

**BOARD OF PUBLIC SAFETY MINUTES
MAY 9th, 2022**

PUBLIC HEARING

4:00pm
Council Chambers
City of Anderson, IN
120 E Eighth Street

MEMBERS PRESENT

Mike McKinley, Chairman
Sam Dixon, Member
David Clendenen, Member

OTHERS PRESENT

Tim Lanane, Assistant City Attorney
Barbara Joy, Board Secretary

CALL TO ORDER

Mr. McKinley called the meeting to order at 4:00 PM.

BUSINESS

(Mr. McKinley Welcomes new board member David Clendenen to the board)

MINUTES

Mr. McKinley: We have minutes from 4-25-22. Do you see anything wrong? If not, I need a motion to accept the minutes from 4-25-22

Mr. Dixon: I make a motion to accept the minutes from the 4-25-22 meeting.

Mr. McKinley: Second.

Barbara Joy: On the call of the roll the vote was as follows: yes 2-0 no. Motion passed. (Member Clendenen abstained for he was not a board member at that time of the 4-25-22 meeting.)

CLAIMS TO BE PAID

Mr. McKinley: Claims to be paid for May 9th 2022. I am showing \$1,066,311.74, of which \$69,766.86 is the Police department. I make an amotion to accept the claims of the Police department as stated

Mr. Dixon: Second

Barbara Joy: On the call of the roll the vote was as follows: yes 3-0 no. Motion passed.

Mr. McKinley: The Fire Department I am showing \$24,638.90. I make a motion to accept the fire department claims as stated.

Mr. Dixon: Second.

Barbara Joy: On the call of the roll the vote was as follows: yes 3-0 no. Motion passed.

Mr. McKinley: Combined Payroll I am showing \$971,905.98. I make a motion to accept the combined payroll as I stated.

Mr. Dixon: Second

Barbara Joy: On the call of the roll the vote was as follows: yes 3-0 no. Motion passed.

MUNICIPAL DEVELOPMENT

Mr. McKinley: Todd what do you have for us today?

Todd Fisher: First we have 1500 West 2nd St. This was a fire and it is on the ground. It still is a hazard to the neighborhood. It needs to be cleaned up.

Steve Carney: It was not good before we bought it. We are hoping to get it cleaned up as soon as we can. There is five acres there. At least it is on the ground. We are working on it; it has been down for some time.

Mr. McKinley: I make a motion to revisit this at the September 12th, 2022 meeting to check the progress.

Mr. Dixon: Second.

Barbara Joy: On the call of the roll the vote was as follows: yes 3-0 no. Motion passed.

Todd Fisher: Next we have 2520 East 6th St. Mr. Muterspaugh is here.

Mr. McKinley: We had a lot of meetings regarding this. You had made some real progress on the outside of your house. Now you are back to square one with the pictures we seen today.

Mr. Muterspaugh: What pictures? Of the yard this morning? Or the yard of yesterday? Or when?

Mr. McKinley: We have seen the pictures from 10:00 AM today.

Todd Fisher: No one should be living in this house. It is filthy. The interior, the exterior, it is falling in by the looks of the pictures. I brought him to you guys eight times, we have been here eight times. I would like you to approve the vacate and the demolition. I am not going to argue about this. It is not safe for anyone to live in. The fire department came to me as a complaint when his niece died. They could barely get her out of the house after she passed.

Mr. McKinley: I am sympathetic for your recent loss.

Todd Fisher: I know this is terrible timing, but he should not be staying there. That is all I can say.

Mr. Muterspaugh: She was 560 pounds

Tim Lanane: Todd, I just want to make sure. These pictures that you have given to the safety board, those were taken today? Correct?

Todd Fisher: Today. That is how it is as off this morning.

