

REGULAR MEETING – MARION COMMON COUNCIL – MARCH 2, 2021 – 7:00 P.M. – ZOOM MEETING

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 2nd day of March, 2021 at the hour of 7:00 p.m. by virtual means through Zoom meetings.

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 previous regular meeting of February 2, 2021 were presented. On a motion by Councilman Steve Henderson, 2nd by Councilman Brian Cowgill, the minutes were approved as presented by a unanimous vote.

COMMITTEE REPORTS: Councilman Gary Fordyce told the Council on the River Development Committee, as they all know, the final report came out for the removal of the dam and he and Councilman Mike Cline have been paying much attention to this and been in contact with Engineer Mike Graft on this development and this research on the removal of the low level dam. The final report has been put out and it was put on the Marion website for everyone to read. It's pretty extensive and they are staying on top of that. They haven't had any committee meetings on it yet because they are researching more facts and to see what needs to be completely done for the removal. As far as the repair, the Indiana Department of Natural Resources does not want to contribute to any repair on that dam and he's sure that a lot of them, and he hopes they did, read the full report. It is very entailed and they've had Dr. Sweeney and some scientists and ecological scientists that have done the reports on that and if there's any questions, Mike Graft has been heading this and they're looking forward to it but it's just research and a report on it. Nothing's probably going to transpire until 2023 and the city would have to do a matching grant on that if we remove it.

Councilwoman Robin Fouce said, Madam President, as liaison to the Board of Works, you recall both of them attempted to be in that meeting yesterday via Zoom and they were not added to the Zoom meeting. She's not sure if there were technical difficulties or what. She just wanted it to be a part of our record that they did attempt attendance and they were not able or successfully able to attend that meeting. She will follow up with President Huskey. She's got a call in to him to see what the deal was.

Councilman Brian Cowgill said they had a Public Safety Committee meeting prior to the Council meeting tonight. This is their first one and it's on the scooter and bicycle ordinances. They're going to, they've got scooters now so they need to get an ordinance for them and the bicycle ordinance needs to be updated. It hasn't been updated since 1940, wasn't it Mr. Harker? 1940. So he thinks it's time they update it. They had a very good meeting. They had Mr. Morrell present in it and Mr. Michael Mathias from the cycle shop that he owns here on it. It's just kind of a beginning. It'll take a while for it to get it going but it was a very informative meeting. He's looking forward to getting the ordinance written on that and he thinks the guys are just going to be a great help to the Council as well, Cowgill said. Council President Deb Cain told Cowgill she believes he set the next committee meeting for April 11th. Cowgill said March. Cain said, March 11th, she's in April already, March 11th at 6:00 p.m. Mrs. Kiley, if she could make that note please, they'd appreciate that. That will be by Zoom. As she discussed with each Council member, she thinks that they will do Zoom definitely for the month of March and then they will re-look at the state of the pandemic for April. But March 16th will still be a Zoom meeting, Cain said.

Mrs. Cain said she would like to consider, if there's no objection by the Council members, she'd like to consider switching their agenda and do the New Business first and then they will go into Unfinished Business. They only have a few minute presentation. Mrs. Kiley? Are there any objections first before they do that, Cain asked. City Clerk Kathleen Kiley said she can't hear. What? Cain told Kiley she would like to consider switching the order of the agenda and put the New Business first so Mrs. Owensby can go ahead and address them. Mrs. Kiley said, yes ma'am, she can read that right now.

