

REGULAR MEETING – MARION COMMON COUNCIL – JUNE 16, 2020 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 16th day of June, 2020 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

Council President Deb Cain told the Council it's 7:00 p.m., they'll get started. Welcome everybody, thank you for coming tonight and sitting in unmarked seats. So, they'll get started with tonight's meeting for City Council. It's been a while since they've been able to meet in person and it is really, it's just nice. It really is nice to do this. Zoom has been a great tool and has saved them but it does not replace being able to meet in person and see each other. The prayer was then led by Councilman Brad Luzadder and the Pledge of Allegiance by Councilman Fordyce.

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

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

Absent: None.

The minutes of the previous regular meeting of May 19, 2020 were presented. On a motion by Councilman Jim Brunner, 2nd by Councilman Mike Cline, the minutes were approved as presented by a unanimous vote.

Council President Deb Cain told the Council they have a lot of items that are building on a legislative agenda on things that they have been talking about and want to be able to do. These items are going to require a lot of help and they're going to actually probably roll over into the next years. This is after their legal advisor is going to actually be retiring. In speaking with Phil Stephenson, he determined that maybe he'd tender his resignation effective yesterday on the 15th. They want to express their deepest gratitude and appreciation for his service and they have a card and a gift from the Council for him.

COMMITTEE REPORTS: Councilman Mike Cline told the Council the Compliance Committee met last night. They looked at probably a dozen compliance forms for tax abatements, personal property and, pardon him for a moment, they may want details. He may not have details. Anyway, they approved several that were fine, Agricolor, Atlas Foundry, JG Bowers, he's rattling them off the top of his head, General Motors. He's sure there were a couple of others. There were several that they did not approve, only because they want to get some more information. Lein Corp. was one, Huhtamaki, they had questions about, Sulai Hospitality they had questions about. Dunham's, he recalls, they had questions. This is not to say their reports were bad, this is not to say they do not approve of what they're doing. This only goes to say they want to get some more verification and they want to get some more information, Cline said.

Councilman Jim Brunner reported that he was able to attend the meeting with the Park Board. Among the things they discussed, there's been some concern that people are renting out the Garden House and not leaving it in the best of shape. There's trash around it, things that they're having to spend extra time. So one of the items that their President, Mr. Beal, asked them to decide upon at their next meeting, they're considering maybe adding an extra charge to the rental, maybe about a 20% add-on and if and when then if you leave the Garden House in the way most people would expect it to be left, you would get that 20% back. If indeed they had to bring the maintenance team down there to clean up the park, you would not be receiving the return on your dollar. So, just something that they've contemplated and he'll have a report again in the next month. He knows that the Mayor had let them know that, through the Governor's report, because our Splash House is not a swimming pool, it's actually a water park, through the state laws, we were unable to open that but he (Mayor) has talked to them and Kyle Beal reported to them that they're doing everything they can to possibly have a fall softball league, which he thinks a lot of people would look forward to so that's something that's also on the horizon for them, Brunner said.

