

REGULAR MEETING – MARION COMMON COUNCIL – SEPTEMBER 19, 2017 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 19th day of September, 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 September 5, 2017 were presented. On a motion by Henderson, 2nd by Cain, the minutes were approved as presented by a unanimous vote.

COMMITTEE REPORTS: Councilman Alan Miller said that the Budget Committee, which consists of the entire City Council, met on three nights, Tuesday, Wednesday, Thursday, last week to look at the 2018 Budget and the few recommendations that were made will be reported on as they work through the agenda this evening.

Councilman Steve Henderson told the Council the Compliance Committee did not meet today. It will be meeting in the 2nd Floor Conference Room at 5:30 pm on Tuesday, October 3rd. They will continue to look at TIF issues. He would also like to make a personal comment here. The Constitution of the State of Indiana with the Constitution of the United States along with the Indiana Code supports a taxpayer elected legislative body which is the City Council. When it creates a non-elected appointed board or commission and empowers them, that commission cannot become more powerful than its creator. Therefore, the commission should not be writing resolutions that changes finances of previously passed City Council documents without coming back before the City Council's approval and within those documents, they should carry out what is written in those. To do so tears the basic fabrics that our government is built on and at this point, we have lost total control.

Councilman Dave Homer said that the Code Enforcement Committee, as they continue to look at the Fair Housing Standards, minimum housing standards for the City of Marion, will once again meet on September 21st, that's Thursday. He knows they originally had set the meeting for 6:30 pm but he thinks Linda Wilk is able to meet at 4:30 pm, if that works for everybody or they can leave it at 6:30 pm, pick your pleasure, if that works. If not, they can leave it at 6:30 pm. Councilwoman Lynn Johnson asked, 4:30 pm this week? Homer stated, okay, so they'll meet upstairs then and they'll just continue with what they're working on with that ordinance.

Councilwoman Lynn Johnson stated, at the last Compliance Committee meeting, they had a lot of the City Councilmen there, a lot of their fellow City Councilmen, and at that point in time, they sort of brought in an open request for their fellow Councilmen to join them in some of the projects that they are working on. They have a pretty enormous project going on at this moment and it would be very kind if any of them would like to come in and maybe volunteer to help them, that would be very nice and they'll discuss that on October 3rd. So if they do come to their meeting, maybe they're going to recruit them but they are having a project that is very interesting and it will engage them and they would like their help a little, from all of them. She just wanted to mention that and she's grateful for all of their help always.

Council President Jim Brunner asked if there were any other committee reports or comments at this time. He said, seeing none, they will move on to Unfinished Business. He believes Reverend Luzadder has a statement to make. Councilman Brad Luzadder said, yes, Mr. President, thank you. At the last meeting, the City Council previously approved Resolution No. 10, which was set into account to resolve Resolution No. 12-2005 passed by the Marion Redevelopment Commission. This City Council does not want to stand in the way of progress. This City Council does not want to see our citizens or the people in which do business with us to go backwards. But, this City Council has concerns and there have been countless hours that have been placed in meetings, looking over documentation and this Council is extremely concerned with the way the TIF revenues are not being handled in accordance with Resolution No. 12-2005. But, it's his understanding that in order for business to continue then we have to present a resolution to reinstate Resolution No. 12-2005 into the record and put it back into place up underneath the Marion Redevelopment

Commission. In no way does this stand in the way of this City Council having direct oversight over the Redevelopment Commission. In no way in rescinding the repealed resolution is this Council going to accept questions that have not been answered and going to find themselves berated when questions will arise. As a City Councilman and as elected officials, we have to be responsible. We have to be able to represent our citizens. We also have to be mindful of the monies in which are being dealt within our city. And so, with that, he needs to make a motion this evening to place a resolution upon our agenda that will reinstate Resolution No. 12-2005 and we will rescind our resolution in which to repeal Resolution 12. It is (inaudible) that we need to do and we are doing what we were elected in which to do and we will continue doing that as we move forward. Luzadder said he would like to make a motion that we add this to the agenda this evening so that we become in compliance with (inaudible) in which to do for our city. Motion was seconded by Councilman Steve Henderson. Before the vote, Council President Brunner asked Mr. Stephenson if he cared to comment on this before they place this into a vote on whether they should bring this on to the agenda tonight. Council attorney Phil Stephenson told the Council, it is his recommendation that they do so. The reason is, he understands the Council's concern about how those funds are being expended, which he thinks are very legitimate concerns. The Council needs time to look at that more fully, however, in the meantime, he thinks it more appropriate that they at least put the resolution back in place for the time being so that the regular payments will be made timely on this Series A and Series B Bond because they don't want to be in a position where there's any default there. The second part of the resolution reflects the concern that the resolution by the commission has specifically provided that the excess funds, that is those not necessarily (inaudible) regular payments, will be held in this allocation fund of the general budget. It does not appear that that's been done so that's the reason why it covers those two areas. Councilwoman Lynn Johnson said she would like to weigh in with her findings as her progress has continued and they were not able to report her findings tonight as they did not have a Compliance Committee meeting but she would like to weigh in on this because it's very important to this resolution since they all know that this resolution that they rescinded was activated and paid correctly in the years 2007 through 2013. Her records show from the trustee, she has all the trustee information. She has the payments that were made by the City of Marion to the trustee for interest beginning in 2008, 2009, 2010 and these payments show interest payments and we also have in our possession every dollar (inaudible) from Dollar General in taxes for between 2007 and 2016 and our interest payments, beginning in 2009, okay, were lower than the collections from Dollar General. So, we paid \$83,000 in interest and we collected \$175,000. So we paid the payment to Regions Trust in 2009 correctly. In 2010, we paid the payment on the interest correctly and we had a payment of \$48,675 that we collected in 2010, \$435,000 (inaudible) we had a very large excess that was transferred into the Redevelopment Commission in 2010. And in 2011, we had \$95,000 in interest and we collected \$652,000 and out of that \$652,000, approximately \$557,000 went into the allocation fund. So, in 2012, we collected \$851,000 from the Dollar General property and we paid \$59,000 in interest from the city. In 2013, we had \$1,132,316 come in to the Dollar General TIF and we paid out \$34,057 in interest. So between 2007 and 2013, we had excess allocation that actually went into the Redevelopment Commission correctly and the payments are made correctly. Somewhere in 2014, there were principal payments made and excess allocations went to the Regions Trust. In 2015, excess allocations went to the Regions Trust and in 2015, Regions had to ask permission from the bondholders and from Dollar General via this letter for permission to optionally redeem the \$3,600,000 sitting excess to Regions Trust. Now, at that point in time, Dollar General said that was okay, however, it reduced the bondholders interest, which is the bondholders yield and it reduced the maturity date of this bond from 2035 to 2032, which is three years early. This bond is maturing in 2032 at this moment. They have not changed the principal, they've not included (inaudible) and posted the principal payments that we've made already and so, therefore, this bond is in no way set to default. It's actually harming the bondholders by yielding prematurely and so they're going to be shorted their yield and their interest. So, she's just saying that this resolution that we rescinded was actually functioning correctly for seven years, from 2007 to 2013. She's not sure what happened. She would like someone or she would like to talk to the Key Bank Trustee herself. She has never found where they offered and used redemption power. They issued a new amortization schedule to (inaudible) to 2032 and we have not been following that amortization schedule. And this is shorting our bondholders and this is also prematurely, if they post this \$2,600,000, it will prematurely redeem and shorten the life of the bond and maturity of the bond. So these are her findings. So, this resolution that we're going to reinstate is fine and it will actually work if it is followed correctly because this resolution we are going to sign follows the indenture in the bond to a T. (Inaudible) address the allocation. The only thing about the allocations that have

