

MINUTES  
MUNCIE COMMON COUNCIL  
300 NORTH HIGH STREET  
MUNCIE, INDIANA

**AUGUST 1, 2016**

**REGULAR MEETING:** 7:30 P.M., 1<sup>ST</sup> FLOOR CITY HALL AUDITORIUM.

**PLEDGE OF ALLEGIANCE:** Led by Councilperson Brad Polk.

**INVOCATION:** Given by Joshua Cooper from The Bridge Community Church.

**CITIZEN RECOGNITION:** Council President Jerry Dishman honors Clifford Clemons for tonight's citizen recognition. Mr. Clemons has done an outstanding job on the southeastern neighborhood association. He is a Pastor, Assistant Vice President at The New Testament Christian Ministries and the current President of Blane Southeast Neighborhood Association. He was born in Mansfield, Ohio and attended Kent State University and the University of Akron. He moved from Akron to Muncie in 1977 to pursue his calling to the ministry. Also, he is a retired employee from the city of Muncie after working in the Engineering Department for the Sanitary District. In 2011 he retired as an Inspector after twenty-nine years of service. He and his wife, Rebecca, have been married for thirty-four years and have two sons, Joseph and Mark, both former Muncie Central students. Joseph is a Ball State graduate now living in Indianapolis, Mark still lives in Muncie and is employed as a construction worker. In closing, Dishman states that when they started the Block parties a few years back, there was not many people that wanted to come out and show support but Mr. Clemons brought in good Gospel music and the police and fire departments. The kids would really enjoy sitting in the police cars and fire trucks and seeing the smile on their faces was the best feeling in the world. Dishman thanks Clemons and now allows him to speak on his behalf about what he has done for his neighborhood and the community. Clemons first and for most thanks God for his recognition following Jerry Dishman and Councilperson Julius Anderson for their support in the events Clemons has helped put on these past years. They first acquired property space (three lots) for The New Testament Christian Ministries and began to have Youth revivals there. They combined with another church, Tamerlane Act of Praise and they suggested giving out school supplies to draw more citizens from the neighborhood. They also were able to build a playground on the old Blane school field just last year through a grant with Kaboom, Dr. Pepper, Snapple which is a national organization that promotes kids to play. Also with the additional help of the entire Muncie community, including the Ball Brothers Corp. in which they received a partial grant through was able to make this all possible. Over the years, with more events such as block parties and continuing to hand out school supplies, the events have amazingly grown. Clemons informs that just this past Saturday (July 30<sup>th</sup>) they handed out over 150 backpacks with school supplies in them and believe to have had one of the biggest turn outs ever, explaining there was nothing left to hand out including food. They were thankful for the reception they received from the City of Muncie. They intend to continue to outreach in the community (more than just a once a year event) to knock on doors, get ideas from the people, what they want in the community

and what we can do to help them. Clemons again thanks his wife and two sons and mentions some other board members that are present in the audience, Tamera Sitdham, Isabel Sours, Kita Edsall and the ones that could not physically make it, Paul Funkhouser (Vice President) and Jerry Rollins (Secretary). Mr. Clemons thanks Dishman, the members of the Council, and all those that volunteer. When he got the call about receiving this award he immediately thought about all the people that help. He mentions he organizes and there is a lot more people that put in the labor, the time and the effort to make all of this possible and for that, he is thankful for Gods favor in that respect.

<b>ROLL CALL:</b>	<b>PRESENT</b>	<b>ABSENT</b>
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	

**APPROVAL OF MINUTES:** Ordinance 19-16 was Introduced but was listed under the Previously Introduced and the Agenda was Amended to reflect it.

A motion was made by Gregory and seconded by Marshall to Amend minutes from July 11, 2016 to indicate that Ordinance 19 was added to the agenda with an 8-0 vote and belongs under the new ordinances rather than previously introduced. A roll call vote showed 9 yeas and 0 nays.

A motion was made by Marshall and seconded by Powell to Approve as Amended the minutes from July 11, 2016. A roll call vote showed 8 yeas and 1 abstain.

**COMMITTEE REPORTS:**

**ORDINANCES PREVIOUSLY INTRODUCED:**

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 Gregory and seconded by Marshall to Introduce.

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

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

City Controller Audrey Jones states this ordinance refers to the longevity with the police department. In the original salary ordinance, it has an hourly amount and a salary amount and it needed to be changed to just salary, like the fire department. Marshall asks to clarify, it is just to clean up the language and Jones responds yes, that is correct. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

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 Adopt.

