

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

JULY 11, 2016

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Dan Ridenour.

INVOCATION: Given by Councilperson Julius Anderson.

CITIZEN RECOGNITION: Councilperson Dan Ridenour presents citizen recognition to George Branham. Not only has he been a role model to Mr. Ridenour but has also taught him to look for the solution and treating what is the root cause as opposed to treating the symptom. He has done a number of things for this community and the City of Muncie. He was born in Bloomington, Indiana, graduated from Indiana University and received his medical degree from Indiana University School of Medicine, where he was elected to the A.O.A. (Academy Medical Honora). Following that, he began a nine-year career in the United States Air Force. During his first year of service he was an intern at Fitzsimons Army Hospital in Denver, Colorado and then a resident in Pathology at Letterman General Hospital in San Francisco, California. He served for four years on active duty teaching at hospitals before beginning his civilian career in Muncie, Indiana at Ball Memorial Hospital. There, he has had numerous leadership positions including chairman of the clinical staff and its executive committee, and director of laboratories and pathology resident programs. Also board certified in Anatomic Pathology and has a special certificate in Hematopathology and Radiostapathic Pathology. He is a member of the Indiana State Medical Association, the Indiana Association of Pathologists, (both the past director and president) the College of American Pathologists Fellow, American Medical Association, American Society for Clinical Pathology Fellow and the past president of Indiana University of Medical School Alumni. He also received a distinguished partner award from the Miller College of Business at Ball State University.

Mr. Branham has enjoyed five children, thirteen grandchildren, going on many church affiliated medical trips to Mexico and Haiti, and has had an active civic life. Perhaps his highest undergraduate achievement received was a medal for academics, athletics and citizenship during an Indiana University Big Ten game. For being seventy-seven years old, he is very entrepreneurial, competitive and energetic. He ran varsity track and cross country in high school but also at Indiana University scoring in the majority of all championship races. Since college, he has run hundreds of road races, including seventy full marathons, eight of which were at the Boston Marathon.

He has been involved in The Muncie Action Plan (serving as one of the chairs) and past chairman of the Chamber of Commerce Board of Directors. Also, a Muncie Symphony Orchestra Superconductor, as of just a few years ago. Civic accomplishments include Rotary International (1968-current), Muncie Symphony Orchestra Board of Directors (1980-1986), Muncie Children's Museum Board of Directors (1982-1984), Muncie Delaware County Chamber of Commerce,

Horizon and Visions of an Economic Development Steering Committees, Muncie City Edit Board, a member of the Health Care Advisory Council (1993-1998), Triathlon Muncie World Championship Coach Hire, Charter Board Member since 2005 at Schaffer Leadership Academy, Charter Board Member (1995-present) at Cornerstone Center of the Arts and the Muncie Action Plan where he was the co-founder and coach hire (2009-present).

Mr. Branham states he is very honored to receive this award especially from his friend, Ridenour. He mentions the love for his beautiful wife and states they have had four long decades of pure marital bliss. Stating it is a real privilege to be here, he implies how people that do volunteer work don't do it to get recognized but do it for the affection of our community and the love of the people we volunteer and work with. One must carefully consider what people might think after hearing what you say, but on the other hand, some people will likely not remember anything you said but they will remember how your words made them feel. In medicine however, the value of what they say depends of their credentials and their credibility, noting that furthering education is very important. He thanks many of their friends and any volunteers in the community, adding how much of a wonderful place Muncie is comparing Ball State to Bloomington in his younger days. Adding the fact, the city is well on their way in recent years in making changes and improvements. The local hospital is one of the biggest hospitals in one of the smaller cities in the entire state. Mr. Branham closes with a "Go Cardinals!" and a "Go Bearcats!"

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

APPROVAL OF MINUTES: A motion was made by Marshall and seconded by Powell to approve minutes from June 6, 2016 as presented. A roll call vote showed 8 yeas and 0 nays. MINUTES APPROVED. A motion was made by Powell and seconded by Gregory to approve minutes from the Special Meeting on June 15, 2016 as presented. A roll call vote showed 8 yeas with 1 abstain (Marshall). MINUTES APPROVED.

