

REGULAR MEETING – MARION COMMON COUNCIL – NOVEMBER 2, 2021 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 2nd day of November, 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: Stodghill-Weeks, Luzadder, Cowgill, Cain, Henderson, Fordyce and Cline.

Absent: Fouce and Brunner.

The minutes of the previous regular meeting of October 19, 2021 were presented. On a motion by Henderson, 2nd by Cowgill, the minutes were approved as presented by the following vote. Aye: Stodghill-Weeks, Luzadder, Cowgill, Cain, Henderson and Fordyce. Nay: None. Abstain: Cline.

COMMITTEE REPORTS: Council President Deb Cain told the Council she wanted to make an announcement. The BZA is going to hold a public hearing and she got a call specifically from a member that they're holding a public hearing on the solar farms. The companies that are bidding for the contract will be there. It's going to be at the fairgrounds on the 16th of November at 6:00 p.m. and she wanted to encourage them to be there. So that's November 16th, 6:00 p.m., fairgrounds, public hearing, BZA, for the solar farms. And that has been a topic with the Commissioners and the County Council, Cain said. Councilman Brad Luzadder asked, we do have a meeting that night, correct? Cain told Luzadder, yeah we do, don't we? We have it at 7:00 p.m., yeah.

Councilman Brad Luzadder said he was contacted by Tim Harris with Leading Men Who Cook and they have changed the location of their event from the golf course to Roseburg Event Center. The time will still be from 3:00 p.m. until 6:00 p.m. and it is a ticketed event. They've asked him to do a communitywide, countywide fundraiser to help with Carey Services and Grant-Blackford for people who would not have Christmas, that are not taken care of by their families, that they have been forgotten and so this was being done by LEAD, Incorporated. He'll be there cooking this Saturday is when it is at Roseburg from 3:00 p.m. to 6:00 p.m. and there are still tickets available if they would like to come and it is a fundraiser and there will be many non-profits that will be represented for fundraising. Council President Deb Cain told Luzadder, so explain a little bit for those that have never been before. Luzadder replied, Leading Men Who Cook, they've got all kinds of people from all across the community that will be making a dish and then what you do is you pay a fee and then you go around and you get to eat from all of the people which you so choose to and if you like what they've cooked, you can donate into the tip jar and all of that that is donated is for specific organizations. He will be making what he calls a "Creamy, Dreamy, Hot and Steamy Speckled Bird on Wheels". So, they'll have to come and see that. Being a professional chef, they don't let him get in the competition but he'll be raising money for all of Grant County to help with Christmas gifts for people who are a lot of times forgotten by their families. Mrs. Cain asked, anybody else? Mr. Luzadder said, just one more thing. They will be taking the solar lights off of the graves on the 13th, Saturday the 13th, right after Veteran's Day. They had over 170 people come out and help them put the lights on. If you haven't been out to see them, driving down 38th Street, it is breathtaking to see. Lights as far as the eye can see are out there. They did place right around 13,000 lights and so thank you for everyone that helped them put them out. Now they're going to need help getting them off and putting them away. They'll begin at 9:00 a.m. on Saturday the 13th. So, dress warm and they'd love to have everybody help them come out and take them off. They have to be off by that day because Wreaths Across America have to go out onto the V.A. so they'll need to be doing that at the National Cemetery. So, thank you again, Madam President, and her husband for coming out and helping. Had some well wishes from other members, thank you so much, but they can always use the help taking them off. It's a daunting task in which to do so. They started at 9:00 a.m. and finished at 2:00 p.m., putting them out. So, they need to get them off quicker because it's going to be cold. Please come out and help, Luzadder said. Mrs. Cain said it was a beautiful day putting them on so she's going to ask that they have that kind of day when they take them off. Luzadder said he will talk to the man that's in charge.

