

REGULAR MEETING – MARION COMMON COUNCIL – OCTOBER 15, 2019 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 15<sup>th</sup> 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, Homer, Johnson, Luzadder and Miller.

Absent: Henderson.

The minutes of the previous regular meeting of October 1, 2019 were presented. On a motion by Councilman Brad Luzadder, 2<sup>nd</sup> by Councilwoman Lynn Johnson, the minutes were approved as presented by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Johnson, Luzadder and Miller. Nay: None. Abstain: Homer.

COMMITTEE REPORTS: Councilman Don Batchelor reported that they (Development Committee) met up in the 2<sup>nd</sup> Floor Conference Room this evening with Bahr Brothers. They had come and asked for a tax abatement on some new equipment and also on a new building that they are building down on Lincoln Boulevard and they're asking for a five year and a seven year abatement. They did receive a favorable recommendation from the committee and it will be forwarded to the City Council at their next meeting. Council President Alan Miller said, for the record, they learned tonight that is one of Marion's oldest businesses, Bahr Brothers Foundry. It is, what, 106 years old he believes he told them tonight. So, good to note they're still here and still growing.

COUNCIL APPOINTMENT: Central Dispatch Policy Board – Council President Alan Miller said, two weeks ago they announced that the Council had the opportunity to appoint a member to the Central Dispatch Policy Board. They requested people who might be interested in holding that seat to submit an application and they have received one that was in their packet and he assumes none were received after that. The one person who applied to serve as the City Council's representative on the Central Dispatch Civilian Board member is Dianna Newton who interestingly enough was the Director of the Dispatch Center for the Marion Police Department for a number of years. So, he guessed if they were to pick one person who knows a lot of the history and what happens in that room, Mrs. Newton would be that person. She says "I believe the experience I gained during my 24 years working in the 911 communication field gives me the insight needed to help the other board members to make decisions for the good of the employees and to assist in the policies and procedures needed to make a good working environment". Miller said he presents, for a motion, the appointment of Dianna Newton. Councilman Brad Luzadder said he is honored to make the motion that they make Dianna Newton the Council's representative for their Central Dispatch Civilian Board member. Motion was seconded by Councilman Jim Brunner and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Mr. Miller said he assumes you'll notify Dianna and Chief Haley and the Clerk's Office will do the same. Councilman Dave Homer said she's right here. Miller said, oh, he's sorry. Stand up. My goodness. Just when you think you know everyone. Congratulations and thank you so much for your willingness to serve, he told Mrs. Newton. They wish her well.

Council President Alan Miller told the Council, just a slight change in their agenda this evening for those of them that may have picked it up when they came in so they can follow along. The Neighborhood Preservation Ordinance is being moved to the bottom of the agenda this evening so all of the financial, budgetary, salary ordinances can go first. There's a reason for that. Mrs. Flores, their City Controller, who needs to be here has a rather long trip that she has to make after the Council meeting is done tonight, clear up in the Northern Indiana area. So she asked if she could be here for the first part and they have granted her that. So, he believes then, that would put them at General Ordinance No. 13-2019.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 13-2019 2<sup>ND</sup> READING AND PUBLIC HEARING

The Deputy 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

2

GENERAL ORDINANCE NO. 13-2019 Continued

of the City of Marion, Indiana for the year 2020. Julie Flores, City Controller, told the Council, thank you for moving the agenda, she appreciates that. This is the ordinance for the civil city employees with a 3% raise included and they changed the ordinance to include the flex money so that they did not have to pass an ordinance every year for that. She will entertain any questions they may have, Flores said. Council President Alan Miller asked if anyone had any questions on this particular salary ordinance. He said, counselor, he assumes they can suspend the rules on these. Council attorney Phil Stephenson told Miller, they can, after they have the public hearing. Miller replied, oh that's right, he forgot they have public hearings on all of those as well. Very well, this is a public hearing then, General Ordinance No. 13-2019, salary ordinance for appointed officers and employees plus the flex payment which is something the city employees (inaudible). Anybody wish to speak in regard to that particular salary ordinance? Miller said, hearing none, he would entertain a motion on General Ordinance No. 13-2019. Councilman Brad Luzadder said he would make a motion to suspend the rules on General Ordinance No. 13-2019. Motion was seconded by Councilman Dave Homer and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Motion was then made by Luzadder, 2<sup>nd</sup> by Homer to pass General Ordinance No. 13-2019 and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

