

REGULAR MEETING – MARION COMMON COUNCIL – AUGUST 15, 2017 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 15th day of August, 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 August 1, 2017 were presented. On a motion by Cain, 2nd by Smith, the minutes were approved as presented by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor and Luzadder. Nay: None. Abstain: Brunner.

COMMITTEE REPORTS: Councilwoman Lynn Johnson reported that the Compliance Committee met tonight at 5:30 pm in the 2nd Floor Conference Room. They had committee members Dave Homer and Chairman Steve Henderson and herself were present. They had Deborah Cain present, Henry Smith present, Alan Miller present, Brad Luzadder present and Don Batchelor present. They also had the Mayor present and Mike Flynn and Jerry Foustnight and our Chronicle-Tribune and our News Herald representatives present. They were happy to have everyone with them tonight because they had guests. They had Tina Goodpaster and Jim Goodpaster and Bill Lester from Winterfield and Huhtamaki and they explained to them new market tax credits and oversight on the project that started out as Winterfield and became later Huhtamaki. It was very interesting. And they also discussed our TIF Districts and our TIF procedures because they're going to look at each property in the allocation area and determine the valuations of those properties, Mr. Homer, herself and Mr. Henderson. Also they looked at the personal property tax forms. She brought personal property tax forms that are blank and showed everyone how personal property deductions are done by businesses and corporations and how they proceed and how the 103 Form runs into the 104 Form that's presented to the Assessor's Office for their personal property taxes. They had quite a good discussion. They had a very good discussion with Mr. Lester and Ms. Goodpaster and they were happy the Compliance Committee was able to adjourn on time at 6:30 pm and they're going to meet again in two weeks, Johnson said.

Councilman Dave Homer said, just a couple of announcements. One, just for the record, on August 22nd at 5:30 pm in the 2nd Floor Conference Room, the Ordinance Committee will be looking at two or three different projects or ordinances that they've been just kind of looking over and they'll continue that discussion at that meeting. He also wanted to just make aware to the City Council that the Bend of the River Neighborhood Association, which he is a part of, is holding their 3rd Annual Books and Bikes Art Fest. That is this Saturday from 11:00 am to 4:00 pm so they're inviting the Council and anyone else that would like to show up. They have grown from their event last year. They look forward to it. They have (inaudible) on a family bike ride. As far as books, they do have a little free library in the neighborhood there at the Curfman Gardens and they put an emphasis on literacy. They have authors, they have people that are going to read books, animated, reading to children there. They'll have art, different projects for kids that (inaudible). They look forward to it. The Council is invited so if they have some free time on Saturday, they'd love to see them there from 11:00 am to 4:00 pm, Homer said.

Councilman Alan Miller told the Council he guessed he could re-announce as he did two weeks ago that the hearings on the 2018 Budget will be September 12, 13 and 14 right here starting at 6:00 pm. Those, of course, are open to the public.

NEW BUSINESS

RESOLUTION NO. 8-2017

The City Clerk read Resolution No. 8-2017 by title only. Resolution authorizing application submission and local match commitment – Resolution of the City Council of the City of Marion, Indiana, authorizing the submittal of the BCP Application to the Indiana Office of Community and Rural Affairs and addressing related matters. Kellie Engelman, Community Coordinator, Affordable Housing Corporation, told the Council, if they recall, she was here in

