

From: Mary F Redden
Sent: Thursday, September 10, 2009 12:18 PM
To: 000schilling@ameritech.net; cristinabroomfield@yahoo.com; David Eisenbacher; Louise Schilling; Mary Kerwin; mfhowryl@umich.edu; rbeltram@wideopenwest.com; wade.fleming@proforma.com
Cc: Mark F Miller; John Szerlag; Carmen Johnson; Dane M. Slater; Daryl Klinko; Doug Tietz; Maureen M. McGinnis; Wade Fleming; William Molnar
Subject: FW: property maintenance

Original

Good afternoon,

Council Member Beltramini had some questions regarding the property maintenance code; attached are Building Director Mark Stimac's answers to her questions. They are being forwarded to you "as info".

Please let us know if you have any questions.

Regards,
Mary Redden

From: Mark S Stimac
Sent: Tuesday, September 08, 2009 2:06 PM
To: 'Robin Beltramini'
Cc: Mark F Miller; Susan M Lancaster
Subject: RE: property maintenance

The current and proposed text of the property maintenance code refers to the process as a "public hearing". In light of the comments received, we are looking at that wording. It is a hearing that is held before City Council at a public meeting but it is not a public hearing in the same sense that a rezoning hearing is. Interested parties would be allowed to speak but it is much more like a court trial where they are called as witnesses by one side or the other.

We are reviewing the possibility of dropping the word "public" from the language and just referring to it as a hearing rather than a public hearing. It would be a regular business item on your agenda and would be subject to Council's rules and procedures regarding public comments on items on the agenda. However, if some individual comments on the matter, the other side may have to be given the opportunity to dispute (cross examine?) the testimony presented. These would be somewhat like your liquor license hearings.

Building Code Board of Appeals items (on property maintenance code issues) are heard at a public meeting but are not public hearings.

We notify the interested parties but do not send notices to property owners within "X" feet of the property.

Usually at that point of the process, my staff has personally investigated the case and has (or is prepared to) given testimony on the facts of the case.

IF in the rare case we wanted the testimony of a neighbor as to conditions that we were not personally aware, we would call them to testify at the hearing.

The courts obviously have their rules and procedures for evidence and testimony.

Other appeal paths (modifications, alternate materials and methods, request for time extension) are usually documentary processes and do not involve hearings.

Please let me know if you need anything else.

From: Robin Beltramini [mailto:rbeltram@wideopenwest.com]

Sent: Tuesday, September 08, 2009 1:26 PM

To: Mark S Stimac

Cc: Mark F Miller

Subject: property maintenance

Mark,

I know we talked about who and when someone other than the hearing or appellant parties would be notified of any appeal. . .My notes don't capture the discussion. Sorry.

If someone appeals there dangerous building, or other determination, to City Council, is there a public hearing held, or is it regular business? What is the extent of the "publicness" of any of the other appeal paths?

Robin