

REGULAR MEETING – MARION COMMON COUNCIL – JANUARY 21, 2020 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 21st day of January, 2020 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

After the prayer and Pledge of Allegiance, Council President Deb Cain told the Council first they need to re, they need to look at the December 17th minutes because they didn't have a quorum with all the absent members that were here, from absentees on December and the new members so they need to do a new vote. She told Mr. Fordyce he was here in the audience at December's meeting so it's appropriate that he vote yes and she believes Mr. Cowgill and Ms. Fouce were there too. City Clerk Kathleen Kiley asked Mrs. Cain, can we do roll call first? Cain told Kiley, oh, thank you. We'll do roll call and then they'll talk about the minutes.

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

Present: Cowgill, Fouce, Fordyce, Cline, Henderson, Brunner, Batchelor, Luzadder and Cain.

Absent: None.

Council President Cain then told the Council she'll take a motion for the December 17th minutes. Motion was made by Councilman Brad Luzadder, 2nd by Councilman Brian Cowgill to approve the minutes as presented. Motion carried by the following vote. Aye: Cowgill, Fouce, Fordyce, Batchelor, Luzadder and Cain. Nay: None. Abstain: Cline, Henderson and Brunner. Cain said, okay now they will look at the January 7th special meeting and she'll take a motion to approve. Motion was made by Councilman Jim Brunner to approve the minutes for the special meeting held on January 7th. Motion was seconded by Councilman Mike Cline and carried by the following vote. Aye: Cowgill, Fouce, Fordyce, Cline, Brunner, Batchelor, Luzadder and Cain. Nay: None. Abstain: Henderson. Mrs. Cain said, now they'll look at the regular minutes for the January 7th meeting and she'll consider a motion. Motion was made by Cowgill to approve the minutes as presented. Motion was seconded by Councilman Gary Fordyce and carried by the following vote. Aye: Cowgill, Fouce, Fordyce, Cline, Henderson, Brunner, Batchelor, Luzadder and Cain. Nay: None.

COMMITTEE REPORTS – Council President Deb Cain told Mr. Cowgill she understands he's called a committee meeting. Councilman Cowgill told Cain, yeah but that's not until Thursday but he had a Traffic Commission meeting today. Cain said his committee meeting though is for the grant writing and Cowgill said yes, on Thursday. Cain asked, anyone else have anything on committees? About any meetings that they sat under? Cowgill said yeah. They had a Traffic Commission meeting today. They met about the, at Carey Services, on Carey Street between 26th and 30th, they're having a lot of problems with people speeding. They've got a speed limit sign of 25 up there but, after today's meeting, they're going to put another one there and where the crosswalk is going into the building, they're going to try to put a light on the pole to help light that up at night so people understand that there's a crosswalk there. And also, they're also looking into like the flashing stop lights like we've got at the hospital, they're looking at possibly putting one of those there. That's not really the Traffic Commission's, we don't pay for that. That would be Carey's because they want that personally so they're looking into that, seeing what the cost of that is and then they're going to meet back with us (Traffic Commission). So we're trying to figure out ways to get people there and it may come to a situation where we need to park a police car there and just enforce it too. So, that was what they did on the Carey Services. And then the stop light at Lincoln and 38th Street, by the V.A. there, the light is out so they changed it to a flashing four way stop. Well, there's still some people going through that. The reason why they had to change that is because that light is like from, like the '70s. He means, they can't even find parts for it anymore so they're debating putting up just four stop signs there, doing away with the light completely and making that a four way stop. When you're traveling west on 38th, as you come up, the building right there is, he means you've got to kind of creep up to see around the building coming in on Lincoln, if you're heading south. So, he thinks it's probably going to end up being a four way stop there but they put it off until next month because they didn't have a quorum to vote on whether they're going to put four way stop signs there or not. That's what they did with the Traffic Commission, Cowgill said.

Councilman Brad Luzadder said, Madam President, not a committee report but he was given the information for the production of The Wizard of Oz, a dance presentation happening this weekend, starting Friday the 24th, 25th and then

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Sunday the 26th. Evening performances are at 7:00 p.m., 2:00 p.m. for the Sunday performance and the Face Place Performers, which has a lot of Carey performers, they will be doing pre-music, pre-show music for entertainment in the lobby. So everyone is invited to attend. You can pick up tickets there at the CSA box office or, as of Thursday, at the Marion High School Ritchie Walton Performing Arts Center box office.

Councilman Jim Brunner said, Madam Chairman, he has a report on the five year study for the Park Board. They had a meeting out at Matter Park at the Garden House and they were just overwhelmed with the attendance. He knows some of them were there. It was made possible by a gentleman who has worked with us and will be helping us put together a five year plan that we'll be presenting soon. They got tremendous ideas from a number of people who were present and looking forward to maybe seeing some changes in some of our parks, beautification of some of our parks and just an overall increase in what we're able to do with our beautiful parks in this community. So, look forward to his report on that very soon, Brunner said.

