

BOARD OF PUBLIC WORKS AND SAFETY
MUNCIE, INDIANA

1. Time & Place
2. Members Present
3. Minutes
4. Register of Claims
5. Audrey Jones, City Controller presenting contract between the City of Muncie and H. J. Umbaugh & Associates
6. Audrey Jones, City Controller presenting contract between the City of Muncie and Ice Miller Legal Counsel
7. Right-of-Way Occupancy Standards and Guidelines, Flex Space Request Vera Mae's 207-209 S. Walnut Street
8. Street Closing Application from Phillip Dunn, Minnetrista
9. Residential Handicapped Parking Application from James N. Walker, Jr. 200 W. 10th Street
10. Noise Exemption Authorization Application from RP's Pizza 1700 N. Wheeling Avenue
11. Arron Kidder, Mayor's Office presenting Agreement between the City of Muncie and Shrewsberry for Environmental Services related Duffy Tool
12. Arron Kidder, Mayor's Office presenting Agreement between the City of Muncie and Shrewsberry for lead testing around the city
13. Todd Donati, MRC presenting Agreement for Services between the Muncie Redevelopment Commission (MRC), the City of Muncie and Hawk Fisher
14. David Heilman, Flatland Resources
15. Duke Campbell, Superintendent Department of Public Works
16. Curtis Westbrook - Change E. 9th Street between Madison & Hackley to two-way traffic
17. Adjournment

BOARD OF PUBLIC WORKS AND SAFETY
CITY OF MUNCIE, STATE OF INDIANA
APRIL 27, 2016 MINUTES

1. Board of Public Works and Safety, City of Muncie, State of Indiana, met in the City Hall Auditorium, at 9:00 A.M.
2. **Members Present:** John Quirk, Roger Overbey, Bobbie Clemens
3. **Approval of Minutes from the April 20, 2016 meeting:** Roger Overbey moved to approve minutes from the April 20, 2016 meeting as printed. Bobbie Clemens provided the second. Motion passed by voice vote.

4. **Register of Claims:**

Audrey Jones, City Controller presented the **BOW EFT Payment 4/6/16** IU Health Plans there is a total of **1 Record** for a total amount of **\$108,972.34** for Health Insurance. Bobbie Clemens moved to approve Board of Works EFT claim as presented. Roger Overbey provided the second. Motion passed by voice vote.

Audrey Jones, City Controller presented **BOW EFT Payment 4/20/16** there is **1 Record** for a total amount of **\$169.00** Wage Works. Bobbie Clemens moved to approve BOW EFT Payment 4/20/16 as presented. Roger Overbey provided the second. Motion passed by voice vote.

Audrey Jones, City Controller presented the **BOW EFT Payments 4/21/16** IU Health Physicians, Muncie Meds/Canarx Serv there is a total of **7 Records** for a total amount of **\$175,122.73** for Health/Prescriptions. Bobbie Clemens moved to approve BOW EFT claims as presented. Roger Overbey provided the second. Motion passed by voice vote.

Audrey Jones, City Controller presented **Board of Works - Check date 4/29/16** there is **215** records for a total amount of **\$354,815.48** nothing usual within this set of claims. Bobbie Clemens moved to approve Board of Works Check date 4/22/16 as presented. Roger Overbey provided the second. Motion passed by voice vote.

Audrey Jones, City Controller presented **Community Dev Check Date 4/29/16** there is **5 Records** for a total amount of **\$810.85** to nothing unusual within this set of claims. Bobbie Clemens moved to approve Community Development claims as presented. Roger Overbey provided the second. Motion passed by voice vote.

