

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE, INDIANA 47305

MARCH 4, 2019

REGULAR MEETING: 7:30 P.M., 1ST FLOOR CITY HALL AUDITORIUM.

PLEDGE OF ALLEGIANCE: Led by President Marshall.

INVOCATION: Given by Stephanie and Kevin Ivy from Repairing the Breach Ministry.

CITIZEN RECOGNITION:

Marshall recognizes Brittany Hale Bales with the March 2019 City Council Citizenship Award. Brittany is a proud 2004 graduate of Muncie Southside High School and received her Bachelor's degree from Ball State in Special Education, later obtaining her Master's degree in Special Education, along with her Special Education Director Administrative license and is currently finishing up her doctorate in Educational Leadership. Her first job was at Muncie Southside where she soon became an intellectual part of the special education department. Brittany took over the Best Buddies program and it flourished under her bringing general education students together with the special needs students. She also started the Unified Track program at Muncie Southside along with the Special Needs Prom, as well as the tradition of sponsoring a float for her students in the Homecoming parade. Brittany left Muncie schools to help open the Erskine Green Training Institute. She worked there from 2015-2017 and made a huge impact on the special needs adults that she worked with. She started as an Adjunct Professor at Ball State in 2012 and began teaching full time in 2017 instructing future special educators. Brittany has had an enormous impact on her community by serving on the Human Rights Commission and as a member of the National Council for Exceptional Children. She was recognized in 2016 as one of the 20 under 40 to watch in Muncie. More than anything is Brittany's passion for her students and the city of Muncie. She has tried to bring the two together by inviting guests to speak to her classes about their impact on their community and students with disabilities. Brittany cares so much about Muncie. She was chosen to serve on the MCS School Board last year and she works really hard on behalf of the students, teachers and parents of MCS. She and her amazing husband, Brad, live in Muncie and send their children to Muncie Community Schools. Everything she does helps make our community a better place to live, work and raise a family. Muncie City Council March 2019 Citizenship Award is then presented to Brittany Bales. Marshall thanks her for her generous commitment of time, support and inspiration to the Muncie Community. Brittany keeps it short and sweet by thanking everyone.

ROLL CALL:	PRESENT	ABSENT
Denise Moore	X	
Nora Powell	X	
Brad Polk	x	
Julius Anderson	X	
Jerry Dishman	X	
Doug Marshall	X	
Lynn Peters		X
Dan Ridenour	X	
Linda Gregory	X	

APPROVAL OF THE MINUTES:

A motion is made by Polk and seconded by Powell to Adopt the Minutes from the February 4, 2019 City Council Meeting.

A roll call vote showed 8 yeas, 0 nays and 1 abstain (Moore). MINUTES APPROVED.

COMMITTEE REPORTS:

A motion was made by Anderson and seconded by Powell to nominate Denise Moore as Reading Secretary as well as promoting her to all the other responsibilities and positions in the Standing Committees that was previously held by Councilperson Alison Quirk. That includes being chair of the Government Administration Committee and a member of the Finance and Public Works Committees. Moore accepts. Questions called.

A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED.

Denise Moore is declared Reading Secretary.

ORDINANCES PREVIOUSLY INTRODUCED:

NEW ORDINANCES:

ORD. 6-19 AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE AND THE CITY OF MUNCIE SUBDIVISION ORDINANCE REGARDING FEES AND FILINGS.

A motion is made by Moore and seconded by Powell to Introduce.

Marta Moody, Delaware Muncie Metropolitan Planning Commission, states this is an ordinance that was before the Planning Commission last month. It basically does two things in which one is taking specific fees out of the ordinance so that the Planning Commission will adopt the fee schedule by resolution of that body and changes to it will be a simpler process. The other thing it does is remove the responsibility for publication of legal notice from the applicant and places

it with their office. The reason they are doing that is because of the difficulties they have had in the past dealing with the newspapers, since they stopped doing their legal notices locally. It is now done out of state and it will be a lot easier for them to do it themselves. They will then raise the filing fees for the applicants so they won't have to worry about that anymore. The same ordinances were also adopted for the county and because the Commissioners meet twice a month, they have already been adopted for Delaware County. Moody also states that if the Council could see a way to do a rule suspension on this and adopt this tonight, she would greatly appreciate it. Although, she understands if that is not possible and would be willing to come back in April.

