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CITY OF MEDINA HISTORIC PRESERVATION BOARD

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H22-04

Building Demolition at 277 South Court Street

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Transcript of Proceedings held on Thursday, the  
2nd day of March, 2022, before the City of  
Medina Historic Preservation Board, commencing at  
approximately 5:30 p.m., as taken by  
Nicholas Glatzhofer, Notary Public within and  
for the State of Ohio, and held in Medina City Hall,  
132 North Elmwood Avenue, Medina, Ohio 44256.

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I N D E X

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SPEAKERS:

Robinette; K.	55
Richardson; K.	88
Emig; J.	110
Faunce; M.	127
Naylor; W.	156

- - -

## 1 APPEARANCES:

2 Elizabeth Biggens-Ramer, Chairwoman,  
3 Leslie Traves, Member,  
4 Paul Wood, Member,  
5 Patty Stahl, Member,  
6 Rebekah Knaggs, Member.

7 City of Medina Planning and Community,  
8 Development Department,  
9 Andrew Dutton, Community Development Director,  
10 Sarah Tome, Administrative Assistant.

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dgladish@medinaoh.org

Craig Sturgill, Applicant.

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## PROCEEDINGS

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1  
2  
3 CHAIRWOMAN: I would like  
4 to call to order the March 2nd, 2022 meeting of  
5 the Historic Preservation Board.

6 Members of the public will be provided the  
7 opportunity to address the Board. If you do  
8 so, please come to the podium, state your name  
9 and address for the record, and keep your  
10 comments to a limit of five minutes.

11 Minutes from the last meeting, have we all  
12 had an opportunity to review those?

13 (No verbal response.)

14 CHAIRWOMAN: I apologize.  
15 Any reports from staff?

16 MR. DUTTON: No, no  
17 reports.

18 CHAIRWOMAN: Do we need to  
19 do anything for the court reporter?

20 THE NOTARY: Yes. I'm  
21 going to swear everybody in before we get  
22 started.

23 (Whereupon, all those intending to  
24 testify were then placed under oath by the  
25 notary.)

1 CHAIRWOMAN: Okay. What  
2 we'll do is for the -- would you like to  
3 introduce this?

4 MR. DUTTON: Sure, yes.

5 CHAIRWOMAN: Okay. Thank  
6 you, Andrew.

7 MR. DUTTON: I'm  
8 Andrew Dutton, the community development  
9 director. I would just like to go over some of  
10 the basics of the application and what you have  
11 in the packet that was provided to you.

12 So the property is at 277 South Court  
13 Street, also known as 269. It's located on  
14 the west side of South Court Street, north of  
15 Smith Road. Adjacent land uses are  
16 multi-family residential to the south,  
17 Thyme Restaurant is to the west, and there's  
18 parking to the north and east.

19 The building was constructed in the late  
20 1800s and was originally located at the  
21 northwest corner of South Court and Smith. The  
22 building was relocated to its current location  
23 in approximately 1904.

24 The current owner purchased the property in  
25 2019 when the building was utilized for two

1           apartments. Due to safety concerns that are in  
2           the application, the building has been vacant  
3           for approximately two years.

4           The current application you have before you  
5           is the certificate of appropriateness request  
6           to demolish the building.

7           I'll note the property is located in the  
8           City of Medina Local Historic District; it is  
9           not, however, located in historic landmark --  
10          National Historic Landmark or part of the  
11          National Landmark District.

12          So you have a rather large packet tonight  
13          and it includes a number of sections. So all  
14          the sections under A, so A.1 through 13, were  
15          all provided by the Applicant. This includes  
16          the application and narrative, property's  
17          location, a copy of the pending demolition  
18          permit, exterior photos, a structural  
19          inspection report from Cramer Engineering, a  
20          structural investigation report from  
21          Wellert Corporation, demolition estimates from  
22          Butcher & Son and HSH Construction &  
23          Excavating, a pro-forma financial report,  
24          issues from a former resident, REALTOR®  
25          evaluation from Gerspacher Real Estate Group, a

1 restoration estimate from Landmark Homes, a  
2 property inspection report from The  
3 Professional Property Inspector, LLC, and a few  
4 redevelopment concepts.

5 So all of those sections, B, C, D, and E,  
6 were provided by staff or a consultant  
7 contracted directly by the City of Medina. So  
8 that includes my report; a report from  
9 Dan Gladish, City of Medina Chief Building  
10 Official; appraisal of the property by  
11 Spalding/Emig Company; architectural evaluation  
12 of the building by the Kevin Robinette  
13 Architects, LLC; and historic examination of  
14 the building by Naylor Wellman.

15 So in my report you also have a copy of  
16 Section 145.07, Medina Codified Ordinances.  
17 So this includes direction to the Board for  
18 reviewing demolition requests. It includes  
19 factors to be considered for demolition or  
20 relocation, that's found in Section  
21 145.07(c)(1). In general, the factors include  
22 architectural and historic significance of the  
23 building, its contribution to the area,  
24 conditions that are dangerous or detrimental  
25 which cannot be reasonably remedied, salvage or

1 reuse of the building, and proposed reuse of  
2 the property.

3 Also included is Section 145.07(c)(2), our  
4 standards for demolition and relocation.  
5 Again, in general, the factors include whether  
6 all economic viability -- economically viable  
7 use of the property will be deprived without  
8 approval, whether reasonable investment-backed  
9 expectations will be possible without approval,  
10 and whether economic hardship was created by  
11 the owner.

12 So the section further includes standards  
13 specifically for economic hardship; these  
14 include current economic return from the  
15 property, sales or rent in the past two years,  
16 feasible alternative uses, evidence of  
17 self-created hardship, and the owner's  
18 knowledge of the building's location within the  
19 City's Historic District at the time of  
20 purchase.

21 So the staff asks that you consider the  
22 submitted materials, testimony provided  
23 tonight, and Section 145.07(c) of the City of  
24 Medina Codified Ordinances when rendering a  
25 decision on that location.

1 Thank you.

2 CHAIRWOMAN: Okay.

3 At this point, could we have the Applicant  
4 state his name and address and review his  
5 position.

6 MR. WITSCHEY: Yes. First,  
7 my name is Frank Witschey.

8 MR. DUTTON: Frank, the  
9 microphone.

10 MR. WITSCHEY: Sorry, thank  
11 you.

12 Good evening. My name is Frank Witschey.  
13 I am an attorney with an office in Akron, Ohio,  
14 and I represent South Court, LLC, and its owner  
15 Craig Sturgill, who is the Applicant here this  
16 evening.

17 We have a presentation. Mr. Sturgill will  
18 give you some background on the acquisition,  
19 he'll tell you a little bit about the property  
20 and what he knows about it, how he came to  
21 purchase it, and then we have evidence that,  
22 you know, will either comment on reports that  
23 have been made part of the evidence package  
24 to you and, also, we have our own evidence and  
25 testimony from an engineer and from some real

1 estate specialists concerning things such as  
2 the condition of the property, the historical  
3 significance of the property, and evidence  
4 concerning restoration, economic viability of  
5 restoration, and things of that nature.

6 We also will be expressing our concern with  
7 this particular property and it actually being  
8 in such poor condition that there are imminent  
9 life and safety issues involving the property.

10 So with that, I'll turn things over to  
11 Craig and he'll give you his background.

12 MR. STURGILL: Good evening.  
13 Is there anything you needed me to state before  
14 I speak?

15 CHAIRWOMAN: Just your name  
16 and address.

17 MR. STURGILL: All right.  
18 Craig Sturgill, 445 West Liberty Street in  
19 Medina. So I guess we've got a special  
20 meeting, that makes me feel special.

21 So I wanted to briefly give a little bit of  
22 an introduction about myself and my goals as an  
23 entrepreneur in the community and then give  
24 kind of an overview about our request tonight,  
25 and then we can get into some of the topics.

1           So I've been born and raised in Medina my  
2 whole life, so has my wife. We've got two  
3 kids, one on the way, and Medina's always been,  
4 you know -- it's my whole life, you know, it's  
5 where I've lived. The Downtown Medina Square  
6 has been something meaningful to me.

7           So as I -- I own a few different companies  
8 as an entrepreneur, and real estate is my -- my  
9 vision in real estate is specifically to kind  
10 of not only be an income-producing business,  
11 but also being able to give back to my  
12 community. Every single property that I own is  
13 in the 44256 ZIP code, and my mission statement  
14 of my company is specifically to provide  
15 spectacular rental housing to residents through  
16 a simplified experience while improving the  
17 community through acquiring, renovating, and  
18 maintaining attractive properties.

19           So it's not my vision in the company to  
20 undertake new construction. There's nothing  
21 wrong with that, but it's my position that if  
22 you don't maintain the properties in your  
23 distinct community then -- you know, and you  
24 only build new that, you know, eventually  
25 that's not going to be attractive for the

1 community. So every single property that I've  
2 acquired over the past five to seven years in  
3 the 44256 ZIP code, we've done a full  
4 renovation and restoration of every single  
5 property, bringing it up to current market  
6 standards, and our belief is that improves the  
7 community while also offering attractive  
8 business economics. So that's a little bit  
9 about me.

10 So in the pursuit of these properties,  
11 and specifically 277 South Court Street, I  
12 acquired that property from a prominent  
13 owner of properties in Medina, from  
14 Washington Properties - Mike Rose - who a lot  
15 of people are familiar with. He focuses a lot  
16 on commercial buildings, not as much on  
17 residential. Residential real estate is my  
18 primary focus and -- it's my sole focus  
19 actually.

20 So we, in our negotiations, worked out, you  
21 know, an opportunity for me to acquire multiple  
22 properties. This building, 277 South Court, it  
23 wasn't my intent to pursue this building on its  
24 own, but it did go along with the rest of the  
25 properties and he was only willing to sell them

1 as a package, not individually.

2 So anyways, in an effort to make the  
3 acquisition possible -- which also included the  
4 building just south of that, which you see  
5 we've done a full restoration on, gotten a lot  
6 of compliments in the community, and we feel  
7 we've done a good job there, but in this  
8 pursuit -- so as we're going through the  
9 process and due diligence during the  
10 acquisition phase on our purchase agreement, we  
11 obviously did a property inspection on all of  
12 the units, and our property inspector report  
13 did come back with concerns about structural  
14 concerns, potential -- I don't know exactly  
15 what the wording is, it's in the report here,  
16 but considering potentially demolishing the  
17 building in lieu of making the repairs due to  
18 the cost that would likely incur.

19 Obviously I've talked with the property  
20 owner, informed him of this report. He didn't  
21 feel it was in that bad of a condition at the  
22 time, but he admittedly said, you know, he  
23 hasn't been active in the properties, it's been  
24 probably over a decade since he's actually had  
25 them evaluated, and he wasn't sure if that was

1 the case. Obviously there's always some  
2 negotiations going on, but -- so we agreed to a  
3 thirty-thousand-dollar discount on the price  
4 due to me taking on potential liability and  
5 risk of not knowing which way this could go.

6 My full intent at that time was to cater to  
7 my exact company mission and to, you know,  
8 acquire and renovate this building as well as  
9 all of the other buildings and make them, you  
10 know, attractive to the community and  
11 income-producing. So in an effort to close on  
12 this whole acquisition, again, we did agree to  
13 a discount specifically attributed to this  
14 property due to the risk, but we did move  
15 forward with the acquisition of the portfolio,  
16 and I immediately -- or very shortly after,  
17 within a few months, had a structural engineer  
18 evaluate the property, and that report from  
19 Wellert is included in the packet and  
20 documentation, and that's when I was first  
21 aware -- made aware by an actual certified  
22 engineer, somebody credible, to provide that  
23 opinion that there were structural -- severe  
24 structural concerns and likely not feasible to  
25 make the repairs necessary.

1 I always prioritize human life and safety  
2 over anything else, over profits, over revenue,  
3 and business. So once I had that information,  
4 I decided immediately to notify the tenants and  
5 let them know that I would not be renewing  
6 their leases upon the renewal term. So that's  
7 exactly what I did. It was fully rented  
8 upstairs and downstairs, and I knew it would  
9 create financial losses, not only maintaining  
10 the properties and expenses and utilities,  
11 taxes, et cetera, insurance, but I thought that  
12 was prudent given the safety concerns that I  
13 was -- were substantiated in the structural  
14 report as well as my own opinions, which I  
15 believe are extremely relevant as somebody  
16 experienced with this process.

17 So I was aware, obviously, these buildings  
18 were in the Historical District when I acquired  
19 them. I wasn't aware of all of the ins and  
20 outs and ordinances that pertain to that. So  
21 around that time when I became aware of this, I  
22 did some further investigation, and I believed  
23 it would probably not be financially feasible  
24 to complete the repairs necessary to make it  
25 safe and habitable.

1           So I approached Jonathan Mendel at the  
2           time, who was the community development  
3           director, and informed him of the situation  
4           that was going on and that I wanted -- you  
5           know, it made sense to me to probably demolish  
6           it. Again, I didn't know the criteria for all  
7           of those things and the extent of what was  
8           involved, so that's when I was first made aware  
9           of the, you know, process that you have to go  
10          through which is what we're going through  
11          tonight.

12          So he advised me that I have, you know, the  
13          reports necessary to back up any opinions that  
14          I would have. So that's when I started going  
15          down the, you know, steps of, you know, getting  
16          additional reports.

17          Approximately a year later -- approximately  
18          a year later is when Jonathan Mendel left. By  
19          that time I had a lot of reports and kind of my  
20          thoughts necessary, and Jonathan Mendel had  
21          left, so that created like a several-month lag  
22          on kind of resuming this process. So once  
23          Andrew Dutton came into the mix -- and I was  
24          also coordinating, at this time, letting other  
25          city officials know kind of just generally my

1 position, but I had a meeting with  
2 Andrew Dutton and Dan Gladish, a preliminary  
3 meeting to let them know of my concerns and  
4 presented them with information I had so far,  
5 and it was recommended to me at that time that  
6 I get an update -- an updated condition report  
7 from my structural engineer to evaluate the  
8 condition and see if it's worsened in the last  
9 year-and-a-half and kind of go that path, and  
10 then I had -- again, was able to substantiate  
11 my opinion.

12 So I went back to the original structural  
13 engineer, who unfortunately had passed away, so  
14 I had to find another firm, which was Cramer  
15 Engineering, and I had them objectively  
16 evaluate the building, and that's when his  
17 report came back with obviously very concerning  
18 evidence specifically stating, word-for-word,  
19 "There is an imminent life safety hazard of  
20 severe structural issues or collapse, and it is  
21 recommended that the building is demolished for  
22 safety reasons."

23 I want to make it clear that it was not my  
24 intent to demolish this building. If I could  
25 have renovated it and it was financially

1           feasible to do so, I would have done it and,  
2           you know, I did it exactly on the building just  
3           south of that. So hopefully that's understood,  
4           you know, that was absolutely my intention.

5           Of course, as soon as I got this report  
6           back, it was extremely concerning for me. Yes,  
7           I already had it vacant, but it is right in the  
8           -- you know, an area where there is a lot of  
9           people, there's a community parking lot to the  
10          north, there is a public parking lot to the  
11          east, there's the property that I own to the  
12          south, there's a sidewalk in the back that  
13          pedestrians and tenants may walk on. So it is  
14          something that I want to take immediate action  
15          to secure the safety and determine what we  
16          needed to do here.

17          So as soon as I got that report, I guess I  
18          submitted that to Dan Gladish, and the  
19          property, within a week, had an unsafe  
20          structure placard on the front, orange cones  
21          surrounding the building and caution tape, you  
22          know, indicating that it is an unsafe  
23          structure. I believe then and I believe now it  
24          meets ordinance that specifically states, also  
25          word-for-word, "For applicants proposing the

1 demolition or relocation of a building or  
2 structure in a Historic District or a  
3 Historic Landmark, other than for emergency  
4 demolition of a building or structure ordered  
5 by the Planning Director or other authorized  
6 Medina City administrative officials that poses  
7 an immediate danger to human life or health,  
8 the following provisions shall apply."

9 So it wasn't an attempt or my position to  
10 try to circumvent the Historic Preservation  
11 Board process in any way, but it is an  
12 extremely imminent concern that I have, which  
13 is substantiated by my structural engineer  
14 report that, I believe, almost meets the  
15 definition word-for-word of what would be  
16 considered for emergency demolition. I believe  
17 that is what should have applied, again, not  
18 because I'm trying to circumvent something, but  
19 because I do believe it is an immediate concern  
20 and we don't have time. It's taken over a  
21 month to have this meeting scheduled, which is  
22 longer than I also believed was necessary due  
23 to the imminent concerns that I have, but  
24 regardless, you know, we're here today and I  
25 believe I have substantiated facts from a lot

1 of different experts that we're happy to share  
2 our position on that, and that's my intro.

3 MR. WITSCHHEY: One question I  
4 would like to ask my client.

5 Did you have an allocation of purchase  
6 price between all the properties that you  
7 acquired at the time? And specifically, if you  
8 did, what allocation did you give to this  
9 property?

10 MR. STURGILL: Sure. So the  
11 allocation that I originally -- so both  
12 properties were acquired under the same  
13 purchase agreement with one purchase price. It  
14 wasn't broken down in the purchase agreement or  
15 on a settlement statement, nor was it on the  
16 auditor's records. If you look at the transfer  
17 records, there was no allocation of purchase  
18 price per building.

19 The back-of-the-napkin math that I had --  
20 well, I guess more than back-of-a-napkin, it  
21 was actually on spreadsheets and things that I  
22 calculated internally, I allocated the purchase  
23 price of a hundred and fifty thousand dollars  
24 for this building, and then when we -- once I  
25 got that property inspection that identified



1 Mr. Sturgill, you bought this property in 2013;  
2 is that correct?

3 MR. STURGILL: 2019.

4 MR. HUBER: You bought it  
5 in 2019?

6 MR. STURGILL: Correct.

7 MR. HUBER: Oh, all right.

8 MR. STURGILL: October 2019.

9 MR. HUBER: Did you  
10 yourself go in and look at this house?

11 MR. STURGILL: Yes.

12 MR. HUBER: Did you go  
13 down in the basement and look at the supporting  
14 structure in the house?

15 MR. STURGILL: Yes.

16 MR. HUBER: Can you tell  
17 us, please, what exactly did you see that was  
18 concerning that resulted in the reduction in  
19 the purchase price? What was it that popped  
20 out that you observed?

21 MR. STURGILL: So my  
22 walkthrough was with my inspector, so I was  
23 kind of following his lead. You know, it was  
24 built -- what was the year? 18-whatever, so  
25 the construction is not typical to anything

1           that I'm used to, being thirty-two years old.  
2           You know, there's timber logs, and there was --  
3           I think maybe, Dan, there's twenty-three  
4           support posts, if I'm not mistaken, all of  
5           various types, some log posts, some adjusted  
6           posts, some steel posts. It was obviously very  
7           evident when I walked in that there was some  
8           type of lean to the building; what caused that,  
9           I don't know, but we had a lot of units to walk  
10          through, and so we did our walkthrough and I  
11          relied on my inspector's analysis to determine  
12          my next step.

13                       MR. HUBER:                       So what was  
14          your inspector's analysis?

15                       MR. STURGILL:                       That's what I  
16          indicated where he noted multiple defects. His  
17          sentence was that "You may consider a complete  
18          demolition in lieu of repairs due to the  
19          probable cost that it would have to rectify  
20          those," and so that's when I said, "Okay, you  
21          know, if I have this risk and I'm going to need  
22          to potentially demolish this --" I brought that  
23          concern to the seller and he, again, had an  
24          opposite opinion at the time but, again,  
25          admittedly didn't have it evaluated or didn't

1 really know the condition himself for over ten  
2 years, you know. That basically is what he  
3 said.

4 MR. HUBER: Were these  
5 mainly foundation issues?

6 MR. STURGILL: I'm sorry,  
7 what?

8 MR. HUBER: Were these  
9 mainly foundation issues that the inspector was  
10 calling out that time?

11 MR. STURGILL: No. He noted  
12 issues with the entire building but, you know,  
13 structural concerns is obviously the safety  
14 concern, but the whole building had significant  
15 issues.

16 MR. HUBER: And did he  
17 give to you an estimation as to repair, what it  
18 would take to repair this building that you  
19 were proposing to buy?

20 MR. STURGILL: He never gave  
21 me a financial breakdown of cost. He just  
22 simply said that it would likely not be worth  
23 the cost to repair it.

24 And again, you know, as somebody who  
25 acquires and renovates buildings, I had my



1 He's an inspector, he's not a qualified  
2 architect or engineer, so I could take it with  
3 a grain of salt and, also, the current  
4 property -- or the original property owner at  
5 the time didn't believe it was to that extent  
6 at the time. So I was kind of in the middle of  
7 what to do, which is why I decided to take a  
8 risk and execute the transaction.

9 MR. HUBER: Did you know  
10 at the time you were buying this property that  
11 this is inside Medina City's Historic District?

12 MR. STURGILL: I did know it  
13 was in the Historic District, but I was not  
14 aware of the extent of the ordinances and  
15 regulations that would be necessary for  
16 repairs, demolition, et cetera.

17 MR. HUBER: Did you  
18 know what it means to own a property in the  
19 Historic District when you bought this  
20 property?

21 MR. STURGILL: I think on a  
22 very limited basis that I -- you know, I  
23 couldn't do whatever I wanted and I would have  
24 to get some kind of approval, but what that  
25 pertained to and the extent of that, I was not

1           aware.

2                           MR. HUBER:                           When did you  
3           become aware as to what's required with respect  
4           to property maintenance and these kinds of  
5           issues in the City's Historic District?

6                           MR. STURGILL:                           When I first  
7           had the conversation with Jonathan Mendel, I  
8           wasn't aware of every single detail at that  
9           time, but he did share -- that was the first  
10          time that I had ever seen historical  
11          preservation guidelines and criteria that I had  
12          to meet. It was after I acquired it and after  
13          I had met with Jonathan Mendel the first time.

14                          MR. HUBER:                          This is 2022.  
15          Roughly when was that?

16                          MR. STURGILL:                          I believe it  
17          would have been maybe -- I think I had the  
18          engineer report in April of 2020, so it would  
19          have probably been sometime around then, maybe  
20          May of 2020.

21                          MR. HUBER:                          And when was  
22          it that you asked the tenant -- this property,  
23          when you bought it, was rented; is that  
24          correct?

25                          MR. STURGILL:                          Correct.

1                   MR. HUBER:                   And so it's a  
2                   two-unit rental property; is that correct?

3                   MR. STURGILL:                   Correct,  
4                   up-and-down style.

5                   MR. HUBER:                   What were the  
6                   rents that were being paid per month for these  
7                   two units, roughly?

8                   MR. STURGILL:                   I would have  
9                   to look it up, but I would say combined maybe  
10                  twelve, thirteen hundred, something like that,  
11                  but I would need to verify the number.

12                  MR. HUBER:                   That would be  
13                  for the two units?

14                  MR. STURGILL:                   For both.

15                  MR. HUBER:                   And that would  
16                  be per month?

17                  MR. STURGILL:                   Per month,  
18                  correct.

19                  MR. HUBER:                   Okay. When  
20                  did you ask tenants to leave this property or  
21                  vacate the property?

22                  MR. STURGILL:                   Probably  
23                  around the same time, right after that initial  
24                  structural evaluation was performed in April.  
25                  It would have been like May or something like

1           that, which I would have told them, "Hey, I'm  
2           giving you this heads-up and I'm not going to  
3           be renewing their leases at the end of their  
4           term," which I believe both ended in 2020  
5           sometime. I don't know what months without  
6           looking at the lease.

