

REGULAR MEETING – MARION COMMON COUNCIL – APRIL 18, 2017 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 18th day of April, 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: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner.

Absent: None (NOTE: Councilwoman Deb Cain left the meeting during the discussion on Resolution No. 3-2017).

The minutes of the previous regular meeting of April 4, 2017 were presented. On a motion by Councilwoman Deb Cain, 2nd by Councilman Steve Henderson, the minutes were approved as presented by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Luzadder and Brunner. Nay: None. Abstain: Batchelor.

COMMITTEE REPORTS: Councilwoman Lynn Johnson told the Council the Rules Committee and the Compliance Committee held a joint meeting tonight at 6:00 p.m. in the 2nd Floor Conference Room. The committee members present were Chairman of the Rules Committee Brad Luzadder, Chairman of the Compliance Committee Steve Henderson, and herself. Absent was David Homer. Attorney Phil Stephenson was there, Councilwoman Deb Cain was there, Councilman Henry Smith and the Chronicle-Tribune reporter and they had a guest. They were speaking about the abatement and General Ordinance 38-2008 and how it applies to personal property or property of private citizens as opposed to corporations. They had a long discussion. They were checking about the ordinance for the rules and regulations of that ordinance to see if they would choose to make decisions to change those rules and regulations on fast track abatements for properties of larger homes like the Arbor Homes and Fox Run and the other development of Crane Pond with no decision. They decided to allow this ordinance to stand as written. They have chosen, as the combined committees, to allow this to exist, however, they were going to ask for suggestions from Ms. Pearson so the Compliance Committee is going to have a meeting with Ms. Pearson and ask for her assistance in helping them understand how she processes abatements and then they're going to ask her to continue to inform the complete committee once a month and then if they feel there's interesting things that they need to discuss with the Council, they will do so and then they plan to continue to have a quarterly report on abatements. And, all three members of both committees agreed and voted to allow this ordinance to stand, Johnson said.

Councilman Dave Homer said, just a reminder, next Tuesday, the 25th, the Ordinance Committee will meet upstairs at 5:30 pm.

Councilman Steve Henderson said he'll get everybody a copy of the information he's got here but he believes the Council has a great opportunity before it, it may not be a popular opportunity but he spoke about this over a year ago and that's our finances. Our city finances are in grave difficulties and, looking at the schedule for the next three years, our finances, our debt just keeps going up for the next three years and we've got a lot of other things that's going to start kicking in, which he's sure is not on this report. We've had some fire truck issues and other things going on and we just don't have enough money and so he would like to get them copies of this and he would like the Council to be looking at alternative ways that we can actually help the city financially. Council President Jim Brunner told Henderson, thank you sir, and asked him, does he plan on getting that to them, what, in the next couple of weeks or have Mrs. Kiley take care of that for them? Henderson told Brunner, he'll have it send with the next packet or whatever.

Being no further committee reports to be given, Council President Jim Brunner said we will have a special ceremony at this time. He would like the members of the Indiana Wesleyan University Basketball team to come forward and just kind of get inside their little rotunda up here. He asked Coach Tonagel if he would come up to the microphone and face the Council. They would like to say a few kind words about what these gentlemen have accomplished. This has been a group that he has travelled, and when he says the world, when he says travelled the world with these guys, they are nice enough to allow him to come along as their play-by-play voice, he has seen them in every part of the United States and abroad. He can honestly say at not one single time have any one of these young men ever done anything to embarrass themselves, their University or the city that they've represented which, of course, is what we're so excited

