

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE INDIANA

FEBRUARY 3, 2014

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

ORD. 4-14 AN ORDINANCE OF THE CITY OF MUNCIE VACATING EASEMENTS AND RIGHTS OF WAY ON PROPERTY OWNED BY MUNCIE'S EDIT BUILDING CORPORATION.

Senior Civil Engineer with Schmidt Associates Alan Jacobson represents ARC Innovations for this project. They are asking for approval of ordinance. This will allow them to acquire certain land around the project site that will assist with the development of the proposed hotel project. It is a very small site and they are putting a large hotel on it. Exhibit B indicates the right of way areas from Seymour Street, Walnut Street & Victor Street that will be added to the overall parcel to be deeded over to ARC Innovations for the hotel project.

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

PLEDGE OF ALLEGIANCE: Led by Troop 22 who are working on their citizenship and communication badge.

INVOCATION: Led by Human Rights Director Yvonne Thompson.

CITIZEN RECOGNITION: Councilperson Jerry D. Dishman presents tonight's award. Dishman states Francis Lafferty is being recognized and he asks his daughter to come forward to accept the award. Dishman states Francis Lafferty spent the biggest part of his life involved in three things he loved the most which are Family, Teaching and Sports. Lafferty is known for the hands on teaching in the classroom, to the office of Principal and the coach of the field. It was an obvious goal for Lafferty to improve and enrich and provide overall better learning environment for the youth of Muncie. He served as a teacher, coach at Garfield Elementary, Franklin Jr. High, St. Lawrence Elementary, Wes-Del High School, Muncie Burris and finally Northside Middle School where he was first name head Varsity Basketball coach. Francis Lafferty along with Ode Burnett and the help from the City of Muncie renovated the baseball field at McCullough Park, which was later named Francis Lafferty Field by then Mayor David Dominick to honor his efforts. He was the founding president of Delaware Athletic Hall of Fame honoring both male and female athletics. He was also the founding members of the Muncie Delaware County Convention and Tourism Convention and served on the Muncie Redevelopment Commission. Active in his Church Lafferty has lived his life serving the needs of others. His giving of his time and talent has made his wife of 56 years Nancy proud along with his daughter Mary Ann Vorhees, Monica Leach, Kathy

Crabtree, Amy New and David Lafferty. It is his pleasure to honor Francis Lafferty for the Citizen Recognition for the month.

Mary Ann Vorhees states she spoke with her dad this afternoon. He wasn't able to be present because he is in rehab and trying to get stronger so he can go home. He is appreciative of the award and is excited. She states they will put it on the wall in his room. She knows that her dad has been a mentor and roll model for so many people and some are present tonight. She can say personally the person that she is because of her dad and his sense of fair play and equality of all. It has made a deep impression on her life. She knows he has influenced many other lives and she appreciates this recognition.

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 Gregory to approve minutes from December 12, 2013 and January 13, 2014. A roll call vote showed 9 yeas and 0 nays. Polk abstained for minutes on December 12, 2013. MOTION CARRIED.

COMMITTEE REPORTS: A nomination was made by Marshall and seconded by Barton to reappoint Mike King and Alison Quirk to the Edit Board. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED.

Councilperson Quirk invites the winners of the "I Have A Dream" essay contest sponsored by the MLK Dream Team. There are three of the essay winners present tonight. The students had an opportunity to read their essays at a Black History ceremony held at Minnetrista this past weekend. Each student came forward and read their essay. Anderson states the three students chosen were all from Muncie Community Schools even though Delaware County Schools were represented. He appreciates and thanks Councilperson Quirk for doing a good job with this. Quirk thanks the parents for their support.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 1-14 AN ORDINANCE AMENDING SECTION 160 OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

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

City Attorney Megan Quirk is present in support of this ordinance amending section 160 of the Code of Ordinance in the City of Muncie, Indiana.

Quirk states for the past year and a half she has been a part of the task force that was created by Mayor Tyler who essentially saw the issue of blight in the city. One solution they came up with is one of the tools they already have on the books dealing with urban homesteading. Upon research the local ordinance did not reflect the new amendment passed by the legislature in July 2013. This ordinance amends the current one and updates it with the Indiana Code law. It is a program that will be named and referred to as an Urban Revitalization Program but it's for all intent purposes an urban homesteading program. The reason why it's not named Urban Homesteading is because within urban planning circles that name has become rather vague and ambiguous so they as a task force had to rebrand it as an urban revitalization program. It is trying to get people who are interested in Home Ownership to try and get homes at a lower rate with the stipulation they must restore, rehab and maintain that owner occupied residence for a five year period of time. They would work within the confines of the contract with the city in order to get the title after that five year period of time. Anderson asks if this is state wide.

