

REGULAR MEETING – MARION COMMON COUNCIL – SEPTEMBER 5, 2017 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 5<sup>th</sup> day of September, 2017 at the hour of 7:00 pm in the Council Chambers, City Hall.

Before the prayer was given, Councilman Brad Luzadder said he also would like to ask for a moment of silence in reference to one of our gentlemen who had been with the city for a long time and protected our Boys and Girls Club, Mr. Mike McMillan.

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 15, 2017 were presented. On a motion by Henderson, 2<sup>nd</sup> by Miller, the minutes were approved as presented by a unanimous vote.

Council President Jim Brunner asked if there were any committee reports this evening. Councilwoman Lynn Johnson told the Council she has a committee report, but first, before she continues with the minutes from the committee meeting, she's going to ask that they enter into their agenda a resolution. It only takes a majority to revoke Resolution No. 12 and she's not sure what year that resolution was made by the Redevelopment Commission. Council attorney Phil Stephenson told Johnson, 2005. Mrs. Johnson said, 2005, thank you Phil, and add that to the agenda tonight, to revoke that. Council President Jim Brunner asked Mr. Stephenson, can he take him through the protocol on this please? Stephenson told Brunner, well, he doesn't know for sure. He just received this this evening when he came in. He needs to do a little research on his own to determine whether or not they have the right to remove a resolution passed by another commission. The statute does say they have an oversight. The issue is to what extent that oversight (inaudible) and he doesn't know that answer right now. Brunner replied, he thinks they heard what he is saying. His microphone is not working for some reason. He might try the one next to him. Stephenson tried the microphone next to him and asked if that was any better. Councilman Alan Miller told him, the lights aren't on. They're just not working. Stephenson said, he can try to speak louder, if he can. Brunner asked him to go to the microphone at the podium. Stephenson stated, the statute does say that they have oversight over the commission. He was handed this tonight. His problem is he hasn't had a chance to research that issue whether that oversight allows them to set aside a resolution previously passed by that commission and he can't give them a definitive answer at the moment. He means, obviously, they could pass the resolution if they want to and he'll figure it out. If not, they can revoke (inaudible). That's up to them. But he can't give them a definitive answer at the moment. Brunner asked, if they would put that on the agenda and vote on it, does it take a simple majority? Stephenson answered, yes. It's a resolution, resolutions always simply take a simple majority. Brunner stated, well he thinks, if Mrs. Johnson would like to make that, put that in front of the Council, the Council would probably have the right to go ahead and hear that, would have the right to vote on that, and then if he hears him correctly, then he can get back with them to be sure what they have done is legal. Is that what he is saying? Stephenson replied, that is what he is saying. Councilman Alan Miller asked Mrs. Johnson, is she asking them to vote on something they haven't even seen? Councilwoman Deb Cain told Miller, well they did see, it was handed out in the committee meeting upstairs. Miller said, that doesn't help those of them who weren't there. Cain told Mrs. Johnson, maybe she could summarize it for them. Johnson told Mr. Miller, the resolution that she is seeking summarizes excess valuation pass through on the Dollar General TIF and Dollar General bond, okay, that was established in 2005. The excess, they are questioning the excess Dollar General pass through that has been made every year for the last 10 years and this resolution has been placed before them as a barrier to the excess valuation of Dollar General passing through, when their payments are over 200% and above, passing through to the City of Marion or the General Fund. So this resolution somehow is a barrier to us receiving excess valuation for the State of Indiana's rules and regulations for the Indiana Code and we're just trying to be in compliance with the Indiana Code on excess valuations. So this resolution can be revoked or amended or set aside and that's what they're looking to do so that they can receive certain funds. Miller asked Johnson, can she explain what harm she sees being done if they wait two weeks to do it and follow through the proper procedures for doing that sort of thing? Johnson replied, yes sir, because we are in the process of receiving and possibly adding an additional \$2,600,000 to our general revenue

this year and another \$1,400,000 to the budget for 2018 and we're looking to add revenue to the General Fund to prevent the City Council or any entity of having to tax our taxpayers to come up with the projected \$1,000,000 we're going to need next year and we see a way to do this. Councilman Brad Luzadder told Mr. Miller, he thinks, from the meeting, it was stated that, at any time, the trustee can get with Dollar General and ask them to apply that money that is currently sitting, that still belongs to the city. If we were to wait two weeks, that has not been done before in excess and it has been applied to those bonds and so, currently, with our financial situation which we're looking at, this would be a way for us to capture those monies that are not being used, that have already been paid. The bond, the taxes and the fees have already been paid. This money is in excess, left over from the TIF. Luzadder said Mr. Homer stated that, if it does stay there, it would take a simple telephone call or a letter in which to requisition those monies be applied to that bond. Currently, those dollars are sitting there and have been sitting for more than a year. We are asking, simply, that that money is then to be returned to the city and not be applied in excess over the bond. Mr. Miller responded, he still fails to understand what harm happens in two weeks when we don't even have an opinion from our attorney whether it's appropriate to do or not. Councilwoman Deb Cain said, from her understanding, in the committee meeting, is that we want to beat Dollar General to telling the trustees to apply that money. We want to get it before someone else does. Is she interpreting that correctly, Cain asked. Councilwoman Johnson told Cain, she thinks so. The problem, Johnson told Miller, is we're on a time restraint. As she sees, in 2015, the trust asked Dollar General to accept (inaudible) send a letter to the trustee to (inaudible) certain overages and they had waited two years or a little bit around 18 months before they even asked Dollar General to approve their redemption. Right now, we're trying to request that money (inaudible) and return this money to the General Fund prior to the trust asking Dollar General if they want to (inaudible). And this is the situation we're in. The earlier we send them a letter requesting funds and the better we utilize the City Attorney to contact them and request those funds be reimbursed, the sooner the better according to the DLGF (Department of Local Government Finance) basically is what they said. Councilman Miller said, he guessed he hears her saying we're all trying to pull a fast one on Dollar General and he thinks we're circumventing the intent of Indiana's Open Door Law which specifically was passed to avoid this sort of thing happening, without notice to all citizens of Marion and he's opposed to it. Johnson replied, well, we didn't happen (inaudible) citizens of Marion. Actually, this is something that is state law has passed and this is something that is ruled and governed by the Indiana Code. It's not anything.... Because these are promises in the bond were to pay the debt service, which is the interest, the payment and the fees, and we are doing so. Right now, the bond is supposed to mature in 2035 and it's scheduled right now to mature in 2032 and if they accept these monies, it will mature in 2023, which is 12 years ahead of time. So, all we're trying to do is adhere to the bond and to the amortization schedule that is in place. That's all we're trying to do. Councilman Henry Smith asked, when was the state law passed? Johnson told Smith, well that state law was passed around.... Well actually it was extended in 2016. It is, every five years, that date for Redevelopment Commissions to assess an extra excess value has been moved but it was passed around the time of 2010, she believes, around the time the resolution for the tax caps went into place. Smith asked, how much are we talking about? Johnson answered, \$2,600,000. Smith asked Johnson, and she says that will shorten the period of time that we will owe on the bond by 13 years or 14 years, somewhere along in there? Johnson told Smith, yes sir, yes sir. Smith then asked, and this will not create any animosity with Dollar General or the city? Mrs. Johnson said, actually, Dollar General's Tax Department has to authorize redemption, their personal tax department, because this has tax implications and revenue implications because actually, their returns have been deducting property tax and real property taxes off of their tax returns. That's a deduction to Dollar General and a benefit so they're not paying taxes on that money. The city, in turn, has an agreement to pay the bond, the principle, the interest and the fees, which we are doing. There is no additional money to require debt service, however, when we pay extra money to Regions, we are paying excess value which has actually not been called by the trustee or required. In this case, Dollar General has to certify from their tax department the IRS (inaudible) of revenue stream which implies it could be paying taxes on money they already paid. She asked Smith if he understood that and Smith said, that's double jeopardy is what she's saying. Johnson stated, yes, it's double jeopardy and actually it's revenue. That's why they had to ask Dollar General if it was okay to redeem. Smith replied, okay, so you have to get their permission to redeem. Mrs. Johnson said, to redeem. So Dollar General does not want to redeem. They're going to be taxed again. Do you see, Johnson asked. Smith said, yes. Johnson stated, and so, we continue on the maturity level, they had to reset the maturity date of this bond into 2032 instead of 2035. We're going to adhere to that payment schedule. We want to adhere to it. We don't

