

**PROPERTY MAINTENANCE APPEALS BOARD
Monday, September 12, 2022 at 1:00 p.m.
141 N. Front Street Columbus, OH 43215
First Floor Conference Room**

The Property Maintenance Appeals Board met at 141 N. Front Street – First Floor Conference Room, at 1:03 p.m. on September 12, 2022. The following members were present:

**Pamela Palmer, Chair
Alex Macke
Katie McCann
Scott Wolf**

City Attorney Robert Tobias was present as counsel to the Board. Property Maintenance Inspection Specialist Cassandra Scurlock was present as Board Secretary.

Old Business:

None.

New Business:

PMA-474 and PMA-475 and PMA-476

The appellant, Catherine Cunningham, submitted an email to Board Secretary Cassandra Scurlock requesting to table the appeals until October 10, 2022. Board Secretary presented the request to the Board and read the following from the email "The BZA has tabled the zoning appeal hearings until it's meeting on September 29, 2022. Therefore, the appellant/property owner requests that the Property Maintenance Appeals Board table or continue the hearings currently scheduled for September 12, 2022 until the Board's October meeting".

A motion was made by Alex Macke and seconded by Joyce Bruce to table PMA-474, PMA-475 and PMA-476 until October 10, 2022. Motion granted 4-0.

Table Appeal to October 10, 2022, 4-0

PMA-482

The appellant, Scott McEndree, was present. Code Enforcement was represented by Code Enforcement Officer (CEO) Jose Shipe. The tenant, Linette Nivins, was also present.

CEO Shipe provided testimony explaining the exhibits of the case packet along with the current condition of the violation property, which was a violation of CCC 4523.04 and 4525.05, for a ceiling fan in the master bedroom that was unusable due to being deemed an electrical hazard by the fire department.

The appellant, Scott McEndree presented the Board with exhibits, including an internet search with information about replacing ceiling fan blades with larger ones, and the potential adverse

effect on the fan. Mr. McEndree also included a copy of the lease, which includes a section of responsibility for damages caused by the tenant. Board Chair Palmer asked if he has asked the tenant to change the fan back. Board member Macke asked if he has evicted a tenant before for lease violations. Board member Macke also asked if he has considered removing the fan and installing a flush-mount light, or perhaps removing the fan and installing a cap.

The tenant, Linette Nivins, asked to address the Board. Ms. Nivins said that the landlord has known the blades were different and never said anything about it, until the fan went-out and then it became an issue. She added that she believes there are other electrical issues, and that he also cut her plants and flowers, and that she is paying for exterior lights. Board member Macke said they are only addressing the violations written by City Code. Ms. Nivins also commented on the use of the garbage disposal, and that the landlord provided a hex-key to operate the disposal when it wouldn't turn on, but she does not want to use the hex-key. CEO Shipe said that there are a few remaining interior and exterior violations, but that the violation regarding the fan were the only code sections being appealed. Board Chair Palmer reiterated that they were only going to address the notice and that the Board cannot enforce a lease violation.

Board Secretary Scurlock addressed the Board and Mr. McEndree to caution the landlord about removing the fan and capping the area, and said that if there is a switch, then it would have to operate something (ie: ceiling fan or light), because that is part of the supplied facility.

A finding of fact was made by the Board, to accept the evidence submitted regarding CCC 4523.04 and 4525.05 and to accept the testimony as true and accurate. A motion for the finding of fact was made by Katie McCann and seconded by Alex Macke. Motion granted 4-0.

A motion was made by Alex Macke and seconded by Katie McCann to deny the appeal. Motion granted 4-0.

Deny Appeal, 4-0

PMA-483

The appellant, Paul Achey, submitted an email to Board Secretary Cassandra Scurlock requesting to table the appeals until October 10, 2022. Board Secretary presented the request to the Board and read the following from the email "Cut the excess vegetation/grass and picked up more debris and trash in this area. Is it possible to reschedule this hearing? I'm scheduled to work on the 12th and probably won't be attending the PMAB meeting". Code Officer Gary Harris was present and stated that Code is not opposed to a continuance.

A motion was made by Katie McCann and seconded by Scott Wolf to table PMA-483 until October 10, 2022. Motion granted 4-0.

Table Appeal to October 10, 2022, 4-0

A motion was made by Katie McCann and seconded by Alex Macke to accept the August meeting minutes from August 8, 2022. Approved 4-0

There being no further business, Katie McCann made a motion to adjourn the meeting at 1:34 pm, seconded by Scott Wolf. Meeting adjourned 4-0


Pamela Palmer
Chairperson


Cassandra Scurlock
Secretary