



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Joanna Zimny, Executive Assistant
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, November 12, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 24-17](#) Ordering the rehabilitation or razing and removal of the structures at 887 CHARLES AVENUE within fifteen (15) days after the May 1, 2024, City Council Public Hearing. (Amend to remove only) (Public hearing closed and laid over from October 9, 2024)

Sponsors: Bowie

Layover to LH November 26, 2024 at 9 am. PO to submit 1) detailed building bid, 2) updated bids from contractors including double permit fees and any additional work noted by building inspector, 3) updated schedule and 4) updated proof of financing (if necessary) by no later than COB November 22, 2024.

Kyle Runbeck, owner, appeared
Grant Runbeck, co-owner and father, appeared

Moermond: looking at the Code Compliance there is a fair bit that was done without permit, so you're going to have to go back and pull permits at double fees. Did you read that the same way I did?

K Runbeck: uh, yeah, I assume there was double fees. I saw that, yes. That's for all the different contractors, right?

Moermond: no, the building items that were done without permit need to have permits pulled. Those will be double fees and if work needs to be removed to be able to see, for example, the spacing of the supports in the walls, that needs to be opened as well because there would have been no rough-in inspection.

K Runbeck: uh, yeah. I mean, there is just like a lot of mudding and painting. I can open up walls—

Moermond: there's a lot more than mudding and painting if you did this work without permits. It could be all of the work on the building list, depending on what the inspector is looking for. That's one of the biggest problems you are facing now. You got started without permits. I don't know if you had a contractor do this or not.

K Runbeck: no. Installing rain leaders away from the house, I mean, that needs a permit?

Moermond: when you have a Code Compliance Inspection Report the practice is to pull a permit for all of the work that's in the list. The permit you pull will read it is for all the items in the Code Compliance Inspection Report. As I look at these bids in more detail, I'll be looking for the contractor to take responsibility for all of the items articulated in the bid, OR a statement in the bid "consistent with the Code Compliance Inspection Report." I jumped right in, and I'll have Mr. Hoffman state whether there have been any nuisance issues at the site?

Hoffman: no issues at the site, based on Joe's notes.

Moermond: have you had a chance to compare the bids to the code compliance?

Inspector James Hoffman: briefly. We're missing a lot of the actual building work. You say you're doing that yourself. Clint is doing the inspections on these. He's going to want to see, as it is noted, open walls to expose work if necessary. He's going to want to verify all of that.

Moermond: tell me where you gentleman are at. Grant Runbeck, you are related. You together are Runbeck and Sons, LLC?

G Runbeck: yes.

Moermond: when the Council considered your case they were clear they didn't have confidence in your ability to pull this thing off without a development partner. You brought your father in to be a development partner in this? That person was expected to be the one making the financial and construction decisions along the way. Did you have that understanding with the letters that you got from my office?

K Runbeck: uh, the letters that I received seemed to say I had to finish the different paperwork I provided since then, with the sworn construction statement and all that. There was to be an affidavit about additional funds I guess, if that was necessary. If necessary I can also provide another affidavit increasing the amount that I provided originally. That was just within the scope of work. I can increase that also.

Moermond: Ms. Zimny, do you have an email on this.

Zimny: the question is whether he knew he needed a development partner?

Moermond: yes.

Zimny: there was an email as of this morning where he indicated he didn't think it was necessary to have one.

Moermond: so what is going on with that? Is that what you (Grant) are going to be doing? Are you a development partner Mr. Runbeck? I heard through staff you didn't think you needed one, but the Council unanimously did think you needed one and were disappointed in the performance and given you quite a break to be able to bring forward these plans so far after when this was to have come forward. Do you have an agreement, the two of you? What is going on?

K Runbeck: we're trying to figure out what is the amount. There may be additional

things if I have to open up walls. We would have that covered with whatever additional dollar amount.

Moermond: my question isn't about the money. My question is about logistics of managing the rehab, because thus far you have done work without permits, you didn't show up at the Council meeting with plans, and the Council giving you time to develop these plans was contingent upon you having a development partner taking over some of this decision-making. You haven't shown you could do that. It happens from time to time that people do need that. You were questioning it as of this morning whether you need that or not?

K Runbeck: looking at the scope of the work I do believe I can provide the funds.

Moermond: I wasn't asking about whether you have the funds, I was asking about decision-making and a development partner.

K Runbeck: well, I mean, like you mentioned there was the Council meeting and then the letter was sent after that with their decision, I didn't even know about that meeting. I went to the earlier—

Moermond: well, they laid it over to one week and you were present when they did that.

K Runbeck: I didn't receive any communication about that.

Moermond: you were present in the room when they continued the conversation for a week.

K Runbeck: I must have missed that. I would have needed to see that in writing because I didn't hear that at all.

Moermond: there's an expectation that when you're in the room as part of the conversation you would have that as a takeaway, that they'd be considering the conversation again the following week. You didn't know but you did receive follow-up communication after that meeting and you haven't done anything in that regard?

K Runbeck: I filled out all of the sworn construction statement—

Moermond: which was already required and should have been provided by the first Council Public Hearing. When they discussed it later they said they would give you time to get the rest of your things together if you had a development partner.

K Runbeck: ok well, you know, that's obviously where I've been dropping the ball about getting paperwork in and in order. So, I can't go back in time and fix that. I'm just trying to work with you guys to go forward and get this house all Code Compliant and up to standards.

Moermond: and that is the goal, I guess I'm frustrated that you haven't responded to what is clearly a Council requirement. I know there's been back and forth emails and you are saying "I don't want to do that because I have paperwork together"? Is that what you are saying?

