

REGULAR MEETING – MARION COMMON COUNCIL – OCTOBER 1, 2019 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 1st day of October, 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: Brunner, Smith, Batchelor, Cain, Johnson and Luzadder.

Absent: Henderson, Homer and Miller.

The minutes of the previous regular meeting of September 17, 2019 were presented. On a motion by Councilman Jim Brunner, 2nd by Councilwoman Lynn Johnson, the minutes were approved as presented by a unanimous vote.

COMMITTEE REPORTS: Council Vice-President Deb Cain said, okay, a few things for committee reports. She'll start out. They have Kylie Jackson from CIE called. They have a ribbon-cutting on the 9th of October at 10:30 a.m. with lunch and they're inviting all the Council members. So that's October 9th at 10:30 a.m. and lunch is included. The number is 664-5107. That's 664-5107. That's CIE. They'd like their attendance. Then a reminder for October 8th is their Finance & Budget Committee meeting at 7:00 p.m. so that they can go over their notes and discuss the recent budget hearings. Then a reminder for the community, October 9th by noon, they need to have names submitted for Central Dispatch Policy Board so that they can make that appointment at their next Council meeting. Councilman Brad Luzadder said he believes they can pick up applications from the Clerk's Office. And again, it has to be before noon on the 9th in order for it to be on the next agenda.

PRESENTATION BY KATY HOCHSTETLER, CORE COMMUNITY OPIOD RESPONSE ENDEAVOR – Ms. Hochstetler told the Council thank you so much to the Chair and the Council members for letting them be on the agenda to share about this exciting new program. About a year and a half ago, Marion General had the opportunity to write several grants to the federal government to look at their significant substance abuse issues here in Grant County. So, they were awarded both of those grants so for a year and a half, they've been in a planning process and an awareness of figuring out how they can bring the community together to fight this epidemic. So several things that she laid out on their desk there, they have been doing, as a part of the grant, they have now made a virtual asset map that they have a card there with the address. They're still trying to get the address shorter but they're working on that. But that will be an interactive map that they can keep updated because every time they print a county resource or a city resource guide, it's usually outdated by the time they get it handed out. So, they're very excited about this resource and they're continuing so if they are in different organizations and they want to look and make sure they have correct information, it'll be a map, actually, to show. You can search for child services in Van Buren or in Swayzee or Sweetser and then you can look for transportation, all of those kinds of things. So, this is a living document and it will continue to grow so they're very excited about this. A lot of the pastors have been really thrilled because they often don't have easy access to resources so that's an area that they had funded by the grant. Another thing that they may have heard and there's a card in the packet there called Community Plunge. This is a day, an experience, that people come, they have them for a little over eight hours and they start in the morning at Marion General and then they go throughout the day, they get on a bus, they do tours and they do experiential learning in helping people understand mental health and substance abuse, the life of them. So this is a kind of an emergent experience and they have had great response from this, and thankfully, the Community Foundation has offered to help them continue those, even after the grant funds are done. So, they're open to anyone so please share that as they go along. So, the thing that they have been planning for actually started today. They wrote a third grant and they were awarded that grant for \$1,000,000 and that sounds like a gob but when you put a lot of, they know that from their planning, planning budgets, but they're very excited to talk about what that CORE grant is bringing to them. They're calling it CORE because that's a good acronym. They couldn't come up with CURD or CSRD for substances so they're using the opiod as a general term for all substance use. So what they have, the biggest part that she wants to tell them about is that they have now hired, in partnership with Grant-Blackford, three what they call Peer Support Specialists that are all in recovery and they have been trained as Community Help Workers, Peer Support Recovery Coaches, they've been trained in motivational interview, all of those kinds of things and they will actually be dispatched, they were dispatched today. So they actually have two right now working in their emergency department. So, every single time someone hits the

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emergency department or critical care department family birthing, their staff will then call in these Peer Support Specialists to meet with the family or the person, create a connection and help that person start eventually on the road to treatment and recovery. Because at any given time, people are ready to quit but at any given time, they're not ready so all of them are recovering and they know all the game. They know the failures, they know how to help people with their fears and so they'll come alongside. And even if a person is not ready to quit drugs yet, they might have a terrible toothache that they can help with and develop a relationship. So, the Peer Support Specialists are Tia Brewer, they may have known her, she used to be a former attorney here, John Humphries and Brian Blevins and then they're actually getting ready to hire a fourth one that they are interviewing for. So they're very excited and as this program grows, they will actually make them available to their consortium members. And so the grants told them that they had to create a community group so their first group that they first started working with were, of course, Grant-Blackford, Bridges to Health, our free clinic, and the Grant County Sheriff's Department because they are doing medication assisted treatment with some of the inmates that are there on drug charges prior to them being released so that they can take away the craving prior to them coming into the community and then giving them therapy right away. So those were their original partners but as they moved forward in the grants, they wanted them to create even larger consortium so their current consortium is made up of those four that she mentioned, Indiana Wesleyan, Systems of Care, which is a wraparound services for mental health, Taylor University, Family Services, United Way of Grant County, Justice Partners and the Justice Partners, that includes the Public Defenders, the Prosecutor's Office, the Recovery Courts and Probation. So they're very excited about this partnership. They think it brings a lot depth and experience to help them continue to fight this process. So, one of the things that she just quickly wants to share and then she will allow time, she's watching her clock here, allow time for questions but there are several other large pieces of this grant that will impact. They feel the support, Peer Support Specialists, will be one of the biggest. As a worker at Marion General, they often would have people that were ready to quit and it would be at 7:00 p.m. and they would have to tell them, well call this number tomorrow. Well, by the time tomorrow comes, they will have had another craving and have probably succumbed if they get sent back home and so they feel like this is going to be a big gap stop. The Peer Support, we have a Facebook page for those of them in the audience. It's CORE, CORE Grant County and you can kind of see what's going on in the recovery community. They had a table at the Voices of Recovery just two weeks ago or last Saturday. It was an amazing event for Grant County. So their motto, they don't have it in their brochure yet but their motto is "We don't want to be known as a community that has an addiction problem. We want to be known for a community that is in recovery", that we are recovering from this. We have some great stories and some sharing points with that. So, a few other things, they're looking at (inaudible) reduction countywide, how can they help with that. They're doing, Family Services is going to be doing primary prevention in all of the schools now so they're going to be getting some funding from this grant, along with Grant-Blackford. And they're adding some more medication assisted treatment program where, like the injection that they get prior to leaving the jail, so for just the help that's going to (inaudible), they call those (inaudible) providers so they're looking at adding more access for people to get the medication they need to help them get off some of the drugs. It also addresses alcoholism. So, all of their Peer Support Specialists, their story of addiction begins with alcohol abuse so they don't want to not look at that in their situation in the county. So that's just it in a really, really quick nutshell and they would love to talk about it. She just handed out a few other papers just about opioid and the Narcan and Naloxone, that's the other name for that, just for their information. As people talk to them in the community, she'd be happy for them to share it, it's on front and back, but the most probably important thing is the brochure. She's going to leave some up here on the thing if they want some but this tells about the program and it has the phone number on the back so anyone that they know in their areas or friendships or their family that is struggling with addiction can call this number and they need to ask, it goes to Milestone right now, that's going to change. They're going to have their own cell phone but they're not there yet. So they'll go to Milestone and what they have to say is we want to connect with a CORE Peer Support Specialist and they'll connect them with one of their three and then they will do follow up with anyone in the community. So it's not just limited to Marion General and to their partners. They want to touch everybody but they often share many of the same clients in their services. One real quick thing, they are working with Community Foundation. They were actually able, everybody was shocked, they moved a significant amount of money from their grant to the Community Foundation. They're creating a community fund to help with workforce development to help pay for scholarships and then the people can work here to work off their scholarships, hoping to keep them in Grant County. That's always a

