

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

NOVEMBER 6, 2017

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

PLEDGE OF ALLEGIANCE: Led by Boy Scout Troop Pack #11.

INVOCATION: Given by Councilperson Dan Ridenour.

CITIZEN RECOGNITION: Councilperson Lynn Peters is pleased to announce that the November 2017 Citizen Recognition Award goes to Molly Davis. Molly was born and raised in Muncie. She has been married to her husband Mike for twenty-nine years and they have been blessed with two daughters. When their children were in grade school, she wanted to be more involved so she became a volunteer at Westview Elementary in the late 1990's. She has been in the school system ever since from volunteering and PTO at Westview to teacher's aide and substitute teaching at various local schools. She has spent many years at Southview Elementary and is now at East Washington Academy where she is better known to the students as Miss. Molly and they simply adore her. She has touched the lives of so many students in a very positive way. Peters indicates that in one of their conversations, Molly said she didn't feel deserving of this award but she wants her to know how very deserving she is. As a parent and a grandparent, she thanks her for all her hard work and commitment to the children.

Councilperson Polk asks for the students of Muncie Central that are in Mrs. Snider's Advanced Placement Government class to stand. Several of them stand to be recognized and were present last month as well. He appreciates them coming and learning more about City Council and what all they do. He closes by welcoming them to this evenings meeting.

ROLL CALL:	PRESENT	ABSENT
Alison Quirk	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 MINUTES: A motion was made by Gregory and seconded by Polk to approve the Minutes from the October 2, 2017 Meeting and the Minutes from the October 18, 2017 Special Meeting as presented. A roll call vote showed 9 yeas and 0 nays. MINUTES APPROVED.

COMMITTEE REPORTS:

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 44-17 AN ORDINANCE OF THE CITY OF MUNCIE VACATING A PORTION OF A PUBLIC ALLEY IN THE CITY OF MUNCIE, INDIANA.

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

Steve Murphy, 400 South Walnut St, is here on behalf of the petitioner's and is looking to improve this lot for parking purposes. He took some advice from Councilperson Anderson and met with Public Works and the Fire Department as well as Chief Eddie Bell who went to the premises and did not have a problem with vacating the alley. It is a ten-foot alley, unlikely for the Fire Department to drive a fire truck down when there are no buildings on the lot. The use for the lot is strictly parking but people do walk and drive through it and what they are hoping to do is just make it a nicer-looking lot. An advantage for the city is not having to maintain this alley. Murphy addresses the letters from the utility companies with no objections to this vacation. They will work with the utilities and if the decision is made to bury the lines someday, that would be the owners expense (not the city). It would also add to the property tax rolls. He turns the mic over to one of the owners to discuss what they want to do with this parking lot. Monty Brown, one of the owners of the Federal Building and the Federal Parking Lot LLC, states that currently one of the major tenants at the building is Delaware County Community Corrections. When they entered into a lease with them, it required that they provided them with ten parking spaces in which they then requested more. They are now giving them twenty-six spaces, so basically sixteen extra, with no rent. Last month, DCCC asks if they could get an additional eight which they agreed to do. At the last meeting, comment was made that as owners of the building, they weren't really doing anything to give back to the city but that runs anywhere from parking lot rent or stalls (anywhere from \$240 – \$350 a month) that were allowing DCCC use in return for the lease. They are providing something for the city and will continue to do so.

Bob Ratchford, 7709 York Prairie Way, Muncie, IN, provided a photo of the alley taken within the previous two weeks. He goes on to explain that the downtown alleys are used all the time with all the construction going on. As nice as downtown is starting to look, these are being used by people that work at the courthouse. In other communities or cities larger than ours, they are paving their alleys and making them nice for people to walk through. In this circumstance, it is a business that is getting the alley. Once it is given away, it is gone and the city won't get it back. He owns properties around these alleys and makes the example of him coming here and asking for the city to give him an alley. That is not why he is here, though. He is just informing everyone that these alleys are being used. Referring back to the photo he provided, it shows construction workers doing work. Ratchford said that these gentlemen reached out to him and

asked if they could get on his properties to try and work down in the trenches in the alleys. He allows and works with them. Ratchford holds up another photo, that was not provided to the council, and states that is what the alley looks like today, nice and paved. For future development in the downtown area, this could just mean more walking or biking that will take place. He would hate to see the alley be given away.

Councilperson Gregory states her packet had an amended version of this yet she cannot find what the difference is.

Steve Murphy states the only difference in the amended version is in the legal description. He had a discussion with Ella at the Auditor's office and informed him that they would need to have the length and width of the alley. He then spoke with Hal Ashton who provided him with the figures and that the only change is within exhibit A.

