

REGULAR MEETING – MARION COMMON COUNCIL – JANUARY 15, 2019 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 15th day of January, 2019 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: Henderson, Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller.

Absent: None.

Council President Alan Miller asked to make a couple of announcements. Their agenda for this evening has been altered considerably. First of all, the planned public hearing on General Ordinance No. 24-2018 has been moved to February 5th. As Mrs. Cain noted in her prayer, our Building Commissioner for the city, Jerry Foustnight, is in the hospital and is unable to be here tonight and they hated to proceed with that without him being here. He's also been told, after he arrived this evening, that General Ordinance No. 1-2019 and General Ordinance No. 2-2019 have also been pulled from the agenda. He thinks he was able to catch as many people during the daytime that might have come down for the public hearing but if there happens to be any of them here that are here specifically for that, he apologizes to them that they've had to delay it.

Council President Miller told the Council they have two sets of minutes tonight they need to approve. He would take a motion to approve the minutes for the December 18, 2018 meeting. That would have been their last meeting of last year. Motion was made by Councilwoman Deb Cain, 2nd by Councilman Brad Luzadder to approve the minutes from the December 18, 2018 meeting as presented. Motion carried by the following vote. Aye: Henderson, Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Miller said the second set of minutes they have are for January 2, 2019, the special meeting only. That would have been the 6:45 pm meeting that they had to elect new officers for the City Council for this year. So, he would accept a motion to approve the January 2nd, 2019 minutes. Motion was made by Luzadder, 2nd by Councilman Dave Homer to approve the minutes as presented and the motion carried by the following vote. Aye: Henderson, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Abstain: Brunner. Mr. Miller said, now let him note, that because of the frequent meetings they've had this year, they have sort of overwhelmed the Clerk's Office so they are missing two sets of minutes, one would be for the regular meeting that they had on January 2nd and the other would be for the special meeting that they had a week ago tonight on the 8th. So they have caught up two sets of minutes but they still have two to come and, as he said, having four meetings here in the first couple of weeks, they've overwhelmed Kathi (Kiley, City Clerk) and Debbie (Goodman, First Deputy) a little bit.

COMMITTEE REPORTS: Councilman Jim Brunner said he's not sure these are committee reports but he does want to report that he was asked to attend and did attend a meeting that was held yesterday in his ward for a number of residents who are residing in the Spencer Avenue area. There have been, if they've not heard, three fires that were set that they're pretty sure were set by an arsonist. They do believe it may have been the same person. There were close to 50 people at that meeting last night. They are asking everyone in that area to be very vigilant, to keep an eye out in that entire neighborhood as they try to (inaudible) who is doing this. At the same time, to be very vigilant about what could possibly be happening to people if there is a really bad fire. If you're in that area and you see anything suspicious, please contact the Fire Department immediately. He was very impressed about how many people showed up at that meeting. As they well know, Spencer Avenue, a number of those homes are some of the most glorious homes we still have in this community and the last thing we need is more fires in that area. So, he was very happy that they had a number of people show up at that and, just to inform the everyone on the Council and the media, he'll be getting with the gentleman from the Chronicle to give him some information they wanted him to pass along. Mr. Miller told Brunner he might note that the Chief is here this evening too if he wanted comments from him.

Councilman Don Batchelor reported that the Traffic Commission did meet today at 2:00 pm. An issue that was assigned to him maybe a couple of months ago regarding the traffic situation at Marion General Hospital, the speeding, the running the midblock pedestrian crossing. Those were some issues of concern that were raised and they did discuss them this afternoon. What they are going to do is to have the engineer that designed the signage up around the hospital,

they're assigning it to him and he'll get back in touch with them and they can further discuss that issue. So, it didn't fall on deaf ears. They finally got through to it, Batchelor said.

Council President Miller told Councilman Brunner, just as a matter of information, he's always interested in what's going on in Marion. He noticed a crane in his neighborhood today beside the Plymouth Club. What is the project there or does he know? Councilman Jim Brunner told Miller he's the third person that asked him and he was going to stop but he was going the wrong direction. That's Hutchens Construction. If anyone else may be in the audience knows tonight that Jeff Hutchens is building a building. It does not look like a home. It looks like some type of a business, and boy, for this time of year to be out building in this kind of weather and they didn't have just one or two, they had a slew of construction workers out there working on that. So he will certainly, because he knows Jeff quite well, he'll get some information from him and pass that along and they'll get that shared with the whole committee. Miller replied, yeah, great. You can't miss the crane. It's probably a 70' or 80' crane. We don't see many of those in Marion. Brunner stated, yeah, for the knowledge of what he's talking about, it's just to the east of the Plymouth Club on that side of the road, on the north side of the road, on State Road 18 coming out of town. Miller commented, maybe the Chronicle-Tribune will look at it and figure out what's going on. Councilwoman Lynn Johnson said she knows a little bit about that project. That property was sold last year. She believes it was sold to the people that have the accounting firm across from the Y. She believes he's moving that accounting firm from across from the Y out there.

