

REGULAR MEETING – MARION COMMON COUNCIL – JUNE 20, 2023 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 20th day of June, 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 (attended on Zoom), Stodghill-Weeks, Luzadder, Henderson (attended on Zoom), Brunner, Cowgill, Cain, and Fouce.

Absent: None.

Council President Robin Fouce said she had a few things, housekeeping-wise, for them today. They are so blessed to have Councilman Cline here with them today. He's had quite a journey in these last couple months and, agree or disagree, they are happy to see him on the mend and they want to offer continued prayers to him, she told Cline. Councilman Mike Cline said he appreciates it. He is grateful and he is honored, thank you. Fouce said this past week, they had a couple great things go on. Father's Day was Sunday and they want to honor and salute all the fathers here today in their city, in their state and in their world. Where would we exist without fathers? So they're grateful for you fathers. Juneteenth was yesterday. She wanted to read just a brief reading about Juneteenth. Juneteenth commemorates African American freedom, emphasizes education and achievement. It's a day, a week, in some areas a month, marked with celebrations, guest speakers, picnics, family gatherings. It's a time for reflection and rejoicing. It is a time for assessment, self-improvement and for planning the future. It's growing popularity signifies a level of maturity and dignity in America that's long overdue. In cities across the country, people of all races, nationalities and religions join hands to acknowledge a period in our history which shaped and continues to influence our society today. Sensitized to the conditions and experience of others, only then can we make significant and lasting improvements to our society. Happy Juneteenth. There are celebrations here in the city that, let's see, Saturday, the 24th, will be the Freedom Festival at the Clarence Faulkner Center from 11:00 am to 7:00 pm. That's at 1221 W. 12th Street. Vendors, face painting, games for the kids, checkers, cornhole, dominoes, chess, food, fellowship, and fun. So feel free to stop by the Faulkner Center and celebrate with everyone. As well, there is a Freedom Motorcycle Ride. It's \$20. That begins at 2:00 pm and it will be in the St. Paul Baptist Church parking lot, 1204 W. 14th Street. Later in the day, a motorcycle car show will ensue in the St. Paul parking lot from 2:00 pm to 4:30 pm and entrance is \$20 then. She's not sure about the white party but they have a proposed White Party, wear all white, from 8:00 pm to 11:00 pm at the Faulkner Center. So they have a day of festivities, music, fun, celebration. Sunday, June 25th, it will end with a gospel celebration at 4:00 pm under the tent. It is a free celebration at the 1221 W. 12th Street. Happy Juneteenth. Thank you for your time with that.

Council President Fouce told the Council their next scheduled meeting falls on the 4th of July so they will move that meeting date to July 5th, if they'll please make note of that. Their next scheduled Council meeting will be July 5th and that's on a Wednesday.

Council President Fouce said the mayor has presented three separate ordinances and the Grant County Economic Growth Council has presented one ordinance to the Council. Rather than put them on the agenda and table them to committee, she has assigned them to the Development Committee, pursuant to their city ordinance 31-27, the Development Committee will meet at the following times to discuss these matters. Agrigor has a proposal for them and they will meet Tuesday, June 27th, 2023 at 6:00 pm here in the Council Chambers. Appropriation Ordinance 12-2023 will be heard by the Development Committee Tuesday, July 18th at 6:00 pm here in the Council Chambers. Appropriation Ordinance 11-2023 will be heard Tuesday, August 1st at 6:00 pm here in the Council Chamber. And General Ordinance 6-2023 will be heard Tuesday, August 15th, 2023 at 6:00 pm. She will email that schedule to all on the Council and to the Clerk, if she hasn't already done that, and please make note on your calendars. Development Committee, please be ready to hear. They invite all Council members to come and hear those proposals and they look forward to entertaining that business. Any question on that? Thank you, Fouce said.

Council President Fouce said she's also submitted to the Controller a proposed 2023 Budget Schedule. She will submit that electronically to both the Clerk and all the parties that be. She's already forwarded that to the Controller's Office

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and they'll talk about the feasibility of that proposed schedule but, in final, Tuesday, September 19th is the first reading, proposed first reading. Tuesday, October 3rd at 7:00 pm is the 2nd reading and public hearing, proposed. And Tuesday, October 17th is the third reading and proposed adoption of the 2023 Budget. So, as they update that or tweak it or prayerfully come to an agreement on that, she will keep everyone updated on that, Fouce said.

