



LITTLE TOWN ON LAKE MAXINKUCKEE

Culver Unsafe Building Board

5:30 p.m., Tuesday, May 24, 2022

The meeting was called to order at approximately 5:30 p.m.

At the beginning of the meeting, Council President Bill Githens set forth the rules for the hearing and announced that the meeting was being recorded and participation in the meeting was attendee's consent to be recorded and to the rebroadcast of the recorded meeting. The recorded meeting is available on the Town's YouTube channel.

Roll Call

Town Manager Ginny Munroe called roll with the following councilors physically present: William Cleavenger, Bill Githens, Bill Hamm, Sally Ricciardi, and Rich West. Attorney Janette Surrisi also was physically present. Members of the public were present in the room as well as online.

Review Minutes

As this was the first meeting of the Culver Unsafe Building Board, there were no minutes to approve.

Reasonableness of Using Publication for 22-CUB-002 Russell/Apolat Trust and 22-CUB-007 Bob's Country Bunker, LLC – Janette Surrisi, Attorney

As the owners of 709 Obispo and 612 E Lake Shore Drive did not accept the certified mail which contained the demolition orders, under statute, other attempts were made to serve the property owners via regular mail and copies posted at the property owner's address of record. One property owner requested the order be emailed to them. The town also chose to use publication to make sure the owners were properly served. Mrs. Surrisi asked for a finding from the board that reasonable attempts were made to contact the property owners by sending certified mail and leaving notices at the property owner's address and that it was reasonable to use publication for these two properties.

Mr. West made a motion that because the process of certified mail and regular mail did not find the owners in these cases, that the council authorize and accept notice by publication. Mr. Hamm seconded the motion. The motion passed with five ayes.

Public Hearing Cases

Ms. Ricciardi made a motion to open the hearings. Mr. Hamm seconded the motion. The motion passed with five ayes.

Building Commission Chuck DeWitt was sworn in and responded to questions from Attorney Surrisi establishing his responsibilities in his position.

22-CUB-001 McFarland/Cooper – 435 S. Ohio Street, Culver, Indiana

Mr. DeWitt testified he had inspected the property five times and found it to be vacant and uninhabitable with no gas, electric, sewer or water. He believed it had been uninhabitable for eight years and has received complaints of the building in disrepair, abandoned vehicles, and concerns for intrusion of vermin. He asked to be allowed to enter the building, however the property owner denied his request. Pictures of the property were presented to the board. He believed the board should affirm the demolition order.

Attorney Surrisi then turned to Robert and Glenia Cooper, property owners, explained the process and they were sworn in.

Mrs. Cooper explained the house has electric, gas, and is insured. She said she had provided pictures to Town Manager Ginny Munroe on the progress made on cleaning up the property and believed it was an invasion of her privacy to allow Mr. DeWitt to inspect the house because there is a bad vehicle in the yard. She added that her mother lived in the house two years ago. They were not notified that Mr. DeWitt had visited the property and Mr. DeWitt had taken opportunities to make threats to Mr. Cooper regarding the property during interactions at other construction sites. She provided pictures of the property of improvements they have made.

Attorney Surrisi asked how long the house had been vacant and Mrs. Cooper replied two years. She also asked if the Coopers believed the house to be uninhabitable. They responded that the water is off, however, there is gas and electric and that they run the furnace each winter. The house also is fully insured. Attorney Surrisi also asked if there were unregistered vehicles on the property and Mrs. Cooper responded not anymore. She then asked if there were unregistered vehicles during 2022. Mrs. Cooper said there were a few. Mr. Cooper said that the vehicles on the property were titled to him and that all but one were driven off the property. They also provided plans regarding having remaining items in the yard hauled away. Attorney Surrisi asked why they would refuse inspection. Mrs. Cooper responded that Mr. DeWitt is causing them trouble and feels like there is a personal vendetta. Mr. Cooper said Mr. DeWitt was looking for something with which to condemn the house. Mrs. Cooper requested that the harassment and demolition order be dropped as they plan to make more improvements to it. Mr. Cooper explained that any open spots on the building have a secondary structure underneath preventing entry of water, vermin, etc. Mrs. Cooper showed a copy of the NIPSCO bill on her phone.