UNFINISHED BUSINESS

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GENERAL ORDINANCE NO. 8-2020 2ND READING AND PUBLIC HEARING

The City Clerk 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. Council President Deb Cain said she wanted to remind the Council that this is a public hearing so after the Chief can refresh their memories, because it's been a while, about this ordinance then she will open it up to the public to come and speak. Police Chief Angela Haley told the Council that James (Loftis, Street Superintendent) apologizes for not being there. His daughter was playing a softball game tonight and he wanted to be there and she told him she would handle it. Again, he sends his apologies. She was contacted many, many months ago by a representative of the Garfield Neighborhood Association. They had had some issues at Barnes Park last year, she believes it was juveniles shooting bb guns off in the park and there were some officers that, the language was not clear on whether they could or could not cite, at least they felt that it was not clear. So they decided to clean the language up to make it clear that no projectiles could be fired in any city park without approval first from, or a permit from the Park Board. During the Zoom meeting when she initially presented this, there was a question and she apologizes, she doesn't remember which Council person asked it as to whether this also included laser tag. She got with Tom Hunt who drafted the language and he stated that no, that does not prohibit people from playing laser tag. It is specifically geared towards anything that would be fired from any type of a device that could harm somebody. Councilman Mike Cline told Chief Haley, so she said that the Park Board might allow some projectiles. Is she talking about paintball or what kind of projectiles would the Park Board allow to be fired? Chief Haley told Cline, well that would be up to the Park Board. She can tell him in years past, and they have not hosted anything like this recently, and she doesn't even know if they hosted it at a city park but she knows that, you know, occasionally when Boy Scouts or Cub Scouts have their summer camps, that part of that is bb and archery and so if we were to host an event like that, she thinks the Boy Scouts of America could approach the Park Board and ask that, with the appropriate backstops, that they be allowed to do the instruction in the park. So she could see that as something that would be an exception to the rule, Haley said. Councilman Brad Luzadder said, and just for the general public, this does include fireworks and any type of explosions. Chief Haley told Luzadder, yes and, if she may, she'll read the verbiage: Section 93.33 Firearms, Fireworks and Weapons – No person shall discharge any firearms, fireworks, projectile such as bb guns, pellet guns and slingshots or other weapons within the parks without a permit from the Board. Luzadder said he just wanted that made aware. He's a big component of fireworks but he does not compute them to be in a public setting, especially in a public park. If you want to do them at your own house, it's totally different. You have your homeowners insurance and that sort of stuff to protect the public. It needs not to be done in a city park. Councilwoman Robin Fouce said, thank you Chief Haley for this. The thing about fireworks, she grew up watching the fireworks from the park and so she understands she's (Haley) not saying they can't have them but they have to have a permit so would that permit be fine? Kind of the concerns Brad is saying, or Councilman Luzadder is saying. Would that permit cover that or is the permit for anyone? Chief Haley told Fouce, she thinks that would be up to the Park Board. She can't speak on behalf of the Park Board. They're just trying to clean the language up so that they can protect people throughout the year from being harmed at one of our city parks because of somebody's careless behavior. If we were to have fireworks again at the park, the Park Board actually puts that on, or the Park Department actually is in charge of that part of our 4th of July festival so she's sure they would make the exception to have it there. Councilwoman Fouce said, well that speaks to what she was saying, meaning it would be a responsible entity, not just anyone could come and do their fireworks at the park. So, she covered what she is saying, Fouce told Haley. Councilman Jim Brunner said he thinks most of them by now know that the fireworks are on the 3rd, right Mayor? The 3rd of July will be the official fireworks for the city and that will be over here at Ballard Field. That's not a park, is he correct? Chief Haley told Brunner that is part of the Park Department. Brunner said, that is part of the Park Department. So, what they're telling people, well he guessed they probably wouldn't have this passed at that time. We would? So, if this is passed then people would be unable while they're, if they're coming over there with chairs, what have you, their families, they would not be shooting off bottle rockets, etc. Is that correct? Chief Haley said nobody should be firing off bottle rockets on their own in any city park. That would be considered a projectile. It would not prohibit the Park Department from putting on the 4th of July festivities. Brunner asked, but while that's going on, if you want to put on your own display at Ballard Field, that will not be.....? Chief Haley said that will not be allowed. The other thing, we're still in the middle of a COVID crisis. We are still in the middle of this pandemic. This has not stopped just because we've started reopening. So the city is still strongly urging people and

