

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

JUNE 4, 2018

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

PLEDGE OF ALLEGIANCE: Led by President Doug Marshall.

INVOCATION: Given by Ryan Remington from The Table at Cana.

"We come together in this place tonight to work on creating a better, more vibrant community. Some are here to have their voices be heard, some are here to stifle those voices. Some are here to see their political will be done, still, others are here because like me, I heard there was going to be free coffee. I would ask that whatever the original intent behind them stepping into this meeting, they would loosen their grip enough to allow the work to be done that sees this community thrive and prosper. I would ask that you sit in the place tonight. I would ask that you sit with those who are hurting, broken, frustrated and angry. I would ask that you sit with those that are marginalized, subjugated and oppressed within our community. I would ask that you open the eyes and ears of those who are blind and deaf to the hurt surrounding them. I would ask that through this meeting, you give us the will and strength of character to amplify those with a voice not represented. I would ask that you break the hearts of those in this room that would see ideas and ideals, that are antithetical to yours, grow in this community. I would you silence voices of division, separation and segregation. I would ask that you bring to light those that stand for xenophobic, classist, racist or obliivated agendas so that their wickedness may be seen. I would ask that you bring a reckoning to those who actively work against creating a welcoming, open, inviting and clusive community. I ask your forgiveness. Forgive this community and the churches that minister within it for putting parties and politics ahead of the gospel. Forgive this community and the churches that minister within it for putting prosperity, idolatry and buildings ahead of the hurting. Forgive this community and the churches that minister within it for not being more active and earnest in ushering in your kingdom. I would ask as this meeting takes place, those that need to speak out, find the strength to do so and those in which have had a lifetime of speaking out, find themselves silenced tonight. May we find a way to speak to the hurting, broken and needy in our community, as well as in our lives. Be with us and continue in bringing us closer to the day of reification and renewal."

After the prayer, Councilperson Anderson asks to have a moment of silence to remember the individuals that suffered from gun violence that recently occurred in Noblesville. He would also like to take a moment to remember an employee of the City of Muncie, Ty Goodpaster, who passed away a few weeks prior. Mr. Goodpaster done so much for the community in terms of electrical and worked out of the Building Commissioner's Office. If anyone had a dealing with an inspection, he was the guy to call. So sad, yet so soon.

*A moment of silence.

CITIZEN RECOGNITION: Councilperson Powell thanks President Marshall for starting this program when they first went into office in 2012 and how it adds a positive flavor to the meetings to recognize people in the community but to add to the fabric of the community in making Muncie a great place to live, work and worship.

When choosing past recipients, she tried to look for people who are impacting things that have touched her life, directly or indirectly, people who she would like our children to look to as examples of how to conduct themselves and improve the community. Two people that she has chosen to recognize tonight have caused her agony over the past four and a half months.

On a recommendation of a friend, Dr. Andy Stone, she simultaneously stumbled into a new martial arts studio, Trounce Martial Arts and Fitness (only a few blocks away from City Hall) to meet with a personal trainer last February. It was then that she met Christina Scott and later her business partner Kate Allen Scott. While working with them over this time Powell has been amazed by their story and feel that Muncie is incredibly fortunate that they relocated here last year with their families. Chris has her Bachelor's degree in Marketing and earned three Master's degrees, one in Theological Studies, one in Higher and Adult Education and jus this last spring, she earned her Master's degree in Public Administration. She is also a certified Personal Trainer. No matter where she calls home, Chris has always been involved in her community. Prior to moving to Muncie, she served on the Board of Directors for the Chestnut Family YMCA in Louisville, Kentucky. She served as the Eli Lily Scholarship reviewer for the Central Indiana Community Foundation. In 2003, Chris was awarded a silver medal and a \$15,000 grant from NFL charities for community efforts she has in St. Louis, Missouri. Her business partner at Trounce is Kate Allen Scott, who is a licensed Physical Therapist Assistant and earned her Bachelor's degree in Communication Disorders and her Associate's degree in Applied Science. She is currently pursuing her Master's degree in Educational Psychology with emphasis on positive coaching. Kate is also a Personal Trainer.

Last year, these two highly educated women came together to open Trounce Martial Arts and Fitness. They chose the word Trounce because it means to "annihilate your opponent" noting that sometimes, our biggest opponent is ourselves. Chris has earned her purple belt

in Brazilian Jiu-Jitsu after only five years of training. She is the 2017 Master World Champion in the Blue Belt Division. Kate has a Blue Belt and has been practicing Brazilian Jiu-Jitsu for eight years. She recently took first place in her eight division and in the open weight division in the International Brazilian Jiu-Jitsu Federation Tournament in Atlanta, Georgia. Chris's husband has been practicing Brazilian Jiu-Jitsu for eight years and serves as an instructor at the studio. While these accomplishments are admirable in their own right, this isn't the reason Powell chose them.