want to accelerate it. It behooves the city to be able to utilize those funds to the benefit of the citizens of this community and this is why this is not a violation of Sunshine Laws. This is a benefit to the citizens of the City of Marion and we should be able to participate. That's the way we see it. And this resolution that we want to stop, we don't believe that it was passed effectively with our consent of the City Council. Miller told Johnson, he still would remind her the intent of the Open Door Law is not whether it does or does not benefit the citizens of Marion. He still thinks we're circumventing the law. We are doing business that should have been advertised in advance so everyone in our community, our corporate citizens, our private citizens, had some idea of what we're doing. Johnson told Miller, she's not sure what he's talking about. What are we doing? She means, she doesn't understand. Councilman Miller said, she is suggesting that we act on a resolution tonight that has not been previously advertised as part of their meeting as the Open Door Law requires. Councilwoman Johnson stated, this resolution was just presented. She told Miller that there's lots of resolutions that come up at the last minute, there are a lot of them. Since she's been sitting on this City Council, there have been a lot of resolutions that have been presented to them at the very last minute that were not previously in their packets nor previously notified to all the citizens of this community so she doubts if that really holds water with this body. They are not trying to do anything..... Council President Brunner asked Mr. Stephenson, can he comment on the legality of what Mrs. Johnson is asking them to do this evening? Stephenson told Brunner, well, there would have been a requirement, obviously, when this came initially before the Council for a public hearing. There's no requirement for public hearing necessarily, he guessed, if they can do this. There's nothing in the statute that really says they can, there's nothing in the statute which requires an additional hearing at that point. It's just simply (inaudible). There would, again, have been a public hearing. The thing is, he was reading this resolution and it seems to him it's even unclear whether or not what they're doing conforms with the existing resolution because the resolution says you shall pay the maximum amount to retire the bonds. It then says if you need money to pay the next payment, you go ahead and pay that over the trustee. Beyond that, it says the rest is supposed to be held in the General Fund to be paid in the future if there's not enough money to make those bond (inaudible). It appears that the money has just been paid out as you go, which at least his initial reading of this resolution doesn't appear to even be the way the resolution indicates. Councilman Dave Homer said, he might add that in the meeting, and he wasn't in the meeting, he's just going by what he was told but this document, this resolution, suddenly appeared from the Umbaugh group in a meeting that was vitally important to discuss this very issue and so, to suggest that we are circumventing or we're trying to okey dokey somebody, it appears to him that we've been okey dokey'd. We have the possibility of having \$2,600,000 sitting in the back that we can recover. So, that's his understanding of it, Homer said. City Controller Julie Flores told the Council, this resolution they are speaking of, 5-2012, is one of 45 documents in the bond issue, the CD's that they get, one of 45 documents. It was in the bond document. They pulled it up on the computer today. Umbaugh had the bond document downloaded on their computer, they pulled it up. It didn't mysteriously appear from Umbaugh. It was in her Dollar General folder so it's not mysterious. She left that meeting thinking they were going to get with the bond counsel, which would be Ice Miller, our bond counsel now, not then, it was Barnes & Thornburg she believes, to get an interpretation of this. She asked Mrs. Johnson, is that not what they discussed in the meeting? Johnson told Flores, well, they did discuss this and they do understand and they are going to continue to talk to the bond counsel, however, they have to be prepared and they are going to be requesting these funds returned. Flores said, she understands but we could be in default here if we don't follow this. This is a document that was passed in one of the whole lot. Johnson stated, the only time we are in default when it comes to redemption is when it's been called and these funds have not been called. Flores added, she would also be very careful, before we talk to Regions Bank, to make sure that what we're seeing is exactly right. When she talked to Regions Bank, she said our figures will never agree. Dollar General has an option to call. She thinks there's a lot of things here that aren't exactly clear so she would just hesitate. Johnson said, she understands that, she totally understands that but we also have many more options than just this one option. Councilman Smith said, since it seems like this is a something of a (inaudible) thing that we're going through right now is what will it hurt if we postpone it until the next Council meeting instead of doing it now? Brunner responded, he thinks that's the point of the whole argument right now. He told Mr. Stephenson first he's going to ask him then he's going to ask Mrs. Johnson because the last thing this Council wants to do is cost this city millions of dollars. At the same time, the last thing this Council wants to do is something that is highly illegal. So, he's asking him (Stephenson), at this point, to give them some type of opinion. Mr. Stephenson told Brunner, the problem is he's seen the resolution and Mrs. Flores talks about the other documents. He's sure there are other

