

REGULAR MEETING – MARION COMMON COUNCIL – AUGUST 20, 2019 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 20th day of August, 2019 at the hour of 7:00 pm in the Council Chambers, City Hall.

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

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

Absent: Smith.

Council President Alan Miller said he'd just mention a word. He talked with Councilman Henry Smith today. He had a knee replaced a couple, three weeks ago. He's doing well. He sends his greetings. He's back on his feet, doing physical therapy and hopes to be back joining them next week. He said he told him they would keep him in their prayers and they wished him well.

The minutes of the previous regular meeting of August 6, 2019 were presented. On a motion by Councilman Jim Brunner, 2nd by Councilman Steve Henderson, the minutes were approved as presented by a unanimous vote.

There were no committee reports given at tonight's meeting.

At this time, Council President Miller told Councilman Luzadder he has a guest he thinks he wants to give a couple of minutes to share something with the Council. Councilman Brad Luzadder told Miller, yes, thank you Mr. President. He had a phone call last week from a gentleman that he had admired for a number of years. His name is Randal Gunyon. Randal is the representative who is helping to spearhead a concert that's going to be happening at Marion High School on the first week of September and it just so happens that the gentleman who's doing the concert is one of his childhood idols. In fact, he spent hundreds of hours with him, learning vocal. He would not be the success that he is today singing had it not been for this young man and it's great that he's being brought back to his hometown for a fundraiser in which to honor the 1969 State Champion Marion Giants Marching Band. And so, before he steals Randal's thunder, he would like to say that this gentleman also was a Minister of Music up at Ft. Wayne Blackhawk and served under the Evangelist David Jeremiah. So, they're extremely glad to welcome Reid LeFavour back to the City of Marion. Randal Gunyon told the Council, thank you so much. Thank you for the opportunity. He's just going to turn around and show the audience this. This is Reid how he looks now. He's presently at (inaudible) church out on the west coast with Rick Warren, some of them know that name, The Purpose Driven Life, the book, wrote that book as well. He just kind of wanted to talk about setting the stage here. First of all, a lot of them have heard about this already. Dave's going to be there and he's bringing some friends, he believes, Brad likewise. Jim Brunner is going to be playing in their golf scramble, a four man best ball format, on the Friday before the game and it'll all commence with a meet and greet at Greater Second Baptist where Larry Richardson's kind of in charge of the music and the program there. So, it kicks off on Thursday, the 5th, and they have a whole weekend of events planned. At the Greater Second Baptist, the team, the present Marion Giant team will be there and their coach with them and they're going to get to know them and throw their support behind them because all of the ticket sales, everything that they generate from now on goes to their equipment needs, the band and possibly, they're going to try to work in the swing choirs. That might be a little surprise he's probably not supposed to tell them about but they may be doing a number with Reid. So the Marion Giant Swing Choir may just get in there too. That would really be nice. So, long story short, he just kind of wanted to set the scene for what our community was back then. For those of them that are not originally from Marion and haven't been here all their life, in 1969, we were a thriving community of some 40,000 or more people. Marion had a world famous Easter Pageant. He remembers getting up at 5:00 a.m. and standing in a line three blocks long to get in and you're talking to people from Kentucky and Illinois, Ohio, Michigan, "yeah, we've heard about this and we're here to see it" and they're there waiting in the line together. So you're talking about a community with a lot of unity and spirit. (inaudible) talking about all ethnicities. We're talking about Catholics, Protestants, all religions, working together in this one cooperative effort. We were Christmas City USA in 1969 and that was so designated by Indianapolis television station. We had the 5th largest high school in the State of Indiana in 1969. Unfortunately, the country was rocked by civil unrest. We had seen the assassination of Dr. Martin Luther King in the previous year and that didn't pass Marion by. We had an altercation, a riot in the cafeteria in 1969 and that was the Spring of '69. But

you can't change history. What's important and vital and critical is how you respond to it and the way we responded to it was to come together and find unity and a way to work together. A diverse football team, a diverse band and the Booster Block and everybody and what they found strength in, they met together every week in a different church and Greater Second was one of those churches that was very vital to him, to come together, and one week it would be an African-American church, the next week it would be one of our churches but it didn't matter, the denomination didn't matter. What mattered was we were finding a way to work together. So, also in the Summer of '69, the astronauts walked on the moon and it seemed like, to us, there was nothing unattainable. If we can do that and we can come together, we can accomplish things. And so we found away, we worked hard. He could hear that marching band from his home in North Marion. They were practicing out here at McCulloch School, three miles away, and he couldn't just hear the percussion. He could hear that band, he could hear the tunes they were playing. He could identify. He said man, that sounds good. And so, later that summer, that Marion High School Band went to the State Fair and won. State Champion Band. And so, inspiration. Football team. These guys are going to be at every game and we're going to run on the field while they're playing their music. You know, they're going to play our National Anthem. So, how cool was that? He could hear that, he could hear it when we were in the locker room, when we came out, and we were excited to play. We had a deeply talented football team but we had the need of unity and we found that unity and we came together. When we came on the field, we came to play. The team went 10-0 on the season. The average differential score was 54.4 to 7. We just totally dominated on the field that year and it was because we were brothers, we were together, we were back to back and we were tough. So what he wanted to address the Council about today is we have similar challenges today, if you think about it. This particular community has probably seen better times with industry, with growth, in so many ways. But for the first time since the 2000's, early 2000's, the Marion High School Band was at the State Fair, competing again, and those county school kids came back and said they were good. You know, they'd been there, the ones from Mississinewa, Oak Hill. They said they didn't think they got quite a fair shake this time but we were impressed by the Marion High School Band. The football team finished last season 10-0 on the regular season and went to the Final Four. Impressive. And they played good defense, as we did. We allowed six points in our last five games. We shut people down in the last half of our season and the thanks for it, the UPI and the AP Polls dropped us to #2 and all we did was improve our defense. We didn't do any more on offense than we'd ever done. So, seeing that and knowing that we've seen some bounce back and we've really seen this community picking up again, what this is all about is community spirit and it was a community victory in '69. It wasn't us on the field, it was this whole community and we found the inspiration for how to thrive and how to win and that came from all of you, all of us, this whole city, everywhere. Like he said, we had the Easter Pageant, we had Christmas City, we had some of the leading industries. We had Marion College, which has even grown to even greater. We have our Easter Pageant back again after some time. There's another bounce back we're seeing. We're seeing so much and here's a story about, when you go through these low times, we saw Marion High School on probation for a while, we saw the renovation. Somehow that band trophy, some of them might know this, it got lost. They found it in the trash and somebody dug it out and it now has a beautiful case in a rightful place in the Fine Arts Hall of Fame at Marion High School. There's pride again, what happens when pride returns and it's returning. Okay, he wanted to talk to them about now the fresh look that it has, the Fine Arts Hall of Fame, the Athletic Hall of Fame, the Hall of Distinction. If you haven't been to Marion High School, on the 6th of September before the Kokomo game, those Halls of Fame are open for tours of the public so if you haven't gotten in to see it, he'd invite them to see it. It's very impressive what they've done and, again, he was in there on the last day of school, you know, when he taught at Marion High School 10 years ago. You know, the last day of school was like "Can we keep the kids in the classroom? Will they be out in the parking lot with smoke bombs and squirt guns and having water fights?" They were walking in a very orderly fashion from class to class and there was nobody in the parking lot and he's looking at this and he said "this is so impressive. What has happened here?" And you can't help but know it if you've seen it from both sides. And having seen that, he just wanted to say he is so thrilled that Dr. Brad Lindsay and Marion Community Schools have endorsed this activity and picked it up. They're giving us the venue, they're paying the insurance, they're paying for the light and sound man. In addition, Pearson Printing has donated their services and we don't have to pay for that, the materials. Tree of Life is our ticket vendor and they're picking us up and they're helping us out too. Community spirit, that's what he's talking about, because when you have community spirit, you have a thriving community and we need to revisit that. We need to find that again and Marion is the place for that, it really is, and he feels like it's coming. Here's the other

