

MINUTES FOR JANUARY 25, 2010
SPECIAL MEETING OF
WAKESHMA TOWNSHIP BOARD
(including show cause hearing for enforcement of 5-4-09 Order
of Dangerous Building Hearing Officer)

The meeting was called to order at 6:35 p.m. by Supervisor Doug Byas. Board members present, in addition to the Supervisor were Clerk Nancy Mulder-Paul and Treasurer Carolyn L. Wise. Not in attendance, Trustees Barb Thole and Larry Bennett. Also attending the special board meeting was: Tony Vaickus, Wakeshma Township Dangerous Building Hearing Officer, Harold Cirino, Wakeshma Township Ordinance Enforcement Officer and Building Inspector, and Craig Rolfe, Wakeshma Township Attorney. Four citizens, Shelley and Jeff Marshall and Kipp Bastien and property owner Jose L. Borges were also present.

The special Board meeting was scheduled to address violations of Ordinance #30 (Dangerous Buildings) at property #39-16-16-480-040 located at 13904 South 42nd Street, Fulton, Michigan 49052 and enforcement of the May 4, 2009 Order of the Hearing Officer.

Supervisor Byas opened the meeting by stating that a clerical error on some of the property documents had an incorrect parcel number ending with 080 instead of 040. However, the property address was never in error.

Supervisor Byas reviewed the May 4, 2009 Order issued by the Township's Dangerous Building Hearing Officer. On that date the Hearing Officer noted the extensive deterioration of the building, but the Township and property owner (Jose L. Borges) all agreed to provide an opportunity to rehabilitate the property. All work was to be performed by licensed contractors, with appropriate permits, so that the Building Official could issue a Final Occupancy Permit for the premises no later than October 8, 2009.

In September, after a call from Mr. Borges, the Township voluntarily agreed to defer initiating legal action for noncompliance, extending the Final Occupancy Permit deadline of the Order until January 7, 2010. Supervisor Byas indicated that little if any work had been done on the property during the 90 day extension granted by the Board.

On January 4, 2010 Supervisor Byas received a phone call from Mr. Borges and a meeting was set for January 7, 2010 with Mr. Borges. Mr. Borges did not attend the scheduled meeting and called Supervisor Byas the next day to inform him that he was unable to attend the meeting due to a personal injury accident.

Upon the conclusion of the summary of the relevant history of the property, Supervisor Byas told those in attendance that the May 4, 2009 Dangerous Building Order allows for demolition of the building for noncompliance after due process had been given to the property owner.

CITIZEN COMMENTS AND SHOW CAUSE HEARING: The comments and resulting discussion centered on the dangerous conditions of the property, vermin infestations, accumulated fecal matter, and building debris scattered on adjacent properties. Concern was also expressed about children in the neighborhood and their safety. Issues of declining property values, due to the condition of the premises were also a concern. It was asked of Mr. Borges how long he had owned the property, to which he replied 10-15 years. The desire of the citizens present was that the building be demolished.

Mr. Borges requested that the Board grant him another 90 day extension to comply with the May 4, 2009 Hearing Order. Mr. Borges told the Board that due to the bad economy and losing 62% of his income, he had been unable to complete rehabilitation of his property. Supervisor Byas indicated that prior to the January 8, 2010 phone call no mention of financial difficulty had been raised.

Building Inspector Cirino said that to date, no permits had been requested. Mr. Cirino also stated that two stop work orders had been issued on Mr. Borges' property for failure to produce architectural drawings and plans prior to beginning work as well as failure to comply with State construction codes.

Mr. Borges said that if given another 90 days, he would within 30 days apply for plumbing, electrical and mechanical permits, plus produce paper work indicating down payments made to the appropriate contractors, thus proving his financial commitment to the property. In response to a question from the Supervisor, Mr. Borges stated he would consent to demolition if he doesn't meet all the requirements of the Hearing Officer's Order within an additional 90 days.

Hearing Officer Vaickus told the Board that he and Inspector Cirino had visited the property prior to the Board meeting and noticed that the building had deteriorated further since the May 4, 2009 Order. A missing section of the foundation had allowed standing water to further compromise the structure. He recommended to the Board that foundational and safety issues must be addressed and felt the discussion about obtaining other permits premature.

Attorney Rolfe read a partial list of properties in Kalamazoo County owned by Mr. Borges slated for imminent foreclosure for failure to pay property taxes. It was indicated by Mr. Borges that he had recently escrowed his principle domicile through a bank in Portage, Michigan and that his financial obligations would be met.

A citizen asked Inspector Cirino if septic issues on the property had been addressed through the Kalamazoo Heath Department. Inspector Cirino indicated he had not seen any permits or reports and therefore could not comment. Mr. Borges assured the Board that septic issues were not a concern.

Mr. Borges expressed to the Board that he felt Inspector Cirino had unfairly and with malice placed undue burdens on the rehabilitation of his property. Inspector Cirino responded that he is a licensed building inspector with over 30 years of experience and

added that it is his job to enforce the State of Michigan Construction codes in order to protect the safety of the citizens in the Townships he serves. He also stated that he does this fairly and equitably in all circumstances.

With no further comments or discussion, Supervisor Byas made a motion that the Township Board hereby approve the May 4, 2009 Order of the Hearing Officer and modify it to impose a specific deadline of May 1, 2010 for demolition/site reclamation and debris removal. The motion was supported by Clerk Mulder-Paul and passed unanimously by voice vote.

Supervisor Byas told the Board that the Township will begin to make arrangements for demolition and debris removal.

Mr. Borges asked if he could appeal the decision of the Board, to which the Township Supervisor and Attorney said that was a matter he should discuss with his personal counsel.

As no other business was brought to the Board's attention, Treasurer Wise made a motion to adjourn. Supervisor Byas supported, and the special meeting of the Wakeshma Township Board was adjourned at 7:43 p.m.

Respectfully submitted,

Nancy Mulder Paul
Wakeshma Township Clerk