

SPECIAL MEETING – MARION COMMON COUNCIL – JUNE 23, 2020 – 6:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in special session on Tuesday, the 23<sup>rd</sup> day of June, 2020 at the hour of 6:00 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: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce, Brunner and Cline.

Absent: Henderson.

Before the prayer was given, Council President Deb Cain asked the Council to please remember Mr. Henderson who just took his wife back to the hospital just a little bit ago.

Council President Deb Cain said Friday morning, the 19<sup>th</sup>, a Council member made a public statement on WBAT so she's going to make a public response. This is not only coming from a member of the City Council but her, as the President, who has to make these decisions. She was greatly disappointed and appalled and upset that a Council member of a team of nine members would make a public statement of the full Council that it met in illegal meetings, which this same Council member submitted questions, participated in the discussion and it is really sad that this Council member championed alone by throwing eight other members under the bus is the word she would use. They all campaigned for the positions that they hold. They received the trust of the voters to put them in this position and in making this public statement, the integrity, trust among all members has been damaged. So they will go on to the next agenda item. Mrs. Kiley?

City Clerk Kathleen Kiley then read: Legal Counsel – Procedure announcement. The City Clerk's Office will post to the Chronicle Tribune and on the city's website that the Council is receiving resumes and cover letters through, and Deb had asked her to change that to Monday, June 29<sup>th</sup>, in the City Clerk's Office either by United States Postal Service mail or a digital copy emailed to the City Clerk. Then there will be an Executive Session scheduled for Tuesday, June 30<sup>th</sup> at 6:00 p.m. to conduct interviews followed by a Special Session scheduled for Tuesday, June 30<sup>th</sup> at 7:00 p.m. to hold roll call for voting for legal counsel. Councilman Jim Brunner asked, is there anything they need to mention publicly about it? He takes it they have to live in the City of Marion. There's no time period where they have had to have been here so long, is there? Cain said no, they just have to practice in the city.

Mrs. Kiley then read: Introduction of Legislative Agenda – It is important for the City Council to have clear goals and priorities in order to effectively fulfill its role in City Government as the fiscal and legislative body for the City of Marion, a Legislative Agenda helps to keep a focus on specific issues to be addressed. It will be a working agenda, continually added to and assignments made. Council President Cain said, so, as President and as a Council member, she just feels it's really important that they focus and present their goals, have their goals in place. COVID-19 and other situations have taken precedence over the beginning of their year and they started off with a really good intention to really focus on some agendas and some items and she expects and she anticipates that this is a continual work list. It will always be reviewed, revised, updated, added to and discussed. Given the financial restraint of the city, especially what they see probably will be coming from this COVID-19 and it will not go away quickly. They need to do everything in their power to ensure that the taxpayers' funds are spent in such a way that it maximizes the benefits of Marion. So, her request and her desire and her intentions with these legislative items would be to have committee assignments. Not assigned to the current committees that they have but to create a committee for that agenda item, led by one of the Council members, and also to include the public, to invite the public because it will give them the opportunity that they deserve to have input and to help them and they provide ideas and suggestions that they may not have thought of. You know the saying "two heads are better than one". So they are always looking at everything as a legislative body, as Council members, and sometimes having the insight from a community member can really be beneficial and she thinks that that's important. So, as they look at items, keep in mind that they need to set the meetings to be able to work around any of the citizens that they all establish should be on their committee. So this is not, this agenda item, this Legislative Agenda is not set in stone. It's just something that she began building and has really felt these are some of the things they've talked about, that Council members have talked about, but also that she's had citizens ask is this something they're going to focus on. So, she just wants to present this to them, to begin

