

REGULAR MEETING – MARION COMMON COUNCIL – AUGUST 17, 2021 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 17th day of August, 2021 at the hour of 7:00 p.m. in the Council Chambers, City Hall.

On the call of the roll the 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 August 3, 2021 were presented. On a motion by Councilman Mike Cline, 2nd by Councilman Steve Henderson, the minutes were approved as presented by a unanimous vote. Cline said, if he may interrupt, Madam President, thank you again for setting up the Zoom. He appreciates it. Council President Deb Cain told Cline he was welcome.

COMMITTEE REPORTS: Councilwoman Robin Fouce said she had a good opportunity this week to attend a couple community events. Kudos and the biggest thank you, Chief David, to the Marion Fire Department. Our guys showed up for our community. They had logistical issues in that they serve the community to fight fires. They also had the airport event, in addition to that, other community events. They were there, happy. The kids and the families had a great time and just kudos to the Marion Fire Department. So grateful and thankful to you guys so thanks again for that. Secondly, she attended the Board of Works meeting yesterday, August 16th. They had several discussions on their agenda. She wants to bring to their attention just briefly. 436 N. Adams and 2100, she believes, Adams were sold for \$800. They were approved by the Board of Works to be sold. 532 E. 5th Street was also approved in that. There was a little difference in the sale in that it's the property by the Detention Center that doesn't have the building on it and that was approved for sale through a negotiation of \$30,000 to I & M. Again, that's the east side of that property where there is no building. She wanted to tell them what it was for, she believes it was (inaudible) cable company will be there. An I & M substation will operate on that property. She noticed an invoice in the bill pay for mold in the garden. She was assured that that was, first of all, no one on the board kind of had an idea, which she can understand that. She went to the Parks Department. She was assured that we are within the safe limits to continue to rent that out and she will be looking for documentation that supports that, just because of the nature of it. That's just a me thing. We want our people to be safe when they go in city owned properties, certainly the park where they have baby showers, family events. So she brought that up to them. The Building Department presented, Jerry Foustnight, 108 S. Nebraska was a property they wanted to have torn down, they had torn down. In tearing that down, they noticed 112 S. Nebraska. They were before the board for approval on that. It was noted in the discussion that that was kind of a quick process for that building to come through and be at the top of the list for demolition, given that we have properties for years that have been submitted for demolition. So, she thinks that's a good discussion we can have with the commission and collectively. They were asked by President Huskey to submit a strategic plan for how that's done. They'll note a lot of times she says our system is broken and so that strategic plan, perhaps, would be, or speak to that. They'll look forward to seeing that if it's submitted. Thank you and that's it, Fouce said. Councilman Brian Cowgill said he had a question. The mold in the park, was that in the building or out on the grounds? Fouce told Cowgill, in the Garden House. And the invoice that was submitted she believes said final bill for mold remediation, Garden House or something of that nature. And that, for some reason, caught her eye. Maybe because they're having a class reunion there this weekend and she doesn't want to be in a building with mold along with other folk. You know, it's no insinuation that anyone would allow that. It's just to make sure that we don't miss that. And so, she was assured of that, she trusts that, but she would like the proof in writing, just to see the report that the company, the mold remediation company did.

Councilman Brad Luzadder said that Vice-President Cowgill and he attended the Sunnycrest Neighborhood Association meeting last evening and listened to a presentation. They are continuing to look at upgrades in their neighborhoods, as well as had some complaints of severe problems with houses. There is a gentleman who owns between 12 and 16 properties and they're finding more and more. The same is coming in, drug houses. They have wonderful names for each of the problem houses. They filled them in strongly last night as well. And then the Utility Board will be meeting this Thursday at their training center there next to the main building and there's going to be

some discussions about some of the water qualities going through so they've got a full agenda coming up. But, all in all, everything's been pretty good, Luzadder said. Council President Deb Cain asked Luzadder, so is it official where he can give a report (inaudible) speaker that was at the meeting? Luzadder told Cain he would not say that until final approval comes from the federal level but just know there are things moving in the right direction.