Councilman Cowgill said, he's sorry, he also forgot to mention with the Traffic Commission, Mike Graft wrote a grant to try to get a grant for signs and replacing the signs all over the city. He went for \$1,000,000 and he didn't get \$1,000,000 but they did give him a half a million so, yeah, gee whiz, okay, half a million. But yeah, that's great news and that'll help him tremendously with his costs with the signs. We'll be able to replace a lot of signs, stop signs and street signs and speed limit signs everywhere, Cowgill said. Councilwoman Robin Fouce said, Madam President, she has a question. With those signs, is there any particular area he's talking or they are talking? What determines that process? Mr. Cowgill told Fouce, well, that discussion kind of came up because it's, yeah, that's the problem. We don't have enough to replace all the signs that need to be done so then they're going to have to pick which ones and he thinks what they're going to do is they're going to go around and see, like the signs that are damaged or older, that'll have the first priority because obviously they need to be replaced. And then, after it goes from that, it's kind of Mike Graft's call on that. So, if they know of any signs that need to be replaced or done, get a hold of Mike Graft at the Traffic Commission with that and let him know that. Councilman Mike Cline said, yeah, just to piggyback off of that. He's pushing the button, he's got witnesses, he's pushing the button. Well, it's too late now. Anyway, to piggyback off of what Councilman Cowgill was saying, he had a complaint from a, comment from a constituent about a sign that was pretty much faded white so he drove around the ward and took names and addresses and they were appreciative of that. So, drive around, look for places. He means, there were not only stop signs but there was a Do Not Enter sign at Marion Avenue that's pretty much faded white and he knows they appreciate that. They don't think they're meddling, Cline said.

Council President Deb Cain reported that, at the Board of Works, they had a swearing in of a new officer, Officer Moore, so she wanted to congratulate him and then there was conversation on, two bids were accepted to look at improvements to streets. The streets are, they're blocked. There are certain sections on these streets, not the whole street, but Adams, Central Avenue, McClure, Northfield, 5th and Branson and 1st will each have a few blocks on those roads to be improved and he will be submitting to the Community Crossing for a grant in hopes of getting \$500,000. So they will see if that comes through, Cain said.

NEW BUSINESS

GENERAL ORDINANCE NO. 1-2020 1ST READING

The City Clerk read General Ordinance No. 1-2020 by title only. An Ordinance of the Common Council of the City of Marion, Indiana to establish the position of Deputy Mayor in accordance with Indiana Code Sec. 36-4-9-7. Tom Hunt told the Council he is Corporate Counsel for the city. Indiana Code authorizes and creates the position of Deputy Mayor. Many communities have taken advantage of that, some have not. He suspects a number of the smaller communities have not. But, Mayor Alumbaugh has asked him to write this ordinance, he did and submitted it and the purpose is to allow the continuation of business when he (Mayor) might be away from the office. They can't imagine the number of papers that come through that office on a daily basis that he has to sign and review and when he's not here, if he's away at a conference or just out at meetings, which he frequently is, it would be very helpful to be able to

