

REGULAR MEETING – MARION COMMON COUNCIL – JULY 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 July, 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 and Cline.

Absent: Batchelor and Brunner.

The minutes of the previous regular meeting of June 15, 2021 were presented. On a motion by Councilman Brian Cowgill, 2<sup>nd</sup> by Councilman Steve Henderson, the minutes were approved as presented by a unanimous vote.

COMMITTEE REPORTS: Councilwoman Robin Fouce told the Council, today, the Development Committee met and voted on a favorable recommendation for a tax abatement for the improvements at Agricor. They had a good conversation with Dave, the CEO there, about Agricor and their improvements. They're looking to do up to another \$10,000,000 in investment improvements, create an additional six jobs, and out of Development Committee, as the Interim Chairman, she's pleased to announce that they did recommend that favorably to Council. Secondly, they may remember last week Carey Services approached them about 27<sup>th</sup> Street, closing that off between Landess and Carey, and her comment to them was that she had not been approached about it and she wasn't aware and she wanted to see Carey Services. Jim Allbaugh was so professional and so gracious and receiving that feedback. She had a great visit with him. They spent good time for her to learn about Carey Services but also what their plans were and he does have her support. But she wanted to give them that feedback that she did meet with him. She so appreciates the time that he took. She's a lifetime supporter of Carey Services and the things they do to serve here in our community from that experience, even saw a few people that she knew in there. There was a thing today, okay, so she'll go to Code Enforcement as the next committee meeting. Today was the Board of Works meeting, she's the liaison as they know, and they brought up about the Carey Services proposal, that Code Enforcement should be involved in approving that process. So it shouldn't be zoning and the Council, it should be Board of Works, she wrote it, he said it should be Board of Works, zoning, and then the Council. She had not vetted that personally so she did not agree to that. She said if that were the case and they found that to be true then she would support that, however, from the feedback that she's gotten in checking, that is not the case. And so, they want to get that fixed and understood in terms of, in her mind, the Board of Works and their scope of authority and the Council and their scope of authority. And certainly if there's an instance where the Board of Works would be involved, they would include Board of Works. If there's an instance where they don't have involvement then they would govern themselves according to that. Fouce said the next thing she wants to let them know is that, as they may know, she's been really working on code enforcement in her district, blighted housing, weeds, trash, just all the rules that they all have spent time making over the years that are not adhered to. So, Code Enforcement did tear down a property today that was one of her major complaints. It's the property up off of 20<sup>th</sup> and Nebraska, probably like at 20<sup>th</sup> and Race, right by the Cardinal Green walkway. It was an old factory. Some of them may remember but it was just an eyesore, it was a safety risk, it was just a lot of things to the people in that community and she's grateful to say it got torn down. Having said that, they still have several challenges. She met with the Mayor and Mike Flynn today and she thought she was meeting with Jerry Foustnight. He wasn't present. Her point was to meet with Code Enforcement specifically to talk about ways they could work together to serve the community more expeditiously and also get an understanding of what his specifically identified needs are. He wasn't there so that did not happen. She did have an opportunity to talk to the Mayor and Mike Flynn about it and, you know, she was disappointed that Jerry Foustnight was not there. It was an opportunity for her to talk to the Mayor and he's open to any ideas that she might have. She expressed her concern and feelings about it. Certainly Code Enforcement needs more resources, Code Enforcement needs more finances allocated toward it but Code Enforcement also needs another system. If we add additional people to a broken system, in her mind, it will be more of the same on a grander scale. If we fix our system of Code Enforcement and we're all aware of it and so it'll be a more proficient operation for the city and also for the citizens that Code Enforcement serves. She gets a lot of complaints daily. She spends a lot of time talking about it. That's not going to change. If anything, that'll increase until we do better. So that's what she wanted to say about it. A constituent of hers did ask her to mention his name today and she's doing that because he wants to own what his complaints are. His name's Ernest Hill, he lives over off of Nebraska and he said he has called

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for 10 months about a property next to him. They won't answer the phone. They say they'll get out to it is what he says. She's not here to bash Code Enforcement. Hey, she thinks the people that are there are doing what they can with the tools that they have but at some point we've got to get together and equip them to serve our community better. And so, that is all she'll say about it and thank you for listening to her. Those conclude her reports, Fouce said.