Quirk states it is under the Urban Homesteading section. It is something passed this past year by the Indiana legislature where they gave an alternative to the other Urban Homesteading Program that has already been on the books, which essentially had reflected their local ordinance. This is just reflecting the new state code I.C. 36-7-17.1 entitled chapter 17.1 Alternative Homesteading Program for qualified individuals. Anderson states he did attend the meeting and it is a great program. There were officials from all over the state that particular evening and it sounded like a great opportunity for Muncie and Mayor Tyler was 100% behind it. Quirk states it is exciting for individuals to own their own home and put on their finishing touches. The City will get the property back into owner-occupied use and back on the tax roll. They will give an individual to be able to afford what they can in a home. Question called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 2-14 AN ORDINANCE 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 TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) AND APPROVING AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

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

Director of Muncie Redevelopment Commission Todd Donati states there were a couple of questions last month. He did present them a map with the location. It is the old Pontiac dealership. The other map is how the building will be laid out. They were told today this is the final layout. He states the retention pond and mediation area they have to deal with. There was an Economic Development Commission meeting on today.

There was a public hearing and a regular meeting and this was unanimously approved and he asks the council to approve this so they can proceed on with the development.

Barton asks Donati to explain to the audience what they are talking about. Donati

states he has Aaron Broyles with Midland Atlantic Company that could explain the process. Donati states this is about a 78,000 square foot building. There are four altogether. Dicks Sporting Goods will be the anchor. He already mentioned Michaels will be there. There will also be other stores that they can't mention at this point.

Midland Atlantic representative Aaron Broyles states they plan on building a Dicks Sporting Goods and four or five other retailers. Their plans are start construction in March and deliver to tenants in August for store openings sometime before the end of the year.

Gregory asks if they are starting in March. Broyles states yes that is correct. Gregory states that will come after or before they complete the adoption of development standards along McGalliard and asks if they intend to honor those. Broyles states they are doing their best and he did meet with Marta Moody this afternoon and they are making revisions to the plans to meet those standards. Gregory states it looks like the two front buildings have parking along the street and the new zoning will not allow that. Executive Director from Planning Commission Marta Moody states she did meet with Broyles this afternoon. Moody states when those two buildings in the front that not needing the build two lines, there isn't anything that says there can't be parking there. The new standards talk about when a parking area is next to right of way there has to be landscape screening along the road. They will be beefing up that landscaping along there so the view is green, plants and not just parking lots. The ordinance does have a type of sign that is the cluster sign but no pole sign. To her understanding there will be all wall signs. Broyles states that is one thing that came up at the Economic Development Commission meeting with Councilperson Quirk. They also add that landscaping is visible.

Donati states there is 9 acres of land and there is a wetland that they have to mitigate. They anticipate this development will add validity to the shopping pattern and area. It is their benefit to keep people from having to leave to shop. Quirk states one of the reasons why they go through these efforts for these projects is to bring the jobs here. Donati states in retail it is hard to determine a specific amount. He states there is a commitment to do as many as 35 to 40 permanent full-time jobs and it could be a little higher or lower. Donati states Dicks has a higher number. Donati states there are a number of construction jobs that will be created from this project. When you are talking about a six to eight month project it is a good amount of work for locals that are not working now or could use the additional work. Donati states jobs are one of the most vital parts of the Economic Development process. If they can't bring in jobs it is redundant to try and bring in Economic Development because they go hand in hand. Polk state on the second page it states the Economic Development Commission has considered whether the financing will have an adverse competitive affect or impact on any facility that already exists in the City of Muncie. Polk states he is just looking at the two stores and knows they already have competition here. Broyles states the general ideal behind the development is it will bring in several national retailers that are not here. He states retailers that people drive to Indianapolis to shop. He states there will be more retail sales, more jobs and more activity and making Muncie more attractive to regional retail. Conatser states he likes Dicks Sporting Goods and makes many trips

there every year. He states just that store alone will bring in business. People will come in and shop and eat. Dishman states he would appreciate if they look at local contractors. He states there are lots of times developers come in and overlook their local contractors. Broyles states he has made a requirement of the general contractors that are bidding the project that they give any contractor a chance to bid on the project. Question called. A roll call vote showed 7 yeas and 2 nays. (Gregory and Polk).
ADOPTED.

NEW ORDINANCES:

ORD. 3-14 AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE REGARDING NEW CORRIDOR DEVELOPMENT STANDARDS.

