

REGULAR MEETING – MARION COMMON COUNCIL – FEBRUARY 7, 2023 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 7th day of February, 2023 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: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce.

Absent: None.

The minutes of the previous regular meeting of January 17, 2023 were presented. On a motion by Councilman Brian Cowgill, 2nd by Councilman David Cain, the minutes were approved as presented by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Abstain: Brunner.

COMMITTEE REPORTS: Councilman David Cain said the Code Enforcement Committee met tonight, convened at 6:00 p.m. Their meeting lasted four minutes. He was rather shocked from the, he'll be quite honest, the unacceptable behavior by Commissioner Foustnight. He refused to answer their questions and actually got mad and walked out the door. So, they are kind of at a stalemate at this time. He will reach out to the mayor and request for him to attend their next committee meeting and hopefully they can get some answers for the citizens on properties, clean up of the city, and moving forward. Thank you, Madam Chairman, Cain said.

Councilman Mike Cline said, Madam President, if he may, he got an email, a memo, a note from Craig Persinger who is Chairman of the Election Board and he asked him to share this. He got it about an hour ago so he hasn't digested it fully. It went to both party chair people, Mayor Alumbaugh, Mayor Rock, Shane Middlesworth, the Commissioners and he sent it to him (Cline) and asked if he would share it. Does she mind if he shares this, Cline asked Council President Fouce. Fouce told Cline, please do. Cline said, okay, the County Election Board is meeting tomorrow morning at 9:30 a.m. in the County Office Building in the Council Chambers and they're going to discuss some courses of action. According to their statistics, Nancy Bryant's compiled statistics from the last 12 years, showing that the average total votes cast in a municipal election run at 50% or less than the number cast in an off year election, 33% less than a... Anyway, and we're going to vote centers, as we all know, and so the Election Board is worried about over capacity and inefficiencies that run from that. Anyway, tomorrow they're going to discuss some possible courses of action. This is a public meeting. Anybody can show up, anybody can go, 9:30 a.m. tomorrow, County Council Chambers over in the County Building. One is make no amendments. This means that all voter centers will be open at staffing levels used in 2020 and 2022. This will be inefficient as they won't need all that capacity and vote centers in towns or cities where no municipal election is being conducted will presumably have very little traffic on election day but it would support the reliance interest of voters who would count on the same vote centers being open from year to year. Mr. Persinger also says, number two, open all vote centers but reduce staffing. This would be more efficient although they would still have vote centers which would have very few voters for the reasons stated above. Number three, reduce the number of vote centers open for municipal years and reduce staffing to reflect the anticipated vote totals based on recent historical data. This is an informational meeting tomorrow, no action will be taken. They hope to hear from representatives of all Grant County municipalities, as well as the party chair people, at or before the meeting. So, 9:30 a.m. tomorrow morning, County Council Chambers, they're going to be discussing what to do about the vote centers in the upcoming election. Thank you, Ms. President, Cline said. Fouce told Cline, thank you for that.

Council President Robin Fouce told the Council she will report regarding the Development Committee met today, regarding a proposal from Scott Vielee for a new business venture. They opted to, they had good discussion, they opted to get more information from Mr. Vielee with exact numbers regarding different things, employment, salaries, etc., so they look forward to receiving him back again before the Development Committee before any decision is made. Also, she wanted to do a District 4 report. She has a video that she wants to do. Last meeting, they had a report from District 5 about the blight and a particular challenge in her area. She wants to share with them this week, unfortunately, some of the challenges she is having in District 4 and she's not real versed on power points but she is getting there so bear with her. In District 4, they are experiencing unsafe living conditions, blight, trash, drugs, crime increase, and there's a cycle of that that permeates forward until they address some of those challenges. This is a property that is at

