

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

The following members were present: Frank Valli, Allison Will, Janice Warner, Dana Gamblin, Gary Guendelsberger, and Sharon Johnson.

City staff present: Stephen Rucker- Housing Manager, Dante Shipp – Code Compliance Inspector, Scott Thom- Building Official, Sarah Chiappone- Assistant Law Director, John Orzech- Assistant City Manager, Ron Snyder-Code Compliance Inspector and Kelly Kromer- Clerk

Audience members sworn in by Kelly Kromer

**Approval of minutes from the previous meeting: August 31, 2021**

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

**Old Business:**

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

Mr. Rucker gave an update to the board. He stated that on 9/2/21 the Building Dept. and the Code Compliance inspectors all met at 1528 Columbus Ave. and wrote up the violations that were provided to Mr. Matthews and the board. On 9/7/21 a public records request was submitted by Mr. Matthews for all open cases. A discussion occurred between Mr. Matthews and Mr. England regarding the violations that needed to be corrected. On 9/23/21 Scott Thom, Bob England, Dante Shipp, and he met to discuss all of the violations and procedures moving forward. He stated at that meeting it was determined that Mr. Matthews could meet with all of the lead contractors and go through the punch list and the risk assessment to determine what needed to be done prior to, during, and after the remediation of the lead. He added that on the same day he met with Mr. Matthews and conveyed all of the information to him.

Mr. Rucker stated that the meeting with the lead contractors would determine what items need to be taken care of prior to, during, and after the remediation of the lead.

Attorney Mark Smith on behalf of Mr. Matthews asked if it's the agency's position that there are specific steps that can be only be taken care of before the abatement has begun, during and some that have to wait until after. Mr. Rucker said yes and that would have to be determined between Mr. Matthews and the lead abatement contractors. He said to be clear this information was not conveyed to Mr. Matthews until September 23, 2021. Mr. Rucker said that was correct as that was the date they determined that this was the process and up until that point they were under the impression they were on hold because of the Health Department and that was not the case. Mr. Smith asked if it would be a fair assessment in your mind that Mr. Matthews finally received clear directions on how to proceed on the 23<sup>rd</sup>. Mr. Rucker stated as far as the assessment with the lead contractors yes, he stated that he thinks he had been given direction prior to that to obtain contractors to deal with the violation notices he received on September 3<sup>rd</sup>. Mr. Smith said to clarify that is the 23<sup>rd</sup> only concerning

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lead abatement or holistically things can be done prior, during, and after. Mr. Rucker stated that the meeting had to do with the lead abatement itself and the contractors have the expertise to let Mr. Matthews know what needs to be done prior to their work, what can be done in conjunction with their work and what can be done after the remediation of the lead. Mr. Rucker referred to the list that was provided on the 3<sup>rd</sup> to Mr. Matthews. Mr. Smith said would it be fair to say that some of those items may interfere with the lead abatement if done out of order. Mr. Rucker said yes.

Mr. Rucker said that there should be a copy of all of the violations in their packet. Ms. Johnson stated that she didn't know what the numbers mean on the list unless she looked everyone up. Mr. Rucker stated that the list is broken down by specialty. He deferred to Mr. Thom on what the specific codes mean. He stated that he thinks everything else is spelled out and explained in detail.

Ms. Johnson asked if she will then hear from Mr. Matthews as he was supposed to have financials and cost estimates. Mr. Rucker stated that is for the board to determine.

Mr. Scott Thom City of Sandusky Building Official took to the podium. He explained that the meeting on the 23<sup>rd</sup> was to establish a sequence of events for the lead abatement. He asked if there were any particular code sections that they had questions on. Ms. Johnson stated she thought there would be more to present. He stated that he spent a significant amount of time pulling all of the code sections today. She asked for him to briefly describe the sections. He stated that there is a separation that has to be done between units. He described the hours between the units. Mr. Thom read his notes on the codes. Ms. Johnson asked if Mr. Matthews wants to know exactly what the code means he would have to go to the code book. Mr. Thom said he cited it that way because he is going to need a design professional and that they would look at those codes and know what he has to address. He stated that he and Mr. Poulos at the first meeting told Mr. Matthews and his counsel that they a design professional to address the issues. Mr. Guendelsberger said on the notice that Mr. Matthews was given on 9/3/21 it lists a link to go online and do the research of what the numbers refer to and that's what he did. He asked if Mr. Matthews looked them up. Mr. Matthews said he did not. Mr. Guendelsberger read the letter that was provided to Mr. Matthews. Mr. Matthews asked why Mr. Thom gave him code numbers and Code Compliance wrote it out. Mr. Thom said it took him 3 hours to dig it out today to prepare for the hearing. He added that he was trying to get him the list so he can go to the design professional to get it done as quick as possible.

