

REGULAR MEETING – MARION COMMON COUNCIL – JULY 2, 2019 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 2nd day of July, 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, Johnson, Luzadder and Miller.

Absent: Homer.

The minutes of the previous regular meetings of June 4, 2019 and June 18, 2019 were presented. On a motion by Councilwoman Deb Cain, 2nd by Councilwoman Lynn Johnson, the minutes of the June 4th meeting were approved as presented by a unanimous vote. Motion was then made by Councilman Jim Brunner, 2nd by Councilman Steve Henderson to approve the minutes from the June 18, 2019 meeting as presented and the motion carried by a unanimous vote.

COMMITTEE REPORTS: Councilwoman Lynn Johnson told the Council that the Compliance Committee met tonight at 5:58 pm. Their Chair, Steve Henderson, called the meeting to order. Present was Lynn Johnson, Secretary, also present was their President, Mr. Alan Miller, and their Vice-President, Ms. Deb Cain. And before them was Ms. Janet Pearson and Mr. and Mrs. Chris Dodson and they were looking to talk to them about an abatement for their property. They're going to build, they're going to start a build for a property that's 2,640 square foot home that's a modular home. It's going to be built, starting in August, with a cost of \$307,979.84 and they want to build a pond and they're going to use the digging of the pond to help build up the house so they can make the foundation of the house higher. This is a modular built home and they're asking for a three-year tax abatement and the first year is 100%, the second year is 66% and the third year is 33%. And during this Council meeting, they also explained how they're going to build an attached garage that will be 1,600 square feet because he houses his motorcycle equipment there. Now, if they're not familiar with 1625 E. Montpelier Pike, that's right across from JerPeg and that property has been an agricultural property and owned by a church for many years and never been really improved. So, they were interested in the ideas that he had for his new home and they talked at length. It was a congenial meeting and at the end of the meeting, they passed a motion to send this recommendation favorably to all of them at the City Council and then they will hear from the Dodson's on July 14, 2019. They adjourned the Compliance Committee meeting at 6:20 p.m. Council President Alan Miller said, just a slight correction. The next meeting is the 16th, he believes, instead of the 14th. But, two weeks from this evening, yes, they will be back.

Councilman Brad Luzadder said he didn't have a committee report, but again, tomorrow evening in the park is the celebration of the 4th of July for the city. They ask that you do not bring fireworks into the park but they will have performances by Jesse Brown and a number of others and then the city will then be having their fireworks. That was the first part. He told Mr. Miller he didn't know if he received his text message the other day. He talked with some other members of the Council. In the meeting on June 4th, looking at the minutes going back, it was in the newspaper right after the Council had approved the \$460,000-some odd thousand for help with the Splash House, equipment, have the roof fixed for the large shelter at the park. In that laundry list of items was also a generator for this building that would be utilized for the building and then also to keep the Police Department running. He was surprised to see in the newspaper that our Administration went before the County Council then and asked for monies from the 911 Fund for an item in which they had approved already in which to be paid for out of the monies that they put forth. He would like to know where that money went that they had approved. It bothers him that, number one, they didn't have any idea of communication that there was going to be a need to go before the County Council to pay for something that was already requisitioned to be paid for out of the city. And he guessed it really bothers him, on page 11 of the minutes from the meeting, at the top it says "Councilwoman Deb Cain asked, may we ask a question of Julie because the invoice that needs to be paid, is that time sensitive? Mrs. Flores told Cain, yes, yes, they are due and work has already been done. Cain said, if they don't approve it tonight then they're putting her and the city behind in paying an invoice that's past due. Flores also responded that we'll incur late fees which technically they're not supposed to pay, which technically would be her responsibility to pay, as Controller, personally. Cain said then that the amount would then increase and Flores told her yes." He told Miller, he asked for a motion of suspension. He went ahead and made the

