

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

JANUARY 9, 2017

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

ORD. 1-17 AN ORDINANCE TO VACATE A PART OF BUCKLES STREET, DUNN AVENUE, AND A NORTH/SOUTH PUBLIC ALLEY PLATTED IN THE HAINES-DUNN ADDITION.

Arron Hurt with Civil and Environmental Consultants, 530 E. Ohio St. Indianapolis, 46204 is here representing the Loth Group on a project off of McGalliard Rd. near the Chik-fil-a restaurant. They are here to vacate a small section of right-of-way along Buckles Street, Dunn Avenue and an unapproved alley in the area. This is to facilitate a development of a Fresh Thyme Grocery Store. They are representing the land owners and developers and would answer any questions anyone has. No public comments are made therefore, Council President Jerry Dishman States that concludes the Public Hearing.

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Alison Quirk.

INVOCATION: Given by Pastor Frank Dotson from The Anchor Church.

CITIZEN RECOGNITION: Councilperson Doug Marshall recognizes Gale Workman for this month's citizen recognition. Gale grew up on the south side of Muncie, just a few houses down from the old Penn Street Animal Shelter. As a young boy, he volunteered numerous hours caring for the animals so much that the shelter was somewhat of a home away from home for young Gale. Little did he know, he would call the shelter home for the majority of his adult life. In 1964, the then Mayor John Hampton took a chance on a young twenty-three-year-old man, with a huge heart, to lead the shelter he also loved. Gale would spend the next forty-two years serving as Superintendent of the Muncie Animal Shelter. He is believed to be the youngest ever appointed and the longest ever serving department head in a career that nearly spanned five decades and seven consecutive mayors (both of Democrat and Republican persuasion). Gale, known for his personal demeanor, was truly passionate about the shelter and enjoyed every minute he spent serving with the citizens of Muncie. More importantly to Gale, serving the animals of Muncie. For a brief time, under Mayor Cunningham, Gale held dual roles and was named Superintendent of the City of Muncie Parks and Recreation Department. Upon the start of his career, the animal shelter had a small budget of just \$10,000, not nearly enough money to even purchase food. Gale worked with local grocery stores and convinced them to donate all broken bags of dog and cat food to the shelter to ensure that the animals were properly cared

for. Gale also worked actively with Muncie Community Schools over the course of his career starting a program where Animal Control Officers would be waiting at all the bus stops every morning and afternoon to ensure the safety of the students. A major personal highlight of Gales came in 1967 when he and the Muncie Animal Shelter were featured on the NBC Sunday morning news program, the Frank McGee Report. Frank McGee traveled all the way from New York City to feature Gale and the Shelter for a segment about small-town America. While working at the shelter, Gale was fortunate to meet the love of his life, Jenny, also an employee of the shelter. Since his retirement, he has continued to help animals working as manager for the Animal Rescue Funds Second Hands Store. While he is no longer the superintendent, his legacy remains intact. According to the current shelter director, Phil Peckinpaugh, visitors often come to the shelter and recount memories of visiting the shelter while Gale was superintendent. Very few have left their mark on the city of Muncie or made more impact than Mr. Gale Workman. Marshall thanks Gale for his generous commitment of time, support and inspiration to the Muncie community.

Phil Peckinpaugh mentions giving this award to Gale was very important to honorable Mayor Dennis Tyler. He apologizes for being unable to attend tonights meeting to help celebrate. But because of Gales commitment to the city of Muncie and the animals of the city of Muncie, there will be a plaque placed at the new facility at 901 W. Riggin Rd in honor of his service to the community.

Gale takes the podium and recalls the first time he ever made a speech at one of the schools. He wants to thank the citizens of Muncie and the mayors that he has worked for. He states that Muncie is a good city with good hands in it now and we need to back our mayors and councilmen. In closing, he jokingly states he wants to wrap it up before the landlords start in (pertaining to ord. 48-16).