NEIGHBORHOOD MONTHLY SPOTLIGHT: Council President Deb Cain told the Council, okay, so they'll have the neighborhood spotlight. Duane Church is President of the Sunnycrest Neighborhood Association and he's going to speak tonight. Mr. Church told the Council, thank you, good evening. He appreciates this opportunity to address the

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City Council. His name is Duane Church, President of the Sunnycrest Westlea Neighborhood Association. Their neighborhood's over in the northwest section of the city. They're represented by the guy who's not here, Jim Brunner. This is a very large housing addition. They have 560 homes in their addition. Their neighborhood association had disbanded but they restarted it in September of 2018. Thank you, Kayla Johnson, for getting their association going again and supporting them since then. They meet on the third Monday of every month, 7:00 p.m., at Sunnycrest United Methodist Church at 1921 W. Bradford Street. Normally they get 20 to 30 people show up for their meetings. They're very proud of that, very happy, that they can get that many people to show up. Of course, they always want more. Most of the residents of Sunnycrest and Westlea maintain their yards and their houses and they're proud of their homes. But they have some properties that are not kept up. Some of these are rental properties and the landlord's not very good about maintaining them. And that's how an active neighborhood association can benefit your neighborhood. They use their meetings to discuss problems, find solutions. They have city department members come in and address their meetings and explain how they can solve issues by utilizing our city resources. They try to keep updated on city codes and regulations that are intended to keep their neighborhoods clean and safe. They've had a lot of success working with Code Enforcement. They've helped them a lot to clean up properties. The Street Department's been great, replacing missing street signs and stop signs and burnt out street lights. The Marion Police Department has been in and addressed their meetings. They've worked with them to resolve some problems. They try to make their monthly meetings an educational event and usually have cookies too. They want everybody to know how to contact the correct city department for their problem. There's a page on the city website where you can report a problem. It's nice, easy, pulldown menus, if you have a computer. A lot of people don't. But you can call the city. There's a central number. They'll connect you to the right department. And it's really important for everybody in their neighborhoods to know how to report the problems and they encourage everybody to be aware and be willing to report problems. As a group, we can get problems fixed and keep our neighborhood a clean, safe and enjoyable area. They do have a few problems that have not been fixed (inaudible) can relate to. Traffic, speeding. Their neighborhood's a shortcut between Miller Avenue and Kem Road. People just fly through there, right through the stop signs, just fly. The police are aware of it and they do try to come out. It hasn't solved the problem but they are trying. As they know, Sunnycrest is an old neighborhood and their streets are breaking up, the old concrete. The Street Department does a great job of patching them, filling potholes, but they're going to need some major roadwork done, expensive project. Dig up the old concrete and repave it. They have drainage problems on several streets. When it rains, it floods because the streets have settled and the water can't run uphill to the sewer. On a positive note, thanks to our Parks Department, this summer for upgrading the Westlea Park with new playground equipment. Their summer cleanup was a great success. They filled the dumpster up in less than an hour. Thank you, Deborah, for coming out and helping them with that also. The Street Department and the Utilities group did a great job on that. Thanks again for the chance to speak here at the City Council. As a neighborhood, they want to be a quiet, clean, and safe place to call home and they need them, the City Council, to support them in maintaining their neighborhoods. Thank you, Church said.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 13-2021 3RD READING

The City Clerk read General Ordinance No. 13-2021 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. Sam Ramsey, Planning Director, told the Council Chris is on the Zoom today, he's not here in person, but he feels like they've discussed about everything there is about this. He just wanted to know if they have any particular questions they want to go over today, Ramsey said. Council President Deb Cain said, so this is the zoning to increase it from Light Industry to Heavy Industry, which would provide them to do additional (inaudible) services. Ramsey said, yes ma'am, go from just sorting and grinding up aluminum to smelting it down and making new products that they would ship out to other manufacturers. Councilman Steve Henderson asked, when they smelt that down, do they put them in ingots or what? Ramsey told Henderson Chris might be able to answer that better than he can. Chris Lochner said they'll put them in ingots and (inaudible) form so it's blocks of pure aluminum that then gets sold to General Motors and other types of die-casters and things like that so it's just a, it's a process that gives them (inaudible) a little bit further and to keep it a little bit quieter and just to bring more jobs to that facility. Mrs. Cain said, so right now, you

