

**CITY OF MONTGOMERY
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
JANUARY 7, 2025**

CALL TO ORDER

Chairman Simpson called the meeting to order at 5:58 p.m.

Present: Commission Member John Fox, Commission Member Daniel Gazda, Chairman Bill Simpson, Commission Member Merriam Walker, Vice Chairman Tom Czulewicz

Absent: None

Also Present: Chief Anthony Solomon, Interim City Administrator
Corinne Tilley, Code Enforcement Officer and Planning/Zoning Administrator
Ruby Beaven, City Secretary
Diana Titus, Deputy City Secretary
Katherine Vu, City Engineer

PUBLIC FORUM:

None at this time.

REGULAR AGENDA

1. **Consideration and possible action on the Regular Meeting Minutes of December 03, 2024.**

Motion: Commission Member Walker made a motion to approve the Regular Meeting Minutes of December 03, 2024. Commission Member Gazda seconded the motion. Motion carries with all present voting in favor.

2. **Consideration and possible action on the unapproved demolition of a structure located at 900 Caroline Street in the Historic Preservation District.**

Corinne Tilley, Code Enforcement Officer/Planning & Development Administrator addressed the Commission regarding 900 Caroline Street located in the Residential Zoning District and Historic Preservation District. According to the Montgomery County Appraisal District records in 2005, the residential structure was constructed with a total gross building area of 988 square feet. This includes the main area of 442 square feet and an attached brick garage of 546 square feet. In February of 2008, the Historic Preservation District was established in the City of Montgomery. In December of 2024, the structure located at 900 Caroline Street was demolished without Planning and Zoning Commission approval.

Board Member Walker inquired what is the code enforcement action that could possibly be considered tonight? Ms. Tilley explained the code enforcement action would refer to the

Planning and Zoning Commission (P&Z), because P&Z has the authority to establish what penalties, if any penalties, would be assessed on this property.

Chairman Simpson emphasized his position as not being a city official and clarified that he does not believe it is within his authority to impose excess fines for code violations, stating that this responsibility lies with the city. He firmly indicated his unwillingness to take part in such decisions and suggested he would step aside if that direction were pursued.

Discussion was held between Chairman Simpson and Ms. Tilley regarding the distinction between the roles of city official and the board regarding the enforcement of code violations and penalties. Chairman Simpson emphasizes that while the city is responsible for enforcing these violations, the board members lack sufficient knowledge and clarity about the ordinances and the specific actions they can take, which hampers their ability to make informed decisions regarding enforcement.

Discussion was held among the Commission, Interim City Administrator/Chief Solomon and Ms. Tilley regarding the consequences of demolishing a structure without the necessary approvals within a historic preservation district. Ms. Tilley, as the Code Enforcement Officer, has highlighted that penalties can be assessed for such violations, while Chairman Simpson clarified that the Planning Commission's role primarily concerns approving or disapproving demolitions and design rather than levying fines. Chief Solomon clarified that Ms. Tilley was not asking P&Z to levy a fine but tried to explain that there are some provisions for penalties. It was emphasized that although penalties exist, the immediate focus should be on the implications of Mr. Cheatham's actions regarding the demolition and the need for forgiveness rather than prior permission, a common occurrence in planning scenarios.

Commission Member Fox inquired if the codes have been codified? Chief Solomon indicated the current codes being used are the codes that the City has codified. Commission Member Fox said that it clears up one thing.

Commission Member Fox expressed frustration about the long-standing issue of building demolitions in the area, highlighting the confusion and inconsistencies surrounding the historical district's boundaries and permissions granted, particularly regarding a recent demolition. Chief Solomon acknowledged that although there had been discussions about which structures needed to be taken down, those efforts had not been realized and noted that Ms. Tilley's observation of the recent demolition brought the matter back to focus, prompting a reassessment of the other buildings that require similar action. Chairman Simpson commended the efforts being made, recognizing the importance of their work.

Vice Chairman Czulewicz highlighted concerns regarding buildings the City has earmarked for demolition, questioning whether owners have been notified, while Chief Solomon pointed out that some properties lack clear ownership due to missing deeds, complicating any notification process. Ms. Tilley emphasized the need for the Building and Standards Commission to be active in determining which buildings violate city codes, explaining that a structured approach involving multiple inspectors is critical for following the necessary procedures before demolition. Commission Member Fox expressed urgency in organizing this process, suggesting it is a vital step toward addressing the issue of unsafe structures in the community.

Vice Chairman Czulewicz stated Mr. Cheatham claimed in his email that adjacent buildings are also in disrepair and inquired if they have been cited. Ms. Tilley explained her limitations in issuing citations. She elaborated that while she can identify visual disrepair, there are no specific ordinance violations for aesthetic issues like a neglected fence or chipping paint. Although there is a section regarding "demolition by negligence," it applies to unmaintained buildings that haven't been demolished. Ms. Tilley suggested we could pull something from the Historic Preservation District as a possible route, but cautioned that without guidance from the City attorney, it may be difficult to enforce such claims.

