

REGULAR MEETING – MARION COMMON COUNCIL – SEPTEMBER 19, 2023 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 19th day of September, 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, Cowgill, Cain, and Fouce.

Absent: Henderson (came in at 7:06 p.m.) and Brunner (came in at 7:28 p.m.).

Council President Robin Fouce said, a couple of housekeeping things before they get started. They did need to add to their agenda approval of the executive minutes for the Executive Session that was on September 12, 2023 so she would entertain a motion to add those minutes to the agenda for approval. Councilman Brian Cowgill said, so moved and Councilman David Cain seconded. Fouce said it's been moved by Councilman Cowgill, seconded by Councilman Cain to add the September 12th Executive Session minutes to the agenda. Any question on those motions? If no questions, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Cowgill, Cain, and Fouce. Nay: None. Fouce said one other matter that they needed to add to the agenda, as they see, they have the distinct pleasure of having their meeting recorded and posted and so she wants to add that to the agenda as well about recording their meetings. She doesn't know what it would be titled but she would entertain a motion on that and they'll talk about it, if anyone has any questions, in their discussion but she would like to add that to today's agenda as well. She would entertain a motion. Councilman Cowgill said, so moved and Councilman Cain seconded. Ms. Fouce said it's been moved by Councilman Cowgill, seconded by Councilman Cain to add the recording matter to their minutes. Any question on that motion? Councilman? Councilman Gary Fordyce asked, don't they have an owl system to do that that they had purchased to record the Council meetings? That was specifically purchased for that reason he believes. Fouce told Fordyce, this is on the motion. Certainly in their discussion, when they discuss it, she would welcome those comments but this is just in particular about the motion to add this to their agenda. He will have that opportunity to discuss it during their discussion piece of it. Fordyce asked Fouce, where on the agenda is she wanting to put it? Fouce said, she means, on the agenda. It doesn't matter. Does he have a preference? Fordyce said he's just curious to where she's going to put it, they've got a full agenda. Fouce said, yeah, they've got business to take care of, absolutely. Any further question on the motion? Motion's been made and seconded. Barring no further question, roll call. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None.

CONSIDERATION AND RATIFICATION OF PRE-APPROVED CLAIMS – Council President Fouce said they have consideration and ratification of the pre-approved claims. She'll entertain a motion. Councilman David Cain said, so moved. Councilman Mike Cline seconded. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Cline for consideration and ratification of the pre-approved claims. Any question on that motion? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None.

CONSIDERATION OF CLAIMS – Council President Fouce said, consideration of the claims. They have not received their required and ordained request for vouchers and, she always forgets the other piece of it, what they require for that, and so, she will entertain a motion on that matter. Councilman David Cain said, Madam President, they could make a motion to approve those but doing so would break the laws of the ordinance so he moves that they table those claims. Fouce said a motion's been made by Councilman Cain to table consideration of the claims. Is there a second? It's been seconded by Councilman Cowgill. Any question on the motion? Roll call please. Motion carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: Fordyce and Cline.

COMMITTEE REPORTS – Council President Robin Fouce asked, do we have any committee reports? Councilwoman? Councilwoman Annalisa Stodghill-Weeks reported that this past Saturday, on September 16th, the Center City Neighborhood Association met for their monthly meeting. They had a couple of guest speakers. The first speaker they had, her name was Valeria Horton. She's a certified anger management and grief specialist who owns and operates (inaudible) located at 1240 S. Adams Street, Suite 207-D. She treats children with mild to moderate anger

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issues. Her goal is to work with children and help them identify, understand, and use their emotions in a positive way to process anger or grief. She currently only is doing in-person sessions and it's for free will donations at this time. Her focus is on individual or family sessions. Their second guest speaker that they had was Kayla Johnson, the Neighborhood Association Coordinator for the City of Marion. Kayla's been working on a really exciting project for the city. She's creating a map that will tell you the stats of the work that has been done as well as the current works for the city. You will only see addresses on the map. There will not be names listed. Some of the items you'll be able to see are demolitions, citations, court hearings, and this will include judgments and where they are in the process of the court, streets that have been paved or that are going to be paved, lots for sale or lots that have been sold. There were more items so they'll see those. Once she gets that approved by the Board of Works, she'll publish it to the city website and starting with the stats for 2022 and there will be some of 2023 on there and then as it goes live, she will continue to update it weekly going forward. So, she thinks that's a really neat thing for the city. Anyone will be able to get on the website. If you have an address in your neighborhood that you're curious about to see if it's been reported, you can look at it. If there's a lot for sale, you can get on there and see if it's been sold. They had another speaker. Chief Haley spoke at the meeting as well, gave them a lot of good statistics, however, she thinks they're going to touch on that in the next meeting but it was a good meeting overall, Stodghill-Weeks said. Fouce said, thank you, councilwoman. She will say about, she too attended that and there were other invitations that went out for that meeting and she believes she sent those out, councilwoman? Stodghill-Weeks said she did. Fouce asked, and did she get response from those requests? Stodghill-Weeks said two responded that they would not be there and two did not respond at all. Fouce said, okay, so they just want to do better and encourage their administration and department heads to respond to those types of requests. The neighborhood associations are phenomenal in our community and they want to continue to interact with them and be accessible to them at their request. They deserve your attention. But, overall, a great Saturday meeting and she thinks good information was shared during that meeting. Do they have any further committee reports?

Councilman Mike Cline said, Madam President, may he keep the neighborhood association theme going? Fouce told Cline, sure, sure. Cline said, this coming Saturday, the Historic Marion Neighborhood is having a clean up from 9:00 a.m. to noon and you don't have to be a member of the neighborhood association to show up. They're going to clean up downtown, meet at First United Methodist Church, 624 S. Adams. Trash bags, masks, and gloves will be provided. There will be a dumpster location in the church parking lot. They cannot accept tires, televisions, air conditioners, refrigerators, or construction materials. Items may be placed at the curb before 8:00 a.m. for removal and if they have questions, call Kayla Johnson at 382-3797, leave a message. Historic Marion Neighborhood clean up, this coming Saturday, 9:00 a.m. to noon, meet at First United Methodist Church. Thank you, Cline said. Fouce said he's very welcome, thank you.

Councilman Brad Luzadder said, Madam President, the Marion Utility Service Board was scheduled to meet this Thursday. They have rescheduled that meeting for Thursday, October 5th. It's always held at the (inaudible) center and that meeting begins at 5:30 p.m., open to the general population, and the Utility Service Board is always available to meet with customers as well as informative of what's moving forward with all of their utilities. So, bravo to them but that meeting is being rescheduled for October 5th, Luzadder said. Council President Fouce said, thank you, councilman. Do they have any further committee reports?

Council President Robin Fouce said she'd like to share with them, ReElement Technologies/American Resource will have a community day, Friday, September 29th from 11:00 a.m. to 4:00 p.m. They want to invite the community. That address is 3301 S. Adams Street and they would like to invite the community to celebrate their opening as well as to get a first peek at their facilities. Again, that day is Friday, September 29th from 11:00 a.m. to 4:00 p.m. So they want to show up. Neighborhood associations are invited, folks in the community. It's a good thing that they have this coming to their community. So, she wanted to make mention of that. The Boys and Girls Club will have their annual legends banquet this Thursday at 6:00 p.m. at the Tomahawk Meshingomesia. They will be honoring their endeared Jim Brunner and so they want to let everyone know about that. Again, that's this Thursday, September 21st, at 6:00 p.m. at

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Meshingomesia. Jim has done years of public service to their community from all facets and they want to celebrate his honoring. And they miss him this evening. That would be all for her for committee reports, Fouce said.

