

REGULAR MEETING – MARION COMMON COUNCIL – APRIL 16, 2019 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 16<sup>th</sup> day of April, 2019 at the hour of 7:00 p.m. 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.

The minutes of the previous regular meeting of April 2, 2019 were presented. On a motion by Councilwoman Deb Cain, 2<sup>nd</sup> by Councilman Steve Henderson, the minutes were approved as presented by a unanimous vote.

**COMMITTEE REPORTS:** Councilwoman Lynn Johnson reported that, at 5:00 pm tonight, the Compliance Committee had a meeting. Mr. Henderson chaired, Lynn Johnson and Mr. Homer were there and they called the meeting to order at 5:05 pm. They reviewed abatements that had been submitted for approval. They're continuing abatements. Mr. Olynger, that owns Jimmy John's, they approved that one, they approved the abatement for Mr. Glickfield's building and they approved six abatements for Bahr Brothers. So, they are in compliance with what they promised to do so they all voted yes and they are going to present them to Council President Miller for his signature for this year. As they have approved those things, she wants to remind everyone that the remaining abatements are due on May 15<sup>th</sup>. If they have not been submitted by May 15<sup>th</sup> then they will not be able to approve them because they are going to have a meeting on May 21<sup>st</sup> to approve all the abatements that have been submitted by May 15<sup>th</sup> of this year. And she just wanted to remind everyone that their personal property taxes and their real property tax abatements are all due Monday, May 15, 2019.

Council President Alan Miller told the Council they have a special guest with them this evening, probably the most senior city official. Jim McKinney has been President of the Marion Board of Aviation Commissioners, how many years? Mr. McKinney said 30+. Miller said, 30+. We probably have the highest average tenure on the Marion Board of Aviation Commissioners of any appointed board in City Government in the State of Indiana. Jim has some people who have been on the board almost as long as he has so the Aviation Board is in good hands. They recently received an award. Councilwoman Cain, it's in her ward, she is also the liaison to the Marion Aviation Board so they invited Chairman McKinney to stop by this evening and share some of the good news with them. So, the floor is his. Miller said, this is Mr. Scott Simpson, who he is sure Jim will introduce and tell them what his role is in this process. Jim McKinney told the Council what he would like to do this evening is to share a little background information with them that led them to receive this award from the Indiana Department of Education. Four years ago, he attended a State Aeronautics Conference and he heard a gentleman from Kentucky talk about a high school aviation program that he was leading in Kentucky and after listening to that presentation, he thought we can do that and we can do a better job than that. So he came home and it took him a number of, he doesn't know what the correct terminology should be but opportunities to try to get the word to the school administration. He talked to board members, he talked to the Superintendent and shared with him this concept that they had for a high school aviation program. He was really taken back at the enthusiasm and support that Dr. Lindsay showed for this program and consequently the Marion Community School Board of Trustees, the same. They have been extremely supportive of the program. The vision that he had was to involve young men and young women at the high school level in a program that would lead them to a career in aviation. The news media and their high school counselors really are not doing a very good job of advertising and making known the opportunities that are available today in the field of aviation. But the demand for pilots, for mechanics, for ground support personnel, for terminal people, the demand is so great that there is a tremendous shortage. In the area of pilots, they've had to extend the mandatory retirement age so that they had enough pilots to operate the fleet of aircraft that they have today. So after meeting with Dr. Lindsay and sharing with him the ideas that he had, they needed to find a vehicle to supply the curriculum that they wanted to implement, and at that time, a national organization for aircraft owners and pilots, the AOPA, the Aircraft Owners and Pilots Association, was working with Purdue University to develop a high school aviation curriculum and the individuals that he was talking to and working with, Scott Simpson being one, another individual who has since gone on to other things by the name of David Small, really began to apply some pressure to Purdue and to AOPA to allow the Marion Community Schools to