K Runbeck: he's here. My development partner. I'm trying to do the things you guys are asking me. I don't know what I'm missing here.

Moermond: so your father is your development partner but it is the same business. How are you operating Runbeck and Sons differently now that plans are different? I don't know that. Right now, you've been the representative of the business and we haven't got what we've needed so now you are operating your business differently so that we will get what we need? Is that what it means that you (Grant) are here?

G Runbeck: I'm not sure. I was uh, going to get involved in an affidavit to make sure that I had available funds to cover what work needed to be done so that we can move forward. I'm not sure what a development partner is supposed to do. I don't know.

Zimny: perhaps Mr. Hoffman can read the October 21 letter into the record?

Moermond: do you have that letter handy Mr. Hoffman?

K Runbeck: is there something we are missing in order to get the permits and all that going? Because I just want to get it approved and get the permits so I can keep it moving.

Moermond: I would like to get it moving as well and I would like to see the mistakes of the past aren't repeated. Part of what you were responsible for now, and in the past, is you have all of these bids and a schedule and evidence to be able to execute the bids. That's been a hard pull. We've been having this conversation in March, and it is now November. It is only now we have these pieces we should have been discussing back in March. That is the reason the Council is saying "we don't know if this guy can pull this thing off if he can't get these bids together and money together in a timely fashion. Maybe he needs somebody who is taking responsibility for the day to day management of this project." That's where they are coming from. Having bids. Having money. That is required of anybody coming through this process.

K Runbeck: I believe I provided the copies of all the signed contracts and the amount I've paid so far and their total contracts to get everything up to code.

Moermond: you don't have an estimate for supplies on your building information and I don't have a write-up of what you will be doing.

K Runbeck: that would be with the final cost. It is all rolled into that because, I mean, that's....basically done. There's just some minor painting and cleaning and installing handrails.

Moermond: and any work that needs to be undone and taken responsibility for under permit. That's a big unknown. I don't see articulated anywhere in these plans a bid from you saying "I'm going to be doing all of these things" not just your name and building and \$3,291.54 which—

K Runbeck: the updated one is \$4,150, but it isn't going to even be that depending on when the inspectors come out and can maybe tell me more precisely that there are additional things that need to be done, in which case I will provide updated amount of funds. I just can't guess how much additional work there is going to be. I'm just going off the list given from the original walk through.

Moermond: minus what you are saying you did already without permit.

K Runbeck: right, well, I don't know exactly—I can't just guess what that amount is going to be to open up some walls if necessary and close them back up.

Moermond: or rebuild them if they aren't satisfactory, the work in the walls. Do you have the October 21 letter?

Hoffman: yeah, how I'm reading it is everything you've submitted they are asking the development partner to be the one to submit those, as well as their own affidavit saying they have the funds, not you, to cover that.

K Runbeck: right, we can do that today.

Hoffman: Ms. Moermond is asking that everything on this building list, she wants laid out. Not just what we tell you to do. How you are doing it. What you're going to do. When you're going to do it.

Moermond: yep. What I see is some of the bids do have start times on them.

K Runbeck: yes, when I was talking with them about the permits, they said they would take care of all of that. The plumbing and HVAC and 80% of the electrical is all finished already. They all said—these companies have been doing business in St. Paul forever, so I took their word. They knew it was a Category 3 so they said permits are not a problem and they will get everything up to code. The work is all done. But there's a stop work order now that Mr. Zane had put on there so my electrician isn't going to finish until he gets the go-ahead.

Hoffman: which is after he gets the permit.

Moermond: and no permits will be issued until he gets a grant of time.

Hoffman: there is an under review plumbing permit currently, entered into the system this morning.

Moermond: but it won't be issued until the Council votes.

Hoffman: well, they shouldn't have taken that application anyway. It was received October 23.

Moermond: so one of these is for furnace and fireplace cleaning. Elofson Electric—the Code Compliance Inspection Report said "illegally upgraded service panel" and is "install correct breakers" what they mean?

K Runbeck: yes. That's all done, but—

Moermond: what do you mean it is all done?

K Runbeck: I mean, just like all of the other plumbing things and HVAC, they were all working under the same assumption I guess that they could work.

Moermond: is there an electrical permit pulled between July 24 and now?

K Runbeck: he'd gone in and talked with the people and he sent in his paperwork, which I think he was to do in person. I mean, it has been sent in. I don't know if it is just sitting in limbo somewhere or what.

Hoffman: no. Last permit was a sewer permit in 2007.

Moermond: so what do you mean that it is all done? Are you saying that Elofson Electrical did the work without permit?

K Runbeck: well, Kelly and Boehm as well from what I've heard.

Moermond: well, you are the owner, are you not? Wouldn't you know what is being done on your property?

K Runbeck: and they were all telling me that permits are "easy peasy." They'll take care of it.

Moermond: I'm looking at a bid from October 25. You are saying everything is done already, and that work was all done without permit because there hasn't been an electrical permit pulled.

K Runbeck: when I talked with Kelly and Boehm they said they had it under control, went and talked with the City, all this. I don't know what to do at this point. These are reputable companies that have been around forever. The work is done, it is up to code. Almost everything on this list. Whatever hoops I have to jump through to get the permits and get the inspectors back in.

Moermond: you keep talking about this being hoops and paperwork and so on and contractors having permits pulled to do the work isn't a hoop. This is you having a Category 3 Vacant Building. You've done ONLY work without permits. You are saying "well, I had contractors do that." You still own the house. YOU are responsible. You may have delegated that responsibility to the contractor that you're working with but the work done without permits is still YOUR responsibility at the end of the day. If it means that it has to be completely redone because there weren't permits pulled, that's on you, not on them. You would need to figure that out in the Court system or however you wanted to dispute that.

