

REGULAR MEETING – MARION COMMON COUNCIL – APRIL 6, 2021 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 6<sup>th</sup> day of April, 2021 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

Council President Deb Cain said they are in the Council Chambers for the first time in quite a while. It's nice to see faces out there and she's not there all by herself. They are trying a new system, going to make that announcement what this little thing in the middle of the floor is. It's called an owl and so they are going to try this. It records them. As you're speaking, it will pick up your voice. What she's trying to work out and to see what happens is as our mikes go through a speaker, will it still rotate to see you? So as you're speaking, the camera at the top rotates to the person speaking and there is microphones all the way around it so it will pick up your voice. So she's recording this and then she's going to work with some media forum to be able to get it out, a tape, audio and video of the meeting, get it out for the community on some kind of platform. Sunnycrest will be probably the first place she's going to work with and check with and see if they can submit the recording to them. So this is a trial basis. They have 90 days to try it. If it works, Mr. Cowgill has found City Council some funds to pay for it so they can continue to work towards getting the Council meetings out to the public. They have two other things that she needs to take a vote on. First, she would like to take some votes..... She asked Mrs. Kiley if she needed to take attendance first before she asks about adding things to the agenda. City Clerk Kathleen Kiley told Cain she thinks she maybe would. Cain said, okay, that's what she thought. We'll take attendance, Cain said. On the call of the roll the following members were shown to be absent or present as follows:

Present: Luzadder, Fouce, Cain, Henderson, Fordyce and Brunner.

Absent: Cowgill, Batchelor and Cline.

Council President Cain said, okay, they have two things to add to the agenda and she needs a vote to do that. First is Central Dispatch Board. We have a vacancy that wants to be refilled. Okay, Dianne Newton served for City Council on that board. She had to leave towards the beginning, in the beginning of last year due to family concerns and issues, unfortunately, and we'll give her our condolences. Her husband has passed away and she wants to be involved again and to get involved again and so she, Chief Haley requested if we would put that on the agenda to vote her back in on the board as a reappointment. So she needs a motion to put that on the agenda, Cain said. Motion was made by Councilman Jim Brunner, 2<sup>nd</sup> by Councilman Steve Henderson and carried by the following vote. Aye: Luzadder, Fouce, Cain, Henderson, Fordyce and Brunner. Nay: None. Mrs. Cain said, and then also Chief Haley is here tonight to speak to them about Domestic Violence Awareness Month and can we put that on the agenda. Councilman Brad Luzadder said, yes, he makes a motion we do. Motion was seconded by Henderson and carried by the following vote. Aye: Luzadder, Fouce, Cain, Henderson, Fordyce and Brunner. Nay: None.

At this time, Council President Cain told the Council, okay, if they'll stand, they'll have prayer and then Mr. Fordyce will lead them in the Pledge of Allegiance. In her prayer, Cain asked for special prayers for Councilman Batchelor, Councilman Cowgill and his wife, Pam, and Deputy Clerk Debbie Goodman.

The minutes of the previous regular meeting of March 16, 2021 were presented. On a motion by Councilman Steve Henderson, 2<sup>nd</sup> by Councilman Gary Fordyce, the minutes were approved as presented by a unanimous vote.

Council President Cain said, okay, before they start committee reports, she does want to pass this information out. Mr. Luzadder, can he do that for her please? Okay, she has put in some research for the Recovery Funds, the American Rescue Plan and so she's been doing some research to see if the city would receive any funds because she had not heard anything from the Administration if we had and so these are some, this is some documentation that she pulled up from some emails. She contacted IFA, they do not have any precedence over this funding like they did in the first round. The State Board of Accounts, Susan at the State Board of Accounts directed her to some information on their website. So in that information, she didn't press, she didn't print out the whole listing of funds that were released because it was like pages and pages but Marion, our city, will receive \$5,820,000 and so in this information, this is what the State Board of Accounts directed her to and how that will be handled. An ordinance and a plan is required. So she's giving this information to them from the research that she conducted to look at and to read about and then she