pilot the curriculum that they were developing for this high school aviation program. And so, when the time came, and he's trying to think, Scott, of the number of early pilot schools, what was it, 15, 20, nationwide? Scott Simpson replied, he thinks the original was 20, now there are 30. McKinney said, yeah, 20 schools nationwide were selected to pilot this curriculum and they were the only school in the State of Indiana that was selected. And the curriculum as it originally started was modified and it ended up being taken over by AOPA entirely and they began to listen to the educators that were involved in developing this program as to their ideas about how to implement the program. So, two years ago, the 2016-17 school year, they began the aviation career path through the area vocational school. They had the opportunity, as the Board of Aviation, to work with the school system. They had facilities available, they had personnel available that could teach the classes. They needed a licensed mechanic to teach the aviation mechanics portion of the program and they had an individual on board as a mechanic at the airport that was willing to take on that role. Scott Simpson had a tremendous interest. He hired Scott a few years back and Scott, he's known Scott for, he doesn't know, 25 years or so, maybe a little more than that but Scott knew his interest in aviation and he had him up in the airplane a couple of times and got his attention so that he knew that he was listening to what he was saying and Scott was very excited about coming on board and working with this program. And so they started talking and working and developing and Scott had the opportunity to attend AOPA Teacher Training and Curriculum Development Workshops in Fredericksburg, Maryland. He thinks he's been to Dallas, Texas, Louisville. So, he's going to let Scott talk to them about the program and to share with them more about their partnership and the award that they received from the Indiana Department of Education back in February, McKinney said. Before Mr. Simpson addressed the Council, he showed a three minute video about the program. After the video was over, Simpson thanked the Council for letting him share with them tonight. This is a very exciting program. He spent all day today down at the Statehouse and they know what that can be like, talking to legislators, looking at them and expressing the needs they have in public education, but the exciting thing is, that partnership that they have with the City of Marion, the Board of Aviation Commissioners and the school system is what makes this program work. It's not the DOE pushing it, it's not the DOE providing the total funding for it. It definitely is a partnership, and for that, he's very thankful. He's thankful for the students that get to go through the program. They have two graduates from the program last year that are currently in aviation, one is at Indiana State, one is down in Kansas. They have at least three students, he thinks, this year that are going to go professional pilot, one is going down to Letourneau in Texas, one is accepted at the Lift Academy, which is Republic Air's Pilot Training Program down at the Indianapolis Airport, and the other one has been accepted at Purdue. So, this program is making a difference in kids' lives. As Jim mentioned, the Boeing Study is probably the best known study in aviation and they're projecting somewhere in the neighborhood of 300,000 pilots short by the year 2030. So that's with the retirements that are mandated, that's with the new airlines that are coming on board and all those types of things. That's just pilots. It doesn't mention the mechanics, it doesn't mention Air Traffic Controllers whose mandatory retirement age is 55, very highly cognitive job. Simpson said that Jim mentioned that he had the opportunity to do a lot of training and he went down to Dallas, went to the Ft. Worth Air Control Center down there and watched those people control the air traffic in that area. It's a work of art what they do with those aircraft. But, because it is so intense, their shift is like 40 minutes long and then they get 20 minutes off because it is that intense. Mandatory retirement age, 55, because they want the sharpest on board with controlling the air space in the United States and air travel is the safest form of travel in the United States thanks to those careers and they want to keep it that way. So, thank you as a city for supporting this because he knows they do. Thank you so much to the Board of Aviation Commissions for making this dream come to life for their students. The program is growing. This award, he thinks, from the DOE just helps recognize that it does take a whole community to provide opportunities for their students. It's not just the schools, it is the whole community of Marion that backs Marion Community Schools and the Marion Regional Career Center in order for them to do this program. So, thank you so much, Simpson said. Mr. McKinney asked if anyone had any questions they might answer for them. Councilman Jim Brunner asked McKinney, how many total students, he noticed Oak Hill, he noticed Marion, how many total students do they have involved in this program this year? Mr. Simpson said 17 students. They have a couple students from Blackford because the career center that they're associated with doesn't offer an Aviation Program so Blackford has allowed them to come over. They have a student from Franklin Schools that's coming up to their program because the Hinds Center down in Elwood does not provide this type of a program. Brunner asked, are they maxed out at that number or do they think this could grow? Mr. McKinney told Brunner, no, they will be growing next year. They can still handle a lot more

