

July 3, 2023

The Board of Public Works & Safety met on Monday, July 3, 2023, at 10:00 a.m. in the Marion City Council Chambers. Present were Janice Adams, Cindy Cunningham, Brian Flynn, Linda Wilk, and secretary to the Board.

Approval of the minutes for June 5, 2023: Brian Flynn; seconded Cindy Cunningham. **Janice abstained.**

Linda Wilk: From my understanding the June 19<sup>th</sup> minutes are not ready, correct.

Aisha Richard: no.

Linda Wilk: Okay so we will go on to building department.

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

Jerry Foustnight: 302 N. Illinois Street that uh we had the discussion on. First, Good morning. I am sorry.

Board in unison: Good morning.

Jerry Foustnight: We had a discussion uh at the Board of Works meeting uh a while back. Uh I did uh uh have the opportunity to go and to uh this address and do an inspection. Uh, the inspection as completed last Friday. I went up there on Friday and talked to Mr. Morton uh concerning this structure. I did have the opportunity to go into this structure and look at it. Uh they have installed uh uh new trusses, new decking, new roofing, uh what they have done uh they did a very good job but uh completing what they have done, Now the interior walls in that area haven't been done as of yet. But uh the roofing part was in compliance. Uh we just had a couple of issues that we will address. One of them was the permit that they have to do the work. The permit was issued on 1-12- of 21. A permit is only good for a year, therefore that permit has expired so you know uh that that was a issue. Uh another issue was uh the work was completed with no inspections. Uh statute requires that we do inspections to make sure that it is in compliance and so that was one of the other issues and uh I asked Mr. Morton about the contractor information and that wasn't available at the time. So we did advise Mr. Morton that he should attend the Board of Works meeting today uh if he wanted to do that. Uh other circumstances have come up.

Aisha Richard: He is not going to be here.

Linda Wilk: He is incarcerated. I saw that.

Jerry Foustnight: Yeah, yeah and so so uh anyway uh here is what I would suggest to the board. If uh you are ready for a suggestion or I would be happy to answer any questions. But my my suggestion would be that we would give Mr. Morton a ninety day extension to uh uh uh maybe work more on the structure. Uh I would also request that he uh would get a new permit that is required, Uh, that the contractor who he is using for a contractor that that individual, that we would have that information available, and also that that contractor if they are not registered in the city that they would have to be registered within the city to uh to uh to do the work. Uh and also I would suggest that uh I come back before the Board of Works here at a September meeting when the ninety days have expired to uh update you guys as far as what has gone on. But I do believe that uh uh he has spent money up there. That they have tried to improve the property. So, I think it is only fair that we would extend a ninety day extension to him if the board would approve that please.

Linda Wilk: Is there any idea about how long he is going to be in jail?

Jerry Foustnight: Um no ma'am.

Linda Wilk: Okay or is he even reachable until he would get out of jail. I mean that would be my only other concern is ninety days enough given that he is now in jail?

Jerry Foustnight: Well, Linda I would suggest the ninety because usually that is all we go. Is a ninety day extension. And I would suggest a ninety day extension, within that ninety days you know uh his fiancé she may be making sure things are being done or whatever. Uh but I would think that that would give us the opportunity within that ninety days for him to either get the permitting and to move forward. And if for some reason that circumstances do as long as it doesn't become a hindrance or a negative for the community in that area then we could extend another maybe maybe another thirty days or sixty or ninety days, but I feel like that if we give them ninety days today then that gives them the opportunity to get the permitting in place, get the contractor information to us and uh maybe move forward.

Linda Wilk: So the end of September then. The second meeting in September?

Jerry Foustnight: Uh whatever meeting you suggest in September uh because I believe ninety days will be in September.