challenge, as many of them know, so their work off will be anywhere from three to five years. Statistics tell them if they can keep them in the community that long, they have a good chance of keeping them so they're working on a recruiting strategy and looking at even starting in the lower level of high school and providing jobs (inaudible) consortium members and then through college so they have every summer already taken care of that freshman year to keep them here. So, that's another big area that they're very excited for. So, any questions, Hochstetler asked. Councilwoman Lynn Johnson asked Hochstetler, has she heard of or does she hear of and maybe might think that if this City Council, as a body, would establish a resolution to become a Drug Free Community, would that open up the doors for her to have more access to grants because there is a Drug Free Community Program throughout the nation through the cities and towns throughout the nation that have opioid problems and it's been active since, she believes, 1992 where there's widespread success stories with Drug Free Communities and if they, as a body, would establish a resolution and then follow it up with an ordinance, much similar to like LaPorte that actually allows your ministry and people to minister in the hospital and there are certain aspects to that that help addiction, the opioid addicted person get assistance in rehab. Maybe those doors would open up more for her, she doesn't know. She was thinking that maybe we should have a Drug Free Community, Johnson said. Ms. Hochstetler told Johnson they actually have looked into that and they're looking at moving into that. They just knew they weren't quite ready yet a year and a half ago. They feel like they're in a much better state, so yes, any of that always speaks well to how our community is coming together when you're talking to funders. Mrs. Johnson replied, right and it does mean that this body would originate the Drug Free Community. Hochstetler commented, that would be awesome. Johnson said, so then if they were able to originate the Drug Free Community and then write an ordinance to follow it back up, she's looked into this a lot and she's spent some time at Marion General Hospital with their activities there and she's really impressed by what they've been doing but she's been studying what other communities do and these things in other communities are really important to us because they're starting to receive 70% success ratios in overcoming opioid addiction and participating in opioids, CORE like this, this program here is a big asset so a Drug Free Community would be an umbrella for everyone to gather under. Ms. Hochstetler responded, that would be excellent. They actually, as part of this grant, have been invited four times to Washington D.C. and have met with hundreds of cohorts from around the nation for best practice so that has really opened a lot of doors also. Mrs. Johnson stated, so this body might want to consider establishing a Drug Free Community by resolution and then follow it up with an ordinance that specifies exactly what is done by the city and what can be done by our police and fire and what we can do to assist them in their efforts. Council Vice-President Deb Cain thanked Mrs. Hochstetler and told her that was very good. She appreciates her time, coming to them and asking to speak with them. If anybody wants to get a pamphlet, she knows that she has a few that she can hand out or they can get them up at the podium.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 11-2019 2ND READING – UPDATE FROM PETITIONERS

The City Clerk read General Ordinance No. 11-2019 by title only, an Ordinance amending original Ordinance No. 4-1951 up to and including Amended Ordinance No. 19-1982 Schedule V. Weight Limit Restrictions. Council Vice-President Deb Cain said, before they come up, she wants to verify something. This is just for them to update and they are not making a vote because they are going to do a public hearing. Is that the 15th? What's their next date? She was told it's the 15th. Council attorney Phil Stephenson told Cain they could do a 2nd reading if they wanted to but they can't pass this anyhow until they have the public hearing. City Clerk Kathleen Kiley said, they just didn't have time to get it advertised for tonight. Adrienne Rines Hammond thanked the Council for listening to the updates that they have for them here tonight. She said she is from Kiley Harker Certain and she is here on behalf of Austin Whirrett and Domenic Brankle of the Wood Pile Pallet Co., LLC and she would like to note that both owners have ties to the Marion area. Domenic was born and raised here. Austin has ties to the area as well and actually left his career as a commodities broker to join the Wood Pile Pallet Company here. A little bit about the history of the business, the pallet manufacturing business was established here in Marion in 2012 by Domenic after he graduated college and moved back to Marion. At that time, it was Domenic and one employee, however, the business has grown quite a bit, especially since Austin has arrived. Now the business has 11 employees in addition to Domenic and Austin. They had a definite need for new space, having a growing business, as they can imagine and they currently rent but they would

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like more space and they have decided they would like to stay in Marion if space is available and the space that they are currently looking at is the best, well-suited space really that they've been able to find here. So, they are seeking approval, as they know, for this ordinance, a truck route off of 9th Street, Lenfesty, and that's where they're seeking to move their operations. So she would like to note that they did receive approval from the Board of Zoning Appeals. They were rezoned from, she believes, Warehousing to Light Industrial and they also previously had received approval from the Traffic Commission. So, regarding this particular ordinance, the Council is being asked to amend the current Truck Route Ordinance in place to include North Lenfesty Avenue off of 9th Street, adding about three blocks to the truck route. And just some projections for the truck route and the business, during the first year because of the extra space and capabilities her clients will have, they plan to add seven jobs. The route will run limited hours from 7:00 am to 4:00 pm Monday through Friday. They're looking at one to two trucks per day and that is also taking into account some growth projections for the business so that's accounting for that growth. Wood Pallet loads are relatively light compared to other loads and it's also worth noting, she thinks, her clients have went through the appropriate channels to ask for this route whereas, around the city, they have a lot of trucks that are travelling down roads that do not have the truck route or have not asked for permission. So she thinks that is worth noting. And there have also been some additional questions and she knows she has reached out to see what are some questions and potential concerns. Some of these do involve issues that come later. She would like to note, to some degree with the building and the property, until her clients get the truck route, they're somewhat limited on what they can do, however, she wants to address what they've looked at and what they've looked into and talked about so that they (Council) do know they have some plans once they would hopefully secure the property. A big discussion has been the visual impact of outside storage. Their current location does not meet their size specifications for their current production. Also, they rent that location and there, she believes, were some items already outside the property that were not theirs so they do want to address those issues and some ways they are going about this, this new building that is located off the truck route, proposed truck route, off Lenfesty, it's got a lot larger space so they'll be able to store everything virtually inside the building. They also have some other plans to address issues regarding visual impact for that type of facility. They have received a quote for a fence to go around the property that will also have the privacy slats so that'll keep things for a bustling business to look a lot more, just a lot neater from the outside. And finally, what should also be a great help to make sure that there is not an overabundance of too many pallets hanging around outside the building, they have secured relationships with overstocked pallet companies which will take more pallets from them so that they don't have those just accumulating. So that is what they have looked into as far as addressing the outside appearance of the building, whether or not there will be any items stored outside the building so they've got way more space, they've got a fence planned and then they've got these overstocked company relationships. So she thinks that will do a lot as far as addressing that. Secondly, there has been a question whether there was sewer and water access and that has been addressed and it's located off of Lenfesty and her clients will bear the cost at their own expense for hooking up to the water or the sewer. Structural soundness and safety of the building, they will hire a structural engineer to go in and inspect that building and they have talked with local building code officials and they intend to comply with Indiana law regarding any building code issues and take those seriously. Also, whether sprinklers or fire protection will be installed, her clients will address this issue as well. In fact, Indiana requires that woodworking operation facilities must have an automatic sprinkler system installed so they plan to comply with this as well regarding their building. And, at this time, she would like to ask the Council tonight, do any of them have further questions regarding their plans for the property or any other questions they may have on their minds? Councilman Henry Smith asked what is the difference between a truck route and an ordinary, what it is now? Ms. Rines Hammond told Smith she believes it's the usage for the road. She can't speak as well probably as Mike Graft or Sam Ramsey could on that topic but she believes it's the amount of weight that is on the road. She's not sure exactly but she believes they looked at the road to see what was in the road underneath it, how much it could hold and it was measured and tested and she believes that Lenfesty, that's one reason they got a favorable recommendation is they did find that it was a solid road basically, that it could handle trucks fairly well and she believes those roads also that are made a bit better to withstand truck traffic, they don't tear up as easily or as quickly when heavy trucks travel down the road. She asked Austin if he had any better description. Austin Whirrett told the Council, no, he thinks she put it pretty well on point. He knows it's just that it wasn't originally designed but Mr. Graft, prior to the Traffic Commission meeting, had taken a core sample of the road and he