Council President Jerry Dishman states that over the years the people that have been recognized in this program really go above and beyond for the City. He recalls he can remember Gale and Jenny working their hearts out at Prairie Creek Reservoir. Next month Councilperson Dan Ridenour will have the opportunity to recognize a citizen.

| ROLL CALL: | PRESENT | ABSENT |
|-------------------|----------------|---------------|
| Alison Quirk | X | |
| Nora Powell | X | |
| Brad Polk | X | |
| Julius Anderson | X | |
| Jerry Dishman | X | |
| Doug Marshall | X | |
| Lynn Peters | X | |
| Dan Ridenour | X | |
| Linda Gregory | X | |

2017 RE-ORGANIZATION:

PRESIDENT: A nomination was made by Quirk and seconded by Powell to nominate Doug Marshall as President. A nomination was made by Polk and seconded by Ridenour to nominate Linda Gregory as President. City Council Attorney, Joseph Hunter, states the first nomination would be what the council votes on first and if it passes then there is no need to vote on the second nomination. A roll call vote showed 6 yeas and 3 nays (Gregory, Polk and Ridenour). MOTION CARRIED. Marshall is declared President.

VICE-PRESIDENT: A nomination was made by Quirk and seconded by Peters to nominate Nora Powell as Vice-President. A roll call vote showed 7 yeas and 2 nays (Gregory and Polk). MOTION CARRIED. Powell is declared Vice-President.

READING CLERK: A nomination was made by Powell and seconded by Peters to nominate Alison Quirk as Reading Clerk. A roll call vote showed 6 yeas and 3 nays (Gregory, Polk and Ridenour). MOTION CARRIED. Quirk is declared Reading Clerk.

CITY COUNCIL ATTORNEY: A nomination was made by Powell and seconded by Dishman to reappoint Joseph Hunter as Council Attorney. A roll call vote showed 8 yeas and 1 abstain (Quirk). MOTION CARRIED. Hunter is declared Council Attorney.

DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION: A motion was made by Powell and seconded by Quirk to appoint Jerry Dishman. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED.

MUNCIE REDEVELOPMENT COMMISSION: A motion was made by Powell and seconded by Peters to appoint Sam Beasley and Dave Walker. Gregory asks if they are present at tonight's meeting because typically, they ask them to be present in case there are any questions to be asked. President Marshall questions Attorney Hunter if they can still vote to appoint and have them appear at the next meeting. Hunter clarifies they can do so. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED.

911 BOARD: A motion was made by Dishman and seconded by Peters to appoint Brad Polk. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED.

APPROVAL OF MINUTES: A motion was made by Powell and seconded by Anderson to approve the minutes from the December 5, 2016 regular meeting at 7:30 P.M. A roll call vote showed 9 yeas and 0 nays. MINUTES APPROVED.

COMMITTEE REPORTS: On December 19, 2016 the Land and Traffic Committee met regarding ord. 48-16. Councilperson Anderson was the chair of that committee and is asked by President

Marshall to give the report. Anderson states that for nearly three hours the people voiced their opinion for and against this ordinance but an overwhelming “no” is what came from the public. People spoke with compassion and from the heart. It was a good meeting and gave the citizens a chance for their voice to be heard. From the committee recommendations, the voice of the people in which the majority said no.

Brad Polk speaks regarding the 911 board director. Last month, they interviewed six or eight candidates that were very well qualified and later voted on the candidate of their choosing. The most qualified was Paul Singleton, a retired Muncie Police officer and sergeant. He is very good in IT (information technology) which is becoming more and more a part of that job as well as the police work end with dispatching.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 48-16 AN ORDINANCE TO ESTABLISH A RENTAL REGISTRATION PROGRAM FOR THE CITY OF MUNCIE.

A motion was made by Quirk to Adopt.

Councilperson Powell announces this ordinance was originally purposed to be used as one tool in the toolbox to combat blight and help identify landlords and property owners in case there was an issue. There was lot of comments at the last meeting as well as the Land and Traffic Committee meeting in which she attended and talked with landlords, realtors and a numerous amount of people, as well as Mayor Tyler. One of the realtors told her that something has to be done, but this isn't quite it so at this time, Powell withdraws ordinance 48-16. WITHDRAWN.

ORD. 49-16 AN ORDINANCE OF THE CITY OF MUNCIE AUTHORIZING THE TRANSFER OF FUNDS FROM THE ADULT PROBATION SERVICES FEES ACCOUNT.

