

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE INDIANA

AUGUST 4, 2014

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

ORD. 23-14 AN ORDINANCE TO VACATE A CERTAIN PUBLIC ALLEY IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA. (PETITIONER-BALL STATE UNIVERSITY).

Attorney Steve Murphy representing Ball State University states this is an alley that is located between University and Ashland and McKinley and Calvert. They contemplate construction there and the University owns all the property around it. He has all the letters from the utilities.

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

PLEDGE OF ALLEGIANCE: The pledge is led by Troop 69 Logan York and Kameron Douth, who are working on their citizenship and community badge.

INVOCATION: Led by Jarret Huggins a member of the Christ Temple Global Ministries.

CITIZEN RECOGNITION: It is presented by Councilperson Doug Marshall to Mitchell Allen Johnson. He was born May 10th, 1987 on Mother's Day at Ball Memorial Hospital in Muncie, Indiana. He came into the world with a strong cry and a fighting spirit along with many issues to overcome. It has included reconstruction surgery, heart and brain surgery, reconstruction surgery, heart and brain surgery, cancer of the kidney and diagnosed with Beckwith Wiedemann syndrome all before the age of two years old. To date he has had twenty-seven surgeries alone and many at Riley Hospital in Indianapolis. He has learned to overcome adversity with a positive attitude and has become a lover of life, people and competition. He has had the love and support of a large of family and friends and co-workers from Bruner's restaurant and Meijer, which is where he currently works. Not to overlook those involved in Special Olympics. He has become a competitive swimmer and continues to represent himself with a positive outlook and compassion for sport and those he competes against. He has competed in national games in 2006 in Ames, Iowa receiving one silver and two gold medals. Shanghai China World games in 2007 receiving two silver and one gold medal. In Lincoln, Nebraska in 2010 he received one silver and three gold medals. New Jersey National Games receiving four gold medals for events. He has represented the City of Muncie in the best of ways and continued to be an inspiration to all who encounter him locally and nationally. Mitchell's father said something that stuck with him. He ask him when he gets older what does he want to be. Mitchell replied that he wanted to be a good man. He has surpassed that. Mitchell thanks his family and everyone that

supported him through the years through all of his surgeries. He appreciates the support that has been shown to him.

Next month it will be the turn of Councilperson Mark Conatser.

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 Marshall and seconded by Dishman to approve minutes from July 7, 2014. A roll call vote showed 7 yeas and 2 abstain. (Conatser and Marshall) MOTION CARRIED.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 17-14 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE BP BUSINESS AND PROFESSIONAL OFFICE ZONE TO THE BL LIMITED BUSINESS ZONE ON PREMISES LOCATED AT 1712 & 1714 W. ROYALE DRIVE, MUNCIE, INDIANA.

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

ORD. 18-14 AN ORDINANCE OF THE CITY OF MUNCIE AUTHORIZING THE TRANSFER OF FUNDS FROM THE ADULT PROBATION SERVICES FEE ACCOUNT.

A motion was made by Barton and seconded by Marshall to Adopt. Councilperson Dishman states he spoke with Judge Bennington prior to meeting and she was having some problems and couldn't attend tonight. She stated these funds are to pay for her training and the Probation Officer's training. She stated that she is the only Indiana Judge that received a scholarship. Gregory states this is mandated training they need to have. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:

ORD. 19-14 AN ORDINANCE TO AMEND SECTIONS 90.09(B) (2), 90.09(D) AND REMOVING 90.09(B) (4) OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

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

Superintendent of Animal Care Services Phil Peckinpaugh states this is an ordinance that amends their current adoption ordinance. Right now if you adopt a pet from the Muncie Animal Shelter that isn't sterilized before adoption. What has been practiced in the past the person is given a voucher to have the surgery completed within 30 days of adoption. This has been unsuccessful as far as this administration is concerned. This change would have all animals will be sterilized before adoption. It would eliminate the voucher and the paperwork and the money that is taken from the adoption will go into the spay/neuter account and set up a self-sufficient adoption program instead of taking that money from the general fund. On January the following year the money left in that account will roll back into the general fund. Gregory states the title is removing section (B) (4) and yet the actions don't state that anywhere and they don't know what (B) (4) is. She states that way they could amend it at the next meeting. Peckinpaugh states he will provide that information before the next meeting. Barton states Peckinpaugh is doing a great job and this is a good ideal. Gregory asks how the fee will relate to what they currently have and will it cover the costs. Peckinpaugh states these fees are what they pay for the spay and neuter surgeries. It doesn't say if he doesn't go to a veterinarian and they don't charge him more. This is an ordinance is to dictate what the veterinarians will charge them what that doesn't always happen so this is what they pay. They will pay \$45 to spay per female puppy. Gregory asks if they take the animals to the vet or do the Purdue students doing them. Peckinpaugh states they have three procedures. They take the animals to the vet to be spayed or neutered. Purdue students use to come twice a month but they have added other cities to their program so they are coming once a month. Another program they started recently is every Tuesday a van will come and pick up dogs and cats and transport them to the Noblesville low cost spay and neuter clinic, which their prices are amazing and everything can be done for a very low price. Question called. A vote by acclamation showed 9 yeas and 0 nays. INTRODUCED.

