

June 5, 2023

The Board of Public Works & Safety met on Monday, June 5, 2023, at 10:00 a.m. in the Marion City Council Chambers. Present were Cindy Cunningham, Brian Flynn, Linda Wilk, and secretary to the board.

Motion to approve May 15, 2023 minutes- Brian Flynn; seconded Linda Wilk. Motion tabled to June 19 meeting due to not enough members in attendance who attended the May 15, 2023 meeting.

**Marion Police Department- Swearing in**

Chief Angela Haley swore in Chaz Foy and Gage Kelly.

**No action taken.**

**Building Department- 302 N. Illinois St.**

Jerry Foustnight: Good morning.

The board in unison: Good morning.

Jerry Foustnight: Um we brought this uh property before the Board of Works on a previous occasion. Um the demo order was affirmed on 10-7 of 19. Uh after we got the order uh, uh for the demo the individuals came before us and um wanted to uh take and uh refurbish the home um they said they had contractors that was going to be doing the work and uh that uh they were uh uh wanting to um redo the property. However, the property has not been redone. Uh so per the legal counsel they said that we needed to bring this back before the board of works and uh get it reapproved for a uh a affirmative order for a demo. Um we did publish this within the newspaper uh we did go through the steps again uh as required by state code or state law. Uh uh last month in May uh an individual that came up to my office and had a conversation concerning the property saying that they had put some money into the property and that uh they wanted to continue to uh refurbish the property. We've had numerous complaints concerning this property. Wondering why that uh it had been approved and that we uh had not proceeded with the demolition on the property. Um we did explain to different individuals that uh we try to work with individuals throughout the city and uh if they uh would like to uh work with the building department to uh uh refurbish those properties then we would much rather have those properties uh on the tax roll and also to have a nice area rather than just a green space. So we did try to work with these individuals and I explained to the female that came up that uh uh she would need to tell the owner of the property that he would uh uh be able to come today before the board and express his concerns or his uh wishes as far as the property. Uh again uh we would ask that the board reinstate the uh affirmative order for the demo. Uh the fact sheets are available to you. You can see the time table to what we have done.

Linda Wilk: Jerry what, because I looked at the pictures and I even went by the house yesterday. Can you tell me what the issue is?

Jerry Foustnight: The the issue is on the inside of the structure that due to the fire that uh walls are missing on the inside. The ceiling joists have been burned into and everything. Which that is established that as an unsafe structure.

Linda Wilk: Okay.

Jerry Foustnight: We did um uh have individuals complaining and we did go up by there at one time we weren't able to assess it again because uh they had animals within that structure. There

was a it looked like a Pitbull that we couldn't but uh that Linda that is the issue, the inside. The outside looks stable

Linda Wilk: Yeah

Jerry Foustnight: But the inside, on the inside those are the conditions of the building.

Linda Wilk: Okay. Because I, I read all of the minutes back from 2019 and it sounded like at that point it was the outside. It was the roof and it looks like the roof has been taken care of so I wasn't sure what the neighbors' complaints were since if I drove by it it doesn't look bad. You know what I mean, there's a lot of properties that look a lot worse.

Jerry Foustnight: Right. But but uh you know uh the the state statute Linda not only defines what becomes an unsafe structure as to the condition of the building but also if it is a nuisance to the public uh if there is a public hazard you know different things like that. And so uh out of the six categories we try to make at least four of those affirmative before we even consider anything as a unsafe structure and the condition within this structure makes it you know an unsafe structure.

Linda Wilk: But when is the last time you were inside of this structure.

Jerry Foustnight: Uh, when uh in when we brought it before the board before. Because we haven't been able to get in the inside there. Uh the female that I had the discussion with she said that uh that basically I believe she said they had put a roof on it but nothing else had been done as far as (inaudible)

Linda Wilk: Right.

Jerry Foustnight: And uh uh so uh we uh would consider this still unsafe until the inside is corrected on there.

Linda Wilk: But if I understand correctly you haven't been inside since 2019.

Jerry Foustnight: No.

Linda Wilk: Okay.

Jerry Foustnight: There is no way for us to gain access for us to get inside.

Linda Wilk: Okay.

Jerry Foustnight: We were, I was hoping that somebody would be here today

Cindy Cunningham: I think somebody is here.

Linda Wilk: Yeah, I was going to wait to make sure that nobody else had any questions and then I was going to see if there was anyone from the public that wanted to speak. Do either of you have any questions?

Cindy Cunningham: Is anybody living there?

Jerry Foustnight: Pardon me.

Cindy Cunningham: Is anybody living in the home?

Jerry Foustnight: Not that I know of.

Cindy Cunningham: Oh okay.