NEW BUSINESS

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MRS. BOBBIE OWENSBY FROM MARION HIGH SCHOOL TO ADDRESS THE CITY COUNCIL REGARDING THE HISTORY OF THE BLACK HISTORY CLUB, BENEFITS TO THE STUDENTS AND THE MARION COMMUNITY. Bobbie Owensby told the Council, thank you so much for inviting her to share with them some of the things that Marion High School Black History Club has been involved in. This is a story that we tell quite often about our club because we have been around for about 40 years, a little over 40 years. The club started in 1979 and it was a concern from students and parents who wanted to develop an awareness about the contributions of African Americans. After our students took African Studies classes, they wanted to share their experiences with the total Marion community and so they wanted to do that with presenting a presentation in the form of a play so we did our first play in 1980 and it was Purlie Victorious and most of you are familiar with that and it was a success, even though we only had about 500 guests to come out and watch our students perform. It was something that we felt we should continue to offer to the community and so we have not missed a year since 1980 from performing. One of the things that we do, a purpose of our Black History Club, is to expose Marion High School students to culture events and involve our students in community activities while promoting excellence in education. We promote that excellence by encouraging our students to focus on their grades. We bring role models in for our students every year in order to speak to our students to encourage them. We take them on college tours in order to let them know how important it is to stay in school and then to go on to some type of training after they leave Marion High School. This year of course, as all of us are aware, 2020, we were concerned if we were going to be able to do a play. We were limited on our stage participation and we decided, with the help of Mark Fauser, that we would do something virtual and so we just presented our first virtual play on Saturday night and it was very well done with Mark's help and our students did an outstanding job and so we would like to continue as long as we can with our club and with what we offer the community. Our community service activities that we do, we go and visit nursing homes. We haven't done that of course in this past year but we take on projects and we are very pleased to involve every student at Marion High School in these activities, Owensby said. Councilwoman Robin Fouce said, thank you Mrs. Owensby, we appreciate the work that you do and we look forward to much support and collaboration in our future. We really appreciate you. She's here as a product of her efforts and, you know, she loves her to death. She loves what she does for not just minority kids but all of our kids in our community and we need other champions like her. So thank you so much. She wanted Mrs. Owensby to speak today in honor of Black History Month as she is a Black History Champion in our own community, as well as we are in Women's Month and so it's only fitting to celebrate her efforts as a woman, as a black woman, from Black History Month to the month of March where we celebrate women and their accomplishments. Thank God for women like her, Fouce told Owensby. Mrs. Owensby replied, thank you and thank you guys for giving up their time in their Council meeting to allow her to speak. And if you get a chance to, our play that we put on this year is on YouTube. You can go onto Marion High School's site and get on YouTube and she thinks one of the things that she's really proud of this year is that we involved all of our students. It was done from her African Studies classes and we had an opportunity to involve our Chi (?) Students, had an opportunity to involve our special needs students and she thinks they did an outstanding job. So thank you for having her here tonight and sharing with them, Owensby said. Council President Deb Cain said, Mr. Cline? Councilman Mike Cline said, yeah, Madam President, thank you. Mrs. Owensby, simple words but they mean a lot, thank you, very much for what she's been doing. He thinks he may have written some of the first stories about. Two things. One, he's going to get in trouble if he doesn't give a shout out to K.O. from Julie. She knew he was going to see her tonight and she said he better tell her she misses her. And his second is, what numbers did they start out with in '79? What kind of participation numbers have they had over the years? Mrs. Owensby told Cline, we started with 10 students, 10 concerned students in 1979 and she doesn't know if they know Gulliford, Dominic Gulliford was in our first play and his sister Toby were in the first play and now when we travel, we could have 70 or 80 students go out. You know, we have done some trips abroad. We took some students to Egypt in 1998 and that was another concern from students. We were on our way back from one of our college tours and they brought up the idea. We talk about all these places, why can't we go and visit and she said because you don't have any money. And so we got busy and we raised about \$80,000 and we took 25 students to Egypt and it was a trip that you would just dream about. It was ideal. And then in year 2001, we took 15 students to Brazil. After studying about the history of the country and African influence in Brazil, we took a trip to Brazil with 15 students. And we had a trip planned for last year. We were going to take some students to Guyana and, of course, that one was cancelled. Cain

told Owensby, well thank you very much. Cline said, thank you. Owensby replied, you're welcome. Mr. Cowgill said, thank you Mrs. Owensby. Cain said, okay, now we'll go on to Unfinished Business. Mrs. Kiley?