Gregory noticed it went back to one newspaper from two and asks if there is any provision or thinking ahead about what to do when there is no local newspaper and if they currently list the publications on their website. She asks if that is a possibility and if it would be needed to amend or consider amending sometime in the near future so that publication be on the website.

Moody states they publish the Agenda and do not put the legal notices on the website, but they could. Gregory thinks that would solve a lot of problems. Moody states that although it wouldn't meet the current requirement, by state law, for legal publication. She knows there has been a couple of attempts at the state legislature to try and change that requirement but did not go anywhere. There was talk about a local digital distribution of legal notices rather than publication in the newspaper of general circulation.

Ridenour asks if there was any particular reason she wanted the rules suspended. Moody explains that the city would be in line with the county and that anybody that files this month would file under the same fee schedule. He wanted to make sure there was no urgency. Moody says there is absolutely not an urgency what so ever.

An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

A motion was made by Gregory and seconded by Polk to Suspend the Rules to Adopt.

A roll call vote showed 9 yeas and 0 nays. RULES SUSPENDED.

A motion was made by Gregory and seconded by Powell to Adopt.

A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 7-19 AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF MUNCIE, INDIANA, ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

A motion is made by Moore and seconded by Powell to Introduce.

Todd Donati, Muncie Redevelopment Commission, refers to the diagram that he provided with the layout that shows it being next to the old Wilson Middle School. This is something they have been working on over a year and has been a process that has taken quite some time because of a few hiccup. One of the hiccups being that when they first started work, the jail process hadn't actually been approved or gone through the process yet. When that happened, they had to step back a little bit and talk about how this would function with a Justice Center next door.

According to the developer, they do feel comfortable enough because it is a Justice Center and there will be a numerous number of employees there, which would benefit from this. They are going to continue to do the development and are now at a point in which they can move forward. The company is Byson Properties and the area will be called Byson Ridge. It is basically

an established rental process that is entirely all rental and will be approximately a \$20 million investment in development. They will establish and use to the best of their ability local trades and local vendors with a total of about 136 units all together consisting of two-three bedroom single-level units with garages. The bond itself will support and assist in the infrastructure improvements that will be needed. This is 35 acres currently owned by the Muncie Redevelopment Commission. It is now going to be (Res. 4-19) a separate allocation area. The reason that they are producing that as an allocation is this is going to be a developer bond that will be guaranteed by the developer. By isolating or allocating the area, it keeps it from going outside of that allocation area for any fallback on the other parts of the TIF. This is really being prudent in this aspect and protecting the interest of the entire TIF area. This is not to exceed \$3 million, not to exceed twenty-five years and not to exceed 6.5% in interest.

Art Johnson, CEO of Byson Properties, Noblesville, Indiana, is willing to answer any questions anyone might have.

Gregory asks if he has any other developments in this area. Johnson answers they are doing a 230 unit development in Elwood right now, but nothing in Delaware County. Gregory asks if anyone knows whether or not the city has public transportation to that area. Ridenour informs yes, one of fourteen buses. Gregory then asks what the development timeline is and when the rentals would be available. Johnson states they are planning a finish date of December of 2020, so another eighteen months or so. She asks what kind of zoning is there now. Moody confirms it allows R-5.

Ridenour asks if the Elwood development that is currently being worked on also consisted of rental units. He confirms and explains they only build rental communities. Ridenour did a little research on the Byson company and asks if it is built around a golf course. Johnson confirms and states it was a subdivision that was built within the golf course back in 2007 and finished in 2009 just in time for the economic downturn. They purchased it two years ago and worked with the city for a year to do the bonding and set up a TIF district. Ridenour asks if those are their only projects in Indiana. Johnson explains that for Byson Properties, yes but he does have a partner that has twelve other developments like this one. Ridenour asks if he is related to the company in Salt Lake City, in which Johnson is not. Ridenour goes on to refer to the part in the ordinance where it states they are approving the Financing Agreement, Development Agreement, the ordinance and asks when they will see those documents. Donati confirms those documents would go to the Muncie Redevelopment Commission first and then to the City Council. Hopefully, it will be on the Agenda next month. The Financing Agreement stipulates that during the process of this period of bond, they can not appeal the area for taxation. That is typical or normal in a process like this where they are allocating an area specific for a bond. It keeps them from having to appeal the process so it stays consistent throughout the period of the bond and that is agreed. That is what the actual Financing Agreement will stipulate. He can confirm, however, that is not something the City Council would approve but the Economic Development Commission approves. Ridenour explains on page 5, section 12 it states "the Council hereby approves the Development Agreement substantially in the form submitted to the Council prior to this meeting." Donati states that is the Development Agreement but Council would not approve the Finance Agreement. Ridenour goes on to reference page 2, under a Where As section.