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will continue further with getting some directives and some additional information. She will pass that along as she receives that, Cain said. Also, as a reminder, we do have upcoming, the Budget Committee is meeting with the departments as a debrief and a roundtable discussion regarding their anticipated budget season coming up. So their meetings start next week and the first half of that sheet is the department meetings of the roundtable and then the second half is the budget hearing schedule, which she had already sent around to each department head and had sent that to them but she just wanted that as a reminder. Okay, are there any committee reports, Cain asked. Councilman Steve Henderson said, going back to this fund that we're going to establish, the local ARP fund. Have we been in contact with the county to see what they're doing, because they have to do the exact same thing to get their money? Cain told Henderson, yes, the county is currently, she had that conversation with Mr. Bardsley and the county, right now, is looking to quality of life funding. Basically, one of the things that was a possibility is helping Gas City complete their auditorium because the additional, because of COVID, materials have raised so high, they're now behind budget and that would be a quality of life because that is also going to be used by the schools and by communities all around. So, it'll be projects like that. They are in the process of creating an ordinance for the funding and showing what their goals in the funding is going to be and then a financial plan. And Gas City, she spoke with Mayor Rock in Gas City and he currently is in the process of writing an ordinance also. She's not heard from our Administration. Okay, she'll take any other committee reports, Cain said.

COMMITTEE REPORTS: Councilwoman Robin Fouce said she wanted to report as liaison for the Board of Works that their meeting Monday was cancelled due to a lack of a quorum so she wanted to report that. And then she wanted to just briefly, if she would, allow her to elaborate on District 4, which is her district. She won't go into a big dissertation about it. We have good work to do to make District 4 in Marion better but she is having some problems that she deems emergent and safety and she's kind of had a problem with our system of the city. She doesn't want to point fingers, she wants to say hey, let's sit down, let's seize this opportunity to talk, let's come up with a plan but this is her attempt to keep it between us and let us have the opportunity, us being Administration, departments and the Council. We have to work together and when that's not happening, the citizens get the short end of that. She's been in the middle of that this week. She's Councilwoman and so she receives it but she's not going to sit on it. We can do better and she wanted to have that on our record today. She had a couple incidents. She's spoken with a couple of them about it and she wanted to put that on record today but we do need to do better working together. She had an officer say to her "nobody's harmed" and she goes "the citizens are harmed so there is harm" and she'll stop there. Thank you for that, Fouce said.

Councilman Brad Luzadder said there will be a Development Committee meeting on Thursday at 5:00 p.m. in the 2<sup>nd</sup> Floor Conference Room to go over a presentation by Structural Steel. So they will be holding that at 5:00 p.m. on Thursday and would appreciate anyone that would be willing to attend that committee meeting. Also, as liaison to the Utility Board, from their last meeting which met after our meeting, they are in the midst of working with summer jobs for young people and college aged people in a work-study program and so they are going to be looking at advancing their student offerings which will also benefit the utility as well and give some college credits help for students that are seeking out business as well as wastewater systems and engineering. So there are a number of opportunities in which they have done as well as having multiple tours going on with them. They are in a bidding process for the development of the long term control plan and those things will be moving forward. Their board has met and with finances the way that they have come down with the federal government, things are moving better in that direction. Also, there have been a number of people that are extremely delinquent with their wastewater, their water bills and the utility is working on being able to capitalize on some of those federal funds in which to try and be able to help some people in our community. So they are actively engaging and trying to find ways in which to help our citizens who are going through some tough times, especially because of the pandemic we've been within. So, that's what they have met on and they will then meet again this coming Thursday and he'll meet with them and bring them (Council) up to speed, Luzadder said.

Councilman Jim Brunner told the Council they were to have a Park Board meeting this past Monday but there was nothing for the agenda so the folks from the Park Department let those of them on the board know that they will

definitely be having a meeting the first Monday in May because they are indeed planning, maybe unlike some of the weeks and months we had last year when we were COVID filled, that we would hope to have the parks up and running as soon as school lets out so he will certainly update them on that in early May. And he got some really good news the other day, because he does sit on the Grant County 4-H Fair Board, and as of now, they are planning, he wants to say it is the second full week in July that they are planning on having a full and hopefully prosperous fair this year, which we did not have last year. So he will certainly update them on that also but two good notes for those of them who want to get outside and get some fresh air and get their families out. Right now, it looks like the parks will be ready to go in June when school lets out and it looks like the second week in July, we will be having a Grant County 4-H Fair this year, Brunner said. Council President Cain asked Brunner, so in any of his discussions, have they brought up the Splash House? Brunner said he believes everything he's heard is that the Splash House is also a go so there's more good news.

