

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

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 7<sup>th</sup> day of November, 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.

The minutes of the previous regular meeting of October 17, 2017 were presented. On a motion by Councilwoman Deb Cain, 2<sup>nd</sup> by Councilman Steve Henderson, the minutes were approved as presented by a unanimous vote.

**COMMITTEE REPORTS:** Councilwoman Lynn Johnson reported that the Compliance Committee met tonight at 5:30 pm in the 3<sup>rd</sup> Floor Conference Room. Members present were Steve Henderson, Dave Homer and Lynn Johnson. Others present were Deborah Cain, Steve Smithley, Attorney Phil Stephenson and Councilman Don Batchelor. They had a discussion. They obtained private and counsel for information on Dollar General and they had available information from their counselor, Mr. Stephenson, about his meeting yesterday and they had information with Steve who did not make it to any of the meetings. They discussed the minutes of 2005, they discussed minutes of the Redevelopment Commission and the City Council and how those relate to their quest and they had several issues that they discussed in reference to the allocation areas and how they felt that they should be separated in the future or they should be worked on to be separate and distinct and they discussed that with Mr. Smithley. They are going to ask him to bring them a report as to the progress on that project. Mr. Stephenson and the entire group had a discussion about TIF allocations and how we need to specify and put together some sort of agenda so they can move forward addressing how these TIF's, once they find out exactly how these TIF's are producing revenue and how they are paying the debt then they're going to bring together everyone and ask them how they think things are moving forward, if they're moving to our advantage or not to our advantage and they're going to discuss that at their next meeting on November 21<sup>st</sup> in the 2<sup>nd</sup> Floor Conference Room, Johnson said.

Councilman Dave Homer told the Council, during their meeting yesterday, just so that the Council is aware and anybody else that would be interested, he thinks they need to find out from any of the entities who would be willing to listen to a presentation. He thinks that Mr. Downs from Ice Miller indicated that they could come in and do some sort of a program with the Council, with those that deal with TIF's so that people understand how they work, all of the lingo, so that people can understand what they're talking about because this has been a learning process for all of them. And so, if the Council, Redevelopment Commission, whoever is interested in doing that, they said they would do that and they would not charge to have that done. So, it might behoove them all to participate at some point. Council President Jim Brunner said he believed that was to be at a separate location or a separate time, not actually during a City Council meeting. Homer replied, yes, that is correct. Brunner asked, is everybody agreeable to that? Each Council member indicated they would be agreeable to that. Brunner stated, okay, they'll pursue that then. He knows they need to get with the Redevelopment Commission, is that correct? Homer told Brunner, yeah, he would think so, to see if the members of the Redevelopment Commission are interested. He thinks they probably would be. He thinks it would be good education for all of them as they go through this process. He thinks those that have participated, at least in the meetings that they've had, there's been a lot of information. Nothing's been hidden. He wants to stress that he knows there were some people that complained about those being closed meetings and so forth. It was really an informational gathering for stuff, he thinks, to find out and ask questions on things that had already been discussed amongst the committee at an open meeting. So, there weren't really any surprises. He thinks they got some of the answers they were looking for but he thinks they just need to continue to learn. He thinks it'll make them better in the end if they have other companies or organizations that come before them for TIF districts or whatever. He thinks it would be a great educational piece for them, Homer said. Brunner said, if it's alright with the Council, he will contact the other entity and try to get that set up. Is that okay with everyone? Get some possible dates and notify everybody? He was told that would be fine.

