

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE INDIANA

AUGUST 3, 2015

PUBLIC HEARING: 7:15 P.M., 1 FLOOR CITY HALL AUDITORIUM.

ORD. 17-15 AN ORDINANCE OF ADDITIONAL APPROPRIATIONS. (MVH FUND)
No comment.

ORD. 20-15 AN ORDINANCE OF THE CITY OF MUNCIE VACATING ALLEYWAYS BETWEEN HIGH AND SEYMOUR STREETS IN THE CITY OF MUNCIE, INDIANA. Todd Donati, from the Muncie Redevelopment Commission states the property adjacent to the alley is owned by the Muncie Redevelopment Commission. There are three billboards along the south facing a portion of it and they will be removed and the poles will be used somewhere else. There will be additional parking for the downtown business connector. Since there isn't any green space by the hotel they will add greenspace to people an opportunity to walk across the street and there will be a park like setting. They will reuse a fountain that use to be in the Hotel Roberts and put it in the middle. It will help make the area look better. They will also widen the sidewalk and make it 8 feet all the way around because it starts at 8 feet and narrows on the way around.

PLEDGE OF ALLEGIANCE: Led by Battalion Chief Mark Adams.

INVOCATION: Given by Bishop Larry Carther and his wife Shirley Carther from Faith Center for all Nations.

CITIZEN RECOGNITION: Vice-President Anderson states the person to be recognized could not be present due to an illness. They will move this to another time.

ROLL CALL:	PRESENT	ABSENT
Doug Marshall	X	
Mark Conatser	X	
Mary Jo Barton		X
Brad Polk	X	
Jerry D. Dishman	X	
Julius J. Anderson	X	
Alison Quirk	X	
Nora Powell	X	
Linda Gregory	X	

APPROVAL OF MINUTES: A motion was made by Marshall and seconded by Gregory to approve minutes from June 10th, June 22, July 6th and July 10th meeting as presented. A roll call vote showed 8 yeas and 0 nays. (Polk abstains on July 6th and July 10th meeting minutes).

COMMITTEE REPORTS: Anderson states the Land and Traffic Committee met which consists of Nora Powell and Brad Polk along with himself on Ordinance No.'s 13-15, 14-15 and 15-15. They will be discussing these at a later time along with their attorney Joseph Hunter.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 13-15 AN ORDINANCE FOR CONVERSION OF CERTAIN STREETS TO TWO-WAY TRAVEL IN MUNCIE, INDIANA.

A motion was made by Powell to adopt. A motion was made by Dishman and seconded by Powell to table until the amendments are finished. A roll call vote showed 8 yeas and 0 nays. MOTION CARRIED. TABLED.

ORD. 14-15 AN ORDINANCE FOR CONVERSION OF PORTIONS OF WALNUT STREET TO TWO-WAY TRAFFIC.

A motion was made by Powell and seconded by Polk to adopt. Attorney Joseph Hunter states he has emailed the council the amendments that have to be made. The amendments were drafted what was necessary to accomplish what they needed to. Hunter states you have to amend the existing traffic schedules in the city and previously the way it was introduced it wasn't done that way. Hunter states in the operative language the section of Walnut Street from Main Street south to the roundabout at west Seymour shall be converted from one-way traffic to two-way traffic with a maximum of speed limit of 20mph. Technically that is an amendment of two different portions of the existing ordinances. There is an amendment to Chapter 80 Schedule I which governs our one way streets and alleys. Hunter states the existing ordinance has to be amended to delete a portion of Walnut Street, which is a one way between Main and Seymour going south. Hunter also found out in the traffic schedule there is a section that states Walnut is a one-way street from Wysor Street to 2nd Street, which they know for a fact isn't in existence so he added that to delete it also. With the respect to the speed limit Chapter 80 Schedule XVII essentially governs the speed limit zones. They are establishing the 20mph speed limit on Walnut Street between Main and Seymour Street. A motion was made by Gregory and seconded by Powell to amend and delete the originally filed ordinance and replacing it with the amendment filed by Hunter. A roll call vote showed 8 yeas and 0 nays. AMENDED. A motion was made by Gregory and seconded by Marshall to Adopt as Amended. Gregory asks Hunter that the prior one had the three and four-way stops and do they need to make any amendments covering three and four-way stops. Hunter states they will have to eventually. Hunter states there has been a lot of discussion on it. Hunter states they will start with the Board of Works and subsequently amend these to the traffic codes. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED AS AMENDED.

ORD. 15-15 AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE REGARDING PARKING STANDARDS FOR MULTI-FAMILY HOUSING IN THE CB CENTRAL BUSINESS ZONE.

