

REGULAR MEETING – MARION COMMON COUNCIL – MAY 19, 2020 – 7:00 P.M., VIRTUAL MEETING

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 19<sup>th</sup> day of May, 2020 at the hour of 7:00 p.m. by virtual electronic means through Zoom meetings.

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.

The minutes of the previous regular meeting of April 21, 2020 were presented. On a motion by Councilman Mike Cline, 2<sup>nd</sup> by Councilman Brian Cowgill, the minutes were approved as presented by the following vote. Aye: Cowgill, Fouce, Fordyce, Cline, Brunner, Batchelor, Luzadder and Cain. Nay: None. Abstain: Henderson.

COMMITTEE REPORTS: Councilman Brad Luzadder told the Council the Rules Committee met last week on General Ordinance No. 7-2020, that it was moved out of committee and it comes with a favorable recommendation to move it out of committee.

Councilman Mike Cline reported that the Compliance Committee met recently to consider CF-1 forms for, several forms for Bahr Brothers, one form for 515 Properties. That's Jimmy John's. It's for their abatements, they (committee) approved them. They have gone to Council President Cain and to the Auditor's Office. They have more forms coming in and the Compliance Committee will meet again closer to the June 15<sup>th</sup> deadline. Council President Deb Cain asked Cline, does he have his phone and computer on? Cline said he thought he exited the meeting off his phone. Cain said, yeah, he's echoing. Cline said, alright, if he ends up exiting both meetings, forgive him and he'll get back.

NEW BUSINESS

GENERAL ORDINANCE NO. 7-2020 1<sup>ST</sup> READING

The Council President read General Ordinance No. 7-2020 by title only, an Amended Ordinance of the Common Council of the City of Marion, Indiana to establish the position of Deputy Mayor in accordance with Indiana Code 36-4-9-7. Tom Hunt, Corporate Counsel, told the Council they talked at length last week about this in committee and he'll try to be brief but the one thing he wants to stress about this ordinance is it is not, let him repeat, not a succession ordinance. This has nothing to do with replacing the Mayor in the event of the Mayor's death or (inaudible) inability to serve. That's completely covered by other Indiana statutes. So this is not a succession ordinance. All this ordinance is is a proposal by the Administration to assist in the efficient administration of business on a daily basis when the Mayor is out of the office on vacation or attending AIM Conferences or whatever the case may be. They get, as he discussed with them last week, a ton of paperwork that comes through the office daily that needs the Mayor's signature and they try to keep that moving in an orderly fashion. There may be occasions when the Mayor is absent for the reasons he just indicated and someone needs to step into his position. And all of this is governed by Indiana law. There are time limitations placed on how long a Deputy Mayor can serve as Deputy Mayor. It's a temporary position. This is, again, this is not a succession issue and anybody that has that in their minds that this has something to do with succession, you've got to get that out of your mind because it does not. That's covered by a totally different statute and all they're proposing here tonight is that they allow them to eliminate the position of Chief of Staff and create a similar position, simply called Deputy Mayor, to allow a person in that position to act as Mayor when the Mayor is absent. So with that in mind, he'll take any questions that they have, Hunt said. Mayor of Marion Jess Alumbaugh told the Council he feels like they've presented their thoughts on what the Deputy Mayor's position (inaudible). They have gotten some resistance, he understands that, from the Council. So he has a friend from Ft. Wayne, the Mayor of Ft. Wayne Tom Henry, who does have a Deputy Mayor. He felt he might be able to (inaudible) explain the duties of the Deputy Mayor but also how that could be beneficial to a city of really of any size. So, Tom Henry, would he care to talk please? Mr. Henry told Alumbaugh he would be more than happy. He doesn't know if everyone can pick him up or not. Is he coming through? Council President Deb Cain told him yes. Alumbaugh said he's starting his 13<sup>th</sup> year as Mayor of Ft. Wayne, his fourth term. Mr. Henry replied, you're beginning to show his age now. But thank you for giving him a few