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March. They sadly did not get the CDBG Grant then. They have another application they're going to turn in on September 1st. They did have two public hearings recently and had a total of 25 people in attendance. So, they are excited about some of the attention that's being drawn. This is a template they gave them this time on the resolution so it's just declaring that they are looking at demoing 239 West Third Street and the detailed description is in Exhibit A and then, again, the Affordable Housing Corporation is providing the match money. So, she just needed to get this approved by them in order to move forward. Councilman Alan Miller said, first of all, does this still carry the provision that they have to leave two walls of the existing building standing? Engleman told Miller, yes, well they have to attempt to she guessed is the better way to put it so they'll be working with a structural engineer on a support structure to put up against the north and west wall in order to save as much as possible. Miller told Engleman, she said they had 25 people show up at a hearing. Were some of them concerned about this? Personally, he doesn't know whether he's the only one that thinks it's one of the silliest ideas that he's ever heard of. What did the 25 people.... He's not being facetious, he's not picking on her. It just seems one more thing to maintain. He doesn't know what it does, precluding the use of that property behind the walls. He can understand it when he's walking the streets (inaudible) if the buildings are 2,000 years old why they might prop up the façade. He doesn't understand it (inaudible), Miller said. Ms. Engelman replied, the original plan was to redevelop the land into the Dan Mar or the Gallatin she guessed so it was going to turn into housing. With the current grant, it's going to be green space for at least five years so that change is, she means it's possible when they contact (inaudible) later that they might not be as stringent but she doubts it. Saving those two walls, she also doesn't think it'll be that high because it's a very difficult thing to do. She means, literally, the letter from the DNR says that to the best of their ability they have to try to save them which is why they have the structural engineer and everything. At the public hearing they had, it was brought up once. It wasn't in that exact fashion. It was just asking if that was still a thing and it is. But, yeah, it's an interesting position to be in because, she means, they can't move forward without that piece being in there. Mr. Miller said, this is, in effect, our only source of funding to do what we want to do. Might he ask what the other 25 people had to say at the hearing? Had he known there was a hearing, he would have attended it himself. Were there other concerns? Engelman told him several of the people that were there were just there supporting them. There was a gentleman there who is a property owner next door, adjacent property owner, and he was telling them about some of the history of the building. He mentioned that, he was asking questions about the demolition itself. She means, if you take out the concrete in the basement, the sidewalk's going to fall in and questions like that. Again, a structural engineer can probably answer that but where she stands, she has to lean on the experts she guessed. Miller asked, what's the future of the Sicilian (sp?) Apartments? Engelman stated, the Sicilian, the last time Jacque (Dodyk from Affordable Housing) spoke about it was at the public hearing and she said that our goal is to look at market rate housing since that is something that the Mayor brings up on a regular basis and so they're going to walk that direction to make that happen. Miller commented, well, he's not going to belabor the point. He just wants to go on record saying he just thinks it's really a silly idea but he understands the awkward position she's (Engelman) in. He doesn't know that he has an alternative proposal because it appears there is none. Councilman Henry Smith asked Engleman, she's saying they're leaving two walls up, is that correct? Ms. Engelman told Smith, yes. Smith said, usually when you leave walls up, that means you're going to remodel something because that property has been, you cannot use it to put something new in there. By using the two existing walls, you can put a structure up there for that. So, they're planning on putting a new structure up there at that location or what? Engleman answered, originally, that's what they were planning on doing. As it stands now, she means, what they're putting in the grant is that it's just going to be green space. Smith asked, if it's going to be just green space, then it shouldn't be required to leave two walls up there because there's not an existing building, there won't be a building going up there. So, that's sort of required when you're putting up a building that you do this because, if you look down East Marion, you see two houses down there are still existing because whenever they get ready to put something in there, they can use (inaudible) there because that's part of the federal grant or federal whatever they say. So, basically speaking, are they going to put a new structure in that place at that location? Engelman answered, not in the next five years. Smith stated, so, after five years, one can go in there, is that correct? Ms. Engelman replied, yes. Mr. Smith stated, so, in other words, those two walls are going to stay up until five, six years until they get ready to put something in there because they wouldn't need them, not unless they were putting something in there. Engleman told Smith, yeah, that makes sense, unless it is left there as like, she thinks they thought

