

**Trafalgar Town Council  
Special Meeting**

**March 24, 2016**

Jeff opened the meeting at 7:00p.m.

Roll was taken. Jeff Eisenmenger, David Moore, Steve Scott, Jason Ramey, Betty Davis, Donna Moore, Clerk Treasurer and Town Attorney Bill Barrett, Jason Ramey absent.

Betty Davis led the Pledge of Allegiance.

**New Business:**

**Unsafe Building Proceedings 301 W Pearl St.** – At this time we will turn this meeting over to Vice-President Betty Davis and Town Attorney Bill Barrett. The purpose for the meeting tonight is to hold a hearing on the Order requiring action issued by the Building Inspector David Parsley on the unsafe building premises at 301 W. Pearl St. The first thing we will need to do is review the finding of the Order Mr. Parsley has issued pursuant to the ordering statutes. Those findings in order are that there is a lean to on the property that is in impaired structural condition, it makes it unsafe to the property and also to the public. Also, on the property are debris, trash, tires, weeds, and high grass, which constitute a public nuisance. The Order that has been issued requires that the property must be cleared of all trash, debris and fire hazardous material. (2). All vermin in and about the property must be exterminated. (3). The lean two located next to the garage on the property must be removed, deposed of or repaired to bring the structure to the required building codes. The OSB siding on the house must be replaced with regular exterior siding material and last the exterior condition must be repaired and maintained so that it is compatible in appearance with other buildings in the area. The Council members here tonight will make a decision to affirm that Order, modify that Order or resend that Order.

The deceased owner left the property to one of his children, Jimmy Saffran in his Will, the property has not gone through probate and until it is done so and exceeds through probate, the heirs which are the children of the deceased couple have all been given notice of the Order issued. All parties involved will be given the opportunity to be heard at this hearing.

Bill Barrett will administer the oath of witness to David Parsley, Building Inspector for the Town of Trafalgar. For the record Mr. Parsley received and accepted the oath. Mr. Parsley provided the Council with photos of his findings. Mr. Parsley stated at this time there are dumpsters on the property and debris is being picked up from the yard. Mr. Parsley spoke with whom he



believes was the son Jimmy Saffran and asks for permission to go onto the property to do an inspection, and he did deny access to the property. Bill asks Mr. Parsley if anything had changed with the conditions now with the dumpsters on the property. Mr. Parsley said no just the clean-up had started. Steve Scott asks how much time they have had since the last notice. Bill stated that it had been 6 weeks since they received the notice.

The respondent will now be given the opportunity to testify. Bill Barrett will now administer the oath of witness to Marie Saffran; she is one of the daughters of the deceased property owner. For the record Ms. Saffran received and accepted the oath. Ms. Saffran read the letter and the submitted documentation to the Council she had directed to the Johnson County Circuit/Superior Court, The Town of Trafalgar & Williams Barrett & Wilkowski, LLP which is dated March 19, 2016. The letter and submitted documentation will be attached to the meeting minutes for March 24, 2016. Ms. Saffran had pictures of the property before and now during the clean-up and has been taking off work to get property cleaned up. She stated that she is now getting a larger dumpster. She has also contacted the Johnson County Treasurer to find out what taxes are owed on the property. She has contacted the Johnson County Assessor, and has found out that her Father's property is assessed for over \$100,000. Ms. Saffran stated her brother is in Colorado and is not returning to the property, and is willing to sign whatever he needs to sign in order to take care of the probate on the property. Ms. Saffran would like to be able to take care of transferring the property the proper way instead of the County or Town taking the property.

Bill Barrett administered the oath of witness to Trudy Turner. For the record Ms. Turner received and accepted the oath. Ms. Turner is a personal family friend. She stated she is a close and dear friend of Jimmy Saffran as well. Ms. Turner stated that everything that Ms. Saffran stated is true and correct. Ms. Turner said that Jimmy did tell her that everyone has complained about the property. Ms. Turner stated Jimmy is a very indecisive man but is a great guy. Being a hoarder is an illness and sometimes they just can't make good decisions.

Bill now has comments and advice on how the Council should proceed. The question for the Council now would be what remedy you should avail yourselves of because now you also have the evidence of Mr. Parsley and you also have the evidence of the family (a). the condition of the property and (b). the abandonment of the property by the only person who had been living there. With the property be abandoned you have the ability to modify Mr. Parsley's Order to reflect the abandonment. That in turn gives you the ability to take your Order of abandonment and the continuing Order of clean-up to Court and get the property sold. This would be like a tax sale. The statutory time line for doing that will take it out till probably July or August before you can get that done. The tax sale would be in September. Who knows what it would procure either on abandonment or a tax sale. So if you would find it abandoned and you would accept



Mr. Parsley's Order then you would have the ability to claim it yourself or given the relatively short timeline from now until July before an abandonment sale or a tax sale in September, you can avoid doing the clean-up work at the Town's expense because the evidence we now have from the family confirms what I believe but could not prove because I did not see the original Will, that the person who is entitled to own that property (a) is not here meaning he's abandoned the property (b) and he is not in the State of Indiana (c) even if he was here he does not have the money to clean this up. Because you don't have authority to impose fines or fees on non-owners and the children can resolve the unclear state of the Title by going to their Attorneys office if it doesn't sale before then which gets it resolved with a trip to the Title Company. None of the evidence that I have heard other than the fact the clean-up has started changes anything in Mr. Parsley's Order except now you have evidence of abandonment. My recommendation to you would be first that you would accept the evidence you've heard from Mr. Parsley and the evidence from the family. You have to make written findings and I would ask you to delegate to Betty Davis as the Vice President of the Council the person who can adopt the Order which my office will prepare, and that you include in those findings that the property is abandoned so you have the maximum scope of remedies under the statute of the Ordinance that the Town adopted last year.