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minutes tonight. He certainly is sensitive to what their Mayor wants because when he first became Mayor 13 years ago, he too had a Chief of Staff and he was in a position where, because of his other duties, from time to time he had to call on the Chief of Staff to represent him at a number of functions. And quite frankly, individuals, corporations, school systems and the like that did ask for either himself or his assistant to come, they would have preferred a Deputy Mayor rather than a Chief of Staff. So, because state statute did allow him the ability to, with Council approval, to change the position from Chief of Staff to Deputy Mayor, he chose to ask the Council to do that and they too agreed that the Deputy Mayor position was probably more satisfactory than the Chief of Staff. And the amount of work that he had outside of operations, and that's pretty much what his Deputy Mayor does. He is truly the Chief Operating Officer of the city. He's in charge of his staff. He has a little under 2,000 employees, all of them report to him from an operational perspective, his entire cabinet, all of his Division Directors, his Department Directors. He is next in line as far as communication, which frees him up to do a lot of his other responsibilities. For instance, he meets with their Chamber of Commerce, in their particular case it's called Greater Ft. Wayne, but he's on several of the Task Forces besides being on their Executive Committee. It allows him to go to schools to meet with not only the Superintendents of the four school systems that they have but also one of the favorite parts of his job is he gets to speak to classes, whether primary grades or secondary grades and it allows him to communicate then to the students of those schools who undoubtedly someday will be in a position to run their city if they want to. But he meets with faith based community, with social service agencies, with a number of the companies in their city that provide the jobs. He meets with government agencies. In fact, as he just said a few minutes ago, it allows him to attend the AIM Conferences, the US Conference of Mayor Conferences, the National League of Cities Conferences. So, it really frees up his time to really be a cheerleader for their community and someone who can communicate one on one with company heads and the school systems and the like. Before that, he hardly had time to do it because of the operational responsibilities. So, there's no question that his Deputy Mayor has really put him in the position to do what he's supposed to do and that's to be their cheerleader for their community to help attract new jobs and the like. It gives him the freedom and flexibility to do just that. Again, he sympathizes with what their Mayor is asking for because he was in the similar situation and once he made that change and knew that they had a Deputy Mayor besides a Mayor and that they could rely on him to speak to him, because he has that authority, that made all the difference. He doesn't know if there are any questions or not but, again, he's very sensitive to that position because it truly has helped him out immensely, Henry said. Councilman Jim Brunner asked Mr. Henry, how many times, they had this discussion the last time they talked about this ordinance. How many times would he use this, let's say in a three month period, where he would need a Deputy Mayor to do some signing for him? Henry told Brunner, well actually, every day he meets with department heads and Division Directors, again, which allows him to, it frees up his time to go out into the community and that's where he belongs. He walks neighborhoods. The fact that he could walk a neighborhood during the day and meet Neighborhood Association Presidents and Quadrant Presidents, it really, excuse the expression, it blows people away that he has that kind of ability to be able to meet with them during the day. He wouldn't have that if it wasn't for having the Deputy Mayor position to take care of operations. But to answer his question, he meets almost daily with department heads and if he doesn't have a meeting with them, a lot of times he'll go right to the departments. He'll actually go to their Street Department or to their City Utilities Division and go into the sewer systems and meet with those on the front line who normally would never meet with a Mayor or a Deputy Mayor but he does that because he's got that ability as well. That's his job. He's in charge of operations. He reports directly to him and he's responsible to make sure that their city operates the way that he, as Mayor, has decided that it should go. Mayor Alumbaugh said, (inaudible) we're running our city, as Tom Henry mentioned to him, very similar to the system he put in place in Ft. Wayne. That was encouraging to him that we are already running our city that way and in many, many ways, Mike Flynn, Chief of Staff, has already been serving as our Deputy Mayor. Councilman Don Batchelor told Mayor Henry, as a matter of fact, about an hour ago, he was in conversation and he (Henry) was part of the conversations of how things are going in Ft. Wayne and we appreciate what they're doing up there on the north side. However, he mentioned about he has approximately 2,000 employees, whereas, his Deputy Mayor oversees the day to day operations and to free him up to do some other things (inaudible) the community, the whole nine yards, and to do other things. His concern is, and this is directed to, we appreciate what you're doing, this is directed to Jess or Tom, either one. How many employees do we have, Mayor? Mayor Alumbaugh said, Tom Henry, correct him if he's wrong, you don't deal

