

REGULAR MEETING – MARION COMMON COUNCIL – MAY 4, 2021 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 4th day of May, 2021 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

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 April 20, 2021 were presented. On a motion by Councilman Brian Cowgill, 2nd by Councilman Steve Henderson, the minutes were approved as presented by a unanimous vote.

COMMITTEE REPORTS: Councilman Jim Brunner told the Council he's got some really good news. All of this, he thinks, is good news. The Splash House will be opening again this year, will have it open on May 29th. He found that out at the park meeting earlier this week. There will be fireworks this year at dusk out at Matter Park. There will be food vendors there so, of course, they're crossing their fingers on all of this that they can make this all work. That will be on July 3rd will be the fireworks and the park is planning on being open this year so please get out and use Matter Park. Again, that's all good news for the Park Department, Brunner said.

Councilman Gary Fordyce said he's got a report for the future of Marion's Charles Mill Dam is the topic for public hearing scheduled for 6:00 p.m. May 12th at Matter Park Band Shell. The meeting is a cooperative effort of the City of Marion, its Engineering Department, Local Soil and Water Conservation District and the Marion City Council River District Development Sub-Committee. The meeting is planned for the band shell for social distancing reasons. In case of inclement weather, Shelter 5 will be nearby. Mike Graft is the City Engineer and Marion City Councilman Gary T. Fordyce, Sr., who represents Ward 1, is Chairman of the River District Development Sub-Committee and Marion City Councilman Mike Cline represents Ward 2 is the sub-committee's other member. The river runs between Wards 1 and 2. No decision about the dam's future will be made at this meeting. Graft, Fordyce and Cline all agree. The public will have the opportunity to speak. The ground rules for speaking will be announced at the meeting. The previous public hearing in 2020 focused on a plan to remove the dam for safety and environmental reasons. The May 12th hearing will continue that topic, as well as discuss the dam's history, it's uses over the years, prospects for repairing and retaining the dam in the future of Marion's portion of the river if the dam is removed, Fordyce said. Council President Deb Cain told Fordyce, thank you. For future, just a gentle reminder for future, when you hold committee meetings, could you please inform the Council? Fordyce told Cain, we haven't held any committee meetings. Just he had talked to Mike Graft who said that he wanted another public hearing. He most definitely would, Madam President. Cain said, well she just thought, in the way he was combining and speaking, that these were committee meetings or meetings that you held as a sub-committee. Fordyce replied, no, we had just talked to Mike Graft and then he had talked to Mike. We have never really had any actual meetings. The city actually wanted to give the public another public hearing so he and Mike Graft had talked about it and he talked to Mike Cline about it. And actually, Mike Graft is calling this public hearing. He had just invited them (Fordyce and Cline) and the Council to be present, Fordyce said.

Councilwoman Robin Fouce said District 4 had a few things she wanted to mention. She'll mention this every time until we do better. Certainly we have several issues of blight in her district. She went around this weekend and did another survey and talked to members of the community about what their concerns are and how they're impacted by living next to or being exposed to blighted housing. It's always a good experience when she's out talking to individuals and getting to know them. It's just always a good experience. She would encourage everyone to do that weekly. It's important that, it's important to her that they know that she has their interest at heart and that she's working to represent them and that's one of her ways to do that. She had a meeting with a couple of her Presidents of the neighborhood associations, kind of to do more of the same. She'd just like to see that link of communication and that cycle filter back into our meetings and what we go into our sub-committee meetings and, you know, we are the voice for the people so she met with them, good things ahead, encouraged them to attend our Council meetings on more of a regular basis and she thinks good things will come out of that for our community, Fouce said.

