

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE, INDIANA 47305



JANUARY 9, 2023

PUBLIC HEARING: 6:45 P.M., 1st Floor City Hall Auditorium.

ORD. 2-23 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (MOTOR VEHICLE HIGHWAY).

No public comment made. Public hearing adjourned.

REGULAR MEETING: 7:00 P.M., 1st Floor City Hall Auditorium.

PLEDGE OF ALLEGIANCE: Led by Jason Chafin.

INVOCATION: Rev. Dr. Daren Hofman from First Presbyterian Church.

CITIZEN RECOGNITION: Delayed to next month with President Robinson's turn to present.

ROLL CALL:	PRESENT	ABSENT
<i>At-Large</i> , Aaron Clark	X	
<i>At-Large</i> , Ro Selvey	X	
<i>At-Large</i> , Troy Ingram	X	
<i>District #1</i> , Jeff Green	X	
<i>District #2</i> , Jeff Robinson	X	
<i>District #3</i> , Brandon Garrett	X	
<i>District #4</i> , Isaac Miller	X	
<i>District #5</i> , Jerry Dishman	X	
<i>District #6</i> , Roger Overbey	X	

2023 REORGANIZATION:

LEGAL COUNSEL: A motion was made by Selvey and seconded by Robinson to reappoint and retain Delk McNally LLP as Council Attorney. No further nominations. An all-in-favor vote showed 9 yeas and 0 nays. MOTION CARRIED. Dan Gibson with Delk McNally LLP is retained as Legal Counsel. President Robinson thanks and applauds Mr. Gibson for being an exceptional attorney over the course of the past few years and they look forward to working with him for yet another.

PRESIDENT: A motion was made by Dishman and seconded by Overbey to nominate Jeff Robinson as Council President. A motion was made by Selvey and seconded by Miller to nominate Aaron Clark as Council President. No further nominations. A roll call vote showed 5 votes for Robinson (Overbey, Ingram, Garrett, Dishman and Robinson) and 4 votes for Clark (Green, Miller, Clark and Selvey). Dishman's MOTION CARRIED. Robinson is declared President. He thanks them and

expresses it has been a pleasure to serve as President the last two years and that it will be a pleasure, as well, in the third. He wishes to thank Councilman Clark for his willingness to serve as President and knows he would do an exceptional job too.

VICE-PRESIDENT: A motion is made by Dishman and seconded by Robinson to nominate Troy Ingram as Vice-President. A motion is made by Clark and seconded by Green to nominate Isaac Miller as Vice-President. No further nominations. A roll call vote showed 6 votes for Ingram (Garrett, Ingram, Selvey, Dishman, Ingram and Robinson) and 3 votes for Miller (Clark, Green and Miller). Dishman's MOTION CARRIED. Ingram is declared Vice-President.

READING CLERK: A motion is made by Garrett and seconded by Dishman to nominate Ro Selvey as Reading Clerk. No further nominations. An all-in-favor vote showed 9 yeas and 0 nays. MOTION CARRIED. Selvey is declared Reading Clerk. President Robinson thanks her and states she has done a phenomenal job the past twelve months.

APPROVAL OF THE MINUTES: A motion was made by Ingram and seconded by Selvey to Approve the Minutes from December 5, 2022 as presented. A roll call vote showed 7 yeas and 2 abstain (Green and Miller). MINUTES APPROVED.

COMMITTEE REPORTS: Councilman Clark has a report from the Muncie Economic Development Commission which met November 1st to review an application for tax abatement for 2901 W. Memorial with Horizon companies. Tonight, they will hear resolution 1-23 regarding the property. The Committee passed a motion for favorable recommendation for that tax abatement. There was no meeting during the month of December then they met on January 3rd to review a tax abatement application for Greater Muncie Habitat for Humanity. The address for that site is 1422 W. 11th Street. It is a new 3-bed, 2-bath house. The Committee passed a motion for favorable recommendation for that as well and Council should see that next month.