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continue business to get those papers flowing out the door and into the right spot. And so, the ordinance they have in front of them pretty much tracks the statute that creates the position and there are two things that they should be aware of that the statute requires and that is the Deputy Mayor is appointed by the elected Mayor and serves at the pleasure of the Mayor and secondly, whenever the Mayor is absent, the Deputy Mayor possesses all of the powers that the regular Mayor possesses under Indiana law. You're not allowed to create other powers or jobs for the Deputy Mayor, other than what's listed in the Indiana statute. So, with that, he'll try to answer any questions they have, Hunt said. Council President Cain said, Mr. Cline? Councilman Mike Cline was still having trouble with his microphone and asked Hunt, can he hear him, Judge? Hunt told Cline he can hear him. Cline asked, can everybody hear him and Cline was told, yes. Cline then asked, so does this replace the Chief of Staff position? Hunt answered, he thinks, and the Mayor can correct him if he's wrong but he thinks that the idea is to make the Deputy Mayor also the Chief of Staff. Cline said, okay, so it's not a new position. Hunt replied, no, it's not a new position. It's not going to require a new salary. It's just an additional title with obviously more responsibility. But the position of Chief of Staff will still be there. Cline asked, so does this have like 25th Amendment things where the Mayor is incapacitated... Hunt said, no, actually... Cline asked, who signs when the Mayor is, okay, go ahead. Mr. Hunt said, well, he's sorry, yeah. If the Mayor gets sick and is out of work for a period of time, the Deputy Mayor would step in and perform the duties of the Mayor. But at some point, Indiana law says that there has to be a new Mayor elected and that's done like every other vacant office, by the Precinct Committeemen of the party that elected the Mayor. Cline said, okay, so this answers another question. This is not a line of succession, right? Hunt said, no, no. Mr. Cline said, so the Mayor's in town, he's doing the job, healthy. What's the Deputy Mayor doing then? Chief of Staff duties, he presumes. Hunt stated, Chief of Staff duties, yeah. Councilman Brian Cowgill said, so, as it stands right now, if the Mayor was out, the Chief of Staff wouldn't be able to do anything? Hunt told Cowgill, that's correct, he has no authority. The only person right now that can sign documents that say "Jess Alumbaugh, Mayor of Marion, Indiana" is Jess Alumbaugh and there are many times when we get some forms in, particularly from like Affordable Housing that's working on rehabilitation projects and a lot of what they do is driven by federal government requirements and so you get these, he calls them onerous, forms from the federal government that you have to sign in order for the project to go and many times, with the number of people who have to approve those forms, they get here last for the Mayor to sign and there's often times a time problem and they need them back tomorrow or they need them back the day after tomorrow and if he's away at a conference for two or three days or a week, as happens throughout the year, it's kind of hard to get those signed. Cline said, he has another question, Judge, if he may, he just happened to think. So, if the Mayor is gone or whatever and the Deputy Mayor can act as Mayor, this may be going too far in the weeds but he'll ask it, does the Deputy Mayor then have to have the same residency and other qualifications as the Mayor? Hunt told Cline, it's an interesting question and there is nothing in the statute that says that. It's silent on it. And when he said he tracked the language of the statute in the ordinance, he was literal about that. The language of the statute is in the ordinance, actually all of it is, and then he's added some other language but there is not one word about residency requirement. And he thinks that's probably because they recognize that this is not an elected position and will not be a permanent position in the event the Mayor, for example, resigns or dies in office because that other process of selecting a successor then kicks in. That's just his guess, Hunt said. Cline stated, just from his old newspaper days, do they have anybody in mind for this job? Hunt replied, he won't mention any names but his initials are Mike Flynn. He thinks he's back there, plotting for a raise. Councilman Jim Brunner said, following up kind of what he was kind of just talking about, just for argument's sake, since this person is not elected and if the Mayor appoints whoever he appoints and is not happy with that person and he also has the right to take that person off that position and appoint another Deputy Mayor, this has no way, shape or form have anything to do with an electorate where there would have to be an election. Hunt told Brunner, correct. The language in the statute is also in this ordinance says "and serves at the pleasure of the Mayor", which means he's an at will employee. Councilwoman Robin Fouce said she's just wondering, is there an opportunity to amend it to possibly include those kinds of requirements that we have in the way of our elected officials? Tell her if she's going too far out but she would have some concern with, we have a person functioning as our Mayor, that's not elected by the community, that is doing the work of our community elected official. She certainly understands the position and the need for it but is there a possibility to add some things like the residency requirement to that selection or is it solely at the power of the Mayor and they're not subject to the requirements that the Mayor is, as having been our elected official? She hopes that makes

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sense to him, Fouce told Hunt. Hunt replied, it does and he thinks that's a good question, except he thinks that's where you get into the power struggle between you, as a city, and the state, as the state. You recall the Separation of Powers Doctrine that says we get to do this and you get to do that and we can't do each other's work. The Legislature has created a statute and it's his belief that if they wanted that requirement, they would have put it in the statute and since they didn't, then he would caution any action by this body because he feels that they probably don't have the authority to add to that statute. See what he means? The Legislature said here's the law and he doesn't think they can then add additional requirements on top of that. Ms. Fouce told Hunt, thank you. Being new and all, certainly she wouldn't want to usurp the authority of the state and what their intent was for the legislation, however, she still has Marion's interests at heart and would want to visit, you know, what could we do, you know, to, just see what liberties we would have, if any. Councilman Don Batchelor asked Hunt, currently, what would be the succession now if something would, God forbid, if something would happen to the Mayor and he was out of office for X amount of time or what have you, what currently is the succession plan? What's in place now? Mr. Hunt told Batchelor, under Indiana law, again written by the Legislature, the Precinct Committeemen of the Democratic Party would hold a caucus and fill the vacancy. And he hasn't gone back to read that statute because he doesn't know whether there's any language, maybe Phil (Stephenson, Council attorney) knows, that addresses the question of, let's say you have a Mayor who's physically capable of performing the duties but not mentally. Under the U.S. Constitution, there's a process whereby, in federal law, you can engage this process that will result in the removal of the President. He doesn't believe there's anything that specific but if, for example, the Mayor became incapacitated and could not serve and resigns, then you turn to Indiana law that says Precinct Committeemen of the city and the party that elected him caucus and elect a new Mayor. Batchelor asked, what cases, and he can't recall right off, whereas if the Mayor is unable to function for a period of time, where does the President of the City Council, where do they fit in on that? Mr. Hunt said there is no process that he's aware of where the City Council President would step into that position. Because this is the Legislature and that's the Executive so you don't have that. Under federal law, you've got a scenario where the Speaker of the House of Representatives can become President but they're no longer a member of the House of Representatives. They actually become the President. He doesn't believe there's anything in Indiana law similar to that. Councilman Cline said, so Madam President, a motion to pass this to 2nd reading and public hearing would be in order, right? Council President Cain told Cline, yes. Cline said, okay, well then he moves they pass on 1st reading General Ordinance 1-2020 and move it to 2nd reading and public hearing. Motion was seconded by Brunner and carried by the following vote. Aye: Cowgill, Fouce, Fordyce, Cline, Henderson, Brunner, Batchelor, Luzadder and Cain. Nay: None.