working on it, to kind of start an idea, a flow chart basically of what they can focus on. She also wants their input. Is this something they want to do or is this absolutely not? Councilwoman Robin Fouce said, Madam President, she would like to talk to their Neighborhood Association Presidents. Her experience with them, both campaigning and while she's in office, they have great, active, (inaudible) Neighborhood Association Presidents and certainly they can help direct them on what's important in their perspective areas and maybe partner with them in a way that they haven't before, at least to do the brainstorming and get the ideas. Ideally, for her, she'd like to see them be that public part of the grouping. It's just an idea. Certainly, she wants to include them if they want to be included but they are a wealth of knowledge. In talking to them, they can tell you as much about your district as you can. And so, she thinks it's important that they have that link in there, Fouce said. Councilman Brad Luzadder said, Madam President, as the liaison to the Utility Board, they're currently in the process, working with the brand new recycling center. The days open are Monday and Friday and they're doing that specifically for the purpose of Tuesday, Wednesday and Thursday, Garthwaite with the county, the recycling center is open and so the Utility Board decided on Mondays and Fridays to be able to work through that. Currently at this time, recycling is costing the city a massive amount of money and so in order to be able to help to remedy some of that, he knows that the Utility Board is working and he would be willing to reach out to Mr. Binkerd and start some discussions with that. He knows that when recycling started all the way back when Darren Reese was actually interning with the city, there was a lot of stuff and a lot of education being done in the elementary's in order to help families, but currently, recycling is extremely expensive and even though the utility is providing blue bags, it is costing the city a ton of money. So in order to be able to work through that, he will reach out to them to see if they can get something cohesively together to work together as a unit, Luzadder said. Mrs. Cain told Luzadder, alright so they'll just put his name beside that and he can get responses back to them. Councilman Jim Brunner said he would like to second the comment made by Robin. They just had their neighborhood association meeting within the last week and it's amazing what about another 10, 15 pair of eyes can tell you about where you live that you didn't realize were going on. Sherry Rush, he thinks a lot of them know Sherry, is exceedingly interested in the ward he lives in and has already got him motivated in a number of areas and he's got people out working on some things. So he would have no problem with meetings like this. He thinks maybe this was Robin's idea to have those people be here and maybe they could all hear from them because they're going to, he's got two ears and they'd have 18 ears here to hear what they'd have to say. And he marked down the yard waste removal because boy, they're in that time now where trees are really sprouting, people are trying to go out and trim bushes and those kind of things and they just need a little help and direction from them on where exactly to put those and what to do with those things because the last thing they need is it blowing all over the place and causing traffic problems and everything else. But he likes what Robin had to say, he thinks that's a great idea. Council President Cain asked Brunner, would he like to take the yard waste? Brunner told Cain, yeah, he will take the yard waste. You want people to be sure and keep their yards to not look like a jungle. They're at that point right now, he thinks, my gosh, he had a tree, he has this beautiful tree in his front yard and he didn't think it was going to sprout the leaves and now all of the sudden, after the small storm we had today, the small storm, it's got leaves everywhere. He thinks sometimes we don't realize if we don't keep up with that what it can cause. His wife and he walk their ward virtually every night and there's a lot of areas where you can't get down sidewalks because you almost have to go out into the street to get around bushes that have just overgrown themselves. He wouldn't even mind working on some possibly some way they can help people because there are some people out there that maybe just don't have the ability to get out in their yard and to clean those up and to chop them down and do those kind of things. So, it just hit him today because his son asked for one thing for his birthday this Friday and that's a trimmer for his bushes. He means, we're all kind of going through this right now so if you had this question in December, we wouldn't be talking about it but we're certainly talking about it now. So he thinks that's something we need to find maybe a better way to help get those things cleaned up, Brunner said. Council President Cain stated, and Jason McVicker (Marion City Court Judge) is working on putting something together for community service and so that would be a way to reach out, after he begins his position to maybe reach out to him and see if we can put the two together. Brunner said, but he would like to be part of that. Of the things he saw on here, that's one that just jumps out right at him, from his ward. Councilman Brian Cowgill said he agrees. He thinks that working with the public is essential. He's noticed that that's where a lot of the great ideas come from is the people that live right there. They're the ones that know. He means, everywhere from the yard waste to the streets to just ideas to help with the city in general. He thinks it's a fantastic idea. He loves working with the public, working with people. And,

