

REGULAR MEETING – MARION COMMON COUNCIL – JANUARY 19, 2021 – 7:00 P.M. – ZOOM MEETING

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 19th day of January, 2021 at the hour of 7:00 pm by virtual means through Zoom meetings.

Before the Prayer and Pledge of Allegiance, Council President Deb Cain said while Councilman Henderson is leading them in prayer, if they could continue to keep Don Batchelor in their prayers. He is currently in a rehab facility but he is doing better and has started to be able to walk and he's feeling better on that. That's a good step in the right direction, thank the Lord for that. And then they also need to keep Mr. Foustnight in their prayers as he lost his sister. So they need to keep him in their prayers also. Also, Mr. Henderson is coming out of, we think hopefully, his wife is doing better, his mother is doing better so that's great for him.

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

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

Absent: Batchelor and Brunner.

The minutes of the January 5, 2021 6:15 p.m. Special Meeting were presented. Motion was made by Councilman Brian Cowgill, 2nd by Councilman Steve Henderson to approve the minutes as presented. Motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None. Then the minutes of the January 5, 2021 6:45 p.m. Special Meeting were presented. Motion was made by Henderson, 2nd by Cowgill to approve the minutes as presented. Motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None.

COMMITTEE REPORTS: Councilman Brad Luzadder said, on the agenda for this evening is Wiley Metal. They met as a committee and had a great meeting, talking about their new equipment and (inaudible) going to be available. He would like to shout out to for leading the conversation, for Mr. Wiley (inaudible) participating in the committee meeting. Everything went (inaudible) favorable recommendation.

Councilwoman Robin Fouce said, Madam President, yes, they were fortunate to meet with the Board of Works last week, Budget Committee was, and also, as the liaison, they still want to welcome President Alex Huskey and Vice-President Dana Gault. They had, she believes, a really good conversation with them in establishing a line of communication. Further, the Board of Works meeting today was a good and quick meeting. They had a building at 312 W. 2nd Street. They want to give the owner 30 days to bring the building up to code, revisit it after that 30 days and determine if it will be demolished. That address again was 312 W. 2nd Street. They agreed that the liaison would comment during the public comment part of the Board of Works agenda and that comment would be about any concerns they have, anything she could help with the communication between them and the Council. And so, that was kind of the general scope of it. They agreed to definitely communicate more than they have in the past and that's really a good thing. The bills were paid and there was an adjournment. So, good meeting today, Fouce said.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 22-2020 2nd READING (WAS TABLED ON 1/5/21, PH HELD ON 1/5/21)

The City Clerk read General Ordinance No. 22-2020 by title only, an Ordinance establishing a Cumulative Capital Development Fund (Amends General Ordinance No. 38-1989). Brad Luzadder, Rules Committee Chairman, told the Council this ordinance was tabled for further discussion with Mr. Graft and they had that discussion during the Budget Committee meeting and so he's asking that it be moved forward. The only specifics of change that were seen was in Section four, there was one through 10, establish the streets, buildings, sinkage, drainage, bridge, firefighter building equipment, all of that up under section four but they were discussing that most of it is taken up almost entirely with Mr. Graft and the Engineering Department to help to take care of our streets and sidewalks and that sort of stuff. And so again, it would be his recommendation as the committee chair to ask for a suspension of the rules and a passage of General Ordinance 22-2020. Council President Deb Cain said, okay, she'll take a motion. Luzadder said, Madam President, he made that motion. Councilman Brian Cowgill said, and he seconded it. Cain said, okay, roll call please.

GENERAL ORDINANCE NO. 22-2020 Continued

City Clerk Kathleen Kiley said she didn't get the motion or the second. Luzadder said they have the motion for suspension first. He made the motion. Kiley asked, who was the second? Cain told Kiley, Mr. Cowgill. Motion then carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce and Cline. Motion was then made by Luzadder, 2nd by Cowgill to pass General Ordinance No. 22-2020. Councilman Mike Cline asked, doesn't suspension of the rules have to be unanimous? That's just a question. He may have misunderstood. Luzadder told Cline it has to be unanimous on a first reading, (inaudible) 2/3's. Cline said, thank you. The motion to pass then carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce and Cline.