Duke Campbell, Director of Public Works, City of Muncie, presented this to the Board of Works and was actually under the impression that the petitioners needed to rearrange how the parking was done. Obviously, he did not know what he had heard tonight and should have been present at last month's meeting. He is objective in this. He likes what one side is trying to do for Community Corrections but then again, what Mr. Ratchford said was a very good point. Utility work is going to be done in all the alleys so obviously, they will need re-paved. Not at their expense, but it was their plan to do this and looked ahead at all the work that is going to further be done. His opinion is he just does not like vacated alleys.

Councilperson Anderson questions the utility lines and their placement underneath the paving. Would they tear up the parking lot as is, place the utilities and then replace their parking lot? Murphy states the ordinance allows for subject to all existing utility easements. They would still have an easement. The owners have a responsibility to the utilities in which they have the right to come in and do whatever they need to do in that easement. The existing utilities will continue to exist just as subject to all existing utilities.

Councilperson Quirk would like for it to be known that Mr. Murphy did file letters from the utility companies stating that none of them have any objection to the alley being vacated. Questions called.

A motion was made by Quirk and seconded by Powell to Amend to read: "All of the North-South public alley located between Lots Numbered Six (6) and Seven (7) in Block No. Seven (7) of Goldsmith C. Gilbert's Donation to Muncietown, now city of Muncie, Indiana, said alley being Ten (10) feet wide and (One Hundred Twenty-Five and Thirty-Two One Hundredths (125.32) feet long."

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

A motion was made by Quirk and seconded by Powell to Adopt as Amended.

A roll call vote showed 6 yeas and 0 nays (Ridenour, Polk and Gregory). ADOPTED AS AMENDED.

NEW ORDINANCES:

ORD. 53-17 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-5 RESIDENCE ZONE TO THE BC COMMUNITY BUSINESS ZONE ON PREMISES LOCATED AT 617 E. ADAMS STREET, MUNCIE, INDIANA.

A motion was made by Quirk and seconded by Powell to Introduce.

Nobody appears to speak regarding this ordinance. Questions called.
An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

A motion was made by Polk and seconded by Powell to add ordinances 54-17, 55-17, 56-17 and 57-17 to the Agenda due to being filed after the filing deadline.
A roll call vote showed 9 yeas and 0 nays.
RULES SUSPENDED AND ORD. 54-17, 55-17, 56-17 AND 57-17 ADDED TO AGENDA.

ORD. 54-17 AN ORDINANCE AMENDING ORD. 46-17 FIXING THE SALARIES FOR ELECTED OFFICIALS OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2018.
A motion was made by Quirk and seconded by Powell to Introduce.
Kevin Nemyer, City Controller, indicates this is the amended salary ordinance for the City Council and President of City Council. It was taken from the previous ordinance.
Joe Hunter, Council Attorney, states the reason for these amended ordinances is to match the salaries with what was appropriated in the budget. The salaries of elected officials are important to get passed because by statute, they cannot change in the year it is fixed for (2018) so they would need passed by the end of the year. Questions called.
An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 55-17 AN ORDINANCE AMENDING ORD. 47-17 FIXING THE SALARY FOR THE CITY CLERK OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2018.
A motion was made by Quirk and seconded by Polk to Introduce.
A motion was made by Powell and seconded by Ridenour to Amend the City Clerk salary should be \$1,900.17 bi-weekly opposed to \$1,844.81.
An all-in-favor vote showed 9 yeas and 0 nays. AMENDED.
A motion was made by Powell and seconded by Gregory to Introduce as Amended.
Questions called.
An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED AS AMENDED.

ORD. 56-17 AN ORDINANCE AMENDING ORD. 48-17 FIXING THE SALARY FOR THE CITY JUDGE OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2018.
A motion was made by Quirk and seconded by Powell to Introduce. Questions called.
An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 57-17 AN ORDINANCE AMENDING ORD. 49-17 FIXING THE SALARY FOR THE MAYOR OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2018.
A motion was made by Quirk and seconded by Powell to Introduce. Questions called.
An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

Ordinances 58-17, 59-17 and 60-17 were not added to the Agenda.
A motion was made by Powell to withdraw ordinances 58-17, 59-17 and 60-17. WITHDRAWN.

RESOLUTIONS:

RES. 29-17 A RESOLUTION MAKING TRANSFERS WITHIN THE GENERAL FUND (BUILDING COMMISSIONER).

A motion was made by Quirk and seconded by Polk to Adopt.

Kevin Nemyer, City Controller, states this is just transferring a few line items to another to be able to cover a shortage of funds.

