

September 8, 2020

The Board of Public Works & Safety met on Tuesday, September 8, 2020, at 10:00 a.m. in the City Council Chambers. Present were, Brian Flynn, Linda Wilk, Dana Gault, and secretary to the board.

Motion to approve the minutes for August 17, 2020 with the change of mail to main. -Linda Wilk; seconded Dana Gault

Motion Carried.

Marion Police Department

Police Chief Angela Haley: Good morning. I am pleased to present five officers today who will be sworn in. I actually have ten that need to come over. We have done this because we were meeting VIA zoom. I will also tell you that four well all five officers are graduates of the Indiana Law Enforcement Academy, four of them when hired needed to go and they were actually the first class that was interrupted by COVID. So, they were in the middle of training they had to come home before they graduated. They were then able to go back and finish some of it here, some of it at the academy and they did not get a graduation. This was the first class that did not receive a graduation so we have their certificates as well, which I will be giving to them when we are done here.

Chief Haley swore in officers Joseph Smith, Kelsey Smith, Dillon Waggoner, Austina Cansler and Tyler Hartzell.

Chief Haley: I am always proud to bring new officers before the Board of Works to have then sworn in. I will tell you that I am even prouder with what is going on in the world today that we have got good men and women that are stepping up to answer the call and to join police forces. Its' popular right now to bash the police and to try to villainize the police and so I am extremely proud of the men and women we have hired and that we are hiring. I am proud of the people that I work with, I am proud of the heart that they bring to this job, the love and the care that they bring to the citizens that they police. Again, I have five additional new employees to bring before you but I didn't want to overwhelm you with ten today. So that will be the end of this part of what we do

No action needed by the board.

Marion Police Department-Change to Use of Force SOP

Chief Haley: Officer Reel is our primary or lead defensive tactics instructor. Occasionally we will review this policy, this is the second time I believe that we have brought this policy back before the Board of Works for some corrective measures. I depend on Jared, his wise counsel. I always tell Jared, Jared is one of the best instructors we have and he doesn't teach anything that I, quite honestly enjoy. He is a fire arms instructor and a defensive tactics instructor and but he is one the best instructors that we have and have had at the Marion Police Department. He is going to go through the Use of Force Policy and explain to you the few changes that we have made to that policy and if you would have any questions about the overall policy he will be able to answer that as well.

Officer Jared Reel: Good morning. We did not really make any changes to 4.01 if you want to go to 4.02 and go to page number two the top it says Resistance Control Continuum. You go down to letter "B" we have removed neck restraints from hard empty hand controls. We don't really teach neck restraints anymore the academy has kind of gotten away from that a little bit too. So we removed that from our SOP are there any questions about that one? Also, throughout the SOP's when you look at any taser related items we changed Conducted Electronic Weapon which is CEW we changed it Conducted Energy Weapon through our use of Acts On and Taser International that is the preferred terminology for a taser. A taser is just brand name Conducted Energy Weapon is what it should be called. So we have changed that throughout the SOP's, it is stated on a couple of different pages, page 3 it was changed from number definitions of Less Lethal, changed to energy weapon. Then if you want to go to page 11, once again we changed the Conducted Electronic Weapon to Conducted

Energy Weapon removed that, that electronic from most of that terminology. Down to procedure letter "A" towards the bottom of that first paragraph where it says model we do not no longer have X26 so we have got to remove that from the SOP's. We currently have X26P taser model. So the X26 was just removed because it is no longer in use. If you want to go to the next page, page 12 we will go to two down to letter C the last part of the paragraph it should be documented in a police report it used to say and accompany the arrest report with our new (inaudible) system which we have had for six years now we don't have to do two sets of paperwork so everything is accompanied in the arrest report that we do. They use to be a separate paperwork that was added when an arrest was made we no longer need to do that because of the computer system that we have. Page 13 number 7 once again we just removed X26 where it says "if the Digital Power Magazine on the X26/X26P we removed the X26 and it should just say X26P, alright. That is really all of the additions and changes that we have made to the SOP that has been submitted to you, I will take any questions if you have any.

Linda Wilk: I have one typo.

Officer Reel: Yes.

Linda Wilk: On the bottom of page 3 you gauge is misspelled. 12 guage...

Officer Reel: I did not probably type it out. I did not look at that because...

Linda Wilk: I know, I just thought if you are cleaning it up you might as well change it so it doesn't happen next time.

Officer Reel: Yes,

Linda Wilk: And then I just have a question on I guess it will be 4.01 the third page. Number 2, it says "Any office who uses a firearm/lethal force from which death or physical harm occurs. How do define physical harm?"

Officer Reel: I am sorry where are you at again?

Linda Wilk: Page 3, the page 3 F.01 it isn't really a page but the third page F, the Investigation number 2. When it says "any officer who uses a firearm/lethal force from which death or physical harm occurs. How would you define physical harm? And my question I guess comes back to "upon conclusion of the investigation, the evidence will be presented to the Grant County Grand Jury for review." Would you take every physical harm to a grand jury?