Linda Wilk: Okay. Yeah I would definitely say that. And then how are we communicating with him. Is communication to the jail, because I don't want

Jerry Foustnight: Well uh

Linda Wilk: I want to make sure this is communicated in writing to him so he will know

Jerry Foustnight: As far as the communications I when I left the area or left the structure I instructed him that his girlfriend even though she is not the property owner if she had questions on whatever then she could contact us. And so I I do believe that uh she will be in communications with him even though he is incarcerated. That she will be in communication with him uh as far as uh I don't know what I'm I don't know daily, weekly, or what ever

Linda Wilk: Well my concern is if the person was in a house we would be send communication by certified mail and then we would know they received it. I don't want to just assume that the girlfriend's going to reach out to you or have communication with him and then in ninety days you come back and say there was no communication I want to demo this. I mean I don't think that is right or fair. So I want something that says this is what our process is going to be and some documentation.

Jerry Foustnight: Well I

Aisha Richard: I have sent stuff to the jail before. You can send it to the jail. They will deliver it to him.

Jerry Foustnight: Okay we will just send it to the jail.

Linda Wilk: Okay and then as long as we have some certification that they, that he received it that is what I am after. So, that they know what the process is and if the letter could include can include that the fiancé has the ability, because at one point the fiancé was told that she couldn't so I would like something in writing that the fiancé has the authority to work with you Jerry and your office to do what needs to be done. So that we are all on the same page. I don't know if anyone has any other questions. I know Janice you were gone during this.

Janice Adams: No, thank you.

Cindy Cunningham: No. That sounds good to me.

Linda Wilk: Okay.

Aisha Richard: So that meeting would be September 18<sup>th</sup>.

Linda Wilk: Okay.

Jerry Foustnight: I am sorry September?

Aisha Richard: September 18<sup>th</sup>.

Jerry Foustnight: Okay.

Brian Flynn: Are you ready for a motion?

Linda Wilk: Yeah.

Motion to approve the ninety day extension for 302 N. Illinois Street um with the understanding that they need to acquire a new permit, the contractor needs to be identified and registered and that we communicate as appropriate with the owner this decision-Brian Flynn; seconded Cindy Cunningham. Motion carried.

Jerry Foustnight: Thank you very much. I am sure they will appreciate this and uh I believe that uh since they have already started the process I do believe they will continue the process. And if not we you know but uh this will give me the opportunity to come back before you on the 18<sup>th</sup> and uh update you as far as what we fill has happened.

Brian Flynn: Thank you.

Jerry Foustnight: Thank you again.

### **Building Department- Demolition Process Update**

Jerry Foustnight: Okay um, I have with me today Ms. Gilbert and I also have Jason um Jason is just for the record Jason is the individual that oversees code enforcement. He oversees the uh uh weed violation, vehicle violations uh things of that nature. Uh, so I wanted to bring him if you had any questions concerning the process. Uh Whitney has provided with you a uh spreadsheet on uh how some of the complaints we have had uh and what what has been don. Uh, also she has given you a copy of the complaint intake files uh how we do that, so uh I would ask that if you have questions please ask your questions. Whitney is here to or help me to answer the questions and maybe we can move forward.

Linda Wilk: I guess my question still remains how, I mean I understand the process but I still don't know how you determine which property gets demolished at what time. Because you can have a master list but then I mean how do you get on the master list, how do you determine who get demolished within that year. This is still not what part of this is.

Jerry Foustnight: As far as uh we have both a master list of properties that are on the list to be demoed uh circumstances may arise where we change an order in those for instance uh we are uh in the process of starting a demo on West 10<sup>th</sup> Street today or no it would be starting on Wednesday, uh however uh on our board we have added the address I believe it is the 1600 Block of Third Street out close to because that is considered an emergency demo so we are going to step in and do that. Uh after we do the one on 10<sup>th</sup> St. so even though we have a master list of those we we sometimes have to change the order of which we do those. Uh the order in which we put those on the board are in the order in which the Board of Works approves those demos. If you give us, if we bring those demos to you and you approve those then we put those on our uh master list or our board as to how we are wanting to do it. As far as how we determine how those are going to be done, some of them are determined by the condition of the property, some of them is determined by the amount of uh complaints that we would have from neighboring property owners, uh so uh those decisions are made by basically me or by the mayor's office. As far as what ones we need to do and when we need to do those. You and I understand uh you are wanting to know Linda but you as a Board of Works, I don't believe you have any say so in how we schedule those demos.