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thinks his finding was it by no means was it county highway thickness, built to that degree, but based off what, he kind of gave him (Graft) some information like she had mentioned as far as what each load weighs and things like that, on their trucks specifically, versus other products. A truck full of 50-gallon drums of some sort of liquid is going to be significantly heavier and reach weight restrictions versus pallets. There's more air in the trailer than there is in the material. So based off of that and based off the core findings, he felt that it was sufficient. Smith said, so the width of the road, as it is now, will not have any effect upon the church or the three people going up and down Lenfesty, is that correct? Whirrett said, that was also taken into account. Correct, yeah. He took into account all street parking. He thinks there is some street parking on 9th Street but it sits far enough back to make the turn. He doesn't want to speak for Mike but he thinks he took into account the width of the road and all the radiuses and that stuff. City Engineer Mike Graft told the Council, as they previously discussed in some of the earlier meetings, the guys are right. They did core samples. Everything meets the standard that they're going to need. The widths are fine. The only turning radius concern is that they can't use 6th Street or 8th Street to enter into that because the radiuses won't work. They have to come in off of 9th. And obviously everyone knows that 9th Street is not a truck route but if they look around the community itself, they do have designated truck routes that you can use a local, arterial road as a connector road to get to those. So, he doesn't know the logistics of everything that they're discussing with them tonight as far as their building but one thing he can assure them of, if they can't get compliance with their building, the ordinance as it reads right now, if this company cannot get an occupational, a customary or building permit to occupy that building then the truck route goes away. It is tied to this group. So if they sell this property, the truck route goes away. Someone else would have to reapply. So, it's married with their, in the ordinance, it's married with this group. Mr. Smith asked, isn't that building was used as something similar to this earlier, wasn't it? Graft told Smith he can't speak to the specifics of the building. Smith said Tulox had it. Graft stated, yeah, but they didn't use Lenfesty. They came off of Miller Avenue and then there was an access road back to that location and there was a land split that separated the properties and these gentleman no longer have access to (inaudible) that. Smith asked, so would that carry over then? Graft said no. That's why they're doing what they had to do because they tried to get that with the property owner that owns that right of way, they couldn't get that done. So that's why they came to the city, asking this request. Smith asked, (inaudible) have any effect upon the church? Graft replied, well, the Council has ordinances already in place that if they're after hours, working after hours, and the neighbors start complaining, the ordinances can be upheld at that time. As far as he knows they've met, and that was kind of the Traffic Commission's conversation, that they meet with the owners of the properties to see if there's any differences of opinion on and from what he gathered, there was not. They met with the church, they met with Lincoln Field and the immediate property owners, Graft said. Councilman Jim Brunner said he had a question for Adrienne. What kind of reception are they receiving from the people who live in this area? Or will they find that out more when they have the public hearing in two weeks? Ms. Rines Hammond told Brunner, like she said, her clients had the opportunity, she knows they had really good reception from Matt Trexler of The River Church, she believes, and she knows they spoke to Mitchener of Lincoln Field and she knows they've talked to those individuals and received really good reception. As far as other individuals in the area directly, she's not sure. Council Vice-President Deb Cain said she has a couple of questions. She told Rines Hammond she stated that, for the visual outside, she stated two different scenarios. She said the building is large enough to store but then you have the visual privacy fence so that they wouldn't see pallets that are stored and then that they would work with a company that takes overstocked pallets. So, she just wanted a little clarification. Are they going to have outside storage? Are their pallets going to be outside? Ms. Rines Hammond told Cain she believes Austin would like to speak on this issue. Mr. Whirrett told Cain, absolutely not. He thinks they had spoke about it a little bit at the prior meeting but he'll elaborate a little bit more. Just so, he thinks it'll help everybody understand, right now their process, they're primarily pallet recyclers and re-manufacturers which means that they receive scrap pallets from different manufacturers around the Grant County, Huntington area and when those pallets come in, the goal of any pallet recycler is to immediately process those which means they have a machine called a pallet dismantler which the pallets are fed through, they're broken apart into boards and they move down the assembly line, just like any other factory. Right now, they operate two of those machines and simply don't have the space or the electric capacity to add more of those machines. They would be doing that immediately upon moving. They're already lined up, they already have them sourced and everything, which would also add jobs based on they need operators for those machines. So

