

City of Marine City
Dangerous Building Board of Appeals
November 7, 2012

Prior to the meeting being called to order, Board Member Paula Tigert was sworn into office by City Clerk Diana Kade.

A meeting of the Dangerous Building Board of Appeals was held on Wednesday, November 7, 2012, in the Fire Hall, 200 South Parker Street, Marine City, and was called to order at 6:00 PM by Building Inspector Brian Bayly.

The Pledge of Allegiance was led by Building Inspector Bayly.

Present: Board Members Carlin, Oberliesen and Tigert; Building Inspector Bayly; City Manager Gabor; and, City Clerk Kade.

Absent: None

Also Present: Fire Chief Joseph Slankster

Approve Agenda

Motion by Board Member Carlin, seconded by Board Member Oberliesen, to approve the Agenda, as presented. All Ayes. Motion Carried.

Public Comment

No residents addressed the Board.

Approve Minutes

Motion by Board Member Carlin, seconded by Board Member Oberliesen, to approve the Minutes of the regular Dangerous Building Board of Appeals Meeting held February 3, 2010, as presented. All Ayes. Motion Carried.

Unfinished Business

None

New Business

Public Hearing ~ 1119 South Parker Street (Marine City Metro PCS)

Building Inspector Bayly reported that the building located at 1119 South Parker Street, Marine City, was unfit for human occupancy due to the fact that the water had been shut-off by the City for non-payment; and further, that the building had been without electric power and was running off a small generator. Building Inspector Bayly provided the following timeline in this matter, as follows:

- September 19, 2012 – Water service disconnected by City.
- September 24, 2012 – Building Inspector Bayly and Code Enforcement Officer Holowitz responded to the building and found a small generator with extension cords running the building.
- October 5, 2012 – Building Inspector Bayly, Fire Marshal Tucker, and Fire Chief Slankster hand-delivered a notice to Marine City Metro PCS that they were in violation of the Property Maintenance Code.
- October 17, 2012 – Notice to appear was served upon the property owner and his tenant to show cause as to why the Board should not order the building or structure demolished, otherwise made safe, or properly maintained.

Building Inspector Bayly opened the Public Hearing at 6:03 PM.

Michelle Jones, Office Administrator and representing property owner Steven Kern, stated that the building had been sub-leased by previous tenant Art Bryson to Marine City Metro PCS without their knowledge or approval. Ms. Jones continued that although Mr. Kern wanted the utilities turned on and the five months of back-rent paid, he did not want to go through an eviction process with Marine City Metro PCS. She also reported that DTE Energy would not allow the property owner to turn the electrical service back on to the building while Marine City Metro PCS was still occupying the building. Also, there was no heat in the building, she said.

Fred Beger, representing Marine City Metro PCS, told the Board that he could pay the water bill and have the water service restored the next day, November 8, 2012; and, that he could take care of the electric bill in a couple of days.

City Manager Gabor commented that the Board would determine the consequences of the violations and repeated requests to bring the violations up to code, and to determine if the business would stay open. Presently, he said, Marine City Metro PCS did not meet the basic requirements.

Building Inspector Bayly said that no one could enter the building after it was tagged; and, reiterated that the building could not run off a generator.

Mr. Beger told the Board that he had a buyer for the business, and was currently working out the details. When asked how much was owed to DTE Energy, Mr. Beger replied between \$700 and \$1,100.

City Manager Gabor said that the Board did not care about the situation between Marine City Metro PCS and Steven Kern, and said the building should not be open for business.

Building Inspector Bayly recommended that Marine City Metro PCS and Steven Kern be given seven (7) days to get all utilities turned on, or the building would be tagged. No one would be able to enter the building after that time, he said.

City Manager Gabor also recommended that Mr. Beger not open the business on November 8th, especially since he had just advised the Board he had a buyer for the business.

Fire Chief Slankster reported that he was extremely concerned that there was no lighting in the building, and noted that there were gas cans for the generator stored inside the building. Fire Chief Slankster also questioned Mr. Beger if anyone was living inside the building because of personal items observed in the building, and the observance of Mr. Beger's vehicle parked at the building overnight on several occasions.

Mr. Beger replied that he was not sleeping in the building.

Building Inspector Bayly closed the Public Hearing at 6:15 PM.

Motion by Board Member Carlin, seconded by Board Member Tigert, to allow Marine City Metro PCS and Steven Kern seven days to get the water and electric services turned on at 1119 South Parker Street, Marine City; for the City to inspect the property after seven days;

and, for the City to proceed with any avenue to remedy the situation as deemed necessary.
All Ayes. Motion Carried.

Adjournment

Motion by Board Member Tigert, seconded by Board Member Oberliesen, to adjourn at
6:16 PM. All Ayes. Motion Carried.

Respectfully submitted,

Diana S. Kade
City Clerk