Chris and Kate add to the fabric of our community in so many positive ways. They have opened their studio just east of downtown in the East Central Neighborhood on Madison Street in a building that has sat empty for as long as she can remember. They remodel the building themselves and by using local materials. Chris's husband and her two oldest sons can be seen building walls, installing mats and bringing the building to live every day. Every time Powell walks in, she observes that there is something new and their renovation to the building can only help to stabilize that neighborhood and the downtown area. In Muncie, as in the past, Chris and Kate have already begun getting active in their community by the giving of themselves. Chris has offered free Tai Chi classes and children's Brazilian Jiu-Jitsu classes at the Kennedy Library Branch. Kate has planned a Running Club that will tackle Several Area 5k this summer. These are only two of the things that they have chosen to take on. Yes, these women contribute to Muncie's financial stability as a small business owner and yes, they give back to the community by donating their time and their expertise. Their biggest contribution in her opinion, is the way they empower people, addressing mind, body and spirit. They push each client further in doing so in such a positive manner. Powell recalls going in to lift weights and four months later she is doing Brazilian Ju-Jitsu and chokeholds and armbars so that is pretty awesome. She recommends a look at their Facebook page to see the smiling yet exhausted faces of their clients in which they have guided to meet their goals, knowing they change their life to better our community. Also, to give back every step of the way. It is her honor to invite Chris and Kate up to accept the June 2018 Citizen Recognition Award.

Chris and Kate thank Councilperson Powell and Mayor Tyler along with all the other elected officials for the city. Last but not least, they would like to thank the residents of Muncie. They definitely look forward to serving the community of Muncie.

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 Polk and seconded by Gregory to approve the minutes from the May 7, 2018 as presented.

A roll call vote showed 8 yeas, 0 nays, 1 absent (Quirk). MINUTES APPROVED.

COMMITTEE REPORTS:

President Marshall invites up Dr. Terry Whit-Bailey, Director of Community Development, to inform the City of Muncie and the City Council of some very good news. Dr. Bailey had the opportunity to send a direct e-mail to the individuals that served on the Citizen Advisory Committee for the Community Development Block Grant Dollars and the Home Investment Partnership Dollars, along with curtsies to Councilperson Powell and Council President Marshall. Dr. Bailey came before the Council in April to introduce what their recommendations were, in which, the Council has already voted on those recommendations for allocations for this year. HUD sent an e-mail out informing that instead of \$1,464,215.00 in allocations for the City of Muncie, this year, we will be getting \$1,792,000.00. That is very good news. She wanted to share a curtesy, in which they did not make changes to any of the sub-recipients that would be receiving dollars, but they wanted to make sure the Council was aware of how those numbers changed and how it was important for them to see the numbers. She did share, with regard to Public Service Dollars, they are only allowed to give up to 15% of the CDGB (Community Development Block Grant Dollars) to public services. They were able to increase each of those sub-recipients by 7%. It is not *a lot* of money, but for them, she hopes they will be pleased to find out it is that much. They stayed within the certain percentages that HUD requires of them in CDBG and in Home. There are some others where they were able to give additional dollars but she can answer any questions anyone might have regarding the documentation the Council received. It is in their action plan, as in the past, that if they have additional unused funds, that would go into infrastructure. That can be seen in the document also. It was also required to put a contingency in the plan and always do so (as if they are to get a decrease), so therefore, they have to add the word *increase* to the action plan (which is also good news). On page 3 of the document received, each of their home investment partnership applicants will be receiving 100% of their request. There are some additional, uncommitted dollars that will be used this year, which have to be uncommitted because they go through an extensive process that takes time regarding having Public Meetings and postings in the newspaper. They plan to set that aside and do a RFP later, where there is plenty of time tot do that justice. In closing, she wanted to announce that good news and information that

they will be contacting the sub-recipients, also with the good news. The documentation to HUD is due on or before July 1, 2018. They wanted the Council to be aware of this before the document was submitted it to them.

Councilperson Anderson states he loves being on that committee and that this makes him overly happy. He knows the organizations receiving this additional money are going to be extremely happy and tells the Dr. Bailey and the Community Development Office to keep up the good work. He is so proud of the entire office and staff.

President Marshall makes it aware that City Council was given three appointments to give to the Ball State President to determine out of the three nominations, they will appoint one to serve on alongside six others, on the Muncie Community School Board. Marshall invites up Mr. Hannon to speak before indicating he has forwarded everything he has received from Ball State to the rest of the members of the Council and placed copies in their mailboxes. He hopes this will help bring everyone is up to speed.

Bernard Hannon, Vice President for Business Affairs and Treasurer at Ball State University, is attending for President Mearns. House Bill 1315 passed in Special Session just about three weeks ago. That bill allows Ball State University to appoint seven members of the Muncie Community School Corporation into a Board. Five of those members are chosen by the Ball State Board of Trustees by recommendation of the President, one member is appointed by the three nominees from the Mayor of the City of Muncie and one member is appointed by the three nominees from this governing body. Ball State Board of trustees met on May 16th and laid out the minimum qualifications to be a member of the school board and the preferred attributes and skillsets. Mr. Hannon has included those in documents provided to the Council. There is also a requirement of meeting a financial responsibility or conflict of interest form in which that policy has been included. They have had about 100 applicants for the high position and Ball State is very pleased with the quality of the applications and the passion and enthusiasm shown by the applicants. There will be a Public Forum held at 6:00 P.M. on June 12th at Muncie Central High School with the finalists for the Muncie School Board. they are hoping that if they have the nominees from this body and the Mayor that those people can participate in that Public Forum (June 12th at 6:00 P.M.). Mr. Hannon states that is it and he is willing to answer any questions anyone might have.