Why didn't you have this together before the Council Public Hearing?

K Runbeck: I mean, why has this whole thing taken so long?

Moermond: yes.

K Runbeck: multiple personal things. Covid and then divorce and...things like that. Just didn't have the funds at the time to do the whole thing.

Moermond: what was the plan when you bought the property?

K Runbeck: just to live in it. We unfortunately listed it as commercial property which was the first mistake we made because it wasn't necessary. I didn't have plans to rent it or anything. Then when I got married I moved to Milwaukee so I rented the house out for 5 years. I was in Milwaukee for 10 years. I was losing money the whole time so, yeah, a debacle.

Moermond: but you own this together. Mr. (Grant) Runbeck, I'm not sure how up to speed you are on all of this. I know Kyle has been taking care of business and I don't know how much you've tracked on this?

G Runbeck: I mean, it is his home. I'm a co-signer of the mortgage. He didn't have

bad credit, he just didn't have any credit history. We have a relative that recommended because he was new to this to create an LLC, not necessarily to have a business, and they put that as the owner, which is us. The setback of that was that he can't homestead that. That was not a good decision. That can be corrected but it doesn't address what is going on right now. The eventual plan is to get it homestead in Kyle's name.

Moermond: I would suggest calling the County recorder's office. If you go in with your LLC paperwork, that transferring title will only cost you a minimal amount. You both should be listed on the LLC, so I think they'd record it as a \$0 transaction. I haven't personally done this.

G Runbeck: that would be great.

Moermond: in the meantime, I have you on the hook too. I see the bids have all been executed with Kyle Runbeck, not with you, Grant Runbeck. The electrical bid doesn't have any dates?

K Runbeck: he will have to make a new contract that includes the whole list so we can submit that. I think the list he provided was only partial. But, yeah, he's going to do all of that work.

Moermond: I didn't see in the October 21 letter a date back to Council?

Zimny: no.

Moermond: you have everyone starting work on November 18 in your work plan.

K Runbeck: I was hoping the permits would be done before then, so yeah, I guess, after permits. I don't know what to put on that for dates. Electrician is ready to go as soon as he gets the go-ahead. I guess I have to have the work that's been done inspected. It isn't hidden as far as most of the work.

Moermond: you said there will be a new water heater and furnace?

K Runbeck: already there.

Moermond: without permit.

K Runbeck: yes. These companies assured me it wouldn't be an issue. I would have waited, it wouldn't have been a problem.

Moermond: and it's the same company who installed it as the bid I'm looking at?

K Runbeck: yes ma'am.

Moermond: their contractor's licenses are at play when they do that.

K Runbeck: I assume they would know that.

Hoffman: I mean, the bids say pull permit.

Moermond: yeah, the latest ones. You said you had a new work plan that totals \$41,000, not \$24,000?

K Runbeck: no, for the building. It was \$4,150 for that which I think is higher than it will actually be. Again, it depends on what the inspectors find.

Moermond: I think that Clint needs to look this over, what do you think?

Hoffman: yes, and also change the note in his file saying it has a Code Compliance and its ok to issue permits. Contractors are doing work—

Moermond: without permit. A lot of this happened before.

Hoffman: the note was put in October 31.

K Runbeck: when I sent in these documents and mentioned that the work was going to start no one said stop. I'm not saying it is anyone's fault but mine, but I guess, I would have thought there had been a problem someone would have said "hold on, don't start work yet" or something.

Hoffman: well, a stop work order was on November 5.

K Runbeck: yeah, that was recent.

Moermond: the Code Compliance Inspection Report says you will be double feed because you didn't pull permits. Illegally upgraded service panel. Open walls. Mr. Grant Runbeck, what role do you see yourself playing in completing this project?

G Runbeck: uh, the only one that I was thinking I was playing was to provide an affidavit of available funds I would have set aside for this project.

Moermond: have you done this kind of work before?

G Runbeck: no.

Moermond: I understand that you were told that you didn't need one by someone in the business? That you didn't need a partner?

K Runbeck: uh, no, I mean I only heard about the development partner recently. I was just looking at the requirements of the development partner and so I was hoping to not need that if I could provide the things the development partner would otherwise be doing. But yeah, no one specifically said that.

Moermond: today is November 12. I'm going to continue this two weeks until November 26. I'm going to have the assistant building official and Mr. Clint Zane look over these plans. I would say you need to put together an actual bid for the building work. Putting your name on it is not sufficient at this point. Look at the Code Compliance Inspection Report, spell out what you are doing, spell out what it is going to involve on your part to do it in the same fashion a contractor would. I understand you aren't charging yourself labor, but were you charging yourself for labor there would be an "in-kind" contribution being made. If a builder is charging \$40 an hour, show in labor \$40 an hour – self. Something like that. It is legitimate to include that in the costs you are presenting here. Just because you don't have to write a check for it doesn't mean it costs nothing. I don't know what this \$3,291 or the \$4,100 would amount to. That is a very specific amount. I don't know if that's the cost of supplies or whatever it is. It is just a number. The other numbers seem to match up to bids you have. The bids need to be cross

referenced to the Code Compliance because they don't appear to match. I want to consult with the trades' inspectors about that.