Mr. Muterspaugh: The front yard was from cleaning out from my dead niece. The front yard was from us cleaning out yesterday, we did not get the stuff all back in. I wore out. Saturday, we put on siding. Last Saturday and Sunday we put on siding. I don't know what is falling in on the house because... There is one of my helpers right here. We stripped out the living room and her bedroom. Her bed is covered with blood and piss and whatever. My bathroom looked like someone was killed in it from her shooting blood everywhere. It was up to your shoulder, but I got it cleaned up. I didn't ask the city to do nothing. She was a big girl, whether you believe it or not they had trouble because she was a 500 pounder. They brought people in from Frankton to move her. Hey kicked her in the side, but I see that is ok. I don't understand kicking a dead woman. She was 34-year-old. Her step son just came by this afternoon to talk to me. He was there to pick up some of her things that we had sitting in the front yard. It was hard taking care of her. she had no place to go. And she was filthy. There is no roof caving in, there is no floors caving in. About the ceilings, that is where the cats got in and fell on the installation.

Todd Fisher: All of that debris and all of the nastiness was there this morning.

Chris O'Hara: It doesn't look like this afternoon.

Tim: Lanane: Can you state your name.

Chris O'Hara: Chris O'Hara. I do rehabs and clean outs for 25 years in seven different cities in Indiana.

Todd Fisher: Is this what it looked like today during inspection.

Chris O'hara: I was there the last day you were there in the fall. You told him he needed to wrap the house. We did that. The firefighters said it was unsafe because they had trouble getting her out. I wouldn't work on the outside. That sounds silly.

Mr. Muterspaugh: We cleared a path so they could get her out.

Chris O'Hara: We sorted the stuff in to three piles. There have been 4 or 5 people working here for the last couple of days. I know it is an eye sore. I live right behind this house. There is a lot more to address.

Mr. Muterspaugh: 37 bottles of liquor taken out of her room. I did have rentals in Anderson but my mom screwed me over and I lost them all. I have two houses right now

Mr. McKinley: You can move into?

Mr. Muterspaugh: I can but I don't have any electricity.

Mr. McKinley: That is a financial thing. You will have to go to the city and get the water and electricity turned on.

Mr. Muterspaugh: They won't do that without having a plumber come in. The electricity has been taken off by the city years ago.

Chris O'Hara: Can we have two weeks on this property? Can he get an extension?

Mr. McKinley: Todd, I am leaving it up to you.

Todd Fisher: We have had him back 8 times. This is the 9th time today. It is still in environmental court.

Chris O'Hara: Oh, I thought this was the same thing.

Todd Fisher: No

Mr. McKinley: We have the owners on the phone. Vicki, are you on? Your suggestion for this?

Vicki (property management): This has been going on for a long. The owner of this company, Mr. Fry, said whatever you decide to do he will stand behind you. This has been going on way to long.

Mr. McKinley: Vicki, so you are saying that your company is willing to pay for the demolition or part of it?

Vicki: You have to take that up with Bill. He is the one destroying the property. Mr. Fry says he is responsible for the property. You will somehow have to get the money from Bill.

Tim Lanane: This question is for Vicki. You are secretary for the owner of the property, is that correct?

Vicki: I am the servicing manager for the company so I oversee all of the loans for the properties. For US Home LLC

Tim Lanane: What is the relationship with Mr. Muterspaugh which is here?

Vicki: He is the land contract to purchase the property. He has been with us for quite a while.

Tim Lanane: Have you seen the pictures of the premises today?

Vicki: Yes.

Tim Lanane: As legal owner of the property, do you think the property is habitable?

Vicki: It would take a lot of work. I don't know if he has that in him because he has been trying to work on it for some time now. By looking at the pictures he would have to hire a crew because with my understanding of his health condition. I can't see him doing it himself. He would defiantly have to step up and hire someone or a company to step in so he can say ok, I need help. I need this up to code because it does not look up to code to me. I am looking at pictures of the ceiling it is caved in or torn down or something. Wires are hanging I don't see how this can be safe. It is a fire hazard. Just by the pictures I am looking at I don't see how you can even move around in the property. It needs to be done. I don't think he has the ability to do that. Do you agree?

