

MINUTES
WALTON PLAN COMMISSION
Monday, October 2, 2023

Vice President Vincent Beeson called the meeting to order at 6:00 PM in the Walton Town Hall.

ROLL CALL:

Members present: Vincent Beeson, Mac Martin, Karen Lank, Christina Fischer and Melanie Kelly

Member absent: Brian Ayers, Chandler Eurit and Ron Eurit

Staff present: Arin Shaver, Jamey Harper, Ashley Rowe and Ralph Koppe

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of August 7, 2023 were presented. Mr. Martin motioned to approve as presented.

Ms. Kelly seconded the motion and all were in favor.

PUBLIC HEARING: None

REPORTS: None

OLD BUSINESS: Unsafe

108 S High St - Madrigal

Mr. Koppe stated nothing has been done on this property since our last meeting. They did a little bit of clean up on the front, but the material is still on the porch. Mr. Beeson asked if the post is leaning in the picture that was provided. Mr. Koppe stated yes, that is why he took a picture of it so the Board could see how bad it is. He also stated that it is getting worse. Mrs. Shaver stated we had someone sign for the first letter when we first sent it out, but since then we haven't had anyone sign for them. There is no change to the property, you currently have \$2,000 going through the process and a possible \$1,000 additional fine. Typically, in this step we just say "well they aren't cleaning it up" we started these fines hoping to see if that would jump start them to clean the property up, they aren't doing that. The next step is getting an estimate for clean-up. Mrs. Shaver stated she doesn't know for this property if it's just property clean-up or both. Mr. Koppe stated its just property, there are a couple windows that need boarded up, the bathroom window has been open all summer. Mrs. Shaver stated everything that is on record is to 108 S High St, so since we don't have any other address the only other option to cover us is to put it in the paper. Before we would actually go clean the property or put the fines on the property we would put it in the paper stating we are doing this contact our office. Sometimes it gets relatives to call them that know them. We have done this tactic one other time, they never contacted us but it covered us just in case, since we don't have a lot of the letters signed. Mrs. Shaver stated that would be her recommendation is to put it in the paper, get a couple estimates for clean-up to bring to the next meeting for the Board to review. Mrs. Shaver stated she knows that the town has done clean-ups before, she doesn't know if it would just be labor costs to them, if they could give an estimate or if it would just be later on after they have done the clean-up. We don't have to bid since it will be under \$10,000. That's the next step, getting the estimates for clean-up and then approving that. Mrs. Shaver asked Ms. Kelly if the town still does clean-up? Ms. Kelly stated she would have to look into it, because this is the first time she has had to deal with that. Mrs. Shaver stated we can get an estimate for the Board and you can call them. Mr. Beeson stated he believes the town has only done mowing. Mrs. Shaver stated we can get an estimate for the Board and put it in the paper so that the next time we can say move forward. Mrs. Shaver asked Ms. Kelly if there is money in the Unsafe account? Ms. Kelly stated she believes there is money in the account. Mrs. Shaver asked Ms. Kelly if she could look into if the town cleans up properties and if there is money in the Unsafe account, that would help the Board make the decision next time. Mrs. Rowe asked if they would want the windows fixed also? Mrs. Shaver stated whatever Mr. Koppe recommended. Mr. Koppe stated we would have to board up the windows. Mr. Beeson asked if the porch is ok to walk on? Mr. Koppe stated he didn't walk on the porch he is assuming it is, it didn't

look bad from the road. Mr. Beeson stated so the building isn't condemned it's just the way the property is. Mrs. Shaver stated typically we would get an estimate based off what Mr. Koppe knowing what needed to be cleaned up and what windows needed boarded up and bring the estimate to the Board. If the Board is ok with doing that, that's what Mrs. Shaver would do for the next step. The Board can still put the additional \$1,000 fine and we can still even say there is going to be another additional \$1,000 if they don't clean-up the property. Mr. Beeson asked what is the amount of fines we have on this property? Mrs. Shaver stated the property has \$2,000 that is already against the property and you can today put another \$1,000 on the property, but typically we do this to hopefully see them move on the property and there hasn't been any communication for this property. With that, you can do the additional \$1,000 today and just say at the next meeting we will review the estimates and move forward with the clean-up. Mr. Beeson stated his concern is we are fining this property and now we are looking at coming up with the money to clean it, how do we know we aren't going to get stuck with the bill. Mrs. Shaver stated the fines that you put on the property will be put on his property taxes, so that's not any money that the Board is out. You hope to get \$3,000 back or the property will go up for tax sale if they don't pay that \$3,000. It's the same for clean-up you may have to put the money up front in the beginning for clean-up, but it gets put on their property taxes for them to pay. You are either going to have someone buy it on tax sale or the property owner pays his property taxes, so either way you are going to get that money back or get a new owner. Then that money goes into the Unsafe non-reverting fund. Mr. Beeson asked what if we don't get any response, how do we go about doing the tax sale? Do we have someone come to the property and give an estimate? Mrs. Shaver stated when the property goes up for tax sale they only pay what taxes have not been paid for that property. They have roughly a year and a half, if they have not paid their taxes that's when it will go up for tax sale.

