

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE INDIANA

NOVEMBER 3, 2014

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Nora Powell.

INVOCATION: Given by Pastor Lenny Corthen from Mt. Zion Baptist Church. President Anderson asks that a moment of silence is given for the passing of Councilperson Jerry Dishman's aunt and brother on the same day.

CITIZEN RECOGNITION: Councilperson Barton recognizes Jack Gommell for the citizenship award. He is an example of what a hardworking man and business owner should be. He was born on a farm in Decatur County in 1935 to Jessie and Owen Gommell. He was born into a family of 5 brothers and 3 sisters and is the only living sibling. His father died at the age of 52 at which time his mother moved to Columbus, Indiana so she could go to work for Arbon Industries. When Jack was a sophomore at Columbus North High School in 1955 he started working part-time in the meat business for Standard Grocery. After he graduated from high school he met his sweetheart and they were married in 1961. While working for Standard Grocery their first son Jack Jr. was born. Soon after he worked as a salesman for Stadler Packing Company in Columbus going from store to store ordering meat for the company. While there he came upon a customer by the name of Albert Boyle who told Jack he had a store for sale at 1609 W. 9th Street in Muncie, Indiana.

Jack purchased the building and opened Gommell's meat market on January 1, 1967. In 1969 their last son Brian was born. Although a fire destroyed the building in 1977 it didn't destroy his will or his desire to succeed. In 1978 he reopened across the street from the old store at 1600 S. Port Avenue. He also owned a wholesale store at 2819 S. Walnut Street. She fondly remembers going into Gommell's at least a few times a month and always getting a warm welcome from Jack with a "Hello young lady" or "Hello young man". He always acknowledged the children by calling them Peanut or Whistle britches. He always had suckers or candy to give to kids and her children loved him for this. At one point in time Jack could be proud to say that his three sons worked for him at Gommell's along with his wife Mary as Jack put it they just worked in the office. Jack closed the business in 1996 but still owns the building to this day. Jack went on to work at Marsh supermarket on Tillotson Avenue approximately ten years before his son Tim was appointed meat manager at the store. After that he worked at Marsh on Wheeling Avenue until his retirement. He worked in the meat business for 60 years. His son Brian a meat cutter and manager works for Marsh in Noblesville. Jack Jr. is now deceased. Jack is an active member of Avondale United Methodist Church

and his been on the Muncie Mission Board of Directors for 27 years. He isn't idle by any means and said he would be willing to go back into the meat business if the offer came along. Barton asked him why he would he want to go back to work. Gommell smiled and stated people still call him meat head. Jack and his wife have been married for 52 years. They have 5 grandchildren and 10 great-children. Barton presents Mr. Gommell with the November Citizenship Award.

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

APPROVAL OF MINUTES: A motion was made by Barton and seconded by Polk to approve minutes from September 25th and October 6th, 2014. A roll call vote showed 8 yeas and 0 nays. **MOTION CARRIED.**

COMMITTEE REPORTS: None.

President Anderson introduces Mayor Tyler to the podium to introduce his special guests. Mayor Tyler states two meetings ago they recognized the Spirit of Muncie Band for winning the State championship. They are very proud of them. However, there are a lot of other seniors that have been fantastic young men and women in helping put this community together during some pretty tough times over the last few months. He had some conversation with Principal Tom Jarvis last week on some other ideals with partnering with the Muncie Community Schools. Jarvis stated it would be nice to recognize all of these young men and women. At the end of the day they may not have won a championship but they are still champions in their great community. Mayor Tyler asks Jarvis to bring as many students as he could.

Principal Jarvis states present are seniors of the athletic programs from the fall. There were 54 but all couldn't be present. The seniors came forward and were introduced. Jarvis states this is a tribute to them. They are very proud of them. The students chose to stay at Muncie Central and they wanted to make a difference. He would say the future of Muncie is very bright with these young men and women. Many are in the National Honor Society and multi-sport athletics and through every day they do their best. Mayor Tyler states Muncie Central is an A rated school.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 36-14 AN ORDINANCE TO VACATE CERTAIN RIGHT OF WAYS IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA. (EDIT BUILDING CORPORATION).

