

1. **Meeting Called to Order**

Gary Gundelsberger - Chair called the meeting to order at 4:01 pm.

2. **Roll Call**

Present:

Board Members

Gary Gundelsberger, Vice-Chair

Sharon Johnson

Janice Warner

Don Sharrah (Alternate)

Lisa Maczuga (Alternate)

City Staff

Stephen Rucker, Housing Manager

Dante Shipp, Code Compliance Officer

Angela Kotsopoulos, Code Compliance Officer

Treka Parker, Clerk

Scott Thom, Chief Building Official

Sarah Chiappone-Assistant Law Director

Justin Harris-Interim Law Director

Not present:

Dana Gamblin, Chair

Walt Matthews

3. **Audience members sworn in by Treka Parker**

4. **Approval of Minutes from June 27, 2023**

Vice-Chair Gary Gundelsberger introduced the first item on the agenda, which was the approval of the minutes from June 27, 2023 Housing Appeals Meeting. Member Janice Warner moved to approve the minutes as presented and Member Sharon Johnson seconded the motion. It was noted that Mr. Zloro Johnson was not approved for a bank loan at the last meeting. Vice-Chair Gundelsberger called for a vote and the motion passed unanimously.

5. **Update**

Housing Manager Steve Rucker gave an update as to how much money has been spent from the Housing Development Funding. He stated out of the \$50,000.00 that \$15,229.35 was committed to help homeowners with repairs to code violations and leaving a balance of \$34,770.65 in uncommitted funds.

6. **Old Business**

None.

7. **New Business**

Case No. EN19-0399 and 22-2237 Kyle Sanders is appealing the Notice and Order of Demolition for 331 Perry Street, Sandusky, Ohio 44870 Parcel Number 56-00828.000. Code Compliance Officer Angela Kotsopoulos gave testimony that she responded to the tenant's complaint on 11/29/2023 of no heat and discovered the residence was in structural failure. Building Official Scott Thom was requested at the scene and advised the property was at a percentage of 71.07% deteriorated, dilapidated, and damaged from its original condition. The tenant, Carrie Klein, consented for an interior inspection and the following interior and exterior violations of the Environmental Health Housing Code: **Electric Light Fixture 1341.12(d)** Every bathroom shall contain at least one supplied ceiling or wall-type electric light fixture. **Heat 1341.12(e)(2)** The owner or operator in charge of a dwelling, who rents or leases any dwelling unit therein under an agreement, express or implied, to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain an inside temperature.

Ceiling Condition 1341.13(a)(1) Every ceiling shall be reasonably weathertight, watertight, and rodent-proof and shall be kept in sound working condition and good repair.

Floor Condition 1341.13(a)(1) Every floor shall be reasonably weathertight, watertight, and rodent-proof and shall be kept in sound working condition and good repair.

Wall Condition 1341.13(a)(1) Every wall shall be reasonably weathertight, watertight, and rodent-proof and shall be kept in sound working condition and good repair.

Window Weathertight/Watertight/Rodent Proof 1341.13(a)(3) Every window shall be reasonably weathertight, watertight, and rodent proof.

Plumbing Fixture Condition 1341.13(c) Every plumbing fixture shall be free from defects, leaks, and obstructions.

Utility Installation 1341.13(e) Every utility required under the provisions of this Chapter shall be installed in an approved manner.

Utility Maintenance 1341.13(e) Every utility required under the provisions of this Chapter shall be maintained in satisfactory working condition.

Improperly Distributed Loads/Insufficient Strength 1341.18(c)(1) Dwelling has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.

Dilapidated 1341.18(c)(3) Dwelling has become so dilapidated, decayed, unsafe, unsanitary, or vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or use or are so likely to cause sickness or disease that their condition constitutes a serious hazard to the health, morals, safety, or general welfare of the occupants or other residents of the City.

Parts May Fall 1341.18(c)(6) Dwelling has parts thereof which are so attached that the parts may fall and injure occupants, other residents or other property.

Existing in Violation of Codes 1341.18(c)(7) Dwelling is existing in violation of the Building Code, the Fire Prevention Code, or other ordinances of the City.