NEIGHBORHOOD SPOTLIGHT: Council President Robin Fouce said now they have the opportunity to have their Neighborhood Spotlight. A young lady asked her could she speak and she welcomes her. They want to hear from their citizens and so she'll invite her to the podium, Adrienne Smith. She sees they also have other neighborhood associations. If they could pick a person or so, one, maybe to represent you and to summarize your complaints, that would expedite their meeting and they would still get to hear their voice. So they welcome her, Ms. Smith. Please press the red button and speak into the mike, Fouce said. Adrienne Smith told the Council, as Robin said, her name is Adrienne Smith and she lives in West Marion on 7th Street. She has been here before, complaining about the house next door to her. It's gone. They finally tore it down. She thanks Robin for keep pushing and pushing and pushing to get that house tore down. Now, on the not so good, the Code Enforcer they have is rude, he's nasty, and he's always looking and nitpicking out there to find things to do. Like yesterday, it was messing with her cousin's dogs. He has hound dogs and if anybody is a hunter, you take care of your dogs more than you take care of yourself. Jerry had surgery on his knee and his son who works 3rd shift has been coming when he gets off of work to take care of the dogs. She's working in her yard and hears the dogs barking and thinking what's wrong with the dogs and he's back there, just standing in there and just looking at them and she said why are you back here? She said he's got No Trespassing signs, purple things everywhere, she said these dogs are not bothering anybody. They ain't got no water. She said they take care of these dogs two and three times a day, these dogs are in good shape. They're not bothering anybody, she doesn't hear them, he shouldn't even be back here. (He said) I can go any place I want to. She said she said okay. He said and I'm calling on the dogs. She called her cousin, he said Nani, would you go out there and get the dogs some water? She said yeah. Every dog had water except one and he had a silver bowl where he had knocked his water over. (inaudible) came to say, let him know I come and do this for my dad every day at this time and he just happened to knock over his water. They're in a shaded area, Jerry keeps it clean. He called the guy to come out there and look at it. The guy came back through and said the dogs are in great shape. They're healthy. The cages are clean and stuff. He's been rude ever since they have been asking them to get that house done. Just because he doesn't get along with Robin doesn't mean that West Marion should have to suffer because he doesn't want do nothing in her area. Now she heard him on the phone talking when what are you doing there, you're not supposed to.... She's hearing it. He didn't know the guy had it on speaker and she's going, wow. Then when he hangs up, he says who is your Councilman in your area and she said Robin Fouce. He said oh, now I see what the problem is and she's thinking wow, she said because he doesn't get along with Robin that you're wanting to clean up Marion but you don't want to come to a certain area because that person is a City Council person. It's ridiculous. And she doesn't know where he came from but not the back door. He can take his tail back out the front door because he's useless, Smith said. Fouce said, thank you, Ms. Smith. Do we have any other Neighborhood President that would want to address them tonight? Okay, they want to make sure we keep it brief and we welcome you. Joan Barbour told the Council she lives at 1310 S. Nebraska. They have been complaining about this property at 324 W. 14th Street and what Ms. Smith said about Jerry, she told the honest God's truth. If you all ride past and see, he says it's up to code. It's not up to code. Saturday, he stuck a monkey between his so called privacy fence (inaudible), to her, she wanted to show her true color but she didn't. Now we're tired of his trash. They say it's up to code, it's not up to code. They get woke up at 4:30 am in the morning with the dumpster coming and dumping that trash. They have called the police. They park the wrong way with the trash. They say call the police, they call the police. The police ride right past or they'll tell us we don't have an officer on duty right now. As soon as we get one, we'll call him or send one out. How much more do we have to put up with that? We've asked for our streets to be paved. They're about to get their street paved. Why can't Central Marion? Nebraska Street's one of the main streets. So we're asking, can we get some help? Our property taxes went up where the decent neighborhoods taxes, property taxes, went down. Where is our money going? Every time we ask for something, we don't have the money. Is it going to the golf course? Overseas? To the bars? Where's our money going? Thank you and have a blessed day, Barbour said. Fouce said, thank you, Miss Joan. Did we have anyone out of the South Hope Neighborhood that would want to speak? We'll take this gentleman and then we have one more and we appreciate you