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their processing capacity would be significantly faster. And as soon as pallets are done, he means, they're usually either right on time or a few minutes behind on all their orders basically, just because they're that busy and have that much work so as soon as something's finished, it's going out the door usually. It's from a finished pallet standpoint. And then, in regards to the fence, he thinks just kind of out of respect for everybody and just to have kind of a confined business area is why they're putting up the fence. And then in regards to the other two pallet companies, it's two semi-local pallet companies that are in the same business, obviously, that they've had an agreement with, that they would spot them semi trailers at any point in time if they were to have an overstock or something that they might not be able to use or anything like that. Mrs. Cain told Whirrett she talked with them both at Tree of Life and they spoke about the neighbors and her concern, because she received calls from neighbors and then she sat down with a group of 14 of them and they wanted, no one talked to them. They didn't come knock on their door and he told her that he wanted the system to work, your communication with them, and at that time she told him that sometimes, when we drop ourselves right in the middle of a neighborhood that is established and you're new, the best thing to do is build relationships by knocking on doors, introduce yourself, talk to them. Yeah, it might be scary because you might not get the response or they might not be receptive to you in the beginning but if you talk to them, that builds that relationship and trust. So how many doors has he knocked on? Whirrett replied, the only people he has spoken to was Tino Mitchener of Lincoln Field and Matt Trexler of the church. And he knows they had spoken about that and he also, he guesses he got mixed advice from numerous people. And they're also very busy. He means, he works 60, 70 hours a week and he lives an hour away. No excuse but he was not, they've been, he's tried to be very upfront in this entire process and follow the process so he apologizes if anybody feels like he was trying to sneak anything through by any means. They never were. Cain told Whirrett, her indication is that they're not trying to sneak anything through but her concern is he has a lot of neighbors that don't know him, don't understand his business, don't know the extent of what he's doing to make this workable, so that he's not affecting their lives and turning it around. And if he doesn't have that communication with them, if something happens and he needs them to back him up, he's not going to have that. That's where she is coming from because we have the constituents that we have to think about when we make the vote and so she just had that conversation. In fact, Mr. Luzadder and she just had that conversation when they were helping a neighborhood association in their clean up. So they just recently had that conversation about their concerns. So, again, that's something that she would encourage. Councilman Brad Luzadder said, in going over the paperwork, he does believe that before them is not their business and it's not their building at this point in time. He thinks they need to stay focused with the road and make sure that they're doing what they're really required to do with this and that's a truck route. He is intrigued by the operation and he would love to come out and actually see what's going on there. Their hours of operation, at the last meeting he said they would be done 4:30-ish, give or take, but he thinks before them right now, it's specifically the road. He would say that they would go ahead and table this until they can set it for the public hearing, let the public have the opportunity to speak for or against. But he thinks for them, the specificity of the road and the route should be their focus at this point in time. He's not saying that the business is not important but he thinks that the goal, as he reads it, is limited specifically for the truck route. They're not endorsing, they're not giving them okay in which to work. They would have other things in which they would have to do prior to occupying that. They would have to have a sprinkler system. They would have to be inspected. If they don't get a certificate then the truck route goes away. So it would really rest in their lap if they really want to do this then he would say that they have to belly up to the bar and handle that but he doesn't read it in their notes or in the ordinance itself that they're looking to amend that it would have any difference whether it was them or somebody else wanting to use that road as a truck route. It was passed by the Traffic Commission unanimously. It was rezoned by the Board of Zoning Appeals, which doesn't happen very often, so they must have done some of their homework on that for that committee to pass it as well. So, his feeling is he would like to hold it on 2nd reading, open it up for a public hearing and then decide whether they are going to pass it on but he would say at this point in time, they should stay strictly for the road and is it able to be used for what is being asked and then they ask for other information to come back (inaudible) here. But he thinks that the way it reads, they really are specifically only able to look in which for the road at this time. That's his take, Luzadder said. Councilwoman Lynn Johnson asked, have they signed a purchase agreement with the seller? Do they have a timeline on that purchase agreement with their seller? Mr. Whirrett told Johnson, yes, it is contingent upon them getting this truck route successfully. That adds value to the building so it's kind of been taken into account in the

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appraisal with the bank and everything. So it is contingent upon that and they don't want to rush the process by any means but he thinks it's important to make note that obviously there's kind of a timeline on their end for that. They've been really gracious in continuing to extend it up to this point. Johnson said, so even the bank and everyone involved is recognizing that this might take us, she thinks maybe before next meeting, she thinks they can have the public hearing. She doesn't know how that's set up. Mrs. Kiley said they have it ready to be advertised for public hearing for the next Council meeting on the 15th, if they pass it to public hearing tonight. Johnson stated, so that's her question as far as their timeline and how this impacts them and their business. Whirrett replied, yeah, it's definitely a major impact. He means, the sooner the better because they still will have to get an architect and go through the commercial review process to be told what they're allowed to do and as far as sprinkler system requirements and that's a six to eight week process if everything goes great. Mrs. Johnson said, and you know, as far as the neighborhood is concerned, she would agree with Mrs. Cain, however, neighborhoods are pretty forgiving. There's already a unit there that's been there for years because that building's been there for quite some time. She would think the utilization of that building might make a lot of those people happy. If they do it right and they welcome them (inaudible) investor with that neighborhood. So they have that option and they have the time. Mrs. Cain said, let her clarify. Tonight is just to hear their responses and what they've updated. We've already made it a public hearing. Mrs. Kiley said they couldn't bring it out of, when it was taken off the agenda back on to public hearing. They didn't have enough time for this meeting. So if they pass it on to public hearing, it'll be advertised for the next meeting. Cain asked, do they have to vote on to public hearing or no? That's what she thought. Kiley said, so they're not going to take a vote. They're just automatically putting it on. She gets it now. Cain stated, they're just automatically moving it to public hearing for the 15th. So they were just hearing what they have done between when they came the first time and then they put it into committee to see what they've done, who they have connected with, what steps have been taken so that when they have the public hearing then they already have all their answers in place and that's when the neighbors will come and speak regarding the truck route. Councilman Don Batchelor asked, will the next meeting, will it be 2nd reading and public hearing? Cain told him yes. Batchelor said, okay, that's his question. Councilman Luzadder stated, and he would say, gentlemen, as Madam President has said, it would be in their best interest to meet with the neighbors before they come out and speak at the next meeting. He thinks that it's imperative that they meet with the neighborhood associations in that area that's going to be impacted because he knows a lot of the concerns have been with children and having the baseball diamonds there. There's some trepidation on people's minds right now and he believes if they would sit down and have a conversation with them, just as Madam President has said, he thinks that they're going to be much better off and it's much easier in which to have good public relations by reaching out and becoming a good neighbor, if that's what they really want to be. So he would take their Chair's advice, that they sat down with her and made an agreement that that wouldn't happen, he would venture to say that's a good idea to do. At least as he's sitting there as a Councilman right now. Council Vice-President Cain said, thank you Mr. Luzadder. One suggestion she would make is get in contact with Kayla Johnson. She's the Director of the Neighborhood Associations. She can get them in touch with their neighborhood President and then they can call a group meeting and then he can talk to all of them. She thinks that would be a good way to do it. That would save him, out of his busy schedule, he can have it all in one and then that way he can assure them that he's going to have the property secured, the pallets are under roof so that their children are not tempted to make it their playground and it's protected against people that use the Greenway, which is right behind the property. Councilman Henry Smith said, yeah, they just have seven people on the west side of Lenfesty and so the easiest way to do it is just have them meet with the Reverend over at the church and that's a half a block for all of them and then talk with them then because if you go four blocks that way, 10 blocks this way, you're going to go (inaudible). So just talk to the six persons along Lenfesty and have the minister to do it. He would probably appreciate it himself. That's the easiest way, Smith said. Councilman Jim Brunner added, and gentlemen, he thinks if they could make it available for the Council folks to be there, he thinks it would be great, just for them to be able to stand next to them and have them point all this out because they're seeing this all, they've all been around that area numerous times but maybe it would really help them if they could really see exactly what they are describing, what Adrienne is describing. So if they could maybe give them a half hour or two half hours where they could choose what time would be most convenient for them to meet with them, he thinks that would help them all to be able to actually see this in person with them. He thinks it would help them too, Brunner said.

