

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE INDIANA

MARCH 2, 2015

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Mark Conatser.

INVOCATION: A moment of silence was given for those who lost their life in the recent fires.

CITIZEN RECOGNITION: Councilperson Linda Gregory states one measure of the cities quality of life may be the number of McDonald's restaurants versus the number of museums. Muncie does have more museums. One museum the Muncie Central Memorabilia room at the Fieldhouse as its existence for the two wonderful people she recognizes tonight are Shirley and Jay Pittenger. The Pittenger's are life-long Muncie residents who are 1953 graduates from Muncie Central and long-time members of the Muncie Central Alumni Association. They spent countless hours curating the room, cataloging and displaying the more than 6,000 items of Central's history that has been donated to their care. Jay has built the shelves and display cases and painted and hung pictures. They have a visible passion for preserving Central's history and created a comfortable environment for people to come in and enjoy. They talk of class reunion group's that come for visits, visiting basketball teams and fans that tour and they said they wished they had such a museum for their school. Jay was assistance analysis at Westinghouse and Shirley taught Kindergarten for 36 years while they reared four daughters. They were Northside graduates. Five of the twelve grandchildren are Central graduates. Jay and his wife operate the Muncie Central memorabilia room in the Fieldhouse. Their room is the old McKinley cafeteria. Jay states Muncie School was started in 1866. In 1867 seven women graduated. Approximately around the early 1920's the other building being built was intended to be a high school. It started showing up in the newspaper called Muncie Central High School. Even though Wilson remained a middle school, Muncie Central stuck. They have visitors in their room all the time and fans. They look around and has made the comment that they wish they had something like this. They like it and think it's a good display. Some of them say their history is gone. If your history is gone it can't be reproduced. They like what they do very much. It's hard to imagine that people save these items from High School and they have donated it to the room.

Shirley thanks their workers and they have a new person helping them now. One of the prize things they have in their room is a living room. It has carpet, couch and chairs, end table and coffee table that way they feel at home. That way they can pick up a book or any reading article they have and spend their time just sitting back and relaxing. The living room is a neat spot because it becomes a quiet place for you to do some

reading. They do have a membership to the Alumni Association. You don't have to be a bearcat to join the association. The membership is \$10 for one person and \$15 for two. The money that is generated from the membership goes for scholarship. If there are students are in need of a dress for the choir or activity they have to be in and there is an outfit or costume and they can't afford it than they help. Any money that comes in is put right back into serving the school and the kids that are there. They have cards with their name on it. They don't have regular hours. If anyone wants their card they have their name and phone number on it. They will open the room just by a phone call. They have real passion for this room. Recognition award goes to Jay and Shirley Pittenger.

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

Councilperson Anderson announces the 1st place winners for the Dr. Martin Luther King Jr. essay contest. From Storer Elementary Alicia Ivy essay is entitled Rosa Parks. Councilperson Quirk announces Northside Middle School recipient Teddi Bishop. Her essay is entitled Perseverance. Nora Powell announces Central High School winner is David and his essay is entitled John F. Kennedy.

Councilperson Dishman asks Street Superintendent Duke Campbell to come forward. Dishman states it amazed him how Campbell has the streets cleared after the big now. He has had people come up to him to let Campbell know that he is doing a good job. Dishman states as a City Councilman and Friend he thanks him. Campbell thanks Dishman. Campbell states they all have worked hard and the results you see are the works of Mayor Tyler putting together agreements giving them the tools they need and letting them do their job. Mayor Tyler is there every night when they talk about the snow and he's there when they need him. Campbell states he appreciates the way Mayor Tyler gets people together to cooperate. Campbell is humbled and they are just doing their job.