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with all your employees on a regular basis. Primarily you're dealing with your department heads, is that correct? Mr. Henry told Alumbaugh, correct, correct. Karl Bandemer is his Deputy Mayor. They have 13 divisions, each one of them has a director. They're the ones that meet with Karl on a regular basis, in some cases will have a department head, depending on what the level of responsibility is, and meet with him. But they go back to their respective divisions and communicate with their frontline employees, their first level employees, with what has gone on as far as their meetings with the Deputy Mayor and in some cases, if it calls for him to be present, he certainly will be. But, fortunately, the majority of the time his Deputy Mayor, he does a tremendous job and has been such an addition, an asset to their city because, again, he's (Deputy Mayor) taking care of the internal operations, he's (Mayor Henry) taking care of the external operations and it's been a nice (inaudible). To be able to go out into the community and meet with company heads and go to Chamber of Commerce meetings and so on, he can't tell them how important that has been in his ability to be able to attract new employers. To him, and he doesn't want to get off onto a platform but to him, economic development is one of the key components of a successful city and part of economic development is not only the attraction of new companies, and he's worked very hard to try to do that, but also the retention and growth of those companies that are here. He's tried to meet with them on a regular basis to not only reinforce what they're doing but to help provide them with the tools necessary to stay and to grow. He wouldn't be able to do that if he didn't have the flexibility to be able to go and meet them on their turf. That speaks volumes, he thinks, for a city to allow its Mayor to go into the home base of a company and sit down with their President or their CEO on their turf and say "we're here to help you, what can we do?" He just thinks that that says a tremendous amount about a community to allow their Mayor to do that, Henry said. Councilman Batchelor said, Mayor Henry, once again, like he said, he applauds him for how things (inaudible) in Ft. Wayne. He visits Ft. Wayne regularly and he can see the changes that have taken place in his 13 years (inaudible) and, like he said, he applauds him and he appreciates (inaudible). Mayor Alumbaugh told Henry he was there numerous times last year but he was trying to get some of his businesses to duplicate what they're doing (inaudible). Councilwoman Robin Fouce said she didn't get that number. Don asked the number of employees of the City of Marion. Did he say a number, Fouce asked. Alumbaugh said, about 250. Again, as Tom was saying, the ability for the freedom isn't the number of employees. He doesn't have to deal with the day to day stuff that goes on between department heads and their employees and that's exactly what Mr. Flynn has done for him, taken that responsibility. He only gets involved when these issues get more serious and he does almost every exit meeting. Councilman Mike Cline asked, how precisely and exactly will Mike Flynn's job, or any other Deputy Mayor's job, because this isn't just Jess Alumbaugh's Deputy Mayor, how will the job differ from Chief of Staff to Deputy Mayor, if at all? Alumbaugh asked Henry, are you still there? Does he want to talk about how that (inaudible) it? Mayor Henry said he was sorry, he couldn't hear him. What was the question? Alumbaugh said, how the Deputy Mayor title changes the role. He believes he might want to talk about how the credentials mean so much. Mayor Henry stated, well there's no question that the title of Deputy Mayor brings with it a certain level of respect by the general community that perhaps a Chief of Staff would not necessarily get. Chief of Staff was within the city employment arena. He thinks everybody understands that, as Chief of Staff, whoever that person is, he or she, is responsible to oversee the staff. But his Deputy Mayor, when he's gone, when he's at AIM Conferences or he's at US Conference of Mayors or another function outside the city, the Deputy Mayor steps in his place so if he has a speaking engagement, for instance, with the Chamber of Commerce and he's unavailable and his Deputy Mayor steps in, he is recognized and introduced as the Deputy Mayor of the city. Should he have another engagement or whatever, with the title Deputy Mayor certainly comes an amount of community respect that may not be there if the title were Chief of Staff. So if nothing else, it certainly brings with it a level of, again, a level of respect that Chief of Staff may not necessarily get outside of city employment, Henry said. Corporate Counsel Tom Hunt said, Madam President, he'd like to interject a bit and add on to what Mayor Tom said from Ft. Wayne, and they discussed this at length last week in the committee meeting. One of the practical reasons for this proposal is getting someone's authorized signature on documents. He mentioned to them last week that they have multiple occasions, not necessarily every week but certainly multiple times a month where documents come in for projects, and he uses the practical example of the Affordable Housing group here in Marion that they go through their process of getting approval from everybody necessary on these documents and then suddenly, at the last minute, come to City Hall and they need the Mayor's signature by tomorrow. And our Mayor wants him to look at everything before he signs it. And so, it's a roll of the

