

SPECIAL MEETING – MARION COMMON COUNCIL – SEPTEMBER 8, 2020 – 6:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in special session on Tuesday, the 8th day of September, 2020 at the hour of 6:00 p.m. in the Council Chambers, City Hall.

On the call of the roll the following members were shown to be absent or present as follows:

Present: Luzadder, Fouce, Batchelor, Cain, Fordyce, Brunner and Cline.

Absent: Cowgill and Henderson.

Council President Deb Cain asked the Council to keep Mr. Henderson in their thoughts and prayers as his sister passed away and so he got in touch with her today and said he would probably not be here because he's working with the family on that arrangement. He's had a hard road, Cain said.

Mrs. Cain stated, so tonight, they are gathered as Council members to just speak about their responses, their thoughts, their interpretations of the budget presented to us, to the Council, from the different departments and just discuss anything that they would like to regarding the budget. So she will open the floor for any discussion they may want to start. Councilman Brad Luzadder said, in the years he's sat on the Council, he would say that this year more than ever, they have looked at the budget, he thinks they have scrutinized the budget. He would say moving forward, they've talked about an open Council, to have much more communication between the Administration and the Council. They've asked each of the department heads pertinent questions in which to move us forward. They asked if they believe in which they have the funds in which they need to. At some point in time, it was explained to him as a Council member that sometimes we feel like if we don't decrease something in the budget then we haven't done our job. He would say that, with differences in which he has with some of the decisions the Administration has made, he would like to say that he will support this budget. The part that he disagrees with is decreasing money out of the Development Department. He really feels like that one is one that bothers him the most. But other than that, he would say that he hopes the relationship continues to get better with the Administration and communication. At this point in time, he would say that he feels that we, as a Council, would not be doing our job, with this pandemic upon us, if we did not support the budget that was presented to us by the Mayor. So, he will be supporting the budget as it moves forward but he would hope that the relationship continues to work between this Council and the Administration and the disdain that some department heads may have for this Council asking some of the tough questions, but in spite of that and in spite of sometimes feeling like he's being talked down to or needing to be educated, he will still do his job and will stand and will vote in favor of the budget as presented by the Administration, Luzadder said. Councilman Jim Brunner said, kind of a philosophical thought. He thinks, because we all walk the community, we all have wards or we represent the whole community that the two things he hears the most about, and he's kind of moving off the budget then he's going to come back to it, he thinks the two things that he hears the most and he would imagine probably the two things you hear the most is what can we do about the city streets and what can we do about abandoned buildings and the one thing that the Mayor and he have talked about on more than one occasion is he's of the thought that what we probably need to do is do those in one order or the other. To try to do both of them, you probably don't get anything accomplished. The streets continue to have traffic on them. We're getting ready for you know what, fall and winter, and what does to the streets and yet at the same time, we also have properties that also are not going to get better by themselves. So, if the Mayor would come back to this Council and (inaudible) and say this is the year we're going to either take care of A or B, and let's say A is the streets and B are the dilapidated buildings, he thinks he could really support that, going 100% after one and not the other and let this community know what they're doing because he thinks, if you do a lot of it one year and a lot of it the next year, maybe they can get more accomplished. Just a thought he had as he sat there and pondered. And Brad, he appreciates the one meeting they had when he tried to get one of their employees, who he thinks does a wonderful job, to understand that maybe he needs to get a little bit more money because, you're right, he has so many things that fall under his wings. So he would also back up, A, what he (Luzadder) said to him, B, he'd like to see if we maybe can get some kind of a feeling from the Council, Madam Chairman, about streets and abandoned buildings and also he would support Mr. Luzadder in supporting this budget, Brunner said. Councilman Don Batchelor said he sort of concurs with Mr. Brunner to a certain degree. All of us have our various districts. Concerns in District 2 will not be the same as it is in District 5. In District 5, both of those things that he just mentioned are just terrible and we've (inaudible) over and over and we don't seem to be getting any

