



SHAKER HEIGHTS

BOARD OF APPEALS

MINUTES OF THE MEETING

JUNE 1, 2022 – 7:30 A.M.

IN PERSON AND VIA ZOOM CONFERENCE CALL PER CHAPTERS 113 AND 115 OF THE CODIFIED ORDINANCES (AS AMENDED IN ORDINANCE 22-28), AND RESOLUTION 22-29, ENACTED ON MARCH 22, 2022

Members Present: Earl Williams, Chairperson, Anne Williams, Acting Chairperson, Neil Dick, and Joseph MacDonald.

Also Present: William M. Ondrey Gruber, Director of Law, Lisa Gold-Scott, Assistant Director of Law, Francesca Bergeret-Simpson, Law Clerk, William Hanson, Commissioner of Housing, Christopher Stergar, Sidewalk Inspector, and Charles Orłowski, City Forester.

1. Mr. Williams called the meeting to order, and explained the procedure for the hybrid in-person and virtual hearing. Mr. Gruber called the roll of members present.
2. Mr. Dick moved to approve the minutes of the March 2, 2022 meeting. Ms. Williams seconded the motion. The Minutes were approved 4-0.
3. Ms. Williams moved to approve the minutes of the May 4, 2022 meeting. Mr. Dick seconded the motion. The Minutes were approved 4-0.
4. Mr. Williams reviewed the procedure for the hearings. Mr. Gruber swore in the witnesses.
5. The Board called and heard the following appeals:
 - a. Appeal of Jacqueline Blackwell, Case No. BA-22-06-SW, 3677 Menlo Road, Appeal of Notice of Sidewalk Violation. Appellant Ms. Blackwell appeared on her own behalf. Christopher Stergar, Sidewalk Inspector, and Charles Orłowski, City Forester, testified for the City.
 - b. Mr. Williams left the meeting. Ms. Williams served as Acting Chairperson for the remainder of the meeting.
 - c. Appeal of Janice M. Smiler, Case No. BA-22-04-NAHC, 3341 Sutton Road, Notice of Public Nuisance – Housing. Appellant Ms. Smiler appeared on her own behalf. Mr. Hanson testified for the City.
 - d. Appeal of Exit Moves, LLC, Case No. BA-22-05-NAHC, 3639 Lindholm Road, Notice of Public Nuisance – Housing. Ms. Dea Character, employee, appeared on behalf of Appellant. Mr. Hanson testified for the City.
6. Mr. MacDonald moved that the Board go into executive session to discuss the appeals. Mr. Dick seconded the Motion. The Board voted 3 – 0 in a roll call vote to go into executive session to discuss the appeals.
7. The Board reached the following decisions in the appeals:

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- a. Appeal of Jacqueline Blackwell: It was moved by Mr. MacDonald that Appellant's appeal is granted to the extent that Appellant should not be charged for two-thirds (2/3) of the cost of the sidewalk replacement, and denied as to the cost of the remaining one-third (1/3) of the estimated amount for the additional sidewalk block. The Motion was seconded by Mr. Dick. The Board voted 3 – 0 to approve the Motion.
- b. Appeal of Janice M. Smiler: It was moved by Mr. MacDonald to deny the appeal. The Motion was seconded by Ms. Williams. The Board voted 3 – 0 to approve the Motion.
- c. Appeal of Exit Moves, LLC: It was moved by Mr. Dick that Appellant's appeal is denied in part and granted in part, as follows:
 - i. Appellant's appeal challenging the April 6, 2022 Notice of Public Nuisance and Order of Demolition is denied, and that Notice and Order is upheld.
 - ii. Appellant's appeal asking for additional time is granted, conditioned on Appellant completing the following activities within 30 days of the date of this Decision:
 - 1. Appellant shall file with the Ohio Secretary of State an amendment of the Statutory Agent and the Agent's address for Exit Moves, LLC.
 - 2. Appellant shall submit to an interior housing inspection conducted by the City at 3639 Lindholm Road.
 - 3. Appellant shall furnish to the City proof of financial information attested to during the hearing such as the referred to refinance agreement, existence of funds for repairs, and funds held in escrow by the lender.
 - 4. Appellant shall deposit funds in the amount of 150% of the City-approved costs of correcting the Point of Sale violations into Escrow with the City in accordance with the City's Point of Sale Ordinance.
 - 5. Appellant must repair all violations listed on the October 8, 2020 Point of Sale Certificate of Inspection.

The Motion was seconded by Ms. Williams. The Board voted 3 – 0 to approve the Motion.

- 8. The Meeting then returned to public session, and a discussion was held about the proposed procedural Rules of Conduct for the Board meetings that were distributed prior to the meeting . There was a consensus that the Rules were agreed upon.
- 9. The meeting was then adjourned.

Date Approved: 9-7-22


 Anne Williams, Acting Chairperson of the Board


 William M. Ondrey Gruber, Secretary