Gregory also states on section 7 it mentions those two items. Donati explains that there is process this goes through. The Economic Development Agreement is something the MRC approves and brings to the attention of the Council in which it may or may not get approved because it is a developer bond. That is not something they have always done in the past. The Finance Agreement is approved through the Economic Development Commission, who approved all the financings, indentures, and the process for the bond. That will be brought to the attention of the Council next month. Ridenour is curious as to if this includes the athletic field. Donati confirms it does and points out the red line on the diagram, which is the entire area they own. The football field and the track are theirs and will be maintained as a walking facility and a clubhouse with a pool. Ridenour asks what the base asset value is right now for the land. Donati asks if he wants appraised or assessed value. Ridenour is just trying to get a feel for where they are starting at and where they are expected to end. Donati states right now it is owned by the Muncie Redevelopment Commission so it would have zero money. Ridenour is talking about the base asset value. Donati does not know that information and will have to look to see if it is separated entirely yet. The Beacon software that they use to look it up is a little behind and still shows MCS as owning the property. They did appraisals (they always have to do two) and it was appraised at around \$500,000 for the thirty-five acres. In the entire period MCS owned it and the MRC immediately acquired it when they acquired the school, it has never paid taxes as far as assessed evaluation in revenue. Gregory states it probably did pay taxes at one time, just not for a long time.

Polk has some concerns, one being the storm water detention basin when it does fill up with water if there is anything around that (fence-wise) to prevent drownings. Johnson states it is required to put bollards around the pond to prevent cars from coming into or hitting it but people could still walk or get into it. Polk goes on to explain that at the south end of the development is a children's playground and, by looking at the map, is less than 300 feet away from the new purposed jail. He is aware there will be fencing around the jail but asks about fencing around the development. Johnson states there is going to be burming between the jail and the development as well as a fence there. That is a five-foot chain length fence, that can easily be jumped over. Polk explains that he drives by that space every day, twice a day and in spring or summer months, the track is utilized for walking. He asked if that will now be closed off to the general public. Johnson states no, they can still come and walk on the track anytime they'd like. Questions called.

A n all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

RESOLUTIONS:

RES. 3-19 A RESOLUTION OF APPROVAL FOR THE 2018 CHANGES TO THE OFFICIAL ZONE MAPS FOR THE CITY OF MUNCIE, INDIANA.

A motion is made by Moore and seconded by Polk to Adopt.

Marta Moody, Delaware Muncie Metropolitan Planning Commission, explains that this is something they do every year on an annual basis. It is basically just a cross check to make sure that all of the re-zonings that were adopted in the prior year get incorporated into the digital zone maps. Last year, as can be seen from the attachment, there were four and they have been

incorporated into the maps as shown on the map attachments. The planning commission approved it at their February meeting and is now in front of Council for their final endorsement. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

RES. 4-19 A RESOLUTION APPROVING CERTAIN AMENDMENTS TO THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED MUNCIE ECONOMIC DEVELOPMENT AREA. (ALLOCATION AREA NO. 3 AND ALLOCATION AREA NO. 4)
A motion is made by Moore and seconded by Powell to Adopt.