COMMITTEE REPORTS:

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 17-16 AN ORDINANCE AMENDING ORDINANCE 28-15 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY APPOINTED OFFICER, EMPLOYEE, DEPUTY, ASSISTANT, DEPARTMENTAL AND

INSTITUTIONAL HEAD OF THE CITY OF MUNCIE, INDIANA INCLUDED HEREIN FOR THE YEAR 2016.

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

Muncie City Police Chief Steve Stewart states in late January/early February, Laura Taylor took the responsibility of being the Victim Advocate Director. Since then, this division within the Police Department has grown tremendously and he wants to share just a few of her accomplishments she has made within that short amount of time. Mr. Stewart states on April 8, 2016, he received an e-mail from Michelle Brooks who is the Victims Services Grant Manager with the Indiana Criminal Justice Institute stating the following: "Greetings Chief Stewart and Prosecutor Arnold, I am a Grants Manager with JCI and I have been working with your Victim Advocate Director, Laura Taylor for the past two months. I just wanted to inform you that I have been very impressed with Laura's enthusiasm, effort, consciousness, and her new role in dealing with CDI's grant programs. This past week Laura was required to submit a program quarterly report, her submission was outstanding, timely and very detailed. This is something that is often lacking in the program reports we receive from other sub-grantees. Often we find quite the opposite, reports that lack the required information about the sub-grantees program performance. It is evident in my short time dealing with Laura that she not only cares about her job but also the victims of the organization provided services for."

Stewart adds some of the other accomplishments Taylor has made in this short amount of time is that she was able to find more money within the grant to hire two more part-time employees in the Victim Advocate Office. Mr. Stewart states this is the first time he can recall where there are enough staff members to be on call to the hospital if needed for the victims of violence that appear there, which another agency at one time was handling. He adds that he could go on and say many great things about her, including the fact that she would have appeared at tonight's meeting but had to be in training. The Victim Advocate Office stays open through lunch and one of the new part-time employees has been assigned to the Prosecutors Office twice a week. This has opened up opportunities for the domestic violence victims to have meetings with the prosecutor. He states she has done an outstanding job and is very deserving of this pay increase he is asking for. Councilperson Gregory asks if she is under his department and where in the budget does it show this information and Stewart states it is all from grant money. With this pay increase, Laura's standards are with what other Victim Advocate Managers make across the state. Questions called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

ORD. 18-16 AN ORDINANCE AMENDING 28-15 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY APPOINTED OFFICER, EMPLOYEE, DEPUTY, ASSISTANT, DEPARTMENTAL AND INSTITUTIONAL HEAD OF THE CITY OF MUNCIE, INDIANA INCLUDED HEREIN FOR THE YEAR 2016.

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

Muncie City Police Chief Steve Stewart again states this ordinance fixes the salaries for the part-time employees in the Victim Advocate Office. The grant that they work under is calling for \$13.50 which is what the employees have been receiving. They just need the ordinance passed to state that. Questions called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:

ORD. 19-16 AN ORDINANCE AMENDING 26-15 FIXING THE MAXIMINE SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE POLICE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA FOR THE YEAR 2016.

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

City Controller Audrey Jones states this amends ordinance 2-16. On page 2 of that ordinance it shows a longevity pay of an hourly rate and then on page 3 it is showed as a salary. Last year the Police and Fire went through the same thing, the Fire was already getting a salary longevity and the Police was getting an hourly rate on longevity and so, both were in there and the hourly rate was mistakenly not taken out. This is just to clean that ordinance up. The original ordinance was 26-15 with the 3% raise which was received earlier this year. Councilperson Powell asks about changing the wording from Ordinance 26-15 to Ordinance 2-16 and Attorney Joe Hunter states that it can be changed but is not necessary. Gregory asks that since they haven't ratified a contract for Police or Fire, what the responsibilities are in not having a ratified contract. Jones mentions last year's contract and states they haven't come to any agreements regarding contracts this year. Sarah Beach, Personal Director for the City of Muncie, addresses the council and states that the contract which was ratified last year was for this year and is still valid and should be until another one is ratified. This ordinance is just to clean-up the language in the salary ordinances that dealt with those contracts. Questions called. An all in favor vote showed 8 yeas and 0 nays. INTRODUCED.

