

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE INDIANA

JUNE 1, 2015

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Jerry D. Dishman.

INVOCATION: A moment of silence was given for the passing of Sheriff Mike Scroggins and his Uncle Bob Scoggins retired Chief Inspector. The Invocation will be given by Minister Charles Venable from the Greater Mt. Calvary Church of God in Christ.

CITIZEN RECOGNITION: Councilperson Doug Marshall recognizes Michael P. Brown for the citizenship award. Marshall states that Brown was born and raised in Muncie, Indiana where he has lived most of his life. He lived in Texas and Ohio for brief periods of time. He graduated from Muncie Southside High School in 1970. He has extended education and worked skills for Borg Warner and union training skills from schools from Ball State Union, Eastern Michigan University and Indiana University. He hired into Warner Gear now Borg Warner in 1973. He worked production for 18 years and promoted to Statistical Process Control facilitator classification where he worked until he retired in 2005. After 32 ½ years of service Brown was actively involved as a union leader of the UAW local 287 for over twenty five years. He has served in various positions on communities and boards including treasurer for the UAW Local 287 for fifteen years, Vice-President and President of the East Central Indiana AFL-CIO Central Labor Council, President of the UAW Local 287 for three years before retiring. Shop Steward, alternate negotiation committee, Chairman of the Insurance committee and elected to positions such as Delegate to the UAW Region 3 District Auto Council, Delaware County Cap Council Executive Board, Executive Board for Solidarity of East Central Indiana. He has also served on the Board of Directors for the United Way of Delaware County for six years. He currently serves as AFL-CIO community service liaison for the United Way of Delaware County and AFL-CIO East Central Indiana Central Labor Council since July 2007 until present. Some of the things he does for the United Way is he works on United Way campaigns from August through December yearly, Emergency Food and Shelter Program, FEMA. Local Board chairman for Delaware County, Martin Luther Dream Team and help with Black History Month Food Drive every February. National Association of Letter Carriers Annual Food Drive, Second Saturday In May, yearly to set up food drives, Hearts and Hands United Backpack and coat giveaways, helps with the unemployed, information and referral and case management, work with retirees and older worker programs, Helps to increase labor participation in the United Way Campaign, Labor Day picnic on Labor Day, United Way Kickoff event in coordination with solidarity of East Central Indiana, United Way Building Trades Annual Fund Raising Golf Tournament.

Brown states he appreciates being considered for this and it's a great honor. Brown thanks the City Council and his Councilperson Doug Marshall for this prestigious honor. It is a surprised to be selected for this award for the things he does he receives such enjoyment. It is greatly appreciated. He appreciates his parents for giving him a strong sense of family values and duty to help others. Most of all he wouldn't be receiving this award if it wasn't for the United Way of Delaware County. He has been involved with United Way for the last twenty years or so. He does quite a few different things. It is because of his connection with United Way that he is involved with all the other organizations that he is able to work with people and tries to help people in the community.

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

APPROVAL OF MINUTES: A motion was made by Marshall and seconded by Dishman to approve minutes from May 4, 2015. A roll call vote showed 7 yeas and 0 nays. MINUTES APPROVED.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 10-15 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE, R-5 RESIDENCE AND BP BUSINESS & PROFESSIONAL OFFICE ZONE TO THE BL LIMITED BUSINESS ZONE ON PREMISES LOCATED AT 1604, 1608, 1612 & 1616 N. WHEELING AVENUE, MUNCIE, INDIANA (APPLICANT-M DOED, LLC) A motion was made by Powell and seconded by Marshall to Adopt. Andrew Roselle representing M DOED and Muncie Partners LLC states as they have discussed last month they're requesting to rezone 1604, 1608, 1612 and & 1616 North Wheeling. As they heard they are made up of several different parcels and zoning classifications. The request is to rezone those and intent to demolish the buildings on site and redevelop that into a retail store. Gregory states there was a key word he stated, which is to demolish. Gregory asks if they are at all entertaining doing deconstructions on those buildings as opposed to bull dozing them. Roselle states the contractor they interviewed for the demolition it falls in their hands but they could work with them. He doesn't know the process they have made up. Gregory states there is at least one deconstruction firm in Muncie and there is another that is interested. If so Gregory asks they get ahold of her. Marshall states he spoke with Street Commissioner Duke Campbell and there were questions about roadwork in that area. Campbell insured Marshall that it wouldn't affect any plans the city has in that area. Polk states they talked a little last

month of how a semi will be getting in and out and asks if he has any drawings. Roselle presents the council with drawings. Polk states it's because it is a busy area with traffic. Gregory states given the rain they had this past weekend were there any problems in that area. Roselle states he visited the site before the meeting and the only puddles he saw were in the driveways. Marshall states there is one gentleman that complained who lived behind the convenience store and they put some storm units right by that area to pick up that was coming down by the fairgrounds area. Marshall states that they haven't received any more complaints. Dishman states it also received a favorable recommendation. Question called. A roll call vote showed 7 yeas and 0 nays. ADOPTED.

