

REGULAR MEETING – MARION COMMON COUNCIL – JANUARY 16, 2018 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 16th day of January, 2018 at the hour of 7:00 pm in the Council Chambers, City Hall.

On the call of the roll the following members were shown to be absent or present as follows:

Present: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Brunner and Luzadder.

Absent: None.

The minutes of the previous special meeting of January 2, 2018 and the regular meeting of January 2, 2018 were presented. On a motion by Councilwoman Deb Cain, 2nd by Councilman Steve Henderson, the minutes of the special meeting of January 2, 2018 were approved as presented by a unanimous vote. Motion was then made by Councilman Jim Brunner, 2nd by Councilman Don Batchelor to approve the minutes of the regular meeting of January 2, 2018 and the motion carried by a unanimous vote.

COMMITTEE REPORTS: Councilwoman Lynn Johnson told the Council she believes she has two committee reports tonight. She actually has two committee reports for the Code Enforcement Committee. Actually they're in the process of revising and establishing a new City Code for (inaudible) for our city, however, they're in the final stages. Their committee has combined together and they're now working with Mr. Stephenson, their attorney, to write that code. And, the last meeting they had, they are going to have a product from Counsel Stephenson so that they can understand his red lines in that code and then they will produce a final product and bring it to the full Council. The next meeting for that Code Enforcement Committee will be next week on Tuesday (January 23) at 4:00 pm. Those are the two meetings for the Code Enforcement Committee that they had. And then, they had a meeting tonight with the Development Committee and that's Chairman Don Batchelor's committee and that committee meeting, it was interesting. They had a guest who was Mike Graft who is our City Engineer and they're reviewing their street ordinances and how they impact the engineering and the city Street Department and what they can do. They're just in review process right now. This was an initial meeting. They have decided or the committee has decided, that comprised of Chairman Don Batchelor and Mr. Luzadder, to meet in two weeks on February 2nd at 6:00 pm in the 2nd Floor Conference Room. Council President Brad Luzadder said, the Ordinance Committee under Mr. Homer is scheduled for the 23rd at 4:00 pm in the 2nd Floor Conference Room. And then, Mr. Batchelor was placing his in February, he's sorry, the first reading, meeting will be on the 30th and then will go onto the agenda for the 6th of February, first meeting in February. So a committee meeting on the 30th for the Street Cut Ordinance. Deputy Clerk Debbie Goodman asked, what time on the 30th? Luzadder told her it would be 6:00 pm.

Council President Brad Luzadder told the Council, on the agenda they have a Council appointment for the Marion Redevelopment Commission. This body has two members that can be elected to the Redevelopment Commission, that will work with the City Administration and those are set. Last year they had Councilman Henderson was their representative and Pastor Gladden and she is no longer able to do that and so, every year they do have a new appointment for the Redevelopment Commission so they will be needing two appointments this evening for that. They did not have any applications in from the general public. At the last meeting, Mr. Homer asked if they could go ahead and do both from the Council. Yes, that is done and has been passed through the court system so everything for them to do that is available. So, at this time, he would entertain a motion for appointment to the Redevelopment Commission. Motion was made by Councilman Alan Miller to re-appoint Steve Henderson with a second by Councilman Dave Homer. Luzadder asked if there were any other appointments and there was no reply from the Council. Luzadder stated he will then entertain a motion for approval for Mr. Henderson, which the vote was as follows: Aye: Miller, Homer, Smith, Cain, Johnson, Batchelor, Brunner and Luzadder. Nay: None. Abstain: Henderson. Mr. Luzadder then told the Council, for their second appointment, he's ready for a nomination. Motion was made by Homer to appoint Councilwoman Deb Cain as the second representative for the City Council, second by Councilman Jim Brunner. Being no other names offered for nomination, motion to appoint Mrs. Cain carried by the following vote. Aye: Miller, Homer, Smith, Henderson, Johnson, Batchelor, Brunner and Luzadder. Nay: None. Abstain: Cain.