## NEW BUSINESS

### GENERAL ORDINANCE NO. 6-2021 1<sup>ST</sup> READING

The City Clerk read General Ordinance No. 6-2021 by title only, an Ordinance of the Common Council of the City of Marion, Indiana, amending Marion City Code Chapter 153 (Zoning Ordinance) and providing for the effective date thereof. Zone the following properties from (R4) Medium Density Single and Multi-Family Residential to (R2) Medium Density Single Family Residential: 1230 W. Euclid Ave., 1220 W. Euclid Ave., 1202 W. Euclid Ave., 1200 W. Euclid Ave., 1217 W. Euclid Ave., 1213 W. Euclid Ave., 1211 W. Euclid Ave. and 1125 W. Euclid Ave. Sam Ramsey, Advisory Plan Director, told the Council this rezone is these eight property owners, well six of them, have signed a petition. Mike Owen, sitting back here, has kind of been (inaudible) this. They've been talking about this for a while. Alan Miller was originally involved in this when he was on the Council. One of these eight houses got purchased and they were looking at turning it into a triplex, he believes, and they didn't want that in their neighborhood. So at that time, they were looking at doing this, this is pre-Code, this is probably 2-1/2 years ago at least, and then that sale went through and somebody else bought it and turned it into a single family home. But now we're back (inaudible) prevent that from happening any time in the future. Everything east of here is zoned R2 or R1. Those are lower density single family only houses. These four, the four houses north and south of Euclid directly east of Western Avenue are all zoned R4. They allow for substantially more dense multi-family units. And they came to Plan Commission, they got a favorable recommendation from Plan Commission to rezone these eight properties from R4 to R2, Ramsey said. Councilman Brian Cowgill said, so this has come about from somebody wanting to do the triplex. He means, that's what brought this up. Ramsey told Cowgill, originally yeah and he thinks it was the house on the corner, southeast corner of Western and Euclid. They went in and were going to try it and then sale didn't go through and then, that was a couple of years ago and then nothing happened, and they're just trying to prevent that in the future. They want to keep the character of their neighborhood on Euclid Avenue. Cowgill asked, okay, so it's nothing new right now somebody's trying to push? This is kind of from what happened before and now they're just trying to prevent it from in the future. Ramsey said, yep. Six of these eight property owners signed petitions and submitted it with their rezone petition, rezone application to the Plan Commission. Councilman Mike Cline said, so this is basically the neighborhood looking to improve itself. Mr. Ramsey told Cline, yes. Cline said, this is his ward. This is like two blocks from where he grew up as a kid. He used to play army there before the houses were there. And the neighborhood associations are on board with this, not just the property owner but the whole neighborhood. And that's what he understood from..... Ramsey said, yeah, they had no negative complaints from anyone. They have to notify all of these people and everybody surrounding them and they had no negative complaints from anyone. Cline said, so it's an improvement in zoning and he sees no reason not to do it. Ramsey added, and if you look at the lots, like these lots are substantially bigger than the average lot in Marion. If you go down, they stay that size on Euclid but he doesn't know why these were originally zoned R4 but they were, some time in '72 is when the City of Marion took over the zoning from the county. Cline commented, it seems like a good plan. Councilman Brad Luzadder said, and this is one of the only areas that the city actually owns the trees, in that area, and so it is one of the premiere areas of the city and it is known as one of the promenades of the city that has been in place for a number of years. It's just, those areas are behind where he lives. Most the time we look at places where, you know, other places where we don't live and, yeah, this area has taken a hit a number of times and they'd like to keep it looking nice and moving forward so he supports this 100%, Luzadder said. Councilwoman Robin Fouce asked Luzadder, what does he mean when he says taken a hit? Luzadder said, when you take some of the old, historic houses and you cut them up into nine or 10 different small apartments, it's destroying the historical value of those houses and the properties around them. He lives in one of the oldest houses on Spencer Avenue which was the second Conservatory in town. In fact, they have the original stones from the original Conservatory here where Cole Porter and Irving Berlin both taught music. So, the historical value of that area is well worth supporting and keeping. Fouce asked, what do we say to the other areas of