Vice Chairman Czulewicz inquired with Ms. Tilley's involvement with the contractor developing the zoning ordinances, emphasizing the importance of her involvement and expressing concern that her lack of communication could undermine their efforts. Chief Solomon confirmed that while they are collaborating with the contractor, they have not yet focused on specific ordinances but are in the process of establishing a comprehensive framework that will include this zoning initiative along with many others.

Mr. Cheatham addressed the Commission stating he is here to ask for forgiveness. Mr. Cheatham, a former committee member supporting the historical district, acknowledged his mistake in demolishing a 19-year-old garage that was deteriorating and was thanked by neighbors for its removal, though he was unaware of specific notifications when the area was designated as historical.

Commission Member Walker highlighted the need for better public information regarding the boundaries and regulations of the historical district, as property owners often confuse their property's status and are unclear about necessary permits, citing past instances where individuals sought forgiveness for proceeding with unpermitted actions.

Chairman Simpson inquired about a demolition permit and raised concerns about the lack of written penalties for building permits, specifically in relation to demolition, and noted that although Ms. Tilley confirmed a building permit exists with associated costs, the penalties outlined in Section 98 are notably severe. Ms. Tilley explained that there are building permit provisions for double fees if work commences without a permit, indicating a structured approach to enforcement through the building official. Chief Solomon acknowledged the need for amendments to the ordinance, suggesting that fines and penalties will be reevaluated in future revisions.

The Vice Chairman emphasized that forgiveness for the demolition issue cannot be granted without a formal permit submission, suggesting that the individual in question should file a permit and pay the fee. Chairman Simpson mentioned that the process has precedent and if the permit application is submitted and the fee paid, approval can be efficiently granted. Commission Member Walker cautioned against setting a bad precedent while acknowledging the increasing construction activities in Montgomery, urging adherence to proper procedures to avoid safety risks. Lastly, it was noted that a formal demolition permit would soon be made available online as part of new 2025 permit offerings.

Motion: Vice Chairman Czulewicz approved the unapproved demolition of a structure located at 900 Caroline Street in the Historic Preservation District with the stipulation that the permit application be submitted along with the fee. Commission Member Gazda seconded the motion. Motion carries with all present voting in favor.

COMMISSION INQUIRY:

Commission Member Walker thanked Ms. Tilley.

Commission Member Fox said he would like to thank Ms. Tilley and Chief Solomon for the time and effort to get this. He said he knows it's a difficult time and you are new at some of the work you're doing. We do need to catch up with those houses though. It's been 15 years that he is aware of. Chairman Simpson said he does appreciate it, and it is definitely needed in town. Vice Chairman Czulewicz said we try to get people to come here and like anything else in life, you judge a book by its cover and that cover that we're demonstrating is not very pleasant.

Commission Member Walker asked when they have the meeting at the end of the month for what they're doing for the grand plan for downtown Montgomery or the City of Montgomery, the things that we said tonight will they be presented to that company to take into consideration? Chief Solomon said we have a meeting with them Friday. These are some of the things we talk about anyway because we're putting together a committee for the downtown area and we're also putting together a core committee. Ms. Tilley said just to clarify the people that we spoke with this morning was Retail Strategies hired by MEDC. They're the ones that have a downtown strategic plan and then they have the retail recruitment plan. There's also KKC and that's the one that is doing the interim ordinances. Chief Solomon said those are the two groups that we will be bringing together. Commission Member Walker asked if those groups are from volunteers or people you select? Chief Solomon said no. These two groups are companies. The other group are members of the City Council, MEDC, and business owners here in the city brought together to have a committee to guide and lead in the direction of what they want to happen.

Commission Member Fox told Ms. Tilley to be careful when listening to homeowners complain when you are trying to figure out how to get someone to take care of their house and maintain it and what they can build and how they can build it. The main thing is their house is chipping, or they painted it the wrong color. Be careful. It's nothing but lawsuits He was drug into one in Waldon a few years back over how they thought they could give someone step by step instructions on how to do it.

ADJOURNMENT

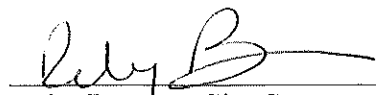
Commission Member Gazda adjourned the regular meeting of the Planning and Zoning Commission at 6:30 p.m. Commission Member Walker seconded the motion. Motion carries with all present voting in favor.

APPROVED:



Bill Simpson, Commission Chairman

ATTEST:



Ruby Beaven, City Secretary