

December 19, 2022

The Board of Public Works & Safety met on Monday, December 19, 2022, at 10:00 a.m. in the Marion City Council Chambers. Present were Alex Huskey, Janice Adams, Cindy Cunningham, Linda Wilk, Brian Flynn and secretary to the board.

Motion to approve the minutes for November 21, 2022- Linda Wilk; seconded Brian Flynn.
Motion carried.

Motion to approve December 5, 2022 minutes- Janice Adams; seconded Brian Flynn.
Motion carried.

Transportation Department- Preventative Maintenance Plan

Charles Martindale: Good morning.

Board in unison: Good morning.

Chuck Martindale: Jeff and I are hear this morning seeking the approval of this board of the revised updated preventative maintenance plan for the city of Marion Transit System. Uh we have had a plan for a number of years but uh the basic template of this was put together originated from consultant RLS and Associates and it was distributed to all forty one grantees uh INDOT's grantees state wide. And we have been asked, all of us to um modify it to as far as those sections of it that have to do with local procedures, local situation and then uh get the approval of you or every systems governing board and then upload it back to INDOT's grant software accordingly. And we have done that, I made some errors on page ten. Where I work with two cities. I work for Marion, the City of Marion and also the City of Washington Indiana and on page ten I noted where I had two or three insertions for the City of Washington rather than the City of Marion. Those were my errors and I apologize. Uh and Aisha received the revised document from me and has provided I believe for your review this morning. Anyway, that is the only modification that I know of. Um and Jeff and I are here to uh try to answer any questions you might have regarding (inaudible).

Alex Huskey: Are there any questions from the board?

Cindy Cunningham: I do have a question. Um I noticed in our bills this time that we paid Losure Towing but when I was reading this now we are going with Foreman and Son? Did you I mean is there is there a reason why?

Jeff Edwards: Losure

Cindy Cunningham: It said towing a bus.

Jeff Edwards: Losure had the equipment to tow this last bus. And uh Forman and Son didn't. So we went with Losure. Because it was the back end that was bad and it had to be, Foreman and Sons didn't have the truck or the towing equipment to tow it uh from the back so we went with Losure.

Cindy Cunningham: So you have the opportunity to go with whoever it doesn't always have to be Foreman's.

Jeff Edwards: Right.

Cindy Cunningham: Okay. Thank you.

Charles Martindale: Historically, they use Marion Transit uses Foreman and Son's towing, to tow the buses.

Linda Wilk: I guess that was also my question. Instead of putting a specific towing company in why not just indicate a local towing company. I wasn't sure if there was a contract with Foreman's. Because I noticed in another place where you didn't indicate it just says I think as long as it is a licensed contractor. I thought that might be better instead of, what if Foreman's goes out of business. If you don't have to use it I am not sure why it would be in this document.

Charles Martindale: We can make that modification. It is just that they want us to go with who we use and that sort of thing locally generally speaking when we need to use a contractor for maintenance or whatever then we shop around and try to get the best deal or we go with Ford or whoever has the license and a certified mechanics to do that uh to do the service so we can do that.

Linda Wilk: I guess the reason I was asking is because I didn't know if that was like a quote that you had gotten from you know like you had done bids and they were the cheapest you know why we would single out one. What if a new company came to town? This is the other thought I had.

Charles Martindale: Historically we have always used Foreman and Son.

Linda Wilk: Okay.

Charles Martindale: They have always provided good service to Marion Transit and we have been with them for a number of years.

Linda Wilk: And I can appreciate all of that, I guess I am just thinking in a document like this and you say you would take it out, you know leaving it open to whoever locally could provide the assistance.

Charles Martindale: We can do that. (inaudible) when a bus breaks down Jeff mechanically just calls Foreman's because they have done it forever and uh they have always provided good service for us and uh but we can do that it would mean we would probably have to call around (inaudible).

Linda Wilk: I am not really asking for that. I am just more saying not in the document. I don't know how often the document get updated I was just surprised that that was the only place I saw a local business specifically that business. I am not saying don't go to Foreman's. No, I am certainly you run your business not me but it was just more

Charles Martindale: We will be happy to make that modification.

Jeff Edwards: We usually just when a bus breaks down which is not, hopefully I am not jinxing myself today but uh it doesn't break down, our buses don't break down a lot so when they do it is urgent to get it back to the garage.

Linda Wilk: Oh, absolutely.

Alex Huskey: mmm hmmm.

Jeff Edwards: In this case the bus was already at the garage and it was actually setting there to maybe not get fixed but through the trouble we are having in getting our new buses we need all of the buses we can get so we got it fixed. Losure was the one that could come and get it.

Alex Huskey: Yeah.

Charles Martindale: Jeff ordered four new buses per the grant we received in January of 21. Those buses have not been received. Uh we understand that in it has been a litany of discussion amongst INDOT and its grantees because these vehicles have been tied up due to the pandemic and due you know supply chain issues and the normal excuses and they also the price increases (inaudible) so uh and anyway um it has caused some problems for us.

Linda Wilk: Just one other comment, I think this is very proactive on your part. I didn't know if this was something you have done in the past but I think it looks great overall. Really nice.

