

MINUTES  
MUNCIE COMMON COUNCIL  
300 NORTH HIGH STREET  
MUNCIE INDIANA

**FEBRUARY 1, 2016**

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

**PLEDGE OF ALLEGIANCE:** Led by Councilperson Nora Powell.

**INVOCATION:** Given by Pastor Darrell Nichols from Community Church.

**CITIZEN RECOGNITION:** Given by Councilperson Nora Powell. Powell recognizes Steven Sennimore came here from Jonesboro, Indiana and Kent Shuff came from Huntington going to Ball State University. They came to Muncie, Indiana and with Muncie's dinner crowd they were willing to take risks. In 1997 Kent opened a catering business operating out of a store front on South Walnut Street. Two years later in 1999 they opened Vera Mae's restaurant. Kent named the restaurant after his mother and grandmother. Kent stated his grandmother had been somewhat of a restaurant to herself operating restaurants in Huntington and Markle for well over 40 years. Kent states they opened downtown because they were looking for a historic building and they gambled on Muncie's downtown because at that time you couldn't beat the price. At that time they came with the facade restoration and creative event that came with the Downtown Development. Downtown was virtually empty. Vera Mae's celebrated its 16<sup>th</sup> year in business last November and has grown from their gamble to a flagship in the downtown area with a devoted following. The restaurant has been featured three times in Indianapolis monthly magazine and just recently named by open table as the fourth overall restaurants in the State of Indiana. In reviewing that list you would really be quite impressed of Vera Mae's standing with some of the big guns of the restaurant business. Over the years Steve and Kent have hosted their share of Muncie's in crowd, the politicians, corporate leaders as well as visiting celebrities Hal Holbrook, Carol King, Chris Hanson and David Letterman are just a few of the celebrities that have tasted the French Onion Soup on South Walnut Street. In inevitably when looking through your Facebook feed you will see someone post a picture of an anniversary, a wedding reception, family reunion or a class reunion. In 16 years Vera Mae's has come to be something of an incredibly evening while at the same time creating something very comfortable and familiar. This is very special in the restaurant business.

In March 2015 Kent and Steve received the Chamber of Commerce Longevity Award in recognition of their staying power. Together they have created the Kent Shuff and Steve Sennimore Fund to the Community Foundation of Muncie and Delaware County. This fund together with others uses the fund to award grants to non-profits within our community. Their commitment downtown doesn't end at Vera Mae's front door. Steve currently sits on the Downtown Development Board of Directors and Kent has served as Commissioner on Historic Preservation and Rehabilitation Commission. Muncie's Historic Preservation Officer Brad King

has called both Steve and Kent incredible advocates for preservation. Their desire to rehab historic buildings specifically those in the downtown area became evident when they were given the opportunity to purchase the building that housed Vera Mae's. The building built in 1891 had been a hardware store on the 2<sup>nd</sup> floor that sat vacant for twenty years before they got their hands on it in 2001. Their gorgeous finished project was featured on House and Gardens television and is a perfect example of their vision and their ability to see the diamond in the rough. Although the restaurant keeps them busy they are never too busy for fund raising events in the community. For the past three years Kent has participated in 100 Men Who Cook and later this month Kent and Steve will MC the Main Street Cabaret at the Cornerstone Center for the Arts.

Their feelings for downtown are evident and they talk about it. When they talk about their restaurant and when they talk about their belief that Muncie's downtown will continue to grow and businesses will continue to join them there. So strong is this desire to see downtown flourish it is not unheard for them to publicly give their support to new restaurants that open near Vera Mae's or see them dining with their friends at a competitor's place. They are strong advocates for causes they hold close. They are giving of their time, resources and themselves. Muncie is so fortunate to have them in that corner. It is her pleasure to present the citizenship award to Kent Shuff and Steve Sennimore. Muncie has become their home. He loves the people of Muncie and he promotes Muncie. People say sometimes they can't believe there is restaurant like Vera Mae's in Muncie. He asks why not. It's a good place to live. Muncie has been extremely good to them and they are a firm believer that you give back to the community that has given to you. In the restaurant business that is not only their lively hood but their life and they are there all the time. A lot of customers make friends and they become family. In the downtown not only is their business but also their neighbor. They will be at it quite sometimes.

<b>ROLL CALL:</b>	<b>PRESENT</b>	<b>ABSENT</b>
Doug Marshall	X	
Dan Ridenour	X	
Lynn Peters	X	
Brad Polk	X	
Jerry D. Dishman	X	
Julius J. Anderson	X	
Alison Quirk	X	
Nora Powell	X	
Linda Gregory	X	

**APPROVAL OF MINUTES:** A motion was made by Marshall and seconded by Polk to approve minutes from January 4, 2016. A roll call vote showed 9 yeas and 0 nays. MINUTES APPROVED.

