



CITY OF MARINE CITY

Dangerous Building Board of Appeals Meeting Agenda
Marine City Municipal Offices, 260 South Parker Street
Wednesday, January 4, 2023; 6:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Board Members Graham Allan, Jacob Bryson, John Paulun; James Turner; Building Official Tracy Kallek; City Manager Holly Tatman
4. **APPROVE AGENDA**
5. **PRESENTATION:**
 - A. Attorney Opinion
6. **PUBLIC COMMENT** *Anyone in attendance is welcome to address the Board. Please state name and limit comments to five (5) minutes.*
7. **APPROVE MINUTES**
 - A. Dangerous Building Board of Appeals – October 5, 2022
8. **UNFINISHED BUSINESS**
 - A. Report of Progress – 610 Bruce St.
 - B. Report of Progress – 521 Washington Street
9. **PUBLIC HEARINGS**
 - A. 23-01 135 North 6th Street
 - B. 23-02 172 Bruce Street
10. **NEW BUSINESS**

None.
11. **ADJOURNMENT**

ROBERT CHARLES DAVIS
City of Marine City Attorney

TO: City Commission
FROM: Robert Charles Davis
RE: 172 Bruce Street
 Dangerous Building Ordinance Procedures
DATE: November 9, 2022

RCD

I. PURPOSE

The purpose of this memorandum is to examine the status of 172 Bruce Street ("Property") related to the Dangerous Building Ordinance Process. At a prior City Commission meeting on July 21, 2022, I was authorized to initiate legal action against this Property. From my review of the Dangerous Building Board of Appeals documents, I am now convinced that an available administrative remedy was started and must now be completed.

II. DANGEROUS BUILDING ORDINANCE PROCEDURAL HISTORY OF 172 BRUCE STREET

The following represents a brief history of the Property as it relates to its status in the Dangerous Building Ordinance process. On or about May 12, 2022, a Public Notice was posted at the Property that the City of Marine City Dangerous Building Board of Appeals ("Dangerous Building Board"), pursuant to the Marine City Code of Ordinances 158.110 – 158.118 ("Dangerous Building Ordinance"), shall hold a public hearing on June 1, 2022 to consider the Property as a Dangerous Building. This started the process.

A. June 1, 2022 Dangerous Building Board Hearing

On June 1, 2022, the Dangerous Building Board convened and conducted a meeting and the owner of the Property, Jennifer Kinnie ("Kinnie"), came to the meeting. At the meeting, the Marine City building official, Tracy Kallek ("Building Official"), indicated that he had received a complaint

that the house (“House”) located at the Property was a haven for raccoons. The Building Official further stated that the roof of the House needed to be replaced, the stairs were in a state of disrepair, the paint was peeling and there were issues with the gutters and siding. The Building Official requested a plan of action for the work that needed to be done.

In response, Kinnie stated that there are no raccoons in the House. Kinnie stated that the steps of the House were no longer a concern since they had been removed. Kinnie stated that she was going to replace the steps and was going to hire a roofing contractor to replace the roof. Kinnie further stated that she was going to wait until next year to replace the vinyl siding of the House but, in the interim, Kinnie was going to paint the siding.

The Building Official stated that if the steps had been removed that cured the “danger”. However, the Building Official requested that Kinnie be required to secure a roofing contractor within 30 days to show forward progress on the remedying the remainder of the structure issues. A motion was made to remove the Property from the Dangerous Building Board Agenda and for the issues to be handled internally through blight enforcement and to require Kinnie to secure a roofing contractor within 30 days. The Motion carried. The official specific action ordered by the Dangerous Building Board was for Kinnie to “secure a roofing contractor” within 30 days. The Dangerous Building Board did not order that the House have a new roof installed in 30 days. The Dangerous Building Board did not set a specific date by which the House was to be roofed.