ORD. 20-16 AN ORDINANCE AMENDING 35-12, 32-13, 27-14 AND 28-15 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY APPOINTED OFFICER, EMPLOYEE, DEPUTY, ASSISTANT, DEPARTMENTAL AND INSTITUTIONAL HEAD OF THE CITY OF MUNCIE, INDIANA, INCLUDED HERIN FOR THE YEAR 2016.

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

City Controller Audrey Jones states that back in 2012 the Merit Commission salary was changed to \$7.25 because it was a full-time employee and both of their salaries have to be added together, divided in half and then the employee is given a rate at time and a half so they weren't getting paid for example \$30.00 an hour or something along that line. It was changed to the minimum wage. When she went back to do the salary ordinances for each year she did not reduce the Merit Commission to what the person was actually making (\$7.25) so therefore, this is just to clean up those errors from previous years. Questions called. An all in favor vote showed 8 yeas and 0 nays. INTRODUCED.

ORD. 21-16 AN ORDINANCE ESTABLISHING THE CITY OF MUNCIE AS A BROADBAND READY COMMUNITY.

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

Arron Kidder with the Mayor's Office states his office has been working with City and County Economic Development alliance officials towards a designation of a broadband ready community. This is a designation from the State IEDC (Indiana Economic Development Corporation). A broadband ready community would operate a path of least resistance to developers who might put in a broadband infrastructure in the city of Muncie. The designation

of a point or person that a potential developer can reach out to, a guarantee to do inspections in a timely manner, things of that matter. Questions called. An all in favor vote showed 8 yeas and 0 nays. INTRODUCED.

ORD. 22-16 AN ORDINANCE TO ESTABLISH RESPONSIBLE BIDDING PRACTICES AND SUBMISSION REQUIREMENTS FOR SUBMITTING BIDS TO PERFORM CONSTRUCTION WORK ON PUBLIC WORK PROJECTS.

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

Jack Neal, President of the East Central Building Trades states they believe in moderate, responsible public policies that bring more work and create broad-based prosperity. They also have a public service mission, to increase tax-payer value. The RBP (Responsible Bidding Practices) basically is a protection plan for tax-payers. This ordinance establishes clear and objective criteria on a set of standards that contactors must meet and be eligible to get on our public works projects. The purpose is to help ensure the city of Muncie is equipped with the most responsible contractors that provide the highest quality of work, efficiency, safety, on time and on budget. It shows companies wanting to bid with your construction project that they must be highly professional in ethical business and must employ well-trained local craftsmen. Neal states that this is a protection plan for our tax-payers. Gregory asks about the state statute and where the language comes from. Neal answers it has been adopted through many communities throughout the state naming Marion County and Evansville as examples. It is not statute but puts in line with the statue since the repeal of the Common Construction Wage. Gregory states there is some typos and wording that needs corrected and also that it is concerning that there would have to be someone to do interviewing and go out to job sites and there seems there is more to it than what meets the eye. Neal responds that it would not be the cities responsibility to do any of that. Gregory states back that it would be the cities responsibility but unsure of what department, naming examples such as The Controller's Office and Human Resources. Gregory asks what office would be the one checking on that because it is a burden and how they picked the \$150,000. Neal answers that it is for smaller and faster projects. Joe Hunter adds that this amount is statutory.