changed are the laws and we are actually privileged to be able to implement the laws of the State of Indiana. So, she's just saying this allocation and this resolution functioned effectively from 2007 to 2013, Johnson said. Council President Jim Brunner asked the Council if there were any comments before they actually vote on whether or not to bring this resolution to the floor tonight. Councilman Alan Miller said he'd just like to know the actual number of this resolution. City Clerk Kathleen Kiley told Miller, it's 11. Brunner stated, this is Resolution No. 11-2017. Mr. Luzadder said, Mr. President, before they vote, he read a little bit of this resolution publicly. He should include the final paragraph in which was drafted by their counsel. The last paragraph, it says "Be it further resolved that the Redevelopment Commission take appropriate actions to insure that future TIF Revenues which are received be disbursed in accordance with Resolution 12-2005". As was just pointed out prior to the year 2014, this was done correctly. And so, know that they, as a Council, are paying attention and that they expect it to be done in the right way is what this is saying, that it should follow what Resolution 12-2005 should be and it should go to the letter of the law. Mr. Brunner then said they have on the floor a motion to bring this resolution to the meeting tonight and a second. Are there any other comments before he calls for roll? There was no response from the Council and the motion then carried by the following vote. Aye: Smith, Cain, Henderson, Batchelor, Luzadder and Brunner. Nay: Miller, Homer and Johnson. Brunner stated, okay, so at this time, they are now bringing this resolution to the table. He asked Mr. Stephenson if he cared to comment because he knows he drafted this. If he could maybe run down some of the finer points since they are now, officially, going over this as a piece of Unfinished Business. Council attorney Phil Stephenson replied, well, there's really two parts and Mr. Luzadder has actually referenced both of those. The first part is simply for the purposes of rescinding or repealing their prior ordinance so that the original ordinance would be in place which does provide for the payments on the bond itself. (Inaudible) in the future would then be made in a timely fashion as they have been in the past. The second part of this is to insure that, as Mrs. Johnson said, they were doing that correctly in the past. He's sure she's has looked at that, he has not, but assuming that that's correct, for whatever reason, they ceased to do that and those funds, by the original resolution, they're supposed to be making the bond payments and if there's excess TIF Revenues, they go into this allocation fund, which is in the general budget, which is then retained. It's retained to make sure that there's enough money in the future to make all the bond payments. So if there are not then those funds could be used to pay it. If it's not needed for that then it can be disbursed in other means because they have to then use them for the TIF area but that is a benefit to the TIF area. So, for example, if you have a road which is coming into the TIF area, the road may be one mile within the TIF area and six miles outside the TIF area, they could use those funds to pave that road because it would actually provide a benefit to the TIF area. So there's some leeway there on how those funds could be used if they're not necessary but if they're not retained and they're paid out, there's nothing there they can talk about. So that's the second part of this is to try to get back to the point where those are being retained. Brunner asked if there were any questions for Mr. Stephenson while he is at the podium. Brunner said he noticed that our City Controller and our Mayor are both in attendance. Do they care to comment on this issue at this time? Mayor of Marion Jess Alumbaugh said, first he'd like to address Councilman Henderson. Whatever he read there, if he could give that to the City Administration so they could review it along with their counsel, he would appreciate that. And then, in regards to the TIF issue we're still dealing with, it's kind of been made to believe that he is anti finding that extra money. He'd love to have that extra money, if we can do it the right way and it's done the right way. He's not against that. He told them in their meeting, he hopes they're right, that Umbaugh is wrong. But again, we have to get the right answer, not the answer we want but the right answer and it takes time sometimes to get there. So, he just wanted them to know, he wished we had that money. He wished he could have reached over and grabbed it and spent it, wherever we needed it most but, you know what, he wants to make sure we do it the right way and oftentimes, the right way takes a little more time for it to happen. Just slow down and let's get the right answer, not just an answer, not the answer we want. But he hopes they're right. To this day, he hopes they're right. Even Steve. He really does because the city could certainly use the money. But if we're doing it wrong, he doesn't want to look back in hindsight and say, oops, we shouldn't have done it that way. So, just for clarity, he is not against this outcome that they're hoping for. He just wants the right answer and he wants to get it done right, the right way, plain and simple. In regards to the budget process, he appreciates their input and the diligence they put into it last week with three nights of budget hearings and also he would like to thank the department heads of the City of Marion for the time that they put in with Lynda and Julie because Julie Flores and Lynda Faw took the brunt of this on and he just wanted to say thank you to them publicly right now and to the department heads and again to the Council

