

BRATENAHL VILLAGE  
BRATENAHL VILLAGE HALL  
411 BRATENAHL ROAD  
BRATENAHL OHIO 44108  
(216) 383-9468

BUILDING CODE APPEALS MEETING

December 7, 2017

5:30 P.M.

MAYOR JOHN LICASTRO

JAMES PUFFENBERGER

GREGORY BINFORD

SAMUEL T. O'LEARY, ESQ.

NANCY L. MOLNAR, RPR, CLR

DRAFT

**MOLNAR & MUNGUÍA**  
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1           MAYOR LICASTRO: Okay. It's 5:30. I'll  
2 call this meeting of the Bratenahl Board of  
3 Building Code Appeals to order. We do have a  
4 court reporter present today, Ms. Molnar, thank  
5 you. The board members are to my left, Jim 17:30:26  
6 Puffenberger, who sits on the Board as President  
7 Pro Tem of Council; Greg Binford, who is the  
8 resident freeholder. We comprise the Board. We  
9 also have Sam O'Leary representing our law  
10 department, and Ms. Mary Ranney who is the 17:30:39  
11 Building Department Administrator in lieu of Tom  
12 Jaimeson who could not attend tonight.

13           The Village issued a condemnation and  
14 demolition order on this property at 10316  
15 Brighton Road on -- I believe it was August 14th. 17:30:56  
16 We were able to contact the owner. And please  
17 state your names for the record, please.

18           MR. CAEZ: I am Miguel Caez.

19           MAYOR LICASTRO: You are the owner of  
20 the property. 17:31:09

21           MR. CAEZ: Yes.

22           MAYOR LICASTRO: And Counselor?

23           MR. MEYER: Andrew Meyer.

24           MAYOR LICASTRO: Thank you. So the  
25 order was issued and stands pending your appeal 17:31:14

1 of that order, which is why we are here today.  
2 Now, for clarity and sense of purpose, I've asked  
3 Ms. Ranney to give us a summary of the nature and  
4 substance of the Village condemnation order.

5 Ms. Ranney, would you please. 17:31:33

6 MS. RANNEY: Yes, Mayor.

7 MR. O'LEARY: I'm sorry, just as a  
8 procedural formality, those who are going to be  
9 providing testimony this evening should be sworn  
10 in, if we can briefly. So I would ask, I guess,  
11 Mr. -- is it Caez? 17:31:43

12 MR. CAEZ: Yes.

13 MR. O'LEARY: Mr. Caez and, Mary, since  
14 you're going to be putting the memo forward, if  
15 you wouldn't mind also just raising your right  
16 hand. 17:31:57

17 Mayor, would you like to say the oath or  
18 would you like me to do it?

19 MAYOR LICASTRO: Go ahead, Sam, please.

20 MR. O'LEARY: So if you would. Thank  
21 you. 17:32:03

22 (Whereupon, all witnesses were sworn  
23 in.)

24 MR. O'LEARY: Thank you.

25 MAYOR LICASTRO: Ms. Ranney. 17:32:13

1 MS. RANNEY: Yes, Mayor. So this  
2 property at 10316 Brighton Road, the Building  
3 Department has been dealing with for several  
4 years. Dealing with everything from exterior  
5 property maintenance issues and finally some  
6 interior issues.

17:32:27

7 And, again, as you mentioned, Mayor, Tom  
8 Jaimeson couldn't be here tonight. We have a  
9 memo on behalf of the Building Department and  
10 himself that I would like to read for the record  
11 and I have copies for the Board.

17:32:39

12 So it is to the Board of Building Code  
13 Appeals to the board members from Tom Jaimeson,  
14 the Building Director of the Building Department  
15 regarding 10316 Brighton Road and the notice of  
16 demolition and condemnation.

17:33:00

17 Violations to the exterior structure and  
18 yard areas have been documented for several  
19 years. Code violations have existed since 2008.  
20 The homeowner at the time was notified repeatedly  
21 under the exterior maintenance program resulting  
22 in a lack of compliance.