Mr. Mark Smith asked how the report and the punch list square with the Ohio Building Code 102.7 existing structures which specifies that a structure and occupancy basically the grandfather statue does not require the removal or alteration....He continued to read the section. He stated that if there is an existing building under the grandfather statue serious hazard does not mean non-code compliance so which of these are non-code compliant and which are serious hazards as they all can't be serious hazards. Mr. Thom said there are some very serious hazards the whole staircase to the second floor. Mr. Smith asked which ones on the list are serious hazards and which are non-code compliant. Mr. Thom said they are not

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detailed that way. Mr. Thom said he would need to get with a design professional to go through it. Mr. Thom said that section your using is not for something that already has all of these violations on it and we are at the demolition stage. Mr. Smith said your position is that because it's at the demolition stage that any non-compliant code violation needs to be brought to code and grandfather doesn't matter. Mr. Thom said he would go through the list. He said maintenance is one. Mr. Smith said that is not his question and his question is which of these violations on the list are considered serious hazards and which are just considered non-code compliant because the law only requires him to fix serious hazards not everything to bring it up to current code. Mr. Thom said the second floor egress problem is a serious hazard, the separation between units is a serious hazard, the lack of smoke detectors and carbon monoxide detectors is a serious hazard, the hand rails and issues within the second floor would be a serious hazard because there is no protection between the underside and upper that could stop a fire. He said those are the biggest ones. He added that the staircase is encroached on the property line and only about 33 inches away and would need to be 1 hour rating. Mr. Smith asked if that would be grandfathered because of the time that it was put up. Mr. Thom stated not really because it was never an approved installation and someone did it without notifying the building dept. Mr. Smith continued to explain the grandfathered law. Mr. Thom said the board agreed to not demo a property months ago and your client said they agreed to a comprehensive rehabilitation plan for this property. He said part of the plan is that he has to approve it and if there is a serious hazard he cannot let it go forward. The conversation continued back and forth to define what is a serious hazard.

Ms. Gamblin stated it doesn't look like they are going to have a meeting of the minds as it is back and forth. She asked Mr. Smith why these questions are being addressed today if they had the letters and could have contacted Mr. Thom or Code Compliance to address this. Mr. Smith said there was a lot of confusion when there was no punch list getting to Mr. Matthews then they got the list and now they are looking at it wondering what by law needs to be fixed vs. so called fluff repairs things that are not serious hazards under Ohio law and Ohio Building Code. Ms. Gamblin said that he picked up the list on the 3<sup>rd</sup>. Mr. Smith said he is trying to work with the City and so is Mr. Matthews as he has been in contact with the City. He stated that he is trying to narrow down for Mr. Matthews what specific issues need to be addressed.

Ms. Warner asked if it's the board's responsibility to decide what is a serious condition or not. Ms. Chiappone stated that she is the Assistant Law Director and is not bared yet and can't answer legal questions as of right now but she can take the question to Brendan Heil and table the question. Mr. Smith said it would be a question for the board because whether or not he is in agreement with the comprehensive rehabilitation plan is going to be a board consideration as to whether or not he's remedied all of the serious hazards. Mr. Matthews said that he feels Mr. Thom wants the structure demolished and won't work with him. He said he doesn't tell him anything in detail and doesn't try to work with him. He went into detail about his complaints with Mr. Thom. He feels his main objective is to shut it down and he feels that he has something personal against him or that he just doesn't like black people. He said when he met with the other inspectors they told him what he needs to do.

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Ms. Gamblin asked if he has a proposal of how much it will cost and Mr. Matthews said he can't get anyone to come out to give him a price.

Mr. Guendelsberger said it comes down to lead paint and he has had plenty of time. Mr. Matthews said he has procedures to follow such as funding. He said it hasn't been years. He said he didn't have money for the abatement the first time and now he's trying to get the total amount because he has the money to do it. Mr. Guendelsberger said he read the last month's meeting minutes and this month he was supposed to provide costs and personal finances to support what needs to be done. Mr. Matthews said he has not submitted it. Mr. Guendelsberger said there is no point in moving forward unless it's proven that he can afford to do the work. Mr. Matthews said he doesn't know what the numbers are without the estimates. Mr. Guendelsberger said he needs to provide to Mr. Thom documentation that proves you have the funding available to handle whatever this lead paint abatement will cost plus...He said he was supposed to provide proof that he has the funding. Mr. Matthews asked what he is providing funding for. Mr. Guendelsberger said proof of financial ability to make repairs to the structure.

Ms. Gamblin said you're supposed to submit a comprehensive plan and if it's going to cost 50,000.00 do you have the 50,000.00. Mr. Matthews said he doesn't have 50,000.00 to do it. Mr. Matthews wasn't clear on how he was supposed to present the funding because he didn't know how much the abatement was going to cost.

Mr. Matthews said the abatement guy came out Saturday and wouldn't provide him an estimate. Ms. Will said possibly a letter of credit from the bank could have been presented. He asked what he is getting a loan for. He said the man that came out was named Handyman and Bob England gave him his number. He added that he thought it was out of line that it's his project and he already knew about it. Ms. Johnson asked how much he is comfortable putting into this project. He said he is not sure what he is okay putting into it.