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

Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

ORD. 37-14 AN ORDINANCE OF COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA AUTHORIZING THE ISSUANCE OF ITS TAXABLE ECONOMIC DEVELOPMENT GRANT ANTICIPATION NOTES, SERIES 2014 (ARC HOTEL PROJECT) AND APPROVING OTHER ACTIONS WITH RESPECT THERETO.

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

Question called. A roll call vote showed 7 yeas and 1 nay. (Gregory). ADOPTED.

ORD. 38-14 AN ORDINANCE OF THE CITY OF MUNCIE, INDIANA APPROVING A LEASE AMONG THE ARC BUILDING CORPORATION, ARC INNOVATIONS, INC. AND THE CITY OF MUNCIE REDEVELOPMENT COMMISSION AND ADDRESSING MATTERS RELATED THERETO.

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

Barton apologizes for not being at the ground breaking of the hotel. Question called. A roll call vote showed 7 yeas and 1 nay. (Gregory). ADOPTED.

NEW ORDINANCES:

ORD. 39-14 AN ORDINANCE AMENDING CHAPTER 77, SECTION 77.34, USE OF CITY PARKING LOT METERS, OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

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

Polk asks Donati to clarify what the streets will be affected. Donati states they will replace meters currently on University Avenue and go east through the campus. They will be replacing meters on Riverside that starts at Tillotson by Christy Woods and goes east towards McKinley. They will be placing new meters on North Street between Calvert and Dicks Street. They will be placing new ones on Dill Street between North Street and University. That is a total of 16 new meters that will replace over 100 manual mechanical meters. They will accept credit cards and also coins. Marshall states this is an issue that they have dealt with more than one time. Donati states yes and it has gone through over two months of process. It is for introduction. It is not only replacing meters but looking at the possibility of increasing the rates because they have been so low. You might as well not have parking meters if you are going to charge 10 cents an hour. Barton asked what will be the increase. Donati states \$1 an hour per meter but they haven't decided if it will be \$1 near the village or off campus maybe 50 cents an hour. The average will generate an addition to what they are already generating on Riverside and University anywhere between \$70,000 and \$100,000 more per year. That is with just the additional increases and the expected cost increases on the ones

they are currently getting. Question called. A vote by acclamation showed 8 yeas and 0 nays. INTRODUCED.

ORD. 40-14 AN ORDINANCE TO AMEND TITLE IX, CHAPTER 96, DIVISION 5 OF THE MUNCIE CITY CODE REGARDING REGULATION OF ACTIVITIES WITHIN PUBLIC RIGHTS-OF-WAY.

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

Executive Director of the Metropolitan Planning Commission Marta Moody states she is here more as a Downtown representative because she does serve as President of Downtown Development Board. This ordinance originated with the Downtown Development Design Committee who actually dealt with the redevelopment improvements for Walnut Street. As they started going through the process they realized there was a real need to put in place an ordinance dealing with the use of right-of-way in areas such as downtown or in the village where people wanted to do outside dining. They felt it is in order to address this on a citywide basis. There is an existing right-of-way use ordinance that has been effect since the early 2000 and that ordinance set out the provisions dealing with driveway permits, utility work in the right-of-way and the closing of streets for events. They augmented that existing ordinance to put into place right-of-way occupancy provisions on a citywide basis and they would deal with minor inconferences or major emcomporances. Minor would be things that could be easily removed and the major inconferences would be something that they don't see happening a lot but could be something attached to a building. They see this being used primarily for minor inconferences. They have split those up into enhancement immunities and economic immunities. The enhancement immunities is where someone wanted to put a planter out as opposed to an economic immunities where people wanted to do the outside dining and drinking and put up chairs and tables. They believe this will be the majority of the use of this new ordinance. It is set up where this ordinance is almost like the enabling legislation for the Board of Works.