about here in Marion, Indiana. Before he lets Coach Tonagel say a few things, he thought it was very apropos that, especially after this year so the seniors would not leave us without us saying a few things about them, in the last four years, especially the senior class, they have won two national championships and has also finished in the final four and they have made it to the national tournament every year. When Coach Tonagel came to Indiana Wesleyan 12 years ago, they had never played in the national tournament in 10 of the last 12 years. They have represented their school, their families and this community in the national tournament, twice winning it and twice making it to the final four. So, he thought it would be very apropos tonight to have Coach Tonagel say a few words, if he would, about what a pleasure it's been to coach these young men. IWU Men's Basketball Coach Greg Tonagel told the Council he does appreciate the opportunity to come in here because actually, on one of their road trips, when Jim had a Council meeting, Lane Mahurin, a senior, was asking him where possibly could Jim be, he means, it's basketball, it's Tuesday night, what could be so important? And we all got together and decided it just must be story time for Jim on Tuesday night because they know he's such a good story teller. So, for them to come in here and actually experience Jim Brunner telling stories is a delight for them. Brunner told Tonagel, so you guys now know that there actually is something he does other than do their ballgames on Tuesday night. Tonagel replied, but thank you for the opportunity to come in here. He's very proud of these young men. As Jim eluded to, they've had pretty much unparalleled success in our little realm of the world in NAI College Basketball but it truly doesn't tell the whole story. These are young men who he's very proud of, especially our seniors. If we're lucky enough to land them in this city, you'd be proud because they're going to make their community better wherever they end up. But, we've actually got guys from several different states and even a different country, Nigeria, with Joel, who's joined this group. Just proud of the group of men and what they've accomplished and what they're going to go on to do but he'll just recognize a couple of the seniors here. We're missing Bob, we've got three of them. Aaron Murray is a senior, just finished up grad school at Indiana Wesleyan and he's going to be headed off to join the church in Illinois. Lane Mahurin graduated Business Finance and he is joining Charles Schwab down in Indianapolis and Nate Bubash, same thing, Business Finance and he'll be joining Charles Schwab down in Indianapolis. So, thank you for the opportunity to come in tonight, Tonagel said. Brunner stated, the other eight youngsters who are here will all be playing basketball either four years, three years, two years or at least one more year so he certainly encourages them to get out and support them. So, at this time, he would like the Council to step forward, shake these young men's hands, congratulate them for what they've done, not only representing their school and their families but the City of Marion. So, at this time, he'll let Mr. Henderson lead the way and let's give them a nice sendoff for a great job done. Congratulations guys, thank you so much, Brunner said. All the Council members went and shook each of the players' hands. After that, the team took a group picture with the Council and the Mayor. Before the picture was taken, Mayor Alumbaugh said he wanted to tell them this and share with the Council, that water tower on 26th Street is going to have the Giant logo on it, thanks to a donor, and Indiana Wesleyan University will be featured on that tower too. We offered that to Dr. Wright. They are our city school. They want them to know that and they want the people of Marion to know that they are our city college. He's been there, he worked there over 12 years. It's a special place with special people and from now on, they're going to have the logo featured on that tower to remind people this is Marion, Indiana, it's where Indiana Wesleyan is because they're putting us on the map and we appreciate it, Alumbaugh said.

UNFINISHED BUSINESS

GENERAL ORDINANCE NO. 2-2017 2ND READING & PUBLIC HEARING

The City Clerk read General Ordinance No. 2-2017 by title only. An Ordinance of the Common Council of the City of Marion, Indiana to recodify and consolidate Ordinance 19-1982 for the City of Marion, Indiana and adopting revised language therefore regarding Handicapped Parking. Tom Hunt, City Attorney, told the Council last time he was in a group of the smallest people in a room was 1962 when the Boston Celtics played out at the Bennett gym. They talked at the last meeting about the purpose of this ordinance. It's essentially a rewrite, not a big rewrite but a touch up perhaps is a better way to describe it. The current ordinance, for some reason or another, was not included in the codification and so they're here tonight on 2nd reading for this and he would entertain any questions they might have, Hunt said. Being no questions from the Council, Council President Jim Brunner said this is a public hearing and asked if anyone from the audience cared to comment on this item. There was no response from the audience. Motion was

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made by Councilman Brad Luzadder to suspend the rules on General Ordinance No. 2-2017. Motion was seconded by Councilwoman Deb Cain and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. Motion was then made by Luzadder, 2nd by Cain to pass General Ordinance No. 2-2017 and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

NEW BUSINESS

RESOLUTION NO. 3-2017

The City Clerk read Resolution No. 3-2017 by title only. A Resolution authorizing the filing of an application to the Indiana Department of Transportation for a grant under Sections 5311 and 5339 of the Federal Transit Act. Chuck Martindale told the Council, as many years have passed, he's here to seek their approval of Resolution No. 3-2017 which authorizes the Mayor to file an application with the Indiana Department of Transportation for federal and state transit operating subsidies and perhaps capital funds for the calendar year 2018. The cycle they go through now is they need to have this application in by the middle of June and that's why they're here in April seeking their approval for the Mayor to submit such application and to sign any (inaudible) that may ensue from this application, if approved, Martindale said. Council President Jim Brunner asked the Council members if any there were any questions of Mr. Martindale at this time. Councilman Alan Miller said, just a basic question. Everybody asks about the Trump Budget, what's its impact going to be or does he know on federal transportation subsidies? Martindale told Miller, well, he does know that, as he's here this evening, he's been told by INDOT, the Office of Transit of INDOT, INDOT is the designated recipient of the federal funds as well as they allocate the state funds that are allocated to transit by the General Assembly, that the federal funds for next federal fiscal year are going to be reduced under this 5311 Program, which is what they administer, for the non-urbanized areas, such as Marion, by \$1,000,000 and what percentage that is, he's still in the process of pursuing that. He does know that they have forecasted a reduction in our funds for next year but the rationale behind that is because they have some discretionary authority over those funds and Marion has turned money back over the last three, four years because we have not been able to garner our full allocation because we haven't spent that much money. We've actually been allocated more money than what we were able to spend because we were capped at 50% of our operating expenses is all that (inaudible) the feds will pay, federal funds, and then the state, the other 25%, up to the limit of that allocation and that comes from monies that are appropriated by the General Assembly. So, the bottom line is, the monies, the federal funds are going to be cut. We are going to see a pretty sizable reduction in our federal allocation. How much we can draw down depends upon how much is actually spent. So our allocation for next year, right now, the estimate for next year that INDOT has given us is \$552,000 for Marion's allocation. That compares to \$672,000 for last year but last year we spent, well we were able to pull down \$564,000 of federal funds. So, right now, we're in the process of discussions with INDOT as to, okay, how does this all play out in terms of what if we really need more than that but that's where we stand right now. That's the best number he has right now, Martindale said. Being no further questions of Mr. Martindale from the Council, motion was made by Miller to approve Resolution No. 3-2017. Motion was seconded by Councilman Don Batchelor and carried by the following vote. Aye: Miller, Homer, Smith, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. After the vote was taken, Councilman Miller said that Mr. Cain was just advising them that Councilwoman Cain's father has passed away. As they may know, her mother passed away last Thursday so she's lost both of her parents in a period of four or five days. He told Mr. Cain, thankfully they were able to travel to Tennessee Easter, were they not, to spend the day with her. Council President Brunner asked Mr. Cain if he would please remain here for a second as he would like to have a moment of silence at this time for Councilwoman Cain and her family, which the Council did at this time. Brunner told Mr. Cain to please pass on their condolences.