APPOINTMENTS TO BOARD AND COMMISSIONS:

METROPOLITAN PLANNING COMMISSION: A motion was made by Robinson and seconded by Overbey to nominate Jerry Dishman. No further nominations. An all-in-favor vote showed 9 yeas and 0 nays. MOTION CARRIED. Jerry Dishman is declared reappointed to the Metropolitan Planning Commission, which he has been serving on for the last fifteen (15) years. Robinson acknowledges Dishman having a lot of institutional knowledge there so they appreciate his willingness to continue serving that board.

MUNCIE EDIT BUILDING CORP: The appointments to this Board are politically balanced with one republican and one democrat appointment to make each. This board only meets once annually and their meeting is this Thursday. President Robinson advises he will get the appointees contact information to Joann McKinney or Brenda Brumfield and they will be in contact with the person selected. A motion was made by Garrett and seconded by Overbey to nominate Troy Ingram (R). No further republican nominations. An all-in-favor vote showed 8 yeas and 1 nay (Clark). MOTION CARRIED. Troy Ingram is declared appointed to the Muncie EDIT Building Corp.

A motion was made by Robinson and seconded by Garrett to reappoint WaTasha Barnes Griffin (D). No further democrat nominations. An all-in-favor vote showed 9 yeas and 0 nays. MOTION CARRIED. WaTasha Barnes Griffin is declared appointed to the Muncie EDIT Building Corp.

INDUSTRIAL REVOLVING LOAN FUND: Awaiting for someone to make a motion, Brad King (from the audience) announces he will serve if needed. He is the Historic Preservation Officer and a Planner for Community Development. Attorney Gibson advises that according to the ordinance, the appointee has to be a member of the Council. A motion was made by Ingram and seconded by Robinson to nominate Aaron Clark. No further nominations. An all-in-favor vote showed 9 yeas and 0 nays. MOTION CARRIED. Aaron Clark is declared appointed to the Industrial Revolving Loan Fund.

MUNCIE LAND BANK: There are three appointments to be made. President Robinson refers to a message he forwarded the other councilmembers from the Executive Director of the Muncie Land Bank which showed the Minutes from their last meeting. The board unanimously approved the suggestion of the reappointment of three individuals, Jim Lowe, Marta Moody and Brad King. A motion was made by Robinson and seconded by Selvey to nominate Jim Lowe. A motion was made by Dishman and seconded by Miller to nominate Marta Moody. A motion was made by Overbey and seconded by Ingram to nominate Brad King. No further nominations. An all-in-favor vote showed 9 yeas and 0 nays for all three appointees. MOTIONS CARRIED. Jim Lowe, Marta Moody and Brad King are all declared reappointed to the Muncie Land Bank.

MUNCIE REDEVELOPMENT COMMISSION: There are two appointments to be made. A motion was made by Selvey and seconded by Miller to reappoint Lorraine Tomlin. A motion was made by Clark and seconded by Selvey to reappoint Isaac Miller. No further nominations. An all-in-favor vote showed 9 yeas and 0 nays for both appointees. MOTIONS CARRIED. Lorraine Tomlin and Isaac Miller are both declared reappointed to the Muncie Redevelopment Commission.

Next month the Council will have one appointment to make to the Beech Grove Cemetery Board of Directors due to a last month resignation. In order to serve on the Beech Grove Board of Trustees, one must be a landowner at Beech Grove Cemetery by either owning your own plot or be the estate owner of one of the deceased at the cemetery. The other appointment they will make is to the Police Merit Commission that has some statutory requirements as well. Attorney Gibson confirms those requirements consist of being a resident of Muncie for at least three (3) consecutive years as well as being a politically balanced board in which the vacancy is to be filled by a republican appointment. They must also be 21 years old or older.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 41-22 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE, THE R-5 RESIDENCE ZONE AND THE BV VARIETY BUSINESS ZONE TO THE R-5 RESIDENCE ZONE, THE CB CENTRAL BUSINESS ZONE, AND THE RC RECREATION & CONSERVATION ZONE ON PREMISES LOCATED AT 620-716 N. WALNUT ST., 648-747 N. MULBERRY ST., 610-721 N JEFFERSON ST., 601-735 N. ELM ST., THE EAST SIDE OF THE 700-800 BLK OF N ELM ST., 110-318 E. COLUMBUS AVE., 300-328 E. RACE ST., AND 317 E. MYRTLE AVE., MUNCIE, INDIANA.