GENERAL ORDINANCE NO. 14-2019 2<sup>ND</sup> READING AND PUBLIC HEARING

The Deputy 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 ordinance is for the elected officials. It includes a 3% raise for the City Clerk and the Council members. Councilwoman Deb Cain said, after the public hearing, she would like to also reinstate the amendment that we take out the 3% raise for the City Council. She's had contact (inaudible) candidates, requesting that the Council remove that proposed budget. These are candidates with the potential of serving on the Council. We are the fiscal body for the city and so should lead the way in budget frugality. Council President Alan Miller said, alright, they have a proposed amendment to the ordinance for elected officials. Councilman Brad Luzadder said he would make a motion and Miller told him, just a minute, Mr. Batchelor has a comment or a question. Councilman Don Batchelor said, along that same line, is it possible, that 3% raise, is it possible it could be forwarded to a different account? They discussed last week about street signs, we need street signs, stop signs. Is there any way possible that the raises could be funneled to an account as such? Mrs. Flores told Batchelor we cannot increase a budget. We can lower the budget as submitted but we cannot raise anything. Batchelor said that wasn't a raise. Flores said, no, if you put it elsewhere, it would increase what we have submitted to the state. Mr. Batchelor replied, okay, that's what he wanted to know, thank you. Miller said, we have a motion for an amendment. He asked Luzadder, was he going to ask a question or was he going to second it? Luzadder said he was going to second the motion. Councilman Jim Brunner said he has a question. What would be wrong with this Council accepting the raise and giving you (Flores) the money? Understand what he is asking? Flores told Brunner, sure. Brunner said, so we do not turn down the raise and we accept the money and every one of them, because it sounds like it's a unanimous decision that we would like to give you that money to put some new street signs up and fix the streets up. Is that something we can do, Mr. Stephenson? Council attorney Phil Stephenson told Brunner, you would always have the right to refuse any portion of your salary. Brunner stated, or, you understand what he's asking, we accept it and we just, every two weeks, we come in here and hand Julie some money. It might make a nice little state story on that. The Council in Marion, Indiana cares a little bit more about their city than their own pocketbooks. Stephenson said he thinks that's fine. Unless Julie corrects him, he thinks they could also, after the budget's been approved, not before, but you could always come back, with the Mayor's recommendation, to amend that budget and take that out and use the funds. But you can't do that on your own at that point. That has to be by the Mayor's recommendation. Brunner said, just trying to help you out here. Mrs. Flores said we can adjust the salary ordinance. We cannot increase any line item in the budget right now. So, she doesn't know where she would put that money she guessed, would be her question when you brought it back. Miller said, whatever the options are, we have a motion and a second before us to vote on. We must vote on that to begin with and if it's defeated then someone else can make a different motion or an amended motion. Are we ready for the question? Brunner asked, isn't there also a public hearing involved in this? He was told there is. Stephenson said they can vote on the amendment first and then,

GENERAL ORDINANCE NO. 14-2019 Continued

after the public hearing, it would be a motion as amended. Mayor of Marion Jess Alumbaugh said, Mr. Miller, you're talking about just over \$2,000 so you're not going to get a lot of streets paved or a lot of new signs with that. Just so they know, that's not a lot of money that we're talking about. Miller stated, ready to call for the question. We're voting on the amendment that City Council members (raise) be deleted from the elected officials salary ordinance. This is the vote on the amendment. Motion carried by the following vote. Aye: Brunner, Cain, Homer, Johnson, Luzadder and Miller. Nay: Smith and Batchelor. Miller asked, what was the vote, 6-2? So that is passed, very well. Now, any other comments or questions or amendments on the ordinance before he calls for a public hearing? There was no response from the Council. Miller then said, very well, so this is a public hearing, again, General Ordinance No. 14, effecting salaries of elected officials, as amended, to delete pay raises for the Council members. There are nine of them in case you couldn't count how many people are involved. Public hearing, anyone wish to comment on this particular ordinance? Tony Hendey – 1617 S. Nebraska Street, Marion – told the Council he just wanted to say he commends them for doing this. Small amounts do add up (inaudible). He hopes for the street signs. He's seen some of them missing. Other than that, there are many things to talk to tonight but thank you for the thought. As a taxpayer, he appreciates it. Being no further comments from the audience, motion was made by Luzadder to suspend the rules on General Ordinance No. 14-2019 (as amended). Motion was seconded by Cain and carried by the following vote. Brunner – no, Smith – yes. Miller said, we're voting to suspend the rules right now, before we vote on the salary ordinance. This vote is to suspend the rules and we have one negative vote and he's (Smith) next. Smith said, yes, suspend the rules, Batchelor – aye, Cain – aye, Homer – aye, Johnson – aye, Luzadder – aye and Miller – yes. Miller said, that's 7-1 so we're safe. Motion was then made by Luzadder, 2<sup>nd</sup> by Cain to pass General Ordinance No. 14-2019 as amended. Motion carried by the following vote. Aye: Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: Brunner.

