

REGULAR MEETING – MARION COMMON COUNCIL – SEPTEMBER 15, 2020 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 15th day of September, 2020 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

Council President Deb Cain told the Council before they have prayer, it's been two weeks of notices that they really would prefer not to receive. The first was Steve Henderson's sister passed away, the second was Brad Luzadder's mother passed away, the third today was she saw Mike Flynn and he told her that the Mayor's mother passed away just shortly after midnight and also that Jerry Foustnight's sister in law passed away. So, we have just been inundated. So right now, first, before they go to prayer, Steve, she has a card for him, signed by everyone. She told Deputy Clerk Debbie Goodman she's going to give her this card that they have signed for the Mayor, if she could hand it to Julie when she comes up. And then Brad, they also got him this. She thought it was his mother. It says "It is well with my soul". That is his mom. And when he looks at it, he knows, while he is grieving, that it is well.

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

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

Absent: None.

COMMITTEE REPORTS: Councilman Don Batchelor told the Council the Development Committee met last week with Mr. Turner and Mr. Eckerle concerning this tax abatement for this new project that is taking place, that is going to take place in the south part of Marion. They expressed the need for the tax abatement. It's going to be a 15 to 18 month project from beginning to finish, and a 30 year outlook looks successful. Right now, the property is not paying any property taxes at all because it's tax exempt so that encouraged them to move forward with the tax abatement because we're not getting anything right now so within a couple, three years, we'll be getting income from that project. So, the committee, we made a favorable, unanimous decision to move forward with the tax abatement to the full Council tonight, recommending that we approve the 6-year tax abatement, Batchelor said.

Councilwoman Robin Fouce said she had the pleasure of attending the Board of Works meeting. They had good business that they did this past week. 10 new police officers were sworn in. Because of Coronavirus, there was no graduation but five officers were sworn in. She thought that they would be here tonight, however, Joseph Smith, Kelsey Smith, Dillon Waggoner, Cansler was the last name, she did not get the first, and Tyler Hartzell were our new officers. We actually have a total of 10, the other five will perhaps be sworn in at this next Board of Works meeting. Then, there was an amendment to the drug testing policy for Transportation and it was updated. Jerry Foustnight presented to the Board of Works to demolish a property in the 3500 block of Selby. That's her champion property, she's happy. And so, good thing. It's right across from McCulloch, important for our kids to see (inaudible) and not dilapidated buildings and (inaudible). She believes he said they were going to process that to be torn down this week. The city will maintain and invoice any debt to the owner, any liability to the owners, when they demolish properties and they still have individual owners. That, she believes, is what she got from that meeting. Did she have anything to add, Fouce asked Cain. Council President Cain said no, that's good. Councilman Batchelor said he would like to, our new employees, he would like to see them come before the Council and let them know who they are, if that can be arranged at some particular time, so they can just lay eyes on them and give them their blessings or what have you. So we've got, she said five new ones? Fouce told Batchelor, 10 in total. Batchelor said, 10 new ones and he sure would like to see them. He asked Chief of Staff Flynn if he could arrange that and Mr. Flynn told Batchelor he would look into it. Batchelor told Flynn he would appreciate it if he would. Mrs. Cain said she did reach out to both Chiefs last week, asking the same, for their new hires to be able to be introduced to us. So, Chief David said he would get back with her on that and set up a time and (inaudible) Chief Haley. He's right, it would be (inaudible) to be introduced to any other staff members too, just to help them know who they are.

Councilwoman Fouce told the Council, this coming Saturday at the Clarence Faulkner Center, there will be a Celebration of Life for Congressman John Lewis who was a champion of civil rights, human rights, and voting rights. It's a commemorative tree planting there and from that, there will be an essay contest for the schools in Grant County and there will be different grade levels. All the schools have agreed to participate and so they will have them, kind of

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as an educational piece, write the essays. They've assembled judges, criteria for them, and then they have gifts that they will receive as a result of participating and writing. Some of their teachers have agreed to give them extra credit for participating in it and it's a good educational opportunity for them. They ask that you wear masks, social distancing will be enforced, chairs will be provided and feel free to bring your own lawn chair. Again, that is this Saturday, the 19th, at 3:00 p.m. at the Clarence Faulkner Center. They would love for them all to come out. They'll do a very short program but a good opportunity for us to celebrate a civil rights, human rights, and voting rights hero, especially at this time in our world and our country, Fouce said.

Council President Cain told the Council, Mrs. Eckerle, not Mr. Eckerle, not Mr. Tim Eckerle but Mrs. Mary Eckerle, they hear his name all the time. City Clerk Kathleen Kiley asked Cain if they could do the approval of minutes first. Cain replied, she's sorry, they can do the approval of minutes first. The minutes of the previous regular meeting of August 18, 2020 were presented. On a motion by Councilman Don Batchelor, 2nd by Councilman Steve Henderson, the minutes were approved as presented by a unanimous vote.