Officer Reel: Any time we use force, if there is injuries that are sustained or implicated we review all of that and then that's when it gets sent to the prosecutor's office. That is kind of above me that is something the chief's office would look at and see whether or not it needs to be further investigated.

Linda Wilk: So it is not, so I guess the way it reads to me I get the impression that it would automatically go to a grand jury that is not correct necessarily?

Chief Haley: We do not, we do not make the determination as to whether something goes before a grand jury or not that is the prosecutor's call that is not the police department's call. Any time an officer is investigated for a serious injury, any time state police would come in and do an investigation, those investigations are criminal in nature and they go to the prosecutor's office for review of possible charges.

Linda Wilk: Okay.

Chief Haley: So any serious injury would be reviewed that way.

Linda Wilk: Okay so then I guess my question still when you say physical harm is there a better way to define that or to state that because physical harm to me seems like it is very, very broad and may be you want it to be very, very broad. I don't know.

Officer Reel: I think it needs to be a little broad because if you specify it and then specifically injuries then you are going to have to add a bunch of injuries and if you didn't list one of those then we wouldn't be able to review it or send it to the prosecutor's office.

Linda Wilk: Sure.

Officer Reel: So you want it more in a broad sense.

Linda Wilk: Yea, I can see that. Between death and physical harm there seems to be a huge...I wanted to just ask.

Officer Reel: Yeah, you have got to have a broad spectrum on that because it could be a lot of injuries that could occur and we don't want to specify certain ones.

Linda Wilk: Thank you. That is all I have.

Brian Flynn: I have a maybe a clarification it is on that same page Use of Force 4.01 under G Post Trauma Counseling. The first line says officers “should” seek counseling. Is that a requirement or is that something that we desire.

Chief Haley: I can tell you that we have a chaplain that is on staff that speaks with officers, we also have peer counselors and the ability to refer people if need be to psychologist so it quite honestly it is dependent on how the officer’s processing what happens. Any time their involved in anything that would be a serious use of force, the discharge of a fire arm or anything like that yes they do receive counseling. Quite possibly and evaluation if need be to return to work.

Brian Flynn: I guess my question is the “should” versus “shall”. Is it a requirement or can the officer decline the counseling?

Chief Haley: We can’t force anybody.

Brian Flynn: There that is what I was looking for.

Chief Haley: Yeah, we can’t force anybody to go into counseling or go to counseling we can force them to go for a review if you will, we can force them to go and be advised that they are fit for duty or not fit for duty but I can’t make some body go into counseling. I do give the ability though that if they have things that they need to process they have the ability to go, receive treatment, they certainly have the ability to ask for it. That is something that this profession is getting better at but we still have a long way to go because we work in a profession because quite honestly we are tough guys. In the past it was frowned up on you were weak if you needed to reach out for help that is changing. That is changing quite a bit.

Brian Flynn: Good thank you. And then in 4.02 page 5 D 2, I am going to subsection D; officers should monitor the subject’s condition and should call the EMS”. Again anywhere that says should from my contract language and policy language I’s looking to clarify. Should is a suggestion shall is a requirement. So I am asking under D are those identified as should.

Officer Reel: It is should because shall, not every time that some is exposed to what you are talking about is OC or pepper spray necessary. Necessary needs have EMS called we watch them. Our policy is to try to get them cleaned off if we can, roll the windows down when we transport so they have some fresh air and then we get to the jail let them know that they have been sprayed and they can take the proper precautions to alleviate that.

Chief Haley: Many of the arrests that we make require medical quite honestly medical review

Officer Reel: Medical clearance.

Chief Haley: Yeah a medical clearance before they go to the jail anyway so quite honestly most of the people that we arrest where we have had to use some sort of force have to go to the hospital for medical clearance before the jail will accept them.

Brian Flynn: Thank you. I appreciate the clarification.

Dana Gault: I had also those same shall and should questions but on the very first page officers may employ physical force. What does that look like, what is physical force, is it, I know you took out the choking force so what is that physical force?

Officer Reel: Can you refer to which paragraph?

Dana Gault: The very first page under procedure, letter A. Resistance Control Continuum.

Officer Reel: The Resistance Control Continuum. Any physical force we would have to physically put our hands on some body to get them to comply. But that also could be as it says non-lethal weapons pepper spray, tasers, or batons or any other impact weapon.

Dana Gault: And it says also on that question on the level of threat to life. Is there, are there levels somewhere or is that or does that seem subjective? In the same paragraph.

Chief Haley: Consistent with the level of force reasonably necessary to overcome resistance or regain control of a subject or situation.

Officer Reel: Are you asking what levels?

Dana Gault: It says level of threat so is, aren’t there levels of threat are there risks that you guys are trained on because each person’s level of threat is different.