Tim Lanane: It is not up to me; I am just asking the questions. Thank you.

Chris O'Hara: I know about the wires. He was told not to do any work on the wires until the outside was done.

Mr. McKinley: Before you were involved, the outside was set. He did a lot of work. We praised him for it. Now, it is back

Chris O'Hara: We have everything where it is supposed to go. All of the colored tiles are behind the fence. The entire yard is cleared. Can we just come back in the morning?

Mr. McKinley: No.

Mr. Dixon: Are you going to give him two more weeks?

Todd Fisher: We have been before this board nine times. I have a lot of properties to take care of. I can't spend most of my time coaching him thru everything. He spends one day working after all of this time. He didn't clean up outside to get himself out of environmental. He is still in environmental court and he is here with us. The truth is he is not getting out of either one. I wish he was, trust me. If he would have kept the yard cleaned up, he could've been inside working on it.

Chris O'Hara: I didn't say a word.

Todd Fisher: I don't think I should have to argue with you about my job. I have all kinds of certificates for my building experience. You are going to take their word over mine. I don't know what else to do. I have been dealing with Mr. Muterspaugh for years and with his other properties.

Chris O'Hara: The windows were boarded up. You told him about the back yard what a good job he did. What you are saying is not the same thing he told me. (Inaudible: Mr. O'Hara is yelling at Mr. Fisher) I have been helping the last two weeks, because things need to be right.

Todd Fisher: I want the board to side with me.

Trinna Davis Simmons: We want the board to know that we have been twice. We were there this morning and we were there another time. That is how we got these pictures.

Chris O'Hara: Do you see a big difference?

Todd Fisher: I will ask the board to affirm my orders. I have a vacate order and I have a demo order right in front of you. I ask you to affirm these orders at this time.

Mr. McKinley: I make a motion to affirm the vacate of 2520 East 6th St

Mr. Clendenen: Second

(On the call of the roll the vote was as follows: aye 3 – 0 Nay)

Mr. McKinley: I make a motion to affirm the Demo of the property at 2520 East 6th St.

Mr. Clendenen: Second

(On the call of the roll the vote was as follows: aye 3 – 0 Nay)

Todd Fisher: Next we have 1500 West 2nd St. This was a fire but it has been on the ground to long. We would like to table this until 9/12/22 for a review.

Mr. McKinley: I move to table this until 9-12-22

Mr. Clendenen: Second

(On the call of the roll the vote was as follows: aye 3 – 0 Nay)

Todd Fisher: The next one is for 2026 Main St. They got the permits but never paid for them. We are asking approval for demo.

Trinna Davis Simmons: They were asked to come back on this date by the board.

Mr. McKinley: Is this the family that needs a translator?

Todd Fisher: Yes

Tim Lanane: I am trying to think. When they were here everything was explained?

Trinna Davis Simmons: When they were here last time her father was trying to sell the property and they were supposed to meet with the gentleman person that was going to buy it. She said if they didn't buy it that her father was going to let it go back on taxes. So, we re-set it for today.

Tim Lanane: These pictures are from this morning?

Trinna Davis Simmons: She told me they had it all cleaned but those are the items that was in the last pictures. I told her it was falling down.

Tim Lanane: Was this a fire?

Trinna Davis Simmons: Yes

Mr. McKinley: I move to approve the demolition of 2026 Main St

Mr. Dixon: Second

(On the call of the roll the vote was as follows: aye 3 – 0 Nay)

Mr. McKinley: If we there is nothing else, I move to adjourn


Mr. Clendenen: Second

Adjourned 4:50PM

ADJOURNMENT

Mr. McKinley: If we have no other business then this meeting is adjourned

Adjournment 4:50 PM


Mike McKinley, Chairman


Barbara J Joy – Board Secretary