GENERAL ORDINANCE NO. 23-2020 3RD READING

The City Clerk read General Ordinance No. 23-2020 by title only, an Ordinance establishing a Cumulative Capital Improvement Fund (Amends General Ordinance No. 32-1965). Brad Luzadder, Rules Committee Chairman, told the Council, again, it comes to him out of the Budget Committee and as the discussion went with Mr. Graft and the Controller, this is totally used by Mike Graft for our grant and grants for (inaudible) as well as paving. And so, there was some discussion about some items being highlighted under section three and those were added so that the revisions were brought up to speed and there was a full agreement from Mr. Graft on this ordinance moving forward. And so again, he would make a motion they would pass it this evening. Motion was seconded by Cowgill and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce and Cline.

GENERAL ORDINANCE NO. 24-2020 3RD READING

The City Clerk read General Ordinance No. 24-2020 by title only, an Ordinance establishing regulations regarding spending of the Economic Development Income Tax Fund. Brad Luzadder, Rules Committee Chairman, told the Council, again out of the Budget Committee, this comes forward (inaudible) General Ordinance No. 24. It does have to do with our Economic Development Income Tax Fund. There was a change in the account number being placed in as number 444 under section one. Also, talks about our distributions, how (inaudible) received and where in which they go into. Under section three, one through 10 are outlined as to (inaudible) shall be paid and then under section four, monies accumulated in the EDIT Fund shall stay there, and then section five then, monies accumulated by the City of Marion can be appropriated or transferred with the approval of the Common Council. It would be his recommendation as the chair that they pass this this evening, Council President Cain seconded. The vote was as follows: Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce and Cline.

GENERAL ORDINANCE NO. 25-2020 3RD READING

The City Clerk read General Ordinance No. 25-2020 by title only, an Ordinance establishing regulations regarding spending of the General Fund. Brad Luzadder, Rules Committee Chairman, told the Council, again nothing has changed except what's come out of the Budget Committee meeting from this past Tuesday except under section three, there was an addition of the exclusionary properties such as what in which can be paid, how it should be paid. There was a new section added under section four as it's lined out for the departments in which would have exclusionary properties under the allocations availability (inaudible) not to exceed their allocation or for there to be a reallocation. And under section five, the (inaudible) transfer of over \$5,000 must be pre-approved by the Common Council as section five (inaudible) and then section six being amended that this ordinance shall be in full force and effective upon passage. It would be his recommendation as the chair in which the Council should pass this this evening. Councilwoman Robin Fouce seconded. The vote was then as follows: Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce and Cline.

GENERAL ORDINANCE NO. 26-2020 3RD READING

The City Clerk read General Ordinance No. 26-2020 by title only, an Ordinance to create an Insurance Fund for the purpose of paying a 10% retainage fee when necessary and the additional audited increased cost which occur between budget preparations. Brad Luzadder, Rules Committee Chairman, told the Council, out of the Budget Committee this was presented. There are some minor changes up into. They'll notice that the amended Ordinance No. 26 that they're

GENERAL ORDINANCE NO. 26-2020 Continued

looking at this evening, section four and section five have been omitted up and out because they were not needed for us in which to work. Section three takes care of the inclusive way in which we pay for our insurance, that they take it out of the insurance account on a weekly basis and they do that, according to Mrs. Flores, every Friday and so making sure the funds will remain there where they need to be. So again, he would make the recommendation they pass General Ordinance No. 26-2020 this evening as amended. Councilman Cowgill seconded and the vote was as follows: Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce and Cline.

