

TOWN OF LONG BEACH
TOWN COUNCIL
SPECIAL MEETING July 18, 2019
6:00 P.M.

Attending were Council President Bob Lemay, and Councilpersons Jane Neulieb, Pete Byvoets, Joy Schmitt, Deputy Clerk Deanna Carlson in Clerk-Treasurer Bill de Funiak's absence, and Attorney Chris Willoughby; Marilyn Jones & Co., Videographer, Becky Lempa, Court Reporter. Also present were Steve Wilson of Wilson Construction & Renovation, LLC; Attorney John Wojcik, representing Steve Wilson; Lou Mellen, Long Beach Building Inspector; and Building Commission Member Joe Jogmen. Clerk-Treasurer Bill de Funiak and Councilperson Nick Meyer were absent. There were 4 public attendees which included Long Beach Police Officer Jason Yagelski.

The Notice of Special Hearing was published in the News-Dispatch on July 5, 2019 and the hearing was held to discuss "the suspension and revocation of a contractor registration permit issued to Steve Wilson Construction & Renovation, LLC, pursuant to Title XV, Chapter 150; 150.36".

After the Pledge of Allegiance President Lemay stated the Building Commission recommends the Town Council's revocation of Steve Wilson's registration for repeated violations of following approved plans and ignoring a Stop Work Order. Attorney Willoughby mentioned the notice of hearing and the ground rules of the meeting.

Long Beach Building Inspector Lou Mellen spoke, stating:

- The northside footers on the house require a 48" depth and Wilson had 36" depth; inspection failed.
- Wilson was going to raise the grade to one foot to elevate; altered topography.
- \$450,000 project for renovation of house. Lou thought a new house was the goal; the cost is in question.
- Front of the house foundation was moved 3 feet further south which prevented 3 parking spaces. Because of elevation, he could not comply with the code or requests from commission.
- Made no effort to comply
- Removed the stop work order issued a days before the citation was issued January 18, 2019.
- Added gravel to alter topography; done after citation issued.
- No variances sought to correct or comply.
- No C of O granted.
- Wingwalls are in parking spaces.

- To date, out of compliance.
- Stop Work Order was for exterior work.
- Patio not in the original plans.

Joe Jogmen with the building department spoke:

- He was on-Site once
- Concerned about getting 3 parking places shown on site plan. Never materialized.
- Setback issues; plans showed the house to be moved back 3 feet.
- There were attempts by Wilson to make corrections.
- Gave Stop Work Order because the commission never got answers or corrections.
- Gravel not approved; it was placed after Stop Work Order.

Jane Neulieb questioned Joe Jogmen about “the buttress”. Jogmen said that adding the slab/buttress/porch defeated the purpose of moving the house.

Willoughby asked Jogmen if Wilson disregarded approved plans.

Pete Byvoets spoke:

- Patio was installed in back
- Topography was raised
- No garage door appeared on the plans
- Recommended the contractor and homeowner to seek variances; ignored
- The Stop Work Order was not received in a friendly manner.
- Ample opportunities were given since January for corrections; ignored

President Lemay spoke:

- This is a new experience with contractors not following codes, ordinances, rules.
- The building commission holds all files with plans and permits.

Attorney Wojcik, Attorney for Wilson Construction & Renovation, LLC spoke:

- For the record – there is no “Steve” Wilson in Wilson Construction & Renovation, LLC

Wojcik’s cross examination of Lou Mellen consisted of:

- clarification of the address and property of the project – 1802 LSD
- When the project commenced – Lou mentioned April 18th application
- How many times Lou visited the site – a dozen
- What code numbers Wilson violated – Lou didn’t know off the top of his head
- Did Lou have evidence in writing?, Outside of plans?, of violations? – No evidence with him tonight.
- Lou said it was to be a “renovation”
- Lou said the Stop Work Order was issued by phone, then in person, posted on site; torn down.
- Lou states inspections lasted anywhere from 5 minutes to 25 minutes/ a dozen times between May and December 2018.
- Lou had constant communication between himself, the commission and Wilson.
- Lou agreed revised site plans from Thate came for the elevations.
- (exhibit 4) email re: elevations from Wilson to the commission and Lou
- (exhibit 3) Lou doesn’t recall seeing it.
- (exhibit 5) Lou agreed Wilson attempted to help (email from Wilson 2-19-19, one month after Stop Work Order) with issues raised by the commission.
- (exhibit 6) Lou could not recall seeing this document, the revised site plan with elevation changes by Thate.
- Wojcik wanted the exhibits, 3 – 6, admitted in minutes as part of meeting. Willoughby acknowledged.