Moving on, Marshall indicates that he and the rest of the Council should have received an e-mail from the League of Women's Voter's. A representative is here tonight to reiterate. Linda Hanson, League of Women's Voter's, Delaware County, states they contacted both Mayor Tyler and Council President Marshall about making the City Council process (for selecting three nominations for the Muncie School Board) as open, transparent and as accessible as possible. Given the time frame given to work with and since there wasn't a scheduled meeting after the Board of Trustees passed their Resolution, that puts City

Council into constraints. LWV had offered two things, because the league is familiar with hosting forums, they had offered to host one (or a Special Meeting referred to by City Council) for the applicants for the three positions for City Council to nominate to Ball State. That, however, was this previous Friday. The other alternative was to make sure that they are nominated, meet all the requirements and participate in the forum that Ball State is holding. As President Mearns talked about making that accessible too. Again, they are pleased the Council is doing this in a public forum. Mrs. Hanson closes her discussion by adding the fact that if an extra meeting needs to be called to handle nominations, they would be willing to help.

President Marshall informs he has received some applicants but not as many as he expected. He forwarded them on to the Council Attorney, Joseph Hunter, who has them on file.

Councilperson Anderson asks if he can make a nomination. Marshall answers yes. Anderson states he takes a lot of pleasure in this due to serving on the Muncie Community School Board for eight years.

A motion is made by Anderson and seconded by Powell to nominate WaTasha Barnes Griffin as a potential appointment from City Council to represent the Muncie Community School Board.

(*WaTasha Barnes Griffin is present in the audience and stands to be recognized).

A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). NOMINATED.

Councilperson Gregory then asks if the procedure is to nominate three people and stop or if there is any kind of application process.

Marshall answers Ball State provided the guidelines and Attorney Hunter has that information. Gregory asks if we have done anything to solicit nominations. Marshall states it has been advertised through Ball State, The Muncie Star has carried it and the e-mail addresses of the Council are readily available to all the members of the public. Marshall agrees that if Mr. Anderson wishes to nominate someone, or anyone else on this Board, then how is he to stop them.

A motion was made by Gregory and seconded by Polk to nominate Daniel Stallings and Hal Caldwell as potential appointments from City Council to represent the Muncie Community School Board.

(*Daniel Stallings is not present in the audience because his daughter graduating from Muncie Central as Valedictorian of the class of 2018 - at this very moment).

A roll call vote showed 7 yeas, 1 nay (Marshall) and 1 absent (Quirk). NOMINATED (2).

Anderson asks for clarification if Gregory's motion was for one nomination or two. Gregory answers she was nominating two individuals and doesn't know whether or not the rules states these three are the only ones allowed. Marshall then asks Attorney Hunter if this should be done on an individual basis. Attorney Hunter heard the motion as two

nominations. That is what it was voted on, if they want to revote due to the misunderstanding on it, somebody can make a motion to recalculate the vote and do it one at a time but he did hear it as one motion. Powell asks if they are actually suggesting nominees for the final selection or are they nominating people in which they will then have a Special Meeting to where they will choose the applicants from there. Attorney Hunter suggests that somebody make a motion toward that. There is no statutory process. If they would have passed this legislation in January or March, we wouldn't be in this dilemma. The fact of the matter is, they just passed it a few weeks ago. There has already been one nomination and as he understands, the way the motion and the vote went, there has already been two more. If the Council wants to accept more, then call a Special Meeting because they actually have until Monday to submit these nominations. Mr. Hunter also informs he has some applicants in his files but does not know if the people Councilperson Gregory nominated will meet those qualifications. The only real statutory requirement (outside the requirements Ball State has put on it) is to be a high school graduate. Powell thanks Attorney Hunter for that clarification but still, is not answering her question, she asks if they as a Council are collectively coming up with a group of individuals who do meet those qualifications, and then having a special meeting sometime before the deadline to where they can choose their final three nominations. Hunter feels it should be the same as every other Board Appointment where there is a nomination made and is voted on and they are appointed.

Gregory states that in fairness and openness, she thinks it would be appropriate for anyone of them as a Council to make nominations for consideration and then they meet on or before 5:00 Friday night and finalize those selections in an open meeting where those individuals can come in and give the Council two to three minutes. That would be a much more equitable way of proceeding. Gregory also wants to know if the people showing up at that meeting could have the right to be nominated as well or should they close the nomination process. Powell states that would not be enough time to check their qualifications. Attorney Hunter suggests that they take the rest of the nominations made tonight and call a Special Meeting. That seems to be a reasonable resolution to the dilemma. They will continue to take nominations and at the end of the nomination process, Marshall will call and declare a Special Meeting.

A motion was made by Gregory and seconded by Polk to continue to nominate persons for consideration for the City Council nominees to the Muncie School Board, if more than three nominees are presented, plan to call a Special Meeting week to finalize the three nominees. A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). NOMINATIONS OPENED.

A motion was made by Powell and seconded by Peters to nominate Anitra Davis and Ana Quirk Hunter as potential appointments from City Council to represent the Muncie Community School Board.

A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). NOMINATED (2).

A motion was made by Dishman and seconded by Powell to nominate Mary Stilts as a potential appointment from City Council to represent the Muncie Community School Board. A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). NOMINATED.

Marshall asks if anyone else has anymore nominations. No further comments made.

President Marshall declares NOMINATIONS CLOSED and declares a Special Meeting for Thursday June 7th 2018 at 4:00 P.M. Marshall states for the record that the public has been notified that The City Council is having a Special Meeting to consider all of their nominations for the Muncie Community School Board appointment position on Thursday, June 7th 2018 at 4:00 P.M.