motion and he guessed he feels, he feels like he was not told the truth in open Council because then his response was “that he believes that Mrs. Flores was an honorable person and she came before them tonight. He does not believe that she should have late fees put upon herself at the situation and then that he would make the motion that they suspend the rules for the appropriation”. He was informed by a number of individuals that, and after speaking with their legal counsel, that that statement, that it would not go back onto Mrs. Flores personally. That is only for an elected official, not from an appointed official. And so it really bothers him that they did their job of asking those questions. He has a real hard time after speaking with their counsel as well that they’re told that we have no idea what type of monies we’re going to be continuing to incur for this lawsuit. He told Miller he would ask him, as their President, or Vice-President Cain, for either the Mayor or Julie to come and give them an explanation because it doesn’t seem like they were told the truth. It bothers him that they’re the ones that are always put on the line for financial things and it’s real easy to blame them for monies that are spent or the way in which budgets are done. They did exactly what they were supposed to do. They asked the questions. They asked for itemized lists. They went through itemized items. They were not only told that that would be taken care of but then they’re smited (sp?) by going to the County Council, without any communication for this body who is the financial responsibility of us. He doesn’t know about them but it really bothers him, in fact, that’s why he’s talking about it in open Council because it really bothers him that they were told that in open Council in front of everyone. He guessed he should leave it at that but he would make the request to him, Mr. President, for them to have an explanation. And then, for us to still be in a lawsuit that they have no idea how much it’s going to cost us in the end. What happens when, say that London Witte appeals two or three times or an individual says he’s went bankrupt? What are we going to do when we have spent over \$1,000,000 on a lawsuit that we have no idea. Now, financially, it makes no sense to him that we have gotten into a lawsuit that we did not do. This was done as a civil action. It is not a criminal action. Not one person is going to jail over this. And we’re paying over \$1,000,000, just to make a point, especially if it continues to go on. How much more money are we going to pour into when we have no idea if there’s ever going to be a return? And even if so, the monies that were given in a settlement from, already that was done with the bank, was put in and he’s sure that that money is no longer there. It’s probably already been spent as well. So, he would ask that he (Miller) would extend an invitation. He would really love to have a good explanation and everyone he has spoken with in members of the Council as well as their attorney, Mr. Stephenson, agrees that they were not told the truth and it really bothers him, Luzadder said. Council President Miller told Luzadder, very well. He will take his comments under advisement. Mrs. Cain and he had a conversation earlier this week. He said he was going to request, first of all, that they get an updated list of where the \$400,000-plus. He knows there has been another major change to that because, as he recalls, \$20,000 of that was for the Pickle Ball Courts so obviously, that has all been covered, and more, by fundraising by Mrs. Fauser. So, he doesn’t know whether there are other adjustments to the list. He’ll invite them to bring an adjusted list, an itemized list, that will account for at least the exact amount of money that they approved at the meeting on the 16th (think he meant the 4th). One thing they cannot do, it was suggested by a couple of people, they cannot discuss a matter such as that in an Executive Session, and he’s (Luzadder) not suggesting that. Luzadder said, no sir. Miller stated, but there were suggestions that he call an Executive Session. The Indiana Open Door Law clearly does not have a provision to discuss an issue such as that. Correct, Mr. Stephenson? Or at least it would be pushing the envelope, Miller said. Council attorney Phil Stephenson said, they would certainly be on the edge, let’s put it that way.

Council President Miller said, backing up to his (Luzadder) first announcement, he just wanted to make a couple of comments on the, first of all, as Brad reminded them, they are celebrating Independence Day on the 3rd tomorrow. Just for a timetable, it begins at 5:00 p.m., food vendors, games for children, all sorts of things. The entertainment starts at 7:00 p.m. The bad news is there is no rain date for fireworks. They will either take place tomorrow or there will be no fireworks. A couple of people asked him about that, it’s tomorrow or not. Beginning at 5:00 p.m., bring your own chairs. There will be food vendors. Fireworks start about 10:00 p.m., about dusk. He thinks in addition to Jesse Brown, he thinks she’s joined by like a 15-piece band and there are four or five others so like three hours of solid entertainment tomorrow night. And it’s back at Matter Park. You know, they returned there last year. Some people still think they are downtown. Councilman Luzadder added, he was going to say, he did ask because they have Marion’s celebration tomorrow, Gas City’s celebration is Thursday on the actual holiday and then Marion does have

their First Fridays on Friday. But as an addendum to that, there is no fireworks on Friday as it has been in the past. So yeah, their fireworks display will either be, as the President said, either on tomorrow or not at all.

Councilman Jim Brunner said, just a follow-up to some conversation he's had with some of their employees in the community. He knows, now that they're into July, one of the things that will be on their minds soon will be the budget and, as their President, Mr. Miller, he would ask that as early as possible they begin making some planning because he thinks sometimes they've kind of, not that it's been the responsibility of the President but it just kind of seems like all of a sudden they get into the 4th quarter and here they are, trying to put together a budget. So, as early as possible, if he (Miller) could possibly lead them in that direction and maybe get some meetings going, he would really appreciate that sir. Miller told Brunner, yeah, he thinks they already addressed the possibility of really starting the budget process almost a month early. Historically, they backed it up from the date it has to be approved so they're looking at probably August instead. Their budget hearings are normally maybe like the week after Labor Day. Yeah, they are going to try and get, at least, if they have the budget, and he thinks Julie said they should have it the first week in August.