NEIGHBORHOOD SPOTLIGHT Continued

all for showing up. A gentleman told the Council he thanks them all for listening to him today because he's really a voiceful person. Oh, excuse him, his name is James Shelton and he lives at 1109 S. Gallatin Street. He's been down there since 1987. He's yet to see any improvements or repairs to that neighborhood since 1987. That's over 30-something years. And, he knows his taxes go somewhere but where is his tax dollars going to fix his neighborhood? None. We don't have no sidewalks and he's not going to pay half for a sidewalk that you're not doing nothing else with. The streets are made of bricks, there's big bumps and holes and stuff in the street and when he calls down to the building, they tell him it's the contractor's job, he'll do that. No. It's been there at least seven years. And the house behind him, been sitting empty. In fact, he caught two raccoons, groundhogs, everything in his yard, trying to keep that population down around the neighborhood. And he doesn't kill them. He takes them way out past 4-mile bridge and let them loose. But, the thing is why should he have to do all this when you got an abandoned house, it's got rats and everything else. You talk about mice? He's glad they have one cat around there to keep the mice down. And this is getting ridiculous. He doesn't come up here because usually they want to tell him to shut his mouth because he's a very voiceful person, like he said, and his wife, he'll let her speak the rest because he doesn't want to get upset about this. Ms. Fouce said, thank you, Mr. Shelton. Would he happen to have the address of the abandoned house he's referring to? Shelton said yeah, it's 1106 S. Boots Street. It's a big, four story, it's a four story house. He guessed it used to be some kind of mansion back in the day because it's got a well house in the back of it that's falling in that somebody's kid might get hurt. They've got trash piled up against the wall back there on the other side of the fence, because folks come through there at night and throw stuff over the wall and they ain't cleaning up nothing. They don't even cut the grass there. Fouce said, thank you, Mr. Shelton. Brenda Shelton told the Council she was thinking, she's a driver, she drives for a specific place and, like (inaudible) said, she's talking about in the community in the different cities. Okay? You know we've got smaller cities, we've got Fairmount, we've got Gas City, we've got Jonesboro. Now, she sees some streets that are thriving, that those tax dollars, they're being used but that's not so here. And to fill a hole and then they go right back to where they were. You know. Somebody's not doing something right. She can remember when she was a kid, they used to be able to walk on that, when they repaired the streets, they walked on it and that's how thick it was. But they repaired the streets. She just thinks, like she said, she went and got, like she said, she has a vehicle, went to the license branch. Hers was \$35 more and what they told her, they said they're taxing her to fix the streets. We want to see those streets being fixed. \$35.00. Thank you, Mrs. Shelton said. Council President Fouce said, thank you, Mrs. Shelton. Nick McKinley told the Council he lives at 1103 W. 3rd Street here in Marion and owns a business on 26th Street. He is coming to them today to see if they can maybe propose a change to the code. He has a neighbor that lives caddy-corner behind in the alley at 1110 W. 4th Street and basically they've been running a generator to power their house for the last month and a half, at least minimum. It's runs 24/7. His wife has gone over and politely asked them when are they going to turn it off and the gentleman says when he can afford to pay his power bill. It's unacceptable. They can't sit in their backyard at night without hearing a generator run. He did call the police a week and a half ago, he believes, or a week ago, officer came out, was great, and spoke to them and they moved the generator into their garage and let it continue to run, which then creates a fire hazard for the entire neighborhood. And so he randomly puts it inside or outside the garage so the noise level goes up and down. He did have a, he did look up the code and the db, decibels, was over 70 in the alleyway behind his house when it was running out in his backyard. On top of that, (inaudible) looks like it's ready to fall down. It's got, they've had tarps on their roof for two years now. They don't cut the vegetation in the backyard. Their dogs live in the upstairs of the house if that tells them anything. There are kids living in this house. There's a whole host of things, CPS has been out there, etc. But he's asking that they look at the code and see if there's some kind of a code they can put together for people running generators. He did look up in other cities that they do, some cities have put into code that you only can run it for so many weeks without paying your bill. But, essentially, this guy's going to run a generator indefinitely because, he doesn't even know, he's probably spending more in gas a month than he would if he'd have just paid his bill, but unfortunately, it just hasn't happened yet. So, he's been patient and he's just asking them to see if there's anything they can do on their end to put any kind of a code. Of course, it's got to be enforced. He did email, he went to the city website and emailed, he thinks his name is Jason. On the website, it says he's the Chief Code Enforcement Officer. Ms. Fouce told McKinley, that was going to be her question, has he contacted Code Enforcement and has he gotten a response from Code Enforcement? Mr. McKinley told Fouce, no, he emailed them that same night he called the police, a week and a half

ago he thinks. In fact, his wife was asking him this morning if he ever heard back from them. No, he hasn't heard a thing. He gave them his cell phone number in the email, they obviously have his email address, he's heard nothing. He addressed not only the noise, the fire risk, but also all the other issues with their property that really just bringing all the property value down all around the area, those of them trying to invest in the city and their neighborhood. That's all he has, thank you, McKinley said. Fouce said, thank you, Mr. McKinley. Unless they have a President wanting to come up and speak, that will conclude. They appreciate, this was kind of impromptu but they always want to hear from their citizens as time allows in an orderly way. So thank you all for being considerate of that. But also, thank you for taking the time to come and exercise your voice and speak to the officials that are elected and they represent you. So, we have to do better by our citizens. We're only as good as the experience of the people in our community and the least of the experience of the least of them in our community so we have to do better with that. Please take under advisement, if you're a Councilwoman or man, the addresses that were given today and follow up on them and they will move on to approval of the minutes, Fouce said. Mr. Shelton said, let him correct the address on that, 1116 S. Boots, not 1106, he's sorry.

APPROVAL OF MINUTES: Councilman David Cain said, Madam President, he moves that they approve the minutes of their May 16, 2023 meeting. Councilman Brad Luzadder seconded. Council President Robin Fouce said it's been moved by Councilman Cain, seconded by Councilman Luzadder for approval of the May 16, 2023 minutes. Is there any question? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Abstain: Cline. Councilman Cain then said, Madam President, he moves that they approve the minutes from their June 6, 2023 meeting. Councilman Luzadder seconded. Fouce said it has been moved by Councilman Cain, seconded by Councilman Luzadder for the approval of the June 6, 2023 minutes. Any question? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Abstain: Cline.

CONSIDERATION AND RATIFICATION OF PRE-APPROVED CLAIMS: Council President Robin Fouce told the Council she will entertain a motion. Councilman David Cain said he so moves. Fouce said it's been moved by Councilman Cain, seconded by Councilman Cowgill for ratification of the pre-approved claims. Any question? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

Council President Fouce said she'll switch this around just a little bit. She wanted, if there are any committee reports, they'll hear those now.