APPROVAL OF MINUTES: A motion was made by Marshall and seconded by Powell to approve minutes from the public hearing February 2nd and regular meeting minutes. A roll call vote showed 9 yeas and 0 nays. **MOTION CARRIED.**

Animal Control Director Phil Peckinpaugh states the packets the council has contains a lot of information regarding the Animal Care Services. One of the things they have been able to accomplish in the past year is their adoption rate. Peckinpaugh states one

of the great things he is proud of his euthanasia rate. Over 50% that was done in the last four years was in 2011. Each year they were able to cut the euthanasia rate drastically. Every year it has remained under 15%. That number will go up and down due to the circumstance. Last year they hoarding type of investigations and a lot of those animals aren't adoptable. In 2014 the rescue numbers were high. Every year the demand has gone up from 2011 to 2014. Every year they receive more calls. Their drivers are putting a lot of miles on their trucks and they do have a maintenance schedule which hasn't happened before. Every year everything about their department has improved and gone up. They have taken in more money in the past three years than in the past four combined. With the county contract they have taken in \$620,000. Even if they subtract their county contract they still have taken in \$40,000 more than the past three years than what the previous four years did. His staff is serving the community in a very fine way.

Peckinpaugh states in the future there will need to be some improvements made to the shelter. They can't sustain at this rate. From his understanding the building was put together hastily. There isn't a hazmat area for the employees. A lot of times their in filthy conditions and he doesn't have anywhere to send them. He would have to send them home or they have to work in that state. Peckinpaugh recognizes Councilman Polk for adopting a dog. Peckinpaugh thanks Councilperson Quirk and Mayor Dennis Tyler for putting a lot of work in the city and county plan. No every community has an animal control agreement that covers the entire county that produces like their employees. Councilperson Anderson asks why are there more dogs than cats. Peckinpaugh states they do not go on cat calls. If you call and see a cat running and they receive a call by the time they get there the cat is gone. They can set traps and assist in other ways. Councilperson Barton thanks Peckinpaugh for the good job he is doing. Barton states there is land there. Peckinpaugh states they own all the wooded area surround the shelter.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 3-15 AN ORDINANCE AMENDING ORDINANCE 27-14 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 Adopt. Street Department Superintendent Duke Campbell states his signal techs are under paid. They are asking to raise their salaries the same as the mechanics. They save the city hundreds and thousands of dollars. They have to be trained and can do all phases of signal work. He feels they should get paid for their knowledge and work effort and that is why he is making the request. Right now they are currently making \$15.13 an hour. Their request is to bring them up to \$16.55 an hour. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 4-15 AN ORDINANCE AMENDING SALARY ORDINANCE 29-14 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE FIRE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA FOR THE YEAR 2015.

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

Controller Audrey Jones states this ordinance and the next one is due to grammatical errors. The Fire Chief and Police Chief are making what they are supposed to.

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

ORD. 5-15 AN ORDINANCE AMENDING 25-14 THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE POLICE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA FOR THE YEAR 2015.

A motion was made by Powell and seconded by Marshall to Adopt. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:

ORD. 6-15 AN ORDINANCE AMENDING CHAPTER 74, DIVISION 1 OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

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

City Attorney Megan Quirk states this update with the bicycle and motorcycle division to update their ordinances and make them friendlier with the Indiana Code and to have a bicycle friendly community and to be in compliance with the League of American Bicyclists. Gregory states one of the major additions was the advisory committee. She asks if they should politically balance the group or was it discussed. Quirk states the way it is consisted right now there are four members of the executive branch, one member from the legislative branch, park department, street department, greenway and the county metropolitan planning organization director. Gregory states a republican or democrat balance. Director of the Planning Commission Marta Moody states they did not have any specific discussions along these lines. They see this committee be composed of people that have a passion and an interest in bicycle and pedestrian facilities throughout the city. They really didn't see it as a politically oriented committee but solely committed to their all. Political persuasions didn't seem as important as the fact they had a passion and knowledge dealing with bicycle and pedestrian facilities to improve the City of Muncie. They wanted to see the people there for their expertise.

Question called. A vote by acclamation showed 9 yeas and 0 nays. INTRODUCED.