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traction. He knows they've torn down a number of houses but until we become serious about tackling this here problem that we have in our city, it's not going to get any better. He had relatives come into town this weekend and his 14 year old grandson said to him "Grandpa Don, this city's nasty". Okay? And that hurt him to his heart coming from a 14 year old kid. And until we have leaders in this city take this challenge seriously and tackle it head on instead of shuffling things. In this budget, he can say this. He's probably going to support it but this will be the last budget that he will support until he sees some real effort in solving some of these issues seriously. This is his 17th or 18th budget that he's voted on and the next three that he plans on voting on, unless those issues are addressed, he will be voting against it. This year, 2020, he's going to support it and give the Administration to get some of us on board and address these problems. That's where he's at, Batchelor said. Councilman Gary Fordyce said, Madam President, he would support this budget in its entirety. He thinks that it's well done and everybody has tried to cut as much as possible in lieu of what they have to deal with and the small amount that they have to work with so he would totally support this budget 100%. Councilwoman Robin Fouce said, you know she's a woman of few words so she wasn't going to say anything tonight but Councilman Batchelor kind of struck up a feeling in her about serving Marion and more specifically District 4. And what he said is just that a 14 year old identified this city as trash, crap, what have you. And so, to be quite honest, that is disheartening for her. She's new on the Council, she's here to serve. Love her, hate her, like what she says or not, she's going to continue to serve the constituents that elected her. And she doesn't know that she can support this budget and she'll tell them why. This is an "I don't know", this is not a "I don't" but for all the reasons we've identified and met about repeatedly, we've had a record number of meetings this year about business for the Council, about blight, about complaints, about finance, money, we don't have enough, we can't find it, we're spending it, how do we spend it? She doesn't see them having addressed any of that as it goes to approving a budget. That's not to take away from the hard work that their department heads and everybody does. That's to say maybe we can do some work and find a better way. Maybe we can reconsider some things. Maybe we can update our thinking. Maybe we can be creative and innovative in our thinking. She will say, for example, building, Code Enforcement, we have an area to improve yet he sat here before us and insured us that he could do what he needed to do with less men. So how does that work when complaints are at an all time high, in her mind, but we're saying we can do it for less when actually we need more. We need to find other avenues to do it. It's possible. It's within our grasp. She doesn't believe with the budget that we have currently we can do that or if we can do it with the current recommended budget, how do we change what we've done in the past and reallocate things. How do we do that? So, she's on the fence with this budget. Certainly she has things to learn but she doesn't want to just say yes because she wants to say yes because everybody else is saying yes. She wants to say are we looking at the particulars in this budget and are we saying hey, this is an area that we need to reconsider, hey, this is money that we need to say hey, I say throw it all toward blight versus, well she wouldn't say sidewalks but for example. We need sidewalks, we need blight taken out of here but we have work to do so she's not so eager and quick to say yes to the budget. That's not to say that she won't but she would challenge them all to do some more detailed work into how we're running as a city, what our efficiency is that equates to dollars and cents that we're sitting here potentially going to approve. You know, she's just not feeling a yes right now. If someone said to her, Robin, we're going to look at blight throughout the city and of the 20 blighted houses, for example, this budget will allow us to address 15 of them then that's something more concrete. But right now, it seems to her we're going to go down the same road we've been going down for the last (inaudible) years where she sat and came to Council meetings, watched the budget process the last two years and so she doesn't, she wants to see what's different in how we move forward and exercise our authority as the fiscal body over the City of Marion, Fouce said. Councilman Luzadder asked, could he help to respond? He told Ms. Fouce as much as he agrees with her that it's a very difficult process and we are moving that direction, the only thing he would say is that if, we as a Council, do not pass a budget then we revert back to this year's numbers for next year, with a 20% decrease coming for COVID. In light of that, at what cost are we willing to hold the city ransom in which for us not to be able to do more with what we have and he would think that if there are funds available for us to do more of that blight, he would then expect the Administration to come back before us and use those funds in which to do so. The reason in which he is voting yes is because at the risk of not being able to do anything or at the risk of losing monies, especially with the county looking at increasing people's taxes and at this point in time, we have a general population that are struggling financially. He doesn't believe that 40% of our population could handle that increase. He definitely knows that our city could not take a hit of not being able to have our levy in order for us to continue to provide services. And so, he's

