



## **Culver Unsafe Building Board Hearing**

5:30 p.m., Tuesday, July 26, 2022

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

At the beginning of the meeting, Council President Bill Githens reviewed the process by which the meeting would be conducted 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 will be available on the Town's YouTube channel.

### **1. Roll Call**

Clerk Treasurer Karen Heim called roll with the following councilors physically present: William Cleavenger, Bill Githens, Bill Hamm, and Rich West. Attorney Janette Surrisi also was physically present. Members of the public were present in the room as well as online. Sally Ricciardi was absent.

### **2. Review Minutes**

Mr. Hamm made a motion to approve minutes from the May 24, 2022 meeting. Mr. West seconded the motion. The motion passed with four ayes.

### **3. Reasonableness of Using Publication for 22-CUB-007 Bob's Country Bunker, LLC**

As the owners of 612 East Lake Shore Drive did not accept certified mail, other attempts were made to serve the property owners including leaving copies of the demolition orders at the owner's address of record, sending via regular mail, and emailing, publication was reasonably used to serve the owners.

Mr. West made a motion that in the case of Bob's Country Bunker, that normal service was tried but not effective, it was reasonable to use publication. Ms. Surrisi asked that Mr. West amend his motion to state that service was likely effective but given that the mail was returned it was reasonable also to use publication. Mr. West amended his to that effect. Mr. Hamm seconded the motion. The motion passed with four ayes.

### **4. Continued Public Hearing Cases**

#### **22-CUB-001 McFarland/Cooper – 435 South Ohio Street, Culver, Indiana**

Mr. Hamm made a motion to open the public hearing on 435 South Ohio. Mr. West seconded the motion. The motion passed with four ayes.

Building Commissioner Chuck DeWitt was sworn in by Mrs. Heim.

Mr. DeWitt testified vehicles on the property have been moved, brush removed, and a new roof installed. There were still some trees and brush to be removed and some miscellaneous junk on the property which appears to be ready to be removed. Once the minor things are complete, Mr. DeWitt believed the property could be deemed back into technical compliance.

Ms. Ricciardi arrived at 5:38 p.m.

Mrs. Heim swore in Robert and Glenia Cooper, property owners.

Mr. and Mrs. Cooper reviewed the tasks they have completed. A scrap collector will pick up the items in the yard and the couple plans to remove the brush in front of the house. Mr. Githens commented the property was much improved since the last meeting.

Ms. Ricciardi made a motion direct the Coopers to finish cleaning up the property and remove the brush at the curb prior to the next meeting. Mr. Cleavenger seconded the motion. The motion passed with five ayes.

Mr. West made a motion to close the public hearing on 435 South Ohio Street. Ms. Ricciardi seconded the motion. The motion passed with five ayes.

#### **22-CUB-002 Russell Apolate Trust – 709 South Obispo, Culver, Indiana**

Mr. West made a motion to open the public hearing on 709 South Obispo. Mr. Hamm seconded the motion. The motion passed with five ayes.

Mrs. Surrisi commented the Russell's participated in the May 24<sup>th</sup> meeting virtually and were aware of the hearing, however, they were not present in the room or virtually. Certified mail was rejected but the notice also was sent via regular mail.

Mrs. Surrisi then reviewed what an unsafe building was and when demolition is warranted.

Mr. DeWitt testified that he did not see any visible signs of progress from the previous meeting. It still is uninhabitable with no electricity or gas connected. He would find it to be a public nuisance.

Mrs. Heim swore in Town Manager Ginny Munroe. She testified that in her experience with the property owners, they promised repairs would be made on several occasions but never followed through. She is sending out a grass nuisance letter as the property has not been maintained, and she has received numerous complaints from neighbors.

Cary Chesledine, 520 South Plymouth, asked if there was a timeline regarding communication with property owners regarding requests for improvements so that citizens can see how long the property has been an issue. Mr. West cited council minutes and letters sent from the town manager. Ms. Surrisi added that with the Unsafe Building Board, the information will be centralized going forward.

Judy Campbell, 716 Obispo, commented she lives across the street from the property and has not observed any work and the grass is now out of control. Ms. Ricciardi agreed.

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

Mrs. Surrisi advised the council to affirm the demolition order. The property owners will have the opportunity to proceed in court. A demolition takes time, but the onus is on the property owner to fight the town rather than the town chase them.

Mr. West made a motion to affirm the demolition order. Mr. Hamm seconded the motion. The motion passed with five ayes.

## **5. Other Business**

### **Written Requests for Hearings**

There were no written requests for hearings.

**Updates – Litigation Regarding 22-CUB-007 Bob’s Country Bunker, LLC**

Mrs. Surrisi reported an agreement was reached with Bob’s Country Bunker to have the marquee removed by LakeFest. She confirmed it has been removed.

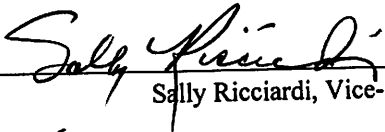
**6. Adjourn**

With no further business, Mr. Hamm made a motion to adjourn. Ms. Ricciardi seconded the motion. The motion passed with five ayes.


The meeting adjourned at 6:15 p.m.

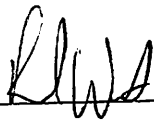
**Culver Unsafe Building Board**

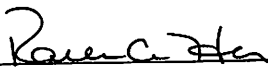
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Bill Githens, President

  
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Sally Ricciardi, Vice-President

  
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William Cleavenger

  
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Bill Hamm

  
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Rich West

  
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Karen A. Heim  
Clerk-Treasurer

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