ORD. 7-15 AN ORDINANCE OF THE CITY OF MUNCIE, INDIANA, CONSENTING TO THE ISSUANCE BY THE DELAWARE COUNTY REDEVELOPMENT COMMISSION OF CERTAIN TAX INCREMENT REVENUE BONDS.

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

Attorney Tom Pittman from Barnes and Thornburg in Indianapolis is representing the Delaware County Redevelopment Commission. The commission established the Morrison Road Tiff allocation some years ago. A portion of that Tiff district was annexed into the city. If it goes through proceedings to issue bonds that it wants to pay from tiff and is part in the City limits. They must request and obtain approval from the

City Council before it issues the debt. The proposed debt is what has been approved the county council and the commissioners at a \$6 million dollar level.

Planning Commission Director Marta Moody states she has been working with the County Redevelopment Commission for several years including way back when they did the Bethel Avenue and Morrison Rd improvements. At that time they were supposed to add sidewalks. When they did the bond calculations and they had to cut back on the sidewalks. It has been a topic of discussion and they have gone through a process with the Redevelopment Commission where they have hired an Engineering firm Commonwealth Engineers. Roger Kwiatkowski is the project manager and on his team. They are together working on creating a network sidewalk for the Morrison Tiff area. The map shows all of the areas for the placement of sidewalks.

Moody states in addition to all the people living in and around the area the committee has been working on the network and one of their charges is also to make sure the network connected south on Morrison to the new 8 foot wide pathway and also connect with the sidewalks on Purdue Road and Tillotson Road between Purdue and Bethel. They have been working out this network and hopefully they will be able to see some construction this year. They have prioritized some areas. In other cases their first priority is the Lyndenbrook area and the area the west of Morrison and those extensions south on Morrison to the new trail. Moody states the first and second priority is extended down Bethel from the Lyndenbrook area on the North side of Bethel. They envision that as an 8 foot wide path that would go from McGalliard to Tillotson starting to create those connections with the other sidewalk and provide a safer way for people to get to Ball State games down that road. The other areas would be to the north of Bethel and they are investigating in finding a path of travel to connect to the north to the Cardinal Greenway. That is still to be determined. Anderson asks if he can be given an overview of the asphalt versus the concrete. Roger states the concrete will be in those areas around Bethel where the existing businesses and hotels are located. They are looking at pathways that take students to the campus parking lot area and they see that a thoroughfare for pedestrians and maybe bicycles. They are looking at ten feet wide widths minimum. A lot of communities around the state have eight feet as a size of pathway. They are looking at the costs associated with those. They also want to make sure and line these in the rights of way. Some are owned to the center of the road and there will be a need to purchase rights of way to be able to fit the sidewalks. At the same time they want to make sure their far enough away from the existing pavement. Years ago his home was an asphalt driveway and he learned he had to seal it and if he didn't rain water will get in the cracks and it will freeze and the concrete will expand. They are looking at the green infrastructure area. They may be dealing with utilities.

Gregory states she didn't get maps and asks if they could get one by the next meeting. The map was sent out by email. Gregory asks how many miles of sidewalk will the \$6 million dollars produce. Roger states close to ten miles of sidewalk. He states the total cost is close to \$4 million but there is a land acquisition that isn't known right now. Gregory asks how many jobs will be created by local people. Moody states they will do their utmost to ensure there are local firms doing the actual structure work. This will be bid out locally. Polk asks Campbell what is the cost on an average to pave a mile of

road here in Muncie. Campbell responds. (Not Audible). Roger states some ground is softer than others depending on what you are getting into. They have technical engineers that will take some soil samples to see what kind of a strength it is. Marshall asks if replacing sidewalks a lot and more costly than concrete. Marshall states what if a water line goes right in the middle and if it's a lot less costly with asphalt. Roger states asphalt can have reflective cracking. When you surface over that in the future the cracks that are generated by the cut of the utility crossing is called reflective cracking. Quirk realizes this is a substantial investment to their community however it is a great investment in making that neighborhood more walkable. Question called. A vote by acclamation showed 9 yeas and 0 nays. INTRODUCED.

