

REGULAR MEETING – MARION COMMON COUNCIL – MARCH 21, 2017 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 21st day of March, 2017 at the hour of 7:00 pm 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: Homer, Smith, Cain, Henderson, Luzadder and Brunner.

Absent: Miller, Johnson and Batchelor.

The minutes of the previous regular meeting of March 7, 2017 were presented. On a motion by Councilwoman Deb Cain, 2nd by Councilman Brad Luzadder, the minutes were approved as presented by the following vote. Aye: Smith, Cain, Henderson, Luzadder and Brunner. Nay: None. Abstain: Homer.

COMMITTEE REPORTS: Councilman Steve Henderson told the Council the Compliance Committee met again tonight and they want to reschedule another meeting to be at 5:30 pm before the next Council meeting in two weeks. They're still discussing the residential abatements and they touched tonight a little bit on the TIF areas. So, they're going to see if Mr. Stephenson can be part of that meeting in two weeks at 5:30 pm, if he can be available. If he can't then they'll try and reschedule that to match his convenience. They've also released the fast track of the residential abatements that have been given to us, one of them which was in their packets. They don't believe there's anything they can do to change that ordinance or anything at this point so they're going to allow him (Council President Brunner) to sign off or whatever he wants to do on the residential abatements. Mr. Brunner asked Mr. Stephenson, does that date work for him or does he need to check his schedule? Council attorney Phil Stephenson said, two weeks from tonight? Yeah, he's fine. Brunner stated, good, we'll plan on having that meeting then at 5:30 pm here in the, what, 2nd Floor? Henderson replied, 2nd Floor.

Councilman Dave Homer said the Ordinance Committee, he thinks he's decided, he's kind of put forward a request to take a look at a couple of different ordinances that either amend and add or whatever to those ordinances along with their looking at the Property Maintenance Ordinance which is going to probably take them a little time to go through that. So what he thinks he is going to do is he's going to schedule, and he'll get a letter out to the department heads and he'll also get a letter to the Clerk, schedule a series of about six meetings. They'll meet the fourth Tuesday of every month at 5:30 pm in the 2nd Floor Conference Room. That way, in the letter, he will describe to the department heads that if they request to talk about an ordinance or to look at amending an ordinance or to change or whatever that may be, they can bring that request to them at that time and they can go through those. So, he's going to try that and see if that works and hopefully it will work with the committee and they'll see if they can't make some headway that way, Homer said.

Councilman Brad Luzadder said he did ask that the General Ordinance No. 38-2008 be placed into all the Council packets for that review as it was moved to the Rules Committee. He also did get a reach out from a former Council member who served on that committee and sat as the Vice-Chair for the Council and that is Mrs. Madonna French. And then, of course, if you would read on the ordinance, it was also signed under President Nevels. And so, she has a few things that she shot back to him and he will be getting those out to each of the members. He thinks some verbiage was given in the meeting for the newspaper and there's some questions about who does, who doesn't, as the fast track was set. The Council always has the control to rescind, pull or be able to hear any request that would come before it as far as a tax abatement, whether it be for business under development or for residential. So, if each of the members would go ahead and look at that and those who have been on the Council, he thinks Mr. Homer was on it at the time that it was signed as well as Mr. Smith, they can go back and look at some of that verbiage and try and make sure that the Council continues to keep control of that and not allow any other entity to be in charge of that. He believes that they, as the fiscal body, the legislative body, should be in control of that and, before anything would go out, they should have that say on each of those, Luzadder said. Councilman Homer said, in the meeting that they had with Mr. Henderson and they discussed this, there were a couple of questions and he thinks that was the reason that they wanted Mr. Stephenson at the meeting. He thinks the bigger question is the designation of the economic development target area in that five year period and he thinks they're uncertain as to whether some of these areas that we are fast tracking