Councilman Brunner, he agrees. In fact, he noticed recently that the city, they've picked up a lot of sticks and things like that that has had piles for months or so. They're getting to it and it makes a huge difference. He'd even like to see, they used to pick up leaves and he knows they stopped that and that's a huge problem in the fall. He'll even work with him on that on investigating. Maybe they can try to do that again, Cowgill said. Brunner said, thank you, Mr. Cowgill. Councilwoman Fouce asked Cain, so is she looking for volunteers? Mrs. Cain said, she is, if she wants to look at that or if she wants to add one. Fouce said she'd like to volunteer for both 1 (LWG Lawsuit Funding) and 2 (Budget Review). Hopefully she'll get more cohorts to do the same but she certainly would like to volunteer for those two. City Clerk Kathleen Kiley asked, are they going down the list or going across? Cain said, yeah, she can. Someone said they don't even have the list. Cain said, it should be in your email. Mrs. Kiley said, the Blight Elimination and E911 Funding? Is that what she meant? Are those the ones, Robin? Ms. Fouce told Kiley, the LWG Lawsuit Funding and Budget Review. Kiley stated, that's not making sense on hers. Cain told Kiley, oh, she's sorry. Brunner stated, she's going across. Yeah, she's going across. Mrs. Kiley said, oh, she's got the wrong one. Boy is she confused. Council President Cain stated, yeah, 1 and 2 is Robin, the lawsuit funding and budget review. Central Dispatch, she's going to work on that one. Recycling would be Brad. Yard waste removal is Jim. Kiley asked Cain, who did she say was Central Dispatch and Blight Elimination? Cain said she hasn't done Blight Elimination. Kiley said, oh, but she'll be Central Dispatch? Cain stated Central Dispatch is Deb and Brian. Cowgill said he's going to work with Jim on yard waste as well. Cain said, okay, yard waste, Jim and Brian. Councilman Mike Cline said, Councilman Fordyce and he kind of share a river so they'd both volunteer for #10. He knows she's not there. Cain said, she will put Gary for #10. Cline asked, only Gary? Cain said, well he can choose. Yeah, he can choose. Cain asked, what about Blight Elimination? Councilman Don Batchelor said, Madam President, he will take Blight Elimination. Mrs. Cain said, very good choice, Mr. Batchelor. She will, she'll work on the No Smoking Ordinance because she's had members of the public come to her personally on that. Are there any additions? Then we have the Comprehensive Plan. Councilwoman Fouce asked Cain, what's your idea? Cain asked, what's the idea on the Comprehensive Plan? Well the city set forth a Comprehensive Plan and she's just curious as to where they are with it, what can we help with it. She thinks it also falls under grant writing. Can we help with any, in their Grant Writing Committee, can we help with that? And the Public Bidding Process that's under, actually that's under Blight Elimination where they have to tear down the houses and take that bidding. Mrs. Kiley asked, isn't that under Board of Works though? Cain told Kiley, she will look into that, thank you. Kiley commented, not that she goes to Board of Works meetings. Cain replied, no, she can check on that. Council President Cain told the Council, okay, she will send this update out. If there's any additions that they want to add, just respond, shoot an email, say hey, you know what, I thought about this, let's add this to our agenda that we can focus on because doing this keeps us focused on things that we have in the back of our mind and the back of our thoughts that we really want to focus on, and again, things get, you know, other things get in that perspective and in that way. We have committee meetings that we will have to begin meeting with. We have the budget process coming up and that's going to be significant and we need to really focus on that so she doesn't want, so that's why she wanted to make this separate so that we didn't inundate all of our committees with these agenda items or what we want to look into and help the city move forward on them, whether it's just saying this is how they're going to handle it or helping them write an ordinance to be able to handle it and correct the problem or finding grants with our Grant Writing Committee. So, thank you, she thinks this is awesome. She is really excited about this, Cain said. Councilman Brunner said, also, he guessed this would be a new one. He received an interesting phone call the other day from a lady who's very caring about how our community looks and she was upset that we did not have any flowers growing in the pots downtown and asked him if he could check on why that would be. Well he got a very good answer, because those fall under the Park Department bailiwick and, as we know, the Park Department was closed for most of the spring and into the early summer so he explained that to her. And he thinks they all know that he's done 49 years of communications so he wouldn't mind, if there are some things that you need passed on to not only ourselves and our stations but also the Chronicle-Tribune and the News-Herald, he would be more than willing. He thinks it wouldn't take him all that much time to be kind of your Communications Director. There's an example right there that people just didn't understand why we didn't have flowers growing downtown and it was because the Park Department weren't going to work. And of course, it's during a very unusual time that we've never had anything like that, where they couldn't get to work. So, he thinks that would be another one that he'd like to add, Madam Chairman, Brunner said. Council President Cain told Brunner, very good. So it'd be like.... Brunner stated, kind of be the communications

guy. Cain said, there you go, like that title. Very good. Like she said, it's going to be a work in progress, adding, suggesting, assigning. And remember that as you're working on these, it's okay and it's important, she thinks it's to our advantage to utilize the public as they can.