Officer Reel: Okay, well if you go to 4.02 first page where it says procedure at the bottom. That is essentially our control continuum. Where you have officer presence where there is really just showing up so the level of threat there is very minimal. We have verbal direction, non-verbal compliance from a person where they are just telling you they are not doing something. That would be another level of threat. Empty hand it could be where

you know they might, they could be pulling away, defensive resistance where they are not allowing you to handcuff them or try to move them along they are pulling away. That would be defensive resistance. Then you have hard empty hand where they are physically attacking you. Striking you, pushing you, or assaulting an officer. Then you go down to intermediate weapons where you kind of have the same thing where they may be striking you. You can also intermediate weapons and then your lethal force where that could range from choking the officer to using or brandishing a weapon and then a result to deadly force. Those are the kind of levels that we look at when we look at someone that is resisting. And our policy along with the state of Indiana and most of the country is a one plus one we go one higher than what we are seeing because you can't meet the same amount of force otherwise you don't get anywhere. So we have to go one step above what is being used against us to gain control. Does that answer your question?

Dana Gault: Yes thank you.

Chief Haley: I also want to point out while there is, why we have the procedure we have got officer present (inaudible) empty hand control, use of force situations happen very, very quickly. The videos that you will see on TV people have the luxury of dissecting those frame by frame by frame. That happens in an instant and so you may arrive on scene and have to elevate to deadly force very, very quickly and not get to engage in some of the other steps. So, it truly is dependent on what we see and what we are dealing with as to what level we go to. Officer Reel: We also don't like the chief said it is not a step by step process. We go from arriving to discharge a firearm, or arriving to tasing somebody, or deescalating that by they complied we just simply hand cuff them. So it is not always escalation there is also de-escalation in a lot of what we do. It is just not stated in there because once again it is an evolving situation that it does get dissected frame by frame and I wish we had the time to dissect it and we could make the perfect decision every time.

Dana Gault: Another one was page 2 4.02 on the bottom Use of Force Escalation. It B & C age of officer, age of the officer and subject encountered and size of the officer. What is age of the officer and subject encounter, what does that mean?

Officer Reel: Sometimes you get a younger officer that obviously that can be in a little better shape than someone as of myself. That could probably maybe last a little bit longer in confrontation than someone that is little bit older, has chronic pain day in and day out, they may not be able to survive in a long drawn out encounter so age is appropriate in there. Size of the officer when you talk about, we have a few officers that probably weigh about 130 pounds and you know you got to fight with somebody that 250 pounds that doesn't necessarily mean an adult I mean some of my friends, my sons friends who is fourteen and 250 pounds and they are 14 so we put the size of the officer and subject encounter because that makes a difference. Officer Cansler I don't know how much she weighs but she is a smaller person going up against somebody that is 250 or 280 pounds her level of force is going to be able to go up. Where if I encounter the same person my level of force is not going to be the same as hers.

Dana Gault: Thank you.

Officer Reel: You are welcome.

Brian Flynn: Board do we have any other comments, questions, clarifications?

Linda Wilk: I guess the only other comment I would have is, is it standard that you would put when these are revised or updated on the SOP themselves?

Officer Reel: I'm sorry say that again.

Linda Wilk: When you come to the Board of Works do you ever add to the bottom when it was updated or revised.

Officer Reel: Usually when we update anything in the SOP's I think it we used to have a hard copy and we would revise it with the whole binder but we don't do that anymore since everything is digitalized.

Chief Haley: We will make sure that it is noted on the policy when it goes into the file.

Linda Wilk: Yeah, I was just asking that because when I was reviewing it you know how many times this has been revised or what the revisions were so I think it would be helpful to say it was revised, updated or approved on such and such date.

Officer Reel: I know we have done it three times in the last six or seven years because we added less lethal munitions. Which would be like pepper ball rounds, rubber bullets that kind of stuff. I know we have had tasers for thirteen years so I know it has been revised since then as well.

Linda Wilk: okay and I think just now with everyone so aware you know so concerned about use of force it shows that you're a department that is staying on top of it. (Inaudible)

Brian Flynn: With that I will call for a motion.

Motion to approve the changes to the Use of Force SOP- Linda Wilk; seconded Brian Flynn. Motion carried.

Marion Fire Department- Filling positions

Fire Captain Curtis Garr: Good morning. I am Captain Curtis Garr with the Marion Fire Department. Unfortunately Chief David and Deputy Chief Planck could not attend today and Assistant Chief Miller is on vacation. So I am the next in line today. Just to tell you about the recent promotions within the Marion Fire Department within the last month or so. The promotions were done by our promotion board which consists of the Fire Chief, Deputy Chief, at least one of the three Assistant Chiefs, and our training officer. From that we got three promotions. The first was Private Zack Leech, he has been with our department for two years now. He has previously been on Gas City's Fire Department. He has not been promoted from Private to Maintenance Private. Our next promotion was Alex Persinger who also has two years with our department and who also has prior experience with Center Townships Fire Department. He has been promoted from Private to Engineer. Our last promotion was Jason Ingram who has thirteen years with our department and he has been promoted from Private to Engineer as well.

Brian Flynn: I am assuming there will be requests to fill the private position through those promotions.

Captain Garr: I believe currently, I am sorry I did not mean to cut you off. I believe currently we are at full staff. We just hired one more so I think we are, the promotions that they fill vacancies from other promotions that were done earlier this year. So it is just a revolving promotion thing that has been going on the last six months.