GENERAL ORDINANCE NO. 3-2017 1ST READING

The City Clerk read General Ordinance No. 3-2017 by title only. An Ordinance amending Ordinance #16-2016 fixing maximum salaries of Appointed Officers and Employees of the City of Marion, Indiana for the year 2017 by adding the position of Permit Compliance Officer under the Building Department. Jerry Foustnight, Building Commissioner, told

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the Council he's coming before them tonight to ask that they approve his request to reinstate funds previously removed from the Building Department's budget to fill a position within the City of Marion's Building Department. The title for this position will be Permit Compliance Officer. The duties associated with this position will include making sure that permits that are issued are brought into compliance. Also, after the permit is issued, it'll be the responsibility of this officer to enforce the codes associated with the permit, not only those for the State of Indiana but also any ordinances that we have that pertain to these permits. And other duties for this position will be ongoing because things change daily within their department. At this time, he'd like to give them a little background of the Building Department. Since January 1st of this year, the Building Department has issued 123 building permits. Within that 123 building permits that they issued, they generated \$6,721.68 which was put back into the General Fund. The permits that individuals or companies have to obtain, that money does go back to the General Fund. The Building Department has conducted 257 building inspections since January 1st of this year. When permits are issued for larger projects, for instance IWU, their football stadium, they've already made 31 inspections to that site. And it's an ongoing process for them at Marion General Hospital. Since the first of the year, they've made 10 inspections up there. So, as they tell them that they've issued 123 building permits, they go numerous times to different permits to make sure that those companies or individuals are following what the state code says and also what the city requires. Another indicator of how busy they are in the Building Department, in 2015, they had approximately 110 contractors registered in the city. In the year, last year, they increased that by 150 individuals or companies and this year, as of today's date, they have over 200 contractors registered in the city. They require the contractors to be registered within the city to protect those individuals that they are doing work for. They require them to have workman's comp, they require liability insurance and they also require them to be bonded if they're doing any work in the right-of-way. This protects the individual or protects the companies that those workers are doing the work for. In the previous year, the Building Department had an individual working as a Building Inspector. In 2017, the budget presented to them for this position was eliminated. As the workload increases on a daily basis, they are requesting that they would approve their request for a Permit Compliance Officer. By this position, it would help them to maintain their enforcement of the codes and also facilitate their efforts to make Marion a safer place for individuals. Having said this, he would entertain any questions they would have concerning this position, Foustnight said. Councilman Don Batchelor asked, currently, how many Code Enforcement Officers do they have? Foustnight told Batchelor, they have three and out of the three that they have, he has pulled one individual that has been helping the Building Department to address building issues or code violations or the permitting of permits. Batchelor asked, do they still currently have a secretary? Foustnight said, do they have a secretary, yes. Mr. Batchelor stated, so this Compliance Officer is going to visit sites to make sure they are in compliance with what the ordinances say or if there is a violation or what have you. Are there fines? Can they issue fines? Foustnight asked, do they fine them? No. The opportunity is available to them that if they go through the proper steps then they can issue a fine to individuals if they're not in compliance. One of the biggest tools they have available to them is that if they go out and if the individual or a company is not in compliance with the permits, they can put a stop work order on them to make them stop and either, if they don't have a permit, come and get a permit. If they have a permit and they're not following the codes then they can put a stop work order until they comply with their request to follow the procedures. Batchelor asked, so if there's no fine levied then (inaudible) cannot complete the job until they come into compliance? Mr. Foustnight replied, correct, if they put a stop work order on that, they cannot do any more work until they come into compliance and that's where the Compliance Officer or himself would work with these individuals or this company or whatever to make sure that they're bringing their things up to code. Batchelor asked Foustnight, does he feel that the fees that they charge for permits, that that's going to generate enough funds to pay for this position? Foustnight stated, this position was in the budget and it was eliminated last year. A position for an inspector was in there on the previous things. Will they generate enough money? He doesn't know. It depends on the number of permits that are issued. He does know that they're one of the few departments within the City of Marion that puts money back into the General Fund. All the permits that they issue, that money goes to the General Fund. It doesn't go to their department. It reverts back to the city's General Fund. Batchelor said, so far this year they've got \$6,000? Foustnight said, \$6,712.68. That's what they've generated in 3-1/2 months. Batchelor then asked, would he say that this is the peak of the construction season or are they to look for, later on, during the spring, early summer, additional permits and stuff to be issued? Foustnight answered, you know, construction goes year round, of course. As