7                       MR. HUBER:                       Sometime in  
8           spring or late spring of 2020?

9                       MR. STURGILL:                       Yeah, sometime  
10          in 2020. I don't remember the exact month.

11                      MR. HUBER:                      And what was  
12          it that you were looking at where you made the  
13          determination to terminate these tenancies?

14                      MR. STURGILL:                      The structural  
15          engineer report that I had that noted numerous  
16          structural concerns with the building. That's  
17          what put the fear in me or made me nervous for  
18          the safety of the tenants, and so I said I'm  
19          not going to renew these leases because I need  
20          to do, obviously, more investigations and  
21          determine what is going to be the outcome, and  
22          again, I didn't have that engineer --  
23          structural engineer assessment for the purpose  
24          of or the intent of demolishing it, but I  
25          needed to know where it stood, and even after I

1 had that report performed, it wasn't  
2 immediately clear that I was going to -- that I  
3 thought I needed to demolish it or not, but I  
4 knew I needed to do further evaluations to make  
5 that decision, which is what I started doing.

6 MR. HUBER: When did you  
7 first decide to get an outside expert in to  
8 look at this house? Roughly when did you do  
9 that?

10 MR. STURGILL: At which  
11 stage? Because I had the property inspection  
12 and then I had the structural engineer  
13 performed after that.

14 MR. HUBER: After the  
15 property inspection, I guess -- or I gather  
16 from what you told us, the property inspection  
17 was fairly generic; is that correct?

18 MR. STURGILL: Fairly  
19 generic.

20 MR. HUBER: So you then  
21 had somebody come in to give you more specifics  
22 on what this house needs and what costs of  
23 repair would be; is that correct?

24 MR. STURGILL: Correct.

25 So --

1                   MR. HUBER:                   So my question  
2                   is, when did you do that after -- roughly, you  
3                   say you bought this property in 2019. How long  
4                   before you got this other engineer in?

5                   MR. STURGILL:                   So 2000 --  
6                   April, I believe, 2020 was the Wellert report,  
7                   and then I ended the tenant leases  
8                   sometime -- like I said, I notified them  
9                   sometime in May, and I believe it was -- once  
10                  they fully vacated, then I was able to get in  
11                  the building's -- you know, have more readily  
12                  available access to look at it with myself, you  
13                  know, some of the contractors that I use to  
14                  kind of just walk through. I got a good  
15                  position of where I felt.

16                  Again, I met with Jonathan Mendel a couple  
17                  times, but met with him again, I believe it was  
18                  sometime in -- the report date's in there  
19                  somewhere, but it was sometime in 2021 that I  
20                  had the actual -- Landmark Homes put together  
21                  the full proposal of what it would take to  
22                  restore this building in 2021 sometime.

23                  MR. HUBER:                   So who was the  
24                  first structural engineer that you had look at  
25                  this property?

1                   MR. STURGILL:                   Wellert  
2                   Corporation, Jim Wellert specifically.

3                   MR. HUBER:                   And this is  
4                   the gentleman who passed away?

5                   MR. STURGILL:                   Correct.

6                   MR. HUBER:                   And what did  
7                   this gentleman specifically tell you is wrong  
8                   with this property?

9                   MR. STURGILL:                   We could pull  
10                  up the report. It's a several-page report.

11                  MR. HUBER:                   Well, give me  
12                  your best summary.

13                  MR. STURGILL:                   That their --  
14                  the foundation had numerous structural  
15                  concerns. The foundation specifically, it  
16                  appeared that there were multiple attempts over  
17                  a long time period to repair the foundation,  
18                  all of those now unsuccessful. It's beginning  
19                  to fail. The walls were out of plumb, the  
20                  floor was not level, there's deflections,  
21                  multiple other things, but that's the gist of  
22                  it when he told me, which is when I recognized  
23                  the significance of the, you know, defects of  
24                  the building.

25                  MR. HUBER:                   When were



1                   MR. HUBER:                   Okay. Did he  
2 tell you exactly what needs repaired with the  
3 foundation or the structure?

4                   MR. STURGILL:                   His report  
5 identifies multiple -- you know, plenty of  
6 areas that would need to be addressed, whether  
7 it was an exhaustive list, comprehensive, I'm  
8 not sure, but it did identify, you know, a  
9 substantial amount of structural repairs  
10 necessary.

11                   MR. HUBER:                   So you  
12 received a written report from Mr. Wellert?

13                   MR. STURGILL:                   Correct, and  
14 that's included in the packet.

15                   MR. HUBER:                   Okay. And you  
16 then secured the assistance of another expert  
17 repair person or architect?

18                   MR. STURGILL:                   It was  
19 approximately a year later between his report,  
20 the tenants leaving, doing more internal  
21 investigation, and then bringing in other  
22 experts. So approximately a year later is when  
23 we brought in the majority of the remaining  
24 experts, which was Landmark Homes, you know, a  
25 study and proposal costs, which was -- their

1           proposal was four hundred and one thousand  
2           dollars trying to make the building -- which  
3           didn't include a lot of material costs, so the  
4           figure could be probably close to five hundred  
5           thousand dollars.

6           Then we also had a second structural  
7           engineer, which was the end of 2021. So that's  
8           very relevant to not only verify and validate,  
9           as a second opinion, the first report, but also  
10          to determine if there was a worsening  
11          condition.

12          Our own opinion, a real estate broker's  
13          opinion, financial performance, you know, all  
14          of the things that we kind of prepared, that  
15          was all about the same time frame in 2021.

16                   MR. HUBER:                   How did you  
17                   come to choose Landmark?

18                   MR. STURGILL:                   They're  
19                   probably the most -- the closest renovating --  
20                   renovation expert company within proximity to  
21                   this building. Their office is right off the  
22                   Square. I'm not sure if it's in the  
23                   Historic District or a transitional corridor  
24                   overlay district but it's very close. They  
25                   just performed a recent renovation on that

1 building. They've been in the community for a  
2 long time, a lot of expertise. So we felt not  
3 only do they -- they have two companies,  
4 Landmark Homes and Renovation Homes, I believe.  
5 So they do specialize on not only new  
6 construction, but also renovating and restoring  
7 buildings.

8 Given their proximity within the district  
9 and the recent renovation of their office in  
10 the district, we felt they were, you know, the  
11 most expert company to turn to.

12 MR. HUBER: Now, you  
13 bought this frame house along with the brick  
14 apartment building directly to the south; is  
15 that correct?

16 MR. STURGILL: Correct.

17 MR. HUBER: And right  
18 after, you bought the brick building and you  
19 began renovations of that building?

20 MR. STURGILL: Correct.

21 MR. HUBER: Are those  
22 renovations completed?

23 MR. STURGILL: Yes.

24 MR. HUBER: How much did  
25 those renovations cost?

1                   MR. STURGILL:                   I would have  
2                   to run some reports, but several hundred  
3                   thousand dollars.

4                   MR. HUBER:                   And you are  
5                   renting that brick rental property at this  
6                   time?

7                   MR. STURGILL:                   Correct.

8                   And one clarification is that it said it's  
9                   a multi-family. It's actually a mixed use.  
10                  There's a commercial unit on the first floor,  
11                  approximately twenty-five hundred square feet,  
12                  which is vacant. It's been vacant for a few  
13                  months due to market conditions, but the six  
14                  residential units that are on the top three  
15                  stories are fully -- actually, no, I think five  
16                  out of six are rented.

17                  MR. HUBER:                   Now, if this  
18                  frame property is to be torn down by you in  
19                  our Historic District, what is it that you  
20                  propose to have there after this house is  
21                  gone?

22                  MR. STURGILL:                   Sure. So I  
23                  came up with a few potential renderings of what  
24                  could be there. My primary concerns are, you  
25                  know, due to the imminent life and safety

1 risks. So my, you know, intent was never to  
2 demolish this and put something better in its  
3 place, but --

4 MR. HUBER: Say that  
5 again.

6 MR. STURGILL: So I -- we put  
7 some renderings together of what could  
8 potentially go there in its place if it was  
9 demolished, but that -- it was never a primary  
10 objective to demolish this building and put  
11 something else in its place. So it was never a  
12 focal area for us to go and get a bunch of  
13 evaluations and then, "Hey, let's demolish this  
14 and put the structure up." That wasn't our  
15 intent.

16 Once I became aware of the guidelines of  
17 the District and that the City would like to  
18 maintain some kind of storefronts, that that's  
19 the intention at least of the City, we did come  
20 up with some renderings of what could go there  
21 that would kind of meet some of the  
22 architectural guidelines, a lot of which was  
23 direct feedback from Jonathan Mendel. So I  
24 mean, some of the screenshots are even  
25 identical to what he recommended at the time.

1 I'm sorry. Did that answer your question?

2 MR. HUBER: No. I mean --

3 MR. STURGILL: Restate the  
4 question.

5 MR. HUBER: What are you  
6 intending to do once this house is gone?

7 MR. STURGILL: My intention  
8 is to deal with the immediate life and safety  
9 risk that's there. That's my primary  
10 objective.

11 MR. HUBER: That's not my  
12 question. My question is -- once the house is  
13 gone, that will take care of the safety  
14 concern. What do you intend to do with this  
15 lot?

16 MR. STURGILL: Sure. So  
17 immediately it would be just to, you know,  
18 remove the foundation and make it suitable and  
19 have the demolition -- there's multiple types  
20 of demolitions that can be done, but to use  
21 that type of demolition that would be suitable  
22 to redevelopment.

23 We did propose a few potential solutions,  
24 and I proposed in my report that within  
25 approximately three years we could reconstruct

1 something similar to what I had proposed, but  
2 we didn't go to the extent of actually getting  
3 blueprints and all of these things, primarily  
4 because the time frame that we have to deal  
5 with and deal with the safety concern didn't  
6 allow us that time to be able to do those.

7 MR. HUBER: So what did  
8 you propose? I don't even understand what you  
9 did propose.

10 MR. STURGILL: Conceptual  
11 plans.

12 MR. HUBER: Okay. What  
13 does that mean?

14 MR. STURGILL: They're in the  
15 packet.

16 MR. HUBER: So is this an  
17 apartment building? A storefront? What are  
18 you --

19 MR. STURGILL: A commercial  
20 space is what we -- which is what we think is  
21 fitting with the community, which is what I was  
22 told by Jonathan Mendel.

23 MR. HUBER: What is the  
24 footprint of this lot roughly in terms of  
25 footage?

1                   MR. STURGILL:                   I think the  
2                   building that we -- I know there's a minimum  
3                   footprint that would need to be there. I think  
4                   what we proposed in the conceptual plan is  
5                   approximately twenty-five by fifty-five feet.

6                   MR. HUBER:                   So the  
7                   frontage is twenty-five feet?

8                   MR. STURGILL:                   I don't know  
9                   that the -- yeah, correct.

10                  MR. HUBER:                   So it's a  
11                  pretty small lot?

12                  MR. STURGILL:                   Yes.

13                  MR. HUBER:                   Okay.

14                  MR. STURGILL:                   And there's a  
15                  parking lot directly behind it, so it has  
16                  limited space.

17                  I think it's on the screen there what we're  
18                  talking about (indicating).

19                  MR. HUBER:                   Okay.

20                  Those are the questions I had. I'll step  
21                  down at this point.

22                  Anybody else have any questions?

23                  CHAIRWOMAN:                   I do have --  
24                  does anyone from the Board have any additional  
25                  questions for the Applicant?

1 (No verbal response.)

2 CHAIRWOMAN: I do have a  
3 couple of questions.

4 MR. HUBER: Fire away.

5 CHAIRWOMAN: Thank you.

6 You talked about that this was a package  
7 deal, the two properties. So my assumption is  
8 you, you know, took this package deal along  
9 with your pro forma - being, you know, a  
10 businessman - to the bank.

11 Could you elaborate on what was in that  
12 pro forma? You know, for example, what were  
13 your intentions with that building, the yellow  
14 house?

15 MR. STURGILL: As I stated  
16 before, the intentions were to renovate the  
17 buildings and have them income-producing. So  
18 all of our evaluations and math was really  
19 based around that.

20 CHAIRWOMAN: So that was  
21 what you submitted to the bank to procure  
22 funding to purchase the property?

23 MR. STURGILL: The bank was  
24 not involved in this transaction.

25 CHAIRWOMAN: But -- so you

1           paid cash for it?

2                   MR. STURGILL:                   Yes.

3                   CHAIRWOMAN:                   Okay. But  
4           your business evaluation, in running the  
5           numbers, anticipated having to put money into  
6           the property because --

7                   MR. STURGILL:                   Yes.

8                   CHAIRWOMAN:                   Okay. Could  
9           you tell us how much you had designated to put  
10          into the property to restore it?

11                   MR. STURGILL:                   I don't have  
12          the breakdown in front of me here, what that  
13          was, but we did allocate -- again, a lot of  
14          this was kind of back-of-the-napkin math type  
15          things based on what we believe rents could be  
16          and where they're performing currently and, you  
17          know, again, we didn't realize the extent of  
18          the renovations necessary, so it would have  
19          probably been less than what it would have been  
20          if we had the knowledge that we have today, but  
21          we did allocate cost to renovation, you know,  
22          budget would factor in the math on the  
23          acquisition.

24                   CHAIRWOMAN:                   But you did  
25          know through your initial inspection that there

1                   were going to be issues with the house?

2                   MR. STURGILL:                   Correct.

3                   CHAIRWOMAN:                   Okay.

4                   MR. STURGILL:                   To the extent,  
5                   that wasn't known.

6                   We had a limited time frame to do due  
7                   diligence, so we had to make a decision based  
8                   on limited information at the time.

9                   CHAIRWOMAN:                   So you were  
10                  pressed for time to do your due diligence to  
11                  purchase the property?

12                  MR. STURGILL:                  To an extent,  
13                  yes.

14                  CHAIRWOMAN:                  But your  
15                  initial evaluation was that both of these  
16                  properties would be income-bearing then and  
17                  that you would --

18                  MR. STURGILL:                  Correct.

19                  CHAIRWOMAN:                  -- repair  
20                  both?

21                  MR. STURGILL:                  Correct.

22                  CHAIRWOMAN:                  Okay.

23                  MR. STURGILL:                  I mean, it was  
24                  income-producing at the time, so we didn't have  
25                  a reason to believe why it would immediately

1 stop. Obviously the -- and the fact that it  
2 was rented should be clear, and the previous  
3 owner believed it was fine to leave because he  
4 had tenants in there.

5 When we did our evaluations, it became  
6 evident that it was not safe to do that, which  
7 is why we ended the leases.

8 CHAIRWOMAN: So your  
9 initial inspection didn't indicate that the  
10 property was unsafe to have inhabitants then?

11 MR. STURGILL: It indicated  
12 that he believed it was -- had enough  
13 structural concerns, and cost would be  
14 involved, that it wouldn't be worth the  
15 renovation cost to do that, but again, that was  
16 one property inspector's opinion.

17 The seller had said, you know, we should  
18 get a structural engineer report and, yes, we  
19 anticipated doing all of those, but we didn't  
20 have time within our purchase agreement to be  
21 able to bring in those outside opinions at the  
22 time. So I had to make a decision to move  
23 forward or not based on the information we had  
24 at the time, which was only the inspection.

25 CHAIRWOMAN: So once you

1           procured the property and you owned the  
2           property, could you tell us what improvements  
3           or what actions you took to, you know, improve  
4           or secure for safety purposes in the yellow  
5           building until which time you had the second  
6           evaluation done?

7                           MR. STURGILL:                           So we would  
8           have done more limited things at the time, you  
9           know, put new smoke detectors and that sort of  
10          thing in the building to make sure that those  
11          were taken care of, but at that time when, you  
12          know -- we, a few months later, had that  
13          structural engineer report performed from  
14          Wellert, which then indicated the structural  
15          concerns, and so due to the cost involved to  
16          make those, it wasn't like simple changes. So  
17          we let the tenants know that we wouldn't be  
18          renewing their leases.

19                        So we really didn't make any changes  
20           because there were no changes we could make  
21           that would be a simple fix.

22                           CHAIRWOMAN:                           Okay. Once  
23           the building was vacant, you had, you know, not  
24           renewed the leases for the tenants, what was  
25           your game plan then afterwards? You've

1 obviously renovated the building south of this.  
2 Could you explain the rationale as to why you  
3 didn't do anything to secure the building at  
4 the time after you received the report that  
5 there were safety issues?

6 MR. STURGILL: Can you  
7 explain your definition of "secure the  
8 building"?

9 CHAIRWOMAN: Well, if you  
10 receive the -- you know, if your intention was  
11 to rent the building, what -- after you got  
12 your structural engineering report, could you  
13 explain to us what steps you took to make the  
14 building sound?

15 MR. STURGILL: Well, before  
16 you, you know, make actions, you need to do  
17 evaluations to determine what actions to take.  
18 So that's why we had the structural engineer  
19 report performed to give us a direction of  
20 "What do we need to do?" Then it became  
21 evident at that time that this was likely not  
22 going to be financially feasible or that it's  
23 going to require a lot of components to be able  
24 to restore this, so we needed to have a  
25 multitude of different expert assessments of

1 the building to determine what was necessary,  
2 and through a series of getting those opinions  
3 is when we identified that it would not be  
4 financially feasible to do that.

5 CHAIRWOMAN: And what was  
6 that time frame?

7 MR. STURGILL: Approximately  
8 one year.

9 And for the record, I was in military  
10 training for several months with no contact, so  
11 I wasn't able to make progress on some of those  
12 items.

13 CHAIRWOMAN: Does the Board  
14 have any other questions?

15 MR. WOOD: Yes.

16 When you got the discount of thirty  
17 thousand off of the price specifically for that  
18 building, were you going to, you know, use that  
19 thirty thousand to improve the building?

20 MR. STURGILL: Correct. You  
21 know, we were getting it down to what we  
22 thought it would be worth as of today, and  
23 then, yes, you know, any kind of allocated  
24 funds would be able to be used towards  
25 potentially a restoration, but it wasn't



1 evidence?

2 MR. STURGILL: It has been  
3 submitted.

4 And again, that four hundred and one  
5 thousand dollars excludes material costs, which  
6 was clearly identified in that report, which  
7 would probably bring the actual cost closer to  
8 five hundred thousand dollars.

9 CHAIRWOMAN: I'm sorry.  
10 The written estimate is four hundred thousand  
11 but it's going to be five hundred? Could you  
12 explain that?

13 MR. STURGILL: If you look at  
14 the report, it shows four hundred and one  
15 thousand in the total list up there, but  
16 there's several items on that list that was  
17 labor cost only and didn't include material  
18 cost at the time this report was -- what was  
19 the date? The report's dated August 2021, and  
20 due to some of the material supplies, there  
21 were substantially fluctuating lumber costs, et  
22 cetera, so they didn't want to quote material  
23 costs until we were ready to move forward with  
24 the project. So there's several line items  
25 that were including materials, but also several

1           that clearly said it was labor only and would  
2           have to add those material costs on top of the  
3           four hundred and one thousand dollar figure.

4                   CHAIRWOMAN:                   Okay.

5                   MS. STAHL:                    Can you point  
6           out some of those that were just labor costs  
7           and not materials?

8                   MR. STURGILL:                    Sure.

9                   So if we look at framing, it shows,  
10           "Allowance to be billed 'cost plus'," which  
11           means labor plus the cost of materials.

12                   CHAIRWOMAN:                    Could we  
13           please put this up on the screen?

14                   MS. STAHL:                    It's Page 81,  
15           I believe, it starts with.

16                   And while we're doing that, the other  
17           question I had was, you know, to make it  
18           structurally sound, there's certain things you  
19           have to do, but there's other things in this  
20           quote that you don't have to do. You don't  
21           have to put countertops in and cabinets, so --

22                   MR. STURGILL:                    So it's kind  
23           of difficult, I guess, to determine where you  
24           draw the line. I agree, you know, cabinets in  
25           and of themselves don't necessarily have to be

1 included in the quote; however, if the floors  
2 are so unlevel that, you know, you shore up the  
3 floors and the foundation, which then the  
4 walls -- the two-by-four walls need to be  
5 corrected, and there's multiple inches that  
6 those will have to be corrected, which then  
7 throws off the drywall, now all the drywall is  
8 going to have to be replaced because of the  
9 substantial amount of improvements that the  
10 framing would need to be corrected, then when  
11 those -- you know, it's a spiraling effect.

12 So almost everything will have to be  
13 addressed, but even if you subtracted some of  
14 the cosmetic things -- which, again, it's  
15 arguable whether they would need to be done or  
16 not due to the substantial amount of floor  
17 leveling and so forth that would be necessary,  
18 but the cost of just repairing structural --  
19 which I believe gets into other reports, but  
20 that in and of itself would make it not  
21 financially feasible.

22 MS. STAHL: So could you  
23 point out some of those areas where -- besides  
24 the -- there's the framing labor, but you  
25 also -- there is drywall cost in there,

1 insulation.

2 MR. STURGILL: So masonry,  
3 for example, by itself is \$94,930. So like I  
4 said, you know, just the -- this doesn't maybe  
5 include all of it. It doesn't, you know, have  
6 waterproofing on here for the foundation, which  
7 obviously is necessary, but just masonry alone  
8 is \$94,930. Like I said, it doesn't get into  
9 framing or any of the other issues that would  
10 need to be done structurally.

11 MS. STAHL: And do you  
12 have a second quote on this?

13 MR. STURGILL: No, I don't  
14 have a second proposal, other than our own  
15 opinion.

16 CHAIRWOMAN: So this is the  
17 only quote you obtained?

18 MR. STURGILL: Correct, but  
19 there are also other reports that I guess we'll  
20 get into later that go over some of these  
21 costs.

22 CHAIRWOMAN: When you work  
23 on your other properties, can you explain to us  
24 how -- you know, do you usually -- do you do  
25 the general contracting? How do you procure





1 your consideration. I don't mean to create any  
2 constraints or problems.

3 CHAIRWOMAN: Could you  
4 please give your name for the record.

5 MR. ROBINETTE: My name is  
6 Kevin Robinette of Kevin C. Robinette  
7 Architects, LLC.

8 CHAIRWOMAN: Thank you.

9 MR. ROBINETTE: Would you like  
10 me to just go ahead and discuss this  
11 (indicating)?

12 CHAIRWOMAN: Sure.

13 MR. ROBINETTE: Basically I  
14 was asked to do an architectural inspection of  
15 the home. There have been other reports done  
16 and I was not -- I was not expected to do an  
17 exhaustive evaluation of the structure of the  
18 house. Normally when I review a home in this  
19 context, I do a walkthrough, I look at all of  
20 the rooms, I evaluate any code-compliant  
21 issues, and get a good, strong sense of the  
22 general condition of the home.

23 As I walked through it, it looked like it  
24 had been fairly recently occupied. I didn't  
25 see anything within the home that would suggest

1           that it was under duress. From the standpoint  
2           of water infiltration, there were no signs of  
3           leaks that I could see, which is generally  
4           something that will lead to structural framing  
5           problems over time.

6           It's an old house, it's been moved, so you  
7           have different generations of foundation within  
8           the home. A portion of the home has a stone  
9           foundation in the front, there's a brick  
10          foundation at the rear, and a lot that sits on  
11          a large concrete assembly, which I discerned  
12          was put there when they relocated the house.  
13          That would be my guess.