Council President Alan Miller asked Mr. Brunner if he wanted to do the introduction of his guest here. Councilman Jim Brunner said, hey, let's go ahead and do that. This is Keenan Davis who's a member of their North Marion Rotary Club and he appeared among their club members in the last couple of weeks and has brought some very good points to the forefront about what has been going on in our community and he thought it would be wonderful if this gentleman said a few words to the Council and also explain what he is doing because he's trying to maybe start a kind of a movement within their community to bring peace and love to Marion and Grant County. So, sir, the microphone is his, Brunner told Davis. Keenan Davis told the Council, thanks again for having him this afternoon. He doesn't want to take up too much of their time. Jim, thank you again for inviting him. He counts it a privilege. His name is Keenan Davis and he's a State Farm Insurance Agent and when he took on the role of an insurance agent, he had to consider what was his mission and him being a native of Marion, he's an '80s baby so he remembers Marion in the '80s. His heart is with his city so he, he left right before high school and was in Muncie. Don't count that against him. But he was in high school and went to Ball State. His life just guided him back to Marion and when he got here, he got an opportunity to start his own business and he was like, if he started a business anywhere, it would be in his city. But, he had to come up with a mission and a vision. The mission and vision for his insurance agency is to contribute back to his community. That's written in his statement. When he hired his employees, that was a requirement, that you know that we do customer service and we serve our community. Yes, he sells insurance but it's a platform and everyone at State Farm knows that. So, he's come here because he has a personal concern and personal heartache because of the rise of violence in their city. Once he began to recognize the level of violence, he sees it everywhere. It's almost like when you buy a car and you think that you got the only unique car in the city but then you see your car everywhere. Once his heart went out to seeing violence and noticing violence, and it even goes further than violence, lack of compassion, lack of empathy, the lack of cohesiveness within their community, his heart started aching and he's the type of person that, hey, if no one says anything, he will. And not only that, as he goes to Wal-Mart, as he goes to Meijer's with his family, he's hearing people have these silent cries about the rise of violence and the lack of compassion and the lack of hope and everything in the community. So, he spends his quiet time going "what can I do?" He means, no, he can't take it on all himself but he can do something so he decided to become an advocate of that because he sits and he remembers, like he said, he's an '80s baby and he remembers businesses were booming and going to the North Park Mall. You know, when he was his kids' age, he has kids that are five and three, that was an adventure for him. He looked forward to going to Hill's and getting the Icees with the popcorn and meeting friends at the North Park Mall, playing in the fountain and Christmastime was a joyous occasion. Downtown was super decorated and Matter Park had these oversized Santa's and everything going in the park and the city was just magical during that time. And, during the summer, he was 11 years old, 10, 11 years old and he could go everywhere, all over the city, riding his bike and having fun, going to the Aqua Dome when it was there and coming back home safe. And his parents going, hey, when the lights come on, his mother, "when the lights come on, you better be on the porch". He would return home safe. He didn't have to worry, he wasn't on drugs, he wasn't getting shot at, he was 11 years old at the time. But he believes that because, you know, money left and the jobs, you know, they kind of depleted, hope went with it and that doesn't have to be the way it is. Hope shouldn't leave just because money and jobs left. Their hope

should be in the ability of us to be a community, the ability for us to take care of each other, the ability for us to restore hope into each other. That's where their hope should lie. If they can't join each other, if they can't be a cohesive force against violence then we have no hope left. You can't have hope in temporal things. So what he's doing is he's asking everyone, starting with this Council, to join with him to help bring cohesiveness and to join together to create a place of peace and growth. And, he's not asking everyone just to, they've always had campaigns of Stop the Violence, you know, stop gangs, stop gangs. It's not Stop the Violence, it's Increase the Peace because peace encompasses everything. It's not just on the streets when someone has an argument and they're doing drive-bys. No, it's in the workplace. It's in your churches, it's in your businesses. How do we treat each other? If we restore hope on those levels, it'll displace violence on the streets. If we give hope back to those kids, if we can do that on a different level then that stuff goes away. And he knows since he has been in the city and he's involved, he sits on several not for profit organizations and he sees people that are trying to do things. Places like the Boys and Girls Club, the Training Center after school program, the Rescue Mission, United Way and many more others that are doing something in their own environment but they're doing it by themselves. So we, as a community, we need to support those organizations then we also need to help those organizations know and find a way to network together so that we are a united front. So not only do we need to support those organizations but we also need to build trust and relationships with each other. So, every time we get a chance to say hello, smile, shake hands, open doors, have small conversations, that's a chance that we take to build unity within their city. So, in summary, what he wants to do is he wants to start a movement that helps rebuild their city but it rebuilds it through us. We take charge of this movement of peace. So, he calls it the I Stand for Peace Movement and these bracelets are like a reminder. So, the first level is to put reminders out to the community. You know, we had bracelets for cancer, you know, What Would Jesus Do bracelets, that effected him a lot, you know, when he was going to do something wrong, what would Jesus do, but he thinks the I Stand for Peace bracelets is a small reminder that we stand for peace, not just non-violence but we are building relationships with each other, we are creating a community, we are concerned with our environment, we're concerned with our workplace, we're concerned with our churches, our businesses, our organizations. We all have the same purpose of restoring peace and restoring hope within the community. So the first thing he wants to do is distribute the bracelets and they're green because it signifies growth, tranquility and prosperity. So, after that, he would like to actually reward people in the community with awards for peace, the Peacemaker Award, every quarter and he'll have a Facebook website. So on that website, they'll promote peace. These are acts of peace that are going on in the community and they'll have nominations. So every quarter, he would like to personally give out awards. The third thing he would like to do is we're flooding the social media with peace, kindness and love. There's too much negativity on social media right now and kids are living this. This is their reality, violence, violence, hate, drugs, sex, all this stuff so why not reverse that? Somebody has to do it, somebody has to offset that. He would like, he's asking and (inaudible), let's do that. Let's stand together and flood social media. Send it to him and he'll put it out there but we've got to offset that. He doesn't want his children seeing that too early. He wants them to be kids. You have long enough to be an adult. He doesn't want them growing up and being exposed to this kind of unnecessary stuff. Grow up, grow up on the right pace. But he also, at the end of the year, he would like to have a banquet and (inaudible) Champions of Peace and this is the one everyone nominates. This person exemplifies peace on an extraordinary level and he's giving out gift cards and a plaque. And he wants to do this. If they want to help, that's fine, monetarily, he'll take that but this is something that's on his heart and this is something that he wants to push and he wanted to come before the Council and actually let them know that if they see his face everywhere and he developed a logo and everything. So if they see this logo, that's what it stands for. He doesn't want the outside violence. Indianapolis and Ft. Wayne and all these metropolitan areas are going crazy. Indianapolis is on the map now for violence and it's increasing. Ft. Wayne, on the map now for violence. He wants to be a person that stands and says not here. They're not going to infiltrate Marion, Grant County, not if he can help it. So that's what he's asking, the I Stand for Peace Movement, he's just asking for them all to join and he actually has a bag full of bracelets. He would like a group picture to be the first picture that they post on his website, as the City Council, we all stand together for this thing. He doesn't know how they want to do that but he has the bracelets and he's done, Davis said. Council President Alan Miller told Mr. Davis, first of all, thank you not just for this project but thank you for his investment in our community through his new business, State Farm Agency. Just the honor of introducing his family. He assumes those are his children and his spouse, Miller said. Davis said, yes, he has everyone here. He introduced his niece Ryan (?), his mother Veronica, his youngest daughter Amia (sp?), his oldest