COMMITTEE REPORTS: Councilman Brian Cowgill said he went to the Board of Works meeting yesterday and Janet Pearson spoke on two properties that they put up for sale, 1000 block East 32nd Street or 1000 E. 32nd Street was for \$800 and 2908 S. Washington was for \$800 and they were both approved. Then Mike Graft spoke on the paving the roads and they got the bid process finally all done and he went with Brooks Construction. Their bid was two million and like sixteen thousand, just a little over sixteen thousand. So that'll be Brooks that'll be doing the roads. Commissioner Foustnight spoke on the mowing process first and they were able to hire a part-time guy. He'll be mowing just the city lots themselves. So that'll be his job. He's going to work 21 hours a week and it'll be just for city lots so he thinks that's going to be a big help. And then they also had another gentleman come forth and said, commercialwise, that he would like to bid on mowing the city lots as well but they had where they pay \$50 a lot to do. He's not sure if he wanted a little bit more than that but he's a city employee so they tabled it to make sure that, with him being a city employee, that there's no conflict of interest there, which he thought that was a great move on their part. So, as far as that part goes, they tabled that until their next meeting. And then Commissioner Foustnight spoke on two demolition properties, 2345 W. 8th and 2108 N. Fairfield Drive, and they were both approved for demolition so they're on the list for that. And then after that they had no public comment and they adjourned, Cowgill said. Council President Robin Fouce said, thank you, Councilman Cowgill. Do they have any further committee reports? She's grateful to say she was able to attend the AIM Code Enforcement Conference. It was really enlightening and kind of

COMMITTEE REPORTS Continued

supportive of the direction we, as a Council, have been trying to persuade our Code Enforcement to move and so we certainly have a lot of work and improvement to do in that area. You know, Ms. Smith said today the house got torn down so there are things that are being done. We can do better and we look forward to serving our citizens better. Any further committee reports? Thank you. Clerk, we'll move on to General Ordinance 5-2023, Fouce said.

UNFINISHED BUSINESSGENERAL ORDINANCE NO. 5-2023 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 5-2023 by title only, an Ordinance amending and restating Ordinance No. 4-2023 establishing a procedure for the Common Council's approval of claims. Council President Robin Fouce told the Council this is their amendment to the original ordinance 4-2023 requesting that, in summary, we receive vouchers and invoices in addition to the claims submitted at the time of that submission. We want to receive those electronically. This is the second reading and public hearing. She'll move to their public hearing portion of their meeting today. She asks that anyone in the Council Chamber have a seat unless they are coming forth to speak on the mike. We're in a meeting, we want order and we ask that everybody have a seat. Secondly, this is a public hearing. We'll be talking specifically about this matter and what's related to this matter. We would love to hear from you, the public, and you'll have three minutes to speak. She would hope their counsel would keep time for her. Please step to the mike. State your name, address, and feel free to share your comments with us today and we appreciate it. So we will start. We are open for public hearing. Jan Bowen – 1011 W. 5th Street – told the Council, before moving to Marion, she had retired as a Production Planner at Novelis Aluminum in Terre Haute. Novelis is an \$18,500,000,000/year producer and recycler of aluminum with 17 North American and 33 worldwide operations. In her 35 year career in manufacturing, she found that a thorough understanding of a process prior to making changes to that process the most efficient use of all resources. So, after the introduction of General Ordinance 5-2023, she requested a meeting with Controller Flores and permission to review the past claims process. What she found convinced her that 5-2023 is unnecessary and she asks that they vote no. Indiana Code 36-4-4-4 cited as the City Council's authority to manage city finances also limits those powers with this "to the extent that that power is not vested in the executive branch". Both the legislative branch, the City Council, and the executive branch, the Administration, have fiscal responsibilities and must work cooperatively for the city to prosper. The claims that are the subject of 5-2023 are the detailed parts of the city's budget in which both the administration and the City Council participated and approved. The Council has already approved these claims in macro. The claim submission process is simply the micro of the budget. The form submitted by the Controller to the approving body five days prior to the meeting gives all the pertinent information for each claim as a line item without requiring the members of the approving body to page through each invoice and the accompanying documents. On the sample from December 2021 that she was shown, there were four pages and 291 claims. Controller Flores estimated 500 pages of substantiating documents on file for those claims. If a member of the approving body had questioned a claim, the Controller would have pulled the paperwork from the files from her office for review. The purpose of the summary form is to eliminate the need to go through each individual claim, thus also eliminating the need for electronic submission of those documents. This is the process that was in place when the Board of Works was the approving body and when the first set of claims was submitted from the administration to the City Council for approval after passage of 4-2023. Nothing hidden, perfectly transparent, and very efficient. Please vote no on 5-2023, Bowen said. Ed Bounds told the Council he lives at 1526 S. Florence Street here in this wonderful city of Marion. He's been following this from the beginning. Actually, the late Councilman Don Batchelor, he once said to him, five years ago he said Ed, he said that is just too much power for someone that can't be held accountable, to have that kind of power to control that kind of money. And he agreed with him. Everything he said made sense. Then, when it finally happens, he's heard everything of why they can't do it but not one time why they should do it. It's been excuses after excuses after excuses and it's embarrassing. Want him to tell them how embarrassing it is? He was hospitalized last week and he's up there at IU and he's got his phone sitting on his chest on the intercom, listening to Tom Hunt and the mayor, talking about all of this that's going on and said that people wasn't getting paid, saying that there was no money, that people were going to miss out that work for the city. But yet, he got confirmation today that that is not true. But he went on WBAT and told the citizens of Marion that nobody got paid. You know, as he sat

