

December 5, 2022

The Board of Public Works & Safety met on Monday, December 5, 2022, at 10:00 a.m. in the Marion City Council Chambers. Present were Alex Huskey, Janice Adams, Cindy Cunningham, Brian Flynn, Linda Wilk, and secretary to the board.

Marion Police Department- Merit Awards

Chief Angela Haley gave Officer Scott Fletcher for case number 2022-32534 for providing lifesaving assistance to a one year old who was not breathing after complications from a feeding on November 5, 2022.

Chief Angela Haley gave Officers Darius Dora and Nick McPike merit awards for an incident on November 16, 2022 there was a house fire. Officer Dora and Officer McPike entered the residence. Officer Dora was able to assist the occupant getting out of the house.

Marion Utilities- Resolution 4-2022

Attorney Mike Conner explained to the board that the tax deeds for 115 S. Race St., 2010 S. Clark St., and 2002 S. Clark St. have been received and are all ready for the acceptance by the city so they can be transferred to Marion Utilities.

Motion to approve Resolution 4-2022 for the tax deeds- Brain Flynn; seconded Cindy Cunningham. Motion carried.

City of Marion- Per Diem Rates

Mayor Jess Alumbaugh explained to the board that currently the per diem rates for the city of Marion are below the federal rates. The city of Marion's per diem rates currently are \$33 per day and \$.44 per mile. He would like to raise the rate to the federal rate of \$59 per day and \$.62 ½ cents per mile.

Motion to approve the change in the per diem rates according to the federal rates effective immediately Linda Wilk; seconded Cindy Cunningham. Motion carried.

Building Department- 1629 W. Jeffras St.

Jerry Foustnight-Good morning. This process on this property started over a year ago. Uh we took and uh had uh issues with uh the structure itself and also the garage area. At that time we sent out notification to the owner of the property about the conditions and uh we received a letter back on June 18th of 2021 which is over a year ago which she stated that uh she had somebody that was going to tear down the garage. That uh she had to remove the vehicle from the garage uh so anyway we allowed her to have time out of courtesy for her we tried to allow her to move forward on the project where as we checked it this week and nothing has been done to the property. Uh, she uh indicated that uh she had somebody that would be tearing it down as I indicated prior and this hasn't taken place so we would ask that you would affirm the order so that can go in there and take care of the issues at this uh property. Uh I will answer any questions you might have on it. I believe you should have the packet before you about the property. Again, if you look at the facts sheet all of the notification on the facts sheet indicate that uh we did follow the procedure. That she was notified and this is where we are at now. Uh she was uh also sent a letter saying when the Board of Works meeting will be. I looked around and I didn't see anybody here representing her so we would again ask that you would move forward on this request for a demo.

Brian Flynn: Jerry this demo is the house and garage?

Jerry Foustnight: Yes, the house, the house, the structure of the house, the foundation is falling in and uh so it would uh be both properties.

Alex Huskey: If this is approved today how soon would the demolition take place?

Jerry Foustnight: Uh Mr. Huskey it would probably be at the first of the year. Uh we we have some others before this property and uh what we are trying to do is uh move forward and get things in alignment so that as the first of the year comes that we would be able to continue to move forward on this.

Cindy Cunningham: And they are not living there, correct?

Jerry Foustnight: No.

Cindy Cunningham: Okay.

Alex Huskey: Are there any other additional questions or concerns?

Janice Adams: And that is at 3810 S. Landess?

Alex Huskey: 1629

Janice Adams: Okay.

Alex Huskey: Alright, seeing there are no additional questions, I would entertain a motion.

Motion to approve the demolition of 1629 W. Jeffras Ave as presented- Brian Flynn; seconded
Cindy Cunningham. Motion carried.

Building Department-3810 S. Landess St. / 3811 update

Jerry Foustnight: For the 3810 S. Landess Street I have been in communications with the owners of the property and they are in the process of doing some things. They started uh removing some of the interior walls in the back that they are going to demo and uh so uh they seem to be moving forward with what our request was so I believe that uh, uh that the request that was presented to you and the format as far as the time table and everything I do believe they are trying to uh move forward on that. Whitney has some paperwork.

