



CEDAR LAKE UNSAFE BUILDING DEPARTMENT MEETING MINUTES
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA
February 16, 2022 at 6:00 PM

CALL TO ORDER:

Mr. Sharpe called the Unsafe Building Department meeting to order at 6:01 PM on Wednesday, February 16, 2022, with its members attending on-site. The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Colleen Schieben; Dennis Wilkening, Vice Chairman; and Richard Sharpe, Chairman
Also Present: Ryan Deutmeyer, Town Attorney; Jill Murr, Planning Director; Chris Salatas, Town Manager; Tony Gatto, Building Inspector; and Ashley Abernathy, Recording Secretary. **Absent:** None.

MINUTES:

Mr. Sharpe entertained a motion to approve the Minutes of January 19, 2022, Meeting. A motion was made by Mr. Wilkening and seconded by Ms. Schieben to approve the Minutes of the January 19, 2022, Public Meeting. The motion passed unanimously by roll call vote:

Ms. Schieben Aye
Mr. Wilkening Aye
Mr. Sharpe Aye

Old Business:

1. 6425 West 141st Avenue – Ward

Mr. Sharpe stated the next order of business was for Old Business on a property located at 6425 West 141st Avenue. Mr. Gatto advised the Unsafe Board, as indicated by the photographs provided, the foundation is still in existence. He would not call it demolished.

Mr. Michael Ward stated he talked to someone about leaving the foundation up, because he intended to rebuild on the foundation and he was told he could leave the foundation. Mr. Gatto stated he had not told them that. Mr. Ward commented he had been told that before he took out the permit, he was told he could keep the foundation. He had explained when he received the permit that the foundation was staying and he was going to rebuild on that within the next year or two. He plans on putting a fence around it.

Ms. Pamela Ward asked what was wrong with the foundation. Multiple conversations occurred simultaneously.

Mr. Sharpe advised both members of the audience to come to the podium and state their name for the record. Mr. Ward and Ms. Pamela Ward, the owner of the property, stated their names for the record.

Mr. Ward stated after he received the permit, he had two trees fall on the house at his current residence and he has been trying to deal with both that and the foundation. Mr. Ward showed a photograph of a property he states is down the road from Ms. Ward's property and that the property he is showing has been in a state of disrepair for six to seven years and nothing has occurred with this property, and asked why is he being harassed. Multiple conversation occurred simultaneously regarding the property down the road from Ms. Ward's property and why the foundation being open is unsafe if someone were to fall down.

Mr. Sharpe called for order in the room.

Mr. Sharpe asked Mr. Gatto if his report is that this property is unsafe. Mr. Gatto responded in the affirmative and stated it is an open foundation. Mr. Wilkening asked If they fenced the property in, would that change anything. Mr. Gatto responded if they can keep people from getting in the foundation by fencing it in.

Mr. Sharpe asked the Wards if they could get it fenced in. Mr. Ward responded in the affirmative and stated he has all the fence posts and the fence. He is just waiting for the ground to thaw in order to put the fence posts in the ground. He will put up no trespassing signs as well, as soon as he can get fence put up.

Ms. Ward commented it is not like someone could fall in and not get out, because there is an opening someone could walk into. Mr. Sharpe stated someone could still fall. Mr. Ward stated he understands what the Board is talking about of someone falling down over the foundation and reiterated he had the material to fence the property in.

Mr. Sharpe asked if they could come back to the April Meeting and give a progress update. Mr. Ward responded in the affirmative. Discussion ensued regarding putting a fence around the property.

Ms. Murr asked the Board how long would they allow for the fence to remain. Mr. Ward commented he plans on rebuilding on that foundation.

Ms. Murr advised the demolition permit had been obtained on August 13, 2021, which was a three-month permit. There had been no call received for an inspection that the structure had been demolished. It was brought to the Board to provide an update, which has been provided. A letter had been sent January 25, 2022, via Certified Mail and regular mail. They had not received the receipt that the Certified Mail had been received.