Councilperson Polk asks if someone would notify the six nominees that they need to be here on Friday. Councilperson Gregory suggest the Council member that nominated them could do that and they should be expected to be present to answer any questions.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 9-18 AN ORDINANCE DECLARING AN ECONOMIC DEVELOPMENT TARGET AREA FOR GREATER MUNICE INDIANA HABITAT FOR HUMANITY, INC. (Real Estate – Single Family Residence).

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

Todd Donati, Muncie Redevelopment Commission, had an Economic Development Commission Meeting this morning and forwarded the recommendation as a positive for these to be approved. He does have a picture of the house with a basic floorplan that has been used in the past (holds up photo). There are two of them so they would like this to be supported and approved tonight to get started.

Gregory asks if they had met both sets of homeowners last month. Donati confirms one family was present, the other family was due to go into labor at any given time that week. Questions called. A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). ADOPTED.

NEW ORDINANCES:

ORD. 10-18 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE AND R-5 RESIDENCE ZONE TO THE BC COMMUNITY BUSINESS ZONE ON PREMISES LOCATED AT 3401, 3409 AND 3415 N. WALNUT ST. 207, 209, 211, 213, 221 AND 223 W. BERKLEY AVE., AND 3400 N. FRANKLIN ST., MUNCIE, INDIANA.

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

Jim Dauss, 227 W. 11th St. Anderson, Indiana, is an Architect here on behalf of Solid Ground Realty, the owners of the common shops there and the Texas Roadhouse restaurant. He is here to voice their support and ask for further support in this project. It is unusual and both Texas Roadhouse and Aldi were contemplating expansion or rebuilding. Unbeknownst to each other, they happen to get together and suggested doing it together and make a better development. That is how the project grew. The focus is on the entire block, basically the

same tenants living there. That is the basic information about it and would be happy to answer any questions anyone might have.

Polk questions if the residents in the back of that property been notified and if there has been any voiced opposition there, on the northside of Berkley between Walnut and Franklin. Mr. Dauss can not state specifically if they have, but, have had somebody out talking about the project and showing them some drawings. Letters have also been sent to those residents.

Anderson asks Councilperson Dishman if the Metropolitan Planning Commission has addressed this. Dishman responds yes, they did and also gave it a favor of recommendation. Gregory was thinking that anyone effected within 300 feet would have to have a registered notification of the zoning change, and questions if that is correct. Ridenour confirms that is correct. Gregory asks what the outcome was. Dishman states that the people that were required to be notified, were notified. Gregory is just curious because there is not any indication in the Ordinance.

Ridenour states the houses that are going to go down on the south side of Berkley, what is planned on that end, therefore, what is the north side of Berkley will be what is being looking at. Mr. Dauss states the plan is the first building constructed, Aldi, will be relocating to the back half of the block while they leave their existing store open. Once that is finished then the existing Aldi will be tore down and the Texas Roadhouse will be moving over to that corner, while the remaining restaurant will stay open. The shops will be the last part. In the back part there will be the Aldi and there is a significant buffer between Berkley and the Aldi building itself. There will be a landscape background from McGalliard and also to protect the neighborhood back there. Ridenour then asks about the trucks delivering the food supply to Aldi, if they will be coming in on Franklin or Walnut streets, basically, how will they get to the back of this project? Mr. Dauss informs the plan for right now is for them to come from either Franklin or Walnut. There will be new entrances built on both sides. Ridenour then asks what "significant buffers" means, in his mind. Mr. Dauss states there is a required 10-foot buffer to begin with and so the buffer they have planned along Berkley, is 17 ½ or 18 feet wide instead of the required 10. They have done the same thing along Franklin and Walnut and increased those buffers.

Gregory asks if they are anticipating any zoning variance requests as a result of this and if so for what. Mr. Dauss answers yes and that there is a setback along McGalliard of a maximum 20 feet. The Aldi building is going to be 240 feet back from McGalliard so that is one automatically. There are a couple others that are currently in the works with the staff to define. Right now, the staff is treating this as three separate parcels. The original intent was to do one unique development so they ended up with some interior buffers, that if treated as three separate parcels, those end up being a problem for Aldi. They would block off the view, as to wanting it to be seen from McGalliard. That is one they would be asking of and he is not familiar with the other two. Questions called.

An all-in-favor vote showed 8 yeas, 0 nays and 1 absent (Quirk). INTRODUCED.

Mr. Dauss requests the Adoption which will require a Suspension of the Rules.

A motion was made by Dishman and seconded by Anderson to Suspend the Rules to Adopt.

A roll call vote showed 5 yeas (Anderson, Marshall, Powell, Dishman, Peters), 1 nay (Gregory), 1 absent (Quirk) and 2 with no vote casted (Polk, Ridenour).

*A motion was made by Dishman and seconded by Anderson to Amend the Rules to Consider Ordinance 11-18 for Introduction. (Filed after filing deadline)

A roll call vote showed 7 yeas, 1 nay (Gregory) and 1 absent (Quirk).

RULES AMENDED TO CONSIDER FOR INTRODUCTION.

ORD. 11-18 AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF MUNCIE, INDIANA ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2018 (MUNCIE PROPERTY HOLDINGS, LLC PROJECT), AND THE LENDING OF THE PROCEEDS THEREOF TO MUNCIE ROPERTY HOLDINGS, LLC, AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THERETO.

