

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES

11/03/11
5:45 PM

ATTENDANCE: Randy Mackie, William Krick, Greg Borgman, Chris Carter, Ed Simmons, Kirk Kolberg

ABSENT:

EXCUSED: Jon Rolewicz

STAFF: Carmen Smith, Jim Hoppus, Don LaBrenz II, Henry Faltinowski

GUESTS: Shannon Woodley(1597 Park), Gary Crain(1675 Pine St. Garage)

Meeting minutes: A motion was made by Randy Mackie and seconded by Ed Simmons to approve the September 2011 minutes.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie

Jon Rolewicz
William Krick(late)
Chris Carter(late)

Ed Simmons
Kirk Kolberg

Motion carried.

DANGEROUS BUILDING NEW CASES

EN-110128 – 1597 Park(Home & Garage) – Shannon Woodley, 09169 57th St. Grand Junction, MI 49056.

Mr. Shannon Woodley was present to represent property. Mr. Woodley stated his plan is to repair structure. He noticed on agenda that he had not pulled permits. He said he was told during inspection that as homeowner he didn't need to obtain a permit except electrical and heating. He said new basement windows are in and porch has been removed. Don LaBrenz asked what home was going to be used for. Mr. Woodley stated he planned to rent out. Mr. LaBrenz stated there is nothing that doesn't require permits. The electrical and

mechanical/plumbing require licensed contractors. Mr. Woodley said he must of misunderstood. Henry Faltinowski stated that any demo requires a permit. Mr. LaBrenz stated there had been no contact and since structure is on dangerous building program a timeline of repairs is required from owner. Greg Borgman made recommendation to get business card and set up meeting with inspector and come up with schedule of repairs. Mr. Woodley asked if a permit was required to demolish the garage and he was told yes.

Motion was made by Randy Mackie to table case until the December meeting and was seconded by Chris Carter.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman Randy Mackie				
		Jon Rolewicz		
William Krick Chris Carter Ed Simmons Kirk Kolberg				

Motion carried.

EN-110144-(Garage) – 1675 Pine St. – Gary/Mary Crain Trust – 1423 Marcoux, Muskegon, MI 49442

Gary Crain was present to represent property.

Mr. Crain stated this case is complicated because he filed chapter 7 bankruptcy which was granted back in April. He said he has record of federal judge discharging home from him. He said the property belongs to Huntington Bank who has changed locks and posted no trespassing sign. He said he doesn't have legal rights to enter home much less to tear down. He stated that the problem is Huntington Bank has kept his name on deed. He stated he contacted bank to say he would sign any paperwork to relinquish his right. He said his position is that ownership is defined as the entity that has changed locks and posted no trespassing signs. He said he doesn't care if the City tears the structure down he just doesn't want the bill to come to him. Randy Mackie said he talked with Treasurer and if his name is still on the deed he would be billed for demolition thru collection agency. Mr. Krick made recommendation to write letter to clarify ownership status. Mr. Carter made suggestion that Mr. Crain speak with judge who handled bankruptcy to take name off deed. The treasurer can only go by what's on the record. Mr. Carter asked about lien process. Bryon Mazade stated that this board is restricted to concerns about the structure itself. Mr. Crain stated he has spent a lot of money following the rules and wanted to know how it is determined who the real owner is. He said if the City sends him the bill and goes thru a collection process it will mar his name and undo all the legal processes he's tried to put in place. Mr. Crain asked if process could be delayed while he tries to correct matters regarding ownership. Mr. Labrenz stated

there would be some time that passes before structure would be demolished. Mr. Crain said he just wants it to be on record he doesn't agree with us tearing down structure and billing him when he doesn't own it.

Motion made by Chris Carter to declare the structure substandard, dangerous and a public nuisance and was seconded by Ed Simmons.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				Randy Mackie
		Jon Rolewicz		
William Krick				
Chris Carter				
Ed Simmons				Kirk Kolberg

Motion carried.

EN-110157-2226 CONTINENTAL – WILLIAM SPRINGSTEAD – 271 CATAWBA, MUSKEGON, MI

No one was present to represent property.

Motion made by Randy Mackie to declare the structure substandard, dangerous and a public nuisance and was seconded by Kirk Kolberg.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
		Jon Rolewicz		
William Krick				
Chris Carter				
Ed Simmons				
Kirk Kolberg				

Motion carried.

OLD BUSINESS:

Greg Borgman asked about status of filling position of Director of Public Safety. Bryon Mazade said position hopefully would be filled by end of year. William Krick asked about

condition of neighborhoods and who complaints should be directed to. There was discussion amongst board about code enforcement process and neighborhood block clubs involvement.

NEW BUSINESS:

ADJOURNMENT: 6:15 PM

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Cummings, City Clerk
933 Terrace Street
Muskegon, MI 49443
(231) 724-6705 or TDD (231) 724-6773