Alex Huskey: And the property that you are speaking of

Jerry Foustnight: This is the structure of the house itself it is not the garage (inaudible)

Aisha Richard: This is 3810 that you are speaking of right?

Jerry Foustnight: Yes, 3810.

Cindy Cunningham: Have you driven by and looked at it?

Jerry Foustnight: Yes.

Cindy Cunningham: Yeah. And you see the work.

Jerry Foustnight: Yes, I was out there uh Friday.

Cindy Cunningham: Okay.

Jerry Foustnight: I went out there Friday and uh uh I went out there a couple of different times.

Cindy Cunningham: And you are happy with the progress?

Jerry Foustnight Yes. I believe, you know of course we would all like progress to be a little quicker but they are doing uh following or instructed or said what they would do.

Linda Wilk: Are you talking about 3810 or 3811? I am confused.

Whitney Gilbert: 3810 they are not doing anything yet.

Linda Wilk: (inaudible)

Jerry Foustnight: I am talking about 3811.

Alex Huskey: So for 3811 then the plan that they gave us was going to take the better part of a year to accomplish originally and you are okay with that plan being as it is?

Jerry Foustnight: Yes. I believe they are moving forward. I believe we will see progress uh on the outside. They are getting ready to tear the back half of that off of there and everything. I think we are going to see the progress. I would much rather give them a little bit of time Mr. President then to uh go in there and demo a property and have a vacant lot that we will have to maintain or you know.

Alex Huskey: So are they a property developer?

Jerry Foustnight: On the 3811?

Alex Huskey: Yes, that is the one we are talking about, right?

Jerry Foustnight: Right, no uh they own the property uh the uh the individual that is doing the work is her Dad or his Dad. It is a young couple that own the property. It is not a company from out of town or an investment company. It is a private residence is what it is going to be.

Alex Huskey: So it is going to be used for them as their primary residence.

Jerry Foustnight: Yes, yes. Once it is completed their intentions are to move into this property and to maintain it.

Alex Huskey: And what gives you the impression that they are moving forward from the last time we met.

Jerry Foustnight: Well originally when I went out there that uh nothing had been done to the structure. Now that I have went out there uh I was able to go inside and look. They are starting to demo the inside of it. The back area of the structure that they are going to tear off they have started demoing on the inside trying to remove the materials on the inside so that they will be able to tear the outside of the structure off. Their intentions are to tear the back half off uh tear the foundation out, put a new foundation in and uh rebuild that section. So, so by uh just my attendance or my going to the property and looking at the property I feel that they are trying to make progress on this.

Alex Huskey: Any additional questions.

Janice Adams: I have just one question. On the pictures that you have it looks like the roof of that structure is not there. Have they covered that yet?

Jerry Foustnight: Uh on the very back there where that is that is the part that they are getting ready to tear off. That is what I indicated where they are doing the demo on the inside they will

be tearing that back section off. And again uh I, I, I would much rather work with individuals that want to uh improve the structure than just to go in there and demo the structure.

Alex Huskey: So they did get a permit on 11/23. Alright,

Jerry Foustnight: And throughout this Mr. Huskey, throughout this process we will be going out and doing inspections. We will make sure that they continue to move forward and they are not going to uh become a stalemate where they are not doing anything. So we will make sure uh we can inform the board you know like in months or so as to what the conditions are, what they have done, what they have accomplished and all of that.

Alex Huskey: Okay.

Brian Flynn: So are we removing this one from the demo list now?

Jerry Foustnight: What we have done in the past is we have taken and left that on the demo list as far as so we didn't have to come back before you uh the board and request it again. We have left it in place with the understanding that if we need to move forward on it that I will come back before you and explain to you why we want to move forward and everything. But I don't think we want to remove anything, we want to just keep it intact if we could please.

Alex Huskey: So to make this real simple I would entertain a motion to stay the demo order uh with a progress to be reported on every two months until the conclusion of the time period in which they provided us that work will be done.

