

REGULAR MEETING – MARION COMMON COUNCIL – JUNE 20, 2017 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 20th day of June, 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, Johnson, Batchelor, Luzadder and Brunner.

Absent: Miller.

The minutes of the previous regular meeting of June 6, 2017 were presented. On a motion by Homer, 2nd by Smith, the minutes were approved as presented by a unanimous vote.

COMMITTEE REPORTS: Councilman Brad Luzadder reported that the Development Committee met under Councilman Batchelor and they'll be discussing the issue this evening for JG Bowers, looking at a five new starting, they started on June 13th, to create new jobs and to advance in cabinet systems. They're the largest maker for K through 12 schools and they currently have 60 full time employees on the floor plus also temporary and so it came out of the committee with a favorable recommendation for this evening.

Councilman Dave Homer told the Council, just to make the other Council persons aware, there will be an Ordinance Committee meeting on the 27th, June 27th, in the 2nd Floor Conference Room at 5:30 pm, just as a reminder.

Councilwoman Lynn Johnson said that the Compliance Committee had a meeting tonight at 5:30 pm in the 2nd Floor Conference Room in City Hall. They had Chairman Steve Henderson, herself and Mr. Homer present along with Mr. Batchelor and Mrs. Cain and Mr. Luzadder and the Chronicle-Tribune and their welcomed guests were the Mayor and Mike Flynn. They had business to discuss. They discussed several companies that have continually applied for continued abatements and actually they looked at several companies that had sent in compliance information that was actually just late, past the due date. They also discussed the different dates that are due when people file their personal property taxes on the CF-1's and that process needs to be continued to be reviewed and continue to stay after. They also had discussions about our assessed valuations of the city and exactly how they want to approach the review of the assessed valuations. They want to eventually not just send a letter to people who are late or have been late in the past for filing for compliance (inaudible) but they also would like to meet with several different entities, including the County Assessor, to discuss values of the city. And the Mayor has offered to make contacts for them so that people continue to have interest in exactly how they're putting together their Compliance Committee and the things that are on their agenda, including they discussed the TIF District and they discussed personal property and how that relates in a TIF District. They decided to adjourn about 10 'til 7 and they decided to meet in two weeks, Johnson said.

Councilman Brad Luzadder said, at the end of the meeting, looking down, the next Council meeting would then be July 4th. Council President Jim Brunner asked, what is protocol? Luzadder replied, traditionally, they've met on the Wednesday after a holiday. Brunner asked Mr. Persinger if they needed an actual vote to move a meeting. Kyle Persinger, who was filling in for Council Attorney Phil Stephenson at tonight's meeting, told Brunner he thinks he can just move it himself. Obviously, they're going to have to provide notice of a public meeting. Mr. Luzadder told Brunner, it's part of the rules, he can make that decision. Brunner said, if that is the case, at this time then, he would just announce that the City Council's first meeting in July, because he doesn't think too many people would be here on the 4th of July, will be moved 24 hours to the 5th at 7:00 p.m. The Compliance Committee meeting will be moved to July 5th at 5:30 pm.

NEW BUSINESS

RESOLUTION NO. 7-2017

The City Clerk read Resolution No. 7-2017 by title only. A Resolution of the Common Council of the City of Marion, Indiana, approving statement of benefits for real estate improvements personal property tax deduction for new manufacturing equipment and confirming economic revitalization area for JG Bowers, Inc. at 1629 S. Joaquin Drive,