B. June 23, 2022 Dangerous Building Notice.

On June 23, 2022, the Building Official sent correspondence to Kinnie stating that a Dangerous Building Board meeting is going to be convened on July 6, 2022. This correspondence further stated that, at the previous meeting of the Dangerous Building Board, Kinnie was given 30 days to take meaningful action. The Building Official requested that Kinnie attend the July 6, 2022 meeting and

give an update on the status of the progress. The Building Official stated that if Kinnie was unable to attend, the Dangerous Building Board can recommend that the Property be demolished and that this recommendation could be sent to the City Commission for a final vote.

C. July 6, 2022 Dangerous Building Board of Appeals Hearing

On July 6, 2022, the Dangerous Building Board conducted a meeting. At the meeting, the Building Official stated that the porch steps of the House had been removed but had not yet been replaced thus offering no form of ingress or egress and that this presents a continuing danger. The Building Official further stated that Kinnie had not contacted him since the prior meeting and that the issues continued to exist related to: lack of stairs, raw faced shingles lacking paint, multiple different styles of shingles and the roof in disrepair. The Board motioned to refer the matter to the City Commission and the motion carried.

D. July 13, 2022 Correspondence to Kinnie.

On July 13, 2022, the City Clerk sent correspondence to Kinnie stating that at the Dangerous Building Board meeting on July 6, 2022 the Building Official reported that he had not heard from Kinnie related to the securing of a roofing contractor. The Building Official stated that he could not see that any painting had been completed. The Building Official stated that the stairs had not been replaced and that the roof remained in the same conditions. The Building Official stated that the Dangerous Building Board voted to refer the Property to the City Commission and the City Commission's next meeting was July 21, 2022.

E. July 21, 2022 Correspondence From Kinnie.

On or about July 21, 2022, Kinnie sent correspondence to the Building Official stating that her main focus is on getting the roof of the House fixed. Kinnie included with this correspondence a copy of her executed roofing quote from Stevenson Contracting ("Quote") dated June 28, 2022. It is

important to note that this Quote was obtained and executed by Kinnie within 30 days of the date of the June 1, 2022 meeting of the Dangerous Building Board. Securing this Quote within 30 days is what Kinnie was ordered to do. This Quote states that Stevenson Contracting will tear off 2 layers of shingles and replace them at the House.

Kinnie further stated in her correspondence that the stairs on the east side of the porch are fine and that the stairs on the west side of the porch were removed. She states that she will apply for a permit when she replaces the stairs. Kinnie further stated that she should be able to complete the painting by the end of September. Despite the representations made by Kinnie in her correspondence, it is my understanding that a new roof has not been placed on the House and no painting has been completed.

III. LEGAL ANALYSIS OF DANGEROUS BUILDING ORDINANCE

The Dangerous Building Ordinance has a series of very specific steps. One of those steps is that the Dangerous Building Board can order that the Property be made safe and can give the owner a specific number of days to accomplish a specific task. Here, the Dangerous Building Board ordered that the owner Kinnie secure a roofing contractor within 30 days. This is a specific task with a specific date. Kinnie complied with this task by securing a contractor in the given time frame. However, she has not moved forward with the actual roofing of the House. As stated in detail below, I recommend, that a new notice be issued and served on Kinnie of another meeting of the Dangerous Building Board. At that meeting, the Dangerous Board can obtain an update from Kinnie. If the Dangerous Board is unsatisfied, the Dangerous Building Board can issue a new order for very specific work to be completed at the House by a dates certain.

IV. CONCLUSIONS

Standing and ripeness in Court generally require that all local administrative remedies be exhausted. Competent legal counsel will raise this issue. I recommend that the City complete the local administrative process started by the Dangerous Building Board. The City and the Dangerous Building Board, consistent with its ordinance, should do the following:

- The Building Inspector should issue and properly serve and post another notice of the dangerous and unsafe condition of the Property ("Notice").
- The Building Inspector shall file a copy of the Notice with the Dangerous Building Board.
- The Dangerous Building Board should conduct a hearing related to the Property ("Hearing").
- At the Hearing, the Dangerous Building Board -- by majority vote -- can render a decision ordering the House to be made safe.
- If the Dangerous Building Board should determine that the Property should be made safe, the Dangerous Building Board should issue an order stating specifically what should be done at the Property and the date that this work should be completed by. I recommend that this Order be very specific in terms of actions required and completion dates.
- The Order should make it clear that no extensions of time will be granted given the history of this matter.
- If Kinnie should fail to appear at the Hearing or refuses to comply with the Order, the Dangerous Building Board should file a report of its findings and a copy of the Order with the City Commission and request that the City Commission take the necessary action to make the House safe.
- A copy of the findings and order of the Dangerous Building Board shall be properly served on Kinnie and posted.
- The City Commission shall then fix a date for a hearing, reviewing the findings and Order of the Hearing Board and shall properly give notice of the hearing to Kinnie.
- At the City Commission hearing, Kinnie shall be given the opportunity to show cause why the Home should not be made safe.
- The City Commission shall either approve, disapprove or modify the Dangerous Building Board Order for the making safe of the House.

- The cost to make the House safe shall be a lien against the Property.
- The cost shall be reported to the Marine City assessing officer who shall assess the cost against the Property.
- Kinnie shall be notified of the cost by first class mail.
- If Kinnie fails to pay the cost within 30 days after mailing by the Assessor of the notice, the Assessor shall add the cost to the next tax roll for the Property.

After you have had a chance to review this memorandum, please feel free to contact me with any thoughts and/or questions. I look forward to hearing from you.

/s/ Robert Charles Davis
Robert Charles Davis

**City of Marine City
Dangerous Building Board of Appeals
October 5, 2022**

A regular meeting of the Dangerous Building Board of Appeals was held on Wednesday, October 5, 2022 at 260 S. Parker Street, Marine City, MI 48039 and was called to order at 6:13 pm by Chairperson Graham Allan.

Present: Chairperson Graham Allan, Board Members Jacob Bryson, James Turner, John Paulun; Building Official Tracy Kallek; City Clerk Shannon Adams

Absent: City Manager Holly Tatman

Approve Agenda

Motion by Board Member Paulun, seconded by Board Member Turner, to approve the Agenda. All Ayes. Motion Carried.

Public Comment

None.

Approve Minutes

Motion by Board Member Turner, seconded by Board Member Bryson, to approve the Minutes of the Dangerous Building Board of Appeals Meeting of August 17, 2022. All Ayes. Motion Carried.

Unfinished Business

110 South Water Street

Building Official Kallek reported that he had driven by the property and viewed that there was a "for sale" sign posted in front of the structure and recommended removing the property from the Board's agenda.

Motion by Board Member Paulun, seconded by Board Member Turner, to remove 110 S. Water from the agenda. All Ayes. Motion Carried.

135 N. Sixth Street

Building Official Kallek reported that the City had received a letter from owner Dominic Breloski related to the property that seemed to indicate that demolition of the structure would not be taking place. City Clerk Adams stated she had mailed a letter verifying this then received a phone call later from Mr. Breloski who stated an intention to continue

with the demolition. Building Official Kallek reported an additional letter was received indicating Delude Construction had been retained by Mr. Breloski to dig up the water and sewer lines and that he was waiting for a quote.

Motion by Board Member Bryson, seconded by Chairperson Allan, for City Clerk Adams to send a letter to Mr. Breloski advising him that he had 10 days within which to pay for and obtain a demolition permit from the City and to provide proof of his contract with the contractor who would be doing the demolition. If the permit was not obtained and proof of the contract not provided within the allotted time period, the matter would be placed on the City Commission Agenda to be referred to the City Attorney to file a court action to compel Mr. Breloski to demolish the structure. All Ayes. Motion Carried.

Public Hearing

None.

New Business

610 Bruce

Building Official Kallek reported that the property was bank owned, the stairs to the structure were problematic, that there was a non-American Disabilities Act ramp that needed to be removed, the roof over the stoop was caving in, that it was filled with debris, there were buckets of human feces in the basement and that the structure was non-habitable. City Clerk Adams reported she had sent a letter Fannie Mae and was contacted by Kathy Wozniak of W.C. Collins Realty who stated she had ordered a demolition bid and that once the bid was received it had to be submitted and approved by Fannie Mae.