Todd Donati, Muncie Redevelopment Commission, mentioned this earlier. These areas, no. 3 and no. 4, are already in an allocation area. He passed out a handout earlier and that is the area that was discussed a few minutes ago, in addition to the former Borg Warner site on Kilgore. As mentioned, they are already in a consolidated area, or a TIF area. The purpose for the allocation area is to protect the integrity of the rest of the consolidated TIF and in the situations, both bonds are going to be developer bonds that are guaranteed by the developer. If anything happens, this process is maintained within the allocation area and if funds aren't paid, through tax bases, then they are not required to provide that fund. It is, once again, to protect the interest and integrity of the remaining Muncie consolidated TIF. This has gone through the Redevelopment Commission and been passed as a Declaratory Resolution and passed by the Planning Commission, which now brings it before City Council. It will then have to be advertised and go back to the Redevelopment Commission for a final vote. That will be later this month or in April.

Gregory asks if Muncie has any other developer bonds that are set up like this in their own allocation areas. Donati answers we don't have a lot of developer bonds. They are trying to put some risk on the developers in these situations and have investment in the risk part of it. It also protects the integrities of the rest of the consolidated area. He thinks one may have been done for Delaware Dynamics, but they have not done any kind of bond yet. If they do, it would probably be set up for that. Gregory mentions the comment of protecting the rest of the consolidated area and asks what he is referring to. Donati states typically when you do a bond, if you do not have an allocated area outside or contained, then you have to put up the rest of the consolidated TIF area (in this situation) as a backing of the bond. They are not doing that here and that is why they are allocating it out and keeping it to where it cannot go outside this and they can't get money from outside the allocation area to bring into the area. For clarification, Gregory asks if he is referring to the bond payments. Donati confirms. Gregory asks if there is any other development that would come in causing a TIF increase. Donati explains no, these are all self-contained through their own private developments. There is nothing else that can go on other than what those companies do. If they chose to expand internally and if they have the capability of doing that, they can. It would stay within that allocation area. Gregory has a question and goes on to explain that there are only three parcels listed although there are four on the original map (little corner in the northeast corner) and it is not a part of this allocation area. It looks like residential and she wants clarification. Donati takes a look and confirms that is not a part of it. The red outline on the map is where they are covering.

Ridenour asks for clarification that they are doing allocated area no. 3 and no. 4. Donati confirms. Ridenour then asks about allocated area no. 1 and Donati confirms that area is the consolidated TIF and allocated area no. 2 is Delaware Dynamics.

Gregory refers to section 2 where it states that they are designating these for the purposes of capturing tax increment revenues on depreciable personal properties (so taxes are being paid). Donati explains no, not on this particular one but they will be collecting personal property on the Borg Warner project because it is mostly equipment. That is really the major part of that development, the equipment itself. There will be some real property and they will capture that but in this particular case, they are capturing the personal property itself. They do not do that a lot because personal property doesn't gain a lot, depreciates in value over the period of time and is a minimal amount. Gregory asks if there is some reason why they did the two allocations in one resolution instead of two. Donati states it does not make any difference in how they are created, whether it is on one resolution or two, because they are still two separate allocation areas. Gregory questions if they oppose one or the other, they would have to oppose the entire thing. Donati confirms. Questions called.

A roll call vote showed 9 yeas and 0 nays. ADOPTED.

OTHER BUSINESS:

Julie Snider, 1404 Truitt Rd. and Muncie Central AP Government Teacher, along with her students, are doing a civic engagement project for their AP Government class and one of the requirements is that they not only have to attend a City Council meeting but to also speak at the meeting. Last month, as well as this month, in class they have been brainstorming and trying to come up with ideas to bring before the Council. She has two groups tonight, her first period and her fifth period classes. They go on to introduce themselves as follows: Logan Williams 2318 E. 18th St, Angela Buck 4707 W. Cardinal Dr, Laura Rogers 1700 N. Innisbrook Dr, Zach Garrett 1612 Glenn Ellyn Dr, Kennedy Little 2313 W. 7th St, Riley Stafford 2714 W. Woodrow Dr. They have a proposal. They have noticed a lot of vacant areas in Muncie, notably on Gharkey and Charles St. as well as some abandoned factories along the railroad and most notably, the Red-Carpet Inn on 28th St and Madison St. These are big abandoned buildings that take up a lot of area and attract a lot of transients participating in illegal activities. They believe this land would be more suitable for other uses.