ORD. 20-14 AN ORDINANCE AMENDING CHAPTER 80, SCHEDULE I, ONE WAY STREETS AND ALLEYS OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

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

Street Superintendent Duke Campbell states with the development of the promenade in the village and the ideal to create a better flow of traffic and better parking. They are asking that North Street between Calvert and Dicks Street be converted into a one way headed to the east. Along with that have Angle parking on the south side of the street. They are requesting this is because there will be curb bump outs and new sidewalks on North Street, which is the length of the village project. This was very well thought out. This will create 34 parking spaces. Donati states those bump outs pretty much block that one lane. They will not do any parking changes on Calvert Street. They are just going to go one way. That way they are not cutting across traffic to go into the one way after you cross Martin Street. If you have been on North Street between Calvert Street and Martin Street it is just apartment houses and parking lots. They park off the road and a few on the road. They have more than doubled the parking. Dishman asks if the parking spaces will be metered or two hour parking. Campbell states the next ordinance will be regarding meters. Question called. President Anderson states he

would like the Land and Traffic committee to meet and look into this because he has had some concerns addressed to him. Campbell states that would be fine. A vote by acclamation showed 9 yeas and 0 nays. INTRODUCED.

President Anderson invites Mayor Dennis Tyler up to introduce a special guest. Mayor Tyler introduces Ball State Football Coach Peter Lembo. He has been a great asset to Ball State but also to the City of Muncie community. Tomorrow they will be painting downtown red. He has a lot of great student athletes and they give a lot back to this community. Lembo states it is an honor to stop by the meeting. He thanks the city for the great partnership for him and his family and his coaching staff for everything they have tried to do over the last three and a half years to move forward. They felt welcomed to the community and able to be a part of something special and that is what they are trying to make it. The reason why he has a job is because of his 110-115 student athletes. He never forgets that and neither does the coaches. Their overall development and having a tremendous experience while they are here is the reason why they exist. Another reason why they exist is because they are and can be one the most biggest and most visible pieces of the University and if they are doing what they do well and running a very healthy organization and surrounding themselves with good people they can be a tremendous front porch to the University and that is exactly what they are trying to do. The way their kids conduct themselves is a big part of that. That isn't the only part but they expect them to go above and beyond that to be actively engaged in the community. He states there is so much potential here. He has watched with great interest over the 3 ½ years to the work so many dedicated people have done to this community and has admired the Mayor's work. On a local level it's all about issues and they all have their political philosophies on a global and national level. He did his undergraduate work in Washington D.C. and followed all those things closely. As he moved around to the smaller towns and had an opportunity to be a part of these different communities, he feels like he can objectively point to four, five or six things in each of these places that he has lived. It is so important and could make such a difference in the quality of life and place if everyone got on the same page and attacked those things. This isn't news to anyone present tonight because this isn't the same place as it was 50 years ago. They have to evolve, adapt and change it takes everybody getting on the same page and moving in the same direction to make that happen. One thing he does believe, and he has been saying this publicly for three and a half years since he has been here and that is to change a culture you have to look good before you feel good. When he interviewed for his job 3 ½ years ago he walked in the Fisher Complex and the first thing he saw was a lounge with a space of about fifteen hundred square feet. The carpet was torn and the furniture was ten years old and nothing on the walls. He stopped the Athletic Director at the time and he said this has to change and it has to change now. For a relatively small investment they can change the perception of how everybody feels just by putting in new carpet, new furniture and putting pictures on the walls. That is exactly what they did. He feels the same way about his community. There are some tremendous people here that are loyal and dedicated. There are a lot of people that care a tremendous amount about the present day and the future. Some people have been here a long time and some a relatively short amount of time. Whether it's the gateways that come into the community, the