thing. In that audience, on the field, when we were on the field, there were 429 girls and 180 boys in the Booster Block. 600 kids in the stand and they were all watching the game. He's gone to games, you know, a few years back, "how'd you like the game? I don't know, who won?" The kids don't know. They're walking around and they're talking. Well, not only, Jim Moritz was the director of that Booster Block and those girls were together. He means, they had the card section. (Inaudible) University would probably have been the envy to see. It was like they had their moves, they were really coordinated. So, why support this event? Tony Calabrese, Reid LeFavour. Reid LeFavour was our Class V-P of 1970 and he believes this Council's mission above other things is to promote this community and its appeal as a place to live and do business, first and foremost probably, and what you do on the basis of the school, of a community and a community effort is very crucial in promoting that spirit and that image and so he's asking them if we can get behind this, if you can help promote it by word of mouth, if you could help promote it in any other way, if there's anything that you can help to do because we would like to sell 1,000 tickets. 1,000 tickets would put \$10,000 in a fund that will go right back to the Marion High School Marching Band and football teams for their equipment needs and that's the best we can do. We can give back because we were given to and because we're given to again. This community has come behind us and really, he's seeing the support of this community, Gunyon said.

NEW BUSINESS

GENERAL ORDINANCE NO. 11-2019 1ST READING

The City Clerk read General Ordinance No. 11-2019 by title only, An Ordinance amending original Ordinance #4-1951 up to and including amended Ordinance #19-1982 Schedule V. Weight Limit Restrictions. Mike Graft, City Engineer, told the Council although this is on 1st reading, at the last Council meeting, they did discuss what this upcoming amendment would be for would be Lenfesty Avenue, to make it a truck route. Right now, it's a residential street. The Traffic Commission did their due diligence, reviewed the street, (inaudible), and you have the findings of facts from the last meeting. Just to catch them up to speed, there is a potential buyer of a building at the north end of Lenfesty. Their offer is contingent on the amended ordinance. The reason these gentlemen came to us, which is kind of unusual for a lot of people, they tend to put the horse out there and then try to ride it without anybody looking. These guys did their due diligence to find out that where they were at didn't quite meet the need that they needed because they had to have a couple trucks during the week or during the day go up in that area to make a truck route. So, they did their due diligence. They asked if they could get an ingress/egress off of Lenfesty and when he discussed it with them, he said that they could get a way in and out but it would be no bigger than a normal vehicle, which wouldn't meet their criteria. So, the ordinance as it stands needs to be addressed by the Council in order to amend the ordinance to allow for a truck route. If they look at the, they did a little language check into the ordinance itself that marries the truck route specific to this business. So if this business were to go away, the truck route goes away. So they couldn't sell it and then all of the sudden, they see 10, 12, 15 trucks a day going up and down the residential street. So, counsel advised that they could do that so they've added that language into it. And again, they had a nice discussion the last meeting so if there's anything further that they need from him on questions or there's the gentlemen from the company that's looking at it, they can certainly ask them questions too. He knows it's 1st reading and they may have some interested parties in the second meeting and public hearing that might have conversations about it as well but he'd be glad to entertain anything that they have, Graft said. Council President Alan Miller said, yeah, as Mr. Graft said, they had quite a bit of time they spent on it two weeks ago, asking preliminary questions, both he and the owners. Do they have other questions this evening, assuming they move this on to 2nd reading and public hearing? Councilman Jim Brunner said, just a reminder for everyone, Michael. He does believe the number of times their trucks would be going down that street is very minimal, is he not correct? Graft told Brunner, correct. When that point was asked to them directly, they said probably two trucks a day. And timing, their operation would end about 4:00 pm, which again, came into question about when Lincoln Field was active, that those operations would be done before Lincoln Field started. He does need to make one point. After they kind of had their initial meetings, 9th Street is not a truck route and 9th Street is the only access point to Lenfesty. But if they look around town, and Councilman Homer can attest to this, they have a lot of vehicles that have to make local deliveries and they're on non-designated truck areas. So they anticipate them probably, no, not probably, they will use a section of 9th Street off of Miller Avenue to get to Lenfesty and then travel north, which doesn't shake the tree in any way because it's still getting, doing a local delivery to the area but, for our needs and in

GENERAL ORDINANCE NO. 11-2019 Continued

order for him to give them the permit for semis to come in and out of there, it would have been a residential permit is all he could have given them. So that's what kind of brought them to needing the truck route. If they got the truck route, then he can offer a larger entry into their location, Graft said. Miller told Graft, he probably answered his question. Miller Avenue is the current truck route? Graft told Miller, that is correct. Miller asked, so they would just be coming back to Lenfesty, was that two city blocks? Graft replied, correct and then north. Miller stated, okay, then they would rejoin the truck route going back west. Graft responded, correct, yes. Being no further questions from the Council, motion was made by Councilman Brad Luzadder to pass General Ordinance No. 11-2019 to 2nd reading and public hearing. Motion was seconded by Councilwoman Lynn Johnson and Councilman Steve Henderson and carried by the following vote. Aye: Henderson, Brunner, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

Council President Alan Miller told Mrs. Kiley, he did not check the schedule. Is their next meeting affected in any way by Labor Day? City Clerk Kathleen Kiley told him no, Labor Day is on Monday.