Town Attorney Willoughby asked Lou:

- Are you familiar with the project plans? – yes
- 12 visits to the site? – yes
- Did you personally issue the Stop Work Order? – yes
- Did you issue the citations? – yes

- No plans other than the original were approved? – yes

Wojcik questions Wilson:

- Wilson states his name and company – Steve Wilson, Wilson Construction & Renovation, LLC
- Are you familiar with the books and records of the company? – yes
- Was your company paid in full for the project? – No
- Do you provide waivers of liens on jobs? – yes
- Was your company made aware of ordinances or State law or chapters of Long Beach code ordinance that the company violated? – no
- Wilson said Long Beach never named an ordinance or State Law, per se.
- Does your registration include bond and certificate of insurance and all in place? – yes
- If no Stop Work Order were issued, could you complete the job within one year of issuance of permit? – yes
- (exhibit 2) – Wilson is familiar with it – an email from Larry Wall November 2018. Wilson stated he answered the email with explanations to accommodate and met with Larry Wall at the job site to try to rectify.
- Email from Byvoets December 21, 2018 – Wilson tried to accommodate with communications.
- (exhibit 4 & 5) Emails to Wilson from Larry Wall. Regarding being within 8 inches of all grades of the property. Explained process of buttress and foundation of old original house and the new house. Wilson felt his explanations went on to “deaf ears”.
- Wilson said there were no responses from town officials on emails.
- Wilson acknowledged about the 12 visits. When Lou was on vacation Wilson did not stop work just because Lou couldn’t inspect.
- Wilson says the commission never announced what ordinance he violated, couldn’t point it out, no one could provide proof.
- Wilson acknowledged Willoughby, Wall and Wilson met at the site, deficiencies were discussed and corrections that should be made.
- Wilson said he “worked after the Stop Work Order on exterior of the house only.”

Byvoets spoke saying he believes the driveway elevation was raised and not approved. Wilson said he gave the commission a revised Thate survey. Byvoets said he “didn’t need Thate, he could take a ruler out and measure it”.

Willoughby asked about Wilson’s revised, multiple plans submitted but never approved. Wilson said there was no formal approval by the commission.

Attorney Wojcik concluded that there are many differences of opinions. There are questions of the approval process of submissions and revisions of the plans. 150.36 B – none are prevalent in this case. There were no “cited” ordinances given to Wilson. Issues just need to be work through with all involved instead of revocation of the registration/license.

Willoughby states law in Section 151.500 and subsections in the Long Beach code. Paragraph L regarding revocation. He mentions that the Council may suspend, revoke, or other such actions.

Tim Perry, homeowner of 1802 LSD and the resident at the project in question, spoke:

- He is the homeowner at 1802 LSD
- He hired Wilson Construction & Renovation, LLC and everything started out great.
- He finds out from Wilson that Perry owes Wilson more money.
- Announced that he thought he (Perry) was complying with the building commission and Larry Wall tried to help situations, but Byvoets and Jogmen always said “no”.
- He defending the original statements made about pouring the rock for the driveway.

Byvoets told Perry the BZA should be approached if the commission cannot approve documents. That did not happen. No Certificate of Occupancy has been issued, so Perry will have to go to the BZA to resolve matters.

Perry stated he has to do something about the front door having a 3 ft. drop to the ground. Perry says he “wants things to be over”.

Lemay made a motion to suspend Wilson’s registration for 6 months, with reasons being – 151.500: #7 and #10, Byvoets added to amend that motion with #6 and #9 in 151.500; Joy Schmitt seconded first motion and Byvoet’s amendment; approved 4 – 0.

All documents pertaining to this public hearing are part of this meeting file for record keeping.

Motion by Byvoets to adjourn, second by Lemay.

Meeting was adjourned at 7:45 PM.

Respectfully submitted,

Deanna Carlson
Deputy Clerk