(FILED 05/24/2018)

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

Todd Donati, Muncie Redevelopment Commission, wants to explain that this has been going through a process. It was approved in 2016 by this Council and all other parties, The Muncie Redevelopment Commission, The Economic Development Commission and the Metropolitan Planning Commission. It is basically establishing a transfer of name so they have to go through the whole process again. It was the Dellen Ford and Hyundai project, a \$14million dollar investment out on Nebo Road and a creation of over thirty jobs. This too, will continue to be the Ford and Hyundai dealerships and will also continue to create jobs. The only thing that is changing on this is the name of the company that will be doing this. Dellen was recently sold to Greg Hubler. He will be establishing the Muncie Property Holding, LLC and will be using this bond for the same reason that the Dellen group was going to use it for which is the construction of the road that enters the property. This is 38 acres that used to be Hurst acres on the southeast corner with no road going into it. There will be nearly 16 acres of remaining developmental property that this road will also serve. Once this road is built, it will be conveyed back to the city and become city property. Now, the bond itself will have to be acquired in their name. The way this works is that they could loan the money to themselves but the commitment of the city is to pledge funds from the TIF that is generated only from these two developments, the Ford and Hyundai dealerships, to that reimbursement. If for some reason they do not pay those taxes, the bond is not the responsibility of the city to take care of. We can only pay that reimbursement from those TIFs monies received or the tax revenues received. There is no obligation or indebtedness whatsoever from the city. There is no property tax involved in the backup of this. It stipulates that in the ordinances in Sec. 4 Article B. Again, nothing has changed other the name. This will spur the \$14 million-dollar investment and also allow other development on the remaining 16 acres in the future in which the road will be completed. In July, he will have the support here to help answer any questions anyone might have but this has been heard, voted on and approved already in 2016. That bond was never activated yet.

Ridenour states that one thing about Ord. 23-16 (the one originally voted on) when they did form the company that was doing to develop it, not the dealerships, it did have the Dellen name on those papers. When he looked for Muncie Properties LLC, it does not have a Hubler name on it at all and it is an address in Sellersburg, Indiana, where they don't even operate. He wonders who James Gish is and why is in that area. Donati states that it is a group of investors that are part of Greg Hubler that are investing in these dealerships. It happens numerous times. When you set up a new area of development, you typically set up a holding company for that particular development to be kept independent in itself. There could be several different holding companies. The dealership they have in another county that is already active, may also have a different name. It is not required to have Greg Hubler, Hubler or Dellen or anyone on that particular bond. The purpose of it is that the road is built and when the development is done, if those revenues come in then there would be a reimbursement for that particular purpose. Ridenour was asking for the clarification because on 23-16, the holding company did have a Dellen name on it and this one does not. When looking at the two companies, there did not seem to be any connection. He asks if they will explain next month how they are a part, in some way shape or form. Donati confirms and states he has personally met them in these negotiations. On the original, it was set up as "ZHD" which is Zeller Hubler Holding Company. Fuzzy Zeller, the golfer, has a daughter that is married to Greg Hubler. That is the connection. As the attorneys started to process it more, they changed the name to Muncie Holding Company. Ridenour states there is a ZHD Holdings with the same address and a couple others but just wanted to ask and make sure. Donati states the last one was Nebo Road LLC Project and it was just done differently this time.

Jane McDowell, 2005 N. Tillotson, is here to speak against this. It seems we are revisiting the economic development that started in 2016 and asking to bend over backwards to allow another very large automobile dealership come to town (whether or not, thirty jobs are worth \$2.5 or \$3 million). What we have now is a big dirt pile and that is from economic development efforts. She states she does not know how long that part of the city has been within city limits, but Michael Hicks, an economist at Ball State, thinks the day of the TIF and economic development specifically for TIF has really come and gone. Maybe, by revisiting this issue, we might be able to figure out whether or not Fuzzy Zeller can actually afford to pave a road into his dealership. We also now have Fresh Thyme, which was supposed to help economic development but it was targeted at a food dessert. When she went to visit there, she found the square footage of the store to be relatively small. She found that she could buy eight different kinds of sardines. There are many individual spices. She, herself, is a tv dinner kind of person and wants to ask have we really helped the food dessert. There is another stoplight on McGalliard which makes it even harder to get from one end to the other. The point is that perhaps even though there is supposed to be no economic consequence for the Council to vote this in, maybe it is time to relook at where economic development really needs to be headed. She doesn't think another big car dealership is the way to do it.

John Eliades, 4601 N. Redding, Muncie, is here to speak against this Ordinance as well. He thinks what we are doing again is picking and choosing who is going to win and who is going to lose. He has no investments in any car dealerships nor a personal interest, but his souls interest is burying more money that potentially could be used for another purpose and supporting an individual, profitable enterprise. Are we in the business of picking and choosing the winner and the losers in the commercial world? As citizens, representatives and equally givers of our largess rather than picking a winner and loser in support of one enterprise over another. Yes, by finagling Muncie may not be a partner due to possibly owing debt but really, it is because eventually that debt will have to be paid by this private corporation and hopefully, they wont fold up, lose money and we won't be stuck with a fined bill again.

Questions called.

An all-in-favor vote showed 7 yeas, 1 nay (Gregory) and 1 absent (Quirk). INTRODUCED.