documents, none of which he has seen. The resolution, it seems to him, to raise a question about whether or not the money should have been paid out but he doesn't know what the other documents indicate at this point. So as a result of that, he can't answer that question. Could it be, in fact, against the other bond documents? It might, he doesn't know yet. The only way to know that would be to wait two weeks and then do it but that's obviously up to the Council. If they do it and it turns out that it's not appropriate then all they can do is go back and undo it. Brunner asked, well, and he guessed what he's asking him for is a best case scenario and a worst case scenario, if he can do that for him. Stephenson said, okay, the best case scenario would be they pass it, it turns out to be appropriate and they can write that notice to the bank to (inaudible) the funds or at least hold them until they can find out what's going on. Worst case scenario would be, by passing it, it puts us in default of the existing documents. Now is that going to cause any short term problem? He wouldn't think it would. There's always been sufficient money paid right now to keep these bonds current. He means, the problem is, even this resolution requires that the funds be (inaudible) to be used to pay future, in case there's not enough money. So the problem, he supposed, would be they take the money back and two years from now, there's not enough to make the payment. Now, clearly, the city is in default and then they'd have to come up with enough money from the General Fund to make these payments. That's probably the worst case scenario. Mr. Brunner stated, let him ask him this simple question which he thinks everybody is asking. Is there a possibility that by not acting this evening they could cost the City of Marion \$3,000,000? Stephenson answered, potentially. Brunner said, and never get that money. Stephenson said, the other thing, obviously, they could do is just try to send a letter to Regions Bank, requesting they retain those funds for another two weeks. He can't imagine the trustee is going to be really anxious about disbursing those funds when the city's raised the specter of the issue and they're not going to know the answer any better than we do at the moment. But, could the money be paid out? Yes, it could be. He means, he can't say that they could not proceed to do what they've been doing in the past. But once it's paid over, there's nothing they can do about it. Mr. Smith said, what he'd like to know is, if we pass it and we get the money, is there any recourse like, by passing it and then getting the money and if it's not, we'd just give it back? Stephenson told Smith, you could do that. He assumes it wouldn't cause them any damage in the meantime, assuming there are sufficient funds already there to make the payments. He doesn't know that. He doesn't know whether there are sufficient funds right now to make the payments or not. Maybe Mrs. Johnson knows, he doesn't know. Councilwoman Johnson told Councilman Smith, all the payments for the bond, the interest and the fees, have been paid to date for the year 2017 were paid in full. We are not in default at this moment in time. We will not be in default if we ask for this money that is being held at the bank to be returned to the General Fund. The resolution that she is reading is standard, ordinary issue so that at the end of the term of the bond, it can be redeemed because they jumped the redemption value up to over \$1,000,000. So at the end of the term of this bond, it would be \$1,000,000-some that would be required to satisfy the redemption of the bond and that is in 2032 at the moment. So this resolution is sort of standard, ordinary issue. It doesn't mean that all TIF passes through to the bond and to Regions Bank. Now, she is assuming that the bond counsel will understand that and she's understanding that we will have a conversation with the bond counsel as scheduled but she also knows that if we don't act and ask for the Regions Bank to at least research, hold on, return that money to us at their earliest possible date, then we would be out that \$2,600,000. Smith asked Johnson, so basically speaking, what she's saying is, by passing this, we are giving them authority to do the research and see whether we owe the money or not. Johnson told him, yeah. Smith stated, that's the way he's summarizing what she is saying right now. Johnson added, and then he can also summarize it by this isn't our last chance hotel. If they bring this money back into the city, we can actually redo this entire bond for Dollar General and redeem the entire thing and put the bond on to the Dollar General TIF and Dollar General's bond responsibility would be finalized and we will redeem and pay a payment, a small one, for 15 years and collect the balance and put it in the General Fund which could amount to around \$1,900,000. Mr. Smith responded, okay, so basically speaking, what he's summarizing, getting from her right now is that, by passing this resolution tonight, give them authority to do research to see are we verified, getting that money and then that's it. Johnson told Smith, yes. Smith stated, okay, (inaudible) keep talking then he gets confused. Mrs. Johnson said, and this is just basically just normal "bankese". Okay? It's just "bankese". This resolution follows (inaudible) "bankese". She's not sure what that means but it means the banker understands what the resolution says. Mr. Stephenson told the Council, he thinks, if they do that, they certainly need, the resolution has to indicate that those funds will be held for some period of time because putting money back in the General Fund, in our situation, it gets spent or some portion of it gets spent and then if it's determined that it has to go back, we won't have the money. It

seems to him it ought to be held somewhere within the fund separately and maintained separately until we can sort this out. Smith asked, so that should be an amendment to this resolution? Stephenson told Smith, he would think so. He thinks you want to hold those funds. He said, Mr. Brunner asked what the worst case scenario would be. Well, the worst case scenario is you bring the money back and the city spends part of it and then all of the sudden, you don't have it and it's determined we need to send it back to them. Smith asked, okay, so what is a good period of time? Stephenson replied, he doesn't know. He would think at least 30 days. Smith said, 60 days. Stephenson told him, yeah, that would be fine. Mrs. Johnson told Councilman Smith, we can actually revoke and amend the resolution or propose a new resolution next time but revoking this right now gives us at least an option. Brunner said, again, a simple question for counsel. Stephenson commented to Brunner, he's still waiting for a simple question. Brunner stated, let him rephrase that, a very difficult question for counsel. There's two things, obviously, this Council, he thinks he's hearing, wants to avoid, one is doing something tonight that could possibly cost us the money because we're doing an illegal act and the second question he would have, again, he thinks he asked it earlier but he'll ask it again, if we don't act this evening, is there a possibility we lose the money. You understand the precarious tightrope we're walking right here. Stephenson answered, okay, he thinks the answer is, to his first question, is we take the money back, that's why he said he thinks we have to do something to insure those funds are held until this is straightened out so that the worst thing that happens is we have to undo it and send the money back to Regions Bank. You have to do that. Secondly, he doesn't know whether the money is going to get away because he doesn't know whether a letter to Regions, requesting them to hold the funds until this is sorted through would work or not. That's the problem. He doesn't know what Region Bank's response is going to be. Whether Dollar General would hurry up and ask them to send the money through real quick, he doesn't know. He would hope they wouldn't do that but he can't answer that. Brunner asked, anyone else from the Council care to comment on this issue before it comes to a vote? Councilman Brad Luzadder told Brunner, he would say first he has to decide whether he's going to put it on the agenda or not. Brunner said, he thinks there's a number and he thinks Mr. Stephenson can walk them through the legalities of trying to accomplish this but he just wanted to be sure that everybody had the opportunity to comment before we took this anywhere. Councilman Steve Henderson said, the meeting they had previous to the Compliance Committee meeting, with Umbaugh, they are going to get a bond expert to look at the situation and then advise us what we can do. The worst case scenario is that we will never lose this money. It will get applied to the bond itself. So, the only thing that we have in jeopardy is whether we get money to help out the city currently right now or the money gets applied and the bond gets accelerated and the due date of that bond changes. Right now, the city does need the money and if it's available, he thinks we should look at all forms of holding that money up and trying to get that recovered because that money will go back by state law to the General Fund, which will help out tremendously and, if that should happen, then it will give us additional revenue of \$1,200,000 next year because we won't have to overpay that loan. So we're, in essence, trying to get that \$1,000,000 we need to make our budget flow the way it needs to for 2018. That's why it's important that we try to figure out here what the best way to do that is. If we do nothing, it'll get applied to the loan and we haven't lost it but we haven't gained it to the city either. There are other options. We could just totally refinance another bond and pay that one off and take a lower payment and probably generate the city \$1,400,000 a year on a lower payment of a 15-year bond. There's all kinds of possibilities and there's money there to do that with. He means, there are several options. We just have to figure out what's the best option right now and the best thing he could do is we need to try and freeze that money and see where we're at, if that makes sense. Councilman Don Batchelor said, he guessed he's caught between the two opinions but he does know that it makes sense, if the money's held up until we can find out the legalities and whatever on the ramifications that need to take place. He guessed he would vote in favor of going ahead and passing the resolution, pending that those funds can be held 30, 60 days or whatever the case may be until we work out all of the kinks. He thinks that's probably where he would be at, Batchelor said. Council President Brunner told Mr. Luzadder, he spent more time as a referee than he did (inaudible). Does he have anything else he would like to add? Councilman Brad Luzadder told Brunner, he guessed, as the Vice-President for him, it would be his recommendation that if there is a chance in which for us to keep monies from going away that could be used to satisfy the current budget or looking at the budget for next year, without having to pass a tax, without having to place it on the back of our citizens, he thinks it behooves them to look at all the options prior to that and being that the committee meeting was advertised, always welcome. In fact, all the media has been there through the entire time so he doesn't think there's anything that's been tried to be held behind or done behind closed doors because