A motion was made by Barton and seconded by Powell to Introduce. Director of Muncie Delaware Metropolitan Planning Commission Marta Moody states the commission has been working on creating these corridor development standards for quite some time and the ideal is to start with some existing corridor standards that were put into place in the mid 2000's dealing with just south Madison Street and 29th Street. The ideal is the standards are higher than what their general development standards are. They should apply to all of the major corridors in the City of Muncie. The particular aim with this is to enhance the appearance of the community on these major corridors where most people travel most often. The map included in the proposed ordinance shows the major corridors that have been selected and it was based upon the function of those roads that visitors will use most often coming into the City of Muncie. Some of the differences with these new corridor standards and their existing general development standards are the main thing is the landscape planting material requirements are much heftier than the existing ordinance. It also spells out a requirement for buffer yards and different uses.

If you have a commercial use and it is next to residential than there has to be a 25 foot buffer yard that is completely planted and the standards including specifics where you have to plant so many shade trees, ornamental trees and so many shrubs within those buffer areas. There is a requirement that 10% of the site needs to be landscaped. It also requires parking lot trees in the parking lot. The existing standard states you have to have one tree for every ten parking spaces. The new standards specific some of those trees have to be planted in islands within the parking lot areas and that is to enhance the appearance overall so there are plant materials throughout the development. They included a provision dealing with requiring a sustainability feature such as a green roof, bio-swale, rain garden or things that can be put in to meet some of the storm water and drainage requirements and it will also enhance the site. They also put in an incentive if they use multiple sustainable measures you can get an automatic setback increase and automatic parking decrease. There are some other items that specify you have to put in sidewalks. There will be sidewalks and a bus stop. There is a provision that individual pole signs are prohibited. It allows ground signs and wall signs. It will allow businesses to have more wall signs. There is one thing that was omitted. It is on page 5 under the section where it states additional requirements. They

need to add 6.B.3.f. Moody states she can add that and bring replace that page. Hunter states they could amend it next month. Quirk asks if there was much public input. Moody states some people were present and the general feeling is they were in favor this. Moody added the proposed ordinance is on their website and it would be dmmmpc.org and it right on the front page so you could see it. Gregory asks what the impact is when a business changes hands. Moody states there aren't any. Gregory asks if it's only if they make changes to the property. Moody states that is correct. Moody states there is another principle found under the non-conforming section in the zoning ordinance but just to be clear for people she put on page 4 towards the bottom of when the development standards will kick in. Moody states if a business has ten feet in front of their building and they want to make changes but it wasn't long enough to kick the standards in. Since they do have ten feet in front which meets the requirement they can't do anything to take away that ten feet away of grass in the front because they would be less in compliance. President of the Kenmore Association Steve Kendall is fully endorsing this effort. It is one of the numbers of steps they are making to make Muncie a better place to live and attract people to move here. Moody did mention some lighting standards. Their neighborhood adjoins the Tillotson corridor, Jackson corridor and Riverside and they feel the pressure in approaching businesses if they are not held to good standards it degrades the quality and property value of neighborhoods. He was very alert to this and thinks it is doing a good job. One thing he would like to see things is if the presenter is addressing the audience and the pictures are shared also. Kendall states with Dick's Sporting Goods it would be nice if they could show a visual image or a site plan of what is being discussed. Barton states normally they do but not all of them. Kendall states it would be good in the future if that was done. He stated they went to the Planning Commission meeting when this ordinance was presented and a few of them had to ask if they could put up something so they could see what corridors they were talking about. He doesn't mean to criticize but they would like to see things. Quirk asks who was on the design standards committee. Moody states Jerry D. Dishman, Rickie Sipe, Lori Stinton, Andy Ellis and herself. Question called. A vote by acclamation showed 9 yeas and 0 nays. INTRODUCED.

ORD. 4-14 AN ORDINANCE OF THE CITY OF MUNCIE VACATING EASEMENTS AND RIGHTS OF WAY ON PROPERTY OWNED BY MUNCIE'S EDIT BUILDING CORPORATION.

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

Muncie Redevelopment Commission Todd Donati states the Edit Building Corporation has petitioned this. He has been working on the survey process and getting the land prepared to take care of the business they need to. They had to clean up some right of way. He presented the council a picture of not only the skyline visible of the land but also the outer line boundaries they have redrawn for this. They need to make this building fit. He does have a representative present that can address the council. This is specifically to take care of all right of way and they will see on the drawing the stripped lines is where the right of way is being requested. They are not going into any road and there will not be any obstruction of any of the roads around the building other than what the council has already closed. They will not obstruct Victor Street or High Street as it comes around. Barton asks Donati to explain to everyone what they are