RESOLUTIONS:

RES. 7-18 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, APPROVING AN AMENDMENT OF THE DECLATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE CONSOLIDATED MUNCIE ECONOMIC DEVELOPMENT AREA. A motion was made by Powell and seconded by Peters to Adopt.

Todd Donati, Muncie Redevelopment Commission, states this is more of a house cleaning process. When the original TIF was established in Muncie, at the time it incorporated residential properties. They were part of the TIF process. That has changed over the years and no one ever actually took those residential out. They have been adversely affecting the assessed valuations. In talking to a financial advisor in that aspect, they recommended to take those residential out of the TIF area. They have already passed a Declaratory Resolution to the MRC and have to go through the same steps here with City Council and the Planning Commission. There will be an MRC meeting on Thursday and they plan to go through this process to remove these residential. This doesn't hinder or collect any additional funds. What it will allow is better assessed valuations in all of the central city area.

Gregory refers to the 'Where As' part of the Resolution, Exhibit A, in which there is no Exhibit A. Donati checks his paperwork and states he did not want to make a copy for everybody but it is just a list of all the residential locations that are being removed and a map. Powell asks the City Council Secretary if that Exhibit was included in the Council members packets. The Secretary answers it was not filed with the original Resolution. Gregory then asks what the total assessed valuation was that was misstated. Donati does not know and states it was stipulated to them when they did the financial review of the last state reporting. This was adversely affecting the assessed valuations and should be removed. He was not aware of it, neither was his possessor, so they are doing what was

financially requested, to help the assessed valuation. Gregory has another question and refers to the three columns of numbers on the form provided and what they are. (*Donati steps away from the microphone so his comments are inaudible). Gregory confirms there is no incremental assessed valuation for any of those properties because they are not really part of the TIF.

Donati states they are not taking anything away from the actual TIF, nor adding or subtracting. It is just overall assessed valuations that were adversely affected. This is going to improve that opportunity for the city to gain more revenue because the housing residential revenues come into the general funds of all the taxing districts.

President Marshall turns the gavel over to Vice-President Powell to make a motion to table. A motion was made by Powell and seconded by Gregory to Table.

A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). TABLED.

RES. 8-18 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AND COUNCIL 962 AFSCME LOCAL #3656.

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

Duke Campbell, Muncie Street Superintendent, states the thought of going to 4 ten-hour work days came about when they were really slammed with a lot of potholes. They were looking at ways to be more effective. During a sit down and by running the numbers, it was determined that it is impossible during an eight-hour shift with a one-hour lunch break and trying to get three loads off without overtime. They were spending overtime each night getting caught up. He took overtime completely out of the equation. He is not saying they will get three or six loads done in each day, because there are always certain instances, but in ten hours, of just regular work time, the overall increase in productivity is 42%. Those are good hard numbers. That is also without overtime. They started doing this about May 14, 2018 on a trial basis with the cooperation of AFSCME Local #3656. They would like to give it a try. Mr. Campbell has been on a patch crew in his career and the workers get so frustrated by running back and forth all over the city. They made the decision to keep them in one or two areas until the whole area is done. So much time is lost running around when they receive calls about potholes. They are going to finish area six (Tillotson area from the river up to Riverside) and area twelve (Morningside). They are going to be done with those within the next few days. From there, they are going to work in the whole Whitely area and south-central Muncie. On Fridays, by no means, are they going to close the doors at the Street Department. They will remain open. It will be on overtime basis because it is needed and they will be actually paying less overtime, financially and productivity, both of which they would gain. He continues to state this has already went through the Board of Works and approved, but this has to be something done by the Common Council to allow them to work ten-hour days without two hours of overtime. Mr. Campbell reads a Memorandum of

Understanding as follows: *Effective May 14, 2018, the city of Muncie and the Muncie Street Department will agree to a trial period of 10 hour day work schedules from may 14, 2018 through September 28, 2018. The street department employees will work four (4) ten (10) hour shifts each week Monday through Thursday. Friday hours will be offered as overtime by seniority. If not enough employees volunteer to accept overtime on Friday, the City shall exercise its right to enforce overtime from the bottom up to obtain a minimum of eight (8) employees. The City shall have the right to use part time employees if a minimum of eight (8) full-time employees is not met. Employees wishing to take vacation or personal time will be paid in increments of (5) hours or ten (10) hours. Holidays will be paid in increments of (10) hours. This memorandum of understanding will supersede any contract language that allows for overtime pay for any hours worked in excess of eight (8) hours a day. The City of Muncie reserves the right to terminate this memorandum of understanding if this work schedule proves not to be in the best interest of the City of Muncie. Should this agreement be terminated, the City will give AFSCME Local 962 one week's notification of the termination of the then (10) hour day work week schedule.*

Mr. Campbell commends all of their workers because they never get to hear the positives. They are limited on staff and resources but this is working already. He would ask the Council to please approve this tonight.

Anderson refers to the 42% increase and the morale of the workers, in getting more done in that ten-hour day bringing that morale up. Campbell informs three loads are feasible and there is about 3.5 to 4 tons a load and in a ten-hour day that is feasible, if kept in an area where they can get their mix off. In an eight-hour day, three loads is nearly impossible. What he meant by 42% is that is 42% more hot mix is being put out per week, which does not include Friday or overtime. He then commends all the city employees and street department and would give them all a pat on the back if he could. It is not easy out there when it is 95 degrees and putting off 280 degree material. Mr. Campbell says he is proud of them. Anderson thinks it is an excellent idea with having longer days during this time period and thanks him for how much better the streets are looking (refers to Madison Street).

