

MARION COMMON COUNCIL AGENDA

PRESIDENT – NICK MCKINLEY VICE PRESIDENT – GARY FORDYCE

Regular Meeting – Marion City Hall Council Chambers

Date: July 15, 2025

Time: 7:00 P.M.



CALL TO ORDER

PRAYER: Mayor Ronald Morrell Jr.

PLEDGE OF ALLEGIANCE: Councilman David Cain

ROLL CALL

COMMUNITY SPOTLIGHT: District 5 Neighborhood Assoc. Presidents - Recca Black (Center City), Gus Smart & Tammy Philburn (Harry Cramer), & Sheron Carson (H.O.P.E./South Marion)

CITY EMPLOYEE SPOTLIGHT: Michael Potoski, Park Maintenance

CONSENT AGENDA:

- A. APPROVAL OF MINUTES REGULAR MEETING JULY 1, 2025, AND SPECIAL MEETING MINUTES JULY 8, 2025
- B. CONSIDERATION OF PRE-APPROVED CLAIMS
- C. CONSIDERATION OF CLAIMS

COMMITTEE REPORTS

UNFINISHED BUSINESS

Marion Utility Board opening

Marion Utility Board opening for Marion Common Council. Speaking: Council president Nick McKinley

Executive summary: The Marion Common council will soon have a position on the Marion Utility Service Board. The council is now accepting applications and resumes to be considered for the appointed position. It is a four-year term that will run from August 1, 2025, to July 31, 2029. Deadline to submit resumes is July 11, 2025, at noon. Resumes can be turned into the City Clerk's office or emailed to councilpresident@cityofmarion.in.gov.

Resolution 12-2025- Food and Beverage tax

A Resolution Supporting the Implementation of the City's Food & Beverage Tax. Speaking: Mayor Morrell

Executive summary: The City is considering the adoption of a Food & Beverage Tax Ordinance General Ordinance 14-2025. Prior to its adoption, the City Council must conduct a special hearing regarding the Food & Beverage Tax and adopt a Resolution in support of the Food & Beverage Tax. On July 8, 2025, the City Council conducted a duly noticed public hearing regarding the Food and Beverage Tax. The City Council will now consider the adoption of this Resolution supporting the Food & Beverage Tax prior to final consideration of its Food & Beverage Tax Ordinance.

General Ordinance 14-2025- Food and Beverage Tax-3rd hearing

An ordinance of the City of Marion adopting a Food and Beverage Tax. Speaking: Mayor Morrell

Executive summary: On or around May 6, 2025, Governor Braun signed House Enrolled Act 1427, which, among other items, amended Ind. Code §§6-9-61, allowing the fiscal body of the City of Marion to impose an excise tax, known as the City Food and Beverage tax. The Food & Beverage Tax applies to a transaction in which food or beverage is furnished, prepared, or served: (1) for consumption at a location or on equipment provided by a retail merchant; (2) in the City; and (3) by a retail merchant for consideration. The Food & Beverage Tax rate may not exceed one percent (1%) of the gross retail income received by the merchant from a qualifying food or beverage transaction. Money received by the City shall be distributed to the City's Food & Beverage Fund and only utilized for economic development, parks & recreation, and/or the pledging of money for bonds, leases, or other obligations for those purposes.

General Ordinance 15-2025- Payment In Lieu of taxes- 2nd reading and public hearing

An ordinance authorizing payments in lieu of taxes for Vita of Marion. Speaking: Chris Greisl, Barnes & Thornburg LLP

Executive summary: Vita of Marion, LLC (the "Owner") has developed, constructed, and currently operates an affordable housing development providing assisted living services to low-income seniors ages 62 and older. The Project is subject to an extended use agreement as administered by the Indiana Housing and Community Development Authority for a period of at least thirty (30) years. Pursuant to the Extended Use Agreement, the Project is limited to charging rents as determined in accordance with the Extended Use Agreement and from-time-to-time by the United States Department of Housing and Urban Development. The Owner has agreed to make certain payments in lieu of taxes, and the City and Owner desire to document that agreement in a written agreement.