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1414 W. 7th Street. A park is next to this. This is at 1414 W. 7th Street, a park is next to this and then a home is really very close on the other side. They'll see the roof is caved in, all type of animals and so forth, the porch is caved in. This has been that way for many years. The residents have complained. This is another shot of 1414 W. 7th Street. They can see the holes in the roof. Look how close in proximity it is to the neighbor's house. So, this lady has a disabled daughter that she takes care of, as well as four grandchildren. She's a senior citizen. This is what she is living next to. They've reported overgrowth of weeds, etc., etc. and tried to get some type of follow up from Code Enforcement. It is on the demolition list but she wasn't able to extract, based on the results of the Code Enforcement meeting, where they are with it. The thing is to find out where it is on the list, where we are, what we're going to do, and what is the time frame we're going to do that in. This is W. 9th Street, pardon the 9. This house just has and always has had cars parked in the yard. The ones she's showing them she has gotten multiple complaints on so she wanted to highlight them. This is a few of the many that she gets so they wanted Code Enforcement to be aware of that. This is at Race and 26th Street, multiple complaints on this gentleman. She went out to this property and she got called every name but what her mother gave her, given racial epithets, the finger, and everything else, trying to just see, you know, what is going on here. This particular owner, there's a mattress, this is on 26th Street a block east of the high school so our kids walk from the high school up this route. So if they go by there from time to time, they'll see mattresses, they'll see all kind of stuff at 26th and Race. This is the back of that house. This gentleman, she had to call Code Enforcement one day because he rented an excavator, was digging up the ground, breaking down a house on his property, burying that house in the ground, burying this stuff in the ground. Code Enforcement sees that activity and was talking to him about getting that trash removed. The same day, he started, they were under a burn order, he started a big, massive fire, uncontrolled where our Fire Department had to go out and put that fire out. And so, she's showing this because this guy still hasn't done, this is, he has like that whole corner on 26th and Race. There's two, three apartments, another house or something, and so this is what it looks like if you go by there. This is another property there. He started to, she doesn't know, do what to this particular property but this is an unsafe building. Again, she gets complaints because they complained once and they're complaining again to ask, well what are you doing after year three or more? And she doesn't have that answer, she's not getting that cooperation from Code Enforcement. This is a picture of a person in their district, may not fall under Code Enforcement, she found it relevant. They also have a challenge with his property off of 14th but he rides around. This is at 16th and the By-Pass. Speedway would be to the left, Kentucky Fried to the right and she got a good cussing out that day from this gentleman. This is the 3400 block of Selby Street. This is one of the things she tried to bring up today in their meeting. This is a picture so, this is the middle of the 3400 block of Selby Street. McCulloch Middle School is right there. She's complained about this property for more than four or five years and so have other neighbors and this is what beholds our kids as they walk down the alley or down the street to and from school. Or they ride their bus or whatever, this is what's there. She tried to get with Code Enforcement to get this, it really needs to be demolished and she's gotten no response. This is the same block. They'll see McCulloch Middle School in the eyesight, mattresses and so forth, a dresser, a needle. One of the kids encountered a needle because these types of places are attractive to drugs and other illicit behavior and certainly this block supports that activity. 3400 S. Selby in the middle of the block. This pool has since been removed. That house still remains what she would call a nuisance. It's uninhabitable, has a metal pipe sticking out the other side, she couldn't find her picture of that, a metal pipe sticking out the other side for furnace ventilation so what's burning on the inside, no doors except for the front door, so forth and so on. Drug activity has been there. If they looked at a call log of the dollars that we spend as a city, going to these properties, she thinks they would be disappointed how much resource we spend toward managing these properties. Those properties are owned by the same owner she wanted to let them know, as well as this is another of his properties on the corner of 34th and Torrence. This property has since been demolished but she wanted to show them this house for the history. This gentleman said he had an electric fire. Neighborhood intelligence tells you some other things but we, as a city, had our Fire Department out there in harms way, hey, that's what they do, they fight fires, but we had our Code Enforcement out there, excavating this property and today, because it's winter, we don't have the weeds but before winter, we had an overgrowth of weeds. This is a property owner that owns this property and so we have to start managing ourselves as a city better, in her opinion, to recoup some of our dollars and so forth. This guy actually is an attorney as well. This is our guys, in harms way, in this house. This house was fully gutted. This house was inhabitable when he let this guy move in there. It was his grandson, she thinks, who had a drug problem, who brought illicit drug activity, more so, to the community, to the

neighborhood. And she speaks on this because she knows personally. She's not just saying something that she doesn't know. She speaks on it because she knows personally. She wants to say we can do more for District 4 and as well for the City of Marion. Fouce said, if they don't have any further committee reports, they can move on to Unfinished Business.