because this is not an easy process. These are tough times and he appreciates their work, Alumbaugh said. Council President Brunner told the Mayor he got to that microphone pretty quickly. It was almost like watching him in 1976 go for a loose ball. Is he feeling better? Alumbaugh told Brunner, it's a little better. It's healing. Councilwoman Johnson asked if she may say one thing. Her issue with this new resolution is not actually what you think it is. Actually it's loosely written in the structure. It really needs to be a little bit more specific but this is just one woman's opinion and then resolve how the allocation fund is going to work until they figure out exactly (inaudible) the new laws in this respect, they kind of leave this loose she guessed. So, for her, it's just written loose. It just doesn't follow the indenture and is not written specific. Maybe at a later date they can revise this revision. Councilman Dave Homer said he just has a question, maybe Julie might be able to answer this question and it pertains to Umbaugh and Ice Miller, he guessed. He knows they keep asking questions. When does she think their questions and the issues that they're trying to deal with will be answered because every time we ask, we're pulling back another layer of the onion and we're doing this, we're doing that. He understands all that but somebody at some point has got to take a stand and say this is what it is. Right or wrong, they need to know. Can she give them a definitive answer on when that might be? City Controller Julie Flores told Homer, well, they haven't contracted with Umbaugh. He asked her before if we had a contract with them. We're not contracting with them right now. Whenever these issues come up, they call them. They have not billed us for that. When Lauren came to the Compliance (Committee) meeting a couple of weeks ago, we've not gotten a bill for that so she doesn't know. So just as the onion gets peeled back and the questions get answered then we ask them questions. Same with Ice Miller. Mr. Downs gave us an opinion last week. There's not been a bill for it. Just as the questions arise. She will address the Dollar General. The amortization schedule she has says 2035. The amortization schedule she has only has principal payments because this is variable interest so we don't know what the interest is, it's variable. Last spring, when she asked them for a bill, Mrs. Culp (sp?) said there is no bill. They are just to pass their TIF on to them. She asked the question, she's asked them the question. Mrs. Johnson talked about our payments. Do they also have the Dollar General payments? They've made three or four payments, \$1,300,000-plus so she doesn't know if Regions schedule shows that. She was in contact with Regions Bank last week, explained what was going on. She agreed that those bank statements are hard to read. Flores said she told her she thought they were hard to read. They are putting something together for us that's a little more readable and a little more understandable of what they have done with the funds. So, that's where we are with that, Flores said. Homer replied, okay, fair enough, thank you. Mrs. Johnson said, she's using the information from the trustee and she saw those payments. They were made by Marion, they were posted by Dollar General as we made them and she saw the trustee and she can read the Trustee Report and all the payments and she has them here right now. Brunner asked Johnson, is there any way they can get copies of those? Johnson replied, yes. They came from Julie and the trustee is Key Bank. Regions Bank is just the collector of the funds so she's really not sure why, she's not sure who Mrs. Culp is but she has a page of the trust, the entire trust payments for the bond between 2007 and 2017 and she sees where those payments were made but they were not made..... They were made by Dollar General because we paid the payment and Dollar General has to give the approval to accept that dollar amount of \$1,300,000 and they did in a letter that she has and they can see that. Dollar General approved that money but we made the payment. It came out of our funds and the TIF funds in 2014 and 15. So our payments show up as payments in Regions Bank and then the trust collection to reduce the bond and pay off the bond is at Key Trustee. So there's two different people involved here. Actually, Regions sold the bond and trustee is Key Bank that monitors the bond and accepts payments and pays the interest, accepts the interest and pays the interest to the bondholders. The bondholders want interest every year, four times a year, and they want a yield at the end of the bond. They buy a bond for something around ninety-five cents on the dollar and at the end of the bond, they get a hundred cents on the dollar. Bonds are yield plus interest and at the end of the term, they are very happy. If they are shorted, right now they're at a 2032 end schedule, if they are shorted another seven years, it's going to be a premature redemption of the bond and the bondholders are going to get shorted 12 years of interest and she doesn't know how much in yield, maybe almost their entire yield. They might get back ninety cents on the dollar instead of a hundred. That's just kind of how a bond works. Bond people are rich. They don't want their money, they want their interest and they love non-taxable interest. And this is falling into that area. Brunner asked Johnson, can she, again to his question, can she be sure they all get a copy of the information? Johnson told Brunner, oh absolutely. Does he want her to ask Debbie (Goodman, Deputy Clerk) to make a copy of this for them? Brunner said, can she do that for him? Johnson stated, we can do it later, it's not a problem. Or does he want it done now, she asked Brunner. Brunner

replied, no, no, just so they all have a copy of that because when she's citing from it, they have nothing to look at so it would be very helpful if they all had copies of that by the next meeting. He then told the Council they have now had this resolution brought forward. It has been explained to them by counsel. Any more questions or comments before he puts this to a vote? Being no response from the Council, Brunner asked for roll call. City Clerk Kathleen Kiley said, well they just voted to add it to the agenda. She doesn't have a motion. Brunner apologized and said the Chair would entertain a motion. Motion was made by Luzadder that Resolution No. 11-2017 be put into place and passed. Motion was seconded by Henderson and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. Mr. Brunner thanked the Council very much for the work they've done on this, he really appreciates that and he's sure this is not the last that they've heard of this this year but it looks like they have now put themselves in a much better position at this time.