GENERAL ORDINANCE NO. 15-2019 2<sup>ND</sup> READING AND PUBLIC HEARING

The Deputy 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, again, this is the salary ordinance for the firefighters. That does include a 3% increase. Councilman Henry Smith asked Flores, did she say it does include or doesn't include? Flores told Smith, all the firefighters 3% increase, yes. Being no further questions from the Council, Council President Alan Miller said again, it's a public hearing, salary ordinance for members of the Marion Fire Department. He told the audience if they wish to speak in regard to that, come to the microphone please. There was no response from the audience. Councilman Brad Luzadder said it would be his honor to recommend that they suspend the rules on General Ordinance No. 15-2019. Motion was seconded by Councilwoman Deb Cain and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Motion was then made by Luzadder, 2<sup>nd</sup> by Cain to pass General Ordinance No. 15-2019 and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

GENERAL ORDINANCE NO. 16-2019 2<sup>ND</sup> READING AND PUBLIC HEARING

The Deputy 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 for the police officers and includes a 3% increase for everyone. Being no questions from the Council, Council President Alan Miller said again, this is a public hearing on the salary ordinance for the Marion Police Department. If anyone wishes to speak in regard to that, step forward please. Miller said, hearing or seeing none, he will entertain a motion on the Police Department salary ordinance. Councilman Luzadder said, his honor again to make the motion that they suspend the rules on General Ordinance No. 16-2019. Motion was seconded by Councilwoman Cain and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Motion was then made by Luzadder, 2<sup>nd</sup> by Cain to pass General Ordinance No. 16-2019 and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

APPROPRIATION ORDINANCE NO. 2-2019 2<sup>ND</sup> READING AND PUBLIC HEARING/FINAL ADOPTION

The Deputy 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, once again, the majority of the budget for this year increases were due to salaries and benefits. The overall increase to the budget, the wage increase impact was \$358,173. The state allowed us to increase our levy by 3-1/2% so that will help tremendously with the tax dollars. Oh, if she might first address, she received an email this morning or this afternoon from Councilwoman Cain regarding some proposed cuts that she was going to request tonight so she'd just like to go over those quickly, if she could. She requested that Travel for the City Council be reduced to \$900, equal \$100 per person, and strongly suggests that the Council take it out as she does, like Brad, Steve and Lynn, and that is to pay her own way. Flores said she remembers going to an event and sat with Ms. Johnson and Mr. Henderson so the Council has used this before. It was \$638, she does believe, that they spent of the \$1,000 so it has been used in the past. She strongly recommends that the Council go to these meetings. They're very educational. She thinks the funds need to be there for them to be able to go. She doesn't think it's fair that you ask someone who works for the city to pay their own way to go to some of these seminars that they could possibly go to. And for the Board of Works, she says to move from, she believes it was the, one of the accounts, possibly gas account, to lower that and move it to where it was actually spent. She does want to tell them that their intention this year was to move those funds where they were actually spent. Where you see budgeted \$80,000 and only \$40,000 being spent, it was their intent this year to correct those. She believes they asked them to do that. Her Deputy Controller was in a car accident July 1 and did not return until August 22<sup>nd</sup> so the budget process did not even start until August. It typically should start July 1 so they were very, they were lucky to get this out. So, they will, in the future, move those expenses to where they are but she wanted to tell them, when they see those books where it says what was actually expended in their book, that does not show transfers that we make. So for the drainage assessment, if you see \$2,000 and nothing was spent, we actually moved that so it will say zero spent but it was transferred out. Those books don't show transfers. So, for the Board of Works last year, we transferred approximately \$170,000. The Board of Works budget, we were within \$5,000 of what was appropriated and what was actually spent so she thinks, out of a \$2,000,000 budget, that was pretty good that we got down to that. So we're pretty good at guessing how much we're going to spend. Yes, it may not be in the correct line item but we do have to move things. If they'll look at the phone line, for example, we budgeted an amount that didn't cover the telephone expenses so we have to transfer from the gas who has an appropriation available to cover the phone expenses. So, she just doesn't think we should be, we should tie these people down. She (Cain) wants to cut the Advisory Plan Contractual Services to \$5,000. They've already, this year, spent about \$7,000. Last year, they spent about \$7,000. So, to cut that to \$5,000, the small reductions that she's asking for in the General Fund total \$11,150. That does not change the tax rate, that does not change the tax levy whatsoever so the cuts, she feels like are only accomplishing strapping the department heads in doing what they need to do. She would commend these department heads for just because they have their appropriation, they don't spend it just because they had it. They really just spend it on what they need and that's to be commended. She's worked in other places where they've got it and they're going to spend it. They would ask her in October or November how much do they have left and they would spend it. These department heads are not like that. They're very conscience of their budget and what they're spending. So, she just wanted to speak to that. Council President Alan Miller said, before he lets them ask questions they may have for Julie, he wants her to repeat one number that has been widely misreported and incorrectly and that is the net fiscal impact on the city budget of the 3% raises, \$389,000. Mrs. Flores said she thinks it was \$358,000. The total wage increase impact, that's the wages and benefits, \$358,173. Miller stated, very well. That figure has been widely reported incorrectly by the media over the last two weeks. Councilman Jim Brunner said, can we correct that? That was the Chronicle, not the media. Miller said, thank you, Mr. Brunner. So Jim has a place to go to work in the morning. He asked Brunner how long has he worked for WBAT, not counting tomorrow? Brunner said, this will be 49 years. Miller then told the Council, now if they have questions for Mrs. Flores, it's their turn. Being no questions from the Council, Miller said this, of course, is a public hearing on the 2020 Budget for the City of Marion that takes effect January 1<sup>st</sup>. Always an awkward position in an election year that the City Council is charged with approving a budget for an Administration that may or may not agree with what they've done but that's the way the system works. Any comments any of them have regarding the budget for the city? There was no response. Miller said he will entertain a motion to suspend the rules, or not. Luzadder said they have to. There has to be a suspension of the rules because the budget has to be passed this evening.

