

REGULAR MEETING – MARION COMMON COUNCIL – MARCH 16, 2021 – 7:00 P.M. – ZOOM MEETING

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 16<sup>th</sup> 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, Brunner and Cline.

Absent: Batchelor.

The minutes of the previous regular meeting of March 2, 2021 were presented. On a motion by Councilman Steve Henderson, 2<sup>nd</sup> by Councilwoman Robin Fouce, the minutes were approved as presented by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None. Abstain: Brunner.

COMMITTEE REPORTS: (NOTE: The recorder did not start until Council President Deb Cain was into her report on the Budget Committee meeting that was held on March 15, 2021.) Cain said, department plans of one, three and five years, the staffing needs, capital projects, vehicle, equipment rotation and maintenance plans and the wish list outside of the current department planning. So those meetings to sit down with the departments just to have the casual, what you anticipate or what you'd like to see are going to be starting in April. They will be the 12<sup>th</sup>, 13<sup>th</sup>, 15<sup>th</sup> then they'll skip a week and go 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup> and then they'll skip a week because those are weeks that they have their City Council meetings. Then they'll go May 10<sup>th</sup>, 11<sup>th</sup> and 13<sup>th</sup>. And those will all be at 6:00 p.m., and Mrs. Kiley and Mrs. Goodman, she will send that to them also when she sends that to the department heads. Now for the budget hearings, they're going to propose that the budget hearing calendar will begin with the budget hearings, that would be August 23<sup>rd</sup>, 24<sup>th</sup> and 26<sup>th</sup>, August 30, 31, September 2<sup>nd</sup>. Then they'll skip the week of the 7<sup>th</sup> because that's Council meeting and finish up September 13 and 14. Then the first reading of the budget will be September 21<sup>st</sup>, 2<sup>nd</sup> reading would be October 5<sup>th</sup> and 3<sup>rd</sup> is October 19<sup>th</sup> and the adoption. She'll pass these down to Mr. Brunner and Mr. Henderson to look at because they were unable to be here last night and they can just kind of review that but she will also send that out to Council members.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 1-2021

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. Council President Deb Cain thanked Jerry Foustnight, Building Commissioner, for being here. Before he starts, let her just give a little background of how this came to them. On Tuesday, Mr. Foustnight called Mr. Cowgill, Vice-President, and also a committee member of the committee that worked with Mr. Foustnight on this ordinance, to indicate that they've had some concerns from citizens and the media on the fee that we had put in the ordinance and he wanted to see if they could have a committee meeting that day. Well they are required to have a 48 hour notice for committee meetings and to wait 48 hours was going to meet the deadline when the Mayor needed to sign it, as he hadn't signed the ordinance yet and that deadline was on Friday. So they would not be able to have a meeting in time to be able to get it on the agenda because the agenda items are required to be in the City Clerk's Office on Wednesday. So she told Mr. Foustnight that she would let the City Clerk know to put the ordinance on the agenda with the two different options that they would have and he one would be if the ordinance was signed then he would be speaking. If it wasn't signed then they would override the veto which her intention was at that time then to let them bring it back with an amendment. So, Mr. Cowgill and she met with, they had a video conference call with Mr. Foustnight and then she told him she would call Ms. Fouce because she was also on that committee. She had a conversation with her at the same time that Mr. Foustnight called her back so she put them on a conference. So he kind of worked them through what the concerns were but they had already had it on the agenda. So she will let him go ahead and take it from there, Mr. Foustnight. Mr. Foustnight told the Council, first he'd like to thank them for their consideration to amend Ordinance No. 1-2021. At this time, he'd like to ask Mayor Alumbaugh to address this body concerning the amendment to the ordinance. Mayor of Marion Jess Alumbaugh said, thank you Jerry, appreciate it. Yeah, he thinks overall it's a really good ordinance and the Council knows, he sent everybody on the Council an email this week, his only concern was the \$5.00 fee. He just thinks that penalizes the vast.... The vast majority of our