daughter Zaya (?) and then his wife who is also invested in the community, the extraordinary artist, she's at the high school, Tashima. Miller stated, welcome, good to have them here. Their Champions of Peace ducktails nicely with their City of Champions theme as well. Mr. Davis and his wife then handed out bracelets to everyone and took a picture of Davis with the City Council members. After the picture was taken, Councilman Brunner said, thank you so much Keenan. Mr. Miller said, yeah, thank you Jim for bringing him along. Brunner said they'll certainly have him be part of their meetings and keep them updated on what's going on but he thinks it's just a wonderful way for them, as leaders of this community, to move forward with a very positive step.

NEW BUSINESS

LARRY EMMONS REQUEST TO ADDRESS CITY COUNCIL REGARDING ISSUES IN HIS NEIGHBORHOOD – Council President Alan Miller told Mr. Emmons he thinks they are ready for him. Councilman Don Batchelor said, while Mr. Emmons is coming up, Keenan, he totally appreciates his idea of trying to do something positive for the community. Consequently, probably a couple of hours ago, he was just in this type of discussion and they are definitely going to join with him because that's what their community stands for, that's what we have to stand for, peace in our community, and he's just so excited to see a young man, like himself, taking the torch and begin to run with it. Mr. Miller told Mr. Emmons, first of all, thank you for your service to our community all those many years as a member of the Marion Fire Department and of course they've all come to enjoy his Martin Luther King, Jr. presentations as well. Does he have handouts for them, Miller asked. Emmons said, yes sir. Miller stated, they would ask if he could keep his comments maybe to 15 minutes. Would that be sufficient? Emmons replied, yeah, more than enough. Miller told Emmons to wait until they have the handouts before them so they can kind of follow along. Emmons told the Council he has his wife with him, Karol, with a K. He said he believes this is his fourth time being here. The problem that we're having in our community, the houses that need to be torn down, sidewalks need to be taken care of. They've got potholes in the streets, street lights that don't work. They've got slumlords in the neighborhood, landlords, he's sorry, in the neighborhood that don't really care about the houses. You guys are probably going to say that, you know, since you tore that one house down, that's probably going to be enough but he's here for the longevity. He's not going anywhere. His wife had a question that she wanted to ask. Mrs. Emmons said she didn't know if it's a question or just a statement. So, right there, they're showing them three houses on their block. She didn't know if they all know where Boots and 29th is but you have a choice, like when she gets off work, she works at the VA so when she gets off work, she has a choice of coming up 29th Street, which everyone thinks that's an alley but it's really a street, and turning onto Boots and they live right there on the corner. Or she can turn off of 30th Street and come down Boots. Most of the time, she chooses to come up 29th because especially if she's tired after work and she sees these houses. As they see, one of the homes, the window is broken out and it's been like that probably at least since last year and the curtain is hanging down so, first of all, that's a safety hazard. When she was a kid, she was the kind of child that she would go in a house like that. So that's one of the houses. The other house, there's no windows. She thinks the house next to it was torn down but these houses have been like that probably, she doesn't know, maybe two, three years, maybe longer, but it's just an eyesore and the neighborhood you live in, you know, when you drive down your street, you want to not see something that just makes you depressed after you get off work and you're already tired. It just really sets people up. It sets kids up because she knows, like she said, what type of child she was. She was one of those adventurous children and she would go in that house, and there's three of those houses and she would go in there. So, she knows Larry asked her to come down here because it's really important to him. And then also, the sidewalk on that street, one of those houses' sidewalk is buckling up. As a matter of fact, when she went walking, she walks in the street right there because she's stumbled and almost fell. But, it really is important to tear the house down because it's a danger, it's a safety hazard. And she's not sure, you know, anything else could be going on in that house as far as someone squatting in there or doing whatever, drugs or whatever. It's just a bad situation and she would hate for something to happen before the city says okay, we'll tear this house down. You know, before someone gets hurt in that house or a kid hurts himself in the house before tearing it down. So if they want to, just drive past and they'll see. There's a little credit union right there on the side of Boots and 30th, come right down the street and they can see the houses. They really, they seriously need to be torn down as soon as possible. So she really doesn't know what the hold-up is. They did tear one house down on that block and maybe another house down two