14          It's my expectation, when I look at a home  
15          of this vintage, that there is going to be  
16          some -- the engineering term that was used in  
17          my report was racking. Racking to me connotes  
18          ongoing movement. I didn't really see any  
19          signs that anything was moving. I didn't get a  
20          chance to see the frame, with the exception of  
21          the basement floor. Everything was covered in  
22          drywall and subfloor. So I wasn't able to  
23          actually observe the frame with the exception  
24          of some of the attic framing in the main  
25          portion of the house. There's two portions of

1 the house, there's the porch on the front with  
2 a larger mass behind it and then a smaller mass  
3 behind that, and I was only able to look into  
4 the larger attic space, but again, I didn't see  
5 any of the signs that I would expect to see in  
6 a house of real distress, substantially water  
7 infiltration causing rotted framing.

8 Following a draft review, Andrew shared the  
9 engineering report that was spoken of  
10 previously that talked about some of the  
11 deformation in the structure. You know, again,  
12 my experience working with historic structures  
13 of this vintage, unless there's a strong  
14 visible -- and this is my opinion. If there's  
15 a strong visible sign that something is amiss,  
16 you can see that. I did not see any real  
17 cracks in the drywall. Drywall can cover  
18 cracks or cover movement better than plaster,  
19 but I didn't see any significant cracks, I  
20 didn't see any significant water infiltration.

21 The outside of the home, it's sided with  
22 shingles. It needs a paintjob, but again, I  
23 couldn't see any signs that there was  
24 separation in the trims. Shingles are fairly  
25 forgiving in that regard because they're

1 smaller pieces, so it's harder to read any  
2 problems. The front porch is in some distress.  
3 There's some rot and some settling there, which  
4 is fairly obvious, and there's a floor  
5 structure that had been repaired that was badly  
6 done. So I would imagine that there's some  
7 water infiltration from the upper porch into  
8 the area below it. I didn't see any apparent  
9 signs of it, but some -- and it's a very modest  
10 home. It's obviously been renovated to  
11 accommodate bedrooms and bathrooms within a  
12 house that wasn't initially laid out that way,  
13 so you might find the layout to be a little bit  
14 awkward in some cases.

15 The upstairs apartment has an area off the  
16 back in the smaller portion of the home, which  
17 the opening to it is undersized, the stairs to  
18 it don't meet code, it's -- the ceiling height  
19 is a little awkward. It's shorter than it  
20 should or could be. Currently it's used as a  
21 bedroom -- or it was used as a bedroom and a  
22 bathroom.

23 So it's an old home. There's obvious signs  
24 that it had been maintained over the years.  
25 Some of the brickwork was pointed. The

1 interior itself, although it -- I've used the  
2 word modest, it was very modest in its finishes  
3 and it's very modest in the way it was built  
4 out and the fixtures and furnishings, the  
5 cabinetry in it, but some -- it didn't appear  
6 to be in significant distress.

7 MS. TRAVES: What was the  
8 date of your inspection?

9 MR. ROBINETTE: The first  
10 inspection I went to was, I believe, in late  
11 January, and it was bitterly cold. It wasn't  
12 an ideal circumstance to really study the  
13 house, in all honesty. There was no  
14 electricity, there was no heat in the home.

15 And then I went back for a second look  
16 probably two-and-a-half weeks ago, three weeks  
17 ago.

18 MS. TRAVES: Was there snow  
19 on the ground?

20 MR. ROBINETTE: There was a  
21 lot of snow on the ground the first time and  
22 not quite so much the second time.

23 MS. TRAVES: Thank you.

24 MR. HUBER: Kevin, I have  
25 a question.

1 MR. ROBINETTE: Yes, sir.

2 MR. HUBER: In your  
3 opinion, is this house in danger of falling  
4 down?

5 MR. ROBINETTE: I didn't see  
6 anything that would lead me to believe it was  
7 in danger of falling down.

8 MR. HUBER: And in your  
9 report, did you get -- you mentioned first  
10 floor framing issues; is that correct?

11 MR. ROBINETTE: Hm-hm.

12 MR. HUBER: Is it fair to  
13 say that those are the more serious concerns  
14 with respect to this property?

15 MR. ROBINETTE: What I  
16 witnessed or what I saw was typical for a home  
17 that was built of this vintage in which the  
18 floor framing was literally half of a tree. A  
19 tree the size of, say, six to eight inches in  
20 diameter would be sliced in half and it would  
21 be laid on top of a foundation wall, and then  
22 the floor sheathing would go on top of that,  
23 and that's what this structure consists of.

24 There are some dimensional timbers, rough  
25 timbers, but the half-sawn trees make up the

1 floor joists, and the spacing on the floor  
2 joists is not adequate and they were probably  
3 more than two feet apart, where you would  
4 normally expect -- you know, a floor joist  
5 today, if you built a house, is sixteen inches  
6 on center. Twenty-four inches is considered to  
7 be excessive, and I believe these half-trees  
8 are a little farther spaced than that, and I  
9 think that's where the deflection in the floor  
10 started, and it probably started soon after the  
11 home was built, and then when it was moved, my  
12 guess is -- and it's strictly a guess, is that  
13 the framing that you see there (indicating) -  
14 that I'll refer to as shoring - was put into  
15 the house to literally put a timber that would  
16 break those half-trees in midspan and allow  
17 them to provide a much stronger measure of  
18 support.

19 But a lot of the shoring -- and the  
20 shoring's been built over generations. The  
21 initial shoring that was put in there, which  
22 essentially cut the spans in half, it was  
23 obviously installed a long time ago. I mean,  
24 literally trees were used as the vertical  
25 supports. There were bricks stacked up on the

1 floor to distribute the load a little bit at  
2 the slab, and then a tree was used to hold up  
3 the timber and the bark is still on them,  
4 they're dry. But then over the years as  
5 they've experienced sagging in the floor, it  
6 might have displaced probably at the foundation  
7 edge. Additional posts have been added.

8 MR. HUBER: Now, in your  
9 report there are photographs of main beams that  
10 are rotted at the ends.

11 MR. ROBINETTE: In all  
12 honesty, I did not see a lot of that. That was  
13 pointed out to me after the fact through some  
14 of the work that Dan had done.

15 MR. HUBER: Dan Gladish,  
16 our building inspector?

17 MR. ROBINETTE: Yeah.

18 It was dark.

19 MR. HUBER: Okay.

20 MR. ROBINETTE: I had a  
21 flashlight, but it was difficult to observe the  
22 home.

23 MR. HUBER: So it looks  
24 like they're rotted on the ends of the beams,  
25 which means they would break away from -- being

1           it was mortised and tenoned into and dropped  
2           down --

3                   MR. ROBINETTE:                   Hm-hm.

4                   MR. HUBER:                   -- and then  
5           that beam was shored up with a post.

6                   MR. ROBINETTE:                   That's right.

7                   MR. HUBER:                   Okay. In your  
8           opinion, do these beams need to be replaced?  
9           Or would you -- in your report, you indicate  
10          you put in framing alongside those beams to  
11          carry a load by raising the floor, put the  
12          supports in. Am I following what you're  
13          suggesting as a repair?

14                   MR. ROBINETTE:                   Well, yeah,  
15          you are.

16                   MR. HUBER:                   Okay.

17                   MR. ROBINETTE:                   My experience  
18          with older homes like this, the framing has  
19          deteriorated or entered into some state of  
20          distress over time. The reasons for it vary.  
21          So there's not really a blanket answer as to  
22          how you might fix five or six conditions in the  
23          home. They can all vary to a degree. It  
24          depends upon how far the mortise and tenon  
25          joint has been displaced, it depends upon if

1           the individual members contract at all, which  
2           is a bad sign, or subsequently if it's been  
3           exposed to moisture and subsequent rot, but all  
4           of those things enter into -- if you got into  
5           trying to design a solution to these problems,  
6           which I wasn't asked to do, you're going to get  
7           a different answer.  If you have six different  
8           circumstances, you're going to have four  
9           different answers.

10                       MR. HUBER:                       Now, I went  
11           down to look at this house, and as I stood on  
12           the street facing it, it looks like the house  
13           is leaning a little bit.  Is that a --

14                       MR. ROBINETTE:                       It is.

15                       MR. HUBER:                       -- fair  
16           characterization?

17                       MR. ROBINETTE:                       It is a fair  
18           characterization.

19                       MR. HUBER:                       What is  
20           causing that, based upon your observations?

21                       MR. ROBINETTE:                       In all  
22           honesty, based upon an initial visual  
23           observation, I picked up on a little bit of  
24           that, but I didn't find it to be something that  
25           would be distressing.  How it occurred would

1 be -- my guess is, when the house was moved,  
2 that it wasn't put back down as straight as it  
3 could have been, and it's probably been in that  
4 state for quite some time is my guess. It's  
5 strictly a guess. If it was moving to the  
6 point where it was problematic, I would expect  
7 to see signs of that, either on the interior of  
8 the home or the exterior of the home through  
9 the -- through cracks or differentiation in the  
10 siding or in the drywall in the interior.

11 MR. HUBER: You came up  
12 with a cost of repair.

13 MR. ROBINETTE: Hm-hm.

14 MR. HUBER: Is that  
15 correct?

16 MR. ROBINETTE: I would -- the  
17 cost I put together is relative to what I  
18 thought would be appropriate based upon what I  
19 could see. You know, for example, the furnace  
20 wasn't working, the hot water heater wasn't  
21 working, there was no electrical in the home.  
22 The electrical panel is a circuited panel, it's  
23 not old knob-and-tube wiring. The equipment --  
24 and I'm not an expert in HVAC or hot water  
25 heaters, but it was relatively new. It wasn't



1 perimeter rim board of the house to find out  
2 what specific members might be -- and I've used  
3 the term distressed. From what I saw, I didn't  
4 see anything that I felt was an imminent  
5 failure, but they could certainly be fixed.

6 We then get into the question of if it's  
7 financially feasible, and I don't believe my  
8 role was to make that judgment, but I didn't  
9 see any conditions there that I didn't think  
10 couldn't be fixed.

11 MR. HUBER: Now, is it  
12 your opinion based upon your area of expertise,  
13 to a reasonable degree of certainty, that the  
14 estimated probable repair costs are \$146,500?

15 MR. ROBINETTE: Yes.

16 MR. HUBER: And can you  
17 tell us why you came up with that figure?

18 MR. ROBINETTE: Essentially  
19 when I put together an estimate for something  
20 like this, what I'll do is look at the home.  
21 There's not a thorough engineering evaluation  
22 determining how the specific circumstances  
23 might be fixed, so there's not an ability to do  
24 that. I factored in what I thought might be a  
25 reasonable way to correct some of the

1 structural issues. I put a nominal fee in to  
2 resurrect the existing equipment within the  
3 home.

4 The bathrooms -- there was one bathroom, I  
5 believe, maybe two, that didn't have a complete  
6 set of fixtures, but the kitchens had fixtures  
7 and cabinets.

8 The house needs a coat of paint. There's  
9 some repairs on the exterior on the west side  
10 where there was some sort of a porch that was  
11 replaced and hadn't been trimmed outside in its  
12 entirety. There were some rotted areas on the  
13 railings of the porch that were exposed to  
14 weather and had tried to have been repaired at  
15 some time that were badly done.

16 Essentially when I put together a cost  
17 estimate for this -- I'm an architect, I'm not  
18 a contractor. I list those items that I've  
19 picked up that I think need to be dealt with to  
20 make it habitable and code-compliant, and based  
21 upon my experience working on other projects, I  
22 assigned a cost to it.

23 MR. HUBER: And your  
24 report identified as Exhibit E constitutes your  
25 evaluation of this property; is that correct?

1                   MR. ROBINETTE:                   When you say  
2                   "Exhibit E," are those the photographs?

3                   MR. HUBER:                               Well, that's  
4                   your whole report.

5                   MR. ROBINETTE:                   That's my --  
6                   yeah, that would be my report.

7                   I wrote a narrative breaking down the  
8                   different components of the house, both inside  
9                   and outside, and related my observations  
10                  subsequent to that. I put a list of  
11                  code-compliant items together that need to be  
12                  addressed or could be addressed, and then  
13                  subsequently a narrative scope of work and  
14                  assigning cost to it.

15                  MR. HUBER:                               And again,  
16                  your opinion is that this property is not in  
17                  imminent danger of falling down?

18                  MR. ROBINETTE:                   I don't  
19                  believe so, no.

20                  MR. HUBER:                               Did you find  
21                  the shoring to be adequate to hold it up?

22                  MR. ROBINETTE:                   Well, normally  
23                  I would test that. I mean, I don't get to the  
24                  point where I'm putting any load tests on the  
25                  floors themselves. In walking through the

1 floor over the basement, I didn't notice any  
2 deflections. I didn't notice any -- I didn't  
3 jump up and down on it, but I didn't notice any  
4 deflection, I didn't notice any significant  
5 creaking. I wasn't able to observe the  
6 condition of the framing, but I did not find  
7 anything that I found to be alarming when I  
8 reviewed the house twice.

9 MR. HUBER: Kevin, if you  
10 owned this house, would you fix it?

11 MR. ROBINETTE: No, I would  
12 not.

13 MR. HUBER: Why do you say  
14 that?

15 MR. ROBINETTE: It's a nice  
16 little home from the standpoint of its initial  
17 design, and if it was in the middle of a  
18 residential neighborhood, I think it could  
19 contribute to that neighborhood. In its  
20 present location, to the north it literally has  
21 a retaining wall for a parking lot within a few  
22 feet of the exterior wall. There may be ten to  
23 twelve feet between the home and the brick  
24 property to the south. There's not really  
25 enough yard or exterior space there to do

1 anything of value. It's got condensers in it.  
2 The parking lot to the west is in very close  
3 proximity to the back of the house. Again,  
4 there's not much exterior space, and you can  
5 see the proximity from the front door to the  
6 street. You're basically right out on  
7 South Court Street. The street's really close.

8 So it's -- the reason -- if it was my home,  
9 I wouldn't fix it because I don't find the  
10 surrounding context for the home as it is now  
11 to be compatible or something that I would want  
12 to live in.

13 MR. HUBER: Would you feel  
14 differently if the property were moved to a  
15 more residential surrounding?

16 MR. ROBINETTE: Certainly.

17 MR. HUBER: Okay.

18 Those are the questions I had.

19 CHAIRWOMAN: Does the Board  
20 have any questions?

21 MS. TRAVES: When you were  
22 in the home and you did the inspection twice,  
23 did you feel like it was unsafe while you were  
24 there?

25 MR. ROBINETTE: No. That's

1                   why I say I didn't pick up any immediate -- no,  
2                   I did not.

3                   MS. TRAVES:                   And when you  
4                   were inspecting the basement, was there water  
5                   in the basement?

6                   MR. ROBINETTE:                   There were two  
7                   or three areas in which some water had  
8                   penetrated through the lower concrete  
9                   foundation. I mean, if you're able to see the  
10                  photos, the brick and the stone that we see on  
11                  the outside of the house -- I believe the house  
12                  was originally built over a crawl space, and  
13                  then when it was moved, they poured a haunch  
14                  wall underneath it and then the stone and the  
15                  brick from there, I believe.

16                  The concrete could have been added after  
17                  the fact, but there are substantial pieces of  
18                  concrete, maybe four feet -- three to four feet  
19                  tall, sixteen inches away from the exterior  
20                  wall over the majority of the perimeter, and  
21                  some of those have cracked, and you saw some of  
22                  the pictures in the report, and there's water  
23                  penetrating through that. I mean, I think I've  
24                  got one or two pictures of it. It's not a  
25                  puddle, it's moisture that's come through that

1 crack and has gathered on the floor. It's  
2 really not -- there's not enough water there  
3 for it to run anywhere. It's within a couple  
4 feet of the exterior wall. So yeah, there is  
5 water penetration. I didn't find it to be  
6 anything excessive for a home of this vintage.

7 MS. TRAVES: And did you  
8 think that siding was sound? And what  
9 percentage of the siding was sound?

10 MR. ROBINETTE: Well, there's  
11 two types of siding. If I remember correctly,  
12 there's shingles on the lower part and then  
13 there's siding up above.

14 There are places where there might have  
15 been doors or larger windows and smaller  
16 openings were put in place. They weren't  
17 patched that well. There are areas at the west  
18 side of the house in which they removed some  
19 sort of a portion at one time. You can still  
20 see the joist stems that were cut there and,  
21 you know, some of that was badly patched.

22 Overall, there is some deformation in the  
23 siding. You can see a little bit of a wave in  
24 places. You don't really pick up a wave in the  
25 siding and the shingles. It needs to be cared

1                   for, it needs to be painted, but I didn't find  
2                   it to be problematic.

3                   MS. TRAVES:                   Do we know  
4                   when the last time it was painted?

5                   MR. ROBINETTE:                   I have no  
6                   idea.

7                   MS. TRAVES:                   I feel like  
8                   I've seen it painted.

9                   CHAIRWOMAN:                   And you said  
10                  you didn't see any water infiltration from the  
11                  roof into the second story?

12                  MR. ROBINETTE:                  I didn't see  
13                  any stain marks that I would have expected, and  
14                  from what I can see of the attic -- and I  
15                  couldn't see the whole attic. It was difficult  
16                  to get up there and there was no light. I had  
17                  a flashlight, but it was -- I didn't see any  
18                  rotted members or members that might be in  
19                  distress.

20                  CHAIRWOMAN:                  Okay. You  
21                  said you wouldn't consider fixing this up for  
22                  residential. What would your opinion be for  
23                  fixing it up for commercial use, retail space,  
24                  some other use?

25                  MR. ROBINETTE:                  You know, the

1 question gets into a little bit of a value  
2 judgment, you know, and the term -- I have a  
3 hard time using the word feasible, because most  
4 all things can be done if there's money to do  
5 them. Whether -- and I was -- and Mr. Huber  
6 asked if I would do it myself if I owned it. I  
7 don't think the cost of trying to sustain this  
8 home in the location that it's in is a good  
9 financial investment. I'm not a real estate  
10 person, so I can't answer with any certainty or  
11 that level of expertise, but you're asking me  
12 to make a judgment so I'm trying to frame the  
13 context for that.

14 Commercially it would depend upon who was  
15 using the home. It's a small home. I mean,  
16 they're very small spaces. So the ability to  
17 capture back money, I think, would be difficult  
18 under any circumstances based upon the  
19 potential investment that would be required,  
20 but -- and they're not large rooms. It would  
21 be difficult. I think it would be -- it would  
22 all depend on the individual business that  
23 might go there, and I'm not quite sure who that  
24 might be.

25 Sorry if I didn't answer that well.

1 CHAIRWOMAN: No, that's  
2 fine.

3 But it is sound enough to relocate?

4 MR. ROBINETTE: I mean, you've  
5 heard some of the dimensional issues relative  
6 to the house being out of level or plumb, but  
7 in all honesty, when I go into a home of this  
8 vintage, I expect it to be out of level and  
9 plumb to a degree.

10 CHAIRWOMAN: Mine is.

11 MR. ROBINETTE: Well, yeah.  
12 I -- yeah.

13 CHAIRWOMAN: Any other  
14 questions from the Board?

15 MR. WITSCHHEY: (Indicating.)

16 CHAIRWOMAN: I'm sorry.

17 MR. WITSCHHEY: Yes, I have  
18 some questions. I'm sorry. I'll defer to the  
19 Board first.

20 MR. WOOD: Just one.

21 On Page 299, it shows a picture of -- it  
22 says, "Photo - #1 main beam rotted at  
23 foundation wall." It kind of looks like dry  
24 rot. Is that -- is it dry rot?

25 MR. ROBINETTE: Yeah, that's

1           dry rot. In my opinion it's dry rot.

2           Again, I didn't -- there was some water  
3 coming in through some cracks of the floor. I  
4 did not find any water penetration anywhere  
5 else in the house. It's been reasonably  
6 well-maintained over the years.

7                   MR. WOOD:                   Okay. Because  
8 I wonder, if they were to try to move the  
9 house, would that beam almost disintegrate, you  
10 know, from --

11                   MR. ROBINETTE:               Well, I mean,  
12 that's what happens in a home like this. When  
13 you get into the timbers, you'll find  
14 particularly around the rim edge -- the rim  
15 edge is the beam that -- it's the beam at the  
16 edge that runs perpendicular to the one you're  
17 looking at with the dry rot. If it's close to  
18 grade, which these are, moisture can wick up  
19 through snow and rain at the perimeter into the  
20 beam between the sill and the wood and can  
21 start to deteriorate the wood. So it's  
22 customary, if you consider renovating a home  
23 like this, to expect that you're going to  
24 replace portions of timbers, both around the  
25 rim as well as potentially internal in the

1 home.

2 MR. WOOD: Thank you.

3 CHAIRWOMAN: Counsel.

4 MR. WITSCHHEY: Yes.

5 So, Mr. Robinette, just a couple questions.

6 You had mentioned that it was dark and that  
7 you --

8 MR. ROBINETTE: Hm-hm.

9 MR. WITSCHHEY: -- relied on  
10 the report from Mr. Gladish; is that correct?

11 MR. ROBINETTE: I wouldn't say  
12 I relied on the report from Mr. Gladish. I  
13 took advantage of the report from Mr. Gladish.  
14 He had done quite an in-depth analysis of the  
15 house, and I did not get into that level of  
16 depth, but I had formed my own opinion prior to  
17 seeing Mr. Gladish's report, and in all  
18 honesty, Mr. Gladish's report didn't change my  
19 opinion that much.

20 MR. WITSCHHEY: Okay. But you  
21 were able -- I mean, who took these  
22 photographs, like Photo Number 1, 2, and 3,  
23 like that one that's up on the board right  
24 there (indicating)?

25 MR. ROBINETTE: That would be

1                   one of Dan's pictures.

2                   MR. WITSCHHEY:                   Okay. And  
3                   you -- so you took some of Dan's pictures  
4                   and --

5                   MR. ROBINETTE:                   No, no. I --  
6                   if you go through my report, I have photos at  
7                   the end of my report, and then I subsequently  
8                   added Dan's work for informational value.

9                   MR. WITSCHHEY:                   All right. So  
10                  this photo was not taken by you (indicating)?

11                  MR. ROBINETTE:                   No, it was  
12                  not.

13                  MR. WITSCHHEY:                   So you weren't  
14                  personally in the basement and able to see  
15                  this?

16                  MR. ROBINETTE:                   I was  
17                  personally in the basement twice. I saw a  
18                  great many things. I did not see that specific  
19                  circumstance.

20                  MR. WITSCHHEY:                   All right. So  
21                  what exactly -- it says, "main beam rotted at  
22                  foundation wall - North side of basement."  
23                  What exactly is a "main beam"? What does the  
24                  word "main" mean?

25                  MR. ROBINETTE:                   They're -- I

1 described the half-timbers. That's the north  
2 wall of the house, which would be the long wall  
3 of the house, and the half-tree timbers run  
4 east-west. They're perpendicular to this,  
5 meaning that this beam -- and I believe that's  
6 in the center of the home. It's one of the  
7 primary structural points that would pick up  
8 the half-timbers on the interior of the house.

9 MR. WITSCHHEY: Okay. And if  
10 we look at Photo Number 2, it says, "main beam  
11 rotted and splitting at foundation wall - North  
12 side of basement main beam --" I'm sorry,  
13 "... main sill beam is twisted outwards at the  
14 top."

15 MR. ROBINETTE: Hm-hm.

16 MR. WITSCHHEY: Is that the  
17 same beam as Photo Number 1?

18 MR. ROBINETTE: I can't say  
19 definitively. It could be, but I'm not sure.

20 MR. WITSCHHEY: But as a main  
21 beam then, it supports a load from the home; is  
22 that correct?

23 MR. ROBINETTE: Of course it  
24 does, yes.

25 MR. WITSCHHEY: All right.

1                   And with it splitting and being rotted, would  
2                   it not be a good idea to get that beam  
3                   replaced?

