

REGULAR MEETING – MARION COMMON COUNCIL – DECEMBER 19, 2017 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 19th day of December, 2017 at the hour of 7:00 pm in the Council Chambers, City Hall.

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

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

Absent: Brunner.

The minutes of the previous regular meeting of December 5, 2017 were presented. On a motion by Councilwoman Deb Cain, 2nd by Councilman Steve Henderson, the minutes were approved as presented by a unanimous vote.

COMMITTEE REPORTS: Councilman Dave Homer reported that on December 18th, the Ordinance Committee met once again to discuss the Minimum Housing Standards Ordinance and in this particular meeting, they focused on the fees that would be enacted for the Landlord Registration that will also be proposed and those were presented by Building Commissioner Jerry Foustnight. There also was discussion about all the fees that would be updated for the Building Department and Code Enforcement sectors. They are continuing to move forward. They have found common ground in some areas and they have some sticking points in other areas. They will work to find common ground for the benefit of the entire community. It's their hope they will be able to share the ordinance with Council members by the end of January and hopefully submit something for passage in February of 2018. They've been working off of the Neighborhood Preservation Minimum Standards for all property owners as well as landlord registration, an ordinance that is included in the same bill. So there are three things in one ordinance that they would like to address. It also has provisions for the passage of the Unsafe Building Law that is also included and they feel, as a committee, that it addresses three significant areas regarding Housing Standards in this one ordinance. Members who were present were himself, Councilwoman Deb Cain, Councilman Henry Smith, Commissioner Jerry Foustnight. Citizen members were Linda Wilk, who is also a member of the Board of Works, and Jan Bowen, a neighborhood activist for the Garfield Neighborhood Association. Their next meeting is scheduled for Monday, January 8, 2018 at 4:00 pm in the 2nd Floor Conference Room, Homer said.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 16-2017 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 16-2017 by title only. An Ordinance to vacate public utility easements. Jason Miller, Randall Miller & Associates – 145 E. Third Street, Marion – told the Council he appreciates their time this evening to present the petition on behalf of James Matthews, Inc. With him this evening is Jeff Harris, President of James Matthews, Inc. The request is for a piece of property located on the former General Tire property at 1001 N. Baldwin Avenue. The request is to vacate three public utility easements that were created on a prior 1987 survey. At the time, it was required by the Subdivision Control Ordinance, no longer in requirement today. The easements are effecting a proposed development by Arby's looking to complete a transaction to land swap and generate an equivalent 0.80 acre parcel for development of the future Arby's. The petition shows the location of those easements. He'd be glad to answer any questions the Council may have or the public, Miller said. Council Vice-President Brad Luzadder asked, being this is a public hearing, is there anyone on the Council that would like to ask questions of Mr. Miller before they open it up to the public? Anyone at this time? There was no response from the Council. Luzadder then said, this is a public hearing. If they would be so kind as to come to the podium, please give their name and address and then they do ask that they try to keep their address to the Council to three minutes. Is there anyone here to speak for or against? There was no response from the audience. Councilman Alan Miller asked Mr. Harris if he had any desire to make any comments since he is here about what the plans are for the property? Jeff Harris told the Council it's his pleasure to be here this evening. He is a lifelong resident of Marion, 3217 Blue Heron Walk. He would be happy to answer any questions the Council may have. This project has been lengthy, started almost 11 months ago with the Heartland Corporation. Really, as North Marion has seen the need to redevelop in certain areas and certainly around the dealership, they've taken advantage of vacant properties and this past summer, when the General Tire property became available to them, they made the decision to purchase the property, and because they own all the

GENERAL ORDINANCE NO. 16-2017 Continued

property from the west side of Arby's all the way back to Butler Avenue back to, if they remember, the old Ponderosa property, it made sense from a fiduciary responsibility for that property to gain frontage to Baldwin Avenue, the By-Pass. So, as this started to unfold, the principals of Heartland and he have been in discussions for many years, way back, and so that's how it started and so they entertained the exchange (inaudible). They, because of franchise, he can't speak for them but they needed to remodel their current facility and good money spent after an old facility, sometimes it makes sense to level and start over. They've seen that with several restaurants around the community. So, the principals and he got in the discussion about how could they make this work and it's been a lengthy road for that. He will dispel one rumor that is out there that it's going to be a Cadillac franchise. No, it will not be. He won't go into any length but he'll just stop to say that it does provide for other options in the future, this development will move them to the south and it will open up for potential but there's nothing to announce this evening by any stretch. With that, he would be happy to entertain any questions, Harris said. Councilman Miller told Harris he assumes his property will just kind of be developed a little bit further south to adjoin the new Arby's. Harris told Miller, yes, their intent is to get into a lease agreement, a short-term lease agreement, with the current owners of Arby's and let them continue to operate as they construct their new property on the old General Tire at 1001 N. Baldwin and they will not proceed without this utility easement vacate (inaudible). So, once that happens, once they get this approval then they can move to close on the exchange. Miller asked Harris, what will their frontage then become on the By-Pass? Harris replied, a lot. What used to be not much has turned into a lot. So, again, from his perspective as a small business owner, it provides options in the future, which, again, being a lifelong resident taxpayer of the City of Marion and the local taxes that they generate, it's his intention to do something but it's not his intention tonight to tell them (inaudible) but it does give him options down the road. Being no further questions or comments from the Council, motion was made by Miller to suspend the rules on General Ordinance No. 16-2017. Motion was seconded by Councilman Henry Smith and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor and Luzadder. Nay: None. Motion was then made by Miller, 2nd by Smith to approve General Ordinance No. 16-2017 and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor and Luzadder. Nay: None.