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there and as he complained and as they're doing their procedure, he's laying there in bed, listening to that interview, this young lady said where in the world are you from and he said Marion and she said where is that, is that up north and he said yeah and she was like I ain't ever heard a (inaudible) cry like that and he said well he can send her a whole bunch of them. You know, it's sad. This Council has been trying to work with the mayor, and this is only about doing what's right for the citizens of Marion. Get rid of the egos, get rid of the politics, grow up and do the right thing. One of the biggest things that people talk to him about on the campaign trail was regarding.... Ms. Fouce told Bounds his time is up. They would like to know, Mr. Bounds, it sounds like he is in favor but they want clarity, would he want them to pass ordinance? Is he in favor of them passing this or not? Bounds said, yes, he is in favor of them passing this ordinance and he asks that they all please just do the right thing. Fouce said, thank you, Mr. Bounds. Do we have anyone else wanting to speak during this public hearing time of our meeting? Renee Bissell-Cole told the Council she lives at 1003 W. 4th Street. She is relatively new to Marion. She's only lived here seven years but she has spent that seven years reading the newspaper and reading the accounts of the City Council. Frankly she's embarrassed. She's embarrassed that it seems like this Council wants to be mayor. She suggests that they run for mayor. Her question about this ordinance would be, because it seems like the cart is before the horse, what planning was done with the Controller's Office to facilitate the time, the effort, the documentation that has to be done with each scanned document in order to get those to them when they could have gone to the office and looked at them at any time? It is public record. This is about digitization so if that is the case then there should have been a plan to get that done. Who is going to pay for that? Who is going to pay for the manpower to get that done? She is against this ordinance, thank you, Bissell-Cole said. Fouce said, thank you, Ms. Cole. Do we have anyone else willing to speak at our public hearing today? Sharon Carson told the Council she lives at 109 W. 36th Street in Marion. First of all, she's in favor of this amendment because she wants to know how our tax dollars are spent. She heard that they're trying to build a riverwalk, dog park, riverwalk, apartments (inaudible) \$6,000,000. If Marion has \$6,000,000 or something like that, they should be able to clean up these drugs, clean up these slumlord houses and get rid of the slumlords. That's the problems we have. And common sense, you need an invoice to pay bills. And we need to do better out south and in the city with crime, drugs, trash, dilapidated homes and buildings. The first part is to see where we are spending our money and why. She is in favor of this amendment and ask them to pass it, Carson said. Ms. Fouce said, thank you, Ms. Carson. James Shelton told the Council he lives at 1109 S. Gallatin and he's going to say it like this. 36 years, nothing has been done in his neighborhood, 36 years. Yeah, he's in favor of this, he wants to know where the money's going to. They always tell him there's no money. Where's his tax dollars going to? He wants to know. He knows each one of them want the same thing if that was happening in their neighborhood. Don't they agree with that? Don't they want to know what's happening in their neighborhood? And they tell you no money, how come? No money for Central Marion? 36 years, remember that. Thank you, Shelton said. Fouce said, thank you, Mr. Shelton. Do we have anyone else wanting to speak? Cindy Cunningham – 606 N. Miller – told the Council she wants them to know that she's not in favor of this. The Council has approved the budget and she thinks we need to let the administration, you know, pay the bills and do what they've been doing. Again, she wants to say everybody, everybody in this room, everybody on the Council, it's public record. All you have to do is go up and ask. If you've got questions about a certain bill, go up, ask, she's sure the Controller's Office would be more than happy to show any of them anything. They're very transparent and she thinks we need to let them do their job. Thanks, Cunningham said. Fouce said, thank you, Ms. Cunningham. Do we have anyone else that would like to speak, please? Linda Wilk – 1016 W. 5th Street – told the Council her objection to this is that, to her, it's an unfunded mandate. You don't have the money to do this, to have the manpower in the Controller's Office to go through the extra work. So she would ask that they take time to go upstairs when they have a question about a bill and get the additional information that they need. Thank you, Wilk said. Fouce said, thank you, Mrs. Wilk. Do we have anyone else wanting to speak? Julie Flores told the Council she's the Controller and she lives at 1040 Long Branch Court in Gas City but she is here, speaking as the Controller. She would reiterate that there was no attempt by any Council member to find out how the procedures for the claims process and the board reports were handled prior to their taking over the duties. The process that worked for the Board of Works and was in place well before this administration were simply expected to be immediately changed without any regard of how we currently handle things. By statute, she's required to make the vouchers available five days prior to the meeting, which she has done. Additionally, she advised the Council that she would be at the May 16th meeting at