Linda Wilk: And I am not asking that we do. I am just asking if I was a private citizen (which I am) I should be able to go up to your office and be able to be handed a this is the process of how it is determined to be put on the list and this is how it get bumped up and down. Because that is

what you have been criticized consistently is the public and perception is it is just done, I want this one done now and it it gets moved up and down. So I am just asking for your sake a process that says this is what it takes. I mean if it takes me every single day as a private citizen calling your office then I want to know that because then I will be bombarding you with phone calls. You know is that what it takes or what are the criteria, I mean

Jerry Foustnight: First, I gave you what the criteria is. I gave that to you at the last Board of Works meeting. This state law specifies what how a home becomes an uh unsafe structure.

Linda Wilk: Right.

Jerry Foustnight: So we we look at those things. Linda there's a hundred homes or more within the city of Marion that would fit the unsafe structure thing.

Linda Wilk: I know so how do you determine which one of those hundreds gets demolished first. That is what I am asking and that is what I don't see. I understand that you gave me the statute and what it all takes to become an unsafe structure but then I want to know how do you chose which house gets pushed up or gets demolished within that year. And I don't think I am the only one asking this.

Brian Flynn: No, I get asked that question as well from some citizens.

Jerry Foustnight: Right.

Brian Flynn: And I think what I am hearing, correct me if I am wrong. You have a chronical list as they're approved by the board.

Jerry Foustnight: Correct.

Brian Flynn: That is how they go up. They move within that based on extenuating circumstances, emergencies, something comes up, um I think we have also discussed in the past some of it is geographical, In other words if we are tearing a house done in the 1600 block of 10<sup>th</sup> Street and we have another one on the list even though it is down the list right across the street from it it is fiscally responsible to tear them down while you are in close proximity.

Jerry Foustnight: Correct.

Brian Flynn: Right, you are not moving the equipment across town and then back across the street a month later. So, I I understand that from the questions and stuff I think what Linda's getting at and what I have the same question is is there something when a citizen comes to me and says why is that house getting torn down and not this one? Then I can say they have met the criteria, they are on the list whatever but I need to be able to tell them something that is factual, not something that I believe.

Whitney Gilbert: Are you look for how it gets put, how we decide, how he decides which property we are going to start that process with. So we know the process. We go out and it fits unsafe structure so we are going to start sending ten day notices and everything, how do we decide this one out of the hundred is going to start that process? This one we're going to start this process.

Linda Wilk: Yes.

Cindy Cunningham: Yes.

Whitney Gilbert: And then we know once they get on the list they are going to change around but how do they get put on this list where we start that process.

Linda Wilk: That I would like and then also what Brian just said. I understand okay this one was gutted because of fire but it's and it's not even on the list but it has to go on the list because it is such a hazard. It was a meth lab or whatever, has to go to the top. Okay put that in writing so that there is nobody that can come back and say well I don't understand this was for years and now you are bumping this up here. The geographical, again I get that but if it is in writing people

can't dispute what is in writing. I mean they can but you have got it for them that says this is our process. Not well we do this and if it is geographically sound we do this. I understand that but it's, it's you know give it to me in writing. That is all I am asking. That is what I am after. That is what I am asking at least. You know so I can say to somebody, you know what if you have concerns go up to the building department Whitney has a handout or even put it on the website. This is our process and this because there is an emergency needs sometimes or because fiscally it is responsible because I am in this area I am going to do another house that looks just as bad, I can understand that but if I am thinking oh you are just doing it because you like that person better and I am not saying you are Jerry but that's unfortunately the community's perception. Is that you are doing it because Linda Wilk lives on that block and she is a thorn in my side and so I am going to take care of it for her.

Jerry Foustnight: Well, I I don't believe you would see that. If you look at the uh areas that we have done uh we have done almost three hundred properties since 2016 and they are all over the city of Marion. I can show you that they're all over the city of Marion when you are talking about uh structures within the city that needs torn down we know there are structures within the city. A lot of those structures are never reported to us first of all.