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of it more, at this point, as something that would still keep the historic value, more so than just a flat piece of grass. Smith asked, okay, what section are they putting the new walls up? He means, is it going to be northwest? Engelman said, they're not putting any new walls up. Smith said, he means they're leaving the existing walls in. Engelman responded, it's the north and west wall. So it would be where Gallatin and 3rd Street meet. Councilman Don Batchelor asked Engelman, she said they didn't meet the deadline for filing the application back in March? Ms. Engelman told Batchelor, they did meet the deadline. They weren't awarded. Councilman Miller said, let him go back to an unrelated question or sort of related and maybe Mr. Foustnight or Mr. Flynn can help him. Is the DNR still holding us hostage, for lack of a better term, on the foundation of the old First Baptist Church? You know, we finally were able to tear the church down a few years ago by moving the columns over and putting them on the existing church but we still have what appears to be the foundation beside CVS crossing Boots Creek. It's just an ugly slab of concrete. He's had several people call and say (inaudible). But is the reason that's still there because that was a part of the DNR issue? Chief of Staff Mike Flynn told Miller, he'll have to research that for him. Miller stated, that is what he has been lead to believe, that that was all part of disturbing a historic site and they couldn't remove the retaining walls. Engelman told Miller, she can tell him, if that is true, you would have to get their approval to do anything like that. So it would make sense that it would be stuck. You would have to get their permission. Miller asked, even if they wanted to do an urban art project? Engelman replied, if you were going to disturb any of the concrete, yes. Miller told Engelman, they're not picking on her. They need to write letters to the DNR and tell them how they feel. Councilwoman Deb Cain asked, on the walls, does it have a provision in it, she means, does it state how high they have to keep them? Engelman told Cain, no, it just says they have to attempt to keep the walls up. Cain said, so maybe an idea, since they're going to have a green space for five years, to eliminate the risk of someone getting hurt, maybe put them at bench level to where it would look like a park area. That's just a thought, Cain said. Councilwoman Lynn Johnson said, she agrees with Deb. She's seen homes that have been destroyed by fire or something. In order to get the insurance, you have to leave the corner of the property so that the insurance knows that they're going to rebuild or provide a replacement house for the owner and they just leave a small corner. So, her first question is, she likes their project. If they submit this on September 1st, when will they award this grant? Engelman told Johnson, October 12th. Johnson asked, does she know how many other people are running for this grant? Engelman replied, there were four when the liaison came to town. So, there should only be four. Mrs. Johnson asked, how many were there last time? Engelman answered, there were five. They actually called them and asked them to resubmit and then they sat down with the liaison and went through everything to make sure that anything that they wanted more than they had given before was in. So, yeah, they're pretty confident. And out of those four, there's usually someone that doesn't end up applying. It's a lot of work. Johnson asked, and when, if they are awarded on October 12th, when would she expect to start this project? Ms. Engelman responded, with all the paperwork they do up front, she's guessing she's (Johnson) talking about construction, so the construction would start, it would actually start in July of next year and then, depending on what the structural engineer says, it should go pretty quick unless that's a nightmare. So, they're looking at July but they'll start the back work right away. Mrs. Johnson told Engelman, good luck. Councilman Steve Henderson said, on the property, she said it had to be five years of green land or whatever. Will they (Affordable Housing) be maintaining that property then? Engelman told Henderson, absolutely. That's part of the stipulation of the grant. And they do that. They have a lot of scattered lots around Central Marion. Henderson asked, does it stipulate that it has to be grass? Engelman said, no but there are stipulations. If it were to be a park, there's more guidelines so it's going to be grass. Mr. Miller asked, what is the Affordable Housing's portion of the matching grant? Engelman told him, \$38,889. Miller said, oh, so it's a dollar for dollar grant? We're seeking \$38,000? Engelman stated, they're asking for \$350,000 and they have to give 10% of the total cost. Councilman Dave Homer said, he wants to go on record as saying he thinks it's a good idea that they keep the two walls. He doesn't think it's silly. He thinks, because of the historical significance of those two buildings right there, the look of the brick street, he believes that they'll find somebody that will be able to structurally keep those walls up, he thinks they'll keep in maintained and he thinks, in five years, something will be built there and attached to that building. He believes and he thinks when the Sicilian is done, he thinks that will be a great addition, as she talked about market rate apartments. He thinks they have an idea to keep that historically significant as they plan to do that. So, he would go on the record as saying that he thinks it's a good idea, Homer said. Councilwoman Johnson asked, when they tear this building down, what are they going to do with the