Council President Robin Fouce said, barring no further committee reports, she would like to go back and correct an oversight she had on the agenda. She believes she skipped past the approval of the September 5th minutes. City Clerk Kathleen Kiley told Fouce she was going to remind her after the committee reports. Fouce said, well thank you. So if they could (inaudible) that and also add the 9/12 Executive Session in there after that, if she would please. They will have approval of the September 5th, 2023 minutes. She'll entertain a motion for that. Councilman Mike Cline said he'll move. Councilman David Cain seconded. Fouce said Councilman Cline has made a motion, Councilman Cain has seconded, approval of the September 5th, 2023 minutes. Any question on that motion? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Henderson, Cowgill, Cain, and Fouce. Nay: None. Abstain: Luzadder. Ms. Fouce said now they'll have approval for the 9/12/23 Executive Session minutes. She'll entertain a motion for that. Councilman Cain said, so moved. Councilman Brian Cowgill seconded. Fouce said Councilman Cain has made a motion, Councilman Cowgill has seconded that motion for the 9/12/2023 Executive Session minutes. Any question on those motions? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Ms. Fouce said, thank you for that. Now they'll go to Unfinished Business.

UNFINISHED BUSINESSAPPROPRIATION ORDINANCE NO. 13-2023 3RD READING

The City Clerk read Appropriation Ordinance No. 13-2023 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 Council Miscellaneous Contractual Services the amount of \$34,483.92. Robin Fouce, Council President, told the Council this is, they've had good discussion (inaudible) happy they're here with this on their 3rd reading. This is to pay for the attorney fees that the Council incurred defending themselves and they need to pay the attorneys that supported them in that effort. She opens the floor for any discussion or question, comment. Barring that, she will entertain a motion for Appropriation Ordinance 13-2023. Councilman David Cain said, Madam President, he moves that they pass Appropriation Ordinance No. 13-2023. Councilman Brian Cowgill seconded. Fouce said a motion's been made by Councilman Cain, it's been seconded by Councilman Cowgill to pass Appropriation Ordinance No. 13-2023. Is there any question on that motion? Barring no question, roll call please. Motion carried by the following vote. Aye: Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: Fordyce and Cline.

GENERAL ORDINANCE NO. 7-2023 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 7-2023 by title only, an Ordinance authorizing the City of Marion, Indiana to issue its "Taxable Economic Development Revenue Bonds, Series 2023 (American Resources Project)" and approving other actions in respect thereto. Heather James from Ice Miller told the Council, well, as they know, this is the final step in their bond process and she's been before them already on this project a couple of times so she will not bore them with all of the details again but she's certainly happy to answer any questions that they may have on the ordinance or any of the bond documents. They've already introduced this ordinance so as soon as they, should they decide to adopt it, then they will move towards a closing quickly. It usually takes about two weeks. They would meet with the developer and figure out what works for their timeline and then she would draft closing documents. They'd send them to the city to have all of the closing documents executed and close about two weeks thereafter. So, if they are comfortable moving forward with the ordinance, if they would consider second and third reading this evening, that would be much appreciated, James said. Council President Robin Fouce said, thank you, Ms. James. What they'll do, they need to perform their public hearing portion of this so if she would have a seat then, once they have that public hearing, they'd ask her to step back up and they'll proceed with whatever the Council decides. James said, okay, thank you so much. Fouce said this is the public hearing portion of their meeting regarding General Ordinance No. 7-2023.

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They have three minutes to speak. Please step to the podium, state your name, your address, and any comments you have specific to General Ordinance No. 7-2023. Council attorney, Mr. Harker, if he would please, keep their time. And hit the red button if you step to the mike. You can speak for it or against it. They want to hear what everyone feels about it. After a brief pause, Fouce said going once, twice, three times. That concludes their public hearing portion of their meeting. Ms. James, she's welcome to please step forward if she cares to. She will open the floor for any further questions or discussion from the Council regarding this ordinance. Barring no further question, they can make a motion to suspend the rules and go a third reading. That would be appropriate first. And then actually the second one would be a motion on the actual ordinance. So, she would entertain a motion, if anyone cares to do so, to suspend the rules. Councilman Gary Fordyce said he would make a motion to suspend the rules on General Ordinance No. 7-2023. Councilman David Cain seconded. Fouce said a motion's been made by Councilman Fordyce, seconded by Councilman Cain to suspend the rules on General Ordinance 7-2023. Any question on that motion? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Fouce said, now she'll entertain a motion to adopt General Ordinance No. 7-2023. Fordyce said he'll make a motion to pass General Ordinance No. 7-2023. Councilman Cain seconded. Ms. Fouce said motion's been made by Councilman Fordyce, seconded by Councilman Cain to pass General Ordinance No. 7-2023. Any question on that motion? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Cowgill, Cain, and Fouce. Nay: None. Ms. James said, thank you all, appreciate it. Fordyce said, thank you, Heather, appreciate all her hard work.

NEW BUSINESS

Council President Robin Fouce told the Council, now they'll go to New Business. She will add the recording portion up first, if that's okay. So, she wanted to talk about, she thinks last meeting she talked to them all about having the Council meeting accessible and recorded and available online for the public's viewing. They are in a trial period, including today, and the first video went out last week of last, actually a couple weeks ago, the 12th's meeting, and she felt the reviews were great. We are just in a short timeline of being state mandated to have those meetings available publicly. They've done a lot of conversation over the time about transparency, accessibility, availability, and they certainly, as a Council, are wanting to facilitate that. So, she's very pleased with the first recording that went out. She's sure they'll have today's recording that goes out and it'll be fine as well. And they wanted to talk, they have to pay for this. They do have money in their budget for technology. They tried it a couple different ways and this seemed the most expedient and the jewel of asset that it is to have, at this point, WMTV do it is the viewership accessibility is phenomenal. She doesn't know that it is matched by any entity in their community. And so, they certainly wanted to get to the most people as expediently as possible. They can chime in and get informed. The key is education, training, information, and accessibility. And so, she wanted to bring it to them today to first, they need to pay Mr., WMTV-27. As well, she would like to, there's two separate things so the first piece is they need to pay him so she'll open this up for comment, but in that comment, also consider these two meetings were trial meetings. She would like to agree and discuss moving forward through the end of the year, through December 31, and him recording and posting the Council meetings as they are now, as he has done. And so she will open the floor up for discussion and then they can go from there, Fouce said. Councilman Mike Cline said, Madam President, may he please? Once upon a time, he recalls they bought some owls and had a set up. He thinks they paid about \$900 bucks for them, as he recalls, and, with due respect to Channel 27, why aren't we using those? Or even where are they? Fouce told Cline, thank you for your comment. Do we have any further comment or question regarding such? Can he turn his mike on and speak into his mike? Councilman Gary Fordyce said they're not working, they're all dead. Councilman David Cain said he thinks some of the mikes, his is working. Fouce asked Fordyce, did he have a comment, councilman? Fordyce said he does, he'd like to discuss this. Number one, he thinks it needs to go into like a Budget Committee meeting before they decide on anything to know what the cost is going to be, if there's a contract, what the state mandates are. State mandate on state law he believes is 2025 before this has to be officially done by Indiana Code and law. How much is it costing? Is she wanting to start paying him now? Fouce told Fordyce, oh, he's going to get paid for the work that he's done. Fordyce said, that hasn't been approved by the Council. Fouce said, okay, that's why they're discussing it now. Fordyce said,