Brian Flynn: Very detailed.

Linda Wilk: Yeah, very detailed.

Alex Huskey: Any other questions, comments, or concerns? So I would entertain a motion to accept this plan with purposed revision of just having it generic not stating a specific towing company.

Charles Martindale: We can do that.

Motion to approve or accept the Preventative Maintenance Procedures with the deleting of the specific towing company; Linda Wilk; seconded Cindy Cunningham. Motion carried.

Alex Huskey: And I just want to be real clear. We are not saying don't use Foreman and Son. It is just let's not put it in the document so it holds us binding uh if something, if you have to use another towing company no one can come and say see you violated your own document. That is all.

Charles Martindale: We will be happy to do that.

Alex Huskey: Thank you. Appreciate the work that you're doing.

Building Department-723 W. 2nd St.

Jerry Foustnight: Good morning.

Board in unison: Good morning.

Jerry Foustnight: This property before you today is a property that we have already did one demo on this. We did an emergency demo on the garage area um. We uh on uh or 3rd Street there was a structure fire and during that structure fire it became an unsafe structure so we did what we call an emergency demo on that property. Well as we was doing that demo on that property uh the garage that was located at 723 W. 2nd Street it was leaning out into the alley where individuals couldn't use the alley. Uh, so we did an emergency demo on that so that the kids in the neighborhood or nobody would get injured on that property. So, uh what we are bringing before you today is the structure of the house that is part of this property. Uh that uh is in need of uh being demoed. Uh, you have the facts sheet in front of you concerning the uh it includes not only the information for the 723 but also for the garage that we had done in the past where we had demoed it. We sent invoices to the property owner uh on 10/19 of 2022 uh so uh we never received any response from then concerning this uh demo that we did. Uh we had taken and uh Whitney did send out notices on the 14th, 11/14 of 2022 to uh five different entities that had an interest within this structure. Uh we never received any uh information concerning any concerns from the people involved within that structure or with that structure. And so uh the condition of this structure, there's foundation issues, uh the roof is in need there is a hole in the back so we

would like to go ahead and get this confirmed that we can put it on our list for uh 2023 to move forward and uh do a demo on this.

Alex Huskey: And if I am reading these documents correctly Mr. Foustnight this property is is held by uh someone out of Baltimore Maryland, is that correct?

Jerry Foustnight: Yes. Uh, as as we uh do on all properties that we do once we get the abstract and list of those individuals that have an interest in that party we send to everyone. Uh uh so we took and as we tried to uh send the information to the parties we never received anything. So, per our legal staff they advised us that we needed to publish it within the newspaper and we we actually did that on three different occasions.

Alex Huskey: Okay.

Jerry Foustnight: And uh then that way that give anybody that would have an interest the opportunity to uh contact us.

Alex Huskey: Yes.

Cindy Cunningham: Do you see that uh on December 1st of 22 it changed hands? I don't know if that is going to make an issue.

Jerry Foustnight: Uh

Cindy Cunningham: It looks like now LBYH LLC now has it.

Jerry Foustnight: Uh.

Whitney Gilbert: The Board of Works notice would have been recorded prior to that. Um I did not notice that. I have not pulled up the paperwork since before that. Um but we did record the Board of Works notice on um the 17th of November so I don't know

Cindy Cunningham: (inaudible) be an issue

Whitney Gilbert: I would think if they ran a title search then that would have been in the paperwork.

Cindy Cunningham: Okay.

Whitney Gilbert: But I don't know for sure. But I do know that we did record that. But I wasn't aware that it changed hands. I have not pulled up the

Cindy Cunningham: It just happened December 1st.

Whitney Gilbert: Yeah.

Cindy Cunningham: So you don't see an issue with that then?

Whitney Gilbert: That I don't know. That would probably be a legal question or a Jerry question I don't know about that. I do know that we did record, if it switched hands December 1st if they did run a title search I don't know how that would work but that paperwork that is why we record those things so that if somebody tries to switch it up we were advised to record so that it is on record. But that, that may have to be a legal question I am not sure what they would do with that.

Inaudible speaking.

Jerry Foustnight: I would assume we all could assume but since the Board of Works uh and we recorded the instrument or recorded it I would assume that uh we would be legal in what we are doing here because we, we sent out the notices that were involved in that of course that may be a question for uh Judge Hunt.

Alex Huskey: The last notice was sent on November 14th, correct? Am I looking at this correctly?

Jerry Foustnight: On 11/14 correct. Board notices sent to the persons listed and there is five five within that uh mailing for the Board of Works notice. Uh and then on the 17th the Board of Works notice for the main structure recorded. What we do is when we take and uh uh we are uh getting ready to do a demo or anything like that we we record those over in the recorder's office. We run into an issue, you might remember Mr. Huskey a couple three years ago where uh the people said well we did not know anything about it. We didn't know that this structure was going to be demoed and they bought the structure. Well after that legal counsel said no, no, no from now on let's record all this so that if somebody is going to purchase that property they will be able to pull this up and get the information and it will show that we have a you know that we are starting the process with the Board of Works, we are starting the process to actually take and demo that property. Uh that gives that individual or that company or whoever that will give them the opportunity to either call us directly or ask about the process of the demo or give them the opportunity to be here today to uh voice their interest within this property. So, I would believe that uh uh this this has been done in I mean we followed the steps especially since we advertised within the newspaper on three different occasions to make sure that any individual that interest would do that. Uh you know I believe you know if you are going to buy a property you are going to go to an abstract company to see or you would see if there's any uh liens against the property or it will show you that the process is started for the Board of Works or whatever.