5

APPROPRIATION ORDINANCE NO. 2-2019 Continued

So he guessed they have to have a suspension of the rules for Appropriation Ordinance No. 2-2019. Motion was seconded by Councilwoman Lynn Johnson and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Mr. Luzadder then said, since he's been doing most of the talking this evening, he guessed he will make a motion that they approve the Appropriation Ordinance No. 2-2019. Motion was seconded by Johnson and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Mrs. Flores told the Council, thank you and once again, she appreciates getting moved up on the agenda. Miller told her to have a safe trip up to Northern Indiana.

GENERAL ORDINANCE NO. 12-2019 2<sup>ND</sup> READING AND PUBLIC HEARING

The Deputy 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 he thinks they went through this last time. Either himself or Mr. Foustnight are here if they want to have any questions they want answered. The short version of this is they had originally passed, some time ago, an ordinance similar to this which the state would not accept and we then ended up essentially negotiating with the state to come up with an ordinance that was acceptable which is what's before them. Councilman Jim Brunner said, Mr. Stephenson, for the record, this was the one where we had some people in this community die from carbon monoxide poisoning and we wanted to make some type of a stipulation in our own city rules that said you had to have some type of indicator that you had a carbon monoxide problem and the State of Indiana and/or whoever responded back to you said you could not do that. Is that correct, sir? Stephenson told Brunner that's correct. They wanted to put it in to try to protect the citizens in those circumstances, especially the rentals, where they can't (inaudible) themselves necessarily and it's actually the State's Homeland Security Office that runs this, which is kind of strange, but anyhow, they refused it. The state said they decided in the past that they weren't going to require those and we couldn't require it. Council President Alan Miller commented, it was state government at its worst. And Deb (Councilwoman Cain) bore the brunt of it. Being no other questions from the Council, Miller said this also is a public hearing if anyone wishes to comment on it, the Neighborhood Preservation Ordinance. Tony Hendey – 1617 S. Nebraska Street, Marion – told the Council something very graphic was on television news down in New Orleans. He doesn't know what they did or what they didn't do, it was more like what they didn't do. There was a building that came apart down there under construction that killed one man who had been called in. Apparently it was his day off. So that's the reason why you have standards. And inspections. He can't imagine what happened but he did notice that the steel decks, or it appeared to be steel decks let's put it that way, it was a good video, as far as clarity goes. He had the feeling after he got to thinking about it, well maybe they didn't pour concrete as they went up, that is somewhat of a normal situation on a skyscraper. He doesn't know about that particular building. Just too many unknowns other than commenting on the fact that they probably could have used some better regulation and thought. So, we need that here, no doubt about it. He thinks the only thing this ran into was some fear of bringing the price of labor up and requirements. That, he doesn't know. He just wanted to make the comment. Thank you for the attention, Hendey said. Councilman Henry Smith told Mr. Hendey that incident down in New Orleans was about a 120-some ton skyscraper thing that (inaudible), somebody's math wasn't good enough to hold it so it caved in. Hendey said, okay, that's a good endorsement for engineering regulation too. He did notice it looked like a tower pulled away from the side of that. Linda Wilk – 1016 W. 5<sup>th</sup> Street, Marion – told the Council she would just encourage them to pass this ordinance. It should have been done a year ago and it was and she's upset, discouraged with Homeland Security. She'd really like to thank Deb Cain for all the work that she put into this. She knows it was a battle and she appreciates her perseverance, Phil Stephenson and Jerry Foustnight for all that they did, and again, we need this. As someone that works with clients that need good housing, we need this. So thank you for doing the right thing, Wilk said. Mr. Miller told Wilk, and they would all thank her for her involvement and Mrs. Bowen and some others. Other comments? If not, he senses that they are ready to deal with the ordinance on 2<sup>nd</sup> reading. Motion was made by Councilman Brad Luzadder to suspend the rules on General Ordinance No. 12-2019. Motion was seconded by Councilwoman Lynn Johnson and carried by the following vote. Aye: Brunner, Smith,

6

GENERAL ORDINANCE NO. 12-2019 Continued

Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Luzadder said, Mr. President, we did this once and we're going to do it for the final time. We're going to finally pass General Ordinance No. 12-2019, our Neighborhood Preservation Ordinance. Motion was seconded by Councilman Don Batchelor, Councilman Dave Homer and Councilwoman Johnson and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