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UNFINISHED BUSINESS

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

The City Clerk read General Ordinance No. 2-2021 by title only, an Ordinance to amend Section 153.065 of the Marion City Code pertaining to downtown signage. Sam Ramsey, Advisory Plan Director, told the Council, once again, they are here to just basically edit our current Sign Ordinance for the downtown area to allow for blade signs to project out off the sides of the buildings over the sidewalk. (inaudible) around 20 square feet, that's about what (inaudible) did so they thought that was a good size maximum to allow and they're just trying to help some of the businesses downtown advertise a little more than they currently can without having to go through the variance procedure and jump through some hoops, Ramsey said. Council President Deb Cain said, so we had the opportunity to ask questions two weeks ago. This is a public hearing. Anyone that wants to come up and speak for or against this has three minutes to do so. Make sure that you give your name and address, Cain said. There was no response from the audience. Cain said, okay seeing none, are there any other questions for Mr. Ramsey, from the Council? Being no response from the Council, motion was made by Councilman Brad Luzadder to suspend the rules on General Ordinance No. 2-2021. Motion was seconded by Councilman Jim Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: None. Motion was then made by Luzadder, 2nd by Brunner to pass General Ordinance No. 2-2021 and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: None.

NEW BUSINESS

GENERAL ORDINANCE NO. 3-2021 1ST READING

The City Clerk read General Ordinance No. 3-2021 by title only, an Ordinance to establish the American Rescue Plan (ARP) Coronavirus Local Fiscal Recovery Grant Fund #176. Julie Flores, City Controller, told the Council with the passage of the \$350,000,000,000 American Rescue Plan passed by the House of Representatives, the city will be receiving \$5,820,000. The State Board of Accounts sent out two correspondence to communities. The first one was Directive 2021-1 and the purpose of this directive was to prescribe the accounting procedures for the federal assistance received through the ARP Act. The first step in this directive is to establish an ordinance, to establish a separate local grant fund called the ARP Coronavirus Local Fiscal Recovery Fund within the funds numbers of 176 through 179. So, we have Fund #176 available so that's why we assigned that fund number. The second was a memorandum sent by the state that kind of gave how the revenues were going to be received. The State of Indiana will receive money by May 11th and they have 30 days to distribute that to the municipalities. So, that's the reason we need to get the ordinance set up. Right now, this ordinance is just to establish the fund. She'll entertain any questions they may have at this time, Flores said. Councilman Brian Cowgill asked Flores, have they talked anything about what is there, like a three to five year time frame? Flores told Cowgill, December 2024, the monies have to be spent by December of 2024. Cowgill asked, and have they heard any kind of talk about anticipating any additional after this or no? Flores said she hasn't heard of anything additional. The way this works, they will give us the money, she thinks the ordinance says in there, the money is not appropriated yet, it's just in the fund. The only way to spend it is to come to them and ask them for an additional appropriation for whatever projects or whatever they see fit to spend the money on, collaboratively. She said she would also just make mention that in the memorandum it says this ordinance can be amended as many times as we need to amend it so that's why, at this time, we're just establishing the fund so that we can receipt the money in when we do get it and then as we proceed on projects or how we're going to spend the money, we will then amend this ordinance as we appropriate those funds, Flores said. Council President Deb Cain said that was going to be her next question, thank you. Councilwoman Robin Fouce said this might be ahead of it but just thinking, that's a substantial benefit to the community and so, are we able to grow that money? You know, get interest off of it or anything of that nature? Mrs. Flores told Fouce she asked that question. The State Board of Accounts actually sent out 17 pages of questions that Clerk-Treasurers and Controllers have had. She thinks there were 70-some questions and the very first one was that very question and they said they're looking for direction from the US Treasury on that right now. So, our plan is to set up a separate checking account. That's not required but she feels more comfortable setting up a separate checking account in addition to the separate fund, and hoping we can draw interest on that. But we don't know that