UNFINISHED BUSINESS

APPROPRIATION ORDINANCE NO. 2-2017 2ND READING AND PUBLIC HEARING

The City Clerk read Appropriation Ordinance No. 2-2017 by title only. An Ordinance of the City of Marion, Indiana, appropriating certain funds for the City of Marion, Indiana, and providing for the effective date thereof. From the General Fund #101 the amount of \$682,850.00 to Fire Department Salaries account the amount of \$250,000.00 and to COIT Bond Payment account the amount of \$432,850.00. Purpose: To provide for funding of anticipated salary expenditures for remainder of 2017. Julie Flores, City Controller, told the Council this is the 2nd reading. Last week, they had the first reading and she believes some had the back-up, some did not. So the back-up to this, the certified copy of additional appropriation that goes to the DLGF goes line by line, asking for figures to see if we have enough money to fund this so, down to the bottom line, line 17, it says we have \$1,366,378 in surplus so that more than covers the \$682,850 that we need for these appropriations. She said she will answer any questions they might have. Being no questions from the Council of Mrs. Flores, Council President Jim Brunner said this is a public hearing and asked if anyone in the audience cared to comment on Appropriation Ordinance No. 2-2017. There was no response from the audience. Motion was made by Councilman Don Batchelor to pass Appropriation Ordinance No. 2-2017 to 3rd reading. Motion was seconded by Councilman Alan Miller and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

GENERAL ORDINANCE NO. 9-2017 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 9-2017 by title only. An Ordinance fixing maximum salaries of Appointed Officers and Employees of the City of Marion, Indiana for the year 2018. Julie Flores, City Controller, told the Council this is the 2nd reading and public hearing on the salary ordinance for the employees of the city. There was an amendment to this under the Controller's Office for the bi-weekly pay. That is the only change to this ordinance. Being no questions from the Council for Flores, Council President Jim Brunner said this is a public hearing and asked if anyone in the audience cared to comment on General Ordinance No. 9-2017 at this time. There was no response from the audience. Motion was then made by Miller to approve General Ordinance No. 9-2017 with the following amendment that Mrs. Flores mentioned related to the bi-weekly pay of the City Controller, changing the original number from \$1,865.33 to \$2,019.17. Motion was seconded by Councilman Brad Luzadder and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. Mr. Brunner then said their next item on the agenda is General Ordinance No. 10-2017, 2nd reading and public hearing. City Clerk Kathleen Kiley said, well, they just amended it, they didn't pass it or anything. Are they suspending the rules and passing it? Are they passing it to 3rd reading? Mrs. Flores replied, to 3rd reading. That was just to amend it, correct? Miller said, yeah, they did not suspend the rules on the first ordinance. Kiley said, well, she just took that as the amendment, she's sorry. Was it to amend and pass to 3rd then? Miller replied, yeah, he believes his motion was that they approve Ordinance No. 9-2017 as amended. His intent was to pass it to 3rd reading. Kiley said, she thought he was just amending it. Okay, she's caught up with them now.

GENERAL ORDINANCE NO. 10-2017 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 10-2017 by title only. An Ordinance fixing maximum salaries of Elected Officials of the City of Marion, Indiana for the year 2018. Julie Flores, City Controller, told the Council this is 2nd reading and public hearing. There were no changes in 2018 from the 2017 salary ordinance. Being no comments or questions from the Council, Council President Jim Brunner asked if anyone in the audience cared to comment on General Ordinance No. 10-2017. Being no response from the audience, motion was made by Luzadder, 2nd by Councilwoman Deb Cain to pass General Ordinance No. 10-2017 to 3rd reading. Motion carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

GENERAL ORDINANCE NO. 11-2017 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 11-2017 by title only. An Ordinance fixing maximum salaries of Police Officers of the City of Marion, Indiana for the year 2018. Julie Flores, City Controller, told the Council, again, these salaries for the police are the same as 2017. Councilman Steve Henderson said, so, the police are still under negotiations right now so those numbers could change when this contract gets done, is that correct? Flores told Henderson, if they are given additional monies, yes. Being no other comments or questions from the Council, Council President Brunner asked if anyone in the audience, on this public hearing, cared to comment. Charles Moon – 703 E. Swayzee Street, Marion – told the Council he doesn't know what the salaries are, he doesn't know what income the police receive and he's wondered what the proper salary should be for an individual who has to wear a protective vest in the line of duty. He's a winter man. Summer doesn't fit with him and to think of having to wear a protective vest in 90 degrees and he's seen some of these officers sweat literally from wearing these protective vests. Also, what would be a correct salary for an individual that has to be concerned for his safety when he approaches a car that is stopped or truck or whatever. There are several police officers that have been shot, killed by stopping somebody when they have (inaudible). He was speaking to a police officer just the other day and he said every 56 hours a police officer is either killed or shot and injured and sometimes permanently disabled. He thinks of the police officers that went to serve a warrant for arrest in Kokomo and one was injured and had to spend several months off of the job, the other officer was killed. That happens on a daily basis and he thinks they need to take these things into consideration. He thinks that the Public Safety Tax should be enacted. He doesn't know there's very many who would do the job for what a police officer gets and he would hope that they would consider that. He knew a young man, he thinks he was about four years old when he first met him and the family. He grew up, he got a job on the police force, spent 29-1/2 years. They tell him that he had every position on the police force except for Police Chief. He was on patrol and one evening, he went home, told his wife he loved her, just felt like he wanted to go home and tell her he loved her, give the kids a hug, got back in his patrol car, got the news on the radio that they were chasing a man. He stopped that individual and while he had him contained, there was a truck that came by and they didn't properly care for the trailer, the trailer wheels, the bearings were rusted, the dual wheels came off, hit him and killed him. He didn't even know what hit him. One half hour after he left his wife, she became his widow. These are the things that concern families and police officers on a daily basis. He (inaudible) that the Council and the Administration take this into consideration. There's only one individual on this Council that can understand what a police officer goes through on a daily basis. There's only one person on this Council that has a family that can understand what a family goes through when they tell their police officer good-bye to go off to his shift. These are some of the things that he believes the Council and the Administration need to consider when they're setting salaries for the police officers. They are our servants. They are going out and risking their lives and putting their lives in jeopardy on a daily basis. This is not something that you see on t.v. and is just a figment of imagination but there are many, many people, officers that, on a daily basis, and the families go through the thought that they might not finish their shift. Their husband, their wife may not finish their shift. They may receive a visit from the chaplain and another police officer telling them that their spouse, their loved one has died. No more baseball games for the son, no more dancing lessons for the girl for the father to see and the joy for the mother to see. He thinks these are some of the things that we kind of pass over. We just think they're just another employee. They're not another employee. They are individuals that are putting their lives at risk on a daily basis and an hourly basis and even a moment's basis and he would (inaudible) that this be considered and thought of whenever we have these kind of discussions, Moon said. Councilman Alan Miller told Mr. Moon, just to answer one of his questions about what our police officers are paid. The base pay for a Marion police officer begins at \$43,839 and it goes to