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GENERAL ORDINANCE NO. 1-2021 Continued

citizens, when they're going to sell a car, they do it the right way. They don't play a game with the city. There's just a few people who continually mess with them. He feels like they're penalizing the masses just to get control of a couple. But, overall, it's a very good ordinance. He thinks they did a great job, Alumbaugh said. Cain said, thank you. So Mr. Foustnight, if he wants to read the section that he is requesting to have removed. Foustnight said, Madam President, what they are requesting be removed is under Section 90.08, they would ask that under Section (A), (1), (2) and (3) would be removed from the ordinance, that they would amend that part of the ordinance then Section (B) would become (A), (C) would be (B) and then as it went down (D) would be (C) and they'd just move those up. So that's what they would recommend and are asking for the amendment for that section please. Council attorney Martin Harker asked Foustnight, that was sections (1), (2) and (3) under (A)? Foustnight replied, yes, under (A), 90.08 (A), they would remove (1), (2) and (3). Mrs. Cain said, okay, and those read "(1) A permit of five (\$5.00) shall be issued to seller of vehicle prior to displaying "FOR SALE" placard on vehicle. Permit shall be displayed on said vehicle visible from the street. Permits shall be obtained by the owner of vehicle in person at City Hall in the Code Enforcement Department. Owner of vehicle being sold is required to show proper paperwork of ownership and sign all required documents. (2) A permit "FOR SALE" of said vehicle is valid for a period of thirty (30) days from the date of purchase. (3) If said vehicle is not sold within the thirty (30) day permit time frame, a new permit is required and an additional five (\$5.00) dollar fee shall be paid." So are there any questions from the Council members, Cain asked? Councilwoman Robin Fouce said, Madam President, she had more like a comment. Just for the sake of efficiency, in the future, you know, no one wants to charge hardship on the citizens so she's in favor of removing this. You know, she thinks they had discussion about it in their meetings that they had, in committee as well as when it was brought to the Council floor. But for the sake of efficiency, they had several committee meetings coming up with this ordinance. In addition to that, they had several readings and a public hearing and this was never brought to light and so she understands, sometimes they have to make those adjustments but it would be, she thinks for efficiency's sake, more beneficial if they had everyone's feedback, you know, at that time. That's all she'll say, Fouce said. Being no other Council member to speak, Cain said she would take a motion. Motion was made by Councilman Brian Cowgill that they amend the ordinance, removing those three items. Motion was seconded by Councilman Henderson. Council President Cain said, okay, the motion was made by Mr. Cowgill, 2<sup>nd</sup> by Mr. Henderson, roll call please. Motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: None. Cain said, okay, motion was carried to remove those, (1), (2) and (3) from the ordinance on the \$5.00 fee so that will be removed from General Ordinance No. 1-2021. She asked Mr. Foustnight if he had anything to say in closing. Foustnight said, yes. He'd like to thank the Council, he'd like to thank the Mayor and the Administration for working with them to get this ordinance in place. As the Mayor said, this is a very good ordinance. We feel very happy that we have this in place, and again, he'd just like to thank everybody for their work and their patience in this matter.

Before the meeting adjourned, Council President Deb Cain said she'll make an announcement that next month, they'll begin their in person meetings. So, in the March 23<sup>rd</sup>, 2020, so we're talking last year, March 23<sup>rd</sup>, 2020 in the Executive Order from the Governor, he suspended the requirement of governing bodies of public agencies to explicitly adopt a policy for electronic participation and suspend the requirement to have any members (inaudible) physically present for meetings deemed to be essential. Therefore, for the duration of this Public Health Emergency, and we were at red at that time, all governing bodies may meet by videoconference or by telephone conferencing so long as a quorum of members participate and any meeting is made available to the members of the public and the media, which we have done. So, in our rules and Open Door Law that we follow, it's electronic participation. A member of the governing body who is not physically present at a meeting of the governing body but who communicates with members of the governing body during the meeting by telephone, computer, videoconferencing or any other electronic means of communication may not participate in final action voting, may not be considered to be present at the meeting unless considering the members to be present at the meeting is expressively authorized by statute, which the Governor did that in his Executive Order for during that duration of the pandemic. We are now in the blue which means that we can have a total of 250 individuals present. There's plenty of spacing in the Council Chambers to do social distancing for anyone that comes and face mask and they have adequate distance between themselves and they can wear facemasks at the desire of each Council person and just make sure that they kind of pull them down as they speak because it's hard

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to hear through a mike. So she is excited about getting back to in person. She's missed everyone. It's been hard to be the one that's been in the Council Chambers with just a few of them. She's had the privilege of sitting with Mr. Henderson, Mr. Brunner and then Mr. Cowgill would join her often and then their legal counsel, Mr. Harker. She means, that was very nice but she's missed everybody else. So it'll be nice to have everyone back and they just need to keep everyone in their prayers. Mr. Henderson's wife just went through another episode so they need to keep him and his wife in prayer. Don Batchelor is home and recouping and she hopes to, they really would just be thrilled to see him walk in the door in April. So she will take a motion to adjourn, Cain said. On a motion by Cowgill, 2<sup>nd</sup> by Brunner, the meeting adjourned. Time being 7:18 p.m.