landscaping and picking up trash, or painting Tillotson so when it weaves they know how to stay in their lane. Little things like that can make a tremendous difference. He says that with a tremendous amount of sincerity and dedication. They will continue to do everything they can as a program to try to be a great bridge between this community and the University because the success of their futures are tied and there is so much potential for that to get better. Winning football games is part of it but getting out there and being a part of the community and showing everyone they are willing to get their hands dirty and roll up their sleeves and do the things to make it better will set a great example. He is honored to stop by. If there is anything he or his team can do moving forward, he hopes they don't hesitate to ask. The Mayor and President Anderson know how to get ahold of him quickly and they will respond to help make this great place a better place. Everyone is welcome at any of their practices. They do have an event at Canan Commons tomorrow at noon and hope they can stop by and meet some of their players. Next Monday night they will be at Tuhey Pool and the players will be signing autographs. They have a big fan jam at the stadium later on this month. He invites everyone out for their opener against Colgate on August 30th.

Donati states he wanted to explain something before they go further. He states the village project is being manifested into a bigger program. It is important that the developer is investing money from his projects into these projects. This is mostly a public-private arrangement when they talk about North Street. They are investing money into it making it one-way and putting in sidewalks and angle parking. They are putting in additional lights. This is a Birdseye view of the Martin Street project. This will include another fourteen lights down Martin Street from North Street down to White River Blvd. The road will be completely destroyed and rebuilt, put in new landscaping and a bike and walking path along White River. He states he will be back next month to ask the council for a few things but he wanted to explain to the council what it is.

ORD. 21-14 AN ORDINANCE AMENDING CHAPTER 80, SCHEDULE IV, PART II, PARKING METER LOCATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

A motion was made by Barton and seconded by Marshall to Introduce. Street Superintendent Duke Campbell states there is a typographical error in the ordinance. He states it should say Dill Street instead of Dick Street. A motion was made by Gregory and seconded by Barton to state Dill Street instead of Dick Street on Section 1. A roll call vote showed 9 yeas and 0 nays. AMENDED. Gregory asks what kind of code enforcement is on this and is it a 24/7 situation. Campbell states parking meters will be 24/7. Gregory asks about code enforcement. Campbell states with what they have they will have one officer and also Ball State University Police watch the meters. Gregory asks how much is the cost? Campbell states it hasn't gotten that far but they already write parking tickets now. Gregory asks if it will be monitored meter parking. Campbell states they will be state of the art when you can use an app and it will send a signal to the company that they need more time. Quirk asks how many meters will they have. Campbell states 36. Gregory asks if there is an automatic app for unexpired meters so you can automatically be billed for it then you don't need code enforcement. Donati states there are so many things they can do. The code

enforcement can go out there and take a picture of the plate and it will print the ticket out with the license plate on it and put the ticket on their windshield and it will automatically do that. Gregory states if there is a situation when someone can pay the time at that point do they have to amend that to allow collection for the vehicle. Hunter states that is a good question and he would have to check into that. Polk states for the area of Dill Street isn't it right by the City garage. Donati states Martin Street is the entrance of the new city garage and Dill Street is in between the two buildings. They will have inset parking there that will keep the two lane traffic going. There is a parking garage on Dill Street area that belongs to IPA the investors. That is to the south of the building. Donati states this is the best way to control it. Polk asks how much will it cost per meter. Donati states between \$8,000 and \$10,000 per meter. This could be a really good thing. It will communicate with the meter in the garage so they will all work together. There will be a small fee for getting the app. It will all be wireless and be connected to the internet at all times. Polk asks how much revenue it will generate. Donati states more than \$60,000 a year. It will take close to about 6 or 7 meters to do that. They are looking at the possibility at paying for them in three years and get that cost down so there is revenue that can be made the first three years. Polk asks where the revenue will be going. Donati states it will be going into the city coffers. Donati states the parking garage is one thing but the outside is different. Question called. A vote by acclamation showed 9 yeas and 0 nays. INTRODUCED.