City Clerk Kathleen Kiley then told the Council the final item is Discussion in Response to Administration Question & Answers – Council President Deb Cain said she'd like to take this time also to respond to what the media has been indicating in their insinuations that there's a..... She just cut her finger and she's bleeding. Does anybody have a Kleenex? Mrs. Kiley told them they might check in the back room to see if there are any. Mrs. Cain continued and said, that there's contention between City Council and the Administration and there is not. For two things. The city has been closed due to COVID so there's not the opportunity to stop in anyone's office and just hold a conversation. And we've just taken a different avenue, a different way, a different format and a different approach to this. And it's something that Councils have not done in the previous and we're using the tools that are at their use to be able to do that and so she just wanted to clear the air on that. They received, by email, documentation in response to the questionnaire that was submitted by the Administration so she'll open the floor for discussion and she guessed there's not someone here from the Administration to answer their questions so they will take detailed notes. She'll write the notes down and the questions and they will submit those to the Administration. And this is recorded and that will also help make sure that she gets her notes correctly and so make sure that you speak loudly into your mike with any questions or thoughts or concerns regarding what we received. She will open the floor. Don't anybody be shy, Cain said. Councilman Don Batchelor asked Cain, have the questions already been submitted to the Administration? Cain told Batchelor the questions were submitted to the Administration with a request to respond by today, which they did. She said she sent it to them, she means it's quite a few pages so she sent it to their email address. It's in PDF form. One is titled "The Written Response from Questionnaire" and the other file is titled "Fund Reports, Invoices, Statements". Someone said don't print it off. Cain replied, yeah, do not print it off. It's a lot of pages. Mrs. Kiley said she did. Cain told Kiley, bless her heart. Kiley responded, well, they'll need a copy of it for their records. Cain told the Council, okay, she will read out some of the responses. Would that work? Okay. So, question 4 stated please provide the written contractual agreement with Ice Miller, show an hourly rate, fee agreements, scope of work, etc., along with the letter of engagement. The response from the Administration, there was an engagement letter from Ice Miller in early 2016 but our copy has been misfiled. We have asked Phil Whisler of Ice Miller to provide a copy and he agreed to do so but he said it might take a few days. So we will get that copy, Cain said. Any responses, questions? And she will provide that to them when they do get it. So, #7, the question was please provide an accounting of the anonymous donations and dollars in digital format. The response to that question is that anonymous donations did not come through the city books. The anonymous donors sent donations directly to Ice Miller. Councilwoman Robin Fouce said, so her question to that would be, first let her say about #4. In her opinion, that answer is unacceptable. She can't somehow imagine that a document as important as that initial agreement is misfiled. That's just her. Hopefully it is misfiled and we'll get that but we don't have that. It leads her to wonder how much else in the case has been misfiled. That's just her. Question #7, her question would be, so anonymous people went to Ice Miller, not through the city. Who introduced the anonymous people to Ice Miller or were they just anonymously wanting to give Ice Miller money and just coincidentally the city was also filing a lawsuit? Cain said, very good question. Let her see if she got this right. Who introduced Ice Miller to the donors and how do we verify that it was donations to Ice Miller for the lawsuit? Fouce said that transaction had to have been facilitated, in her opinion. If she's wrong, she'll accept that. But in her opinion, that transaction was facilitated by who? Who had interest in facilitating that transaction? It would be the Plaintiff. The Plaintiff in this case is the City of Marion. And so, to say that, it kind of eludes to we didn't have anything to do with that. Well why would someone else give Ice Miller money to support our case but we didn't have anything to do with that? As a Council, she believes that goes straight to finances and she believes they are privy to that information. We are one, or should be, the Administration and the Council. There's some debate as to whether we have co-equal powers. She's under the impression that we do. And so, she believes they have privy to that information. Councilman Brad Luzadder said, Madam President, with that question, for him, they were told that there was people in support, financially. We have no idea if that money came through, if there was \$60,000 pledged or \$100,000 pledged. He hopes to goodness we didn't jump into a lawsuit with money pledged without having any idea which direction we were going with it. He hopes \$60,000 didn't get us into a \$1,600,000 lawsuit. He would hope that