Linda Wilk: And that could very well be too.

Jerry Foustnight: And second that when a person calls concerning this structure then if if somebody calls and says I have an issue with this structure we look at that structure. Maybe maybe we need to if somebody calls and says we have an issue with this then maybe we need to have a formal letter that we send back to them and say we did look at this structure and we are taking it under advisement or we are going to do this or whatever maybe we need to start a process on something like that. But as far as uh the structure when they are reported to us we do look at those structures. We do make sure which ones are the worse ones and that is how we determine which ones we are going to do first.

Cindy Cunningham: Jerry, just by regular people, if I didn't come here and listen to you and I drove by the Illinois Street and looked at that and then looked at the one that the gentleman complained about at the last city council meeting I do you remember? I don't remember the address that he gave. But, just me as a citizen would think yeah you either got it out for the people at Illinois or because that one looks so much worse on the outside than that one does. So, yeah people don't understand how you chose.

Jerry Foustnight: Cindy I understand exactly what you are saying but you know if that gentleman would have contacted us instead of coming before the city council

Cindy Cunningham: I understand

Jerry Foustnight: Let me finish a minute please. If they if he would have came he would have found out that that is in the process of being demoed. We have, because of the size of it and everything our equipment won't do it, so we got estimates to have it done. It is in the process of being demoed. If he would have came before or he would have contacted our office and said I have an issue with this instead of going before the city council and saying oh they're not doing their job and all of this. If he would have done that we could have said no, this has been uh looked at and that we are getting ready to demo it. So, so and I did have a conversation he did come up to the office afterwards and said "well I didn't know that." Well see there we go there is the perception

Cindy Cunningham: Yeah, I understand. I used a bad example.

Jerry Foustnight: Pardon me.

Cindy Cunningham: I must have used a bad example. Let's talk about another one that looks so much worse than Illinois. People don't understand why you are doing that one and not the one in their neighborhood.

Jerry Foustnight: I understand that.

Linda Wilk: And I think Jerry if this was in writing and you gave it to all of the city council members and you gave it to us then when they have people call they can tell them look there is a written process and this is what it is and this is who you should call and they can be more of a partner with you then more of an adversary with you. Because it is not about thinking you are not doing your job. We know that there are way more structures than you can get done. It is about putting it in writing for me so that everybody knows what that process is so it doesn't come across as you are not doing your job. And ideally could go on the website you know and then everybody would know and could see because even the properties that have been approved to be on the demo list, put them on the website and direct people. Cause then it would be great for Whitney to reply to everybody, I don't know if that is realistic you know I am sure by email it is quicker, it is easier and if you could even encourage people to send an email so that you can just email back then you have got that paper trail, you don't have to do the letter because that takes time and money. You know, that is what I am asking for.

Jerry Foustnight: Okay.

Linda Wilk: I am really trying to help your office. I am really not trying to be a hindrance, I am really not.

Jerry Foustnight: I am sorry

Janice Adams: I think too one of the things is Mr. Jerry is that you are doing it and you are saying it but it is just not on paper. You know when I hear you talk you say that in case of emergency, the condition of the property, um people calling in and complaining about it, I think you have got it all. It is just that it is not in writing and so sometimes you just need to get it in writing. You are saying it.

Jerry Foustnight: Well we want to work with you on that. You know please don't think that we are not trying to work with you uh you know Whitney and I will sit down and try to do something. We would invite any of you that would want to come up to our office and set down with is and maybe have a conversation or something please feel free to because if we are trying to do this and we want to get it, we want your input also. You know uh you know I believe we have been doing a good job. I believe we have.

Linda Wilk: Yeah,

Brian Flynn: Absolutely.

Linda Wilk: Yeah, I don't doubt that.