17:33:13

23 In 2014, the owner at the time requested  
24 a point of sale inspection, which allowed me, Tom  
25 Jaimeson, to inspect the interior of the home. I

17:33:30

1 identified 39 violations. Of particular concern  
2 is the rear elevation where the upper deck/roof  
3 is falling apart and impacting exterior walls,  
4 windows, doors, stairs, and gutters. I'm also  
5 concerned about the defective interior structural  
6 framing, load-bearing beams, columns, floor  
7 joists and walls.

17:33:46

8 The mechanicals, HVAC, electric and  
9 plumbing are deteriorated and unsafe. I noted in  
10 the 2014 that demolition should be considered.  
11 And he did notate that on the report.

17:34:02

12 The home has sat vacant and blighted  
13 ever since. I have observed weeds and grass as  
14 high as 24 inches of which the Village abated due  
15 to lack of response from the current owner. I  
16 have observed a dilapidated and unsafe fence and  
17 evidence of animal infestation. Again, notices  
18 were sent to the current owner, which resulted in  
19 no remedy.

17:34:16

20 Continued neighbor complaints and  
21 follow-up of violation notices initiated my most  
22 recent inspection of the home on July 11th of  
23 this year. I have observed an abandoned,  
24 neglected and blighted condition at 10316  
25 Brighton Road. The single-family dwelling is

17:34:29

17:34:44

1 structurally unsafe, compromised, presents a  
2 hazardous condition. I issued a condemnation and  
3 demolition notice on August 14, 2017, and it is  
4 my professional opinion that it be enforced.

5           MAYOR LICASTRO: Thank you, Ms. Ranney. 17:34:57  
6 Accompanying that, I think you have the  
7 inspection reports with all the specifics, do you  
8 not?

9           MR. MEYER: Yes.

10           MAYOR LICASTRO: As do the Board members 17:35:05  
11 as well. Before I ask for questions or  
12 presentation from the applicants for appeal, any  
13 questions from the Board members at this point?

14           MR. BINFORD: Not at this point.

15           MAYOR LICASTRO: Mr. Puffenberger? 17:35:22

16           MR. PUFFENBERGER: I do, one very  
17 quickly just to clarify. I believe, Ms. Ranney,  
18 that you said that nothing had been done since  
19 the original order in September of 2014; is that  
20 correct? There had been no improvements since 17:35:34  
21 2014?

22           MS. RANNEY: No.

23           MR. PUFFENBERGER: Okay. That's all I  
24 need to know.

25           MAYOR LICASTRO: And also in our packet 17:35:40

1 we have pictures of the interior that shows some  
2 of the conditions described not only in Ms.  
3 Ranney's presentation, but the inspection report  
4 itself.

5           So, Gentlemen, having heard a summary of  
6 the Village's approach and explanation of our  
7 course of action, what is it you'd like to share  
8 with the Board?

17:35:51

9           MR. MEYER: Mr. Chairman and Board, my  
10 client understands that there's issues at the  
11 premises, but most of those issues he was  
12 unfamiliar with until comparatively recently.  
13 He's owned the property since September of last  
14 year. During that time, he understood it to not  
15 have any issues from the previous buyer.

17:36:02

17:36:18

16           Once he found that out, he was  
17 surprised. He grappled with it a bit. He also  
18 had to deal with Hurricane Maria during that  
19 time. He's sorry for the time that it has taken,  
20 but at this point, he has, as I think the  
21 Building Commissioner can note, he has been --  
22 he's been up here. He's been active with looking  
23 at resolutions.

17:36:35

24           In fact, he's met with a contractor  
25 who's given him additional advice, additional

17:36:51

1 avenues of compliance. His original intention  
2 was possibly to sell the property to someone. He  
3 did have a buyer lined up who is willing to take  
4 it according to the condemnation notice, rehab it  
5 with an extension of time.

17:37:11

6           After consultation with the contractor,  
7 however, he's realized he just wants to do this  
8 himself and he wants to do it quicker. He just  
9 needs a little bit of time to get -- one, to get  
10 a formal estimate from the contractor. He needs  
11 to evaluate. He's perfectly willing to demolish  
12 this himself if need be. He wants to find out  
13 how much it's going to cost to rehabilitate  
14 fully.