General Ordinance 16-2025-Issuance of Taxable Economic Revenue Bonds- 2nd reading and public hearing

An ordinance authorizing the issuance of one or more series of taxable economic development revenue bonds, series 2025. Speaking: Chris Greisl, Barnes & Thornburg LLP

Executive summary: Vita Investment Holdings, LLC, Jones Heritage, LLC, and Bullt-Marion, LLC have submitted a proposal to redevelop the Jones middle school into approximately eighty (80) apartment units, (ii) construct approximately fifty-six (56) cottage units, and (iii) develop and construct approximately thirty-six (36) flex-industrial units and one hundred forty-six (146) self-storage units, all on the Project Site. The Company expects that its total investment in the Project will be approximately Forty Million and no/100 Dollars \$40,000,000. As a result, the City has agreed to provide certain incentives to assist the Company in the construction of the project pursuant to certain Project Agreements. The City proposes to issue two or more series of Economic Development Revenue Bonds in the aggregate principal amount of \$7,500,000.

Additional Appropriation 10-2025- Aviation equipment- 2nd reading and public hearing

An appropriation appropriating funds in the amount of \$83,147.86 for Aviation. Speaking: Ray Dosh

Executive summary: Aviation formally requests an additional appropriation of funds for the necessary replacement of our underground fuel storage tanks.

General Ordinance 17-2025- Changing the direction of 2nd Street 2nd reading and public hearing

An ordinance to change the direction of a portion of 2nd Street from Adams Street to Branson Street. Speaking: Director of Planning and City Engineering Mike Graft.

Executive summary: Pursuant to the recent vacation of 1st Street from Branson to Adams it was determined by the Marion Traffic Commission that 2nd Street direction be changed to assist in Public Safety vehicles access to Washington Street be preserved. This amendment will provide the movement

of traffic to stay consistent with this request and provide access for local businesses.

NEW BUSINESS

Resolution 11-2025- Adopting a multi-hazard mitigation plan

A resolution approving the adoption of the Grant County multi-hazard plan. Speaking: Bob Jackson, Executive Director Grant County EMA/DHS

Executive summary: The Risk Analysis Branch of FEMA Region 5 Mitigation Division has determined the local mitigation plan meets all applicable FEMA mitigation planning requirements except its adoption by the participating jurisdictions of the Grant County 2025 Hazard Mitigation Plan. An approved local mitigation plan, including adoption by the local government, is one of the conditions for applying for and/or receiving FEMA mitigation grants from the following programs: Hazard Mitigation Grant Program (HMGP), HMGP Post-Fire, Building Resilient Infrastructure and Communities, Flood Mitigation Assistance, Safeguarding Tomorrow Revolving Loan Fund.

Resolution 13-2025- Creating a special non-reverting fund

A resolution creating a special non-reverting fund in accordance with IC 5-20-5-15.5 (VITA of Marion). Speaking: Barnes & Thornburg LLP and Mayor Morrell

Executive Summary: On July 1, 2025, the City Council adopted Resolution 10-2025, approving certain project agreements concerning the Jones Heritage Project, which project represents a collective investment of approximately \$40M. Additionally, the City has adopted Ordinance No. 15-2025, which requires Vita of Marion to make certain PILOT Payments to the City. In accordance with state law, those PILOT Payments must be placed into this new local Fund. Any PILOT payments received by VITA will be distributed to the Jones Project and applied to Bond Payments. Speaking: Barnes & Thornburg LLP and Mayor Morrell

Sidewalk 50/50 Request

Executive Summary: The City Council members have money budgeted to help residents match the 50/50 that the City provides. However, the City's portion of the 50/50 has been depleted due to an abundance of requests. City Engineer, Mike Graft, would like to request for Council members to allow their budgeted amount remaining be used for the City's 50/50 portion. There is a wait list of residents are willing to pay their entire 50% portion and releasing these funds from the Council members would allow the City to move forward with more sidewalk repairs this year. Speaking: Mike Graft, City Engineer.

Additional Appropriation 11-2025- Additional appropriation for Center Township Trustee 1st hearing

An appropriation requesting \$300,000 for the Center Township Trustee for the propose of maintenance and revitalization of Estates of Serenity Cemetery. Speaking: Deborah Cain, Center Township Trustee.

Executive summary: The City of Marion is requesting \$300,000 in additional appropriation to Center Township Trustee to help maintain the Estates of Serenity Cemetery.

ANNOUNCEMENTS

Citywide Cleanup- District 4- July 19, 2025, from 9:00 am to 2:00 pm

Fire Station 1 Groundbreaking- July 22, 2025, at 1:00 pm

REGULAR MEETING – MARION COMMON COUNCIL – July 15, 2025 – 7:00 P.M. – CITY HALL

The Common Council of the City of Marion, Indiana met in a regular session on TUESDAY, the 15th day of July 2025, 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: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, and McKinley

Absent:

Prayer: Mayor Ronald Morrell Jr.