City Controller Audrey Jones states the Merit Commission employee was making \$7.25 an hour because they were a full time employee. Both of the salaries had to be added together, divided by half and multiplied by time and half to get overtime since they worked over forty hours a week. Jones again states it is just to fix errors from previous years. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

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 Adopt.

Arron Kidder with the Mayor's Office explains the City of Muncie has been working with the Muncie Delaware County Economic Development Alliance for this designation as a broadband ready community which is a designation of the State Indiana Economic Development Corporation. Marshall asks if this means Wi-Fi for everyone and Kidder responds no, this is a little more than a designation. It provides a path of least resistance and makes it as easy as possible for companies that want to develop broadband technology in the city of Muncie to do so. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

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 Adopt.

David Williams, Partnership Development Coordinator with the Labors International Union of North America thanks the council for allowing him to speak and to present a PowerPoint presentation. Part of responsible bidding and taxpayer value is the idea of any construction projects paid for by tax dollars should be awarded to the most responsible contractor capable of performing the work to the highest degree of value and quality. It is a process for a community to ensure that it hires only responsible companies that meet certain basic criteria in order to perform that work in that community. A responsible bidder ordinance is a tool to give communities greater control over work performed in their area in a consistent method to ensure high quality work performed safely, on time with the greatest taxpayer value. The kind of criteria being mentioned is ensuring that contractors comply with proper business licensing and insurance, environmental regulations, state and federal labor laws, safety and health laws and wage and hour laws. Some companies will do work for bargain based prices but they may not deliver what they promise and may ultimately cost the community more money. A company that works safe, plays by the rules all the time (not only when they are trying to win a bid) again equals taxpayer value. So the community needs a responsible bidding ordinance to ensure high quality contractors capable of performing the work are awarded the construction projects in this area. Other reasons include increase taxpayer value for their dollars for your dollars, and how taxes are being used wisely and to avoid tax increase due to tax dollar waste

and abuse. An RBO would ensure that taxpayer dollars are not wasted by indolent contractors who submit high numbers of change orders, perform low quality work (or work that has to be repaired or replaced), perform work which endangers public safety and/or worker safety, and performs work inconsistent with state, federal and environmental standards. Bad contractors can cost communities and taxpayers thousands of dollars due to demolition replacement costs, safety issues, environmental issues, project down time, change orders, and potential liability for contractor mistakes. Williams moves on in his presentation to show actual photos that he has taken over the years explaining the errors and what happened with them (most of which were paid by change orders). The type of contractors which have completed the work shown in these photos is not who you want to do your projects in the community. Twenty-six counties have adopted the responsible bidding ordinance in the state of Indiana. In summary, we expect citizens to pay their taxes and abide by the law why would we demand less from contractors who receive your tax dollars for public construction projects. Additionally, a responsible contractor provides greater taxpayer value, doesn't waste taxpayer dollars with contractors who cut corners in quality, training, wages, benefits and safety. Don't roll the dice with taxpayer money, Williams concludes.

Councilperson Ridenour mentions some of the places in the photos in Williams presentation asking about how old some of them are and how long ago some of the locations he named adopted such ordinance. Williams includes he has been doing this for ten years and has literally thousands of other photos just like these. He argues that some of the examples he has shown is why these other communities are continuing to adopt, adding that Indianapolis did adopt recently in the last month. Ridenour adds that his main concern is that the city is not quite prepared and it is being rushed through suggesting to maybe wait until next year so that the budgets can be worked out to make sure that all departments within the city that may be impacted by this have budget money to handle it. An example of unintended consequences is when Muncie took over a court for a smaller town, Yorktown. Last week council received an e-mail about a concern about short staff because they didn't realize how much additional work was going to be necessary by taking on this increased work load. In addition, he would want to see this put off until the budgets are worked through and the right departments that have to handle this additional documentation are prepared, we want the city to be able to handle what may or may not occur.