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well, that's what he's asking the question. Does she have a contract with him or (inaudible)? Fouce said the agreement is she took purview, she'll take any heat from it. They need to progress and they don't need to wait until 2025 to do that. It is within their power to do it. She, as the President, made a decision to try to get this public information to the public. She did discuss it with a few. Not everyone but it's not even that. She will take the heat from it, if there is such a thing. But she doesn't want to be the person holding the public back from getting the information that they should have already had before today. Certainly, the fee she believes was \$300 so he would get \$300 for the 12th and \$300 for today. She would propose that moving forward through the end of the year with the Council meetings that they have. There will be a point that they will also need to record and have available the committee meetings. If they go on other cities' websites, they have their committee meetings and any meeting that is publicly is and should be readily accessible. You know, they are, in her opinion, technologically delayed and this was her attempt, and she believes they were successful at getting this out to the public. The comments, the key with this gentleman, aside from the professionalism and the quality of the video, was his viewership. They want all the folks in Marion to have access to that information and so that is the decision that she made. Mr. Fordyce said, well he, in his opinion, he doesn't think that she solely should have that right to make that decision since they're a body of nine and normally it goes into a committee meeting and they sit down and discuss it to see what the costs are going to be, if they need to bid it out, if there's other people that would like to bid on it. He doesn't think just she has the right just to select who she wants and pay what she wants out of their budget. He means, it's not like a travel expense or they have to buy computers because of the COVID or something. He thinks it should go into committee. They should see a contract, get something in writing and see what the state law says on how they have to do it and where it has to be aired on for the public. They don't even know that yet. Ms. Fouce told Fordyce, well, she doesn't care if they say it's 2026, they can do it now and that is what they did. She doesn't disagree with him in that it is a group decision, hence this current discussion that they are having. Fordyce said, sure, but he doesn't think it should take place in a Council meeting. It should go to a committee meeting where they can sit down and discuss it and see what the costs are going to be, what the ramifications of the state statute is on the law and how it's got to be aired, if there's a contractual agreement that has to be done or if there is a bid process, which they normally like to do with any business that they're going to be doing business with. It should go up for bid with more than just one person of her selecting them without the whole Council being able to get time to review this, instead of making a decision tonight. Fouce said, well councilman, thank you so much for your comments. Do they have any further comment? Councilman Cline said, yeah, thank you, he'd like an answer. He means, correct him if he's wrong, he didn't get an answer to where the previous set up was that they paid for and why it's not now and hasn't been used? Fouce told Cline, well, she doesn't have the owls so she can't answer that for him, which is why she did not give him an answer. She does not have the owls. Cline asked, we don't know where they are? Fouce said she just said she doesn't have it. She didn't say she doesn't know where it is. She said she doesn't have it. Councilman David Cain said, Mr. Cline, he is in possession of the owls. At one time, they had talked about putting them in the locked closet back here but they all know that during certain circumstances, people have access to that room. Some merchandise has been stolen out of that room. He will not leave our owls in that. He does have possession of the owls. Cline said he's sure there's another room in City Hall that can be securely locked. What are they going to do with them if they're just sitting, gathering dust? He told Cain he understands what his logic is but there's got to be a solution to that. Cain said, actually, the President at the time during COVID bought those out of her own pocket. Cline said, and was reimbursed. Cain said, and was reimbursed, with a fight, with a fight because the Board of Works did not want to reimburse her but they finally reimbursed her for that. But she bought that out of her own pocket to keep the City Council and the city moving forward so you wouldn't miss any meetings during COVID when you were not allowed to meet. So, instead of putting it in the locked room where things have been stolen and other people have access to those owls, which they did not want because the Council owns those owls. We spent that out of our own funds. He does have possession of those. Cline asked, so he's got the city property that the city paid for and that they're not using? Cain said, they use them when people request to log in and watch on the website. When people request, they're hooked up. They're not the best and they don't work great. If they've watched the video on WMTV, great, great viewing and so forth. What he might suggest is that, as a compromise, that they go ahead and pay Mr. Richarh the two nights that he filmed and then put this in committee so they can discuss it further. Fouce said, thank you, councilman. She asked Cline, is he satisfied with (inaudible)? Cline said that sounds reasonable. Fouce

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said, with the owl as well, technologically, they had some technological challenges. One thing she'll say, she doesn't ever recall the Council having bid on any service, correct her if she's wrong, they have not had that process so to bring it up now, they just have not had that. Secondly, the owl has a capacity of storage that was a challenge for us in doing the actual recording and then getting that file size downloaded and submitted. And then, his charge for the recording is saving, in her opinion. They don't have a technical person available to do the recording, download the file, do all that stuff with the owl. She still thinks they can utilize the owl for whatever is necessary at the time but they are doing this trial period. She doesn't disagree with Councilman Cain when he says that they could pay him for the services now and then send it to committee. They're having a pretty good discussion now. For the sake of progress, she'd like to see them make a decision, but listen, at no point for her was it she's going to do what she wants to do. But there was a point for her that she wanted to quit kicking the can down the road in 2023 regarding a simple, technological procedure and have this information accessible to the public. She believes they've been successful in doing that. If they want to have a committee meeting to discuss the other side of it, she'd be happy to do that, she's not opposed to that. But she wanted to bring, and, you know, if an apology is warranted on her part, she wants to give a sincere apology for making an executive decision in her capacity. But she would, she's pleased that the public got what they deserved. So, any further discussion? Councilman Brad Luzadder said, Madam President, as one of the older members of the Council, yeah, they definitely needed to get back out for the general public to see. It was great when the cable t.v. was doing that. They had looked at other ways in which to do that because, let's be honest, the chambers haven't been filled and so they needed to be able to get the information out and he would say for the past five years, that has been a major, major downfall that they did not, were not able to record and show. He would love to go back to having it live so the general population could see that and decisions could be made at that time. He knows that Councilman Henderson has worked on trying to get that accomplished. Luzadder said he, as a President, sat, trying to get that accomplished through IWU but now they have terminated their television system. They tried through the Sunnycrest system. They did not have the amount of people in which to do so in order to go live. He knows the owls were set up specifically to do some recordings. They found out that, through the software, it takes somebody to actually, if the owl doesn't move, you have to have someone at a keyboard or a mouse pad to be able to move that so that the camera would go. Originally, they purchased the synheiser microphones during the Seybold Administration, the same thing the United Nations used. It was set up so that the program that was being done would have, the camera would turn every time the microphone went on. Unfortunately, the IT gentleman who was part of the Seybold Administration left and he had wrote the program and so he took the program with him. So we were left with equipment that is now out of date and wasn't in which to do so. He told Fouce she's the first President in four that has been able to accomplish getting it back in a recorded setting and being able to show it to the population. So he guesses they could all be berating her for that. He will tell her that, as a Council member, he appreciates that she took the initiative in which to do so when a number of them could not get that accomplished. So, for that, he applauds her. If that's what the Council would like to do then to place this into a committee to have some more discussion but he can tell them, at this point in time, he doesn't know anybody else that has stepped up to the plate in which to do so. He's never been a fan of Richarh but he will tell them, he watched it, he wasn't able to attend the meeting but he was able to watch it and it was probably the best recording he has seen in a number of years and even before when the cable t.v. was doing the rebroadcast of the Council meetings. So, with that, he would give his support for what she has done, he wants to thank her for doing so, and he, if that's where they want to go, back into a committee, but he thinks that the gentleman deserves to be paid for the work in which he has done and then, if they look at doing a contract at a later time, by all means they can make that discussion and have that with the Council but he would say instead of accusatory that she should be applauded for the work in which she did. So, in his opinion, thank you very much, Luzadder said. Council President Fouce said, thank you, councilman. It's always a group effort and, you know, sometimes leadership has to lead. There has to be someone to take them in the direction. The whole goal here is to serve the public and to give them the information that they need. So, is there any further discussion on this matter? Comment? Question? They want to make sure everyone has had their opportunity. So they have an opportunity here, they have a couple things. One motion is to pay Mr. WMTV-27 what he has worked for and earned and then she concurs with Councilman Luzadder. She doesn't know what else they would cover in committee. She's not opposed to committee, if that's what they want to do, to say the same thing. However, so they have the option of whatever they care to have their motion. Barring no further discussion, she would