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dice as to whether or not both of them are there and if one of them are on vacation or whatever, it's a real time problem. He told Mayor Henry he's sure he's dealt with this before. You have to have somebody to be able to sign off on these documents. They are federal documents that cannot be changed and people have to sign in the right place and it has to have an authorized signature and in the multiple occasions he referred to last week in the committee meeting, we need to have somebody, when Mayor Alumbaugh is out of the office, to be able to sign those documents once he's okayed them as Corporate Counsel. And that's a practical issue. He guessed he doesn't understand why that's a problem. It's something that has to be done. They have to be able to get those papers out on a timely basis or otherwise we might lose a project funding. Mayor Henry from Ft. Wayne told Hunt, he's absolutely right, if he may interject. There are a number of occasions where his Deputy Mayor does have to sign off on a number of different documents that come before them, where again, he may not be in town or he may be, again, on vacation or whatever, those documents have to be signed in a timely fashion. But also, his Deputy Mayor signs all payroll statements, confirming the fact that certain employees did put in their 80 hours in a two week period. And also, his Deputy Mayor, he represents him on a couple of different commissions that he is unable to attend because of conflict with other regularly scheduled meetings. But he's in there representing not only him (Henry) but the entire City of Ft. Wayne. For instance, with the Northeast Area Partnership, Karl takes his place on that particular committee or commission because he cannot make that. He has a conflicting Chamber meeting. So, not only does it put Karl in a position to have to sign, representing the City of Ft. Wayne on certain documents, but he also represents the City of Ft. Wayne on several boards and commissions that he's sure he does a great job. At least, for 13 years, nobody's come back to get him (Henry) because of decisions that he's made. Councilman Brian Cowgill said, Madam President, he has a question. Council President Cain said, go ahead, Mr. Cowgill. Cowgill said, okay so, if he understands this right, just so he does understand all of this, the Affordable Housing, for instance, would come in at 2:00 p.m., 3:00 p.m. and they need a signature by tomorrow then wouldn't Mayor Alumbaugh and Judge Hunt both have to be available then, if Judge Hunt has to see everything as well? Mr. Hunt told Cowgill that's what he referred to as the roll of the dice. And he's complained about that before and it doesn't seem to be..... He doesn't want to get into that deep area of weeds because it all involves the federal government and the demand that these documents be signed just as they are. The point is that Mayor Alumbaugh wants him, as Corporate Counsel, to review these documents. He doesn't blame him, that's what he pays him to do. So he does it and if he's not there, he can look at them on his computer because his assistant will send them to him. He'll take a look at them and then he can text the Mayor and say these are good to go, sign them. If he's down somewhere in Indianapolis and can't sign them because he's not in Marion, he's at an AIM Conference, then the Deputy Mayor can do it. Mayor Alumbaugh asked the Council, why don't they tell what their arguments against a Deputy Mayor? That might help some too. Councilman Don Batchelor said, what was that? He didn't hear him. Alumbaugh stated, why don't they share what their arguments are against having a Deputy Mayor in Marion? He's heard small city but Tom Henry said that, you know, he understands why we think this (inaudible). What are some of the other arguments besides small city? Councilman Mike Cline replied, he doesn't have any arguments with it. Councilman Batchelor said he could give his two cents worth and do with it whatever they deem necessary to do. As he looked at the job description that the current Chief of Staff is doing, he really doesn't see a difference other than signing documents. Is there other avenues that can be addressed, other avenues that can.....? Mayor Alumbaugh told Batchelor, that's an important avenue, the documents. Batchelor said, okay, documents, does that, the signing documents, deem it necessary to change the job title just to sign documents? Is that reasonable? Mr. Hunt told Mr. Batchelor, it absolutely is. He means the Chief of Staff has no authority under Indiana law to sign a document required to be signed by the Mayor. Batchelor asked, does the Mayor have authorization to authorize someone? Hunt replied, no. Batchelor asked, he doesn't? Hunt told Batchelor, no. This is a matter of changing titles to give someone the authority to act as Mayor. He guessed he reiterates Mayor Alumbaugh's question, what are the objections to doing this change of title to allow the Deputy Mayor to act as Mayor to sign documents or appear before a committee meeting or whatever it is? What are the specific objections to doing that and they'll try to work with all of them who have objections. They'll try to fix this ordinance so they'll be satisfied but what are the objections, Hunt asked. Council President Deb Cain asked Hunt, is there an ordinance that he can write that will allow a person on the staff to sign documents? Hunt replied, no. Mayor Alumbaugh commented, state statute. Cain asked, what state statute is that? Mr. Hunt stated, excuse him just a minute and all due respect, what you are trying to do is usurp Indiana law and you