Brian Flynn: Okay thank you.

Captain Garr: You are welcome.

No action by the Board.

Transportation Department - Changes to policies.

Chuck Martindale: Good morning. The Transportation Department Jeff Edwards, Pam Leming. We have two items. We believe they are fairly easy to understand. The first is we are updating our Procurement Ordinance. I don't know which one is on the agenda first Aisha, either one I assume is okay.

Brian Flynn: Either one.

Chuck Martindale: Okay. Our Procurement Ordinance we are upping the micro enterprise or the micro purchase level from \$3,500 limit to \$10,000 limit. There is has been a (inaudible) an office of Federal Office management budget memorandum that was published and it basically raises the federal micro purchase limit from \$3,500 to \$10,000. We modified that policy in 2018 when that increment or when that level increased from \$3,000 to \$3,500 and this is, this policy is to increase the micro purchase limit from \$3,500 to \$10,000. And it will also change the next level the small purchase where you need to get three quotes from \$3,500 to \$10,000. The state of Indiana's small purchase minimum is \$50,000 so this basically gives greater flexibility to agencies that receive federal funds to enter a procurement process to go ahead and buy mostly from local vendors. We always buy from local vendors when we can. And not have to document every purchase that we make that is under \$10,000 so I am sure you are aware of those things that have happened with the federal guidelines and that basically is it for the procurement policy. The other policy is, was increased or changed in January of 2018.

Brian Flynn: Let me interrupt you before we move on let's talk about this one first.

Linda Wilk: I just had a, I guess a question on page 42 under the special considerations 5.5.2.6.

Chuck Martindale: Okay.

Linda Wilk: It says Marion Transit reserves the right to use formal purchase methods even if small purchase thresholds are met if the Board of Works and Public Safety believe it is in the best interest of the City of Marion

to do so. How would the Board of Works know that? That would be my question. How would I know if it is in the best interest to do you know something different?

Chuck Martindale: Well basically this just gives us the flexibility of less than \$10,000 to go ahead and purchase locally and not have to do a formal three quotes and all of that so.

Linda Wilk: Right,

Chuck Martindale: So you do that you need to get a (inaudible) vendors for the purchase and that is the reason for it. It is the federal increase so we thought we would do that to correspond.

Linda Wilk: Yeah, I understood why the increase and I agree with that because you need to have that ability. I guess my question is this specific language that states that you know if the Board of Works believes it is in the best interest of the City of Marion to do so. Here it says Marion Transit reserves the right to use formal purchase methods even if small purchases aren't met. So would you come before us and say even though we have the ability to spend up to \$10,000 without approval in this situation we believe we need to do things differently, I guess that is what I am asking.

Chuck Martindale: I guess I will leave that up to the Board's decision. If you want Transportation for purchase less than \$10,000 to go ahead and get different quotes you can do that.

Linda Wilk: Again, I guess what I am trying to say is that language needs to be changed or you are going to have to continue to come before the Board of Works the way I read this. So I am trying to, it just seems like the language contradicts what you are trying to change, unless I am misunderstanding.

Chuck Martindale: I think the language basically says that the board can make a decision, that you can be more restrictive than the \$10,000.

Linda Wilk: Okay but I don't know when that would apply.

Chuck Martindale: Well there are a lot of purchases that are made. I mean if you want to set a guideline that is less than \$10,000 that we have to get three formal quotes I mean that is your prerogative. This is a model policy that's been provided to us by the Indiana Department of Transportation.

Linda Wilk: I guess that is the problem because I don't want to tie your hands but I also want to make sure that I am doing what I am supposed to be doing as a member of the Board of Works. And the way this language is written I feel like it's contradictory to what it is saying.

Chuck Martindale: Well if you tell us how you want this to read we will be happy to change it.

Brian Flynn: Yeah, I understand what she is saying. The first part of that says Marion Transit reserves the right to bring this to a formal method, even if it is small. But then it says you reserve the right to do that if the board believes it is in the best interest. The board cannot make a determination if it is in the best interest if we are not aware of it.

Linda Wilk: Yeah, and I don't want to tie your hands to bring every single purchase to us so I just the language somewhere is discombobulated.

Chuck Martindale: If you would give us the language you would like for us to have in there we would be happy to put it in there. It just gives you the right to be more constrictive on Marion Transit's purchases then the policy allows for.

Brian Flynn: I think as I read this and I missed this on my review so thank you for bringing this up. I think this is important to get this clarified. I think we either need to say we need to remove "if the Board of Works and Public Safety believes it is in the best interest of the City of Marion to do so." If we remove that the Transit Authority reserves the right to bring it to us. Under your scrutiny.

Linda Wilk: Right. I mean yeah because as I would have no idea unless you brought every single purchase to me whether it was appropriate or not is where I am coming from. You know I want to believe that you guys are the experts and know that and that if you felt that a more formal process needs to be made you would bring them to us. I mean I have no reason to think that that wouldn't happen.