Motion to stay the demo with the understanding that there are going to be inspections periodically and um come back to the board if necessary for further action -Brain Flynn; seconded Cindy Cunningham. Motion carried.

Building Department- 3811 S. Landess St.

Jerry Foustnight: Okay the next property we have is the one at 3810 S. Landess. This is the uh garage that uh I brought before you at the last meeting. As indicated uh the owner of the property is here she indicated that she had a contractor that was going to start the work. Again, I did go out last week, reviewed the property to see if anything had been done. To this point nothing has been done with the property. It still remains the same. I did get a voicemail this morning at 9:28 from the owner of the property and she said uh if I may read the email. "It said I was supposed to come to court today with my estimates and everything but um the gentleman hasn't brought it to me yet because he is getting his program app dated and stuff. So, um I can't bring it to you today, anyway because he didn't bring me one yet. But, he is going to and all that, so I was just calling so that you don't go and do something silly like I would. But anyway you can call me" and she gave her number and we can reschedule or do whatever we need to do. Uh thank you. So that was an email that I received this morning. We have had no since the last meeting we have had no contact with her except this email this morning. Again, uh it was my understanding that she would uh uh bring information to us as far who the contractor was and the estimate. She did indicate at the last meeting that she did have the funds available to make the repairs. However nothing has been done. So, uh I would request that we move forward with the order to do the demo.

Alex Huskey: I will openly admit I am a little bit torn on this one. Uh just, I know she hasn't done anything but the fact that she did acknowledge and make contact this morning and that she intends to do something and quite frankly the other reason why I am a little bit torn is because I know that there are some properties you can travel between 30th Street and this location and find a number of properties that are in much more deplorable conditions that I would love to see expedited many of which have been in those conditions for years. Um, much more deplorable than this one is. Um, so I, I admittedly torn and probably have some biases because of that. Uh so um I would entertain any motion that someone would like to make at this time.

Cindy Cunningham: Jerry, I understand your frustration because you have been dealing with this a long time. I am like Alex you know she did reach out. You know do I really think she'll get a contractor and follow through I don't know. But my feeling is also, my feeling is that we give her a little bit more time and see if she does come up with a contractor name. And again, I understand you have been dealing with this for a year.

Jerry Foustnight: You have to understand that uh uh yes I get frustrated with this. I understand Mr. Huskey there is properties all over the city of Marion. We have done so far this year we are almost forty properties that we have demoed or that we consider unsafe properties. We, I understand your concern about other properties, uh yes other properties but we evaluate the properties not only on the merit of what they are but also the complaints we receive. We have had complaints over this for a period of time. Uh, you know when we are talking about contacting uh today she uh a half hour before we come to the meeting she sends a voicemail to me. Uh, you know she has had a period of time to uh come before us and uh uh have a discussion uh I, you know whatever the board entertains. I just wanted you to know that our feelings are we

need to move forward with this. Uh, uh you know she indicated that uh you know her contractor is having trouble with a program update stuff. I was in business for many, many years and I was able to produce estimates when requested. So anyway whatever the board would prefer that is what we will do.

Janice Adams: I guess my thought is that I understand also too, but I guess, I am I think she had someone with her because of her health care and etcetera. So, that doesn't excuse her her is that the one?

Alex Huskey: Her husband has health care issues.

Janice Adams: Yes, her husband has health care issues.

Alex Huskey: And she has language barriers.

Aisha Richard: No she was the lady that a health care lady with her but she spoke plain English.

Janice Adams: Yeah, so I was just thinking too with health care getting around and making the contact that she needed to, I just wonder if she had someone to help her with that because of the state that she was in. And so I guess too we are just about at the end of the year so when do you expect to do the work, Jerry on this property?

Jerry Foustnight: Um. Uh I, I can't say when I expect her to do the work.

Janice Adams: No, no, no you. When do you if we decide to demolish it when do you expect that that will happen?