Yvonne Thompson, Director of Muncie Human Rights Commission and Compliance Officer for the City of Muncie states it would be their department to check the information Gregory was inquiring about. They do currently do work of this nature every once in a while with different contracts that have come in with the city or just different projects altogether, adding that finding the time for staff to complete it, however, would be tough. She states it just depends if they have the time to complete it or not. Ridenour asks how many cases they investigate now that is over the \$150,000 because every single one will have that requirement, which would be a large responsibility. Thompson agrees and responds that it's not that she doesn't approve but it does fall under the compliance officer's responsibility. Ridenour adds not only is it compliant on their end but also the business end, because of companies that may have bided in the past may not chose to again because its extra stipulation that they are not used to or unable to comply with. This could potentially cause the city to lose those companies that want to do that type of work. Thompson states she doesn't know what the answer is, they do it but not all of them and not all the time. Councilperson Doug Marshall adds if a company is telling us they are paying their employees a certain amount and they are not, he believes that should fall under

the cities responsibility on such projects, it is not fair to the workers either. Powell asks Thompson if there is any possibility that on the front end making sure the companies are compliant with certain things if that could reduce the workload on the back end. Thompson responds they try to do it on the front end from the beginning. Marshall asks to make sure that when they are reported to go out and check worksites and such, that is because of complaints, so a lot of the time the workers know what they are supposed to be waging and if they are not, they call and file a complaint with her office. Thompsons responds that is correct information. Gregory adds though, that it doesn't matter if they have made a complaint, that every single contract and every single payroll will have to be audited every single week. Ridenour adds that can be extremely time intensive for both the government side and contractor side. Neal states that this ordinance is not requiring an audit every week, but for contractors to submit certified payroll weekly, that is kept on record. If someone were to complain about their pay it would show a record of what they were paid that week. It is not a weekly audit but a weekly certified payroll that the contractor would send in to the city in efforts to make sure that the contractors hired doing these jobs are reliable, fair, licensed and responsible (added by Marshall). Todd Donati of the Muncie Redevelopment Commission explains that the city does a lot of million dollar projects especially when dealing with bonds and that capacity. They don't always require bids, however, one of the things they get into is if a company comes in and bids a low bid, just to get the cost down and then they turn around and pay their employees a low amount in order to get that low bid then they don't do quality work on top of it. This ordinance should not even be required but should be something maintained or monitored. He states he believes they are looking at it wrong as to how it shouldn't be a burden on us but a burden on the end result of what they are supposed to be doing. We certainly don't want workers being paid a certain amount when they should be getting paid more because this could potentially affect their work ethic. Ridenour asks about where in the ordinance it states, "for all projects for at least \$250,000 the successful bidder and all of their sub-contractors (regardless of size of the organization) will have to provide that certified payroll." It's just perturbing about who is going to want to bid on city projects if all sub-contractors of every single project on \$250,000 and above would have to submit that certified payroll. The unintended consequences here may be more than what they are thinking and maybe there is another solution. This is just the introduction and they still have time to work through it. Marshall adds that any company that does quality work should not have a problem with turning in payroll and he doesn't see too often where companies turn down work due to there not being a lot of job opportunities at the time. Dennis Tyler, Carpenters Local Union #1016, states that it is a good thing they would provide that duty for the sub-contractors and that this is something that we want from his experience. Questions called. An all in favor vote showed 8 yeas and 0 nays. INTRODUCED.

ORD. 23-16 AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF MUNCIE, INDIANA TAXABLE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2016 (NEBO ROAD, LLC PROJECT), AND THE LENDING OF THE PROCEEDS THEREOF TO NEBO ROAD, LLC, AND AUTHORIZING AND APPROVING OTHER ACTIONS IN RESPECT THEREOF.

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

Todd Donati states this project has been in the works for several months and has included documents of the preliminary drawing of where the dealerships and projects will be happening