Cain told the Council Mrs. Eckerle called her because she had a Declaration from the library that is not timely and the time frame to be able to get that on the agenda did not work and so they need to vote to place that on the agenda and hear that. They received that email from Debbie this week. That came to them what day? Mrs. Goodman said this morning. Councilman Jim Brunner said he would make a motion that they allow the special exemption to have her speak to the City Council this evening. Motion was seconded by Councilman Mike Cline and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None. Mrs. Cain said, they also have been speaking for a couple of months on the essential workers CARES Act Fund and it's been a long process. They've been working on that for many days and they just got the last of it completed and so that's another item that she would like to present to the City Council to put on the agenda today to look at and to vote on that tonight. Brian and Robin have put a lot of work into this, she's added some time to it also and we need to move forward with that so we can get our essential workers paid. Brian has asked to speak on this. She'll pass this around. Councilman Cowgill said this is from the CARES Act for Hazard Pay for Police, Fire, Transportation and Maintenance that they've talked about for quite some time. These people have, they've not missed work. They have dealt with people face to face with the COVID. They've taken it upon themselves to do their job above and beyond as they always do and the CARES Act provided this for Hazard Pay for them as well so they would like to just get it all taken care of finally and get a resolution for it, Cowgill said. Motion was made by Councilwoman Robin Fouce to add this to the agenda tonight. Motion was seconded by Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None. Cain said, alright so they will move to New Business. She asked Mrs. Kiley if it was okay to hear Mrs. Eckerle first or would she like to put those two at the end? City Clerk Kathleen Kiley told Cain she thinks since a lot of this is Julie speaking, maybe they should get the ones that aren't the City Administration speaking so that'd be fine. Mrs. Cain replied, okay, Mrs. Eckerle. Mrs. Kiley said, this will be Resolution No. 11-2020 for hers.

NEW BUSINESS

RESOLUTION NO. 11-2020

Mary Eckerle from the Marion Public Library told the Council she'd like to thank all of them, Deb Cain, Kathi Kiley, and Deb Goodman for getting them on the agenda tonight and just so they know, she's not here asking for money or collecting overdue library books. A new law, Public Law 88, was passed this year and it requires that libraries identify their fiscal bodies in the event that a budget goes over the maximum levy growth quotient and takes it into a binding review. Mind you, they have not done this in her tenure as Director nor in her predecessor's and hopefully it won't happen as we always stay under that growth quotient which is determined by the State Budget Agency. Their library has had non-binding reviews by the County Council as has the City of Marion and other governmental entities, but going forward, they have to name their fiscal body and since they are a city library, serving the City of Marion, the City Council would be their fiscal body. It's as simple as that. The Declaration needs to be approved tonight please. Their Board President, Ruthann Sumpter, is here and their Board has already passed this and it needs to go to the state by

RESOLUTION NO. 11-2020 Continued

October 1st. They really would appreciate their consideration, Eckerle said. Being no questions or comments from the Council, motion was made by Councilman Mike Cline to approve Resolution No. 11-2020. Motion was seconded by Councilman Brad Luzadder and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None.

RESOLUTION NO. 9-2020

The City Clerk read Resolution No. 9-2020 by title only, Declaratory Resolution of the City Council of Marion, Indiana declaring economic revitalization area for property tax deductions for Vita of Marion, LLC, commonly known as 4209 S. Adams Street, Marion, IN. Tim Eckerle, Executive Director of the Economic Growth Council, told the Council with him tonight is Zeke Turner who is the owner of Vita of Marion. What they're asking them to do tonight is the first step in the process of granting property tax abatement. In essence, all they're doing is saying the area is eligible for abatement and setting a public hearing in 10 days, at which time they will actually grant the abatement. In the meantime, the Marion Economic Development Commission will have to also meet and make a recommendation to them. They would gladly answer any questions they may have. He thinks there was extensive coverage in the Chronicle-Tribune about the project as they spent a good 45 minutes, he thinks it was, at the Development Committee. Council President Deb Cain said, and they had a lot of good questions asked, they had a lot of information passed along and she'd like to expound on Mr. Batchelor's note that this property is being held by a non-profit, has been for probably well over 20 years probably. So the city has not received any taxes for it so \$5.00 is more than they would get tomorrow. So \$500.00 is more than they would get the next day so anything that they can get on this tax abatement, because it is an incremental tax abatement, so it goes down every year until they have to pay the full 100%. Being no questions or comments from the Council, motion was made by Councilman Brad Luzadder to approve Resolution No. 9-2020. Motion was seconded by Councilman Jim Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None.