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

Audrey Jones, City Controller, states this is just a regular ordinance that they do every year. It got filed later in the year and needs to be retroactive to December 31, 2016. It is for the extra clerk that was hired in the courts. It wasn't in the budget and they said they could use adult probation fees to cover that position. Questions called. A toll call vote showed 9 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:

ORD. 1-17 AN ORDINANCE TO VACATE A PART OF BUCKLES STREET, DUNN AVENUE, AND A NORTH/SOUTH PUBLIC ALLEY PLATTED IN THE HAINES-DUNN ADDITION.

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

Todd Donati, Muncie Redevelopment Commission, wishes the council a happy new year. He then gives them a few handouts with an illustration of what exactly they are talking about regarding vacating the roads along with the location of the Fresh Thyme Store. The process is moving along now but did have a delay of 30-40 days because some details were still being

worked out. Unfortunately, they have a contract to get this completed by the end of this year. Some things they were in the process of working out was a road access off of McGalliard and the building will be sitting by Car Rite and Chik-fil-a. They will plan to offer access to that road from the adjoining businesses and enhance the opportunity for people to come out to a stoplight to be able to get in and out as opposed to pulling out into oncoming traffic or backtracking. They would like to get this project moving along and the houses along the property have been purchased. Donati states they are running about 30-40 days behind and is currently willing to answer any questions regarding this introduction.

Quirk asks to clarify that all of those properties are zoned. Donati states he does not think some of them need to be zoned but since they were at the planning commission meeting the previous week invites up Arron Hurt with Civil and Environmental Consultants.

Arron Hurt, 530 E. Ohio St. Indianapolis states they went through the planning commission and got a unanimous approval for this. Really, it is only a portion of the property that needs to be rezoned, with about 80% is already zoned.

Gregory asks if this property was not vacated, would the city own it, have rights to it and thus be able to sell it for a profit? Donati asks to clarify if Gregory is talking about the vacating of the roads and the alley. Gregory agrees. Donati then states this was brought up and is not an issue. They are willing to put into this if council wants to amend or stipulate it, that if this building does not get build then those roads and allies would revert back to the city. They are only doing this for the project itself so if the building is built as it should be, as part of the development then those would stay vacated to the developers. Gregory states that wasn't exactly her question, what she wants to know is if the city owns the property and if so then would they get benefits from selling it? Donati answers the city doesn't own the property in those other boundaries, they only have the roads. Once they are vacated, that would go to the developer and that becomes theirs if they develop the property. Gregory then asks but if the council didn't approve of vacating it, then would the city own it and be able to sell it for a profit? Donati answers by stating that they could. Gregory asks why wouldn't they want to do that? Donati then states he doesn't understand why they would. Gregory includes it would lessen taxes people have to pay. Donati says they would be opening a door to everyone that wants to develop and needed access to a road for a project that won't end up in their parking lot. It would bring a concern on advertising it for sale and opening on a public market where just anyone could buy it. Then say someone buys it and holds the developer hostage on the road itself. This is a simple vacation of our intent to invite them to the community to develop and spend up to nine or ten million dollars and add over forty full-time jobs. He states they could make it that way but now that this has been introduced and announced, it has been put out there and opened up for public bid. It would have to be put in the newspaper, to be offered at that aspect.

Polk wants to clarify that if they vacate it then it will go to the developers but section two on page two states "the east five feet of the public alley shall become parts of lots 19, 20, 21, and 22 and then the west five feet shall become parts of lots 35, 36, 37 and 38." It also states in section 6 that the north five feet of Dunn Avenue shall become part of lot 19 and the south 25

feet shall become part of 18. In which, these are owned by individuals now so would this increase the size of their property? Donati states that they are all under contract and the procedure for vacating is to vacate to the nearest property owner so yes that would increase their property. However, as stated earlier, they can stipulate that if those properties are not purchased and this development doesn't happen that those streets would revert back to the city of Muncie. They are in full agreement with that. If developers go out and buy all this property and have it under contract, that is their intent and that's just how it is done. Once all the pieces are in place (which is what they are doing) then that gets closed. They are not going to buy all this property and then turn around and have the Planning Commission say no to this and City Council say no to that and then they are stuck with all this property. That is why there are options on these properties. Once they are through with the process they will close and begin the development and build their business. The contract with Fresh Thyme states they plan on getting done by the end of 2017. In reference to Polk's' question, that is what would happen if those property owners do not complete the transaction, then they would revert back to the city. Polk states he just wants to state for the record that he is in full support of this and thinks it is a great thing for Muncie. He and his family find the store very clean and cost effective when they visit the Fresh Thyme located in Castleton and he was only wondering the procedure for the properties to be given back to the different lots.