UNFINISHED BUSINESS

APPROPRIATION ORDINANCE NO. 1-2023 2ND READING AND PUBLIC HEARING

The City Clerk read Appropriation Ordinance No. 1-2023 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. From the EDIT Fund to Dam Removal the amount of \$255,000. Mike Graft, City Engineer, told the Council he thinks that they did a pretty good job of giving everybody what they needed in their packets. He means, it's pretty obvious that the dam is still there. They did have bids yesterday, they came in a little bit better than they expected so they're excited about that. They just have to vet a couple of the bidders just to make sure that they're comfortable with them, that they can do the job but they're anxious and they're ready to proceed. If they have any questions, Dr. Sweeten is here as well with him this evening that can answer anything that he's not able to, Graft said. Council President Robin Fouce said, thank you, Mike Graft, engineer. She'll open the floor up for any discussion or questions they have for him. Barring no further..... Councilman Mike Cline said, he's just curious, where were the bidders from and how well under....? Graft told Cline the low bidder is from Elwood and then the other one, where's Eads from, Jerry? Does he remember? From where? Dr. Sweeten said Lagro. Cline asked Graft, and how happy did they make him? Graft replied, pleasantly surprised, yes. Fouce asked, any further discussion? If there's no further discussion, she'll open the floor up for a motion. Mr. Graft said, if he might, if he could ask them to suspend the rules, that would be fantastic as well. Fouce stated, oh, she believes they are on 2nd reading and public hearing so they'll go from there. She had to think on that. They are on 2nd reading and public hearing, barring no further discussion, they will open this up for public hearing. Anyone from the public can step to the mike. Please state their name, their address and they have three minutes to share with them their concerns or opinions about this general ordinance #1-2023 for dam removal. Do we have anyone from the public wanting to address this issue? Going once, going twice, gone. Again, another opportunity for any comment from the Council, otherwise she will entertain a motion to pass, to suspend the rules regarding 2nd reading, public hearing and then they'll entertain a motion to pass that. Councilman Brian Cowgill said he would like to make a motion that they suspend the rules on General Ordinance 1-2023 (should have been Appropriation Ordinance 1-2023). Motion was seconded by Cline. Ms. Fouce said, Councilman Cowgill has made a motion to suspend the rules on Ordinance 1-2023, it was seconded by Councilman Cline. A motion and second have been made, she'll entertain roll call on that vote, which was as follows: Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Cowgill said, now Madam President, he would like to make a motion to pass General Ordinance No. 1-2023 (should have been Appropriation Ordinance 1-2023). Motion was seconded by Councilman Steve Henderson. Fouce said a motion has been made by Councilman Cowgill to pass General Ordinance 1-2023, it's been seconded by Councilman Steve Henderson. A motion and second have been made, please entertain a vote. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Councilman Gary Fordyce said, get on it, Mike. Council President Fouce told Graft, call her when they start to excavate the dam. Graft told her, yes, well he's going to give them an update as they, when they provide the winner of the award and then Jerry (Sweeten) will keep track and kind of watch the water. He'll be the one probably he'll hear from and say it's good to go. There are a couple of plaques on there they're going to try to save from the dam. Fouce said it's such a part of the history of Marion. If you grew up here in Marion, you were at the dam fishing. She used to sit in the car because she didn't want to fish but she was at the dam. You know, it's just been a staple here and so she thinks it's a good learning moment for our kids maybe, to see how many dams will we tear down in our time and maybe just include some of the community in that process, as safely as we could, if he cares to. Graft said, absolutely and he thinks as time progresses, they'll have some community events that when the water gets to a level and they can do some clean ups around the water too, he would love to have those organizations that are willing to come and be a part of that to beautify that area. Fouce said, well thank you. Graft said, thank you guys, have a good evening. Fordyce said, thank you, Mike, appreciate it. Thanks, Jerry.