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 1-2021 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 1-2021 by title only, an Ordinance for Parking in Residential Districts and the use of public right of ways. Jerry Foustnight, Building Commissioner, told the Council we're here again tonight on a 2nd reading and public hearing for our ordinance, which is 1-2021. It would become part of Chapter 90 of the abandoned and parking of vehicles. As he explained at the last meeting, the concerns that Code Enforcement and the Building Department and other agencies have concerning the parking throughout the City of Marion, there was never anything on the books concerning about parking on your lawns and so we wanted to address that. We also addressed some of the issues about large vehicles parking on city streets. We did take, and when he refers to "we", he refers to the Building Department and Code Enforcement and also the City Council and their committee. If anybody would have any questions or anything, he'll try to answer the questions for them and he would ask that this be passed, Foustnight said. Council President Deb Cain said, okay, she'll take any questions from Council members. There was no response from the Council. Cain stated, okay, seeing none, this is a public hearing. You will have three minutes to speak. When you speak, please make sure you give your name and address. If you are on Zoom, you can un-mute at the time that you speak, raise your hand so she sees who wants to speak and she will take you in the order that she sees and then when you get done speaking, if you could make sure that you mute again. We'll take the ones on Zoom first and then we have some people here in attendance, thank you for coming, and as you want to speak then when you come up, there's a mike there in that first seat. There's a red button that you'll push and your microphone will go on and make sure that you speak as close to it as you can. Okay so at this time, she will take our first one and she thinks Mrs. Wilk has raised her hand. Linda Wilk – 1016 W. 5th Street, Marion – told the Council she likes most of the ordinance. She does not appreciate when people park pontoon boats or sailboats, she's seen both of those in her neighborhood. Her biggest concern is the parking, in her neighborhood on 5th and 6th Street, it can be really difficult at times to find parking and so she knows there's people that park in their backyards, mainly because of that. She thinks the fact that we're limiting it, that they have to have concrete, asphalt, or gravel in order to park in the backyard. That can be cost prohibitive for some people. She was talking to Kayla Johnson about this and she had suggested that maybe the city could allow mulch and that since the city has mulch, maybe they could even work with the property owners to deliver mulch and that would be another way to, you know, if you don't want it just on the grass with the dirt, that might be another option. That's the main thing she wanted to bring to their attention, that there be any allowability to look at other surfaces that maybe wouldn't be as costly to a resident that can't find parking on the street, quite honestly. Or maybe like when the snow was real bad, it was tough in her neighborhood to find parking. So, otherwise she does think it's good to have an ordinance to keep some of those other larger, you know, she's seen pontoon boats, she's seen sailboats on her street. So, thank you, Wilk said. Mrs. Cain asked Mr. Foustnight if he wanted to address that. Foustnight said yes. He told Mrs. Wilk he appreciates what she said. They did have quite a discussion concerning this and it was determined within their committee that if, for some reason, an individual has to park in the backyard, for instance he believes it was on 9th Street they talked about, there's parking down through there. If you can't park on the street so individuals do park in their backyard. They didn't want to cause a burden on individuals as far as having to put gravel in or put an approved parking area so within this ordinance, that will allow them to go ahead and park in those grassy areas in the back of the house if it's not available in the front. Cain asked, okay, anyone else who is on Zoom would like to speak? No one responded from Zoom. Cain stated, alright, thank you, we have people here in attendance in the City Council Chambers and if they wish to speak, they can come up and use that first microphone. Make sure that they push the red button so that they see the red light come on and lean forward into the mike. Give your name, address and they have three minutes. Byron Carter – 604 E. Blaine Street, Marion – told the Council this ordinance is not going to help anybody. We've got disabled people in Marion that need to park next to their house to get their groceries in, stuff like this. We've got people that park their cars next to their house for the safety factor, you know, people robbing their cars and stuff like this. And this is going to be another cherry-picking ordinance. Foustnight has not responsibility, he will not go out. His neighbor has 25 cars parked in his yard and Foustnight is