Ms. Ward asked where was the mail sent to. Ms. Murr stated she sent it to the address in Hebron on January 25, 2022. The tracking for the Certified Mail was that the Post Office was in possession of it on January 26, 2022, and as of February 11, 2022, it was returned unclaimed to the Town. Ms. Ward stated she never received any Certified Mail.

Ms. Murr stated she also sent a regular letter and sent to the Hebron address as well. Ms. Ward stated while she never received the Certified Mail, she did receive the regular mail.

Ms. Murr stated if there was going to be a fence put up around the foundation, how long will the Board allow the fence to remain up for and if they were to set a schedule and a follow up for the property. Ms. Schieben suggested having the Wards put a fence up and come back to the April Meeting. Prove to the Board that the fence is up and give them three months to obtain a Building Permit to rebuild the structure. By doing this, it would give them to July to obtain a Building Permit.

Ms. Ward asked what if they could not afford it yet. Ms. Schieben stated they cannot leave the structure just standing. Multiple conversation occurred simultaneously.

Mr. Sharpe asked if they were going to do something with this property. Mr. Ward responded in the affirmative and stated he plans on rebuilding this year, but he does not know if he will be able to. It might have to be the following year. He has to do it in the spring due to having to sell his house and find somewhere to live, because he cannot rent a house due to owning six cats, four chickens, and rabbits.

Ms. Schieben advised Mr. Ward that chickens are not allowed within Town limits. Ms. Ward stated the property has approximately 7 acres. Mr. Ward stated according to the Ordinance he could have them as long as the neighbors did not complain. Ms. Schieben stated that is not correct and that chickens cannot be in Town limits.

Mr. Sharpe asked Mr. Deutmeyer for his advice regarding this matter. Mr. Deutmeyer stated it is fair points being made. In normal situations, when a structure is demolished, the entirety of the property is demolished. They have agreed to, in these circumstances, is to give him time due to them wanting to use the foundation which is reasonable. Time restrictions are also reasonable. If he is unable to rebuild, then the Board would need to reassess whether or not they want the foundation to continue to exist in its current state for longer than a year. Based on the timeline established, by July it will have been 11 months since the demolition permit was pulled. They would need to have some plans, a permit pulled, or if nothing is happening the foundation will need to be demolished.

Mr. Sharpe advised the Wards to come back at the April 20, 2022, Meeting and provide an update on the fence and on the plans they intends to do.

Ms. Ward commented the foundation is in perfect shape and has an opening in it. Mr. Deutmeyer stated with all due respect, with the foundation existing, if someone were to fall in it, it would be their responsibility and their liability. Then people would look at the Town and ask why did the Town not do something about the foundation because of it being allowed to be in that state. The Board is offering to them is latitude, which they do not have to do. He suggested to the Wards it might be in their best interest to accept what the Board is offering and to try to get some plans into place to try to build upon that foundation.

Mr. Sharpe entertained a motion for this item. A motion was made by Ms. Schieben and seconded by Mr. Wilkening to defer this item to the April 20, 2022, Meeting and the owner needs to have a fence put up around the property and there will be a re-evaluation regarding plans and a permit at that meeting. The motion passed unanimously by roll-call vote:

Ms. Schieben Aye
Mr. Wilkening Aye
Mr. Sharpe Aye

Mr. Gatto advised the Board the foundation wall has a crack in it and it has been pushed in on the east wall. Mr. Sharpe asked if it would not be a good foundation to rebuild upon. Mr. Gatto stated it could be repaired, in his opinion. However, they will not be able to build upon it until the foundation is repaired.

Update Items:

1. Vicinity of 6900 West 131st Place

Mr. Sharpe stated the next order of business was for a potential unsafe building in the vicinity of 6900 West 131st Place. Mr. Gatto stated they have confirmed the address to be 6911 West 131st Avenue. The house was determined not be unsafe. The garage on the property could be considered unsafe. It is not secure. While it is not in danger of falling over, it is not secure, there is a roll up door that is pushed in and falling in, the service door was open when he was there.