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the season gets nicer out, individuals seem to want to spend more money and get additional, whether it's an outbuilding or if it's remodeling their house, new roofing, whatever. So, as far as that, they feel that it will pick up some and they believe that, like he says, if they've already given basically close to \$7,000 back to the General Fund, he feels that by the end of the year, they'll have quite a bit of money additional. Mr. Batchelor said, so this salary for this individual, what is the salary for this position? Foustnight said, the salary for the position, it will be \$37,500. Councilwoman Lynn Johnson asked, who was the last person to fill this position? Foustnight told Johnson, this is a new position. Johnson asked, what are the qualifications for this position? Mr. Foustnight stated, there is a job description that was written. He's sorry, he didn't bring that with him. He can provide that to them. Oh, she does have a job description available here. Mrs. Johnson asked, and how many years experience is he asking for? Three years experience in contracting? Foustnight explained, what they have done is they have taken and required this individual to know something about the building trades. What they would like to do is take an individual out of Code Enforcement and put him over into the Building Department where he's already familiar with the code and things like that. What they have done is, because they are so busy and he goes to so many meetings, he pulled, back in the last part of January, he pulled one of the Code Enforcement Officers just to help them out. He's still part of the Code. What he was actually doing was he was enforcing the codes for the Code Enforcement part but he's also helping him in the Building Department. There's no way possible that he can do his job that's required of him and also do all the inspections, all the meetings and all the other things that his job requires him to do. Johnson asked, does he feel that this, she's kind of with Councilman Batchelor on the seasonal aspect of this job. Does he feel it's full time year round or does he think that it has intensive periods where he really just needs a lot of help, like right now or in the fall? Foustnight responded, no, no, he finds it's a year round process. Here they are, when they're talking that they already have 123 building permits issued, those weren't just issued this month. They've been from January up to now. So, as they have new businesses coming in, as they have individuals trying to better their properties, whatever the case may be, they feel that it is year round. Now, if they're talking code enforcement, they're talking about weeds and different things like that, they're going to get very, very busy here very soon on weeds, the trash that they already enforce. So, the season for Code Enforcement is very busy in the summertime because of the growth of the weeds and that kind of thing. The Building Department is a little different. They issue the permits and those permits can be anything from an addition to a house, a remodel or to a football stadium at IWU. They do have the new hotel in the process of being built so they'll have numerous inspections there because it's required by state statute that they inspect different parts of that building. And so, it's not like, oh, they're going to go out here today and look at this building and say okay, it passes. They go through all the wiring. When they go through the wiring, it could be floor to floor, it can be different things. They check plumbing, they check insulation, they check overhead things. They check to make sure that the steel structure that they use is within code. So, it's a continuous thing that they do. It's not like one inspection and they're done. And so, he guessed he's trying to emphasize that just because they have 123 permits issued, like he said, they have over 257 inspections that they've already done. Now, this is January to April. Now, as we go into the rest of the months, they're going to end up with well over 1,000 inspections. Johnson asked, would he say that out of the employment pool or the inventory of personnel, staff, throughout the city that he has how many people that would qualify or has he selected someone already that he would like to promote into this position as a full time person? Or has he already done his recruitment search in the city within the staffing and the personnel already working? Foustnight stated, what he would like to do with this position is he would like to have the individual that has been helping him for the last two months or whatever fill into this position. Johnson asked, are those people that are in different departments or they're all underneath his guidelines right now? They're in his department? Foustnight asked, in his department? All the departments that he's the chair of, those departments, they all answer to him, correct. Johnson said, okay, so he does have the opportunity to continue to teach and train all the people that are working with him to help them understand actually what he's doing on a regular basis and that's how you'd work. Foustnight told Johnson, well correct and also there's different classes that they go to to keep them abreast of what is changing, what's required. A prime example, he's going next month for four days to get certified in a class to save the city thousands of dollars. And so, they try to continue their education and make sure that they're qualified to do the job they're doing. Johnson told Foustnight, well, she commends him for that. Thank you very much. That's really kind. It takes a lot of time to keep up with what he does, doesn't it? Mr. Foustnight replied, yes. There's not those 8:00 to 4:00 days, he'll tell them that. They have

