

**VILLAGE OF CAPAC
REGULAR COUNCIL MEETING
OFFICIAL MINUTES
HELD AT THE AMERICAN LEGION HALL
115 N. MAIN ST., CAPAC, MI 48014
TUESDAY, JANUARY 16, 2024 at 7:00 P.M.**

PRESENT: President, Debra Hlubic; Council Members: Joe Herrington, Joe Nemecek
Samantha Ramirez, and Tony Vigiletti.
Travis Youatt, Village Manager, and LeAnn Brewer, Clerk

ABSENT: Mary Klug and Lynne Mandeville

PUBLIC: Dale Barnard, Chris Ford, Corey Tutt, Rob Dow, Ron Kriesch, Thomas
Gribowskas, Jessica Centarowski, Lonnie Hayes

I. CALL TO ORDER:

President Hlubic called the Village meeting to order at 7:00 p.m.

The Pledge of Allegiance to the Flag of the United States of America was recited.

A. APPROVAL OF CONSENT & REGULAR AGENDA:

Nemecek moved, Herrington seconded, to approve the amended December 16, 2023, Regular Meeting Minutes to add the motion for the approval of November 20, 2023 Minutes under the consent agenda and to add the roll call vote for the motion under Council Business, to approve the January 16, 2024 Consent and Regular Agenda as presented, and to approve bills for \$123,569.16.

Roll call vote: Herrington-Yes, Nemecek-Yes, Ramirez-Yes, Vigiletti-Yes, Hlubic-Yes
5 votes in favor, 0 opposed. Motion carried.

B. CORRESPONDENCE-PLANNING COMMISSIONER RESIGNATION LETTER:

The village president, Debra Hlubic stated that she received a resignation letter from Planning Commission Member, Neil Hargrave.

Nemecek moved, Ramirez seconded, to accept the resignation letter from Planning Commission Member, Neil Hargrave and thank him for his years of service.
Council voiced all ayes. Motion carried.

C. PUBLIC COMMENT:

Rob Dow, the Regional Construction Manager of Mercury Broadband, provided an outline of the company's mission and values. Key advantages of the business, such as having an internal point of contact in Michigan, were discussed, as well as how they want to provide Capac locals with dependable fiber-optic internet. This initiative, which is countywide, was

chosen for the bid award to set up internet via fiber optics. He introduced the team members Corey Tutt, general manager of the North Branch Office, and Chris Ford, construction manager for the Flint Market. They are thrilled to be a part of numerous Capac community activities to further establish their brand here. Mercury Broadband asked the council for help due to several permit requests being delayed in the Village.

Herrington moved, Nemecek seconded, to authorize Village Manager, Travis Youatt to sign any permits or documents pertaining to Mercury Broadband Fiber Internet. Council voiced all ayes. Motion carried.

Sandra Cox, the chair of the planning commission, presented the council with her resignation letter. Village President Debra Hlubic and Council Member Joe Nemecek expressed gratitude to her for her extensive tenure in the village and the knowledge she contributed to the planning commission.

Herrington moved, Vigiletti seconded, to accept the resignation letter of Planning Commission Chairperson, Sandra Cox. Council voiced all ayes. Motion carried.

D. PRESIDENT'S REPORT:

None

E. MANAGER'S REPORT:

Village Manager Travis Youatt gave an update on the Water Project. He stated that there may be a petition filed to take the project to a vote. As of now, the testing and engineering are moving forward. Due to compliance issues in the past, the State of Michigan mandated that the valves and wells be fixed. The project will fix the quality of water and reduce water main breaks. Grants are potentially available for up to \$5,000,000.00 for the project.

II. NEW BUSINESS:

A. HILLSTREET PROJECT BILLS APPROVAL:

Nemecek moved, Herrington seconded, to approve bills to be paid to Bendzinski & Co. Municipal Finance Advisors for \$10,000.00, Teltow Contracting Inc. for \$193,721.49, Spicer Group for \$21,589.75 and Smith & Bovill, P.C. for \$3,217.90 for a total of \$228,529.14.

Roll call vote: Nemecek-Yes, Ramirez-Yes, Vigiletti-Yes, Herrington-Yes, Hlubic-Yes 5 votes in favor, 0 opposed. Motion carried.