RESOLUTION NO. 7-2017 Continued

Marion, Indiana. Tim Eckerle, Executive Director of the Grant County Economic Growth Council, told the Council with him tonight is Phil Bowers of Advanced Cabinet Systems and JG Bowers. As the Development Committee report stated, the committee met two weeks ago. They appreciate their hospitality in arranging that and recommending a new five year abatement of 100% on this new manufacturing equipment. This project will create 15 new jobs, Eckerle said. Phil Bowers told the Council he just wanted to thank everyone for putting them on the agenda this evening. The partnership with this city and this community has really been integral to their growth over the past 35 years now and he just wants to make himself available if anyone has additional questions. Councilman Don Batchelor said the committee meeting that they had with Tim and Mr. Bowers, it was a real good meeting. It had some good information and they were blown away with the extent of the operation and also their continued growth to our community and we, as a community, wholeheartedly accept the suggestion for abatement and they appreciate them making this type of investment in our community. And also, the five new employees that were supposed to start last Monday, he's sure they started. Right? Mr. Bowers told him, yes, that's correct. Batchelor stated, once again, they appreciate them and wish them much success in the future. Councilman Dave Homer told Bowers, they appreciate his company and actually, he didn't even know they had actually moved from their location. When he saw the address, he was like wait a minute but that's great. He asked Bowers, could he just explain just briefly what the company does for people that may not know exactly what they do? Phil Bowers told the Council, yeah, so obviously, JG Bowers is a construction company so they own several different businesses from storage units to a rigging company to Advanced Cabinet Systems which is what he is here tonight for. They make plastic laminate case work for K through 12 schools, cabinets. They sell them all across the country through a network of dealers that they have and he thinks they make roughly 30,000 cabinets a year out at that plant that go into schools all across the country. They also do storage fixtures as well which this new equipment will be there to support. Like he said, they've been doing this for about 35 years. It's been a family-owned and operated business that entire time. Mr. Homer said, he'd like to also say, for the benefit of the Council, if they haven't noticed, JG Bowers, one of their other is a construction crew that they have is doing work on the old train station at 10th and Washington. They were selected to do that job and so far have done great work so they appreciate his company, Homer told Bowers. Bowers replied, the Quilters Hall of Fame are a wonderful group that probably doesn't get a lot of attention but they really deserve a lot of attention. They're a fabulous group and they're investing a lot in this community. Being no other questions or comments from the Council, motion was made by Councilman Don Batchelor to pass Resolution No. 7-2017. Motion was seconded by Councilman Brad Luzadder and carried by the following vote. Aye: Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

GENERAL ORDINANCE NO. 5-2017 1ST READING

The City Clerk read General Ordinance No. 5-2017 by title only. An Ordinance of the Common Council of the City of Marion, Indiana amending General Ordinance No. 37-1989, as amended by General Ordinance No. 5-2016, regarding Park Rule 93.22 for the City of Marion, Indiana. Tom Hunt, City Attorney, told the Council he has with him tonight Belinda Hussong (Park Director), who actually knows what's going on. They may recall, last year they came to them about this time to redo Section 93.22 of the Park Board Rules to allow alcohol at certain times within the confined area of the Garden House. Since that time, they have developed the other area to the south of that, The Meadows, and Belinda and he were looking at this a month or so ago and the way he interpreted the ordinance as written, you could probably bring alcohol into that area at any time you wanted for whatever reason you wanted and that doesn't, that's not really the intention of the amendment they made last summer and so he's rewritten this section to clarify it so that it is allowed only during city sponsored events in The Garden area and The Meadows and if previously approved by the Park Board at private events, in other words weddings and that sort of thing. So, you can't have a situation where someone might come in, walking around there, carrying cans of beer or whatever they might do. This is a very limited exception to the general rule that there is no alcohol allowed in the park. So, he'd be happy to entertain any questions they may have, Hunt said. Councilman Henry Smith asked Hunt, so he's saying within that circumference of that garden is the only place that is permitted. Mr. Hunt told Smith, that's the only location that's permitted and it's pretty well defined, not only by the roads that go around it but by the shrubbery and trees and landscaping and it is the old garden area and now the new meadow area that is to the south of the garden area, southeast. Smith asked, so what if he

GENERAL ORDINANCE NO. 5-2017 Continued

didn't know that the garden or the meadow or something like that, would that circumference be the road, River Road, or whatever it is? Hunt responded, no, no, the roads are not included in that. It's just The Garden and Meadow area itself, within the confines of the fencing and shrubbery and trees. Smith asked, okay, so if he was out there playing tennis and he wandered over there with whatever, is that permitted? Hunt asked Smith, if he's playing tennis and he went over there and there was a private event going on where alcohol was permitted or there was a city sponsored event, let him give them an example. The summer concerts on Thursday nights that we're going to start up again next month have been alcohol permitted events. You go down there at 4:30 pm to play some tennis with a friend and then you decide to go up and watch the concert, yes, you can then have alcohol within that area, not down at the tennis courts but up there at the top. Councilman Don Batchelor asked Hunt, so the bottom part of the section here, if he, as an individual, leased or rented the Garden House in the Gardens, what have you, then if it's approved prior to the event then they could have alcohol? Mr. Hunt told Batchelor, yes. Let's assume he had a family reunion planned and he rents the Garden House, yes, he can have alcohol during that event because, in order to rent it, he has to have approval. Being no further questions for Mr. Hunt from the Council, motion was made by Councilman Batchelor to pass General Ordinance No. 5-2017 to 2nd reading and public hearing. Motion was seconded by Councilman Luzadder and carried by the following vote. Aye: Homer (said he has a question. We can't pass this tonight? Hunt told Homer, as he understands their rules and their counsel will correct him, but as he understands their rules, this has to go to 2nd reading. They can then suspend the rules at the 2nd reading and pass it. He doesn't think the first Thursday night concert is until later in July. The next meeting is July 5th. They're going to miss out on the 4th of July but on the 5th, they could suspend the rules and pass it. Actually, he'll tell them, the way it is written, they probably could do it tonight, Hunt said.), Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