at the southeast corner of Nebo Road and McGalliard Road. It will be a continuation of Hometown Blvd which will add additional growth in that aspect. This is just for the two key projects of the Dellen-Ford and Dellen-Hyundai which will be the two dealerships in excess of the thirteen-million-dollar investment with the Hill project. It also gives us the opportunity that we add another 15-20 acres of potential development on the south side of the road on the southeast corner. He believes with it being in this position it is doing exactly what it was intended, which was an auto mall to attract in and out of town participants to go out and shop, spend the day, etc. They believe it will attract additional commercial and retail outlets in that area. It will be the fifth car dealership and one motorcycle dealership and then the hardware store along with the grocery store. Nick Dellen from Dellen Automotive Family introduces himself to answer any questions anyone might have. When asked about the timeline of the project he states that with Ford Motor Company and Hyundai specifications, they hope to have it done by the end of 2017 with continuing planning set for the rest of 2016. Council President Dishman asks about plans with the old building and Dellen responds they do plan on selling that property, they still occupy the building so have been dealing with some difficulties but are currently looking in to it. Marshall asks if they plan on increasing their staff and Dellen responds yes, they are. They are operating both the Hyundai and Ford-Lincoln franchises out of one location currently on McGalliard and will be separating and having Ford-Lincoln dealership (approximately over 40,000 square feet) with roughly thirty-five employees and adding ten to fifteen more and then also the Hyundai dealership (over 18,000 square feet). An estimate of a possible thirty new jobs could result from this. Ridenour asks if Dellen owns the Hyundai building and he states that no, the last he knew it was owned by Mr. Gaddis. Donati also answers that he is unsure as to who has it but the building has been sold. Questions called. An all in favor vote showed 8 yeas and 0 nays. INTRODUCED.

RESOLUTIONS:

RES. 17-16 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA APPROVING CERTAIN MATTERS IN CONNECTION WITH THE ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT AREA AND AN ALLOCATION PLAN FOR SAID AREA.

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

Donati explains this area is already a TIF under the Delaware County Redevelopment Commission and by setting the establishments, these areas are separate from the other parts including Menards and Meijer area. It was a county area when established but has since been annexed into the city. Umbaugh, Certified Public Accountants, suggested on the financial end that if they took the time now to amend the County Redevelopment Commissions TIF area, remove those parcels from their TIF (due to not getting any revenue at this point) and they would maintain their revenue portion from Menards to Nebo Road. It would be just this particular parcel. He states he has worked with the Redevelopment Commission on the county side and they are simultaneously doing this so they won't lose any time. The MRC (Muncie Redevelopment Commission) has already established a declaratory resolution to establish this TIF, now is addressing City Council, and in a few more days will go to the County Redevelopment Commission and ask them to amend their TIF to remove that parcel. It is then on the way to the Planning Commission that afternoon. There is a lot of the same exact steps over and over. What this allows in the future is to not have to take so many multiple

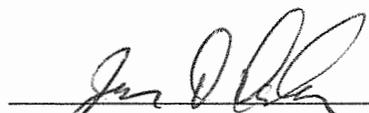
steps because right now anything done in those areas has to be brought in front of City Council and the County Council because each portion can be pledged. It is just a better, finer function of operation and eliminates the double process. He points out the document in the resolution showing exactly where the parcel is located and that there is no current development other than the current commercial operation and as always those taxes will remain in the general fund process. Gregory mentions it would be helpful to have the planning documents filed with the resolution so they have a chance to look at it before adopting. She also states there are typo errors which would need to be addressed. Donati appreciates the corrections and adds that this will probably be amended again before it goes to the confirmatory resolution and on to a public hearing. Questions called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

OTHER BUSINESS:

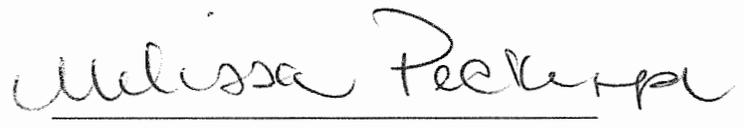
Councilperson Alison Quirk mentions that coming up on August 12th through August 14th there will be the first Muncie Bike Fest. As we all know Muncie is trying to become a bike friendly community. Visit munciebikefest.com for more information.

ADJOURNMENT:

A motion was made by Marshall and seconded by Powell to Adjourn. A vote by acclamation showed 8 yeas and 0 nays. ADJOURNED



Jerry D. Dishman, President of
The Muncie Common Council



Melissa Peckinpaugh, Muncie City Clerk
of the Muncie Common Council