ORD. 11-15 AN ORDINANCE AMENDING CHAPTER 100, SECTION 100.01 (B) OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

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

City Attorney John Quirk 117 East Main Street states this regulates the use of consumer fireworks and restricts the use of those fireworks except for the dates listed A through D. Polk states they talked about this last month how to enforce this and asks Chief Stewart if they can have his thoughts on that. Chief Stewart states there won't be any problem enforcing his. Chief Stewarts states their officers will be patrolling the streets and if they hear those fireworks go off they can investigate that. The other way is to call for service. At that time of year they receive a lot of fireworks calls. The dispatch center would need to prioritize those calls.

Executive Director of the Fireworks Association Steve Graves states he fully understands what the council is trying to accomplish. He knows there are individuals that show lack common sense in respect for their neighbors. He likes and agree with one comment that a writer wrote to the editor that states you cannot legislate common sense. With that in mind this action punishes the majority of fireworks users who enjoy fireworks and who do not abuse those rights. He believes this ordinance will not stop the troublesome individuals that are the cause of these problems. Their concern is this ordinance will prohibit the use of fireworks for special occasions such as weddings, reunions, graduations and memorial events. The AMA has a fireworks show at their festival and it isn't during the prohibited days. He requests the city consider a mechanism that individuals or organizations can petition to the city and ask use fireworks on a day not listed.

Graves states to his understanding if this limits only consumer fireworks this has no effect on Section 8 (A) what is normally called safe and sane products. If that is not true he would like to address that issue. Anderson states they would need to refer to the city attorney John Quirk. Each councilmember has received a letter from Richard Shields who is an investment company in this community and supports many civic organizations such as Police, Fire and Veterans across the community. He shared his concerns on how the ordinance will have an impact on his business that creates disconnect between the federal government that require him to test his products and there is an ordinance that states he can only do that during protected days. Shields receives product during most of the year. They test them when the product is delivered. There is legal obligation from CPSC to test imported products to ensure of their compliance. This is important before any product reaches the shelf.

Shields points out that each year he hosts a demo for his products where he invites retailers from all over Indiana as well as the Midwest to come and watch his show. This demo is generally done in the first week of May which is not on one of the protected days. If they could just carve out opportunities that if some citizens that have special occasions to celebrate weddings and anniversaries or a company that would like to use their product for a special occasion. Graves asks the council to table this to amend this. Quirk states she does believe that some of this Mr. Quirk will be able to answer. There will be an opportunity for exemptions for special events and organizations wanting a permit or variance. The majority of concerns can be addressed. Quirk states may be they could go to a designated site. Quirk doesn't know all of those things are definite. City Attorney John Quirk states a request can be made for noise exemptions and it is done through the street department and goes before the Board of Works. The letter that was circulated had concerns about certain types of fireworks. Those are addressed under consumer fireworks. Quirk states there are concerns about sparklers and paper lanterns. The Lanterns are not contained in the definition of consumer fireworks. On the handout on page 2 half way down it indicates that consumer fireworks include where it states 1 A, B and C. Under that it says the definition of consumer fireworks does not include items referenced in Section 22-11-14-8A. If you look on the paper he passed out it on page 9 it is the definition that is contained in that particular Indiana code 14-8. It specifically states that dip sticks or wire sparklers are not included in the definition of consumer fireworks. Quirk states he did receive the letter and all of those concerns were addressed. There is opportunity for exemptions through the Board of Works. Marshall states this ordinance mirrors a lot of cities and states. Quirk state it is the same as Indianapolis and Ft. Wayne, Indiana gives a couple of more days. Graves states some of the larger cities have passed this type of ordinance and some give extra days and some don't. A consumer firework is anything that goes up in the air and explodes. Section 8A is cones, fountains or snakes such things like that. Graves states if someone is having a wedding and would like fireworks would they be able to petition the Board of Works as well. City Attorney John Quirk also President of Board of Works states the Board of Works will entertain each and every thing brought before them. Graves states the majority of the citizens respect the rights of the neighbors. There are a few that will constantly abuse their privilege.