K Runbeck: is it just the electrical bid? I think the other ones do mention—

Moermond: I think with your work everything needs to be double checked to be perfectly honest. It doesn't feel good on this side to say everything is fine because it hasn't been fine for more than six months. We get this, it is partially fine. That means I need a fine tooth comb to go through it. If the City is going to knock it down or not knock it down based on the plans you are submitting, I need them to be solid plans. That's also the reason we even have this conversation, so we aren't six months further down the line and you still haven't done anything. This has been a registered Vacant Building for five years. You have found it easier to pay the Vacant Building fees, which the last two years, are over \$5,000 a year. That would have paid for a ton of this work to have been done. You haven't seen that to be in your interest to do that. This is why we are in this process. Get this act together so you CAN finish and all of these things are demonstrations that you know who you need to hire, I know what needs to be done, I can pay the bills and we can get to the other side. That's what I'm looking for. Those assurances. If we haven't seen a permit pulled with the City since 2007, I don't have that. I really need this buttoned up clean. That's where I'm coming from on it. Let's get fresh materials by November 22. I will share what you have now with the Building Official and get their thoughts. I would say that looking at the Code Compliance Inspection Report from July you need to plan on doing everything. Assume everything. If it is going to cost you \$50,000 to do everything and then the inspector says you don't have to do everything, you can get by with less. Then the cost decreases and you have that gain, but you are prepared for the worst. More often than not people are at cost or above. 887 Charles is not a new house. Things will come up. Are you ready to handle those? I'll send this back to Council again on December 4 for them to decide if that package is sufficient. Right now, it isn't. I'd like your contractors and timing fleshed out. For example, I see people this time of year wanting to tackle the roof first, then the plumbing next typically. Talk to them, find out how they want to operate in the context of each other's work. Right now, you are the general contractor. You haven't hired a project manager. That's the whole idea of getting a third party in to manage this; to make sure those pieces come smoothly together.

K Runbeck: I don't know what I'm supposed to ask the plumbing and HVAC when they're done. I mean, until the City can come in and have a look at it and say it is ok or if there is actually something that needs to be re-done, I don't know how—the timeline—what I'm supposed to ask from them.

Moermond: here's the thing. I'm not your coach. The thing is, you NEED one. You need someone who can do that kind of work on his project. We can't spell this out for you. You need to develop something and bring it forward which will demonstrate that you DO know what you are doing. That is the nature of the development partner, to make those kinds of calls. I would love to see someone who can pick up the phone, find out from them what those contingencies are. You are postulating right now what they could be, but what are they? If they are the ones that did work without permit they should be very familiar with what they need to go back and do. This isn't a surprise conversation. There are inspectors listed in the Code Compliance Inspection Report itself.

K Runbeck: they have been in contact with them.

Moermond: that's great. Except for you, you haven't been in contact with Clint Zane.

K Runbeck: I have been.

Moermond: and he says that putting \$3,291 is sufficient for your building bid?

K Runbeck: \$4,150 is the updated number—

Moermond: is that supplies?

K Runbeck: that's, yeah, double what the supplies are easily.

Moermond: it is quite a specific number to be double supplies.

K Runbeck: as you are requesting I will go through and list all the materials and time and provide that.

Moermond: Mr. Grant Runbeck are you tracking on all of this? Do you need copies of the record on this? Sounds like you're in it together.

G Runbeck: well, I'll do what I can.

Moermond: your name is on the property.

K Runbeck: I'd just like to get the permits released.

Moermond: I bet you would.

K Runbeck: have the City come out and see the house is solid as a rock. Everything is updated. The house is awesome. I'm sorry the timing was bad and I was dragging my feet for many years, but know, you know, you lit the fire so I got it all done and unfortunately there was miscommunication on my part about permits.

Moermond: every single thing here says you need a permit.

K Runbeck: again, these companies have been around forever. I talked them and they said it was fine.

Hoffman: you may want to call and have a conversation with them.

K Runbeck: I have.

Moermond: what if I called them and had that conversation? Or what if the senior electrical person called? That conversation would have a different feel to it entirely. They're putting in these bids they need to buy permits but they did the work before without having gone through the process of getting a permit.

K Runbeck: from what I was told--

Moermond: you know what, you are so passive in taking responsibility for this. I just need you to grab ahold of this and say I will do these things.

K Runbeck: I WILL do these things.

Moermond: two weeks. We had a public hearing that was six months after I originally talked to you. You didn't have your things together then AT ALL. AT ALL! And they STILL gave you time. And they gave you time, not because of the virtue of your

presentation—which was not good—it was because they don't want to take away another housing unit in that neighborhood if they can help it. It has nothing to do with you. It has to do with the fabric of housing there. I need to put the square peg in the round hole and try to make this work and you are NOT making this easier for me. You're getting the extra time to pull it together. I will talk with the building official; you talk with your contractors and see if we can't get this cleaned up. You are saying you can have it done in 3 months. I would say, give yourself six months. You're going to need it.

K Runbeck: ok. I mean, whatever it takes.

Moermond: let's try and have this conversation again in 2 weeks' time and we can hopefully move forward at that time.

K Runbeck: can I get an email that spells this out? I know we just talked about it but it is very helpful to get the email with what I need to do.

Moermond: I'm not sure how the building folks will want to communicate. You're hiring professionals to interact on the building permit and so on and I'm not going to say they're responsible for writing another inspection report on top of the one they did in July.

K Runbeck: I don't need that. I have that. Just as far as what in two weeks you want me to provide exactly.

Moermond: I would like to see estimated start and finish times for these things. I'd like a fished out bid from you on the building aspects of this. What will you be doing, when, how much time, what supplies you have and what you need to get. Those basics. I would like to know, if these are the companies that did that work and the permit is supposed to cost \$200, but they've already done work I think we could be looking at a permit well in excess of \$200 because it was done without permit. They may want to address that. I don't see the waterheater and furnace on THIS list, right?

K Runbeck: correct, that was just upgraded to make it more energy efficient.