it's all been done with the media sitting and asking questions, just as other citizens have been available to. So, he doesn't see a problem with it. He thinks that they, as the financial body, should be looking at not having to tax more on our citizens or ask for rate increases so they can get a payment in lieu and all these other options but of the options in which we received from our financial advisor, this option wasn't even presented to them and wasn't even known. So, it would be his opinion that if it is there, it's not being used, it's sitting there. In the past, it has been applied to the bond and it has accelerated those payments, if that money can be used for the betterment of the citizens, if it means we get to keep our police and fire or we get to purchase more cars or whatever needs to be done without putting the burden on the citizens, he believes that's what they should be doing. So, that would be his take, Luzadder said. Mr. Miller said one thing he might ask, could he possibly have a copy of the resolution to see? Mr. Smith has not seen it either, Miller said. Councilwoman Johnson said, yeah, Phil has it. City Clerk Kathleen Kiley said they'll (her office) will need a copy. Miller stated, no, he wants a copy to keep. Johnson said, well, they can make a copy for him. She thinks Debbie (Goodman, Deputy Clerk) will make him a copy, won't she? It's just two pages. Kiley said, well she thinks he wants to see it before he votes on it. Miller commented, yeah, he wants to look at it before he votes on it. Councilman Dave Homer asked Brunner, may he recommend about a 10 minute break so they can make copies and have an opportunity to view the document and then reconvene? Brunner asked Mr. Stephenson, do they need a vote to take a break or can he just do that by acclamation? Stephenson told Brunner, the President has the right to do that. Brunner said, okay, at this time, they're going to take a 10 minute break. The Council then took a break for Council Attorney Phil Stephenson to go up to the City Clerk's Office to type up a resolution to revoke Resolution No. 12 (2005). After about a 20 minute break, Council President Jim Brunner called the meeting back to order. He said he's already had some questions he needs legal counsel to maybe get to the microphone real quickly. The first question he's been asked, is this resolution that is in his hand that was prepared by the Marion Redevelopment Commission on the date of 11<sup>th</sup> of July, 2005, did the Marion City Council ever vote on this? Mr. Stephenson told Brunner, no, this was done by the commission. Well, let him back up. There would have been an approval at the time of the bonds because those have to come before the City Council. They would have approved the bonds themselves, as they always do. The particular resolution itself would not have been specifically approved by the Council. Brunner told Stephenson, he was just asked to ask him that question. He then asked the Council, okay, does everybody want to take a quick look at the resolution from the Marion Redevelopment Commission and the resolution, thank you Mr. Counselor, that Mr. Stephenson has prepared for them? Do they all want a chance to look at these very quickly? Go ahead and take that time at this moment, he said. Councilman Henry Smith asked Brunner, could he explain #4 on the second sheet for him please? Brunner told Smith, if he's asking him, he'll ask counsel to define that. Mr. Stephenson told Smith, he thinks that's simply indicating when these bonds are paid off and complete then those funds would stay with the commission for future use. Miller asked Stephenson, even though there is no year on the original resolution, should they put one on it? Stephenson replied, well, yeah, he should have probably put one there. There is a date. He means, it says adopted July of 2005. He thought about that when he sat down to type it. It probably would have been clearer had he said 12-2005. Brunner said, he's having a very hard time reading the signatures. He can read Anne Duncan. He asked Mr. Stephenson if he had any idea who the other two members of the Marion Redevelopment Commission were who signed this? Stephenson answered, he does not, not back at that time. Smith asked, what's the difference in the commission and the City Council? Mr. Luzadder told Smith, it never came before the Council. Mr. Miller told Smith, this is the Redevelopment Commission signatures. This isn't a Council document. Brunner said, those were signed by the Marion Redevelopment Commission, not by the City Council at all. Smith said, okay, but it says that the money that's leftover goes back to the commission and that's the reason why. Does commission mean the General Fund? He means, to whose pocket does it go to? Luzadder stated, to the Redevelopment Commission. Mr. Stephenson said, well he thinks what it says is the funds would remain with the commission. The commission could then disburse those funds in any way provided by law. He means there are some restrictions but it does give them control over those funds by this resolution. But that's after this bond is paid off understand. Mrs. Johnson said, she just might make a note, on page 2, there's no signature of the President of the Redevelopment Commission on there. Miller stated, he assumes they had three of five members there and that probably constituted the majority. Stephenson commented, you don't have to have the President there. It just simply has to be a majority, any more than we wouldn't necessarily have to have Mr. Brunner here and something is passed in his absence. Mr. Brunner asked, any questions on Resolution No. 12 passed by the Marion Redevelopment Commission on the 11<sup>th</sup> day of July, 2005 or the new resolution that their

counselor has put together for them? Any questions at this time? Being no response from the Council, Brunner said the Chair would then entertain a motion to start this what he believes a number of the people on this Council want to move forward at this time. He is now open for any type of motion. Motion was made by Councilman Dave Homer to place on the agenda the revocation of Resolution No. 12 for Resolution No. 10-2017 be placed and voted on. Motion was seconded by Councilwoman Deb Cain and carried by the following vote. Aye: Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: Miller.