## NEW BUSINESS

### RESOLUTION NO. 2-2021

The City Clerk read Resolution No. 2-2021 by title only, a Resolution authorizing the filing of an application for a grant under Sections 5311 and 5339 of the Federal Transit Act. Chuck Martindale told the Council he's here this evening seeking, as in many years passed, many years passed, seeking the Council's approval of a resolution for the city to apply for its grant for next year for operating subsidies as well as some capital funding that they would like to apply for. Jeff Edwards, the Manager, and Pam Leming, the Administrative Assistant, for Marion Transit are also here this evening if they have any questions with regard to the operating part of it. As they may recall, the city received or the Transit System received a little over \$2,000,000 in 2020 for an 18-month grant starting July 1 of last year running through December 31 of this year where 100% of the operating expenses for the Marion Transit System will be reimbursed through the end of December of this year. They think they might have some carryover funds based upon the carryover CARE funds, basically COVID, Assistance, well CARES funds, that's the acronym, to run into 2022 so it'll give them a little bit of a buffer there. The allocation for 2022 for Marion Transit System amounts to \$770,000 of federal funds and right close to \$300,000 of state funds so they're looking at \$1,068,585 are the numbers that they've been given to use in their application for 2022. INDOT has waived its matching requirements for operating assistance for this year so 100% of the reimbursement will come from federal funds for calendar 2021. So anyway, that's the crux of the request for the resolution authorizing the city to apply for a grant for next year to subsidize the operations of the transit system and enable the transit system to continue running. Council President Deb Cain said she will entertain questions. Cain told Martindale we have done this, he's done well. Mr. Martindale said they've been doing this since 1979. Cain said, and he's done well on getting grants to help. Martindale said they've been fortunate. Cain replied, yep, he's done an excellent job. Okay, she'll take a motion. Motion was made by Luzadder to pass Resolution No. 2-2021. Motion was seconded by Councilwoman Robin Fouce and carried by the following vote. Aye: Luzadder, Fouce, Cain, Henderson, Fordyce and Brunner. Nay: None.

Council President Deb Cain said, okay, so for Central Dispatch Board, she needs a motion to accept Dianne Newton be reappointed for the City Council position on the board. Councilwoman Robin Fouce asked, Madam President, is she here today? Cain said she is not. Councilman Fordyce asked, does Chief Haley endorse this? Cain said, yes, she is actually the one that brought it to her and she was, actually Chief Haley and she have been in discussions multiple times in the last months, trying to find someone to fill this position. She knows Mrs. Goodman and Mrs. Kiley put that out there for people to submit their application, they received none. She talked to different people, she knows that Chief Haley has. She really appreciated Mrs. Newton's knowledge. Cain told Chief Haley she doesn't want to speak for her and asked if she wanted to speak on that. Police Chief Angela Haley told the Council Dianne Newton was employed with the Marion Police Department as a civilian dispatcher for 20 years. She came to us via the hospital so she also worked for Marion General Hospital for many years as a dispatcher there as well. She holds her in very high regard. She considers her one of the best that she has ever had the privilege of working for. As a matter of fact, she (Newton) was one of them who trained her (Haley) when she first started at the Marion Police Department as a civilian dispatcher. She has knowledge of what is required to do the job and would be a great asset to the board. So she

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wholeheartedly endorses her, Haley said. Motion was made by Fordyce to accept this nomination, motion was seconded by Brunner and carried by the following vote. Aye: Luzadder, Cain, Henderson, Fordyce and Brunner. Nay: None. Abstain: Fouce.