B. DANGEROUS BUILDINGS PUBLIC HEARING:

Nemecek moved, Herrington seconded, to close the regular meeting at 7:20 p.m. Council voiced all ayes. Motion carried.

Nemecek moved, Herrington seconded, to open the Dangerous Building Public Hearing for 138 N. Main Street at 7:20 p.m.
Council voiced all ayes. Motion carried.

1. DANGEROUS BUILDING - 138 S. MAIN STREET:

The Capac Building Official, Lonnie Hayes, provided images of the building and said that the Village had asked him to investigate the structure at 138 N. Main Street back in July. According to what he reported, an on-site inspection on July 27, 2023, revealed that the commercial building was unsafe due to large cracks in the brick exterior wall and broken windows. As a result, the building has been classified as a “dangerous building” as defined by the Village of Capac Code of Ordinance Section 6-66 (1), (2), (3), and (5)

(1) Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the village building code for a similar building or structure.

(2) Whenever any portion of the building or structure is likely to fall or to become dislodged, or to collapse and thereby injure persons or damage property.

(3) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose of which it is used.

(5) Whenever a building or structure is used or intended to be used for dwelling purposes because of dilapidation, decay, damage or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease or is likely to cause injury to the health safety or general welfare of those living near it.

Council Member Joe Herrington questioned the property owner about the building’s sagging roof.

The property owner, Scott Sheldon, stated that the structure is not a new building. He acquired the building by accident when hoping to expand the pharmacy one day. A portion of the structure is currently being used for storage, and the front window is broken. Three owners, prior, a backhoe operating on the building knocked out the brick on the façade. He claimed that the brick had been that way for 20 years and nothing had fallen, but if there was an issue with the brick façade and it needed to be tuck-pointed to keep it from collapsing, fixing it wouldn’t be a problem. He would like to see the building sold so someone can renovate it into a nice building. He stated that the goal is to get this building sold as quickly as possible, but if it’s deemed a dangerous structure that could delay that process by months, but understands safety. He asked if boarding up the window would help make the building safer. He stated that he is willing to work with the council to do whatever it takes to ensure the building is as safe as possible.

Council Member Joe Herrington believed that the brick was a structural component that rendered the building hazardous and that it extended beyond the façade.

Council Member Joe Nemecek discussed issues with the front structure's failing roof and the building's damaged brickwork.

Council Member Tony Vigiletti asked how long the property owner had owned the building.

According to the property owner Scott Sheldon, he has owned the structure since 2006.

Council Member Samantha Ramirez enquired as to when the building's issues were communicated to the property owner.

According to Building Official Lonnie Hayes, the owner was informed when the village requested the Dangerous Building Hearing.

Building Official Lonnie Hayes was questioned by Village Manager Travis Youatt about whether or not he had concluded that this structure was unsafe.

Building Official Lonnie Hayes, stated that Section 6-66 is the subject of the hearing. If the Village Council determines that the structure is not deemed unsafe, then no additional measures will be implemented. If the village council decides that the building or structure needs to be repaired, demolished, or otherwise made safe, it will make the necessary orders and set a deadline for compliance. A copy of the council's decision will also be sent to the person who received the original notice via regular mail or another method. According to him, it satisfies the criteria of the Village of Capac Code of Ordinance to be considered a "dangerous building".

Scott Sheldon, the property owner, asked the council if it would be acceptable if he boarded up the broken window, and returned within a month with a plan for the roof and façade, and gave an assurance to complete as much work as possible, weather permitting.

In the interim, as he develops a safe strategy, Council Member Tony Vigiletti recommended that the owner get a building examination to ensure the structure is secure.

Council Member Joe Nemecek said he would need an expert's opinion on tuck-pointing to fix the structure, but he feels it would be fair to work with the owner to give him a month to come up with a plan.

Council Member Joe Herrington believes this is a dangerous structure and needs to be repaired.

Village President Debra Hlubic questioned if the building would pass an inspection if the building was sold.

According to Council Member Joe Herrington, the building owner will have until next month, to present a plan that makes sense, with a reasonable timeframe to complete the repairs needed.

The property owner stated he would provide a report to the Village Council next month.

Nemecek moved, Herrington seconded, to close the Dangerous Building Public Hearing at 7:37 p.m.