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cannot do that. Cain said, no, that was just an honest question, Judge Hunt. She was not trying to circumvent anything. She just asked a question. Does he know the state statute? She's just curious to look it up. Hunt said, there are multiple statutes, Deb. Councilman Brad Luzadder said, wait a minute, this is not a public hearing. This is not a public hearing, gentlemen. Their President was speaking and she was asking a question. Now, let's be honest. We can shut this down right now in a New York minute and they know it. So he would say that the badgering better stop. That's not the way that they conduct business and shouldn't be. Mayor Alumbaugh said he understands the question but he thinks, by state statute, only a Deputy Mayor can do that. Cain said, okay, so that statement made her just think and ask the question, just an honest question because she didn't know, is there anything that they, an ordinance that they can write, put in place, that allows a staff member to sign documents in the absence or unavailability within a certain time frame. Like say if the document needed to be signed in 24 hours and the Mayor's just not available, it can't be signed electronically, the document can't be faxed to where he may be and then he can return it by fax and it has to be done in 24 hours. Is there a legal ability to write an ordinance to allow a staff member to sign documents? That was her question, Cain said. Mr. Hunt told Cain, and the answer to that question is yes and that's what they've presented to them tonight. Cain said, no, that was not her question. So he's saying that there is not an ordinance, we cannot legally write an ordinance that says, she'll just throw a different name out there so we don't confuse names, that Kathi Kiley cannot sign documents. Hunt replied, no. Councilman Batchelor asked Cain if she was ready for a motion and Cain said she is. Motion was then made by Batchelor that General Ordinance No. 7-2020 be denied. Motion was seconded by Councilwoman Robin Fouce. Councilman Mike Cline asked if he could ask a question first. Cain told Cline, no, they already took the.... Cline said his question is what is (inaudible) yes vote and a no vote. Cain told Cline, okay, she thought he was going to ask further questions. So, the motion was made to deny Ordinance No. 7-2020 so if you vote yes, you're declining the ordinance. If you vote no, you're in favor of the ordinance. Cline replied, just wanted to make sure, thank you. He appreciates that. Sorry for the interruption. Motion to deny General Ordinance No. 7-2020 then carried by the following vote. Aye: Luzadder, Cowgill, Batchelor, Fouce, Henderson and Cain. Nay: Fordyce, Brunner and Cline. Mrs. Cain said, okay, so we have 6 to 3, the ordinance fails.