GENERAL ORDINANCE NO. 2-2020 1ST READING

The City Clerk read General Ordinance No. 2-2020 by title only. An Ordinance of the Common Council of the City of Marion, Indiana annexing certain real estate to the City of Marion, Indiana, establishing the zoning of the same and matters pertaining thereto. Tom Hunt, Corporate Counsel for the City of Marion, told the Council he's here to propose an annexation of about 24 acres in far West Marion. If you go straight out 9th Street, and he means way out 9th Street, past Miller Avenue, you come to where Millwright Riggers building is, and he'll get to that in a minute, but this is a map they have to show them. This is 9th Street here and this is a concrete pad. This is the Millwright building here. This is north, that's east and this is west. So, this nine acre parcel right here is already in the city. This 15 acre parcel is in the county. Both parcels are owned by a company, two companies that are owned by Roger Dyson from Millwright Riggers and he has another company, Star Lease Holding that he believes owns the 15 acres. With him tonight is Andy Miller who is the CFO for Millwright, Mr. Dyson could not be here. The genesis of this petition to annex is a proposed purchase of all 24 acres by a new company called Central Industrial Fiber, LLC. One of the partners of that is Jay Berry, a name they might recognize as having been the founder of Central Indiana Ethanol. This is Jay's latest venture and he's partnering with Mike Bartrom who is with Computer Age Engineering out at the old Thomson/RCA site. Andy Miller and Mike Bartrom are both here tonight to answer technical questions, but essentially, Millwright Riggers and their other company have to petition to get this property annexed since they're the owners. Once it gets annexed then Jay Berry and Mike Bartrom's company, Central Indiana Industrial Fiber, will buy it and the proposal that they are putting forth is, well let him tell them that the plant, current plant, is about a 50,000 square foot plant. At one time, Stealth Trailers was leasing it but that lease agreement fell through and they have

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vacated the property. So it's vacant now but Mr. Berry and Mr. Bartrom are planning to turn this into what likely will be the largest industrial hemp farm in the United States. Their investment is going to be approximately \$9,500,000 in equipment. The cost of the existing facility and construction of two additional facilities will be nearly \$4,000,000, \$3,850,000 to be exact. At the beginning, they're going to add 10 new jobs. They propose that that's going to increase to 25 by 2023 and the average hourly wage is going to be close to \$29.00/hour. So, in order to make this project go, they have to get the 15 acres annexed into the city so that Berry and Bartrom's company can then complete the purchase and then own the entire 24 acres. So, if they have technical questions about the project, he's going to rely on Mike and Andy to answer those but that's basically what's before them tonight, Hunt said. Councilman Mike Cline asked, so what happens if they don't pass this? That's just a question he's going to ask all the time and don't read anything into it. Don't read anything into it. Hunt told the Council, this is Mike Bartrom. He's one of the partners of Central Indiana Fiber. Mr. Bartrom said, Central Industrial Fiber. So, yeah, he doesn't know. They didn't think anybody would not annex it into the city. Cline told Bartrom, well like he said, don't read anything into that. Bartrom said, (inaudible) good thing for the city. Councilman Brian Cowgill asked, what's the time frame on, if this all gets going, from start to finish? Bartrom told Cowgill, they would like to 1st of February start moving forward. So, as soon as it happens, they're in the process of finalizing the financing and that kind of stuff. Mr. Hunt told the Council, when they (city) were first contacted by Jay Berry and his attorney, they were asked whether or not we could put this on a fast track because apparently there is some equipment in Belgium that they want to buy and it's one of those situations where you have to get in line to buy it and they're kind of at the front of the line now but if they don't buy it now then they go back to the end of the line and who knows when they'll work their way forward. Mr. Bartrom said, in addition to that, they're also planning to plant 3,000 acres of industrial hemp this year. They planted 100 acres last year, Jay did, and that's what's stored in the building right now. Cline asked, so their market is going to be to whom and with what? Bartrom told Cline, so the fiber is used in textiles and automotive and all of those. There's an existing market that will take up their first year's production so they are already presold for the first year. So what comes out of the hemp plants, and these hemp plants are different. It looks more like bamboo than anything else. They're just straight up stalks up to 20 feet tall and they're planted real close together and at the end of the year, you harvest them and it chops them into pieces about 20 inches long. They let it set in the field for a little while, a few weeks, to let it, it's called readying, and then they bale it and then they use those bales for a year to produce the fiber and hurd and an organic material. So there's three outputs of the plant. And the hurd is used in plastics and animal bedding and hemp (inaudible) and the fiber is used in clothing and panels, all kinds of different construction type things. Councilwoman Robin Fouce told Mr. Bartrom, she's curious, in his words, what benefit, other than the monetary, would he have to the surrounding community? She has a two-part question to that but, in his words, what benefit is he adding to the surrounding community? She knows they're going to add jobs and that kind of thing but what does he feel he's bringing to the community? Bartrom told Fouce, probably the largest impact will be for the farmers in the community because they have a new crop that they can grow and it rotates really good with corn. So right now, these farmers have to rotate corn and beans and the beans are less desirable because they don't do well (inaudible). So this is going to give them another crop to grow that has a potential to be more profitable than corn, at least at this point. Fouce asked, does he feel there will be any environmental impact negative to the community, the area where the plants are in addition to the surrounding neighbors? Bartrom replied, absolutely not. It's all clean running but the thing about hemp is it's a natural cleaner so the other thing that happens is, if you grow hemp on your farm ground, (inaudible) so it's one of the things that can be done to turn your acres into organic acres. And just the hemp on its own absorbs carbon so there's those benefits as well. Mr. Hunt told Bartrom, going in that same question, let him ask him this. Is there any environmental impact that's different than normal farming? Bartrom told Hunt, no, it's just normal stuff. As a matter of fact, hemp uses no pesticides, no herbicides. It's a cleaner crop than either corn or beans. Ms. Fouce asked, what kind of traffic, she knows this may be kind of ahead of the game but certainly a concern, would it subject that area to that's been mainly kind of quiet and so forth? Bartrom responded, so it's going to be very similar, before the plastics plant moved out to Gas City, it's going to be very similar to their traffic. There's going to be about a two month period during harvest time that there will be more traffic because all the bales will be coming in to their storage facility. Councilman Jim Brunner told Bartrom, making sure he has his math correct here sir, he believes, Judge, he said that they would be spending about 12 point, actually about \$13,300,000 on equipment and facilities to start with and he has