Council voiced all ayes. Motion carried.

Nemecek moved, Herrington seconded, to open the Dangerous Building Public Hearing for 107 W. Church Street at 7:37 p.m.

Council voiced all ayes. Motion carried.

2. DANGEROUS BUILDING - 107 W. CHURCH STREET:

According to Lonnie Hayes, Capac Building Official, photos were obtained during an on-site inspection on July 27, 2023. Last week, he reported that nothing had changed after driving past the property. During the on-site inspection, it was discovered that the home at this address has a collapsing front porch and an ancillary structure (shed) that is in poor condition. The shed is exposed to the elements and has open walls, making it an inviting nuisance.

The shed he shed has been deemed as a “dangerous building” as defined by (1), (3), & (4) the porch has been deemed as a “dangerous building” as defined by Section 6-66 (2), (3).

(1) Whenever any portion has been damaged by fire, wind, flood, or by any other cause in such a manner that the structural strength or stability is appreciably less than it was before such catastrophe and is less than the minimum requirements of the village building code for a similar building or structure.

(2) Whenever any portion of the building or structure is likely to fall or to become dislodged, or to collapse and thereby injure persons or damage property.

(3) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purpose of which it is used.

(4) Whenever a building or structure has been so damaged or deteriorated that the interior of the building is exposed to elements and is accessible to the entrance by trespassers, and may become an attractive nuisance to children who might play therein to their danger.

Thomas Gribowskas, the property owner, talked about issues with the collapsing porch and shed, and stated that he is currently seeking assistance from the Saginaw Veteran’s Health Service Center to help with housing.

Council Member Joe Herrington enquired as to whether he had received a time frame from Saginaw Veteran’s Health Service Center.

The property owner, Thomas Gribowskas, said that he contacted the Saginaw Veterans Health Service Center in December, and that they are sending him a letter.

There was discussion regarding what steps could be taken to repair the front porch, including raising the porch, and replacing the boards above.

The Village President, Debra Hlubic, asked if Mr. Gribowskas had sent the notice from the Construction Code Authority letter to the Saginaw Veterans Health Service Center.

Council Member Joe Herrington asked if Mr. Gribowskas had contacted Habitat for Humanity for any assistance.

Council Member Joe Herrington recommended giving Mr. Gribowskas more time but in the meantime, he advised attempting to get in contact with Habitat for Humanity, or other organizations that have volunteers available to assist with the repairs.

Due to weather conditions, Council Member Joe Nemecek suggested extending the time frame until June, at which point the council could revisit any outstanding issues.

In order to keep a copy on file, Council Member Joe Herrington asked that Mr. Gribowskas bring any correspondence he receives from the Saginaw Veterans Health Service Center to the Village Office.

According to Village President Debra Hlubic, the council has decided to give Mr. Gribowskas an additional six months and to keep them informed about the status of the Saginaw Veteran's Health Service Center.

**Nemecek moved, Herrington seconded, to close the Dangerous Building Public Hearing for 107 W. Church Street at 7:50 p.m.
Council voiced all ayes. Motion carried.**

**Nemecek moved, Herrington seconded, to open the Dangerous Building Public Hearing at 7:50 p.m. for 415 N. Walker Street.
Council voiced all ayes. Motion carried.**

3. 417 N. WALKER STREET:

According to Building Official Lonnie Hayes, Mike from Construction Code was the original inspector, and he was not involved in the initial complaint. On July 27, 2023, Mr. Hayes performed an on-site assessment of the house and sent pictures. He discovered a dilapidated residential building with damage and missing roof shingles, rendering it unfit for its intended use. As a result, the residential building has been classified as a "dangerous building" under Section 6-66 (3).

(3) Whenever for any reason whatsoever the building or structure or any portion is manifestly unsafe for the purposes of which it is used.

Jessica Centarowski, the property's owner, questioned who had filed the complaint and stated that she had been fixing the house for the last two.

Village Manager Travis Youatt, explained the procedure: the Construction Code is informed to conduct an Inspection following a complaint about a building structure deemed unsafe by the village.

Council Member Joe Herrington inquired as to whether this was the same address where the pool had been removed.

Village Manager Travis Youatt explained that the reason for this dangerous structure was during Mike's initial inspection of the pool, The Construction Code Authority discovered structural problems with the home which the homeowner had also addressed.