17:37:26

15           The contractor thinks it can be done,  
16 thinks it can be done at a price point that he'd  
17 be comfortable with in a time span that I think  
18 would be fair to the city. Perhaps three to six  
19 months is what he was quoted. If not, he's  
20 willing to demolish it himself. He'd like a  
21 couple months to get fair bids, fair quotes, in  
22 order to not overpay for it, but to proceed  
23 promptly and abate the nuisance in that way.

17:37:40

17:37:53

24           So my client is willing to proceed and  
25 take full responsibility of the issues there. He

17:38:11



1 just needs a little bit of time. He needs to get  
2 the estimate from the contractor to see what  
3 exactly he's looking at and then we'd be glad to  
4 set benchmarks. We'd be glad to -- my client  
5 would be glad to work with the city in whatever  
6 way that they most think is fair and appropriate.

17:38:31

7 And if he doesn't meet the benchmarks,  
8 then he's out of compliance with the amended  
9 notice. So we're just looking for a fair  
10 resolution that -- this property is going to get  
11 fixed. It's going to get fixed in a reasonable  
12 time frame. He just wants the opportunity to go  
13 about that.

17:38:46

14 MR. BINFORD: Has the contractor  
15 reviewed the notice of violations?

17:38:58

16 MR. MEYER: My understanding is he has  
17 that.

18 MR. CAEZ: Yes.

19 MR. BINFORD: When was the last time you  
20 met with him?

17:39:05

21 MR. CAEZ: Today.

22 MR. BINFORD: When was the first time  
23 you met with him?

24 MR. CAEZ: Yesterday.

25 MR. MEYER: He did have issues with his

17:39:13

1 family and with safety concerns in Puerto Rico,  
2 he didn't have an opportunity to come up before  
3 now. Now that he's here, he's taking proactive  
4 steps. He's moving forward. We have a game  
5 plan. We know what we're doing. He's retained  
6 me in this time. He's not going to let this  
7 slide.

17:39:30

8 MR. BINFORD: Who is the contractor?

9 MR. MEYER: Do you want to get it out?

10 MR. PUFFENBERGER: You mentioned the  
11 contractor is in Puerto Rico?

17:39:45

12 MR. CAEZ: No, it's here.

13 MR. PUFFENBERGER: I thought you  
14 mentioned the contractor was in Puerto Rico.

15 MR. MEYER: He's from Puerto Rico.

17:39:54

16 MR. PUFFENBERGER: That I understood.  
17 You purchased the property a year ago?

18 MR. CAEZ: Yes.

19 MR. PUFFENBERGER: Did you purchase it  
20 unseen?

17:40:00

21 MR. CAEZ: Yes.

22 MR. PUFFENBERGER: So that's why you  
23 weren't aware of all the issues that the property  
24 had and no one made you aware of the inspection  
25 report from 2014?

17:40:08

1 MR. CAEZ: Correct.

2 MS. RANNEY: May I interject? If his  
3 representative or whoever facilitated the sale  
4 would have done their due diligence, they would  
5 have found a point of sale was required to 17:40:21  
6 transfer again, so it never happened. I don't  
7 know. Sometimes that happens. So a new one --  
8 the 2014 report was only good for one year. So  
9 he should have gotten -- he should have done the  
10 sale, the inspection, paid for it, gotten a 17:40:37  
11 revised report, Tom would have gotten back, Mr.  
12 Meyer, and you would have been well aware of  
13 these violations, if not more. It's been three  
14 years.

15 MR. MEYER: What's past is past. 17:40:47

16 MS. RANNEY: I understand. I'm just  
17 saying it's unfortunate he didn't know ahead of  
18 time.

19 MAYOR LICASTRO: By the way, we  
20 acknowledge the extreme effort you made to get 17:40:56  
21 here from Puerto Rico. I know you struggled. We  
22 had to continue this several times as you were  
23 unable to leave the island, so we're glad you  
24 made it here safely.