Council President Deb Cain reported that Mr. Cline, Ms. Fouce, Mr. Cowgill and herself did a tour with Agricor and that was a very informative, very well done tour. She was impressed, not only with the business but with their (inaudible) record, with the quality and cleanliness of the facility and what they are wanting to do and the way they're wanting to improve. Does anyone else want to add to that? Councilman Mike Cline told Cain she mentioned, thank you, she mentioned safety and the number today was 575 days since their last accident and he (inaudible). The automation out there is amazing and it is a zero waste. What they take in, they use. There is a little bit of dust that they've got to get rid of but, kind of like the stockyards in Chicago, they found a way to use everything but the (inaudible). Here, the corn, they find a way to use, and they showed them, going through the machines and stuff, they use everything. They are efficient, they're innovative and they're good neighbors, Cline said. Councilman Brian Cowgill said, yeah, he was thoroughly impressed with that. In fact, Councilman Cline and he were talking about the engineering that went into the way this whole system works. He's toured about every plant we have here in Marion. He's never toured a plant that is cleaner, more organized, just the thought process put into it than Agricor out there. It was very impressive today. And like was said, they use every single bit of everything they bring in, Cowgill said.

UNFINISHED BUSINESS

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

The City Clerk read Appropriation Ordinance No. 1-2021 by title only, an Ordinance of the City of Marion, Indiana, appropriating certain funds for the City of Marion, Indiana, and providing for the effective date thereof. Julie Flores, City Controller, told the Council this is the 2nd reading and public hearing. As they will recall, the raises were given last year after the budget was passed so they need to come to them for an additional appropriation for those funds. In addition, Marion Animal Care and Control is in need of some extra help so the additional \$65,000 will assist them in the projects they need to get done this year. She'll answer any questions they may have, Flores said. Council President Deb Cain said, okay, they had the first reading. This is a public hearing so anyone can come up and speak about this ordinance. If they do come to the podium, please give their name and address and they'll have three minutes to speak. Cain said, seeing none, she'll take a motion. Motion was made by Luzadder to suspend the rules on Appropriation Ordinance No. 1-2021. Motion was seconded by Councilman Gary Fordyce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None. Mrs. Flores said, if she may, she knows it's not on the agenda but while she has their ear, she left the budget books in their spaces. If they will look in the blue book where they compare budgets from year to year, they will notice in the salaries, 2022 shows more than 2021 and that's simply because the raises happened after the budget so that doesn't mean at all that there's any raises for 2022. She also left the fund report there for August. The other thing she left with them is Auditor McWhirt sent a notice out this afternoon on the new certified shares and the results if they pass the public safety LIT. He neglected on this one, she feels like, to add the 2021 so the second page of what she's given them she added the column for 2021 for comparison. They also have some calculations there what we believe to be the impact. They put those figures together pretty quickly this afternoon but she thinks they're pretty accurate there. If they have any questions on any of that, feel free to give her a call in the office, Flores said. Luzadder said, now he would like to make a motion to pass Appropriation Ordinance No. 1-2021. Motion was seconded by Fordyce and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Cain, Henderson, Fordyce and Cline. Nay: None.

NEW BUSINESS

BYRON CARTER – 604 E. BLAINE – REQUEST TO ADDRESS CITY COUNCIL – Council President Deb Cain said she has spoken with Mr. Carter. He knows that he has seven minutes to speak. She told Mr. Carter there were two things that she accomplished this week on his behalf after they spoke last week. Mr. Cowgill and she went by the old