Council President Cain asked Chief Haley if she wanted to come back up to the podium and speak to them about Domestic Violence Awareness Month. Chief of Police Angela Haley told the Council April is actually Sexual Assault Awareness Month, she'll come back in October, she promises. April is Sexual Assault Awareness Month and she brought in a piece of paper that was not a part of their packet. Some of them may have been wondering because she didn't get to talk with all of them but there is, it's their UCR reports. From 2010 to 2020, it shows them what they are reporting here in the City of Marion and as a Police Chief, as a law enforcement officer, you do want to see your crime stats go down. It makes you good to see your crime stats go down but there is one category in particular that she doesn't believe accurately reflects what is happening in our community and that is the category of rape. Statistically, we know that those crimes go underreported in every community of the country. There is a stigma sometimes associated with that and it was our hope, as the City of Marion, as the Marion Police Department, and part of the Sexual Assault Response Task Force here in Grant County, we wanted to participate in the What You Were Wearing Campaign. We wanted to participate in that because we want to encourage victims of sexual assault, sexual violence to report those crimes to law enforcement. She also wants victims to know that if they are afraid or unsure about reporting it initially that they still have the ability to go to Marion General Hospital or any other hospital that they're comfortable with but our partners with Marion General Hospital are there and very capable of assisting them in completing a sexual assault exam and making sure that they are physically okay. They also assist us in collecting any physical evidence that would have been left by a perpetrator. If they are not comfortable reporting it initially to law enforcement, they can go to the hospital and they can report that anonymously. They would be assigned a number. The Marion Police Department, if it happened in our jurisdiction, would go and retrieve that kit and we would place it in evidence for a year and they would have one year to come and report the incident to us, knowing that their evidence kit was in our custody. She actually has Linda Wilk here as well who is representing Family Services and Hands of Hope, if they would allow her to speak, and she has one additional guest speaker for them to hear as well, Haley said. Linda Wilk said she just first wanted to thank Chief Haley and she hopes they know and appreciate just how passionate she is about these issues. You don't see that always. We're very fortunate in Grant County to have such passionate heads of our departments and that's so important because as Chief Haley said, this is such an underreported crime and it's so critically important that people understand that there is help out there. That's what this campaign is all about. This What Were You Wearing Campaign, as Chief Haley said, is a national campaign that we've localized. If you go out into the lobby, you'll see one example. There's 10 other displays throughout Grant and Wabash Counties that we, again, are wanting people to see. We also have this virtually on our Hands of Hope Family Services website. She'd encourage them to have the conversation, to talk about why you should talk about sexual assault. We need to change the narrative. We have got to make people understand that, no matter what, if you don't give consent and you force someone to sexually be assaulted, that's rape. We need that message out there and we need our leaders to be speaking that message loud and clear. So that's one reason she really appreciated the opportunity to come and speak to them. She also wanted to let them know we have local resources. This is an activity book that we've created locally. There's more of those on the table in the back. She's more than happy to bring one to each of them. In fact, she thinks she'll just do that. It was something that we put together. There was a lot of work that went into this. It's for survivors of sexual assault, domestic violence, stalking, and substance abuse. The goal, again, is to get these into the hands of survivors to let them know what resources are available because if you don't know what resources are, you can't heal. So it takes each of us working together to help them heal. Hands of Hope Family Service Society, we have advocates, as well as the Police Department and Sheriff's Department. They're trained, they're accessible, they're available. We also have counseling available at no cost, if that's a barrier for that victim. So it's just, it's so important that we know that there's resources available and that our community cares. Chief Haley didn't say this, she's said it before though. It doesn't matter why someone has been victimized. It doesn't matter if they're drinking, it doesn't matter if they're prostituting themselves, if there was drug addiction involved. We just want them to come forward and know that we care about them. So again, thank you very much and she believes there's one other person that would like to speak, Wilk said. Samantha Oyler told the Council, so obviously most of them know her through her work either at the