COUNCIL DISCUSSION Continued

entertain a motion regarding the recording. Councilman Luzadder said, Madam President, he makes a motion that they pay WMTV the finances in which they have done at this time and then they look at making that decision to place it into a committee at a later time so, but at this time, he makes the motion in which they make the payment. Councilman David Cain seconded. Ms. Fouce said a motion's been made by Councilman Luzadder to pay WMTV-27 their fees for services for the recording of the Council meetings. It's been seconded by Councilman Cain. Is there any question on that motion? Barring no question, roll call please. The vote was then as follows: Aye: Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: Fordyce. Fouce said, thank you, motion passes to pay WMTV-27. So do they want to (inaudible)? Luzadder said, Madam President, as their rules state, she as the President has the right in which to place anything up into a committee in which she sees fit without having a vote from this Council as they have placed her into the center chair as President. So, if that would be her decision in which to make, then she has the right by their rules in which to do so. If not and she wants to bring it out to the general population and the floor of the members then they can go ahead and make a motion either way. But she does have the right as sitting President to make that decision, Luzadder said. Fouce said, thank you, councilman, for that, sharing that and she'd like to put that to the floor for him to do the recordings through the end of the year at the same rate for the Council meetings. Just as the first one was done and today's will be done, he will record them, he'd be compensated for that, and they would do that through the end of the year. So, she would entertain a motion. Cline said, question, if he may? When would it go to committee then? He means, he voted yes because he needs to be paid for what he's done and is doing tonight but he, maybe he misunderstood, he thought the understanding was they pay him for the work he's doing tonight, pay the channel for the work being done tonight and the work previously done and then it was going to go to committee. Was he wrong? Fouce said, she doesn't think it was said that it would go to committee. That was certainly an option that they had. What he said was..... Cline said, he differs but go ahead. Fouce said, okay, if she could finish, what he said was, what Councilman Luzadder just read was what the President could decide and so her comment was that she would like to put it to the floor regarding the end of the year. Councilman? Councilman Luzadder said, Madam President, he would make a motion then for it to go into a committee so that all the members would then have a chance in which to discuss and if a contract would need to be assigned, they could actually go ahead and do that and have that discussion in front of the Council, as well as any of the general public that would want to attend that committee meeting. So, that would be his motion, that they do place it in. If it wasn't her (inaudible) in which to do so, that would be his direction. Fouce said, alright, she will concur to tabling that piece of it to committee because she doesn't want to, she wants them to have all the discussion that is necessary and she wants their system to work for them so she's fine. When he says what is her preference, her preference is they make a decision today, but, she's fine with it going to committee. She will get back with them all regarding scheduling that particular matter before committee. Luzadder said, Madam President, there is a motion on the floor. Councilman Cain said, second. Fouce said a motion's been made for it to go to committee. It's been seconded. A motion by Councilman Luzadder, seconded by Councilman Cain for the recording matter to go to committee. Is there any question on that motion? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce said, so they will get that scheduled for Budget Committee and everybody will get their notice. They ask everyone to come out to do that. Thank you for entertaining that, Fouce said.

APPROPRIATION ORDINANCE NO. 16-2023 1ST READING

The City Clerk read Appropriation Ordinance No. 16-2023 by title only, Budget for the City of Marion, Indiana for the year 2024. City Controller Julie Flores told the Council this is the first reading on the budget, introduction. If she could just review a few things. To kind of summarize this year's budget, the state allowed them to increase the levy by 4%. That has been also made law now that they cannot exceed 4% for the next couple of years anyway so it won't ever go above 4%, could be less than that but, this year, 4%, which will generate \$873,246 in tax levy. The circuit breakers in 2023 were, for the first time since she's been here, lower than the previous year, however, in 2024, it's estimated that the circuit breaker will increase by \$264,866. She does have a graph, if they would like to see that, that shows the trend of the circuit breakers, what DLGF estimated and what actually came in. They're getting a lot better in predicting that so that's been really helpful. Last year, they were way off base about what they anticipated. It was actually lower last

APPROPRIATION ORDINANCE NO. 16-2023 Continued

year so that was good news. The overall budget increased about 18.25% or \$2,314,808. The General Fund, which is the majority of their expenses, increased about 9% which was \$2,153,938. The majority of those increases were the salaries and benefits. They did give 3% raises across the board for full time employees. There were, the Judge asked for more in his budget for himself, the Probation Officer is state statute about what he makes, so those numbers are not the 3%. There was a 3% increase for, the Council requested 3% increase in their budget. The advertised tax rate for 2024 is \$2.87. It'll be lower than that but they always estimate the, they always, seems like, trying to think, sorry, the assessed valuations, they use about 80%, 85% of the current assessed valuation to calculate budgets and the assessed valuations are always more than that. So the tax rates always go down from what they are advertised. The advertised rate for 2023 was \$3.00 and when they got their 1782 notice, because the assessed valuations went up, the tax rate came back at \$2.60. So, she anticipates that tax rate will be lower next year. Based on the calculations that they have in the budget, they will have a cash reserve in January, starting in January. In the General Fund, they will have a cash reserve of 24.4%, the Street Department will have a cash reserve of 55%, the Park, 30%, and Aviation, about 27.5%. They were really delayed in getting this budget put together. The DLGF, which supplies a lot of their numbers for them, did not supply those until July 25th and she did not meet with her DLGF rep until the first week in August. So, it took them, they really had to crunch to get this done and to them in a reasonable amount of time. She did give them some sheets. They go over this many, many times. The department heads submit their budgets to them, they plug those numbers in, they give those budgets back to the department heads and say this is what they have put in, do they agree? Her deputy and she, as well as some of the other staff, they go over it, over and over again, but unfortunately, they did miss some things. She did pass out to them, she thinks she missed Steve and Jim because they came in later, the Parks Department, when they were figuring budgets, the mayor was not sure if they were giving 3% increase, 5% increase so they made their spreadsheets for 3% and 5%, just so that when that decision was made, they could get those numbers plugged in quickly. They did, however, the Parks Department for whatever reason, ended up at 5% for the wages instead of 3% so she has given them corrected sheets for them to put in their books. She thinks that's all she has for now. She'll entertain questions right now, if they have any, Flores said. Council President Robin Fouce said, thank you, Controller Flores. Before them is the proposed 2024 budget and she'd like to open the floor to the Council for any questions or comments. This is their first reading. This is their first reading and so they'd like to open the floor to the Council for any questions or comments regarding what Controller Flores has shared with them today and what is before them as the proposed 2024 budget. Don't all go at once. Councilman Cowgill? Councilman Brian Cowgill said, in the Board of Works, Mrs. Flores, they've got in here for Marion Design Company, \$36,000/year. What is that exactly? Is that like a promotional thing? Flores said she will let the mayor speak to that, she's not sure. They do submit a monthly invoice for work that they do. She knows they designed the wrap out here. They did help with the bike racks downtown but she'll let him explain. Mayor of Marion Jess Alumbaugh said he had some Council people ask him that question and asked for a scope of work. Did you guys receive that scope of work from Wendy Puffer at Design Co.? Did you? Anybody else? Anyone else? Cowgill said he got an email from her if that's what he's saying. Alumbaugh asked, that showed her scope of work? Okay. Do they need her to come up and explain any, answer any of those, because he thought she sent that to everyone? Fouce said, Mayor, she thinks what he's asking him is what, correct her, councilman, if she's wrong, just what are we using Marion Design Company for? What substantiates that expenditure? Alumbaugh replied, the new bike racks were one thing. Anything they deal with with design, they often bring her in for her expert opinion. They say we bring in certain doctors for certain types of expertise, that's Wendy's training. Anything they do in design work, they often bring her into the engagement of it and then she gives them her professional opinions. Cowgill asked, isn't that what kind of what Layla does too though or no? Alumbaugh said, Layla is marketing more than, yeah, Layla's the marketing person. Design Co. worked extensively early on with the design of the brand they have. If they see on the walls out here, that was all their work, Design Co. Wendy took her own company after she retired from IWU and started Design Co. on her own, not as a part of Indiana Wesleyan. He feels like she's done a great job and he was pretty sure she had sent her scope of work to all of them. He thinks she's worth the \$36,000. That's minimal in a large budget like this and she brings an expertise to the team that they don't have internally, somebody that's really into design concepts. Fouce said, thank you, mayor. Alumbaugh said, you're welcome. Ms. Fouce asked, do they have any further discussion regarding the budget? Councilman Mike Cline said he just has a follow-up for the mayor. So, if this, the \$36,000 is used for, why don't they hire someone and do it in-house?