5. **Audrey Jones, City Controller presenting contract between the City of Muncie and H. J. Umbaugh & Associates:** Audrey Jones came forward to present the Board with an agreement for our continuing disclosure; we do this every year on any bonds that we hold. Our financial advisor takes up the questions for standard & poor's to make sure we are in compliance with our bonds and this one is for the EDIT Lease Rental Revenue Bond. This is what we have with the Horizon Convention Center as well and the contract it hasn't changed from last year. Bobbie Clemens moved to enter into agreement with H. J. Umbaugh & Associates as presented. Roger Overbey provided the second. Motion passed by voice vote.
6. **Audrey Jones, City Controller presenting contract between the City of Muncie and Ice Miller Legal Counsel:** Audrey Jones came forward to present the Board with a contract between Ice Miller to represent the City and the people named on the unsafe housing for the Shroyer Brothers lawsuit. We are entering into contract with Ice Miller to represent us on that. Roger Overbey moved to enter into agreement with Ice Miller Legal Counsel as presented by Audrey Jones. Bobbie Clemens provided the second. Motion passed by voice vote.

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7. **Right-of-Way Occupancy Standards and Guidelines, Flex Space Request Vera Mae's 207-209 S. Walnut Street:** Marta Moody, Metropolitan Plan Commission and I am here representing Ken Schuck and Steve Finamore who are in Cuba and I have been working with Vickie Veach and Phil Tevis to begin procession our right-of-way standards and guidelines that were adopted a couple years ago. Last year we did not use them because this is primarily applicable in downtown Muncie, particularly Walnut Street and in the BSU Village if you remember Walnut Street was under construction last year from Jackson Street to Adams Street. So the standards were not used last year because of that and this year they decided to begin with a pilot project. If you recall when Walnut Streets Design was done and the construction was completed for that 200 and 300 block of Walnut Street it was designed so that the parking spaces could be utilized along with the outdoor dining areas in downtown. In order to maintain that 5' clear path at all times and so Vera Mae's has applied for the use of that flex space. We are calling those parking spaces that were designed and if you have been out there you know that there is no curb now it all goes out straight and they were designed so that they could be utilized as a part of the dining area and the pedestrian area. We call the parking spaces flex space and so Vera Mae's is asking to flex three parking spaces as shown in the photographs that were included in the application. There is more than an enough room to continue to maintain a greater than 5' pedestrian passageway around their dining area and the Flatland Resources will be working. If this approved on designing for figuring out what needs to be put in place to sort of put an edge around the parking spaces. David Heilman, Flatland Resources came forward and reported that they were given the task to look into planters or barriers of some sort that would offer protection for the dining areas from traffic unless somebody loses control and we have a meeting next week with the design committee to go over these options that we have considered and from there a designation will be made as to what that is. A lot of that will go to ascetics, we want it to look good but we want to offer protection, so next week we should have a decision on it. John Quirk asked Marta Moody if there is a time restriction on this; it is forever or is it for a year. Marta Moody responded it will be for this year only and then they can request it again when they apply for outdoor dining permit next year. John Quirk asked if this outdoor dining is from April through October/November. Marta Moody it typically will be May through October and the outdoor dining permit will be issued through the Building Commissioner's Office that is issued on an annual basis. John Quirk commented that he doesn't want to see barriers up in December or January when we are trying to plow snow or clean up area