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his math, which comes from Indiana University so that's scary, his math shows that they would be putting \$2,500,000 of salaries into our community on a yearly basis. Is that correct? He was told that's correct. Councilman Cline said, yeah, he's going to ask and he knows some people, rightly and wrongly and for whatever reason, their eyes are going to light up when they hear the word "hemp". Bartrom told Cline, yeah, so industrial hemp was legalized by the Federal Government through a Farm Bill. It actually started clear back in either '12 or '13 and it was approved on a research basis so this, hemp and marijuana are basically the same plant except one has no THC in it and that's hemp. Hemp has less than .3% THC content in the flower. So, he and Jay went to the Netherlands and met with a farmer that's been farming this hemp since the mid-80s so they went over and spent a lot of time there, learning all about that stuff and it was very good for their community. He had a very nice facility but we have to up it, Bartrom said. Councilman Gary Fordyce said, he's curious, why voluntarily annex it in? He asked Hunt didn't he say voluntarily they're wanting to annex it in? Mr. Hunt told Fordyce this is something called a super-voluntary annexation because there's one owner of the property and they probably know, the Legislature, in the last 10 years, has made annexation very, very difficult and have created a lot of barriers to normal annexation, except in the case of a super-voluntary annexation, which is where one person owns it and they're wanting to bring the property in to the community. He can't speak for them. He knows from past dealings that Andy and Roger have been interested in getting the whole parcel annexed in the past and there are a variety of reasons why you might want to do that. You get police and fire protection and all of that. So, that's one reason why they would want to do that. Fordyce asked Bartrom, did he say they've already got their financing in order and Bartrom told him yeah, it's getting there. Fordyce asked, are they going to come back to them with a TIF if that's annexed into the city or a bond issue? Is that why they're annexing it in? Mr. Bartrom answered, he does not know the answer to that question. He's a machinery expert. Fordyce replied, okay, okay, alright. That's all. He appreciates that. Councilman Steve Henderson asked, has anybody talked to the Marion Utilities because this has failed to come into the city two times, one of the reasons was the extravagant cost of tunneling under the railroad track to supply that property with the city utilities. Has anybody researched that or done anything there? Andy Miller told Henderson, the building itself that Millwright Riggers owns is already on city utilities. So, the building that Millwright Riggers owns is already on the city utilities and supplies the water to the sprinkler system and that. Henderson said when he investigated this a few years back, in order for us to claim that as annexed, it has to have the service to that property and to do that, it has to be done from the street, from the other area. This is what the Utilities told him, that it would be quite expensive to tunnel underneath that railroad track to continue those sewer and water mains under that track. So if that's the case, would you guys be willing to work with the water works on that to take care of the cost? Hunt told Henderson, well he's not going to own the property if this deal goes through. Henderson said, well, somebody will. Hunt said he thinks he might object to paying for anything if he sells the property. Henderson said he would like to hear from the Utilities what that cost is and, by law, we have to supply that property with those amenities. Hunt told Henderson, well there's some delay in that too. It's not an immediate requirement. Council President Deb Cain said, okay, so her understanding is, as this is an annexation request, we need 20 days notice, not the normal 10, and so for a 2nd reading, it would be the second meeting in February. What date was that again, she asked Mrs. Kiley. Deputy Clerk Debbie Goodman said it's February 18th. Mr. Hunt said, and we're aware of that. Cain told the Council she would consider a motion. Motion was made by Cline to pass General Ordinance No. 2-2020 to 2nd reading and public hearing on the 18th. Motion was seconded by Cowgill and carried by the following vote. Aye: Cowgill, Fouce, Fordyce, Cline, Henderson, Brunner, Batchelor, Luzadder and Cain. Nay: None.