APPROPRIATION ORDINANCE NO. 16-2023 Continued

Alumbaugh told Cline he doesn't know that they'd get a professional for \$36,000. Right now, they're having people, hard time keeping people that are getting paid in the \$30,000's. It is very difficult. It's hard to get part time people if you're not paying \$15.00/hour now. They're seeing that. All over the by-pass, a lot of the restaurants are now paying \$15 for fast food employees. So, to try to pay \$36,000 and think you're going to get a professional with her expertise and training and background, he just doesn't think you're going to get that. He thinks this is a less expensive salary, because she's really, any time he reaches out to her, she's full time. We become her priority, in his opinion, what he's seen and witnessed over the last eight years now. She makes the City of Marion a priority. This is her hometown now, she's adopted Marion as her home and she loves it here and whatever she puts into the work is, her heart's in it, her heart and soul. He could hire some outside firm but they're not going to care about Marion. They're not going to stick around and see the fruit of their labor. Cline said, he guessed that's his question is why do they have to go outside? And he looks at the invoices every month and that's what raised his question is that the invoices were always identical and for lack of a better word and it may sound pejorative and he doesn't mean it that way but it sounds like they're paying for a think tank and do they really have that kind of money? Mayor Alumbaugh told Cline, well, that's their call. They can reduce that. As he told them when they brought up this concern, he said he thinks she's worth it because he just said couldn't you hire somebody to help with design concepts? Yeah but \$36,000/year, he probably won't get somebody that has any real experience or expertise and it'll be somebody that's either fresh out of school with no real practical experience. It'd be hard to get anybody retired to work full time and pay them \$36,000. He started to say maybe a retiree but he doesn't think they could, he doesn't think they'd want a full time job like that. And they hit her up on a regular basis. Any time there's anything going on that involves any design with the parks, she worked closely with Halstead to design the park projects that they would like to do at Ballard Field and across from the YMCA, she was an integral part of that design concept too, all for \$36,000 for the year. But, again, that's their call but he still thinks she plays a vital role. Cline told Alumbaugh, thank you. Thank you, Madam President. Ms. Fouce said, you're welcome. Mayor, does she get, she's sorry, councilman, can he give her just one second? Does she get paid per project or per retainer? Is she just paid \$36,000? Mayor Alumbaugh said it's a salary. She gets \$36,000/year. Fouce said, so whether she does work or not, she gets paid that \$36,000. Alumbaugh said, and then she's expected to show them her, what kind of work she's provided on a regular basis then when they (Council) asked for that, she immediately provided them, he thinks, with her scope of work. And again, if they think that saving that \$36,000 would be better served elsewhere, that's their call, they can reduce that. But he's telling them, he thinks she's worth her \$36,000 to get somebody with that kind of expertise and experience when needed, that's a relatively small amount of money in a \$28,000,000 budget. Fouce said, thank you, mayor, but don't leave yet, he may have something for him. Councilman Cain? Councilman David Cain told Fouce his question was the exact question she just stated. Fouce said, okay, thank you, mayor, they appreciate that. Alumbaugh said, thank you. Ms. Fouce asked, do they have any further comment or question regarding the proposed budget for 2024 (inaudible) first reading? Barring no further question or comment, she would entertain a motion on the first reading. The motion would be to move it to 2nd reading or not. She would entertain a motion on the floor at this time. Councilman Gary Fordyce said he would make a motion to pass Appropriation Ordinance No. 16-2023 to 2nd reading and public hearing. Councilman Jim Brunner seconded. Fouce said a motion's been made by Councilman Fordyce, it's been seconded by Councilman Brunner to move Appropriation Ordinance 16-2023 to 2nd reading (and public hearing). Is there any question on that motion? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

GENERAL ORDINANCE NO. 8-2023 1ST READING

The City Clerk read General Ordinance No. 8-2023 by title only, an Ordinance amending the monthly water user rates and charges of the City of Marion, Indiana. Robin Shrader, Assistant Director of Marion Utilities, told the Council if they'll recall last fall, they came to them and presented the rate case that they were going to take to the IURC and the OUCC, those being the Indiana Utility Regulatory Commission and the Office of Utility Consumer Council, and the rates that they presented to them, she believes Chuck had shared with everyone that there was likely to be some minor adjustments made while those two groups had those and she believes that they have before them those adjustments and, if they've noticed, they're pretty minor, pretty insignificant, and the overall impact is negligible. Basically the request

GENERAL ORDINANCE NO. 8-2023 Continued

for this evening is just to true up those numbers as they had mentioned last fall, Shrader said. Council President Robin Fouce said, thank you and welcome. Today, Director Binkerd wasn't able to make it and so this fine woman stepped in and they appreciate that. What has been explained about this, you guys recall, like she said, last year, they approved a rate increase. What goes before, please correct her if she's wrong, it goes before the IURC and they assess what the proposal was and then they tweak it so they tweaked it. So the first piece of it was the legacy rate and that was their proposal and then the highlighted portion, Council, on what they received is the corrected recommended final IURC rate and it kind of washes out. If there's any big change, will she highlight that for her but it kind of washes out. So, for instance, if they say yeah, it's \$1.50, they may say it's \$1.47, something of that nature, then if it's high, they may say lower it three or four cents or something of that nature. So it still kind of evens out. It's nothing major but they are charged with correcting that and putting that on record and having these final rates, Fouce said. Shrader said, yeah, so just to be a little bit more specific, there were some slight adjustments made to the volumetric rates and those were, they ended up just slightly less than what they proposed. There were also some adjustments made to the public fire protection charges on the low end of things. Those charges are based on meter size and on the low end of things, that difference was thirty-six cents. On the higher end of things, the largest meters being 8-inch, that discrepancy was \$58.35. And then there were no adjustments made to the annual private fire protection charges and those are fees that are per hydrant or per sprinkler head, and so, the only other adjustments, as the President has shared with them, are those highlighted in green on the sheet that they received, Shrader said. Ms. Fouce said, and for the audience, for example, in Phase 1, 5/8-inch meter, (inaudible), the Phase 1 would be 3% at \$11.65. That's what they (Council) approved. Phase 1 under the IURC rate is \$11.40 so it went down twenty-five cents from what they approved to what the IURC said is the rate that they should have. That's kind of an example. Ms. Shrader said that's correct. Fouce said, unless she'd like to share more with them, she will open the floor for questions or discussion and then they can go from there. Shrader said, just one last thing, if she might, the IURC did grant this officially on August 2nd of 2023. Fouce asked if there were any question or comment by a Councilwoman or man? Barring no further question or comment, she will entertain a motion for General Ordinance 8-2023. It is first reading so she would entertain a motion to go to 2nd reading and public hearing. Councilman? Councilman Brian Cowgill said he'd like to make a motion that they pass General Ordinance No. 8-2023 to 2nd reading and public hearing. Councilman Brad Luzadder seconded. Fouce said a motion's been made by Councilman Cowgill, seconded by Councilman Luzadder for General Ordinance 8-2023 to go to 2nd reading and public hearing. Any question on that motion? Barring no question, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Fouce said, thank you for coming and she'll get notice about their 2nd reading and public hearing.