NEW BUSINESS

RESOLUTION NO. 14-2017

The City Clerk read Resolution No. 14-2017 by title only. A Resolution of the Common Council of the City of Marion, Indiana, approving and adopting transfers of appropriation for several departments of the City of Marion, Indiana, for the year 2017, as requested by the department heads and forwarded to the Common Council for their approval and passage pursuant to I.C. 6-1.1-18-6. Julie Flores, City Controller, told the Council this resolution is moving appropriations from one line item to another into different categories. If they stay within a certain number, if they stay in the ones, they can do line item transfers in the office but they're now having to move out of Personal Services, say, down to Other Services and Charges so, this needs to be done by a resolution. It's not increasing the budget at all, not changing any money that was approved. It's just simply moving appropriations to where they're available and can be spent. Councilman Alan Miller commented that it seems to be a much reduced number than what they usually do at the end of the year. Flores replied, they've tried to be very careful. They were hoping not to have to do it at all. Being no further questions from the Council of Ms. Flores, motion was made by Councilman Don Batchelor to pass Resolution No. 14-2017. Motion was seconded by Councilwoman Lynn Johnson and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor and Luzadder. Nay: None.

Council Vice-President Brad Luzadder said that they have exhausted the agenda for this evening and, as Mrs. Flores said, this will be their final Council meeting for the year 2017 and so he wants to wish each and every one of the members a very Merry Christmas as well as the general public for their support and what they are doing and for the current Administration. Councilman Dave Homer said, before they end the meeting, he just wanted to acknowledge that he did attend a preview of the City of Marion's new website which was presented at Design Co. on December 14th. This was presented at Design Co. and they have received a grant as part of their help from the Community Foundation and partnered with Layla Price from the city to update and build a more progressive and user friendly site for the

community. The presentation was great, very informative. He doesn't think they could get on the website forever. He thinks it's been down more than it's been up, ever. The new website, www.cityofmarion.in.gov, he would ask them to go to that, take a look at it, peruse that, check it out. It will be a wonderful tool to utilize for the community, not only from a local standpoint for people to find different departments and make contacts and those things that people look for and help from the city but for those from out of the area who are seeking information about our community, from an economic standpoint and development. So, it appears to be well done and he would ask them to go take a look at it, check it out. They will find that the information, it's full of information about different departments, department heads, contacts. Get on there and take a look at it. If they see something that doesn't look right, they would need to report that to Layla Price but they're putting that in place. The Mayor, Mike Flynn, Layla, there was a group of people there that were there for the presentation. It's a very nice website. He thinks it will present the city well out here for people that are looking at our community to find out what amenities and services that we can provide. He just wanted to let the Council know that, Homer said. Council Vice-President Luzadder asked Homer, is that launched? Mayor of Marion Jess Alumbaugh told the Council that's tomorrow. The press release will start tomorrow and it will be launched (inaudible). The press release starts at 9:00 am at Salin Bank, Design Co.'s building. Luzadder added that he would recommend to each of the Council members and also the public to continue to pray for their public safety, especially their firefighters that went through the situation out south. He knows some of them were injured and they do want to continue to bring them before the Father at this time, Luzadder said.

Councilman Don Batchelor said he would just like to commend the Administration and Mr. Foustnight for their attack on blight in the city. They are doing an excellent job and he thinks their approach, along with Councilman Homer's leadership on the ordinance that is coming forward go hand in hand and they are going to put more teeth into our ordinances so they can be better enforced so they won't have to spend these extra resources cleaning up other folks' messes. They look forward to joining Councilman Homer next month in pushing this forward. Once again, hats off to Mayor Alumbaugh and his Administration and Mr. Foustnight for doing an excellent job. Keep up the good work guys, Batchelor said.

Being no further business to come before the Council, on a motion by Homer, 2nd by Cain, the meeting adjourned. Time being 7:20 p.m.