Discontinuance of Utilities 1341.24 No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under Sections 1341.12(d) and (e) and 1341.11(a), (b), (c), (d), and (g), of this code to be removed from, shut off from, or discontinued from any occupied dwelling let or occupied by the owner, operator, or occupant, including by reason of nonpayment, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Housing Code Compliance Officer.

Description: Gas is off due to red tag from Columbia Gas. Heat is off due to no gas. There are many failing /falling parts in this residence. None of the window are weathertight or weatherproof, some windows are broken, the floors are compromised, walls have large holes, ceilings are damaged, the kitchen cabinets, countertop and the drawers have collapsed, the sink fell through the countertop, there are high weeds due to an open area and excessive water from the failing gutter and downspouts, soffit, fascia, roof etc. The building official responded and inspected for a percentage, deteriorated, dilapidated, and damaged. His inspection confirmed well over 50% deteriorated from lack of maintenance. There are 4 persons needing habitable housing. You will be given an order to restore gas within 24 hr and the re-inspection will be Monday December 5, 2022. If the gas is not restored or the dilapidated status changed: You will be responsible to provide alternate safe housing for your tenants.

Officer Kotsopoulos recommended that the Notice and Order of Demolition be upheld the appeal denied, and the demolition process continue to remove this unsafe residence from our community due to years of neglect. Her presentation is as follows: Code (Steve Rucker and Angie Kotsopoulos) contacted Amagine Fleming and owner Garrett White together advising they were going to put the displaced tenants up in a hotel. The tenant was told they were not doing anything for her due to non-payment. It was explained to the owner and property manager that they must find housing immediately because the house would be condemned. They did not help the tenant. Housing was located by Code Compliance Office for the tenant without the owner/property manager. The house was condemned, and criminal charges were typed for the property manager but were not filed due to Kyle Sanders becoming involved again. On December 12, 2022, a Notice and Order of Demolition was mailed to all interested parties. 5 Property through Kyle Sanders requested an appeal on January 21, 2023 without the filing fee. On April 20, 2023 the Demolition Affidavit was filed with the Erie County Recorder's Office. On July 10, 2023 an appeal was filed and paid by Alliance Property

Management through Kyle Sanders. The appeal stated as new owners they are working extensively to get the property to a habitable state; they will be rehabbing the entire house; already started work on the outside and inside; and that the property is worthy of being saved. The Erie County Auditor's website advised 5 Property is still the owner. Neither 5 Property nor Kyle Sanders could be located on the Secretary of State's website. It was found that Kyle Sanders is the statutory agent for Alliance Property Management. We received a Land Contract Status from Mr. Sanders. **Discussions:** If there were any appeals filed by 5 Property Management. Yes, Mr. Sanders filed an appeal on January 21, 2023 on behalf of 5 Property. Mr. Gundelsberger asked Mr. Sanders to step to the podium for more information and an explanation. **Mr. Kyle Sanders**, 514 Poplar, Sandusky, OH. (*Alliance Property Management Services, LLC "Improvement Plan 7/25/223 for properties 331 Perry St, 521 Perry and 736 Park" was distributed to the Board members and Staff*) He testified that he was the operator of 5 Property and his duties were to make repairs to the properties and make sure they were sending in their rent but in January only to make repairs as they deemed necessary. Prior to January of 2023 he was not involved. He stated that he started and owns Alliance Property Management, LLC and they stepped in for 5 Property Investments to help them with repairs to their properties. If 5 Property asked Alliance Property Management to do something for them and they were able to do it they would. He stated that they bought out 5 Property Investments. Mr. Sanders was corrected by Mr. Gundelsberger stating that he's in the lengthy process of buying out 5 Property Investments. Mr. Sanders stated that he was correct and that he's making monthly payments for 50 months to become the owner of 5 Properties Investments. On 04/03/2023 there was a new tentative timeline established for all of the house to start on 04/10/2023. Mr. Sanders stated after a structural investigation on 11/29/2022, they found that it would cost \$51,300.00 to fix this 100 year old house. At this time, they have decided to list it with Century 21 Realty and sell 331 Perry Street property and/or for the City to take it. The house is **not** worthy to be saved.