Before the Council moved on to Unfinished Business, Mr. Luzadder told the Council that each member of the body was given nepotism paperwork that has to be filled out. Please make sure they fill that out and sign it this evening and hand it to the Deputy Clerk. Also, the committees from this past session, please make sure that they look over those. Anything in which they want to stay on, great. Anything in which they want to change or would like to be placed on another committee, please make sure that they fill that out and hand those in to him this evening as well. Also, they're going to be receiving some stuff in their next packet so be aware that some of those things will be coming down. He did sit down with the Mayor and have a discussion and he would like for them to continue working with his office for things in which they need. There were some Council people who were asking for some documentation. If they'll please go ahead and send those to him then he will send them on to the Mayor and there will be reasonable time in which for them to come back to us. So, if there is documentation in which they are waiting on, please send it to him and he'll make sure that the Mayor and his Administration receive that. Luzadder told Council Attorney Phil Stephenson, before they finish the meeting tonight, they do have those pledges, those oaths and then the signatures. So they'll want to do that to make them official.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 1-2018 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 1-2018 by title only. An Ordinance to vacate a portion of a public way located at 759 South Lenfesty Avenue, Marion, for The River Community Church. Jason Miller from Randall Miller & Associates told the Council absent this evening is Pastor Trexler however with us this evening is Mike Graft, board member for The River Church. As he presented last meeting, the request is related to The River Church located at the former Lincoln School located at 759 South Lenfesty. They're requesting to vacate an existing 16-1/2 foot alley on the north side of Norton McCleary and Lenfesty's Addition, more particularly shown on the Exhibit A of the petition. The utilities have all been notified. There is an existing 18-inch sanitary sewer as he mentioned last meeting located within the alley. They are planning on drafting an easement agreement in favor of Marion Utilities to allow them to maintain and operate that sanitary sewer inside the easement. The vacation request this evening would be to allow construction of a parking lot, approximately 80 spaces. Of significant importance is the parking lot cannot be constructed inside of a public alley, however, you can construct a parking lot on an easement so in order for the parking lot to be designed and constructed, per the request, they do need to request that the alley be vacated which is the topic this evening. He would be glad answer any questions that they may have. They are requesting approval of the vacation as presented, Miller said. Councilman Jim Brunner asked Mr. Miller, has he received any written complaints or any concerns about this because he certainly has not heard any. Miller told Brunner, no sir, he has not. Councilman Alan Miller said, out of curiosity, why hasn't this been detected? He's assuming that was developed in the 1950's. Was it just not an issue? There's no visible alley there. Jason Miller said, right. It's an undeveloped alley. It was part of Norton McCleary and Lenfesty's Addition which, unless you're involved in that legal aspect, you don't really know or care. A. Miller replied, he didn't really care but he wondered why all these years, he guessed if they didn't want to put anything there, it's just been a non-issue. J. Miller replied, correct. It's been grass in front of the school. When the church purchased the property or gained title to the property, they had no reason to vacate. Now that the church is expanding its membership, there is a need for parking. When an ALTA survey was prepared, the alley was discovered, that it had not yet been vacated. In order to vacate, they're here this evening. Councilman Miller told Jason Miller, the word he used was "discovered" so they weren't even aware there was an alley there until..... J. Miller stated, they discovered it when they were going through the acquisition, however, it was not an impact at the time so there was no reason to go through any vacation process. Being no further questions or comments from the Council, Council President Brad Luzadder told the Council, in their packets, they received that there were no objections from the Marion Police Department, Fire Department. Marion Utilities, again, no objections to vacate. They did ask the easement be maintained, as Mr. Miller said. Marion Utility Board, no objections. Indiana Michigan Power, no objections. So, this is a public hearing and so if there's anyone that would like to speak for or against General Ordinance No. 1, this vacation, please come to the mike. Please give their name and address and then try to keep their address to about three minutes. There was no response from the audience. Motion was made by Councilman Steve Henderson to suspend the rules on General Ordinance No. 1-2018. Motion was seconded by Councilwoman Lynn Johnson and carried by the following vote.

GENERAL ORDINANCE NO. 1-2018 Continued

Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Brunner and Luzadder. Nay: None. Motion was then made by Henderson, 2nd by Johnson to pass General Ordinance No. 1-2018 and carried by the following vote.

Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Brunner and Luzadder. Nay: None.

NEW BUSINESS

GENERAL ORDINANCE NO. 2-2018 1ST READING

The City Clerk read General Ordinance No. 2-2018 by title only. An Ordinance of the Common Council of the City of Marion, Indiana, amending Marion City Code Chapter 153 (Zoning Ordinance) and providing for the effective date thereof. Zone 1427 W. 10th Street from (R3) Medium Density Single & Multiple Family Residential to (GB) General Business. Advisory Plan Director Sam Ramsey was not in attendance at tonight's meeting. Councilman Steve Henderson asked if he could address this. He had talked to Sam on this issue. He can give them what he (Ramsey) told him. The property is already zoned, they're buying two properties, two houses and the second house automatically falls under the ordinance. It's already business so the third property is the property they want to make General Business. That's the gist of it. That's what he knows about it. Council President Brad Luzadder asked the Council if there were any objections to them looking at moving it on 2nd reading and public hearing. Councilwoman Lynn Johnson said she thinks they should move this forward to the first reading next time and wait on Mr. Ramsey. Councilwoman Deb Cain said she would second that. Luzadder said the next meeting would then be in February on February 6th. He said, okay, so a motion is then on the floor in which to move this to the February 6th agenda, leaving it on 1st reading. Motion carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Brunner and Luzadder. Nay: None. Mr. Luzadder said it would be his recommendation for Mr. Ramsey to be here at the next meeting.

Council President Luzadder told the Council, being there is nothing else on the agenda this evening, they have exhausted the agenda, are there any other comments from anyone? Councilman Alan Miller said he just might remind the public and the members of the Council that their seats on Saturday morning at 8:00 am will be filled by our State Legislators. There's a Third House Session here in the Council Chambers 8:00 am to 9:30 am Saturday morning. Five of the seven legislators will be here. WBAT will be carrying it live at 1400, Miller stated. Senator Buck and Representative Wolkins are the two that will not be here. Councilman Brunner said, temperatures in the 50s are forecasted so they'll be able to get out without having to wear five layers of clothes.

Mr. Luzadder said the only other thing that he would like to ask the members, anything that they are receiving or sending in, if they would please carbon copy at least the rest of the members of the Council, he believes the more information in which they have to work with, the better they are going to be able to work together. He's not a big fan of any surprises, like this evening. He would much rather have information ahead of time. If they're not going to be attending a meeting, please give him a call or a text or Vice-President Homer. They would like to know those prior to coming to a meeting. So, if they would be so gracious to go ahead and carbon them on any of the directions or information they're receiving from the committees or their appointments in the community. The Aviation Board, they have their notes sent to them as a Council and that would be appreciated from each of the other bodies in which they work with.

Before the meeting adjourned, Councilman Alan Miller asked if he might make one other sort of humorous note. He doesn't know how many of them follow Ed Breen's meanderings. He raised the question about a month or so ago, why do we pay a franchise fee on our cable t.v. bills? On the follow up last week, he (Breen) found out why. The city gets \$144,000 a year still from Spectrum Cable. Miller said he didn't know that. He said Breen said he did the obvious. He went up and asked Julie Flores what she knew about it and she said yeah, we still get the money. But there is no regulation anymore. You know, originally, we franchised cable t.v., the Council. We set the requirements. First of all, that they had to cover their meetings and that they also had to cover School Board meetings and all sorts of things. So, at least we still get the money if we don't get any other benefits, Miller said. Council President Luzadder said, also,

they had asked for people who would like to help get the Council meeting back onto the air. Councilwoman Johnson had some information that they're still looking at. He believes the general public needs, some that can't get out in this type of weather, our senior adults, they need to have that so that all of the members of our community are able to see the meetings and then be able to weigh in on those. So, if there are any other help that could go along with that, please get that information to them and they'll move on from there, Luzadder stated.

Being no further business to come before the Council, on a motion by Brunner, 2nd by Cain, the meeting adjourned.
Time being 7:25 p.m.