Operations Manager Curt Cougill for North Central Industries comments that part of his job is compliance manager. He is basically quality control for North Central Industries. They bring in 100 plus shipping containers of consumer fireworks a year and they do wholesale and retail business all across the United States. Most of his quality control is required to do weekly as they receive the containers and they do this all year round. He will usually try to do this during the day time so he can check the safety points during the daytime so there are no dangers to the consumers as they are going off. This ordinance would make it effectively hard to do his to do their job. A lot of their consumers, customers and vendors are counting on him do along with that his company isn't the only one in Muncie that employ citizens full time. They employ about 15 people year around. They employ 75 seasonal people. He knows two to three that also count on the livelihood with these companies. He states it would make it hard for him to do his job although Steve states he appreciates what their intentions are. Cougill states he does agree with Steve that they would like some ability for their business to continue the way that it

needs to that they are able to test the products and not have to get a special permit every single time they need to do that. They are willing to work with that. When they do their demo in May they employ security from the City of Muncie and they are working for them as a sub-contractor. They try and do this and will be respectful to everyone and they don't abuse the law the way it is for the State of Indiana.

Charles Jameson 4501 N. Wheeling Ave. states there have been a couple of things brought up that were of interest. He does concur with a testing site. He states there are elderly people and veterans suffering from PTS. There are shells going off all hours of the day and night is not a good thing for them either. Their concerns should be weighed first before they weight that of particular businesses or individuals. He encourages adoption of the ordinance. Gregory asks Attorney John Quirk if they need to do anything additional to the ordinance to accommodate the kind of businesses that were presented here this evening. She doesn't want to make it available to retail businesses. Gregory asks if they are protected and are the businesses protected. Hunter states you could go in front of the Board of Works and get a blanket authorization to conduct the testing that has to be done whether it is weekly or monthly. It seems to him it doesn't have to be done each time. Hunter states the way it is worded now it goes in affect when the Mayor signs it. Hunter states they can amend the effective date to June 15 and that would give the businesses time if they get a shipment tomorrow they can test it. Attorney John Quirk states the Board of Works meet every Wednesday and they don't need to do anything different. They need to have it approved as written and it's important to know that the Mayor of the City of Muncie Mayor Tyler has worked with individuals in the past and he will continue to work with individuals in the future and he doesn't see any problem in working out a solution. Question called. A roll call vote showed 7 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:

ORD. 12-15 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA AUTHORIZING THE ISSUANCE OF THE CITY OF MUNCIE, INDIANA, ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

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

From the Muncie Redevelopment Commission Todd Donati states this project has been in the works for over a year. They are in the process of developing a campus like setting. They just had a grand opening of an autism clinic that moved into the original workshop at the corner of Walnut. They purchased the land in between or just to the west of the ABA Clinic, which is a lot of wooded area. They also have the shell building. Their intent is to develop a long term campus facility in that area to encumber all of their locations into one and allow for this to be a more assessable process. Right now they are working out of a dirty and deplorable area and it's not in the greatest condition and getting them into a facility that is up to day and modernized will help them to expand and take on additional contracts and allow them to increase their job capabilities, which is part of the development. Their commitment is up to \$2.2 million dollars, which is basically the shell building itself.

Board Chairman of Hillcroft Services Ted Baker 4300 W. Fox Ridge Court states he is pleased to be here on behalf of Hillcroft Services. He states the community is welcoming and grateful community for all citizens. They have clients and staff members where their offices and cubicles are out of space. They can't put up anymore walls and it's not feasible to remodel. As they started looking around they looked at other buildings but due to the nature of the disabilities they deal with redoing current buildings with ADA compliant and the severe type of things they have to incorporate. None of them were feasible. They just spent \$800,000 on a remodel for the ABA Clinic which is growing rapidly. They are welcoming clients there all the time. The ideal is to promote a campus that is in the city limits and on the bus route so they can be another anchor for being a community that welcomes everyone especially with disabilities. With this project they will be known as a community who welcomes the special with the ARC of Indiana coming in. This is a big step of faith for them right now. They will jump into a capital campaign and they are working through that right now. Mayor Tyler and Todd Donati have been very helpful in this process with their dream on how they can work this together. They are really excited because it will take care of the needs in the near future when this is all done. It will leave a legacy for years to come. When he is no longer a part of this yet they will be able to service with pride. It is their responsible to serve people in this community with disabilities with proper services and a healthy safe environment. It is also their job to provide their employees the facilities and resources they can carry out serving those who have disabilities in a safe and clean environment. It's about helping people. They look forward in continuing to work with the city and he is available for any questions.