in agreement with her, there's a lot of stuff that needs to be worked out. He will also say that he would say to the Administration, tonight is a chance for them to see that maybe yes, maybe no but he would say that we also put out what we're going to be expecting heading into the new year and he would say that, with Mr. Batchelor's comments, he has voted in favor of most of the budgets and he's going to support this one but he would say that, sort of in the same realm, that he will not look at supporting the next one without some major changes and revisions as we move forward. So, he doesn't know if that helps anything but he does know that, at our present time, we cannot afford not to be able to have the extra monies in which to move forward, Luzadder said. Councilwoman Fouce said, thank you Vice-President Luzadder. Certainly, she respects each and every one of you here that serve on the Council and what you have done in the past so she guessed her criticism would be to what we can do now and what charge we have moving forward. Today, we're not here to pass. Today, we're here to discuss what our thoughts are about what was presented before us. And so if we all say today we want to pass it, so what work are we going to do toward looking into each department budget and determining what we can do with our authority as a Council. That's part of it. The second thing, she, like some of them, is working toward a good relationship with the Administration and the key phrase is "working toward that". She doesn't think that's absolute. She doesn't feel that we have arrived. She needs to see evidence and she's not saying anything that she wouldn't and haven't said to our Mayor and anyone else that she had the opportunity to talk to. And so, to base our decision on we're looking for them to do something good in the future when she hasn't seen the evidence, and she's not saying they're doing bad things. She's just saying we can do better. She's not there today. And again she'll reiterate, today we're not here to pass a budget. Today we're here to talk about what we can do moving forward that'll be more fiscally sound for Marion as a city and what can we live with when we walk out here and we say yes to a budget, is it the same thing? She can't settle for the same thing. Even though she's new, she cannot settle for the same thing. She doesn't feel that she will have served her constituents and their best interests if she settles for the same thing. Having said that, there's nine of us, we certainly have to come to an agreement and a decision, Fouce said. Councilman Mike Cline said, first, he agrees with what Councilman Brunner said about the Mayor setting a priority, this or that, because we can't be all things to all people. Pick priorities. Second, he's impressed with the cuts that the departments made. It's maybe not the budget he would have cobbled together but it's a budget that can be lived with. He thinks the Council could set a good example by cutting its budget 5%. He's sure they could probably find 5% somewhere but, that being said, it's a livable budget he thinks. But he does like about getting priorities about what we're going to go after, Cline said. Council President Deb Cain said, okay, she's not speaking as the President right now. Okay? She's speaking as Councilwoman Cain. So, these are her thoughts on the budget. She too is concerned about the blight. She doesn't receive that many phone calls in her district but she has this year already, received calls, and that has really, that has changed, that is new. That's because she feels that, as Councilman Batchelor and Mr. Luzadder and Ms. Fouce and Mr. Brunner have indicated, people are seeing things are declining and they're now becoming very upset about it. And so, her biggest concern was the budget coming to them where the demolition line was cut and she doesn't think, in a city where we have that many concerns and this many people calling in to Code Enforcement with their complaints, that that is a budget line that should be cut. It was cut significantly last year. If you put the two cuts together, that's a full position for Code Enforcement. You could pay a full time staff out of the cuts that were brought out of the budget. We could pay for a full Code Enforcement personnel and that's a place in the city that needs the most help right now. She agrees with Mr. Luzadder, the cut and the decrease in the Development Department, that's a huge concern of hers. Because, if we don't move our city forward, then we're going to go backwards. If you don't see a forward momentum then we just stay stagnant and once you stay stagnant then you start falling backwards. And, you know, she brought this up before and she's going to bring this up again is she understands Mr. Hunt's experience in being a Judge, being a lawyer, the many years behind his plate. She understands the experience that he's had but she doesn't understand is he was approved in a budget that she wasn't involved in to bring his same pay that he always got into a contractual agreement with the city and when she looked up lawyers who were paid by cities, Indianapolis is the next highest legal advisor paid and it's at \$66,000. Our lawyer is paid \$90,000. He's paid more than the Mayor. That is a huge concern of hers and that is one thing that she wants to bring out and make a suggestion. If we take even \$20,000 of that, that can go towards part-time Code Enforcement. That can go towards blight. That's just a thought that she wants to put out there. She understands we do have to pass a budget but her concern and Mr. Luzadder's statement that, you know, we passed the budget and then if we find money, if we know that there's money out there to use for blight, we anticipate that the Administration will come to us and ask for it. And