RESOLUTION NO. 12-2020

The City Clerk read Resolution No. 12-2020 by title only, a Resolution of the Common Council of the City of Marion, Indiana approving the payment of CARES Act funds. Being no questions or comments from the Council, motion was made by Councilman Don Batchelor to pass Resolution No. 12-2020. 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.

GENERAL ORDINANCE NO. 9-2020 1ST READING

The City Clerk read General Ordinance No. 9-2020 by title only, an Ordinance fixing maximum salaries of Elected Officials of the City of Marion, Indiana for the year 2021. Julie Flores, City Controller, said her condolences to Councilman Luzadder and Councilman Henderson on their losses. She will correct her (Cain), it was Jerry Foustnight's mother in law who passed away, not sister in law. This ordinance is for the elected officials. There were no raises for the elected officials. She'll entertain any questions they may have, Flores said. Council President Deb Cain said, for those that are new, Mrs. Flores, if she'll explain that they do this every year and why is it, it's mandatory. It's something they have to do each year. Flores said, yeah, they should pass it every year. When there's no changes, they really don't have to but she thinks it's been the practice here to do that. If nothing changes, she doesn't think they have to do it but we do typically go ahead and do it every year. Councilman Don Batchelor told Flores, he knows the practice that they normally do this and they are passing this even prior to passing the budget, right? Flores told him yes. Batchelor asked, so if there are any changes, how would they....? Flores said, well they can lower but they can't increase so same with the salary ordinances. They can pay less than what's in the salary ordinance but they can't pay more. Councilman Brian Cowgill said, so he knows police officers are in negotiations right now so if they would negotiate a raise of some sort, how do they, would that supersede? He means, how does that work? Flores told Cowgill they would have to do an amendment. Being no further questions from the Council, motion was made by Councilman Jim Brunner to pass General Ordinance No. 9-2020 to 2nd reading and public hearing. Motion was

GENERAL ORDINANCE NO. 9-2020 Continued

seconded by Councilman Gary Fordyce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None.

GENERAL ORDINANCE NO. 10-2020 1ST READING

The City Clerk read General Ordinance No. 10-2020 by title only, an Ordinance fixing maximum salaries of Appointed Officers and Employees and annual payment of Flex Dollars (\$250.00) to non-contractual full time employees of the City of Marion, Indiana for the year 2021. Julie Flores, City Controller, told the Council this is for the city employees. Again, there were no raises so everything is the same as last year. Councilwoman Robin Fouce said, because she's new, she has a question. It may not be a logical one but she's going to ask it. So, with this, she said it doesn't hinder their budget process now or in the future so she's trying to understand, is this a mandated process? Why do they need this? Mrs. Flores told Fouce, the salary ordinances have to be, they can't pay the people unless they have a salary ordinance. They don't have to do it every year if it doesn't change but they do have to be passed by, she believes, November 1st. She did misspeak on this, she apologizes. She did take her Accounts Payable Clerk to part-time. So, they did add a line in here for a Part-Time Accounts Payable Clerk for an hourly rate. They kept her hourly rate the same. Her duties aren't changing but she felt like her hourly rate should stay the same. They're just reducing her hours to 21 hours a week instead of 35. They did leave the Accounts Payable full salary in there in case by some chance they realize they need a full time person. They're going to try part time. She apologizes for telling them it didn't change, Flores said. Being no further questions from the Council, motion was made by Councilman Brad Luzadder to pass General Ordinance No. 10-2020 to 2nd reading and public hearing. Motion was seconded by Councilman Jim Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None.

GENERAL ORDINANCE NO. 11-2020 1ST READING

The City Clerk read General Ordinance No. 11-2020 by title only, an Ordinance fixing maximum salaries for Firefighters of the City of Marion, Indiana for the year 2021. Julie Flores, City Controller, told the Council this is the ordinance for the Fire Department, and again, there were no changes for 2021. Being no questions from the Council, motion was made by Councilman Brian Cowgill to pass General Ordinance No. 11-2020 to 2nd reading and public hearing. Motion was seconded by Councilman Mike Cline and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None.

GENERAL ORDINANCE NO. 12-2020 1ST READING

The City Clerk read General Ordinance No. 12-2020 by title only, an Ordinance fixing maximum salaries for Police Officers of the City of Marion, Indiana for the year 2021. Julie Flores, City Controller, told the Council, for the Police Department, there were no changes to the salary ordinance for 2021. Being no questions from the Council, motion was made by Councilman Gary Fordyce to pass General Ordinance No. 12-2020 to 2nd reading and public hearing. Motion was seconded by Councilman Brad Luzadder and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None.