Gregory asks Donati if this is coming out of the Muncie Mall Airpark Tif District. Donati states yes. Gregory asks Donati what is the level indebtedness of this date and the anticipated revenues to pay this off. Donati states when he came into this position he noticed there was a pretty hefty bond out there in the neighborhood of almost \$80,000 a year in payments. It also had a balloon payment at the end and that cause then a huge amount to continue with other bond projects. They reshuffled that bond. It will expire in 2017 and it saved them nearly \$1 million dollars in interest. The bond will expire in 2017. In July 2017 will be the final payment. They will have two current bonds counting this one. This one and they have one for the multi-Tif bond that was done almost a year ago dealing with the airpark east. Those bonds are a total of \$300,000 a year without the one from 2017 in it. They bring in over a \$1.5 million a year in revenue. They do have a bond with the Dick's Sporting Goods project. That's exclusive to that particular part of the area and it will cover its own expenses so that \$1.5 million does not include any additional growth and expansion from any additional Tif revenues. Gregory asks if they can have something in writing of what they have in current bonds, income collected and payments. Donati states yes. Donati states he has to report at least three times a year to DLGF. It is also in the process anytime he goes out for a bond he has to financially support the bond before he can go before the council to get it approved. It has to be done by an independent financial institution that has to evaluate their debt ratio. Donati states he wouldn't be here today if there was any concern that this would not be supportive. Gregory states they did receive requests from constituents and they can't answer those questions. Donati states they just purchased a software program that is going to upload all of this into a dashboard and

categorize everything as much as they can go back and get past information and that will be something they will be able to send out to the council at any point to answer any questions including jobs created, salary and payroll expenses. Quirk states there are safeguards in the Economic Development agreement. If the obligations are not met they have to pay back any monies that were paid into the bond up until 2017. They will bring in 100 jobs with this project. If they fail to meet that obligation there will be a penalty for that. Donati states there are projects supported by taxes paid but this is not one of those projects. They looked at this project because of its diversity and its services. It's long time commitment it has made to Muncie and Delaware County. They were involved in the Isanogel Center. There are a lot of people that have been touched at some point by handicap and disabled citizens. He has a sister-in-law that goes to Hillcroft and she turns 60 this year. She has been going to Hillcroft most of her life. They don't make very much but what is important is she has a routine to do every single day. She doesn't like Saturday and Sunday's. She goes to work and comes home and talks about it. This is a great project no matter how you look at it and hopes to get the council support. Question called. A vote by acclamation showed 7 yeas and 0 nays.
INTRODUCED.

Donati states because they have to fund this bond by the end of June and it takes time to put the financing together and for the fact that this is an Economic Development Commission approved and authorized bond. There was a public hearing on that and it was advertised in the newspaper and online ten days prior. It is advertised and posted in three public locations and not one single person attended that meeting. Donati asks the council to suspend the rules and vote on this: A motion was made by Marshall and seconded by Quirk to Suspend the Rules. A roll call vote showed 1 nay (Gregory) (MOTION DENIED). Donati asks there be a special meeting a week from tonight to allow for the second reading of this ordinance so they can continue to move forward. Anderson states they will get with Council Attorney Joseph Hunter about posting a meeting. Hunter states he is sitting as President but doesn't know he can set a special meeting. Hunter states provided he gets the information together there will need to be a special meeting dealing with the tax abatements at some point. Donati states as long as they can get this done within the next ten days because they have to go and get their financing and they have to be able to say they are approved to be able to do this and it takes time to get this together. Hunter reads that a special meeting of the council should be held on the call of the Mayor or the presiding officer of the council or in the event in the absence of the presiding protem. Hunter states he doesn't know whether the President is absent from the city.

RESOLUTIONS:

RES. 9-15 A RESOLUTION APPROVING A FORM OF ECONOMIC DEVELOPMENT AGREEMENT WITH A-SON'S CONSTRUCTION, INC.

A motion was made by Powell and seconded by Marshall to Adopt. From Muncie Redevelopment Commission Todd Donati states they had a great opportunity come to the city about a month ago. There is a company that wanted to expand and they were looking at four or five different states. They operate throughout the United States. They have approximately 150 employees working here in Muncie and several hundred more throughout the United

States. The company stated they were going to leave if they couldn't find a building that would meet their needs. The Muncie Schools received \$2 million dollars about two weeks ago. The company is now doing renovations in the building. (The former Wilson Middle School). Because of their efforts, with this Resolution and the Economic Development agreement, they have committed in writing to create 250 jobs within three years with a total payroll of nearly \$8 million dollars on the south side of Muncie. The building is back in operation now. Donati states they have approximately 25 acres to the north that the Muncie Redevelopment Commission retains for additional development. There is also another 10 acres the Muncie School Corporation owns on the corner of Nebo and Tillotson that they retained and offering it to them to market it to put additional economic development in that area. The only thing they are asking to consider with A-Son's is they are going to do renovations and they would like to see an abatement opportunity on the renovations they make. They do have two buildings they are going to do away with. Donati states he will have the committee of the abatement to present that when they get the final costs of what the actual tax rate will be because this was a non-taxed entity and now it will be a taxed entity. Donati states that tax will take effect immediately. This agreement has been signed by the Redevelopment Commission and Chairman of the Board at A-Son's.