APPROPRIATION ORDINANCE NO. 2-2023 2ND READING AND PUBLIC HEARING

The City Clerk read Appropriation Ordinance No. 2-2023 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. From the EDIT Fund to Friendship Park Project the amount of \$300,000. James Loftis, Street Superintendent, told the Council he's really just got an update. With the help of Mike Graft, he helped him get all this stuff published, bid out the proper way, bid quotes and everything. It was his first go around with anything like that so it was a great learning experience, honestly. It went out in the paper the 20th and the 27th so it did the two cycles through the paper and then the bids are supposed to be in the 21st at the Board of Works meeting and then they'll go from there. Hopefully they'll get the bids they're looking for. He knows he's had four outside companies and the one they had a quote for. They've reached out already. The four were out of state, Ohio, Minnesota, New York. That's really about the only update he has on that part of it, Loftis said. Council President Robin Fouce said, okay, thank you, James Loftis. They would like to open up the floor for any comment and questions from anyone on the Council and then go to their public hearing. Would they have any comments or do they want to go straight to public hearing, Fouce asked. She said she thinks they'll go to public hearing. Same rules apply. Please attend the podium. They have three minutes to speak. Please state your name into the mike, as well as your address, any comments you have about this General Ordinance 2-2023 for the Friendship Park Project (should have been Appropriation Ordinance No. 2-2023). Going once, going twice, thank you. She'll bring it back to the Council. This closes the public hearing part of it. They'll bring it back to the Council. Again councilors and councilwoman, if you have anyone or any comment regarding this or any questions, please feel free to state them before they entertain a motion on this issue. Councilman Henderson? Councilman Steve Henderson asked Loftis, will he be bringing those bids back to them when he gets those? Loftis told Henderson, absolutely. Henderson asked, for the next reading? Loftis said, what he should have done is he should have emailed them a copy of it when it went out in the paper but he will get that to them too. But yeah, absolutely, whatever he gets, he will bring it right to them. But the Park Board's going to go through them too, hopefully that day, and get them in and get going. They did have a, there was a day where they could come out, any company could come out and kind of measure, go over the specifics of the project and he only had one person come and that was the person that gave them the quote the first time. He means it was like four degrees out too so he doesn't blame them but they were the only ones that showed up, Loftis said. Council President Fouce said the only question she had was a (inaudible) question. Any other funds anywhere else, like for instance, the Garden House generates revenue. Any funds from there that can offset the cost of this project out of the EDIT Fund? Loftis answered, not really. A lot of those go back into the non-reverting fund which goes to the Splash House, other stuff, so it's like one pays for the other kind of a deal and they don't make a, they really don't make a lot on the rentals there, which is something they're going to do. They went through the COVID phase, they were paying someone to clean the building. Starting March 1st, he's eliminating that so they're going back to their own cleaning so hopefully they can generate some more revenue there. Some of that could probably in the future help with the sealing and the coating of the surface but the initial cost of putting the, redoing it, it's just, it's actually tremendous. It's kind of overwhelming, Loftis said. Fouce said, okay, it's just a try, thank you for that. Barring no further questions, she'll entertain a motion regarding General Ordinance 2-2023 (should have been Appropriation Ordinance 2-2023). This is the 2nd reading so their motion would be for it to go to the 3rd reading. Councilman Gary Fordyce said, Madam President, he'll make that motion to pass Appropriation Ordinance No. 2-2023 to 3rd reading. Councilman Brunner seconded Fordyce's motion. Ms. Fouce said, thank you. A motion's been made by Councilman Gary Fordyce to pass General Ordinance No. 2-2023 (should have been Appropriation Ordinance 2-2023) to 3rd reading, seconded by Councilman Jim Brunner. It's been moved and seconded, please entertain a vote, which was as follows: Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce told Loftis, thank you for the work you did and you learned something from the bids, even though it might have been a painful thing at first. Loftis said, it was. He got a patch of hair fell out from that but yeah, Mike guided him, walked him off the cliff a couple times. Fouce said, oh James, they just came out of a storm and a season, and listen, thank you guys for the work that they do. She always calls them, she always checks on them to see if you guys are doing okay. She always says something didn't get done but thank you for your commitment to Marion. It's not easy out on these cold, icy streets full of snow. This last snow was a pretty big snow for Marion and thank you. As she rode around town, you know, we got it done. Certainly, they're going to have people say, oh you didn't do it in time but, you know, when she talked to him, they did it as they could and they really appreciate that and continued

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prayers for their safety as they're out there on the streets. Loftis said, thank you, thank you guys. He works with the fellows, they love it.