Active Products location and then they also went to the County Health Department and then he did call them back and he has had contact with IDEM regarding the pollution. Cowgill said, the environmental situation. Cain said, yeah, so that was done and then also she spent quite a bit of time out at Stout's Auto and spoke with him and went through that process. She can talk to him about that after tonight, her conversation. So, for today, she'll just hear anything else that he's concerned about, Cain said. Mr. Carter told the Council, first of all, his name is Byron Carter and he lives at 604 E. Blaine. The city took a man to court, lived on Swayzee Street, for his bad property. It was bad but the man heated his house with wood and he also cut trees for a living. His yard was bad but it wasn't, they've seen worse. So the city took him to court and he went to court and all this and he was loading up. He had this huge trailer full of trash that he was hauling out. His truck broke down so he had it pulled around behind his house. Well, in the meantime, the county went up there, the Sheriff's Department, and took all of his vehicles, took all of his firewood, took his child's bicycle. Go home and tell your grandchild that you threw his bicycle in the trash and see what response you get. Took his log splitter, \$1,000, and they basically destroyed this man's business and his life. He means, it takes a lot to build a business and he had 15 or 20 chainsaws in the back of his truck and they hauled them all to the impound. Mr. Cowgill told Carter, so he guessed he's not quite understanding where he's going with this. Carter said, well, why would the city treat anybody that way? Cowgill asked, well was it broke down by the side of the road? Carter said, no, it was all in his yard and he had no orange tags on anything. Mrs. Cain asked Mr. Carter, is he bringing, because he asked to speak to them about blight that's in his..... Carter stated, but see, the way the city is handling these things, why ruin somebody? That was just terrible. Then they scratched the ground down with the bucket loaders and filled that dumpster with dirt so he couldn't get none of his personal stuff out of it. Cowgill told Carter he's only got seven minutes so he'd like for him to talk on what he's on the agenda to talk about. Carter said, okay, well this here, Active Products is owned by people in Texas. They own 25,000 acres, that's their property. They own oil wells. His wife's a multi-millionaire. But this Active Products, the wind blows, it's on everybody's house out there. If it rains, it's in our river. We don't need this. His neighbor's dog went out in the yard. This dog just goes out in the yard to use the bathroom and that black stuff is all over the yards. Well this dog got an eye infection, they took his eyes out because this litter, this stuff. Mr. Vannatter is here and his family has lived there for years. And it blows right through all of everybody's yard. It isn't just one yard, it's everybody's yard. And if we let this man let the taxes lapse on this house or this property, we're going to end up paying for it. It's going to cost a half a million dollars to get that place cleaned up. They had tons and tons of that stuff. They took it up to our reservoir and dumped it on John (inaudible) property. He means, the reservoir is something we should respect, it's our playground for water. We've got a great fireman that lives half a block from it. His house is white, his barn's white and it all turns black because of the, you know, this stuff. We need to expedite what we do on this property. We can't take no for an answer. The Code Enforcement failed them. If you tear down a building, you have to take out the foundation and everything, right? He means, that's the law but he went to Code Enforcement and they didn't have no paperwork on that. Mr. Cowgill said, well, he can answer a little bit on that. They, Mrs. Cain and he went and there is black soot there and everything. He agrees with him on that. So, that's why they started the process, going to the Health Department, which in return he has contacted IDEM so now they're waiting to hear back from them. And Mr. Harker, correct him if he's wrong but if there is an environmental issue, that doesn't, it's not the current owner. That would go back to the original owners. Council attorney Martin Harker told Cowgill, most likely, unless there was.... Usually they put that in the contracts to ensure that the offending party is the one responsible for the clean up. Cowgill said, which would be Active Products. Carter said, no, it's not Active Products. It's Melt Solutions. Cowgill said it would be Active Products insurance company. Mr. Harker? Mr. Carter said, no, Melt Solutions is the one that brought the stuff in. Active Products did not bring the stuff in. Melt Solutions brought it in and it's owned by Mike and Shirley Dunn from Texas. They're the one that created the mess. He means, they brought this is from all the foundries around, even from West Virginia and places like that. They're the one that created it. He does, that's all he does in life is goes around and buys these factories and puts a little bit of stuff in them then he tears them down. But he's, Mike Dunn is the one responsible for the (inaudible) being there. Harker told Councilman Cowgill he's referring to a different problem then. It would be a faulty clean up issue. So it could be two separate things. (inaudible) additional liability depending on if they take steps to make things worse, then the current owner could be exposed to liability, Harker said. Cowgill said, and that's why they have started this process. Mr. Carter said he's glad they agree with him. But this is something we can't stop on. We've got to expedite this because, he means, it's going into our rivers and our rivers are a mess anyway. He means, what does it take to get it

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done? If you can go to the houses on Highland here at the railroad tracks, if you can walk up to one of those houses and put your hand like that, your hand is completely black and you're taking it into the house, your kids, your grandkids, your animals. He means, what else can we do? Mr. Cowgill replied, that's why they're doing what they can right away. As soon as he brought it to their attention, they got on it immediately. Carter asked, but why did Code Enforcement fail us? They are the ones responsible for that. Mrs. Cain said, okay Mr. Carter, thank you, he's had his time and they did hear him and they went, you know, they worked on that. So, thank you for your time, she appreciates it. Carter said, well thank you all for listening to him and we need to work on this.

Being no further business to come before the Council, on a motion by Luzadder, 2nd by Fordyce, the meeting adjourned. Time being 7:25 p.m.