with outdoor dining tables and things in the way, when we are trying to clear snow for pedestrians walking down the sidewalks. Marta Moody commented that is an excellent point and I think it could be handled when the permit is issued through the Building Commissioner's Office they can put the time limit on the actual permit. It is understood I think by everyone that the permits is issued on an annual basis, they are not a year round thing and I don't think there is anything the standards that actually spell out April to October but that could be handled through the time limits placed on the permit itself just like a building permit is good for a year, unless you show good cause why it should be extended so there can be a time limit placed on outdoor dining permit. John Quirk asked Marta if she is just asking today permission from the Board of Works to use the flex space for 2016. Marta reported that they will make application for outdoor dining and they will be ordering their fencing that will meet the new standards. One of the new standards is that you cannot drill down into the new pavers on Walnut Street. They have to order new fencing that creates more of an anchored plate base for the fence post so they working those details out. John Quirk asked then those will also removed as well. Marta responded yes. Roger Overbey asked Marta if the flex spaces will also do away with parking spaces in front of their business as well. Marta reported yes it will and that is why when that was envisioned that is why they are required to send a notice of the request and it was sent to property owners within 50' of the area affected. So there were 8 property owners that were notified and they were asked to sign and return receipt and we received six of those back and two have not been returned yet. The next area that utilizes an outside area is Stan Stephens's property and it is my understanding they are not going to be requesting flex space as of right now, they don't need. Roger Overbey moved to approve flex space for 207-209 S. Walnut Street. Bobbie Clemens provided the second. Motion passed by voice vote.
8. **Street Closing Application from Rob Keesling, Minnetrista:** Rob came forward to request Board's approval to close Minnetrista Boulevard from Minnetrista-Parkway to Wheeling Avenue as well as Minnetrista-Parkway from Wheeling Avenue to St. Joseph Street on Thursday, July 28, Friday, July 29 and Saturday, July 30, 2016 from 4:00 p.m. to 10:00 p.m. for the safety of pedestrians that park at the Delaware County Fairgrounds to attend Minnetrista's Annual Event: Farriers, Spirits and Lights. We have over a thousand people attend our event; approval has been given by Steve Stewart, Muncie Police Chief and Eddie Bell, Muncie Fire Chief. Roger Overbey moved to approve street closings for Minnetrista as presented. Bobbie Clemens provided the second. Motion passed by voice vote.
9. **Residential Handicapped Parking Application from James N. Walker, Jr. 200 W. 10th Street:** James Walker Jr. came forward to address the board members I recently became handicap two years ago my wife and daughter are legally blind and I am requesting a parking space on High Street where my wheel chair ramp is. I cannot get to the front of my property because of the city sidewalks. The sidewalk on High Street is torn up because of semi traffic leaving Kirby Risk's loading dock there is no sidewalk. I have lived here for ten years and Kirby Risk has not cleaned up the area. Duke Campbell, Superintendent Department of Public Works reported that Linda brought the sidewalk issue to my attention, Kirby Risk has to be take their trucks in and they curl around to drive up over the curb to get into their dock space, but honestly this shouldn't be about Kirby Risk we want to repair your sidewalk. You are on our list to fix your sidewalk and I don't care what Kirby Risk has to do, if they start driving over the curb again. I knew a guy that worked at Kirby Risk and I think he still works there and it has been this way for a long, long time they are going to have to do something different. We are trying to get caught up on potholes right now and we are very short handed the sidewalk defiantly needs down it is a mud hole. Roger