Mr. Sanders testified that he has a line of credit with his uncle Dr. Eugene Sanders around \$200,000.00 to make repairs to the properties. The deposit, bills and purchase of the properties will be taken care of by Kyle Sanders and Alliance Property Management, LLC. It's noted that in the land contract that properties owned by SMW&C, LLC were included in the deal made in March of 2023 between Alliance Property Management Services, LLC and 5 Property Investments to buy ten (10) properties.

Discussion: There were questions of validity of the land contract, if it needed to be notarized and recorded in the Erie County Recorder's Office, who were the owners of 5 Property Investments.

Assistant Law Director, Sarah Chiappone stated that she briefed the interim Law Director Justin Harris as it related to the land contracts, deeds and property(s) ownership. It was noted that land contract was not recorded in the Recorder's office, it does not have to be notarized to be consider as a "illegal" document. Ms. Chiappone further stated that the deeds did not list neither Kyle Sanders nor Dr. Sanders names as title owners of the properties and that there was no change of ownership of these properties from 5 Property Investments to Alliance Property Management, LLC.

Mr. Sanders stated that Garrett White is the owner and he (Kyle Sanders) bought out 5 Property Investments.

Justin Harris stated that after his discussion with Ms. Wilbers, Mr. Sanders' attorney, that Kyle Sanders does have standing in this procedure because he purchased 5 Property Investments and he is the owner of 5 Property Investments and as per Mr. Sanders testimony. Code Compliance filed demolition affidavits on 05/25/2022 under the ownership of 5 Property Investments in the Erie County Recorder's Office. The demolitions were put on hold by the former Community Development Director and timelines were re-established but were never met. On or about April 20, 2023, a demolition affidavit for property address 331 Perry Street was filed and recorded in the Erie County Recorder's Office. Thereafter that time, Mr. Sanders/Alliance Property Management filed a request for an appeal to the Housing Appeals Board to the Notice and Order of Demolition on 331 Perry Street. 5 Property Investment was outside of the timeline to file an appeal and no repairs were made at 331 Perry Street, 521 Perry nor 736 Park Street properties. It was determined that the issue is moot and the appeal should be denied.

Ms. Johnson made a motion to deny the appeal. **Mr. Sharrah** second the motion. All voting members voted with Janice Warner abstaining. There were 3 "yes" votes, 1 "no" vote, and 1 "abstention." The motion passed.

Case Nos. EN20-1070 and EN23-1088 is appealing the Notice and Order of Demolition for 736 Park Street, Sandusky, Ohio 44870 Parcel Number 57-04449.000 and Case Nos. EN21-0610 and 22-0333 is appealing the Notice and Order of Demolition for 521 Perry Street, Sandusky, Ohio 44870 Parcel Number 56-01076.000. Code Compliance Officer Angie Kotsopoulos stated the initial violation on 736 Park Street was on 08/06/2018, the next inspection was on 03/03/2022 and on 03/20/2022 Ken Nixon executed a search warrant to get a deterioration inspection. Counsel for the City, Justin Harris, stated for the record that 736 Park and 521 Perry Street were issued citations and that they are outside of the time limit for an appeal and Code Compliance Office did accept Alliance Property's appeal filed on 07/10/2023. It was under the auspices that it was a new owner. It was testimony today that 5 Properties the company still was the owner but was acquired. 5 Property's time limit to file an appeal since passed. The Housing Appeals Board does not have jurisdiction to hear an appeal because the appeal was untimely filed. The demolition of these properties will proceed as scheduled by Code Compliance and Community Development Departments this fall.

8. **Adjournment**

A motion moved to adjourn the meeting by Mrs. Warner and seconded by Mrs. Johnson. All members approved of the motion, and the meeting ended at 4:58 PM.

Next meeting August 29, 2023

APPROVED:

Treka D. Parker, Clerk

Dana Gamblin, Chairperson