RESOLUTION NO. 9-2023

The City Clerk read Resolution No. 9-2023 by title only, a Resolution of the Common Council of the City of Marion, Indiana, approving and adopting transfers of appropriation for the Police Department of the City of Marion, Indiana, as requested by the Police Chief and forwarded to the Common Council for their approval and passage pursuant to I.C. 6-1.1-18-6. Transfer from Salaries account to its Motor Equipment account the amount of \$279,916.00. Council President Robin Fouce said, welcome Chief. She's not sure if she's going to feel welcome. Resolution 9-2023 is something that she's going to recommend that they table it and send it to committee for discussion. Before them, they're recommending that \$279,916 that was allocated for salaries be reallocated for expenditure from Motor Equipment. Typically, any of those types of things they like to take to committee and have an open discussion about and that would be her recommendation. She will entertain any comment from the Council regarding such. Police Chief Angela Haley asked, may she speak? Fouce told her, sure. Haley said, first of all, Lt. Dailey is now Capt. Dailey. He received a promotion in between the time that they submitted the paperwork and the time that they appeared before them. They do have a presentation that she would like to show them. She understands that this is a large amount of money but in the spirit of transparency, which she's heard repeatedly said that they want, she would like the opportunity to at least make a presentation to the Council before they make a decision on whether they hear them tonight or not. Fouce asked, do we have any comment from anyone on the Council? Councilman Gary Fordyce said he thinks she deserves that, to go ahead and let them see the presentation. It might (inaudible) on making a

RESOLUTION NO. 9-2023 Continued

decision. Fouce asked, do we have any further comment? Councilman Mike Cline said he thinks the Chief's suggestion sounds fair. Fouce said, well, on one hand, they want everybody to be able to speak, they don't want it to go to committee. On the other hand, they have a system that they need to adhere to where these types of issues go before a committee. As the President, she certainly is sorry for any inconvenience. She's tried to work with the administration to forge that understanding that, when things like this come to them, they need to really let it go to committee first before it is submitted on the agenda. She got a lot of pushback and feedback and so, unfortunately, they're here today, prepared, and she (Haley) deserves to be heard and there is no resistance to the transparency. It's a matter of how they're going to do it. And, her recommendation is that this be tabled to go to the Public Safety Committee. She's welcome to make that presentation. She'll (Fouce) coordinate with her a date that they all can be there and that they would all be there to hear her presentation and they would go forward. She, again, would have (inaudible) the ones she's heard from. Any Council member, if they have a question, an objection, or an agreement regarding such but her system and process has been that they discuss these matters in committee, they have a recommendation from that committee, and then it come to the full Council. And, in her opinion, this doesn't differ. One of the reasons she pushed back so much on things just being thrown on the agenda and not having the opportunity as the President, to set the agenda, which she believes she should or any President should have, was to avoid this very thing that they are faced with today because they all deserve for their efforts to not go unrecognized. So for that, she apologizes, however, she does recommend that this be tabled to the Public Safety Committee. If you are a member of the Public Safety Committee, identify yourself. She believes it's Councilman Luzadder, Councilwoman Weeks, and Councilman Henderson she believes are the members of the Public Safety Committee. Any further comment or question on that? Councilman Brian Cowgill said, he kind of, you know, he hates it because, you know, he understands the situation here, but again, that is why they have asked repeatedly to be worked with more from the administration. And, for such a large amount like that, he thinks it should go to committee at first as well. Chief Haley asked, so, we're done? Fouce told Haley they'll be in touch about setting that Public Safety Committee meeting up. Haley said, thank you for supporting public safety. Fouce told Haley, you are supported. Haley said it doesn't feel like it. With all due respect. He's come on his off duty time, just to show them a presentation and explain why they would like to transfer the money. Fouce told Haley, well she can understand her displeasure but she believes it's misplaced. As she said, her system and the system that they tried to have established is that they iron these things out prior to folks just showing up at the meeting but that was fought against from the administration and so they find themselves here. But hey, she certainly understands her displeasure. Chief Haley said, again, thanks for supporting public safety. Fouce said, you are supported. Councilman Cowgill said, they always do.

APPROPRIATION ORDINANCE NO. 17-2023 1ST READING

The Deputy Clerk read Appropriation Ordinance No. 17-2023 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 Hall Building & Landscape the amount of \$16,500. Julie Flores, City Controller, told the Council she thinks it was the last Council meeting she thinks they were here, the air was not working so they do need additional funds to replace she believes it's eight motors. Mr. Slusher did get two different quotes, however, the lower quote did not meet the needs that they needed and that's why he's asking for the higher quote. So he's here tonight to explain those things to them. So Dave, if he would come to the podium, she would appreciate that, Flores said. Council President Robin Fouce said, excuse me, Controller Flores. She's saying about motors for the air conditioner. Ordinance 17-2023 is discussing \$16,500 for landscaping. Is she missing something here? Flores said she thinks it's the line item for building and landscaping funds. That's the line item. Yeah, that's where this kind of fit with the building, yeah. Building and Grounds Manager David Slusher told the Council he was not here two weeks ago, he hears it was a little warm. They have had some issues with the air he's been struggling with all summer and it needs to be repaired. Even as he was sitting here, he had to go outside and reset the system so it starts back up. It only has three motors out of eight working right now. (inaudible) gets too hot and it shuts off. Any time, it's just completely going to go down. The Police Department's been warm. People up on the 3rd floor, it's 80-some degrees in their office. They just need something that he can get this repaired, Slusher said. Fouce said, thank you, Grounds Manager Slusher. She will open the floor for questions or discussion regarding this. Councilman Cain? Councilman David Cain said they've