8

NEW BUSINESS

GENERAL ORDINANCE NO. 12-2019 1ST READING

The City Clerk read General Ordinance No. 12-2019 by title only, Amended Ordinance No. 12-2019 to amend General Ordinance No. 7-2018 (Neighborhood Preservation Ordinance), An Ordinance regulating the construction, alteration, equipment, use, occupancy, and location of buildings and structures in Marion, Indiana; incorporating by reference building rules, codes and standards required to be enforced under IC 36-7-2-9; providing for the issuance of permits, inspections, and penalties for violations. Phil Stephenson, Council attorney, told the Council if they will remember, the Council passed this Neighborhood Preservation Ordinance some time ago but the law required that they submit that to Homeland Security for the State of Indiana. Why they do that, he's never figured that out but then he doesn't understand the government very much anyway. But, they did submit it. They essentially refused to approve it. They've done a couple, several drafts since that time. They've also had a phone conference with the attorney for Homeland Security and also the Director or whatever his position was. Essentially, it's pretty obvious the problem. The problem is, hey we have a statute we want you to use. If you don't want to use our statute, we're not going to approve anything else. So essentially what they did was they redrafted it so they incorporate their regulations and requirements which are extremely similar if not identical to the ones they were using before and then they did add some things which they were fine with, such as we had the requirements for registration, people who are running apartments and things have to register with the city. That was okay with them, they were fine with that. So they did incorporate some that was in the old ordinance and put them back in but, for the most part, it's not all that dissimilar from what they approved before. It's just now incorporates the state's language instead of our comparable or identical language and also it includes some additional areas that we have added, which they did not have in theirs and they have no objection to us adding something as long as it doesn't in any way impact their existing proposed ordinance. So that's where we're at, but as a result of that, we need to go back and amend, assuming it's the Council's pleasure, to amend the existing ordinance we've already passed which is a fairly substantial redraft in some regards, but again, it's (inaudible) for example, it has a swimming pool in there which we picked up from their statute to incorporate it. Well they just want to throw ours out entirely and put it over in theirs even though it's the same thing. But that's just the way it is. So, if it is the Council's pleasure, we're requesting that they would re-pass this as an amendment to the existing ordinance and we'll get something in place. Councilman Brad Luzadder asked Mr. Stephenson, can this be passed in one reading with a unanimous suspension of the rules by the members? Stephenson told Luzadder they don't have enough people here tonight. So they're going to have to pass it tonight to the first reading and then pass it to the 2nd reading. City Clerk Kathleen Kiley asked, and public hearing? Stephenson said, yeah, they're still going to have to go back and have a public hearing because of the fact that it is reincorporating the penalty so they have to have a public hearing anyhow. So his hope would be they could do the public hearing for the next meeting. At that point, they could pass it to a 2nd and or a 3rd if they wanted to. Councilman Jim Brunner asked, are there a word or words or are there sentences or are there paragraphs or are there pages that have to be changed? All the above? Stephenson told Brunner, all of the above, yes. Brunner said, but in essence, in his opinion as their legal attorney, none of this means a hill of beans. It's just somebody trying to justify their job? Stephenson answered, yeah, essentially there is no, in his mind, substantial difference between this and what they passed before. One of the other things he thought of as he was standing there, you know, we had had provisions for boarding up windows and painting those just so they were covering them up, making them look a little more attractive for an abandoned place. That's in here too. Again, they had no provision for those things so if you want to add them, that's fine, just don't touch anything that we currently have a provision in place for. Because see that statute, the way that statute was set up, and we knew this when we passed it, the statute said you can adopt this statute by simply adopting the entire section. Well, we didn't want to do that at that point because we were actually adding things to the prior one so we redrafted a new one, trying to incorporate the language they had in theirs that we wanted to have plus our own new things. Well no, you can't do that. They had their own essentially proposed ordinance that they want you to take that ordinance and pass it the way it is and now if you want to add those other things, that's okay. So yeah, there's differences in some of the numbering, there's differences in some whole pages. In a sense, (inaudible) were in, even though they may say fundamentally the same thing. Brunner asked, but in his opinion, is there no major changes that effects the city in any which way, as their legal attorney, is what he's telling them? Stephenson told Brunner, no, as a matter of fact, there are some fines which

GENERAL ORDINANCE NO. 12-2019 Continued

he thinks are higher in theirs than they were in ours, so in that sense, that's maybe the one difference. It costs people more money if they violate the ordinance. But as a practical matter, it is covering the same subjects with the same requirements. Councilman Henry Smith asked, is it possible to get the ordinance cleaned up where it's a comparison? Council Vice-President Deb Cain told Smith this is it. Stephenson asked Smith, he's saying he wants a copy of the old one? Smith said, okay, cleaned up compared to the other one. In other words, a cross section of one compared with this one here and taken out and put in. Stephenson said they haven't done a redlined copy of it, if that's what he's referring to. Cain asked Smith, is she hearing his question right that he wants to see the final, cleaned up ordinance? Smith said, the one before and the one that's been cleaned up. Cain said, we can do that but what she's going to tell him is that the difference is, okay let's use, on page 11, section, and Mr. Foustnight, if she's not correct on this, go ahead and speak, let's say section 5. In our current ordinance, a lot of times we copied and pasted the wording so that we could help the Building Department's office have it right there in front of them as they're working with anyone that comes in to speak to them about the ordinance. What now we have is this to hand to them and say, oh, and then you can go out and look on their website and find what this says because we can't have it in black and white because they want us to use the code. Now in using the code, putting the reference of that code, if you see it says I.C. 22-12-7 under section 5 on page 11, it means that if the code is changed at any time by the Homeland Security Department then it automatically changes it here. We don't have to go back and ask them, go back and do an amendment to it because we are referencing the code instead of having the statements written in long form. Smith asked, what is the advantage of having the code here and then having it (inaudible) because either way, somebody might not even know the code and then, by not knowing the code, they want to know what does that mean and then you're going to open up a can of worms saying go get the code. They're going to ask where do you get the code. Stephenson told Smith he's absolutely right and that's the problem. That's why when they drafted the first Neighborhood Preservation, they tried to incorporate what they thought was a critical language into this ordinance so you would have it all in one paper essentially but they wouldn't let us do that. They said, when you're doing it, no, we want you to simply cite the statute and not have the language and that's going to be the trouble with the redline. If you look at a redline of this, it's going to look like we marked out whole pages of this and did away with it. Well, we didn't mark it out entirely, they just simply took it out and replaced it with go look at this section of the code. Smith asked, now, is it possible to have where it has these codes, to have a supplement on the back where it has the code then because how can you penalize someone if they don't know the codes? Stephenson told Smith, he knows. He'll be happy to give him the number of the attorney for Homeland Security. He means, could you have it on a separate supplement, yes. Can you have it as part of this ordinance, no you cannot do that. If you do that, they're going to turn it down again. That's what they've already said. Mr. Smith stated, so supplementary, you can do that then, is that correct? Stephenson responded, well he's sure Mr. Foustnight, he can correct him if he's wrong, he's going to have those code sections in his office that people can look at if they want to see what they are. He would assume that's correct. So he's going to have it there and if they ask, he can then show it to them or can copy it and give it to them, but as a practical matter, we cannot make it part of this ordinance. Smith said, so basically speaking, you're going to penalize them and show the code second before they see the code first. Councilwoman Lynn Johnson said, no, there's time in this ordinance. 72 hours and there's another (inaudible) time and there's time in this ordinance. Stephenson told Smith, the problem is going to be either way. The problem's going to be, if they only look at this and they don't ask for the section of the code, it's going to keep changing. They're going to keep rewriting it so, even if you've got a copy of that section when you went in and first looked at the ordinance doesn't necessarily mean that's going to be the law 12 months from now because they're going to amend it and you're stuck with the amended version, if you violate it after the time that went into effect, not with the prior version. And that's one of the problems with this and the problem with this is it's going to be a moving target for someone to have to keep coming back and rechecking the statute to see whether or not it's changed and they've got to do something else. He would agree with everything he's saying, his concern, which is why he thinks this committee spent a lot of time, not only with itself but also bringing in neighborhood representatives, trying to come up with good language, but unfortunately, Homeland Security has just said we're not going to do it. And we've amended it twice before and went through this whole thing with them and finally, that's the reason he thinks Mrs. Cain set up the phone conference so we could try to just talk it through with them because you send it in and they sent us back changes, we make the changes, sent it in and they came back with more changes. So obviously we could go back and forth and