GENERAL ORDINANCE NO. 1-2021 Continued

scared of him. He will not go up there and address it. Every ordinance that we've got, we got this thick of paperwork on this here one man and he will not follow through with any of his failures to do. Council President Cain said, sir, we're not here to talk about a person. We're here to talk about.... No, his concern about this ordinance. Mr. Carter said, that's exactly right, it's going to be a cherry-picker. Cain said, okay, thank you. Carter said, well, if we don't want to file something on somebody, well we'll skip them. Cain said, sir? Councilman Brian Cowgill told Carter, if he'd like to speak on the ordinance, that's fine but we're not going to attack any of the people on this ordinance or about this ordinance. Carter replied, well that's exactly what's wrong. He means, Code Enforcement is not strong enough in Marion to do anything. There's no backbone. Cowgill said, well alright, thank you sir. Gregory Stanley – 3308 S. Harvey Street, Marion – told the Council this ordinance is needed. He has an incident in his area, several, where people are parking on the side yard, the backyard, the front yard, the sidewalk. They come across the sidewalk, mud is all on the sidewalk. The people cannot walk down the sidewalk, kids going to school, people with strollers, because there's so much mud. They (inaudible) build a concrete, pour concrete on top of the concrete, the sidewalk that was there. Jerry has been out there, he's doing what he can do but we need an ordinance in place in order for us to follow through on it. It makes the city look bad, it makes the area look bad. It brings down your value of your property and unless we have ordinances or rules or laws in place then it makes it difficult to do things. And so he thinks this ordinance is needed. There are exceptions. He understands people need handicapped and so forth, need to get stuff in there and park where they need to park. But trailers and cars and trash, you know, just running back forth day and night, 2:00 and 3:00 in the morning, getting away with doing what they want to do. So, this ordinance is much needed, for our city, for our community, Stanley said. Paul David – 8453 Delphi – told the Council he, too, supports this ordinance. He's the Fire Chief in town here. He doesn't know if Jerry addressed underground infrastructure in the ordinance as that being a concern. He's certain he thought of that. We've got to worry about gas lines, etc. As far as our end goes, for the Fire Department, that's just another obstacle in our way. If somebody's made ruts in the yard, muddied the lawn up, it's going to be tougher for us to get in there and do what needs to be done, get somebody out on a stretcher, whatever the case may be. So he supports this ordinance, Chief David said. Terry Munday – 501 E. 48th Street, Marion – told the Council he's here in reference to a property that he has at 820 E. 33rd Street. His renter calls him on a regular basis and said he just wants him to know that he just got up in the middle of a junkyard. He has gone out there for the past three years, he's tried to reason with the gentleman that owns the property. He has not been responsive. Since he was there last time, he has moved a trailer in. He's counted as many as 13 cars in his lot and now there's no grass in the yard next to his property. He has worn that out and it's just mud ruts. The entire lot is just nothing but a mud rut. He doesn't think it's fair to property owners in that area to have this kind of junk yard right in the middle of the City of Marion. He owns or has owned as many as 40 properties in Marion, this is the worst that he has ever seen out of all the properties that he has owned and it has destroyed the property value. He had the property appraised prior to all of this and it would have been worth about \$60,000. The property value now would be even less, just because of all of the trash and trailers and cars. It's just not fair to the people in that area, Munday said. Cain said, okay seeing nothing further, Mr. Foustnight, is there any follow-up comments or responses? Foustnight said, no, he'd just like to thank the Council for the consideration on this ordinance. He would ask that they approve the ordinance so that they can move forward in their enforcement of the ordinance itself to replace the outdated Chapter 90 that's now in place that this would strengthen the abilities of the Code Enforcement, Police Department, Marion Traffic Commission and the Building Department to be able to actually have more enforcement power on this. Cain said, if there's nothing further from any Council members, she'll entertain a motion. Councilman Brian Cowgill said he'd like to make a motion that they suspend.... Councilman Gary Fordyce said, Madam President? Cain told Fordyce she thinks Mr. Cowgill was speaking but go ahead. Fordyce said he would make a motion they suspend the rules and pass this ordinance. Cain told Fordyce Mr. Cowgill was making the same motion so he'll second his. Motion to suspend then carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None. Motion was then made by Councilwoman Robin Fouce, 2nd by Cowgill to pass General Ordinance No. 1-2021. Motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None.

Mrs. Cain said, thank you very much, the ordinance passes in full and their next meeting is March 16th at 7:00 p.m. It will be by Zoom but anyone else is also, the Council Chambers will be open but she's going to allow for those Council

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members that would prefer to attend by Zoom one more meeting and then they'll determine what to do in April. It was nice to see everybody. Enjoy the sunshine and the warmer temperatures that are coming up through this week and be safe and she will take a motion to adjourn. Cowgill said, so moved. Councilwoman Fouce said she thinks Councilman Cline wanted to say something. Cline said, no, he was going to make a motion to adjourn. He's fine, he'll just say yes. Ms. Fouce said she just wanted to add, we respect the public coming out and certainly we want to hear their concerns, pro or con. She encourages them to contact their Council member At-Large if they have a complaint about something and/or your district Council member. So for him, Mr. Byron, she'd have him contact his Council member and see if he could work with them from that perspective to get any of his concerns because they care about what he says, one way or the other, Fouce said. The meeting then adjourned at 7:36 p.m.