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asking people, when they do go out to enjoy the fireworks, that your family should stay with your family by your vehicle. We should not be mingling and mixing. That's why we're going to have a fireworks display and she believes a fireworks display only, not with the additional concerts that they normally do. Being no further questions from the Council, Council President Deb Cain said she will accept anybody in the audience that wishes to speak for or against. Please make sure that they keep to the three minutes. Introduce yourself, give your address. Jan Bowen – 1015 W. 5th Street, Marion – told the Council, first of all she wanted to thank Chief Haley for acting so quickly on their request. She's the President of the Garfield Neighborhood Association and she (Haley) was very quick to answer their request to do something about this because Barnes Park, if they don't know where it is, it's tucked back in their neighborhood so it's conducive for someone who would want to come out with a bb gun, thinking no one can see them, or with any other kind of thing like that. So, this is exactly what they were hoping for and they really appreciate it and they hope that they (Council) will pass it, Bowen said. Linda Wilk – 1016 W. 5th Street, Marion – told the Council she's also with the Garfield Neighborhood Association and they've done a lot of work to get Barnes Park where it is and last year, when a neighbor had some shots, bb guns, fired into his car and broke a window, that's not what they want. That's not the activity they want. So she also thanks Chief Haley for getting right on it and she appreciates, she's sure they're going to vote for it. And the fireworks, yeah growing up, when she was a kid, they shot bottle rockets in their little cul-de-sac but that's not where we want to be today so she would just ask them to pass it, if possible suspend the rules and pass it tonight. Then there would be no question about the 4th of July because it'll be in place. But, we have great parks and she just wants to keep them that way so thank you, Wilk said. Being no further members of the audience to speak, motion was made by Councilman Brad Luzadder to suspend the rules on General Ordinance No. 8-2020. Motion was seconded by Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None. Motion was then made by Luzadder, 2nd by Brunner to pass General Ordinance No. 8-2020 and carried by the following vote. Aye: Luzadder, Cowgill, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None. Council President Cain told Chief Haley, thank you for listening to our people in our city and hearing our concerns. Also, she wants to thank Ms. Bowen and Ms. Wilk for all the work they did at their park. They have made it a very nice park. They've put a lot of time and effort in it and it doesn't go unnoticed. Thank you, Cain said.

NEW BUSINESSRESOLUTION NO. 8-2020

The City Clerk read Resolution No. 8-2020 by title only. Board of Aviation Commissioners request City Council approval granting authority to apply for a loan to construct ten (10) tee-hangars. Phil Stephenson, attorney for Board of Aviation Commissioners, told the Council he's here on behalf of the Board of Aviation Commissioners. With him is Mr. Jim McKinney who is the President of the board to answer questions that he may not be able to respond to. A little background might be helpful, especially for the newer members. The statute permits the board to borrow money. It's restricted to only capital improvements for the airport. It's also restricted in the sense that you cannot use tax dollars to repay the loan. So the loan has to be shown to be paid completely from non-tax dollars. It then requires the board to pass its own resolution on the project. It then requires the Council's approval for the project. It's then submitted to DLGF who also has to approve it. So it does go through a three-step process before it's actually approved. Now a little background might be helpful too. The board did this and this Council's approved these loans before and he thinks it's in what he gave them but they approved these in 1992, 1996, 1998, 2002 and 2008. All of those were used principally for building hangars because at one point, the airport simply had very few hangars out there for private planes. Through the years, it has continually added on to those and they're at the point now that, again, all of those hangars are full and they have no hangars for anyone who wants to use one. So the plan is to build another 10 nested tee-hangars. These are actually going to be a little bit better hangars than the ones they have in the sense they're going to be heated, insulated, and they're also going to have a larger access door so it can take more different styles of planes, simply because some of the others won't take some planes because of wingspans. So that's the idea behind this. The loan, essentially they went to virtually all the local banks to seek bids and the lowest bid that they received for this loan would be from Grant County State Bank. The entire loan would be for \$400,000. Actually it's going to be a little more