Linda Wilk: Do you want me to see if there is anyone that wants to speak? Are we ready for that?

Brian Flynn: I am ready.

Linda Wilk: So is there anyone from the public that would like to speak to this matter? If you would come up and state you name and you address and use the mic. That mic there will probably work.

Kendra Teague: My name is Kendra Teague um I live at uh I live at the Hope House currently on East 14<sup>th</sup> St.

Linda Wilk: Okay.

Kendra Teague: Um no one's living there. I can get it unlocked if someone would like to go by there and go in it. So, it has been um a lot of the um trusses I guess, rafters

Linda Wilk: Inside?

Kendra Teague: Yeah some of the ones that were burnt completely through were replaced. And then um all of the roof that needed to be replaced was replaced. And then um so when they went in, when they went in originally he was in prison and I was in jail. Okay so then um I don't know when he finally got out he started working on that house. He spent about eight or nine thousand dollars getting the roof and the other stuff done and then he all of the ceilings had fallen in from the snow, ice and rain and whatever. So um all of that, like when they went in it was a disaster. It was probably very unsafe because it was it was not, no one had been there when we were both locked up. So it had been completely cleaned out. A lot of the walls that needed torn but there are still some walls that need to be put up but as far as needing to be torn down I don't, I would be able to live in it right now if I got the electricity and water turned on.

Linda Wilk: Okay. Tell me your relationship to the property.

Kendra Teague: Uh it is my fiancé's.

Linda Wilk: Okay. Is he able to, I think the issue in 2019 was I that I think he was in jail someone had a power of attorney but they didn't have that paperwork.

Kendra Teague: Right.

Linda Wilk: So now today is he not able to be here.

Kendra Teague: He is in Nashville working.

Linda Wilk: Okay.

Kendra Teague: But he could, I mean he should be back. I didn't even know until 8:30 this morning that he wasn't going to be back.

Linda Wilk: Okay.

Kendra Teague: Um so I had to leave work to come. See I mean I, we are both getting our lives together to be honest. Um I have been sober for almost two years. He's he struggled when I went to prison. I just got out in November so I mean I don't know, I can't say that, I don't know what needs fixed. I don't know what needs to be up to code and when I try to communicate I don't know I just like I can't we can't come up with a list of what we are going to do because I don't know what

Linda Wilk: Okay let me ask you this. If we were to continue this would you get them in, would you get Jerry into the building without any animals there so there is not

Kendra Teague: Yeah, there is not animals.

Linda Wilk: So there is not a safety concern.

Kendra Teague: Yeah.

Linda Wilk: So that they can check and give you a list of what needs to be done because I don't want to demo this building. I don't think Jerry does but we have to make sure for the neighborhood that it safe and secure and everything that needs to be done is being done.

Kendra Teague: And I get it the neighbors hate it. And it did look like a mess, I mean the backyard was a mess. It was like all of the guts from the ceiling was outside for a really long time. Like it did look trashy. But you know if it could not be torn down and be you know what I mean because

Linda Wilk: Yeah.

Cindy Cunningham: Are you mowing and keeping the property up so it looks good from the outside?

Kendra Teague: Yeah.

Linda Wilk: Again I was there last night and part of it looked like it had been mowed. I had a hard time seeing what was wrong with the (inaudible) I mean I couldn't

Kendra Teague: (inaudible)

Linda Wilk: Yeah.

Jerry Foustnight: If I could interject something. Um we didn't we didn't know until she came up and told us last uh last month last month that they put a roof on it. No permits were obtained.

Kendra Teague: There is a permit on the, in the window right now. I mean I am sure it is expired I don't know.

Jerry Foustnight: Yeah it is but the permit has already been for a year.

Kendra Teague: I mean but it has been this was the summer of this is 23 so the summer of 21.

Jerry Foustnight: But permits are only good for one year. So the permits no good that they have.

So no permit but along with that. When a permit is obtained from the city it instructs those individuals that they have to have inspections. And they put a roof on that house there was no inspections to make sure that it met the qualifications. Did it have the correct sheeting on it or underlayment? Did it have ice and water shield on it? Uh none of that was done. When the trusses have to be done those have to be checked prior to doing any further work. Those are part of the state code and everything, so none of that was done because they never got a permit.

Linda Wilk: Okay, okay. Is that something that can't be looked at now though to determine whether or not it was done properly? And wouldn't the construction people be able to give you that information? I guess what I'd like to see is let's give them thirty days to get you in there to inspect, to figure out what they have done, what needs to be done.

Jerry Foustnight: Uh if the roofing is already on there is no way that we can inspect the underlayment. There's no way to check to see if the ice and water shield unless some of the roof is removed.

