

CITIZENS PROPERTY MAINTENANCE COMMISSION MEETING

Thursday, July 15, 2010

6:30 P.M.

The meeting of the Citizens Property Maintenance Commission was called to order by Chairman Tim Wilkins at 6:30 P.M.

Chairman Wilkins stated Council adopted Ordinance 09-2010 which amends Ordinance 15-2009 in the Codified Ordinances §93.40 (E) to allow for the appointment of alternate members of the Citizens Property Maintenance Commission.

Chairman Wilkins explained this amendment was due to the fact that two of the regular members of the commission have a conflict of interest with the appellant, Mr. Joe Baumgartner. Council members Donna Wendt-Elliott and Angela Petersen have been appointed alternates for tonight's continuance hearing.

Roll call was requested and the following members were present: Chairman Tim Wilkins, Council member Donna Wendt-Elliott and Council member Angela Petersen.

Also in attendance were Village Administrator Rob Pauley, Administrative Assistant Deb DiMasso, Solicitor James Barney, Ms. Jessica Baumgartner and Mr. Joe Baumgartner joined the meeting at 6:36 P.M.

Chairman Wilkins asked that the approval of the June 3, 2010 minutes be postponed until the regular members are present.

Joe Baumgartner dba Cleveland Genomics Ltd., Continuance Hearing from June 3, 2010 for 165 W. Water Street

Chairman Wilkins recognized Jessica Baumgartner to speak on behalf of Mr. Joe Baumgartner. Ms. Baumgartner stated that the property has been fixed.

Administrator Rob Pauley stated the commission has pictures of the false wall that has gone up. Administrator Pauley stated to Ms. Baumgartner that the repairs to the structure itself have not been made. Putting up a false wall to hide the deficiencies is not taking corrective measures. Administrator Pauley also stated the front façade still needs to be fixed/repared, as well as, the roof, lintels, cornices, windows, and stairs. Ms. Baumgartner stated it would be worked on.

Because the building is in the Architectural Review District the repairs that affect the outside, need to be submitted to the Board of Architectural Review. It does

require a zoning permit from the Village. Structural repairs for the building do need a building permit from Ottawa County.

Administrator Pauley asked Ms. Baumgartner if she knew when her father (Mr. Joe Baumgartner) intends to have all the repairs completed. Ms. Baumgartner stated she does not and that she would check.

Administrator Pauley asked that a completion/repair schedule be submitted. He also stated zoning permit applications will be given tonight to Ms. Baumgartner. The next Board of Architectural Review will meet on Tuesday, August 17th and the completion/repair needs to be presented to the Board for their approval. The information needs to be submitted to the Village Administrator on or before August 12th so the information can be included in packets for the August 17, 2010, meeting to the Board of Architectural Review.

Mr. Baumgartner asked what repairs were being talked about. Administrator Pauley stated that Mr. Baumgartner's daughter, Jessica Baumgartner, indicated that the repairs to the building would be continued. Mr. Pauley again stated the building is in the overlay district for the Board of Architectural Review. The Board has the authority to approve and review all exterior modifications/repairs to the structure within the district. Putting up a false wall so that the structure itself is not visible is not a repair. Mr. Baumgartner stated he realized that.

Chairman Wilkins stated building permits also need to be submitted. Mr. Pauley stated since it is a commercial building, when structural repairs/modifications are being made to the building, such as making repairs to the walls, roof and cornices and any of the windows, proper building permits are required from Ottawa County. Mr. Baumgartner was asked by Mr. Pauley if he had made any contact with the Ottawa County Building Department. Mr. Baumgartner stated he did previously. Mr. Pauley asked how long ago. Mr. Baumgartner replied that it had been a good year or two, when we took down some of the building; County said we could take it down within a certain square footage and a demolition permit wouldn't be needed. Mr. Pauley said for structural repairs you did need a permit. For interior modifications to the building you do need permits. It is a commercial structure. For anything that is exterior that affects the façade, such as massing, replacement of doors and windows, style, color and repairs to the outside of the building, because the building is within the Board of Architectural Review overlay district, it needs to have the approval of the Village's Architectural Review Board prior to making the repairs.

Chairman Wilkins stated that by August 12, 2010, the Village will need all plans showing what Mr. Baumgartner plans to change or improve to correct all deficiencies within the structure that have been noted. The plans should be submitted to Village Administrator Rob Pauley for the Board of Architectural Review meeting, to be held August 17, 2010, in the council chambers at 7:00 P.M. Once the plans have been submitted and approved by the Board, the plans

then can be submitted to Ottawa County Building Inspection Department for their approval. Mr. Baumgartner agreed.

Mrs. Carolyn Orman-Property located at 227 Park Street

Administrator Pauley reported that Mrs. Orman is making progress. She came in on the July 6th, and was given additional time to submit her plan to due family issues. Mrs. Orman submitted a letter dated July 14, 2010, indicated that she will be putting the property up for absolute auction thru Batdorff Realty by the end of the month. She has been given names of several contractors for disposal containers and she is the process of going through the house to remove personal items. It is her intent to go ahead and sell the house.

165 W. Water Street (Joe Baumgartner, property owner)

A question was asked what happens if the repairs are not made as required. Solicitor James Barney stated (from Ordinance 15-2009 §93.40, (1), (f), (6), (iv), *whoever refuses, fails, or neglects to obey and/or abide with an order issued by the Village Administrator or his or her designated representative pursuant to this Section 93.40 is guilty of a misdemeanor of the fourth degree and shall be subject to the penalty proved in Section 93.99 for each offense. It shall be a misdemeanor of the second degree, however, if such person has been convicted of a prior violation under Section for the same property and such person shall be subject to the penalty provide in Section 93.99 for each offense.*

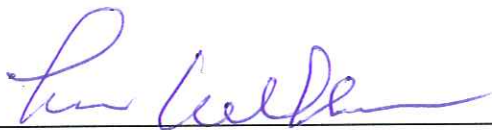
Solicitor Barney stated the penalty for a fourth degree misdemeanor would be 30 days and a \$250.00 fine.

Administrator Pauley will forward a written copy of the Board of Architectural Review's decision to the Citizens Property Maintenance Board.

Miscellaneous

There was discussion regarding the scheduling of the next meeting. Solicitor Barney recommended that a decision of this Board can be appealed to the Commons Pleas Court, you will want the minutes to be done correctly since; the appeal is limited to the record. He suggested if you are not there, then you should not vote to approve the minutes. He also recommended before anyone speaks, they should be sworn in and follow the process similar to giving testimony for a hearing to the Board of Zoning Appeal and the Planning Commission. Solicitor Barney stated any decisions made, should be sent to the applicant in writing.

There being no further business, a motion was made by Angela Petersen and seconded by Donna Wendt-Elliott that the meeting be adjourned. Motion carried. The meeting adjourned at 6:47 P.M.



Tim Wilkins
Chairman Citizens Property Maintenance Commission