RESOLUTIONS:

RES. 2-15 A RESOLUTION OF APPROVAL FOR THE 2014 CHANGES TO THE OFFICIAL ZONE MAPS FOR THE CITY OF MUNCIE, INDIANA.

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

Director of Planning Commission Marta Moody states this is an annual activity they do each year. It is a way to ensure of the rezoning's that have been adopted each year.

They should have received a listing of the three rezoning's last year. Question called.

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

RES. 3-15 A RESOLUTION OF THE CITY OF MUNCIE DECLARING AN ECONOMIC REVITALIZATION AREA FOR REAL PROPERTY TAX ABATEMENT. (TRILOGY HEALTHCARE OF MUNCIE, LLC.)

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

Vice-President of Economic Development Terry Murphy states the resolution had some errors on it and should read preliminary abatement. The number of years of the tax abatement should be three instead of seven. The company said they would create 15 to 20 jobs but to get 7 year abatement you have to guarantee 15 jobs. They decided to take less years of the abatement going from 10 to 15 jobs. Murphy states tonight is the first step in a two-step process for granting a three year tax abatement on a substantial investment in Muncie. Before the designation can occur there has to be a public hearing next month and needs to be advertised. It has to be subject to public comment at the next meeting at which time there will be a formal resolution.

Trilogy Healthcare is proposing to construct a 25,000 square foot expansion onto its existing facility in the proposed vitalization area. Each townhouse will have two bedrooms and two bath units. The assisted living includes housekeeping, maintenance and a healthcare button as described in the statement of benefits. The value of this real estate investment is projected at \$3.3 million dollars. The company will invest \$700,000 in new equipment in which they are not requesting abatement. They will create 15 jobs with an average wage of about \$15.86 an hour or \$33,000.00 yearly. The company has 112 employees with an annual payroll of about \$3.7 million dollars. Projections call for about \$85,000 in new tax revenue for this three year tax abatement. This is a competitive project. The company has 90 facilities and they are looking to do expansion of seven and Muncie being one of them. The investment will help ensure the company

remains competitive in the market and help retain jobs. The findings just say that the estimated value of the project is reasonable for projects of this nature. The estimated number of jobs is in line of what is reasonable. The estimated salaries of the individuals that are retained will be reasonable. The number of opportunities of employment of temporary and permanent is in line. The tax abatement committee reviewed this project and looked over the application and it was unanimously favored. The company will be at the City Council next month. Hunter states they will need to amend for the corrections. Hunter states they need to amend Resolution 3-15. The can read the changed into record. Hunter states the statement of benefits states 10 to 15 jobs. It was a seven-year abatement. The ordinance per abatement requires 15 jobs. Polk states since its actual different language shouldn't they just pull this old one out and put the new page in. Hunter states they can make a motion to amend as presented by Terry Murphy. A motion was made by Polk and seconded by Gregory to replace the original resolution 3-15 with the one presented by Mr. Murphy in its entirety. A roll call vote showed 9 yeas and 0 nays. AMENDED. A motion was made by Marshall and seconded by Gregory to adopt as amended. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED AS AMENDED.

RES. 4-15 A RESOLUTION APPROVING AGREEMENTS FOR THE ESTABLISHMENT OF A RAILROAD CROSSING QUIET ZONE WITHIN THE CITY OF MUNCIE.

A motion was made by Powell and seconded by Marshall to Adopt. Dick Weigle states it's the installation of safeguards that reduce the risks threshold of those crossings that satisfy the federal railroad administration who oversees the railroads. To do that it will allow the elimination of horns. There are several things that also go into it. The railroad will have to do work at their crossings to improve the signals to be safe. There will be improvements in the city right of way like medians and so on. To make it a quiet zone it needs to be a half mile length through those crossings. Ultimately the federal railroad administration allows it to become a quiet zone and ceases the normal protocol of sounding the horns. The railroads and FRA began discussions about the quiet zone. They completed site visits and through that process the railroad states you can have 4,000 whistles a day here because of the crossings. Last year the board authorized Norfolk and CSX to begin the designs of the improvement.