actually fall now within that five year period. In other words, did they come back and appeal to the Council to extend that five years? If they didn't, then those people, if they've been fast tracked along and moved through the process, did the developers know that they needed to appeal that within a four year period and he guessed, the way he reads it, it says that they can appeal that directly to the Council. In the fourth year, the Council may grant an extension of time for the designation at its discretion. Does that mean, he asked Mr. Stephenson, that if they don't appeal the fourth year then once the fifth year is out, you can't re-designate that area, can you? Council attorney Phil Stephenson told Homer, well, he'd like to have a chance to look at that statute first. Homer stated, yeah, he thinks there's some questions and things that have arisen in the last meeting that they just had and he thinks it's a good point. They need to address those because he thinks there are some big questions there. Mr. Luzadder told Mr. Homer, and also it says a designee from the Mayor's Office, the Administration. Again, talking with Mrs. French who helped draft the ordinance at the time said that wasn't even a thought. It would always stay with the Council and not be under the Administration's auspice to do so. Council President Jim Brunner asked, can anyone explain to him, he sees, at least on his sheet, it's written in "amend 90 to full Council". Does anyone know what that is? Councilman Steve Henderson told Brunner, it's off of his notes. They copied off of his notes. That was for him. Brunner asked Henderson, can he explain what that means? Henderson said, that was in the discussion at their first meeting, that they would send that back to the Rules Committee to be amended or changed to whatever.

NEW BUSINESS

APPROPRIATION ORDINANCE NO. 1-2017 1ST READING

The City Clerk read Appropriation Ordinance No. 1-2017 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 #101 to Contractual Services #101-030-331.050 the amount of \$16,513.50. Purpose: To allow for expenditure of INDOT Grant revenue received but not expended in 2015. Julie Flores, City Controller, told the Council this ordinance is sort of self-explanatory there. It's money that we got in 2015 for the Transportation Department for the, she believes it was for the advertising. That money got deposited in the General Fund. Whenever you deposit money in the General Fund, it's not expendable that year because it wasn't appropriated. They probably should have brought this to them last year but it didn't get done so the Transportation Department is asking that they get that done now, today. She said she will add that they have changed that. Now, it is going into a separate fund so that when it does come, it will be expended so they won't have to do this anymore. It looks like it's been done since at least 2012. Councilwoman Deb Cain asked, so these contractual services are for whom? Flores replied, Transportation. Councilman Brad Luzadder asked, and who are our contractual service people? For the Transportation? Mrs. Flores told Luzadder, the contractual services? She thinks it's probably the wraps, those kinds of things, the advertising for the buses, she believes. Luzadder stated, at one time, we were taking care of that vehicle that had the snowplow placed on it. Some of that was supposed to be coming out of that advertising money was our understanding. Flores said, she can't answer that, she's not sure. This is just where they've typically taken this, moved this money to in the past so that's where we're moving it to. Being no further questions from the Council of Mrs. Flores, motion was made by Councilman Homer to pass Appropriation Ordinance No. 1-2017 to 2nd reading and public hearing. Motion was seconded by Councilman Luzadder and carried by the following vote. Aye: Homer, Smith, Cain, Henderson, Luzadder and Brunner. Nay: None.

Before the meeting adjourned, Council President Jim Brunner said he would like to get the feeling of the Council on something he would like to do. If not our next meeting, which may be a little lengthy because he thinks the next meeting is when we have some reports coming, maybe the second meeting in April, we have had a group of young men here in our community who over the past four years have done something pretty amazing which is three times make it to the Final Four in the National Tournament. He's talking about the Indiana Wesleyan Men's Basketball team. A number of those gentlemen have been on all four of those teams and if he can get the Council's okay, he'd like to maybe have them come down and be recognized by the Council, just maybe give them a Proclamation that evening. If we could maybe do that four weeks from this evening, he'll be sure the coach knows that we'd like them to come here and just be honored. That's quite a performance what they've done. You've got to understand that at that school,

before Coach Tonagel came, they'd never even made it to the tournament and now, in four years, three times in those four years, they have either won the National Championship or finished in the final four which is just unbelievable. It's never happened before. So if he can get the nods from the Council, he'll go ahead and invite them here four weeks from this evening and we'll get a nice little Proclamation made up and honor them here that evening and he'll get in touch with them. Is that okay with everyone, Brunner asked. There were no objections expressed by any Council members.

Being no further business to come before the Council, on a motion by Councilman Henry Smith, 2nd by Councilman Dave Homer, the meeting adjourned. Time being 7:16 p.m.