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Chronicle-Tribune or at WBAT but what they don't know is that she is a 2019 graduate of Ball State University and what they probably wouldn't have guessed is that Ball State (inaudible) out there belongs to her. November 14, 2015 she was sexually assaulted. She was a sophomore in college, she was 20 years old. She hit a slump her sophomore year and she was feeling a little lonely so she started trying to meet new people and make new friends and she met one guy from campus and after a couple of weeks of hanging out, he had invited her back to his apartment. She thought nothing of it. She was in a relationship at the time and he told her he understood, that it would be strictly platonic. But he also thought that he would try and make a move that night. That move did not include asking for her consent in any way, shape or form. She was too scared to go to the police so instead she sent an email to the Title 9 Coordinator at Ball State University. She said she thinks she has a problem. So with the help of the Title 9 Coordinator and then the Director of Student Rights and Administrations, they launched an investigation, they put together a sexual misconduct board and then we went to a hearing. At the hearing, she gave her story, he gave his story. About five hours later, she got a call. They had found him responsible of forcible sexual fondling. Her roommate's trying to cheer her up because she had been victorious, took her out for ice cream and they sang at the top of their lungs. But unfortunately, that's not where this ends. She finished the second semester, determined not to let this beat her. She actually made the Dean's List that year. But coming back from summer break, she had an email in her school inbox, saying that the term "force" could not be applied to her situation because it did not fit Ball State's definition of force. And so the student was allowed back on campus and all the restrictions that had been in place had been dropped so they had to do the thing over again. And thankfully, they found him responsible again and she was able to try and do her best to go throughout her life at Ball State and be a normal student. But by the time that she had done that process over again, the damage had already been done. She almost failed out of school twice. She was seeing a counselor weekly for suicidal thoughts. She almost dropped out. She didn't want to do this anymore. But it was with the help of people as wonderful as Chief Haley and Linda Wilk, thanks to people like her family, her friends and then of course the administration at Ball State that she was able to pull through. So, with that, she just asks them to talk to victims, listen, believe and ask them how you can help. She actually told this story to Jess Alumbaugh earlier today and he kind of looked at her and he said, "you know, thank you for telling me that. This makes me wonder how many people I've come across that have been assaulted and I didn't know it, people that just don't talk about it". And that's the thing. This is something that we know happens but we typically don't know when it happens to someone we know. So, throughout this process she has volunteered to be a face with that story, Oyler said. Chief Haley said, thank you Samantha. So, every Tuesday this month, we are encouraging you and the rest of Marion and Grant County to participate in Teal Tuesday's. It's not a coincidence that we're here in teal today and she also left them a wrist band that we received from another community actually because this is going on, again, this is a nationwide campaign. So every Tuesday for the month of April we would ask that you wear teal or wear proudly your teal wristbands, that we break down the stigma of this, that we don't victim blame, because she thinks in this crime in particular, there's a lot of victim blaming and that's not right. It doesn't matter what your circumstance is. It doesn't matter where you are in your life. It doesn't matter if you have an addition issue, if you're a college student, doesn't matter what you were wearing. Nobody deserves to be sexually assaulted, and again, she wants to encourage victims of these crimes to report these incidents to the police and if you are afraid to report those incidents, please at least go to the hospital and make sure that you are physically okay and complete that sexual assault kit. There are people here that are willing to help. The Marion Police Department stands ready to investigate those crimes and work with the Prosecutor's Office to hold those people accountable for their actions, and again, we've got a great hospital resource here with (inaudible) nurses that are trained to complete those exams. We've got victim's advocates throughout the county and we have the great resource that is Family Services and Hands of Hope that can help with the recovery after. And she appreciates them allowing them the time to speak with them tonight, thank you, Chief Haley said. Councilwoman Robin Fouce said, Madam President, may she say, Chief Haley, Linda Wilk, bless you both for the work you're doing. So necessary and important, empowering and supportive, bless you for the work you're doing. Samantha, she hopes she knows that she's liked her from the day she met her. Not that that's relevant but she just wanted her to know that. More important, she's seen her light from that day. Since she came to our community, her spirit, her hard work, her professionalism go unmatched and they love her and appreciate her in Marion, Indiana. Thank you, thank you, thank you. She offers herself to the movement in any way, Fouce said.

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Before the meeting adjourned, Councilman Steve Henderson told the Council he wanted to share a poem with them tonight. This poem was written 42 years ago and it was written by a poet in Marion, Indiana. It was published in this book that he has right there in 1980 and the name of the book is "Treasury of Great Poems". The title of that poem is "In Search of America" and this is how it goes: "There's a lot of trouble in the world today and the price is much too high to pay. There are always problems to be found but it seems everybody's hands are tied and bound. Who is going to come up with the answers that we need or will no one hear our plea? We need to build America back, big and strong, even if everyone thinks it is wrong. Let us get people together working hard, but meanwhile, keep on our guard. Maybe we can get back where we should be, America, the home of the brave and the free." Henderson said this book was lost by him 30 years ago and he's the one that wrote that poem at age 24 and the book was just returned to him this week.

Being no further business to come before the Council, on a motion by Luzadder, 2<sup>nd</sup> by Fordyce, the meeting adjourned. Time being 7:40 p.m.