Williams responds that it does not produce more work or burden on any of the cities departments. What it does do, in fact, is lessen the workload by weeding out the contractors at the beginning of the bidding process. This criteria should be added to the bid specifications so that when contractors pick those up and read through them, they know they don't qualify. Ridenour includes that from his understanding that if there were concerns by workers, the city would have to investigate and go back through those reports. Williams states that is not any different than having a current worker under state or federal law with a wage issue. Whichever department would be doing this is still in charge of investigating so unless the city is anticipating there being more wage violations, actually there is going to be fewer because it will weed out the contractors from the very beginning of the process and bids from them won't be received. Ridenour responds the state statute is \$150,000 but would like to see it lowered to \$10,000 to eliminate all this stuff going on in Muncie, and require that every single thing

\$10,000 and above has to comply. Personally, there is nothing wrong with doing more than what is required, so why do it at \$150,000? Which is a question for the community of Muncie. Gregory points out on page 3, section 2 it does not state there will be more work because every contractor who receives a bids of 150,000 or more is going to have to submit weekly payroll records which would all need to be monitored by some city employee (go to job site daily, interview employees to determine who is on the job site making what amount and doing what job). That data would then need to be matched to the actual payroll records before the contractor can be paid weekly, which is a lot more work than the current procedure. Williams is not currently looking at the ordinance but can inform how it works under Federal Davis Bacon, how it used to work under State Common Construction Wage Act and others. Those documents typically are submitted and reside with the project engineer and are not monitored unless there is a problem, unless a worker would complain. The record is there for somebody to go look at, the documentation is filed and kept as part of the official record of the project. There is not a monitoring of the payrolls it just simply goes in with all the other documentation that the contractors are going to send in to the project engineer for prosperity sake, in case there is a problem. Powell summarizes these are documents that are to be submitted to Yvonne Thompson in Human Rights and then if there is a problem they will have them at their fingertips and would reduce the amount of work that would have to be done in researching that complaint. Williams adds that one of the problems with employee wage complaints now is lack of documentation. So using himself as an example, if he as a worker thinks he is being cheated on his overtime (which is federal law) but there has not been any payroll submitted. It can then end up in quite a situation because the Department of Labor has to come in along with someone from the city, and even subpoenas can be distributed to the company to turn over what documents they do have. This simplifies all of that, it is sitting there already filed and all that would need done is a check of the records just like any other issue on a project. Ridenour asks if anyone brought documentation as to how many projects we have in the city of Muncie over \$150,000 as a cost and what percent and number have had actual challenges. Nobody has the information Ridenour is inquiring about.

Construction Analyst for Indiana Illinois and Iowa Foundation for Fair Contracting, Marcella Kunstek from Portage, Indiana addresses the council. The FFC is a non-profit joint labor management organization funded by participating contractors. Their mission is to promote fair contracting practices and help building a level playing field in the public works construction arena for both contractors and workers. Balancing the interests of business and labor is a core value of the FFC. They believe in a moderate, responsible public policies that reward work and create broad-based prosperity. They also have a public service mission to increase taxpayer value. She is also here as a board member on the Utility Service Board in the city of Portage, Indiana and recently passed this ordinance in 2015. They have had some prior issues in construction and thought it was a definite advantage for them to adopt this policy. Explaining that her herself is a taxpayer and the savings and confidence in knowing that they will contract with responsible contractors who require the highest quality of work is more than substantial. Imposing specific requirements on contractors to bid and work on public works projects is key to a successful on time and on budget project. This will also allow many quality local traits, men and women, an opportunity allowing them to work in the community and to invest in the city of Muncie. In closing, she applauds the council for considering this RBO policy because it is a

protection plan for taxpayers and establishes some expectations. It shows companies wanting to bid on construction projects that they must be highly professional in ethical businesses and they must employ well-trained local craftsmen. Powell confirms that from her understanding this gives our city a transparency and lets us know that the contractors being hired are in good standing with the Secretary of State, offering the wages they say they are, drug-free workforce, etc. To even submit a bid, they are following those standards. Kunstek responds it is a beautiful protection plan. It is not burdensome or cumbersome and her city has had absolutely no issues with it. Adding, that sometimes other places will reach out to their organization if there is a questionable contractor and they will look into it for them in which they are more than happy to do because they believe in that type of construction public works projects. Powell asks if this would show a history of past violations and Kunstek responds yes, that is correct.

Kelly Watson, addresses the council with an instance they can relate to. The Royerton Sanitary project had to be re-done twice, by taxpayer money. This first contractor did a lot of bad work so it had to be completely tore out and fixed. Both paid for by taxpayers.

Frank Wyle states he attends many Board of Works meetings and was surprised at how many change orders come about after they've been bid. He informs he does not track the records as to not having the appropriate access to all the information but change orders are many, almost weekly.