Council President Jim Brunner told City Attorney Tom Hunt, while he's at the microphone, he had a chance to attend 12 Angry Jurors and he thought his performance was absolutely incredible. He thought it was made even better by the engineer who handled his voice and of course that was himself. He thinks they're both up for (inaudible) awards this year. Hunt asked, can he get an Academy Award for the best performance while not being there? Brunner said, and the best performance by somebody that never appeared on stage. That's just incredible. Hunt told the Council, he has to tell them, he was just sitting out here in the audience and he texted his children and grandchildren and said he's got a riddle for them. He was asked to be in the Marion Civic Theater last weekend and he was but he wasn't there, how's that possible? And he got all kinds of answers back, Hunt said.

Before the meeting adjourned, Councilman Henry Smith said he wants to bring this up now. Okay, he wants to bring this up now for the Council to think about it, about in the future, the Board of Works, what we can do to take some of the responsibility from the Board of Works and giving it back to the Council because there's a lot of things that the Board of Works does that he feels are Council responsibility and therefore, a lot of things that were created last year that was bad, or before, not last year, last Administration it was bad. Like we didn't have, couldn't go into the budget without, we had to get permission for a lot of things that he felt were the Council's duty. And so, what he's thinking about, he asked Mr. Persinger to look into what can we do to get our responsibility back from the Board (of Works) and so he wants each and every last one of them to think about that, getting our responsibility back where we can (inaudible) to save money. And so he wanted to bring that to the attention of everybody, Smith said. Council President Jim Brunner asked Mr. Persinger, he and Mr. Stephenson will do some research on that for them? Council Attorney fill-in Kyle Persinger told Brunner, yes, he and Mr. Smith had a conversation prior to the meeting and he told him (Smith) he would get right on that and respond back to him. Councilman Steve Henderson said the Board of Works is currently working on by-laws because they don't have any so these are things that can be constructed with Linda Wilk, who is heading up that group, because they are setting up new by-laws in which to operate because they don't have any, basically other than the state statutes so they are working on some by-laws so if he'd (Smith) like to include some of that, suggestions or whatever, he would suggest he (Smith) contact Linda Wilk and get with her. They are working with Judge Hunt (City Attorney Tom Hunt) on making the new by-laws. Councilman Smith told Henderson, before they have any by-laws, he wants to know what can we get back that is the Council because, by doing that, the by-laws wouldn't be in there because it would be the Council's responsibility and that's what he is looking for. Henderson

stated, well that includes all the responsibilities. One of the responsibilities, he's been asked to help on that committee. One of the cities he looked at, the Mayor gets to appoint the board but those board members have to be approved by the City Council. So he doesn't know which direction he's (Smith) wanting to be involved in. Smith replied, the only thing he is looking for is 100%, not 95%, 100% back responsibility of the Council. That's it. Anything less, that's the reason why he wants the attorneys to look into it first because he doesn't want no he said, she said. It's just what is our responsibility. In other words, so we don't get in this position again in the future, because he won't be here. In other words, now is the time to get everything ironed out, brought to surface whereabouts, okay, this is the Council's responsibility, they approved it so it's theirs. Right now, a lot of things were approved we didn't know about and so now is the time to do all of this and he's talking about not 50%, not 75%, he's talking about 100% coming back to the Council, Smith said. Councilwoman Lynn Johnson told Mr. Smith she understands what he is saying. She might ask that Mr. Persinger also check into..... There's a budget, budgetary appropriations that go to and apply to the Board of Works, however, you could check on that budget, you can also use that, instead of a Board of Works budget, it could be transferred to the works of public safety. Instead of using the Board of Works as a (inaudible), we could bring back the activities of the Board of Works and still keep the budget. She just thought that could be clearer and she thinks they might check to see if she is correct on that, Johnson said.

Council President Jim Brunner stated, again a reminder that their next meeting will be held at 7:00 pm on Wednesday, July 5th, and he certainly wishes everyone a very happy and safe 4th of July.

Being no further business to come before the Council, on a motion by Homer, 2nd by Johnson, the meeting adjourned. Time being 7:26 p.m.