A motion was made by Ingram and seconded by Selvey to Adopt.

Mayor Dan Ridenour informs there is a number of people present that can speak on this however they did address it last month. He mentions that Councilman Miller was not on the Council last month but should be aware of it from his time on the Muncie Redevelopment Commission. What this will do is turn an area into a 'park only' area on the east side of Elm Street, rezone a part of Walnut and a couple blocks of Columbus into Central Business as well as a few sections being put in to allow for the

construction of some townhomes. It is something they have worked with the neighborhood with since before he was serving as mayor and has since worked with them since March of 2020. It is something that is very much supported with Muncie Community Schools (as well as others) offering support. Mayor Ridenour is just here to answer any further questions.

Councilman Dishman mentions when Mayor Ridenour addressed the Metropolitan Planning Commission about this and Dishman asked how much of the City's money specifically was going to be invested in this and Mayor Ridenour told him \$700,000. However, he claims when Councilman Clark asked him the same question last meeting that he stated \$800,000 to \$900,000. Dishman asks how much money is planning to be put into this. Mayor Ridenour responds \$730,000 is the amount that the City planned to put in. He further explains it will be much larger than that due to the use of the READI grant which will cover \$1.5 million+. The City is doing is street work, primarily on Columbus and Walnut and that is all. It is infrastructure work. Dishman states he was shocked when the Mayor told Councilman Clark \$800,000 to \$900,000 but told the Planning Commission \$700,000. Mayor Ridenour corrects him that it should be \$730,000 of which was budgeted at the MRC. That (about) matches so the City would have to put in a certain amount of funds.

Councilman Ingram explains he has had some people come to him and ask if this fits within the DM plan that the City had invested (he believes) \$150,000, almost \$200,000, in. He was concerned if that was the case or not. Mayor Ridenour states yes, he believes it does. The Delaware Muncie Comprehensive Plan refers to three main things and one of those in particular was housing, to come up with ways to increase the housing options for our citizens. That was one of the top three items and this definitely fits in to that. They have a local builder who has already purchased three lots from the MRC and intends to build single-family homes. That alone provides additional options and they have a couple other builders additionally that are waiting for tonight's meeting and then intend to move forward with some further housing options.

Councilman Clark wishes to clear the record. He states it does show that the Mayor mentioned \$800,000 or \$900,000 but that was a question that President Robinson proposed. Based on the Minutes, Clark did not speak until Bill Lett was up therefore that was not a question that Clark was informed in. Robinson thanks him for the clarification and reiterates for the record that Councilman Dishman was referring to a question that was asked by himself and not Councilman Clark.

Councilman Overbey questions who the builders are for this project. Mayor Ridenour responds they are not part of this rezoning. In the single-family section, there were three (3) MRC lots sold to TRU-Building, Inc., which is an office on W. Godman. There is no other builder at this particular time as most are waiting to see. He reverts back and explains the City is just changing the infrastructure in doing street work to improve that intersection where the Y, Muncie Central and Columbus Ave. all come together.