GENERAL ORDINANCE NO. 6-2021 Continued

our community that have businesses and anything else encroached upon them? What do we say to them? Anybody can answer, Fouce said. Councilman Cline asked, is that a question open to an answer? Fouce said, well yeah, it needs an answer. Cline said he would say to those folks who ask that question, talk to these folks. They're taking their future in their own hands. That's what neighborhoods ought to do. That would be his answer, Cline said. Mr. Ramsey stated, yeah, this wasn't, we didn't initiate this. The homeowners brought it to us originally and we talked about it quite a bit over the last two years and then they finally got everything, after COVID, and finalized their application and here we are. The Plan Commission and you guys are the only people (inaudible) zoning of the City of Marion. Ms. Fouce said she certainly can appreciate the community and the homeowners taking their position and their stance but she still poses that same question. You know, you can answer it or not. She just poses that question for thought because we have a different story in different areas of our community. And listen, she's not against Euclid Avenue doing what they need to do to have their live in peace and their area surrounded but we have other areas in our community that don't have that, haven't been afforded that. It's not an argument that she's trying to make. It's just a statement, Fouce said. Council President Deb Cain told Fouce, and she understands that. And as people speak to her then that's the opportunity to say well, you get a group together, you look at a plan, you look at a decision of how do you see a Master Plan in your neighborhood and then you bring it to the zoning, like this neighborhood did. Being nothing further from the Council, motion was made by Luzadder to pass General Ordinance No. 6-2021 to 2<sup>nd</sup> reading and public hearing. Motion was seconded by Cline and carried by the following vote. Aye: Luzadder, Cowgill, Cain, Henderson, Fordyce and Cline. Nay: None. Abstain: Fouce.

CITY COUNCIL ELECTRONIC COMMUNICATIONS POLICY. Deb Cain, Council President, told the Council, in their packet, she provided them the policy for the City Council Electronic Communication. Does anyone need a copy? She has a copy brought with her if they need a copy. Okay, so she, this is from state statute. She sat through a workshop with aim on the guidance of electronic meetings. This is a new, she doesn't know, is it true to call it an amendment to the previous statute, Mr. Harker? The electronic meetings under a pandemic. Council attorney Martin Harker replied, yes, the updated (inaudible). Cain said the previous statute depended on a pandemic and the situation where everything was closed. So, this is going to allow the governing body to attend the meetings electronically. Now it's only 50% of the calendar year. You cannot have more than two consecutive meetings electronically then you have to be in person by the third meeting. There are some stipulations when you have to be in person, that's on page 2, Section 5. You have to be in person when you adopt a budget. We don't do number 2 but that's part of the statute so she put it in there, make a reduction in personnel. Initiate a referendum, impose or increase a fee, impose or increase a penalty, exercise the Council's power of eminent domain, or establish, impose, raise or renew a tax. Now, if you are in the military service, you have a medical condition that your doctor has stipulated, the death of a relative, or emergency involving threat of injury to yourself or your own personal property then in that situation, like if you've already met online or electronically twice, your third meeting you could, if you had this situation, you could attend electronically to be on there. A request of authorization to participate electronically needs to be submitted to the President of the Council within 12 hours of the set meeting time. So those are some highlights of this policy. It is not, the Council has to pass a policy to put this into place. Are there any questions as they read through this that she can clarify, Cain asked. Councilman Brian Cowgill said he's read through it and he thinks that this is great. He's glad that they revised it, just with the COVID situation alone. He means, that, you know, and unfortunately Councilman Batchelor with his illness, he means, he thinks this helps them have full members participating in their meetings and he thinks they need this. Councilman Brad Luzadder stated, and he believes this can be passed in one reading, is that correct for a policy? Cain told Luzadder, yes. Council attorney Martin Harker said, that's correct. Cain asked, any other questions about the policy? Councilman Mike Cline said this is pretty much what they did for the library as well. Cain told Cline, yeah, each government entity has the ability to pass their own policy. Cain asked Mr. Luzadder, you have anything further? Luzadder said he would make a motion that they approve the City Council Electronic Communication Policy as written. Motion was seconded by Councilwoman Robin Fouce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None.