Council President Deb Cain told the Council, before they take a motion to dismiss, she'd like to just bring just a few things to their attention. First, Mr. Cowgill and Mr. Luzadder and she went to the Community Plunge Experience that was put on by Marion General Hospital and that was a full day, beginning at 7:30 a.m. and they got done about 5:45 p.m., somewhere around there. It was a light breakfast, like muffins and fruit and then lunch was served. That was catered by Moe's so that was, they treated them well. The first part of the day was more of a sitting and listening to speakers talk about the opioids and addictions and mental disorder and then after lunch, they all got on the bus and they were taken around town to different services that Grant County has for mental disorder and the fight against the opioid abuse. It was a day full of awesome packed experience, almost overwhelming to a point to where she felt like her brain was on overload and so they have another one coming up on January 31st, Friday January 31st. This is free, it doesn't

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cost anything, and she's going again because she just wants to be able now to sit back and kind of take it in without being overloaded with all that information. She would really encourage them to attend. She actually saw Mrs. Brooks today. She was in here for a meeting and she (Cain) spoke about that and she's (Brooks) actually having a staff from her office to come. And so, she would encourage them (Council), if they would think about attending that day, she knows it's a full day so they have to make some changes probably to schedules but she thinks it's a great thing, or at least be ready to attend one of them this year. So that's that. And then, she sent out the seating, committee/liaison assignments by email. She has extra copies if they need one. Mr. Luzadder and she spent close to a half hour, well an hour and a half, talking about the assignments and planning, each member, where they thought the best use, using, but they took last year's assignments, they also took the priority of preference in mind with your experiences. Not everyone got their number one choice and some, like Mr. Fordyce, were assigned to something not even asked for, like Main Street Marion, which no one asked for, so she just plugged him in there because she knew that his wife was often at the beauty shop at that time and so she wanted to give him something to do. Councilman Fordyce said, thank you, Madam President. Cain stated, however, she really believes that the committees are strong and she's really looking forward to what each committee brings forth to the Council in 2020 and like Mr. Cowgill has already, has a meeting set for Thursday at 5:30 p.m. for grant writing. She just wanted to remind the Council that everyone can attend. She asked Mr. Luzadder if there was anything he wanted to add to that. Councilman Brad Luzadder said, Madam President, as she stated, most of the time, they're plugged into where they thought they would be very beneficial and he was more of a secretary in the time. But also, just for rules sake, in those committees, the President has the right to attend each and every one of those meetings and is a voting member on those committees and it works in accordance with the Chairs, and Chairs, as he stated last year, committees are where 90% of the work gets done. It is open to the public. Anyone in the public can attend any of the committee meetings. If they want to find out the inner-workings of what goes on in their city, those committee meetings are vital for Council members to attend and serve in those positions. And, you know, for him, it's helped to strengthen his relationship with the Council members that he has been able to work with and they've been able to work together, unlike what they see in some of the larger cities or currently on t.v. They work together as Council members. Their goal is Marion. They don't normally, have never and he can't remember in his 16 years ever voting with party lines. As the Mayor stated two weeks ago at the podium, we work for everyone. And so those committees are extremely important and he encourages each and every one of them to attend their meetings and their liaisons. People are going to be expecting them to be at those meetings. One that he was given that he has never done but he's going to be there for the Utility Board. It's going to be a new venture for him so he's looking forward to working with the Utilities with that. He would say committees should be active. When he had the privilege of sitting in the center chair, he asked that committees meet at least, at least at a minimum of once a quarter. He thinks that's, if they wanted this job, they have to work for the job and it doesn't just happen twice a month for a short hour, hour and a half, give or take whatever. Some of the most active committees are going to be your Ordinance Committee, your Development Committee. Your parks have come on very strong with their work. Councilman Brunner has taken that under. Compliance, the past couple of years has been a big thing for us. Prior to us giving out a tax abatement, looking through the material, making sure that someone that comes forth and tells us they're going to do something, that they hold them accountable, that they're going to be able to do what they say they're going to do. And so, unlike some people thought that this is an easy job, there's a lot of things in which they don't always get to do the glamorous things but there's things that need to be done. There's legwork that needs to be done and the President cannot do things on her own so it takes the entire Council working together to accomplish the goals for our city and then continuing to work in their own wards. He thinks for him, At-Large, he's spoken at length with Mr. Cowgill that they, as At-Large, should be assisting strongly in the six precincts. And as he spoke last time, he is firmly looking to work in Ward 4 and Ward 5. He thinks they have been neglected in their city for a number of years, especially with the sidewalks, curbs. Their seeing lots and lots of families in those areas as well as Ward 1 has also taken some desperate needs of help. And so, as one of the At-Large, he would look forward to working with those areas and strengthening some of those areas as they move forward in the city. He thinks every part of their city deserves to have the hand of the Council being on it and he believes that they can do that as they move forward together. So, Madam President, thank you, but for rules wise, if they have any questions over the rules, please don't hesitate to get in touch with him. He'd be happy to sit down with them. Mr. Stephenson is, he's the guru when it comes to that. The other part of that, he did want to also point out for new Council members, in their packet they received the Residential Tax Abatement Report for 2019. This