GENERAL ORDINANCE NO. 8-2020 1<sup>ST</sup> READING

The Council President read General Ordinance No. 8-2020 by title only, an Ordinance of the Common Council of the City of Marion, Indiana amending General Ordinance No. 37-1989 regarding Park Rules for the City of Marion, Indiana. Police Chief Angela Haley told the Council she received some complaints from a neighborhood association, it was specifically about Barnes Park. Last summer, they had issues with some children going into that park and using BB guns. When they looked at the Park Ordinance, she felt like it was clear but some other people did not believe that necessarily the language was clear enough that they could enforce that part of the ordinance so they're looking to amend it to make it perfectly clear and it's Section 93.33 Firearms, Fireworks, and Weapons and they would like to change the language to read that no person shall discharge any firearms, fireworks, projectile such as bb guns, pellet guns and sling shots or other weapons within the parks without a permit from the Board, and the Board would be the Park Board. So they just want to clean the language up so that they can enforce the city ordinance that prohibits anyone from discharging any type of weapon or utilizing fireworks within the city park system, Haley said. Council President Deb Cain asked, does this cover lasers? Chief Haley told Cain she doesn't think laser tag, she doesn't know that laser tag would apply. That would be a question that she would have to ask Judge Hunt because she doesn't know that a projectile necessarily comes from that. Usually you're hitting a target. They've got some sort of a vest on. Any of the games that she's played with her kids or seen her kids play have had, it's been something that's hit the vest. It's not something that can hit anyone else and cause damage. Cain replied, okay, she just knows that some kids come away with a few bruises but, you know, they might not have had equipment on. Haley said, yeah, this would include paintball, pellet guns, bb guns, slingshots, fireworks, weapons of any kind. Councilman Don Batchelor asked the Chief, this includes all of the city parks, correct? Chief Haley told Batchelor, yes, it would include all city parks. Councilwoman Robin Fouce told Chief Haley she thinks this is a great ordinance. Thank you for taking the lead on getting this implemented. In this day and time, our community needs protection and that we would go this next step to reiterate the lack of weapons in our community parks and (inaudible) and so she commends her for taking this effort. She will move as she allows them to, Fouce told President Cain. Being no further questions from the Council, Fouce

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made a motion that they accept General Ordinance No. 8-2020 as stated. Motion was seconded by Cowgill. Councilman Batchelor said he has a question. Are they moving this to 2<sup>nd</sup> reading and public hearing? Is that the motion? Fouce told Batchelor, yes sir, thank you. Motion then carried by the following vote. Aye: Luzadder, Cowgill, Batchelor, Fouce, Fordyce, Brunner, Cline, Henderson and Cain. Nay: None.