Motion by Chairperson Allen, seconded by Board Member Paulun, to hold a Public Hearing at the January 4, 2023 meeting if no progress was made. All Ayes. Motion Carried.

521 Washington

Building Official Kallek reported that the property was resided in by Kevin Cole who recently passed away. He stated the house was filled with debris to the degree that it was a public health and safety concern. City Clerk Adams reported that there were 3 parcels, one with a house, which were owned by Mary Cole, who had also passed away. She reported that she had been in contact with the next-of-kin, and that they stated their intentions were to take care of the property which included opening a matter with the Probate Court. She indicated her point of contact was Brenda Vervaecke and

that she believed they had retained an attorney to assist them with matters related to Mr. Cole's passing and obtaining authority to act related to the property.

Chairperson Allan inquired if any action needed to be taken. City Clerk Adams reported the purpose in adding the property to the Board's agenda was just so they were aware of the circumstances surrounding the property in the event action needed to be taken later, but that she would continue to provide updates until the matters related to the property were resolved.

The Board collectively decided no action was needed and no motion needed to be made at this time related to the property at 521 Washington.

Adjournment

Motion by Board Member Turner, seconded by Board Member Paulun, to adjourn at 6:38pm. All Ayes. Motion Carried.

Respectfully submitted,

Shannon M. Adams
City Clerk

8A – Clerk's Update on 610 Bruce

November 21, 2022

I received a call from Kathy Wozniak. She informed me she was waiting on the letters of disconnect from DTE before moving forward with the demolition but that it had been approved by Fannie Mae. I reminded her that a demolition permit would be required and if she was using S.A. Torrello the City was familiar with them and that they were also aware of this requirement.

Kathy inquired about the sidewalk as it was in poor condition and she indicated notice had been received. She stated that it was her intention to see the sidewalk taken out and replaced completely in Spring of 2023. I advised Kathy to remain in touch and to continue to report on the progress related to the property.

8b – Clerk's Update on 521 Washington

November 21, 2022

I received a call from Brenda, cousin of Kevin Cole. She stated that they were waiting for the authority from the Probate Court to move forward related to the house and the interior, but that they had been authorized by their attorney to clean up the yard. She stated that arrangements had been made to have the trees trimmed or cut down where needed, the yard to be cleaned up, the garbage to be removed from the yard, and for the fence to be removed. She also indicated they were working towards getting the junk cars removed before winter.

She requested that the water service be turned off at the property and I suggested winterizing the home since there is no heat to it and to avoid further interior issues due to broken pipes.

December 7, 2022

I received a call from Brenda and she informed me the junk cars were going to be removed. She reminded me that she is also working with her cousin, Tim, also cousin to Kevin Cole, and stated that they were waiting on Letters of Authority from the Probate Court but that with winter coming on making it more difficult to travel from Canada, that they planned to regroup and tackle the issue of the interior clutter in the house in March when the weather broke. She stated that friends were keeping an eye on the house, would deal with the issues of snow and ice as needed and stated that she appreciated the assistance and patience of the City employees and officials as they worked through the probate matters and dealt with the issues related to the property.

December 14, 2022

Brenda and Tim were in the office and indicated their gratitude to the City staff for all of their assistance related to the matter of their cousin, Kevin's, passing. They paid the property taxes and stated they had an appointment with their attorney related to the probate matter and anticipated their next visit would be in March, after the worst of winter was over, and they would tackle the remaining issues related to the property's interior.



City of Marine City

260 South Parker Street
Marine City, MI 48039
(810) 765-8846
www.cityofmarinecity.org

December 15, 2022

Mr. Dominic Breloski
5850 Plank Rd
Marine City, MI 48039

Mr. Breloski:

The City still has not received from you the copies of the letters from DTE and Semco as verification that the electrical and natural gas services have been disconnected, despite our requests. Additionally, you still have not complied with the Dangerous Building Board in their order that you prove your contract with your chosen contractor to demolish the structure on your property.