RESOLUTION NO. 8-2019

The City Clerk read Resolution No. 8-2019 by title only, A Resolution to approve Interlocal Cooperation Agreement to establish a Consolidated E-911 Dispatching Organization. Angela Haley, Police Chief, told the Council she's here seeking approval of the Interlocal Agreement for Central Dispatch between the City of Marion and Grant County. As she's stated to them before, there are three reasons why she believes that we should enter into this agreement and she wanted to go over those with them. The first reason is is that when a citizen calls 911, it should go to one center and one center only and they should get the service that they're requesting, whether that be police, fire or EMS and currently, that is not the case in Grant County. Currently, if you need medical assistance and you come into the Marion communication center, you have to be transferred to either the hospital or to Grant County if you would not be inside the city limits. And vice versa if somebody in the county needed ALS, they would be transferred to the hospital as well. The second reason would be manpower for the Marion Police Department. Because we operate the communication center for the City of Marion, we dispatch police and fire. When there is a shortage in that radio room that is not covered by overtime, we actually utilize a police officer. If we have sufficient manpower on the street, we pull somebody off the street to cover that. This will eliminate the need to do that. And the third is that this will save taxpayers of Marion money. We're currently budgeted within the police budget approximately \$618,838. That money covers a majority of the HR expenses for dispatch but it doesn't include overtime and it doesn't include the equipment that we need to operate this center. Currently, in the Interlocal Agreement, she believes the figure is \$464,000 that we would pay to Grant County for these services. These would be utilized for HR expenses for Central Dispatch and that's a savings of \$154,000, a little over \$154,000 to the taxpayers of Marion immediately. As you are aware, HR expenses go up. They do not go down usually and so over the course of 10 years, we're locked into the \$464,000 figure. We did make some changes to the Interlocal Agreement that you should have had in your packet from the original one that you saw initially and, if you would, if you would turn to page 2 of the Interlocal Agreement, one of the changes that was made was, if you go down to #9, we've added a third vote to the Grant County Public Safety Operation Center Policy Board. So you'll have the Police Chief sitting on that board with a vote, the Fire Chief and then a civilian taxpayer that will be appointed by the City Council. So that's the first change that they made. If they will turn to page 8 in the Interlocal Agreement, this is not necessarily a change but she wanted to point this out – Any contributions made from the participating units to fund the department shall be placed in a non-reverting fund administered and controlled by the Grant County Auditor for the purposes set forth herein. The Grant County Auditor will provide information on the current status of all accounts and funding for the department upon request from the City of Marion's City Controller. So the funds sent over from the City of Marion will be utilized for Central Dispatch. If they would turn to page 9, we added language in Section 4.4, the very last line, and that states that the City of Marion contribution shall not exceed the amount defined in Section 4.3, which is b, for the years 2020 through 2029, \$464,000. And then last but not least, on page 11, she wanted to bring their attention to this as well. Section 6.6, Possible Future Department Funding, if alternative funding for the department is established by the county, the payments indicated in Section 4.3 will be reduced proportionally based on the additional money received to reduce the overall cost of the dispatch. This

RESOLUTION NO. 8-2019 Continued

agreement will remain in effect but the cost listed in Section 4.3 shall be reduced or eliminated from the use of the alternative funding. So if Grant County passes the tax then our contribution would be reduced or eliminated completely, if it happens within this 10 year time period. So with that, if there are any questions, Haley said. Council President Alan Miller told Chief Haley, and he's going to take the liberty of also pointing out to Council members there are two other people here this evening that they may want to direct questions to, one being Mr. Terry Burnworth who is the consultant that's been working with the city and the county on the proposal. Also, Mr. Shane Middlesworth is with them this evening who is the President of the Grant County Council. So, Terry is certainly expected to be answering questions. He did not tip him off that he would introduce him, Shane, but he's sure he's willing to do that as well. Alright, with that, who would like to be first? It is time for their questions. Councilman Jim Brunner said he'll be the lead-off man. He told the Chief, he's sure she's done some investigating of other areas that have had a Central Dispatch system established. Are there any downsides that they tell her they have to be aware of or pratfalls that they need to be sure they're cognizant that could possibly happen and to be sure and stay away from those? Chief Haley told Brunner she can tell him that for this to be successful, they kind of have to put our egos aside and do what is right for the whole. So, things will change for the Police Department and the Fire Department but they'll also change for the Sheriff's Department and any other unit that's dispatched. The Board, and if they approve this tonight, she's going to ask that they fill the taxpayer position as quickly as possible because they have some pretty serious decisions to make in a very short period of time. But, it's important that they all work together and come up with criteria in how we would be dispatched and that's going to be the same across the board, whether you're a police officer for the Sheriff's Department or the Police Department or whether you're a professional firefighter or a Volunteer Fire Department. Mr. Brunner said, let him follow that up also with another question and that would be, it's obviously nice to be able to save money but he thinks the most important thing that he hears her saying to them is if we save seconds, maybe even minutes, of getting a group of people to someone, get emergency service to someone, that could make the difference between life and death. She certainly can speak on that, can't she? Chief Haley replied, absolutely. Currently, the way that they're doing it now, if a call comes in that is not a Marion Police Department or Marion Fire Department call, that call has to be transferred, which means the citizen requesting help has to tell their story first to a communications officer with the City of Marion then they're transferred to the other unit that's supposed to be helping them and they have to repeat that story. That should never happen. You should make one phone call and receive police, fire or EMS assistance. You should not have to tell your story twice. Brunner stated, and he would imagine that that person that is making that call is obviously going to be in a very harried position where they're maybe not going to be making a lot of sense also so at least this way, they don't have to repeat what could be a very difficult conversation to understand anyway. Chief Haley commented, absolutely. Councilman Don Batchelor told the Chief he certainly concurs with what Councilman Brunner just said, however, she said something in her opening statement that he guessed hit home with him is when she said that egos have to be pushed aside, egos have to be put aside and for the good of the entire operation, organization. He said she said currently, their budget for the dispatch center here is \$618,000 annually. Haley replied, approximately, yes. Batchelor said, roughly, yeah. The equipment that they currently have in the dispatch center, what would she value that at? Just quote a rough figure, Batchelor said. The Chief said that none of the equipment that they have currently is going to be utilized in the new communication center because it's outdated and so she can't give him a dollar value on what they have currently because she doesn't believe any of the equipment that they have is going to be transferred and used. Batchelor replied, okay, so that would be the reason that over here on the last sheet here, it doesn't have any equipment, so therefore, no equipment from the current center will be transferred over to the county. Haley responded, correct and if that were to change, she would certainly bring it to the Council. Mr. Batchelor then said, okay also, the Board of Directors, they did come with an additional appointee by the City Council which will give them a total of three members from the city that sit on that board and also, with that being said, we'd have, what, an 11, 12 member board? Haley answered, 11 voting members. Batchelor stated, 11 voting members. So the other make up on the board, he sees the Gas City Chief, Jonesboro has an appointment to that board. What about Upland? Are they a part of this also? The Chief told Batchelor, currently the Upland Town Marshal sits on the board. They have representatives from fire, Volunteer Fire Department, Professional Fire Department, Town Marshals, the Marion City Police Chief, Marion Fire Department, the Gas City Police Chief. The Director of Public Safety for Dispatch will be a non-voting member and that position has yet to be filled. Batchelor said, also she said,