4                   MR. ROBINETTE:                   Replaced or  
5                   repaired.

6                   MR. WITSCHHEY:                   And in what  
7                   fashion would it be repaired?

8                   MR. ROBINETTE:                   Well,  
9                   oftentimes with an old home like this, what  
10                  you'll do is you'll create an opportunity to  
11                  bear new members adjoining that beam - see  
12                  where the masonry is beside it (indicating) -  
13                  and you can subsequently sister new LVL.

14                  "Sister" refers to applying a piece of  
15                  structure on each side of it, basically to  
16                  carry the load that it used to carry and  
17                  supplement its capability to continue to carry  
18                  the load.

19                  MR. WITSCHHEY:                   All right.  
20                  And is that the recommendation that you had  
21                  made when you were talking about --

22                  MR. ROBINETTE:                   I didn't --

23                  MR. WITSCHHEY:                   -- structural  
24                  support required at the perimeter and the  
25                  interior points?

1 MR. ROBINETTE: Yeah, that  
2 would be a good example of that.

3 MR. WITSCHHEY: Okay. And for  
4 that, you assigned a cost of forty-eight  
5 thousand dollars?

6 MR. ROBINETTE: Hm-hm.

7 MR. WITSCHHEY: And then five  
8 thousand dollars designing and engineering; is  
9 that correct?

10 MR. ROBINETTE: Yes.

11 MR. WITSCHHEY: You yourself,  
12 though, are not a structural engineer; is that  
13 correct?

14 MR. ROBINETTE: That's  
15 correct.

16 MR. WITSCHHEY: So you would  
17 not purport to be an expert in the engineering  
18 of something that would be an appropriate fix  
19 for this particular situation?

20 MR. ROBINETTE: I'm not trying  
21 to be cute, but I've never been comfortable  
22 with the term expert, either for myself or many  
23 other people, in all honesty.

24 MR. WITSCHHEY: Is this  
25 something that you do for a living?

1 MR. ROBINETTE: It is, yes.

2 MR. WITSCHHEY: So you would  
3 do the engineering work on something like this?

4 MR. ROBINETTE: I would  
5 evaluate the structure, I would determine those  
6 things that need to be fixed. Based upon  
7 previous experience, I would consider a way to  
8 do that, and then once I had a set of drawings  
9 or documentation developed to a point, I would  
10 sit down with a structural engineer to verify  
11 sizing and connections and to hear any other  
12 opinions that he might have.

13 MR. WITSCHHEY: So it isn't  
14 something that you would feel comfortable doing  
15 yourself? You would consult with a structural  
16 engineer?

17 MR. ROBINETTE: If needed. In  
18 a situation like this, if there were tense  
19 circumstances, six to seven I would consider  
20 being comfortable on my own, three to four I  
21 would get the help of someone.

22 MR. WITSCHHEY: And on this  
23 particular situation, would you get the help of  
24 someone else where you could have reviewed  
25 reports from engineers --

1 MR. ROBINETTE: Hm-hm.

2 MR. WITSCHHEY: -- saying that  
3 there is a safety concern with this particular  
4 situation?

5 MR. ROBINETTE: Yeah. I would  
6 document -- I would document the house and  
7 subsequently be in a position to sit down with  
8 a structural engineer and get any help I felt  
9 was necessary.

10 MR. WITSCHHEY: So let's go  
11 back to the question then for this particular  
12 situation.

13 You would want the assistance of a  
14 structural engineer?

15 MR. ROBINETTE: Yeah, I would.

16 MR. WITSCHHEY: You had made a  
17 comment about this being a resident -- the only  
18 residential property remaining in the immediate  
19 area.

20 MR. ROBINETTE: Hm-hm.

21 MR. WITSCHHEY: I want to ask  
22 a couple questions about that.

23 From an architectural standpoint, does this  
24 particular home -- sitting in the situation  
25 that it's in and the circumstances that it's

1 in, does it add any significance to the  
2 Historical District that it's in?

3 MR. ROBINETTE: Personally I  
4 don't believe so.

5 MR. WITSCHHEY: No further  
6 questions.

7 CHAIRWOMAN: I have a  
8 question.

9 You mentioned that some of the support  
10 beams in the basement were what appeared to be  
11 half-logs.

12 MR. ROBINETTE: Hm-hm. Well,  
13 the floor joists were half-logs, yes.

14 CHAIRWOMAN: Could you  
15 provide an estimate of what period or date  
16 those would date back to? Obviously not 1900s.

17 MR. ROBINETTE: My folks  
18 have -- my folks have a house in Sharon Center  
19 in that condition and it was built in 1832.

20 I'm working on a house on East Washington  
21 Street that has that condition. From  
22 everything I know, it was built in the 1850s.

23 I would use that frame of reference to  
24 consider when it might have been built.

25 CHAIRWOMAN: Okay. So it

1                   would probably -- based on the age of the other  
2                   buildings on the Square, it's a relatively old  
3                   building then?

4                   MR. ROBINETTE:                   I can't say  
5                   that for certain.

6                   CHAIRWOMAN:                   Okay. Thank  
7                   you.

8                   MR. ROBINETTE:                   I really  
9                   can't.

10                  CHAIRWOMAN:                   Okay. Thank  
11                  you.

12                  MR. ROBINETTE:                   Hm-hm.

13                  CHAIRWOMAN:                   Any other  
14                  questions from the Board? Counsel?

15                  MR. HUBER:                   Well, Kevin  
16                  it's a little after seven o'clock, so you --

17                  MR. ROBINETTE:                   I really -- I  
18                  do very much appreciate your consideration.  
19                  It's very nice of you.

20                  If you need to follow up with anything, I  
21                  would be happy to address anything you might  
22                  need. All right?

23                  CHAIRWOMAN:                   Thank you.

24                  MR. ROBINETTE:                   Thank you all  
25                  very much.

1 CHAIRWOMAN: Okay.

2 MR. WITSCHHEY: We would like  
3 to call Kyle Richardson, please.

4 KYLE RICHARDSON

5 MR. WITSCHHEY: And, Kyle, if  
6 you could tell the Board what it is that you  
7 did and what conclusions and findings you came  
8 to. Give a little bit of background about  
9 yourself.

10 MR. RICHARDSON: Sure.

11 My name is Kyle Richardson, Cramer  
12 Engineering, 3874 April Drive, Uniontown, Ohio.

13 So I was hired by Mr. Sturgill to provide a  
14 structural inspection on the house back in  
15 December of '21, and what I found is that the  
16 exterior walls of the house are both out of  
17 plumb significantly. I've got a couple  
18 different measurements. One was five-eighths  
19 of an inch over two feet and the other was up  
20 to an inch-and-a-half over two feet. So if you  
21 extrapolate that out, that's approximately six  
22 inches over eight feet, which is quite severe.  
23 I believe that was also roughly measured by  
24 Mr. Gladish's report.

25 Just kind of running down through my

1 report, the rear lower roof is deflecting  
2 towards the middle. Interior walls are out of  
3 plumb. There's many temporary shoring posts in  
4 the basement to fix sagging or deflecting  
5 floors that were likely placed over time to try  
6 to shore up some issues that they were  
7 noticing.

8 I had mentioned that these are all  
9 temporary because the way they are -- the way  
10 they've been installed, they're not secured  
11 properly, they don't have -- likely don't have  
12 any kind of footer under them to properly  
13 support that structure.

14 There was a couple of areas in the  
15 foundation where there's cracks forming,  
16 indicating possible settlement of the  
17 foundation, several areas in those cracks where  
18 there's effervescence, which is basically  
19 deposits left behind from moisture or water  
20 infiltration. Loose stone was noted in the  
21 west foundation wall on the east half of the  
22 basement.

23 There's a crack in the north foundation  
24 wall that was also wet at the base of the wall.  
25 So there was active water or moisture moving

1 through there. That crack, I believe, was --  
2 the same one was displaced about  
3 five-sixteenths of an inch. So there has been  
4 some movement there.

5 There's an area at the west end of the  
6 basement, I refer to it as a benched  
7 foundation. I believe Mr. Robinette had kind  
8 of mentioned that he thought maybe there was a  
9 previous crawl space. In my experience, that  
10 is typical of a crawl space that's been  
11 converted into more of a full-depth basement,  
12 and they do that because the footer is built at  
13 one level, and then in order to dig -- excavate  
14 the basement deeper, you've got to support the  
15 soil. So they have to bench -- you know, leave  
16 the soil and provide this benched foundation.

17 Well, in that area, Item 12, you can see  
18 that it's cracking and separating, and once  
19 that fails, any soil would fall under the  
20 basement and compromise the footer of the  
21 home.

22 There's areas where there's shifting brick  
23 in the foundation wall at the northwest corner.  
24 In that area, the foundation wall is out of  
25 plumb.

1           And then various other areas throughout the  
2 house that was previously touched on, kitchen  
3 cabinets are no longer flush with the ceiling  
4 due to the racking of the home. Sloping  
5 floors, sloping counters, southeast window  
6 header out of level three quarters of an inch  
7 over two feet.

8           The second floor, there's about a  
9 three-and-a-half inch drop that I measured over  
10 fourteen feet, that's basically the living room  
11 area for that second floor unit.

12                   MS. STAHL:                   What was that  
13 figure again?

14                   MR. RICHARDSON:                   Three-and-a-half  
15 inches.

16                   MS. STAHL:                   Over?

17                   MR. RICHARDSON:                   Fourteen feet.

18                   MS. STAHL:                   Thank you.

19                   MR. RICHARDSON:                   Door frames,  
20 openings out of plumb, out of square.

21           And then the bathroom of the second unit,  
22 the floor's sloping towards the center.

23           So overall, after my inspection, I deemed  
24 that there was so many structural issues that  
25 needed to be corrected with this home that the

1 cost to implement that would exceed the  
2 financial value that Mr. Sturgill would get out  
3 of the -- this home.

4 So I was just going to reference a couple  
5 of the other reports. So in the Wellert  
6 report, they came to many of the same  
7 conclusions that I did with, you know, walls  
8 and floors being out of plumb and level.

9 The rotted beams in the basement, I forgot  
10 to touch on that one. I do have a picture of  
11 that -- the end of the beam that was rotted out  
12 at the north wall there. Mr. Wellert mentioned  
13 that there would be significant cost to fix the  
14 building, which outweighs the benefits of  
15 trying to make those repairs.

16 The Gladish report, he also comments  
17 roughly on the same figures of the exterior  
18 walls being out of plumb five-and-a-half to  
19 six-and-a-half inches, sagging, deflecting, low  
20 roof, the main timber beam of the basement, the  
21 damages that have occurred to that, and then  
22 all of the temporary posts, water infiltration  
23 through the foundation walls, and he does  
24 mention that the building is considered a  
25 hazard.

1           As far as the Landmark estimate, I reviewed  
2           that. I do agree with most of their figures.  
3           For their framing numbers, you know, like we  
4           mentioned before, they're showing a cost of  
5           labor and then you have to add material prices  
6           to that, and then Mr. Sturgill did mention  
7           earlier that the masonry number they included  
8           also did not include any exterior  
9           waterproofing, which would increase that number  
10          as well.

11                   MS. STAHL:                    May I ask you  
12          a question while we're on that?

13                   MR. RICHARDSON:                 Sure.

14                   MS. STAHL:                    So, you know,  
15          to make this building secure and safe, there's  
16          certain things that have to be done by code.

17                   So when I'm looking at this estimate and  
18          then looking over the architect estimate and  
19          trying to come up with something in between --  
20          because I think this estimate is way over. I  
21          don't know why you would have to redo all of  
22          the electric in the entire building, all of the  
23          plumbing in the entire building, every single  
24          wall. So I understand the walls are not plumb,  
25          but are they still within the range of being



1 anything that's over -- up to or over a  
2 half-inch out of plumb over eight feet we  
3 recommend structural repairs.

4 MS. STAHL: And in terms  
5 of the quote by Landmark Homes, you know, why  
6 would the entire electric have to be redone and  
7 the entire plumbing? I understand there might  
8 be some plumbing in the basement, maybe the  
9 main feeds coming in, but why would everything  
10 have to be totally ripped out?

11 MR. RICHARDSON: Yeah, I can't  
12 really comment on their analysis of what -- you  
13 know, their quote from an electric or a  
14 plumbing standpoint. I believe Mr. Sturgill  
15 kind of mentioned earlier that that was kind of  
16 an all-encompassing renovation cost. So  
17 there's probably items in there that aren't  
18 necessary to the structure itself.

19 MS. STAHL: So in a  
20 typical -- like if this -- you know, in your  
21 experience with the different houses you've  
22 inspected, what are the typical things that  
23 have to be done when you have to go and dig out  
24 the basement and, you know, put new footers in  
25 and everything? What are the typical things

1           that follow that? So when you're trying to  
2           give somebody an estimate of, "Hey, these are  
3           all the things you're going to have to do," you  
4           know, you can fix the foundation, but there's  
5           going to be other ancillary things you're going  
6           to have to do. What are some of the typical  
7           ones?

8                       MR. RICHARDSON:               Right. So I  
9           mean, it's really on a case-by-case basis, and  
10          I'm not a contractor, so any of the figures  
11          that I would provide to any of my clients would  
12          be more of a ballpark range.

13                     MS. STAHL:                    I'm just  
14          looking for items that normally would have to  
15          be --

16                     MR. RICHARDSON:               Yeah, I'm  
17          getting to that.

18                     MS. STAHL:                    Yeah.

19                     MR. RICHARDSON:               So obviously  
20          when you make one repair, that could affect  
21          other things down the line. So, you know, say  
22          you're replacing a beam or sistering floor  
23          joists, then you're going to affect potential  
24          plumbing or electric or HVAC, you know, duct  
25          lines or electric lines that are running

1 through those structures.

2 So, you know, maybe he doesn't have to  
3 replace all of the plumbing in the house, but  
4 there is -- you know, one thing does affect  
5 another in certain cases, so --

6 MS. STAHL: Would you  
7 typically have to redo the walls, like reframe  
8 the entire wall?

9 MR. RICHARDSON: I mean, that's  
10 kind of a loaded question.

11 MS. STAHL: I mean, I just  
12 don't know, that's why I'm asking. I don't  
13 know when you -- you know, if you --

14 MR. RICHARDSON: Yeah, you --

15 MS. STAHL: -- restructure  
16 the bottom --

17 MR. RICHARDSON: If you're  
18 trying to pull this house back into plumb, yes,  
19 you're going to have to touch drywall, you're  
20 going to have to, you know, reset kitchen  
21 cabinets and whatnot. So it's a domino effect.  
22 Certain items are going to affect other traits.

23 CHAIRWOMAN: Any other  
24 questions from the Board?

25 (No verbal response.)

1 CHAIRWOMAN: I have a  
2 question.

3 So in your engineering business, do you  
4 have clients that come to you and say, you  
5 know, "I've purchased this home, I have to  
6 renovate it"? So in addition to providing them  
7 structural documentation, do you also provide  
8 them pricing?

9 MR. RICHARDSON: Yeah. I  
10 mentioned ballpark pricing.

11 CHAIRWOMAN: Are you  
12 capable --

13 MR. RICHARDSON: Upon request.

14 CHAIRWOMAN: Are you  
15 capable of doing that with this?

16 MR. RICHARDSON: Yeah, I can  
17 get ballpark pricing together. I wasn't asked  
18 to because he already had pricing together,  
19 so --

20 CHAIRWOMAN: Counsel, any  
21 questions?

22 (No verbal response.)

23 CHAIRWOMAN: Any questions?

24 MR. HUBER: I do not have  
25 any questions.

1 CHAIRWOMAN: Thank you.

2 MR. WITSCHHEY: I have a  
3 follow-up question.

4 Mr. Richardson, if you could go to the  
5 Renovation Homes -- Landmark Homes estimate and  
6 the item that is marked as "Masonry," can you  
7 tell us what is the reason for the work under  
8 that category?

9 MR. RICHARDSON: So they're  
10 talking about digging up around the exterior of  
11 the foundation and installing new drain tile,  
12 which is to allow water to drain away from the  
13 home. Gravel is a drainage course, removing  
14 concrete two foot forward from the building,  
15 and replacing it. I'm not sure exactly what  
16 that part is referring to, but the sidewalk  
17 possibly. Installing eleven new post pads,  
18 which I referenced about the temporary posts.  
19 Whenever you're adding posts, you want those to  
20 bear on a solid footer. In these older homes,  
21 the concrete floors are typically pretty thin,  
22 and that can create a punching shear situation  
23 where it will actually punch through the  
24 concrete.

25 Tuckpointing the foundation, that's, you

1 know, removing any bad mortar joints and  
2 tuckpointing with new mortar.

3 And then I guess they're talking about  
4 removing any basement windows and then filling  
5 with masonry.

6 MR. WITSCHHEY: Now, are any  
7 of these items that -- these items in this  
8 masonry package, are these needed to make the  
9 home safe and habitable?

10 MR. RICHARDSON: Yeah.

11 MR. WITSCHHEY: Okay. And the  
12 cost estimate of \$94,930, is that reasonable?

13 MR. RICHARDSON: Yeah, in my  
14 opinion.

15 MR. WITSCHHEY: With regard to  
16 the second item on that list, the framing and  
17 labor -- I'm sorry, the framing labor, is that  
18 something that would be needed as you shore up  
19 the foundation and try to get the building back  
20 into plumb?

21 MR. RICHARDSON: Yeah.

22 MR. WITSCHHEY: And is that  
23 estimate of fifteen thousand dollars  
24 reasonable?

25 MR. RICHARDSON: Yeah. If

1 anything, I think it's light.

2 MR. WITSCHHEY: Okay. Why is  
3 that?

4 MR. RICHARDSON: Well, number  
5 one, they don't have a material cost on there,  
6 and I could just see it going over fifteen  
7 thousand based on what I saw with my own eyes  
8 during the inspection.

9 MR. WITSCHHEY: All right.  
10 And then with regard to the next item, the  
11 drywall, is that something that would also need  
12 to be addressed as this building is bought --  
13 brought into a habitable condition?

14 MR. RICHARDSON: Yeah. Likely  
15 drywall would be affected once you're trying to  
16 bring the building back into a plumb condition.

17 MR. WITSCHHEY: And is the  
18 estimate of \$22,093.50 reasonable?

19 MR. RICHARDSON: Yeah, that  
20 looks reasonable to me.

21 MR. WITSCHHEY: Were you aware  
22 of any plumbing issues that needed to be  
23 addressed to make the property habitable?

24 MR. RICHARDSON: That wasn't a  
25 focus on my inspection, so no, I wasn't aware

1 of any.

2 MR. WITSCHHEY: How about with  
3 regard to the roofing labor? Is that something  
4 that would need to be addressed in making this  
5 property habitable?

6 MR. RICHARDSON: Yes. There  
7 are roof issues I noted from a structural  
8 standpoint with the deflection in that roof.  
9 So any kind of structural repairs made there  
10 would affect the waterproofing ability of the  
11 shingles.

12 MR. WITSCHHEY: And there is  
13 an estimate of \$18,974. Is that a reasonable  
14 estimate?

15 MR. RICHARDSON: Yeah, I think  
16 that's a reasonable estimate.

17 MR. WITSCHHEY: All right.  
18 What about when a building comes back into  
19 plumb or to become structurally sound, does  
20 that affect the windows at all?

21 MR. RICHARDSON: Yeah. It's  
22 going to affect all of your openings.

23 MR. WITSCHHEY: Okay. So this  
24 is kind of the domino effect that you had  
25 mentioned?

1 MR. RICHARDSON: Right.

2 MR. WITSCHHEY: All right. So  
3 I see that there is an estimate of \$27,335 for  
4 windows. Is that a reasonable estimate?

5 MR. RICHARDSON: Yeah, I  
6 believe so.

7 MR. WITSCHHEY: All right.  
8 With regard to the next item on the list,  
9 "Siding Labor," can you describe what's  
10 happening there, whether that is a result of  
11 bringing the property back into a  
12 structurally-sound condition?

13 MR. RICHARDSON: Yeah. They're  
14 talking about installing new siding and  
15 housewrap, an insulation layer, and then  
16 exterior trim, frieze board, new gutters, and  
17 downspouts.

18 Yeah, any time you're going to be pulling a  
19 building back into plumb, it's going to affect  
20 other things. So I believe that is a  
21 reasonable price.

22 MR. WITSCHHEY: The price  
23 being \$41,657?

24 MR. RICHARDSON: Yeah.

25 MR. WITSCHHEY: Okay. And

1           electrical, I don't recall whether you were --  
2           that was a focus of your review.

3                   MR. RICHARDSON:                   No, it was  
4           not.

5                   MR. WITSCHHEY:                   Okay. What  
6           about floor coverings? As a building comes  
7           back into the plumb, is there anything that's  
8           needed to be done with the floor?

9                   MR. RICHARDSON:                   Yeah. In  
10          order to gain access to the structure, again,  
11          it's depending on how you would attack it.  
12          You're either going to be affecting a ceiling  
13          or a floor, so --

14                   MR. WITSCHHEY:                   Okay. And the  
15          floor coverings and allowance of eleven  
16          thousand dollars, is that reasonable?

17                   MR. RICHARDSON:                   Yeah, I  
18          believe so.

19                   MR. WITSCHHEY:                   "Trim Labor."  
20          Anything that is affected in terms of trim  
21          labor when you bring a home back into a  
22          structurally-sound condition?

23                   MR. RICHARDSON:                   Yeah.

24                   MR. WITSCHHEY:                   Okay. And the  
25          estimate there, \$8,580, is that reasonable?

1 MR. RICHARDSON: Yeah.

2 MR. WITSCHHEY: And underneath  
3 it, "Trim Materials," is that also a function  
4 of the work that would need to be done on trim?

5 MR. RICHARDSON: Correct.

6 MR. WITSCHHEY: And the amount  
7 listed there of \$4,620, is that reasonable?

8 MR. RICHARDSON: Yeah.

9 MR. WITSCHHEY: All right.

10 Then the next item says, "Materials:  
11 Cabinetry." Explain how that may or may not be  
12 a function of bringing the home back into a  
13 structurally sound and plumb condition.

14 MR. RICHARDSON: Yeah, I mean,  
15 the existing cabinetry is currently sloping and  
16 there's gaps between the upper cabinets and the  
17 ceiling. So at a minimum, the cabinetry would  
18 need to be removed and reinstalled based on --  
19 again, that wasn't a main focus of my  
20 inspection, but if you're going to go through  
21 that, you might as well replace them new.

22 MR. WITSCHHEY: All right. So  
23 you heard Mr. Robinette testify that he came up  
24 with an estimate of approximately fifty-three  
25 thousand dollars, that being forty-eight

1           thousand dollars of labor and five thousand  
2           dollars of engineering and professional costs,  
3           to fix the structural problems in the home.

4           Do you find that to be a reasonable number?  
5           Is that accurate, in your opinion?

6                       MR. RICHARDSON:                I believed his  
7           number was a little light. I think, overall,  
8           the engineering and design is probably pretty  
9           close, but I think the framing number is a bit  
10          light, and the exterior door and window figure  
11          that he had, that six thousand, I thought was  
12          quite light. I thought Landmark was more in  
13          line with where that should be with the  
14          twenty-seven-ish thousand.

15                     MR. WITSCHHEY:                And can you  
16          give us a little bit about -- what education do  
17          you have and how many years experience at what  
18          you do?

19                     MR. RICHARDSON:                I have a  
20          bachelor's degree in engineering, construction  
21          engineering, from the University of Akron. I  
22          have experience as a structural engineer at  
23          Cramer Engineering for three years, full-time,  
24          plus several years part-time, and as a  
25          construction manager and general contractor.