APPROPRIATION ORDINANCE NO. 3-2023 1ST READING (WAS TABLED ON 1/17/23)

The City Clerk read Appropriation Ordinance No. 3-2023 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. From the EDIT Fund to Heating & Cooling the amount of \$127,000. Julie Flores, City Controller, told the Council, if she could real quick, add to what Mike, Councilman Cline talked about. She also had a discussion with Mr. Persinger and what she took away from what he said was, because Van Buren and Marion were the only ones having primaries, that if they open these voting centers, we are responsible for paying for the voting centers in the other communities that aren't having primaries. So, she thinks it's important we show up to this meeting tomorrow, if we can, to voice. She doesn't think we should have to bear the expense of those other places being open. So, she wanted to say that. And then, Ms. Fouce, with the dam, she grew up in the area and she remembers playing in the mill, underneath the mill, with snapping turtles and that kind of thing. So yeah, as she (Fouce) said that, she (Flores) kind of reminisced about being down at the dam as a child. So they're here about the heating and cooling bill that's due March 1st. She believes she has sent everything that was requested so, yeah, she'll answer any questions that they might have, any additional questions, Flores said. Council President Robin Fouce said, thank you, Controller Flores. Originally, this ordinance was tabled to get additional information. Up and through, she believes it was yesterday or today, they did get that information and so, she's not sure if they all have had time to comb through it. She's looked through it pretty much and so she will open the floor up for any more discussion or questions regarding this Ordinance No. 3-2023. Flores said, if she could just add one thing, she's sorry, she thinks she indicated to them the reason the amortization schedule did not agree with the payment schedule is Gateway does not allow them to enter cents into when they upload those payment schedules so that's why the amortization schedule and the payment schedule didn't agree. The payment schedule had cents in it. So, the payment schedule agreed with what the invoice amount is. She just wanted to clarify that. Fouce asked, anyone? So, she'll start with her concerns. She shared, pretty much, some of her concerns before. You know, she won't draw this out. This is a utility bill that they are paying out of the EDIT Fund. EDIT stands for Economic Development Income Tax. She told Flores she's not saying that to her, she knows she knows that, she's sharing that with everyone else. So in her mind, when they have a fund allocated for different types of things, out of that should not come a utility bill. And so, she tried to extract in her questioning why or when are they, when do they, in the request for the reports, when did they start paying it in this account and why? She just drew a conclusion for herself, that this is a utility bill, it's for heating and cooling. It'd be almost like paying a gas bill out of your savings account, in her mind of correlation. Most of the utilities are typically paid out of the General Fund and it would be her recommendation that they come back to them, appropriating this to be paid out of the General Fund. She thinks it would go smoother and they wouldn't have the discussion. Otherwise, she is not for paying this out of the EDIT Fund, Fouce said. Mrs. Flores said, if she might, it's not a utility. They're paying for leasing the heating and cooling equipment that are in the building so it's not really a utility payment for gas or electricity or water. It is for the equipment. They're leasing the equipment put in by Johnson Controls. The EDIT Fund, she believes is set up, she doesn't know what the ordinance here says but state statute says for any lawful purpose EDIT funds can be used for so they, since she has been here, have not paid, they paid, budget for the Insurance Fund to send money to the Insurance Fund to help that. They have budgeted this heating and cooling bill since 2017, she believes, when the, they had Baker Tilly Umbaugh come in and help them with the budget her first year here and they ask them to cut at least \$1,000,000, if not more, out of the General Fund budget because it couldn't take the payments so this is one payment that they suggest they move from the General Fund over to the EDIT Fund so that's why they continued or they budgeted it in there and have since 2017. Fouce said, under the mayor's own admission, they're in a good financial condition is what she heard him say on the radio. And, you know, she receives that, she's (Flores) exactly right. She talked to DLGF, she talked to State Board of Accounts. This fund, initially it was only to be allocated for economic development, they loosened the requirement and you could pay and use that (inaudible). But we here in Marion, Indiana have a choice to make, in her opinion. She just showed them one of a numerous amount of power point presentations that she has about the condition of our city so we have economic development to do around here. She thinks it's time we can make a decision to spend dollars for