RESOLUTION NO. 8-2019 Continued

going back to our out of date equipment that they currently have in the dispatch center, is that the reason the county wouldn't give us the money that we requested back there, the \$300,000-some? Is that the reason, because our equipment was outdated, they didn't feel obligated to honor our request? Could that be a part of it? Haley stated she doesn't believe that was part of it but he'd have to ask them. Batchelor asked Haley, what would be her reason? She said she didn't think that would be their reason. Haley responded, no, she doesn't believe it's because they believed our equipment was outdated. We were asking for originally an in-kind expenditure. They had utilized part of the E-911 funds to fund actual dispatch positions. We were asking for an in-kind match and were denied because we had budgeted for those positions. Batchelor stated, so we had budgeted for them but we're entitled to the funds we were requesting. That's his question. Chief Haley told Batchelor, in her opinion yes but we were denied. Batchelor said, okay, so then they, in a roundabout way, held her hostage in saying that they're not going to give her the money she's requesting until she comes back with a plan for instituting this Central Dispatch, is that right? Haley responded, they did say that but she wants them to know that she's been talking about Central Dispatch since early 2016. She also is a proponent of it. She's not being held hostage. She believes that this is the right thing to do. Batchelor said, and he totally thinks it's a great idea, but at the same time, he also understands that if she is entitled to some funds and they said no, she's not getting them until she comes back with a plan, he has a problem with that. Because she just said they are entitled to these funds. And he totally understands, this is one of those (inaudible) nothing's going to change the fact that it happened but he just wanted to reiterate the fact that sometimes when we give up power, give control, then once we give up our control then we have to dance by their music. He thinks the Central Dispatch, as she stated, from the way it looks, we will save a substantial amount of money. He understands and he says that but, just as anything else, rushing into things without completely dissecting, he thinks can be also costly at the same time. According to the article in the paper this morning, we are pushing a rapid schedule. We're pushing, we're pushing. Sometimes in pushing, you oversee some things that need to be (inaudible) with and since we're moving at such a rapid pace then we have a tendency to make mistakes. He doesn't want to take up anyone else's time. Anyone else? Mr. Miller told Mr. Middlesworth he will give him an opportunity to respond to the comment that we were being held hostage by the body that he now heads. He will not demand that he do it. It is entirely his option. If he wishes to remain silent, he will honor that. Middlesworth told Miller he wishes to remain silent. It's the greater good here. Miller replied, very well. He wanted that to be his decision, it cannot be his. Councilwoman Lynn Johnson said she'd like to follow up a little bit on what Councilman Batchelor is speaking about, okay, and it has to do with the (inaudible) of power on this commission or safety board, as to the way it has been distributed in the top 11 people that are on this board and out of this board, there are, representing the county, there are three elected officials and there are actually totaling five people that have a county vote, basically, could be possibly influenced by the county and its votes and its desires. And then on the other side, for the City of Marion, and the way she's looking at this, we have voting members, we don't have one elected official as a voting member. So we have the Police Chief that's appointed, the Fire Chief that's appointed. We have Administrative designee from Marion General Hospital and that's appointed and then the City Council gets to appoint a voting member. So, the county is subject to politics on one side and the City of Marion, the people that are on this board are not subject to or accountable to the taxpayers. That's the way she sees it. Council President Miller told Mrs. Johnson, let him interrupt for a moment. He believes the only elected official on the board is the Sheriff, is he not correct? He was told that is correct. Miller stated, there are not three elected officials. The Sheriff is the only elected official of the 11 people. Mrs. Johnson said, well the Commissioners on the board, the County Commissioners are in control of the Township fire designee. Miller said, well they're not on the board though. Johnson replied, but they're voting members. Miller told Johnson, no, they're not. Johnson said, it says, who is number 5 then and who is number 6? Town Marshals? Who are those Town Marshals? Miller replied, that is a representative. It currently happens to be, what, the Upland... Chief Haley said it's Steve Wolf. Miller explained, all of the Town Marshals will collectively appoint one of their members but that is not an elected... Johnson asked, is that an elected official? Miller answered, no, no, Reggie Nevels.... Johnson asked, (inaudible) the Board of Commissioners? No? Mr. Miller told Johnson, no. The Commissioners have responsibility as the administrative agency but they are not on the board that establishes the.... Councilwoman Johnson asked, is the Auditor of the County an elected official? Miller told her yes but he's not on the board. Johnson replied, no, he's not on the board but he's going to distribute the funds. Miller stated, well he distributes all the funds but his point that he's correcting her on, there is only one elected official.

RESOLUTION NO. 8-2019 Continued

Johnson responded, well then if there's only one, shouldn't Marion have an elected official on the board? Miller told her, well she can debate that but he just wanted to state for the record there is only one. Mrs. Johnson replied, alright, she will concede that. Chief Haley asked, may I? Johnson and Miller told her yes. Haley stated that Central Dispatch is going to fall under county government. It's going to be a county department. We are going to be contributing funds over the next 10 years to participate in it. But this will be a county department. This will not be a City of Marion department. It won't fall under the City of Marion heading. The policy board is made up of different members of police, fire, EMS entities. The policy board will be dictating dispatch protocols. There will be an IDACS sub-committee, if you will, that will be made up largely of law enforcement that will handle the IDACS portion of that. We'll be assisting with budgeting and preparing budgets but ultimately, much like this body, when a department brings their budget before the Council, the Council ultimately will have the power, the County Council will have the power to say what funds are approved and what funds are not. The money that we send over will only be utilized for Central Dispatch and it will be utilized for HR expenses. The E-911 Fund will be utilized to pay for two positions out of 20 and that's the Director and the IDACS Coordinator. So 18 of those positions, the \$464,000 that we're sending over will assist in paying for the 18 positions. Two will come out of the E-911 Fund and then the remaining money in that fund will be utilized to assist in paying for the equipment and upgrades. So that money will also be utilized for Central Dispatch. Mrs. Johnson said, well thank you Chief. That's a little bit more clarification than we had had in the past and she appreciates that because she was actually thinking that that 911 money was going to come to the county and stay with the county now, okay, as opposed to being portioned out to the City of Marion. That's what we were looking for last year, right, the 911 money or a share of that from the county? Haley told Johnson, yes ma'am. Johnson stated, okay, so then they'll actually keep that 911 money and then we will take this \$400,000-some and actually hand it out of our budget over to the county which will help pay for equipment and that sort of thing. Chief Haley said, \$464,000 will be utilized for HR expenses. Johnson replied, right, okay, so that clarifies a lot more for her when she explained it that way. She appreciates that. And then Mr. Batchelor and her, as far as her concern about an elected official, she guessed she misinterpreted when they were appointed by the Board of Commissioners that they can't be influenced by the Board of Commissioners. Okay? So they cannot be (inaudible) or their jobs are not at risk because of the Board of Commissioners. See what she means? If they have a contra opinion as to the Board of Commissioners, they could be contra. And that's all she was concerned about, that they could stand alone, that they could vote and as they see the voting, as the 11 of them voting, they have the right, like the Grant County Sheriff, to protect the taxpayers that he works for and then the rest of them all have a stand alone vote (inaudible) logic and reason and not influenced. The Chief said this board is working for public safety. This board is working for everyone regardless of what entity we are representing. Johnson responded, right and that's one of the things that she wanted to be assured of, that there wasn't an influence, okay, so that's actually where her concerns were and they're in conjunction with Mr. Batchelor's concerns and she's had those concerns for a while and had that clarified from her tonight and she appreciates that. She just thinks that the Board of Public Works and Safety does not need to be easily influenced by political whims. Councilman Brad Luzadder said he guessed, tonight it's a resolution. Always before, when they've passed something of this nature that's going to be standing for a while.... Councilman Jim Brunner asked Mr. Luzadder if he would turn his mike on. Luzadder told Brunner, he apologizes. He's wondering why they're not doing an ordinance instead of a resolution. Traditionally, they would be welcoming the public's comments in which to come. Has there been a public hearing on this issue with the other county boards? Council attorney Phil Stephenson said he can answer that, no. Luzadder asked, why? Stephenson told Luzadder, well he doesn't have any say in that but the Commissioners, as he sees it, have to pass... You are only doing a resolution to say we agree to put this money in there pursuant to this agreement. That agreement is the Commissioners are going to pass an ordinance so they're going to have to pass it. Whether they have a public hearing on it, he doesn't know, he doesn't represent the Commissioners. So he doesn't know. To his knowledge, there's been no public hearing, at least not in the formal sense. Mr. Luzadder said he guessed it puzzles him that we're not offering the public a chance in which to weigh in on this. We're talking about excess of \$460,000-some for the next 10 years. He didn't vote for 15 years down the road to add \$2.00 to the water bill and at the end have an extra \$30.00. He can't see what a crystal ball's going to be 10 years from now but he would like to give our constituents a chance in which to weigh in on this issue before they would make a consorted opinion. Mr. Stephenson told Mr. Luzadder, understand, just because they're not required to have a hearing doesn't mean they can't