Polk asks what times the employees start and end work. Mr. Campbell answers 6:00 am to 4:00 pm. Polk questions if any of the employees are in the audience tonight and how they like this new schedule. (*Around 5-7 people from the back of the auditorium give a thumbs up*) Mr. Campbell jokingly asks why they need their approval. Polk laughingly responds as long as the employees are happy.

Jim Schenkel, 300 S. Brittan, asks how many hours would the workers work on Friday. Mr. Campbell answers eight hours. Questions called.

A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). ADOPTED.

RES. 9-18 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AND COUNCIL 962 AFSCME LOCAL #3656.

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

Megan Quirk, City Attorney, asks for the Council to Table this Resolution. There is additional language that is needing to be added to the contract and it needs to be approved by the AFSCME Body. She hopes it can be added on to the Special Meeting Agenda or maybe set up for another time. They have worked very hard in getting this contract together, going through each line making sure that things were not missed. Humans aren't perfect. There was additional language that needed to be added and so they need to make sure that is done correctly and that both the City of Muncie and AFSCME have the ability to approve that. President Marshall turns the gavel over to Vice-President Powell (since he was the one that sponsored this Resolution).

A motion was made by Marshall and seconded by Polk to Table Res. 9-18 so it can be heard at a later date. A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). TABLED.

RES. 10-18 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA APPROVING A COLLECTIVE BARGAINING AGREEMENT WITH THE MUNCIE FIREFIGHTERS IAFF LOCAL #1348.

President Marshall continues to turn the gavel over to Vice-President Powell.

A motion was made by Marshall and seconded by Peters to Adopt.

Megan Quirk, City Attorney, also likes to make a request to Table Res. 10-18 as well, for the same reason. Essentially additional language needs to be added to be approved by the Fire Local #1348 Body and to make sure everything is complete.

A motion was made by Gregory and seconded by to Marshall to Table.

A roll call vote showed 8 yeas, 0 nays and 1 absent (Quirk). TABLED.

OTHER BUSINESS:

Holly Hanauer, 4700 W. Woodway, thanks for the opportunity to speak and is here to ask the Council to weigh in on our energy future by joining the Repower Indiana Pledge, asking Indiana Michigan Power to replace Rockport Power with renewable energy and energy efficiency. She has been here before to speak about I&M and the Rockport Coal Plant and has some good news to report. Last fall, this room was overflowing with community residents who attended a hearing and spoke out against a large rate increase that I&M had requested. A settlement in that rate case has been reached and approved by the IURC on May 30, 2018. Rather than the 19% increase asked for, a 7.26% increase has been granted which is a lot better for all of us. Thanks to the many people that showed up and spoke out against that. Also, I&M now reports that all future plans they are considering end the lease

on Rockport Unit #2 when it expires in December 2022 and retires Rockport Unit #1 in 2028. This is also great news as the Rockport Plant is one of the nations dirtiest coal plants and needs to be retired. Again, many people that I&M serves have spoken out and asked them to retire that plant, which is the plans they are now making. Now, I&M is working on its next 20-year energy plan in which they will determine how to replace the power generated by Rockport. Now is the time for all of us to speak up and let I&M know that we want clean, renewable energy and we want the economic benefits of having it produced right here in Muncie, Delaware County. A 2017 Ball State study showed there are four sites, now abandoned and blighted, but are appropriate for utility or a large scale solar farm. In fact, these four sites together could produce 16 megawatts, which is more than the total solar energy that I&M produces today. If we do nothing, it is likely that I&M will build a big gas plant to replace Rockport. Gas is cheap and yes, it is cleaner than coal but that isn't really saying much. Natural gas is a big polluter and the method is very destructive. It is not the right direction to go and it is way past time to invest in renewable energy production. We also want I&M to improve their energy efficiency programs so they can serve more low and fixed-income residents. The recent settlement agreement includes \$150,000 to community action programs for home weatherization's, but a lot more needs to be done. She is sure everyone is aware of the poor quality of much of Muncie's housing stock and so much precious and costly energy goes right out the roof or walls, windows and doors. I&M needs to meet or exceed the energy saving schools that were established under the former state wide energizing Indiana program. The pace of climate change and its dire consequence is demand that we do whatever we can to improve our energy future. It requires we remain hopeful and determined. Please join her in signing this pledge to repower Indiana. She then passes out forms which could be given back to her after the meeting or they can send them later.

Cliff Leblo, Director of the Freedom House of Muncie, a new non-profit organization in Muncie is opening up a Half Way House for recovering drug addicts. They recently required a property at 920 W. 8th Street which they hope to house. They do have quite some ways to go before they open their doors. One of the things they are doing is hoping to put their programming out into the community. It started last Thursday with a "Find a Job" workshop at the Ross Center. They plan to continue this Thursday with a job fair at the same location. They are hoping to do some more programming like this, until they can get their Half Way House opened, at some of the other community centers around town (Buley, Serenity House, Madjax, YW, Boys and Girls Club, etc.) Reason being is for one, to help the community with some social economical skills and training and two, to show the community what they plan to do at the Freedom House of Muncie. He thanks the Council for his opportunity to inform everyone about it.