Donati questions Joe Hunter, Council Attorney, that they could make a motion that is contingent on this process going through on the vacating of these roads. Hunter answers by stating either they are vacated or they are not. What is feasible to do if the project is not completed, is to repeal the ordinance. Vacating streets and alleys is a statutory process and in his several years in this position, it has always went to the property owners on either side. He doesn't believe you could vacate a street and then sell it for profit. Gregory asks what about if it wasn't vacated and the property was just sold. Hunter responds he doesn't believe you can sell a city street or an ally because of the way they are platted. Once the plat is approved then the statutory process or "vacating" kicks in.

Ridenour brings up the list of the six property owners and one of which was recently purchased November 10, 2016. It is so new that there isn't even a recorded deed listed and is concerning for Ridenour. Donati states it could have been under contract prior to that November date and they just wanted to close. He states that what was happening in which that particular property had multiple owners (a brother) and they had to work out and buy-out the other owners in order to make the sale. It was convoluted and took a little bit longer but the decision to sell was already made. Ridenour states that three do have similar names. Donati informs that specific property used to be an auto part junkyard. Ridenour states he is just concerned that a property is sold within five weeks. Donati clarifies they are in control of all the properties that they need. With the re-zoning passing and convenience of the right-of-way of the roads then they can finish these steps and move forward. As mentioned by the council attorney, if for some reason that does not happen and they repeal the ordinance.

Quirk states she does not know if this question is for Donati or the developers but Fresh Thyme is more of a destination shopping (people outside of Muncie would come here specifically to

shop there) and she thinks that as a council, they need to look at the economic impact that could bring to the community. She is aware they have been in communication for about a year trying to obtain the right property and have been wanting to locate here in Muncie. From her position, she welcomes them and is glad that we have another opportunity to have another grocery store here, especially in that location for people in that central area of McGalliard Road. Gregory states given that this once was a junkyard auto repair facility and knows of someone who knows someone that stated they worked there and all they did basically was punch holes in radiators and gas tanks to let the stuff drain out. Her questions are as follows: Is this a brownfield? Is there any IDEM impact? Do they need any remediation? Did they do a phase one? She wants to know where they stand.

Hurt states as part of the process, they've done a phase one site assessment and that did trigger a phase two assessment which actually requires them to take samples of the soil. All of the samples came back at lower levels than needing to do remediation at the site. There was follow-up testing that was done and that came back as a good thing for the site as it did not need any remediation levels. They are below IDEM standards.

An all-in favor vote showed 9 yeas and 0 nays. INTRODUCED.

Donati appreciates the positive introduction and mentions they are strapped for time. It is not something he likes to do and he knows it is something the council does not like to do either, but this has been something in the process. They are not trying to ram it down to the council at this time but he requests a suspension of the rules to keep the developers on track. They have commitments and it was basically held up to the planning commission in order to get details worked out. They have to have this built and occupied by the end of this year.

A motion was made by Anderson and seconded by Peters to Suspend the Rules. A roll call vote showed 2 yeas and 1 no therefore no further voting required.

Donati requests a special meeting within the next week and inviting the developers back.

ORD. 2-17 AN ORDINANCE AMENDING CHAPTER 155, SECTION 20(A) & SECTION 42 OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

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

Megan Quirk, City Attorney states this is an amendment to the Muncie Housing Code in which adds that a copy of the tenancy agreement and the affidavit of ownership be filed with the Building Commissioner's Office Jan. 1st of each calendar year or whenever the tenancy or ownership changes. A second amendment is in chapter 155, section 42 which is a sentence that any violations of this filing requirement would be informed of such violations outlines under Ind. Code 36-1-26 which is the code section that regulates residential agreements.

