

**CITY OF URBANA
BUILDING SAFETY CODE BOARD OF APPEALS
WEDNESDAY, February 20, 2013**

MEMBERS PRESENT: Scott Kunkel, Carl Webber, Brad Houk and Keith Erickson

MEMBERS ABSENT: David Crow

STAFF PRESENT: John Schneider

OTHERS PRESENT: Curt Borman, Asst. City Attorney, Paul Zerrouki, owner

CALL TO ORDER:

The hearing was called to order by Scott Kunkel at 4:02 p.m.

OLD BUSINESS:

There was no old business to discuss.

NEW BUSINESS:

Mr. Kunkel introduced himself as chair of the board and stated that the case before the board is regarding appeal number BSCBA-13-A-01 referencing fire notices for properties at 2017 S. Philo Rd., 2018 Fletcher St., 1305, 1304 and 1302 Silver St., Urbana, IL. The purpose of the hearing is to consider an appeal of the decision of the Fire Code Official to impose fines against Platinum Group Properties, LLC, for violations of the Fire Prevention Code of the City of Urbana at the following locations: 1302, 1304 and 1305 Silver St., 2017 Philo Rd. and 2018 Fletcher St.

Mr. Kunkel said that notice of this hearing was served via telephone on or before 2/14/2013 and via US Mail on 2/15/2013.

Mr. Kunkel stated that in addition to the board members present, the following are present: John Schneider, Building Safety Division Manager, Firefighter Michael Phillips, Fire Marshall Phil Edwards, Curt Borman from City of Urbana legal and representing Platinum Group Properties, Mr. Paul Zerrouki.

Mr. Kunkel said that board member Webber wanted to bring up one issue.

Mr. Webber stated that he was with the law firm of Webber and Theis and that now and again brought matters before the City organizations and boards and have for many years and wanted to make that known and wanted to be sure both parties found that to be satisfactory and not objectionable.

Mr. Kunkel asked Mr. Schneider whether the City had any objections, who stated that they did not.

Mr. Kunkel then asked Mr. Zerrouki if he had any objections. Mr. Zerrouki did not answer the question directly and indicated his attorney only asked him to deliver the letter requesting the continuance.

Mr. Kunkel said that he was in possession of a letter dated February 20, 2013 that indicates that it was hand delivered to the Building Safety Code Board of Appeals in reference to the pending appeal. Mr. Kunkel read the letter, which was from James Martinkus, attorney for Mr. Zerrouki, asking for a continuance of the appeal as he would be unable to attend due to other scheduled matters. Mr. Martinkus said that his office had spoken with City Attorney Curt Borman and he indicated that the City has no objection to a continuance and that the next scheduled meeting of the board in April 11, 2013 at 4:00 p.m.

Mr. Kunkel asked Mr. Zerrouki if it was correct in that Platinum Group Properties LLC is asking

for a continuance of this matter until April 11, 2013. Mr. Zerrouki stated that this was correct. Mr. Kunkel asked Mr. Schneider whether the City had any objections to the continuance. Mr. Schneider stated that the City had no objections.

Mr. Kunkel asked the board members whether they had any objections to the continuance. They did not.

Mr. Kunkel moved that this hearing be continued to 4:00 p.m. on April 11, 2013 in the City Council Chambers. Mr. Erikson seconded the motion.

Motion passed by a vote of four (4) ayes to zero (0) nays. Case will be continued to April 11, 2013. The City will send notice to the attorney for the property owner and the request for the continuance will be entered into the record.

Mr. Webber asked whether he could make a request. Mr. Kunkel said yes. Mr. Webber said that if Mr. Martinkus could indicate the answer to Mr. Webber's question within a week to 10 days on whether he was going to object to Mr. Webber being involved so that they City will know whether they have a quorum.

Mr. Kunkel said that before he moved on to the public input, there was some general housekeeping issues. There are no defined procedural methods for a hearing of this type. If it's acceptable to all the parties, they would like to promulgate an outline for what this procedure would look like to city staff and let the city attorney and Mr. Zerrouki's council review and make sure they are comfortable with it.

Mr. Webber explained to Mr. Zerrouki in more detail exactly what the board was trying to do. Mr. Schneider then stated that he would recommend our City Attorney could recommend a procedure before the next meeting and send it out and at the beginning of that meeting, the board could approve that procedure and asks for any objections.

A discussion followed with Mr. Webber and Mr. Borman regarding the procedures. The city attorney stated that he could give the proposed procedures to the chair.

Mr. Kunkel asked if there were any other matters regarding the appeal.

Mr. Kunkel asked if there was any one present who wished to address the board.

Ms. Kathy Wallig of 2211 Fletcher St. introduced herself and read a statement, (copy attached).

Mr. Kunkel asked if anyone else would like to provide public input.

There was none.

ADJOURNMENT:

Mr. Kunkel called the meeting to a close at 4:17 p.m.

Respectfully submitted,

Vivian Petrotte

BSCBA:vp

Approved on 4/11/2013

There ~~is~~ are many reasons why we have legislation and city ordinances requiring working smoke alarms, smoke detectors, and fire extinguishers in our multiple housing units. Most of those reasons are lying in the cold hard ground, under headstones, with families left behind to mourn them.

I understand we are here because Mr. Zerrouki has the right to due process. What he does not have is the right to endanger lives.

I understand you are here because you are a governmental body that wants to assure all individuals have a right to be heard and accorded their due process. You do not have the right to provide opportunity upon opportunity for one man to put peoples' lives at risk.

I understand as a landlord, Mr. Zerrouki has to follow numerous ordinances and requirements. But complying with SOME of those ordinances and requirements does not forgive him for not complying with ALL of those ordinances and requirements.

I understand professional fire fighters and police officers have a sworn duty to protect and defend the citizenry. They know all too well that when they enter a burning building in an attempt to save lives, they may not emerge from that building, unless it's lying on a flag-draped stretcher with a firefighter honor guard waiting outside. But neither you, as a body, nor Mr. Zerrouki, has the right to subject those professionals to situations that could possibly deprive them of their own lives.

What Mr. Zerrouki is accused of doing is unconscionable and despicable. He is a stain upon southeast Urbana and our community at large. It appears that the only language he understands is the one of money and profit. You have the ability to punish him in the only manner he comprehends—financially.

God forbid one of Mr. Zerrouki's properties should burn and lives are lost. I implore you to do the right thing here, and protect those who, for one reason or another, cannot protect themselves.

ATTACHMENT TO 2/20/13 minutes (from Ms. Kathy Wallig)