

Building Committee – February 2, 2023

Attendees: Chairman Chris Bell (CB), Councilman Jerry Canton (JC), Ruth Griswold RG, Dave Hocevar (DH)

The meeting was called to order at 8:06 a.m.

RG discussed issues she is encountering while continuing to address outstanding construction deposits. Part of the recently amended amended ORD 1440.06 subsection (f) is proving problematic (bold & underlined):

*"...which forfeiture may be appealed by the depositor and/or owner by submitting an appeal in writing and emailing, hand-delivering, or mailing such appeal to the Village within ten (10) business days not including weekend days or holidays **from the date of the certified mail return receipt of the notice of forfeiture.**"*

Per RG, a date is frequently not written by the signee upon receipt of the certified letter. Additionally, there are instances when many weeks pass after mailing the certified letter(s) and SRV never receives a return receipt.

The committee reviewed suggested amendment language written by the Solicitor and agreed to take this to Council. The proposed amended language reads (changes bold & underlined):

1440.06 CONSTRUCTION DEPOSITS AND CERTIFICATES.

*"(f) Whether or not the deposit was made prior to the effective date of this subsection, when more than twelve months have passed since the making of any initial deposit required under this Chapter 1440, and further, where no significant activity is occurring with regard to the construction activities associated with such deposit, then the Building Inspector shall cause a notice to be sent to the depositor and owner setting forth any Village requirements then outstanding, and allowing said depositor and/or owner 30 days to remedy such deficiencies. After the expiration of such 30 days, if the deficiencies have not been remedied, the Building Inspector shall cause a notice of forfeiture to be sent by certified mail **and regular mail** to the depositor and/or owner, which forfeiture may be appealed by the depositor and/or owner by submitting an appeal in writing and emailing, hand-delivering, or mailing such appeal to the Village: **(i) within ten (10) business days not including weekend days or holidays from the date that the certified mail return receipt of the notice of forfeiture was signed, or if such signature date is not evident from the certified mail return receipt, then the date the certified mail return receipt of the notice of forfeiture was received by the Village; or (ii) in the event that no certified return receipt of the notice of forfeiture is received by the Village and the notice of forfeiture sent by regular mail was not returned to the Village for failure to forward or other reason, within twenty (20) business days not including weekend days or holidays from the date that the Village mailed the notice of forfeiture by regular mail.** If no such appeal is timely received by the Village, said deposit shall be forfeited to the Village. At Council's discretion, all or a portion of such deposit may be refunded to said depositor and/or owner. In such event, Council may also determine*

to retain a portion of such deposit in order to defray any reasonable cost to the Village associated with the forfeiture procedure, including, but not limited to, office overhead, postage, labor, and legal expenses.”

Due to concerns raised at January’s special Council meeting, the Building Inspector visited 12 Louise Drive to speak with the resident about the property’s septic system. No issues were discovered at that time. The resident and Building Inspector will be meeting again to further discuss the septic system.

There were no building or zoning issues that needed the committee’s attention at this time.

RG reported that she wants to go live with City Force on March 1 within the Building Department. She still has concerns about some parts of the data import. She plans to run parallel both the old and new systems for a month or two so she can figure out any kinks. The public portal will not be available until RG is comfortable that the new system is operating sufficiently.

The meeting adjourned at 8:37 a.m.

Submitted by Chris Bell, Chairman