GENERAL ORDINANCE NO. 5-2023 Continued

5:30 pm with the vouchers that could be reviewed at that time. Most of them arrived by 6:15 pm, a couple arrived prior to 6:00 pm. Not one member looked at the claims that were here for them to look at but chose to talk among yourselves during that time. There were also two Council members at the May 15th Board of Works meeting, and Mr. Cowgill, he said he was here yesterday for the Board of Works meeting. He was in the building. No one came upstairs to look at these vouchers which are available. Ms. Wilk, not Ms. Wilk, Ms. Bowen, when she came up, looked through a folder of vouchers that pertained to the board report that she was looking at. It took her 10 minutes to review the invoices and she didn't just flip through and say okay. She looked at them. So it doesn't take but 10 or 15 minutes to look at these claims. And you're here. You were here 6:00 pm, you schedule your meetings, special meetings at 6:00 pm, sometimes 5:30 pm. So you're available. So that's not the issue, that you work during the day and you're not available. You used Muncie as your standard, Muncie does it so we should be able to do it. Public officials in Muncie have gone to jail for not doing things properly so she doesn't think that's who you should be using. For every Muncie that you find, she'll find you 20 units that don't do it. She spoke with most of the municipal units in Grant County as well as the county as well as the Marion Municipal Utilities and two school boards. All of them said they did not get scanned invoices but were given the board report and if they had questions could come and ask questions on a particular invoice. The vendors are the only ones suffering here for bills being tabled and not paid. She would ask that they vote no on Ordinance 5-2023, Flores said. Fouce said, thank you, Controller Flores. Flores said, if she could have a couple more minutes, she would also, forgot to say, the ordinance that she received in her board packet had a signature line for Deborah Cain. It had signature (inaudible) for her to attest.... Fouce asked Flores, which ordinance is she referring to? Flores said this is Ordinance No. 5-2023 that came in her packet. It has signature lines for everyone, the very last signature says Deborah Cain. It also says that she's attesting the signatures and that she's attesting Kathi Kiley's signature and that she's attesting, that she's forwarding the information to the mayor for signature. Fouce said, thank you for that note. They'll take that under advisement and get that corrected. City Clerk Kathleen Kiley said when the packet went out, Debbie (Goodman, Deputy Clerk) didn't notice. She has changed it to reflect David Cain and her as signing it, she has done that. Flores said, but she will say, the packet went out. It's changed so can things be changed after the packets go out? That would be her question. Fouce told Flores, thank you. Is she finished with her public comment? Flores said she is. Fouce said, okay, they appreciate it. Did we have anyone else that wanted to come forth and speak during the public hearing portion of this meeting? Going once, there's one. Deborah Cain – 4622 S. Carey, Marion, Center Township Trustee – told the Council she sat where they are for eight years. As early as six years ago, she began pushing the Council to better understand, learn how to read, and make the budget hearing more transparent. Why? She never understood a Council that approves a budget over \$30,000,000 to not have oversight of the approval after the money is spent. She began the quest to change this four years ago. The Presidents following continued that the Council should have more knowledge of the city's actual spending in detail. The mayor contends that not approving the bill puts the city at risk, yet, without your knowledge, approves the Controller to pay the bills. This is unlawful by state law that vouchers are paid without approval. Of course, there was a statement made by Hunt that the statute allowed for emergency payment without approval, however, one must consider the full statute and not piece out words in the current situation. They were sent out, no matter what happened in your meetings, ignoring your authority. You have a candidate for mayor and a sitting Vice-President, President and member of the Council is in full agreement of these ordinances to take control of the approval process. Why? He has stated many times it is vitally important to have complete and open financial books for transparency and accountability. She was at a recent conference in which Muncie's current mayor was on the panel and he did speak about serving on the Council when it was realized something was amiss so started an inquiry. That inquiry ended with six members and the mayor being indicted for wrongdoing. Why, she asks why would you not want to pass this ordinance? She thinks it should go even further and follow Muncie's current process by having the bills and payments posted online as open record for everyone to see. Why is the mayor so against these ordinances that allow the Council full disclosure? Is there something that should not be seen? We need to take your authoritative position, be privy to any information without a battle and having to take time off work, losing your benefit hours, to go to the Controller's Office to get the information. Do the right thing for the taxpayers. They're asking you, please pass this ordinance, Mrs. Cain said. Fouce said, thank you, Trustee Cain. Would anyone else want to speak at this public hearing? She went once, she thinks she'll go twice. Ronald Morrell, Jr. – 139 E. 3rd Street – told the Council 195 days or six months and one week