APPROPRIATION ORDINANCE NO. 17-2023 Continued

talked about this earlier, he's brought it up several times. Didn't they have a \$2,000,000 contract to cover these types of things? Where does that play into this? He means, he thought that's, you know, we paid \$500,000 worth of interest on this \$2,000,000 contract to cover lights, air conditioning, heating and now he comes before them with this. So how does that, tell him how that plays into this? Slusher told Cain, 15 years ago, there was a contract made under another administration to get new boilers, new chillers, LED lights, lights for the street, okay? The coverage for maintenance in the contract was only for the first year. Anything after that, the city is liable for. He means, it's 15, 16 years old. It needs repairs. It's had band-aids and band-aids and band-aids. They can't do it anymore. So that's where that contract that he's seen, you know, we're paying for boilers, which they're in good shape. We're paying for the chillers, needs to be updated. Their controls all need to be updated. They can ask anybody in their office, go over and turn the controls up, it's nothing. All you can do is just hang a picture on it. That's all it's good for. That needs to be repaired, Slusher said. Fouce asked Mr. Slusher, is he sure about that contract? She was told by Johnson Controls when that matter came up before them before that particular contract was a performance agreement and by performance agreement, they, actually a savings agreement. If it did not give us the savings, they were in a contract, a maintenance contract with them for the savings. If we did not get those savings, the city would be reimbursed. She is told that we, and tell her if she is wrong, she's told that we, the city, let that go. We never looked to see, and honestly, she doesn't know who. She doesn't know if it was the old administration, new. She thinks it would be the new one because the old administration is who went into that agreement but she could be wrong, that we never checked to see if we got our guaranteed savings because there was we're going to save on heat, air, all those other things. And so, that kind of differs from what he is saying about we only had a one year maintenance agreement. Is he familiar at all with what she is talking about? Slusher told Fouce, some. He's done facilities work for 25 years, big buildings. Here, we do get a record. We have saved in energy with the lights and stuff but, through the years, the electric bills went up, the water bills went up, gas has went up. So some of that savings that we thought we were going to get 15 years ago hasn't been a whole lot. He's just mostly the maintenance, fixing things. Other than that, he couldn't tell them. Fouce said, thank you. Any further question or comment regarding Appropriation Ordinance 17-2023? Barring none, she'd entertain a motion. Councilman Gary Fordyce said he'd make a motion to pass Appropriation Ordinance No. 17-2023. Councilman Mike Cline seconded. Ms. Fouce told Fordyce his motion needs to include 2nd reading and public hearing. So does he want to clean his motion up, please? Fordyce said, sure, 2nd reading and public hearing. Fouce said a motion's been made by Councilman Gary Fordyce, seconded by Councilman Mike Cline to pass Appropriation Ordinance 17-2023..... Cline said, just one, he noticed down in the, what is it, the change account information, we're two mayors behind. If they look down at the bottom, it's got bill to City of Marion, attention Wayne Seybold. Just pointing that out. Fouce said, okay, and so... Cline said that doesn't change the motion. Fouce said, no, she understands that but her comment to that is, did we, as a city, follow our due diligence in our investment to ensure that we had the savings or that we were compensated when those guarantees, the key is those savings, it was sold to us that it was guaranteed savings. Did we, as an entity, follow that? So, that's what she'll say about that. Motion's been made by Councilman Fordyce, seconded by Councilman Cline to pass Appropriation Ordinance 17-2023 to 2nd reading and public hearing. Any question on that motion? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

APPROPRIATION ORDINANCE NO. 18-2023 1ST READING

The City Clerk read Appropriation Ordinance No. 18-2023 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 ARP Coronavirus Local Fiscal Recovery Grant Fund to Other Services and Charges ARPA Grant Expenditures and Blight Removal the amount of \$500,000. Council President Robin Fouce said, regarding Appropriation Ordinance 18-2023, they find themselves at the same juncture. She is going to table this to committee. They have a couple options with this. Her recommendation and what she'll do is table it to the ARP Budget Committee on the Council and go from there. Any further question? So that Appropriation Ordinance 18-2023 will be tabled. Again, this is for ARP Funds. There is a community committee that the mayor erected for expenditures of the ARP. There is a required strategic plan that they have yet to receive and so she thinks they'll benefit putting this in committee and having discussion about that and we'll notify you of that committee. You're welcome to go forward, Fouce told Mrs. Kiley. Mayor Alumbaugh

APPROPRIATION ORDINANCE NO. 18-2023 Continued

asked if he may respond to those inaccurate comments? Fouce told Alumbaugh, no, they're not having a discussion. It's going to committee. Alumbaugh said he figured as much, he figured as much.

GENERAL ORDINANCE NO. 9-2023 1ST READING

The City Clerk read General Ordinance No. 9-2023 by title only, an Ordinance fixing the maximum salaries for police officers of the City of Marion, Indiana for the year 2024. City Controller Julie Flores told the Council this is the salary ordinance for the Police Department. It does include a 3% increase for everyone. She'll answer any questions they may have. Council President Robin Fouce asked, does anyone have any questions? Controller Flores, she has a question and she should have asked it during the budget but still talking about 2024 salaries, what is the sustainability of the across the board 3% raises? They've given everybody money and how are they able to sustain that? Flores said, well, like she said, they had, beginning this year, they had a 24% cash reserve in the General Fund, which is where the majority of the salaries are. So, again, they plugged in these numbers and they will start 2024 with a 24% cash reserve again. She'll remind them that the minimum is 15% cash reserve and ideally 25%. So, they were at 24% last year and it will be at 24% again coming up. She anticipates that that will be more as on the Form 4-B worksheet, they'll see where they've estimated what they'll end the year with, 2023. Last year, the Form 4-B said that they would end 2022 with an amount and when they look at what they started the year with, it was a greater amount than what they anticipated. So, she can only tell them that they will begin with a 24% cash reserve and she thinks she shared last year, not trying to be a smart aleck or anything but they just don't have a crystal ball. They don't know. They can only estimate what they think the revenues will be based on what the DLGF tells them based on what the increased levy is, property tax levy. She hopes that answers her question, Flores told Fouce. Fouce said, well sort of. She'll say this and she wants anyone else to feel free to chime in. Look, if it's a thing that we maintain and have a 25% cash reserve then why do we spend it on raises in our cash reserve because what is the point of maintaining and having and getting to the point of sound fiscal budgeting with a 25% cash reserve and then depleting it is her comment. She doesn't have to respond to that. She just wanted to make sure, look, we want our city workers to have competitive wages. You won't find her in objection of that inasmuch as it's sustainable and we can do it healthily. And so, she thinks that's a continued conversation that they would need to have. Do they have any further question or comment on Ordinance 9-2023? With no further question or comment, she would entertain a motion. Councilman David Cain said, Madam Chairman, he moves that they pass General Ordinance No. 9-2023 to a 2nd reading and public hearing. Councilman Jim Brunner seconded. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Brunner to pass Ordinance 9-2023 to 2nd reading and public hearing. City Clerk Kathleen Kiley said, Madam President, Debbie (Goodman, Deputy Clerk) indicated before the meeting that these will all have to be on public hearing on October 17th due to advertising. Fouce said, the second meeting of October? Kiley said, right, the 17th. Fouce told Kiley, okay, thanks for letting them know that. So did everybody get that? It will be on for October 17th for that 2nd reading and public hearing portion of it. Any question on that motion? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

GENERAL ORDINANCE NO. 10-2023 1ST READING

The City Clerk read General Ordinance No. 10-2023 by title only, an Ordinance fixing maximum salaries for firefighters of the City of Marion, Indiana for the year 2024. City Controller Julie Flores told the Council, again, this is first reading for the Fire Department, 3% raises for each firefighter. Council President Robin Fouce asked, any question or comment? Barring none, she'd entertain a motion. Councilman David Cain said, Madam Chairman, he'd move they pass General Ordinance No. 10-2023 to 2nd reading and public hearing. Councilman Mike Cline seconded. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Cline to pass General Ordinance 10-2023 to 2nd reading and public hearing. Any question on that motion? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

GENERAL ORDINANCE NO. 11-2023 1ST READING

The City Clerk read General Ordinance No. 11-2023 by title only, an Ordinance fixing maximum salaries for elected officials of the City of Marion, Indiana for the year 2024. City Controller Julie Flores told the Council, again, first reading on the elected officials salary ordinance. It does have a 3% increase for the Council members as requested and the Judge requested an additional \$24,640 in the budget so his bi-weekly salary has also increased. Council President Robin Fouce asked, does that include the Flex Dollars? She thinks she read in there that it does. That was something they were cited in in the audit. She understands that it still, you (inaudible) just identified that under the elected officials. Mrs. Flores said, right, right, so it's, they have the positions and the amounts and then they added a paragraph "in addition, elected officials will receive an annual payment of Flex Dollars in the amount of \$250.00". Fouce told Flores, thank you for adding that to the record. Do we have any question regarding such? If no questions, she'd entertain a motion regarding Ordinance 11-2023. Councilman David Cain said, Madam Chairman, he moves that they pass General Ordinance No. 11-2023 to a 2nd reading and public hearing. Councilman Brian Cowgill seconded. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Cowgill to pass General Ordinance 11-2023 to 2nd reading and public hearing. Any question on that motion? Roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None.