A motion was made by Powell to Adopt. A motion was made by Dishman to table. Hunter states this is an amendment to the zoning code and the planning commission will not act upon it until August 6th and the council can't do anything with the ordinance at this present time. It will have to be addressed at the next meeting. Motion seconded by Gregory to table. A roll call vote showed 8 yeas and 0 nays. MOTION CARRIED. TABLED.

NEW ORDINANCES:

ORD. 16-15 AN ORDINANCE AMENDING FIXING THE MAXIMUM SALARIES OF EACH AND EVERY APPOINTED OFFICER, EMPLOYEE, DEPUTY, ASSISTANT, DEPARTMENTAL AND INSTITUTIONAL HEAD OF THE CITY OF MUNCIE, INDIANA, INCLUDED HEREIN FOR THE YEAR 2015.

A motion was made by Powell and seconded by Marshall to Introduce. Controller Audrey Jones states she spoke with Councilperson Powell and it needs to be amended. It states part-time signal tech but it should state project signal tech. There is a specific project going on that needed to be done by October and the signal techs were available to work on that project. They have a specific project for that person to work on. A motion was made by Powell and seconded by Marshall to change line item name from part-time signal tech to project signal tech. A roll call vote showed 8 yeas and 0 nays. AMENDED. A motion was made by Powell and seconded by Marshall to Introduce as Amended.

Street Superintendent Duke Campbell states what they ran into this spring and summer was due to the sewer separation downtown their signal techs have been extremely busy wiring of the boxes and the control panel for the traffic signals. There were phases of that they weren't A1 on. It was either hire a company or this gentleman that worked for the company that put the signals in because he had helped them over the phones many times. He works on Fridays and Saturday's when needed. If and when the two-way streets come in they will need him also. He would be working for \$28 an hour. October is their target date. Campbell states they have had their hands full with just two signal techs. He is very knowledgeable about the state control panels. Gregory asks if this position entitled to benefits. Campbell states no. Gregory asks is there a reason why it wouldn't be a contract employee. Campbell states he doesn't know how the title came the way it did. Gregory asks is it because they had to change the appropriation? Personnel Director states they didn't put him in as a contract employee is because of the insurance and he wasn't able to get insurance for himself. Gregory asks if it is health insurance. It was stated no liability insurance. A vote by acclamation showed 8 yeas and 0 nays. INTRODUCED.

ORD. 17-15 AN ORDINANCE OF ADDITIONAL APPROPRIATIONS. (MVH FUND).

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

Controller Audrey Jones states Street Superintendent Duke Campbell does have the cash but they didn't get the budget approved for this amount of money and that is why they are coming before council. There was a big snow last year and the City Council agreed with the union to pay extra overtime after the 12 hours. They are tight in their budget. They want to make sure they have enough for street repairs and snow they have for the rest of the year to cover that. Trucks still need to be repairs. Other Services and Charges are from street paving that were last year bills that came over into this year's budget. They need to ask for more money to get the street projects done. Question called. A vote by acclamation showed 8 yeas and 0 nays.

INTRODUCED.

ORD. 18-15 AN ORDINANCE FIXING THE MAXIMUM SALARIES OF EACH AND EVERY APPOINTED OFFICER, EMPLOYEE, DEPUTY, ASSISTANT, DEPARTMENTAL AND INSTITUTIONAL HEAD OF THE CITY OF MUNCIE, INDIANA INCLUDED HEREIN FOR THE YEAR 2015.

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

Controller Audrey Jones states she shares an employee with the Mayor and he no longer has a secretary. This would bring the pay equivalent to what other secretaries make. Question called. A vote by acclamation showed 8 yeas and 0 nays.

INTRODUCED.

ORD. 19-15 AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF MUNCIE ZONING ORDINANCE REGARDING TEMPORARY, DETERIORATED AND INACTIVE SIGNS.

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

Delaware-Muncie Metropolitan Planning Commission Director Marta Moody states this amendment stems from conversations with the Building Commissioner Craig Nichols when he and his staff were dealing with code enforcement of the sign section of the zoning ordinance. There were problems they were running into and this amendment deals with two things. The section on deteriorated and inactive signs and the existing text treated those to the same thing. They are proposing to have separated provisions. One for deteriorated signs and one for inactive signs. Previously the ordinance just gave 30 days to deal with deteriorated and inactive. They kept the 30 days for the deteriorated signs and they could be cited to repair it or contract to repair it. If there is an inactive sign the time limit put in was 6 months. The other part of the amendment deals with temporary signs. The existing provisions would allow a temporary sign be up for 30 days and it is gone for 90 days. The building commission felt it was too limiting and they proposed to change it to 45 days and offer 90 days. There were other questions that came up and they added some exceptions, such as holidays or grand opening of a business. Moody states there are business people that would like to sit down with her and Building Commissioner Craig Nichols and if there are some other changes that need to be made then it will come before the council in September.