GENERAL ORDINANCE NO. 11-2017 Continued

\$45,339, based on their years of experience. Officer pay begins at \$46,340 and goes to \$50,977. That would be for a Captain with at least 10 years of service. That's just for information and pay for the Fire Department would be similar to those. So, \$44,400 up to \$51,000 would run the gamut of the spread of all the police officers, Miller stated. Moon told Miller, he appreciates that information. But he asks the question, "Would you do it?" Miller replied, no. Councilman Dave Homer commented that he would do it again. He's got to tell them that the first class patrol officer makes more at \$43,000 than he ever did when he was Police Chief. He never made that amount of money. But he appreciates his comments, he told Moon. Moon said, when he went in the Marine Corps, he was making \$78 a month and he was trained. Being no further comments from the audience, motion was made by Miller to approve General Ordinance No. 11-2017 and send it to 3rd reading. Motion was seconded by Homer and Councilman Don Batchelor and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. Council President Brunner said he would second what Mr. Moon said. Sometimes it's just nice if you see a police officer or a fireman, whether you run into them at McDonald's or a ballgame to stop and thank them.

GENERAL ORDINANCE NO. 12-2017 2ND READING AND PUBLIC HEARING

The City Clerk read General Ordinance No. 12-2017 by title only. An Ordinance fixing maximum salaries of Firefighters of the City of Marion, Indiana for the year 2018. Julie Flores, City Controller, told the Council, again, this is the same wages as the amended ordinance from last year after the fire contract got passed. Councilman Steve Henderson stated, just with the police and the fire, he thinks that they need to go together and they need to respect their positions, the same as they do the Police Department. They risk their lives to go into houses. Him, personally, he was a volunteer fireman for years which he did that free and he would do that again also. So, just keep it in mind that the firefighters are risking their lives the same as the policemen are. Council President Jim Brunner asked the Fire Chief if he had any comments. He saw him sitting in the audience tonight and asked if he cared to comment. Fire Chief Geoff Williams did not care to comment. Brunner then asked if anyone from the audience cared to comment. Charles Moon told the Council, every time he sees a police car, in his mind, he says thank you, the same with the Fire Department. He knows some of the firemen and he does a lot of razzing, a lot of teasing. But we do have disabled firemen that are disabled because of fighting fires and we need to do everything we can and he thanks them all the time. He's just glad we have what we have, Moon said. Brunner told Chief Williams, he does need to bring out a name. His son grew up and played a lot of sports with Tommy Pearce and he can think of no one in this city he would rather have coming through his front door to try to rescue his family in the case of a fire than Mr. Pearce. Tell him he said thank you, okay? Chief Williams asked Brunner, can he add one thing? One of their firefighters today, Matt Blocher, he actually retired today. Matt Blocher had 20 years on the department and signed his paperwork today so officially he is retired today. It was a sad day for them to see him go but he's moved on so, if they see him.... Brunner told Williams, tell him the City Council said thank you for 20 great years. Being no further comments or questions, motion was made by Luzadder, 2nd by Councilwoman Deb Cain to pass General Ordinance No. 12-2017 on to 3rd reading. Motion carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

Council President Jim Brunner said that at the previous meeting, Mr. Larry Emmons had requested to address the City Council regarding the streets in his neighborhood, houses that need torn down, sidewalks in need of attention, trees needing topped off and street signs that need to be repaired. He told Mr. Emmons he knows the last meeting ran very lengthy, he's sorry they couldn't get to him at that time but he's glad he had a chance to come back. So now he will turn the floor over to Mr. Emmons. Larry Emmons told the Council he was here on August 15th and he presented his case to the Council and he was told by a couple of the Council members and it was stated in the paper on August 16th "Councilwoman Lynn Johnson and David Homer said they would work with Emmons on the issues he presented". He said he has not heard from either one of the Council members. He had a meeting with Jerry Foustnight on August 16th and he was more concerned with his business, his pet grooming business, as opposed to the issue that he brought up. Also, he stated in the paper that (inaudible) houses probably needed more attention. Yes, but there are other houses that need more attention than in Emmons' neighborhood. There was a gentleman by the name of Fred (inaudible). He said that a picture will speak 1,000 words. He just would like to ask them a question. Do these pictures speak 1,000