GENERAL ORDINANCE NO. 12-2023 1ST READING

The City Clerk read General Ordinance No. 12-2023 by title only, an Ordinance fixing 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 2024. City Controller Julie Flores told the Council, again, a 3% increase across the board for full time employees. They did have one change here that she would ask that they replace their second page. The Police Chief did ask for \$15.00/hour for her Traffic Secretary. The budget paperwork that she submitted to them, they did do the \$15.00, however, when they did the salary ordinance last week, she neglected to put that \$15.00 in for the Traffic Secretary. So she's given them new pages so she would kindly ask that they would allow them to make that change. Council President Robin Fouce asked, any questions regarding No. 12-2023? She'll entertain a motion. Councilman David Cain said, Madam Chairman, he moves that they pass General Ordinance No. 12-2023 to a 2nd reading and public hearing. Councilman Brad Luzadder seconded. Fouce said a motion's been made by Councilman Cain, seconded by Councilman Luzadder for General Ordinance 12-2023 to go to 2nd reading and public hearing. Any question on that motion? She'd ask before they take a vote on this for everyone to please remain seated. They will finish relatively soon but she would ask for everyone to remain seated until the conclusion of their meeting. If no question on the motion for 12-2023, roll call please. Motion carried by the following vote. Aye: Fordyce, Cline, Stodghill-Weeks, Luzadder, Henderson, Brunner, Cowgill, Cain, and Fouce. Nay: None. Mrs. Flores said, so if she could just real quick, Mr. Brunner and Steve, she has pages for them. Again, she has the circuit breaker comparison if they're interested in that. Also, she would ask that if there are additional questions on the budget before the 2nd reading and public hearing, if they could address those to them ahead of time, it would kind of be helpful. She would appreciate it, Flores said.

Council President Robin Fouce said she wants to go back and invite Mr. Shelton to the podium. He's been quite patient. She should have gotten earlier when it was the neighborhood comment. Mr. Shelton would like to share briefly with them an experience. So Mr. Shelton, please state your name, your address and a brief nature of his concern, Fouce said. James Shelton told the Council his address is 1109 S. Gallatin Street, Marion, Indiana. His major complaint is this new ordinance about parking on the grass. He brought a question, his council lady and Ms. Fouce, all them. When he saw them, he addressed this when he got this letter. One day, he parked his vehicles up in his yard because he had to get something done to them for one day. He got a threatening letter a few days later and he's got it right there if they want to look at it. It's got a picture of his vehicles and they can look at the vehicles in there, there's not a blade of grass under any of these vehicles that's in his yard. But this is one day. His thing is he understands they want to keep blight out of the yards and everything like this. What he's asking is would they amend this, as long as they keep the under the vehicles clean and around the vehicles clean and the vehicles clean while they're in the yard, then they have a problem if there's a bunch of grass growing under it. He doesn't do that. He doesn't let that happen because he doesn't want that to happen. He doesn't want to kill his grass so he's not going to park there no three or

four weeks on the grass because there would be a dead spot there. Secondly, he wants to say like this, he called Code Enforcement, went up there to talk to them. It's just like talking to a bunch of hateful folks. When he tried to explain himself, they told him he was threatening and everything else and he talks with a loud voice like he's talking now. And you know, he's not going to change his voice just to appease, you know, somebody he's trying to talk to, trying to talk to them nicely. Like he told them, he's not cussing them, not calling them any names. Then he put a request in for the head of Code Enforcement and he never did get in contact with him, Shelton said. Ms. Fouce asked Shelton, he hasn't gotten a call from him yet today? Shelton said, not even yet today and that's been two weeks ago when he got the letter. And his thing is, Council, he understands. They're all trying to clean up blight and everything and (inaudible). Hey, he's got a complaint about the house behind him. He's got trees and stuff growing out in the alley almost back there. He can't get nobody to get them to clean it down. He's not going to go over there and try to clean that down. You know, he could but what good is it going to do him? They're going to expect him to do it every time. His thing is they need to change this ordinance a little bit. He understands, there's people that park cars in their yard and park them there forever and let grass grow under them and everything else. He's going to say it like this. He does have one vehicle that he is working on to get it fixed but he pulls it out of the way, cuts the grass under it, put it back up there, make sure all the yard's clean still. He does this. But, he doesn't appreciate that, getting, one day and getting a citation, a threatening letter, saying that they're going to do this and this. He's seen many other vehicles, (inaudible) other vehicles in the yard, (inaudible) seen it. And he knows the reason why they did. It's because the situation he had at his lot. He's done sold that lot now, it's gone, but the lot where the Sheriff's Department said they cut the grass, which they didn't. He cut it, he keeps it cut. When he cuts his grass, he cuts his lot right down the street. This kind of stuff needs to be stopped. A good citizen, which he calls himself, he tries to help whenever he can. He's not going to be harassed and irritated by Code Enforcement because they don't want to go do their job where they're supposed to do them at. This thing is getting to be a pain in his butt. He's going to tell them what, he'll go back a few years back when he first bought his property, they had a community garage. One half belonged to his neighbor and one half belonged to him. He tore his half down because it wasn't (inaudible) and he told the lady next door she needed to get her son to tear it down. He got a letter in the mail, threatening him to tear it down, so he went ahead and tore it down because he knows her, that's his neighbor, that's when the house was there. But, he's not going to take that now. Now he's ready to fight. He was ready to go to the news, Channel 6 or Channel 8, wherever, and get them to come down here and see how you all are doing but he'd rather come up here and talk to them first. And Ms. Weeks knows that he's talked to her about this, hasn't he? And he's talked to Robin about this and they told him to come and talk to them first. Fouce said, so Mr. Shelton, they appreciate, again, his patience. She should have gotten him in earlier in their agenda. They certainly always want to hear from their citizens. Whether it be favorable or not, they need that communication and there's opportunity sometimes to fix some things. She thinks, as a Council, she will speak for all of them, where they would take this communication under advisement. Certainly, if you call a city worker, they work for you, they owe you a return phone call in a timely manner. The other piece, she wasn't there so she doesn't know. There's two sides to a story. Certainly she would defer to Councilwoman Weeks to follow up if she can get a response. She knows she's had some challenges as well, as a Council person, getting a response but that's why they bring it and they come together and they talk about it and hopefully it will encourage better behavior, better response time. Mr. Shelton said he wants to thank Gary (Fordyce). Gary, he appreciates him for, he came down and took a look too and he appreciates him. He talked to him too. They were classmates so he can understand. But he appreciates their time and appreciate them listening to him gripe. Thank you very much, Shelton said. Fouce said, thank you, sir. Have a good evening, thank you, sir. Barring no further question or comment..... Building Commissioner Jerry Foustnight said he would like to make a comment. Fouce told him that's not on their agenda, sir. She'd love to set up a.... Foustnight said, wait a minute, wait a minute, wait a minute. She let him.... Fouce said, now wait a minute, this is her meeting. This is their Council meeting. Foustnight said this is why things aren't being done. You're going to table everything. You tabled about the blight. You're all concerned about blight but yet you don't do anything about it. Council President Fouce said, so, that was totally out of order and disrespectful of their Council process. Certainly, she'd like to set up and they have tried to set up meetings with Code Enforcement. You saw before you the behavior exhibited so she doesn't know how far they will get with that, but certainly, they'll continue to try to set up meetings to discuss those matters and try to get an amicable resolve, for not only enforcement of their code but compliance and consideration from constituents in the community. Barring no further question or comment, she would entertain a

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motion for adjournment. On a motion by Councilman David Cain, 2nd by Councilwoman Annalisa Stodghill-Weeks, the meeting adjourned. Time being 8:43 p.m.