UNFINISHED BUSINESS

## GENERAL ORDINANCE NO. 13-2017 2<sup>ND</sup> READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 13-2017 by title only. An Ordinance of the Common Council of the City of Marion, Indiana amending General Ordinances Sections 152.114 and 152.116 contained in the Code of General Ordinances for the City of Marion, Indiana regarding nature of storm facilities and erosion and sediment control. Mike Graft, City Engineer, told the Council he knows they all just took this home and they read through it and they couldn't believe all the things that were changed. He guessed, for the better part of it, if there's anything that they don't understand about what they read, it's simple clerical issues and he'll be glad to answer any questions that they might have. He doesn't anticipate a lot of questions but if they could, and it's at their will, but he'd like to get this taken care of this month to get it off the plate for the audit. So if they could see their way to suspend the rules, he'd appreciate that as well. Councilman Alan Miller asked, does this have any impact whatsoever on Marion Utilities? Graft replied, no. Miller said, okay, so they're aware of what we're doing and it doesn't impact them in any way? Mr. Graft told Miller, no. It basically is how they do onsite inspections and how erosion control is met. Councilman Henry Smith told Graft he mentioned erosion control. What's the latest one they had pertaining to erosion control that they had to deal with? Graft told Smith, well, the most recent, obviously the largest one was Indiana Wesleyan where they were doing the new football field and they also have the smaller ones, the Regions Bank. Anybody that tears up the amount of dirt that they did to put in parking lots, they have to deal with it to make sure that they're collecting the dirt and making sure it's not going down in the storm drains. Smith asked, what does he call the one out there on 38<sup>th</sup>, by Meijer's? Graft replied, the Regions Bank and then there's Texas Roadhouse that's going in and then the one that's not such a large one was the Harbor Freight. Smith said, okay, so basically speaking, when they're putting in a new construction or something like this? Graft stated, anything over an acre is what they have to deal with. If it's under an acre, it's not required by the state for the contractor to mitigate those. Smith said, now he noticed on 38<sup>th</sup> Street, they have two retention ponds. Mr. Graft said, yeah, that has nothing to do with it. Basically it's the black fence that you see around construction zones, that they're maintaining that and the storm drains are covered and protected so the debris doesn't get down in that. Being no further questions from the Council of Mr. Graft, Council President Jim Brunner said this is a public hearing and asked if anyone in the audience cared to comment on this item. There was no response from the audience. Motion was made by Councilman Brad Luzadder to suspend the rules on General Ordinance No. 13-2017. 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, 2<sup>nd</sup> by Councilman Don Batchelor to pass General Ordinance No. 13-2017 and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

## GENERAL ORDINANCE NO. 14-2017 2<sup>ND</sup> READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 14-2017 by title only. An Ordinance to vacate a portion of a public way to the City of Marion, Indiana commonly known as a particular platted alley located between 9<sup>th</sup> and 10<sup>th</sup> Street and McClure Street and Branson Street, Marion, Indiana for St. Martin Deporres Center, Inc. Adrienne Rines, attorney for petitioners, told the Council that Kiley Harker and Certain is pleased to be here tonight on behalf of their client, St. Martin Deporres Center, for the 2<sup>nd</sup> reading and public hearing on their alley petition to vacate the alley surrounding St. Martin's. Here tonight with them they have Teresa Campbell, Executive Director of St. Martin's. She knows some of them had some questions last time and she's going to speak at length here in a minute or so but if they have some questions, she's (Campbell) right there and has seen what is going on in this alleyway so she might be well suited to address some of those questions. So, as discussed at the previous reading, the reason for this alley vacation is that the public alleyway surrounding St. Martin's has served as a gathering place for problematic behavior, such as alcohol and drug use. She'd like to follow up on Alan Miller's question earlier at the previous meeting regarding whether it is necessary for the alleyway to be vacated since it doesn't appear to be maintained. Even if an alleyway isn't maintained, it's still platted as a public alleyway and that means that the public can still access and gather in that alley. So, as long as the alleyway remains public, that access is there. However, once the alley is vacated, entrance and access can be prohibited which will serve the goal of curtailing some of this problematic behavior of the drug and alcohol use that's going on in the alleyway. All adjoining property owners have been notified personally and by certified mail. None have expressed objections to the vacation. In fact, many have supported the alley vacation. This includes Grant Blackford who encouraged St. Martin's to pursue the vacation. Further, all government agencies and utilities have been notified. There has been no objection and it's important to note that all utilities that currently are in place will