Councilman Brad Luzadder called a point of order and told Council President Brunner he hasn't finished Committee Reports yet so he would need to finish the Committee Reports before they would move on to any other business. Brunner asked Mr. Stephenson if that was correct and Stephenson said that's correct. Brunner thanked Luzadder for that point of order and said they began this conversation during Committee Reports. Are there any other Committee Reports at this time? Councilwoman Lynn Johnson said, she would like to finish her committee report. She's going to keep this simple and short. There was a Compliance Committee meeting tonight. They began at 5:40 pm in the 2<sup>nd</sup> Floor Conference Room. They had a list of citizens here that she would like to move into the minutes. They had a discussion about the purpose of the Compliance Committee as it relates to the Redevelopment Commission and the City Council and how the City Council is the oversight, by state code, of the Redevelopment Commission and then we're just the facilitator of oversight for the City Council. They discussed exactly what they're working on in the terms of Tax Increment Financing and payments and pass throughs. The issue tonight was not to use Tax Increment Financing tools to inhibit or block our city from progressing forward. Tax Increment Financing benefits the companies right now and they want to make sure that the projects benefit the city. So they're investigating and working on resolving all of the issues with Tax Increment Financing and the payments to each bond and principle and interest. And the wording for pass through has been discussed by the Redevelopment Commission and we know the wording for pass through is a bit confusing to everyone, including the public. The pass through does not mean all TIF funds pass through to pay bonds. Pass through means principle, interest and fees pass through as debt service to the bonds. They can verify that by looking at the bonds that are used and receiving money from the consolidated area of the city and each one of those bonds, the pass through is paid, principle, interest and fees and they are in compliance. The extra money that is being passed through is being passed through several of our producing developments and they're looking at those and the one that they're most concerned about now is the pass through or the financing of the Dollar General Project where the Dollar General TIF, including the real property TIF and the personal property TIF has been combined, the debt service is being paid and then there's an excess amount every year. And the one thing that the responsibility is of the Redevelopment Commission is to notify the City Council every year in a report dated June 15<sup>th</sup> that there is excess money in the TIF project, received by that project. That has not been done in the last two years and she's not sure what the process was prior to the 2016 Council, however, those things need to be respected. The City Council is to be aware of excess volume in the TIF. There are reasons why this is clarified by the state too. The state says that we, as a City Council, if there is a 200% or more excess value passing and coming in from the TIF, that the difference that pays the principle, the interest and the fees has to be declared, has to be notified to the Department of Local Government Finance, has to be notified to the City Council and anything over that amount, the City Council gets to decide exactly where the rest of the remaining goes and most of the time, if the city is in need of money, until the City Council (inaudible) the city out of money, that would return to the general funds of the city. They want to make sure that is activated properly in their community to benefit the community. In the case of the City of Marion, her research clarifies the Dollar General TIF pass through to be in excess evaluation causing early redemption through 2015 of \$3,815,000. That was in 2015. At this moment in time, there is additional funds that are sitting in the amortization schedule for Regions Bank that have not been transferred to trust funds of \$2,648,831.60. These funds, we do not want these funds to be redeemed by Dollar General. We want the Redevelopment Commission and the city to adhere to the state statutes and actually produce a report that impacts our 2018 budget. And she spoke to the DLGF this morning and even though that report was due June 15, 2017 for 2018, they will still accept that report, certify it and increase our revenue base in the budget for 2018 and she has a note to that effect in her portfolio from Matt at the DLGF. So, it's not too late to do that June 15<sup>th</sup> report. These corrections can be made. These corrections will continue to increase our monies into the city all the way through to the end of the amortization schedule in 2032. Her calculations show about a \$1,400,000 increase in revenues to the city. So, they had a discussion about this. They

decided and they took a vote on two recommendations, the three of them, Mr. Homer, Mr. Henderson and herself. The first was the recommendation to revoke Resolution 12 of 2005 and to ask for President Brunner to add that to the agenda tonight. They also want to ask the City Council to make recommendations as the City Council is oversight of the Redevelopment Commission because of a lack of responsibilities in the duties of the Redevelopment Commission not being met and that is their suggestion. They also have a suggestion to recommend that the Council review the powers entitled to it in the state code and make a resolution to resume oversight of the Redevelopment Commission and that is their suggestion. They all just agreed to that. At the end of the meeting, they all agreed and they voted to suggest these actions to the City Council. In the meantime, they all discussed the imparity and the importance of actually adding \$2,600,000 to our revenues this year in 2017 and how important that was to the city. They closed and adjourned at 6:45 pm she believes. Council President Jim Brunner called a point of order and asked Mr. Stephenson, would it have been proper, is it legal for this Council to have a member on that Marion Redevelopment Commission? Stephenson told Brunner, yes. Statute provides that they appoint a member. Brunner stated, and he's looking here. This was passed in 2005 and no one from this Council currently sits on this commission, correct? Councilman Steve Henderson said he does. Brunner asked, you do sit on that commission, sir? Councilman Luzadder said, yes, we appointed him. Brunner asked Henderson, has he talked to these people about what we're discussing here this evening? Henderson said he has tried to have an open discussion. He has an email from Mr. Smithley, tried to have an open discussion with him and he has refused to answer that email. And that email is over a month old. Brunner asked Henderson, has he attended any meetings as their liaison to that commission? Henderson replied, yes, he has attended two meetings. He also provided a recommendation at the last meeting that they dissolve the North Park Mall as being a TIF area because it no longer functions as a TIF area and also to resolve Washington Street EDA which is city property owned by the water works which is the Sanitation Department now. Both of those areas are no longer involved in TIFs, have any money involved in that and that would save paperwork and neutralization forms for both of those areas if they would dissolve that and in the meeting with Umbaugh today, they agreed that that would be something good to do but however in the meeting, when he suggested that, it was taken under advisement and the reply was "we'll check with Umbaugh". So, there's where they're at as far as everything he knows that's going on, Henderson said.

Mr. Brunner stated, at this point, he believes they have placed Resolution No. 10-2017 on the agenda and that would follow Resolution No. 9-2017. So before they move on to any other business, are there any other committee reports at this time? Councilman Alan Miller said, not a report, just another reminder that the budget hearings will be held next Tuesday, Wednesday and Thursday in this chamber beginning at 6:00 pm, open to the public.

Councilman Dave Homer told the Council, just a reminder that tomorrow at 4:30 pm in the 2<sup>nd</sup> Floor Conference Room, there will be a meeting there with regards to discuss an ordinance in regards to housing and building standards for the City of Marion. That will be with the Code Enforcement Committee, Homer said.

## NEW BUSINESS

### RESOLUTION NO. 9-2017

The City Clerk read Resolution No. 9-2017 by title only. A Resolution of the Common Council of the City of Marion, Indiana, adopting the Grant County Multi-Hazard Mitigation Plan. Tom Culley, Grant County EMA/DHS Director, told the Council he's here this evening, seeking a resolution from the City of Marion, adopting the Grant County Multi-Hazard Mitigation Plan. The planning committee met in the fall of last year and the City of Marion was represented by Chief Williams of the Marion Fire Department and Deputy Chief Dorsey of the Marion Police Department and himself, being a lifelong resident of Marion. The Multi-Hazard Mitigation Plan was last done in 2009 and adopted in 2010. It's paid for by a grant through the Indiana Department of Homeland Security. It's done every five years. The delay this year was due to the grant itself, being held up by IDHS. But once that was worked out, they did get an extension of the performance period which allowed them to get the grant in and get the plan redone. It consists of all the jurisdictions in the county coming together, identifying all the hazards that may impact the City of Marion or the county and then things that the city and the county can do to mitigate those particular hazards. A perfect example is is if an area floods, you have an ordinance that doesn't allow any new construction in that area and if there is existing structures, that the

RESOLUTION NO. 9-2017 Continued

city looks at purchasing those properties back and the city has done that very strongly in the past. The plan is a requirement to be in place if the city seeks any FEMA mitigation funds so it's imperative that each of the jurisdictions adopt the plan. Mr. Culley asked the Council if there were any questions. Councilman Alan Miller said, just one question. The only hazard he doesn't see mentioned in there is an act of terrorism. Is that a completely different agency of government's responsibility? Culley told Miller, it's not. Terrorism is one of the hazards identified by the Department of Homeland Security but the jurisdictions come together and kind of prioritize based on the probability of the hazards occurring, the severity once it occurs, how much time we would have to plan for the hazard and then also the length of the hazard itself. So while terrorism is on the list, it's probably a little bit lower likelihood of it occurring. The hazards mainly affecting the City of Marion, Grant County are the natural hazards, tornados, severe weather, ice storms, along those lines. Now, maybe not necessarily a terrorist threat but a chemical hazard, accident occurring within the major routes that we have going through Grant County. Being no further questions from the Council, motion was made by Councilman Henry Smith to pass Resolution No. 9-2017. Motion was seconded by Councilman Don Batchelor and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

At this time, Council President Jim Brunner said their next item on the agenda would be the newly written Resolution No. 10-2017.