Hunter states if you look at the way it is structured the exhibit A in the first whereas clause. Hunter states the Exhibit A should be in the operative language of the agreement. Under Section 2 he would suggest it state "Two copies of the attached Economic Development Agreement, Exhibit A shall be kept on file in the office of the Clerk of the City for public inspection". A motion was made by Marshall that Section 2 should read that Exhibit A should be included in the operative language. Motion seconded by Powell. A roll call vote showed 7 yeas and 0 nays. AMENDED. A motion was made by Marshall and seconded by Powell to Adopt as Amended. Gregory asks Donati to explain Article 4 Economic Development incentives for tax abatement refund payments. She doesn't recall seeing this in the past and doesn't understand it.

Donati states because the building has not been assessed for taxing purposes, they went to a contractor and asks to give them a preliminary assessment based on what it would be now and that changes the assessed evaluation. When they do schools they assess them as high as they can because there is nothing there. When they actually have a company in there they assess the property. They were told the assessed evaluation of the property would be approximately \$5 million dollars. If they do an additional \$2 million worth of work in improvements they don't know if it will change that assessed evaluation. They made it simple and if they can't get the abatement for \$2 million and their building comes' back at \$7 million they can't get that abatement from \$7 to \$5 million they will of the Tif pay the difference of a refund over the next ten years. That process is because they made the commitment that A-Son's only wanted to stay at the \$5 million no matter what they did. If they go beyond the scope of the work they gave them. They are still only talking about that \$2 million they assumed they were going to do at that time. They are protected at that point where they are not giving them a refund on \$10 million to get it down to the \$5 million dollar taxation. If it's \$7 million than they need to get the \$5 million and MRC will come in and get abatement for \$2 million than everyone is fine. If

for some reason they can't get that than they have to pay the difference in the taxes. It could be \$20,000 a year or \$10,000 a year whatever the amount is on the abatement. There is a safeguard in there in case they can't get it don't. They had to get the company to sign something without having the council to approve a guarantee on the abatement. The only thing they could guarantee them is their assessed evaluation for the next ten years would be around \$5 million dollars. They were given 250 additional jobs and they didn't have to do that. It was part of their request that they commit to that in order for the MRC to put that in writing. He personally doesn't think there will be an issue with it. They will go through the abatement process and follow the process exactly the way they need to do it. Hopefully they will get the support to get the process going. Gregory states the next paragraph talks about 250 full-time jobs, which is a good thing, with an average wage and benefits of at least \$30,000 a year. Gregory asks how much of that is salary and how much is benefits? Donati states they will start at close to \$14.00 an hour and they could go up to \$18.00 and even \$20.00 an hour depending on the type of position it is. The minimum they start out is \$14.30 an hour. This is not construction. This is the incoming call center to service their calls throughout the United States. Polk asks if for some reason they don't create the 250 jobs.

Donati states they don't have to continue the abatement. Donati states they didn't put it in writing but A-Son's announced with the Governor they would create 300 jobs but the way the Governor did that is over a ten-year period. The MRC isolated this to create the jobs over three years and they fully committed to that. They are confident they will have 900 employees in the building in the next five or six years. They would be other offices here at the home base. Gregory asks if they have any plans making available to the public the auditorium, gym or swimming pool. Donati states he tried to get that opportunity. They realized it would be more of a liability. They did say they would offer it once they get situated. They will be open-minded and try to work with them the best they can. Donati states they now own the track and the baseball diamond. Park Superintendent Harvey Wright is opening that up now and he has received a lot of calls wanting to use the diamond for practices and it is open for walking on the track. A-Sons offered the parking lot for anyone that wants to use it. They opened their building up this week to let Habitat come in and get whatever they wanted out of the building that they weren't going to use including desks, tables, lab equipment and tables and it was free of charge. Question called. A roll call vote showed 7 yeas and 0 nays. ADOPTED.

RES. 10-15 A RESOLUTION APPROVING A FORM OF ECONOMIC DEVELOPMENT AGREEMENT WITH HILLCROFT SERVICES.