RESOLUTION NO. 6-2020

The Council President read Resolution No. 6-2020 by title only, a Resolution of the Common Council of the City of Marion, Indiana, approving statement of benefits for real estate improvements personal property tax deduction for new manufacturing equipment and confirming Economic Revitalization Area for JG Bowers, Inc, 1629 S. Joaquin Drive, Marion, IN. Councilwoman Robin Fouce said, excuse me, does someone have a tv or radio on in the background? She's hearing that feedback. Council President Deb Cain told Fouce, no, she thinks what's happening is Jim Brunner's tablet is kind of echoing. Fouce said, oh okay, she's sorry. Tim Eckerle told the Council he believes Mr. Bowers is here as well. What they are doing tonight is amending an existing property tax abatement to allow them to install new equipment and (inaudible) equipment. The Development Committee had a hearing on this what seems like a lifetime ago and it was a unanimous approval and also granted the approval for them to begin installing this equipment. They would gladly answer any questions they may have. He wants to remind everyone this does not decrease the amount of property taxes being paid. It merely phases in the increase brought on by the..... Mrs. Cain said, oops, she thinks he froze up, Mr. Eckerle. Looks like everybody froze up. Councilman Don Batchelor said, Madam President. Cain said, yes? She is having technical difficulties. Just a minute. Mr. Cline, are you on, Cain asked? Councilman Mike Cline told Cain, no, it says he is connecting and that's all it says. Cain said, okay, let's go. Mr. Batchelor told the Council this was brought before the Development Committee back here, as Tim mentioned, seems like it's been a year ago, but however, it did come out of committee with a favorable recommendation and they just want to continue to support what Phillip Bowers is doing out west there and they certainly are on board with granting this request, Batchelor said. Councilman Brad Luzadder said, he would agree, Madam President. Cain said, well alright, she'll take a motion. Motion was made by Batchelor to pass Resolution No. 6-2020. Motion was seconded by Luzadder and carried by the following vote. Aye: Luzadder, Cowgill, Batchelor, Fouce, Fordyce, Brunner, Cline, Henderson and Cain. Cain said, and those three, Mr. Brunner, Mr. Cline and Mr. Henderson, voted yes. We're having the internet in the City Council Chambers shut off. Luckily, earlier, when she was trying to get on it, she got the password from the police so they were able to get her connected to theirs so hers switched over but they are not connected yet. So, she put a plea out to Danny (Robinson, IT Director) again, help, and hopefully he comes back. Thank you Mr. Eckerle, appreciate it. Thank you, Phillip Bowers, they appreciate them.

RESOLUTION NO. 7-2020

The Council President read Resolution No. 7-2020 by title only, Marion Common Council resolution consenting to the financing of economic development facilities by Grant County, Indiana. Council President Deb Cain told the Council, and we have Mr. Krapf, Mr. Karr and Mr. Turner here so she will unmute them all. Scott Krapf, Attorney at Law, Frost Brown Todd LLC, told the Council, thank you for your time and consideration this evening. He said he is an attorney at Frost Brown Todd and they have offices at 201 N. Illinois Street, Suite 1900 in Indianapolis, zip code 46204. As the President mentioned, his colleague, Matt Karr, is also here with them as well as their client, Zeke Turner, to answer any questions they have. As for a brief background, they are respectfully asking the Council to approve (inaudible). The resolution contemplates the construction of a senior living facility located at or near 4120 S. Meridian Street and that'll consist of approximately 139 units. And as the new senior living facility will be located within the geographic boundaries of the city, they are here tonight seeking their consent to (inaudible). So they will also be meeting with Grant County and pursuing the county's assistance with the Economic Development Revenue Bonds that will be used to finance this project. So, this resolution grants the necessary consent from the city for the county to then proceed with the project. The city will not have any obligation as to the financing of the facility or for the bond issuance. He thinks they have the additional details regarding the project, specific location and the not to exceed amount to the bonds set forth in the resolution. The county will also go through the process to approve and issue the bonds. So they expect this should be the only time that they should come before the Council. They'd be happy to provide any additional