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Overbey moved to approve residential handicapped parking for James N. Walker, Jr. for a period of two years after sign is installed. Bobbie Clemens provided the second. Motion passed by voice vote.

- 10. Noise Exemption Authorization Application from RP's Pizza 1700 N. Wheeling Avenue:** Ron Parsons came forward to present this noise exemption for

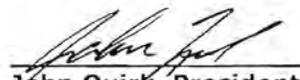
5/6/16	5/7/16	5/13/16	5/14/16	5/20/16	5/21/16	5/27/16	5/28/16
6/3/16	6/4/16	6/10/16	6/11/16	6/17/16	6/18/16	6/24/16	6/25/16

From 8:00 p.m. to Midnight. We will be having entertainment outside either by a Disc Jockey, Karaoke or live bands weather permitting. President Quirk asked Ron Parson's to get signatures from his neighbors and bring those when he is done to the Linda at the Street Department. Roger Overbey moved to approve noise exemptions for the Month of May and June under the condition that signatures from his surrounding neighbors be submitted to the Street Department. Bobbie Clemens provided the second. Motion passed by voice vote.

- 11. Arron Kidder, Mayor's Office presenting Agreement between the City of Muncie and Shrewsberry for Environmental Services related Duffy Tool:** Arron Kidder came forward and requested the board to table agreement for one week, contract is not ready. Roger Overbey moved to table agreement between the City of Muncie and Shrewsberry for Environmental Services related Duffy Tool. Bobbie Clemens provided the second. Motion passed by voice vote.
- 12. Arron Kidder, Mayor's Office presenting Agreement between the City of Muncie and Shrewsberry for lead testing around the city:** Arron Kidder presented agreement for soil samples to be done in various spots around the City. There is nothing more than just collecting data. The contract amount of not to exceed of \$6,800.00 Roger Overbey moved to approve agreement between the City of Muncie and Shrewsberry for lead testing around the City of Muncie. Bobbie Clemens provided the second. Motion passed by voice vote.
- 13. Todd Donati, MRC presenting Agreement for Services between the Muncie Redevelopment Commission (MRC), the City of Muncie and Hawk Fisher:** Todd reported that Fisher will provide general maintenance, management, and oversight of work for the Downtown Muncie Parking Garage, The Village Garage, and the City Hall building Mondays through Fridays from the hours of 7 a.m. to 3 p.m. General and routine maintenance of all MRC garage locations and the City Hall building including cleaning all parking areas, vacuuming of the elevators, emptying all trash containers, wiping down stair-rails, cleaning all windows and glass, sweeping all stairway access areas, vacuuming and sweeping all elevator areas, monitoring the perimeter of all structures to make sure all trash is cleared and landscaping is maintained, and ensuring trash is taken to the curb weekly for pick-up. Eighteen equal payments of \$1,129.72 payable upon receipt of City of Muncie Claim Form. The total possible amount payable under this Agreement for Services if \$20,335. City of Muncie will pay 20% and the MRC will pay 80% with no benefits. Bobbie Clemens moved to approve Agreement for Services as presented by Todd Donati. Roger Overbey provided the second. Motion passed by voice vote.
- 14. David Heilman, Flatland Resources:** We are about to get underway with the construction of the final phase of the Walnut Street Project and just to make things smooth between Business owners, Construction Company and Flatland Resources and potential events that could happen along Walnut Street. We are asking the Board that if any business or groups approach you about doing an event along Walnut Street downtown this summer that they come to us so that we coordinate that with the construction efforts, we just don't want someone to think they can use a block of Walnut Street and then find out it is under construction and then cause them to have potential problems. They can also contact Vickie Veach as well.
- 15. Duke Campbell, Superintendent Department of Public Works:** Duke came forward to declare an emergency for a sink hole at Burlington Drive & Meeker Avenue intersection. We have had a dip in the road for about a year now and we really didn't know what it was so I got a phone call yesterday saying that it was really bad and that had gotten worse in the last two weeks. I went out there yesterday morning and I look at the dip and it had actually been cracking the pavement in some spots down about 6 inches within a 10 wide area. I asked for emergency locates to be done and obviously someone had to be there because of the emergency. Vectren has nothing there, AT&T is across the street, and water is on the other side of the street. We basically don't know why or what is causing the sink hole. In a situation like this it is hard to quote the job because it will consist of time and materials, there will have to be some very careful digging on the north side of the road because the water main maybe two or four feet under the ground. With the school and MITS buses going there along with all the heavy equipment that was on Luick Avenue north of Burlington Drive and I don't know if it will wait until next week's meeting. I am sure if it is a base failure until we cut the road a layer at a time and see how this thing goes. I am asking your permission to hire who I think is best as emergency and try to get started on this right away. It could be a hold drain tile that drained into White River at one time, nobody knows. Duke reported that he will be at the excavation site to monitor their time, whoever does the work. Roger Overbey moved to declare an emergency at Burlington Avenue & Meeker Avenue and authorize Duke Campbell to hire a contractor to determine what caused the issue with a diagnose. Bobbie Clemens provided the second. Motion passed by voice vote.
- 16. Curtis Westbrook:** Request that E. 9th Street is changed from one-way street eastbound only to a two-way street for the Unity Center. Refer request to the Superintendent, Department of Public Works for his consideration.
- 17. Adjournment:** Roger Overbey moved to adjourn meeting, meeting adjourned at 9:43 a.m., Bobbie Clemens provided the second. Motion passed by voice vote.

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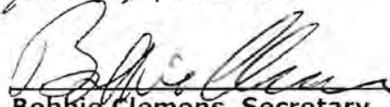
Board of Public Works and Safety



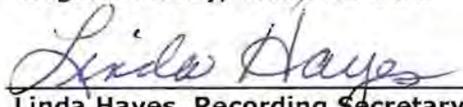
John Quirk, President



Roger Overbey, Vice-President



Bobbie Clemens, Secretary



Linda Hayes, Recording Secretary