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economic development for that. If we have, again as the mayor said, dollars, \$126,000, \$127,000 payment out of the General Fund is not going to deplete the fund and, you know, that just is her recommendation. She's one person. We have a Council of nine so if anyone has anything else to say but she would strongly recommend we make a decision today to spend economic development dollars for economic development. And that is why she would recommend that they resubmit this particular ordinance to be paid out of the General Fund. Does anyone else have any discussion or comment? Councilman Brian Cowgill asked, this isn't for just this building, correct? Someone said yes, it is. Cowgill asked, it is just for this building? Mrs. Flores said she believes it is for the equipment in the heating and cooling, it's the equipment in the building but also, when they pulled the contract that they asked for, she believes there were some, something in there, Mr. Graft, for..... City Engineer Mike Graft said, Police and Fire. Flores said, Police, Fire, stations and stop lights? Graft said, yeah, they used it to upgrade their (inaudible) with LED. That was way back. Cowgill said, so the \$127,000 is for all that then. Graft said it was like \$1,200,000 or something total. This is just the payments each year until they're done with paying the amount. Ms. Fouce said she did want to say something about the contract. Her understanding of the contract is that it was for energy efficiency, which is why they were able to do the lights and etc. In that energy efficiency, Johnson Control guaranteed the city a particular savings amount, please correct her if she's wrong because she doesn't want to be, a particular savings amount. If you guarantee a savings amount and that savings is not met then you should be compensated for the difference or lack thereof of that savings. She doesn't know and wasn't able to discern in any of the records that they got that that had or had not been done, and so, that's just another piece of that for them. She just thinks, if it's lights (inaudible), it's a utility bill. It's classified under heating and cooling, it's classified under utilities, in her mind. It's just her mind. So, that's why she's making that recommendation. She wants them to pay their bills. You have done a good job of paying our bills. She just thinks it is time for them, as a fiscal body, to make some decisions that serve their constituents in terms of where their dollars are allocated and this is \$126,000. It's not little, it's not small, but in comparison to some of the other greater bills that they pay, if they start here, you know, they can move forward. So barring no further discussion..... Flores said, she's sorry, she's sorry, if she could ask, if they could go ahead and pass this. This bill is due March 1st. We will incur late fees, penalties. The city, not allowed to pay late fees, interest. She would ask, please, that they would pass this. When she does the 2024 Budget, they will put this payment in the General Fund. Fouce asked, have we ever paid late fees on anything else? Flores replied, she hopes not. She doesn't see, she doesn't enter the bills so she doesn't know. It's possible that they will not charge a late fee or interest. There are people that don't. There are vendors that don't charge late fees interest. She's just saying that's not a good practice and it's not a practice that she would encourage. She would please ask that they would pass this so that she can get this bill paid. They've been doing it since 2017, it's nothing new. Fouce said this is taking her back to their budget debacle when they were threatened with the timeline. She understands what she is saying but she will say that part of the reason they're here at this late date having this discussion is because of the delay in getting the request. They clearly asked ahead of time for the paperwork before their last meeting where this was tabled. Again, she expressed to everyone today, they've still got the last piece of documentation and so, listen, she wants a remedy to it. She thinks if they hear this at their next meeting, they could perhaps suspend the rules and pass it at their next meeting and still be before the March whatever deadline. But she's encouraging a vote toward or a request for her (Flores) to return this to them to come out of the General Fund. Flores said, in order for this to be paid by March 1st, it needs to be on the Board of Works docket for the next Board of Works meeting, which is the 20th, which means they need to have that invoice already entered into the system for approval by the Board of Works. And if she might, could respond to the request, they got the first request, can't remember, she doesn't have the date, she has the email of the first request and her response to the first request was the very next day, she believes, that they were at year end. They requested invoices and receipts for 2018 through 2022. She responded back that that was a big ask, that the '22 and '21 alone consisted of 130 claims. Their office could not take the time to do that. They're in year end. They had a January 31st deadline and they have a March 1st deadline. She offered for anyone to come in and look at the documents, they would take them out of storage, they would provide those documents to them. So, and then on February 1st, the second request was for reports, not the specific invoices, and said that you hadn't heard anything. She did respond the very next day that they could not meet that, again. So, February 1st at 1:45, you asked that these reports be given to you for 2018 through 2023. So the request, second request, was different than the first one and that email was at, she's getting her times mixed up but the second request was at 1:45 in

