

**LAFAYETTE HEARING AUTHORITY**  
**May 16, 2023**

The Lafayette Hearing Authority met on Tuesday, May 16, 2023 at 9:25 a.m. in the City Council Chambers of Lafayette City Hall. Present were: Gary Henriott, Ron Shriner and Cindy Murray

Jacque Chosnek, City Attorney, was also present.

Mr. Shriner called the meeting to order.

**MINUTES**

Mrs. Murray moved for approval of the November 15, 2022 minutes. Mr. Henriott seconded. Motion Carried.

**NEW BUSINESS**

*Order to take Action-Clean, Safe & Sanitary-2518 Main Street*

Ms. Chosnek stated that on April 26, 2023 that City of Lafayette issued an Order to Take Action to Norman Howard, owner of 2518 Main Street, to clean up his property that is in violation of the Clean, Safe and Sanitary Ordinance. Ms. Chosnek stated that those orders become final in 10 days unless the property owner requests a hearing. Mr. Howard submitted a letter on May 2, 2023 to request a hearing regarding the Order to Take Action.

Jay Rosen, Code Enforcement Officer for the City of Lafayette, stated that in November of 2021 he started citing the property at 2518 Main Street off and on up until present day for trash, debris, furniture on the porch, and boxes. Updated pictures were displayed for the Board to view. Those updated pictures of the property also include the addition of plywood and a kids pool laying around the property. Mr. Rosen stated that the neighbors and vehicles passing by have been complaining about this property continuously.

Ms. Chosnek reiterated to Mr. Howard that the City issued him an Order to Take Action in violation of city code and he requested a hearing for today.

Mr. Howard stated that he was trying to get all the stuff out of the basement because the basement flooded due to rain in the past. Mr. Howards stated that he was hoping to get the trash into a friend's dumpster but the dumpster was full, but he has been working on that now. Mr. Howards stated that he has made pretty good headway with the cleanup. Mr. Howard stated that he has put a claim into his insurance company for the damage. Mr. Shriner reminded Mr. Howard that he can put the trash at the curb and the city will pick it up. Mr. Henriott stated that the meeting minutes from the last meeting reflected Mr. Howard using the same reasons for why the property is not in compliance with City Code. Mr. Henriott stated it's been six (6) months later and nothing has changed. Ms. Chosnek stated that the City has been on the property in early December 2022 to clean it up under an Order to Comply that was issued 6 months ago. So the pictures provided by the Code Enforcement Officers are accumulated trash and debris since then. Ms. Chosnek reminded the Board that Mr. Howard had until May 9, 2023 to clean up the property and asked Mr. Howard why that was not done. Mr. Howard stated that he was sick and the only one at the property to do the cleanup.

Ms. Chosnek stated that the proposed action that the City has prepared, if affirmed by the Board, to cleanup the property because that timeline has past and the new deadline to get the property cleaned is May 23, 2023. If the property is cleaned up by May 23, 2023 it would be in compliance, if it is not cleaned up by the deadline the City will have the right to enter onto the property to clean it up. Ms.

Chosnek stated the fees incurred for that City cleanup and if not paid within 30 days the fees will be reflected on the property tax duplicate/bill for the property. Mr. Henriott moved to affirm the order for compliance by the May 23, 2023 deadline Mrs. Murray seconded. Motion Carried.

*Order to Comply and Notice to Appear at Demolition Hearing-11 N. 13<sup>th</sup> Street*

Ms. Chosnek stated that the Order to Comply and Notice to Appear at Demolition Hearing at 11 N. 13<sup>th</sup> Street was issued on March 23, 2023 by both mail and posting at the property. Ms. Chosnek stated that a representative for the property is in attendance.

Phil Latshaw, Building Inspector with the City of Lafayette, stated that he has been dealing with since 2021 with the original owner. Mr. Latshaw has sent the original owner several letters about the deterioration of the property. The original owner sold the property on contract to a new buyer without informing them that the Engineering Office was concerned with the foundation of the property. The new buyer ended up backing out of the contract and now the current owner is D&V Property Group. Mr. Latshaw has been in contact with D&V regarding what is necessary to do to save the structure/house. Mr. Latshaw stated that a Certified Licensed Engineer's Report needs to be handed over to him and has not received that report to date. Mr. Latshaw stated that he has had no contact for quite some time. Mr. Latshaw stated that the Engineering Office has received several complaints about the condition of the foundation. After his assessment of the exterior of the property Mr. Latshaw determined that the foundation was in bad shape. Mr. Latshaw recommended that the Board affirm the Order for Demolition due to several issues with the structure and no engineer's report on file. Mr. Latshaw stated that the porch foundation is severely deteriorated and starting to bulge, the north foundation wall has major cracking, the north wall is leaning severely, and the foundation of the structure is severely deteriorated and starting to fail. The structure needs to be demolished immediately. The property is currently vacant and possibly not secure.

Dominac Brogan, D&V Property Group Representative, stated that the engineering report is done but has not sent it to the Lafayette Engineering Office. But offered to email to Mr. Latshaw now. Mr. Brogan stated that he is waiting for funding to work on the structure and said that he has reached out to several contractors on doing the work to fix the issues of the structure. Ms. Chosnek stated that sending the report to Mr. Latshaw is the first step to getting the process started. Ms. Chosnek asked Mr. Brogan if he was able to financially or otherwise able to make repairs to all the issues listed on that engineering report. Mr. Brogan confirmed that he could do that.

Ms. Chosnek reminded the Board that affirming the order for demolition with the understanding that the engineering office and the owner will work together with the engineering report to determine if the structure can be repaired. The property owner will enter into an agreement that sets forth the expectations of what needs to be done to rehab the property and the timeline to keep the property getting fixed. Ms. Chosnek stated that if an agreement can be made and the repairs are done, the property will be complying and the demolition will not occur. However, if the agreement is not adhered to and the repairs are not done, the City will go ahead with the demolition of the structure. Mr. Shriner was concerned with a long timeline and insisted that the timeline be very short. Mr. Henriott moved to affirm the demolition order. Mrs. Murray seconded. Motion Carried.

ADJOURNMENT

Time: 9:45 a.m.

Ron Shriner s/s  
President

Minutes prepared by Mindy Miller Riehle, 1<sup>st</sup> Deputy Clerk

*A digital audio recording of this meeting is available in the Lafayette City Clerk's Office or online at <http://www.lafayette.in.gov/agendacenter>.*