blocks down but it really needs to be torn down because it's a safety issue. She doesn't know if they can't tear it down because someone owns the house and legally they can't touch it but it needs to be torn down. It's not even boarded up, you know, it's just open. Miller asked Mrs. Emmons, did she mention that one or two houses have been torn down? She said she thinks one house on that block was torn down. Miller asked, and they're what, 2800 block of South Boots. Mrs. Emmons said, 2805, on the corner of 28th and Boots. Miller asked, was it torn down by a city crew or at city cost? Mrs. Emmons replied, now that, she's not sure. Mr. Emmons said it was torn down because there was a house fire and so the city came and tore it down. Miller asked Mr. Emmons, so did this happen after he had come before the Council, maybe a year ago? He guessed where he's headed, has the city been responsive? He knows he came and they said they would send Mr. Foustnight out. He knows he was concerned at one time about traffic routinely disregarding the stop signs and he had asked for some assistance from the Police Department. Was there a water problem? Mr. Emmons told Miller, well, when they get a real downpour of rain, the water comes up to your ankle when you're getting out of your car. That's how bad it is. Mr. Miller said he's going to have Mr. Foustnight come up for a minute. Mr. Emmons said, oh, they don't need to talk to Mr. Foustnight. Some action needs to be shown. He doesn't want to just hear what somebody's going to do and they don't do it. He wants some action. Miller told Emmons, well let him try to explain, and he still may give Mr. Foustnight the opportunity to comment. His wife touched on some things that clearly are an issue, legal issues. Can't find the owners of the house, no they can't tear it down. Just sheer volume of houses in the community. Funding, they don't have adequate funding to tear down every house. But he's going to give Mr. Foustnight just an opportunity to kind of explain, again, kind of the overarching issue in all of the houses. He asked Foustnight if he was willing to do that. He would ask that he limit his remarks to three or four minutes too. And whether it's an overview of the overwhelming situation they're dealing with. He told Mr. Emmons, no, he doesn't need to leave. They want him to continue here. No, he wasn't intending for him to leave the podium, and Mrs. Emmons. Building Commissioner Jerry Foustnight said, and this is just for reference only, in 2018, he has a list available. He does have available that he will give to each of them, if they would like them tonight, a list of all the homes that were torn down, or structures, in 2018. Mr. Emmons eluded that they only did one in his area, basically his area. He has 12 on the list that they did in 2018 for that area. Mr. Miller asked Foustnight, now what does he mean by his area? Let's define this. A block around him? Foustnight replied, they did one on 30th Street, they've done, let's see, 315 W. 27th. In the 2700 block of South Gallatin, they did three. They did one at 2625 S. Boots Street. Miller said, okay, so a two or three block area. Foustnight stated, so they have done that. He does have those available if they want them. The City of Marion, he thinks they've done exceptionally well in what they've done with the amount of money. Since they took office in 2016, they have done a total of 128 demos in the city, 28 of those were the BEP Program. The other 100 were ones that they have paid for themselves. Their budget is basically \$100,000. A couple of years ago, they had \$150,000. Mr. Luzadder remembers that. To this point to date, they're basically out of money. They had expenses for the 714 S. Adams Street, which cost them close to \$35,000 for that project. So, they have an unsafe structure that they're trying to get or take money out of that to offset some of their expenses. So, he understands the frustration, he guessed, with Larry or anybody else that has properties in their area that they would like to have taken care of. They have a list up there on the board in his office of, he believes there's 10 more on it that needs demoed because of fires or other reasons. Foustnight said the fact was eluded to that they have to go through a process. Just because they want to take that house down doesn't mean they can. They have to be able to notify the owner. A lot of the owners are corporations or LLC's that don't live in the City of Marion. They actually don't even care about the City of Marion. So they do take and send out paperwork. Right now, they have, that they have taken before the Board of Works, as an example, they did, in 2016, they actually demoed 15 that they had to take before the Board of Works after notifying the owners. In '17 they did 11, in '18 they did 3, and '19 10's been completed and they've got six more on the waiting list of those that have been approved through the Board of Works. So, in all, he thinks that they not only are responsible in what they do but they try to use their money to the best advantage that they can. They do have a program in the city where owners can request that their property be taken down. There's a minimum fee of \$500 plus they pay for all additional costs and so far this year, they've done three structures and they have another eight on the list to do. So they're trying to be diligent in what they do. They try to make sure that they spend their revenues as best they can. They have individuals call in on a daily basis concerning homes that they feel are unsafe, homes that need boarded up. They've had their crews out this week, for the last two days, doing nothing but boarding up houses (inaudible) structures throughout the city. So they're aware of a lot of the structures that need attention. Again, and