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APPROPRIATION ORDINANCE NO. 3-2023 Continued

the afternoon and you asked that it be to you by 4:00 p.m. that evening. She believes the mayor responded to say we'll get it to you if we can. We got that to you before she left work that day. She gave it to Mrs. Goodman. And then on February 2nd, thank you but we still didn't get 2015 and 2017. Flores said she was never asked for 2015, 2017. It was always 2018 to 2022, 2018 to 2023. So, she feels like she met the due diligence. You asked on Thursday for 2015 to 2017. We did have computer problems. She doesn't know if anyone else can attest to that. Their computers crashed so she did her best to get the reports printed and to get them emailed out. Again, she has people on vacation, they're very short staffed, trying to meet these deadlines. She did get these to them as quickly as she could. She's not trying to hide anything. She believes she did all she could to get them exactly what they wanted so that there would not be any issues this evening in getting this passed. Council President Fouce asked Flores, does she recall the first date of submission for this ordinance? Was that 1/17? Second meeting of the month. Flores told Fouce, yes ma'am. Fouce said, okay, so we have been from 1/17 to current date, getting computer generated reports. Something that is computer generated. So you type in your parameters of query or question and you email the report. Flores told Fouce, yes, so your second request, she responded to the first request saying we don't have time to pull these documents. You can come and view them, she doesn't have a problem with that. Your second request came on February the, she's sorry, your first email was January 19th and you responded, she believes, on the 27th that you hadn't heard anything. She did respond the day after saying you can come look at the documents, she doesn't have a problem with that. Your second request was February 1st and she did give Mrs. Goodman, she believes on February 1st, that evening before she left, your request. Ms. Fouce said, Mrs. Flores, let's not waste this Council's time, neither one of them, with semantics. Like she said, she told what her recommendation is. Barring no further comment, she would entertain a motion regarding General Ordinance 3-2023 (should have been Appropriation Ordinance 3-2023). We're on the first reading, Fouce said. Mayor Alumbaugh said, Ms. Fouce, can he add something? Fouce told Alumbaugh, sure. Alumbaugh stated, as a reminder, is this a public hearing on this one too? Flores said yes. Alumbaugh said, so you had a public hearing on the first one but the rest is just..... Fouce said, no, this is first reading. Mrs. Flores said it was advertised, it was advertised, excuse me, it was advertised as a public hearing. You can have your public hearing first reading, second reading, third reading. You can have your public hearing any time and this was advertised with the others for public hearing. Fouce said, what we are having today regarding this ordinance is a first reading. Alumbaugh said he was just curious. Well he wanted to make a comment about this, as she is suggesting using the EDIT Fund only for economic development. For one, he thinks most municipalities use it as a way to pay bills. Secondly, when you guys took the EDIT Fund down to \$1.00 to an administration that started at 1.4% cash reserve and now is at 25% and you took the EDIT Fund down to \$1.00, he said well, is this to stop the lawsuit and we were told no. But if you do this to stop the lawsuit that we, the people of Marion who he represents, were awarded \$3,200,000 by a jury of their peers, citizens just like you, they awarded that to the city. We're about to collect that. If we have more legal fees and we can't pay them, you can shut down that, which some of you have been trying to do since the start, he just wanted everybody to understand that, Alumbaugh said. Councilman David Cain said, Madam President, nobody is saying that we're not going to pay bills. Nobody's trying to shut down that lawsuit. Get off that. He's done with that. Alumbaugh told Cain his wife was. Councilman Cowgill said, that's uncalled for. Council President Fouce said this is a meeting, we will have order. Please address the President of this Council before you speak, thank you, Fouce said. Mrs. Flores said she will add that you can have your public hearing any time. Many communities have their first reading be a public hearing. Fouce told Flores she's already stated today we are having a first reading. Flores said, and it can be public hearing. It was published as a public hearing. Fouce said, we're not having that. We're having a first reading so please excuse us. Okay, anyone else from the Council, would you like to say any comment? She'll entertain a motion regarding this first reading of Appropriation Ordinance No. 3-2023. Councilman Mike Cline said, Madam President, he moves they pass Appropriation Ordinance No. 3-2023 to 2nd reading and public hearing. Motion was seconded by Councilman Jim Brunner. Fouce said it's been moved by Councilman Mike Cline that they pass General Ordinance No. 3-2023 (should have been Appropriation Ordinance 3-2023) to 2nd reading and public hearing. It's been seconded by Councilman Jim Brunner. It's been moved and seconded, please entertain a vote, which was as follows: Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, and Cain. Nay: Fouce. Mrs. Flores said, thank you. Fouce said, thank you. We'll go to General Ordinance No. 1-2023, 2nd reading and public hearing.