GENERAL ORDINANCE NO. 12-2019 Continued

do that forever, which was the reason for the phone conference to say what is it and they were fine (inaudible) and that is we've got an ordinance, you use ours. That's the only way they're going to pass it. Building Commissioner Jerry Foustnight told Mr. Smith when he's concerned about the changes in the codes, we used a template that they gave us that we had to use and one thing about this ordinance, it will change as they amend and change. The State of Indiana is in the process now, we're going to update the codes from the 12 to the 18 and so there will be changes within that. The great thing about this ordinance, as those changes happen, they will also impact our ordinance where we don't have to come back, like Mr. Stephenson said, and change it. When we're talking about codes and the changes and everything, in our office, we have, on a weekly basis if not more, we consult with individual companies or individual contractors, not only for residential but for commercial. When we give them their permit, we're telling them what's going to be required. You know, you have to have an inspection for this, you have to have an inspection for this, you have to have this. We also go out to job sites. If they're not sure exactly what has to be done, we will go out there and we will tell them, oh, you have to have fire stops here, you have to have wall plates here, you have to have this or whatever. So, he understands the concern but he also understands that we do a lot of that prior to even them starting construction because we always tell not only residential but commercial people that it's important to know what the codes are prior to starting because if you start a project and you don't meet codes, we make you tear it out. So, he doesn't think this will penalize anybody. This is something that will, again, help the community. Like Mr. Stephenson said, we used their template and we added what we needed to in it. Councilwoman Johnson said she wanted to thank Henry for these really great questions because we answered these questions in committee. You know, we were really concerned about public awareness and wanted the public to understand about what we were doing in these codes. We saw fires and things from South Bend, Indiana that informs all of the public about their building codes and we saw fires from all different parts of the state where other cities have provided those for their citizens so if they have a question, then it would be available in Mr. Foustnight's office so that you can dig them up and then you can actually distribute them. We even talked to Chuck Binkerd about some available space in his budget for us to submit flyers out to the citizens because we agree with you that this code and these things are really hard to understand and like Mr. Stephenson said, we worked diligently on the last code so that it would be clear, (inaudible) have the ability to explain this to someone and now we can actually do public information paperwork and flyers that we can actually give as supporting documents for this amended ordinance. And so, what you're saying is absolutely true because she doesn't think anybody, including Mr. Foustnight, his book of ordinances is this big. She means, his code is that thick and she doesn't even think he has it all memorized, maybe he does by now, but it's huge. And so, this is the supporting detail that we tried to include that they eliminated. And, in the meantime, we have avenues and we have a desire to make sure that the public understands. She means, we can actually publish things if we have a budget. If we were to have supporting budgets, we can actually use some of the budget at the Utilities to keep some of these things right in front of the public's face so that they know what's changing and know what they need to be aware of. So, you know, we want this to pass and if Homeland Security says this is the way it has to pass, she means, this is a good ordinance and it's going to really improve the city and we're going to do everything we can in committee to keep this ordinance clear and in front of the public. And she likes those questions because we discussed that in infinity because the people on the committee did not understand some of these ordinances and codes and state stuff. Mr. Stephenson said, if he might add, there were some things, he thinks, in our original ordinance that were actually providing greater safety for people who rent in this town but the state won't let us do it. He thinks it's primarily political reasons. It's who has the best people out there pushing the State Legislature, whoever. But anyhow, this is the best ordinance he thinks you're going to be able to get. That's all he can really say. Council Vice-President Deb Cain said, and she wants to remind the Council that we passed this ordinance on the first and second hearing as unanimous. We need to take our focus off of the state's Homeland Security's desire to have minimum standards using their agenda and put it back on why did we do this ordinance. We did this ordinance so that we can connect with the owners of rentals, so that if there's a problem with those rental houses and for the safety of the renters, that we can make that connection. That was the main reason that we put this ordinance in place was to require minimum standards so that you don't walk into a house with children and there's no running water and there's no heat and there's no floorboard and there's no windows that are secure. That's what this ordinance was for and we passed it on first and second hearing, we suspended the rules and we sent it to the state as required and they said the first half of it, it's not all of it, the last 10 sections, they left alone. It was just

GENERAL ORDINANCE NO. 12-2019 Continued

the first part that touched on the structure of the building, that they want us to follow their structure. One of the conversations she had with the Director of the Fire and Safety Commission is that she was disappointed that they required us to take out the carbon monoxide, requiring that anyone that had gas in their home for their furnace or their stoves and we had to take out the detectors. We couldn't require it because the state doesn't require detectors to be in those kind of facilities, in homes. Because we just experienced in the county a family that died because they didn't have a carbon monoxide detector but they're asking us to take it out of our ordinance, if we wanted to have this passed. They said to her on the phone that that is something that they're going to have to look at and they were going to put that on the table. A little too late for us because we had to take it out but when Mr. Foustnight and she were looking at their template of the first part of the ordinance, we noticed that there were some higher fines in there regarding the structure of the home, if someone was not in compliance, than what we had. But the rest of it, regarding the responsibility of the owner and occupants, our stipulation of who can be in a house and the registration and application process, they had no problem with, and that's the teeth of this ordinance, that really is the teeth. The teeth is we need to have the owners responsible to provide good housing. If you remember when we had the public hearing how the Health Department came and talked about the homes that they had to ask the occupants to leave, the state of the homes. That's what we're trying to do in this ordinance. Mrs. Johnson said, you know, without being extremely sensitive or extremely emotional about this but, you know, Mrs. Cain, President Cain is actually right but, you know, she found out through her lifetime that if you have set boundaries, people will rise to an occasion, they will surprise you and they will over meet your expectations. She finds if we set boundaries and she finds that we grow together as a community when we have a standard, that everyone says I live up to that standard and I do these things and we rise together. So we're only as good as we rise, and you know, we're only here to benefit the citizens and the people that don't have the life experiences that we have been able to be blessed by. You know, and we're here to watch out for those of us who are unfortunate and don't have the ability to determine what a standard is and she finds that really amazing that we've had to face these things and we have to set standards in place for people to actually rise to the occasion and live correctly, you know, so every child has an opportunity to prosper and every child has an opportunity to thrive and our community actually has an opportunity to rise because until our community rises, we're not going to be a very successful community if we don't rise together. And she believes, without being emotionally in tune, that Mr. Smith as an educator and that herself as an educator and Mrs. Cain as an educator, you know, we understand what it's like when you set a standard and people never, they rise to that standard and they continue to surprise. So we're going to set a standard and we're going to ask the community to rise to that standard and that's the way she sees it is the community has to have a standard. She lives in an area where there are no standards and she lives two doors down from someone who doesn't even have water in his home. And you can tell because he doesn't even set out his trash and he hasn't had water for five years, five years. And her neighbor next door, he doesn't even have heat, and she experiences his neglect by having a cat that finds all the mice that come to her house because of him. So, she means, she has been trying to work with this citizen now for eight years or more to get him to be in compliance just for his own benefit and his own health and he still doesn't. She had to tell him "I'm trying to help you when you're not helping yourself". So we're trying to help someone who doesn't help themselves and that's kind of like how she sees life, that you help others and maybe then they'll pick up and thrive. Cain told Mr. Smith, in answer to his question, probably most of them might not have the original ordinance so she will make copies of the original ordinance. She asked Mr. Foustnight, can she ask him to help her some day to sit down and we'll copy off all these codes so that you (Smith) can then put it together but you're going to see that it says the same thing that our ordinance did. Smith said, he would love to before he votes. Cain said, it'll be but we need to, go ahead, she'll let him speak and then she'll take a motion. Mr. Foustnight told Mr. Smith he just happened to think when they were talking about that, we do, in our office, when people or individuals come and get permits, we do pass out (inaudible) to them concerning what the requirements are, what inspections are required. For instance, if they're doing electrical work, we pass out a five page pamphlet to them that instructs them on exactly how the electrical work is required. If they have questions, the number's there so that they can call us concerning what needs to be done or if they have any questions. We do that to help the public be aware of what's required. And also, in closing, he would invite any of them that has questions about this ordinance or whatever, please come to his office. He'll be more than happy to sit down with them. Call, if you would please, and the secretary's will set up a time and we'll sit down and go through the ordinance. He'll try to answer all their questions. If he can't answer them, he'll get