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very seldom 8:00 to 4:00 days. Mrs. Johnson stated, well she's just hoping that if the City Council determines that this is on track is that he continues to teach and train and cross-train and continue to bring people along because there's a lot of talented people that work for the city and she thinks the city really is strengthened by the access to talent from within and she's thinking that if they can encourage people in the Parks Department who have this kind of talent, and other departments as well, because she knows several people that would actually maybe unload or take off some of the burden from him and his staff and the rest of the people and she thinks cross-training is really welcome. Foustnight said, well they feel like that, as a city, as an entity, that they do do what they can to the best of their abilities. An example is he pulled this individual out of the Code to help them but also he's still doing the Code but other individuals, another Code Officer, when they are behind or they need, for instance, pictures taken of a property or whatever, he also pulls that individual to go and take pictures for them. Having said that though is he doesn't want to keep pulling individuals out of the Code Enforcement part because then they end up with the issue, trash. You know, nobody is making sure the trash is being picked up or the weeds are mowed and that kind of stuff. So they work together, they try to do their very best and he guesses it becomes a decision of how he wants to utilize those employees but he thinks that they're doing the best they can. He thinks it's working. He believes, if they would go out and look at the trash, they've made an improvement in the trash since they passed that ordinance. He thinks that's helped. He thinks that the Building Department, they're more strict with contractors and individuals than in the past years to make sure that they are in compliance. He feels like they're doing as much as they can right now and, as time passes, they'll do more. It's just that every day is a new challenge for them as far as individuals trying not to get permits or they have to go out and make those contractors or individuals get the permits that are required. They do have, like he said, they do have the tool where they can put a stop work order on them. So, they're on track. Let him say they are on track with what they're doing. Councilwoman Johnson said, okay, that's great because she's really thankful that he's acknowledging the fact that bringing along people and strengthening his staff and strengthening the current employees is really beneficial because we are only as strong as our weakest link. So, she really appreciates that. And the other thing is she might ask him to keep in mind that his people can go on calls and watch the person who, you know, as an observer, you know, to watch their procedures while they're doing their inspections. You know, that's always a good thing, if you can spare a person to buggy along with someone to watch how an experienced person handles a situation. Mr. Foustnight said, what he has done, since he has pulled him out of the Code part, he's went to classes with him. They have went on many inspections to make sure that they're in compliance. Here lately, what he's been doing is he makes him tell him why something is in compliance or why it's not in compliance and so he feels that the individual they're using now is capable of doing the inspections. Again, they have code books that they follow, you know, to make sure that they are paying attention. If there's a question about something that he wouldn't know or something, he calls him on the phone and says, you know, they have an issue here or whatever. And so, they want to be fair with everybody. They want to make sure that everybody is treated the same. They want to make sure that, if you're in compliance, you're in compliance. If you're not, you're not. And so, that's the standards he's set up there, that they're going to follow the codes, they're going to make sure people's in compliance. If they're not, they're going to make sure they come into compliance with what they're doing. Councilman Dave Homer asked Foustnight, what is the actual life of a permit? Foustnight told Homer, one year. Homer asked, what happens at the end of that if the work is not completed like people say they're going to do? Foustnight answered, they must come and get a new permit. And what they do is, they have a system, it's called Franklin and within this new system or update that they have, it will take and, once it's up and running correctly, it's going to take and it will generate a list of permits that were issued a year ago or the dates they were issued. That way they will be able to go back and say, okay, they haven't called for inspections, no inspections were done, they don't have a certificate to occupy the building, therefore, they go out there and find out why they haven't complied with what the rules are. They try, the secretaries up there, when they issue a permit to an individual or a company, they supply them with the information as to who the permit was issued to, what type of work they're doing and they have a name of an individual that they can contact if they have issues with them. So, it's a nice system that they're getting in place. They paid for it at the end of last year and they've been in, he thinks, three or four times to give them instructions on how to use this system. And so, actually, they are using the new system and it's going to save the city money, this new system, because it's going to generate, for instance, when they're talking weed violations, instead of us having to pay an outside source to do the billing for them, this new system is