A motion was made by Powell and seconded by Marshall to Adopt. Hunter states there will be an additional amendment because there is a different Exhibit A and a motion would have to be made to adopt the amended Exhibit A which has been changed. A motion was made by Marshall and seconded by Powell to amend Section 2 after Economic Agreement Exhibit A shall be kept on file in the office of the clerk of the city for public inspection. A motion was made by Marshall and seconded by Powell to adopt amended Exhibit A. A roll call vote showed 7 yeas and 0 nays. (AMENDED). A motion was made by Marshall and seconded by Powell to Adopt as Amended. Gregory asks if this is for the purchase of the shell building. Todd Donati states the \$2.2 million dollars is an Economic Development bond that

they will use to purchase the building and it will be paid from the Tif revenues in the Mall-Tif area. The only thing they changed is what Councilperson Quirk mentioned earlier clarified the clause acts that were tied to this. They have to complete their entire phase I and Phase II by the end of December 31, 2017 or they pay back any costs they put into place plus the continue to pay the bond on their own. If they don't complete the jobs they pay back \$10,000 per job that they didn't fulfill after 2017. If they don't complete the project it all goes anyway anyhow. They are not going to get this building and stop. They have to do the expansions in order to get the building. Gregory states so they are still getting a total of \$9 million. Donati states no they are not getting it. They are only bonding \$2.2 million for the shell building. They are responsible for the rest of it. Donati states the \$2.2 million dollars is what they have to do by the end of June. Question called. A roll call vote showed 7 yeas and 0 nays. (ADOPTED AS AMENDED)

RES. 11-15 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE INDIANA APPROVING AN AMENDMENT OF THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE SOUTH MUNCIE ECONOMIC DEVELOPMENT AREA.

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

Muncie Redevelopment Commission Todd Donati states this is to expand two parts of the South Muncie Tif area and it is to incorporate the Wilson property so the 25 acres they have and the 10 acres the school has can be an opportunity for investment. They are also asking they take in Warner Gear. There are 4 parcels there and there has been a lot of talk about there that the building is going to be dismantled. They don't want it dismantled. They are working diligently to find an occupant for the facility to make an investment and create jobs. They do have a couple of businesses in their pipeline. This has gone through the Planning Commission and the Redevelopment Commission and it now before council and goes back for a public hearing in a Redevelopment Commission before it's adopted. Dishman states this had a favorable recommendation from the Planning Commission. Polk asks how much at the present time does Warner Gear pay in property taxes. Donati states it would stay and doing this will not affect what it is paying already. Only if there is investment made and brings in future investment. Otherwise it stays where it is at. Donati states nothing changes. Donati states what would hurt more if they dismantle the building because they will lose and they are trying to avoid that. Question called. A roll call vote showed 7 yeas and 0 nays. ADOPTED.

RES. 12-15 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA APPROVING AN AMENDMENT OF THE DECLARATORY RESOLUTION AND ECONOMIC DEVELOPMENT PLAN FOR THE MUNCIE MALL/AIRPARK ECONOMIC DEVELOPMENT AREA.

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

Todd Donati states this resolution states this states they can fund the bond if they approve the ordinance than they establish the bond at the Hillcroft Center. If the ordinance doesn't pass this doesn't have any value. Question called. A roll call vote showed 7 yeas and 0 nays. ADOPTED.

RES. 13-15 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA APPROVING THE ISSUANCE OF BONDS OF THE CITY OF MUNCIE REDEVELOPMENT COMMISSION AND RELATED MATTERS.

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

From Muncie Redevelopment Commission Todd Donati states Superintendent of Park Department Harvey Wright has continued to improve the Tuhey Park area. There is a list that they are looking at. They have been talking about this for several months to see if they can make this happen. Park Superintendent Harvey Wright states there is a lot of dust that comes into the pool and they would like to get that area paved it would help the cleanliness of the pool. Several neighbors asked if they had any intentions of putting a basketball court in for their use. Wright states the space is available for that. He feels that it would be a great asset to that park. The neighborhoods have a lot of youth and it would get a lot of use. Six shade gazebos inside the Tuhey pool area. One of the biggest complaints they get over there is there is no shade. They have checked into some areas. They need concrete and some padded area so they can walk in. They want to put some lounge chairs in so they won't have to sit in the sun. The last couple of summers they have had it has gotten a little hot over there. They also have a request for a sand volleyball court there. They would need water over there so they could rinse their feet and legs before they go back into the pool area.