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remaining bricks that are not going to be used? Engelman asked Johnson, the bricks like Gallatin Street bricks or the bricks of the building? Johnson replied, the bricks of the building. Ms. Engelman said, actually, the way everything is written up, it's going to be demoed which is probably not the right answer. Yeah, so, she guessed she could look into that. The bids they get that are going to be the lower ones that they can go forward with, they're just wanting to plow it down. But she can look further into that. Johnson responded, yes because just about every brick in that building is probably something that could be reused. Ms. Engelman stated, they have talked in just key meetings in the past about like a statue or something to commemorate it but that was conversation. So yeah, she'll look into that further, she told Johnson. Being no further questions or comments from the Council, motion was made by Councilman Brad Luzadder to pass Resolution No. 8-2017. Motion was seconded by Homer and carried by the following vote. Aye: Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. Abstain: Miller.

REV. LARRY EMMONS TO ADDRESS CITY COUNCIL REGARDING ISSUES IN HIS NEIGHBORHOOD (POT HOLES, HOUSES IN NEED OF DEMOLITION AND TREES THAT NEED TOPPED OFF). Larry Emmons told the Council he resides at 2805 S. Boots Street, been here since 1980, came to Marion from Dallas, Texas. The city has been good to him. Bought his house in 1981. He's got a lot of issues that need to be addressed. He spoke to from the top to the bottom, nothing has been done. He spoke to the Mayor, spoke to Mr. Foustnight, spoke to Mr. Henderson, Mr. Batchelor. It seems that everything that he spoke to these individuals about has fell on deaf ears. There are a lot of houses in this neighborhood, 2800 block, 2900 block and 30th Street on Boots are sticking out like a sore thumb. They need to be torn down. He is a taxpaying citizen, a law abiding citizen. These houses, something needs to be done ASAP. He took some pictures of the houses and he'll pass them around and the question that he wants to ask each of them, would you like to live beside these houses that are in this neighborhood? What he doesn't understand is, he calls them slumlords, they're not landlords, they're slumlords and they need to be addressed as well. Nothing, no repairs, he's never seen any repairs done to these houses at all. The streets are in horrible shape. They've got potholes. If they have a downpour of rain, the water comes up to your ankles when you're getting out of your car. The sidewalks are in bad shape, he means bad shape. They need to be addressed. He believes they need some speed bumps in this neighborhood. Stop sign on the corner of 29th and Boots, he called and spoke with the Police Department. You could put an unmarked car right there at 28th and Boots, he's not trying to tell them how to do their job but on Friday, Saturday and Sunday, you might as well take that stop sign down. Nobody is stopping anyway. Put a yield sign down there, still they aren't going to stop. Put an unmarked car right there at 28th and Boots. Something needs to be done before somebody gets hurt or killed. The street sign on 29th and Washington, the street sign has been down for three weeks, four weeks, five weeks. He went and took a picture of it, he's going to pass it around. He thinks the street needs to be changed from 29th Street to Pothole Street. That's just his personal opinion. He doesn't know where his tax money is going to but it's sure not going to streets. There was a house fire at 27th and Boots about four months ago. The house is still sitting there. It's sticking out like a sore thumb. Nobody doing anything about it. It's not even boarded up. Kids, drug addicts, whoever, go inside the house. It's a shame, if you ask him. He's definitely upset. Something needs to be done. And he doesn't know what we're paying the Nuisance Abatement Officer for, if they're getting paid, because he can't see no result, what they're doing. They say, well you've got to wait 30 days, well you've got to wait 60 days. Why do you have to wait 30 days, 60 days? Then what? Nothing's being done. He'd like to see some of these landlords, he'd like to see them stay in those houses for a couple, two or three months. He'd like to see them stay in those houses that they are renting out. He doesn't know if these people are on Section 8, he doesn't know what they're on but it's a shame. Somebody's got to say something, it might as well be him. He said Mr. Henderson suggested he go and he gave him (Emmons) some names and some telephone numbers but he feels as though that's not his responsibility to go contact these people to do their job. If he's going to contact them to do their job then give him their job and see what he'll do. Councilwoman Lynn Johnson asked Rev. Emmons, would he like her to do that for him? She will do that for him because she thinks there are a couple of things that he could do and she can help him with the trees and the electrical and she can contact the people that need to take care of the drainage on his street and maybe she can talk to them about the potholes as well because it's been, obviously, due to a lack of drainage in his street. She would be glad to do those things for him, if he doesn't mind. Emmons told Johnson, he doesn't mind. Somebody's got to do something. Johnson said, she would be happy to that. And she would be happy to contact