NEW BUSINESS

GENERAL ORDINANCE NO. 17-2019 1<sup>ST</sup> READING

The Deputy Clerk read General Ordinance No. 17-2019 by title only, an Ordinance amending General Ordinance No. 19-2018 fixing the maximum salaries for police officers of the City of Marion, Indiana for the year 2019. Tom Hunt, City Attorney, told the Council they're bringing to them again the question of whether or not the Chiefs of Police and Fire Department and their Deputy Chiefs should be afforded the same benefits that the rank and file members of their various departments get. They believe this is the right thing to do. This money has been appropriated every year for probably 25 years, including this year. Benefits have been paid every year until this year when it became an issue because the State Board of Accounts, in their visit here in December of 2018, indicated to them that they need to have specific language with you all that allowed the expenditures of this money for these benefits. Now, let him kind of get into a little side issue with them and that's how'd we get to this point. The Board of Works under Indiana law has exclusive jurisdiction over all matters relating to the Fire Department and the Police Department, except for the expenditure of funds. The Board of Works can declare what benefits folks are paid, what salaries they're to be paid but you all have the authority to declare whether or not that money can be appropriated and spent. In fact a year ago, you did say it could be appropriated but the State Board of Accounts says you have to take another step and say that that money that was appropriated actually goes towards the benefits. The Board of Works, in the last two months, has studied this issue and created an order and a booklet that spells out the benefits that are to be afforded to the Fire Chief, the Police Chief and their Deputies and all they're asking tonight is that they allow the expenditures of the funds that have already been appropriated for those benefits. As he said earlier, it's the right thing to do, the money's already there. They're not asking them to spend anything else. They're not asking for an additional appropriation. All they're doing is suggesting to them to say to these people who accept a promotion that they should not be penalized financially for agreeing to accept the promotion to help this city. And what has happened this year is that these folks in administrative positions who have agreed to accept a promotion have taken a hit, upwards to \$8,000, \$9,000, financially, and that's not fair and it's not right. And for us to make an issue out of that, he thinks is inappropriate and so they would ask tonight, with regard, the first matter is with regard to the Police Department, that they would pass this ordinance to amend Ordinance 19-2018 that set the salaries and benefits for the Police Department, Hunt said. Council President Alan Miller said he has one procedural question that was asked to him before the meeting. Can they suspend the rules and pass this on 1<sup>st</sup> reading, knowing normally we have to have a unanimous vote to suspend the rules, can we have a unanimous vote with one member absent? Is eight votes to suspend the rules on first reading adequate? Council attorney Phil Stephenson told Miller, yeah, it is. What you have to do though is first you have to pass a motion to allow it to be considered on the (inaudible) and that has to be unanimous then you can go through the normal process of suspending the rules, which would be 2/3 and then move on. Miller said, his question, unanimous, eight qualifies as unanimous. The fact that there's not a 9<sup>th</sup> member here does not affect (inaudible). Stephenson said that's true. Mr. Miller said, alright, just before they got that far. He's not suggesting they do it one way or the other. Councilman Jim Brunner told Hunt, two questions. One, were we the only city that had this situation occur? Hunt told Brunner, as far as he knows. Brunner said, and secondly, if and when this gets passed, will these people be made whole then with one check or how will that be taken care of? Hunt replied, that's his intention. As he said earlier, the money is there. It's been appropriated, it was appropriated last year in the budget hearings and so the money's there and we can pay them retroactively to the first of the year. In his opinion, that's the ethical, right thing to do. Councilwoman Lynn Johnson asked Mr. Hunt, would he please describe to them exactly what the anxiety was of the State Board of Accounts and exactly what was their query and exactly what was the issue and this, actually how this body actually promoted that issue which she doesn't believe they did. She believes those were items that were brought