Jerry Foustnight: Oh it will be after the first of the year because uh we still have others in front of that. Uh on my board upstairs, what Whitney we probably have eight more or so that are in the process that we have to move forward. Right now we are to the point where we are about out of money in our demo account so we are trying to be very selective on how we are moving forward. Uh we do, do owner assist properties and we are trying to do some of those to keep moving.

Janice Adams: So if we are looking at not until the first of the year then we could contact her again and hold on this and if she doesn't then the first of the year then you could bring it back to the board and just go ahead and have it demolished, it is a possibility. That is my thing.

Aisha Richard: The first meeting for the first of the year would be Tuesday, January 3, 2023.

Janice Adams: So if by Tuesday, January 3rd at our meeting and it has not, nothing has been done etcetera then I would entertain a vote to demolish it then. At this time I would really like to see maybe some more interacting there if possible. Give her another chance. She left us a phone number etcetera to call her and let her know that something has to be done by January, the meeting on January 3rd or the building will be demolished.

Jerry Foustnight: Well uh we don't call individuals. We will send out a certified letter.

Janice Adams: Okay that is fine.

Jerry Foustnight: We will take care of sending the notice to her telling her that uh about the meeting on January 3rd and what is going to happen.

Janice Adams: Okay.

Linda Wilk: And I would probably ask at that meeting that she has a contractor and an agreement. Not just the contractor's name but an actual plan or you know a signed agreement that this is what is going to take place. I mean I look at this and really it has just been since August of this year. The fire was in 2020 but the first but it looks like the first thing you have done Jerry was in August of 2022 so it hasn't been that long. I mean yeah granted it has probably been an eye sore to the neighborhood since April of 2020 but the progress really considering. So, I would like to agree also to see her have until January 3rd. But have that paperwork.

Jerry Foustnight: But if you remember if the board remembers she was to have that paperwork and everything submitted before this meeting today. You know when I get a notice a half hour before the meeting and uh that becomes an issue to us.

Linda Wilk: And I can understand that. I guess I have to look at whether I should or not. I look at her ability. You know she (I need to be careful) I don't think she is someone that understands the process. That would be my thinking and I think a comment was made that if somebody could assist her with the process and I know that is not your role but it you know. If we could connect her to an organization that could assist. I mean I just feel like giving her that extra little bit of time is not going to change anything on our end. It is not going to be demolished by January 3rd there are several properties ahead. So that to me that shows grace in the holiday season.

Alex Huskey: And Advocacy is real right now. I mean advocacy is real in making sure that individuals do understand the processes. Not only that they follow the processes but they fully understand the processes is essential. Uh and we are seeing more of that need today.

Brain Flynn: And I just want to make an observation that um this 3810 and 3811 were brought to us at the same time. Proximity easy to move demolition equipment from one place to another. I believe that is part of why those were done at the same time um we have now removed the 3811 that one is showing some progress so I think I feel similar to the rest of the board um waiting

until the first of the year. No progress uh I am sure you will get a positive response from the board on further action.

Jerry Foustnight: I will say uh and again uh most of your contractors are at least six months out on doing repairs and everything so when we wait until the first of the year then it is going to be midsummer approximately before anything is done on that. We get calls from the neighbors complaining about it seems like on a weekly basis. Uh, this is going to continue because of the amount of time it is going to take for the repairs. Again, that is fine we will (inaudible).

Janice Adams: And I totally agree with you. I had some work in my house and they told me they cannot get to it until April and so I understand that but I think too if the neighbors understood that something is going to happen. We are not talking about three or four months down the road we are just talking about from now as I see we are pretty close to the end of the December and the 3rd of January we are not even looking at two month. And so I am sure the community can wait until that time and then we move on it.

Alex Huskey: And I really appreciate that comment um but also I appreciate the fact if we are going to give 3811 a full year to work on their property we can certainly have a little patience with the lady on the garage.

Jerry Foustnight: But there

Alex Huskey: I understand the differences uh I do but I also understand that there is a difference that she needs advocacy and we want to make sure that she fully understands this. That is one of my biggest things uh right now for education, government, in anything is that people understand the processes that they are in. So I would entertain a motion to stay the demolition order until the January 3rd meeting.