John Eliades, is here to speak regarding the solar panel proposal made by a previous speaker. The fact is, our reputation for whatever reasons is another eyesore of abandoned commercial properties. It seems to him, if we want to appear progressive in the eyes of the rest of the nation, perhaps some more commercial enterprises, one of the best things that can be done is use this unused property and replace it with something that is going to be productive. This is wasted land that needs to be converted into something more productive.

Mark Kinman, 2800 W. Memorial Dr. Muncie, is here on behalf of the Senior Center. He wanted to let everyone know that they are having a Health Fair this coming Thursday from 9:00 am to 12:00 pm. There will be more than twenty-five vendors there with a light breakfast in the morning. The Delaware County Sheriff already has the trailer set up down there for anybody that has unsafe or old/used drugs to dispose of. He thanks the Council for the opportunity to let everyone know.

Paris McCurdy, representing Ball State University, would like to announce that under the new leadership of President Mearns, he wanted to invite the community out to a "Community Campus Experience." It is going to be held Saturday, June 16th from 1:00 pm to 4:00 pm in the quad at Ball State. All of the community is invited and everyone of all ages is welcome to come out and enjoy the assets that are on campus and to see the resources that are available for the community. There will be refreshments and cake along with live music. Governor Davis will be there. MITS has offered a free ride that day to the event. He thanks the Council for their time and opportunity and hopes to see some people there.

Jason Chafin, President of Local #1348, wanted to speak earlier regarding Res. 10-18 but it was Tabled before he had the chance. First, he would like to thank everyone that was a part of the negotiation process, (Mayor, Fire Chief, Deputy Chief Granger, President Marshall, Councilperson Anderson and Councilperson Powell, Controller Kevin Nemyer, Attorney Megan Quirk, Human Resources Sarah Beach, the Union Team, etc.) It has been a long ride from September to now. He was going to ask NOT to Table the Resolution because he did not feel the italicized language, that the city wants added, was one bit relevant. There was an italicized note that they said they want attached to article 21, that says as long as such pay raises do not put the city in the deficit spending. The Union feels that language is completely unneeded and furthermore, he does not know how it could actually be implemented. That requires them to completely start over their ratification process because that language was not presented to their membership. There are hundreds on line items in the budget. To say that one particular line item is the reason for the deficit spending, would be basically up to interpretation. Any one of those hundreds of line items could be the culprit. No one would be for that. They have a lay-off clause and if they get a notification that they are being laid off by the city then its not like they wouldn't have other

options because they are under contracts. There are state codes. There are all kinds of tools the city has that makes this language unneeded and again how will that particular language be enforced? Mr. Chafin states we are all in this together as a city. We are here to make sure we all work together for the best. To hold this course up and revert the process costing hundreds of dollars in mailings and such to get everyone back together to re-do this, over a phrase that is literally up to interpretation at best – makes him disappointed. If Trump’s trade war causes the economy to collapse or our housing bubble bursts that kills assessed values, they are not going to argue to get raises when the city can’t afford it. They understand unforeseen things happen. Again, he is disappointed for the actions regarding Res. 10-18.

Sarah Beach, Personnel Director for the City of Muncie, wants to clarify what was just said by Mr. Chafin. The contract language that he is referring to that was to be put into the contract, as they negotiated this three-year contract with the firefighters, were talking about raises over several years. It is very difficult to project out that far on what the city will have. They wanted to be fair on this contract. She does not want to get into all the negotiations on this but the final offer that was offered to the fire department included that language to be brought to their membership. It was discovered that that was not included. The urge is to want to make sure everything has been done correctly and she hates it is this way but wants things done appropriately.

Joseph Hunter, Common Council Attorney, today got his hands on some of the CF1 Tax Abatement information. He started his review of that and hopefully it is the same as next year, he won’t have to ask the Council to meet. He just wants to inform them that process is now ongoing and if it is necessary, he may ask to call a special meeting somewhere towards the end of the month. Hopefully, he can have the review done fairly quickly. He just wants to make a point of that because he is going to be involved in a very lengthy trial at the end of June. He will try to extradite that and get with President Marshall on needing to set a Special Meeting concerning Tax Abatement material.

Vice-President Powell, on behalf of the entire Council, would like to send congratulations to the Muncie Central Class of 2018 who graduated this evening during this meeting. She would also like to remind everyone that on June 25, 2018, the Indiana Run for the Fallen runners will be coming through Muncie coming down Martin Luther King, passed City Hall and out towards Kilgore. There may be some traffic issues but she hopes people understand and come out to support those runners and that cause.

Councilperson Polk addresses the Dale Basham pins that the Council members received tonight celebrating the Inauguration of District 6560 Governor for the International Rotary

which is Dale Basham. The activity will be held Monday June 18th at the Greater Mount Calvary Church of God and Christ on Butler Street. The next night is the actual Inauguration Gala, which is a dinner. The first event has no cost but Inauguration tickets cost \$25.00 and can be purchased at robach.org.

The second thing Polk wants to touch on is a golf outing on June 25th to raise money for the Muncie Central Girls Golf Program. This is the second tournament they have had (it is done every other year) If anyone would like to sponsor a hole or team, there is still time to get involved, just contact Mr. Polk, his information is on the city website, cityofmuncie.com.

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 Peckinpugh, Muncie City Clerk
of the Muncie Common Council