RESOLUTION NO. 8-2019 Continued

choose to have a hearing if this body wants to do that. Luzadder stated, he would just say preemptively that he thinks it's imperative for them to listen before they make a 10 year commitment and he's assuming..... He would want the opinion of the constituents to have the opportunity in which to speak. He thinks that's what makes us the great country we are, that people do have the right in which to speak for or against. Chief Haley said, may she add that all of their board meetings have been public meetings. All of their board meetings, as they've gone through this process, have been public meetings. Mr. Miller stated, let him just make a comment. He'll accept partial responsibility for the resolution. As they know, he sent them all a note mid-week. Mrs. Cain and he had met twice with the county people and he thinks when they left the meeting last week, at least in his mind, he thought they were talking an ordinance and then he found out apparently Mr. Stephenson, he guessed he was sent an ordinance and then he (Stephenson) suggested a resolution. And it was a matter of timing. This was, what, on Wednesday and he was trying to put the paperwork together and, as a matter of course, really didn't have the time to change horses. But he asked him and he told all of them, if they don't wish to pass it this evening, they can table it and act on it two weeks from now or now he hears Mr. Stephenson saying he assumes they can table it and set a public hearing. Stephenson told Miller, yeah, they always have a right to do that. They have a right to set a public hearing on anything, whether it's required by statute or not. This is not required by statute because it's not an ordinance. Miller asked, what would the legal procedure be? Would they table it and then set a public hearing on a resolution? Stephenson said, yes. Miller said, for two weeks from tonight. So that is an option that he didn't send them in his memo. Stephenson added, except that he doesn't think that Mrs. Kiley can get a 10-day notice in in time. City Clerk Kathleen Kiley said it would have to go to the second meeting in September. Councilwoman Deb Cain said she wanted to voice some thoughts here. Okay, we're talking \$464,000 for 10 years but if we don't do Central Dispatch then, in her (Haley) budget, for 10 years, she needs \$618,000. Chief Haley said she would say that over the course of 10 years, they're going to need more than that because pay will go up, insurance is not getting cheaper. That is also going up for everybody. So their HR expenses are going to increase over the next 10 years. That's a sure bet to her. Cain said, and currently they're at \$618,000. Haley replied, approximately, yes and that's not factoring in overtime and that's not factoring in the equipment expenditures. Cain said, which is outdated right now. Haley told Cain, that's what they've been told by the consultant, yes, and technology is ever evolving so, quite honestly, as soon as they put the new center together, new, better stuff will be out. Cain said, and then she wants to go back to the statement about a phone call, that if she was calling and saying she had a stroke but she's not in the city, because she's had a stroke, she's been on that phone call. She may have to explain it twice and by the time she made her second phone call, her first one to her husband, second one to get a nurse to her house, she couldn't speak. So if she had to reiterate her problem a second time, she might not even be able to get it out. Haley said, potentially, yes. Mrs. Cain said, so that's a concern for citizens across the board. And then, in the meetings, it was explained to her and she thinks she has this right, that if you have a first responder, like the fire, at a scene and they need to have the police come, is she correct in saying that that contact needs to go to dispatch first and then go to the police and if they need to talk to fire, it has to go back through dispatch to talk to the fire. Is she correct on that? Chief Haley told Cain, she is correct. Currently, they cannot communicate directly. They have to communicate through dispatch. Cain said, which slows down response if there is a real emergency. Haley stated, potentially, yes. Mrs. Cain stated, and then, she appreciates, when they were at the last meeting, that she (Haley) was very receptive to their concern that there were only two voting members on the Advisory Board and she added the third. So she heard their voice and she appreciates that. And then she put in there because it wasn't in there before that she added that our amount would not increase and it wasn't stated, it was just known knowledge but she put that in there. So, she just wanted to bring back, we keep going around and around about 10 years, \$464,000, without remembering that if we didn't do this, it would be \$618,000+ for 10 years at a rising cost because of rising costs of everything. We just need to remember that, that we're saving the city that for 10 years and that we are protecting the citizens that are calling for a specific reason by giving a quicker response time, Cain said. Mr. Miller said, now that they understand their protocol options for processing this, let's get back to questions. Councilman Luzadder said, yes, he apologizes and let him make himself abundantly clear while he's asking this. He's fully with the Central Dispatch. He guessed his problem is, what are we afraid of? What are we in the hurry of doing? Even if not one person from the community asks a question at next meeting, we would have at least done our jobs by giving them the opportunity in which to speak. He's not afraid of what the public's going to say. He is fully behind the E-911 Central Dispatch, that's