There are corporations that use that. It will attract other businesses. They do have a new shelter in the Tuhey Park area. It does need some work and they will be reroofing it and it can use paint because of graffiti. They have the area for it. There is a lot of traffic in the evenings but especially the weekends. It's not just the pool but the park. One thing they faced over the last couple of years is the concession going along with the fire department and the health department they were not able to use grills for hamburgers without putting an oven in. They have found a way around that. They have designed a screened in area that they can attach during the Spring and Summer to go right on the side of the building out of the current concession area that will allow them to have grills there and they can put new items on the menu as well as when winter comes they can take it out and store it in one of their buildings and they wouldn't have to leave it out during the winter to deteriorate. All it does is bolt to the side of the building. Wright states 100 new lounge chairs and this is the third year and the sun has beat down on them. They are plastic and have gotten brittle. They repaired the ones they had for this year. We did repair them to keep from tossing them. The old bathhouse needs a new roof. They had problems with one of the speakers last year and it quit working and the other is real low. They would like to get new speakers for the exterior of the pool area. The estimated cost is \$467,000. It might be a little lower. Wright states they have enough employees that about 25% of the work they could do and the rest they would have to outsource. Polk states most of the list looks like it is a lot of wants and not needs. They are looking at more bonding out of the Tif District again. Polk states there are no parks in District 4. He states Tuhey is a \$1.5 dollar complex and they are looking at 1/3 of the total costs adding wants to it. A need would be replacing the roof and refurbishing the old shelter and the other things are wants. Polk states if they never played on a sand volleyball court it is very hot. He is on the board of the Halteman swim club and they don't use the volleyball court there because it is so hot. They do have shade for people, which are a lot of umbrellas and it's a lot less

expensive. It looks to him that it's a lot of wants and not needs and he will not be voting for this because it's an additional bond and he believes Muncie is pretty much maxed out on bonds. No matter if whoever thinks they're not but they are. Polk states they will be paying for this for the next twenty or thirty years and some people aren't going to be around. The kids will be paying for it for thirty years. Polk asks if Donati if the other half could be used for future use for cultural trail and why would they pay interest on money. Donati states that isn't what he said. Donati states the money could go toward the cultural trail phase 1 but if that doesn't work out for them they are not going to borrow the money. The resolution states up to \$1 million dollars and that doesn't mean he is going to borrow \$1 million dollars. Most of the costs for Tuhey Park the reason it was put in a Tif area is to allow for a cost to be absorbed into the Tif. If this was done properly with the original bond that was taken from the General Fund should have been taken from the Tif area but instead it was rushed in and taken from the General Fund. Donati states this does not affect the General Fund. Donati states they have been paying a lot of maintenance costs that is part of the tax rate on these parks through Wrights department. Donati states he would no longer do that if this happened so he would have to go ahead and take care of his maintenance costs. It's an opportunity for a compromise to be able to work these things out. You can comment on how much bonding they have but these are Tif related bonds and have nothing to do with the General Fund. Donati states although they will be paying for them for them the next twenty years. He hopes they will be paying for them a lot longer because the opportunity for their city to expand and grow and attract new investment this is what it takes. Donati states they can pay everything off and have nothing.

Polk states some of the things they have done has been very positive for the city. He states they need to be stewards and they also need to be stewards of the money. They have to answer to their constituents and he is getting questioned week after week wanting to know where they are at with the bonds. Donati states he answered a lot of questions a lot of time. There is a misconception on how these bonds work. It's an opportunity for them to benefit from the growth and prosperity of their community in a way the General Fund will not be affected. People think this affects their tax rate and it doesn't. Polk states it does pull money out. Donati states he will get Polk a book on it and they did a study on it. Donati states they could debate this but his opinion is well respected. Gregory asks what other funding mechanisms were considered other than a bond. If bonding is their only way to do things they are not going to stop doing bonds. Gregory asks if they looked at funding through other avenues. Donati states their limited in the central city Tif area. If it were other areas there might be an opportunity. Donati states when they did the south Muncie expansion they took in Heekin Park and the reason is because there is a need for those cabins to be refurbished or relooked at. If they want to do away with those cabins and let them fall apart you are not going to have the funding in place without taking it from somewhere else. Having the Tif area and being able to establish revenues where they can take care of the maintenance or renovating the cabins they can do that. The central city has limited cash flow because of their commitments to the hotel and to the parking garage and two other projects their doing. Donati states the bond is the best way to do it and it allows them to pay it over time and give business to local banks to keep business within our community. It is by far the best way to do it by far. If

the board decides they do not want to do the cultural trail this year they will not bond it. They will bond \$1.5 million dollars, which would include this and any costs associated with that bond. Donati states he isn't going to just sit on money. Quirk asks if there are any Economic Development studies or numbers related to the number of people attending the pool. Quirk states it was brought to their attention that sometimes businesses have an opportunity to rent the pool. On the board for the Convention Center they look at the number of people coming in for an event. They may stop to eat, get gas or go to the store. She states the reason why she says that is Tif money is Economic Development incentives and she know they are all anticipating with the hotel and other changes being made downtown. They want to make their downtown as reasonable as possible to allow people to have recreational activities. Quirks main question is have they looked at numbers and is there multiplier being used. Donati states you're not going to attract anybody to that pool if you don't have amenities to go along with it. For instance Grant County has a lazy river and they get a numerous amount of people that visit from out of county and bring investment to the community. They chose to go a different route early on without a lot of thought put into it and now they are trying to do a little at a time.