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Council President Deb Cain said, so the next item on the agenda, Mrs. Kiley, she'll read that. It was the Electronic Appropriation that she was going to send out but between the time that she prepared the first one and now, she had a few additional options that popped up and so she's going to pull this so she can conduct more research and provide the appropriation request. In that request, her initial thing is, as they can see, they don't have the little owl. Everything that they have done electronically for the last year has come out of her personal pocketbook in the tune of almost \$1,500.00. She's not going to continue to do that, she hopes they understand that. So she returned the owl and got \$900-some of it back. So she didn't get everything back but, so, in there, they'll look, they're going to do the owl system because, in her research, that's the best but that company has also improved their technology in the last year and has some additional ways to where they can expand it with two owls to cover a room this size. In looking at the recordings and listening to the recordings of the one owl, there are some dead spots and dead spaces and so she has talked to a technician at the company and he's given her some great ideas. That conversation just happened this morning and so she'll bring that (inaudible) to them and then there was, she didn't even think about the additional appropriation is adding a t.v. so you guys can see everything because that's part of it and so she had a conversation with Judge Hotz and talking about maybe the court and us could go together on this equipment and work together in the use of it. Now, we did use the city's equipment in the beginning but, as Ms. Fouce will contest to, the camera has to be pointing exactly at the person who is talking or you don't hear anybody. Like as an example, Linda usually sits where you sit and then she thinks Brian usually sat at that end and you can hear Linda really well but you never heard a word Brian said because he was too far from the camera that they have in their equipment. And so, their equipment and the program that they use, Danny (Robinson, IT Director) has to run it and so that would be making him run all the equipment where she has done workshops and she's taught herself to run all the technology for City Council so she doesn't have to make him come in and take his time. So those are some reasons why she's going to bring that appropriation to the next Council meeting in July, Cain said.

Council President Deb Cain told the Council, just a couple of reminders before she takes a motion to adjourn. A reminder that they have Budget Committee meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday at 6:30 p.m. She didn't know if Mr. Cowgill or Ms. Fouce had any comments about the last Budget Committee meeting. Councilman Brian Cowgill said, yeah, he thinks it's important that we're all here on this. Their last committee meeting, they came up with a couple of really great ideas on how to help with the blight and help with cleaning up the city, yeah, community service. They actually met with the Mayor, he's on board with it too. But it's things like that that we're talking about and coming up with that helps our budget. We're trying to do things that's not going to, you know, increase the budget. He just thinks it's important that all of them are here for those meetings. That's just how he feels, Cowgill said. Councilwoman Robin Fouce said she agrees with Councilman Cowgill. She's been at every meeting with the exception of one and she was here electronically. She was actually getting medical treatment at that time and still came electronically. It's important to her to serve Marion and to show that love and so, while she could find ten million other things to do, it's important to be here and represent the people that entrusted that in her. She mentioned to President Cain, you know, kind of like what's going on, did you get notified if anybody called or anything? What are our rules or guidelines about committee attendance? Is it just timing where people are out on vacation and they couldn't make it then but they're planning to make it going forward? Those are kind of the things, the questions that she would pose to those that weren't in attendance and just let them know they need them here. They look forward to them being a part of that activity as well, Fouce said. Cain said, the three of them, they talked about their discouragement and disappointment of lack of attendance or lack of notice that they couldn't be here. So when there really is nothing to discuss, there will be a notice sent out by Monday at noon cancelling that Tuesday night, but please, there are a lot of things coming. There's changes all the time about regarding the funding. She just was on another workshop last week about some additional information and that was a really excellent informational time. Then a reminder that they have budget hearings that will begin August 23<sup>rd</sup> to end September 14<sup>th</sup> and September 21<sup>st</sup> is the first hearing, October 5<sup>th</sup> is the public hearing, and October 19<sup>th</sup> is the third reading. So those are just reminders to make sure they put those on their calendars, Cain said.

Being no further business to come before the Council, on a motion by Fouce, 2<sup>nd</sup> by Cline, the meeting adjourned. Time being 7:30 p.m.