Steve asks Ms. Saffran if her intentions are to keep cleaning and she said her intentions is to clean-up everything outside the buildings. Ms. Saffran stated that Jimmy Saffran said he would sign the papers necessary to sale the property. Ms. Saffran said Jimmy was going to find out if there was a fax machine where he works and give Ms. Saffran the number so she could send him the documents to sign. Ms. Saffran said in June or by August her family will be moving to Nevada and wanted to get this resolved. Betty asks if Ms. Saffran found out how much the tax's due were. Ms. Saffran stated on the main property \$1410.00 and the small property with the lean to \$255.00.

Ms. Saffran stated that her plan is with the second larger dumpster to continue cleaning the property; she also has 1 or 2 trucks of old carpet at her house she will also bring over to put in the dumpster. And when the dumpster is full at that point she will have to be done.

Betty made a Motion to accept the findings tonight which does not change Mr. Parsley's Order except to the extent that clean-up has begun. And that now the property is now abandoned. Steve 2<sup>nd</sup>. All in favor. Motion passed 4-0.

Steve made a Motion to delegate to Ms. Betty to sign the Order without the need for the Council to come back. Bill's office will assist in preparing the Order giving Betty the authority to issue the Order on behalf of the Town. David 2<sup>nd</sup>. All in favor. Motion passed 4-0.

Steve made a Motion to stay the Order for 60 days. David 2<sup>nd</sup>. All in favor. Motion passed 4-0.



Steve made a Motion to re-impose any fine(s) after the 60 days if needed. David 2<sup>nd</sup>. All in favor. Motion passed 4-0.

**Indian Creek Elementary-** Bill stated that at the last Town Council Meeting on March 17, 2016 it was discussed about the disposition of the Elementary School building. Jeff had asks me to discuss this with Beth Baird the Hensley Township Trustee after the meeting was over. Beth is also with us tonight. My firm also represents the Hensley Township Trustee. If all parties are going in the same direction it would not matter but if the parties are going in different directions then we could not help. I will start with what the law actually is on the issue. The School District is obligated to offer the building free of charge to the Township; the Township is not obligated to take it. If the Township does take it there is no look back for the Charter Schools. If the Township does not want it there is a 2 year time period when a Charter School could obtain it. If the Township takes it the Township Trustee may use it and may transfer it to another entity for recreational purposes, but that is not the exclusive use of it. The Trustee may transfer it to the Town for consideration or not and that would not change anything regarding the Charter Schools. If the Township accepts the property the Township owns it and may dispose of it as they see fit. The issue for the Council would be (a) are there environmental issues that must be dealt with and what is the status with the structure itself and because it would be coming from the School to the Trustee to the Town it would be accepted as is.

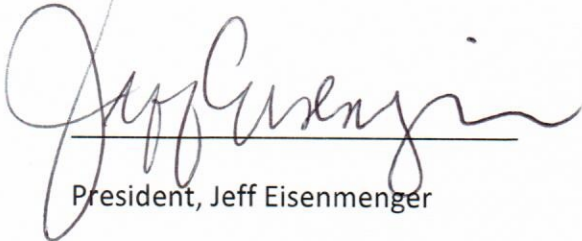
Beth said she has the 2012 study that was done on the building and she could email to the Council. She is not aware of anything that would make the building un-occupiable. It's just not suited for Students any longer with the newer standards. She would be willing to accept any type of proposal from the Town but she also represents Hensley Township and wants to make sure that the Township also benefits as well. The School would also have to vote on giving it to the Trustee. If the building would set after the 2 years it could be sold to anyone. If the Township did take it over they could then go through the proper Governmental procedure and sell the property, if the Town did not want it.

Jeff suggested that the Town do more research to see if this was something that the Town could accept. Judy Misiniec suggested that the Council make arrangements to tour the School and meet with the maintenance employees to answer any questions. Dr. Edsel could set something up.

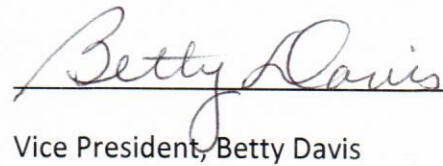
Jeff asks if anyone else had anything they wanted to discuss. No one did.

## Adjourn


Jeff made a motion to adjourn the Trafalgar Town Council Meeting at 8:04pm, Betty 2<sup>nd</sup>. All in favor. Motion passed 4-0.



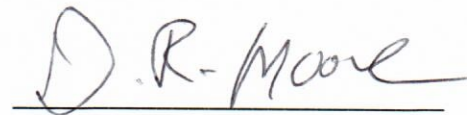
President, Jeff Eisenmenger



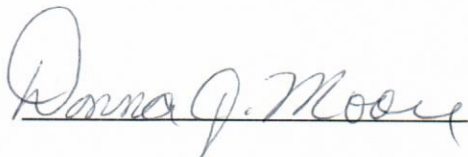
Vice President, Betty Davis



Member, Steve Scott



Member, David Moore



Attest: Donna J Moore