students. Right now, in the Aviation Mechanics Program, they only have one section of it. They have the opportunity to offer two so they can really more than double their enrollment in the Aviation Mechanics portion of the program. Mr. Simpson added, he was just talking to Mike Ripperger, the Director of the Career Center, today about preliminary numbers and it looks like the program next year will have 40+ students enrolled in it. Brunner commented, excellent. Mr. McKinney stated, one of the things that they try to do with these young people is to give them the opportunity to actually fly an airplane and when they started this program, he was not responsible for this but his name is attached to a foundation, it's the Jim McKinney Air and Space Foundation in which they have raised some money and they're continuing to try to raise money to provide opportunities for these young men and young women to actually pilot an airplane. His goal this year is for each of them to have a minimum of five hours of actual flight time when the school year finishes. He's not exactly sure where they are in that number right now but the foundation has been able to supply the funds to actually rent the aircraft off of their airport manager, their fixed (inaudible), Air Marion, to take these young men and young women up and let them actually control the airplane and apply what they're learning in Scott's class or what they're learning in the Aviation Maintenance Class. So if anybody has any spare money they'd like to donate, it's the Jim McKinney Air and Space Foundation, in care of the Marion Municipal Airport. Any other questions? Council President Alan Miller said, would they all join the members of the Council in expressing their appreciation to Mr. McKinney and Mr. Simpson? There was a big round of applause. Mr. McKinney told the Council, thank you very much, one last comment if he may please. Next Monday evening, he told them about their working with the Aircraft Owners and Pilots Association, AOPA the Great Lakes Region is holding an Air Safety Seminar at the airport next Tuesday evening starting at 5:00 pm and running until about 7:30 pm, he thinks. If they get a chance, stop by, McKinney said.

Council President Miller said, before they begin their Unfinished and New Business, he needs to take care of one housekeeping item tonight. There is an extra Tuesday in the month of April, as they may know, which means their next City Council meeting would not be until the first Tuesday in May so that's three weeks. That happens to be Election Day, that is May 7<sup>th</sup>, so with the concurrence of the Council members, their tradition is to meet the Wednesday after the election. So, hearing no objections, he will set the next meeting of the City Council for Wednesday, May 8<sup>th</sup>. He sees eight heads nodding. Again, let him make a couple of announcements regarding tonight's agenda, especially on the Unfinished Business. If they were here two weeks ago, they know they passed on first reading and sent to public hearing and second reading one ordinance determining benefits for the Fire Chief and another ordinance for the Police Chief and the Assistant Chiefs. Those two items were set for public hearing tonight. At the Mayor's request, they have been removed from the agenda. So, they'll have to depend on the media to tell them when those are returning but if they are here in relationship to the Police and/or Fire benefits ordinances, they are not on their agenda tonight. So, with that, he thinks he's going to have Mrs. Kiley read the first item, the remaining item of Unfinished Business then he would like the matter of privilege to make a brief comment before Mr. Downs comes to speak, Miller said.

## UNFINISHED BUSINESS

### GENERAL ORDINANCE NO. 5-2019 2<sup>ND</sup> READING

The City Clerk read General Ordinance No. 5-2019 by title only. An Ordinance authorizing the City of Marion, Indiana to issue its "Taxable Economic Development Revenue Bonds of 2019" and approving and authorizing other actions in respect thereto. Council President Alan Miller said, just a brief comment on this particular ordinance. They, as members of the Council, two weeks ago, approved an ordinance and sent it on to second reading but not public hearing. They sensed immediately the concern of many of their constituents, many people of the community, about not having had a public hearing. By the time he attempted to correct what they sort of agreed was an oversight, he was too late to provide 10 days of notice which is required for announcing a 2<sup>nd</sup> reading and public hearing. He attempted to do that, they were unable to change that and set the public hearing this evening, which would have been probably the simplest to deal with. During the past few days, through notes from various people, members of the Council, members of the community, informal conversations with people that he can assure them are in complete compliance with Indiana's Open Door Law, they did not meet as a group, they did not collectively talk with each other, they have come up with what they think is a solution that will address their concern about the absence of a public hearing on this