Motion to stay the demolition at 3810 S. Landess Street to the January 3rd 2023 meeting- Cindy Cunningham; seconded Brian Flynn. Motion carried.

Alex Huskey: Next on the agenda is public comment but before we get to the public comment I just want to ask a question of Mr. Flynn and Chief Haley since you came in. We have the new collective bargaining agreement with the FOP uh that it looks like it has been completed and so are you satisfied with that agreement as it has been presented?

Chief of Staff Mike Flynn: Uh that will actually be a mayor's call but yes right now um the 2022 which was just signed (inaudible) should be completed. The one we are currently have under negotiations I believe the mayor had given them all the city could give them and to my knowledge we have not heard back from the FOP whether it has been accepted (inaudible)

Alex Huskey: Okay. Alright, thank you. I appreciate that. Next we do have public comment. Are there any comments. Madam Councilwoman.

Public Comment

Robin Fouce: Good morning everyone. Thank you for your advocacy for our citizens. You know I have been (inaudible) blight and being aggressive toward it but at the same time we want to build not tear down. So that opportunity that was given, just a little bit more time. It sounds like it is not going to be demolished by the time we revisit it anyway so we would have had opportunity, I totally concur with President Huskey we have so many and the rest of you as well so many properties that perhaps are in more dire circumstances than that. Um I would ask do you have an updated list (inaudible) like you requested previously of the demolition approval day uh, the status of that (inaudible) do you have that comprehensive list. I think that would help all of us especially (inaudible) code enforcement with requests. We had the information before and it also give us an idea of how our system is broken. We approve this in January, we demolish it in June and that is the end of it or we approve it in January, we approved it in February and it was demolished in April so what is the difference in that? Um I think that would be very efficient to us if you would consider requesting that as well. With the gentleman that his father is going to do the work I am not quite clear on the guideline for a licensed um bonded contractor versus one's right to do their own repairs. I thought it had to be the home owner. I would just caution for clarity on that so we can apply that across the city when we do that. Great they want to fix it and I want them to get it fix but are we lifting our guideline that we have for that would be my question with that. Thank you for what you do.

Alex Huskey: Thank you. And I do believe that when the gentleman appeared before us from 3811 previously he was with his father in law I believe it was and professed then that he would be assisting with the work. He just needed the guidance of his father in law who had the contracting skill set.

Robin Fouce: Thanks for that clarity.

Alex Huskey: Yeah. Alright. Anything else for consideration. Certainly we will have an expanded conversation about that list. There are some things that we want to chat about with regard to that. Next on the agenda we have the payment of the bills.

PAYMENT OF THE BILLS- December 5, 2022

Alex Huskey: We have presented to us I incorporate by reference vouchers 49954 thru 50020 in the amount of \$398,165.06. Are there any question, concerns about any of the vouchers that are presented to us?

Brian Flynn: I did have some questions about one of the um one of the payments. This was to Shroust's towing. It is listed, I think we have one, two, three... six of them at \$400 each and one at \$950 each. They were all rolled together and paid with one check. I did go in and question um the redundant amount and what that represented. You know what we're getting for that because it just said miscellaneous services. Uh those are for towing of vehicle um that we have flagged as the city and they have towed them and for the owners to get them back out they have to pay for the fees and everything to get their vehicle back so once I got the clarification of of what all of these represented I had a much better understanding and I appreciated Julie's information.

Alex Huskey: Any additional questions, concerns? And as I understand it some of those were for towing for some fairly large vehicles and boats, and things of that nature that required a little bit of extra. Not all of them had trailers and

Brian Flynn: Yeah, they are not all cars that you hook up to and pull away. They are various vehicles.

Alex Huskey: Any other questions about the payment of the bills?

Motion to approve payment of the bills for December 5, 2022- Janice Adams; seconded Cindy Cunningham. **Motion carried**

Motion to adjourn- Brian Flynn; seconded Cindy Cunningham

Meeting adjourned.

Alex Huskey- President
Board of Public Works & Safety

ATTEST:

Aisha Richard- Secretary
Board of Public Works & Safety