Gregory states that Muncie City Hall has never been open on January 1st so would that need to be changed to the first business day or the year before. Her other question is let's say she has her unit occupied on Jan. 5th and then that tenant moves out, would she have to file the vacancy and turn around and file again when its occupied. Quirk responds by stating she doesn't believe Gregory would have to file a vacancy, but would enter in a new tenancy agreement and a new affidavit of ownership like with ever other change. If you have a lease

that is over a year long, that is a public record and has its own separate filing requirement. This tenancy agreement and the affidavit of ownership would need to be on file at the residence and all this ordinance is asking is for the City to also have a copy of that. Whenever the ownership changes or the tenancy changes then the updated copy would need to be filed with the Building Commissioners office, or by the first business day of each year of January 1st (they can be faxed, mailed or e-mailed in). Gregory asks if the office has room to store all this paperwork. Quirk responds that she thinks so. Gregory then asks if they have an estimate on how many rental units that are occupied that this is going to impact. Quirk answers she does not but they did have a rough count at the last meeting of about 10,000 parcels. Gregory asks if this covers Ball State as well. Quirk responds yes, this is for the whole city of Muncie and this has been the law since 2006. All they are now asking is a copy of what the landlord should already have on file.

Ridenour asks if there is a filing fee. Quirk states there is not. Ridenour questions if there are four people living together and one moves out, that would be a change of occupancy so they would need to re-file. Quirk clarifies it would just need to be updated but yes. Ridenour adds that Quirk states this is already the law and wants to know what is the change? Quirk states the only change is that they get a copy of it. Ridenour asks for clarification that right now it is not required for a copy to be filed the Building commissioner's office. Quirk informs him that no but they are required to have it at each residence. Ridenour then asks about the fines where it states that each day a violation continues after due notice, no penalty or fine shall exceed up to \$1,000. Quirk states that has not changed and is the current law.

Polk asks if this is included in the dorms in Ball State. Quirk answers no. Polk asks about Elgin Manor. Quirk is unaware of what that is. Polk informs her it is subsidized housing behind the old K-Mart. Quirk states if it is considered to be a rental unit then yes. Polk says in that complex there is well over 100 but is unsure of the parcel breakdown. Therefore, looking at the percentage of people that do take care of their properties it could be an estimated over 5,000 notices that they would have to send out as well as the manpower to track all of this. He questions if council is going to have to come and approve more funding for this? He knew of a complaint filed with the Building commissioner's office on Dec. 5th and it still has not been acted on. Quirk asks if he is asking her to not enforce the law. Polk says no, not at all but it is not enforced now due to not having enough manpower. Quirk states according to her understanding that after 2006 it was enforced. This is why they are asking for this amendment, to have a more easier way to track whether or not people are following what was asked of them in 2006. Polk says he gets questions all the time from his neighborhood associations on who owns certain houses and it is on Beacon that it is some bank. His other question is if they do have a violation and were notified but still no payment or repairs are made then what would happen? Quirk responds the individual property owners would be taken to City Court or Circuit Court. She also reminds the council of a budgeted position of a full-time property coordinator and that individual is going to be in charge of this. Polk asks if after the court process, would a lean be put on the property? Quirk answers yes.

Dishman asks about this information being made public online. Quirk states it would not be made public and the info that would be shared from the different departments within the city are the property owners name, address, whether or not the property is on a current unsafe hearing authority order, weed leans within the last 2 years and the affidavit of occupancy and tenancy agreement on file. Dishman asks about if someone would want to have a representative to be filed if that was possible. Quirk informs they can update their information but the information on Beacon would still remain the same.

Anderson believes Quirk had addressed the question he had basically for the property owners that their personal information be protected.

Powell asks for clarify that this is something that people are already responsible to do by law. Currently, they have to keep it at every rental unit so it shouldn't be any increase in workload. All this is asking is that not only they keep a copy on site but also give a copy to the city to keep and update it once a year or within thirty days after a change of occupancy. There are no fees and the fines are the same as they always have been. Quirk agrees that this is all correct information.

Questions called. Marshall is going to give everyone some time to talk but asks to please not be repetitive and is going to give everyone three minutes.