there was much more to work off of than just that. Councilman Brian Cowgill said he doesn't understand, he guessed, to a certain extent. He means, you're talking about a major lawsuit that we racked up a bill of \$1,600,000 and there's papers that we don't know where they are. There's finances that we don't know where they came from. He means, he doesn't understand. That's not a way to run the city. He doesn't get why, you know, those should be easy answers to him. If somebody asked him how did he pay the bill, well it's because he got it from here and then he paid it out of his checking account. He means, it's simple stuff. Council President Cain then said, okay, question 8 was will there be a closing report from Ice Miller over this case and the response, the City of Marion's Corporate Counsel is in constant communication with Ice Miller about the status of the case. We do not know what you mean by "closing report". Councilman Luzadder said he thinks there should be some kind of response from Ice Miller, that we're paying, from the lawsuit. He means, the Court of Appeals gave a closing report from their findings. He would think that our counsel would be able in which to provide a closing report. And again, he thinks \$1,600,000, Ice Miller has received a large chunk of money from the citizens of Marion. He believes the citizens of Marion deserve the answers. And he would say the closing report would be an easy way in which to place out answers that the public should be able to receive. Cain said, so the closing report, in her mind when we were talking about this question, would be like the courts. It's a summary of what they did. It's a summary of their process. It's a summary of their steps that they took, why they took the steps, why they agreed with the city to be their counsel in this case. Is she saying that correctly? Councilman Cowgill said, Madam President, he doesn't know, maybe it would be quicker. Did she get any answers, direct answers, for any of the questions? Cain told Cowgill she got the answers that he got. Okay, so she's going to add to that. She heard the Mayor say that she used to stop in the office and ask questions. Well these are questions that all came from the Council. These are not questions that just came from her. So, she didn't feel that it was in her place to be the only one that would step in his office and talk and the way to get all of this together was to call a meeting so they could all speak with the Mayor and provide our questions to him. She is the spokesman as President for a lot of things but as these questions were from all of them, there was an input of all of them, a discussion from all of them that that is why we took this process. And communication does go both ways in speaking with each other. So, that's her other response to did she get a direct response other than these. Okay, so they'll move on to question 9. Councilman Brunner said, he has it here if she needs it. Cain asked him if he could read it please. Brunner stated, the question for #9 was please provide a detailed accounting of how much has been paid out of the bond issued to London Witte (inaudible) the YMCA Project in digital form and the answer is there was no bond issued to London Witte. We are not sure what you are asking by this question. Please clarify. Mrs. Cain said, okay so the bond was.... Mr. Luzadder said the bond was for the YMCA Project. It was not delivered to London Witte. London Witte was the financial person that was working with the finances. It seems like their answers are being more argumentative as we come forth. It would be much easier for them to sit together and be able to talk to each other back and forth instead of trying to have some kind of a magic show, trying to hide things. If we want to be transparent, let's sit down together, let's talk this out. It's open Council. We gave an opportunity in which to allow to have some discussion. The Administration doesn't want to do that so he thinks we have them come in and let's have a discussion. Let's go through this. We're playing games and this is not something to be playing with. The finances of the city is not a joke and we spent \$1,600,000 which we could have definitely used in other places in this city. If we want to play verbiage back and forth, it's going to be, nothing's going to be solved. There has to be open communication, Luzadder said. Councilwoman Fouce said, Madam President, she just wanted to add that, on behalf of the constituents of District 4, primarily for her as well as Marion, she sincerely would like to have open and frank dialogue with our Mayor, our Administration, City Council regarding this important fiscal matter. It's litigation. But if nobody gets paid, how much litigation will we have? And so, it's imperative that we have a report for our constituents. She's speaking for herself and perhaps some of them may agree but it's not a personal vendetta. What does she gain if Jess goes down or looks bad? This is about the important business of the city and she's very disappointed that they are not here today. They went on the air, they talked about us participating in illegal meetings. It was said by more than one individual and, you know, okay, that's what you say, that's not the truth. And then that the problem and the big issue that she took from it, correct her if she's wrong, is that it was an in-private meeting, it was secret, it was, you know, some business you do need to talk about in private but we're here today, this is public. Who made all the melee about us being private and illegal meetings and so forth intentionally is not here today. She thinks that is a disservice to the community. And so, rather than spend time talking about the impacts of COVID on our community and what our strategies are, what our strategic fiscal planning is