Pledge of Allegiance: Councilman David Cain

COMMUNITY SPOTLIGHT - District 5 Neighborhood Association Presidents- Recca Black (Center City), Gus Smart and Tammy Philburn (Harry Cramer), and Sharon Carson (H.O.P.E./ South Marion)

- Nick McKinley introduces the community spotlight, focusing on District 5 and Councilman Andy Whitton.
- Councilman Andy Whitton nominates several neighborhood association presidents for recognition, including Recca Black, Gus Smart, Tammy Philburn, and Sharon Carson.
- Tammy Philburn, Sharon Carson, and Recca Black express gratitude for their recognition and share their experiences and efforts in improving their neighborhoods.
- Gus Smart encourages the community and younger generations to become active in their neighborhood associations.

CITY EMPLOYEE SPOTLIGHT- Mike Potoski

- Nick McKinley highlights Mike Potoski, who has been in the Street Department since 2011.
- Various coworkers and supervisors praised Mike Potoski's dedication, work ethic, and contributions to Matter Park and the Walkway of Lights.
- Mike Potoski humbly accepts the recognition, expressing his commitment to maintaining Matter Park and his appreciation for the support from his colleagues.
- Nick McKinley thanks Mike Potoski and emphasizes the importance of his role in maintaining the city's parks.

CONSENT AGENDA FOR JULY 15, 2025, minutes for July 1, 2025 and July 8, 2025 special meeting preapproved claims and claims for July 15, 2025

Nick McKinley moves to approve the consent agenda, which includes the approval of minutes, pre-approved claims, and claims.

Motion to approve consent agenda- Cowgill, second Cain. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

COMMITTEE REPORTS

- Brian Cowgill reports on the Traffic Commission's decisions regarding stop signs at Bellamy Boulevard and Bell Drive and Carey and 31st Street.
- Erika Devine provides updates on the Board of Works' actions, including the approval of a bid for downtown sidewalks, the declaration of surplus vehicles, and the approval of a bid for work at the animal shelter.
- Pinnacle Contracting will do the work at the animal shelter. The Board of Works talked with Jacon Hulsey and ESG about energy saving.

- Councilwoman Devine reported there were suggestions made at the committee meeting regarding the alleys. There will be another meeting scheduled for that.

MARION UTILITY BOARD OPENING

Marion Utility Board opening for Marion Common Council.

- Doug Carl and Mike Graft present their cases for reappointment to the Utility Board, each highlighting their experience and qualifications.
- The council votes to appoint Mike Graft to the Utility Board, with Doug Carl receiving a round of applause for his long-term service.
- The vote was a 5 to 4 vote.

RESOLUTION 12-2025- Food and Beverage Tax

An ordinance of the City of Marion adopting a Food and Beverage Tax.

- Nick McKinley explains that the state requires this resolution to be passed before the ordinance is passed.

Motion to pass Resolution 12-2025-Cain, second Brunner. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

GENERAL ORDINANCE 14-2025- Food and Beverage Tax 3rd reading and public hearing

An ordinance of the City of Marion adopting a Food and Beverage Tax.

- Mayor Ronald Morrell proposes a 1% tax on gross income for food and beverages.

Motion to pass General Ordinance 14-2025- Cain; second Cowgill - Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

GENERAL ORDINANCE 15-2025- Payment in lieu of taxes 2nd reading

An ordinance authorizing payments in lieu of taxes for Vita of Marion.

- Max Adams of Barnes and Thornburg reviews the purpose of the payment in lieu of taxes ordinance.

Public hearing

none

Motion to suspend the rules for General Ordinance 15-2025- Cowgill; second Cain. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

Motion to pass General Ordinance 15-2025- Cowgill; second Cain. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

GENERAL ORDINANCE 16-2025- Issuance of taxable economic revenue bonds 2nd reading and public hearing

An ordinance authorizing the issuance of one or more series of taxable economic development revenue bonds series 2025.

- Due to a publishing error, General Ordinance 16-2025 was tabled.

Motion to table General Ordinance 16-2025 -Brunner; second Cline. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

ADDITIONAL APPROPRIATION 10-2025- Aviation equipment 2nd reading

Appropriation appropriating funds in the amount of \$83,147.86.