Council Member Tony Vigiletti confirmed that according to the photographs, repairs are needed.

The owner of the property, Jessica Centarowski, said that stray cats scratching at the shingles this past summer caused them to come off. She plans to have them fixed.

The council discussed photographs that were taken from the onsite inspection in July 27, 2023.

For clarification, Building Official, Lonnie Hayes said that the photographs are based on what he discovered during the July 27, 2023, on-site inspection. He clarified that whether or not the house has structural issues, they are hidden from view from the exterior.

Many improvements have been made to the house since the pool was taken out, according to council member Joe Nemecek.

The homeowner, Jessica Centarowski, claimed that the home was code-compliant in 2010.

According to Council Member Joe Nemecek, this does not meet the requirements for the dangerous building criteria.

Council Member Joe Herrington questioned Building Official, Lonnie Hayes about whether or not he thought the structure was dangerous based on his observations and experience

Building Official Lonnie Hayes stated that when the village requests an investigation of a dangerous structure, that they want to have a hearing, whether it's a minor piece of siding missing, to allow the owner to come in and address the issue.

Council Member Joe Herrington suggested that the loose shingles be replaced sooner than later, before the water and snow were to get underneath them, and create additional problems for the property owner.

Nemecek moved, Herrington seconded, to close the Dangerous Building Public Hearing at 8:02 p.m.

Council voiced all ayes. Motion carried.

Nemecek moved, Herrington seconded, to reopen the regular meeting at 8:02 p.m. Council voiced all ayes. Motion carried.

DANGEROUS BUILDING MOTION - 138 N. MAIN STREET & 107 W. CHURCH STREET:

Nemecek moved, Herrington seconded that 138 N. Main Street and 107 W. Church Street be deemed as “dangerous buildings” according to Chapter 6 Section 6-66 of the Village of Capac Code of Ordinance.

Council voiced all ayes. Motion carried.

DANGEROUS BUILDING MOTION - 415 N. WALKER STREET:

Nemecek moved, Ramirez seconded, that 415 N. Walker Street is not deemed as a “dangerous building” according to Chapter 6 Section 6-66 of the Village of Capac Code of Ordinance.

Council voiced all ayes. Motion carried.

C. RESOLUTION 2024-01:

Nemecek moved, Ramirez seconded, to adopt Resolution 2024-01 The Annual Exemption Option as Set Forth in 2011 Public Act 152, The Publicly Funded Health Insurance Contribution Act.

Roll call vote: Herrington-Yes, Nemecek-Yes, Ramirez-Yes, Vigiletti-Yes, Hlubic-Yes, 5 votes in favor, 0 opposed. Motion carried.

D. MERCURY BROADBAND:

See The Above Public Comments.

III. UNFINISHED BUSINESS:

A. ZONING SITE PLAN REVIEW ORDINANCE REVISION:

The benefits and drawbacks of changing Sections 30-563, 30-147, and other sections of the Village of Capac Code of Ordinances to allow the Village Council to hear appeals of Planning Commission site plan decisions rather than the Zoning Board of Appeals were discussed by the council. Joe Nemecek, a council member, proposed changing the language to say that the Village Council must adhere to the Capac Code of Ordinances when making decisions about site plans. In order to allow the village attorney to respond to inquiries about the proposed ordinance modification, the council opted to put the issue on hold.

IV. COMMITTEE REPORTS:

A. ZONING/BUILDING REPORT:

See Dangerous Buildings above.

B. DDA REPORT:

According to Village Manager Travis Youatt, the DDA is now exploring ways to confer with people who might be able to contribute their leadership skills to Capac. The DDA is currently investigating façade and small business awards for Capac-based companies.

C. PLANNING COMMISSION REPORT

None

V. COUNCIL BUSINESS:

Council Member Samantha Ramirez inquired as to whether the Taco Bell Project was still proceeding.

Council Member Joe Nemecek discussed his concerns regarding potential future developments with reference to the revision of Section 30-563 and Section 30-147 of the Zoning Ordinance.

VI. ADJOURNMENT:

Vigiletti moved, Nemecek seconded, to adjourn the January 16, 2024, Regular Council Meeting at 8:46 p.m.

LeAnn J. Brewer
Village Clerk