Moermond: if I go buy a new furnace, I need a permit.

K Runbeck: they assured me they would take care of that. I took their word for it.

Moermond: you may want to consult with them again, and make sure they get it right. If you are the general contractor, together, because I'm not accepting—

K Runbeck: when I did talk to them about it, I talked to Clint or someone else, they said permits were not in the works, were not where they should be, then I called them and I asked them what the deal was and I heard from Clint again that there was a hold on the permits. So....they can't do anything until that hold is lifted as far as I can tell. They'd be happy to do what they need to do but obviously can't if they are on hold.

Moermond: why don't you two put your heads together and talk about what needs to be done. Talk to these contractors and I can't be your coach on this. You need one. But it can't be me. Your contractors should be providing you that. I would look to them and if they haven't put in their bid the work on the water heater and the furnace that was already done, they need to do that. Then they can say that part has been paid for if it has been. But that IS a part of the work undertaken on this project, and it already

occurred. So let's have some accountability.

K Runbeck: I provided all that with the contracts that were signed.

Moermond: on this set of bids there?

K Runbeck: it includes the water heater and the furnace. There were two separate ones for the plumbing, one was specifically for the water heater. Then for the furnace it was all wrapped into one contract, included all the Code Compliance and the furnace.

Moermond: this is awfully hard to read but I'm doing my best.

Hoffman: the furnace I see \$8,375.

K Runbeck: it is the first line.

Hoffman: that one is pretty complete.

Moermond: everything printed on here is gray. The print is literally gray against the yellow background.

K Runbeck: this is yellow so yeah, it's a carbon copy so its pretty hard to read. I can go and see if they can make a copy of the white page.

Moermond: we'll deal with it.

Hoffman: Elofson it says permit written right into it.

Moermond: yeah, but not double permit.

K Runbeck: I told them all it was a Category 3 and it would be more difficult and that was why it was difficult to find contractors.

Hoffman: at the bottom of the Code Compliance Inspection Report in bold it says "PERMITS CANNOT BE ISSUED ONLINE" they have to go in the office.

K Runbeck: they told me they would do that and were going to charge me a little extra for that.

Moermond: I'll talk to folks about work done without a permit. You are assuring me things are nice and its just—I don't feel comfortable turning that furnace on right now.

Laid Over to the Legislative Hearings due back on 11/26/2024

10:00 a.m. Hearings

Making Finding on Substantial Nuisance Abatements

- 2** **RLH RR 24-48** Making finding on the appealed substantial abatement ordered for 802 MOUND STREET in Council File RLH RR 24-5.

Sponsors: Johnson

The nuisance is abated and the matter resolved.

Moermond: this is taken care of?

Hoffman: Code Compliance issued 9/24/24

Referred to the City Council due back on 12/4/2024

- 3 **RLH RR 24-47** Second Making finding on the appealed substantial abatement ordered for 1356 REANEY AVENUE in Council File RLH RR 24-13.

Sponsors: Johnson

The nuisance is abated and the matter resolved.

Moermond: this is taken care of?

Hoffman: Code Compliance issued November 6, 2024.

Referred to the City Council due back on 12/4/2024

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 4 [RLH SAO 24-80](#) Appeal of Thomas Grant to a Vehicle Abatement Order at 1449 Breda Avenue.

Sponsors: Jalali

Layover to LH December 10, 2024 at 11 am. for further discussion. PO to speak to County, Zoning and Plan Review about options re: parcels and logistics.

Thomas Grant, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Vehicle Abatement Order issued November 1, 2024. Silver Chevy pickup parked in a vacant lot. He owns both homes on both sides of the lots, so if he wanted to combine the lots and do a site plan for parking, I know the inspector mentioned that. Do you live in 1449 or 1455?

Grant: 1455. My grandson lives in 1445.

Moermond: what are your plans for this vacant lot?

Grant: I want to build my forever home. I have plans. I love my neighborhood. My neighbors and I use the empty lot every Wednesday to get together. It's basically a gathering place now. We also garden there, and I use it to park my truck to get into my house since my hip is bad. The plan is to build a one level home. I'm realizing I can't live in this house forever. I also like having the empty lot to gather my neighbors. I'd love to combine 1443 and 1449 as one house, but my grandson and his father live there. How do I combine the lots and still be able to build? We were looking into this before my divorce. Combining those two and getting rid of the house.

Laid Over to the Legislative Hearings due back on 12/10/2024

**5 RLH SAO
24-79**

Appeal of Corey Johnson to a Vehicle Abatement Order at 231 ANNAPOLIS STREET EAST.

Sponsors: Noecker

Grant appeal on condition lumber next to garage is moved to inside storage and area next to garage is kept clear of debris/storage.

*Corey Johnson, owner, appeared
Gary Onofrey, occupant, appeared*

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: the Vehicle Abatement Order was issued October 22, 2024 to the living trust of Natalia Bebolt and occupant for a gold Chevy parked behind the garage. It is along property line and alley. I wasn't sure if this was temporary because Annapolis was under construction for quite some time. Photos are attached. I also attached a map for your record.

Onofrey: we created the parking spot because the first notice said we were just parked on grass. We put the class 5 down and built a parking spot.

Johnson: it is our third vehicle we just use to haul stuff.

Moermond: I'm looking at an alley.

Onofrey: it wasn't an alley, the neighbors just all got together and gave up some property. Not a normal easement. It doesn't go all the way through.

Johnson: basically, everyone on the block that has alley access got together and gave up part of the property to build it. I wasn't living here at that point.

Moermond: there are a couple of ways that could have happened. We'll see what is going on legally with the City's plat map. [reviews map] You do have an unusual situation going on here.