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moving forward, we're playing word games. These answers, in her opinion, are an absolute insult. How do we fix this? What is it that beckons them to see us as one and not separate? That would, she guessed, be her plea, Fouce said. Mrs. Cain said, thank you very much. She thinks that might be the feeling for many of them. She knows it is for her. Councilman Don Batchelor said, he guessed his question would be posed to the Council. Are we satisfied with the information that was given to us from the Administration, with the answers, the explanations or what have you? And if not then what is the next move, because this litigation, this lawsuit has been going on for three years, four years, or five years, however long. He doesn't want to continue to spend time just spinning our wheels, not getting anywhere and he just wants to pose a question to the Council, are we satisfied with the information? Do we require more information? Do we require them to appear before us or whatever the case may be? That's his question to the Council, Batchelor said. Council President Cain told Batchelor, very good question. So she'll take a couple of responses. Councilman Cowgill said, yeah, he doesn't feel like we got any answers. We got questions from our questions. They need to give us direct answers. That's just his feeling. Ms. Fouce said, absolutely, unequivocally, not satisfied. Mr. Brunner asked, is there any problem with just inviting the Mayor and say we'd just like to have an open conversation about this? He means, is that asking too much? Mrs. Cain told Brunner, we have done that. We did that with the Executive Session and it was declined. We posted this as a Special Meeting which is open to the public and she put on the agenda that we would discuss these answers. They are not present. So, we can ask them again. We can request that as part of our agenda for July, our first meeting in July, and see if we do receive a response and if they do attend. Brunner said, in her invitation, Madam Chairman, along with the questions, which he has in his hand, was there an invitation to the Mayor to attend this meeting tonight? Or was it just for them to answer the questions the way they have? Cain said, well, she did not, they just responded to the Executive Session and said that they would not be attending. And so then she submitted the questions in writing and she said so we will discuss them. She will look at her email but she thinks we said it in a public meeting. Brunner said, okay, he would just say again, from his point of view, he would ask the Mayor, again, to please come and address the Council, whatever form he feels comfortable with. Because he agrees, these answers are, there's one page of questions and 50 pages of answers and most of it are just receipts. Mr. Cowgill said, he means, he noticed that tonight, there's a fair amount of news media here, from the radio, the Chronicle, our Chairman of our other parties. He means, how do you guys feel? This is a public thing. Do you think that we should have answers for this or do you think it's okay that nobody knows but them? Mr. Luzadder called a point of order and told Mr. Cowgill this is not, we did not advertise it as a public hearing, so no. Not that he would not open it up to do that but he would definitely think that would need to be voted on by the members prior to doing so. Cain said, so do we want to take that vote tonight to let them speak? City Clerk Kathleen Kiley told Cain it's not been advertised as a public hearing though. We can't have one without advertising. Mrs. Cain told Kiley, thank you very much. As soon as she said that..... Okay, so let's go on to question 10. Mr. Luzadder said, Madam President, he doesn't mean to (inaudible) the situation but for us to go through these piece by piece, he simply would agree with Councilman Brunner, that we extend an invitation to come in to open Council since there was not wanting to do it in Executive Session, trying to give a little leeway in that, but we invite the Mayor to come in open Council in order to address the situation and to go through the questions in which the Council has, hoping that we'll have open communication and being as transparent as possible. So, instead of us belaying and going through them, he would simply make a motion that we would invite the Mayor to come and speak to us as a Council (inaudible) the litigation and he would invite not only the Mayor but the other ones in which would be involved would be City Counsel Tom Hunt, Chief of Staff Mike Flynn and Controller Julie Flores. That would be his recommendation to this Council, to have open communication, a nice invitation that was recommended by Councilman Brunner. He would put that in the form of a motion, Luzadder said. Motion was seconded by Brunner and carried by the following vote. Aye: Luzadder, Cowgill, Batchelor, Cain, Fordyce, Brunner and Cline. Nay: Fouce. Luzadder said, so he thinks we make the invitation and then have them come forward and continue on with the questions with that. Council President Cain asked the Council, are there any concerns on the invoices that we submitted? Is there anything she needs to point out because we need to have them prepared, if there's anything she needs to prepare them for an answer. Councilwoman Fouce said, Madam President, she believes what she noticed on page 34, the total was, and that gave like a, she believes an overall, general financial summary where it had grand total and that amount was redacted, whited out, and we did not get that, whereas on some of the other (inaudible) detail histories, it has a subtotal and a grand total. On that particular page, those amounts were redacted so she'd like that complete information. Cain said, okay, what she would like to ask, in the unfortunate and