Gregory states at the group she had a meeting with there were several questions.

Gregory states political signs, neighborhood signs, for rent signs, companies doing work

that are put in yards. Moody states the ordinance covers those types of signs in another section in the ordinance. This does not affect those other sections. Gregory asks if they can refer that. Moody states you would want to keep them separate. Moody states the ordinance deals with what is called commercial speech. Gregory saw a temporary sign today and it is on wheels and has been permanently attached. Moody states she doesn't know where that is but to let Building Commissioner Craig Nichols know. Moody states if someone wants to make that their permanent sign they can choose to do so. The ordinance does require landscaping around the sign. Quirk asks if the some businesses expressed concerns. Moody states they wanted more clarification. Quirk asks if they were at the meeting. Moody states no they weren't at the meeting. Quirk states a concern she has is when you look up the definition of a deteriorated sign. She understands dangerous condition but when you state chipping of paint and wouldn't want someone to complain if there is a scratch on their sign. Moody states there were be a judgement call and her experience with the Building Commissioner and the inspectors are sensible people. Question called. A vote by acclamation showed 8 yeas and 0 nays. INTRODUCED.

ORD. 20-15 AN ORDINANCE OF THE CITY OF MUNCIE VACATING ALLEYWAYS BETWEEN HIGH AND SEYMOUR STREETS IN THE CITY OF MUNCIE, INDIANA.

A motion was made by Powell and seconded by Marshall to Introduce. Todd Donati states this is to vacate an alley on the curb of High Street. They don't get any use. There are three billboards that will be removed to open that area up. They will also expand the parking lot. They will also add greenspace because there isn't much there. This will allow people to stay close to the hotel, convention center etc. Quirk asks who will own that. Donati states the Redevelopment Commission will own half and the other half to the Loft at the Roberts. It doesn't mean it can't change due to future developments. If it has to be under the city as a park they could do that and take care of it at a later time. Polk states they received a letter from Vectren and asks Donati if he had seen this. The author of the ordinance Attorney Megan Quirk states within the ordinance of section 1 the vacating of the alleyways would be subject to all rights and privileges of the public utilities to maintain existing facilities. They are recovering that kind of corner that isn't being in productive use and beautifying and using it for the common good of the community. Marshall states it should be noted that no one came to the meeting representing Vectren. Donati states this was received by email about 3:50 p.m. to the clerk's office. Donati states they're not against it. Question called. A vote by acclamation showed 8 yeas and 0 nays. INTRODUCED.

RESOLUTIONS:

RES. 16-15 A RESOLUTION MAKING TRANSFERS WITHIN THE GENERAL FUND.

A motion was made by Powell and seconded by Marshall to Adopt. Controller Audrey Jones states this is to transfer within the Police Department budget from gas and oil to Code Enforcement. Last year it was stated that the Code Enforcement officers had to be police officer or reserve officers and they now fall under the police department. They are doing a transfer to pay their salaries. Conatser asks if there is a concern that there will be a shortfall in the line item that is being reduced.

Jones states no due to the falling gas prices. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

RES. 17-15 A RESOLUTION APPROVING DEDUCTION FROM ASSESSED VALUE OF NEW MANUFACTURING EQUIPMENT IN AN ALREADY DECLARED ECONOMIC REVITALIZATION AREA. (HEARTHMARK LLC dba JARDEN HOME BRANDS).

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

Todd Donati from the Muncie Redevelopment Commission states the abatement committee meeting did happen before this meeting tonight. The request of the abatement is from Hearthmark LLC and Jaren Home Brands Company. They do the Ball Jars, bee playing cards, Hoyle and the bicycle playing cards, first alert, Yankee candles, diamond tooth pick and matches and a number of other things. They want to install an additional \$3 million dollar piece of equipment with a five-year abatement. There are representatives present tonight. They are creating 15 jobs and they currently have 113 employees. They are expanding quite a bit outside of our countries borders as well. Troy Chey states Jaren Home Brands is a collection of unique brands and businesses. They have been doing business in Muncie for many years. The plant they are applying for the abatement was constructed in 1970 but they go back much longer than that with their relationship with Ball Corporation. They are excited to be able to continue to invest in the Ball Business. They are currently launching into eleven countries across the world and by 2020 they expect to be in over 30 and this investment will enable that. Gregory states its great they plan on adding 15 jobs but asks when is the timeline when they plan on hiring those employees. He states they will add the 15 jobs by September 2015. Quirk states the 15 jobs their going to add is that with the site where the equipment will be. Chey states that is correct. Quirk states she is impressed with their numbers of minorities and females.