GENERAL ORDINANCE NO. 13-2021 Continued

can do that on the county side but not on the city side. Mr. Lochner replied, yes, that is correct, yes. Cain stated, and she had a gentleman from Wabash call her. He read the article in the paper and he left a message then she called him back and when she talked to him, he said that he had talked to the company about, he lives a mile away from Metal Source. He lives a mile away and there is a droning noise that he can hear at night at times where he can't open his windows to sleep. And, in talking with Metal Source, he was encouraged to plant a row of trees as a noise breaker but there's trees surrounding, he's on the other side of the river so there are trees already as a noise breaker. You know, she spoke on this before and, you know, and she said she went out there and she heard the noise and she knows that Ms. Fouce did and she sent her a video of the sound. So, he said that there was a metal muffler put on the machine before he got his call returned and so he's thinking that maybe that would make a difference but it still is loud. And then he said after I left the voicemail then I was in the house and all the sudden there's this loud crashing noise and he said, yep, there goes those (inaudible) wheels being dumped off the truck onto the pavement and it just shocks your system when you hear it. So again, she's just making her statement that she has a concern. She knows that no neighbors came to speak against it but she is just going to voice her concern, she's still..... When you go to Metal Source and you look at the company from 15 to the building, they are farther back in the building from that road than they are neighbors. So the neighbors are closer. And so she's still concerned with that noise. But that's her comments for tonight. Anybody else want to say anything? Cain said she'll take a motion if there's nothing else. Motion was made by Councilman Gary Fordyce to pass General Ordinance No. 13-2021. Motion was seconded by Councilman Mike Cline and carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Cowgill, Henderson, Fordyce and Cline. Nay: Cain.

NEW BUSINESSGENERAL ORDINANCE NO. 14-2021 1ST READING

The City Clerk read General Ordinance No. 14-2021 by title only, an Ordinance to vacate a portion of a public way (Historic Gallatin Square, LP). Philip Morton told the Council he's from Randall Miller & Associates, 145 E. Third Street here in Marion. What they have before them today is a vacation of the portion of the alley that lies between the Mecca Club and, he always gets this wrong, he believes it's the Dan-Mar that is immediately north of the Mecca Club, so it's that portion of the alley that's between the Mecca Club and the Dan-Mar. What's going on is in the process of refurbishing those buildings, they're going to have to add an electrical box on the outside of the building and the most logical place for it to go is actually on the south side of the Dan-Mar building and the issue with that is that building is right on the alley so they can't put the box without it being technically within the right of way. So what they're doing is they're going to vacate that section of the alley but then record an ingress-egress easement so that all of the other businesses, the Dollar General and anyone else that's over there west of them, still has the ability to use that alleyway and they won't block it off. They just have to have it as their property so that they can put the electrical box on the south face of the building. So that's what they're trying to do. He forgot to mention he's here representing Historic Gallatin Square, LP who is the owners and developers who are working out there. So he'd be happy to answer any questions they might have and thank you for your time, Morton said. Councilman Mike Cline asked, physically, how big is the box? How far does it jut out? Mr. Morton told Cline, you know, he doesn't know exactly. The neighborhood of what they were talking was that it was a relatively small, like maybe 3 X 3-ish size box that was only maybe 6" or 12" deep but it would be placed up, it's not going to be low to the ground. It's going to be raised up a little bit. He doesn't know exactly how high but it's not going to be at the ground level, so to speak. It should be high enough that it won't be struck by any vehicle or anything like that, to his knowledge. He can clarify that before the next Council meeting, before their next hearing, Morton said. Councilman Brian Cowgill said, so it's strictly a safety issue for the most part, why they're wanting to vacate that. Morton told Cowgill, well by vacating it, it becomes Historic Gallatin Square, LP's property and then the easement will just be there for access through their property and so, they can't have their electrical equipment inside the right of way so it's really a utility issue and then this is their way of maintaining that access issue so they don't upset their neighbors to the west of them. Council President Deb Cain asked Morton to give a little bit of background of what is happening in those apartments. Morton said, so, all those apartments in the Dan-Mar and the Cecilian (sp?) are being, the entire inside of those buildings is being

GENERAL ORDINANCE NO. 14-2021 Continued

completely refurbished. He doesn't remember the total number of units off the top of his head but it's something on the order of 50-ish, something like that he believes, between the two buildings. The area east of the Cecilian is having a new addition put onto it that will allow for some better ADA access and such and then also will allow for more use of the basements in that building. And then the Mecca Club, to his knowledge, is going to be refurbished into kind of like a family center, so to speak, for those people living in those apartments as a recreational type area. That's the best information that he has for them, Morton said. Being no further questions from the Council, motion was made by Cline to pass General Ordinance No. 14-2021 to 2nd reading and public hearing. Motion was seconded by Fordyce and carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Cowgill, Cain, Henderson, Fordyce and Cline. Nay: None.