GENERAL ORDINANCE NO. 5-2019 Continued

particular matter. There will be a motion, he believes, forthcoming later this evening that will address that specific concern. So, with that, Mr. Downs, the floor is his and he thanked him for letting him speak briefly. Buddy Downs from Ice Miller told the Council he sent a very brief memo, probably the briefest memo they've ever seen from a lawyer to the Council, explaining what was going on with regards to the Redevelopment Statute and the Economic Development Statute. They have the ordinance that was before them at the first reading that they passed, that has not changed at all. The only very simple change that has been made are in the documents that were attached and were distributed in their packet and that is changing the definition of "project" so it makes absolutely clear that the project financed from the bond proceeds will only be the parts of the CIE Projects that are inside the jurisdictional boundaries of the City of Marion. That is because the statute says that if you're going to be outside, you have to have the approval of the fiscal body of the county, the County Council. When they determined not to approve that at the meeting that they attended, he immediately asked Ryan Drook, because their project is so much bigger than these bond proceeds, could the bond proceeds be spent within the city's jurisdiction and he said yes. So that is now a covenant in the document. No money can be spent in the county from these bond proceeds. That's about as succinct as he can be. Any questions, Downs asked. Mr. Miller said, all of them, he thinks, got just what Mr. Downs just said in written form in their packet. If they didn't catch every word, feel free to read it. Do they have questions of Mr. Downs directed at the changes he has made in the definition of real estate? Councilman Jim Brunner said, just a point of order for their attorney. This is still possible to do this and keep this as a second hearing and not have to go back to a first hearing, is that correct sir? Council attorney Phil Stephenson replied, they can do that. If Mr. Downs is saying they have a slight change in the ordinance, he thinks they just have to first move to amend the ordinance to include those changes and vote on that and then they could still go ahead and move it to second reading as amended. Mr. Downs said there actually is no change in the ordinance. The only changes are in the basic documents and the statute itself, Indiana Code 36-7-12-25(a) says that this Council may modify anything that the Economic Development Commission passed along to them in its discretion. So, their decision to have the public hearing in the future, if that's what they decide, or if they decide to act on this, they have the authority under the statute. Most statutes aren't, many of them are gray. This is black and white. They have that authority, Downs said. Brunner asked Downs, so what he's saying, what he's added is not something that he feels they need to take a vote on? Since they're adding it to the information..... Downs told Brunner, they're adding it to the documents. They just changed the documents to describe the project's (inaudible) and they're attached to the ordinance and the ordinance approves those documents. So, the ordinance does not need to be amended and if they should choose to go forward with second and third reading, everything will be fine under the statute. Brunner asked Mr. Stephenson, and he agrees with that? Stephenson said, if they're not in fact amending the ordinance, yes, he would agree with that. Being no further questions from the Council, motion was made by Councilman Brad Luzadder to pass General Ordinance No. 5-2019 on to a 3<sup>rd</sup> reading with a public hearing. Motion was seconded by Councilwoman Deb Cain. Before the vote, Miller asked if everyone understood the motion and said, just to clarify, the public hearing would be the date he just gave them for the next meeting, May 8<sup>th</sup>. So they're voting to approve the ordinance on second reading, sending it to 3<sup>rd</sup> reading and having the public hearing on 3<sup>rd</sup> reading. Motion then carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: Henderson.

GENERAL ORDINANCE NO. 6-2019 2<sup>ND</sup> READING AND PUBLIC HEARING

An Ordinance amending Ordinance #19-2018 fixing the maximum salaries for police officers of the City of Marion, Indiana for the year 2019. This item of business was withdrawn from tonight's agenda.

GENERAL ORDINANCE NO. 7-2019 2<sup>ND</sup> READING AND PUBLIC HEARING

An Ordinance amending Ordinance #20-2018 fixing the maximum salaries for firefighters of the City of Marion, Indiana for the year 2019. This item of business was withdrawn from tonight's agenda.

NEW BUSINESS

#### RESOLUTION NO. 4-2019

The City Clerk read Resolution No. 4-2019 by title only. A Resolution authorizing the filing of an application to the Indiana Department of Transportation for a grant under Sections 5311 and 5339 of the Federal Transit Act. Chuck Martindale told the Council this is the annual approachment to the Council requesting their approval for the Mayor to submit an application to the Indiana Department of Transportation for operating and capital assistance for 2020. He'd be happy to answer any questions they may have. The Department of Transportation, Indiana Department of Transportation, has given them an estimate of federal and state funds for calendar year 2020, those being federal, \$641,869, \$642,000, and state funds right at about \$290,000 for a grand total of \$930,000 or thereabouts which will equate to about 72% of the total operating expenses that the Marion Transit System incurred for Fiscal Year 2018 total and then projected to be somewhat similar to that for this year. They currently have four buses on order for this year, hope to get them early summer and they will replace the older 2010 units with those new units. They only have one unit that will approach the threshold to apply for capital assistance for next year so they're kind of, their fleet age is real low, which is good, because they put a lot of miles on every year but they may not be applying for a new bus, one bus, next year, just operating assistance. Council President Alan Miller asked Mr. Edwards (Transportation Director), anything he wished to add or did Mr. Martindale cover everything well for him? Great. Good to see him back on his feet and healthy again. Councilman Jim Brunner asked Mr. Martindale, how many vehicles do they have in their fleet right now that are operational? Martindale replied, right now they have, operational, they have one that's just held in reserve, right, so there's 12 and they're all equipped with the onboard cameras for observation and surveillance of what's going on on the bus at all times. So, they've got four coming. As he said, they'll replace the four 2010 models with the '19 models and be in pretty good shape, they think, fleet wise for a couple of years. Brunner asked, so their number will stay at 12 then? Martindale told him, yes sir. Being no other questions from the Council, motion was made by Brunner to pass Resolution No. 4-2019. Motion was seconded by Councilman Don Batchelor and carried by the following vote. Aye: Henderson, Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Miller thanked Mr. Martindale for all he does for their Transportation Department.