RESOLUTION NO. 10-2020

The City Clerk read Resolution No. 10-2020 by title only, Reduction of Appropriation Resolution. Julie Flores, City Controller, told the Council this resolution is, in essence, reducing this year's appropriations. She talked to the department heads and they feel like they could do without this. This actually helps next year's budget, the 2021 budget, by not spending these appropriations this year. These are approved appropriations for this year but they don't feel like they're going to be spent. Councilman Mike Cline asked, on the Police Pension Fund, isn't there a contract to be dealt with and the statute on the 1977? How's that work? Flores told Cline, okay, so, every year, there's a calculation how they have to budget. It's based on a First Class Patrolman's salary, she believes. They haven't had to spend as much this year. Cline said, the pensions are still being met and Flores replied, yes. She thinks they've only spent \$400,000 so far, she'll have to look, but they're not going to need everything that they appropriated. Councilwoman Robin Fouce asked, so how were we off a total of \$232,000 approximate dollars in what we approved

RESOLUTION NO. 10-2020 Continued

and what we spent? What made, in her opinion, that difference, and in her knowledge? What made that difference, Fouce asked Flores. Flores told Fouce, the state gives them that formula. They base it on the First Class Patrolman's salary. She thinks, she needs to look if this is the retirees. They also have to budget so much for anticipating that there will be a death. They have to do that even though there may not be. She needs to see which fund. Fouce said that figure that she gave her is the comprehensive amount of all of those areas. She asked for \$5,000, she believes, for the Rainy Day Fund and so forth so that \$232,000 (inaudible). So how were we off that far? Maybe it's not that far but... Flores replied, they're appropriations and they don't need to spend them this year. The appropriation for the Street Department was for part time people. They did not do that this summer so that's why they reduced that one. The Rainy Day Fund, she wants to have some appropriation there, she wants to have money there. She doesn't want to spend it all. She believes there's \$14,000 left there when they put the budget together. She doesn't want to spend all of that. She wants to have some cushion in case we have a rainy day. The Aviation Fund, when they went through to do next year's budget, they were not going to have cash at the end of the year so she asked him to reduce that, either reduce next year's budget or this year's budget because they weren't going to have any cash. And then the CCD Fund, same thing, there's not going to be any more expenditures out of there, they feel like. Fouce asked, so where does this money go? Flores replied they are appropriations. Fouce said, oh she said that before, she apologizes. Councilman Steve Henderson asked, so will this money stay in each one of those individual accounts and just move forward? Flores said, appropriation. The appropriations are new every year but by reducing the appropriation, not spending it, that will turn into cash, yes. Henderson asked, and will it be put right back in those same areas? Flores said, yes sir. Henderson asked, in the same accounts? Flores said, yes sir. Councilwoman Fouce said that's what she meant when she said where would that money go. Council President Cain said, Mrs. Flores, so they would stay in those accounts. Would it be beneficial to move them, can they move all those to the Rainy Day Fund to give her more cushion or it needs to stay in those accounts? Flores told Cain they can move them there. She wouldn't recommend that. She wouldn't recommend that because they base next year's budget on doing that and having those funds available for the 2021 budget. Cain said, in those line items. Flores replied, yes ma'am. Councilman Brad Luzadder said he believes the Aviation Board said that she had asked them to do that and then they're asking for in 2021 for it to be put back in. So they heard the aviation people asked for that and so that was the difference. He likes that they're not removing money, especially on one of our jewels in our community. Being no further questions from the Council, motion was made by Luzadder to pass Resolution No. 10-2020. Motion was seconded by Councilman Jim Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None. Abstain: Fouce.

GENERAL ORDINANCE NO. 13-2020 1ST READING

The City Clerk read General Ordinance No. 13-2020 by title only, an Ordinance establishing fund for Coronavirus relief reimbursement of COVID-19 expenses. Julie Flores, City Controller, told the Council the State Board of Accounts issued a she thinks it says within that ordinance, they issued a memorandum, explaining how they wanted the Coronavirus expenses and revenues to be accounted for and told them to use Fund #264 for that. She'll entertain any questions they have on that issue. Council President Deb Cain told Mrs. Flores, thank you for answering the questions when she asked about that and so this is just creating the fund so she (Flores) can do a full tracking of the COVID funds as they come in and out. Flores replied, yes ma'am. Being no questions or comments from the other Council members, motion was made by Councilman Don Batchelor to pass General Ordinance No. 13-2020 to 2nd reading and public hearing. Motion was seconded by Councilman Mike Cline and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Henderson, Brunner and Cline. Nay: None.

Before the meeting adjourned, Councilman Jim Brunner asked Council President Cain what is their schedule now for the next couple of weeks? Cain told Brunner, so they have the first reading on the budget Tuesday, a week from tonight on the 22nd, then they have the 2nd hearing is October 6th and the 3rd is the 20th.

Being no further business to come before the Council, on a motion by Batchelor, 2nd by Henderson, the meeting adjourned. Time being 7:40 p.m.