Todd Smekens 700 W. University also part of the non-profit that manages Tuhey for the City of Muncie. The shade is for family members who bring all ages of kids and especially the little ones that are in strollers need shade. The other kids are out there swimming but the little ones are in the sun. As for the multiplier they have contacted the Muncie Visitors Bureau because they know about the multiplier because they use it. One of the largest events they do over there is the Muncie Mayor's Meet which is coming up in about two weeks and it is three full days. Swim Teams are coming in from all over East Central Indiana down into Indianapolis. They use that for granting opportunities with Cardinal Swim Club who also runs lessons at Tuhey. They also host the meet with the Yorktown Swim Club. Quirk asks what the approximate number of people that come in for the Mayor's meet. Smekens states it filled up Tuhey Park and there were about 5,000 people there and it was a huge event. Smekens states if they look at the Muncie Visitors Bureau and get some opportunities there. They are not just hanging out at Tuhey. They are out in the community and restaurants. Scotty's jumped on it when he found out there was a sponsorship because that is an opportunity for business. Dishman states four years ago their park has been full of weeds and they couldn't get them mowed. Since Superintendent Harvey Wright has been over the parks his district alone morning side. They have a volleyball park and playground equipment. Jacks Park and Cowing Park has been revamped. A lot of these parks were way out of whack.

Dishman states he voted to get the Tuhey Pool started and he doesn't want to see the pool get back in the shape it was with rusted piped and things frozen and busted. Dishman states he wants someone accountable if something does happen in that park. They need to keep investing money in our park system so they don't fall down just like the cabins in Heekin Park. Those cabins need repaired bad. That's an accident waiting to happen. He can see the porches drooping down. Dishman praises Superintendent Harvey Wright because he has made a heck of an effort and he is going to support this. Marshall states he was at Tuhey last weekend with his grandson and it's a beautiful place. Wright is correct some of that old playground equipment needs attended to. He is putting a band aid on the stuff that is there now. Marshall

states that it could be a liability and it's their job to make sure to take care of everything in the city that is their responsibility. If someone gets hurt they are just as responsible for turning their nose to it and he is going to vote in favor of this. Question called. A roll call vote showed 5 yeas and 2 nays. (Polk and Gregory). ADOPTED.

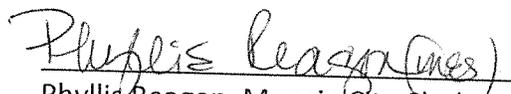
OTHER BUSINESS:

Linda Michael 8000 S. CO. Rd. 560 E. from Selma and they also have property in Muncie. She is present to speak to on animals. She is thankful the City of Muncie and County have banned together. They are doing wonderful things at the Muncie Animal Shelter, Action for Animals and ARF but they still have problems. She states this is concerning backyard breeding. She states people that breed in their backyard and these are people who sell dogs of all kinds. The biggest problem is the pit bulls. She states they did have a business, which they sold but they do have rental property. She states they have to pay taxes, they have to pay occupancy permits and sign permits. The people who breed pay no permit fee whatsoever and they breed as much as they want. All the money they make goes in their pocket. They advertise in the newspaper and on fences stating dogs for sale. Michael states she found a beagle five years ago approximately six or seven years ago full of fleas. She was probably never at the veterinarian. She was bred until she could never breed anymore and then she was dumped because she was of no money value. It's all about the money and not the animal. She is sincere about this. She states Phil Peckinpugh is doing a great job and also Terry Ponzi. She states there is no responsibility towards the people who are doing this. It's a slap on the hand because they don't have to buy permits or be responsible. The only way they can attack the problem is make the people responsible. It's simple and the money these fees bring in will help with take care of extra staff they may have to do this with. The word will get around of how they enforce this. There are a whole line of people in the newspaper selling animals and they need to get ahold of them and ask, "Where is your permit? They would also ask if the dogs are being seen by a veterinarian. Michael states the word will get around that someone got fined for breeding. People are afraid of pit bulls. Michael states you can get homeowners insurance if you have own a pit-bull or Rottweiler. This is a huge problem and a simple solution. Michael would love to see Muncie on the news what good they are doing. Quirk asks if she has had a chance to go to the Animal Care Commission that oversees the agreement they have as well as recommendations as far as policy. Michael can contact Director of Animal Care and Services Phil Peckinpugh and he can let her know when the meetings are held. Quirk states it is made up of Veterinarians, people from the city and county etc.

A motion was made by Marshall and seconded by Polk to adjourn. A vote by acclamation showed 7 yeas and 0 nays. MEETING ADJOURNED.



Julius J. Anderson, Vice-President
Of the Muncie Common Council



Phyllis Reagon, Muncie City Clerk
of the Muncie Common Council