7

GENERAL ORDINANCE NO. 17-2019 Continued

to their light by the State Board of Accounts so she wants to know exactly what their issue was. Hunt told Johnson, that's a good question and he doesn't know that he can speak for them other than they like to see things defined and when you have dollars in a line item, they want to know what that's going for. He can't speak to this issue because he hasn't seen how the language was framed but what they said was that you've got money in there but you're not telling us how you're spending it and so if they pass an amendment to the ordinance that simply says these dollars that have been set aside are to be spent for benefits. The Mayor talked to these folks so he knows more about that than he does. Mayor of Marion Jess Alumbaugh told the Council, yeah, he was there in the meeting when he brought this up. His name was Pat from the State Board of Accounts. What he brought to their attention was simply that we can continue doing exactly what we are doing, if we change the language to match the action. He said the only problem that they have isn't that they're doing it, the language in the ordinance doesn't match the action they're taking. That's why he suggested way back a year ago, can we just put the language in to make it match what the ordinance says and keep doing what we've always done. But that wasn't received favorably. Johnson asked, so how many years did they qualify that that was happening? Alumbaugh told Johnson, they go back at least 25, maybe 30 years. Johnson said, no, she means recently and why is it their, this Administration that had to make the changes? Alumbaugh answered, the State Board of Accounts did an audit and noticed it and they suggested either continue doing it exactly the way they're doing it but make the language change to make their actions because right now it doesn't. But they can keep doing what they've always done. You guys chose not to do that. He understood because of philosophical differences between the negotiating team and the Administration more clear of a separation, which he thinks is what Deb (Cain) worked so hard on to create that. Johnson said she's really not trying to address the chicken or the egg issue. Alumbaugh stated, that was it. State Board of Accounts said change the language to match the action or come up with a new way. Mrs. Johnson stated, what she's saying is didn't we write a new handbook in 2015 and if someone had been aware of this happening in 2015, they would have been able to straighten the handbook out. Alumbaugh commented, he wasn't around in 2015 so he doesn't know. Johnson said, and we weren't around so really, she's not sure why we're even any of us are even feeling like we had initiated any of this. Mayor Alumbaugh said, he just said they just noticed it so we brought it to their attention, looked into it and said yeah, you're right, it should match. Johnson stated, so when we correct this today, or when we correct this, that means that we are going to correct the past and we are going to move forward into the future and we're going to allow '16 to happen and we're going to allow '17 to happen and '18 to happen and we're making sure '19 is corrected and we're going to move this into the future, is that what she hears him saying. Alumbaugh said, in a way that will please the State Board of Accounts. We know from the Preservation Ordinance, pleasing the state's not always that easy. Mrs. Johnson told Alumbaugh, so she's really happy that he's doing this and she's really pleased to see that he's taking corrective actions, thank you very much. Councilman Henry Smith told Hunt he said he's going to make the Fire and Police Department whole? Hunt told Smith, that would be his choice, that this be retroactive to January 1<sup>st</sup>. Smith asked, okay, is that with interest in order to make them whole? Hunt replied, no, no. They haven't appropriated the interest. Unless, Councilman Smith, he wants to pay it out of his pocket, he doesn't think that's going to happen. He thinks these folks would be thrilled to just be made whole back to January 1<sup>st</sup> with what they should have been getting because everybody else 25 years in the past got it as well. Councilman Brad Luzadder said he thinks it should be noted that this body was ready to move forward with this a long time ago. It was pulled off of the agenda, this body continued to be supportive of it and most people don't know the hours that Mrs. Cain has put forth with not only everything on tonight's agenda, with budget meetings and the Neighborhood Preservation and then her pretty much championing this with a new section for the handbook that was (inaudible) out and so this body has been supportive of it, Mrs. Cain has worked tirelessly on this and he thinks she deserves a great deal of thanks for the work in which she did. And, Mr. President, if the time in which he is prepared..... Miller said he just has one question and then he'll be prepared. Just to make sure everyone is treated fairly, he certainly understands and endorse paying retroactively the Chiefs. His question is directed to the former Deputy Chiefs in the Police Department, Deputy Chief Dorsey and Kenworthy. Were they Deputy Chiefs a portion of the year, that they would be entitled to at least proportionate retroactive pay? Mr. Hunt told Miller, yes, yes. Miller asked, oh, so he's already considered that? Hunt told him yes. Miller said, okay, he'd raised that question with somebody else and they said no, they didn't think that was an issue. Okay, fine. Hunt said he would second what Councilman Luzadder just stated except that he's glad he mentioned her name because she told him if he mentioned her

GENERAL ORDINANCE NO. 17-2019 Continued

name in having anything to do with creating this, she'd kill him. So, he'll let her deal with him. But he agrees with him. This was her idea, this was her work. She saw the need for this, she saw the ethical problems with this and he just went along. Councilman Luzadder said, counselor, we need to make.... Stephenson said they first have to make a motion to have this considered on a final reading and that has to be unanimous of everyone here. Luzadder said then he would want to do that this evening, under Mr. Stephenson's language. Motion was seconded by Councilwoman Deb Cain. Before the roll was called, Councilman Jim Brunner said point of reference. Does it bode well to do this without a public hearing? Mr. Stephenson told Brunner they're not required to do a public hearing. Whether or not it bodes well, he doesn't think he can say one way or the other but they're not required on this to do a public hearing. Brunner said, okay, he's just asking the question. Luzadder said it was already in the budget to be paid. They passed that already. Brunner commented, it's just that they normally always allow the public and the last thing he needs to hear is, again, from some people that write things for a living that they avoided rules. Motion then carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Motion was then made by Luzadder to suspend the rules for General Ordinance No. 17-2019. Motion was seconded by Cain and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Luzadder then said, and now, Mr. President, it's his honor to make a motion that they pass General Ordinance No. 17-2019, making our Police Chief and our Fire Chief whole. Motion was seconded by Cain. Before the roll was called, Mr. Stephenson said he might add, on this ordinance, he doesn't think they have a problem with the votes from the sounds of it but they have to have six votes, even though this is the final reading and passage. Miller said, okay, so it's the 2/3 rule and not a majority, not five so six. Motion then carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

Council President Alan Miller asked Mr. Hunt if he would like to waive the right to say all the things he just said about the Police Department for the Fire Department? Hunt said, he absolutely would. He'd like to get back and watch the Yankees blow this game tonight. Miller said, alright, same process, Councilman Luzadder. He guessed they ought to at least read the ordinance so it's on the record.