The board was then given the opportunity to ask questions. Mr. Hamm asked when the vehicles were removed and what they plan to do. Mrs. Cooper said they have been working on it and the vehicles were moved about two weeks ago. Mr. West asked if they recognized before receiving the letter that there were issues with the yard that made the house unsafe. Mr. Cooper responded the vehicles all ran, with some of them plated. Mrs. Cooper explained the purposes of some of the vehicles they own. Mr. Githens asked their next step. Mrs. Cooper responded they continue to get rid of things, clear shrubbery, and get it to a point that her daughter can move in.

Attorney Surrisi explained the authority and the options of the unsafe board. Members of the board discussed the options.

The issue was opened to public comment. Stephanie Peric, 1001 South Street, commented the house has been an eyesore for some time and they only began to clean up the property when they received an enforcement letter. She asked the board to uphold the demolition order.

Barry McManaway, 443 South Ohio, asked where the line is between condemn for demolition and repair. Attorney Surrisi explained these are properties because of ongoing issues that there is a structural issue and whether the property is compromised. Uninhabitability and vacancy can be reasons.

Ms. Ricciardi made a motion to close public meeting. Mr. Hamm seconded the motion. The motion passed with five ayes.

Following discussion, Ms. Ricciardi made a motion to allow until July 25 for the property owners to clean up the surrounding debris at 435 South Ohio Street, remove the chimney, make sure the yard is kept up, grass mowed, remove boat lift and swing set, and at the end of 60 days, allow an inspection of the property. Mr. Hamm seconded the motion. The motion passed with five ayes.

22-CUB-002 Russell Apolat Trust – 709 S. Obispo, Culver, Indiana

Mr. and Mrs. Russell we sworn in.

Attorney Surrisi began with questions for Mr. DeWitt. He responded to her questions with the following information:

Mr. DeWitt has inspected the property four times, found property to be vacant and uninhabitable due to open windows and doors providing access for people in and out, and the inside has been partially gutted. He has received complaints on the property dating back several years and has tried to address them with various owners of the property. Complaints about the property have had to do with attractive nuisance, people in and around the house, and the overall condition. He believes the condition of the property is affecting the overall quality of the neighborhood, believes it to be a fire hazard, and questions the integrity of structure due to water intrusion over time causing deterioration. He has noticed cracks around the foundation that appear to be compromising the structural integrity of the structure.

Mr. DeWitt did not have pictures to submit as evidence so he described the pictures he took. They were of the broken window and door as well as the foundation.

Attorney Surrisi gave the Russells the opportunity to present their evidence. Mr. Russell apologized for taking so long to repair the house. The inside has been gutted, removed the siding and painted the original siding, removed several layers of roofing and installed a new roof, hired an architect to redesign the house, replaced the front and back door, hired an electrician, and hired someone to maintain the lawn. Mrs. Russell added that the broken window was boarded up, however, windows have been ordered. She also reviewed many of the challenges they have faced in trying to get the work done. He added they were very sorry for the delays and not completing tasks on time.

Attorney Surrisi asked questions of the Russells. They agreed the structure is vacant and is currently uninhabitable. Mrs. Russell said Kurt Wallup was lined up to do the electrical work. Mrs. Russell also provided the names of the other contractors who will work on the house.

Mr. West asked if the Russells and the Town had worked to set previous deadlines that were missed. Mr. Russell responded there had been and they were very sorry. Ms. Ricciardi asked for an estimate of completion of projects if demolition is not ordered. Mr. Russell responded that wiring should be done within 30 days, unsure of window delivery, the studs should be in right away. Brand new doors have already been installed. Mr. West asked if there were signed contracts. Mrs. Russell responded there is a contract in place for the electrician and they will have their own employees of their property management company complete the rest. Mrs. Munroe asked if the Russells recall meeting with Mrs. Munroe and telling her the same thing they told the board at this evening. Mr. Russell said yes and he was sorry. Mrs. Russell lamented the issue of finding contractors to do the work, even with names given to them by the Town. Mr. DeWitt shared he had been in contact with the Russells and provided them with the names of contractors and corroborated what they said about the issues with windows originally ordered. Mr. DeWitt proposed getting a deadline and moving forward. If they will commit to a timeline, that would be in everyone's best interest.