1 MR. WITSCHHEY: All right.

2 And what I see at the bottom of your report, at  
3 the end of your report, there's a stamp from a  
4 James Joseph Cramer.

5 MR. RICHARDSON: Correct.

6 MR. WITSCHHEY: What's that  
7 stamp about? What does that mean?

8 MR. RICHARDSON: Jim Cramer is  
9 a professional engineer, he's the owner of the  
10 company, and he is the sole PE for the company.  
11 We all practice underneath him.

12 MR. WITSCHHEY: Okay. And did  
13 he review this report?

14 MR. RICHARDSON: Yes.

15 MR. WITSCHHEY: Okay. At the  
16 very end of the report, you drew a conclusion  
17 concerning the health and safety aspects of  
18 this particular structure. What was the  
19 conclusion that you drew?

20 MR. RICHARDSON: That the  
21 existing state of the building concludes  
22 there's an imminent life safety hazard, severe  
23 structural issues or collapse that are  
24 possible, and it is recommended to demolish the  
25 building for safety reasons.

1 MR. WITSCHHEY: Thank you.

2 MS. STAHL: One last  
3 question.

4 So just comparing these two, you know,  
5 opinions about what has to be done with this  
6 house to make it sound, you know, the architect  
7 did not have, you know, digging out the entire  
8 foundation and putting -- you know, doing all  
9 of that work. We just have the framing part of  
10 it.

11 So in your opinion, you know, why would  
12 Landmark have -- you know, why would one  
13 recommend one way and one not giving up the  
14 whole doing all the masonry in the basement?

15 MR. RICHARDSON: I can't really  
16 comment on why he didn't have that included,  
17 but it is -- I mean, there is obvious signs of  
18 water infiltration. So that does warrant, you  
19 know, drain tiles and exterior waterproofing.  
20 That's part of creating a stable foundation for  
21 your home.

22 MS. TRAVES: On the day  
23 that you inspected the property, was there snow  
24 on the ground?

25 MR. RICHARDSON: I don't

1 recall.

2 MS. TRAVES: Was there  
3 water in the basement?

4 MR. RICHARDSON: There was,  
5 yeah. There's photos of water in the basement.

6 MS. TRAVES: Thank you.

7 CHAIRWOMAN: So was  
8 Mr. Cramer present for any of these pictures or  
9 evaluations?

10 MR. RICHARDSON: No. I did the  
11 inspection.

12 CHAIRWOMAN: Okay. And do  
13 you hold a PE?

14 MR. RICHARDSON: No.

15 CHAIRWOMAN: Thank you.

16 MR. HUBER: Does anybody  
17 have any objection to us getting to John Emig  
18 who has been on the camera for a while?

19 Frank, do you have any problem?

20 MR. WITSCHHEY: No, I don't.

21 CHAIRWOMAN: Please.

22 MR. HUBER: That's okay?

23 CHAIRWOMAN: Yes, please.

24 MR. HUBER: John, can you  
25 hear me?

1 MR. EMIG: Yes, I can.

2 MR. HUBER: Amazing.

3 JOHN EMIG

4 MR. HUBER: Can you tell  
5 us, please, a little bit about your background  
6 and expertise with respect to appraisal of  
7 property?

8 MR. EMIG: Certainly.

9 I've been practicing in Northeast Ohio in  
10 evaluation of residential and commercial real  
11 property since 1976, so forty-six years. I  
12 worked for a lending institution for the first  
13 seven years of my career, and since 1983 I've  
14 been a partner/owner at a company called  
15 Spalding/Emig Company. We were located in  
16 Downtown Akron for a number of years and more  
17 recently we moved to Kent, which is where I  
18 reside.

19 Medina County has been part of my market  
20 area since the very beginning, and it's an area  
21 I practice in all types of real property  
22 valuation. We do a lot of work for banks,  
23 lending institutions, for attorneys, and  
24 accountants. We do a lot of tax appeal work  
25 for both school boards, boards of education,

1 property owners and their legal counsel, and we  
2 do have various other types of work.

3 And I should disclose to both attorneys in  
4 the room tonight, Mr. Huber has hired me on  
5 behalf of the City and in other areas of  
6 practice in the past, and Mr. Witschey and his  
7 firm have hired me, although it's been a number  
8 of years since I've seen him.

9 So good evening, Mr. Witschey. It's good  
10 to see you again.

11 MR. WITSCHHEY: Good to see  
12 you, John.

13 MR. EMIG: So my practice  
14 is in all types of real property. I  
15 concentrate on commercial valuation, but  
16 oftentimes residential appraisals for a  
17 two-unit residence like this, I'm likely to get  
18 involved when there's litigation, testimony  
19 involved, and so forth. So that's why I got  
20 involved in this case when asked.

21 I also have a history with this property  
22 having appraised it previously for mortgage  
23 lending when Mr. Rose owned the property.

24 MR. HUBER: In your  
25 letterhead next to your name are the words

1 "MAI." Can you explain for the record, please,  
2 what that means?

3 MR. EMIG: Certainly.  
4 MAI designations are -- the initials stand for  
5 Member of the Appraisal Institute. It's a  
6 designation one achieves after a minimum of at  
7 least six years of experience in the valuation  
8 of commercial real estate. You must take ten  
9 weeks' worth of week-long courses, pass an  
10 examination at the end of each of those, submit  
11 a demonstration report or basically a thesis on  
12 the valuation of a specific property, and pass  
13 a four-part, two-day test to gain the MAI  
14 designation. It's often sought for those of us  
15 that testify in valuation matters such as tax  
16 work, also domestic relations and so forth.

17 So as part of my education, my background  
18 is I have an undergraduate degree with a  
19 double major in finance and real estate from  
20 Kent State, and then I got an MBA degree from  
21 Kent State as well.

22 MR. HUBER: Thank you,  
23 John.

24 How did you become involved in this  
25 instance where you're appraising 277 South

1 Court Street in Medina, Ohio?

2 MR. EMIG: Mr. Dutton got  
3 in touch with me, explained the circumstances,  
4 and asked if I would be interested. I  
5 submitted a proposal, a bid as to what my fees  
6 and time would be to get it done, and it was  
7 accepted, and I gained permission to go inside  
8 of the property, did so on February 10th, and  
9 then put together an appraisal report valuing  
10 the property under a couple of different  
11 scenarios.

12 The key here is ascertaining whether or not  
13 repair of the property to place it in a safe  
14 and habitable condition is financially  
15 feasible, and if that's not the case, then what  
16 is, what we in the appraisal profession call,  
17 the highest and best use of the site. That  
18 simply means what use will bring the highest  
19 value to the property.

20 MR. HUBER: You prepared a  
21 written report; is that correct?

22 MR. EMIG: I did, yes.

23 MR. HUBER: I think we  
24 have your report noted as being Exhibit D,  
25 which I'm holding.

1                   Is everybody in agreement with that?

2                   (No verbal response.)

3                   MR. HUBER:                                 John, could  
4                   you walk us through how you do an appraisal of  
5                   this type and then walk us through what you did  
6                   in this particular instance?

7                   MR. EMIG:   Absolutely.

8                   Much like when I testify in tax hearings,  
9                   I'm going to go through my report as best I  
10                  can, hitting the highlights, trying not to  
11                  belabor any points, and then I would be glad to  
12                  field questions from the various parties as to  
13                  the conclusions.

14                  MR. HUBER:                                 That would be  
15                  good.

16                  MR. EMIG:   The first step  
17                  is to answer the question, what would the  
18                  property be worth effectively in its current  
19                  condition?  However, assuming that it is safe  
20                  to inhabit and structurally sound and capable  
21                  of having the tenants back in place, basically  
22                  going back to 2019 before we knew that the  
23                  property had structural issues and saying, what  
24                  would a property -- a buyer logically pay for  
25                  the property?  What's its market value?  What's

1           its value in exchange? For very unique and  
2           unusual properties, oftentimes you must rely on  
3           the appraiser's judgment and experience for the  
4           valuation. This doesn't fall under that  
5           category. This really falls in the category of  
6           a property where the data tells you the answer  
7           to the problem.

8           If you've ever had your house appraised,  
9           you know about what we call comps in the  
10          business, it's comparable sales, and your  
11          agent, when you list the property or when you  
12          look at a property, will give you comparable  
13          sales of properties that have sold, and that  
14          answers the question, "What should I offer for  
15          the property that I'm buying?"

16          So just in summary, I took photographs of  
17          our subject property, they begin on Page 9. I  
18          will let everyone just look through those.  
19          They continue for about nine pages or so.

20          The key page in my report realistically is  
21          Page 52. That is the summarization of the  
22          previous pages. There are MLS sheets that  
23          summarize six comparable sales, they are all  
24          multi-unit dwellings in the City of Medina,  
25          they have all sold. As you'll see on Page 52,

1 the oldest sale was July of 2020, and they  
2 continued through December of 2021. I have a  
3 "Year Built" column. The subject property, the  
4 auditor says it was built in 1880. I know  
5 there is some question as to whether it may be  
6 older than that. Actually it was moved to its  
7 current location.

8 You'll see the comparable sales all were  
9 built between 1907 and 1934, so they're all  
10 older structures, although none of them go back  
11 to 1800s. They are all before-World-War-Two  
12 construction, so they have similarities there.

13 What generates revenue to a structure is  
14 what an investor will pay, and so that's the  
15 key criterion. On the valuation of a property  
16 like this, the investor is the likely buyer of  
17 the two-unit property. They're buying it for  
18 the income that the property's capable of  
19 generating, and you'll see I listed the number  
20 of bedrooms in each of the comparable sales,  
21 and then it's just simple division in two key  
22 areas that were used predominantly to establish  
23 the final conclusion.

24 I subtracted the sale price of the property  
25 by the number of bedrooms they had to get a

1 sale price per bedroom, and then I divided the  
2 sale price by the monthly gross income the  
3 property was generating when it sold to get  
4 what we call a GRM, that stands for gross rent  
5 multiplier. It's simple math. It's the sale  
6 price divided by the monthly income the  
7 property generates. So you see when I say that  
8 the data tells us the answer in this case, it  
9 really does. The price per bedroom was -- the  
10 lowest number was 26,333. The highest number  
11 was forty-two thousand.

12 My conclusion, once you get that  
13 information, you would have to say where does  
14 our subject property fall on the scale of --  
15 what's the lot size? And our lot size is  
16 smaller than virtually -- it's smaller than all  
17 of the comparable sales. The location is here  
18 Downtown. It doesn't have a big yard for  
19 tenants' kids to play in, doesn't have adequate  
20 size for on-site parking for many vehicles, and  
21 so forth. So our lot size is inferior, our  
22 building size is just average for the number of  
23 bedrooms that we have, and you'll see there  
24 that I concluded most affordable price per  
25 bedroom for our property at thirty thousand

1           dollars per bedroom.

2           The gross rent multipliers range from a low  
3           of eight-three to a high of a hundred and  
4           seventeen. They average exactly one hundred.  
5           My valuation of the property, based on the  
6           market rent, which is close to what the  
7           property was actually generating in rent, is  
8           just over one hundred. So my conclusion of the  
9           market value for the property, if it were safe  
10          and habitable, is one hundred and fifty  
11          thousand dollars, and that's the starting point  
12          then to determine feasibility.

13          The second part of the report, beginning  
14          on Page 53 and extending through the end of the  
15          report, which is basically Page 59, is saying,  
16          you know, what's the alternative use of the  
17          property, and that would be to tear the  
18          building down and use the property as a  
19          commercial site.

20          So I put together some comparable sales of  
21          properties that I considered to be similar. In  
22          this case, we need to find small parcels,  
23          because our subject property is extraordinarily  
24          small. We had four comparable sales, including  
25          two properties in the City of Medina that were

1           older, and then two outside, one in Tallmadge,  
2           one in       Cuyahoga Falls, that were small  
3           properties in redevelopment areas.

4           Our conclusion there from that data is that  
5           the market value of the site, if there were no  
6           building on it whatsoever, is six hundred  
7           thousand dollars per acre, and since it's a  
8           small acreage piece of about a quarter-acre --  
9           I'm sorry, the acreage is wrong there. It's --  
10          there's a typo there for that acreage figure,  
11          but when you do the math, the proper valuation  
12          of our property at just a little over  
13          eight one-hundredths of an acre is forty-one  
14          thousand dollars as the valuation for the site.

15          Mr. Sturgill had obtained two estimates to  
16          demolish the structure, one at twenty thousand  
17          dollars, one at twenty-three thousand  
18          seven-fifty. I would assume logically you  
19          would take the lower of those two bids. So I  
20          subtracted twenty thousand dollars from the  
21          market value of the site to see what it would  
22          take to get us there. Our subject property has  
23          a positive value for a vacant site reflecting  
24          the property in its as-is condition of  
25          twenty-one thousand dollars. Forty-one

1           thousand dollar value of the site minus the  
2           twenty thousand dollar demolition cost or  
3           twenty-one thousand dollars to demolish it.

4           I had looked at the engineering report. I  
5           subsequently got the Robinette architectural  
6           report. I looked at the cost estimate provided  
7           by the builder that was over four hundred  
8           thousand dollars and said out of that -- the  
9           four hundred thousand dollar total and possibly  
10          five hundred thousand dollars including  
11          materials, would place the property in better  
12          condition than it is today simply being safe,  
13          structurally safe, and habitable.

14          If we have new windows, we have granite  
15          countertops, we have new siding, we have a new  
16          roof, we have a new mechanical system, it's a  
17          better property, and I think the legal term is  
18          betterment. I'll let the two attorneys in the  
19          room correct me if I'm wrong there.

20          So it's an apples-and-oranges comparison.  
21          If you spend five hundred thousand on the  
22          property, we will have a better structure than  
23          what we had before we knew that it had  
24          structural issues, condition issues that does  
25          not allow it to be occupiable at the present

1 time.

2 So I tried to separate it out and see what  
3 seems reasonable. Certainly the foundation  
4 repairs seem reasonable. I figured it out  
5 before I had the Robinette report and said to  
6 me it looks like the cost will exceed a hundred  
7 and fifty thousand dollars to make the property  
8 simply safe and occupiable. The Robinette  
9 numbers of one forty-six five did not include  
10 any financing cost, it did not include the  
11 logical inclusion of lost rent for, let's say,  
12 six months. The landlord would lose nine  
13 thousand dollars of rent during the period it  
14 would take to make the property safe and  
15 occupiable.

16 So it was clear to me once we crossed the  
17 hundred and fifty thousand dollar threshold, it  
18 was not economically feasible to do the repairs  
19 to the property and make it simply safe and  
20 habitable in the condition that it was in  
21 before the tenants left the building.

22 So from that conclusion, my highest and  
23 best use conclusion was that tearing down of  
24 the building resulted in a positive value of  
25 twenty-one thousand dollars. On the other

1 hand, if any of us were offered this property  
2 for free today knowing what's now been put on  
3 the table in terms of its structural integrity  
4 and need for work, if we're acting prudently,  
5 knowledgeably, and in our own best interest,  
6 which are the tenants or pillars of our market  
7 value definition, we would turn the offer down.  
8 We would say, "It's going to cost me over a  
9 hundred and fifty thousand dollars to put into  
10 this property, and then in the end have a  
11 property worth a hundred and fifty thousand  
12 dollars." That doesn't make economic sense.  
13 We would reject that offer and not take the  
14 property for free.

15 So my conclusion is that the highest and  
16 best use of the property would be to demolish  
17 the structure and to utilize the other lane,  
18 which does have a positive value.

19 And I need to qualify everything that I've  
20 said tonight and put it to my report. As a  
21 real estate appraiser, although I was retained  
22 by the City of Medina, I am not an advocate for  
23 either side. I am simply presenting what is  
24 the market value of the property under various  
25 assumptions and definitions and scenarios, and

1 I have no interest or recommendation as to the  
2 conclusions that the Board arrives at tonight.

3 MR. HUBER: John, do you  
4 agree with the idea presented in the Robinette  
5 report that it's probably in the area of one  
6 hundred and fifty thousand dollars to make the  
7 place habitable?

8 MR. EMIG: Of all the  
9 people that have testified tonight, I'm  
10 probably the least qualified to render that  
11 opinion. That number doesn't surprise me. I  
12 would say that it is at least one-fifty, having  
13 read the estimates from the homebuilder, the  
14 report of the engineer, and the conclusions of  
15 the Robinette report.

16 MR. HUBER: And I'm taking  
17 it that you don't think it makes economic sense  
18 to do that with this property?

19 MR. EMIG: It really  
20 isn't my opinion, it's simple math. The value  
21 of the property, if we make it safe,  
22 structurally sound and occupiable, is a hundred  
23 and fifty thousand. It's going to take more  
24 than that in terms of actual hard cost to get  
25 it there. There's contingencies, there would

1 be logical financing costs of financing the  
2 work, there would be probably permits that may  
3 or may not be in all of the estimates, and  
4 there would be that lost income that the  
5 appraiser takes into account when you do this  
6 type of work. As an investor, you discount an  
7 offer price for a property if it's not rented.  
8 You want a property that already has tenants in  
9 it. So if we have to set the building aside  
10 for four to six months of construction work,  
11 we're going to lose the rent, and that's a  
12 component of the cost of putting it -- taking  
13 it from Point A to Point B.

14 So I say it's clear from the evidence  
15 that's been presented that it's not feasible to  
16 do the renovations.

17 MR. HUBER: And your  
18 report that you've written accurately sets out  
19 your opinions with respect to this property?

20 MR. EMIG: It does.

21 MR. HUBER: Okay.

22 I don't have any further questions for  
23 Mr. Emig.

24 MR. WITSCHHEY: No questions.

25 CHAIRWOMAN: Board?

1 MS. KNAGGS: I have just a  
2 clarifying question.

3 In your comparable sales summary, you  
4 mention all these other homes and the values of  
5 those homes that you used to create this -- the  
6 GRM, but all of those homes reside within  
7 residential districts.

8 So they would benefit from the market value  
9 being within a residential district amongst  
10 other homes in comparison to how this house is  
11 currently sitting within a business district.

12 MR. EMIG: I see that  
13 point. First of all, the rents that the  
14 properties are able to get would reflect that  
15 attribute of that property, that would be taken  
16 into account there, and the fact that it's in  
17 the Historic District. You know, we do a lot  
18 of valuation of this type of property and  
19 rooming houses near both the University of  
20 Akron and Kent State, and so there is -- what  
21 it is, is there's a differentiation in the type  
22 tenant you would likely get for this property  
23 versus those that are in residential  
24 neighborhoods. If you have a nice, big  
25 backyard, you may get a family, you may get

1 kids, and so forth. They have the backyard to  
2 play in. A different environment would be more  
3 conducive to that type of tenant.

4 Here you wouldn't likely get that. This is  
5 not a good location for someone that's got  
6 small children that need a place to go out and  
7 run around and kick a soccer ball around and  
8 that sort of thing. So that's not the type of  
9 tenant you would logically get in these units.

10 The other offset on that is there may be  
11 someone who works in Downtown, and for them  
12 this is an ideal location and they can walk to  
13 work, they can bike to work. It's more  
14 convenient for them. So there is an offset, a  
15 positive and a negative to the subject's  
16 location, and I think that's reflected in the  
17 fact that the apartments immediately next door  
18 have rented reasonably well. They were rented  
19 when Mr. Rose had them and they've been rented  
20 under the new ownership as well.

21 MS. KNAGGS: Thank you.

22 CHAIRWOMAN: Any other  
23 questions from the Board?

24 (No verbal response.)

25 CHAIRWOMAN: Counsel?

1                   MR. HUBER:                   Thank you,  
2                   Mr. Emig.

3                   MR. EMIG:                   Thank you for  
4                   your time. I appreciate it.

5                   CHAIRWOMAN:                Thank you very  
6                   much.

7                   MR. WITSCHHEY:              We would call  
8                   Morgan Faunce to the stand.

9                               MORGAN FAUNCE

10                  MR. WITSCHHEY:              Morgan, can  
11                  you give us a little bit about your background,  
12                  education, and what it is you do, and then what  
13                  investigations you made concerning this  
14                  property and your report.

15                  MR. FAUNCE:                    Again,  
16                  Morgan Faunce. I live at 1974 Sharon Copley  
17                  Road in Medina. I am a commercial real estate  
18                  agent with Gerspacher Real Estate Group here in  
19                  Medina. I've been with them for twelve years.  
20                  Prior to that, I spent about ten years in --  
21                  working for a commercial real estate  
22                  development company where we developed,  
23                  managed, renovated, leased commercial real  
24                  estate predominantly in Medina and Wooster and  
25                  a little bit of Brecksville and other

1 communities.

2 As I say what I'm saying, I'm thinking I  
3 should really have full disclosure here,  
4 because I was part of -- back in the day, Mike  
5 and I -- Mike Rose and I were partners in this  
6 property as well as the adjacent one next to  
7 it. It was in a holding company that we were  
8 partners in years ago. I worked for  
9 Washington Properties. I've been doing this  
10 twenty-five years and I've probably worked --  
11 that's when I started my career in real estate,  
12 twenty-five years ago. So I worked for Mike  
13 for about ten years.

14 So I'm relatively familiar with the  
15 property. I have not honestly thought about  
16 the property until Mr. Sturgill brought it up  
17 to me again. So it's kind of in my past.  
18 We're no longer partners. I wasn't partners  
19 when Craig bought the building from Mike, nor  
20 did I sell the property to Craig. So I wasn't  
21 involved in that aspect either.

22 I guess I would -- I guess I'll stop there,  
23 otherwise I'll just keep rambling on.

24 MR. WITSCHHEY: Yes. So --

25 MR. HUBER: Morgan, I'm

1 just going to ask you, how come you didn't fix  
2 this property when you had it?

3 MR. FAUNCE: Honestly I  
4 thought we fixed it when we had it I guess.  
5 Mike was ninety percent and I was ten percent,  
6 so you would have to ask Mr. Rose about that.  
7 He had to put in nine dollars for every dollar  
8 I put into the property, so --

9 MR. WITSCHHEY: So have you  
10 done an analysis concerning the rents?

11 MR. FAUNCE: Yeah, I have.

12 I know Mr. Emig as well. We kind of run in  
13 the same circles. In fact, when John mentioned  
14 he did the original appraisal when Mike bought  
15 it, I thought, "Oh, man that was a long time  
16 ago, John," but I certainly drew the -- quickly  
17 drew the same conclusion that John drew that  
18 once you cross a threshold of an investment,  
19 it's where does it -- you know, why do we keep  
20 looking at this? At some point, it simply does  
21 become economically unfeasible. There's, you  
22 know, some sunk cost that Craig's incurred  
23 already, whether that's the hundred and twenty  
24 thousand dollars that we've assigned it to  
25 already, and then we can argue about whether

1           it's a hundred thousand dollars to fix the  
2           foundation or something maybe slightly less  
3           than that. I'm not an expert in cost  
4           estimating by any stretch of the imagination.

5           So I think a hundred and twenty thousand  
6           dollars, we add another hundred thousand  
7           dollars, we're up to two-hundred to make it  
8           structurally safe and sound. That's everything  
9           below ground. Now we have to look at what do  
10          we have to do above ground to cosmetically make  
11          the -- you know, there's some back steps that  
12          don't work, there's some doorways, everything's  
13          out of plumb. By the time you start jacking up  
14          the house and squaring it up, drywall is going  
15          to start falling off, framing is going to be  
16          out of square, the roof issues. It doesn't  
17          take long to figure out that there is no  
18          economic sense beyond, you know, maybe the  
19          hundred and fifty thousand dollar value that  
20          John came up with. I completely agree with  
21          where he's coming from. So it didn't take long  
22          to --

23                           MR. WITSCHHEY:                           In particular,  
24                           if a building is brought into habitable  
25                           condition, occupiable condition, what kind of

1 rents -- what kind of rents would you put in  
2 this market?