GENERAL ORDINANCE NO. 18-2019 1<sup>ST</sup> READING

The Deputy Clerk read General Ordinance No. 18-2019 by title only, an Ordinance amending General Ordinance No. 20-2018 fixing the maximum salaries for firefighters of the City of Marion, Indiana for the year 2019. Tom Hunt, City Attorney, told the Council this is the Fire Department and he would ask the same consideration. Motion was made by Councilman Brad Luzadder to use Mr. Stephenson's language from Ordinance 17, transferring it as amended to 18, for consideration. Motion was seconded by Councilwoman Lynn Johnson and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Motion was made by Luzadder, 2<sup>nd</sup> by Johnson to suspend the rules on General Ordinance No. 18-2019 and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Motion was then made by Luzadder, 2<sup>nd</sup> by Johnson to pass General Ordinance No. 18-2019. Motion carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Mr. Hunt told the Council, thank you folks. He really appreciates their help for these folks who serve our city. Councilman Jim Brunner said, Mr. President, since the Fire Chief and the Police Chief happen to be in the room, he would like them to stand and thank them for their patience. Thank you so much for your patience, Brunner said.

RESOLUTION NO. 9-2019

The Deputy Clerk read Resolution No. 9-2019 by title only, Draft Slum and Blight Area Declaratory Resolution. Sam Ramsey, Advisory Plan Director, told the Council the slum and blight area, we're designating this for a MSRP Grant we're applying for through OKRA and they wanted an area designated basically as a redevelopment area. They used the term "slum and blight". We're looking at the area, the west side of Washington from 3<sup>rd</sup> Street to 5<sup>th</sup> Street. If you go through there, a lot of the basements extend out under the sidewalk and have created water issues for many of the buildings. We are currently trying to apply for a grant to fix those issues and backfill in a lot of the basements and look at the walls that some of them have put in to try and waterproof the buildings better. This is just to show OKRA that



RESOLUTION NO. 9-2019 Continued

they've designated an area that they're trying to apply for, for some grant money, Ramsey said. Councilwoman Lynn Johnson asked, 3<sup>rd</sup> Street through 5<sup>th</sup> Street? Ramsey said, it's just a two block area. Johnson asked, along Washington Street? Ramsey said, yes. Johnson said, to the south. She asked Ramsey if he's inspected all that himself. Mr. Ramsey told Johnson, yeah, he's been in the basements for (inaudible) Saunders' building when he painted it blue, the Salin Bank Building, the Ridley Tower Building, McLane's legal and the Pregnancy Center on the corner. Johnson said, okay, since Mrs. Cain brought up the information from New Orleans, she's thinking have any of these problems have, damage any of those structures along those streets? To his knowledge, are they going to have to have them inspected to make sure they're sound? Ramsey replied, he knows a lot of them have water issues. That's what the Salin Building with the Central Dispatch, they've been working on that a lot. Structurally, they won't know until they actually get in there, if they even get the grant, and look at what's been built in some of the places. Johnson asked, so they're going to inspect the structures before they apply for the grant? Ramsey answered, no, they're applying for the grant. Mrs. Johnson asked, so how much is the grant? Ramsey told her, total, the grant from OKRA is \$600,000. We have, between the Community Foundation and the city, have got about \$400,000. It's \$1,000,000 total for the project. Johnson asked, so we have to match it? Mr. Ramsey responded, no, no, no. We have, he doesn't know the exact numbers for the grant from who's been given to us, applying for it, but they're giving us \$600,000 and there's been \$400,000 of match put up. Not from the city. Johnson asked, is that from the Community Foundation? Ramsey replied, the Community Foundation put some, Growth Council put some. Johnson asked Ramsey, okay, so is he going to have those breakdowns for them when he comes to them again? Ramsey said, yes, we'll come back. Johnson asked, so is this just the beginning for this? Ramsey stated, yes, this is just declaring the area so they can go to OKRA to apply. Mrs. Johnson said, okay, she's just checking. Okay, she just wanted to make sure the audience knew that and that we all are aware of that. Council President Alan Miller asked, are the conditions the same on other sides of the Courthouse Square? Ramsey told Miller he knows some places they filled it in already. There's some places on the north side that have had issues. If you talk to Trace Poulson, who used to own Beatniks, the water issue was the entire reason he closed. He had mold and couldn't fix it. But it extends down Washington a little bit. He knows it at least gets in the 500 block. He believes it's been filled in to the north. They were steam tunnels. At the turn of the century, they were heating everything downtown. Councilman Henry Smith asked Ramsey, does he realize all of that, majority of that, is sand? Ramsey asked, the stuff they filled in or.....? Smith said, he thinks when they were putting in the new library down here, okay, when they were putting in the foundation, they ran into sand from the river because all this was a riverbed at one time, and so, isn't it right that you're going to end up with all kinds of problems of water since this was a riverbed at one time? Ramsey told Smith, that's part of the issue they're trying to fix. Smith asked, can you fix that? Ramsey explained, what they're trying to do with the grant, in a nutshell, is strip the sidewalk up, inspect what's underneath it, what kind of fill they've used in the past, how the walls were built and then put something that the water will drain through better to keep it away from the buildings and out in the street under the sidewalk and then backfill it. And then we're putting in a nicer sidewalk and (inaudible). Mr. Smith said, because Washington Street all the way down was part of the river and then that's the reason why they said it's nothing but a riverbed along that and that's the reason why he's asking is it fixable. Ramsey said part of the process of doing the work is we're going to get someone in with a ground-penetrating radar and that'll give us a much better picture of what the substance is underneath the sidewalks and where the voids are and where they aren't. Mrs. Johnson asked how much are they going to spend before they write the grant and how much are they going to spend if we.... She means, doing this, he just said they were going to bring in.... Ramsey told Johnson that's all included in the grant. They just sent a proposal to OKRA (inaudible). Johnson said, okay, so they're not going to have an investment in the grant prior to applying for the grant, is that what he's saying? Mr. Ramsey stated, the only outside cost was they worked with a consultant writing the grant and it was the same consultant that helped write the plan that they have before them for the next resolution. Councilman Brad Luzadder told Ramsey, before the meeting he (Ramsey) was telling him that they're going to be seeing this again. Ramsey answered, two kind of separate things. The plan he gave them, Rundell Ernstberger Associates is the consultant they worked with, they're going to try to approve that tonight and then they're going to amend it into the Comp Plan at a later date. They have to have a Plan Commission meeting before that so the Plan Commission can go over it and approve it and then they'll bring it back. Luzadder said, and so then it is coming back before this body so that they will be able to take care of that. Ramsey said, (inaudible) give a recommendation to this