GENERAL ORDINANCE NO. 12-2019 Continued

the answers for them from either the state or they'll look in their code book and make sure that you're aware of what these are. Mrs. Cain and he can sit down and go through and basically write those out. They can pull those up on the internet and everything and just paste them and do what we need to, however, again, like he said, those were things that we had in our original ordinance and they didn't like that. They wanted to refer to codes so that as time changes and they adopt new language and everything, that would automatically go into ours, Foustnight said. Mrs. Cain said, we didn't change anything in the ordinance, we're just referring to codes. That's all we're doing. She'll accept a motion. Motion was made by Councilman Brad Luzadder to pass General Ordinance No. 12-2019 to 2nd reading and public hearing. Motion was seconded by Johnson and carried by the following vote. Aye: Brunner, Batchelor, Johnson, Luzadder and Cain. Nay: Smith (said no, not until he sees the rest of it).

At this time, Councilman Jim Brunner asked if they could have a five minute recess. Would that be possible since they're going on 90 minutes already? Could they have a five minute recess? Council Vice-President Deb Cain said, yes they may. They will convene at 8:25 p.m.

GENERAL ORDINANCE NO. 13-2019 1ST READING

The City Clerk read General Ordinance No. 13-2019 by title only, an Ordinance fixing maximum salaries of appointed officers and employees; and annual payment of flex dollars (\$250.00) to non-contractual full time employees of the City of Marion, Indiana for the year 2020. Julie Flores, City Controller, told the Council this is the employees, regular employees, Civil City employees. They did add a section for the flex dollars so that they didn't have to pass an ordinance every year allowing them to pay the flex dollars so this is a little different than the ordinances that they've seen before. This ordinance includes a 3% increase for all the employees and she would entertain any questions they have at this time. Councilman Henry Smith asked, what are the flex dollars? Flores told Smith, the flex dollars are the dollars that they give to all the employees to help offset their medical costs. Being no further questions, motion was made by Councilman Brad Luzadder to pass General Ordinance No. 13-2019 to 2nd reading and public hearing. Motion was seconded by Councilman Jim Brunner and carried by the following vote. Aye: Brunner, Smith, Batchelor, Luzadder and Cain. Nay: None. (NOTE: Councilwoman Lynn Johnson wasn't in the Council Chambers when the vote was taken.)

GENERAL ORDINANCE NO. 14-2019 1ST READING

The City Clerk read General Ordinance No. 14-2019 by title only, an Ordinance fixing maximum salaries of elected officials of the City of Marion, Indiana for the year 2020. Julie Flores, City Controller, told the Council this is the ordinance for elected officials. It does include a 3% increase for the City Clerk and a 3% increase for the City Council members. Councilman Brad Luzadder said he would like to amend that, for the Council members. For the past 13 years, our Council has refused to accept any increase and he doesn't see a reason in which to do so now, especially for the amount in which it would be for the budget. Actually when it was passed 13 years ago, it was specified by one of the Council members that it would stay into existence until the end of the Council so the members of the Council have not now or (inaudible) received anything from all those years ago. They have foregone that. Council attorney Phil Stephenson said, Madam President, just to point out, point of order, they first have to have a motion on the floor to pass it to the 1st reading and seconded and then they can do their amendment. Motion was made by Councilman Don Batchelor to pass General Ordinance No. 14-2019 to 2nd reading and public hearing. Motion was seconded by Luzadder. Council Vice-President Deb Cain asked, okay, now does she have a motion for that amendment? Does he have a motion, she asked Luzadder. Luzadder replied, they have to take a vote. Mr. Stephenson said, no, no, they can now amend it before it's actually voted on. Mr. Luzadder said, okay, then he would make a motion in which they amend that. The upper three can stay but he would say the Council would be removed from that. Motion was seconded by Councilman Brunner. Before the vote was taken, Cain said so in other words, what they are saying is that the 3% raise would be for the Mayor, City Clerk, City Judge but they're taking out the Council members. Mrs. Flores said, excuse me, there's no raise for the Mayor, no raise for the Judge. It was just a raise for the City Clerk and the Council members. Cain said, okay, okay, City Clerk and Council but they're taking out the Council members. Okay, they had a motion and a second. Stephenson said, excuse me again. They have to first vote on the amendment, either

GENERAL ORDINANCE NO. 14-2019 Continued

up or down, and then vote on the first reading motion. City Clerk Kathleen Kiley said, okay, she's got the motion to amend and the second so they're going to vote on that and then after that vote, then they vote to pass it to 2nd reading and public hearing. Flores added, as amended. Kiley said, as amended, that's correct. The vote on the motion to amend was as follows: Brunner – aye; Smith – said the way he looks at it, there's going to be a great possibility that they're going to have six or seven new Council people here. And basically speaking, they're voting for them because he knows he won't be here next year so he won't get a raise anyhow but there are so many of them in here that might be here, might not be here and he doesn't want to say okay, vote no, that they're not going to get a raise or whoever's getting a raise because they're going to be busting their rear end to get elected for next year and that is money that can go in their pocket or whatever it is. It's just a few nickels and dimes but he doesn't want to say, if it was his money, he knew he was going to be here and was going to get a raise then he'd say no but he can't vote for it. He's not voting for it, Smith said. Mrs. Kiley asked Smith, so that's a no? Smith said no.; Batchelor – no; Johnson – told Smith he makes a valid point. Smith said, always. Mrs. Cain commented, but then they don't have money in the budget. Johnson said she knows the budget is tight and the \$307.35 divided by 9 is not much. She's going to vote no.; Luzadder – aye; Cain – aye. She feels like the city needs, that we need to be the forerunner to the budget. We need to stand tight on the budget so she votes yes for the amendment. Mrs. Kiley said well it's a 3-3 vote so she thinks that means it fails. Is she correct? Mr. Stephenson said that's correct. Kiley said, amendment fails. So now she has a motion to pass it to 2nd reading and public hearing and a second, as is, no amendment. Mr. Batchelor asked, so you need a motion? Kiley said, no, she's got the motion and the second. Vote was then as follows: Aye: Brunner, Smith, Batchelor, Johnson, Luzadder and Cain. Nay: None.