25 So, gentlemen, we've had this type of 17:41:09

1 situation before where a property was scheduled  
2 for demolition after being condemned. And the  
3 path we've offered, we will offer to you tonight.  
4 And that is, if you can put together a plan of  
5 action that shows work to be done, benchmarks as  
6 far as time, et cetera, I hope the Board will  
7 consider allowing that, but to protect the  
8 Village, what we've done in other instances is  
9 we've had the owner put money in escrow that  
10 protects us and makes certain that these  
11 timelines and benchmarks are met and also puts  
12 money aside if, indeed, demo needs to proceed.

17:41:23

17:41:40

13 Now, what that dollar amount is needs to  
14 be discussed and negotiated. We also need to  
15 see, of course, the amount of work you deem  
16 necessary to bring the property up to our code.  
17 So we can -- if you're willing and the Board is  
18 willing to be flexible and generous, we can give  
19 you a time to do that with the understanding that  
20 you or your attorney will have to contact our law  
21 department to draw up the nuances and details of  
22 using other agreements we have as a template.

17:41:54

17:42:12

23 Sam, did I miss anything on that?

24 MR. O'LEARY: No, sir. If the Board  
25 were so inclined to consider that choice and Mr.

17:42:27

1 Caez as well, then we could draft an agreement to  
2 that effect based on the information that comes  
3 forward about the timeline and the work that  
4 needs to be done as you mentioned, informing the  
5 dollar amounts, et cetera.

17:42:44

6           MAYOR LICASTRO: And speaking on Mr.  
7 Caez's behalf, not that that's my place, but the  
8 fact that you just saw it for the first time  
9 yesterday is something to consider.  
10 Unfortunately, you hadn't seen it prior. So  
11 given that fact and other things, I think it's  
12 something I'd ask the Board to consider if indeed  
13 you think that approach makes sense.

17:42:53

14           MR. MEYER: I think that would be an  
15 appropriate approach. My client is onboard with  
16 that. And actually, just along those lines and  
17 again to show his commitment to this, when I was  
18 first retained, I asked him if he wanted -- since  
19 it is problematic to come from Puerto Rico to  
20 here, I asked him if he wanted me to just appear  
21 on his behalf. He was so insistent on  
22 confronting the issues and getting this resolved  
23 personally, he insisted on coming himself. And I  
24 think that attests to his mind frame and the  
25 seriousness that he takes it.

17:43:04

17:43:20

17:43:34

1           MAYOR LICASTRO: And we've only met Mr.  
2           Caez in the last couple days, but he seems very  
3           sincere. We want viable property that's safe for  
4           habitation, as do you. How we achieve that end  
5           remains to be seen. Hopefully we can get there 17:43:49  
6           more easily than other options, but so what is  
7           the Board's feeling on this? Are you willing to  
8           allow them the path I just described?

9           MR. PUFFENBERGER: Given an appropriate  
10          escrow and given an appropriate timeline, I'd 17:44:05  
11          certainly be willing to. I'd hate to see what  
12          probably at one point was a beautiful home  
13          destroyed. We've had this conversation before  
14          with other homes and I hate to see that happen.  
15          So if it is rehabable, if that's a word, then I 17:44:18  
16          would prefer that route if, again, we have  
17          appropriate escrow and promises to make it happen  
18          and appropriate timeline. In looking at these  
19          pictures, I have some doubts whether it's even  
20          possible, but if it is, I'd rather go that route. 17:44:33

21          MAYOR LICASTRO: Mr. Binford.

22          MR. BINFORD: I agree with everything  
23          that you just said. I would prefer if we can set  
24          an initial deadline for getting those pieces into  
25          place in terms of when do we come up with what 17:44:47

1 the escrow is going to be and when do we come up  
2 with the initial.

3           MAYOR LICASTRO: Thank you. Using the  
4 template we've established with other properties,  
5 you'll have to come up with that plan of action,  
6 with benchmarks, et cetera, with an agreement on  
7 monies in escrow, which then have to be approved  
8 by Village Council. The Council meets the third  
9 Wednesday of every month. The 20th is our  
10 meeting in December. I'm not sure if that's  
11 doable given the fact it's not that far away, but  
12 that agreement, once both parties sign off, has  
13 to be confirmed by Council, which means that not  
14 only do we as a Board have to think that a viable  
15 option, but the Council does as well.