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going to do it all for them. It will generate the bill, the statement will be sent out and it'll save us money. Homer asked, does he think there are instances, just in his experience from a year and four months now, where people get permits and put on buildings to make it look like they are actually doing something when nothing is being done? Foustnight told Homer, he thinks he knows where he is referring to, yes. Once they issue a building permit, if they issue a building permit then they have one year to do what they want to. What they have done is, if they have an individual that gets a building permit and at the end of the one year he hasn't done anything and the permit's just sitting in the window, they won't give him another permit. They've run into problems up in the downtown area that concerned that and one of the individuals, his permit is getting ready to expire so they're going to pull where he can't do that. Having said that, you know, they would like to go in these buildings or these structures and say, you know what, you haven't done what you want to, we're going to do this and this. But the law doesn't allow that. As long as those people maintain that building, that the windows aren't broke out, the doors aren't open, you know, the building is a sound building, it's really hard for them to get something done he guessed is the word he wanted to say. They, again, he doesn't want them to think he's complaining but they're only allotted \$100,000 to take care of these properties in the City of Marion. This year, because of a grievance of the past Administration, they started out with \$54,000. Out of that money, it's hard to do a lot of demos or clean up properties because they don't have the monies available. They would like to come before them and ask for double that amount of money but they know that's not going to happen. So, to answer his question, yes, they do monitor when somebody gets a permit. They do have the ability to revoke that if they need to or not to issue a permit. Homer asked Foustnight, are they behind in inspections now? Foustnight said, are they behind? No because he pulled this other individual helping them. For instance, today they had six inspections which, you think, well six inspections aren't very long but when you go out there and you may be at one inspection for an hour, especially when they go to the university out here, an inspection isn't a 15 minute inspection. He means, they have to go back and, for a facility like that, it could take an hour, three hours, whatever, they don't know. And so, not only does the individual from Code Enforcement help him now, he also goes out and does a lot of inspections himself. Mr. Homer asked, when did he realize that he needed this other person? In other words, is the work more now than it was a year ago? Foustnight replied, yes, it is more and the reason it's more is because they're making people get permits. In the past, a lot of permits were never issued. He has contractors telling him on a daily basis, well they didn't have to do this in the past, they didn't have to do this in the past. Well, they're sorry, this is a new Administration, this is how the codes are and this is what they expect. And so, yes, they're enforcing more codes and violations than they have in the past. Homer said, okay, he's just curious. He had another inspector, Building Inspector, and then at the end of the year, he means, he was let go at budget time because we didn't have funds. Foustnight told Homer, but that also has to do with internal problems with that individual, employee problems. Homer replied, okay but he doesn't understand why, if he had that problem, why he didn't just replace him with somebody to fill the position? Foustnight answered, because that position was eliminated in the budget. He didn't realize the position was eliminated until after it was eliminated. Councilman Brad Luzadder said, currently we have three Code Enforcement Officers and the supervisor. Is that correct? Foustnight told Luzadder, no. They have two Code Enforcement Officers with a senior Code Enforcement Officer so there's three in the Code Enforcement division now. Luzadder said, okay, and then, on the next page, it says Code Enforcement under the Animal Control 1 and 2. Foustnight stated, he doesn't have that in front of him but what they do is he is also over Animal Care and Control. At Animal Care and Control, they have two officers, one working days and one working nights. Luzadder said, right. He guessed the question was there's, underneath there is another Code Enforcement individual that's allotted for \$1,095.92 bi-weekly. He guessed, he applauds him for adding the Compliance Officer in. He just wanted to make sure that he's going to replace that so that he's not going to lose individuals. Foustnight said, what they would like to do is once they pull an individual to do the Compliance Officer position, what he will do is, because money is already appropriated for that position, they will do an inner city request that anybody interested in that position apply. If nobody applies or is qualified to do that position then they will advertise it to the public. But first they're going to do it within house. Mr. Luzadder said, so, he guessed, just for their understanding, there are three Code Enforcement Officers and a Chief Code Enforcement Officer. Foustnight said, no, there's two Code Enforcement Officers and a Chief Code Enforcement Officer. They're listed right here under Building Department. Luzadder told Foustnight, look on the next page, under Animal Control 1 and 2. Who is that, where is that and is that being used, Luzadder asked. City Controller Julie Flores said, she doesn't