RESOLUTION NO. 9-2019 Continued

body to amend the Comp Plan. Mr. Luzadder stated he thinks that settles some of the nerves of some of the members when they know that it's not a done deal. They're going to be able to see this again and they're going to be able to correct, if they need to, to make sure that it happens the right way. So, the language for their members is important and so he thinks that's, with some of the trepidation of some of the members, they can maybe hear it with the edginess. What he told him before is great because when everybody knows the information then it makes it 10 times easier. Being no further questions or comments from the Council, Council President Alan Miller said this requires just one vote, he assumes counselor, for a resolution so he would entertain a motion on Resolution 9-2019. Motion was made by Councilman Jim Brunner, 2<sup>nd</sup> by Councilman Dave Homer to pass Resolution No. 9-2019 and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

RESOLUTION NO. 10-2019

The Deputy Clerk read Resolution No. 10-2019 by title only, Local Resolution approving the Marion Downtown Revitalization Study. Sam Ramsey, Advisory Plan Director, told the Council he passed out a copy of the plan to several of them at the budget hearings and then passed out a couple more tonight. They've been having meetings and working on this for over a year now. They started meeting in September of last year. Some of them had come to some downtown roundtables where they first started pitching the idea. Earlier this year, they had the consultants, Rundell Ernstberger Associates, come in and started doing the actual, more professional work that's outside of the scope of what we had here in town we could do. They did market studies, what kind of jobs we have here, where people are spending their money and that's part of it and then there's a lot of income demographics information there as well. And then they have a bunch of ideas of what we could do downtown to both retain and improve the businesses that are currently here and then also attract newer businesses into the area. That's it in a nutshell, Ramsey said. Council President Alan Miller asked Ramsey, to the best of his knowledge, do all Council members have a copy now? Ramsey said everybody has one except Mr. Henderson. Miller asked, any questions for Mr. Ramsey on this particular resolution? Miller said he remembers the very first meeting in the unheated Mac 1-2-3 building as it is now. Being no questions from the Council, motion was made by Councilman Brad Luzadder to pass Resolution No. 10-2019. Motion was seconded by Councilwoman Lynn Johnson and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None.

Council President Alan Miller said they have reached the end of their agenda for this evening. He needs to make one announcement. With the consent of all the other Council members he would propose, as they always do, that their next meeting would be on Wednesday, November 6<sup>th</sup>. That's the day after the election. Generally when there's an election on the night of a Council meeting, they meet the following night. He guessed there is no carry over business so they don't have to worry about the public hearings. They just encourage all of them to participate in the election. If they're not aware, early voting has started. You can vote at the Grant County Courthouse, he thinks 8:30 am to 3:00 pm every day in the basement. Take a photo ID. No cell phones or you'll have to walk back to the car and park your cell phone. Thank you all for being here tonight and showing interest in city government, Miller said.

Being no further business to come before the Council, on a motion by Luzadder, 2<sup>nd</sup> by Johnson, the meeting adjourned. Time being 8:06 p.m.