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than \$400,000 but the board already has sufficient funds to pay that additional cost. So, that's one reason why they first talked about six and they've gone to 10, simply because of the need, as well as it's a little cheaper to build that many at one time than it is to build some of them now and some of them later, as they can imagine. So the loan will be \$400,000. What it would be repaid from is that the airport has farm ground which they lease out. Now that farm ground was originally ground that was paid for out of FAA Grants. Those grants specify that the income from that ground must be used for capital improvements to the airport. It cannot be used, and he means this literally, it cannot be used for operating expenses. So, the income off of that farm ground currently is about \$60,000/year. Now they have to bid that out again at the end of this year and it quite conceivably may come down some. It may not still be the \$60,000. But then if they look at the hangars, the hangars will probably rent, when they're filled, will be \$30,000/year. So right now, they have \$90,000/year for a loan which is about \$48,000/year. So even if that rental comes down by say \$10,000, as these hangars fill up and even though all the hangars won't be filled up immediately, there's still going to be more than sufficient funds to pay for those hangars. The others he cited them, the five prior ones that they've done this way, every single one of those were paid off in advance. And the board, it's always been committed to paying those debts down as quickly as possible for the very reason it then gives them the ability to do this again, to borrow more funds if they need them to continue to improve. He doesn't know how many of them have been out to the airport but especially those who may know about the airport over the last 15, 20 years, the improvements to the airport are pretty amazing, from what it once was to what it is now in terms of the availability of hangars and other buildings. And they're serving other purposes now. You know, they've had a program with the high school out at the airport this past year and that's going to continue. Probably going to have a program with Indiana Wesleyan University to essentially have forms of aeronautical classes and those are being done at the airport, for obvious reasons. So the airport, it's continued to expand, both in terms of planes on the field and the trouble they have to understand is, if they do not have hangar space, you won't get new planes on the field because nobody anymore is going to bring planes at the cost they are and tie them down (inaudible). So the net effect is, and they do have people who will call, looking to move their planes to our field but right now, they'd have to say to them it's not possible, they don't have any place for them to rent. As he said, these hangars will actually serve a greater type of planes than the current hangars do simply because they have a wider door and they're also, with the cost of some of these planes, it's obviously well-liked by people, if these are insulated and they're heated, which also allows them to ask more for the hangars without a problem. So that's the idea. So they're seeking to request the Council by the resolution they've presented to approve this \$400,000 loan from Grant County State Bank. Now, their approval is still subject to DLGF's approval. DLGF, from doing these before, he knows what DLGF looks for because he's talked to them repeatedly. DLGF is primarily concerned, one, to make sure you have the ability to repay this loan and secondly, making sure your means by paying it are not coming from any tax dollars. But it does sort of offer you, he thinks, some extra security because you've got DLGF also looking at this and they have to also agree that they feel, financially, you have the ability to repay this, without a problem. So that's the proposal. He doesn't know whether he or Mr. McKinney can answer any other questions for them, Stephenson said. Councilman Steve Henderson asked Stephenson, can he tell them what percentage this loan is? Mr. Stephenson said, yeah, it's 3.75. Henderson said, 3.75 and is that a fixed rate? Stephenson replied, it is, for 10 years. Payments will be made semi-annually and the reason they chose semi-annually is that's the way they receive their farm rent, semi-annually. So it makes it easier to insure the funds are in there in time to make payments. Councilman Jim Brunner said he has a question for Jim (McKinney). Obviously in the last 3-1/2, 4 months, the ability for people to get up in the air has been somewhat limited. How have things gone at the airport since the Coronavirus hit? Mr. McKinney told Brunner, well to be honest with him, April, May were really quiet months but in the last two weeks, activity has picked up tremendously, not only here but all across the states. You now hear a lot of chatter on the radio that we did not hear. He would be out there for hours and never hear one person talking or communicating on the radio. He might share something with them that Phil didn't mention. This project also qualifies as a project for federal reimbursement at a later date. They, eight years ago, borrowed money, and Phil left this loan out, they borrowed money from the feds to build a snow removal equipment building, SRE, and the name was very important because the FAA would reimburse for a snow removal equipment building. They followed all the guidelines, it was well documented, he kept pictures of all the progress and part of the money that they're going to use for this project is the FAA reimbursing them \$250,000 for the building that they built and so they'll use that money to pay off their current

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debt and they'll have money left from that that they'll use to go beyond the \$400,000 that they're wanting to borrow. The total project that they're looking at is about \$520,000, \$530,000. Brunner said, a question he may or may not be able to answer. What percentage of the airplanes that are out there belong to local people and what percentage are maybe people who fly in for business? McKinney told Brunner, of the aircraft that is on the field, every one of them is locally owned. Brunner asked, so no one from Indianapolis flies up and just leaves their plane here while they're here? McKinney replied, no but that's what they're attracting because there would be no other airport within 75 miles of Marion that would have heated hangars and you talk about the demand and what we can do pricewise and we can still be very competitive with Indianapolis, Ft. Wayne, etc. Being no further questions from the Council, motion was made by Councilman Mike Cline to pass Resolution No. 8-2020. Motion was seconded by Councilman Brian Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None.