Linda Johnson, Development Coordinator for Guardian Advocates, Inc., to introduce a new service for Marion Community of guardianship for the elderly and incapacitated adults. Ms. Johnson thanked the Council for letting her be here. She thinks there's a couple of extra copies for those that are missing. She doesn't want to take too much of their time but this is a wonderful program and something a little new and different. In short, it is a program for the seniors and incapacitated adults in the community who have no family or no appropriate family to step up and be their guardian when they are incapacitated. And in this day and age, it's becoming more and more prevalent. This became an issue across the nation, besides our own state, something that you heard a lot about before COVID and then, you know, the media kind of took over with COVID. But, in today's society, we baby boomers are hitting the retiring field at 10,000 a day and about 30% of the population across the nation. So, with that goes some other very unique, well unique situations but they've been an evolution of our lifestyle. Families can be a lot more transient and can be living out of state across the country and when you're out of state, you can't be a guardian. And because children are often in their 50's and prime in their career can't move back to take care of Mom and Dad or Aunt Bessie who never got married and have any children. Also with that is the advancement in medical technology where people are living longer then that complicates and crowds this whole issue in several ways. Dementia by the age of 80, we all have a 50-50 chance of developing dementia. That's kind of a huge number when you think about it. And then, when you think about our IDD population and our birth defect population and those born with disorders, they're living much longer because our medical technology is so much better and they're outliving their parents when these folks with the problems used to die in their teens. Maybe they were doing good to make 20's, they're living to 50, 60 and 70 now and their parents are long gone or in a state of incapacitation themselves and can't take care of them. So, to speed along, a little bit of history so they know where this came from, in 2008 to 2012 here in the State of Indiana, Dr. Jenuwine out of the School of Law at Notre Dame studied this with a crew or a committee of probably six to 10 people throughout the state and put together a presentation to the Indiana Supreme Court in 2012 and the Indiana Supreme Court adopted VASIA Program, Volunteer Advocates for Seniors and Incapacitated Adults, and wrote it right into the Probate Code 29. This allows an organization, primarily they're non-profit organizations who take on this role and perform this program and service and the law allows using volunteers to help be the guardians and allow them to put a person one on one. They are background checked and trained just like they were employed staff, as critical as needed with employed staff to work with adults. This program is a sister program or similar to CASA for children. Some of them may be familiar with that. It was a Supreme Court's grant in 2014 when all this became a little more public and they developed the Indiana State Guardianship Office and the State Registry for policemen, hospitals, nursing homes to go to to look up guardians and now attorneys cannot file a guardianship without getting that registry filled out complete as you go forward. At this time, it was their goal, the Indiana Supreme Court's goal, for all 92 counties to have this program by 2025. She doesn't know that they're going to make it. They now have 20 programs in the state and 51 counties covered. Grant County is the 52nd county, unless the state is counting somebody else first. But, with where this is coming from, John and Amber Longnaker from Madison County started a program in 2019 for Madison County. He is an elder law attorney and very well respected. They're good people, good hearts and do things for the right reasons. And, as time has gone by, that's only been three short years, her experience with this program is going on five years in five other counties and she's kind of joining forces a little bit here in helping John and Amber as they develop and look for support. They have now two appointed guardianships from Grant County that they were approached by APS. She sent in their email a letter of intent and some of those same stories are in this booklet. They can keep those