Mr. Sharpe asked if it was a detached garage. Mr. Gatto responded in the affirmative. Under the Indiana guidelines for an unsafe building, the garage is a nuisance and a danger to health and welfare. They could view the garage as unsafe, but the house by itself is not unsafe.

Mr. Deutmeyer commented they have had a similar situation in the past where the house was determined to be safe, while the garage was determined to be unsafe. As such, they have had properties where they have done orders just on the garage.

Mr. Skip Crissey stated he wanted to differ from Mr. Gatto's assessment of the property. The roof of the property has approximately a six-inch valley between the rafters. If he were to go to the property when there was not snow on the roof, he would be able to see the roofing. The tub has fallen through the floor on the previous renters of the property. There is no foundation to the house and there are animals living under the house. The toilet had been falling in the house a few weeks ago, according to the current tenant. Almost every year the pipes on the house have frozen, busted, and flooded his property. The house is a mess, and there is only single paned glass around the house. There is no weather stripping on the house.

Mr. Gatto commented with regards to the foundation, there are several houses that do not have foundations, and they cannot be considered unsafe. They cannot say they need to bring this house up to code when there are people living in the house, that may not want to remodel the property. If they want to remodel the property, they can stop them and tell them they need to bring the house up to code. The pictures that he has of the property, the house does not appear to be unsafe or unsightly.

Mr. Gatto advised Mr. Crissey that when he took the photographs there was no snow on the roof of the house. Mr. Salatas confirmed there was no snow on the roof of the house.

Mr. Sharpe asked if there was any tenant currently living in the house. Mr. Crissey responded in the affirmative.

Mr. Sharpe asked Mr. Gatto if it looked the like garage is in use. Mr. Gatto responded in the affirmative. Discussion ensued regarding the photographs Mr. Gatto had of the property. Multiple conversations occurred simultaneously.

Mr. Sharpe advised that the Board was going to ask for either the property owner or the renters to come to the next Unsafe meeting and discuss the garage. They will discuss some of the other questions regarding the house.

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Mr. Deutmeyer asked Mr. Gatto if he could prepare an unsafe report on the garage. Mr. Gatto responded in the affirmative.

Mr. Sharpe asked Ms. Murr if their next meeting was scheduled for March 16. Ms. Murr responded in the affirmative.

Bird

Mr. Sharpe asked Mr. Deutmeyer if he had any update regarding the Birds. Mr. Deutmeyer stated they filed an extension with the Court of Appeals earlier in the day. Their brief will be due March 28, 2022, which will then allow the Birds 30 days to file their response. The response will be due approximately April 27, 2022, dependent upon when the day falls.

Mr. Deutmeyer advised there has not been anyone who has appeared on behalf of Mr. Bird in the Court of Appeals thus far. It is still possible for someone to show up. If the Birds do not file a brief with the Court of Appeals, the Court will issue an opinion based upon the brief filed by the Town alone.

PUBLIC COMMENT: Mr. Sharpe opened the floor for public comment. None was had.

ADJOURNMENT: Mr. Sharpe adjourned the meeting at 6:25 PM.

TOWN OF CEDAR LAKE UNSAFE BUILDING DEPARTMENT

Richard Sharpe, Chairman

Dennis Wilkening, Vice Chairman

Colleen Schieben, Member

ATTEST:

Ashley Abernathy, Recording Secretary

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The Minutes of the Unsafe Building Department are transcribed pursuant to IC 5-14-15-4(b) which states:

(b) As the meeting progresses, the following memoranda shall be kept:

- (1) The date, time, and place of the meeting.*
- (2) The members of the governing body recorded as either present or absent.*
- (3) The general substance of all matters proposed, discussed, or decided.*
- (4) A record of all votes taken by individual members if there is a roll call.*
- (5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.*

Cedar Lake Unsafe Building Department: Minutes of the February 16, 2022 Public Meeting