## GENERAL ORDINANCE NO. 14-2017 Continued

remain in place. So, as this is a public hearing, should the Council members have any questions, and then the public, they welcome those and Teresa and/or herself will do their best to answer those questions, Rines said. Councilman Alan Miller said, not really a question. He answered his other question last time. He wondered why they weren't vacating all of the south end of the alley and David Homer pointed out that there actually are people that still have access to that end of the alley. Their garages are on the alley. So, that's a good reason, obviously, not to close it. He told Rines, and second, let them all congratulate her on being named Grant County's Outstanding Young Professional by the Chamber of Commerce the other night. Congratulations and thanks for what she's done for our community. Councilman Dave Homer said, he guessed with the activity that was talked about, is the Police Department, are they aware of what's going on in the alley down there? Maybe she can explain whether they've been notified. Ms. Rines told Homer, Teresa, she thinks, can elaborate on that. Teresa Campbell told the Council, she appreciates that she can be here tonight. The Police Department is aware of it. They routinely call the police due to drug paraphernalia, drunken persons in groups, some prostitution that's going on down there, the overdosing that's going on. They've called the police, they've called the police. They own the property on either side of that alley right there. They've torn down a pretty large garage that was being used to shelter people, homeless people and people who were buying and selling drugs and that has helped quite a bit but there's still a congregation area there. It's kind of sheltered from visual, it's protected there because there's buildings all around and there is a hiding place and so there gets to be fighting back there and they call the police. It isn't necessarily people coming to St. Martin's. They're just hanging out there and what they've done with it this fall is they've torn down that building, garage. They had dirt brought in and leveled off. Their plan is to make it a grassy area. The city has been so kind to give them several other lots over the last few years which, working with Rotary, they planted fruit trees on them and (inaudible). They mow it and tend it and that is what they are going to do with the property, Campbell said. Homer asked, after they've notified the police, has there been any step up in patrols? He understands that Branson Place that's right there is also a problem, an issue or a problem. Ms. Campbell told Homer, it's not as much the residents at all who live at Branson Place. It's just a congregating area for homeless people, people selling drugs, people drunk, people seeking out, doing behaviors that are unacceptable. They call the police and mostly, if they're belligerent, they will intercede. But generally it's they come, they break it up and then they're back the next day or a couple of days later. They're having overdoses where they're calling the police and the ambulance out there, right in that area, because it is hidden back in that area, Campbell stated. Mr. Miller said, Mr. Homer asked his question. He was concerned too about the role Branson Place (inaudible). Ms. Campbell told Miller, it's not the people from the Branson Place. They're very much quiet. They'll come over sometimes and have meals. They help them if they need a warm coat or something but it's not the people from there. Council President Jim Brunner said, and he thinks she may have answered a question he had and that is that alley will virtually become actually a grassy area then. Campbell replied, that other side of the alley, their garden is there. They have it fenced and then there's about a six foot grass way within the alley and then all the lot, they're readying that to grass that whole lot, area. So that alley divides their property basically is what's happening. That will be gone. They're going to fence that area off and set back their fencing to the edge of that property and all the way around so entrance won't be allowed in that area at all. Being no further questions from the Council, Council President Brunner said this is a public hearing and asked if anyone in the audience cared to comment on this item. Being no response from the audience, motion was made by Miller to suspend the rules on General Ordinance No. 14-2017. 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 Miller, 2<sup>nd</sup> by Homer to approve General Ordinance No. 14-2017 and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

## NEW BUSINESS

Council President Jim Brunner told the Council they now move to New Business. The next item on their agenda is Resolution No. 13-2017. He believes everyone on the Council has received this update so he will read it here in the public. This is from Mr. Eckerle: "Good afternoon, due to a scheduling conflict, Stealth Enterprises and the property owner were not able to meet to discuss the next steps of their project. Thus, please remove the item from tonight's agenda. We will keep you informed and, as always, we welcome hearing your ideas and questions. Have a great day.

Mr. Eckerle.” Brunner asked Mr. Stephenson, so he believes he can legally just remove that without any vote from the Council agenda tonight, is that correct? Council attorney Phil Stephenson told Brunner, yes sir, that is correct.