words, these houses in the neighborhood? There was a fire on September 4th, this is the house that was destroyed right here, 2901 S. Boots Street. The house was destroyed, it has not been boarded up, it's a hazard, it sticks out like a sore thumb. Someone could get hurt. Something needed to be done yesterday, not tomorrow, yesterday. These are the streets in his neighborhood. When they have a downpour of water, they can see that they did come out and patch it up. They could have left that on the truck. They did a half A job. Councilwoman Lynn Johnson asked Mr. Emmons, did he say that the water company had been out to his site? She called the water company and they were there. Emmons told Johnson, no one has been out there, ma'am. Johnson said, well they were going to go to his neighborhood and address the issue of sewage out there and that's Mr. Pinkerton. Emmons said he hasn't heard anything from the water company. Johnson said they were out there that day. They probably didn't stop at his house but they were out there, seeing that. And then Mr. Graft, he is addressing the stop signs and the traffic out there. And they did speak to Mr. Foustnight. So they did contact everyone that was on his list and took care of that. And that morning, the very morning she had them calling and they were going to go out to his house or out by there and checking everything out. Mr. Emmons said, people hear 20% of what you say and 80% of what you do. Johnson replied, well, she did a lot of work. She spent a morning working on that and pulling everyone together for him. She just wanted him to know they're working on it from her end. Emmons responded, he doesn't know how they can say that these streets and these houses in this neighborhood do not need to be torn down. How would they like to (inaudible) on a daily basis in their neighborhood, taxpaying citizens, and these houses are still standing. Councilman Steve Henderson told Mr. Emmons he understands his concerns. He drives through the neighborhood, he has plenty of these houses in his district but the problem is they are limited in what they can do. Are these houses that he has here more important than the four meth houses that we haven't been able to address and even tear down? We've got four meth houses that are dangerous to this community that we can't even get enough to, hopefully we're going to get those torn down before the end of the year but these have to be done in some kind of order and he thinks Jerry is doing a very good job of trying to put this in order. If you look around the town, he sees improvements. Now, they may not be up to everybody's standard at this point but we have to allow Jerry to do his job and put these in order in which they are the most dangerous. He wouldn't want his job, to have to go through here and look at all these properties and deal with it. It's enough to look in his district and see houses with weeds and trees and animals crawling in and out of. We all deal with that in every area we've got here. Unfortunately, time is not on our side, he understands that, but unfortunately, money is not on our side either right now at this point. Emmons told Henderson, he said money is not on our side? Henderson replied, no, it's not. Emmons commented, he's going to keep his tax money in his pocket then. Henderson asked, can he finish talking please? There are community groups that are trying to help. There are church groups that are trying to help. Everybody is trying to kick in and everybody's trying to work on that problem. So, for him, the only solution is to get everybody working together. The pace may not be up to everybody's standard but he believes we're doing the best we can with what we've got. Emmons asked Henderson, how would he feel (inaudible) in his neighborhood? Henderson told Emmons they are in his neighborhood. Emmons asked, what about the streets? Henderson answered, they've got holes in them. He's got the only alley in North Marion that's still gravel with weeds. It's not paved. It's never been paved. We all have to make sacrifices. He drives up his alley, the weeds are grown up in the middle of it, they're banging on the bottom of his car as he drives up. Mr. Emmons stated, he's been in his house for 30 years and nothing's ever been done in that neighborhood. Councilman Dave Homer told Mr. Emmons he's know him for a number of years. He's (Emmons) known him. This has nothing to do with it. He's a taxpayer, he's correct, and he apologizes. He talked to Mrs. Johnson the next day and probably the mistake on his part was not to follow up. But she indicated to him that she had taken care or at least had somebody trying to take care of his problems. And he can understand his frustration but he thinks they would probably all echo what Mr. Henderson has said, that we deal with the same thing. He has them in his neighborhood. He has burned out houses, he's got houses that should have been torn down years ago. It just doesn't happen fast enough. And he's sorry he's not getting things done like he thinks he should. He (Emmons) pays his taxes just like he does and they try to do the best that they can, Homer said. His hope is that somebody, somewhere, and he doesn't know if this has been done, maybe the Administration or Jerry or somebody that's hear should be able to follow up on those things that he's complained about back in August and have some sort of answer. Maybe they do, he doesn't know what's been done but if they're able to respond and somebody didn't get back to him or didn't respond to him from the city, he believes they were in attendance here when he came in and filed his first complaint. So, he apologizes, that's his fault. It won't happen again. He'll come out and check on his