hopefully it won't happen, in case they do not appear in the next Council meeting, what steps do they want to take at that point to get these answers? Councilman Luzadder said, he would say, Madam President, that we should get with the legal advisor and see what remedies this Council has in which to move forward. Councilwoman Fouce then asked, Madam President, is a motion appropriate? Cain told her, yes it is. Motion was then made by Fouce, in the event of their refusal to meet with the Council that we move forward with any remedy that we have within our power to get the information that we need. Motion was seconded by Batchelor and carried by the following vote. Aye: Luzadder, Cowgill, Fouce, Batchelor, Cain, Fordyce and Brunner. Nay: Cline.

Council President Deb Cain told Mrs. Fouce she knows she had indicated that she has an update on the Gardens of Serenity (inaudible). Councilwoman Robin Fouce said, yes, thank you. She had the pleasure of speaking with (inaudible) Jeffries who is over the Gardens of Serenity and he advised her that he did move forward with forwarding a letter to the Trustee of Center Township, Mr. Coryea, and so they will await a response from Mr. Coryea for that. As well, he advises that he wasn't working but he has since then started going out, mowing grass himself to put more hours and more manpower toward that improvement, as well as they got a donation of asphalt to fix the roads because if you've driven through there, they have crater holes that will tear the front suspension of your car up or the rear and so they have the donation of the blacktop. They do need a grater and he asked her would the city be willing to or would have any resource for that or any recommendation for that. She probably would speak to who, Mike Graft, about that? She wanted to bring it to the Council, some of the more seasoned, wonderful Councilmen and women maybe have a better idea. Is that even something that we would get into as a city? She let him know she would bring that answer back to him. He needs a grater and once he's able to have that, he has the other materials donated, Fouce said. Mrs. Cain told Fouce, that is a good conversation to start with Mr. Graft, it really is. Councilman Jim Brunner said, since he has an opportunity to drive by that cemetery almost daily since it's about two blocks from our radio station, there has been daily improvement. It does not look like Arlington but it does look a lot better than when we first started this conversation so he would at least say that the people that we communicated with have heard our pleas and are at least trying to remedy a situation that needed to be remedied. So, he thanks the people that were involved. He talked to some of them himself and hopefully we're moving in the right direction.

Council President Cain told the Council, just a reminder, please remember, she has the notices ready and she'll send them to her (Mrs. Kiley). City Clerk Kathleen Kiley said she's going to check when she goes upstairs to see if she can get it in. Cain said, and then we will meet Tuesday at 6:00 p.m. and then adjourn from the Executive Session and then meet and then turn it into a Special Meeting to take a vote. Councilman Brunner asked, do we have a form for the attorneys that would like to apply? Cain told Brunner, no, we're just asking for a resume and a cover letter. Brunner asked, and they know where to take those? Mrs. Kiley told Brunner, well not yet. We don't know if we can get it in the Chronicle and they still haven't got it Layla to put on the website yet. Brunner told Cain, if she can give him, Madam Chairman, exact wording she'd like, he'll be sure it's on the radio station for the next week.

Being no further business to come before the Council, on a motion by Brunner, 2<sup>nd</sup> by Cowgill, the meeting adjourned. Time being 7:00 p.m.