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this will no longer be an issue. Thank you. Fouce said, thank you, Mr. Morrell. Did we have anyone else that would like to speak at this public hearing? Nick McKinley – 1103 W. 3rd Street – told the Council he thinks this all boils down to trust and just listening to other people speak at the neighborhood meetings, it sounds like there's just a breakdown of trust between the Council and the Mayor's Office, which is really unfortunate, not for just the Council but also the Mayor's Office and ultimately the citizens of this city. He is always pro-transparent as a former IT manager of a worldwide multi-million dollar company where he was put in charge of digitization. You know, they had to react on the fly and he will say, in a private sector, everything's gone digital. He works in an industry now that he literally writes nothing on paper and everything is digital. So from the surface, just hearing that we're wanting things digitized, it sounds phenomenal. As far as accessibility, whether it's even to the Council or even the citizens, having it digital is phenomenal. It's 2023. He understands that maybe other cities don't do it but you know that's the problem we've had for a long time in Marion is that we just say well everyone else does it like this. It's okay for us to actually take the lead and start having other cities look at Marion and go we should do it like Marion. It's time to start. Now he understands it takes a process, takes time to, you know, for the Controller's Office to put things in place but it's doable. He thinks if the Council does approve this, he thinks there needs to be a little bit of patience to allow the Controller's Office to put those things in place because it is, it is a little bit of work to put that in place. But anymore nowadays, you can literally stack 150 sheets onto a scanner and hit start and walk back five minutes later and they're all on a PDF document. So he doesn't, he's not saying he understands the whole process, he hasn't been up in their office but he just knows that anything's doable and he thinks at the end of the day, if we get to where we need to be with this, the citizens of this city might have a little more trust knowing that, hey, there is some oversight. The Council and the Mayor's Office actually are separate but equal branches of the government. None of you are mayors but all of you serve in the capacity together with the same (inaudible), the same authority, and the same powers as the Mayor's Office and that's the way our Constitution was written. So he stands here today in support of this but he also asks that they give grace, mercy, and some patience and time to the Controller's Office. Thank you, McKinley said. Fouce said, thank you, Mr. McKinley. Last call. Do we have anyone else that would like to speak on this General Ordinance 5-2023? Going once, going twice, this concludes the public hearing portion of our meeting today. We want to thank all of those who took time to exercise their voice on one side or the other. She would like to afford the Council any brief comments they have on this matter. Councilman? Councilman Brian Cowgill said he appreciates everybody being here tonight and saying everything they're saying. Just to some of Mrs. Flores' comments, he was here yesterday for the Board of Works meeting, she's right, and after that meeting was over, Mr. Foustnight was the one who talked to him, he said Jerry, I've got to call you, I've got to go. He had a meeting at another place. He has three part-time jobs. She doesn't know what his life schedule is. She has no idea whether he has time or not. He is extremely busy. And he doesn't know what her life schedule is, nor does he even care to want to. So, for her to get up here and say well, you were in the building, you had time, well that's not fair, that's not true. Most people have no idea the hours that we spend on this, covering the whole city, doing the whole thing. And a couple of people spoke on they work at places and everything, the bills were paid right and everything. Well, just what was it, a month or two ago, we found out that vouchers were done but no invoice was done on our heating and cooling. They made over \$2,000,000 and the Board of Works also approved it and neither the administration or the Board of Works, none of them knew what it was for, where it was going, anything. \$2,000,000. And now people's going to tell us that we shouldn't be transparent and ask for the invoices? He's been in business for himself for 25 years. He has never paid anybody without the invoice of what they've done, how long it took them, and what the price was for and that had to match the voucher. And when it did, he sent them a check. He means, if that's the case, can he just come in and say hey, you guys owe me \$5,000, I can't give you an invoice but just write me a check for \$5,000. Nobody would do that. This is total transparency. And yes, we have been working on this. And you know what, yeah, it does. He's been lied to by the administration he can't tell them how many times and he makes no bones about it and he's got proof on it if anybody wants to question him on it. But he's going to tell them, it is time we find out where all the money's going. And he doesn't understand what the big thing is and then the comment by the Controller, well this is going to take so much time. Well, we all do work jobs. Okay? But let's say we didn't. If nine of us wanted to go up there and ask her about five or six different ones, how much time is that going to take for them to stop what they're doing, show all of us, explain it to all of us. He means, he doesn't see where the time.... He thinks the time is a bologna answer. And just like Mr. McKinley just said, scanning

