him forced out of this but he wants to give him an opportunity to continue to work forward to improve that structure and jump through all the hoops you have to jump through in order to do it. He added that it sounds to him that he's willing to do that. Mr. Matthews stated that he is not a quitter.

Mr. Guendelsberger made a motion "that this property at 1528 Columbus Ave that the owner agreed to a comprehensive rehabilitation plan approved by the Chief Building Official and following all of the criteria as specified I've got a whole list here of things I won't read but it will be available to you" Ms. Johnson asked "Gary is there a time limit on this lets not drag this out" Mr. Shipp said "I will check back in a couple of weeks and get the health dept. over right away" Mr. Guendelsberger said "the language reads rehabilitation of the structure shall commence immediately and proceed with due diligence until completed in a time period deemed reasonable by the Housing Appeals Board. So let's get the ball rolling and we will go from there" Ms. Johnson said "with those restrictions I could go for that" Motion seconded by Walt Matthews. All in favor motion passed unanimously. Roll Call was taken. Mr. Walt Mathews-yes, Mr. Guendelsberger-yes, Ms. Johnson-yes. Motion passed.

21-08 Rex Cole is appealing the 1st Administrative Penalty for 1323 Prospect St. Sandusky, Ohio 44870. Parcel Number 58-02322.000

Mr. Shipp stated that he first inspected it Oct 18, 2018 and a re-inspection was scheduled for November 26, 2018 and none of the repairs were completed at that time and due to the weather it was extended out to April 4, 2019 and gave the first penalty on September 15, 2019. He added that Brad link has interior issues with the property and Mr. Shipp backed off

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and let him get that out of the way. He stated that with Covid he stopped inspections for about 6 months. The next inspection date was August 3, 2020 and nothing was done. The second penalty was issued in June 2021 and another re-inspection is pending the outcome of this hearing. Mr. Shipp described the pictures being shown. He stated that the exterior issues show there is siding falling off and a lot of debris around the property as well as the porch and areas that need to be painted. Mr. Shipp stated that he spoke with Mr. Cole a few times about the extensions since 2018.

Ms. Johnson asked if this was the second penalty and how much. Mr. Shipp stated yes it would be 250.00.

Mr. Shipp stated there have been a couple of complaints from the neighbors about the trash and activity around there.

Mr. Guendelsberger asked what the maximum penalty is for the 1st administrative penalty. Mr. Shipp stated that it's usually \$50.00-\$250.00. He added that he likes to keep the first one low as he is trying to build compliance. Mr. Guendelsberger asked how much for the 2nd administrative penalty. Mr. Shipp said it's \$250.00-\$500.00. He added that the 3rd penalty is \$500-\$1100.00 and then criminally charges as well.

Ms. Kromer asked if they could clarify for the record that she has it down as the 1st administrative penalty is this the 1st or the 2nd. She added that she wants to make sure it's correct on the agenda. Dante indicated that it's the 1st. Ms. Kromer stated that there was a second penalty issued and it may have crossed in the mail. Mr. Rucker stated that another appeal will have to be made. Ms. Kromer asked if they could do both and Mr. Rucker stated that is up to the board. Mr. Cole stated that he is appealing both. Mr. Kromer told the board that it would be both penalties that he is appealing.

Ms. Johnson asked why they didn't see him on the first penalty. Mr. Shipp stated that he didn't appeal the first. Mr. Shipp stated that he signed for it. Mr. Rucker stated that he didn't file an appeal. Mr. Shipp said that in the paperwork it states that you have to file an appeal. Ms. Johnson said that he didn't do that. Mr. Cole said he did on the second. Mr. Cole said he wasn't aware and it should say second. Mr. Cole said he knew about both penalties but is appealing the second. Ms. Johnson asked if he ignored the 1st penalty. He said no, if you want to hear me out.

Ms. Johnson asked if he had 2 other properties. Mr. Shipp said he didn't send penalties for those yet but both properties have violation. He added that one he has done some work on. Further discussion was made on the specific violations of other properties.