Jerry Foustnight: There is, there is always ways to improve things. We understand that and we are more than happy to work with you uh please if you have ideas on before the next before we come together again if you have ideas please write them down. Please come up to my office, call you know, I hate to say this but we are very busy, but please call us we will schedule you in. Come up to our office and we will sit down with you and get your ideas and maybe you can see how we do things a little more uh if you attend our office. You know our main goal is to help the citizens in the city. We try to be very fair. I think we are more than fair. I hate the perception that may we like you, better than we do you Linda. I don't like that because

Linda Wilk: And I don't either.

Jerry Foustnight: Because we try very hard to be very fair um Jason sitting back here. He is very fair with people when it comes to violations be it whether it be a you know vehicle or um trash

issues or and not only that they with a lot of other issues within the city. So, were are always you know we are always trying to better ourselves. We are always trying to be more compassionate, more understanding but sometimes compassion can only go so far as we know. So please if you have ideas, you know today we are sitting right here and we are thinking as you guys walk out here you may have thought man I should have said this or maybe this was a good thing. Please write those notes down, get them to us, and bring them to us or whatever. Uh I would much rather you come and see me then talk to me on the phone because then I can set and you know we can have that conversation.

Cindy Cunningham: I want to add too that I know Whitney does a phenomenal job. She has been there a long time. You are organized, I know you know your job you know and again like Linda said I don't want anybody thinking that we are trying to step on toes. I am with Linda, if we get a process down we can show other people that you are not bias.

Jerry Foustnight: Well Whitney, Whitney uh she does a very like you said she does a very good job. So does Jason and they do a very good job not only for me but for the citizens in the city. They do a lot of extra work uh that is needed and uh so I am very fortunate to have them in the positions they are in to be able to uh uh I want to say assist me but they pretty much tell me what to do. Well anyway we are fortunate as as a city we are fortunate to have them do the work they do for us.

Linda Wilk: What would be helpful for me Jerry is if you guys could put something together and send it out. And then if I have questions I can either email or my work days are pretty tight too, pretty busy so I mean I do want to help you get this done and get input. If you need more than the next meeting, if we want to delay this for you know two meetings out I am fine with that if that will help. You know cause like, getting this today was more difficult to review so you know if that gives you more time like a month from now and maybe like two weeks from now have a draft that we can take a look at and give input, um

Jerry Foustnight: Whitney, a month?

Whitney Gilbert: It doesn't, whatever. Yeah.

Linda Wilk: Is that workable? I want to make sure it is workable and not

Jerry Foustnight: Today is what, July 3<sup>rd</sup>.

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

Jerry Foustnight: Maybe could we have like thirty days where we can come back to you like in the first meeting in uh August.

Linda Wilk: Yes.

Jerry Foustnight: And that gives us the opportunity to get everything together and in the meantime if you would please uh I am sure we have this I am sure we have your mailing addresses but give us an opportunity to send you something and then that would give you a chance to look at it and we will have a discussion at the next meeting.

Linda Wilk: Yep.

Brian Flynn: Sounds good.

Aisha Richard: So that meeting will be August 7<sup>th</sup>.

Linda Wilk: Okay. Okay that will work. Thank you. Thank you Jerry. Thank you Whitney, Thank you Jason.

Jerry Foustnight: Thank you guys.

Brian Flynn: We appreciate what you do.

Jerry Foustnight: We appreciate you guys. I know sometimes it is not said enough. We appreciate what you guys do for us.

Cindy Cunningham: I think at the last meeting you mentioned that the other girl in the office with you you weren't sure if she logged everything in. Have you since talked to her.

Whitney Gilbert: We have. We spoke and she does, she uh again I just didn't want to speak for her but I know that the complaints that she gets they do get logged. Like I said we have that log that is shared. Every once in a while maybe the guys need to determine and address or something she will also give them a post it note or something hey can you go out and check this out. But all of the complaints that she is getting are logged.

Cindy Cunningham: Perfect. Thank you.

Whitney Gilbert: Yep.

### **Public Comment**

Motion to adjourn-Cindy Cunningham; seconded Brian Flynn.

Meeting adjourned.

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Linda Wilk- President  
Board of Public Works & Safety

ATTEST:

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Aisha Richard- Secretary  
Board of Public Works & Safety