GENERAL ORDINANCE NO. 3-2021 Continued

yet, Flores said. Mrs. Cain asked Flores, and so, when it gets deposited, can she let them know that she received it? Flores told Cain, sure. Cain stated, and her understanding, the appropriation comes to us, we can revise this ordinance as needed, as we see fit together. Mrs. Flores said, the funds come to us, they're not appropriated yet so they won't be included in any budget. We will just come to them and ask for an additional appropriation. That doesn't have to go to the state because it's not levy-driven. We will have to notify them that we've done the additional appropriation but we do not need their approval for that. Councilwoman Fouce said she wanted to clarify or verify or ask even. Initially with the CARES Act, we tried to get bonuses to our first responders. She asked Flores, from what she knows now, is that approved under this or is that something we can do under this plan? Flores replied, we don't know. She doesn't know. She doesn't know the answer to that question. It's a moving, it's moving, this already is moving, just like the CARES Act is moving. Getting guidance from the Treasury is the way the State Board of Accounts answers a lot of those questions. Fouce said she kind of heard other cities had done that so that's why she was asking. Flores asked, through this? Fouce replied, she thinks so but she's not sure. But it wasn't CARES Act money. It was additional funding so she attached it to this in her mind and so she just had heard they had done that so she was wondering. Flores asked, they made it a part of their ordinance already? She doesn't know. Fouce said that'd be something for us to look at, moving forward. Councilman Steve Henderson asked, is there anything in here, if we misuse this money, we have to pay it back? Or is there any catches that could come up that we might get caught and have to pay back? Mrs. Flores told Henderson she hasn't seen anything yet. You guys are the, you'll be over the money so there's nothing we can do without your approval. You're in charge of the appropriations, Flores said. Mr. Cowgill told Flores she talked about notifying the state. Each and every time there's an appropriation, she has to notify them? Flores responded, every time they do an additional appropriation, they have to notify the DLGF about it. Councilman Brad Luzadder said, being that we're just establishing the account, is it acceptable with unanimous consent that we could pass this tonight, just to establish the account? Is that legal? Mrs. Cain told Luzadder, it's an ordinance. We have to do a public hearing. Mrs. Flores stated, she believes since there's not money involved, a dollar amount or a penalty or a fee, she believes it can be passed in one reading. It's kind of critical as we are going to be receiving this, the state's going to receive it by May 11th, which is next Tuesday, and then they have 30 days to give it to us. So, they could potentially send it out next week when they receive it. They have 30 days but that doesn't mean they'll take the full 30 days, Flores said. Cain said, Mr. Harker? Are we able to pass this tonight? Council attorney Martin Harker told Cain, let him check. Cain said, as Mrs. Flores said, there's no fees attached, there's no funds in there. Luzadder said nothing comes, nothing goes without this body's approval as Mrs. Flores said. Mrs. Cain said, no, she just wondered about, because it's an ordinance, it has to be, has to go in two hearings. Flores said she thought it had to have three readings but not necessarily two meetings. Mr. Harker said, under the local rules, it can be done. The only issue is then, as Mrs. Flores stated, is there an issue with the DLGF (inaudible) State Board of Accounts (inaudible) money and since there's money coming from the state, he wouldn't foresee that to be an issue. Motion was then made by Luzadder to suspend the rules and pass General Ordinance No. 3-2021 on first reading. Motion was seconded by Fordyce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: None. Council President Cain said, thank you, Mrs. Flores. We're good and it's set and hopefully we get it next week. City Clerk Kathleen Kiley asked, was that just to suspend? Do we need still need a motion to pass? Motion was then made by Luzadder, 2nd by Henderson to pass General Ordinance No. 3-2021. Motion carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: None.