#### GENERAL ORDINANCE NO. 8-2019 1<sup>ST</sup> READING

An Ordinance evidencing satisfaction of temporary loans from the City of Marion Utilities to the Civil City of Marion, Indiana. Council President Alan Miller told Mayor Alumbaugh that Mrs. Kiley thought there was some question whether they were going to deal with the Utility Board Ordinance. He said he said as far as he knew they were. Mayor Alumbaugh replied, no, they just wanted to address that. One of the problems is Chuck Binkerd, the Director, is home sick with the flu. He talked to him earlier today but they have Robin Schrader here to represent the Utilities and what they're here today to ask the Council to do is okay this forgiveness of the personal loans that happened in the 2014, '13 range in the previous Administration. Apparently, the Administration was doing a pretty good job of paying those loans off for several years and then, for the last two loans, one is \$700,000, one \$1,000,000, they did not get compensated back those loans. Now, they've made a lot of strides in the last three years, financially getting healthier but this forgiveness of this loan would be a great asset for the taxpayers moving forward. It took a good part of that first year for Chuck Binkerd and himself to build a strong relationship, built on trust and respect but they got there and Alan (Council President Miller) was there when they asked for the forgiveness of the Utilities and the board unanimously voted to approve that forgiveness of the loan. And with that, he'll let Robin speak a little bit about that, Alumbaugh said. Mr. Miller said, share her title and her responsibilities, Robin, for people that don't know her. Robin Schrader said she's Assistant Director for Operations at Marion Utilities which means she's over the Water and Wastewater Division. She wasn't prepared to give too much of a speech this evening but she'll just say this simply, it's part of their mission statement at Marion Utilities to add value to the City of Marion and they're pleased to continue doing their best to strive to be an asset to this community in whatever ways that they can. So, they're happy to be able to do this, Schrader said. Mayor Alumbaugh said he would add this, real quickly. The board did that, again, unanimously and Chuck Binkerd has been running that place very efficiently for a number of years now and he's very, very proud of what he's done for the Utilities. He just thinks that, moving forward, he (Binkerd) realized and again, Alan was actually at this meeting when the vote was taken, what they're doing is taking care of the taxpayers. They're in the same business. The City Administration, the City Utilities, they serve the same people and this is a way to help those people get healthier financially, Alumbaugh said. Mr. Miller said he's going to go out on a limb and suggest that

GENERAL ORDINANCE NO. 8-2019 Continued

they could probably get a unanimous vote to suspend the rules on first reading tonight. Councilman Brad Luzadder said, he would make that motion, Mr. President. Miller said, make a motion on first reading that they suspend the rules. This requires a unanimous vote of the Council. Motion was seconded by Councilman Steve Henderson and carried by the following vote. Aye: Henderson, Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Miller said, thank you Robin, she will not have to come back. Not that they don't enjoy having her there. Mayor Alumbaugh said, and thank you Council, for the vote. Appreciate it. Luzadder said, they do need to make that motion. Miller said, oh yeah, he forgot. They didn't vote on it. All they did was suspend the rules. He's sorry, got all excited there. Motion was then made by Luzadder to approve General Ordinance No. 8-2019. Motion was seconded by Councilwoman Deb Cain and carried by the following vote. Aye: Henderson, Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

Council President Alan Miller said he thinks he can extend his best wishes to the four members of their Council who are on the ballot next week. They wish them all well and all success, even though they know that can't possibly happen for each of them but their best wishes are with all four of them for being willing to offer themselves up for service as Mayor for the city. So, good luck. That's three weeks from today already, isn't it? You can vote now, 8:00 am to 4:00 pm, Monday through Friday in the basement of the Courthouse. You need a driver's license, do not take your cell phones or you'll be walking back to the car, putting it back in the car.

Being no further business to come before the Council, on a motion by Brunner, 2<sup>nd</sup> by Henderson, the meeting adjourned. Time being 7:39 p.m.