she respects the Administration. She doesn't have any problems with the Mayor, she doesn't have any problems with the Chief of Staff, any of the department heads. She wants to always have a good relationship with them, be able to speak with them so she doesn't want this being taken wrong but she wants to know that she can trust them, that they will come to us. And the reason she is saying that, that she wants to trust them, is because we had multiple meetings on a case that is at the Supreme Court right now where \$1,500,000-plus was spent. Where did that approval come from? Should that have come from us? Can they just spend that kind of money? Are we going to put any kind of guidelines or directives on that kind of spending so that we know it's being spent, so our citizens who we are representing, who voted us into office, understand what money is being spent from the city and for what. She thinks it took many, many people by surprise to know that that kind of money was spent in a city where it is spoken many times in public, we are running on a tight budget. We are running on the tightest budget we've ever, ever had. The staff keeps being asked to do more with less. But then we spent that kind of money when we have so much blight in the city that needs to be taken care of. She is feeling concerned about passing the budget but she also knows we are almost kind of held at an impasse if we don't pass a budget. She agrees with Ms. Fouce, she would like us, as a Council, and she's saying this as a Councilman, as Councilman Cain, not as the President right now, as a Councilman and as a Councilman, she'd like to see them put their heads, put their thoughts together, put some ideas on the plate, on the table, put some suggestions out there. What can we do to tighten she guessed the only word she can come up with tonight is the purse strings. How do we do that? She knows that she has reached out to different entities to get those answers and she provided those to them. They're in the documents in Google Drive. She provided those answers. She thinks that they need to put some thought towards what is inside the budget, what do we want to do with the money inside the budget? That doesn't mean they can't pass a budget but what are we going to do with it after we pass it? Are we just going to let it sit like this or are we going to put any parameters around it? So that's her thoughts as Councilwoman Cain. Councilman Luzadder said he has a question for Mr. Harker. Mr. Harker, being that the \$1,500,000 was paid for out of the EDIT Fund, the Council does not have control of the spending of the EDIT Fund. Can the Council put stipulations of how much can be spent out of the EDIT Fund for certain things or is there a way in which the Council could have the opportunity to rein that in? Council attorney Martin Harker told Luzadder his recollection is that the EDIT Fund has specified purposes for which that money can be spent but he's unaware of any limitation that the Council could put on that as far as a dollar figure. He thinks that the Council could very well just simply budget for less of that or specify specifically what the Council would like to be done and that would need to be done in the form of an ordinance, most likely probably wouldn't get through for this year's budget. So, he thinks that there can be some restrictions. It's certainly worth looking into. But for the immediate budget year, he doesn't think it's going to be possible to accomplish that for 2021. Council President Cain said, so coming from Councilwoman Cain as a follow up to that question, she would encourage them to start thinking about that and being prepared to look at that. There are some cities out there that have ordinances for their EDIT Fund and the Rainy Day Fund and the General Fund and so there are some cities, she's been looking at some of those ordinances and there are cities that are our size that even have those. She's not saying that, you know, Indianapolis which is huge. There are cities like, she can't think of the city, it's in Ohio, it's just the same size as ours and they're actually the one she was looking at that have those ordinances in place. Councilman Brunner said, Madam Chairman, since we have some newer folks on the Council, can she kind of run down her plans, and for the rest of them, what the rest of the dates look like and how many more chances we get a chance to still talk and discuss before we actually have to vote? Cain told Brunner, we have the first reading is September 22nd. Brunner said, that's two weeks from tonight. There's no meeting next Tuesday, is that correct? Cain said, there is a City Council regular meeting next Tuesday. Brunner said, so next week is just a regular City Council meeting. The first meeting then on the budget is two weeks from tonight. Mrs. Cain replied, that is correct. And then the 2nd reading which is the public hearing is October 6th and the 3rd reading which is the voting is October 20th. Brunner said so we still have six weeks until that vote. Cain said, yes, which at any time we can set another meeting to get together as a Council and she's open to that. She'd like to give a little bit of time to think about what's been said from every Councilman tonight and then we can come together for another meeting and she thinks that's an appropriate step to take, as a suggestion from Councilwoman Cain, and so if anyone requests that then we will get that put into place. Or if no one does then she might do it herself. Mr. Brunner said he tried to reach out to the Mayor today, just to, if he couldn't be here or didn't want to be here or just felt it was our moment in the sun, to discuss with him again the thoughts he had about if he can't do all of it, maybe do part of it right. That's why he was asking her to run down those