Council President Miller then told the Council next on their agenda is an appointment to the Marion Utility Service Board. They have one application, Mike Barney. He doesn't believe Mike is here tonight. He guessed they can read it as he did, somewhat ironically, Mike is the father of Kristy Barney who they are replacing on the Utility Board. They have appointed Kristy a few terms and he thinks he has mentioned that she has been transferred to Virginia by Moorehead Communications. Her father, he thinks, is a plumber or a pipefitter, yeah a journeyman, pipefitter, welder. So, he is their applicant. If they feel comfortable with that, he would open the floor for a motion to appoint Mike Barney. This would be completing Kristy's term and he honestly can't tell them, he thinks maybe two years and then they would be finding someone else. So, he would entertain a motion to appoint Mr. Barney. Councilman Homer said he would make that motion that they appoint Mike Barney to fill Kristy Barney's spot. Motion was seconded by Councilwoman Johnson and carried by the following vote. Aye: Henderson, Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

Council President Miller told the Council he's been notified by the Clerk's Office that Lon Tuin has resigned from the Zoning Appeals Board and they need to find a successor to him. So let this be his official announcement to the public. People that are interested in serving on the Zoning Appeals Board need to get an application from the Clerk's Office. Let's say we will make that appointment like the last meeting in February which he thinks would be the 19th. That will give them a month. He must confess, does she, maybe she can help him. He asked Deputy Clerk Debbie Goodman, does the Zoning Appeals Board meet on a regular basis or does it just meet on call whenever an issue is before it? Mrs. Goodman told Miller, she doesn't know. Sam could tell him. Miller said, oh, okay, he's sorry, Sam. Give him a little background. It need not be a political appointment like the Utility Board, it can be any party. Advisory Plan Director Sam Ramsey told Miller, yeah, any party is allowed. Miller told Ramsey to brief them on the duties of a board member. Mr. Ramsey said the Board of Zoning Appeals, they have people (inaudible) experiences. A lot of them, they have places where, back when Marion was growing in the '70s and '80s, they zoned places they thought were going to be commercial spaces (inaudible) at the time and people want to build new homes so they have to get variances for different land use. They have a lot of development standards if someone wants to reduce a setback or get an increased sign. Their standard meeting is the second Tuesday of every month. They probably meet nine or 10 times a year, as needed. They don't meet if there's nothing on the agenda. Miller asked Ramsey, does he know whether Mr. Tuin is in the middle of a four year appointment? Ramsey said he thinks he's at the end of it. Miller said, okay, well as he said, this is their formal announcement and let's say they will make that appointment on the 19th of February.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 24-2018 2ND READING AND PUBLIC HEARING – Continued from 1/2/19

An Ordinance of the Common Council of the City of Marion, Indiana to repeal in its entirety Ordinance 9-2005 codified at Chapter 113 in the Code of Ordinances for the City of Marion, Indiana and to repeal that portion of Ordinance 39-1996 codified at Chapter 150.31 of the Code of Ordinances for the City of Marion, Indiana and adopting replacement language therefore in a new Chapter 154, Contractor Registration. This item of business was continued to the February 5th meeting – see above for discussion.

NEW BUSINESS

RESOLUTION NO. 1-2019

The Deputy Clerk read Resolution No. 1-2019 by title only. A Resolution of the Common Council of the City of Marion, Indiana, approving transfer of appropriation for Motor Vehicle Highway Fund of the City of Marion, Indiana as requested by the Controller and forwarded to the Common Council for their approval and passage pursuant to State Examiner Directive 2018-2. Julie Flores, City Controller, told the Council, as they'll recall in 2017, they passed a new law that we had to keep 50% of our MVH distribution from the state separate for construction, reconstruction or preservation of the roads. She believes, probably with this new order, they found that it was pretty hard to audit that, pretty hard for us to keep track of that separately. We had actually asked them back in 2017 if we could set up a separate fund and they said no, we could not do that, but now, they've changed their mind it looks like. So, they've asked us to set up a new fund called MVH Restricted so what they're asking them to do in this resolution is to move the appropriations that they have in Fund 201 set aside for construction and move those to the new fund. There was a little bit of appropriation left in the Reconstruction Fund of \$3,843 so we are asking that to be moved as well. She will entertain any questions they may have. Council President Alan Miller said, let him ask one question while he is thinking of it. The \$3,843 she says has been incorporated? Flores told Miller it was actually appropriation left, but yeah, so we are moving that into the Road Repair. The Road Repair, what we appropriated this year in the budget was \$381,229. What we are going to put in the new fund is that plus the \$3,843 so the total for the Road Repair is \$385,072. Miller said the addition is off then by \$3,843. She has the same amount at the top. Oh, she has the \$3,843 in that number at the top, okay. Mrs. Flores said, the number at the top for Road Repair was \$381,000, for the new fund it'll be \$385,000. It'll be that \$381,000 plus the..... Miller said, \$621,072 is the correct number for both, he's sorry. He told the Council he would entertain a motion to approve. One vote on resolutions. Motion was made by Councilman Brad Luzadder to pass Resolution No. 1-2019. Motion was seconded by Councilman Homer and carried by the following vote. Aye: Henderson, Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

GENERAL ORDINANCE NO. 1-2019 1ST READING

An Ordinance amending Ordinance No. 19-2018 fixing the maximum salaries for police officers of the City of Marion, Indiana for the year 2019. This item of business was pulled from tonight's agenda – see above after roll call.

GENERAL ORDINANCE NO. 2-2019 1ST READING

An Ordinance amending Ordinance No. 20-2018 fixing the maximum salaries for firefighters of the City of Marion, Indiana for the year 2019. This item of business was pulled from tonight's agenda – see above after roll call.

Being no further business to come before the Council, on a motion by Homer, 2nd by Johnson, the meeting adjourned. Time being 7:17 pm.