**COMMITTEE REPORTS:** Councilperson Quirk asks David Taylor to stand. Quirk states Mr. Taylor has been their appointment on the Beech Grove Cemetery and would like to reappoint him to that Board. A motion was made by Quirk and seconded by Powell to appoint David

Taylor to the Beech Grove Cemetery Board. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED.

A motion was made by Councilperson Marshall and seconded by Quirk to bring Ordinance 13-15 off the table. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. A motion was made by Marshall and seconded by Powell to Amend and delete the following Adams Street between Hackley and Kilgore in the West direction and add Charles between Charles and High Street in the East Direction. Council Attorney Joseph Hunter states, what requires for them to make these affective is there are traffic schedules that deal with one-way streets. They are completely removing Adams Street to conform to what is currently two-way. At one point Charles Street was a one-way from Kilgore to Vine Street. All this does is to amend the schedules to make Charles what it currently is and going from High Street to Vine Street. Hunter suggests that they add an amendment to the amendment which says they will strike the remaining portions of Ordinance 13-15. A motion was made by Marshall to delete Adams Street between Hackley and Kilgore in the West Direction and add Charles Street between High Street and Vine Street East. Gregory states her point was that doesn't change what was in the original version of Ordinance 13-15 shall be deleted. A motion was made by Gregory and seconded by Quirk to amend by removing the original language and replace with the amended version. A roll call vote showed 8 yeas and 1 abstain. (Ridenour). AMENDED (first motion). A roll call vote showed 8 yeas and 1 abstain. (Ridenour). AMENDED (second motion). A motion was made by Gregory and seconded by Marshall to adopt as amended.

Lynn Thornburg 714 East Washington states she thought when they met at a neighborhood association that Charles Street was going to be two-way from Madison Street. Thornburg states it is two-way to Vine from Beacon where it dead ends to Vine and there is that two block stretch where it is one-way. Thornburg thought the neighbors agreed to use it two-ways. It is more dangerous now because people keep going on it because they don't notice the one-way sign. Thornburg asks what decided that there wasn't going to be two-way from Madison to Vine. Hunter states he has been waiting for a while to get specific information not only on this but stop signs. They will do that by a separate ordinance. The original ordinance had various stops in it but is still trying to get more information. Hunter states he wasn't privy with the conversations at the neighborhood association. Gregory states section 2 justifies what it is today and no difference. Hunter states that is correct. Hunter states it doesn't mean they can't change it later or that it won't be changed. They have taken Washington Street completely off. They wanted to solidify what the situation is currently. Gregory asks if they passed an ordinance that changed the 2-way from High to Kilgore or was that Board of Works action because she doesn't remember that. Hunter states in essence the way you do it is take it off the one-way schedule. Gregory asks if they did that. Hunter states this keeps that section as a one-way street.

Gregory states before it was one-way from Kilgore to High and asks if it wasn't defined that way. Hunter states quite frankly he doesn't know how many councilmembers remember how long Charles Street has been a one-way street. Gregory states since she has been in high school. Hunter states it was never a one-way street. Hunter states he looked at the traffic

schedule and checked with the secretary for council, Charles was never made a one-way street. Hunter states this corrects that and makes it a one-way. They don't really have to do anything since it has never been designated a one-way street.

Street Superintendent Duke Campbell states in answer to the question of Thornburg about Washington and the plans they talked about will still happen. When they approached the Council Attorney with the changes there was so much left other than just saying they want to do this. There is so much involved and the attorney wanted to make sure they do it right. Campbell states when Board of Works approves something they have 90 days to do it. They wanted to get that out of the way before that 90 day period is up. There are stop signs and all kinds of things they have to deal with that also has to be approved by council. Campbell finds it interesting that Charles Street was never a one-way street in the books. It was never done in the proper process. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED AS AMENDED.

ORD. 15-15 AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE REGARDING PARKING STANDARDS FOR MULTI-FAMILY HOUSING IN THE CB CENTRAL BUSINESS ZONE.

A motion was made by Marshall and seconded by

A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. A motion was made by Powell and seconded by Marshall to Adopt. Council Attorney Joe Hunter states the Planning Commission met in August and they unanimously approved this and this needs to be brought off the table and voted on so they can get it off their agenda. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

#### **ORDINANCES PREVIOUSLY INTRODUCED:**

ORD. 1-16 AN ORDINANCE AMENDING 27-15 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE FIRE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA FOR THE YEAR 2016.