Chuck Martindale: Well there is a law requiring purchases that (inaudible) and this is what the guidelines to make it eligible for federal reimbursement to the city so it is a matter of the city's procurement follows the state so the states minimum level before you have to go get written quotes is \$50,000. So this is more restrictive than the state.

Linda Wilk: Right, so I guess I am not making it clear because you're saying you want to change the policy to be able to purchase up to \$10,000?

Chuck Martindale: Correct.

Linda Wilk: Right.

Chuck Martindale: Correct.

Linda Wilk: Okay, I want you to be able to do that but if you leave the language in for Board of Works and Public Safety believes it is in the best interest then to me that says you are going to have to bring everything to us no matter what. Is that, is deleting that language does that cause a problem for the federal contract.

Chuck Martindale: No it does not, no it does not.

Linda Wilk: Okay. Then my opinion is that we delete that language.

Chuck Martindale: 5.5.2?

Linda Wilk: .6

Chuck Martindale: .6

Linda Wilk: Take out and just put "Marion Transit reserves the right to use formal purchase methods even if small purchase thresholds are met." Because then that would prompt it to come before the Board of Works, is that correct.

Chuck Martindale: Yes.

Linda Wilk: That is what I would ask.

Chuck Martindale: Okay.

Brian Flynn: At that point it is under your discretion to bring it to us and then we will review it.

Chuck Martindale: Okay, no problem.

Brian Flynn: Very good, thank you.

Chuck Martindale: Do you want to do these together, the approval or disapproval or do you want to take them separate.

Linda Wilk: I think they need to be separate.

Brian Flynn: Let's separate them and I will call for a motion to approve with the changes.

Linda Wilk: Do you want to make a motion for this one now?

Brian Flynn: Let's make a motion.

Linda Wilk: Okay.

Motion to approve the Procurement Procedures Manual the change to the Procurement Policy with the amended language (Chuck Martindale- and verbiage of 5.5.6) - Linda Wilk; seconded Dana Gault.

Motion carried.

Brian Flynn: Now let's move on to the drug testing.

Chuck Martindale: Okay, thank you. This the drug testing policy update we are asking for your approval on today basically updates the policy from January 2 of 1918 and the policy update for January 2, 2018 there were four additional drugs that were going to be tested under that policy. This policy does not change that, those four drugs do stay within the drug testing realm. Basically this is a very minor update. It changed a little bit of the verbiage in section O return to duty testing. Basically what it says is in the rare event that it was a court order that we reinstate an employee after they tested positive for a drug for drugs or they refuse to take a drug test. Which we have random testing with Marion Transit, then they will, they will be referred to a substance abuse professional and the substance abuse professional will make out or set out a policy or a procedure that each individual needs to go through to be able to pass in order to go back to safety sensitive work with Marion Transit. It also adds the bus dispatcher to the three categories of dispatch or three categories of employees of Marion Transit that are subject to drug testing. Driver's dispatchers and mechanics.

Brian Flynn: And I think as I recall the dispatchers on occasion will be drivers as needed.

Chuck Martindale: That is correct. They need to have the CDL and they are called upon when they need to, when Jeff needs to to have them drive. So that way they are subject to the random testing.

Brian Flynn: Board do we have any comments or questions on that.

Dana Gault: Did I miss who is responsible for paying for the drug screen?

Chuck Martindale: Marion Transit does.

Dana Gault: Okay.

Chuck Martindale: Unless it is pre-employment they need to probably pay for it themselves if they get employed. But we normally pay for all drug tests.

Brian Flynn: Okay, if there are no more comments or questions I will call for a motion.

Motion to approve the change to the Drug and Alcohol policy-Linda Wilk; seconded Brian Flynn. Motion carried.

Building Department- 3437 S. Selby St.

Jerry Foustnight: Good morning Mr. President, members of the council or the Board of Works. Can you hear me?

Linda Wilk: Yes.

Jerry Foustnight: Okay, good. I am here today to ask for your vote of affirmation to take and approve 3437 S. Selby Street for a demo project. Before you, you should have all of the information concerning this property. What started this property has been like this in this condition for a long period of time.

Dana Gault: Can you speak up a little bit?

Jerry Foustnight: Pardon me.

Dana Gault: Can you speak up a little bit?