this is no excuse but they don't have the manpower to be able to do as much as they would like to do, or the monies available. Mr. Miller asked, are any of these three houses that Mr. Emmons showed them pictures of on his boarding up list or maybe he didn't see them. Mr. Foustnight said, Larry, or Mr. Emmons, came up to the office, he guessed, the other day and left two addresses up there. So those, again, they would have to take those before, you know, send out the legal paperwork and go through the steps. Miller stated, so they can't even board up a house without proper notification. Foustnight responded, without the proper paperwork, correct. Council President Miller told Mr. Emmons, come on back up and continue with what he would like them to hear. Mrs. Emmons said she had a question. She understands, legally they can't board a house up without the owner but suppose something happens and someone, a child or something, something happens to them inside that home. Then what do you do? Councilman Brad Luzadder said he would think you'd have to secure it so that people couldn't come and go. Emmons said, she's just saying, the windows are broke out. Councilwoman Deb Cain said, okay, they passed that Neighborhood Preservation Ordinance that will require landlords to register their houses and they are still working with the state on that. She's had, from Homeland Security, he's the Director of Fire and Safety Commission and he, there's been some, they sent us some revisions, because she was one of the authors of that ordinance, she worked with Mr. Stephenson and they replied to him and then they get however long. You know, they get however long they want to take. They're the state. They can take a long time. He did respond that he felt like we did make the appropriate changes but there's a few more and hopefully, well his promise was next week. She's not going to hold her fingers very high on that one because it's been a long time that they've been dealing with this one. That will take care of a lot of it. They did pass, the Ordinance Committee, she worked on the ordinance for abandoned properties and so they do have that in place but she also understands, putting the ordinances in place gives the city the opportunity to put some legalities and some teeth into non-compliance but you also have to be able to have the manpower and the manpower also effects the budget and effects the city being able to afford that manpower. They are getting stronger in the budget, they're not there yet. It's going to take some years but they are trying. And so, you know, they're trying and one of the main focuses is safety. It is safety and that's their main focus in the budget and that's their main focus for those two ordinances and a couple more that they've had in discussion that they hopefully can bring up but she understands and that's why they took almost eight months or something like that, it was a year and a half, to write that ordinance because they wanted to make sure that they could do something for the community that they needed to do. It's not there yet because that ordinance is not passed by the state but they hope to be able to bring it back, have it approved and then they can go after those landlords. They can go after the people like this, Cain said. Councilwoman Lynn Johnson said she wanted to explain what they determined to be teeth when they authored that ordinance. They determined if it's too expensive for the property owner to have a vacant and abandoned property then they are going to have to pay fines and they're going to have to take action to contribute and get that property down. So they're trying to make it too expensive for these property owners and these landlords to own these and to continue to have a vacant and abandoned property, to have a property that needs repaired and maintenance and doesn't follow their neighborhood ordinance and what she means by teeth, Mrs. Cain, they all agreed that the best thing to do was to make sure that it was too expensive for them to continue to keep a property in that shape. So, there are fines in place and when this ordinance comes back, it will actually give them enough money, maybe, to actually pursue other things and Mr. Foustnight and the city could pursue continuing to tear down buildings and properties that are existing that need to go down. So she just wanted them (Emmons') to know that until this happens, they are sitting here patiently waiting. Cain commented, well, not really patiently. Johnson stated, they're not patient, no, they're not patient. They're as anxious as they are, she told Mr. Emmons. Mr. Miller said, yeah, they're coming up on a year, waiting to get this ordinance back. It was to have taken effect in January and Mrs. Cain probably has kept track of countless, almost weekly calls, and it's driving them nuts. The bottom line seems to be they want answers as badly as he (Emmons) and they don't have the answers there. You know, they are limited somewhat by what they can do. Has he sensed any response from other agencies of city government? He means, has anything happened with the traffic racing through stop signs? Emmons replied, oh yeah. On weekends, that stop sign right there at 28th and Boots, no one stops there on weekends. Mrs. Emmons said, well some people do. Mr. Emmons said, well some people do but the majority of them don't stop. They need some speed bumps right there as well. He guessed he's too harsh. Miller told Emmons, no, no, he's not too harsh. They wish there were several hundred other people that cared as deeply about their neighborhoods as he does and that's the reason some of them got in the condition that they are because there were not enough people. You know, we have something called