A motion was made by Powell and seconded by

City Controller Audrey Jones states Gregory asked at the last meeting how much the raises would cost in total. Jones states it is \$349,775.58. They saved about \$222,000 on their health insurance and their insurance agent came to the meeting and explained the city saved an estimated \$1.5 to \$2.5 of savings this year because they went with HSA's. They Mayor ask her to draw up salaries with a 3% raise. They met with the unions and a couple of the finance committee and came to the agreement of the 3% raise. The first one in front of the council is the Fire Department, which was discussed at the last meeting. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 2-16 AN ORDINANCE AMENDING 26-15 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER 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 Gregory to Adopt. Controller Audrey Jones states this is an agreement. Ridenour asks if it is possible to get a copy of those agreements. Controller Audrey Jones states the union agreements haven't been drafted. There are other things in those union agreements she doesn't have a copy of it. All she did was drift the salary ordinance to include the 4% raise. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 3-16 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 Quirk to Adopt.

Controller Audrey Jones states this salary ordinance differentiates between someone with a CDL Driver and someone who doesn't at the Parks Department. Question called. A roll call vote showed 9 yeas 0 nays. ADOPTED.

ORD. 4-16 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. A motion was made by Marshall and seconded by to change salary of Executive Secretary from \$14.43 to \$17.00 an hour. A roll call vote showed 7 yeas and 2 nays. (Gregory and Polk). A motion was made by Marshall and seconded by Powell to adopt as amended. Controller Audrey Jones asks the council to amend this to include the AFSCME employee's due to the arbitration going through this morning giving them a 3% raise also and it's not included in the ordinance to begin with. In the past they have had the AFSCME with the other employees. Jones reads the salary amounts and Gregory asks for a recess to get a copy of all the changes.

President Dishman calls for a five minute recess. A motion was made by Gregory and seconded by Marshall to amend the amended version of Ordinance 4-16 to include the changes of the pay rates as demonstrated in the latest copy they have just received, which includes the \$17.00 raise for Executive Secretary for the Mayor's office. Controller Audrey Jones states one thing that it didn't include was the position for Assistant Superintendent of the Animal Shelter which she added and it was on the original that was submitted. Question called. A roll call vote showed 9 yeas and 0 nays. AMENDED. A motion was made by Gregory and seconded by Marshall to Adopt as Amended. Polk asks with the Mayor's secretary they did put the 3% in the budget but with that raise it is \$17.8% raise. Jones states they will transfer overtime in the budget into that position. Jones states with the health insurance savings they will be able to cover the rest of the raise with a transfer. Ridenour states the \$349,775.58 that will cover those raises. Ridenour asks if that is an increase for everybody. Jones states that it is.

Ridenour asks if includes these today. Jones states it does include those. She can break it down between civil to police and fire. The civil is \$76,218.27 and the police and fire are around \$141,000 or 142,000. Ridenour states he was here for the presentation for the comment of the savings of \$1.5 to \$2.5 million dollars and asks what company is that. Jones states Neace Lukens. Ridenour asks last year if they saved \$220,000. Jones states around \$222,000 and this is from 2014-2015. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED AS AMENDED.

#### **NEW ORDINANCES:**

ORD. 5-16 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-1 RESIDENCE ZONE TO THE BC COMMUNITY BUSINESS ZONE ON PREMISES LOCATED AT 3100 S. TILLOTSON AVENUE, MUNCIE, INDIANA. (APPLICANT-CITY OF MUNCIE REDEVELOPMENT COMMISSION AND BEESON COMMERCIAL, LLC.)

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

Muncie Redevelopment Commission Todd Donati states this is a mutual agreement between the City of Muncie and they acquired Wilson Middle School and were not aware it was zoned residential. Donati states when an appraiser came out to appraise the property informed them it wasn't proper zoning. They took it to the Planning Commission's and couldn't get on their agenda in December. The Planning did approve it at their January meeting with a unanimous vote and one abstained due to person working for the company. They are asking for this ordinance to be introduced and adopted because they need to move forward with this and it has been delayed and now they really can't do anything until this is rectified and waiting another 30 days will not do them any good. They are already in the building and would like to fix this. Attorney David Karnes is present representing petitioners. Gregory states because BC has a different set of requirements for the types of businesses that can be in that zone are their potential tenants in compliance or should this be business variety.