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it doesn't take any time at all and that way we're going to know where every dollar is being spent. He's in favor of it. He's voting for it, Cowgill said. Council President Robin Fouce said, thank you, councilman. Do we have any further comments by anyone? She did want to take the opportunity to dispel some things. They had the Controller come before them and she talked about us benchmarking after Muncie. Muncie is a perfect example, in her opinion. The way that Muncie discovered the impropriety that was happening, the illegalities that were happening, a councilman who is the current mayor went and requested the invoices. From the invoices, he physically went and looked, she's not saying what she heard, she's talked to him about this personally, he physically went and verified the expenditure. When he went and did that, he found there was property that was supposed to be there that did not exist that they were getting invoices for. That's kind of what started that cycle of discovery for Muncie. That was a good day in the history of Muncie as well as a bad one because once you discover that, you're able to turn the corner and she believes Muncie is in that path. She's not in Muncie's finances but they're, listen, we don't need Muncie. We can do what we need to do because we are Marion. We have the skills, we have the technology, we have to start progressing here. It is time. There is an undeniable resistance to change. Why? Several reasons. It's a culmination of things, in her opinion. Ego, I don't want to, I never had to. To say it's going to cost too much, well how much is it going to cost? To say we don't have time, have you ascertained how much time it would take? Again, loading documents in a scanner does not take the day and we're not oblivious to the fact that it perhaps may be a change but we, this ordinance was introduced, she can't remember exactly when, she believes under the presidency of Deb Cain and has spanned. She's the fourth President. We had Councilman Luzadder, Councilman Cowgill and she is the fourth President so in that 3-1/2 years where we are now, there was time to consider, just merely consider what that process change would look like. So say you didn't do it in the 3-1/2 years, since this was introduced she wants to say in February, don't quote her on the time frame, there has been major opportunity from that time until today to consider cooperating and forwarding public record to public officials. She talked to her constituents, a lot of people who spoke today during the neighborhood piece of it and some during the public hearing piece of it are her constituents. She works daily in that area in Marion, ascertain their needs, and listen, we have every right to know where the dollars are going here in Marion and what they're being spent on and when and to who. And that is your right. We want to make it public. We want to make it a regular thing, this is how we do business. We had a gentleman, Mr. Morrell, step up and say, she thinks she heard him say he would cooperate with this process when he's elected mayor and so she just doesn't know, the looming question for her is why, why do you not want the public to receive public record efficiently? And she says efficiently because electronically would be efficiency. Thank you. She is in support of this clearly. Do we have any further comment from anyone? Councilman? Councilman Brad Luzadder said, Madam President, to set the record straight, he's happy in which to do so as one of the oldest members of the Council. He will complete 20 years of service to this city in December. It was touted that he lost and yes, he did in his bid to become the candidate for mayor. But he can tell them that in his time here on the Council, the work in which he has done, he is totally unashamed of the work in which he has done and he will complete his term with his head held high because he knows that when he leaves office, he leaves it better than when he came. The late Don Batchelor was spoke about this evening and they worked hand in hand on many issues. In fact, when this was originally brought up, a former Councilman, Henry Smith, came and spoke to this Council in support of doing exactly in which we are going to be doing. So, there is no hesitation, there should be no equivocation of reasons why in which we cannot in which do so. We need to understand that we are moving into a digital way of life and if we want to attract younger people to pay attention to what is going on in our city, we better get on the ball. Otherwise, we're going to continue to lose people. This should not be an argument. This should simply be a way in which to say yes, we can and how we can do this. We should have done it years ago but, like he said, he is so pleased he's never compromised his integrity. He has always kept a positive view on our city and will continue to do so and he will complete the work in which he started on December 31st, and again, he will walk away very, very proud of the legacy in which he has put together and that he has lived and walked and will continue to do so and this Council should be able to do it in an efficient and orderly way. As one of the only members of this Council who has served on the Board of Works and Public Safety, this process belongs here with this Council, and again, he will leave this a whole lot better than when he came. Thank you, Madam President, Luzadder said. Ms. Fouce said, thank you, Councilman Luzadder. Do we have any further comment? Barring no further comment, she'll entertain a motion regarding General Ordinance No. 5-2023. We are (inaudible) today 2nd reading and public hearing.

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If you want to make a motion for suspension of the rules, she'll entertain that. Councilman Brian Cowgill said, Madam President, he'll make a motion that they suspend the rules on General Ordinance No. 5-2023. Councilman David Cain seconded. Fouce said a motion's been made by Councilman Cowgill and seconded by Councilman Cain that they suspend the rules on General Ordinance 5-2023. Do we have any question? Barring no question, roll call please. Motion carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: Fordyce and Cline. Councilman Cowgill said, Madam President, he now makes a motion that they pass General Ordinance No. 5-2023. Councilman Cain seconded. Fouce said a motion's been made by Councilman Cowgill, seconded by Councilman Cain that they pass General Ordinance No. 5-2023, it did pass for the suspension, she didn't say that, that they pass General Ordinance 5-2023. Do we have any question? No questions, roll call please. Motion carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: Fordyce and Cline. Fouce said General Ordinance No. 5-2023 passes. Now we will entertain consideration of the claims.

CONSIDERATION OF CLAIMS: Council President Robin Fouce said we did receive the claims this time without the requested invoices and vouchers. She will entertain a motion regarding consideration of the claims. Councilman David Cain said, Madam President, he moves that they table consideration of the claims. Councilman Brian Cowgill seconded. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Cowgill to table consideration of the claims due to the lack of necessary information, invoices and vouchers. Any questions on that motion? Roll call please. Motion carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: Fordyce and Cline. Fouce said consideration of the claims are tabled.

Council President Robin Fouce asked, do we have any further comment from the Council? Thank you all, appreciate you. Mr. Cline, would he like to say a word? Councilman Mike Cline said, no, just to reiterate his gratitude for all the thoughts and kindness you guys have shown him. He appreciates it. It's good to be back. Fouce said they hope and pray that he will take it slow. Cline said that's his intention. Fouce said, thank you both for being here. She'll entertain a motion for adjournment. On a motion by Luzadder, 2nd by Cain, the meeting adjourned. Time being 8:10 p.m.