Jerry Foustnight: This property has been in this condition for a long period of time. What started our procedures on this was I was contacted from McCulloch School concerning the property. It is directly to the north of the school area and they were concerned about the danger of their students around that property. We have had one council woman state that she has seen individuals in that area younger students. So we wanted to bring this before you. We started back in I believe January on this and then we the virus has kind of slowed things down and everything. There are five individuals that are on the deed to this property so we sent out certified letters of first class mail trying to inform them of what the procedure was that we were doing. We sent out the notices to them. We weren't able to contact anyone so per our legal staff they advised us that we needed to advertise in the paper as a legal form of notification and we did do that. Our first one was in July, July the 14th, July the 28th, and then August the 11th was our last running of the notices that was submitted to the paper. We did that because they have to be each on has to be so far apart from the others. I believe it is what two weeks, two weeks and then thirty days. They have to have thirty days to come to this Board of Works meeting. So we did do all of the paperwork that was needed, all of the legal forms that was needed. If you go through the paperwork you will see the pictures of the property. The pictures really doesn't do much justice for the property. I don't know if you go out there and look you can see the back end is all caved in on it now. It is in disrepair. Having said that I did have a conversation with one of the individuals that was (inaudible) Marcella Cannon which lives in Indianapolis called me concerning this property. She stated that her siblings, nobody wanted anything to do with the property. They did not have the means to be able to demo the property or maintain the property and so we she was advised about the meeting today that you know we would take it before you today. So having said that I will answer any questions you might have but we would ask that you affirm our order to demo this property. If this order is affirmed we would like to start the project next week and get it taken care of next week because we consider this one, one of the more important ones that we need to do right now because of the grade students in that area so we want to go ahead and get this taken care of immediately if possible.

Dana Gault: Will they still continue to be the land owner?

Jerry Foustnight: Pardon me.

Dana Gault: Will they still continue to be the land owner?

Jerry Foustnight: Yes. What we would do is as we did as a notification we would take and after we do the demo and we get all of the expenditures that we put out for that project we would take and send an invoice to each one of these individuals hoping that they would pay but since we have already been that there is no means if they don't pay within the prescribed time then we would put a lien against the property.

Dana Gault: Then who would be responsible to keep once everything is tore down who would be responsible to keep the grass cut so it doesn't get bad again.

Jerry Foustnight: Again, that would fall on the city of Marion if they don't maintain it like the other properties we do. We would take again we would send invoices out for that mowing or whatever we had to do we send the invoices to those individuals and if they didn't pay again we'd impose another lien on the property.

Dana Gault: Got you. Thank you.

Jerry Foustnight: It is a very costly process. You know for the city. It becomes very expensive. You know it, it's a process that we try to be very diligent on how we do our things because of the expenses but we felt that this one here is a property that we should go ahead and start the process and finish it as soon as possible.

Brian Flynn: I did get some information that someone was supposed to be here to speak, one of the property owners but I don't see anyone in attendance. So with that are there other questions, comments, from the board. Then I would ask for a motion on this.

Motion to affirm the demolition of 3437 S. Selby St. - Dana Gault; seconded Linda Wilk.

Linda Wilk: Before you go Jerry on the paying of the bills if I could ask a question. On the payment of bills there's several checks for demolitions. There is one at 3413 S. Felton, 2206 S. Boots, 1823 W. Nelson, 2911 S. Boots, 1403 N. Court, 724 W 3rd. Are those all demo's I know the one on West 3rd was an emergency demo but are those all ones that the Board of Works has approved or are those city or would those be ones that homeowners are asking for the city to and then you will get reimbursed from them.

Jerry Foustnight: Yes, right, and Linda the homeowner ones I don't bring before you because we have a contract that we use so those wouldn't come before you.

Linda Wilk: Right

Jerry Foustnight: And being there is not expense to the city because those individuals pay whether it is a bucket truck or a dump truck or whatever it is that is all put in that statement that we send in so the city doesn't make any money but we don't lose money.

Linda Wilk: Right, I just wanted to clarify. I did not want to assume that I knew since they were on the bills to be paid. So thank you for that and the Landlord Registry. I know Whitney did a nice job talking to us about everything in your department that we had questions on. Are you any further on the landlord registry? Or can you kind of break things down with that (inaudible) Do you feel hopeful that that will happen or?

Jerry Foustnight: We have I have one individual pretty much that is in code enforcement that spends every day on property registrations. When we started this as you know Linda we knew that it was going to be a pretty large task for us to do. But it has even turned out larger and more time consuming than what we thought it was going to be. I can give you a little more information. This is as of August 25th so it was dated last month. We have sent out roughly 3400 notices for properties, rental properties within the city of Marion. Each one of those properties had an individual letter to it. We weren't able to send like Brian if you had ten properties send you one letter. We had to send you a statement or a letter for each one of those properties. So the process started very consuming but we got that taken care of. The staff upstairs did a very good job of getting that taken care of. We have 847 properties that are not registered as far as we can't find who owns those. Those properties we were able to find the owner so we had to put them into our system we call it a drop file box within our Franklin System. So the as we proceed and if we can find those and we can pull them out of our system and bring it down, but there are 847 properties. So we have currently a little over 2400 properties that have been registered so we're happy that we have that many again we still have quite a few that haven't. Originally when we started this process the due date was April 1st everybody had to have their properties paid for and submitted us April 1st due the virus and everything a decision was made to extend it to July 1st. So having said that we still have a number of properties that have not been registered. Individuals never completed the paperwork or never submitted their paperwork to us so we have the right to charge up to a \$500 fine to individuals that haven't completed or haven't filled out their property registration and returned them. We thought that we would start with a \$50 fine hoping that that would make people realize that we are serious about this and that needed to get their property registered. So up to date and these are as of August 25th so some of the figures have changed but on late fines we have collected \$3,700 in late fines for individuals that say oh well I didn't know you were open or whatever, whatever the circumstances was. So contrary to what the Chronicle-Tribune said about we are making hundreds of thousands of dollars to date we made \$11,700 from the original \$5 fines and we made \$3,700 from the late fines so if you'd add that up it's a little over \$15,000. So we have been working very hard on this if you have in your mind and you think about this each one of those out of that \$11,700 most of those are properties that individuals own. So we had to take and write out a receipt for each one of those, we couldn't take and you know Dana if you paid us \$5 for two properties you go two receipts. It was very time consuming, so think about that if we have registered 2400 properties how many receipts have we wrote out so it is very you know it is very time consuming like I have said I have one individual that is pretty much all he has done. He is a code enforcement officer but he is not on the street much he is up there doing this property registration. Boy, we