Attorney David Karnes states the tenants that are in there now comply and it is their office building. Ason's is the operational facility and Beeson Commercial, LLC is the real estate company for that. There has been a lot of interest from other potential tenants and they have been working with the Planning Commission and Marta Moody and feel they are sufficient at this time asking for the BC Community which is a buffer between residential, which is to their south and intense industrial, which is to their north and surrounding area. There is only a little bit of variety business on the corner to the west. Polk asks if it was cleared up as far as the deed. Karnes states the only question was if the deed had been submitted or hadn't been seen where the City of Muncie Redevelopment Commission actually transferred the property to Ason's that was executed the same day that it was transferred to the Muncie Redevelopment Commission on the 7<sup>th</sup> day of May, 2015. Ason's then transferred it to Beeson Commercial. Polk states the actual owner of the property that will be paying property taxes will be Beeson Commercial, LLC.

Karnes states it will be Beeson Commercial. Polk states last month they voted to give tax abatements to Ason's. Donati states it read Ason's and it's affiliate which is Beeson Commercial, LLC. Donati states they paid taxes this year. 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. RULES SUSPENDED. A motion was made by Marshall and seconded by Gregory to Adopt. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 6-16 AN ORDINANCE AMENDING CHAPTER 116, SECTION 116.10, 116.18 116.25 OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

Quirk sponsors this ordinance and would like to withdraw it. This is something that came from the Building Commissioner's office. They want to get additional consideration for this and ask this be withdrawn.

ORD. 7-16 AN ORDINANCE AMENDING CHAPTER 90, SECTION 90.03 (B) ANIMAL CARE OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

Quirk states they have received a number of calls and emails or communication with people along with Phil Peckinpaugh and decided this is an ordinance they should withdraw and resubmit. They want to address the issue but they understand some animals can withstand certain conditions where others cannot. Quirk withdraws ordinance.

#### **RESOLUTIONS:**

RES. 4-16 A RESOLUTION MAKING TRANSFERS WITHIN THE GENERAL FUND. (MUNCIE ANIMAL SHELTER.

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

Controller Audrey Jones states Animal Control Superintendent Phil Peckinpaugh came to her trying to figure out a way with getting an Assistant Director. They were trying to figure out ways to reduce line items and stay within his budget. They figured out places he could reduce. Jones states he could reduce part-time and overtime. Jones states Animal Services has shifts where one person is doing one shift and another employee is doing another shift without everyone being there all at the same time. The fuel prices went down and they were able to transfer some money from there. Jones states Institutional and Medical will now be able to be taken out of the non-reverting fund the council set up early last year. They were able to come up with \$35,000 for the position. A full-time employee didn't take the health insurance and this person is able to take the insurance. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

RES. 5-16 A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA IN SUPPORT AND DEFENSE OF RELIGIOUS DIVERSITY, TOLERANCE AND MUTUAL UNDERSTANDING.

Quirk wants to withdraw resolution. Quirk states they may see something similar to this in the future.

#### **OTHER BUSINESS:**

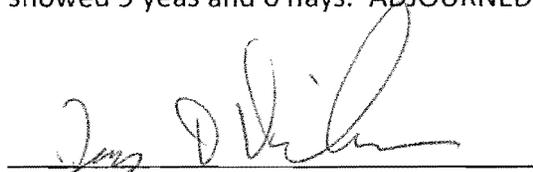
Mark Kinnman introduces the new President of the Forest Park Neighborhood Association. Nate Rose 1930 S. Gilman Avenue states he will be taking Mark's place as President of the

Forest Park Neighborhood Association. Rose states he would like to open the floor if anyone has questions for him. Rose issues a challenge for all the city council members to attend a neighborhood association meeting for everyone in their district. Rose states that is a way to get to know all of your constituents and find out the unique concerns in their district. Councilperson Anderson states there is a town hall meeting with the Mayor every Tuesday in February. They will be meeting at local ministries. The Mayor and his administration will come out to various ministries in the community and anyone can talk about whatever issues they may have.

Anderson states it is good to know what is going on with your city. It is a good time to bring the community together and ask questions and get results. Anderson states if the Street Superintendent is right there than someone can ask questions, he can produce answers. Dishman states you can receive real good information. Dishman went to a couple of them but couldn't make all of them due to his job. Councilperson Doug Marshall states growing up he spent a lot of time at Gibson's Skating Rink. When he was elected to the council he wanted to give back to his community so on February 29<sup>th</sup> he will rent Gibson's Skating Rink out and everyone is welcome. It is free admission to skate and bring your kids. The address is 2610 S. Mock Avenue between 7pm and 9pm.

Anderson invites Nate Rose to Union Missionary Baptist Church at the Neighborhood Association meeting. Anderson states he would like to invite him up front and be a part of something that is growing big in Muncie.

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

  
Jerry D. Dishman, President of the  
Muncie Common Council

  
Melissa Peckinpaugh, Muncie City Clerk  
of the Muncie Common Council