a tipping point where at some point you have more people that don't care than do care and it makes it more difficult on people like them who care deeply. Mr. Emmons said he just wanted to say one other thing. His wife had a friend come from Indianapolis about three weeks ago and she was raised up in that neighborhood some 30 years ago, 35 years ago, and she came back, she wanted to see the houses she was raised up in and the first statement that she made when she got to their house was, she said this wouldn't be a bad neighborhood if those three houses were torn down. They hadn't even said anything to her about the houses. Mrs. Emmons commented, it's obvious though. Miller stated, he's a product of an inner city neighborhood in Marion. The house that he was reared in until high school is not habitable now. It has the same paint on it that his father had put on it in 1956 when they sold the house. It has not been painted since then, 1400 block of West Nelson Street. So it makes him sick to just drive through his childhood home and he doesn't have to live there anymore. Mrs. Emmons said, yeah, and see they do. Miller said, yeah and they know they do. Mrs. Emmons stated, she almost wants to move but he doesn't want to move. She's really concerned also, like she said, with the safety. It's the safety. Councilman Don Batchelor said he's sat here for at least three years, going through some of this same dialogue that they had three years ago and some of these houses that they're looking at the pictures of, this is the third, he knows, the third track around this Council that they've looked at those pictures. And he understands the frustration and he thinks, and he's not sure, Mr. Foustnight, he's not sure where or if they're even on the list but he knows in a three year cycle that he's seen those photos going around the Council and those three houses are still there. And therefore, the frustration that Mr. Emmons and Mrs. Emmons is here tonight for the third or fourth time, he thinks something has to happen to rid this neighborhood. He understands that it's three houses or what have you. They've already took down one in that particular block but if there's any way that they can up the ante or pull some funds from somewhere else, he doesn't want to sit here another year..... Mrs. Emmons commented, because they know he's (Mr. Emmons) coming back. Batchelor continued and said he doesn't want to sit here another year and entertain this here particular issue. He asked Foustnight, is there any kind of way that they can, he doesn't know whether they have to move around or shift around or what have you and let's try to make some headway. That's just his two cents worth. He understands that funding, as has been stated, has been depleted. If there's any kind of way that they can do some shifting because, you know, we've become experts at shifting. So, if there's any kind of way that they can do so, he would really appreciate it, Batchelor said. Council President Miller told Batchelor he's sort of the voice of experience. For those of them who don't know, Mr. Batchelor was an Enforcement Officer for a number of years so he was Mr. Foustnight a couple of generations ago. So, he understands it probably better than anybody on the Council so they appreciate any insights that he has as well. Mr. Foustnight told the Council, and they will, as a department, they will come before the Council and ask for additional, or not this year but for their budget, they're going to have to ask for a higher amount of money. He knows Mr. Luzadder had eluded before about that \$50,000 that they took out of the budget. Again, they didn't realize the expenses that they were going to have at South Adams Street which took a large amount of that money. He told Mr. Batchelor, and he's like him, if they had more money, and he's been involved in it, if they have more money, they can get more done. It's just simple mathematics. If they don't have the money, they can't do it and so they try to do the very worst ones first. Mr. Miller asked, just to verify the amount, what did 714 S. Adams cost them? How many thousands? Foustnight told Miller, almost \$35,000. Miller asked, has anybody been by there in the last couple of days? Councilwoman Cain said it looks nice. Miller said, well B & B is adding on, about doubling the size of their business, he assumes because that building is gone and he knows that Rick (inaudible) is trying to acquire some additional land to clean up as well for the Rescue Mission. Foustnight said, they believe it looks very nice. They've made it into a green space and it looks very nice. They consider that part of downtown so, you know, with the revitalization of downtown, they wanted to make sure that it looked nice and there was a large amount of money that they spent because of the common (inaudible) and things like that. Council President Miller asked, any other Council members have any comments they want to make? Anything else he needs to add, Mr. Emmons? Councilman Henry Smith asked, how do they determine what neighborhood that they're going to go after? Miller said, that's a question for Mr. Foustnight, not him. Foustnight asked, as far as demos? Smith said, right. Mr. Foustnight said they take and they try to go throughout the city. They've been down, they've done in his (Smith) area, they've done in everybody's area he believes, as far as doing the demos. They don't try to discriminate whether you live in North Marion, South Marion, east or west. They take and they have a list up there of the properties that need to be demolished and they go by that. Smith said, okay, he said they don't discriminate against when they go after a lot or anything like that? Foustnight said no. Smith asked, will all of them look duplication of like on West 4th

Street? The 900 block on West 4th, will all of them, after they're finished, look like that? Foustnight asked, the one that, those individuals, that they just took that one down he means? Smith said, right. Foustnight replied, right, that's an owner requested demo. They paid for that. If they go out and look at their demos that they do throughout the city, they do take and level them out the best they can. Of course, they're not landscapers, they don't claim to be landscapers. If they have any valleys or anything in there, they try to haul dirt in and level them out the best they can. This property that he's (Smith) referring to, that individual did pay, or he will once the bills are, he paid for all the expenses of the demo. He's paid additional monies because they had to take out two trees so that will all be in his final statement as far as that. So that's not a cost to the city. Smith asked, okay, so those trees that they left intact with the root encased on there, around five feet in diameter and everything, that is his (property owner) responsibility? Foustnight told Smith, we removed them. Smith said, no they're still there. Miller asked Smith, now is he talking the house on 4th Street next to the former....? Mr. Smith said no, what they're talking about is a different situation. Foustnight asked, the trees in the very back? Smith said, yes. Foustnight asked, that's still standing? Smith said, right. They were dug up but the roots and the tree itself is still standing but it's leaning over. Miller asked, are the two of them talking about the same house? Smith said, okay, he's talking about 1615 W. 7th Street. Mr. Foustnight said, oh, he's talking about the one on 4th Street. Councilman Smith said once he (Foustnight) said the individual is paying for that then he just moved to a different one because he said the one on 7th. How was that supposed to be (inaudible), can he tell him that? Foustnight said, they do so many, he's trying to think where at when they're talking. That would be the other side of the By-Pass? Smith said, right. Miller said, 1600 block, yeah, it'd be two blocks west of the By-Pass. Foustnight asked, on what street? 7th? Smith replied, right. Foustnight said he's sorry. Miller said, well maybe Mr. Foustnight can get that information. Foustnight told Smith he can get that information for him. He guessed he doesn't know what he's talking about. He (Smith) was talking one property and he's talking another. Smith told Foustnight, oh no, after he said the individual paid for that. Foustnight replied, right, they have different individuals pay. Smith said, okay, on 4th Street, 900 block of West 4th, and then he said he had another one. Foustnight responded, oh they do. They have, owner requested, they've done three so far this year. Smith said, okay, let's forget about the owner requested for right now and go to 1615 W. 7th Street which is the old parsonage building. Now does that ring a bell? Foustnight said, oh, across from Morning Star Church? Smith said, right. Foustnight said, okay, he knows where he's at now. Smith stated, now, in the back back there, there's still potholes and everything where water's still standing in there and on one side of the house, a wire was knocked down, didn't get replaced. It's still dangling. And then in the back, you have a tree, ¾ of a tree with the root encased with it laying back there. Foustnight said that tree was there prior to the demo. He's talking about a tree that's laying, he thinks it's on the, it would be the east side of the property. It was laying down and actually took some kind of, he thinks it was a telephone line or something. Smith said, and he's talking about the tree itself that is encased with the root encased with it is leaning. Was that supposed to stay there or be removed? Foustnight said, that was left there. That was prior to them even doing the demo. That was like that prior to the demo. Mr. Smith said, no, they dug it up. He was there. Mr. Foustnight said, then he'll look and see. If it's the one he's thinking of, there was one laying on the ground on the east side. As far as maybe the lower places in the yard, if he'll remember, he thinks maybe he was in on the conversation or whatever, they didn't want to pay to have that property done. The city took the responsibility. They went ahead, because of the fire, they did remove that structure. They didn't put a lot more money in it because that money, Morning Star would have to be paying that additional monies if they pay that bill. Or if they don't pay that bill, a lien will be put against that property, and so, right or wrong, they could have had quite a bit of dirt hauled in there that would have added another \$2,000 if they wanted to but they didn't do that. They tried to do the very minimum that they could to save some money for that. Mr. Miller said they've drifted down a road they didn't intend to drift down. They could sit here all night. Councilman Brad Luzadder said he guessed he's having a hard time. He told Foustnight they spoke about this during the budget process when he gave \$50,000 away and they told him that he was going to be needing that and he knows out of the kindness of his heart, he gave it to another group but, doggone it, if there's stuff that's going to be.... There are certain things that people see quite often with the city. They want to be safe in their city, they want police there to protect their families, they want the Fire Department to come if it's on fire and if they have to live in a neighborhood where houses are falling down or are concerned about children and safety, those are the three areas that they've got to take care of. He was told the other day and he hasn't verified this yet but we have got to invest in Public Safety, quit taking monies away that's going to affect people on a daily basis. They've got to keep funds where they need to go. And when it affects people,