The Board of Works would then adopt the standards and guidelines would be. There is a strong emphasis on ADA Compliance. It would set out the guidelines for that and the areas would have to be maintained for a clear path with a minimum of 5 feet. It sets out the ability for the Board of Works to set a fee schedule and they have had a lot of discussion and this has been going on for several months. Phil Tevis from Flatland Resources presented a design and improvements that were planned for Walnut Street. Moody gave a presentation on the ordinance. The most recent meeting they had was early October where they met with some of the downtown merchants who had concerns of the result of that meeting. She made some changes to the ordinances. There was discussion about allowing for preexisting condition and if there was good cause shown why they couldn't meet the requirement they could go before the Board of Works and request a waiver. These requirements would go into effect January 1, 2015. They are envisioning that the fee schedule for the minor inconferences under the economic amenity category would be a flat application fee of \$40 but there would be a user rate fee based on the amount of right of way they are using. They are currently looking at \$2.00 a square foot. The downtown merchants that were there understand this and haven't expressed any disagreement with it. If the council has any questions she is

present to answer any. Quirk asks Moody if it appears the sidewalks will be expanded. Moody states yes and if they want an overall view of that Phil is present to answer any questions. Moody states there will be more than an adequate area for a dining venue and a clear path for pedestrians. Barton asks where the money goes. Moody states she assumed it would go into the general fund. Gregory asks how it impacts the three outdoor dining areas in the village. Moody states not all of those dining areas are in the right of way. She states Cleo's is wanting to do that. Dill Street has a fenced area which dis behind the right of way line. Moody states Scotty's would be the main one impacted. Barton thanks Moody because of the great job she has done. Quirk asks if there is a plan to do a public forum announcement for all the changes. Mayor Tyler states because the City of Muncie has never had legislation dealing with this. If there would have ever been an accident in any of those areas where they were utilizing the city's right of way space they were just as liable as they were. This resolves the city of any and all liability by putting this legislation in place. That is the reason you see the only first class city in the state of Indiana and most second class cities are doing something with their downtown areas. They thought it was important to do this as they are doing everything they are trying to get done next year. There will be no curb cuts in the downtown area that will impact anyone with any ADA issues. Gregory states she didn't recall but states in the new handout it states no grandfathering and asks if it's a part of the ordinance now. Moody states it is in the ordinance now. Question called. A vote by acclamation showed 8 yeas and 0 nays. INTRODUCED.

RESOLUTION:

RES. 19-14 A RESOLUTION APPROVING THE ENTRY INTO A MUNICIPAL LEASE AND OPTION AGREEMENT FOR PROCUREMENT OF PARKING METERS.

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

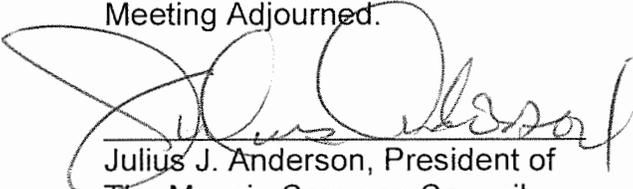
Muncie Redevelopment Commission Director Todd Donati states they took this on when they were doing the parking garage in the village and that is why he is present because it is a city matter. They decided to establish a lease on this equipment that includes all the set up installation to get them going. It is an opportunity that they can sell some advertising spaces on the boxes. It isn't something that is part of the lease. There is a lot of opportunity for them to generate revenue. This will be a five year lease with Star Financial Bank with a 3.4% interest rate. This will be paid out of the meter fund they already have. The money generated will pay out less than what is going in. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

OTHER BUSINESS:

Mark Kinman 2800 W. Memorial Drive thanks the Police Department and Delaware County Sheriff narcotics division for the great job they did for busting a heroin ring in the neighborhood. They turned their names in a year ago and they did a great job. The Forest Park Neighborhood Association, Delaware County Senior Center and Dialogue Church will be putting on a Christmas Party and toy drive for the kids in their Neighborhood Association. They will be taking donations of unwrapped gifts and they will be inviting the kids in the Neighborhood Association and passing them out. They

will be taking them until December 5th with a \$10 maximum on the gifts. They will be having a Christmas Party on December 13th from 3pm-5pm at the Senior Center and would like to invite everyone to be present and help them celebrate and help the kids in the neighborhood. Powell asks if they can just donate the money. Kinman states yes. He states they are pre-registering the kids.

A motion was made by Barton and seconded by Powell to Adjourn. Motion Carried.
Meeting Adjourned.



Julius J. Anderson, President of
The Muncie Common Council



Phyllis Reagon, Muncie City Clerk
of the Muncie Common Council