feel this is important this will help the police department, it will help the fire department, and it will help us be able to locate those individuals if we have an issue with their properties. Within this ordinance as you are well aware of, Linda because you worked on it that they have to have a property manager within 30 miles of the city of Marion. The way it is now we have individuals that live in California, we had one that was in Hawaii. They don't care about Marion Indiana they won't care about their properties and so having conversations with not only the police department but the fire department we felt this was a good registration so that we would know how to get ahold of individuals. And it's worked out and it will work out in the future.

Dana Gault: I have a question. For the property owners that you are looking for have we been able to post it on our City of Marion Facebook and in the Chronicle so that it gets out that we are looking for owners of properties?

Jerry Foustnight: You mean the ones that haven't paid their fees. No Ma'am. We have a process we send another letter out to property owner, we send out a letter stating that they did not pay their \$5 registration and there is a \$50 fine and so it is a total of \$55 they have. We will give them a certain amount of time, we actually gave them thirty days if they didn't register we gave them thirty days if they don't register then we will add to the fine and make an additional charge to it.

Dana Gault: I was just asking because Facebook just you know that can be posted and that is just, just a reminder.

Jerry Foustnight: To be quite honest with you we don't have time to go to Facebook and do all of this. It is very intense up there getting letters that we have to get out and to post everything like that it would be...

Dana Gault: I mean not individual names but just the announcement on Facebook, you know on our Facebook page. Not individual names but and in the Chronicle.

Jerry Foustnight: Well it has been on the website for the city and everything so we feel like that we've informed people not only through the website but we have also informed them by the letters the original letters that we gave to them. And hopefully they will take and pay the \$50 and get and then the \$5 original so that we don't have to raise that \$5 or let it be more money to them. We are not here as a city to make money on this, we're here to try to make things more safe for the individuals, the fire fighters or for the police officers. It is very disheartening and you go out here and you have a home that is on fire and you have nobody to contact, you don't know anything about that property. So, hopefully what is going to happen is, we have already used it once in a fire to find out where that individual is so that when we get ready to go in and do an emergency demo we know who to contact and how to get a hold of them. It has worked.

Brian Flynn: Jerry let me ask you on these 847 that we can't find the owner what, what's the plan do we have a process what is the next step for those?

Jerry Foustnight: You know we have went through we get a lot of property information from the treasurer's office on your tax statement it will show you know here is the owner that so we have done is we use those and still not able to find who owns. We have a lot of times and I am sure you are aware where we will have properties where they will do a quit deed and today you own it, when something comes up its going to cost you money or whatever you quit deed it to Linda and before you know it is just continuous and that is why we having such a hard time finding them. We are not giving up on the process we are still you know but they are in our dead file box but we are still actively searching trying to get that information but these are the ones that we haven't been able to do.

Brian Flynn: Thank you.

Dana Gault: Thank you.

Linda Wilk: Question on sending out the letters. Is that something we would need to do an ordinance change, an ordinance change would need to be done so that in the future if one landlord has twenty properties only one letter sent with all of the properties, only one receipt is given with all of the properties to save your staff time?

Jerry Foustnight: Well you know Linda I have talked to Adam about this on a couple of occasions. I don't know if that would work or not one each property there is a form that you have to fill out so that is why they get each one gets a letter with the thing on it. I think it has to do something with a legal thing to that we have to send if we send you a notice for you have ten different properties we have to send for each one of those properties not just send one to you address knowing that you have those ten properties.

Linda Wilk: It would seem to me that if you could change the form and include every single property or even if you had to send an individual form with each property send one envelope because that is a lot of postage that

you know. I don't think the intent I know the intent my intent was never to encumber or cause additional cost and so if the ordinance needs to be changed to allow for that to be done... you know I feel as soon as you do an ordinance or you do a policy and then as you put it in practice you realize this needs to be changed, that needs to be changed and now that we have done it we know well here is an area where we can save some money and save some time it would make sense to maybe revisit that.

Jerry Foustnight: And you know what Linda, you may be right maybe we need to look at that ordinance as a committee that we have (inaudible). Maybe we need to set down again and say this is working great, this isn't working so well or whatever and maybe we need to revise it. But right now being the first time that we have tried this thing I would recommend that we finish the process we are in now and you know then reevaluate maybe at the end of the year or something prior to the start of next year and see if we can eliminate this or add to this to make it a little more (inaudible) in what we are doing.