problems. If he can help him, he'll try to help him the best he can, Homer said. Mrs. Johnson said, well, she's going to have lunch on Thursday with Ms. Cunningham at the water company and she told her that she would handle it and she was going to have someone call him and they would be at his house. She has worked with her, she trusts her and has known her a long time. She sees no reason why she wouldn't have followed up on her request and she will ask her point blank Thursday how that worked out and why someone didn't go to his door and knock on his door and say they're the water company and they're working on his sewage problem because she, too, has those problems in her neighborhood. She lives on a brick street and every time someone comes in and fixes a problem on her street, her bricks are torn up and in the last 15 years, before we started saying something, they put cement down in place of the bricks and ruined her brick street. So now every time they take the bricks out of her street, they go out and make sure they replace those bricks and since 2000, there was a house across the street from her that in 2012, while she was on vacation, someone took out the wrought iron holders that hold up the porch and the porch collapsed. It was an empty house and they stole everything out of that house and it sat with a collapsed porch which endangered the neighborhood for three years until she ran for City Council before they decided that, oh, they might want to tear it down. And then, oh, you're talking to Mr. Hobby Moon who's absolutely wonderful. He came over to that area and he helped to get that cleaned up. Didn't he, she asked Moon. And that had been sitting across from her house and she had been staring at it for 15 years. She told Emmons, so, he's lived a long time at his property, she's lived a long time at her property and she's very proud of her house and she's sure he's very proud of his home but she's happy to help him and she did make those calls. She doesn't sit down and say, oh poor Mr. Emmons. She says to herself how can she help Mr. Emmons. And she did and she called Mr. Homer and told him that she had taken every step because they had contacted Mr. Foustnight, they had contacted the water company. She contacted Mr. Graft to address the issues with his street and his street signs and everyone she contacted said they would help her and help him right away. So she's really sorry these houses haven't come down yet but she knows Mr. Foustnight to be honest and true and he's working hard for him. He's working hard for all of them. They only have so much of them that they can spread around and they've had a long time in this city where they've been ignored and this Administration is not ignoring him. She just wanted him to know that. Emmons told Johnson, thank you very much but like he said earlier, people hear 20% of what you say and 80% of what you do. Johnson stated, well he can say things all he wants but he's going to get results, just hold the faith. Emmons asked if somebody could give him a time limit of when something is going to be done in that area? Johnson said she'll find out more Thursday. Councilman Don Batchelor asked Mr. Foustnight if he would come up to the podium please. Have any of those issues that Mr. Emmons has brought forth been addressed since they last met here in August? If so, would he elaborate on that? Building Commissioner Jerry Foustnight told Batchelor, what they have done in Mr. Emmons' neighborhood so far this year, there's been two homes removed at 30th and Nebraska, there's been two homes removed at 27th and Boots Street, there's been one at 30th and Gallatin. So there's five structures that they've removed just in his neighborhood. When he addresses the fire at 2901 S. Boots Street, which was September 4th, they realized that, they put an unsafe structure on that. They've also started legal action where they have to send out notices to the property owner and do that. They do their due diligence. They do what the law and statute allows them to do and that's what they're doing. He would appreciate that when someone wants to have concerns about structures or whatever, just come to his office. He'll discuss that with them and he'll tell them why they are or are not doing it. As Mr. Henderson said, there's structures all over the city. Every neighborhood has structures in it and they understand that, if a structure is next to you, that's the most important one in the city. It doesn't matter about the one two blocks away from you or whatever. It's what's closest to you is the most important. They evaluate what they do as far as the condition of the structure and how they spend the money and why they do what they do. He'll just say that he believes out of the 15, 16 homes they have demoed so far this year, five of those properties have been in South Marion around Mr. Emmons' property. Mayor of Marion Jess Alumbaugh said, he's known Larry a long time too, played a lot of basketball around town with him when they were younger, appreciate him serving on the Fire Department for all those years. He's persistent. His (Alumbaugh) brother's persistent. He calls him and any time they have a family gathering, he tells him about all the properties around him too. He told Emmons, if he were with him, anywhere he goes in town, that's one of the issues. Other than the streets, those two things that he's talking about are issues in nearly every neighborhood in town. Now they know there are some nicer neighborhoods, most of them are on the edge of town, some of them aren't even in the city limits, but this is a citywide issue and he will say to him, he hears him, his passion. He asked Emmons if his neighborhood has a neighborhood

association leader and is it active? Emmons told Alumbaugh he had no idea. Alumbaugh replied, he suggests he start one and they'll work with him on that, okay? That's one way to start making his neighborhood safer and better. He told Councilman Homer, they work their butts off at Bend of the River, don't they, he and Melanie and a group of people. Linda Wilk does a great job in her neighborhood. We need more strong neighborhoods. He hears his passion, let's get together. Again, he'll be hiring somebody soon it looks like for the part-time position to lead that. Now, this is a person with a lot of passion and energy. His passion and her passion, they can get things done. He can't promise him they'll fix his roads as quickly as he wants or get to those other houses. They just heard, there's been houses taken care of in his neighborhood. But he is just like his brother, it's his neighborhood and he wants those on the top of the agenda but there's other people in every neighborhood, asking for that same opportunity. This is a citywide problem. They've been trying to deal with it for a long time. But, he really wants to encourage him, because of his passion, start a neighborhood association and they'll work with him. Emmons asked Alumbaugh, when is the last time he went down through his neighborhood? Alumbaugh replied, he drives through the city all the time. There's not a Saturday or Sunday he's not driving through Marion all over, just to see what people are telling him. If he (Emmons) were in this chair, he would do it because he would want it to be better. But it's just not that easy. He wished they could fix it tomorrow but they've got all these other people that want theirs fixed tomorrow too. He knows that's not the answer he wants to hear. He told Emmons he had an appointment with him this morning at 9:00 am. Emmons said, he had a death in the family. Mayor Alumbaugh stated, that's what he was getting ready to ask him. Reschedule. He knew he had a reason, just reschedule, let's talk. And he wants to encourage him to get involved in that neighborhood. If he has a neighborhood association, he wants him to be a part of it because it's in his heart. He wants it better and we need that. So he would really encourage him to get with the city, he'd love to talk to him about it. He can make a difference and they can do their part but they've got to do it in the right way. They can't just, because he's the loudest voice, go fix that first. Trust him, his brother's got a loud voice. He doesn't know if they know his brother Jack but every time he sees him or he calls him, he's constantly complaining about properties and the alleyways and everything. He said he tells him he knows, we can barely get some of the streets paved. We've tried to get all our north-south and major roads paved. That's what they're working on. They're going to try to get some east-west ones paved next year. They're trying to get there and he hears his heart. He wants to capture that passion and heart and help it work for the city to make us better together. If he's willing to, he'd love to meet with him about that. He knows he said actions are better than words. They feel like they're doing a lot of action. It's just an imperfect world. But, he's a South Marion kid, he'd love to see South Marion get stronger. He's getting talks now about the South Marion Business District, can the city put funds towards that? They're in a maintenance business right now. They maintain because the revenue and expenses are butting heads. The tax dollars aren't what they used to be because of the property tax caps. They have much fewer employees than they've ever had in the City of Marion. Alumbaugh asked Homer, how many police officers did they have when he was Police Chief? Homer replied, it varied between 66 and then up to 75. Alumbaugh stated, now they're down to 62, and the Fire Department the same way. You do every department and they still can barely make payroll because the revenue is the tax dollars but when you pay the salaries now and the expenses of doing the daily operations, it's tough. But he hears his (Emmons) heart and that's what he wants to capture, his passion for the community and his neighborhood and he thinks they need to have a discussion. That's it, Alumbaugh said. Councilwoman Johnson asked if she may say something. She told Mr. Emmons she'd like to invite him to a meeting. They have a Code Enforcement Committee that a lot of homeowners are coming to now and a lot of homeowner association presidents and members are coming to their Code Enforcement meetings and they're doing a lot of good things in the city and they're doing a lot of work. That might give him some idea of what it takes to accomplish what they are doing and how much effort it takes to get (inaudible). Emmons told Johnson, okay, he'll leave his card. Johnson said, please do. They would be glad for him to come to their meeting. Council President Jim Brunner told Mr. Emmons, thank you so much for his concerns. They'll be sure and help him out. Thanks for coming.