dates. He would hope that one of those meetings he could be here because he's the, we're kind of like, okay Johnny, here's your money, now spend it in the right way. He's the one that's going to be the everyday person sitting up in that office up there, doing what we hope he's going to do. So, that's why he'd like to maybe hear from him one more time about what we have discussed, that we've got some things that need to be taken care of and we want to be sure that he understands the feeling of this group that, this year at least, let's get one of those two major problems taken care of. And he's sorry, Mrs. Fouce, he guessed the old man had to get his word in before he falls over here or something, go ahead, Brunner said. Fouce replied, she was going to be kind of cynical and say she'll probably need security after today. But, she still, guys listen, this is not easy, she knows she's telling some of them that have served for 15, 20 years on this Council but she challenges them to be reinvigorated for what's ahead. We have good things in store for Marion but we have work to do. And, you know, she wants to know personally, as Councilwoman, we have all these new cars that are under Marion. Where are they going? Is anybody else concerned about that? She posed that question for thought. Did we need them? Could we afford them? What's our, and maybe this doesn't go into the budget process but in her mind, what's our assets that we have on hand? It's still finance, it's still economics. Like, you know, she just wants to delve further into what are we doing, how are we spending the taxpayers' money? How are we agreeing to spend the taxpayers' money? This budget may go through and her comments may fall on deaf ears but she represents the constituents that put her here and as a constituent herself, she thinks we can do better and she challenges them to do that, Fouce said. Council President Cain said, okay, in closing, she's going to put the President's hat on and she is going to challenge them, like she's been trying to do since taking this seat. We are a group she feels that is a strong group that wants to work and she'd like to see us do that. She'd like to see them interact and work and that includes this budget. It includes looking at it. She gave them the instructions on how to read this book, how to understand it and she would like to see that they took that to heart and really tried to learn all the ins and outs of this because as they look at something, they might say oh wow, we need to talk about this part or we need to talk about this line item in this budget. She'd like to challenge them to do that, to take time between now and their next meeting to really look at this budget and see "am I in full agreement with every line? Do I feel good about it? What don't I feel good about?" You know, there is a date in their schedule where she said that she would send something to the Administration on Thursday, their responses, so she will put down some of these few notes, she will send it to everybody but she also thinks she really believes that they need another meeting, the Council, because she wants them to take home what they said tonight, she wants them to look at the budget, she wants them to challenge themselves, Cain stated. Councilman Luzadder said, Madam President, he is with her that we need to look at the budget but also he also knows that, as a Council, we have a chance in which to take monies away. We do not have the chance to add money anywhere. That has to be done by the Administration. We can suggest it, can't make it happen. We can take monies down, but again, we start taking money out and we risk losing that levy in which we need in which to continue to do more streets, abandoned houses, that are no longer being funded by other places. We now have to do it. He argued it before, he'll continue to argue it. He said the worst place in which to remove money is from development. So, he can't raise it but adamantly he's still saying that we need to eliminate blight and out of all the departments of our city, the one that he doesn't agree with is taking money away from the Development Department. Although Jerry is being a great team player and has done it twice, he's not sure we're moving in the right direction in that area. And so he appreciates Ms. Fouce being strong in saying that. He guessed the proof is in the pudding and he would say that it does fall onto the Administration to come before them and give them a reason in which to pass the budget. Again, we can't add to it. We can decrease it. That's just a thought and we need to know our parameters in which we work within, that we can do, Luzadder said.

Being no further business to come before the Council, on a motion by Brunner, 2nd by Batchelor, the meeting adjourned. Time being 6:45 p.m.