Mr. Martin made the motion to bring in estimates to the next meeting and assess an additional \$1,000 fine, give them 30-days to clean up the property, which would be the November 6th meeting, reinspect on November 1st. Ms. Lank seconded the motion and all were in favor.

503 N Davis St - Jackson

Mr. Koppe stated nothing has been done to this property. If you look at the siding on the top and siding on the bottom the post of the porch is leaning. Michael Jackson, 3261 Somers Dr, Kokomo stepped to the microphone. Mr. Martin asked Mr. Jackson if he still has ownership of the house? Mr. Jackson stated yes, they had a mediation meeting a couple weeks prior to the meeting, Mrs. Hellmann stated in the meeting that they will not be moving out the house willingly and they aren't doing anything wrong. Mr. Jackson stated they setup a contingent hearing for December 12th. Mr. Jackson stated they are going to have the judge rule it up, they are just going to provide all of the evidence that they have and let the judge decide what he wants to do and see where it goes from there. There may be a possibility that they could be kicked out or they may not at this time we will just have to see how it goes. Mrs. Shaver stated on your end you currently have a \$1,000 fine being assessed and a possible additional \$1,000 fine that can be assessed today. Mrs. Shaver stated the question she would have is even if the Board would give it another 60-days to push it out it would still be before the mediation meeting that's set for December 12th. We can't do anymore than 60-days based off the state law. We can just do the 60-days and continue it and then do another 30-days to see what happened at the court hearing or you can continue giving them fines knowing they aren't going to do what the Board has asked. If they end up losing the house and Mr. Jackson takes over then they will be stuck with the fines that have been assessed to the property. Mrs. Shaver recommends would be to keep the possible \$1,000 fine and push it out to the December 4th meeting and then at that meeting do a 30-day continuance just to figure out what happens in court. Mrs. Shaver stated she doesn't think there is a point in doing any additional fines or clean up the property since it's in limbo. Mr. Jackson stated if the Board could do that for him he would greatly appreciate it and we can be here for the January meeting so we don't have to keep coming every month. Mrs. Shaver stated or you can just keep with the lien put the \$1,000 fine on it and once the court case is done bring it back as a new order. The new order doesn't take as long, we always do a new order and give them a lot of time but you don't have to, you can have a new order and within 10-days have them clean the property up or you are going to clean it up. There are two options to make the time frame work. Mr. Beeson asked Mr. Jackson who all lives in the house besides your ex? Mr. Jackson stated Zach Hellmann, Leila Hellmann (ex-wife), Mr. Jackson's oldest daughter and

Zach's oldest son Gavin. Mrs. Shaver stated she would hate to take them off the list because it would seem that they aren't in violation anymore, so that's why Mrs. Shaver is suggesting having the meeting in December 4th then doing another 30-days.

Ms. Lank made the motion to bring them back to the December 4th meeting, reinspect on November 29th with no additional fines. Mr. Martin seconded the motion and all were in favor.

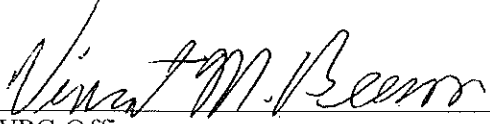
NEW BUSINESS: None

FLOOR WAS OPEN TO THE PUBLIC: None

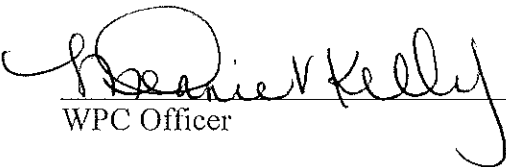
PUBLIC IN ATTENDANCE: See sign in sheet

ADJOURNMENT:

There was no further business to be brought before the Board. Mr. Martin made the motion to adjourn at 6:25 PM, on October 2, 2023. Ms. Lank seconded the motion and all were in favor.



WPC Officer



WPC Officer



Ashley Rowe, Recording Secretary