17:45:01

17:45:14

17:45:32

16           So I'm going to let the comments of the  
17 Board resonate and ask that the two of you  
18 consult with our legal department. Mr. O'Leary  
19 and Mr. Matty know our intent. And again, we've  
20 done this before. So if you can work to a  
21 timeline that's reasonable and agreeable, I think  
22 it's the intention of the Board, from what I've  
23 heard, to allow this to proceed.

17:45:48

24           Is that a fair representation of your  
25 feelings, gentlemen?

17:46:03

1 MR. BINFORD: From my perspective, yes.

2 MR. PUFFENBERGER: It is.

3 MAYOR LICASTRO: Okay. Then I ask that  
4 we continue this meeting until it needs to be  
5 reconvened either to consider condemnation or 17:46:11  
6 indeed a rehab order. If the order and agreement  
7 is done quickly, we might not even have to  
8 reconvene this Board. We can then circumvent  
9 this process and go right to Village Council as  
10 the agreeing party to this legally binding 17:46:33  
11 document that has been crafted by both your  
12 attorney and our legal department as well.

13 So I'd ask that -- any further comment  
14 from the Board members?

15 MR. PUFFENBERGER: I'm fine. 17:46:47

16 MR. BINFORD: I'm fine.

17 MAYOR LICASTRO: Mr. O'Leary?

18 MR. O'LEARY: This might be the next  
19 words out of your mouth, but I would ask for a  
20 motion to hold the order in abeyance either for a 17:46:55  
21 time certain or, you know, until such time as we  
22 have further resolution.

23 MAYOR LICASTRO: That was my next step  
24 of action. You've learned to read my mind. It  
25 is a short story. 17:47:10





1           MR. CAEZ: By the end of January, have  
2 an agreement and then we go from there?

3           MAYOR LICASTRO: We can have an  
4 agreement very quickly. Whether or not that's  
5 enough time to craft your plan of action is what  
6 we're looking from you. 17:48:19

7           MR. MEYER: That's not the deadline of  
8 getting everything done. That's the deadline of  
9 the agreement where we figure out what we're  
10 doing. 17:48:31

11          MR. BINFORD: The intent of it is if we  
12 haven't come to some understanding of what the  
13 road plan is going to be, then we'll meet again.

14          MAYOR LICASTRO: Or perhaps it goes to  
15 Council at the February meeting and they sanctify  
16 the agreement, which would then start the  
17 timeline with dates certain, three months, six  
18 months, eight months, whatever it is. Again, we  
19 want to be reasonable with you, sir, and I think  
20 we are being reasonable, but understand this  
21 property has been blighted and an open sore on  
22 the Village for many years. We need to resolve  
23 this. 17:48:56

24           And you might do further research and  
25 decide that condemnation and demolition is a 17:49:06

1 preferable option. Let's wait to see how the  
2 process proceeds. So the motion has been made  
3 and seconded.

4 Ms. Ranney?

5 MS. RANNEY: Can I interject? You 17:49:17  
6 touched on doing their research. And in one of  
7 the items, Tom Jaimeson wanted a structural  
8 engineer or architect to evaluate some of the  
9 structural areas, the beams, there's a lot of  
10 beams in the home, which I think would be part of 17:49:30  
11 the agreement and part of the rehab.

12 This report is three years old and it  
13 has sat vacant for three years. I know they want  
14 to put numbers to it, but they may want to  
15 consider a fresh inspection. 17:49:44

16 MAYOR LICASTRO: So, gentlemen, the  
17 Building Department is here as a resource. Ms.  
18 Ranney is the contact person. She's very  
19 competent. But if you are indeed going to  
20 present a plan of action, you're going to have to 17:49:55  
21 be specific to address structural concerns,  
22 safety concerns, et cetera.

23 So as much as you can do to involve  
24 professionals that give us opinions that are more  
25 than just a layman's opinion, it would further 17:50:04

1 your case, so I would strongly recommend you  
2 consider that option.