Kidder states he can partially address some of the concerns and questions of the council as to the Federal Aide Roadway Projects which he has involvement in. Generally, on large infrastructure projects, they work a hired Construction Engineer into that budget and that's part of their responsibilities is to check those records.

Andy Taylor, owner of Salyer-Taylor Mechanical on the south side of Muncie is a third generation mechanical contractor and wants to give the council a perspective from a contractors point of view. Before he would put the money into taking the time to bid a project, he knows he's fair and plays by the rules and will bid what is in the bid-scope. There is a lot of contractors that do not do this so and this is something they look for when they are going to put their money on the line. As to go ahead and bid a project they look to see if the municipality, entity, Ball State, Ivy Tech (does do their diligence) so the contractors being bided against are fair. He is from Muncie and understands that his company and a lot of other contractors from here want to do a virtuous job. In closing, Taylor wants fair shake as to get the business here and try to keep the business here, locally. Questions called.

Attorney Joe Hunter states there were some typographical errors, in section one on the first page has a place for the ordinance number and needs to be amended to add that in there. Then on page two, section F it reads "overs" and should state "covers" which also needs to be fixed.

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

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

A motion was made by Marshall and seconded by Powell to Pass as Amended.

A roll call vote showed 9 yeas and 0 nays. PASSED AS AMENDED.

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 Adopt.

Todd Donati with the Muncie Redevelopment Commission states the recommendation for the report was approved and the bond ordinance itself was approved and passed just earlier this morning by the Economic Development Commission. With City Council adopting this tonight, that will keep the project on track. Ridenour asks if the storm water and sanitary for out there has been in place and if not where is it going to go? Donati responds it is going to stay with the Muncie Sanitary District and the easements are being worked on as we speak and should be completed hopefully before going out to bond. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

#### **NEW ORDINANCES:**

ORD. 24-16 AN ORDINANCE AUTHORIZING AND APPROVING A PILOT AGREEMENT FOR THE WEST KILGORE RESIDENTIAL CARE FACILITY.

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

Donati states this type of request is for approving of an agreement for a pilot which is a payment in lieu of taxes. The purpose for this is because these facilities are section 42 and filed for tax credits, there is a very limited amount of property taxes paid. They did some assessments and they vary from anywhere to 45,000 to 60,000 a year. They are hard to determine mainly because of the way the process is (section 42) and there are not many other entities out there. The process they went about was comparison with Indianapolis and on further north and it was determined that it would be in our best interest to do a payment in lieu of taxes or a pilot program in the amount of \$50,000. What it does is guarantee \$50,000 into the city of Muncie for the next fifteen years. They can appeal this process but even if they do, we still get the \$50,000 if its appealed at a lesser amount. It also guarantees there is no increase for fifteen years so they can budget it in their cost and know what that number is going to be. It allows this money to go into the Community Development Department and they can use the funds that it receives for other low income projects. The community development office controls what those funds would go towards and is established through regulations that the office can set up and have complete transparency on. If for some reason the appeal process would go into place or is determined the best value is less than \$50,000, for example \$35,000, then that \$35,000 would go to Community Development for low-income housing projects anywhere in the city and the other \$15,000 could go into a specified account within the City itself. That is yet to be determined and his request would be projects out on the western gateway, towards the Kilgore-Jackson area stating that area is in pretty bad shape and has had issues with finding the funds to approach it. That is still to be decided though which is why there are changes in blue made to the agreement. It was originally established for fire and police but they determined to open it up to other areas as well. The fifteen years will not start until it starts its tax payment, so if it takes a year to do this project and is completed by 2017 they would be paying taxes in 2018 payable 2019 so it would be 2019 before we start receiving any funds which is the earliest in this case. Councilperson Dan Ridenour states he is confused on how the money is going here and there and can't quite figure out the situation. Given \$50,000 a year for fifteen years equals \$750,000 which would not complete a lot of projects. With this type of pilot project, the assessed value is a little over a million and thought to be a

