

September 12, 2003

Topic - Public Hearing on Carwash

The Ellettsville, Indiana, Town Council met for a Public Hearing at the Town Hall located at 221 N. Sale Street, Ellettsville concerning an unsafe building on Temperance Street on Friday, September 12, 2003. David Sorokoty called the meeting to order at 5:00 PM.

Council Members present were David Sorokoty, President; David Drake, Vice-President; Lisa Combs-Creech, Ray Freetage and Geraldine McIntyre. Also present were Sandra Hash, Clerk-Treasurer and Mike Spencer, Attorney. Sandra Cicchitto, President of Sandelson Properties, Inc. who currently owns the carwash property; Shawn Milligan and his father Joe Milligan also attended the meeting. Shawn currently rents the house next to the carwash and has intentions on purchasing the carwash and house property.

David Sorokoty explained the current condition of the carwash is abandoned and there are major concerns about the building being unsafe due to the risk of histoplasmosis. The Town Council is in the process of looking at properties that do not comply with Town ordinances and requesting property owners bring them into compliance. He added that the Town has contacted Nelson Cicchitto and sent letters about this property for the last two years requesting the property be kept up. He presented an article from the Journal about the property written by Karla Frownfelter stating Nelson was planning on tearing down the building and using the materials but nothing was ever done. He asked Sandra Cicchitto what her plans are for the property.

Definition of Histoplasmosis – “Histoplasmosis is a disease caused when airborne spores of the fungus *Histoplasma capsulatum* are inhaled into the lungs, the primary infection site. This microscopic fungus, which is found throughout the world in river valleys and soil where bird or bat droppings accumulate, is released into the air when soil is disturbed by plowing fields, sweeping chicken coops or digging holes. Histoplasmosis is often so mild that it produces no apparent symptoms. Any symptoms that might occur are often similar to those from a common cold. In fact, if you had histoplasmosis symptoms, you might dismiss them as those from a cold or flu, since the body’s immune system normally overcomes the infection in a few days without treatment. However, histoplasmosis, even mild cases, can later cause a serious eye disease called ocular histoplasmosis syndrome (OHS), a leading cause of vision loss in Americans ages 20 to 40.” Taken from National Eye Institute via the Internet.

Sandra Cicchitto explained Sandelson Properties, Inc. purchased 100 acres on Lake Monroe (the Lake Monroe Village campground) and a lot of time and expense has been put into that project which is the reason the carwash has not been kept up. The tenant who was supposed to take care of the property but he moved when the road construction began. He drove a semi-truck which he couldn’t get into the drive and when his wife died, he took his son on the road with him. She commented he did not take care of the property very well. The carwash has a major water leak, several other problems and doesn’t generate any income, so they were willing to tear it down. This summer, however, Shawn Milligan came to work for them at Lake Monroe and various circumstances lead to Shawn renting the home by the carwash in Ellettsville with the understanding he was the caretaker of the carwash property as well.

Shawn is a student at I. U. and his father Joe is a plumber / mechanical contractor in St. Louis. Joe is currently in the process of tearing down three carwashes and rebuilding them. Shawn and Joe decided they would like to purchase the home and carwash property and rebuild it. She added that she and Shawn made a deal of leasing the property with the option to buy. He doesn’t have to pay for the carwash until it is up and running. She apologized for not contacting the Council about the certified letter she received about the carwash being unkempt. After speaking with her neighbor, she thought it was concerning weeds which Shawn had taken care of and her long working hours had prevented her from checking into the letter further, so she didn’t realize it was about the condition of the carwash until she was served. She did not purposely ignore the letter.

David Sorokoty asked if Shawn had spoken with INDOT about the road distance to accommodate the cars between the carwash and the highway and suggested he do so.

Mike Spencer asked what the time frame was to open the carwash up and what repairs they were planning on doing as well as how they planned to get rid of the pigeons.

Shawn Milligan stated after speaking with Sandra and Nelson Cicchitto he assumed the distance was appropriate since it was previously used as a carwash. He said being a

student, he is only able to work on it on the weekends and depending on his father's work schedule with the other carwashes he estimated by the end of the year or next spring it should be operational. He showed pictures of how it currently looks and a design with the improvements he is planning including the new roof Sandra and Nelson are giving him.

Joe Milligan said it could open by December if the highway is finished. They are planning on painting the carwash and the home but do not want to paint until the road is complete because of all of the dust in the air from the construction.

Dana Kerr, Bynum Fanyo Environmental stated he was asked to look at the building specifically because of the birds. When he visited the site in August, 18-20 pigeons that were roosting flew off. There were bird droppings in the bays and on the exterior of the building walls. There is a risk of histoplasmosis in bird droppings which is a health concern and went on to explain the risks of the disease. He suggested the best way to remove it would be to moisten the area first by spraying a mist of water and detergent mixed to help keep it contained and then remove it. The person cleaning up the site should wear protective eye and respiratory gear. A dry method of sweeping or power washing is not recommended because it spreads the disease spores. He suggested exclusion from anyone entering the building if clean up will not take place soon. He added that Asbestos clean up workers would know how to handle the clean up because asbestos is also contracted through the respiratory system. Testing for "histo" is a long process, a couple of months, since several cultures have to be grown to test for it, therefore, areas wherever it is suspected to be are treated now as if "histo" has been found.