RESOLUTION NO. 8-2019 Continued

not his point but it seems like we're moving real quick. And yes, all of their meetings, Chief, are public meetings. Every committee meeting they have is public. Very rarely, unless we're going to take something away from somebody, does anybody ever show up. But something of this nature, he thinks that they should give the opportunity for our citizens to be able to have at least some form of giving the chance to stand up and give their opinion on it. That's his only statement. It's not that he doesn't believe in it. Believe him, as the son of a police officer, he knows exactly how you worry whether it's going to be taken care of or not right away and the people that are in the need (inaudible) at the time, yeah, he wants them there in a New York minute. He wants it done correctly, right away. But, are we afraid that it's not going to go? He means, why have there not been a public hearing over any of this? We're spending the public's money. Call him gun shy but we've spent a ton of money on a lawsuit that he didn't get the opportunity to have a say in and he doesn't want to go down that road by throwing money into something without us having a for sure way that we're going to at least give the people a chance in which to speak, sorry, Luzadder said. Mrs. Cain said, and she's not, she wasn't speaking against having a public hearing but she knows that there's a March timeline date and the longer that we hold off, we're not going to meet that. Is she wrong? Chief Haley told Cain she's not wrong. If the county doesn't have a firm commitment from the city, they're not going to move forward. Not moving forward delays the start of construction which delays everything. Terry Burnworth told the Council, one thing and maybe some of you were around 10 years ago, in 2010, 2011, when he was hired by the county to actually go through the consolidation process. At that time, it was stopped, okay, at several levels. He was here presenting at that time and they were looking countywide and if you want to talk just fiscally, countywide at that time, between now (inaudible) and what it is right now, there would have been a \$7,000,000 savings already countywide. There's no way around that. Okay? Would there have been any lives saved? Absolutely, he has no question about that. This is the reason he doesn't have a question about it. He does these in other states. He's a small company, three generations Indiana State Troopers. His father grew up here in Marion. But, like in Illinois, they now have a law in Illinois, whoever picks up that call will do the deployment of the asset. That's it. Well, that has gotten a lot more things going on in Illinois and that's like immediate that starts to happen, okay, so we have to figure out phone systems in some of the counties he does work for. In here, you know, is there a rush for it? To him, he wouldn't want to kick it down the road further and the only reason is because you've been elected by your constituents to make wise decisions and that's what you've been elected to do and this has been on the table obviously. He did a pre-presentation a couple of months ago, he believes it was. He told them about what the technology, what they're going to do with the technology now with the consolidation occurring. And we do have a March 1st deadline we want to have them all in the same room. Okay? So to meet that even right now is becoming really tight. Okay? So, you know, the sooner this happens, the better it is for public safety. That's really our ultimate goal here anyway. Okay? So, he just has to say that. Now as far as public meetings, obviously it was presented at the County Council, Draft #4 was, not Draft #5. Draft #4 was presented at the County Commissioners, both of them approved it unanimous. It was also presented at the Jonesboro meeting, Draft #4 was. Let's see, we had it approved by the Advisory Board, which was also a public meeting, which was Draft #4 that was approved. So what he's getting at is all those were legally advertised. All these various boards had those put in front of them. Okay? And people have put input into it. But, the thing that, really, that he would always come down to is you've been elected by your constituents to make wise decisions. In this, the first thing you do in any Constitution is provide the best public safety you can and that's what Central Dispatch is, Burnworth said. Council President Miller asked Mr. Burnworth if he would be correct in referring to March 1st as a totally arbitrary date. Where did that come from? Burnworth told Miller it was set up over two months ago, actually three months ago, because we were working off quarters. The original date was actually January 1st. He has documents, when this got started again, so that way, fiscally, it worked out better for all the agencies for next year. But that became a point where it wasn't possible so we worked it so that it would be starting by the second quarter and that's how we worked backward. Miller said, even though it's in none of their budgets. It's not in the county budget or the city budget currently. Is that correct? There's not money budgeted in the budget currently. Chief Haley replied, there is money budgeted and it's the money that covers the HR expenses currently in her budget. And when they budget for next year, they're going to budget as if this is not happening. They're still going to budget as if this is not happening. Councilwoman Cain said, which would be that \$618,000. Haley said, yes. And then when they move in to the center, the money that was appropriated or was placed in her budget for dispatch, that's where that money will come from.

RESOLUTION NO. 8-2019 Continued

They will not be coming to the Council for an additional appropriation. That money is already sitting and already budgeted for. Less money actually will be needed than what they're currently budgeting for. Councilman Steve Henderson said, on this ordinance from the county, we're going to be using an older ordinance and then amending that, what we pass here, to that ordinance? Mr. Burnworth told Henderson, that ordinance in Article 1, the only reason that says ordinance on there, it was to identify that you're entering into an agreement that the county put an ordinance in place to develop this board and this ordinance was originally created in 2010, amended in 2011, and then just recently amended yesterday to put another person on it from your body. Henderson asked, so will we be writing a whole new ordinance once we pass this? Burnworth said no. Henderson said, so we're going to amend the 10-2011. Mr. Miller said, just to clarify. He told Councilman Henderson the document in front of him is what will be presented to the County Council. Correct? Burnworth told Miller, yes, yes. Miller stated, that is the exact language. It's even labeled "an ordinance creating". In effect, he guessed they're being asked to pass a resolution giving them the authority to pass an ordinance. Henderson said, okay, that was his question, whether the county was going to do a new ordinance or not. Council attorney Phil Stephenson asked, can he explain it to them a little bit better? Number one, the resolution they are primarily doing is to put up this money and transferring the responsibilities over to the county. The Commissioners do have to pass this ordinance and he still thinks the Council has to because of the money but the Council, the county already has an ordinance in place for this, which we've not been following but it is there. They're going to have to essentially repeal the existing ordinance and pass a new ordinance for all this to happen. So, they're going to have to do it. He doesn't think they can do it until we're all done to end up with the same agreement so we're not changing it multiple times. Miller said, but the ordinance they're going to have to adopt is what's in front of us right here. Stephenson said, that's correct, it'll be the ordinance which is in front of them. Councilwoman Johnson asked Mr. Stephenson, does that mean that the county will have a public hearing for this ordinance? Stephenson told Johnson, well, the Commissioners don't have to have one on this. He means, it doesn't really have the requirements for a public hearing. Whether they have one or not is up to them. He doesn't know that but they're not required to. Johnson said she'd like to address kind of the elephant in the room here for Mr. Burnworth. You know, this is a different year, this is an election year for city, city election year, and there are several of them that are not going to be on the City Council next year. Several of them are not going to be here to determine so she thinks that the public is important to them because she would like to hear from the public. She thinks the public would be an additional asset to making decisions about what they do for the next 10 years. She's just saying, that's kind of like the elephant in the room to her. Mr. Miller told Mr. Homer he thinks he's the only person that has not commented. Does he wish to do that? Councilman Dave Homer told Miller he's not sure that he wants to but he will. Miller told him he's not putting him on the spot. Homer replied, no, that's fine. Just a couple questions. Do we know what, right now, what the entire budget will be for this department? In other words, has that been.... When he asks that, annual pay for a Director, IDACS Coordinator, have those salaries been determined what those will be? Chief Haley told Homer, no they have not. Homer asked, so are those factored in with the money that the city and Grant County and everybody is putting into? Haley answered, the \$464,000 that we will be paying will be used for HR expenses for the 18. That will go towards only 18 dispatchers. Currently, give her just a second here, she apologizes. Currently they have 26. Okay, now that may be, they may actually be at 24 now but they have roughly 24 dispatchers throughout Grant County. Nobody loses their job. They're only paying a portion of 18 so any additional people that go over to Central Dispatch, that expense is going to be picked up by Grant County government. Homer asked, who all dispatches right now in the county, besides the City of Marion and Grant County? Haley said, Gas City and the hospital. So there are four communication centers. Homer said, so Fairmount? Haley said Fairmount no longer has their own. They closed. Mr. Homer said, so with that not being factored in, do we believe that the 911 funds will be sufficient enough with the funds that we're sending over will fund this? Or, he keeps hearing this thing about a Public Safety Tax. Mr. Burnworth said, the 911 funds, when those were put together originally, they were meant for equipment. They were never really meant for HR. A lot of counties he's dealt with, they use them for HR. In the case of Central Dispatch, it'd be used for two HR positions, Director and then the Assistant Director, which is also the IDACS Coordinator. The budget for the 18 is approximately \$1,200,000 for 18 dispatchers. When they come over, it will exceed \$1,200,000 but the forecast has already been completed on the current 911 balances to be able to take on that until retirements of people and things like that occur. One thing to remember is that when this happens, and if they remember when he made the presentation, there will be a