good deal for the developer. Donati states they did not create the cost or the section 42 process, but the assessment of this property has to be done in a certain way which is lower than a normal assess evaluation. That is how you get these kind of projects to come into town, similar to Walnut Commons located across the street from City Hall. That is a similar project where the tax rate is much lower because of these tax credits and because of these requirements. We are not giving them a break; we are establishing a process for which they could fix their cost for the next fifteen years. If we don't do this, they'll still only pay \$50,000 a year for their taxes. The document is still based on what the assessed evaluation is and that is why they go out and get pre-expectations of tax revenue anticipations and that is how they base their numbers. Instead of this \$50,000 being divided up into seventeen different taxing districts, it gives us the opportunity to reinvest it back in for other low-income property projects. It is not a lot, but something we can utilize if we have a project we need to do and it was a \$700,000 project, we could go out to bond through Community Development and this could pay that bond so a low-income project could be completed now. This could count for sidewalks in a number of areas for example and that is where this money could be applied. Ridenour asks if this is how Kokomo and Bloomington were all established. Donati responds that yes from his memory it may have been in Hammond, Indiana and called their assessor and compared to see what their assessed evaluation was because there were somewhat similar projects. They had the same situation where it was arranged 40-60 thousand in assessed evaluation because of the section 42 process. Now, bigger projects for, example in Indianapolis, could possibly be a 60-million-dollar project that might have a little more taxes but all-in-all it still has to go through that assessed evaluation which is why they could appeal it if they don't feel like that the evaluation is right, but we are guaranteed that \$50,000 still in that situation. Polk states he researched the minutes from the city of Kokomo and he never could find anything titled pilot agreement. Donati states they will be at next month's council meeting to ask those questions that he cannot answer. He did not ask them to come this month due to them having to be here other times for different things and they are coming from Chicago and would be happy to pass on their contact information for further contact. Donati answers Polks question by stating these type of projects is not a common case and that they are fairly new which could be why he hasn't seen many as of yet. Gregory asks that if they didn't go the pilot route, they would be paying plus or minus \$50,000 in property taxes. Donati states yes that is correct. Gregory adds that so by doing this, and stemming that off for the city that means the libraries, schools, the county, center township, sanitary district do not get a share of that \$50,000. Donati again states yes that is correct. Gregory adds that the school system would probably not like that idea. Donati includes that what they should be thrilled about is a clean-up of a certain area. You want your community to look good you want it to be a quality type of public that draws people in and look outside these few hundred dollars they are losing and the fact that this creates thirty-five plus jobs with an average pay of \$35,000 a year or more. That could bring more families in search of jobs and more kids in for our schools, which will make an investment. We have to continue to build our community and continue to grow it and give opportunities for others to move in and do business with us. Look at this as a broad picture and not a few hundred dollars to be lost from the libraries or schools when in the long run, these investments will be good for the schools. Hunter informs what was submitted tonight was an amended agreement so eventually were going to have to amend this ordinance to include the

agreement as amended. Adding, there is concern with the language of the agreement in the 'where as' clause, that the term of this pilot agreement shall be from January 1 to the first year of which the project is either partially or formally assessed to December 31, 2033 but the term is not in the operative language of the agreement. Donati adds that is a good point, he did find that error and it does need to say fifteen years. Hunter states that since they are going to have to amend the agreement anyways, he just thought he would bring it up. Powell asks just to clarify that the updated agreement Donati provided this evening would still need to be amended. Donati answers that it would need to be amended for that particular part of it which shouldn't have an ending year, it should state fifteen years once the taxes are starting to be paid. He cannot answer why the year 2033 was put on it. Powell adds that since it needs to be amended anyway, if he could bring a complete copy next month and they can just amend it then. Gregory adds to keep it less confusing if they could have the finalized without the strike-outs, just the agreement. Donati answers that would be less confusing because it states what was changed. Questions called. An all in favor votes showed 9 yeas and 0 nays. INTRODUCED.

ORD. 25-16 AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF MUNCIE, INDIANA MULTIFAMILY HOUSING REVENUE BONDS (MUNCIE ASSISTED LIVING COMMUNITY PROJECT), SERIES 2016 IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SEVENTEEN MILLION DOLLARS (\$17,000,000) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