NEW BUSINESS

APPROPRIATION ORDINANCE NO. 3-2017 1ST READING

The City Clerk read Appropriation Ordinance No. 3-2017 by title only. Budget for the City of Marion, Indiana for the year 2018. Julie Flores, City Controller, told the Council this is the first reading on the budget and she wanted to thank

APPROPRIATION ORDINANCE NO. 3-2017 Continued

all of them last week for their participation and their attention. Again, the 2018 Budget is much like the 2017 Budget. They moved money from some funds to other funds but the budget is very much like 2017. They followed the Comprehensive Plan that was done for us, they followed that in preparing the 2018 Budget and they will continue to use that tool when they do the 2019 Budget. While our current revenues cover expenditures, it's not really digging into any deficits that we have and she will remind them, if they will refer back to the Comprehensive Plan, on page 15, it will show them that if we continue on the path that we're on right now, the cash flows indicate that the General Fund will have a balance of \$20,262 at the end of 2019. So, she believes they heard from a number of department heads that while the 2018 Budget is workable, it certainly is not providing them with what they need to operate efficiently. As they read in the paper today, the State Board of Accounts audit was completed. There were several findings in there, two big findings were the \$1,700,000 that we owe the Utilities as well as the deficit that we have in the Insurance Fund. With new legislation that's been passed, if those findings continue to happen, they will turn us over to the State Audit Committee and to the State Legislature. So, those are not things that she wants to see happen and she's sure, she would hope that they would not want to see that happen either. So, that being said, we need to find a way to correct those, be it the Utilities forgiving us the \$1,700,000 but we definitely need to figure out how to dig into the deficit for the Insurance Fund. We have plans on using the EDIT Funds to do that in the future but she would just ask that they look at the suggestions in the Comprehensive Plan that were given by Umbaugh and find the city some additional revenue in the future because we cannot continue on this path. With that being said, she'll entertain any questions they might have on the budget, Flores said. Councilman Alan Miller said, specifically, he needs to make two amendments to the budget, both in the City Controller's Office. They already modified the salary ordinance to reflect the pay raise for Mrs. Flores. In actual numbers, the City Controller's salary has been increased from \$48,498.58 to \$52,498.58. That is a \$4,000 pay raise, about 8.23%. That is Line Item 111-01. The second change is in Miscellaneous Contractual Services, which is Line Item 339-09 and that number is to be decreased from \$5,100 to \$347. So those are the only two changes recommended by the Budget Committee and he would move that they pass on first reading Appropriation Ordinance No. 3-2017 as amended and send it on to 2nd reading and public hearing on, he believes, October 3rd. That would be his motion, Miller said. Council President Jim Brunner told Miller, let's hold that motion, if we can, to be sure they have all questions answered and then he'll call for a second and go to the vote. Does anyone else have questions for Mrs. Flores at this time? Being no response from the Council, Brunner asked for a second to Miller's motion. Motion was seconded by Councilman Dave Homer and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. Mr. Brunner said he had just a quick comment from himself. He's served on a number of Councils, he's served on a number of School Boards. He just wanted to thank everyone and congratulate everyone here because that's a lot of time they spent together last week and very tedious time and very, very important time, as Mr. Miller said, so he thanks all members of the Council for being here and taking that week last week very seriously and hopefully they'll move forward, as the Mayor has been saying, in a good direction.

Before the meeting adjourned, Council President Jim Brunner said he would like to kind of give Mr. Miller's university a little plug. He had a chance yesterday to watch the first football game ever played by Indiana Wesleyan University and boy, oh boy, it was absolutely amazing. They defeated a team from Anderson 52-13 and he got some good news just as he walked in this evening. They are going to play another game next Monday so if you didn't get a chance to get out yesterday to the new stadium, there will be a game this coming Monday at 6:00 pm. A team from Chicago is going to come down and play. He'll tell them what, everybody he talked to was asking when season tickets go on sale and it will be in January. It's going to be great to have a college football team playing right here in Marion, Indiana. He told Miller he's sure he has heard some great remarks today himself. Councilman Alan Miller told Brunner, yeah, he was going to say a couple of things. First of all, by way of an apology to people in Marion, they specifically did not announce the game being played last night because they only have 500 seats out there currently. They have not put in the other 2,000 seats on the home side. So the real safety issue for them, the thought of a couple thousand people showing up in still what is a largely active construction zone. Obviously, the cat is sort of out of the bag and Jim's let it out a bit further. They certainly are welcome. The game is at 6:00 pm next Monday. If they come, there's parking around the Phillippe Performing Arts Center over at Center School. There's a lot of construction equipment there. Just

be careful coming in. As he said, they have 500 seats. Eventually the end zones in the seating areas will have AstroTurf on them so you can sit on them but right now they're crushed stone, not very comfortable to sit on. He doesn't know what the expectations were for the game last night but he thinks they exceeded it. Brunner said, the coach made the comment that he knew the expectations went up after the performance last night. So, it's a good point. You never know what you're going to do until you get out and play somebody else and they certainly did a great job. Miller stated, January 1st, he believes, is the target date for selling tickets and he thinks the reason they haven't done them sooner, he's not sure they have every game scheduled for next year. Brunner said, 10 games they hope to have and right now, they've got seven or eight. Miller commented, can't sell tickets until they know who they're playing and when. Brunner stated, it was really nice. As Mr. Miller said, they only have 500 seats and those were filled before kick-off and they had a lot of people standing around the fence and people maintained assemblance of order so they had a very safe game so if they get a chance, come out next week, Brunner said.

Being no further business to come before the Council, on a motion by Homer, 2nd by Smith, the meeting adjourned. Time being 8:28 pm.