They completed those and there will some city side improvements. There are three quiet zones with three different rails and three different racks. The first is the CSX line which runs basically east and west through the south of downtown. They have two rails running parallel. They will see improvements at Hackley and over to Council. The second quiet zone is the Norfolk and Southern line that goes east and west and because it all goes from north and south. It goes from where Mulberry crosses to Council. The third quiet zone is a Norfolk Southern line coming from the South and heading east. The quiet zone starts at 8th and that starts at 8th and involves work on 6th street and over to Hackley. The actual streets that require railroad work and city work. Council Street is in quiet zone number two. The crossings at Liberty CSX and Norfolk Southern on the north side have improvements by the railroad and the city. The CSX

southern lines on Walnut, Monroe and Hackley require work and improvements. Norfolk Southern will be doing work on Willard and Hoyt as it heads south. The closures are at Council which is a CSX line and that is where the two tracks go through there. The Norfolk Southern to the north and the south remain open so you can have access. The next closure is Norfolk and Southern on Liberty between Hoyt and Willard. CSX has a closure agreement. Once the city issues a notice of intent it then goes to IDOT and they will in turn let the railroad know these are going to be closed. Quirk asks if the Liberty crossing will be closed. Weigle states yes. Conatser asks if there is a section of rail line and it has to be a half a mile and there are lite guards that come down they can establish it a quiet zone or does it have to be closed. Weigle states those can still be open. Conatser states there is a long section of Norfolk section of track that require no work from Tillotson and Morrison and they have guards on all of those and could it be established as a quiet zone. Weigle states it could potentially but when they do this work they have to put in constant time warning indicators and power out indicators that tie more back to the locomotive so they know for sure those gates and arms are working. The ones out there like on Walnut have all of that but they need that safety feature that tells them it isn't working and they know to sound their alarms. One other done by Michael Hicks on the effect of rail noise abatement on property values in Muncie central district. One of their quotes is that their estimate suggest that mitigation of train noise will increase property values by more than \$35 million which ultimately represents the direct quality of life improvement of roughly \$583 per resident of Muncie, which is quite surprising but it is a bit impact on the people that experience the noises.

The railroad is finished with their design a month ago. They updated all their costs and it falls in line of what the council approved last fall in a bond issuance. They are assuming it would come down a little bit. They are in line and they are ready to move ahead. They have a CSX construction agreement, a Norfolk and Southern agreement, a CSX closure agreement and the Mayor will need to submit the paperwork of notice of intent. Marshall thinks about all those neighborhoods around those tracks and it would help property values to go down there. There are a lot of houses in that area. That is one of the reasons why he supports it because it will help some homeowners along with the ARC. Anderson asks if they can walk them through the communication and the train interact. The new equipment has to be installed at each crossing to allow the engineer as they approach that tells them the equipment is working properly and if not the engineer is allowed to blow their own for safety and regulation. Anderson asks how the gates will be so cars can't go around them. There are several locations to reduce the risk of someone going around the train. There will be a median installed about 100 feet from the gates along each approach not to allow traffic to cross. It's part of the package to balance the risk of the railroad and of course the city too. Quirk asks what would the timeline be when they start. It is stated they don't have that clear schedule. Their intent is they get the agreements and they put it on their schedule and start the work a little bit and they're at their mercy as when they start but would like to see them start by June. Barton states in her district it was the first two streets that were closed. She had a rough way to go from the people in their district. She has to say to Mayor Tyler how thankful to him this is getting done and they don't have to look at the blocks anymore. They are getting the ARC and have the quiet zone on top of that. It is a win