it's different, and Jerry, he's heard him say multiple times about safety. He did everything but stand on his head during the budget time to try and get him to not give that money away but he couldn't do it. And he has such a big heart and he applauds him for doing that but if he had to live with those things, he would be as irate as he (Emmons) is. He would be scared that someone would get hurt. He understands their frustration. He also knows the frustration of his department because people see him a lot and it's not always on the best terms because he's telling them they have to do something so it doesn't always come across in the right way. People look at him totally different. But they've got to start investing in the people because that's what makes the difference. They can have glorious gardens, they can have all sorts of stuff but if you've got to drive through hell to get to it, people aren't going to do it. They've got to invest in people and he would challenge him, he told Foustnight, during this budget process, before they get it, because they can't raise it. They were done told what they can and can't do legally. But it's the Mayor's responsibility to make sure he has the funds to do the job correctly, just as he would hold accountable for the police and fire. And as Mr. Batchelor said, he doesn't want to have to sit here a year from now, of course some of them may not be here a year from now, depending, but even if he's not sitting in that chair, he doesn't want to have to have him (Emmons) come back to them another time and they say, oh well, there's not much they can do. They can move money around for other things. He says they move money around to start protecting these people because he wouldn't want to live next to it. So, whatever they've got to do, Jerry, they need to start investing in the people. So, if he can help that, he'd appreciate it. He knows that Councilman Batchelor has said it. They're tired of Mr. Emmons coming, not that they don't like seeing his glorious face, he's glad he brought his wife this time, but let's be honest. If he had to live in his neighborhood, he'd be madder as a hornet as well. He understands exactly the emotions in which he is going through. But he doesn't have to live there, he (Emmons) does, and that makes him mad just to have to sit there and say that, Luzadder said. Foustnight told Luzadder, well you, as a Councilperson, he understands him saying he'd be mad and everything but he ought to applaud the department that they have because they did 12 homes within that area. So not to give them credit and say that he'd be upset, he thinks it's very unfair to his department. They have went out of their way to help the citizens of the city. Luzadder told Foustnight, he didn't hear him. He didn't hear him. They are doing the job. He knows it's difficult but he tried to make sure he had the money there and he's sorry it didn't happen but he did everything he could possible in which to do it. But he knows the frustrations and he wants him to know that it's not that he's not saying that they're doing the job but that poor man sitting back there for the fourth time, he's sure that it doesn't get easier as it goes. So, it's not that he's pointing a finger at him or his department, not at all what he said, but he can understand the frustration that's coming before them. And he told him, he's here for his support, that's what he's saying. He wants him to do what he's got to do, to make sure he's got the funds and that's got to happen with the Mayor's budget because, when it gets to them, they can't increase it. They were done told that, to stay in their lane, they didn't have that opportunity. So, he's trying to help because he wants to be here to do that for him. Foustnight told Luzadder, thank you. They appreciate his support. Luzadder said, it's not that he was knocking him down at all. That's not what he said. Miller told Luzadder, they will let that be their benediction for this evening. Again, go out to Matter Park and enjoy the beauty of our city tomorrow night, 5 pm to 10 pm.

Being no further business to come before the Council, on a motion by Brunner, 2nd by Smith, the meeting adjourned.
Time being 8:16 p.m.