Eldin Buck, 1504 N. Legend Ct. states they have had the affidavit of occupancy since 2006 and it has never been enforced. He has talked with policemen and firemen and they have no idea about it. He asks if this is going to be the same thing. He is a Ball State landlord and they have turn around dates in May and August each year with new tenants all throughout.

Carl Wright, 1001 W. Dunn Ave. has rental properties and the people that rent some of these properties are irresponsible and the city can't make them keep a single piece of paper when they throw everything else away. He believes it is ridiculous.

Cindy Hindsel, 2725 S. Jefferson, keeps hearing everyone say that this is just another tool in our toolbox but wants the city to use what they already have. Before she goes out and buys something else, she uses every resource she has. Once that is flowing smoothly, then look at enhancing procedures. As you make more money, use that to proper use. This is a great city, we have good bones and are smart. If we cannot manage the laws that we have on the books exactly how they are then what makes us think we can manage them by adding more to that. She is a landlord and also a resident, not only does she manage rental property but lives next door to rental property as well. Her suggestion is to take what we have and make the best of it.

Sarah Beach, City of Muncie Personnel Director, approaches the podium and states the city council allocated funds just a couple of months back to create a new position (the Property Coordinator) for the city of Muncie. That position will be handling this along with other duties in which that position will have. That was the whole purpose of creating this position to start to tackle some of the stuff that had not been tackled in decades. As far as the affidavit of occupancy paperwork that the gentleman earlier said was never at the properties, that is why we are asking it to be sent into the city so we will have a copy of it. Whether it is at the property or the city, there is going to be a copy of who owns it and who is renting. As far as having the storage space, the building commissioner's office does have the storage as well as computers.

Documents can be scanned and filed electronically as well so there is enough space and technology, this is something that needs to be done to fix our problem. There are also other programs that can be used to address properties that are vacant and abandoned. This has been funded and we want to use it to the best of our ability to make things work better for the city. Jason Spangler, 706 S. Hutchison, Muncie resident and multiple owner whom also manages and takes care of other properties for other managers. He addresses the money being appropriated for this one position. He does not know if council has thought of this but if there are 10,000 parcels and say 5,000 apartments in those other parcels so ultimately 17-20 thousand rentals could one person handle all those documents? They should take an assessment on what one person is capable of doing in say 260 days a year. He believes this person in this position should follow up the complaints on the rentals we already have. He does not know too many tenants that would want to live in a place without a copy of their own lease, whether or not they keep it in their house is up to them. He cleans out his houses and throws away piles of trash in which they don't pay bills or leases but if there are complaints then use this position follow up with the law already in store. He states he does not have an agreement with the City, he has an agreement with this renter. He questions if the computer system was to get hacked how could he be sure his information is secure. Councilperson Quirk states that this is a community and one of the things we are trying to address is sometimes with properties we have to send police and fire units out there. For example, just this past week she had a gentleman from out of town in Hamilton County contact her in reference to a property on Carson Street that is being rented out to Ball State students. That property has been victimized multiple times so she worked with him to reach out to the police department so that these girls could feel protected. Therefore, yes there is an agreement with the city and that is to try to help you to provide a safe and secure environment. Spangler questions why wouldn't those girls just give the landlords information if they have a lease with those people. Why would the city need his lease on hand? Quirk responds it is important for the community. Spangler just doesn't believe one person can handle the workload let alone use this position in a productive way.

Sarah Beach again addresses council and wants to make sure they understand that they did fund that one position but there are other positions within the building commissioner's office. The person actually in charge of doing this will have support staff to assist them in getting this done so it is not like it is one person is doing it all by themselves, there will be additional help. Mark Boling whom owns multiple properties in Muncie questions if this is the law then shouldn't it be applied to everyone including Ball State dorms? If everyone has to register, then they should too because there are more drugs and contraband coming through those units than you can begin to fathom. Landlords want to put good tenants in their properties. They end up not paying bills and the process of trying to remove them begins. The city of Muncie lets them sit for however long they want to and the landlords can't do anything. They can't go on the property and take care of anything because they are not allowed to by law. The law applies to everyone not just a few.