GENERAL ORDINANCE NO. 1-2023 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 1-2023 by title only, an Ordinance amending Ordinance #18-2022, "An Ordinance fixing the maximum salaries of appointed officers and employees; and annual payment of flex dollars (\$250.00) to non-contractual full time employees of the City of Marion, Indiana for the year 2023". Kathleen Kiley, City Clerk, told the Council she is speaking on this. This is the general ordinance to amend the salary ordinance in order to pass the next ordinance, the appropriation, to give her two deputies a pay raise. Any questions? Council President Robin Fouce said, thank you. Will we have any comment from the Council before we go into our public hearing? She'll open this for public hearing regarding General Ordinance No. 1-2023, for public hearing regarding non-contractual full time employees of the City of Marion, flex dollars. This is a public hearing regarding this ordinance. Please approach the mike, state your name, address, and any statements that you have. You have three minutes to state them. Going once, going twice, going three times. Is this one they can suspend the rules and pass? Mrs. Kiley said, yes and please, please consider suspending the rules. Fouce said, okay, so she'll entertain a motion if anyone would like to suspend the rules or either to pass it to 3rd reading. Councilman Luzadder? Councilman Brad Luzadder said, yes, Madam President, he would like to make a motion that they suspend the rules on General Ordinance No. 1-2023. Councilman Cline said, he'll second that. Fouce said it's been moved by Councilman Luzadder to suspend the rules and approve from the 2nd reading and public hearing, seconded by Councilman Cline. Please vote. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce said, now she will entertain a motion to pass General Ordinance No. 1-2023. Luzadder said, Madam President, could he make the motion in which they pass General Ordinance No. 1-2023? Councilman Henderson seconded. Fouce said it's been moved by Councilman Luzadder and seconded by Councilman Henderson that they pass General Ordinance 1-2023. We'll entertain a vote, which was as follows: Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

APPROPRIATION ORDINANCE NO. 4-2023 2ND READING AND PUBLIC HEARING

The City Clerk read Appropriation Ordinance No. 4-2023 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. From the General Fund to City Clerk Regular Salaries, Social Security, and PERF accounts the total amount of \$8,881.00. Kathleen Kiley, City Clerk, told the Council, and again, her, for the pay increase for the two deputies in her office. Council President Robin Fouce said it's important to note, this was kind of missed during the budget process so this is them, coming back and picking it up. These particular employees were not afforded what the others were so this is them, coming back and picking it up. They are at 2nd reading. She'll entertain any comment, Council. Barring no Council, they'll go into the public hearing. Please attend the podium, same rules. State your name and address and make comments regarding this General Ordinance No. 4-2023 (should have been Appropriation Ordinance 4-2023). Going once, going twice, thank you. Barring any comments from the Council, she will entertain a motion for suspension and to pass. Councilman Luzadder? Councilman Brad Luzadder said, Madam President, he'd like to make a motion they suspend the rules on Appropriation Ordinance No. 4-2023. Motion was seconded by Councilman Jim Brunner. Fouce said a motion's been made to suspend the rules on General Ordinance No. 4-2023 (should have been Appropriation Ordinance 4-2023) by Councilman Brad Luzadder, seconded by Councilman Jim Brunner. She'll entertain a vote. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce said, Councilman Luzadder? Luzadder said, yes Madam President, he would like to make a motion that they pass Appropriation Ordinance No. 4-2023. Motion was seconded by Councilman Brunner. Fouce said it's been moved by Councilman Luzadder, seconded by Councilman Jim Brunner to pass Appropriation Ordinance No. 4-2023. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

NEW BUSINESS

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GENERAL ORDINANCE NO. 2-2023 1ST READING

An Ordinance amending General Ordinance No. 4-2020 pertaining to the Truck Route for the City of Marion, Indiana. This item of business was withdrawn from tonight's agenda.

Council President Fouce said, thank you, this concludes their meeting for today. She did want to mention that this is Black History Month and so she wanted to leave them with a quote before their vote for adjournment. "Everyone has the power for greatness, not for fame but for greatness because greatness is determined by your service." Thank you, she'll entertain a motion to adjourn. On a motion by Luzadder, 2nd by Cline, the meeting adjourned. Time being 7:58 p.m.