Council President Deb Cain told the Council that is the end of their agenda. Thank you very much for being here. Councilman Jim Brunner asked Cain, will they be moving back to two meetings a month next month or what are her plans, Madam President? Cain told Brunner, yes, yes, they will. Phil Stephenson said he wanted to thank the Council very much for their assistance. They would certainly invite them out to the airport to look at things. Jim McKinney would love to take them on a tour. Councilman Cline said he has a friend who has a plane out there and it is cool. Mr. McKinney stated, if he may, as they know he's been on the board for 38 years and he had an old time partner that was on the board for 30 years and he recently retired from the board. Dr. Arndt Mueller served on the board for 30 years and he just wanted to recognize him for his 30 years of service on the Board of Aviation. What an asset he has been, not only to the board but to the City of Marion. Arndt has moved to St. Pete, Florida. He moved to be close to his two sons who are Floridians so they wish him well but they thank him for his years of service.

Council President Cain told the Council there is one announcement she needs to make. Councilman Jim Brunner said he would be remiss if he didn't mention, in his ward, Thursday, Friday and Saturday, they like to brag about it being one of the biggest and most complete garage and neighborhood rummage sales coming up this Thursday, Friday and Saturday in both Sunnycrest and Westlea. They will be open 8 am to 3 pm Thursday, 8 am to 3 pm Friday, 8 am to noon on Saturday. Sunnycrest United Methodist Church is also part of this. So if they are in the neighborhood of either Sunnycrest or Westlea this weekend and would like to stop by, they might find some hidden treasure in some of those homes and garages. The weather's supposed to be spectacular. That was the other meeting he went to yesterday, Madam Chairman, so he had a busy night last night. So thank you for your attention on that. If they get a chance, stop by, Brunner said.

Council President Deb Cain stated, and before they close, they have an appointment to the Marion Utility Board. Mike Barney, his term expires in July, so they had been discussing with Mrs. Kiley before the meeting of how they can get applications out to the public so her suggestion was to get it onto the website, which she (Cain) thinks that would be a good plan. They will take the applications and look over them. Then, in July, which will be their next meeting and that is July 7th, they'll look at those applications and approve someone on July 7th. Councilman Mike Cline asked, will they get the applications before the meeting, he presumes? Deputy Clerk Debbie Goodman told Cline they'll get them in their packet. Mrs. Cain said, yeah, they'll get them in their packet so it gives you a couple of days to look them over and make contacts with anybody if you have questions.

Councilwoman Robin Fouce said she wanted to give a professional shout out to our Code Enforcement, mainly in support. They hear from her and it's not always good stuff and so she had a situation in her neighborhood where they had some squatters. They were homeless, she won't go into all of it but they were homeless. They were staying in an uninhabitable structure. The back door's out, the windows' out. A kid stepped on needles in the yard, that scenario. And so, she could not sleep at night because she knew that people were staying in there. Police and fire had been out and she just kind of rolled by because she sees everything and she said they've got to go, it's uninhabitable, hoping they would take that move. They didn't and she doesn't know why but that next day, she woke up and she was like, oh,

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they've got to go today and (inaudible) for their safety and for the safety of the neighborhood, she contacted Code Enforcement. They responded. She emphasized what she felt they agreed. Not only did they get the Board of Health to close down that building, they followed up and boarded the building up, which was important. Kids live across the street and next door, that was another major concern. They also cut the grass. And so, aside from all the other things that they have to do, she just wanted to give a shout out. They'll hear from her again and it won't be good, fun, pleasant stuff but she wanted to give them a shout out today, Fouce said.

Being no further business to come before the Council, on a motion by Luzadder, 2nd by Brunner, the meeting adjourned. Time being 7:36 p.m.