Johnson: there's been a vehicle parked there for 13 years, since I've lived there. My ex-partner was there and when he moved out I planted grass there and when we got the first ticket we put the class 5 down since it said we couldn't park on grass. All the information we have is from our neighbor who has lived there the longest. She's lived there 40 years. If it does go over the property line, I'm going to talk to Mark again, but I talked to him before we put it down and he was fine with it. Neither of us was sure where the property line was. I will say this all started because of our neighbors. They've been having a lot of accumulation of junk on their property; I'm sure that's why the inspector was out there.

Martin: that is an understatement.

Johnson: we have to deal with trying to get out of our own driveway sometimes. I don't really see a problem parking there as far as I am concerned. None of our neighbors have a problem. I also have photos of all our neighbors who are probably in violation too.

Moermond: yeah, I can see the "private" alley there. Isn't that unusual.

Martin: it is an unimproved alley and I have to say, 231 does a wonderful job. Their home is beautiful. Great Halloween decorations. Honestly, at the end of the alley, right next to them, it has been a problem property for some time. We have scrapping going on. We have people living in an ice house. Lots of things going on. And their home is gorgeous.

Johnson: thank you.

Moermond: so that's 237. It looks like they have a garage on your property line, or thereabouts? Any markers back there?

Johnson: no, no.

Moermond: but it all seems to be compacted class 5 between the two garages?

Onofrey: we put that in last year.

Martin: right, the concern is there was no site plan for the class 5 but the unapproved alleyway is class 5.

Moermond: when you say "unimproved"?

Moermond: you mean unapproved, not even unimproved.

Johnson: the gal at the end of the block said everyone gave up their easement when they made that alleyway. I'm not sure how that works. Basically, so we could have parking back there.

Moermond: looks like everyone has garages back there, so there is some level of investment to be able to keep it in use. Usually when we see that, we would see the alley area an overlay that is public right-of-way and if there is no pavement we call it unimproved right-of-way. In this case, it doesn't show up as unimproved OR improved. The City has nothing to do with it. It is completely private. That's the part I say is unusual. Yet, it makes perfect sense.

Martin: the vehicle is operable; it does have current tabs.

Moermond: the main thing I'm looking at is the distance from property line.

Martin: it is at the end and the only neighbor is the end at 230, which is the problem property.

Moermond: you're on the southern part of Annapolis.

Martin: then east of the garage.

Moermond: this is the photo I'm looking at. It shows proximity to a property line I'm guessing because I see those cement blocks sort of separating the driveway. What I can't tell due to the growth along the beige garage is where the building comes to an end.

Johnson: I can even get a little closer to the garage too.

Moermond: can the lumber on the side of the garage be moved inside?

Johnson: absolutely.

Moermond: then you'd be able to use that one lineal foot space to add on a bit more parking. If you reverse in you'd have even more. If you can do those two things I can see where this would be adequate.

Martin: I totally agree.

Moermond: removing the lumber and keep the side of the garage clear and do your best to keep as far over as possible. I'm thinking about the 3' from the property line rule. I know this is an old neighborhood and sometimes buildings are too close to property lines depending on when they were built and the rules then .

Referred to the City Council due back on 12/4/2024

Making Finding on Nuisance Abatements

- 6** [RLH SAO 24-67](#) Making finding on the appealed of Michael E. Corcoran to a nuisance abatement ordered for 1478 AMES AVENUE in Council File RLH SAO 24-51.

Sponsors: Yang

Nuisance is 1/3 abated as required by Council resolution.

No one appeared

Moermond: we were scheduled November 5 to review the progress on the cleanup and some of the building items on this property. The goal was the first one-third be done at this time.

Martin: I would say one-third was completed.

Referred to the City Council due back on 11/20/2024

1:00 p.m. Hearings

Vacant Building Registrations - None

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 7** [RLH VO 24-32](#) Appeal of Darius Claytor to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 365 SHERBURNE AVENUE.

Sponsors: Bowie

Revocation lifted conditioned upon meeting the following deadlines related to items on the November 6, 2024 orders: November 22, 2024 for items 3, 9, 11 and 12. Grant to

January 1, 2025 for items 2, 4 -8, and 10 and to June 1, 2025 for item 1.

Nancy Claytor, mother of Darius, appeared

Darius Claytor, owner, appeared

Staff update by Supervisor Der Vue: we did complete a full Fire Certificate of Occupancy inspection November 1. Upon arrival contractors were on site repairing exterior deficiencies. I met with Mr. Claytor and Inspector Harrington. Unit one remains uncertified and unoccupied. From the original orders Numbers 2,3 and in lower unit were abated. Mr. Claytor did say his plan for unit was for it to remain unoccupied as he plans to remodel. That was absolutely fine. We did an inspection of unit 2, and if you would see the November 6 updated orders what was added were items 2 and 3 for exterior, and then items 9 through 12 were for upper unit, unit 2. November 6 orders include exterior deficiencies originally noted by initial inspector. By the time we concluded the inspection the exterior work was still in progress, so I couldn't abate them yet.

Moermond: so, what we were looking at originally a partial set of orders since there wasn't full access. Long term noncompliance, which is why it was revoked. Now you've had an inspection, what's the overall impression of the severity of the violations?

Vue: probably medium. The biggest concern was upper unit majority of the smoke alarms were either disarmed or missing batteries. Excessive content on the interior stairs leading to unit 2. That needs to be removed. 2 inoperable vehicles parked on unapproved surfaces in the back of the property. Piles of vegetation in back. Mostly the smoke alarms are the concern. It is currently occupied.

Darius Claytor: I was planning on taking care of the first unit first, then take on the second. The siding is very old, so it will take some time and money to get everything done.