3 MR. FAUNCE: Sure.

4 MR. WITSCHHEY: And are you  
5 familiar with rents in this market?

6 MR. FAUNCE: Yeah, sure.  
7 Absolutely. You know, I think -- and I think  
8 Mr. Huber asked the question early on in the  
9 evening about what the rents were originally.  
10 They do appear in John Emig's report. They  
11 were getting about \$1,461 a month total, \$877  
12 for the first floor and \$584 for the second  
13 floor. I would say completely renovated -- and  
14 I've seen firsthand a lot of the work that  
15 Mr. Sturgill has done with his properties.

16 And if I can back up just for one second.  
17 We were asking about, you know, do we need to  
18 do plumbing? Do we need to do cabinets? Do we  
19 need to do electrical and stuff like that?  
20 Well, you've already spent three hundred  
21 thousand dollars. Why would we stop at not  
22 replacing floor coverings? All of a sudden  
23 you've got three hundred thousand dollars or  
24 three hundred and fifty thousand dollars, and  
25 we're on our way to four hundred thousand

1           dollars with additional costs into the  
2           building. Why stop and not put carpeting in it  
3           at this point? So some of those may be  
4           cosmetic choices, but you've got -- that's  
5           minor, and floor-covering allowance is kind of  
6           minor in the bigger scheme of things, I  
7           thought.

8           When it's fully renovated, I think you're  
9           looking at still, first floor, a thousand  
10          dollars, second floor, eight hundred dollars.  
11          There's shortcomings with garages -- no  
12          garages, no yard, and things like that, but  
13          again, that's not who is looking to live  
14          Downtown. I think John's touched on it as well  
15          that, you know, somebody who works on the  
16          Square would like to walk to work from this  
17          apartment. So I think it's certainly always  
18          been a demand for residential living around the  
19          Square, as Mr. Sturgill has demonstrated by the  
20          renovation of the building to the south, but at  
21          what cost?

22                   MR. WITSCHHEY:                   No further  
23                   questions.

24                   CHAIRWOMAN:                   Counsel?

25                   MR. HUBER:                   I do not have

1 any questions.

2 CHAIRWOMAN: Board?

3 MS. STAHL: What's the  
4 rent -- what rent do you get on the apartment  
5 building next to you that you just renovated?  
6 What's the average rent?

7 MR. STURGILL: It's about a  
8 thousand ninety-five for the lower-level units  
9 and then nine ninety-five for the upper units.

10 MS. STAHL: Thank you.

11 MR. WITSCHHEY: If there's no  
12 further question, the only thing I would also  
13 like to do then is have Mr. Sturgill explain  
14 his pro-forma financial that he put together,  
15 which is a part of the packet.

16 MR. STURGILL: Sure.

17 So yeah, it's kind of going through -- it's  
18 in the packet, but it's -- you know, the simple  
19 math starts at the top with expected potential  
20 rents. So we have it listed there at seven  
21 hundred and ninety-five dollars, close to eight  
22 hundred dollars, like Morgan said, for the  
23 upstairs units, and a thousand ninety-five for  
24 the downstairs unit, which is the same we're  
25 getting next door.

1           There are some detractions in benefit. One  
2           of the main things being there's no on-site  
3           laundry hook-up whatsoever, which is something  
4           that's certainly desirable for people. So  
5           there has to be some consideration there.  
6           Again, everybody's kind of mentioned it,  
7           there's no on-site parking and the yard space  
8           and all that, but there is pros and cons with  
9           that. So we kind of modeled it out at seven  
10          ninety-five for the upstairs, a thousand  
11          ninety-five for the downstairs, which I believe  
12          is reasonable.

13          We take into consideration typically the  
14          rent-per-square-foot price, but also the number  
15          of bedrooms. You know, if you have a five  
16          thousand square foot place but it's two  
17          bedrooms, it's not going to rent the same as,  
18          you know, a place with adequate bedrooms. So  
19          we look at, you know, what we're getting in the  
20          marketplace and other properties,  
21          rent-per-square-foot price, what we're getting  
22          at the property next door, laundry, you know,  
23          all of these other amenities and kind of make a  
24          determination. So that's where we came down  
25          to, again, seven ninety-five for the upstairs,

1 a thousand ninety-five for the downstairs,  
2 which comes to a gross expected rent of  
3 eighteen ninety per month.

4 Then we have to, in the model, looking in  
5 the profit-and-loss statement, account for  
6 vacancy. Here we used five percent vacancy,  
7 which is on the conservative side. Typically  
8 that can be seven or eight percent vacancy. So  
9 you subtract that from the expected potential  
10 gross income, which would then arrive at  
11 \$21,546 per year in gross revenue.

12 On the expensive side, and again, this is  
13 for a fully-restored building with minimal  
14 maintenance costs, which is likely on the vary  
15 low end here, in reality, it's probably going  
16 to be higher than this, but just looking at it  
17 on a conservative basis, we're going to have to  
18 pay real estate taxes; insurance, estimated at  
19 fifteen hundred; legal and accounting fees, two  
20 hundred; utilities, fifteen sixty-three; nine  
21 seventy-five for snow removal and salting;  
22 twelve hundred for mowing and landscaping  
23 services; three hundred dollars for cleaning  
24 fees for the little common area room and, also,  
25 you know, turnovers and that sort of thing, you

1           have to have a clean unit; twelve hundred  
2           dollars per year for maintenance and repairs,  
3           which, again, is probably low, but with a  
4           fully-restored building including carpeting and  
5           cabinets, that could be reasonable; and  
6           management fees of nineteen thirty-nine. So  
7           again, this is, we believe, on the conservative  
8           side, \$12,191 in gross expenses. So gross  
9           income minus gross expenses equals potential  
10          net operating incoming of \$9,354.

11           So one other comment. So obviously the  
12          appraiser gave multiple methods of coming up  
13          with a valuation, which we agree with all of  
14          those, but simple math for us is based on a  
15          market capitalization rate. So for -- you  
16          know, a cap rate kind of factors in the  
17          reliability of the income stream. So a  
18          property that's fully renovated with stable  
19          tenants, you know, may be a lower cap versus  
20          property in a less desirable neighborhood or  
21          increased risk or unreliable cash flow would  
22          typically be a higher cap rate. So again, it's  
23          debatable what the trading cap rate is right  
24          now, but we believe it's somewhere between six  
25          to eight percent cap rate.

1           So you basically just multiply the net  
2           operating income by your desired -- you know,  
3           by a potential cap rate that you believe is  
4           realistic to come up with a valuation. If you  
5           do a very aggressive cap rate of six percent,  
6           which is on the high end, you would take \$9,354  
7           of the net operating income divided by the six  
8           percent cap rate, which would be a valuation of  
9           approximately a hundred and fifty-five  
10          thousand, which is, again, right around the  
11          value range of the appraisal. Again, six  
12          percent is probably on the high side, between  
13          six and eight percent cap rate. So if you go  
14          to eight percent cap rate, I believe that drops  
15          the value down to like a hundred and thirteen  
16          thousand. So that's what we believe the value,  
17          based on an after-renovation pro forma, would  
18          be on the property.

19                   MR. WITSCHHEY:                   Have you done  
20                   any analysis -- I know we have those  
21                   renderings, those illustrations of potential  
22                   commercial building. Have you done any  
23                   analysis on what you might be able to expect in  
24                   terms of rents? You know, would it be a  
25                   sustainable venture to build something of that

1 nature?

2 MR. STURGILL: So Morgan --  
3 we -- I believe Morgan had commented something  
4 about that.

5 MR. FAUNCE: So yeah, I --  
6 with my analysis --

7 MR. STURGILL: And just one  
8 thing for the record.

9 So we specialize in mostly residential  
10 multi-family. So when I get Morgan's analysis,  
11 we have a feeling for the market, but Morgan  
12 has a lot of experience in the commercial  
13 marketplace in the Medina region, so I wanted  
14 to get his opinion.

15 MR. FAUNCE: I did look at  
16 alternative uses for the space, whether it was  
17 retail, office, anything else like that, and  
18 honestly the highest and best use, aside from  
19 this -- Mr. Emig stated tear the building down.  
20 The next best would be a residential unit.  
21 This is the better opportunity.

22 The rents you're going to get from a  
23 smaller-structure retail unit -- or even  
24 considering using it as retail as it is today,  
25 I think that was part of the conversation

1 earlier, is there another opportunity to maybe  
2 use it as a retail unit. Again, the use is  
3 secondary to the life safety, the shoring it  
4 up, the fixing it up, the renovation, and the  
5 dollars that need to be spent for that. I  
6 would say that the next best use besides  
7 raising it would be -- would be residential.  
8 Beyond that, I don't think it makes a lot of  
9 sense at all to be retail or office at all.

10 MR. WITSCHHEY: No further  
11 questions.

12 MR. HUBER: Craig, in this  
13 profit -- or financial report, you project a  
14 net operating income of roughly ninety --  
15 \$9,354, correct?

16 MR. STURGILL: Correct.

17 MR. HUBER: So if a fact  
18 finder thinks that your repair cost of four  
19 hundred thousand dollars is nonsense and thinks  
20 to get this thing up and running and usable is  
21 more in line with a hundred and fifty thousand  
22 dollars, and I take it the recovery of that  
23 investment, probably under your own  
24 calculation, would be near fifteen years; is  
25 that correct?

1 MR. STURGILL: So --

2 MR. HUBER: Just answer

3 the question. Is that correct?

4 MR. STURGILL: Based on that

5 math, yes.

6 MR. HUBER: Okay.

7 I don't have any further questions.

8 CHAIRWOMAN: Board?

9 (No verbal response.)

10 CHAIRWOMAN: I have a

11 question.

12 When was this pro forma produced?

13 MR. STURGILL: A few months

14 ago.

15 CHAIRWOMAN: And did you do

16 a similar pro forma prior to purchasing the

17 property?

18 MR. STURGILL: Similar, yes.

19 CHAIRWOMAN: Do you still

20 have a copy of it?

21 MR. STURGILL: Probably not,

22 but it wouldn't -- it wouldn't go in depth.

23 It's just kind of a quick, high-level

24 perspective: Here's potential gross rents,

25 here's operating expenses based on a

1 fully-operating building. There would be a  
2 separate analysis we would have to go through  
3 if there's renovation cost because this doesn't  
4 factor in any kind of capital improvement  
5 expenses.

6 CHAIRWOMAN: So when you  
7 purchase a building, you don't, in your  
8 pro forma, anticipate any long-term  
9 improvements you need to do to a building?

10 MR. STURGILL: Of course that  
11 would be looked at, but that would be a  
12 separate cost of acquisition cost. It wouldn't  
13 fall under typical profit and loss. Capital  
14 improvements are listed on a balance sheet  
15 item, not a profit-and-loss statement.

16 CHAIRWOMAN: Thank you.

17 MR. WITSCHHEY: And one  
18 follow-up question.

19 The mathematics that were given was a  
20 hundred and fifty thousand of improvement  
21 costs. How much was attributed to this  
22 property in terms of purchase price?

23 MR. STURGILL: A hundred and  
24 twenty thousand.

25 MR. WITSCHHEY: Okay. You

1                   were, I think, going to say something and then  
2                   you were cut off to just answer the question.

3                   MR. STURGILL:                   Sure.

4                   MR. WITSCHHEY:                   What was it  
5                   that you wanted to say?

6                   MR. STURGILL:                   So I was just  
7                   going to say, you know, I've based these rents  
8                   on a similar quality and finish of our other  
9                   properties, which are, you know, high-quality  
10                  granite countertops, new cabinets, all of these  
11                  things. So if we're just going to be basing  
12                  these rents on just safe and habitable, that's  
13                  a very different story than having something  
14                  that's considered luxury in the marketplace  
15                  with some of those finishes and fixtures as I  
16                  mentioned. So if we're going to take that  
17                  approach and only base it on safe and  
18                  habitable, we would have to reduce the expected  
19                  revenue, which would then increase -- which  
20                  would then affect the valuation negatively.

21                  MS. STAHL:                   Weren't you  
22                  currently getting eighteen hundred a month  
23                  before?

24                  MR. STURGILL:                   No.

25                  MS. STAHL:                   What were you

1 getting before?

2 MR. STURGILL: Morgan, did  
3 you have those figures? Sorry. John had them,  
4 I believe, in his appraisal.

5 MR. FAUNCE: Fourteen  
6 sixty-one.

7 MR. STURGILL: Fourteen  
8 sixty-one, total for both units.

9 MS. STAHL: Okay. Thank  
10 you.

11 MR. WOOD: So if you were  
12 to tear this building down and then want to  
13 build something in its place, Morgan said that  
14 it would be best use for residential.

15 How big -- how many units could you put in?  
16 And then what would the cost of a building like  
17 that be and how many years would it be for you  
18 to recoup your losses on that?

19 MR. STURGILL: So if we look  
20 at that from that perspective, I mean, just  
21 from the footprint, you can really only have  
22 one apartment, I think, per level. It may be  
23 awkward with that small of a footprint to have  
24 a three-story building, so probably a two-story  
25 max, I would say, would be fitting. I would

1           doubt the rents would -- I don't know where it  
2           would land. I would have to look at a bunch of  
3           factors, but a thousand to fourteen hundred  
4           dollars a month is what I would guess  
5           potentially would be the rents. I haven't  
6           evaluated it, so I don't want to speak  
7           definitively on that.

8           New construction cost of commercial,  
9           especially in the Historic District, which, you  
10          know, you couldn't use a vinyl siding, you  
11          would have to use natural materials like brick  
12          or whatever other materials would comply with  
13          the code, would increase the construction cost  
14          substantially while the rents probably wouldn't  
15          scale proportionally to the increased  
16          construction cost.

17          I would doubt very seriously that that  
18          would make financial sense. I guess if --

19          Do you want to follow up?

20                   MR. FAUNCE:                   The only  
21          thing, based on your question, I would say it  
22          doesn't sound like we've done the financial  
23          analysis that -- what are we going to replace  
24          it with, and really just solving the problem  
25          today was the life safety and concern. Putting

1 something there in the future is an admirable  
2 idea; whether Craig gets there or not, I don't  
3 know.

4 MR. WOOD: It basically  
5 sounds like we're just going to end up with an  
6 empty lot there, because financially it really  
7 wouldn't pay to do anything else.

8 MR. FAUNCE: You're  
9 starting with a sunk cost of a hundred and  
10 twenty thousand dollars, you've got the  
11 demolition cost of twenty to thirty thousand  
12 dollars before you ever break ground on putting  
13 the new structure up. So he's got a hundred  
14 and fifty thousand into a lot.

15 Now we start over and say, "Let's -- do we  
16 recoup the other investment next door? Do we  
17 let the project in its entirety continue to  
18 flourish?" And then you look down the road and  
19 say, "Is it time to -- okay, is it a good time  
20 now to reinvest on that piece of land that  
21 we've -- that you owned for --"

22 MR. HUBER: That didn't  
23 answer the question. Why don't you answer the  
24 question?

25 The likelihood here is it's going to be

1           torn down and it's going to be a lot. Isn't  
2           that right?

3                       MR. FAUNCE:                       I can't speak  
4           to what Craig wants to do with the lot in the  
5           future. I don't know.

6                       MR. STURGILL:                       So as I  
7           mentioned, I did invest into this location  
8           specifically, even though there are more  
9           attractive economics investing in other deals,  
10          because I wanted to be a part of the fabric of  
11          the community. So if I -- if the building was  
12          demolished, I would be interested potentially  
13          at looking at options. I would have to do  
14          financial evaluations and see the cost of such  
15          options and make a decision, what's worth it to  
16          me based on those variables.

17                      MR. HUBER:                      Mr. Sturgill,  
18          that's all pretty gauzy and out there.

19                      You don't really have any idea what you're  
20          going to do with this once the building's torn  
21          down. Isn't that correct?

22                      MR. STURGILL:                      Correct. I  
23          don't have any firm plans. My focus was  
24          limiting the life and safety issue that's  
25          present. I believe we have very limited time

1 to act. I think it's already been extended too  
2 long, and I would really hate to see this  
3 building hurt or injure or kill somebody  
4 because we were trying to plan pro formas about  
5 what potentially could be there.

6 MR. WOOD: It just seems  
7 to be that -- you know, I appreciate what  
8 you're doing, but it just seems -- financially,  
9 as you're talking about tearing it down as  
10 opposed to rehabbing it, no matter what you  
11 ever put there, it's going to take forty-three  
12 years-plus to recoup because there's really not  
13 a good use for it except for apartments, a  
14 two-unit apartment.

15 MR. STURGILL: Is that a  
16 question?

17 MR. WOOD: No, it's more  
18 of a statement, but it's, again, you know,  
19 six of one, half-dozen of the other. You know,  
20 maybe it is worth rehabbing this building, even  
21 if it's going to take forty-three years to  
22 recoup your investment. You're young.

23 MR. STURGILL: I'm not sure  
24 in the business world how that makes sense,  
25 but --

1 MS. STAHL: Did you have a  
2 budget? I mean, you obviously knew you were  
3 going to purchase this building, there were  
4 tenants in it producing income. You knew there  
5 was going -- there was going to have -- work  
6 needed to be done on that building. You knew  
7 that when you were purchasing it because you  
8 got it for a discount like, "Let's discount it,  
9 I'm going to have to invest some money." You  
10 knew you would probably have to invest at least  
11 thirty thousand into it because you were asking  
12 for a thirty thousand dollar decrease in it.

13 So what was your budget when you took on  
14 this project to invest and take care of that  
15 building?

16 MR. STURGILL: It's --

17 MS. STAHL: Because we're  
18 talking about pro forma here, so you had to  
19 have some money set aside or allocated to  
20 handle this building when you were purchasing  
21 it.

22 MR. STURGILL: Sure.

23 So in terms of -- so we do a cosmetic  
24 restoration of a unit, which could be fifteen  
25 to twenty thousand dollars all-encompassing,



1 high-end fixtures in, you were only going to  
2 get another four hundred dollars a month from  
3 what you were getting?

4 MR. STURGILL: Correct.

5 MS. STAHL: Okay.

6 MR. STURGILL: Part of our  
7 renovation -- there's obviously other hidden  
8 things here, but there's recurring maintenance  
9 and repairs, and when you renovate a unit, you  
10 eliminate that. So there's also not only  
11 financial components, but there's efficiency  
12 and operations considerations in making  
13 renovations.

14 MS. STAHL: But you put  
15 fifty thousand dollars aside to handle  
16 anything --

17 MR. STURGILL: That was --

18 MS. STAHL: -- to make  
19 this habitable knowing there were structural  
20 issues, knowing that, okay, that should handle  
21 covering the building so it could stay  
22 habitable?

23 MR. STURGILL: Correct.

24 MS. STAHL: And then you  
25 found out that that wasn't the case and now

1                   it's going to be --

2                   MR. STURGILL:                   Substantially  
3                   more.

4                   MS. STAHL:                         -- a hundred  
5                   and fifty thousand roughly to make it safe?

6                   MR. STURGILL:                   I think it's  
7                   going to be more than the one-fifty, but  
8                   that's the minimum number that these other  
9                   professionals are agreeing, I think, in  
10                  alignment, but I believe it will be more than  
11                  that, and not only just to make it safe and  
12                  habitable, but to actually have attractive, you  
13                  know, market rents and achieve these minimum  
14                  numbers on the pro forma will take more than  
15                  one-fifty.

16                  CHAIRWOMAN:                   However, it's  
17                  really not one-fifty. If you already had sixty  
18                  set aside to do these improvements, the  
19                  additional cost would be just another hundred  
20                  thousand then?

21                  MR. STURGILL:                   "Just," but I  
22                  don't -- that sixty thousand dollars is not  
23                  free money that I pulled out of the air. It's  
24                  still cost that I have to inject into the  
25                  building that affects the return of the

1 property. So it's not like there's free grant  
2 money that's sitting on the side that I can  
3 pull into. It's costs that I have to pay to  
4 make it, you know, profit-producing.

5 MS. STAHL: So we're  
6 talking about the unknown responsibility, that  
7 financial burden that you are going to take on?

8 MR. STURGILL: The only  
9 unknown part is the thirty thousand dollars,  
10 which is why I negotiated that down.

11 MS. STAHL: Well, it's a  
12 hundred thousand. You planned on sixty -- you  
13 said you were going to invest sixty thousand,  
14 so --

15 MR. STURGILL: Thirty.

16 MS. STAHL: Thirty for the  
17 reduction and another thirty.

18 MR. STURGILL: Correct.

19 MS. STAHL: Because you  
20 knew there was going to be thirty in structural  
21 and then another fifteen per floor to make it a  
22 higher-end rental so you could get more rent  
23 for it.

24 MR. STURGILL: Correct.

25 MS. STAHL: So you had

1                   sixty that you had budgeted, and then this is  
2                   going to take at least a hundred and fifty, so  
3                   that's an additional hundred thousand dollars  
4                   minimum --

5                   MR. STURGILL:                   Minimum,  
6                   correct.

7                   MS. STAHL:                   -- you didn't  
8                   know you were going to have to put into this  
9                   property to just be able to safely rent it  
10                  out?

11                  MR. STURGILL:                  At a minimum,  
12                  correct.

13                  MR. WOOD:                   Did you find  
14                  in the Neumeyer Building a lot of  
15                  untaken-care-of problems like this one?

16                  MR. STURGILL:                  What do you  
17                  mean "untaken care of"?

18                  MR. WOOD:                   Well, this  
19                  one, you know, is -- has turned out to be a  
20                  disaster, you know --

21                  MR. STURGILL:                  Sure.

22                  MR. WOOD:                   -- of a  
23                  building, and Neumeyer, you bought that one  
24                  from the same person.

25                  So were there a lot of things uncovered

1                   when you bought that, that -- you know, extra  
2                   expenses?

3                   MR. STURGILL:                   Plumbing was  
4                   the only thing that was -- plumbing and  
5                   drainage were the only things I would say that  
6                   were more unknown. The rest was cosmetic.  
7                   There was no structural concerns to the  
8                   property. There was, you know, roof, exterior  
9                   cosmetics, windows, things that we already had  
10                  budgeted in our model, but there wasn't any  
11                  surprises structurally or anything like that,  
12                  other than plumbing. There was some more  
13                  plumbing leaks and we had to do a little bit  
14                  more plumbing work on some of the remodels than  
15                  we expected, so that was the only surprise.

16                  MR. WOOD:                   So it was  
17                  fairly well cared for then?

18                  MR. STURGILL:                   Correct.

19                  MR. WOOD:                   Okay.

20                  CHAIRWOMAN:                   Were the  
21                  doorways straight and was everything plumb in  
22                  that building?

23                  MR. STURGILL:                   Yes, for the  
24                  most part. I mean, I don't have a level that I  
25                  stuck to it, but if you walk in the yellow --

1           277 South Court, like, you can immediately tell  
2           it's not level, like you're going to fall.

3                   CHAIRWOMAN:                   I was asking  
4           about the Neumeyer.

5                   MR. STURGILL:                   Yes, and I'm  
6           comparing that. If you go to the other  
7           building, I didn't notice any of that being  
8           present. Did we take a level to it? No, but  
9           we didn't identify visually that there was any  
10          concerns.