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

Donati starts by stating he is going to clear up what might be a lot of questions hopefully from upfront. Council is probably thinking, wow we are really going to be doing a bond for \$17,000,000? The answer is yes. It is an Economic Development Bond that allows the company to utilize the cities name to attract a lower bond rate with a tax exempt status. That is it. There is no pledge of funds and no effect on default against the bond rating for the city of Muncie. This is merely a process that allows them to establish a tax exempt bond at a better rate. The seventeen million is their cost, responsibility, no expectance of pledge from us and they have to pay any legal fees and closing costs that we have to go through or are associated with. This is just a step of what the Economic Development Commission was designed for, has been done before and in this situation is just a part of the process. It will be a twenty-two-million-dollar overall investment, they are borrowing seventeen-million of it to an Economic Development bond, which would still have to go through a public hearing process next month and then back to City Council. Polk asks if Muncie RCFLP, an Indiana limited partnership is a for profit or non-profit, because it sure seems like they are getting all sorts of breaks. Donati responds that they do because this is how this business is done and why federal government created section 42, section 8, etc. to make affordability available. In this particular sense, it is not quite the lower of the low income, this is 60% of the average income in an area so it offers an opportunity for those people to stay in a nice facility. They set up these different corporations like any other company that sets up a business in a different city or state they set up a separate corporation for those. You will see Vermillion Enterprise LLC., Vermillion Development, and the name of this one is RCFLP or West Kilgore Residential Care Facility so there could be a lot of names. Keep in mind however, in the banking business, somebody has got to loan the \$17,000,000 and the money to be able to do this not only here but someplace else so they must have good

credentials. We are not pledging any money so it all has to come based on the revenue expectations. Gregory asks if they already have their tax credits or is that a part of the process. Donati answers that yes they do already have them and are currently in the closing process so what happens today is we move on to step one by September, and they will close on the property and will start the development almost immediately after that. By the end of September, they will acquire their bond and start the development process in hopes of getting it completed by 2017. Polk asks as far as development purposes if they have submitted drawings to Donati. Donati responds yes they will have them next month. Polk adds that because it is a state highway and very busy, it was mentioned earlier that the elderly will be out and about, possibly walking in that location. He asks if there will be sidewalks from Batavia to Tillotson adding that since there is not anyplace for them to walk. Donati answers he does not know how far the sidewalks will go but he knows there will be sidewalks and facilities in external areas in which they can walk, trails, a courtyard and activity areas. Polk adds most of these people are immobile so if they want to walk down to Bruner's or Jacks Donuts for example, his concern is that the traffic in that area, with cars going up to fifty miles per hour and no sidewalks. Donati adds it is not Vermilion's fault we do not have sidewalks but however, that certainly a plus if they do go and expand beyond their property lines and we could pick up some of that to get those. There are only septic tanks there in that area now and the Sanitary District is planning on putting in sewers within the next ten years so they will be working out there in the future. This company had difficulty coming here with that in mind so the Sanitary District is partnering with us to help create a usable sewer system connected to the city for the next ten years and then later will have to hook on to that. In the meantime, they have got to get this to the street and work on getting it to the closest sewer main. Gregory asks what is the 60% of medium income dollar amount for that area? Donati answers he does not know and Gregory requests him bring that information to next month's meeting. Donati responds that yes, they will be here next month and they will be able to answer any questions, he just did not ask them to come two different times because they have to come back for an Economic Development Commission meeting next month. Questions called. A roll call vote showed 9 yeas and 0 nays. INTRODUCED.

#### **RESOLUTIONS:**

#### **OTHER BUSINESS:**

Council President Jerry Dishman has a couple board members that want to retain their positions. William Lee with the Mitts Board; A motion was made by Quirk and seconded by Powell to Appoint. A roll call vote showed 9 yeas and 0 nays. APPOINTED.

Dave Taylor with the Beach Grove Cemetery Board; A motion was made by Quirk and seconded by Powell to Appoint. A roll call vote showed 9 yeas and 0 nays. APPOINTED.

Mike Evans with the Beach Grove Cemetery Board; A motion was made by Powell and seconded by Quirk to Appoint. A roll call vote showed 9 yeas and 0 nays. APPOINTED.

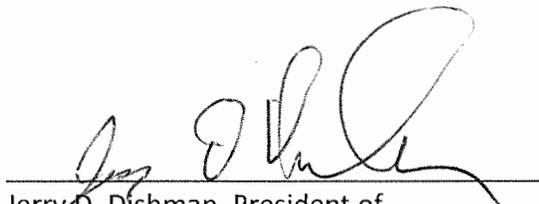
Charlene Moore, 304 N. Hodson off of East Jackson St. addresses the council. She has been following the KPP Project that Donati has been doing. At first, they were all for the factory and