Mike Spencer questioned what should be done to the property in the four to six month interim that the carwash is not operational.

Dana Kerr said if the droppings could be cleaned up that would be a good idea. Currently there are no standard guidelines to follow when cleaning up "histo" but he suggested the best way when cleaning up the soil is to remove the top 12 to 18 inches because the fungus can extend fairly deep into the soil and then replace it with fresh soil. The contaminated soil should then be put in a drum and sealed then taken to the Landfill, informing the person it is given to so that it can be put in the special waste area. He said if there isn't soil where the bird droppings fall on then there is a less likely possibility that "histo" is present. However, if it is not cleaned up soon then restrictions to the access the building should be limited and signs should be posted stating that "histo" may be present with a phone number to call. If the "histo" can be cleaned up soon then bird deterrents should be installed such as a mechanism with warning sounds to scare off the birds or fake owls. He closed by saying constant activity is the main thing that keeps birds away.

Lisa Creech spoke to Dr. Howe with Indiana Department of Health and he said the disease could be carried in the air easily and she's concerned that the "histo" is traveling through the air. She stated there are a couple of confirmed cases of histoplasmosis in the area. She's okay with taking four to six months to renovate the property but would like the possible "histo" problem be taken care of now.

Shawn Milligan explained the bays have already being washed out and due to the increase in cleaning activity and weed removal the number of pigeons has already decreased. He is looking into relocating the remaining ten or so pigeons and putting up bird deterrents. They will add chicken wire to the areas the birds roost on to keep them from perching in those areas plus the new roof should be on in thirty days.

Joe Milligan stated the equipment should also be operational within the first month. They will paint in the spring after the road construction is complete. Then they will turn on the Utilities when the carwash is officially opened and can generate income.

Sandra Cicchitto stated the State had bought the rights to use the front of the carwash as a staging area which was another reason why nothing had been done with the property. The property is mostly concrete with only a few areas with soil where the weeds grow.

David Sorokoty (stepped out to call Jerry Barnes on his cell phone about the road distance) Jerry stated he is ninety percent sure that they will not have enough room to operate from off of the highway. Jerry asked Shawn, Sandra or Joe to call him to discuss this further.

Joe Milligan clarified how to enter and exit the site explaining the western entrance is a double-wide inlet access road which leads past the vacuums then cars have to circle

around back into the bays and exist out through the single lane road on to the highway. The staging/waiting area will be next to the house and vacuums.

Mike Spencer said the original Order was to tear down the carwash and now there are three choices which are to affirm the order, modify the order down or continue the hearing.

David Drake said it has been an eyesore for some time but the histoplasmosis is the main problem. He suggested the Council modify the order by requiring them to remove the risk of histoplasmosis by cleaning up the bird droppings in a given amount of time but allow them the opportunity to make the improvements before any action is taken against them. He wants to encourage individuals who wish to start or renovate a business in Ellettsville.

Joe Milligan said the majority of the property is currently concrete except behind the building where there is a gravel drive plus only one other area has gravel. This gravel path is past the high bay but the birds wouldn't have affected this area. In general, there isn't very much dirt that could be contaminated. In the areas where there's gravel there is some dirt accumulation which they are planning on concreting and it is his understanding if he takes that gravel down so far then concretes the area and removes the dirt three to four feet from the over hang this should take care of the problem. They are planning to have the health concerns taken care by the end of October.

Dana Kerr stated if it's to be concreted then there's no need to go down any farther than needed to put in the concrete. He also reminded them that they should put up the chicken wire to prevent the birds from roosting on top of the walls and add the other bird deterrents.

Geraldine McIntyre suggested that they call Monroe County Landfill at 349-2020 and speak to Melissa or the other gentleman in charge when they are ready to haul off the contaminated soil to inform them of the possibility of histoplasmosis.

Mike Spencer suggested setting another Hearing in November to check on their progress. He added once they secure the histoplasmosis issue with the soil that will take care of the problem and it no longer is considered an unsafe building. Then the Town wouldn't need to take any further action.

David Sorokoty concluded the Hearing by saying they may ask Mr. Kerr to visit the carwash again to verify that the work that is supposed to be done has been taken care of. He reiterated that they need to take care of the histoplasmosis problem and that a new Hearing would be in set in November. We look forward to the new carwash. He closed the Hearing stating it was a pleasure meeting everyone and thanked them for attending the Hearing. The Hearing ended at 6:10 pm.

HEARING RESULTS: Joe and Shawn Milligan have until the end of October 2003 to get rid of the risk of histoplasmosis which involves removing the dirt that has accumulated in the graveled areas and the dirt three or four feet from the overhang then concrete the currently graveled areas as well as install bird deterrents. A new Hearing will be set in November to check on their progress. If they have completed the task of cleaning up the "histo" by the November Hearing then no further action is needed from the Town. The Milligans plan to have the carwash operational by December 2003 or the spring of 2004.

David Sorokoty, President

David Drake, Vice President

Lisa Combs-Creech

Ray Freetage

Geraldine McIntyre

Sandra C. Hash, Clerk-Treasurer