Mr. Githens opened the floor for public comment. Mrs. Peric asked what their intentions were for use. They said they were not going to flip the property. She also questioned if the contractor that installed the roof were licensed in Marshall County and commented that the doors have been open when she walked past the last few days and she can see that the inside is gutted. She suggested that installing a brand-new door is not done before the inside is complete. July Campbell, 716 Obispo, commented she looked earlier in the day and found a gaping hole in the foundation and other holes in the structure as well as holes in the windows. In response to a question from Cary Cheseldine, 520 South Plymouth, as to the interior of the house, Mr. DeWitt was able to view inside due to the open windows and doors and shared that the house is gutted to the studs but appears to be structurally sound but there are still holes in the basement causing vermin infiltration. It could be rehabilitated. Members viewed pictures taken by Mrs. Peric. Mr. DeWitt added the floors were in good shape but the breezeway floors needed replace. Mrs. Russell said the breezeway was to be removed. Mr. DeWitt also said the stairway was sound.

Mr. West made a motion to close the public hearing. Ms. Ricciardi seconded the motion. The motion passed with five ayes.

After discussion, Mr. West made a motion to allow the owners of 709 South Obispo until July 24 to tear down the breezeway, seal up the holes in the foundation, have electric and plumbing substantially complete, the house secure, allow an inspection of the property and the end of 60 days, and provide a proposed plan and timeline for the remainder of the remodel. Ms. Ricciardi seconded the motion. The motion passed with five ayes.

22-CUB-007 Bob's Country Bunker, LLC – 612 E. Lakeshore Drive, Culver, Indiana

Mr. Cleavenger made a motion to open the hearing on Bob's Country Bunker. Mr. West seconded the motion. The motion passed with five ayes.

In response to Attorney Surrisi's questions, Mr. DeWitt provided pictures and a description of the marquee, believing it to be compromised as well as the ticket booth with broken glass. There also were pictures of activity inside the ticket booth. He believes the property is affecting the quality of the commercial district. The Town has put barricade to prevent pedestrians from walking underneath the marquee, causing them to walk in the street, sometimes around parked cars.

There were not any representatives from Bob's County Bunker present or online.

Mrs. Munroe commented that insurance would cover repairs. Jesse Bohanon. 614 East Lake Shore Drive. the marquee has become a foot traffic issue for Bourbon Street Pizza. Patty Stallings. 506 East Lake Shore Drive.

commented that getting up and down the curbs to get around the marquee is difficult and potentially dangerous, adding that some are disregarding the barricades and walking under the marquee.

Mr. West made a motion to close the public hearing. Ms. Ricciardi seconded the motion. The motion passed with five ayes. The motion passed with five ayes.

Mr. Cleavenger made a motion to affirm the order to remove the marquee based on the letter dated April 20. Mr. West seconded the motion. The motion passed with five ayes.

Other Business

There were no written requests for hearings and no updates.

Adjourn

Mr. Cleavenger made a motion to adjourn the meeting of the Unsafe Building Board. Mr. Hamm seconded the motion. The motion passed with five ayes.

The meeting adjourned at approximately 7:30 p.m.


Respectfully submitted,

Karen Heim
Clerk-Treasurer


Culver Town Council



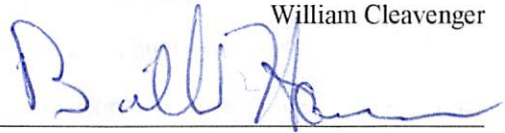
Bill Githens




Sally Ricciardi



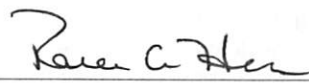
William Cleavenger



Bill Hamm



Rich West



Karen A. Heim
Clerk-Treasurer

Official signed minutes may be requested at the Clerk's Office