11                   CHAIRWOMAN:                   Did you have  
12          that building inspected, too, before you  
13          purchased it --

14                   MR. STURGILL:                   Yes.

15                   CHAIRWOMAN:                   -- the  
16          Neumeyer Building?

17                   MR. STURGILL:                   Yes.

18                   CHAIRWOMAN:                   And you have a  
19          report on that also?

20                   MR. STURGILL:                   Yes.

21                   CHAIRWOMAN:                   Okay.

22          Any other questions?

23                   (No verbal response.)

24                   CHAIRWOMAN:                   Counsel?

25                   MR. HUBER:                   I don't have

1 any other questions.

2 MR. WITSCHHEY: Nothing

3 further.

4 CHAIRWOMAN: Do we have any  
5 more witnesses?

6 MR. HUBER: We don't have  
7 any witnesses.

8 I wonder if we could stipulate to the  
9 reports that we've been mentioning.

10 MR. WITSCHHEY: If we -- I  
11 think there is another report in here of  
12 Wendy Naylor, if we could stipulate to that or  
13 have her testify. She's here.

14 MR. HUBER: That's fine.  
15 Do you want to question her?

16 MR. WITSCHHEY: Sure.

17 WENDY NAYLOR

18 MS. NAYLOR: Good evening,  
19 everyone. My name is Wendy Naylor. I'm a  
20 historic consultant with the firm of  
21 Naylor Wellman. The address is 92 East  
22 Washington Street, Chagrin Falls.

23 Would you just like me to go in and do a  
24 brief summary of the report?

25 MR. WITSCHHEY: Please.

1 MS. NAYLOR: Okay. Thank  
2 you.

3 We were requested by the City of Medina  
4 specifically to do an analysis of 277 South  
5 Court Street, specifically the history, the  
6 historical architecture, and the contribution  
7 of the building to the Historic District.

8 Briefly, just to mention my qualifications,  
9 I am qualified under Federal Historic  
10 Preservation Professional Requirements as  
11 described in the U.S. Secretary of Interior  
12 Standards for Archaeology and Historic  
13 Preservation, 48FR44716. I have a master's of  
14 urban planning design and development  
15 specializing in historic preservation from  
16 Cleveland State. I have a law degree from  
17 Wake Forest University, Winston-Salem,  
18 North Carolina, I'm admitted to the Ohio Bar,  
19 and I have a bachelor's of art from  
20 St. Lawrence University in Canton, New York.

21 I have been working in the area of historic  
22 preservation for twenty-eight years now and  
23 been principal in the firm of Naylor Wellman  
24 for the last thirteen years.

25 So you can see in the beginning of our

1 report, I've listed the sources that we have  
2 used. We did do a site visit to the house, we  
3 toured, with Dan from the Building Department,  
4 the interior and exterior of the home, and you  
5 can see the resources, the historic resources  
6 that we used in preparation of the report.

7 We spent a considerable amount of time to  
8 try to find the original owner of this home.  
9 Research did not reveal the original owner. We  
10 came across several owners who had been in the  
11 house, some of the mapping revealed -- the  
12 earliest mapping we found began in 1836. It  
13 was very hard to tell if the house was located  
14 on the property. The first time we found a  
15 house on a map on the property was 1857. That  
16 map is included in your packet. We added some  
17 other maps. Part of the research challenge was  
18 there were a lot of subdivisions to this lot,  
19 renaming of this lot, readdressing of this lot,  
20 which is not unusual for the age of this  
21 building. We dated the house at circa 1848  
22 based on the architecture, which I'll talk  
23 about in a moment, and really the materials  
24 that we saw used in the building.

25 In 1904, our research revealed

1 interestingly that this building had been moved  
2 twenty feet north on the lot. It's sometimes  
3 unusual to find the actual article, which  
4 we've included in the Medina -- from the  
5 Medina Centennial in 1904 that talks about  
6 moving it, and you can see from the  
7 Sanborn Fire Insurance maps included in the  
8 packet, you can see the building was moved  
9 twenty feet north on the lot, and once you go  
10 into the basement, it's very clear that  
11 something has gone on. You can tell by the  
12 technology and the building materials that  
13 something had gone on past 1845.

14 More recent uses of the house, there were  
15 commercial uses related to a wallpaper business  
16 being located here, an optometrist's office.  
17 It converted to commercial use in 1923. So  
18 I'll just back up for a moment. It started as  
19 a single-family dwelling and was converted in  
20 about the 1920s, it appears, for commercial  
21 use, wallpaper, you can see right on the  
22 Sanborn maps included in the packet.

23 The architectural description, I included  
24 this just as part of the packet. Greek Revival  
25 style elements. I'm sure the Board is familiar

1 with those elements. They're referenced in the  
2 report, and in the interest of time, I will  
3 move past that.

4 We identified this house as being built  
5 originally as a Greek Revival. The low-pitched  
6 roof, there's prominent cornice returns at the  
7 facade, and then the gable ends, wide frieze  
8 bands that extend along the side elevation  
9 below the eaves, wood corner board, and  
10 clapboard siding that are characteristic of the  
11 style. You can find that Greek Revival  
12 architecture buried in that house.

13 Upon research, we noted that the front  
14 porch, the two-story front porch, appears to  
15 have been added between 1885 and 1892. You can  
16 tell by the details of the porch, the  
17 Eastlake-style details, that it was very likely  
18 that those -- you can see the remaining columns  
19 on the second floor and the brackets, likely  
20 extended into the first floor. The  
21 architecture that you see there is reflective  
22 of that style.

23 In the 1920s, when the building was  
24 converted to commercial, you can tell from the  
25 Sanborn maps that that era is when that first

1 floor was enclosed. It added a display window,  
2 likely for commercial purposes, and that  
3 front-door entry.

4 So just to summarize, the house appears to  
5 have been originally built in circa 1845. That  
6 porch was built between 1885 and 1892, which is  
7 the date you're seeing reflected, I think, in  
8 the auditor's records, and then the porch  
9 appears to be enclosed on the first floor by  
10 about 1925.

11 Some of this analysis was already covered  
12 this evening. There is clapboard siding that  
13 would be characteristic of the style. You can  
14 see that this shingle siding that has a wider  
15 reveal at the facade area is a later addition  
16 to the house, and the shingle siding on the  
17 side elevation, which has a little narrower  
18 reveal, that would have been later. It appears  
19 that original clapboard siding still resided  
20 above that band at the second-floor level.

21 I included some exterior and interior  
22 details of the house here just to record. As  
23 far as the interior, the interior has been  
24 significantly altered, contemporary drywall,  
25 catface finish ceiling, very simple stained

1 non-Historic wood trim. You can see from the  
2 interior photos that the demising walls have  
3 been removed. That original floor plan has  
4 gone to an open plan and doesn't seem to have  
5 been retained on either the first or second  
6 floor.

7 The basement foundation materials we've  
8 talked a lot about this evening, they reveal  
9 hand hewn and timber beams, which would have  
10 been characteristic of that era.

11 And then finally, the attic reveals a  
12 balloon frame and wide wood plank sheathing at  
13 the roof line, which would be very  
14 characteristic of that 1845 era.

15 So finally, as an analysis of -- this  
16 building is included in the local  
17 Historic District. I talked about the criteria  
18 that was used for significance for the National  
19 Register and for the period of significance in  
20 the National Register in 1822 and 1907.

21 Significant areas for the National Register  
22 District, which this building is not included  
23 in, was community planning and development,  
24 commerce, and architecture. We spent some time  
25 looking at this house to determine, could that

1 district be extended to include this house. It  
2 appeared to us to be very unlikely because  
3 there's a significant gap between where the  
4 brick block -- commercial brick block on the  
5 south side of that district end, there's a big  
6 gap in the parking lot. It would be very hard  
7 to extend that National Register District  
8 likely all the way to Smith Street. Due to the  
9 historic architectural integrity, it would also  
10 be very unlikely that that building would be  
11 eligible to be individually listed on the  
12 National Register.

13 So moving to the local Historic District,  
14 the local district, the building is  
15 contributing to that district by -- just by the  
16 definition in your code. Everything within  
17 your local district, as you know - I'm just  
18 stating this for the record - is contributing  
19 to that district between Smith, Elmwood,  
20 Friendship, and Jefferson. There is not a  
21 period of significance or local area -- or  
22 areas of significance included in the local  
23 district. So we refer to your code as criteria  
24 for when buildings are landmarked, and we  
25 focused on the criteria that states that "Its

1           embodiment shall be of the elements or  
2           architectural design, detail, materials or  
3           craftsmanship which represents architecture of  
4           significant character, charm, or grandeur" is  
5           likely as having remnants of the Greek Revival  
6           style where this building might have been  
7           included.

8           So in conclusion, our analysis shows that  
9           although the house is a contributing resource  
10          to the local Medina Public Square Historic  
11          District by ordinance, the historic  
12          architectural integrity of the building has  
13          been adversely impacted by alterations to the  
14          building over time. Greek Revival style  
15          character-defining elements of the building  
16          have been obscured and covered over at the  
17          facade by the two-story front porch, enclosure  
18          of the first-floor porch, application of  
19          shingle siding, installation of replacement  
20          windows, and removal of interior historic wall  
21          material trim and interior floor plan.  
22          Relocation of the house in 1904 has impacted  
23          the building foundation. The 277 South Court  
24          Street building is not significant as a Greek  
25          Revival style dwelling house as it no longer

1 retains historic architectural material or  
2 integrity.

3 And I would be happy to answer any  
4 questions.

5 CHAIRWOMAN: Thank you.  
6 Board?

7 MS. TRAVES: I had one  
8 question.

9 In 1870 we had a fire on the Square and  
10 most of the buildings that caught fire were all  
11 stick buildings. So this would be like the  
12 very last stick building.

13 MS. NAYLOR: We reviewed  
14 that, and the Public Square District seems to  
15 be focused on the commercial history of Medina.  
16 This house is historically a residential  
17 property. I think the significance of this --  
18 if you had a wood Greek Revival structure that  
19 was in the commercial downtown sector, that  
20 would be very significant. Here, this one is  
21 residential and luckily did not -- was not  
22 burned down in 1870, but I don't think that  
23 connection could be made for this particular  
24 house.

25 MR. WOOD: If the house

1           were rehabbed and they put everything back to,  
2           you know, 1850's standards, would it be  
3           historic or would it just be a new house?

4                       MS. NAYLOR:                       There is --  
5           no, because under the section of interior  
6           standards, if you use like-kind materials and  
7           bring the house back to a level of replicating  
8           the historic features of the house, this house  
9           would be somewhat of a challenge. Having  
10          visited the Historical Society, there aren't  
11          any photographic images, but there's some  
12          pretty classic features that you can see in  
13          that building. Again, that becomes "I'm  
14          looking at it where it is in this physical  
15          moment in time," but that doesn't mean without  
16          expenditure of money that that couldn't happen  
17          and regain it's historic integrity, yes.

18                      MR. WOOD:                        I don't know,  
19          but is there a way to get grants for something  
20          like that that would be in a historical  
21          district?

22                      MS. NAYLOR:                      That's such a  
23          big question.

24                      There are a lot of opportunities out there.  
25          There are Ohio Historic Tax Credits, Federal

1 Historic Tax Credits that require either  
2 landmarking of a building, which it is, for the  
3 Ohio, or National Register listing for the  
4 federal. So if -- perhaps under the Ohio  
5 Historic Tax Credit.

6 There is the Paul Bruhn Grant Program  
7 that's out there right now, there's  
8 Ohio History Fund money. There is grant money  
9 and opportunities available out there.

10 MR. WOOD: I'm only  
11 thinking that because the Farmer's Exchange  
12 building was condemned, and now it is a  
13 spectacular space.

14 MS. NAYLOR: Yes. I would  
15 like to proudly say we were a part of that  
16 team.

17 MR. WOOD: Good job.

18 MS. NAYLOR: We were the  
19 historic consultants on that team.

20 CHAIRWOMAN: Any other  
21 questions from the Board?

22 (No verbal response.)

23 CHAIRWOMAN: Counsel?

24 MR. HUBER: Thank you.

25 I do not have any questions. Thank you for

1 the review of this.

2 MR. WITSCHEY: I just have a  
3 few.

4 So the structure as it presently stands, it  
5 has lost its architectural integrity; is that  
6 correct?

7 MS. NAYLOR: Yes. At this  
8 moment, yes.

9 MR. WITSCHEY: And where it  
10 is physically located, it's -- you would agree  
11 it is in a commercial district with no other  
12 residences nearby. There's parking lots and  
13 things of that nature, correct?

14 MS. NAYLOR: Yes. Just  
15 looking at the physicality of it, yes.

16 MR. WITSCHEY: Okay. And so  
17 in order to do anything by putting money into  
18 it to try to make changes to it to bring it  
19 back to this Georgian style, then the structure  
20 would be a stand-alone building in Georgia  
21 style?

22 MS. NAYLOR: It would be  
23 Greek Revival style to bring it back to -- I'm  
24 not sure what the question is.

25 MR. WITSCHEY: Well, would --

1 I mean, it's still -- even if it's brought back  
2 to the revival style --

3 MS. NAYLOR: Yes.

4 MR. WITSCHHEY: -- it's still  
5 going to be the only one sitting there in that  
6 particular area?

7 MS. NAYLOR: Yeah. That  
8 doesn't really pertain to historic criteria  
9 where this would be the historic criteria. It  
10 would be very difficult to list it in its  
11 current condition on the National Register as  
12 part of a district. Further based on the  
13 research that I've done, a National Register  
14 listing is required for Federal Historic Tax  
15 Credit. It right now is designated a local  
16 landmark and, therefore, will be eligible for  
17 Ohio Historic Tax Credits.

18 MR. WITSCHHEY: And when you  
19 say a "local landmark," is what you really mean  
20 is it's within the local Historic District?

21 MS. NAYLOR: Medina is a  
22 certified local government, so they're  
23 authorized to designate local landmarks by the  
24 State of Ohio, and they've designated this  
25 district as a local district and this property

1 as a contributing property to this district.

2 MR. WITSCHHEY: Okay.

3 MS. NAYLOR: And that's the  
4 qualification to become eligible for tax  
5 credits.

6 MR. WITSCHHEY: Okay. But I'm  
7 just this -- I guess in my uneducated reference  
8 to this whole thing, I think of a landmark as  
9 an individual building on its own, but what  
10 makes this part of something that is historical  
11 is just simply its existence within a  
12 historical district?

13 MS. NAYLOR: Under the  
14 terms of the ordinance, I think it's 145.05, it  
15 is designated by Medina Ordinance as part of a  
16 local district and that everything in that  
17 local district is contributing.

18 MR. WITSCHHEY: Okay. Whether  
19 it actually contributes positively to  
20 history --

21 MS. NAYLOR: Contributing  
22 is a --

23 MR. WITSCHHEY: -- or  
24 connected to --

25 MS. NAYLOR: No,

1 contributing is a term used in historic  
2 preservation where if a building -- if it  
3 retains historic significance, the building is  
4 contributing to the district, and that's what I  
5 was mentioning with the local historic  
6 district. It doesn't designate what the  
7 significance is. For example, the  
8 National Register District talks about  
9 significance being for architecture, commerce,  
10 or community planning and development, where  
11 the local doesn't designate those things.

12 MR. WITSCHHEY: Okay.

13 MS. NAYLOR: So I can't go  
14 much farther than that because I'm bound by  
15 what the terms of the ordinance are.

16 MR. WITSCHHEY: Okay. And  
17 would you agree that the National Registry  
18 designated the Square District historical on  
19 the basis of its Victorian architecture?

20 MS. NAYLOR: It based it on  
21 the community planning, commerce, and  
22 architecture.

23 MR. WITSCHHEY: Okay.

24 MS. NAYLOR: So there was a  
25 wider -- because you can designate something

1 under broad patterns of history or you can  
2 designate it under architecture or you can  
3 designate it as significant related to a person  
4 associated with a property or you can designate  
5 it for archeological significance.

6 MR. WITSCHHEY: Okay.

7 MS. NAYLOR: So in this  
8 particular case, it had more than one criteria  
9 that it was coming -- it was bringing  
10 properties under.

11 MR. WITSCHHEY: That being the  
12 Square?

13 MS. NAYLOR: For the  
14 Square?

15 MR. WITSCHHEY: Yes.

16 MS. NAYLOR: For this one,  
17 we don't -- there was no designated  
18 significance for the local.

19 MR. WITSCHHEY: Okay. And  
20 with the architecture aspect of the  
21 National Registry District in the Square, would  
22 you agree that it was Victorian?

23 MS. NAYLOR: I would have  
24 to look back at the National Register  
25 nomination. I read it, but I don't recall.

1                   That would be defined in the National Register  
2                   nomination.

3                   MR. WITSCHHEY:                   Okay. Is --

4                   MS. NAYLOR:                   I'm not trying  
5                   to be difficult, I just can't remember and I  
6                   don't want to misspeak.

7                   MR. WITSCHHEY:                   No, I'm  
8                   not --

9                   MS. NAYLOR:                   Okay.

10                  MR. WITSCHHEY:                   I'm not at all  
11                  accusing you of being difficult.

12                  MS. NAYLOR:                   Thanks.

13                  MR. WITSCHHEY:                   You've been  
14                  very helpful.

15                  Georgian style or revival style is --

16                  CHAIRWOMAN:                   It's Greek.

17                  MR. WITSCHHEY:                   I'm sorry,  
18                  yes.

19                  MS. NAYLOR:                   Greek Revival.

20                  MR. WITSCHHEY:                   Yes,  
21                  Greek Revival. I'm sorry. I've probably made  
22                  that mistake more than once.

23                  What type of architecture is that? Is it  
24                  different than Victorian?

25                  MS. NAYLOR:                   Yes.

1 Greek Revival is a very specific type of  
2 architecture, and in my report, which I believe  
3 would be available, I talked about the elements  
4 of Greek Revival architecture, and at the end  
5 of the report made a conclusion how this  
6 particular building relates to Greek Revival  
7 architecture.

8 Yeah, I'll just stop there.

9 MR. WITSCHHEY: Okay. In the  
10 Ordinance 145.08, you highlighted the letter F.  
11 Why was that?

12 MS. NAYLOR: Because under  
13 the local ordinance, there is not a specific  
14 significance given to the district under the  
15 ordinance. So in order for me to make an  
16 evaluation, I need some guidance under what  
17 makes the local district significant. So I  
18 went back and looked at the criteria that the  
19 Board uses to designate landmark properties and  
20 picked out -- thinking that that's likely the  
21 one that's closest of all the criteria to have  
22 brought this building in.

23 MR. WITSCHHEY: Okay. And  
24 with the lack of integrity, it has lost its  
25 significance under letter F?

1 MS. NAYLOR: Yes. So --  
2 yes.

3 MR. WITSCHHEY: Thank you.

4 No further questions.

5 CHAIRWOMAN: Counsel?

6 MR. HUBER: So what is it  
7 specifically in your opinion that would need to  
8 be improved to make this property more  
9 significant as a Greek Revival? Would the  
10 porch need to be returned as a two-level porch  
11 and not an enclosed porch? Do you have any  
12 thought on that?

13 MS. NAYLOR: It's really  
14 speculation on my part at this point, because I  
15 haven't researched this property thinking about  
16 how that rehabilitation would happen. The  
17 types of things I would be looking at is, I  
18 would look for comparable Greek Revival  
19 buildings in Medina and what their design was.  
20 I would do further research on finding  
21 photographic evidence of what the building  
22 looks like before I could give direction on  
23 that.

24 MR. HUBER: Thank you.

25 I don't have any other questions.

1 CHAIRWOMAN: To clarify, so  
2 albeit we've had the application for the  
3 National Register, Chapter 145, which is  
4 codified, correct? So, therefore, it's law.  
5 Does it incorporate where this property sits?

6 MS. NAYLOR: Yes, the local  
7 district does.

8 CHAIRWOMAN: Okay.

9 MS. NAYLOR: Yes.

10 CHAIRWOMAN: Thank you.

11 Any other questions from the Board?

12 MS. STAHL: In your  
13 opinion, if this were to be demolished, would  
14 it negatively affect our Historic District?

15 MS. NAYLOR: There's  
16 already a gap between your Downtown district,  
17 and you've lost several buildings to the  
18 south along Court, and with the addition of  
19 demolishing this building, in my opinion, I  
20 don't think it would make that much more of a  
21 difference, just to answer your specific  
22 question.

23 MS. TRAVES: So when a  
24 community has a designated historic district  
25 and things start to change within that historic

1 district after it's been designated, how many  
2 losses can a historic district sustain?  
3 Because we have another building on the north  
4 part of Court Street that is up for demolition  
5 and was approved by our zoning board. So now  
6 we've got two on the same street within like  
7 four blocks of each other, and they're both in  
8 the Nine Block of the Historic District. How  
9 does that impact our rating or whatever?

10 MS. NAYLOR: If this had  
11 been a National Register district, the process  
12 would be that the State Historic Preservation  
13 Office would make a recommendation and a review  
14 as to whether or not that impacted buildings  
15 within the district or the larger district as a  
16 whole. Because you're a certified local  
17 government, you all get to make that decision.

18 CHAIRWOMAN: Any other  
19 questions?

20 MS. KNAGGS: Just one  
21 clarifying question, for the record.

22 Just with other demolitions and  
23 conversations that are going around, all of the  
24 resources and materials that you found were  
25 either through local research options or

1 publicly-accessible databases like the  
2 Library of Congress and things like that? So  
3 these materials are available to not just us as  
4 the Board, but the community at large?

5 MS. NAYLOR: I'm reviewing  
6 here.

7 The Cramer Engineering report was part of  
8 this proceeding. Sanborn maps, these other --  
9 yes, all of those are available.

10 MS. KNAGGS: Thank you.

11 MS. TRAVES: Did you do any  
12 review for newspaper articles?

13 MS. NAYLOR: Yes. That was  
14 the Medina Centennial article. That was kind  
15 of exciting to come across when I found the  
16 building had been moved. So yes, I did quite a  
17 bit of research in that area.

18 CHAIRWOMAN: Any other  
19 questions?

20 (No verbal response.)

21 CHAIRWOMAN: Counsel?

22 MR. HUBER: No, thank you.  
23 I do not have any other questions.

24 CHAIRWOMAN: Then at this  
25 point, shall we open it up for comments from

1 the public?

2 MR. HUBER: That seems  
3 appropriate.

4 CHAIRWOMAN: Okay.

5 I would ask that if anyone from the public  
6 wishes to make a comment, please come to the  
7 table, state your name, address, and proceed.  
8 Thank you.

9 MS. BARAN: This is on, I  
10 think (indicating).

11 I'm Janet Baran, I live at 536 North  
12 Broadway Street in Medina, in a Greek Revival.

13 We bought our house in Medina seven years  
14 ago. We were told that our house was built in  
15 1910, but looking at the hand hewn beams  
16 holding up the first floor, we knew that the  
17 house was much older. We got lucky at the  
18 County Historical Society because the family  
19 who owned our home in the late '70s had gone to  
20 them for research. To our surprise, our home  
21 was built in 1834 by one of Medina's founders -  
22 Lathrop Seymour.

23 It originally sat on the Square right where  
24 the new courthouse sits. Subsequent research  
25 at the Medina Library uncovered just how

1 special our house and its original owner were.  
2 Lathrop Seymour was the first director of the  
3 City of Medina. It was Seymour who signed the  
4 deed that accepted the transfer of land from  
5 Elijah Boardman in order to establish the  
6 Seat of Justice in Medina. He was also the  
7 first elected County sheriff and the only guy  
8 to be injured in the Great Hinckley Hunt, yet  
9 he and the house seemed totally forgotten.