The Building Official has determined the structure on your property to be condemned and the matter will be heard in a Public Hearing before the Dangerous Building Board of Appeals on Wednesday, January 4, 2022 at 6:00 P.M. for further action related to this property.

If you have any questions, please reach out to Building Official Tracy Kallek or myself at 810-765-8846.

Sincerely,

Shannon M. Adams
City Clerk

PUBLIC NOTICE

**CITY OF MARINE CITY
DANGEROUS BUILDING BOARD OF APPEALS**

In compliance with Ordinance **§158.110-158.118** of the City of Marine City, please take notice that on Wednesday, January 4, 2023, at 6:00 PM in the Marine City Offices, 260 South Parker Street, Marine City, Michigan, the Marine City Dangerous Building Board of Appeals will hold a Public Hearing to consider a Dangerous Building, as follows:

Dangerous Building Board Appeal No. 23-02:

Residence located at 172 Bruce Street

The legal description of the subject property, zoned in the R-1A (One-Family Residential), is currently shown on the tax roll, as follows:

Parcel #: 74-02-125-0020-000

Tax Description: LOT 5 AND THE E 1/2 OF LOT 6 BLK 4 ROBERT B BAIRDS ADDITION
TO THE CITY OF MARINE CITY T3N R16E SEC 01

Citizen comments are welcome and may be given in person at the Public Hearing. Written comments will also be received at the Marine City Offices, Dangerous Building Board of Appeals, 260 South Parker Street, Marine City, Michigan 48039, until 5:00 pm on January 3, 2023. The application is on file at the City Offices and may be inspected during regular business hours.

Shannon M. Adams
City Clerk
December 15, 2022



City of Marine City

260 South Parker Street
Marine City, MI 48039
(810) 765-8846
www.cityofmarinecity.org

December 15, 2022

Ms. Jennifer Kinnie
29367 Yorkshire Lane
Warren, MI 48088

Ms. Kinnie:

Although you complied with the order of the Dangerous Building Board of Appeals to prove that you have made contact with a roofing contractor related to making your property safe, it has come to our attention that the structure on the property still remains in an unsafe condition, the roof has not been redone, and thereby with the current weather, it appears the structure has been left in a state to continue to deteriorate.

The matter of your property at 172 Bruce Street, Marine City, MI will be heard in a Public Hearing before the Dangerous Building Board of Appeals on Wednesday, January 4, 2022 at 6:00 P.M. for further action related to your property.

If you have any questions, please reach out to Building Official Tracy Kallek or myself at 810-765-8846.

Sincerely,

Shannon M. Adams
City Clerk

PUBLIC NOTICE

**CITY OF MARINE CITY
DANGEROUS BUILDING BOARD OF APPEALS**

In compliance with Ordinance §158.110-158.118 of the City of Marine City, please take notice that on Wednesday, January 4, 2023, at 6:00 PM in the Marine City Offices, 260 South Parker Street, Marine City, Michigan, the Marine City Dangerous Building Board of Appeals will hold a Public Hearing to consider a Dangerous Building, as follows:

Dangerous Building Board Appeal No. 23-02:

Residence located at 172 Bruce Street

The legal description of the subject property, zoned in the R-1A (One-Family Residential), is currently shown on the tax roll, as follows:

Parcel #: 74-02-125-0020-000

Tax Description: LOT 5 AND THE E 1/2 OF LOT 6 BLK 4 ROBERT B BAIRDS ADDITION
TO THE CITY OF MARINE CITY T3N R16E SEC 01

Citizen comments are welcome and may be given in person at the Public Hearing. Written comments will also be received at the Marine City Offices, Dangerous Building Board of Appeals, 260 South Parker Street, Marine City, Michigan 48039, until 5:00 pm on January 3, 2023. The application is on file at the City Offices and may be inspected during regular business hours.

Shannon M. Adams
City Clerk
December 15, 2022