Marshall states the empty buildings goes through the Unsafe Building Hearing Authority and that is the second Thursday of every month. He will say that the Red-Carpet Inn is in his district and it was just brought before the Hearing Board (which he happens to sit on it because one member of the Council is mandatory) and they have been given an extension to do some development. The other ones he does not have answers for but tells the students to reach out to the Building Commissioners office in City Hall. You can turn those abandoned properties in to them so that they can be placed in the hearings to get taken care of.

In doing some research, it was discovered that the green space around the Red-Carpet Inn looks good for a sporting complex development (baseball fields, basketball courts, gym, soccer field, walking track, etc.) The numbers of revenue that can be brought in for the city and that part of

town, looks promising. Some other cities that have done it and their studies show a weekend baseball tournament brings in about \$20,000 of revenue. That is just an idea for that green space in that part of town.

The fifth period class comes up and introduces themselves as follows: Kathleen Hunter 3568 W Johnson Circle, Gracie Evans 501 S Elliot Acres Dr, Hailey Hathaway 1213 N Jefferson St, Emma Kanney 2425 W. Godman Ave, Amelia Onate 4112 N Glen Ave, AJ Martinez 5012 N Sollers Dr, Monte Adams 912 N Elgin St, had the idea to bring up an Art Commission. Their idea was to have an art competition with local students and have students submit a piece of artwork that would be judged and voted on by a panel. The winner would have the opportunity to paint their piece on a blank building somewhere downtown. They know there is a lot of stuff that would go into that but wanted to bring the idea up to see if that was something they would be interested in. Gregory asks if they have talked at all with Braydee Euliss with the Muncie Arts and Culture Council because she would be a very good place to begin. She and some other friends of hers did the mural that is on the south side of the building on Charles St. She is a very good resource for them to get the ball rolling.

Marshall reminds the students that they can reach all the Council members via e-mail and phone number on the city of Muncie website. They welcome all opinions and suggestions and love hearing from their constituency.

Chris Deegan, President of the FOP 821 S. Butterfield Rd and Muncie Police Officer, was under the impression they would be on the Agenda tonight for an ordinance that was introduced and established last year referencing their salaries but was not. He was made aware that those were incorrect and he already has contacted Powell and Marshall about a week and a half ago regarding it. It is to the frustration of the FOP that the Collective Bargaining Agreement that they signed off on, as well as the Council, still has inaccurate numbers, reflective of several benefits and retirement base which now has directly effected one person who has put in for retirement. He is currently working with PERF now to try and get that corrected. Just in saying that, he has prepared packets for each one of the Council members and hands them out to the purposed members that consists of reviews and findings. Marshall asks if Deegan prepared a copy for the Clerk's office, in which he did not, but since Peters is absent this evening, he will give her copy to the Clerk to make copies accordingly. Deegan announces he will make himself available after the meeting in case anyone would like to stick around and talk about it. He will also contact the Council, as he has done in the past, in regards to making sure they have e-mail communications.

Powell states they received an e-mail from the Controller, Kevin Nemyer, stating he will be introducing those revisions to Community Development and the MPD salary ordinances in April. Deegan states he would just not be doing his duties in his position if he didn't express his disappointment for this continued and ongoing thing that keeps happening to them when they are trying to get the benefits for police officers squared away. He also has one physical copy of the Umbaugh Report, in which Marshall again requests that it be left with the Clerk to provide copies to the Council accordingly.

Sarah Beech, Personnel Director for the City of Muncie, explains what the issue is with the FOP. The salary ordinance that was presented to the Council was presented before the agreement with the FOP was finalized and then ratified. That is why there is a difference in the salary ordinance and why it is being brought before Council again. It did not get on this months Agenda because it was not presented before the filing deadline. As far at the retirement benefits, when that came to their attention, that is something that they have had to verify with PERF. It has to be verified that the amount that was agreed to in the contract (and they are not disagreeing that they did not agree to that amount) but they had to make sure that they are doing by state-law of what is allowed. It is her understanding that the Controller got something back in writing from PERF that stated it is okay and he sent a certified form to PERF to certify the correct amounts. All of that will be taken care of.

ADJOURNMENT:

A motion was made by Powell and seconded by Powell to Adjourn. A vote by acclamation showed 9 yeas and 0 nays. ADJOURNED.



Doug Marshall, President of
The Muncie Common Council



Melissa Peckinpugh, Muncie City Clerk
of the Muncie Common Council