RESOLUTION NO. 8-2019 Continued

strict requirement, and he doesn't know what it will be, one year, 18 months, whatever, that the dispatchers will have to meet emergency medical dispatch requirement certifications so that when you pick up that call, they can take you through the entire process. That does not exist right now. If you've got a medical concern, they're going to transfer you over for ALS over at Marion General and you're going to explain yourself again. So that doesn't happen here. But anyway, that gives the budget. Now, the other thing that's going to occur, if they remember when he explained it, is that we're looking at technology upgrades. As the Chief said, the current dispatch consoles they have are not NG911, Next Generation 911. You know, texting, videos, still photographs. Why aren't they? Well, that's because when they were purchased, that technology was really just being pushed out. Now it's out. Now there's at least a half a dozen console manufacturers that do the same thing related to that. The other thing is is that, and the councilwoman brought it over, the example is that your fire operates on a VHF system and police operate on an 800 system. On scene, they cannot talk to each other. Why can't they? Because there's no bridging effect so we're utilizing 911 funds to be able to put those bridging effects in. Okay? So those are the kind of things that are occurring but they can only occur with the Central Dispatch, of course, (inaudible) one location. Councilman Homer then asked, do they have three dispatchers or two dispatchers in the dispatch center at the city at all times? Chief Haley told Homer, they have two. They have a minimum staffing of two people in the room at all times. Homer asked, and how many occasions out of the month does she think those positions are covered by police officers? Haley said she can tell him in years past, the average has been about 100 times a year they've had to utilize an officer to cover a position. Now, whether they pulled them off the road or whether they paid the overtime, she can't give him that breakdown currently. Now, they are sitting at nine dispatchers currently. She's budgeted for 11 but because they're going to Central Dispatch, she came here and asked for the approval to hire part-time dispatchers, which they've done, but she's sitting at nine full-time dispatchers and five part-time dispatchers right now who are helping them cover. They're still paying officers because they're new into training those part-time dispatchers. Homer asked, now are there times when they would have two police officers in the radio room? Haley replied, the only time that they've had two officers, two police officers in the radio room would be if they had a meeting or training with the dispatchers and they always make sure they have at least one officer that is fully IDACS certified. Mr. Homer told Haley, and he would agree with her in the analogy that it would be, this is kind of a situation where egos have to go aside and whether it's the Police Department running it or whether it was the City of Marion running the operation or if it's the county, in this instance, in a time when he's advocating for more police officers on the street, it wouldn't make sense for him not to vote for this. He thinks it's something that they've talked about for a number of years, not just the last three but probably the last 20 and it's just never worked out, for whatever reason. Thank you, he appreciates it, Homer said. Mr. Miller asked the Chief, is he correct, the city dispatchers will in fact get a pay increase by going on to the county pay schedule? Chief Haley told Miller, yes. This, in essence, is going to be treated as laterals, lateral hires, and so our dispatchers will maintain seniority based on the years of service they've had. Grant County does the same. And yes, our dispatchers are actually, and she's ashamed to say this but we're the lowest paid in the county and so our dispatchers will be receiving a raise by moving or transitioning to Central Dispatch. They will also get longevity pay which the county currently gets but ours do not. Councilman Jim Brunner told Chief Haley, if he heard her correctly, right now there are four places in Grant County a phone call can come in, is that correct, right at this moment? Haley told Brunner, yes sir. Brunner stated, we're going to one, correct, if this happens? Haley said, yes. Brunner said, does that not mean some people lose jobs? The Chief answered, no. Brunner stated, explain that. Haley said when they merge, no one loses their job. Everybody goes over. Our payment is based on the salary of 18, a portion of the 18 that will be needed. Grant County is picking up the expense for the additional hires. They will leave through attrition. Nobody loses their job. Everybody transfers over into this center, which is why she has not hired two additional dispatchers. That's why we're sitting at nine because that was two spots that did not have to transfer over that county did not have to pick up the tab for. That's why she came and asked for part-time dispatchers, to help get us through. Miller asked Mr. Brunner, is he concerned about a dispatcher at Marion General losing a job and/or a Gas City dispatcher? Brunner said, yeah, he's hearing bodies that are working right now and all of a sudden, will the people that are currently doing this not be working anymore. Miller said, either at the hospital or Gas City and they won't though. The hospital probably uses an operator, do they not? Chief Haley replied, the hospital is not actually sending any people over. They're keeping, the people that they have currently will be doing other duties, she's assuming. Brunner asked, but they're not (inaudible) the street? Miller said,

RESOLUTION NO. 8-2019 Continued

no, they're not losing their jobs. Councilman Don Batchelor said he does concur with Councilman Luzadder and Councilwoman Johnson, that we do owe the general public an opportunity to chime in on this. Like he said from the get-go, he thinks this is a great idea. He doesn't have a problem with that part of it but he still thinks the general public should have an opportunity to chime in on it. To their friend, Mr. Burnworth there said that they were elected. Yes, they are elected but at the same time, their constituents have an opportunity to share their feelings and their thoughts and he thinks that's only in line with what they believe that should take place, not that they're trying to rush anything through. They want to give them an opportunity to chime in on it and he supports the idea of having a public hearing. Council President Miller said, very well, are we ready to.... Councilwoman Johnson said, just so they know, what excites her the most about all this is not just the public safety, it's the fact that, does she think actually, Chief Haley, that we'll be able to keep up with technology at a rapid pace as it changes with this kind of approach to public safety and to the city and the county, that we'll be able to stay current, stay in the future, stay on top of everything and move forward quickly when changes do occur in technology? That everyone will be able to benefit from this, from a technology standpoint? Chief Haley told Johnson she thinks the technology, she's not going to commit that they're going to be able to stay on top of it because technology is changing rapidly and there is a price tag to that, that quite honestly, local government has difficulty paying for. But you're only going to be paying for one dispatch center. You're not going to have to duplicate this four times over in the same county. That's why this is important. This is the right time for this. This is the time that we should be acting. We've pushed this off far, far too long. We talked about it 10 years ago and we let it die. Johnson said maybe this'll put the county in a better position to provide internet services and communications throughout the county for all of the county residents as well. So she's looking forward to this and she does like this idea and she just feels that all of them should have an opportunity to hear what their constituents say. But she really likes this idea and she's excited, Johnson said. Miller said, procedural question, counselor. Assuming they elect to have a public hearing, that would occur on the 17th of September, do they need to do anything at the meeting in between? There's no procedure they need to reintroduce anything? Mr. Stephenson told Miller, he as President would simply declare the 17th for a public hearing and Mrs. Kiley then would take care of having it published for that meeting. Miller said, very well. He just wanted to make sure there was nothing they needed to do at the very next meeting. Miller then said he would entertain a motion, if someone is prepared. Did she have a final comment, Mrs. Cain? Councilwoman Deb Cain said she had a question. Miller asked, for him or Mr. Stephenson? Cain said, well for all of you guys, County Council and everyone. Okay, so let's say we have this public meeting and then it goes to the County Council. When would you be able to get your ordinance ready and prepared to vote on? Mr. Burnworth said what the procedure is is that after it's approved here then it goes back to the Commissioners for their adoption and then the County Council. So, the assumption was that there was, if it going to be any approval here, it would be on the September meeting. Obviously it won't be on until the October meeting at this time. Cain said, for the Commissioners? Burnworth replied, for the Commissioners and the Council. Cain said, so they could both review it and vote on it in October. Burnworth said, in October, yes. Mr. Miller stated, one more question, Mr. Stephenson. September 17th, we're having a public hearing. He assumes they can take a vote on it at that time. Stephenson said yes. Miller asked, does it have to be taken under the rule of suspension where they have... Stephenson said, it's a resolution so it only requires one reading. Miller said, simple majority. So they can have the public hearing, they can take a vote on it and a simple majority prevails. Mr. Stephenson told Miller, however, he ought to point out, it doesn't necessarily have to go to October for the county. If you (City Council) would do it on the 17th, the County Council meets on the 18th of September. They could still have it on their agenda. And the Commissioners, of course, meet every other week. So you could have, they could essentially, if it was on the 17th, they could do it, he thinks, the week of the 23rd so it could all still be done by the end of September. He means, that's up to Mr. Middlesworth and it would be up to the Commissioners but it could be done by the end of September. Miller said, very well. He was going to propose an alternative of a special meeting but it would come out the same way that he's just, yeah. Councilman Luzadder asked Miller if he was prepared for a motion. Miller said, he is, assuming Council members have no further questions. Being no further questions from the Council, motion was made by Luzadder that they pass the resolution on as having a public hearing at the next available date. Mr. Miller told Luzadder he's not sure that's the language. He sees a frown on counselor's face. Mr. Stephenson said, yeah, he doesn't think they can pass the resolution and have the hearing. The motion would be to set it as a public hearing and then you'll vote on it after