GENERAL ORDINANCE NO. 15-2017 1<sup>ST</sup> READING

The City Clerk read General Ordinance No. 15-2017 by title only. An Ordinance authorizing the City of Marion, Indiana, to make temporary loans to meet current running expenses for the use of the General Fund, the Parks and Recreation Fund, the Aviation/Airport Fund, the Motor Vehicle Highway Fund, the City Debt Service Fund, the Park Bond Fund and the Cumulative Capital Development Fund of the Issuer, in anticipation of and not in excess of current taxes levied in the year 2017, and collectable in the year 2018; authorizing the issuance of temporary loan tax anticipation warrants to evidence such loans and the sale of such warrants to the Indiana Bond Bank; and appropriating and pledging the taxes to be received in such funds to the punctual payment of such warrants including the interest thereon. Julie Flores, City Controller, told the Council this is the Indiana Bond Bank Advanced Funding Program that they do every year. So this ordinance is just authorizing the City of Marion to apply for those advanced funding funds so she will entertain any questions that they might have. Councilman Henry Smith said he counted around seven or eight of these bonds. How many bonds are there? Flores asked, how many bonds? She’s not sure what his question is. This is just an ordinance.... Is he talking about how many funds are we getting the advanced funding for? Smith told Flores, right. Flores said she thinks there are seven of them there. Yes, seven, the ones that are mentioned there in the title. Smith asked, are there any more other than these here? Mrs. Flores replied, it’s just these. These are the property taxes. These are the funds that are levied that we collect property taxes on so we’re just getting advanced funding because the cash flows don’t permit us to operate, it helps us to operate before we get our property taxes in June and December. Being no further questions from the Council, motion was made by Councilman Don Batchelor to pass General Ordinance No. 15-2017 to 2<sup>nd</sup> reading and public hearing. Motion was seconded by Councilman Henry Smith and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

Council President Jim Brunner told the Council, just a quick public announcement. He thinks there are a lot of very, very good pre-Christmas, pre-holiday donation items, donation collections going on in our community, probably maybe too numerous to mention but he would like just for all of them to remember the reason for the season coming up. There’s a lot of people that could really use their help this time of year. So, everything that they’ve got going on from Angel Tree to Coats for Kids to Toys for Tots and all those kinds of things, please (inaudible), if they would, and help with all those (inaudible) here in our community as we now go into what we call the holiday season of 2017.

Councilman Brad Luzadder said, at the last meeting, he told about them putting out the lights. If they haven’t had the opportunity to head out to 38<sup>th</sup> Street to the National Cemetery, the lights have been placed. About 7,200 lights are put out so if they get a chance, head out there. It’s probably one of the most breathtaking things he has seen in a long time. The lights actually look like they just continue to go on forever. It’s a great way in which to honor our veterans and then also, for the citizens they would like to remember, on the 11<sup>th</sup>, there will be a parade going on here in Marion to honor our veterans and so if there’s ever a chance in which to get out to honor the men and women who have supported us, continue to work but also who have paid the ultimate sacrifice for our freedom and that will be held this Saturday also. Councilman Dave Homer said he wanted to commend Brad and the group that goes out there and put those lights up. It is a kind of a monumental task but very, very worthwhile for the recognition. His understanding is they’re going to need volunteers to take those back down. Is that correct? Mr. Luzadder replied, yes Mr. Homer. On the 18<sup>th</sup>, they’ll be taking them down so that the Wreaths Across America can be placed on all of the stones. Homer stated, thank you, thanks for doing that, Brad. Mr. Brunner asked, would anybody like to volunteer? Luzadder said, everyone is welcome. They’ll start at 8:00 a.m. Brunner asked Luzadder, and they can just contact him? Luzadder replied, just come out to the National Cemetery. They will be there by 7:00 a.m., ready to pack them away and that is Saturday, the 18<sup>th</sup>.

Being no further business to come before the Council, on a motion by Cain, 2<sup>nd</sup> by Homer, the meeting adjourned. Time being 7:29 p.m.