Folkner Joseph, 702 Nickel Ave. operates 1700 properties in 31 counties, 152 cities and if this is the law then he wastes his time coming here today. He believes Muncie had already had this

plan in motion. He states it is a window for being sued. He is ashamed of this city for everything currently going on and President Marshall asks Joseph to remain on topic. He states if the person has already been hired then why have a public option for people to attend and comment on.

Phil Peckinpugh, Director of Muncie Animal Care and Services, wants to back up what councilperson Quirk was addressing. As the animal shelter director, they often run into situations where it would be incredibly useful for all three departments (MPD and MFD) to have this ordinance enforced. He agrees and states it would be incredibly helpful.

Walter Jones, 316 S. Post Rd. has been a Muncie resident for all of his life. He started off with nothing and picked the rental business because he heard it was prosper and would make him a good living. The talk with needing this downtown, can be easily found at the property, the property owner's office, or even online. What do they need it for? It is just another way to start fining. They say it will be helpful for the fire and police department, but he has never had a problem in which they couldn't get ahold of him. He mentions Polks' earlier comment of filing a complaint that still has not been resolved. It is adding more and more. The vote is just for the city to get their information. If the laws couldn't be enforced and it is having been ten years, then why is the city still fooling with it? It is just wasting money. Fifty percent of the housing in Muncie is rentals and the landlords are asking to be heard. He represents 200 people and he gets three minutes and doesn't believe that is fair.

Attorney Megan Quirk points out in the definition section they do have a definition of a rental dwelling unit which includes a rooming unit (dorm) however the definition is "any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking and eating purposes." So, the dwelling unit is actually what is being talked about within this tenancy agreement and within that definition is that "a single unit providing complete and dependent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation." So, there is a bit of a difference between the current law that we have on definitions. A dorm room that does not have cooking or eating purposes would not be considered a dwelling unit. That is where back in 2006 that differentiation was made for the dorms verses rental houses or apartments or condos.

Chris Hyatt, 918 University Road, agrees we need to enforce the current ordinances already in effect. It shouldn't take another ordinance to do that. There are 522 leases in the Village Promenade. Out towards Buckles Street, there are four or five hundred units each with two or three bedrooms. He questions as well if the building commissioner's office is capable of handling the workload. For the last four months, he has been trying to get an employee from the office to his neighborhood to enforce the off-street parking requirements. He has yet to hear anything back or see anyone physically out there doing anything.

Gavin Greene, 1404 W. North Street, understands this ordinance is going to go through and is in favor of supporting the previous ordinance. He reflects on what Councilperson Quirk stated we needed this for fire safety and police is close to his heart. He questions if they are going to be

entering in the 10,000 plus forms into the system that the current public safety (NewWorld) uses so it can be pulled up after hours. That is correct, it wouldn't just be accessible from 8:00 – 4:00 P.M. Monday through Friday. He then commends the employee and staff in the building commissioner's office for taking this on. He mentions he has a support staff of four in Muncie for 300 units with a turnover of about 60% with affordable housing. The 160 leases they do is with just four people. He is cautiously optimistic to enforce it but hopes this employee has vacation time because they will need it. He supports it and all the information would be a great tool but just does not know how the city can actually make it work.

Rick Russell compliments Councilperson Anderson, Councilperson Ridenour and Councilperson Peters for having the Land and Traffic Committee meeting and getting the public's insight. He then thanks the council for the withdraw of ordinance 48-16. He mentions the neighborhood associations that Ridenour and Polk represent and suggests they recommend those people talk with their landlord to get people that will follow the law into those properties and make them less-troublesome.