GENERAL ORDINANCE NO. 3-2017 Continued

believe the \$1,095 amount is being used at this time. Foustnight told the Council, at the Animal Care and Control, they also have volunteers that come in to help out there to alleviate the cost of having to hire additional people and everything. Luzadder asked Foustnight, so is he going to get someone to do that code enforcement? Foustnight answered, no. Right now, they're fine with what they have. Like he said, they have two officers, one in the day, one at night. They have the manager out there, they have another girl that works out there and then they have volunteers helping them out out there. So, where they're at right now out there, they're fine in how their operation is run. Luzadder asked, so can he use that \$1,095 somewhere else? Foustnight said, he'll refer this to Julie. Mrs. Flores said, she believes the \$1,095 is for the Animal Care and Control Code Enforcement, which they don't need that position out there. She believes that's what he's trying to say. Luzadder asked, so can they transfer that to help them out? Flores replied, the salary ordinance, that \$1,095 wasn't budgeted. It's not budgeted. It's in the salary ordinance in case they would need fill that position at some point but it's not budgeted for at this point. So, the dollars are not budgeted. Mr. Luzadder said, okay, he was just trying to help. Council President Jim Brunner asked Flores, so she's telling them that that position is not filled and has not been filled this calendar year, is that correct? Flores told Brunner, yes, yes, the third Code Enforcement is Animal Control, yes. Councilman Don Batchelor said, code enforcement, he did that for five and a half years and he understands totally how it functions. The Franklin software, he's sure they've had new updates and stuff but they operated with Franklin when he was there several years ago. Foustnight commented, correct but not with the new system they have. Batchelor stated, he understands what he is saying but what he's saying is, as a Code Enforcement Officer, there would be times that he would have to go out and make inspections because his background is in building construction. That's what he went to school for. So, if the inspector got behind, he could go and do some inspections and right back on his code enforcement job itself. What he is saying is, for a salary of \$37,000, is that plus benefits additionally? So we're putting benefits additional to the salary. Foustnight told Batchelor, the benefits are being paid to him, he's already a city employee so there's no additional, he means he's already on the city benefits. Batchelor stated, so, they're talking about \$40,000. Foustnight said, \$37,500. Batchelor said, \$37,500, that's the salary but he said he already works for the city so he already has the benefits but because he's working for the city and already has benefits, those benefits aren't free. Right? Foustnight told Batchelor, say that again. Mr. Batchelor said, those benefits that they currently have, that's not additional but it's a package deal. Right? Foustnight responded, sure. Everybody that works for the city is entitled to benefits. Batchelor said, that's what he's saying. And he's passionate about code enforcement because that's where he worked his tail off for five and a half years. But he's having a problem supporting an additional person in the office and if they are currently not running behind, he knows they're getting ready to get into the season where they're fighting grass, they're fighting trash and they're fighting dogs and cats and everything else. He understands that but what he's saying is he doesn't know if they've got \$37,500 to put into that position. He really doesn't. He's really got to look at that. Mr. Foustnight said, when Julie gets up here, she can explain where the money is going to come from for that position. It's on the agenda next. She can explain that about how it's going to be available for that position. Being no further questions for Mr. Foustnight from the Council, motion was made by Councilman Henry Smith to pass General Ordinance No. 3-2017 to 2nd reading (and public hearing). Motion was seconded by Councilman Steve Henderson and carried by the following vote. Aye: Miller, Homer, Smith, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

RESOLUTION (TRANSFER ORDINANCE) NO. 4-2017

The City Clerk read Resolution No. 4-2017 by title only. An emergency ordinance providing for the transfer of appropriations for the Building Department of the City of Marion, Indiana, as requested by the department head and forwarded to the Common Council for their action and passage pursuant to I.C. 6-1.1-18-6. In the General Fund, transfer from Data Processing Personal Services to Building Department Personal Services the amount of \$24,000. Julie Flores, City Controller, told the Council, as part of this position being put into the new salary ordinance, it did require additional money. We have a position in the IT Department that became vacant. Jimmy Dixon left the IT Department to go work in the parks so his salary is freed up in the IT Department so we are moving that money over into the Building Department to supplement the new position. Councilman Henry Smith asked, what was Dixon's salary? Mrs. Flores said, the Mayor tells her it was \$46,000. She apologizes, she didn't know that. Smith said, okay, so you take that 24 so it'd be 22 left in the IT Department? Flores told Smith, no because he didn't use all that. She

RESOLUTION NO. 4-2017 Continued

doesn't know how many weeks he was paid this year out of the IT Department. There's plenty of money there. She did the calculations. So yeah, there's plenty of funds there to move. Smith asked, so they're just making a lateral transfer then and Flores told him, yes. Councilwoman Lynn Johnson asked Flores, did you determine that you didn't need an IT person, is that what happened, that we do such a fantastic job with our IT that we didn't need any extra? Flores told Johnson, she didn't make that decision. Johnson asked, so you're transferring money from one department to the other department and, if you did that, you already have another \$22,000 sitting and waiting in the other department to use? Flores answered, we have used some of that to purchase servers for the IT Department that were much needed. Johnson asked, so you're going to be okay with this in the budget and they'll do okay? Flores said, yes. Johnson asked, we're not using any of your ghost employee money? Okay, just making sure, Johnson stated. Councilman Alan Miller said, just to clarify, the position we lost in the IT Department was paid \$47,000 and we're going to pay Jerry's new employee \$37,000 so we have a net savings of \$10,000. Mrs. Flores told Miller, well, Mr. Vermilion, she believes, maybe she spoke out of turn, he currently has a salary. We're just raising his salary like \$4,000 so it's not, we're not using completely \$37,000 from the IT Department. We're just giving him a little bit of a raise for additional duties. Miller said, okay, he forgets the person being promoted in the enforcement is already a city employee. Flores replied, right, there's no additional monies here. We're just moving them around. It's not going to cost us additional funds. Being no further questions from the Council, motion was made by Smith, 2nd by Miller to pass Resolution No. 4-2017 and carried by the following vote. Aye: Miller, Smith, Henderson, Johnson, Batchelor (commented he'll support that but he has comments he would like to make. So, since we passed all this that Mr. Foustnight brought to us to a 2nd reading, he'll vote in favor of moving it on to the 2nd reading (inaudible) but for this, aye), Luzadder and Brunner. Nay: Homer. Council President Brunner asked, what was the vote total, Mrs. Kiley and City Clerk Kathleen Kiley replied, 7-1.