Moermond: you were prioritizing by unit. I am wondering if you looked at this in terms of severity of the violation.

Nancy Claytor: we'll make sure the smoke alarms are done right away, along with the tenant's storage on the stairs, and the clutter in the backyard. We cut down a tree in the backyard. The cars—one vehicle is the tenants and we can have them move it ASAP.

Moermond: it is the lower unit that isn't occupied?

Darius Claytor: correct.

Moermond: any plans for renting it out again?

Nancy Claytor: as soon as we're able to pass the inspection.

Moermond: Ms. Vue, what are you thinking in terms of deadlines? Smoke and carbons are top of mind?

Vue: the occupied unit needs to have operable smoke alarms throughout the unit. Timeline? There was one that worked outside the sleeping room. If that could be done within a week we could get those checked off.

Nancy Claytor: ok.

Moermond: and the screen situation, we're moving into weather that doesn't involve screens. The concern there is pets and children falling out. Bringing the upper unit and exterior into compliance is the most important things. I need to work on livability of the unit that is occupied.

Nancy Claytor: we did speak to them; we both have multiple times.

Darius Claytor: they said they would do it.

Nancy Claytor: the tenants upstairs were there before he even moved in. We just tried to make them comfortable because they were there before he owned it. I'll try and give them a sense of urgency.

Moermond: are they the same ones who store things on the stairs?

Nancy Claytor: yes, they have their own separate entrance. I'll remind them of the urgency for that.

Moermond: the thing would be getting in or out in case of an emergency. Getting up there with a gurney or out in smokey conditions, it is asking for disaster with things on the stairs.

Vue: this was explained at the time of inspection. We're talking about emergency escape and rescue too.

Moermond: can we get the floor cleaned up within the same week so we can both get them checked off.

Vue: the tenants have some pets and there was food and items throughout the unit. Item 12.

Moermond: tell me about the siding. Sounds like it is in progress?

Darius Claytor: they're still working on it. Probably a month, winter is coming, but I'm not sure. Most of the stuff is done, the front porch is not done. The fascia and siding are done. It is just the front porch.

Moermond: vehicles belong to the tenants. Is there parking for them?

Darius Claytor: yep.

Moermond: I gather you want to go out in a week to check on smokes. At the same time let's have the stairs and floor for the upper unit looked at. Vehicles too. That's a shorter deadline. This collection of problems rises to the level of being able to have the City tow it. If they do so, it goes to your property taxes. Not to the tenant's. Right now, it is "please do it", it would change to "please do it, or we will". That may help your conversation with the tenant.

Setting aside the uncertified unit, Ms. Vue?

Vue: Mr. Claytor has plans for the unoccupied unit. I know you want to do the bathroom. A majority of the items were addressed already.

Moermond: so, when they're ready they give you a call. We don't need to worry about it as long as it isn't rented. So, we only worry about exterior and occupied unit.

Other than painting, I'm not seeing anything being weather-sensitive. Let's go to January 1 for the exterior repairs. Interior I'll say November 22. That's the smokes, storage, and the floor.

Vue: reinspection Friday November 22 at 3 pm.

Referred to the City Council due back on 11/20/2024

2:00 p.m. Hearings

Fire Certificates of Occupancy

**8 RLH FCO
24-106**

Appeal of Gomaa Elzamel to a Fire Certificate of Occupancy with Deficiencies at 948 COOK AVENUE EAST.

Sponsors: Yang

Grant to January 1, 2025 to have Fire C of O reinstated, conditioned upon temporary fix of windows is installed by no later than November 22, 2024.

*Gomaa Elzamel, owner, appeared
Abdelmajid Benkhalifa, Arabic interpreter, appeared
Cristabel Olvera, girlfriend, appeared*

Staff report by Supervisor Leanna Shaff: the last Fire Certificate of Occupancy was December 2018. We haven't been in the property since then. The only things that happened was some garbage and a couple of TISH reports, 2021 and 2022. July 10, 2024 we received a complaint for a broken pipe, mold issues in shower, dryer not working, a leak in the kitchen, and fleas in the house. Our inspector responded to the complaint. Being the Fire Certificate of Occupancy inspection was due, he went forward with a full inspection. Unfortunately, what he found out is he mailed everything to the old Responsible Party because the current owner didn't update the records with the City. September 25 he wrote correction orders with 13 deficiencies, including missing CO detectors and smoke alarms. It is a class C property. When the inspector came back in October all the items were abated with the exception of one. What happened was the windows, when opened, freely open and stay open at any position by themselves. No special tools. The property owner fixed the windows by putting a sliding bolt latch in to hold it up. In case of fire or other emergency, that is not an acceptable fix. You can't be relying on special knowledge, like that bolt. That window is supposed to stay open by itself, with no bolt, so it doesn't become like a guillotine coming down on people and people can easily open it and get out if they need too. I had a conversation with your girlfriend who said it was there before. When you bought the house, you bought the problems with it. We can't design how to fix it. That's why that continues to be on the list.

Moermond: two items left on the list; this was opened in August. All other items have been abated. Looking over the records while Ms. Shaff was speaking, I did notice that you purchased the property in 2021?

Elzamel: yes.

Moermond: you would have had an inspection report given to you by the seller at that point, the TISH report. That was dated June 22, 2021. I wasn't noticing these problems on the old inspection report. That doesn't mean they didn't exist, just that they weren't on the report. These things can happen just with deterioration over time, especially windows. I would note that in December of 2018, which Ms. Shaff spoke about, was the last time Fire Inspectors went through, and they gave it an A grade. That is important to me because it says there are six years between that certificate and the next time there's an inspection cycle. In your case, you began the cycle because of the complaint, but the timing would have been identical anyway.