booklets and pass them around and share that information but one of the Grant County folks here was a veteran who had dementia, basically parked his car at a gas station and started wandering and everyone was afraid for his life and his dignity and his outcome. They got ahold of John and they have taken him on. He had had a lot of mental issues and almost burned his bridges at V.A. and so it was very difficult to place him. But this is what they're here for, they're here to serve. She loves your vision. It is our duty to foster and preserve a safe, healthy and thriving environment, full of opportunities for our family of citizens and visitors alike. These folks that they watch out for and that they take care of, that they become their family are the most fragile and most needy in their community. The number may be small but they're the most needy. They give them love and dignity and are with them in their last hours to where they're not alone. And they just ask for them to keep their ears open. Anyone in their community can make a referral. John and Amber have a website up. You can find them on Facebook, Longnaker Elder Law Firm, John Longnaker. And they are expanding here in Grant County and they were approached to take on Delaware County so they've met with Judge Vorhees over there, Judge McVicker here. The judges support this. They operate on local funding from community donors and have an understanding and agreement with the judges not to interrupt the judges' budgets and your taxpayer dollars and so they look to the nursing homes, the grants around. A few folks have a competitive grant that ever comes up or that we could compete in, they would like to know that. If there's any fundraising opportunities, and Mr. Luzadder, she's not sure, he said something about at that cookoff, bakeoff, she didn't catch it all, if there is an opportunity for a table or a booth for non-profits, keep them in mind for that. They'd like to get out there and meet people. They need volunteers. They like to put one to one and it only takes about five hours a month to volunteer. You visit the client once or twice a month. You advocate for them and what they need. You work with John and Amber on that. They don't ask any more than what they do themselves. The Supreme Court does have a funding system where it's a two to one matching grant so the local dollars that are raised here by various means, if we raise \$10,000 then that allows us, at this time of the year, in fact it's due by Friday, to submit the Indiana Supreme Court Grant, if we have \$10,000 locally then we can ask them for an additional \$20,000. The max for any one program is \$75,000 through the Supreme Court. So, you know, there's a lot of fund balancing and dollars and noodling and ways to be creative to make this program go without a lot of cost. It does take two or three salaried people when you get up there in the 20 client range. She believes John and Amber have about 17 to 20 clients in Madison County alone, two assigned here, one assigned out of Delaware County already. She thinks she's given them the nuts and bolts. It's a great program and a great need out there. So, if any of them have any questions, she's passed along her business cards. She'll be glad to answer anything now but if they have any referrals, any questions as time goes by, hang on to her card and John's card is inside the brochure. They'll entertain calls, emails any time and get back to them. Councilman Mike Cline said he does have a question. He's a CASA but as a CASA, they had to have a bunch of training going in, before the court appoints them. They have continuing training during. Talk about the training you guys do, Cline told Johnson. Ms. Johnson told Cline, absolutely. Their training amounts to about five hours of real strong hard training about codes of ethics, confidentiality, the national standards of guardianship, what does guardianship mean and what is your role as a guardian in this program as a volunteer. Very deep details. They have an operations manual, they have their overheads they use. They give them all, everyone, a complete set of all the standards. They initial all the code of ethics from the state court office. With that then, there is a monthly team meeting. They began doing more virtual as COVID came into place, but yes, as he mentioned, ongoing training every month, virtually if they need to, and they have some tablets that they've given volunteers. If they need to, they always go back and re-review some standards. They put out some new things that they might be experiencing, keep them up on methods what to look for. If they have a client in a nursing home, what are some of the key things to advocate for, look for, coach them in any way they can. And they have a Board of Directors for Guardian Advocates Incorporated, they have an Advisory Board, and as she always tells her people, John and Amber are right there too, you don't have to make any decision alone as a guardian. They're all here in this together and if it gets too tough, they'll help one another and it is definitely ongoing training. They like to say that you commit for a year, just to give people an idea that they don't expect them to be here today and gone tomorrow and with snowbirds, and they want their help and they'll find a way to use them if they want to volunteer but also realize that there is a substantial amount of training and time and effort to put in. And they find a lot of retired folks that want to volunteer. They've been through similar things with maybe their own parents and they don't want that financial burden so they handle those matters but they let

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them love on them, advocate for them, visit them and be out there with them to make sure they're being cared for in whatever setting is appropriate. Thank you, please help us network, Johnson said.

Council President Deb Cain asked the Council if there was anything to bring before she asked for adjournment. Councilman Mike Cline asked Cain, may I? Cain told Cline, yes, please. Cline told Deputy Clerk Debbie Goodman it's good to see her face again. Welcome back. Councilman Gary Fordyce said, welcome back, Deb. They missed her. Cline said he got there late and didn't know if anybody said anything. It's good to see her anyway. City Clerk Kathleen Kiley said nobody's happier than she is, she can tell them that. Mrs. Goodman thanked everyone and said she feels like the new girl. It's good to be back.

Being no further business to come before the Council, on a motion by Luzadder, 2nd by Cowgill, the meeting adjourned. Time being 7:38 p.m.