Marshall asks if their jobs will start at \$12.96 an hour. Chey states that is correct. Gregory asks about skill level and are they taking applications. Executive staff states she was part of the closure plant and a lot of the initiatives to steer themselves into launching globally. Their people are all from Delaware County. The skill level is anything from hourly operator that on the machines, stamping presses in terms of operations, trade skills for maintenance and people who work on the machines, dye facility where they make their own dyes. Gregory asks if they are working through ramp which is a part of Workone. Davonna Coffey states they have a great partnership with their Workone office. Future candidates can go to their website www.jardenhomebrands.com. You can see all the openings they have. Dishman asks what type of benefits they have. Coffey states there are a variety of benefits such as 401k. Some long-term employees have a defined benefit that has been frozen. They offer a welfare benefit plan for medical, dental and vision. Dishman asks when they hire when are they considered full-time. Coffey states once they are hired they are considered full-time probationary period and it gives them an opportunity to evaluate their skill and performance against the needs and expectations. Dishman asks because companies hire from temporary services and keep them before their probationary period is up 90 days and get rid of them and then bring in more people. Coffey states they have negotiated with their union where they utilize seasonal temporary employees and

they have used that pool to hire and are encouraged to apply for full-time and that is how they get a lot of good employees. Dishman states that some other companies hire part-time they only receive a little over \$5 something an hour. Dishman asks if the employee get the wage their state in the abatement or does the temp service get most of that. Coffey states their average temporary employment is anywhere between \$10-\$12 an hour and they try to pay them equally if not right in line of their full-time employees. Attorney Joseph Hunter states on the statement of benefits form requires a signature which they don't have and asks if someone is qualified to sign before this is passed tonight. Donati states on the whereas, the address that states 1401 E. 9th and that is the address he pulled off the county records. Donati states the correct address where mail goes is 1501 E. 9th and doesn't know why the beacon has it as 1401 E. 9th Street. Hunter agrees. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

OTHER BUSINESS:

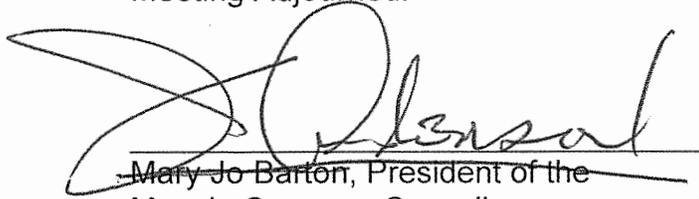
Street Superintendent Duke Campbell gives the council a map of their paving plan. He states there is one mistake on it for Bethel and their only going to Oakwood Ave.

Kent Blair 1301 E. 5th Street states he attended a council meeting two months ago regarding a formalization of civilian police review board. He would like to know if any progress has been made on that. He asks the board to set up a system of people parking in handicap parking without handicap decals or license plates where if a citizen does see this they can take a picture and send it to a certain email or text it to a certain address and the city can investigate. He has handicap decals for two vehicles and the BMV attaches that license plate number to that decal so there shouldn't be a problem for the city finding out. The city can receive the photograph and send a notice to the individual that their vehicle was cited in handicapped spot without authorization and prove they had the right to park there. There isn't a week that doesn't go by that he doesn't see at least ten to 20 vehicles in handicap spots. The sign states there is a \$250 fine. He would think if he sent in ten pictures a week of vehicles illegally parked that is \$2,500 going to the city. There are other cities that have set this up. They even included an incentive program where that person receives a portion of that fine. It's been three months and would like to know the progress that has been done on these questions. Anderson states the parking issue needs to go to the Board of Works.

Quirk states Human Rights Director Yvonne Thompson was working on that. Human Resources Director states he should address the merit commission. The meetings are the first and third Thursday of the month at 6pm here in the auditorium. Blair states it's been three months and would like to have an answer of what they can do. Quirk states Yvonne Thompson states they are looking into putting the review board back together. Conatser states if he does witness someone parking in the handicap zone and they don't have the proper tag he can call the police department and they will send an officer. Blair states he would hate to have someone's car towed and they didn't happen to have a handicap sticker. Conatser states their car wouldn't be towed there would be a ticket put on the car. City Attorney Megan Quirk states on the City of Muncie website there is

a link for the Police Department, which has a link for the professional standards department and there is a phone number. It attends to citizen's complaints and concerns dealing with conduct and actions. Internal Affairs issues will also be handled by this unit. If there is a question contact the office. Their phone number is 747-7911.

A motion was made by Polk and seconded by Marshall to Adjourn. Motion carried.
Meeting Adjourned.


~~Mary Jo Barton, President of the~~
Muncie Common Council
Vice-President


Phyllis Reagon, Muncie City Clerk
of the Muncie Common Council