3 MR. O'LEARY: And, Mayor, if I could, to  
4 that point, we would ask for your cooperation as  
5 well with respect to permission for those 17:50:14  
6 inspections, because obviously to work  
7 cooperatively in that way, the inspectors will  
8 need access to the interior of the home at some  
9 point, which they haven't had in several years.

10 MR. CAEZ: Adding to that, the biggest 17:50:28  
11 concern with the compliance, the document, that  
12 was the first thing that we went with the  
13 contractor. And I just told him, "Is this safe  
14 in here or not?"

15 And he just saw that water was just 17:50:44  
16 coming in, so that is why it was like this.  
17 Structurally, when I addressed him like, "Is this  
18 structurally safe?"

19 He said, "On my basic opinion,  
20 professional opinion, yes. It just needs to be 17:50:56  
21 done perfectly and that will be fine."

22 We went to the basement, which we  
23 thought the water was going to be inside and  
24 there was nothing there.

25 MAYOR LICASTRO: And, Mr. Caez, that 17:51:12

1 might differ from the opinion offered by our own  
2 inspector, which is why we suggest you have a  
3 professional give us a formal opinion.

4 MR. MEYER: We want to do it right. It  
5 wouldn't make sense for my client to do the work 17:51:23  
6 and it not to be enough to either pass the city's  
7 standards or to be enough for his own purposes,  
8 so we'll certainly cooperate in that regard.

9 MS. RANNEY: Permits have to be pulled  
10 and inspections along the way. 17:51:39

11 MAYOR LICASTRO: Before I ask for a vote  
12 on the motion, let me just make this clear. We  
13 are also here to protect your interest. You're  
14 now a homeowner in Bratenahl and we want to make  
15 sure you don't go down a path that doesn't lead 17:51:49  
16 to our mutual purpose. So we're here to help you  
17 along the process and get this, as I said, to be  
18 a viable residence either in rehabbing or tearing  
19 it down and starting over.

20 So any further discussion or comments on 17:52:02  
21 the motion? All right. Roll call on the motion?

22 Mr. Binford?

23 MR. BINFORD: Aye.

24 MAYOR LICASTRO: Mr. Puffenberger?

25 MR. PUFFENBERGER: Aye. 17:52:11

1           MAYOR LICASTRO: Myself aye as well.

2     Yes.

3           MR. CAEZ: I want to just say something.

4     Really, me driving around this city was really

5     beautiful and the community is like amazing. So 17:52:19

6     what you guys are doing here and what we are

7     doing here right now definitely is going to make

8     it better, so thank you very much for having me

9     here. And it was definitely a pleasure meeting

10    you in person. We talked and we e-mailed. And, 17:52:36

11    Mayor, thank you very much for having me here.

12           MAYOR LICASTRO: Well, sir, you're now

13    part of our community. We hope you're this happy

14    going forward.

15           MR. CAEZ: Thank you. 17:52:48

16           MAYOR LICASTRO: Any other comments from

17    the Board?

18           MR. BINFORD: Thank you for being here.

19           MR. PUFFENBERGER: Thank you for making

20    the effort to come up here. 17:52:54

21           MAYOR LICASTRO: I'll entertain a motion

22    to adjourn.

23           MR. BINFORD: So move.

24           MR. PUFFENBERGER: Second.

25           MAYOR LICASTRO: All in favor of the 17:53:01

1 motion?

2 Ayes: 3. Nays: 0.

3 MAYOR LICASTRO: Thank you very much.

4 (Meeting adjourned at 5:53 p.m.)

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CERTIFICATE

I, Nancy L. Molnar, do hereby certify that as such Reporter I took down in Stenotypy all of the proceedings had in the foregoing transcript; that I have transcribed my said Stenotype notes into typewritten form as appears in the foregoing transcript; that said transcript is the complete form of the proceedings had in said cause and constitutes a true and correct transcript therein.

\_\_\_\_\_

Nancy L. Molnar, Notary Public  
within and for the State of Ohio

My commission expires June 22, 2018.