



City of Saint Paul

City Hall and Court House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Master

File Number: RLH VO 15-64

File ID: RLH VO 15-64

Type: Resolution LH Vacate
Order

Status: Passed

Version: 2

**Contact
Number:**

In Control: City Council

File Created: 11/19/2015

File Name: 1734 7th Street East

Final Action: 12/16/2015

Title: Appeal of Charles McCarty to a Revocation of Fire Certificate of Occupancy and
Order to Vacate at 1734 SEVENTH STREET EAST.

Notes:

Agenda Date: 12/16/2015

Agenda Number: 96

Sponsors: Finney

Enactment Date:

Attachments: 1734 7th Street E Appeal 11-19-15, 1734 7th St
E.Photos.11-18-15, 1734 7th St E.Photos.11-6-15,
1734 Seventh St E.McCarty Ltr.12-3-15

Financials Included?:

Contact Name:

Hearing Date:

Entered by: arthur.shaffer-frazier@ci.stpaul.mn.us

Ord Effective Date:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------|--------------|------------|-----------------|---------|
| 1 | Legislative Hearings | 12/01/2015 | Referred | City Council | 12/16/2015 | | |
| | Action Text: | Referred to the City Council due back on 12/16/2015 | | | | | |
| | Notes: | Charles McCarty, owner, appeared. | | | | | |
| | Fire Supervisor Leanna Shaff: | | | | | | |
| | -Fire Certificate of Occupancy Revocation | | | | | | |
| | -was inspected Nov 5 by Inspector Brian Schmidt | | | | | | |
| | -received a referral Nov 5 about missing hard-wired smoke detectors and inoperable CO alarms; heat not working; trash service stopped, etc | | | | | | |
| | -Inspector Schmidt transferred this to the Fire Certificate of Occupancy Program and work with Inspector Franquiz | | | | | | |
| | -they were not able to gain entry | | | | | | |
| | -notes: caused some concern; Nov 17, Ins Franquiz was not able to get into the building; he had left numerous messages for Mr. McCarty and that he had even been hung-up on; and could not gain compliance | | | | | | |
| | -quite a few issues in the building | | | | | | |
| | -since then, the tenants were going to vacate; went through eviction court | | | | | | |
| | -he had some access | | | | | | |
| | Mr. McCarty: | | | | | | |
| | -is looking for due process | | | | | | |

-he evicted his tenant Nov 2, 2015 and as a taxpayer, he doesn't like the city being used to evict; the tenants turned around and called the Fire Inspector and tried to use them as some kind of retaliatory mechanism
-he got a letter for some garbage; the tenant said they had it cleaned up
-he did get 2 voice mails from the inspector, and for the record, he never hung up on any inspector; he never even talked to him; the first voice mail was in regard to the smoke detector
-he evicted the tenant on Fri and on Mon, he got a call that smoke detectors,,,,,,,,,called up tenant; she said that she fixed it but it's still on the list
-if the inspector was out there on Nov 5, how come it took 2 weeks to mail the letter to him? He got that letter Nov 19 at 3 pm and it said that the inspector was at 2 pm that day

Ms. Shaff:

-the inspector had a death in the family; she apologized for the lax in time of the letter

Mr. McCarty:

-he evicted her, specifically, for the damages to the property Nov 2; I'm not ignoring this; not an absentee landlord
-it seems like every time he's down here it's because of a tenant "Let's make him look like a bad landlord"
-we've fixed some of the things already and intend to fix everything on the list
-would like an extension to Dec 21, 2015
-line 13 of the report says that "tenant has fixed this problem on Nov 5" referring to the smoke detector (Why is it still on the list?)
-the garbage service was never interrupted
-new #651-254-1342
-had an issue with the main metal garage door; it has only a couple of dents and it's fully functioning
Ms. Moermond:
-it looks like it might be off it's track somewhat; does need repair; not in good state of maintenance
-deadline - close of business Fri Dec 18, 2015 (inspector will show up Mon, Dec 21)
-there are valid items on the list

Grant until close of business on December 18, 2015 to come into compliance with the list with a follow-up inspection on December 21.

| | | | | |
|---|----------------|------------|---------|------|
| 2 | City Council | 12/16/2015 | Adopted | Pass |
| | Action Text: | Adopted | | |
| 2 | Mayor's Office | 12/21/2015 | Signed | |
| | Action Text: | Signed | | |

Text of Legislative File RLH VO 15-64

Appeal of Charles McCarty to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1734 SEVENTH STREET EAST.

WHEREAS, in the matter of the Appeal of Charles McCarty to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1734 SEVENTH STREET EAST, the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant; and

WHEREAS, the Legislative Hearing Officer recommends that the City Council grant to December 18, 2016 for compliance with the Fire Certificate of Occupancy Correction Orders to prevent the revocation of the certificate; Now, Therefore, Be It

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.

Revocation Of C/O