Linda Wilk: Okay. What about if the contractor that put it on is able to go with you and give you proof, I mean they had to purchase the materials, there had to be some documentation. If it is a new roof I

Jerry Foustnight: But Linda if just because a contractor purchases material doesn't mean he used that material on that site.

Linda Wilk: But what if he has to also give a statement that is notarized that said that he did that work.

Jerry Foustnight: The state code says that we have to do inspections.

Linda Wilk: Okay.

Jerry Foustnight: We have to do those inspections. If if work was completed without inspections then you know that is where the issue becomes what do we do.

Linda Wilk: And I understand and

Jerry Foustnight: Hey we have, I am sorry.

Linda Wilk: I am just looking at a property at 3<sup>rd</sup> and Park that is literally burned I mean just open burned really bad. Places in my neighborhood that are really bad that I have to walk by every day. And then I drove to this place after looking at the pictures and I am like I don't know why we are demolishing this. So I would rather work with them. I understand and I appreciate and I don't want somebody to go out and do work they shouldn't without a permit. I absolutely am not condoning that. But it sounds like two people that are trying their best to get their life together and we haven't been inside the building since 2019 so we don't know what the inside looks like. I'd like to give them some time to be able to get this figured out is where I am at. I don't know where the rest of you

Cindy Cunningham: I agree with you.

Brian Flynn: Yeah I do have a question. You said that some of the rafters have been replaced. Are they viewable? Have they been covered up? Or can you see them?

Kendra Teague: Like can you see the rafters? Yeah, the ceilings haven't been put back up so you can see all of it.

Brian Flynn: Okay, so that can still be inspected prior to

Kendra Teague: Yeah and the guy that so the company that did it um like he was aware of the situation. Um and I am pretty sure he like um was on the list if not because I had came and got a list at one point of contractors or whatever that were like

Cindy Cunningham: Bonded.

Kendra Teague: Yeah. And so I think that he was but he knew the whole situation, and knew that um you know like what had to be done that it had to be, what's the word I am looking for? Um inspected. I just I don't know how to do any of this stuff you know what I mean. I really don't and then and he I mean being locked up on and off and then finally we you know what I mean we are both finally like stable in sobriety and um thank God we paid the house off and didn't use the money to fix it because it would be gone. You know what I mean so, I don't know I get that it needs, and something has to happen. It shouldn't sit there because the longer it sits there the worse it is going to get. Things are going to be overgrown or whatever like I get it. It is not being used like I understand but it's not but I don't feel like it is bothering, as long as there is no body in there living and partying and it's not trashy

Linda Wilk: I would ask that you make sure you keep it mowed

Kendra Teague: Yeah.

Linda Wilk: And is thirty days enough time for you to

Kendra Teague: To get him in there?

Linda Wilk: Mmmm hmmm

Kendra Teague: Yeah.

Cindy Cunningham: Can I ask what your intentions are with the house?

Kendra Teague: I mean. Hopefully the sooner we get it fixed the sooner we can move back into it. So it was a really nice house.

Jerry Foustnight: Can I ask why, why the owner of the property is not here. She doesn't have any interest in it. She is not

Linda Wilk: She said that he was in Nashville.

Kendra Teague: We have been together for ten years.

Jerry Foustnight: But uh but uh the property is not in your name.

Linda Wilk: No it is not.

Jerry Foustnight: And so shouldn't the property owner be here if he, you are talking about extending a grace period and things like that shouldn't it mean that the property owner that we need here instead of

Linda Wilk: I understand that, you said he was in Nashville and he could not get back. Can you get him on the phone now? And can we have a conversation with him on the phone? Can you put him on speaker phone and he can explain why he is not here. I mean I strongly, I don't want to

Cindy Cunningham: I feel like we have enough other homes that (inaudible) you know that the thirty days is not going to be detrimental to the department.

Linda Wilk: And it can be explained to the neighbors. If the neighbors have concerns they can call me. I am happy to talk to them if that you know if that is a concern.

Kendra Teague: The neighbor wanted to buy the house for \$10,000 and he told him no and ever since then he has been, he has made who knows how many more phone calls.

Brian Flynn: Well I think the the property owner that is listed certainly needs to be um party to this. He needs to be here but also as a board we need to take all information that is available and (inaudible) So even though you are not listed as the property owner you have provided information that we did not have available before today.

Kendra Teague: I am sure I can go unlock the house today so that he can or whoever can go in it. I mean there is still some of my things that didn't burn in there. I have belongings in there.

Linda Wilk: I think Jerry would be more comfortable if the owner of the house was present. So that is why I would want to give you thirty days so he could be present with Jerry to do the inspection. And if you can't get him that is ok. I just thought that if it was possible to

Cindy Cunningham: And the property taxes are being paid?