Elzamel: thank you for the opportunity to be here. When someone complains it doesn't mean the person is always right. The first thing that bothered me was the inspector entered the property without telling him. He should have sent an email letting him know about the inspection. He entered without my prior knowledge. The other thing is the inspector himself was not an expert because he was asking about lead water. I did extra work, I did more than the 13 items. 150%. The window and the dryer tubes remained. The inspector said I only have 30 days, but I told him I wanted extra time to fix them. Until the summer. They asked me to put up 2 CO alarms within 800 square feet. No one asks that. The room is small, I don't need two.

Shaff: how many bedrooms?

Elzamel: two bedrooms.

Shaff: are they right next to each other?

Elzamel: yes.

Shaff: code says CO alarms within 10 feet of every room used for sleeping.

Elzamel: I understand. The alarm was in the middle.

Shaff: it is hard to make a determination without knowing how far apart things are.

Elzamel: you have to understand I don't live there. I can't be there 24/7.

Shaff: no one expect you too. We can't hold the tenant responsible in the end. That is your private agreement, that's why the letters go to you. It is your property.

Elzamel: I'm just asking,

Shaff: within 10 feet of each bedroom, I'm good with that. If you need two, you need two.

Elzamel: I will fix it. I did more than he asked. The thing is, he wasn't working with me. He asked me to fix the windows in 30 days.

Shaff: that's normal.

Elzamel: there should be some time of flexibility.

Moermond: and here we are appealing and figuring out what works for your situation now.

Elzamel: was trying to sell in 2022 and did a TISH. There was no complaint in the TISH. No deficiencies.

Moermond: it does show a smoke detector problem.

Shaff: in 2021 also.

Moermond: this says lacks functional hardwired smoke detector/alarm. An electric permit is required to install.

You were the one who brought up the TISH report. My comment was that it is not ok, it was a listed hazard.

Elzamel: I did do the wired spoke detector. The last email he mentioned three things. Affidavit for the smoke alarm. The window and the dryer.

Moermond: tell me what you are looking for today, specifically.

Elzamel: I would like until the summer or something so I can do it. I already spent money on the windows. I already did the tape, and he was asking me for other type of tape.

Moermond: so mainly it is the window.

Elzamel: I don't have money to spend on the windows again. I spent a lot of money already. I'd like more time to finish it.

Moermond: does that bedroom have more than one window?

Elzamel: only one window. But no one sleeps in there. Only one person lives in the house.

Moermond: does he sleep in the other room?

Elzamel: just one person in the other bedroom.

Girlfriend: he told the inspector that no one lived in that room and the inspector told him that wasn't acceptable. He would get it fixed prior to having someone there.

Shaff: was there furniture in the room?

Elzamel: no.

Shaff: we have no problems condemning the one bedroom.

Elzamel: he told me no.

Shaff: we see it all the time, and it is dangerous in an emergency.

Elzamel: that's what I'm saying. I could replace the window but he didn't even want to give me time to fix it.

Shaff: it is an easy fix. Go to the hardware store and ask them for window clips. They aren't permanent but they will buy you time.

Moermond: so, two choices. We have two choices. We can condemn that sleeping room until it is repaired or replaced. Or you can get a temporary fix by going to the hardware store and it doesn't matter about saying you can't use the room and we can put a deadline for the repair or replacement. If I were you my preference would do the hardware for the temporary fix.

Elzamel: ok

Moermond: Is the tape on the dryer done?

Elzamel: yes. With the new tape.

Shaff: normally we would tell you to hire a licensed contractor. He did you a solid by showing you the tape.

Moermond: how long will it take you to go to the hardware store and work with your tenant to fix the window?

Elzamel: can I do it myself?

Shaff: yes.

Moermond: let's say January 1, 2025. When the complaint came into the City about the house. The City didn't have your contact information to let you know of the inspection. There wasn't ill intent, it was you not knowing to provide and update that information and them not knowing how to contact you.

Referred to the City Council due back on 12/4/2024

9 [RLH FCO
24-104](#)

Appeal of Brenda Benson to a Correction Notice-Reinspection
Complaint at 1250 MINNEHAHA AVENUE EAST.

Sponsors: Johnson

Layover to LH November 19, 2024 at 2 pm. Inspector to drive by to confirm fix of retaining wall and sidewalk/foundation repair.

Brenda Benson, property manager, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is the retaining wall abutting the sidewalk at the front of the property. October 25, 2023 orders had a reinspection in November. Approved with deficiencies on December 15, 2023. That retaining wall abutting the sidewalk is in disrepair. Crumbling onto the right of way. Blocks are missing. The other item is the foundation for the house. When you are looking towards the house front the sidewalk, on the right-hand side lower front you can see where perhaps a sidewalk is undermining the foundation at that corner. Those are the two items that haven't been repaired.

Moermond: you did send in a survey. I'll admit looking at the order it wasn't clear what section of retaining wall it was referring too. The other piece I see noted excessive foundation pressure and water lift, so it isn't as obvious as it could be. Tell me based on the staff report where you are at with things.

Benson: there was some confusion when we got the notice because there has been ongoing issue with the neighbors, we assumed it was the wall between the two properties. When I came in and filed the appeal I saw the photos I then understood. We did have a contractor out Friday to make the repairs on the wall. I believe this is already done.

Moermond: can someone drive by in the next week to confirm?

Shaff: oh sure.

Moermond: let's continue this one week, we probably won't even need to talk. We'll let you know if that changes.

Laid Over to the Legislative Hearings due back on 11/19/2024