Council President Jim Brunner asked, anything else to come before the City of Marion this evening? Councilman Alan Miller said, yeah, let him just say a couple of comments about Deb Cain's parents. Just so they're not getting the newspaper every day and expecting an obituary, they are from Marion but they've lived in Tennessee for the past few years. Her mother was a Coast Guard veteran, World War 2 and as a result, with the regulations existing during the war, both her mother and father are eligible for burial at Arlington National Cemetery and that is their intent. They both will be buried at Arlington subject to a date which is determined by the cemetery itself so it could be weeks, it could be months down the road. So if they don't see any kind of notice in the newspaper, he's not sure what they'll do about an obituary notice, that is why. It will be a delayed burial. They're names are Tolan, incidentally, Maurice and Fern Tolan would be the names they would be looking for.

Councilman Brad Luzadder said, Mr. President, this is not on the agenda but he would like to congratulate him on being inducted into the Broadcasters Hall of Fame. He's been broadcasting longer than he (Luzadder) has been alive and every time he's turned on the radio for the number of years, he's heard the exact same voice and it's an honor to be able to say that we know you and congratulations, an honor well deserved. Brunner told Luzadder, thank you very much, sir. He thinks most of them understand that that has been a labor of love for him. He can't tell them how many of his fellow broadcasters around the state made a major mistake in their lives at the 30th, 35th, 40th anniversary of their broadcasting career, thinking there was something they could do in life that was better than what they were doing and every one of them has come back to tell him they had the greatest job in the world and wished they hadn't give that job up and (inaudible) a dear friend of his in Muncie who is really battling for his life right now was one of those people. Yeah, it's been really, really, really special and he thanks him so much for those kind words, Brunner told Luzadder.

Councilman Don Batchelor said he just wanted to acknowledge he appreciates the phone calls, the drop by visits, during his extended stay on sick leave but however he appreciates (inaudible) and he missed every other Tuesday and he has additional respect for Mrs. Sector (inaudible) during her illness. Every meeting, she would drag her little buggy with her, sit over there and he sat beside her, and also Councilman Stewart. They were ill but it was something they felt that it was worth getting involved in, civic duty, and he appreciates that. He told the Council he missed them and hopefully he'll get back to 100% here soon but if he's not here, he's definitely not out playing golf. Council President

Brunner said, well Mr. Batchelor, he would certainly say this, we do not feel, until tonight, that we have been a full Council without him being here. So, God bless, prayers have been answered, thank you so much for the kind words and we look forward to bigger and better things and better health for him and thank you so much for being here this evening.

Mr. Brunner asked, anything else to come before the Council tonight before they adjourn? Their next meeting will be held coming up two weeks from this evening which would be the 2nd of May, he believes. Is that right, Mrs. Kiley? He thinks he has that date right. City Clerk Kathleen Kiley told Brunner, it's the first Tuesday. Councilman Brad Luzadder said, he would just like to point out, if they haven't had an opportunity, tickets went on sale yesterday for Willy Wonka and the Chocolate Factory that will be put on by CSA at the Richie Walton Auditorium. If they haven't had the opportunity to watch those aspiring actors, they're doing a marvelous job for our community. They are igniting the arts and he would encourage each and every member of this Council, if you haven't been to the productions, please. You've got aspiring minds that may just need a little bit of encouragement and tonight we had the opportunity to honor an outstanding basketball program for an outstanding university. We are a very, very blessed community to have sports as well as arts and he knows there's a number of other communities that would like to have what we have. A lot of times we just don't shine it as loud as we can and he's always said that we, as Council members, should be the biggest cheerleaders for our city and he wants to taut for our sports as well as our arts. It's worth giving your time to, Luzadder said.

Council President Brunner said, again, we start our meetings with a prayer and he would ask Mr. Luzadder at this time, if he would not be that objectable to it, to say a closing prayer, not only for the health of Mr. Batchelor but certainly the well-being of Mrs. Cain.

Being no further business to come before the Council, on a motion by Johnson, 2nd by Henderson, the meeting adjourned. Time being 8:18 p.m.