RESOLUTION NO. 10-2017

City Clerk Kathleen Kiley said, well, there's no heading but it's a resolution to revoke Resolution No. 12 approved by the Redevelopment Commission. Mr. Brunner asked Mr. Stephenson if he could please read that so the public can understand what they are discussing. Council attorney Phil Stephenson read as follows: "Resolution No. 10-2017, whereas Resolution No. 12, should have said -2005, approved by the Marion Redevelopment Commission pledging certain tax increment revenues to the payment of Economic Development Revenue Bonds of the City of Marion for Dolgencorp, Inc. (the "Company"); and, whereas, pursuant to the right of the City Council of Marion, Indiana, to exercise oversight over the Marion Redevelopment Commission; and, whereas, the City Council of Marion, Indiana, has determined that it is in the best interest of the City of Marion, Indiana, to revoke such Resolution No. 12. It is, therefore, hereby resolved that Resolution No. 12 is hereby revoked by the City Council of Marion, Indiana. This is hereby resolved this 5<sup>th</sup> day of September, 2017." Being no questions or comments from the Council, motion was made by Smith to pass Resolution No. 10-2017. Motion was seconded by Councilwoman Deb Cain. Before the roll was called, Mr. Brunner asked if anybody would like to add anything at this time. Being no response, motion then carried by the following vote. Aye: Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: Miller.

APPROPRIATION ORDINANCE NO. 2-2017 1<sup>ST</sup> READING

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 the \$250,000 is to get the Fire Department through the rest of the year. They didn't budget enough in the budget for that because the salary ordinances got passed after the budget so these are the additional revenues the Fire Chief felt like he needed to get through the rest of the year for the salaries. The COIT Bond has typically been taken out of TIF. They're trying to correct that and put it in the General Fund where the COIT money actually comes every month. It gets deposited in the General Fund. Because they ended the year last year with a pretty good balance, they feel like the General Fund is able to add these appropriations to the General Fund. The back up there shows them that they have the funding to do that. Councilman Dave Homer asked Flores, because of the not budgeting enough, are we spending an inordinate amount for overtime in the Fire Department? Mrs. Flores told Homer, yes. Homer asked, so that's where a lot of the money is being used? Flores said, right. Homer asked, do we know what's been spent for overtime so far this year? Flores said,

## APPROPRIATION ORDINANCE NO. 2-2017 Continued

the Chief will have to answer that for him. Fire Chief Geoff Williams told the Council, at this time, they have spent \$194,679.23 on overtime. Just a reminder, last year they did cut out positions in the contract. They went from 64 down to 58. They all agreed that 16 was a safe number for the City of Marion. So, what they paid in overtime, they saved on benefits also. So, instead of paying into PERF, they're paying less people but they're paying them more in overtime at time and a half. Homer then asked, is any of this, a portion of this money where the shortfall comes in where we paid out of rank payment? Chief Williams replied that they have paid out of rank payments, yes. Homer said, in other words, if they've been shorthanded at his stations, which he assumes they have because of the shortfall of people they have. Williams said, they've paid \$4,409.88 out of rank so that's not really that substantial compared to eliminating the positions themselves. There's always times where guys get injured. They've got a few people off right now on long term injuries so that really eats up the money right there. They can kind of predict that but, for the most part, when people do get injured, (inaudible), it really is a big loss for them. Councilman Brad Luzadder asked, do they have any idea on how to rectify this in this next budget? Chief Williams answered, again, when they went through the contracts, they agreed on the 16 minimum so it's kind of difficult from then on. He means, it was a number that they felt was a safe number for the guys so they always have at least 16 guys on duty. There were other ways, he guessed, but that'd be a way you'd have to talk (inaudible) through the contract. Luzadder said, (inaudible) contracts until June of next year? Williams said, yeah, June of next year. Luzadder told Williams, so the answer is you haven't found a way in which to rectify this in the current budget and Williams told him no. He means, the best thing they can hope for is they're getting younger guys now. They've had a few older guys retire. Not that he's saying those guys are the drain on the overtime but the younger guys are getting less vacation days so that cuts a little bit of the overtime out and some of the younger guys are healthier and won't miss as much work. Councilman Alan Miller said, yeah, just to clarify Mr. Luzadder's question. We have a fire contract that ends in the middle of the year? Chief Williams told Miller, they start negotiations again in June of next year. Miller said, okay, the contract doesn't end in June. Williams said, no, not until the end of the year, of next year. Mr. Miller replied, okay, that scared him. He was wondering how do they budget for that. Okay, so they begin negotiations but the contract starts January 1 of 2019. Does the Police Department contract expire the same schedule, Miller asked. Luzadder said, they were one year. Miller said, they were a year off. So it goes to 2020? Luzadder told Miller, no, they've already just negotiated, it's his understanding, a new one. Miller stated, oh, so they've started negotiations? Luzadder answered, yeah because theirs was only a one year. Council President Jim Brunner asked Mrs. Flores, she has money to pay this in the budget? Flores told Brunner, yeah. Did he receive the back up? The back up to the ordinance, that was sent to the DLGF. It shows what our funding is. There's a whole worksheet they have to go through. The money does support moving this money. Being no further questions from the Council, motion was made by Miller to approve Appropriation Ordinance No. 2-2017 on 1<sup>st</sup> reading and move it to 2<sup>nd</sup> reading and public hearing. Motion was seconded by Councilman Henry Smith and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None. Councilman Brad Luzadder asked Mrs. Flores, before the next meeting, could they have that work up so that they could look at that please? Deputy Clerk Debbie Goodman said she could email it to them tomorrow.

## GENERAL ORDINANCE NO. 9-2017 1<sup>ST</sup> READING

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 salary ordinance for the civil city employees. There are no dollar figure changes. There was a change in title for Layla Price. She believes they took "marketing" out of her title. Her new title is Director of Community Development. Is that reflected in their copy? It would be under Community Development. Councilwoman Deb Cain said, (inaudible) Director of Development? Flores said, no, that's Janet Pearson. Layla is the Director of Community Development. Councilman Alan Miller said, it says Director of Marketing and Community Relations is the language they have. Flores replied, okay, so Director of Community Development was her old title. She apologizes. The new title is Director of Marketing and Community Relations is her new title. They took "development" out because that's not really what she does. Councilman Dave Homer asked, who is the Deputy Director? Flores told Homer, Janet Pearson. Cain asked, it's just a title change? No salary change? Flores told her, correct. Homer then asked, has there been a decision made on the Neighborhood Association? Flores answered, no sir, not to her knowledge. Councilman