GENERAL ORDINANCE NO. 15-2019 1ST READING

The City Clerk read General Ordinance No. 15-2019 by title only, an Ordinance fixing the maximum salaries for firefighters of the City of Marion, Indiana for the year 2020. Julie Flores, City Controller, told the Council this ordinance does include a 3% increase for all firefighters. Councilman Jim Brunner said he would just like to stand on the question he asked the Mayor because he knows at one time they were considering a 5% increase for firefighters and he would like that to be as possible. He told the Mayor he thinks he knows how he feels and some people feel that, if at all possible, he'd love to see that 5% raise be handed out. So, just reiterating his stance. Mayor Alumbaugh replied, probably not this coming fiscal year (inaudible). Being no further questions from the Council, Councilman Brad Luzadder said he doesn't believe that we could vote on ourselves without voting for our employees so he 100% supports General Ordinance No. 15-2019 on to 2nd reading and public hearing. Motion was seconded by Brunner and carried by the following vote. Aye: Brunner, Smith, Batchelor, Johnson, Luzadder and Cain. Nay: None.

GENERAL ORDINANCE NO. 16-2019 1ST READING

The City Clerk read General Ordinance No. 16-2019 by title only, an Ordinance fixing the maximum salaries for police officers of the City of Marion, Indiana for the year 2020. Julie Flores, City Controller, told the Council, once again, this is the ordinance for police officers and includes a 3% increase for all officers. Councilman Jim Brunner said, and again, he would just like to have his two cents in the minutes that, if at all possible, he'd like to see this be increased to 5%, if that would be possible. Councilman Henry Smith said, since this has dealings with the police officers, has the (inaudible), has that been settled? The Chief and the Assistant Chief? Flores told Smith she hasn't been involved with that so she can't answer that. She doesn't know. She hasn't been involved in those discussions. These salary ordinances do include a 3% increase for the Chiefs. Council Vice-President Deb Cain said, okay, she can speak on that. She worked with Judge Hunt and verifying with the State Board of Accounts that we, and the Board of Works has passed, unanimously, the handbook that will have those benefits listed in there and that was supposed to come tonight but there was a miscommunication and it'll be coming to them next week. And that will be fixing that. Smith told Cain, so she's saying that it will fix the... Only thing they can talk about is the past and that will be the wages that the Assistant Chief and the Chief will have, as well as the Fire Department. Is that correct? Cain told Smith she's not sure she understands his question. Smith said, he's talking about the money that they didn't get, haven't gotten so far. Cain said, yes, the handbook has a section that has the benefits specific to the fire and the police. That will be coming to them next week and then they will vote on that handbook and then pick up where they.... Because the money's already

GENERAL ORDINANCE NO. 16-2019 Continued

in the budget, they will go back and pick up those fundings and give it back to them. Is that his question? Mr. Smith said, he's talking about, okay, that's for '19, the year '19 now. Cain said yes. Smith asked, okay and so, in other words, there (inaudible) to be a handbook voted on instead of the wages? Mrs. Cain replied, in the Board of Works, yes, because it's the benefits. This is the salary. Smith said, right, okay forget about this here. Cain said, the benefits are in that handbook and that's going to satisfy the State Board of Accounts. And that's what they were going to do previously in the ordinance. They were trying to satisfy the State Board of Accounts. This way, it satisfies them and then we can go back and pay them because the money's still in the budget. Is that correct, Mrs. Flores? Because it was in the budget and it's still there. Flores answered, correct. Councilman Brunner said, so to follow up Henry's question, that means that they will be made whole from where they should have been. Cain stated, but we have to hear that next week, she means actually the 15th, and then the first meeting in November, they'll have to do a public hearing and then they can pass it. Smith asked, you mean you have to do a public hearing on something old then? Cain told Smith, yes, because it's an ordinance. Smith said, oh, you're putting it in an ordinance. Mrs. Cain replied, it has to be. Being no further questions or comments from the Council, motion was made by Councilman Brad Luzadder to pass General Ordinance No. 16-2019 on to 2nd reading and public hearing. Motion was seconded by Councilwoman Lynn Johnson and carried by the following vote. Aye: Brunner, Smith, Batchelor, Johnson, Luzadder and Cain. Nay: None.

APPROPRIATION ORDINANCE NO. 2-2019 1ST READING

The City Clerk read Appropriation Ordinance No. 2-2019 by title only, Budget for the City of Marion, Indiana for the year 2020. Julie Flores, City Controller, told the Council the state this year permitted them to increase their levy by 3-1/2% so that's going to add \$642,899 to our property tax. They did adjust, this year, out of that certified levy. In years past, the General Fund has received 89% of that levy and the Street Department received 5%. She did change that distribution this year. She lowered the General Fund to 87% and gave the MVH 7%. She believes with the additional LIT monies that we're getting and the General Fund, we don't need as much levy and with the Street Department suffering and will continue to suffer, she doesn't know if they've been watching the news but the City of Indianapolis and the State of Indiana realized that there was a population factor miscalculation so the City of Indianapolis will be receiving \$12,000,000 more in their MVH Funds with municipalities suffering an 8% loss. So, our Street Department was struggling before with the law, the 50/50 law, and so she felt like they needed a little more levy so they did adjust that levy a little bit. The total budget increase with the exception of the 3% raises was \$296,238. The General Fund budget was \$595,263 with the increase and \$428,559 of that was wages and benefits. So, the actual increase to the General Fund budget was only \$166,000. They continue to borrow from the Bond Bank. She will tell them that in the three years that they've been here, this Administration, they've borrowed \$2,600,000 less than they did the year that they came in. So, they're trending the right way in borrowing. They're not borrowing as much. She will tell them that the circuit breaker projected for 2020 is \$4,900,000. The actual for 2019 was \$4,100,000. So the circuit breakers continue to increase by about \$800,000 for this incoming year. So, she believes that covers everything she had to say. She will answer any questions that they may have. She feels like they covered a lot in the six meetings that they did have on the budgets but she will entertain any questions they have. Councilman Henry Smith asked Flores, she said the taxes increase is what? Flores said, the levy? The levy amount increase that we will get this year is \$642,899. Smith asked, and the taxes increase? Flores said that's the amount of levy that we will be receiving, property taxes, additional property taxes. Smith asked, didn't she give out a figure for increase in property tax? Flores told Smith, that is the amount. Smith said, that's the levy. Mrs. Flores said, the levy is property tax. Smith said, in other words, that will be increasing, the property tax with the levy, is \$642,899. Is that correct? Flores answered, yes sir. Being no further questions from the Council, motion was made by Councilman Don Batchelor to pass Appropriation Ordinance No. 2-2019 to 2nd reading and public hearing. Motion was seconded by Smith and carried by the following vote. Aye: Brunner, Smith, Batchelor, Johnson, Luzadder and Cain. Nay: None. Mrs. Flores told the Council, hopefully they saw in their budget books that the next meeting will be 2nd reading, public hearing and adoption.

Councilman Jim Brunner said, just a point of order. Their first meeting in November would be set for November 5th which is Election Eve. Do they normally, with that situation, move the meeting to Wednesday and do they need a vote to do so? Councilman Brad Luzadder said, according to their rules, the President can make that decision at any time.

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Council Vice-President Deb Cain said, and that is correct. It's on Election Day so they will move it to Wednesday. City Clerk Kathleen Kiley said, yeah, usually Alan (Miller, Council President) would do that at the 2nd meeting in October but yeah, they always try to remind him, or whoever is President.

Being no further business to come before the Council, on a motion by Luzadder, 2nd by Smith, the meeting adjourned. Time being 8:46 p.m.