10 The more we dug into our house and  
11 Lathrop Seymour, the more excited we became. A  
12 visit to the Granger Historical Society proved  
13 that our house had belonged to the Sargent  
14 family for almost ninety years after Seymour  
15 died. It became the Longacre's Funeral Home  
16 and they added a second story on the south wing  
17 of the house.

18 Now, I bring these all up because our home  
19 came hours away from being demolished in 1937.  
20 The Eagles wanted to build a new aerie and our  
21 home was in the way. A local contractor -  
22 Robert Crofoot - bought the house to save it.  
23 According to one of the history books, the  
24 two-story addition on the south side was moved  
25 to a house on Liberty Street, so nothing was

1           wasted. It was moved five blocks north on  
2           Broadway and everyone seemed to have forgotten  
3           about the house and its significance to Medina,  
4           including the fact that it did not burn in  
5           either one of the fires.

6           Every time a historical home is demolished,  
7           the City loses more of its history and soul.  
8           Please don't let another home be demolished.

9           Thank you.

10                   CHAIRWOMAN:                   Thank you.

11                   MR. RAMER:                   Good evening.

12           My name is Charles Ramer, I live at 141 South  
13           Prospect Street in Medina.

14           What I wanted to remind you all is this  
15           house is one of the last remaining residential  
16           structures in the Nine Block District, and  
17           there's been a disturbing trend recently of  
18           allowing for demolitions, possibly some by  
19           neglect, of residential homes, and there's only  
20           a few that remain.

21           Now, our home, that now sits on  
22           Prospect Street, used to be a part of  
23           Victorian Village, which cascaded down the hill  
24           on Washington, and there were a  
25           half-a-dozen-plus beautiful Victorian homes.

1           There are only a few of them that were saved  
2           and the rest were razed. Our house was moved  
3           to South Prospect and is now, in fact, on the  
4           National Registry of Historic Places.

5           So there are options, I think. And our  
6           house isn't square. Our house was built in  
7           1877, this house was built in 1850. It was  
8           built with hand tools and square nails and, no,  
9           it's not going to be square, it's not going to  
10          be plumb, but it's also a piece of history, an  
11          important piece of history.

12          Now, I would strongly encourage the  
13          Committee, the Historic Preservation Committee,  
14          to consider asking the current owner for  
15          options. Now, I think when you buy a home  
16          that's a hundred and seventy years old, you're  
17          also purchasing the responsibility as a steward  
18          to make sure that that house can be enjoyed by  
19          future generations. I think that's also part  
20          of your charge is to make sure that you've  
21          completed your due diligence and make sure that  
22          you have -- that the owner -- current owner has  
23          explored every possible opportunity to save  
24          that important piece of history.

25                 Thank you.

1 CHAIRWOMAN: Thank you.

2 I received two correspondence -- oh, I'm  
3 sorry.

4 MS. KIRBY: Hi.

5 Tammy Kirby, 246 West Friendship Street. I had  
6 a couple of questions actually.

7 Were the tenants long-term or were they  
8 short-term tenants?

9 MR. STURGILL: They were  
10 long-term, to my knowledge.

11 MS. KIRBY: So it's been  
12 said that the building was in such a bad state,  
13 but they were allowed to ride out their lease,  
14 they weren't told to leave, like, ASAP because  
15 of danger?

16 MR. STURGILL: It wasn't  
17 determined that it was an imminent danger until  
18 after it was vacated. We identified structural  
19 concerns prior to that, but they weren't  
20 considered imminent or at least we didn't have  
21 a report that substantiated they were imminent  
22 until after the fact.

23 MS. KIRBY: So even though  
24 the building was lopsided and the kitchen  
25 counter was whacky, they were long-term tenants

1 and that didn't seem to bother them?

2 MR. STURGILL: They were not  
3 long-term tenants to us. I thought your  
4 question was regarding the previous owner. I  
5 believe they were there for multiple years, but  
6 they were occupants for -- or tenants, you  
7 know, for less than a year under our ownership  
8 of the building.

9 MS. KIRBY: And then I  
10 just have to reiterate what Charley --  
11 Mr. Ramer said about stewardship. When you go  
12 into a historic or an old area and you purchase  
13 old buildings, there is a -- or should be, you  
14 know, some type of stewardship that you take  
15 ownership of the history and maintain that as  
16 you go forward.

17 MR. STURGILL: I agree with  
18 that to an extent, which is what we did with  
19 the building beside it, but that doesn't count  
20 the consideration of financial feasibility. We  
21 thought the building to the south was feasible,  
22 so that's why we made the restorations, which  
23 hopefully you enjoy. The building to the north  
24 doesn't have that feasibility, in our opinion.

25 MS. KIRBY: I'm going to

1           have another maybe comment or question.

2           So the building would like to be razed,  
3           demolished, because of financial reasons, it's  
4           not equitable, but yet there are renderings to  
5           put a commercial building brand new in its  
6           place. Whether it's commercial -- or  
7           residential or commercial, I don't see how  
8           that's going to be significantly cheaper than  
9           remodeling and maintaining what is there. I  
10          don't understand. To me, the option is leave  
11          it and remodel it or put up brand new, and  
12          there hasn't been maybe a true comparison as to  
13          your financial or equity, because if it comes  
14          out even, if putting a brand new build comes in  
15          at five hundred thousand dollars, you might as  
16          well rehab and try to maintain our little  
17          historic building there if it's going to come  
18          out to about essentially the same price, and I  
19          know you haven't done the pricing or we haven't  
20          seen or discussed pricing on the new building.

21          So my question -- I guess that's my  
22          comment. If you're going to turn around right  
23          away and put up a brand new building and it's  
24          going to be essentially the same price or close  
25          to it, then why don't we keep the historic

1 nature of that building?

2 MR. STURGILL: Our opinion,  
3 you know, neither situation is there likely to  
4 be a substantial economic or financial benefit.  
5 If there was a preference of one of the two,  
6 most likely a new construction building would  
7 produce better financial returns than restoring  
8 the existing one. It's likely that neither  
9 would be the best outcome, but if there was  
10 going to be an opportunity for positive  
11 financial gain, it would be new construction.

12 MS. KIRBY: Right, but  
13 you're still going to have a significant cost  
14 for a new construction building. Even though  
15 your returns might be quicker and it's a nicer  
16 building, you're still going to have a pretty  
17 significant outlay of funds to put a brand new  
18 building, and I guess I don't -- I guess we  
19 should have the opportunity to maybe come back  
20 with pricing and -- so we can do a  
21 comparative -- I'm getting the picture of you  
22 want it razed and nothing's really going to end  
23 up being put back, and that's just my opinion  
24 from what I've been hearing today. I would  
25 like to be under the impression that you either

1 restore what's there or you -- immediately, as  
2 soon as it's razed, you're going to put  
3 something right back up, that it's not going to  
4 sit there for four, five, six, seven years  
5 empty.

6 So those are my comments.

7 MR. STURGILL: Thank you.

8 Like I said, our intention was not to  
9 demolish it when we acquired it, and the  
10 purpose of this, our belief, is dealing with  
11 the life and safety issues that we believe are  
12 imminently present. So that's what our  
13 concerns are stemmed from at the moment.

14 MS. STAHL: I have a  
15 question.

16 So let's say you were granted this  
17 demolition and, you know, got to work tomorrow.  
18 In six months, what is your plan for that area?  
19 Do you have a budget for it? Do you have plans  
20 for what you're going to do with that? Because  
21 it could be razed and you can say, "Oh, I  
22 didn't have enough money to do anything with  
23 it," and then there's just a pile of rocks  
24 sitting there for two years.

25 MR. STURGILL: Sure.

1 MS. STAHL: And I'm just  
2 saying worst-case scenario. I would hope that,  
3 you know, you're investing in the community,  
4 but I haven't seen anything that says, "I'm  
5 going to demolish this and I'm going to  
6 reinvest in the community and, you know, make  
7 up for taking this building down because I want  
8 to invest and make this still a great  
9 district."

10 So do you have any solid plans right  
11 now?

12 MR. STURGILL: Sure. So I  
13 think there's hypothetically a multitude of  
14 different options. The most immediate thing  
15 would be obviously to return it to soil and do  
16 some landscaping just in the very short-term  
17 interim to make it look, you know,  
18 aesthetically pleasing. Then we would  
19 investigate -- then get into the investigation  
20 stage where we would, you know, work with  
21 various experts, architects, and come up with  
22 conceptals of what could potentially be there  
23 and maybe have seven different options to see  
24 what could go there, and then part of that  
25 process would be getting into the potential

1 construction costs and revenue and profit.

2 MS. STAHL: But you don't  
3 have anything planned right now?

4 MR. STURGILL: Those are not  
5 planned. We haven't went through those stages,  
6 correct.

7 CHAIRWOMAN: So the  
8 pictures you included in your report or your  
9 application are just fictional?

10 MR. STURGILL: It's a real  
11 photo, but it's --

12 CHAIRWOMAN: Those don't  
13 represent your plans?

14 MR. STURGILL: Those do  
15 represent one of the potential plans that we  
16 would explore further with architectural  
17 drawings and cost per square foot and potential  
18 revenue generation. So they are -- yes, they  
19 are actual conceptual images of what we would  
20 like to see go there that would be fitting  
21 within the community. Whether they're  
22 financially viable or not, we would have to  
23 explore that further at those further  
24 stages.

25 MS. STAHL: And if this

1           remained an empty lot, let's say you landscaped  
2           it, you know, how does that play into your  
3           pro forma? Because you're not going to be  
4           earning any rent on that building. So how does  
5           that -- you know, you're still going to be  
6           missing out on fifteen to eighteen hundred  
7           dollars a month in income because you're not  
8           going to have that potential there.

9                       MR. STURGILL:                       I'm unclear of  
10           what the question is exactly. Can you rephrase  
11           it?

12                      MS. STAHL:                        So if you turn  
13           that into an empty lot, how does that affect  
14           you and your long-term plan? Because you're no  
15           longer going to have that source of potential  
16           income.

17                      MR. STURGILL:                        Sure.  
18           Certainly it's not desirable not to have income  
19           producing from something. If we just simply  
20           compare that to today, the auditor has it  
21           valued at one hundred and eighty-one thousand  
22           dollars, so we're paying tax, not on the  
23           structure or the land, but on the increased  
24           valuation, you know, increasing our tax cost  
25           and our insurance costs. So we're at a greater

1 financial loss at the moment. So we could  
2 mitigate those losses by bringing it down to  
3 land value. And the values, based on what the  
4 appraiser said, would mitigate our insurance  
5 cost and our tax amounts, allowing us to --  
6 some breathing room to investigate other  
7 options that could go there.

8 Also, too -- so again, these images are  
9 things that we think would be fitting in the  
10 community and that could potentially go there,  
11 but also a completely new structure isn't the  
12 only option. We know there's other things.  
13 I've seen, you know, they want to relocate the  
14 World War Two Bond's building and there isn't a  
15 suitable site. Maybe that's something that we  
16 could allow on the property, maybe some kind of  
17 memorial or something like, you know, there's  
18 the bricks that are over by the restrooms.  
19 We're open to something that can contribute to  
20 the community in some way because I believe  
21 that would be beneficial to the community.  
22 Financial feasibility of a structure is another  
23 story, but we would like to utilize it to  
24 benefit the community in some way, shape, or  
25 form other than just a piece of land.

1 CHAIRWOMAN: Any other  
2 comments?

3 (No verbal response.)

4 CHAIRWOMAN: I received two  
5 correspondence. Should I read those into the  
6 record?

7 MR. HUBER: Sure.

8 CHAIRWOMAN: Okay. The  
9 first is from a Brian and Carole Feron, and  
10 they reside at 3335 Myers Road in Medina, and  
11 it says, "Dear Board of Medina, HPB, Medina is  
12 an attractive and historic town that we all  
13 take great pride in the way it looks and the  
14 way it attracts businesses. This took over  
15 five decades of conscientious and passionate  
16 supporters to make our town the crown jewel  
17 that it is today. Sadly, that could be lost  
18 quickly by lack of awareness or interest in  
19 preserving older structures. We have lost many  
20 unique buildings over the past few years that  
21 also take a chunk out of our history.

22 The HPB Board was designed to help preserve  
23 and protect our community assets. Yes, it's  
24 important that we keep our town economically  
25 viable, but it is equally important for

1 property owners to realize when you purchase a  
2 historic building, there is an important  
3 component to maintain, preserve, and protect  
4 the architectural and structural elements for  
5 future generations. If an owner is not willing  
6 to accept those terms, then an alternate  
7 location is their best interest.

8 Medina City is so fortunate to have  
9 established codes and a review process to guide  
10 property owners in the right direction. Many  
11 of the surrounding townships have no such  
12 procedure, and as a result, see an erosion of  
13 historic landmarks and buildings without any  
14 recourse.

15 "Our wish is to have Medina City strongly  
16 support and enforce the HPB guidelines and  
17 decisions. It is to educate property owners  
18 how to maintain their investments and retain  
19 property values throughout our Square and  
20 Historic District. Our future depends on what  
21 we do to preserve and protect all that we  
22 cherish. Let's make the right decision for  
23 the future. Sincerely, Brian and  
24 Carole Feron."

25 I do have a hard copy of that.

1 I did receive an e-mail that I would like  
2 to -- I was asked to read into the record, and  
3 if I can get myself to a printer, I can copy  
4 this one, too.

5 This is from Bill Lamb, Medina City  
6 Councilman at Large. It's addressed, "To the  
7 HPB regarding the issue of tonight's HPB  
8 agenda.

9 "Demolition should not be the response to  
10 any building in the Medina Historic District.  
11 Any condition that would require demolition  
12 with the exception of a natural occurrence has  
13 been caused by a failure of maintenance. The  
14 purchase of a building that has maintenance  
15 issues, whether they rise to the level of a  
16 suggestion of demolition or not, the owner must  
17 be held accountable and required to make the  
18 necessary improvements to bring the building up  
19 to code and the standard of safety. Bill Lamb,  
20 Medina City Councilman at Large."

21 That's all I have. Thank you.

22 Any final comments from the Board?

23 MS. TRAVES: I have one  
24 question.

25 Who actually put the yellow tape around it?

1 Was it the City?

2 MR. GLADISH: We did after  
3 we received the report from the structural  
4 engineer.

5 MS. TRAVES: Okay.

6 MR. GLADISH: That put us on  
7 warning that we needed to take immediate  
8 action.

9 MS. TRAVES: Okay. Then  
10 you inspected the building and you were in  
11 agreement with that?

12 MR. GLADISH: No. I'm not  
13 an engineer and I wouldn't be able to provide  
14 that service, but I had to take action as the  
15 chief building official. It was my  
16 responsibility for the safety and welfare of  
17 the community to take some kind of action.  
18 That was -- I mean, the hour we got the report,  
19 we took immediate action.

20 MS. TRAVES: Okay. Thank  
21 you.

22 CHAIRWOMAN: Thank you.

23 MR. WITSCHHEY: Mr. Gladish,  
24 you did -- you do have a report that was put in  
25 the record, correct?

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MR. GLADISH:

Yes.

Typically we don't go in and review, you know, a structure for structural issue, but because of the liability issues, if we didn't take any action and this house did collapse and it did fall on the public sidewalk or on the adjacent parking lot, we as the City, I think, would have some moral and some legal responsibility. So, you know, immediate action was taken.

So we did do an investigation of the inside, and most of the photos you see are photos that I took. I spent several hours, with Mr. Sturgill's permission to go inside that house, and I found a lot of the structural issues, and the photographs would represent that. And so there's more than just the house being out plumb to the north and to the west. The interior floor structure is ready to fail. All four main beams are rotted off of that foundation wall, which are the pictures that are in that file, and that's why these posts and columns and stuff were probably put up over the years but, you know, that house is really -- I mean, it's going to fail to the inside before the exterior walls collapse, is

1 my opinion, again, just by the interior of  
2 the basement foundation and the type of  
3 structure.

4 We did go in there with some commercial  
5 construction lighting and did light up  
6 everything so we can get a better view of  
7 what's there.

8 So the concern, my concern, is something  
9 has to happen sooner than later because, you  
10 know, there's no heat on in the house and  
11 that's due because if it does collapse, you  
12 don't have any operable gas lines because then  
13 we have a gas leak, and with the snow that we  
14 had with the past couple snows, that snow's not  
15 melting off that roof like it normally would.  
16 So there's a lot of concern that, you know --  
17 that that house is -- and again, by the  
18 structural report, I can't say when, but I  
19 don't feel comfortable at night sleeping with  
20 just tape around the house.

21 MS. TRAVES: When you  
22 investigated the house, was there snow on the  
23 ground?

24 MR. GLADISH: Yes. I've  
25 been there several times, but when I was there,

1                   yes, there was -- the snow was, you know, a  
2                   foot deep.

3                   MS. TRAVES:                   I keep asking  
4                   about the snow because you can't really see the  
5                   foundation if it's covered up in snow. So  
6                   that's why I keep asking about it, like, trying  
7                   to get an idea of who saw it when there was  
8                   snow and who saw it when there wasn't snow.

9                   MR. GLADISH:                   And with the  
10                  snow you really couldn't see anything anyways,  
11                  but when you got inside is when you could  
12                  really see the damage. I mean, we did go on  
13                  the outside, we dropped plumb bobs down, and  
14                  that's shown in those photos. So the house is  
15                  out of plumb five to seven inches in the north  
16                  and to the west, but the interior's collapsing  
17                  towards the center. It doesn't make sense that  
18                  if the floor's collapsing in towards the  
19                  middle -- and that's clearly evident on the  
20                  second floor, and it's a balloon frame  
21                  construction type of material, so there's not a  
22                  lot of flooring that locks the house together  
23                  between the first and second floor.

24                  MR. HUBER:                   Dan, you've  
25                  been involved in the building trades for a long

1 time, right?

2 MR. GLADISH: Yes.

3 MR. HUBER: And you read

4 Mr. Robinette's report?

5 MR. GLADISH: Yes.

6 MR. HUBER: Do you agree  
7 with his assessment that it's probably about a  
8 hundred and fifty thousand dollars to keep this  
9 from becoming worse?

10 MR. GLADISH: My personal  
11 opinion, I think it would cost more than that.

12 MR. HUBER: What do you  
13 think it will cost?

14 MR. GLADISH: I couldn't --

15 MR. HUBER: Well, you just  
16 gave me your opinion that you think it will  
17 cost more, so tell me what you think.

18 MR. GLADISH: I would say  
19 probably at least two hundred thousand dollars.

20 MR. HUBER: Okay.

21 CHAIRWOMAN: Thank you.

22 MR. KIRBY: Can I still  
23 make a comment?

24 CHAIRWOMAN: Absolutely.

25 MR. KIRBY: Rick Kirby,

1 I'm at 246 West Friendship Street.

2 In watching these proceedings tonight, I  
3 would -- I am concerned about long-term  
4 thinking here. So I would ask the Board to  
5 please consider whatever you do tonight to  
6 maybe put some conditions and requirements in  
7 for this. I'm very concerned that we're either  
8 going to end up with a parking lot for the  
9 building south of it or we're going to end up  
10 with green space or a pile of rocks ad  
11 infinitum.

12 Thank you.

13 CHAIRWOMAN: Thank you.

14 Any other comments from the public?

15 MR. STURGILL: Again, I'm  
16 sure it won't just be green space or a pile  
17 of rocks. We'll do something productive; to  
18 what extent that will be, that's to be  
19 determined.

20 CHAIRWOMAN: Thank you.

21 Counsel, anything?

22 MR. HUBER: No. I'm  
23 tired.

24 CHAIRWOMAN: To that  
25 comment, we have been at this for three hours

1 and forty-five minutes and have been presented  
2 inches of paper and much testimony today.

3 I would like the Board to possibly  
4 consider a motion to recess into executive  
5 session.

6 MS. KNAGGS: Second.

7 MS. TRAVES: I make a  
8 motion to recess into executive session.

9 MR. HUNT: There needs to  
10 be a purpose stated. The purpose would be to  
11 receive legal advice from legal counsel, number  
12 one, but number two, you are a quasi-judicial  
13 body and you have the right to deliberate in  
14 private under the Ohio case law.

15 CHAIRWOMAN: Okay.

16 Leslie, do you want to repeat that?

17 MS. TRAVES: Amen.

18 MS. KNAGGS: Ditto.

19 MR. HUNT: So that's the  
20 motion.

21 CHAIRWOMAN: That would be  
22 the motion I guess.

23 Do we have a second?

24 MS. KNAGGS: I'll second.

25 CHAIRWOMAN: Okay. Roll

1 call, please.

2 MS. TOME: Biggens-Ramer?

3 CHAIRWOMAN: Yes.

4 MS. TOME: Knaggs?

5 MS. KNAGGS: Yes.

6 MS. TOME: Stahl?

7 MS. STAHL: Yes.

8 MS. TOME: Traves?

9 MS. TRAVES: Yes.

10 MS. TOME: Wood?

11 MR. WOOD: Yes.

12 MS. TOME: Motion passes.

13 (Whereupon, the proceedings stood in  
14 recess while the members of the Board of  
15 Historic Preservation retired to executive  
16 session, after which time proceedings continued  
17 as follows.)

18 CHAIRWOMAN: We're back.

19 And what is the Board's pleasure?

20 MS. TRAVES: After  
21 conferring in an executive session, based on  
22 the testimony of Dan Gladish, chief building  
23 official, and on his reliance on the  
24 Applicant's structural engineer analysis, the  
25 Board needs to hear from an independent

1 structural engineer or an independent opinion  
2 on the subject property. We would like the  
3 time period for that report, in writing, to be  
4 thirty days.

5 CHAIRWOMAN: Do we have a  
6 second?

7 MR. WOOD: I'll second.

8 CHAIRWOMAN: Roll call,  
9 please.

10 MS. TOME: Biggens-Ramer?

11 CHAIRWOMAN: Yes.

12 MS. TOME: Knaggs?

13 MS. KNAGGS: Yes.

14 MS. TOME: Stahl?

15 MS. STAHL: Yes.

16 MS. TOME: Traves?

17 MS. TRAVES: Yes.

18 MS. TOME: Wood?

19 MR. WOOD: Yes.

20 CHAIRWOMAN: Thank you.

21 MR. HUBER: We'll be back.

22 CHAIRWOMAN: A motion to  
23 adjourn?

24 MS. KNAGGS: A motion to  
25 adjourn.

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CHAIRWOMAN: Second?

(No verbal response.)

CHAIRWOMAN: All in favor.

Hit the road.

Thank you.

(Proceedings concluded.)

- - -

1 STATE OF OHIO )  
2 ) ss:  
3 COUNTY OF MEDINA. )

4 CERTIFICATE

5 I, Nicholas Glatzhofer, Notary Public within  
6 and for the State of Ohio, duly commissioned and  
7 qualified, hereby certify that before the giving of  
8 their testimony, all witnesses were first duly sworn  
9 to testify to the truth, the whole truth, and nothing  
10 but the truth in the case aforesaid and that the  
11 testimony was taken by me by means of stenotype in the  
12 presence of said witnesses.

13 I further certify that said hearing was held at  
14 the time and place specified in the above caption and  
15 was concluded on the 2nd day of March, 2022.

16 Further, I certify that I am not a relative,  
17 counsel, or attorney at law for any party to this  
18 suit, nor am I interested in the event of same.

19 IN WITNESS WHEREOF, I have hereunto set my hand  
20 and affixed my seal of office at Medina, Ohio this  
21 28th day of March 2022.

22 *Nicholas Glatzhofer*  
23 \_\_\_\_\_  
24 Nicholas Glatzhofer,  
25 Assistant official Court Reporter  
and Notary Public within and for  
the State of Ohio.  
My commission expires 10/24/23

## ability

## apparent

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