Kendra Teague: They are behind. I don't know what else to say. I just know that I felt like I needed to come up here (inaudible)

Linda Wilk: I appreciate you being here. I do. Councilman Fouce do you have a comment if you did if you would come forward and state your name and speak into the mic for the record I would appreciate that.

Councilwoman Robin Fouce: Thank you. Good morning. Um I want to that you all for your insight into this particular property. I myself ride by the proposed demolition houses and I totally agree with you. I have a property at 4214 in my district. Next to kids and senior citizens. The roof is falling in, the front door is caved in

Jerry Foustnight: Point of order.

Councilwoman Fouce: It has um...Please don't interrupt me.

Jerry Foustnight: Well you we're talking about a property at

Councilwoman Fouce: I am making my public comment that I have a right to do.

Jerry Foustnight: This isn't part of the public comment right now. This is part of the building department demo

Linda Wilk: Is there something specific you want to talk about with this property.

Councilwoman Fouce: Again there is a property that visibly needs to be demolished that is more of a public safety hazard like you said of the properties in your district before I was rudely interrupted. It fascinates me that we don't have a system and so we run into these types of things. These people are trying to fix this house up the house is not the eyesore and the visible um monstrosity that we experience in some of our neighborhoods and yet in still we are fighting to get this house tore down. We haven't been in it since 2019 so I kudos to you all for vetting this. Thank you.

Linda Wilk: Jerry is there, board is there anything else? Jerry do you have any other comments. Is thirty days workable to you to do this?

Jerry Foustnight: Are you talking to me?

Linda Wilk: Yes, Jerry, yes. Is thirty days workable?

Jerry Foustnight: Whatever you guys request.

Linda Wilk: Okay, alright. Do I have any other questions? Brian, Cindy any other questions?

Brian Flynn: No.

Linda Wilk: Okay. Is there a motion?

Motion to give the property owner thirty days to let Jerry in to re-inspect it before we make a decision on this property- Cindy Cunningham; seconded Brian Flynn. **Motion carried.**

Aisha Richard: Do you want a date for that Board of Works meeting?

Linda Wilk: Yeah, that would be good. And then if you would make sure that the owner is contact with Jerry.

Kendra Teague: (inaudible)

Linda Wilk: Make sure it is safe for him to go in or if he designates someone else and I think Whitney would probably be the best way to go to

Aisha Richard: July 3<sup>rd</sup>.

Linda Wilk: July 3<sup>rd</sup>.

Aisha Richard: July 3<sup>rd</sup>.

Brian Flynn: And I would add that um if portions of the roof have been replaced needs to be uncovered and opened for inspection I think that is an appropriate request. There may be some cost associated with that of course.

Kendra Teague: Okay. So

Brian Flynn: in order to get that approved it needs to be inspected.

Kendra Teague: Okay, so the list (inaudible) I know before I left for year we had a folder that had the entire list of everything he had bought down to the everything, the dumpster, where he got the dumpster where he got all of this stuff. Is that something?

Linda Wilk: That is something you need to work with Whitney and Jerry on to be honest. They can help you understand all of that.

Brian Flynn: I think those are good things to have but the physical inspection still has to be done.

Jerry Foustnight: And the permit still going to have to be

Linda Wilk: Yeah everything that needs to be done Jerry by your by code and standards that all has to be done. We are not asking for any special treatment at all. Yeah we just want to give them a little more time. So thank you Jerry.

Linda Wilk: Then the only other thing on the agenda is public comment and again I would ask if anyone has any public comment to come to the mic, state your name, and address and that it be involving something that was on the agenda today.

### **PUBLIC COMMENT**

Councilwoman Robin Fouce: Thank you again for vetting these things. It is important that we support our building department

Linda Wilk: Could you come to the mic for the record

Councilwoman Fouce: I would ask you the same thing. Thank you for vetting these things. It is important uh that we have a system. That is what I have always said of how we address these matters. Again, um with these demolitions certainly we needs demolitions done in our community but we need the worse properties done first and then we can trickle back on that. So I am for supporting our citizens when they are trying. We have so many that are and so when we find someone like this crew listen we got a lot of people like this young lady that stood before us today trying to get it together. We want to support them from the city perspective. Thank you guys again sincerely.

Linda Wilk: Thank you

Motion to adjourn-Brian Flynn; seconded Cindy Cunningham.

Meeting adjourned.

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Brian Flynn- Vice President  
Board of Public Works & Safety

ATTEST:

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Aisha Richard- Secretary  
Board of Public Works & Safety