ORD. 22-14 AN ORDINANCE AMENDING ORDINANCE 5-14 OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA AUTHORIZING THE ISSUANCE OF THE CITY OF MUNCIE, INDIANA ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

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

From the Muncie Redevelopment Commission Todd Donati states sometimes you have tiff districts that are new and they haven't developed a revenue source yet and you bring in companies and you isolate that revenue source. It makes the banks more apprehensive in giving that loan. They have a local bank that will work with them and they have asked for a little more coverage area. When you are taking on a bond and say it is \$1 million dollars at \$100,000 a year. They want more area to cover that generates that revenue that is way more than the payment itself. This case it is 125% of that ratio and this isn't uncommon. They will get better rates and more security to the City of Muncie and to the banks. They have amended this to give more coverage area. They have contained it to the project itself before within the Tiff, which means no other part of the tiff could be used as support of the backing. It doesn't change the amount of money they will get. It doesn't change the area coverage they are getting. They will be generating \$162,000 a year. They are only giving them enough to pay \$81,000 and the bank states it isn't enough coverage and they want the entire tiff area to make sure it covers. If it doesn't get paid and something happens in this project and there isn't enough money coming in to pay the bond, which there will be, other parts of the tiff could pay that bond. If they can do this they will start construction as soon as they are completed with this. There are two stipulations to this. One is we don't give them our

money until they spend an efficient amount of money from their bank loan, which is about \$11 million dollars. That is when they will release these funds because they want to make sure the project is up and going and they are producing what they said they are going to. They will do this over a fifteen year period opposed to a twenty year period because it will give them a better rate by doing that and it is still going to be sufficient to meet the expectations. Question called. A vote by acclamation showed 9 yeas and 0 nays. INTRODUCED.

ORD. 23-14 AN ORDINANCE TO VACATE A CERTAIN PUBLIC ALLEY IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA. (PETITIONER-BALL STATE UNIVERSITY).

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

Attorney Steve Murphy on behalf of Ball State University states they have been focusing on the village area with some credible improvements in that area. Ball State comes now with a progressive project that will enhance the quality of life in the village measurably. They have not had any opposition and the University owns all the property around this alley. It runs into the parking garage on the north so it doesn't impact the flow of traffic. All of the utilities have signed off on the project. Jim Lowe, from Ball State University states the facility they are proposing to build is currently referred to as McKinley Commons. It will be a living learning laboratory housing their students and some commendations for visiting professors and so forth. It will house opportunity for hospitality management, food management and events management. It will take up the entire site. This will be constructed basically in a T configuration with some of the facility parallel to University Avenue taking up the south side of the site and it will T to the north essentially over the top of this current alley. The entrance to the facility will be off of McKinley Ave. Right now they are talking about a right in and right out. The parking facility to the north is what the folks will use. The alley ends at Ashland. This particular section of the alley really serves nothing at this time. There are four utilities that require they relocate and those are Indiana Michigan and Power, AT&T, Comcast and Indiana American Water Company and they have agreed to that. They have already started the demo work. If you recall what happened in January and February it wasn't a conducive time to build and they want to get a jump start by getting this facility started. They estimate about eighteen to twenty months for construction. Quirk states their community can accommodate both programs and it would be an asset. Question called. A vote by acclamation showed 9 yeas and 0 nays. INTRODUCED.

A motion was made by Marshall and seconded by Quirk to Suspend the Rules. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. A motion was made by Marshall and seconded by Quirk to Adopt. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

RESOLUTION:

RES. 14-14 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA APPROVING AN ADDENDUM TO THE AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AND COUNCIL 62 AFSCME LOCAL #3656.

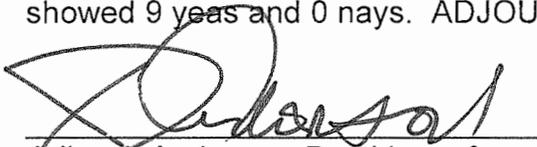
A motion was made by Barton and seconded by Marshall to Adopt. City Attorney Megan Quirk states they are proposing the addendum to the AFSCME agreement to clarify the overtime section of Article 16 of the agreement. Quirk states back in 2013 when they had originally signed an agreement and the council has all received copies of it. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

OTHER BUSINESS: Dan Ridenour 207 N. Winthrop states back in November a couple of them asked that the minutes and notes be updated for the City Council. They were told there is a new website coming and it is but the council website is inaccurate and isn't updated. You can't access the link. It would be nice for the public to be able to access the information but asks if it can be resolved.

Vice-President Dishman thanks the Fire Department for getting the fire under control off of 8th and Rochester. They did a wonderful job.

Marshall congratulates the Spirit of Muncie Marching Band.

A motion was made by Polk and seconded by Barton to adjourn. A vote by acclamation showed 9 yeas and 0 nays. ADJOURNED.



Julius J. Anderson, President of
The Muncie Common Council



Phyllis Reagon, Muncie City Clerk
of the Muncie Common Council