Dan Cradle, Yorktown, thanks the council for the withdraw of the registration ordinance. He mainly has a few questions for clarification and asks if a copy of the affidavit and the lease will need to be on file. Powell gets confirmation from Attorney Quirk that it is both documents that would have to be filed. Cradle states he understands the affidavit on file would make it easier than going to the property, but is not sure the value of the lease contract and why it would need to be there. It would make easier for the city to enforce if they had the affidavit in the office but what is the overriding goal as to how this is going to benefit the Building Commissioner's office. Is it really for emergency services or what is the big picture? Quirk states they will be able to use the information for police and fire as well as problems when they try to contact people for unsafe hearing purposes to give them legal notice. Whenever there are other building code violations they would be able to get good service on them. There are also times when an LLC owns the building but has since been administratively dissolved and there has been no change in the deed or any sort of ownership. There might be a need to get ahold of someone to address vacant or abandoned property issues or some sort of economic reason. An example is if someone is potentially interested at a later time, they would be able to find the right person. The fact of the matter is that they value people's privacy, the ordinance amendment states the telephone number for the property owners would not be given out. That is something that will be kept in NewWorld systems so police, fire and building inspectors would be able to obtain that information. It is a lot more than just keeping up with essentially being "nibby." At a very practical standpoint the way she envisioned this from an organizational point of view is the following: 1. Both documents are filed 2. Checked for completeness 3. The employee would go to NewWorld and find the address and click the field in which states 'yes, they did file' and 4. It would get filed it away or scanned for storing. It should be fairly easy and not require no huge amount of data entry. She is hoping a majority of the property owners are consistent with what has been given from Beacon. Cradle states most of that does make sense to him but he still wonders if part of this is to help enforce the landlords that aren't doing a good job or responding to complaints. He guesses that those landlords would probably be the

same ones that won't comply or end up filing. Also, online is a much more easy and accessible way for some people to handle business therefore could the affidavit be filled out online and submitted. He is just thinking out loud. Quirk responds the way she will implement this is that there will be a PDF file at first of the Affidavit of Occupancy and then contact information on where to be able to send the document (e-mail, fax, mail or in person). Then, they will have the form to be downloaded and uploaded into NewWorld which would reduce the amount of time that a physical person would have to enter that data. Previously, because a fee was charged with the rental registration program, things with the payment process were getting complicated and now that there is no longer a fee, it will be fairly easy to upload.

Cedrick Taylor, a residential and commercial property provider in Muncie does not have as much information on what is going on as he would like, but just from being here tonight and listening to the other property owners, he wants council to take into consideration that they as property owners try to provide good quality and safe housing for Muncie. One of his concerns is exactly the amount of information that is going to be available to the public. As a property owner, when he leases a property, that information is private between himself and the tenant. He does not know how much of it is going to be shared with the city and how much is going to be available for anyone else to go and access. He does have campus housing and leases to both and female tenants but has a little bit more concern and care for his female tenants. There have been situations in the past where there is a domestic issue or situation in the property and a no contact order has been issued. An example is if the opposing party moves and this information is still out there in the public then maybe that person ordered to have no contact has access to it. There are all kinds of other situations that need to be looked at if this information is going to be taken from confidential (between the landlords and the tenants) to be more public. He does understand the police and fire aspect of it but all the other areas need to be looked at as well. Questions called. An all-in-favor vote showed 7 yeas and 2 nays. Roll call vote not necessary. INTRODUCED.

RESOLUTIONS:

RES. 1-17 A RESOLUTION MAKING TRANSFERS WITHIN GENERAL FUND.

Audrey Jones, City Controller is here to answer any questions. These are just resolutions cleaning up last minute funds.

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

RES. 2-17 A RESOLUTION MAKING TRANSFERS WITHIN PRAIRIE CREEK FUND.

A motion was made by Quirk and seconded by Polk to Adopt. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

RES. 3-17 A RESOLUTION MAKING TRANSFERS WITHIN BEECH GROVE DEPARTMENT.

Audrey Jones, City Controller addressed the reason for this change was to suffice for the two Superintendents they had during the year.

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

RES. 4-17 A RESOLUTION MAKING TRANSFERS WITHIN FIRE PENSION DEPARTMENT.

A motion was made by Quirk and seconded by Polk to Adopt. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

RES. 5-17 A RESOLUTION MAKING TRANSFERS WITHIN POLICE PENSION DEPARTMENT.

A motion was made by Quirk and seconded by Polk to Adopt. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

RES. 6-17 A RESOLUTION APPROVING AN AGREEMENT WITH FRATERNAL ORDER OF POLICE LODGE #87.

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

OTHER BUSINESS:

ADJOURNMENT:

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

Doug Marshall, President of
The Muncie Common Council

Melissa Peckinpugh, Muncie City Clerk
of the Muncie Common Council