- Ray Dosh explains the Aviation Board cannot change companies because it would require a complete redesign of the project.
- Ryan McCroskey explained the federal funds will only cover a complete replacement.

Public hearing

none

Motion to table until the board hears from the mayor of Gas City Brunner, no second. Brunner rescinds the motion.

Motion to pass Additional Appropriation 10-2025 to 3rd reading- Cline, second Cain. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes

GENERAL ORDINANCE 17-2025- Changing the direction of 2nd Street

An ordinance to change the direction of a portion of 2nd Street from Adams Street to Branson Street

- Nick McKinley explains this ordinance is to reverse the direction of 2nd Street from Adams to Branson and not make it two way.
- The RDC would like to pay for a study of the traffic in this area.

Public hearing

none

Motion to table General Ordinance 17-2025 until after the traffic study is completed- Cowgill; second Cain. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

RESOLUTION 11-2025-Adopting Mitigation plan

A resolution approving the adoption of the Grant County multi-hazard plan.

- Bob Jackson presents the Multi-Hazard Mitigation Plan, explaining its importance for federal funding.
- The changes were for weather, tornadoes, and other projects.
- This is required for every county in the nation every five years.

Motion to approve Resolution 11-2025- Cain, second Cowgill. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

RESOLUTION 13-2025- Creating a special non-reverting fund

A resolution creating a special non-reverting fund in accordance with IC 5-20-15.5 (VITA of Marion).

- Max Adams explains that this fund needs to be created specifically for the payment in lieu of taxes.

Moton to approve Resolution 13-2025- Cowgill, second Cain. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

SIDEWALK 50/50 REQUEST

- The council discusses the allocation of sidewalk funds.

- Mike Graft explains the city is out of money for the sidewalk program and they would like to use the council members money to help with projects to finish out the year.
- The was discussion about increasing the funding for the 50/50 sidewalk program.
- Council members agree to use the remaining funds for sidewalk projects.

ADDITIONAL APPROPRIATION 11-2025- Center Township Funds 1st hearing

An appropriation requesting \$300,000 for the Center Township Trustee for the propose of maintenance and revitalization of Estates of Serenity Cemetery.

- Deborah Cain requests \$300,000 for the Center Township Trustee to maintain and revitalize the Estates of Serenity Cemetery.
- Cain shares the history of the cemetery's neglect and her efforts to gain control and administration.
- The cemetery has received significant cleanup efforts, including the removal of trash and office furniture, and the Pet Cemetery has been cleaned and maintained.
- Cain discusses the challenges faced in maintaining the cemetery, including the lack of proper financial records and the need for a \$300,000 request to address immediate needs.
- Cain emphasizes the importance of community support and the need for a sustainable funding solution to maintain the cemetery.
- David Cain shares his personal investment in the cemetery, including his family's efforts and the emotional impact of the cemetery's condition.
- Brian Cowgill expresses his support for Cain's efforts and the need for the council to provide the necessary funds.
- Gary Fordyce raises concerns about the financial impact on the city and the need to prioritize budget allocations.
- Martin Harker provides legal advice on conflict of interest, stating that no board members have a pecuniary interest in the outcome.
- Nick McKinley clarifies that the \$300,000 request is coming from the edit fund, not the general fund, and emphasizes the need for a comprehensive funding plan.
- Eric Marshall expresses concerns about the long-term sustainability of the cemetery and the need for a comprehensive funding plan.
- Cain outlines her plans for generating additional funds through grants, leases, and other commitments.

Motion to pass Addition Appropriation to second reading and public hearing- Devine, second Cowgill. Aye: Cain, Marshall, Brunner, Devine, Whitton, Cowgill, McKinley. Nay: Fordyce and Cline.

ANNOUNCEMENTS

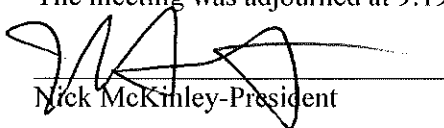
City Wide clean-up District 4- July 19, 2025

Groundbreaking for Fire Station 1- July 22, 2025 at 1:00 pm

Sunny Crest Neighborhood rummage July 18-19.

Motion to adjourn- Cain, second Brunner. Aye: Cain, Marshall, Fordyce, Brunner, Cline, Devine, Whitton, Cowgill, McKinley. Nay: none. Motion passes.

The meeting was adjourned at 9:19 pm.


Nick McKinley-President