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background or answer any questions that they have, Krapf said. Council President Cain said, okay so for the three that are in the Council meeting right now, Mr. Henderson does not have a computer or an iphone to call in with, Mr. Brunner did not either so they were on her tablet. Mr. Cline was in here. She's going to repeat what he (Krapf) said, and correct her if she's missed anything. So, they will not be coming before us (Council) again. They're not going to be asking for a TIF. She spoke with Mr. Turner about that because there was a concern with the city and the county had both asked was there going to be a TIF. They already know where the location is, they've already gotten the blueprints of what they are building. And so, do they have any questions about any of this project? They can pass this tonight so they don't need to have them come back if they (Council) don't have any other questions. Councilman Mike Cline said, if he may, he has two questions that may technically not be part of this but ought to be out in the air anyway. The first one is, with the bond issue, we're not doing, the county's doing, he understands that. Someone told Cain they can't hear him (Cline). Cain said she'll repeat what Mike says. He is saying with the bond issue that we know the county, with the bond, we know the county is doing, not the city is doing. Cline asked, what's the risk of county taxpayers being on the hook for all or some of the bond amount? Cain said, what is the risk of county taxpayers being on the risk for any of this? Mr. Krapf said there will not be risk from the county's perspective either. This would be structured as what's called a Conduit Bond. The reason that they do that is to make sure that they take advantage of the tax exempt status that the municipality, in this case the county, to issue the bonds. Mrs. Cain said, okay, so he said that the taxpayers are not on the risk for that. This is just taking advantage of the tax credits. Is that pretty good? Krapf replied, that's pretty much it, yeah. Cline said his second question, it's much shorter than that. What will the impact be on current competition? Cain repeated, what will be the impact on current competition? Mr. Krapf asked if Mr. Karr or Mr. Turner wanted to speak to that and Mr. Turner said he would speak to that. So, if they'll remember when they came before the Council a few months ago with the annexation, it is the same project that they talked about. This project is actually targeting seniors who will be in kind of the middle to lower income category. There will be some market rate units that will float at whatever the prevailing market rate is in Marion. But importantly, it's actually being built with tax credits which then keep the rents low so it's affordable to a broader range of elders. And then also (inaudible) for the State's Medicaid Program under the state's policy to give people an alternative to the nursing homes if they don't, from a healthcare standpoint, need that level of care. It's also much cheaper to the state to care for them in more of an assisted living type of facility, like this will be, then ultimately to go into a skilled nursing home. So, it kind of fits into a gap in the market that currently isn't being filled. They did a third party market assessment that came in and identified that this will have a fairly low penetration rate in the local market given the demand. And so the goal is to start here with 139 units. It's a mix of assisted living, independent living, and memory care that's priced in a nice mid-range and then also has the Medicaid for those that maybe otherwise don't have any other sources to pay for their care. So it'll fill that need that otherwise isn't being met, Turner said. Council President Cain said, the need that's not being met as well as it should be in Marion is for the lower to middle class income and the Medicaid patients to provide assisted living, memory care, and independent living. And so, this will provide them the ability to meet a different clientele that isn't currently being met. Did she do good, Cain asked Mr. Turner. Turner told Cain, that was great. Much more efficient too. Councilman Brad Luzadder asked, are the schools, libraries, townships at risk with this bond issuance by the county? Mr. Krapf told Luzadder no. Luzadder said, so all the taxes and everything will still be paid and taken care of? Krapf replied, correct. Mr. Luzadder then asked, why would there then be no risk? He means, normally on a bond issuance, there has to be some risk at some point in time. Who's going to be held with that risk? Krapf stated, sure so, in this circumstance, because this is what's called a Conduit Bond Issuance. It's essentially a pass through. The risk falls to the developer in this case and the reason that they need to have it structured in this way is to be able to utilize the tax exemption that's afforded to a municipality, in this case the county, which a private developer would not otherwise have the benefit to be able to utilize. Being no further questions from the Council, motion was made by Councilwoman Robin Fouce to accept Resolution No. 7-2020. Motion was seconded by Councilman Don Batchelor and carried by the following vote. Aye: Luzadder, Cowgill, Batchelor, Fouce, Fordyce, Brunner, Cline, Henderson and Cain. Nay: None. Mrs. Cain said, thank you Mr. Turner, Mr. Krapf and Mr. Karr and they hope that their building and their project goes well, that everything runs on time. Hopefully they don't get any interruptions like another kind of COVID something. They just pray that doesn't happen. And thank you for your investment in Marion.

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Being no further business to come before the Council, on a motion by Cline, 2<sup>nd</sup> by Luzadder, the meeting adjourned.  
Time being 8:08 p.m.