Alex Huskey: So, Mr. Foustnight I do remember that situation very well and thank you for bringing that up. And the issue uh we face here today the board can still take action to approve the demolition but then notify this other company that purchased the property that it has been set for demolition. Uh and then give them an opportunity like we do anyone else to contact them and then because we know it is not going to happen for three or four months

Jerry Foustnight: Right.

Alex Huskey: Rightfully, so it will give them an opportunity to contact the city and make arrangement to

Jerry Foustnight: And you know we have and you know Mr. Huskey and we have taken it and we have demo orders in place and we have come back and rescinded those orders due to the fact the individuals will call us and say well we want to have the opportunity to fix it. Uh prime example is up here on um uh 4th Street where they are redoing that house up there. So, we do we do try to work with people. We would my rather, much rather have a structure than a vacant lot and so uh you know we if this is approved uh we can take and uh uh Whitney can look at the new owner and we can send them a notice stating that we have this schedule for demolition is 2023 and if they would like to contact our office it gives them an opportunity. And then we can kind of do the very same thing with them we can work with them to make sure if they are going to do it they give us a time table as far as their plans and how they are going to do it and all of that.

Linda Wilk: I guess my other question would be whether they are aware and hoping the city will pay for the demolition. So as far as the communication you will indicate that if they, just because they own it the city is not paying for the demolition. They will be paying correct. I mean that will be part of the communication.

Jerry Foustnight: Right, right.

Linda Wilk: Because I have to wonder what their real intension

Jerry Foustnight: And if we if we go in there for instance if this is approved it we would go in there and you are the new owner for that property and we go in there and do the demo then you are going to be responsible if you have ownership in that property. We have run into that issue in a couple of places where uh people they don't do investigation and they go out and buy a property we have done a demo and we have a \$8,000 lien against that property they don't understand there is a lien against that property and then they are stuck with a piece of property that they can't basically get a loan it or anything else.

Linda Wilk: Yeah, I would just want that communicated

Alex Huskey: Yeah.

Linda Wilk: It just seems interesting (inaudible) Are you ready for a motion?

Alex Huskey: I am ready for a motion.

Motion to approve the demolition of property at 723 W. 2nd Street: Linda Wilk; Brian Flynn seconded.

Jerry Foustnight: Thank you very much and we will Mr. President we will make sure that if they contact us we will work them and I will have Whitney send a letter. We usually do it (inaudible) the new owner of the property stating that it was approved today for demo and they should and if they are wanting to keep this property that they need to contact us so we can have conversations.

Alex Huskey: Yes. And before you leave Mr. Foustnight we are going to be moving to public comment next. Uh and I wanted to let you know that I was um two weeks ago um I was in the area of 3810 S. Landess and I can tell you that I noticed that they had begun some work on that garage there in that area. I don't know if they had a contractor do it but I did notice that they were doing some work in that area so I just wanted to make sure that you knew.

Jerry Foustnight: Um right well uh and as I went by there (inaudible) uh I went by there Friday basically I got out and walked around and basically the only thing was they had taken the plywood that was on front of it boarded it up and slid it to the sides.

Alex Huskey: Okay, they were inside when I saw them so I don't know what they have done on the inside. That may be something that you may want to check on but

Jerry Foustnight: Yeah so you know I will go out and uh before the next Board of Work meeting I'll go out and look at it take some pictures of what they have done and we will either move forward or give them the opportunity to continue working on it. I do know the one across the street that we gave more time they have started tearing (in audible) off the back

Alex Huskey: Yes, I noticed that as well.

Jerry Foustnight: They tore the back off and they are getting ready to put the new foundation in and all that. So, I think they're they're trying to be uh uh they are trying to make their word good where they said they would be doing it themselves. So we are very happy they are moving forward on that.

Alex Huskey: Yep. Absolutely. That was going to be my next comment.

Jerry Foustnight: sorry,

Alex Huskey: No you're good. That is one of the things I am starting to do now. When we give people grace like that I have just started to drive those properties and look and make sure that they are doing what they said they are going to do so. Thank you appreciate it.

Jerry Foustnight: Have a good Christmas.

Board in Unison: You too Jerry.

Public Comment

No public comment.

PAYMENT OF THE BILLS- December 19, 2022

Alex Huskey: I incorporate by reference vouchers 50021-50196 for \$158,454.12.

Motion to approve payment of the bills for December 19, 2022- Brian Flynn; seconded Janis Adams. Motion carried

Motion to adjourn- Cindy Cunningham; seconded Brian Flynn

Meeting adjourned.

Alex Huskey- President
Board of Public Works & Safety

ATTEST:

Aisha Richard- Secretary
Board of Public Works & Safety