(inaudible). She will give him her cell phone number and he can call her and then he can tell her what houses on his block are annoying him and see what maybe she can get done about that too. Emmons said, they can go out there together and Johnson replied, yes, they can. She would be glad to help him. She's been in his neighborhood several times and she has really good friends who live out there and it upsets her that there are issues that need addressed that haven't been addressed and she would be glad to help him. Emmons replied, he would appreciate that. Councilman Dave Homer asked Rev. Emmons, has he called, like these addresses, has he specifically called Code Enforcement and left messages or given this information to anybody? Emmons told Homer, yes sir. That's why he asked about the Nuisance Abatement Officer. Homer asked, when did he do that? Emmons answered, it's been some time ago, over six months ago. Homer asked, and he spoke with someone here at City Hall? Emmons said, yes. Homer asked, what did they tell him at that time? Emmons said, there's a process, paperwork, 30 days, 60 days, it's a process. The process leads to nothing being done that's where the process leads to. Mr. Homer asked, does he know who he spoke to, what department? Emmons replied, yeah, he knows who he spoke to. He's not going to give her name out but he knows who he spoke to. Homer stated, it doesn't make any difference. He can call and find out who it was, it doesn't make any difference. It's just the fact is that he spoke to somebody, they told him there's a process and the process hasn't worked. Rev. Emmons said, nothing has worked so far. Homer said, the sign that's been down, he says that's been down how long? Emmons told Homer, at least four weeks, 29th and Washington. If the Fire Department was looking for his address, well they're probably familiar but if they were looking for the street, they wouldn't see it because it's down. It wouldn't take but one man to come and push that sign back up. Homer told Emmons, that's pretty apparent. Well he has to tell him, he's called and made complaints himself and things haven't necessarily worked out like they should, he thinks, so he has some of the same complaints that happen in his neighborhood that aren't being taken care of. He'll be glad to come out, look at these, Mrs. Johnson, it makes no difference. He means, he can call and find out. This is the first that he's aware of it, that he (Emmons) brought it up, although, driving the city all the time like he does, he sees problems everywhere, that he's talking about in his neighborhood that aren't being taken care of. But he'll be glad to come out and look at it, work with him or whatever. He told Emmons he knows how to get a hold of him. He'll be glad to work with him to address some of these issues. Rev. Emmons told Homer, he appreciates it. Like his dad used to tell him all the time, talk is cheap. Councilwoman Johnson said, results are better. We want to get results. And she will call him tomorrow, after she makes a few phone calls. She'll let him know. Council President Jim Brunner told Rev. Emmons, he thinks they've heard from Council members that they pledge to help him in this situation. They certainly will take this under advisement and get to work immediately to help him out. Emmons replied, he appreciates it. Chief of Staff Mike Flynn told the Council he's here to address some of the issues that Mr. Emmons just raised. He told Councilman Homer he's glad to see that he's not receiving preferential treatment at least with the issues he's having in his neighborhood. Homer told Flynn, but he doesn't expect preferential treatment. He does expect somebody to answer a phone when he calls them, that's happened to him, and he doesn't get return calls. So, he's just saying (inaudible) things in their neighborhood, same as he's (Emmons) talking about, that he has no clue. Flynn told Homer, if he ever has an issue like that, give him a call. Okay? Homer replied, well, he'll be calling him tomorrow about another issue that hasn't been dealt with. Flynn replied, appreciate it. What Mr. Emmons has just described, as they are well aware, exists throughout the City of Marion and he really couldn't hear her (Johnson) comments but one of the issues were the trees and the electrical lines. As they are well aware, those normally are located on easements. The city nor the homeowner is responsible. Councilwoman Johnson commented, right but she knows who is. Mr. Flynn said, AEP contracts to have that work done. He drove that neighborhood two days ago and the streets, at least on the Boots side, were not as bad as what he thought they might be. He did not get off on 29th Street to see those specifically but they will have the Street Department go out there and look at those. With regards to the two homes that are located there, he'll ask the Building Commissioner to come up to address that because it is, in fact, a process. It's a process that's working. Those homes are no different than many of the homes that you see throughout Marion. The only difference is, those homes were cited and identified and they were put into the process and they're being addressed, Flynn said. Building Commissioner Jerry Foustnight told the Council the home that he is addressing at 27th and Boots, if he would have called, he could have understood that that home that had a fire in it, they went through the process, they went before the Board of Works. They have got the approval for the demo of that property and that property is scheduled to be demoed in the very near future. As far as him saying no homes have been done, they did one right across the street which a deceased dispatcher (inaudible) to an individual. At