talking about. Donati states this is the property located at 123 and 125 West Seymour. It is the island as you drive south down High Street. You start to make the turn on the roundabout there is a little island of land that you would run into if you kept straight. It is vacant and there used to be buildings there. The Edit Board Corporation owns that land and that is where the hotel will be situated. They need to make sure the right of ways is clear that are owned by the city so they can properly place the building where they need to. Legally have all the obstructions out of the way so they can go ahead and move forward. He has someone here from Schmidt Architect that can answer any other questions they may have. The representative states he is working on some legal agreements. He states the council has done some work already where a portion of High Street was vacated last fall. The reason why it is important is Edit needs to convey a parcel to ARC Innovations so they can place the hotel. It is important to act tonight because tomorrow Edit will meet tomorrow to convey the land. Barton states some people don't know what they're talking about. Quirk states the only information the city can share is they are working on a partnership with ARC Innovations to hopefully have a hotel project. The documents they have before them could be shared with the public. Quirk states what is asked of them right now are to look at vacating the right of ways so they can continue to develop the project.

Senior Civil Engineer from Schmidt Associates Alan Jacobsen is present for any questions. Jacobsen states the timeline is very challenging. They would like to break ground for this hotel in mid-April of 2014. They would like construction be completed and occupancy by mid-Summer 2015. They go back through the construction sequence. Permitting is a very challenging time-line. This is a large 6-story hotel with 150 rooms. There are a lot of features with the hotel. The city has been wonderful to work with to get them at this point in terms of allowing their client in taking control of the property. It allows them to make commitments with other parties involved in the project and allows them to get on site and do utility work and relocate work for the groundbreaking to occur. Donati states part of this has to be done and there is a timeline on it by February 10th. This land has to be in their hands by then. Donati asks if this is introduced if the council can suspend the rules and act upon this tonight so they can move forward with this. A vote by acclamation showed 9 yeas and 0 nays. A motion was made by Marshall and seconded by Quirk to amend. Under section 1 it states "any" easement and it should state "or" right of way. A roll call vote showed 9 yeas and 0 nays. AMENDED. 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 Barton to Adopt as Amended. A roll call vote showed 9 yeas and 0 nays. ADOPTED AS AMENDED.

OTHER BUSINESS:

Anderson recognized Gregory's birthday being today.

Mark Kinman 2800 W. Memorial states he received an email from the Alpha Center where they are having parking issues. He states the only place they can park is on Adams Street. A representative from the Alpha Center couldn't attend the meeting tonight and asked Kinman if he would speak for her. They would like to get one

blocking on Adams Street from Monroe to Madison on the south side of the road to get it for restricted parking for Alpha Center and the Church. People that live in the homes around there are constantly parking there. There is the church parking lot that is a couple of blocks away. Marshall asked if he spoke with the Street Commissioner. Quirk states when he means restricted that could be difficult for just the church and alpha center. Quirk states he should go to the Board of Works.

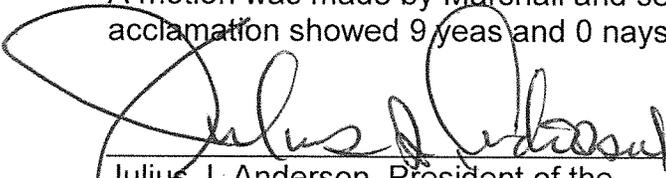
City of Attorney John Quirk states they should start with the Street Department and then it would be brought before the Board of Works and then proceed from there. Marshall was correct in where to start.

Polk reminded everyone regarding the event "Walk a Mile in My Shoes" this Saturday. He had the privilege of going to the student leadership transition team meeting at Central this past Saturday. He states just looking and listening to the students from Muncie that are currently at Southside, Central, Wilson, Northside and St. Mary's. They will be just fine. The kids were outstanding. They talked after the meeting at great length. Also to commend the administration team and the general public that was there and involved in all the meetings and sessions. They will have transition meetings at different sites. Dishman thanks the Street Department for the snow removal. They have outdone themselves. They have had some bad weather. He thanks EMS, Fire Department and all the public safety that have to get out.

Powell thanks Mayor Tyler for the program of opening up the fire stations and city hall during the cold weather. Because Mayor Tyler addressed those issues efforts were made to find proper resources. Some have made contact with Christian Ministries and other program. She is proud of the administration's compassion.

Anderson announces February is Black History Month. Mayor Dennis Tyler has volunteered and invited his entire staff to visit four ministries the first Tuesday of each month. He states tomorrow is the first Tuesday and due to the weather they will postpone that one due to the weather. The next one is February 11th at Destiny Christian Center Pastor Keith O'Neil. The next one is True Vine Holiness Church on February 18th Pastor Wade Sloss. The next one is Bethel AME on February 25th and their pastor is Pastor Wright. He states the one for tomorrow they will roll that back to the first Tuesday in March, which is Calvary Baptist Church.

A motion was made by Marshall 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