GENERAL ORDINANCE NO. 27-2020 3RD READING

The City Clerk read General Ordinance No. 27-2020 by title only, an Ordinance establishing a Rainy Day Fund (Amends General Ordinance No. 41-2008). Brad Luzadder, Rules Committee Chairman, told the Council, again, coming out of the Budget Committee meeting the other evening, they were informed about how the Rainy Day Fund needed in which to work and so the ordinance has been written in the way in which that money should not be transferred without the knowing of it. It's meant for downturn, the economic downturn for our city (inaudible) supplies, equipment and other like expenditures. There's also section four that came in (inaudible) less than 5% in the Rainy Day Fund by 2025 and a way in which for us to garner into that. And under section six, monies accumulated in the Rainy Day Fund shall not be transferred out of the fund for other purposes than provided within the ordinance including but not limited to fund transfers that can be worked out, can be done with pre-approval by the Council. So, it would be his recommendation, again, being it has come out of the entire Budget Committee to the Rules Committee, that they pass it this evening. So, that would be his recommendation, Luzadder said. Councilwoman Fouce seconded. The vote to pass was as follows: Aye: Luzadder, Cowgill, Fouce, Cain and Henderson. Nay: Fordyce and Cline.

NEW BUSINESSRESOLUTION NO. 1-2021

The City Clerk read Resolution No. 1-2021 by title only, Confirmatory Resolution of the City Council of Marion, Indiana declaring economic revitalization area for property tax deductions on real estate for Wiley Metal Fabricating Inc/WW Enterprises. Tim Eckerle, Executive Director of the Grant County Economic Growth Council, told the Council he sees Ed Wiley finally made it in, they've had some technical issues. They are very excited to be with them tonight. Wiley Metal is looking to do a sizable investment of \$1,700,000 in new equipment that will create 22 new jobs as well as preserve 68 existing jobs. Eckerle said Ed is the President of the company and will gladly answer any questions they may have and give them a little background on Wiley Metal if they so desire. Councilman Brad Luzadder said he thinks, for the members that weren't in there, it would be a good idea he would say. Ed Wiley told the Council they are buying (inaudible) new equipment. It's a high tech laser cutting equipment which basically is a way of cutting their sheet metal into smaller pieces for next in-line operations. It's what's called a fiber laser, it's the latest in technology. It's going to make them more competitive, get them into new markets and allow them to expand their workforce going forward. They've been in business in Marion since 1982 and they (Council) have been a big supporter of them. They've gotten tax abatement on other equipment through the years and they appreciate their support and hopefully they are with them on this also. Mr. Eckerle told the Council what they're doing tonight, by the way, is asking them to amend their existing property tax abatement to include this new project. Councilman Gary Fordyce said he'd like to make a comment, Madam President. He would just like to thank Mr. Wiley and Tim and Mr. Wiley's family for the investment in our community and the jobs that they have furnished to our community and the continued investment of our community. He really appreciates it and this is what we need in our community to go forward and make Marion a better place. Councilman Brad Luzadder said he just needed to reiterate that this did come before the Development Committee and came out with a unanimous favorable recommendation. And so, as far as he's concerned, he would make a recommendation by the Council in which they pass Resolution No. 1-2021. Motion was seconded by Councilman Mike Cline and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None. Mrs. Cain thanked Mr. Wiley for being with them tonight and thanked him for wanting to invest further in the city and they wish him all the best as they move forward. They appreciate all that they do, Cain said.

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Council President Cain said she would take a motion to adjourn. Councilwoman Robin Fouce said, wait a minute, one comment, Madam President. She apologizes, she was going to call her six times today and got sidetracked but yesterday they had the observance of Dr. Martin Luther King holiday and the world is a better place, in spite of where we are now, a better place because of the work and the sacrifice and the love that Dr. King exuded and she wanted to read one of his quotes out of his 1963 book "Strength To Love". It says "The ultimate measure of a man is not where he stands in moments of convenience and comfort but where he stands at times of challenge and controversy". Again, Dr. Martin Luther King, Fouce said. Cain said, wow, that is powerful. Thank you for sharing that, she told Fouce. Fouce told Cain, thank you for allowing her to do that.

Being no further business to come before the Council, on a motion by Fouce, 2nd by Cowgill, the meeting adjourned. Time being 7:28 p.m.