believed it would bring jobs to that side of town. They thought there would be a factory placed and a park across the street and they would be containing all the contamination from the old Indiana steel and Wire site. Just his past Saturday, all her neighbors received a letter stating that the plan has changed they are putting sub-division housing in there for low-income families and the Appeal Hearing is Thursday August 4<sup>th</sup> at 6:00. This left them very little time and Moore adds she has felt like Erin Brocovich doing research in this situation. She states she has several environmental lawyers looking into this case. She has been on the phone with UDA and IDM, and IDM reached back and informed her that there cannot be any residential properties with any kind of residence with children or child care facilities placed on this property because it is highly contaminated. Moore has been fighting this issue since the 1990's when they did the clean-up of the site to test the dirt. They never tested individual peoples' properties, just cleaned up the Wire Mill site, sprayed peoples' properties and then left. They covered across the street on East Jackson with a pile ten feet tall of dirt, placed a fence and no one was allowed access to that property. Across the street however, there were over ten houses in visible view which was never touched or cleaned. Moore then mentions a neighbor, Joyce Clevenger, and informs over \$270,000 was spent digging twenty feet down, taking all the dirt out of her yard, putting clean dirt in and covering it all with cement once finished. They then decided to spray everyone's property down and concluded that resolved the matter and all the rest of the properties are safe. She has been questioning this since the 90's due to all of their neighbors having had severe eye problems (loss of sight and degenerated eye diseases), Alzheimer's, Parkinson's, almost everyone has been diagnosed with cancer and those that have died have had cancer. She has a list of everyone that previously worked at the Wire Mill that has died, and over 90% has had cancer. Referring back to the letter her and her neighbors received, it was only sent to homes from Hodson Street to the one side of Manhattan, but did not inform anyone in Mayfield Edition. According to the blue prints made in July of 2016, they are wanting to build low-income housing on Bellaire, Leland and Hodson Streets. They have been buying houses over time and are now down to the people that refuse to sell. Moore informs that when this is approved, the road-plan will go into effect. This will result in a road running from Gavin and Bunch Blvd across the contaminated Wire Mill property all the way to Hodson Street making it the old Gilbert Street. Citizens would be driving across contaminated land that the IDM said is unsafe. If this gets approved and goes through, they will be subject to give forth their houses. Some people have lived there over fifty-five years and suffer from health issues to where they are not physically able to up and move at this or any given time. Moore states that plans and work in this area has always been really quick to get approved and finished, and she just wants to stand up and put her voice out there stating peoples' health is at jeopardy here. IDM informed her that they do have the proper paperwork and would full-fill her wish of testing the dirt in some of the properties but have not received anything about this revised plan of the sub-devised housing from Gary Danner or Todd Donati. They have only the factory plan, but no road plan or housing plan. Moore adds that she has started a petition from Manhattan to Leland streets and every resident except for three people has signed that they do not want this to happen. Dishman informs her to appear at the Metropolitan Planning Commission Thursday meeting and ask Donati those questions. Moore responds when Donati was speaking earlier about other changes in projects, is a lot similar to their situation. They advertised it as this great energy-efficient part that is going to be great for the environment but

her research of Danner states he is already in trouble. From California to Indiana, he has been pushing for an energy-effective factory to build a type vehicle he is making (which has only sold six). Every state has denied him the factory because he does not have enough job-producing material. At first, he advertises seven to eight hundred jobs that will be created but then later goes down to twenty to fifty people employed until a vehicle is made to be able to be produced and sold. It could be ten to fifteen years before that amount of jobs could be reached. Troy Tackett, business owner states on accordance to Ridenours question on Ordinance 24-16 of how the assessment values are going to work. He lives in this neighborhood that Moore has been informing about and they just got their assessment values and everyone's property dropped \$16,000 on average so this buy-out can happen. Tackett has lived here since 1981 and sees no sense in having low-income housing put on a contaminated site that children are going to have to live on. He believes why up route so many people for housing that is not needed when Muncie is on decline of population as it is. Tackett adds there is not much development out there as it is, naming no shopping centers, a Village Pantry, a Pizza King and a car wash. He asks if this could support a fifty-three-acre housing project? Dishman tells him also to be at that meeting on Thursday and express his opinion then.

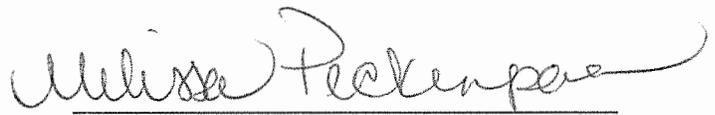
**ADJOURNMENT:**

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



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Jerry D. Dishman, President of  
The Muncie Common Council



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Melissa Peckinpaugh, Muncie City Clerk  
of the Muncie Common Council