Mr. Cole started with the other homes and Mr. Matthews said they only wanted to talk on the current property. He stated that it sounds like he is a landlord that doesn't do anything. He explained the work that he has done on the other properties. He said that the penalty was brought to his attention and was working on getting a contractor to come over and look at it.

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He said he got an estimate from a contractor and he filed a claim with the insurance claim. He said he has spent \$20,000.00 of the insurance money. He said the contractor is Norm Hopkins. He stated that Norman moved and he has been trying to get him back to do the job. Mr. Cole stated that Mr. Shipp gave him more time. He said that he called and asked for more time again and never got a response. He said that he called Ms. Kromer and told her that Dante didn't get back to him. Mr. Cole said he still didn't get a response from Mr. Shipp. Mr. Guendelsberger stated that he did get a response in the form of notification of 1st administrative penalty. He added that Mr. Shipp is working with him. He said that in the appeal your saying you spend \$20000.00 in repairs and mentioning the contractor Norman Hopkins. Mr. Guendelsberger asked if he is register with the City to do the work. Mr. Cole said he wasn't sure and Mr. Guendelsberger said he knows he's not and that's a problem. He told Mr. Cole that he has the responsibility to know that by hiring him.

Ms. Johnson asked Gary what work he needed to have a register contractor. Mr. Guendelsberger said that it's a rental. Mr. Guendelsberger and Mr. Cole went back and forth about the registering of Norman Hopkins. Mr. Guendelsberger stated that all they would talk about is the 1st administrative penalty. Mr. Cole said he asked for more time as he didn't have the time and is asking for more time. He stated that he has been maintaining the property for 30 years. He said that Norman is going to come back to finish it. He said as for the tenants and how they live he doesn't pry into their lives. He said that he told the tenants that they needed to clean the property up or he was going to kick them out. He added that the tenant told him that they didn't have anywhere else to go. He said that the claim with the insurance company with the final proof that he spent the money on the property and it expires in 60 days and he told Norman that he has to complete in 30 days. He said that he can't see paying \$500.00 when he has stuck so much money into the property. He said work is getting done just not like the City would like it. He said that if it's not done in 60 days that they will cancel his insurance.

Mr. Matthews asked when it started. Mr. Cole said late 2019. Ms. Johnson said October 2018. Mr. Matthews said that he needs to take care of the penalties and Mr. Cole said he is appealing them. Mr. Cole said he is paying the 1st one and is appealing the second one. Mr. Guendelsberger said that the only thing they are talking about is the 1st penalty. Ms. Kromer said that it was her mistake and that it wasn't indicated on the paperwork what penalty was being appealed, however he is stating that he is appealing the 2nd administrative penalty. Mr. Guendelsberger said that they have to follow the agenda and that he is going to be given a pass for the moment on the 2nd penalty as we have an agenda that says it's the 1st penalty.

Mr. Guendelsberger made a motion to deny the appeal. Mr. Matthews seconded the motion. Ms. Johnson asked when the storm damage happened. Mr. Cole said June 10, 2020. Roll call was taken. Mr. Valli-yes, Mr. Matthews-yes, Mr. Guendelsbger-yes, and Ms. Johnson-yes. Motion passed. Ms. Johnson said he paid the 1st penalty. Mr. Shipp said he has not paid the 1st penalty. Mr. Cole said he still owes it. Ms. Johnson asked if they have to vote on the 2nd penalty and Mr. Matthews said not today.

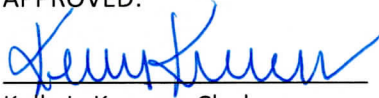
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There was no further business before the Board. A motion was made by Mr. Guendelsberger and the board voted unanimously to adjourn the meeting at 5:46pm

APPROVED:



Kelly L. Kromer, Clerk



Mr. Frank Valli, Chairman