31st Street, they also did a demo down on 31st Street at the end of Boots Street. So, they have addressed issues in that area. Are there other houses that probably need it? Yes but there's other houses that need it more than those houses there. When they started with a budget and you guys approved a budget of \$100,000, they can only do so much with that \$100,000. They try to take which is the most serious properties, address those first and then, if they have monies left over then they do additional properties. At this point, with individuals (inaudible) to have demos and the money they've used out of their account, they have done 16 properties to date. So, they're doing their job, he believes they are. As far as somebody addressed about Code Enforcement not doing their job, they're out every day, doing their job. They have thousands of properties within the city that they go out and make sure that things (inaudible). As a municipality, they have to understand that they follow what the codes say. They have to go on a time period. They can't just do as the private sector and go in and say, oh, we want this done and do it. They go with what the state statute says, what the ordinances say and that's how they do their job. So, to say that Code Enforcement's not doing their job or they need to do a better job, they're doing the best they can with the staff they have, Foustnight said. Mr. Flynn stated, and he guessed just to reaffirm, their position is to do the best they can for the citizens of Marion. The issue he raised with the stop sign, he'd love to be able to put an unmarked car or a marked car at that intersection. He told Homer, he was Police Chief once. He means, they have, sometimes, if they're lucky, five cars on the road in Marion. Not to say they can't put patrol out there periodically or just drive through the area and have their presence be seen. But, if there are issues that are brought to their attention, they will address them. If they're having situations where issues are being ignored, he wants to know about it. As Chief of Staff, that's his responsibility and those people respond to him. So if he has somebody that's not doing their job, please let him know. That's what he's here for, Flynn said.

Before the meeting adjourned, Council President Jim Brunner told the Council, again, a reminder. He wants to be sure that everyone knows that they'll be starting the budgetary process four weeks from this evening on the 12th of September and that will also be held on the 13th and 14th of September at 6:00 pm, not 7:00 pm. So if they walk in at 7:00 pm, they'll miss the first hour. If they could be sure that the newspaper and the other media in town gets those times and dates, that would be appreciated, Brunner said.

Being no further business to come before the Council, on a motion by Johnson, 2nd by Miller, the meeting adjourned. Time being 7: 42 p.m.