RESOLUTION NO. 8-2019 Continued

you've had the public hearing. Miller said, so the motion should be to send Resolution No. 8-2019 to a public hearing on the 17th of September. Luzadder said, so moved and the motion was seconded by Councilman Batchelor. Motion carried by the following vote. Aye: Henderson, Brunner, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

At this time, Council President Alan Miller told Mr. Carter he had requested to address the City Council regarding the lack of Code Enforcement, the follow-up of demolition projects and the waste of funding. He said he must ask him a question before he allows him to speak. He has been told that he has employed an attorney to represent him in this matter. Mr. Carter told Miller, he doesn't know who told him that but they're wrong. Miller replied, alright, if that is not the case, he will allow him to speak. If he has employed an attorney, he would ask that his attorney address. For the record, give them his name and his address. Carter said, Byron Carter, 604 Blaine Street, Marion. He told the Council Affordable Housing hired Dave's Excavating to tear down part of the Dan-Mar building. Well they tore down the building but shoved a lot of the materials inside of the rest of the building, which they're going to remodel, instead of hauling it to the landfill like responsible people should have done. It's going to cost thousands of dollars to have that mess cleaned up. Then they turned around and they dumped this pit run in the basement and it filled the whole basement with pit run. So, you know, that's illegal anyway. It's supposed to have clay in there instead of pit run. Well, we go on to 8th Street, the Turner Building. We hired Dave's Excavating to tear that building down. Well, the footers are still there. There's no reason for that. There's metal still in the ground itself. Then they come in and they put that pit run and we paid extra for this dirt that they were supposed to have brought in and it's all pit run. We just got screwed. So, they hired Gillespie and Morrell to finish the siding on Barry Blair's building. Mr. Miller said, B & B Detailing is what he's talking about, right? Carter told Miller, right and they put it on wrong. All the water leaked inside of his building and ruined the drywall and it's all got to be taken off and put on right. Barry's going to end up suing us, suing the city. He means right, he means because our mistakes and Jerry Foustnight did not come out and inspect any of this. He told you people that he went up and above to take care of this here situation. He wasn't doing nothing but lying to you people. That foundation, it's going to cost \$5,000 or \$10,000 to come out. Who's going to pay that? We are, right? So, in saying this, he's asking the City Council to come in and push the Mayor to fire Jerry Foustnight. He's not worth the money. He's done nothing but worry about little piddly stuff like these, you know, small stuff in town, getting lawns mowed and stuff like this. It ain't helping us at all. We've wasted a lot of money with him. We could've got things done right. There was people that came here, Emmons came here last month, talking about a curtain blowing out of her windows in a vacant house on South Boots Street. Well, they all said "well, we'll look into this. We'll look into this". The same curtain is still blowing out that window. There ain't none of them done anything about it. Nobody cares. He means, you people are the ones that are supposed to be backing us, we ain't supposed to back you. You're supposed to be helping us and you're not doing it. He's got a junk yard right outside his front door. It is illegal. He's got the paperwork right here that says at 826 Charles Street that there's supposed to be no cars there or anything like this. There's tons of cars there. He said Dave Homer brought this junk yard in to them. He means he doesn't know what he got into it. John Shroul does help him and Mrs. Johnson with their finances of their election. It isn't nothing but a corrupt thing going on up there. There's police up there every day. There's fights up there every day. We have nowhere to go but the City Council. So you people sit back and think this is alright but let him tell them, (inaudible). It destroyed our property value too. He means, that's the tax money that comes in to you. 8th and Adams Street, the old Howard Chrysler Building where the used cars were, well it's going to be his junk yard. He's going to pile up cars up there four or five high if he wants to. He means, if (inaudible) allowed to do it, he's allowed to do it, right? We've already got cars down there so it don't matter. He means, is that what you people want, to destroy the whole daggone town? And that's what we're getting from you people. You people have got the ability to do so much but you've done so little for the City of Marion. Is there anybody that would like to ask any questions or anything, Carter asked. Council President Miller told Carter, no, thank you very much. Miller told Mr. Foustnight he will give him an opportunity, but again, will not demand that he respond. He told Chief Haley he'll give her the same opportunity about allegations of lack of law enforcement in the area and Mr. Homer, if he wishes to comment as well. Building Commissioner Jerry Foustnight told the Council, first of all, he was advised by our legal counsel not to address the complaints he has about John Shroul. He (Carter) did indicate to him on a previous occasion that he had

talked to an attorney in Ft. Wayne, therefore, he (Foustnight) advised him to have his attorney contact our Legal Department. As far as the demolition on the Dan-Mar Apartment, it was within code. There are certain codes he has to follow. Also, as far as the, on 7th Street, by Blair's business Busy B, we did do inspections. He did climb on the roof so he's mistaken again on his assumptions that no inspections were made. Not only did he make inspections but we had our other inspector make inspections down there. So all in all, everybody has a right to feel any way they want to. He feels that we're doing our due diligence. We're trying to do our very best with what we have. You know, our door is open. We do many, many inspections per year. We've done, he has it right here real quick, we've done, as far as July 29th, we've already done 1,429 complaints. So, we have been out doing complaints. We do worry about more than just grass growing in the yards. We do many, many inspections to make sure that things are within code. Are we perfect, no, but we do make sure that when we do see something, we make sure it's within code. Thank you, Foustnight said. Mr. Miller stated, Chief Haley again, he'll give her an opportunity to respond. If she wishes not to, very well. Mr. Homer? Very well, Miller said.

Being no further business to come before the Council, on a motion by Luzadder, 2nd by Brunner, the meeting adjourned. Time being 8:33 p.m.