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body, about eight years ago, decided that instead of having each individual Residential Tax Abatement coming before this Council and each and every time having to go through an extensively long set of plans and all the things that would go up into that, this Council took a streamline approach in which to do that, encouraging new homes being built, especially with the, at that time, Arbor Homes and the rejuvenation then also of Fox Run. They're still encouraging that to be done. So the report in which they got comes from Janet Pearson and he says this early enough that if there is a time, at that time they had a couple of Council members that did not want to muddy themselves through all of the finances and whatnot of the individual tax abatements and so the Council came together and streamlined that process and placed it up underneath Mrs. Pearson and she has handled the Residential Tax Abatements and they've given her that authority in which to do so and the reports then come before them. It is a 3-year Residential Tax Abatement that they have done in the past, but again, that's all subject to this Council, if they would want to continue to do it that way, which Ms. Pearson does a marvelous job. He's only pointing it out because it's important for their city to continue to grow. The way in which they do that is encourage people to buy houses, purchase properties and build. That's always a good way to help the tax base and it comes quickly, as that works through. So, that is on the books but he says it at the beginning of every year for Council members, if at any time this body would want to pull that back and would like to have those residential abatements come back before them, that is up to our pleasure in which to do so. That's just a side note so that they're able to see what has been going on in the areas of our city of new Residential Tax Abatements and new buildings going up. So, a positive, that's always a positive report that they get from Mrs. Pearson so they should be seeing that once a quarter so if there's any questions there, again, don't hesitate to ask. He's happy to walk anyone through, Luzadder said. Councilwoman Robin Fouce said, Madam President, may I? Cain said yes. Fouce told Cain that they both talked about her (Cain) assignments to committees and liaisons and certainly she respects her power and authority to make those selections. She would beckon for now and future that she would possibly consider utilizing all the members in a more equitable distribution. They say there's no partisanship but it's not indicated, in her personal opinion. The people of District 4 is who she is ultimately here for and it's a concern to her that they have a voice through her. And so, that will be what she says. She looks forward to working with her (Cain) and the rest of the committee in full workmanship, however, she would beckon to her to consider the community. You know, it's one thing to say you consider them and then it's another to illustrate that. Thank you for that, Fouce said. Council President Cain replied, and Mrs. Fouce, in response to that, she was assigned to committee meetings and she was offered the opportunity to serve as a liaison and she declined those offers. They'll go on. So, when scheduling a committee meeting, the Chair can announce the intention to have it, at City Council and, at that time, then Mrs. Kiley can make sure that they don't have any other committees that are scheduled so that they don't have conflict of scheduling because it is important that they have the opportunity for all of them to be able to attend each committee meeting. And then, if they are not at City Council and they cannot speak with Mrs. Kiley right then, if they have a committee meeting request, they can just get in touch with her (Cain) first then that way she can make sure that it is not a conflict with another committee and in that planning of the committee, the reason, just a short description of the reason for that committee meeting is important because those notices are put out in the paper and they need seven days for that notice. Are there any questions? Did she explain that appropriately? Understand? Alright, and then agenda items, if they wish to place an agenda item, again, if they could come to her and then she can work with Mrs. Kiley according to other agenda items and ensure that it's important or something that needs to be put on the agenda and it might be something that they can work through on the offside so that's why that's asked. Budget Committee, she didn't know if anyone noticed that the Budget Committee is not listed. She did that purposely because she thinks they all oversee the budget and she's hoping to be able to encourage them to be aware of the budget, be aware of what is happening in the budget and then, as the Mayor has expressed, they can ask for a time to sit down with Mrs. Flores and ask questions and that's what she wants to encourage them. Again, like they did last year which is the first time they did that, she wants to start a little earlier than late August like they did it because it didn't give much time but she'd like to sit down again with the Administration and the department heads and let them talk with them (Council) and speak with them on what their intentions are, what their desires are and what they expect to put in their budget so that in September and October, when they're actually putting that budget down, that they've had some time to speak with them and hoping that open communication there will help the budget process flow better. Neighborhood associations, one of the topics that was brought up two weeks ago and the importance of being involved, she's spoken with Kayla Johnson, she knows she (Johnson) sent them all an email and she (Cain) requested that she come speak with the