situation. It is something that is a wonderful thing happening to Muncie. Mark Lloyd lives in the Avondale neighborhood and appreciates what the council is doing. He has spoken with the neighbors. He is glad they are looking at what to do to help the area. He states to keep both closed and use whatever funds that come from the railway or the city to repave Cherry Street to allow a two way street and put in sidewalks and maybe a bike lane. He asks if it is possible that 12th street can be part of the quiet zone that way those neighbors can benefit from the fact not having to listen to the train whistles. Barton states at their meeting she will be more than happen to explain to him what is going on but they don't want to keep the crossing closed. Lloyd states he is good with that. He states they need Cherry paved.

Mayor Tyler states when they started this process three years ago the neighborhood association wanted both crossings reopened. When they got into this where they are at Norfolk Southern and CSX don't care which one they picked so they chose 9th street. Mayor Tyler states if that neighborhood association is serious about that they can get something worked out with Norfolk Southern. Mayor Tyler states if the neighborhood association wants to do that they can get together with him and the engineers and have some conversation about that. Mayor Tyler states this is the first time he has heard something like this. Mayor Tyler states they will rebuild Cherry Street and they have to keep this project moving.

Mark Kinman 2800 W. Memorial Drive states he was involved with the closing for a long time. Nobody wanted them closed. He was told 6th street was going to be closed and people weren't opposed with it. Kinman states when he started hearing what he heard he contacted Mark so he can get involved in his neighborhood. He has come up with some nice suggestions about leaving them both closed and beautify it. He states this is the first he has heard about both staying closed. Barton states she spoke with people along 9th street today and they want the roads open. Question called. A roll call vote showed 8 yeas and 1 nay. (Gregory). ADOPTED.

Yorktown Town Court Judge states he wants to give an update on shutting their court down and everything will be transferred to Muncie City Court. He has been in connection with people from the State level, County level and the City level to finalize this. What will ultimately be decided where the cases will be assigned. The Circuit Judges wants the cases transferred to Muncie City Court. There will be a cost of Muncie City Court to transfer these cases. They will bring the physical files to Muncie if that is where they end up. The real issue is how to get them into the computer system is that is decided what needs to be done. They could be entered as the defendants straggle in because some of the cases date by to the year 2000. All of the people either fail to appear or fail to pay. All of the cases prior to 2000 have been dismissed. If decided they want to be entered into the computer system utilized by the city then they are either manually input or a conversion program is written. He has been in contact with Norma Norman at the city and she will be invited to the meeting they will have with Judge Dowling on March 13th. Norman expressed this is going to be a lot of work to dump 5,500 old cases onto the system and there is a concern if she is going to have the staff to do that. The biggest issue the state board of administration has is with the cases being transferred is the duplicate case numbers. His contact with the state board

of administration isn't against having them transferred to Muncie City Court. He states his ideal would be to have his clerk take a temporary position with the City of Muncie to help with this transition. If a data conversion program is not chosen perhaps that program could be put on the computers in the city clerk's office. He states Prosecutor Jeff Arnold and Lana Scroggins is working on the best solution. He encourages the City to pursue a problem solving court. He can't tell them how many people have many cases in Yorktown court, Muncie City Court and Circuit Courts. He states nothing gets solved and nothing gets solved and their dealing with so many issues it gets overwhelming. Many defendants don't know how to navigate the system, a system that gives someone a chance but also holds them accountable. The town revenue will go to the City of Muncie. He states in the last four, five or six years ago their case count has dwindled. It went from generating money to not generating money. He states there would be \$100,000 plus revenue and it's a lot of cases. Whether there is more personnel needed in the clerk's office of the court office.

A motion was made by Dishman and seconded by Powell to adjourn. Motion carried by voice vote. ADJOURNED.

Mary Jo Barton (mes)
Mary Jo Barton, President of the
Muncie Common Council

Phyllis Reagon (mes)
Phyllis Reagon, Muncie City Clerk
of the Muncie Common Council