GENERAL ORDINANCE NO. 9-2017 Continued

Alan Miller said, one question he asks every year, the salary is based on 25 or 26 pay periods in 2018? Mrs. Flores told Miller, it's 26 next year. Miller stated, he has one observation, Mr. President. He extended out all the salaries that they were given and he discovered that the City Controller is one of the few department heads that is paid less than \$50,000. The explanation he was given for that is she actually was offered the current job at a higher pay level than she has ever been paid. That is based on information he has received that when she accepted the job, she was given a salary figure and she has never been paid that money. He doesn't want to put her on the spot, Miller told Flores. Council President Jim Brunner asked Flores, can she clarify that? Councilwoman Lynn Johnson commented, because she's never gotten a raise or anything. Mrs. Flores told the Council, Mr. Miller approached her and she explained to him exactly how it happened. If he (Miller) would like to come, she will tell him, come to the office. She doesn't really want that out in the public, if that's okay. Miller said, he would not have identified her as the source. He doesn't want to put her on the spot but he verified it with someone else too. It's just a situation where she was offered a salary to come here from Gas City (inaudible) and they've raised it to a salary level that she accepted and she's simply never been paid that amount. Brunner said, he guessed a question he would ask, Mr. Stephenson, if this Council would have been brought that on a budget, it would have appeared and he guessed it did not. Is that the case? Flores told Brunner, correct. It was verbally done. Miller said, it was verbal, there was nothing signed. Flores stated, right, verbal, nothing signed. She doesn't know, Mayor Alumbaugh told them probably several times, has told the story several times that she did not originally want to come with the salary the way it was because it was not comparable to what she was making so his final offer was a different offer so she accepted the job. She said she also told him if he didn't come to the Council in the first two meetings of the year, you can't really do that so, yes, he did not do that the first couple of meetings in 2016. So yeah, so that's how that happened. Mr. Miller approached her this evening about that. Brunner said, so, if it's the Council's pleasure, Mr. Stephenson, this Council could look into that as they get ready for the new budget hearings, is that correct? Council attorney Phil Stephenson told Brunner, the statute says any change in the salary during the year has to come with a recommendation from the Mayor. Now when they do the budget, that's a different item but during the year, they cannot increase that pay or decrease the pay without the Mayor's recommendation. Brunner said, maybe he asked that question incorrectly or maybe he didn't understand. He guessed what he was trying to ask is, when they get into budget hearings, is that something they can then address as a Council for the next fiscal year? Stephenson replied, yes. Miller asked, but will we also create a situation, if we put money into Julie's salary, we'll have to back it out elsewhere? Stephenson told Miller, well obviously, you've got to have a balanced budget so if you put it in one, you're going to have to take it out of somewhere else. Miller commented, well it's not a budget-breaking amount. Councilman Dave Homer said, his question, along those same lines, if we lock this in, can that be changed? Mrs. Flores told Homer, this is the first reading. Homer asked, it can be? Flores said, yes, this is just the first reading so it can be amended. They have two more readings they can change. Mr. Miller asked, we would have to amend it here then instead of just changing it on the budget, correct? Flores replied, they'd have to change it both places. Being no further questions or comments from the Council, motion was made by Councilman Henry Smith to pass General Ordinance No. 9-2017 to 2<sup>nd</sup> reading (and public hearing). Motion was seconded by Luzadder and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

GENERAL ORDINANCE NO. 10-2017 1<sup>ST</sup> READING

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, again this is identical to last year's ordinance. There are no raises put in for 2018. Councilwoman Lynn Johnson asked, if they happen to choose to give raises, they can do that at any time during this process, is that right? Flores told Johnson, that's right, yes. Being no further questions from the Council, motion was made by Councilman Henry Smith, 2<sup>nd</sup> by Councilman Dave Homer to pass General Ordinance No. 10-2017 to 2<sup>nd</sup> reading (and public hearing). Motion carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

### GENERAL ORDINANCE NO. 11-2017 1<sup>ST</sup> READING

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 she will repeat that there were no raises put in for anyone so this should be identical to last year's ordinance. Councilwoman Lynn Johnson asked, how would this change compared to negotiations with their union or would this change? Flores told Johnson, yes, it will. If they negotiate.... She always tells them if it involves money, the answer is no but she doesn't have the final say in things but yes, if they decide something different here, it could change. Councilman Brad Luzadder asked, are the police currently in negotiations? Flores told Luzadder, she has not been to any meetings but that doesn't mean they haven't had any. She's not part of the negotiations. Luzadder commented, apparently they're not either. Flores said, she can't answer that. The Police Chief's not here so she doesn't know. Council President Jim Brunner asked, and there is no one here representing the Police Department, is that correct? Mrs. Flores stated, she thinks there may be a meeting next week. She thinks she remembers on her calendar, Mr. Blackwell. Councilman Henry Smith said, so as it is now, it will not change so do they need a motion? Brunner asked, is that correct, Mr. Stephenson and Stephenson replied, yes. Motion was then made by Smith to pass General Ordinance No. 11-2017 to 2<sup>nd</sup> reading (and public hearing). Motion was seconded by Councilwoman Deb Cain and carried by the following vote. Aye: Miller, Homer, Smith, Cain, Henderson, Johnson, Batchelor, Luzadder and Brunner. Nay: None.

### GENERAL ORDINANCE NO. 12-2017 1<sup>ST</sup> READING

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 ordinance should be similar to or the same as the one they amended earlier this year. Being no questions of Mrs. Flores, motion was made by Councilman Henry Smith to pass General Ordinance No. 12-2017 to 2<sup>nd</sup> reading (and public hearing). 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.

RICHARD JOHNSON REQUEST TO ADDRESS THE CITY COUNCIL ABOUT A NUMBER OF THINGS THAT NEED TO BE LOOKED AT IN HELPING THE CITY RETURN TO THE GREAT CITY IT ONCE WAS BACK IN THE 1970'S, 1980'S AND 1990'S. Mr. Johnson told the Council he wanted to thank the President of the Marion City Council and the rest of the Council members for allowing him to speak this evening. He hopes that they can hear him. This is the first thing he wanted to suggest to them. A number of years ago, the first year that Mr. President, Jim Brunner, was sitting in the seat over here. Nobody back here could hear or understand what was going on. The same thing is happening tonight. They need to repair the speaker system in this because the fact that the committee should be able to respond to the citizens of Marion residents. Let us travel back in space. We look up in the sky and we see a satellite or the moon. 1947, 1967, 1990, Marion was a growing community. Since then, we had at that time probably somewhere in the neighborhood of 35,000 people living in Marion. Something happened to our industry. We lost all the mechanical members of our community to foreign companies, foreign countries. We've gone to a different type of business in the City of Marion so consequently we now have somewhere in the neighborhood of 27,000, 25,000 people. As a City Council, they need to look at what's happening in the city. We've lost a lot of people because of job loss, people that retired have moved out of Marion because the fact that they keep raising the taxes, not only here in Marion but the whole State of Indiana. In the last year, he's lost probably 25 or 30 friends that have moved to South Carolina, North Carolina, Florida. He doesn't see how they can live down in Florida but they do. He would like to state that maybe he should ask the question. The first thing they've been talking about this evening was he would take the TIF Program that the Dollar General Program is under. Does anybody here know where the TIF Program started? He was given by a member of the (inaudible) a letter stating it started in Atlanta, Georgia. On the internet, it actually states it started in California many, many years ago. They stopped handling the TIF Program because it was causing them to be on the verge of bankruptcy, the whole State of California. He doesn't know how much they know about this but everything that's happening with the TIF Programs that we have today should be directed to each and every one of them because the fact that they are the ones that are responsible for the finances of the City of Marion. Now, yes, there have been some advantages. Dollar General is one of them because we've put people to work out there. They've still got a sign wanting to hire more people. Well, it's because the fact that they can't find the people that can work the way