GENERAL ORDINANCE NO. 4-2021 1ST READING

The City Clerk read General Ordinance No. 4-2021 by title only, an Ordinance regulating motorized scooters. Brian Cowgill, Council Vice-President and Public Safety Committee Chairman, told the Council they have met over the last couple of months. We had a really good group of people. We went over this thing very closely and he would also like to thank Councilwoman Fouce and Madam President Cain for helping him out during the time when he had, when he was out when he was sick and he very much appreciates them helping him out during that time. But, we had a good group. We had, you know, Jerry Foustnight, Mike Graft, the three of us (Cowgill, Fouce, Cain), Mr. Morrell, Michael Mathias sit in and we went over some of these subjects two and three times and we really feel like this is the best that we could start with. He means, we all know how first things like this go. Things could come up that we need to revise

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GENERAL ORDINANCE NO. 4-2021 Continued

it here and there but we all, the committee felt really good once we had our final draft and we unanimously voted to bring it to the Council for favorable recommendation and hopefully we pass it and everything goes good, Cowgill said. Councilman Mike Cline said he just noticed, he's reading his notes on here, on page 2, he doesn't know if it needs an amendment or we just, anyway, page 2, 76.050 B)(i), "Licenses expire annually and must be renewed thirty (30) days", should we insert the word "prior"? Thirty (30) days prior to the expiration... It just says thirty (30) days to the expiration date. Should we just insert the word "prior"? Otherwise there's a gaping hole. It just says 30 days to the expiration date, Cline said. Cowgill said, but isn't there, down there where it says December 31st though? Council President Deb Cain said, no, we took that out. Cowgill said, well then yeah. Cline said, it's just him playing editor. Cowgill said, no, yeah, he would say so then. Cain asked, any other questions? She said, hearing no questions, she'll take a motion to pass this on to 2nd reading and public hearing. Cline asked, with an amendment? Cain said yes. Motion was made by Councilwoman Robin Fouce to pass this scooter ordinance, General Ordinance No. 4-2021, on to 2nd reading and public hearing with the amendment. Motion was seconded by Councilman Gary Fordyce and carried by the following vote. Aye: Cowgill, Fouce, Cain, Henderson, Fordyce, Brunner and Cline. Nay: Luzadder.

Before the meeting adjourned, Councilman Jim Brunner told the Council he was so excited about giving every one of the Council members this information about the Sunnycrest Wesleyan Spring Clean-Up, he failed to alert the public. So, since we have more than just the City Councilmen there, on May 15th, the neighborhood association that is the Sunnycrest Wesleyan Neighborhood Association is having a big spring clean-up. The city will be providing a dumpster and a backhoe for the neighborhood. They'll have assurance that no banned items will get tossed into said dumpster, such as tires, t.v.'s, limbs, leaves or grass, no chemicals or car batteries. The dumpster will be at 1921 and 1925 W. Bradford Street. This is a one day only event. People can bring their trash to the dumpster or backhoe will pick up the items at their driveway. Residents need to come to the dumpster to inform the backhoe of the items. And he does need to say, this is for the Sunnycrest Wesleyan neighbors only. He gave it to all of them (Council). This kind of said, you know, when we're getting out of the COVID world we've lived in for going on 15 months, (inaudible) we can get our neighborhood associations to help the city with. So certainly looking forward to this and if they have a chance, they might just want to stop by and see what it all looks like. But we've had some people really jump in and take care of this for our area so he wants to thank them and he wants to thank all of you for maybe being able to do something of this magnitude in their area because he thinks it's really something we need now that spring has finally gotten here and we're trying to get outside and maybe push COVID back a little bit that maybe we can do some things like that. So thanks for your attention, he appreciates it, Brunner said. Councilwoman Robin Fouce said, thank you Jim, or Councilman Brunner, for bringing that up. All of the neighborhood associations in her district had a clean-up in previous years and it's good effort, good people and she thinks we need to go a step further. She'll throw this out and maybe we can just think over it. We need to definitely go a step further as a community and do an overhaul, a city overhaul, and get everybody involved and come up with our system for a citywide clean-up and then do the neighborhood clean-ups to do that maintenance and to do the, you know, to follow up with that. She thinks it's gotten so far out of hand in some districts that we need a greater effort and more minds and more resources initially. And she'll be interested to see, it's just a wish and a prayer and a dream, that we can use some ARP money to help us with that to some degree maybe, she doesn't know, Fouce said.

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