Forest Bowers, 1205 N. Brentwood Lane, Muncie, IN, wants an explanation of the phrase "shortage of funds" and what that really means.

Quirk indicates within the Building Commissioner's fund, part of the General Fund, they are asking for a decrease in the line item for training of \$1,000 and a decrease in auto repairs for \$1,500 totaling \$2,500. They would then like to increase line items for telephone and other office supplies for the amount of \$2,500. They are keeping it within the Building Commissioner's funds but just decreasing one area so that they could cover costs in another. Nemyer clarifies that this is not a request for additional appropriation. Questions called.

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

RES. 30-17 A RESOLUTION APPROVING DEDUCTION FROM ASSESSED VALUE OF AN ELIGIBLE VACANT BUILDING TO BE OCCUPIED BY AMERCO REAL ESTATE COMPANY IN AN ALREADY DECLARED ECONOMIC REVITALIZATION AREA (1501 E. McGalliard Rd).

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

Todd Donati, Muncie Redevelopment Commission, indicates that this is regarding the north K-Mart building. Something similar was done with the south K-Mart back when it was transferred from a department store to a company. It sat empty and probably would still be sitting empty if the opportunity didn't come for companies to come in. U-Haul of Muncie has acquired that and part of the request to acquire it was to ask for an abatement in which Donati would process. This is an abandoned building abatement. It is 100% the first year, (doesn't matter if there are improvements) and on the existing taxes. It is 50% the second year and then it is done and goes away. They can apply for additional abatement if they do major improvements within the building but it goes into effect after this process. They would have to file CF1's those two years as well. This has no requirement of jobs although they are going to increase to about four jobs. They plan to convert the 80,000 plus sq. ft. facility to mostly interior storage as well as moving their main facility there for better exposure.

Sabrina Burns, 1501 E. McGalliard Rd, states the existing center is at 2211 N. Martin Luther King Jr. Blvd which will move to the old K-Mart building. Ridenour asks if they currently own that building and Sabrina answers yes. Ridenour then asks what their intentions are with the old building once they move. Sabrina states she is unsure yet but has heard discussion for down the road. Right now, it is being used for storage upstairs and then another building has boat and motorhome storage. That will be left until the renters are done using it and then she assumes it will be sold.

Councilperson Anderson states that is his district and there have been several other rumors about what will be done with it. He is now glad it will be occupied.

Councilperson Polk asks for clarification on how many employees they have. Sabrina states they have eight or nine right now but intend to keep ten to fifteen people there. Polk questions part-

time or full-time and Sabrina indicates there will be at least four full-time positions when they open. The other employees are part-time.

Councilperson Gregory asks if they have an estimate of the property taxes that are due each year. Donati states it is currently assessed at just over one-million dollars. They are paying roughly \$30,000 in taxes. It is not a big amount, reason being, it is in a flood zone and improvements on this building cannot be done beyond of 50% of its current appraised value. That worked out good for this company because they will use it for mostly storage and are not going to do much to it other than some cosmetics on the outside. They can maintain it but cannot add on it, change its current footprint, or do anything that would obstruct any additional area. Gregory asks if it is required to have flood insurance on this property. Sabrina indicates that AMERCO is self-insured so they will have flood insurance.

Councilperson Dishman is glad that U-Haul has decided to take the space. He then asks Donati if this has gone through the tax abatement process. Donati states it has and doesn't really require it because it doesn't have anything to do with jobs. It is an abandoned building in which this type of opportunity very seldom comes up. It is more about trying to maintain or save a building that could be left vacant or tore down. It was favorable and not the typical tax abatement process. Questions called.

A roll call vote showed 8 yeas and 1 nay (Gregory). ADOPTED.

RES. 31-17 A RESOLUTION MAKING TRANSFERS WITHIN THE GENERAL FUND (BUILDING COMMISSIONER).

A motion was made by Quirk and seconded by Polk to Adopt.

Kevin Nemyer, City Controller, states this is the same as one of the previous resolutions (29-17). It is for the amount of \$3,000. They would be decreasing the line item for vehicle repair of \$3,000 and moving that into their part-time budget of \$3,000.

Gregory asks what amount was budgeted for the upcoming year for vehicle repair. She indicates that if \$4,500 can be moved around then they are not budgeting quite as well as they should. Quirk states that there are now also different people doing those job duties. Powell states the budget is set for 'in case' something happens. Ridenour states the vehicle repair line item is \$4,700 total. That means they have only used \$200 so far this year. Questions called.

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

OTHER BUSINESS:

ADJOURNMENT:

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



Doug Marshall, President of
The Muncie Common Council



Melissa Peckinpaugh, Muncie City Clerk
of the Muncie Common Council