Ms. Gamblin said usually when you get a list like this you have someone come in and tell you what you estimate putting into it and bring it to the board.

Ms. Warner said that you can get estimates online. She said the focus needs to be about the plan and not blaming people. Mr. Matthews said he called people to come to give an estimates. She said lets work together and come back with a plan.

Ms. Gamblin said she is going to give him to the next meeting which is in 30 days if you do not come in with a plan she said she doesn't want to hear any excuses we will vote to tear it down.

Ms. Gamblin made a motion that the board needs the comprehensive plan by the next meeting and financials. Mr. Guendelsberger asked Mr. Smith if it sounds reasonable to him. Mr. Smith said he does think it reasonable to give him 30 days to get a letter of credit from the bank but the question he thinks the bank is going to ask is for how much you are looking at taking a loan for. He stated that he as seen the list and that he has called between 30 and 50

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contractors and people are not showing up. He stated that he doesn't think the board would accept going online and getting an estimate. He said it is reasonable to speak to the bank in the next 30 days to get preapproval up to a certain amount. Ms. Will said they also need a plan. Ms. Gamblin said comprehensive plan and financials. Motion seconded by Mr. Guendelsberger. Motion passed unanimously.

**New Business:**

***21-09 James Kimberlin is appealing the 2<sup>nd</sup> Administrative Penalty for 13 Catalina Dr., Sandusky, Ohio 44870***

Mr. Ron Snyder took to the podium and presented a Power Point presentation. Attached herein. Pictures were provided to the board of the door showing it was painted. Ms. Johnson asked if he is replacing the door or if he is painting it. Mr. Snyder stated that it was an option he was looking at to replace the door at the time of conversation. Ms. Johnson said it looks like it needs more than paint and that the boards need replaced.

Ms. Will asked if he has had painting done. Mr. Kimberlin introduced himself. He stated that there were a few things missed on the timeline as he didn't receive anything in 2018. He did receive something July 7, 2021 and he was on vacation. He said he has been in contact with Mr. Snyder and can't get anyone to come out and do the job.

Mr. Guendelsberger said he has a notice dated December 7, 2018 that was sent by Amanda McClain and signed by Mr. Kimberlin. Mr. Kimberlin stated that he does not remember that and that was around the time his wife passed away. Mr. Guendelsberger read parts of the letter that was sent by Amanda McClain in 2018 and spoke of the extra time she gave to the deadline. Mr. Kimberlin stated that he didn't do anything at that time and there was laps of people not following up on it.

Mr. Kimberlin said he did have a hand written estimate and it would be 5-6 months to remove and replace the door. He added that he has been making attempts to work on it. He said that Mr. Snyder said he would work with him. He then spoke of how he painted the door, however he wasn't able to repair the door. He stated that the door is still on order. He said he found a contractor yesterday that may be able to let him use a barge. He said if the door comes in earlier he will be able to fix it earlier. The quote was placed upon the record.

Ms. Will asked to be clear about the door if it was coming in. Mr. Kimberlin said he has not entered into contract at this time and is still looking into other options. She asked if it's just the door or the entire back structure. Mr. Snyder stated that the letter he was sent at that time would have been that the door needed attention and the exterior/surface of the structure needed to be repaired. He stated that he can't paint without being able to get to it.

Mr. Guendelsberger read the code section of exterior maintenance and let him know that it needs to be painted. Ms. Johnson asked if he is leaning towards getting a new door or fixing

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the boards. He said he would want to paint and fix it. He said he made the decision to do it however he can't get people out there to do it.

Ms. Gamblin said they are there today for the 2<sup>nd</sup> administrative penalty as the 1<sup>st</sup> one was paid. He said as soon as he got the letter in July he got on it. He added that he didn't know it has been going on since 2018.

Mr. Guendelsberger stated that he needs to enter into a contractual agreement with them to remove and install the door. Ms. Will said that doesn't include the painting around the door. Ms. Gamblin said that it's hard to get a contractor. Ms. Johnson said she would give him more time if he had a contract signed. Ms. Will said that she understands the Covid crisis but they have had a lot of cases where it's been years before Covid. She stated since he has made attempts since July she would be okay with giving him a month to get something specific with a signed contract and as well as a painting contract. She added to suspend the penalty.

Ms. Will made a motion to give Mr. Kimberlin one month time to either fix or have contracts in place and to wave the 500.00 administrative penalty for now. Ms. Warner seconded the motion. Motion passes unanimously.

Next meeting October 26, 2021

**There was no further business before the Board. A motion was made by Ms. Will and seconded by Ms. Warner. The board voted unanimously to adjourn the meeting at 5:22pm**

APPROVED:

  
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Kelly L. Kromer, Clerk

  
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Mr. Frank Valli, Chairman