Linda Wilk: Yes, and streamline is more what I was thinking.

Dana Gault: Cause that is what I was thinking along those lines too when I was talking about Facebook because it is more cost effective. You are paying an employee to mail out five letters to Linda and so... yeah. We won't beat a dead horse but yeah.

Linda Wilk: Yeah, absolutely.

Jerry Foustnight: Right.

Linda Wilk: Thanks Jerry.

Brian Flynn: Thanks Jerry.

Jerry Foustnight: You are welcome thank you guys.

Dana Gault: Thank you.

Jerry Foustnight: Brian can I get you to sign this?

Brian Flynn: sure. While I do that the next thing is our public comment. Do we want to bring that up today, do we want to carry it forward, how do we want to handle this?

Linda Wilk: Well I mean Cindy is not here Alex is not here. Do you know what the agenda looks like for next time?

Aisha Richard: I don't yet.

Linda Wilk: Okay. I know it sounded like we are going to have five police officers to swear in for next time.

Aisha Richard: Possibly.

Linda Wilk: I mean I don't know, I hate to keep pushing this off also. I mean my intent in doing that is I, we don't usually have a lot of people from the public but when the question was raised as far as the city councils process I thought you know maybe we should have that as part of our agenda. I mean what does it hurt? If there is someone that wants to come and speak I don't want to, I don't personally think they should have to be on an agenda (inaudible) because you don't know sometimes until you sit in a meeting that you have something you want to ask about.

Brian Flynn: Right.

Linda Wilk: So that was my thinking.

Brian Flynn: I agree with that. I think that we need to have at least on the agenda place where we can present that to the public if there is comments or concerns or something that they have an opportunity to come forward. I think the details you know we want to try to make some kind of reasonable limit.

Linda Wilk: Oh yeah.

Brian Flynn: We don't want someone coming to speak for a half hour.

Linda Wilk: We don't want a filibuster.

Brian Flynn: Yeah. But I, my preference would be that we would table this one more time and hopefully we can get some additional comments and more attendance.

Linda Wilk: I am okay with that.

Brian Flynn: And I think for those of us that here if, if we have points that we want to discuss let's start putting those together so we will have those so if I am not here the next meeting I will have a way present the questions or the comments that I have to the rest of the board.

Linda Wilk: Yeah that is fine we can do that.

Brian Flynn: With that we will table...

Linda Wilk: Dana are you okay with that? Or do you have thoughts?

Dana Gault: I mean I think the more we continue stuff or table stuff it just gets prolonged so I think we should just make a decision.

Linda Wilk: I am fine with making a decision today I mean...

Dana Gault: I did not talk in the mic I am sorry.

Brian Flynn: I am fine with making the decision to have it, to have it on the agenda.

Linda Wilk: I mean I really was thinking even if it was a situation where three minutes and we literally had a timer that says you have three minutes where we are open to hear anything that you have to discuss it does not have to be something that was on the agenda. You know and it needs to be I mean if we need to say something about I don't know disparaging comments are going to be a part of it but maybe vulgar.

Dana Gault: And I would say in my mind it shouldn't be it should be whatever is on the agenda because we don't want somebody talking about an agenda that happened three months ago.

Brian Flynn: Right.

Dana Gault: We don't want to back up but I think it has to be current.

Linda Wilk: Okay. So at least then they are given the ability if there is a question they have that is from the agenda from the meeting that is fair. At least it something to start. It is a starting place so we can always look to revise.

Brian Flynn: So I am looking at comments limited to three minutes, it has to address the current agenda, only items on the current agenda that it needs to be presented in a respectful manner I don't think we need to go into the great detail about no vulgar language.

Dana Gault: And I think when it comes to that part of the agenda then that is when you say public comments are welcome three minutes, blah, blah, blah and you announce that each...

Linda Wilk: Yeah, yes.

Brian Flynn: I agree.

Linda Wilk: At the end of the agenda, before adjournment.

Brian Flynn: Correct. Well lets' um, I think that requires a motion to add it to the agenda.

Linda Wilk: Yeah.

Dana Gault: Yeah.

Linda Wilk: And it is also something that needs to be added to our manual so that it is part of the procedures.

Dana Gault: Yeah.

Motion to add a public comment section at the bottom of the agenda and be added to our procedure manual-

Linda Wilk; seconded Dana Gault.

Motion carried.

Brian Flynn: Thank you. I agree it is good to get it on there and not prolong it. Last thing is the payment of the bills. Are there comments or questions about the bills?

Linda Wilk: No, I the only I had was what I asked Jerry.

Brian Flynn: Okay.

PAYMENT OF THE BILLS

Motion to pay the bills for September 8, 2020- Dana Gault; seconded Linda Wilk

Motion Carried.

ADJOURNMENT

Motion to adjourn- Dana Gault; seconded Linda Wilk.

Meeting adjourned

ATTEST:

Aisha Richard- Secretary
Board of Public Works & Safety