Council. She also asked in that time that she speaks with them that she brings them the associations' information, the meeting times, the locations, the President, so that they each can have that. And in the Presidents meeting last week, there was also a discussion that the Presidents will start reaching out to us and keeping them informed of the important information. And in that communication, she also asked Kayla Johnson to keep them informed of any additional scheduling, outside of the association monthly meetings, such as the neighborhood clean-ups or their block parties. So, they can start looking for more of that communication to come to them and it's (inaudible) and be involved. And then two weeks ago, they also discussed about the focus and what do they want to do in the first 100 days or four years so she was just wondering if they've begun to put any thoughts together to start reaching those goals, like Mr. Cowgill has a meeting set for the grant writing and she made some inquiries regarding the options to, oh the recording, so they can get their recording out to the public. It looks doable except for now, they have problems with some of the mikes so maybe she'll speak, she'll let Danny know. They've kind of talked about that. She's talked a little bit with the radio. She asked Mr. Brunner if he's had any communication with them. Councilman Jim Brunner told Cain there was the possibility of streaming it, which you would get with probably Mr. Breen and Mr. George because they would probably have that done through their auspices with that Good Morning Grant County show. But yeah, there was some acceptance of what they could do and what they couldn't do. Mrs. Cain said that's great. And then, she confirmed that Kayla Johnson was willing and was excited about being a part of the Grant Writing Committee and she's (Cain) been researching it and she's been reaching out and placing feelers out to cities that are putting ordinances together so that they can receive grants to fight against the opioid epidemic and the abuse and there are grants out there and so that's something that she began working on. Does anybody else want to bring something to them? What thoughts or ideas or plans have they already started towards what they discussed? Councilman Brian Cowgill told Cain, when she was talking about the seven days notice of the meeting, that's seven working days, right? Cain said, Mrs. Kiley? Cowgill said, on the notice for when you call a meeting, you have to have a seven day notice. Is that seven working days or just seven days? City Clerk Kathleen Kiley told Cowgill she thinks it's just seven days. She's not sure that it has to be seven, maybe five days, isn't it? Mr. Cowgill said, and then on the grants, you know, with being Chair on that, anybody that knows of any grants or, you know, things they would like to go for, he means, if there's any way he can help, that's what he wants to do. He means, he feels like their city, that's their way of getting some funds in here since our funds are tight and he thinks they ought to go after every grant that they can for every department. Mrs. Cain told Cowgill she's glad he brought that up because she actually has something she was going to give to him after the meeting that she found online. AIM has a Drug and Opioid Abuse Grant Program for municipalities so she wanted to give that to him. Anything else for the good of the order, Cain asked. Council attorney Phil Stephenson said, Madam President, if he could say something? Cain told him, yes, please. Stephenson told the Council he did a little quick research while he was sitting there to see if he could answer any of Mrs. Fouce's questions and also he thinks some other questions were raised about this Deputy Mayor situation. Essentially the way it works is the Deputy Mayor is appointed at the discretion of the Mayor and, while it doesn't make any other comments, as was mentioned, that does tend to bind their hands he thinks because if the statute says it's at the discretion of the Mayor then the problem is you don't really have the authority to limit that discretion, which is what they'd be doing by putting (inaudible). But, in the checks and balances, there is still a way, the statute also says that if the Council believes at some point because the Mayor is gone all the time and the Deputy is really running the place, think that he is not any longer capable of doing the office, the President of the Council can petition the Circuit Court who then is required to have a hearing, if the Mayor objects, to determine whether or not he is capable of doing that office. If the court determines he's not capable of doing that office then he is immediately, he would be removed, the Deputy Mayor could run the city for up to but not exceed six months at which time you would have to have the Precinct Committeemen of the Democratic Party get together and choose who that Mayor would be to serve out the remaining part of the term. So there is some checks and balances, although he thinks not quite as much as you were looking for. But he thought that might help you in regards to considering this the next time, Stephenson said. Mrs. Cain told Stephenson, thank you very much, appreciate that. Councilwoman Fouce said, Madam President, can she say one more thing? Cain told her she could. Fouce told Stephenson, thank you for that. She certainly appreciates the office of Deputy Mayor and Jess's willingness to have that coverage and everything. She just wanted to not have them find themselves down the road with an issue and so that's where that question came from and that's good information for them to know. Stephenson told Fouce, well he thinks it's a very legitimate question because you certainly do have, the Mayor of South Bend, the Mayor of New York,

he means, they're not incompetent so you couldn't remove them but they're certainly not running their cities and it's been left to Deputy Mayors while they've been out campaigning all over the countryside and he thinks there's a very legitimate question, is the city being well served if the person they've elected is just simply absent? But, that statute doesn't permit removal in those cases. It only permits a removal, he means, there's some automatic removals, death obviously is one of them, resignation would be another but the other is is no longer competent, physically or mentally, whichever it may be, to carry on the office but not necessarily just because they don't want to do the job. There is also (inaudible) he saw in the statute that even if you don't have a Deputy Mayor, the city can be run and that is, it's not really a line of succession in the sense of permanent but the Mayor could appoint someone from the City Council or the President of the City Council could actually take over operating it for a very limited period of time. It's actually like no more than 15 days, he thinks it said, out of every 60 days. But even in the absence of a Deputy Mayor, there's someone going to step in on a very short-term basis. But, with the Deputy Mayor, there's not the same restriction. He hopes that helps, Stephenson said.

Being no further business to come before the Council, on a motion by Luzadder, 2nd by Henderson, the meeting adjourned. Time being 8:12 p.m.