they want them to work out there. He feels the Mayor has done a good job since he took over. He started a trash program that, he thinks, is working. Whether he's saving the money or not, he doesn't know. He's not going to cover this completely because the fact that he thinks it gets to the point you can't really visualize what's happening in the City of Marion and that's one of the reasons why he came tonight is because the fact that he feels that we, as a city, have to do everything we can do to keep our expenses down so that we can continue keeping residents living in Marion. If you go out on State Road 15, State Road 9, State Road 37, early in the morning, we have a lot of traffic coming into Marion because these people work in Marion but they live in Huntington, Wabash, La Fontaine, outside of Grant County. The same way with Indianapolis. A lot of our employees go to Indianapolis to work but a lot of them come from Noblesville and Elwood and what have you. We're not making any money off of these people. So they've got to look at what they can do to save Marion. One of the biggest problems that he's seen is that you drive around the City of Marion and you see houses that are falling apart. The people that work for the City of Marion need to do a little more, a lot more to bring our houses back together. Now, sure, you go down on South Washington Street and Adams and Boots. Those houses are 100, 150 years old. Many of them need to be torn down but we do not have control of the neighborhoods, such as the one he lives in, Lincolnshire Addition. He's got a house right next door to him that has been damaged in a hail storm that happened six, eight, 10 years ago. They've got windows nailed shut because the fact that the owner of the building lives in California. She doesn't care about the City of Marion. She doesn't care about the building as long as she makes her money off that rent. We need to look at our Building Codes to look after this thing a lot better. We've got taxes coming in, money for streets. We've improved a lot of streets. Hopefully it will continue over the next several years to get a lot of these other streets straightened out. There are all kinds of problems that we have. The Fire Department, to him, is one of the departments that we've got that's operating very good. The city park is one of the best city parks the State of Indiana's got. But yet, we don't get the support, as he told the newsman here from the local newspaper because the fact that when they have programs going on at the city park, they don't get the information to Wabash, to Huntington. He had some people out there not long ago say "What's going on tonight? Boy, you've got a crowd here tonight". They were both from Huntington and Wabash, didn't know anything about it. One of the other problems we've got, he's caught five raccoons, 10 opossums, and one cat in his own yard because of neighbors that have dogs that do not clean up the waste. The house right next door to him, the woman has had three dogs. He thinks one of the dogs got killed by the big dog. He has yet to see them pick up anything from those dogs (inaudible) his yard. He can't open his windows because of the fact that the odor is so strong. These animals come from north, they smell that animal waste, hmmm, there must be food down there. That's the reason why he catches these daggone wild animals. Now, what happens if a four year old or a five year old goes out in his backyard and gets a raccoon trapped? He can get bitten very bad. We need better animal control. Now, we've got more chickens throughout the state. We are an animal state. We have cattle, we have pigs, we have chickens. We don't have chickens in Marion but we have more cats than we have people. Cats are allowed to run free. You have to control the cats as well as the dogs and what have you. He told the Council it's up to you people to pass these ordinances so that the animal control people can do their job. Now, he's threatened, and he came from a poultry farm. We catch a cat, we catch a raccoon, we catch an opossum, that animal is dead. We did not let him get away because they can get into the chickens and kill those chickens. But we let our cats run free. If he has a dog, he has to keep it on a leash or keep it inside the fence in the backyard but he wakes up in the morning or he can go out in his front yard and he sees where the cats have been up in his flowerbed. He's got cat scratches on his car. We need a better control there. One of the things he has had problems with and he's talked with the Chief of Police, they have a sign on their car. It says "Serve and Protect". He has talked to policemen. One of them is in his neighborhood. He asked him to go up on Saxon Avenue, turn around and watch for people that run that stop sign. He stopped the first car (inaudible) car didn't stop. Not long ago, he stopped on Kem Road. There was a policeman sitting in the parking lot. He asked him if he could go over and check on the speed of the people on Lincolnshire or the traffic on Lincolnshire, especially at the stop sign. Johnson said the officer said, oh no, his duty that day was to arrest people for no seatbelts. He pulled over, he can't remember the type of business that's in there, he thinks it's a cancer treatment center, maybe it's a kidney. He (Johnson) pulled over about a half a block away from him and in 15 minutes, he saw two cars run the red light at Kem Road and Lincolnshire Boulevard. He (policeman) didn't have time to see them because he was looking for somebody that didn't have a seatbelt on. He asked another policeman if he'd stop and check out the people running that stop sign. He (policeman) said, oh, he wouldn't want to arrest anybody because they're his neighbors. Well the people from

Fisher Body, at that time, and in the past, Dana, that get off of work at 4:00 in the afternoon or 3:00 in the afternoon, they'd come through the neighborhood, headed towards Wabash or Huntington to miss the stop and go light at Kem Road and the By-Pass. He's seen them go through there at 50, 60 miles an hour and not even slow down at that stop sign. One of these days one of our kids, fortunately all of his kids are grown but they've got about 15 kids on that street and he's afraid one of them is going to get hit one of these days. He wished the Chief of Police was here. It doesn't do any good to talk to her because she says maybe (inaudible) can get the neighbors, the people that drive the cars, to protect the kids. You give a driver an inch, they'll take a mile. You cannot tell a person to watch the way they are driving. If you stop them, you have to give them a fine that they realize they can't afford to get more tickets. In 1949, he was sitting at an intersection, talking to a city policeman. He got a call, had to go out to a creek to look for a five or six year old kid that was missing. They thought he fell in the creek. He (policeman) asked them, come follow him over, maybe they can help find this kid. There were seven of them that pulled out of that parking lot, got less than a block away and was pulled over. All seven of them were fined \$52 in 1949 for not stopping at a stop sign. There was no stop sign there. He paid the fine but when he comes up to a stop sign, he stops. But we don't have a Police Department that does this. Used to have a Police Department that was called "Law Enforcement". They don't enforce the law anymore. We might as well take all the stop and go lights down, take all the stop signs down, sell the metal for scrap metal and give some of you city employees a raise. Mr. Johnson said he thinks he's talked enough tonight. He thanks them very much. He doesn't know if he's done any good to them. He could sit here and talk another half an hour but he thinks he's had enough of it. Council President Jim Brunner told Mr. Johnson, thank you and thanked him for his concerns and his ideas. He appreciates it.

Council President Jim Brunner told the Council the final item on the agenda is Larry Emmons has requested a chance to address the City Council but he doesn't see Mr. Emmons in the auditorium at this time. Is that correct? City Clerk Kathleen Kiley said she thinks he might have left. Brunner said, so, not seeing Mr. Emmons, they will probably have to move that on to another agenda.

Being no further business to come before the Council, on a motion by Smith, 2<sup>nd</sup> by Luzadder, the meeting adjourned. Time being 9:10 p.m.