President Robinson refers to the mentioning of \$730,000 to Councilman Dishman as well as the READI grant in the amount of \$1,582,427 and wonders if this is the only public investment planned or if there is anticipated additional public investment in the future. He questions if this just get in, get the infrastructure done and then get out or if there is more planned investment. Mayor Ridenour states they hope that there is more investment by investors as it is in an opportunity zone. There are many investors (and Indianapolis and California developer along with local people) who are interested in investing dollars because of what it does for them. The Mayor has told all of them that we are not putting it in a TIF District and will not be borrowing. All he is trying to do is put in the infrastructure so they can come in and build. One of the big advantages of this particular location is that everything they do will benefit Muncie Community Schools and the neighborhood in and around it. The second big advantage is that the entire infrastructure is already there, streets and utilities. We just have empty lots where over the years previous and current Administrations have been forced to tear down dilapidated properties. It is hopeful

that they would be able to sell more of those properties and put them back on the tax rolls. It is not any of Mayor Ridenour's intention to put any additional funds in it.

Councilwoman Selvey requests Chris Smith to come forward. She expresses she really appreciated his presentation last month. Since then, she wonders if more people in the neighborhood have reached out and if there are more people supporting it. She basically wants to know how the neighborhood is feeling now about what is going on since the last meeting. Smith informs he has not had any formal discussion with anyone from the neighborhood since the last meeting but she is correct in there being a lot of overwhelming support from people within the neighborhood. The group he works with is through the Live-Learn Neighborhood, part of Next Muncie, and they have been working with the Neighborhood Association since 2018. This is not something that has just come about during this Administration. This is something that has been occurring in the neighborhood for going on 4+ years; they have had over 50 meetings and would attend the Neighborhood Association meetings, talk with the people in the neighborhood and even tour the neighborhood to talk with additional people. When they do, they get support for things like this. There were a couple of neighbors that were here last meeting that spoke positively about this particular ordinance. Smith states overall, he hasn't had any contact since that meeting, negative or positive. Selvey questions if there is anyone from the Neighborhood Association here tonight. Smith refers to Bruce Rector, President.

Selvey asks the same thing of Mr. Rector, if since the last meeting there has been more support and if other neighbors have reached out with excitement about what is going on. Bruce Rector responds there doesn't seem to be any significant change. The neighborhood is vastly in favor of the improvement because they have needed a lot of work for some time and has been unfortunately deteriorating for the past 15 – 20 years so most of the neighbors are very much in favor of this proposal.

Audie Barber knows there is still a lot of dilapidated houses in that area and wonders if the City is going to force people to tear them down or if the Mayor is going to force the Building Commissioner to do it because there are still quite a few junky houses in there. He also wants to make sure that there is no hidden costs, no insurance or utility bills (gas, electric, water, sewage, stuff like that) that the taxpayers of Muncie have to pay on this project like on the old Justice Center. He just doesn't want to see any hidden costs where in a year, they are glancing at the pay list and say, 'wait a minute, nobody knows about this.' He just likes people to be upfront and honest and make sure there is not a bunch of stuff that the taxpayers are going to be paying over the \$730,000.

Joe Robertson just wants to voice his support for this project. He and his wife have lived in the neighborhood for 18 years. They have seen a lot of changes happen in that neighborhood and would like to continue to see some positive changes happen there. He is here tonight to represent himself, his wife and show their support in this.

Selvey, in response to Mr. Barber's comments, explains that she along with Councilman Garrett helped present an ordinance for dilapidated houses. That is something that either one of them can reach out to the Building Commissioner's Office and figure out the progress to see what is going on and see how many of those houses have been tagged and are being dealt with. She thinks they could do that sometime in the near future. Garrett agrees and explains there is a process. It is somewhat lengthy, too, when they tag a house. One of the steps is providing proper notice. Garrett recalls working in that job position for a while. It might seem like they aren't doing anything but (as he said) it is a lengthy process with tagging and going through the Unsafe Hearing Authority. He assures if contacted they will reach out to the Building Commissioner.

Mayor Ridenour wishes to address what Councilwoman Selvey mentioned. He states there are 152 houses that have been tagged through that particular ordinance, most of which are owned by people here in Muncie. That number is based out of the entire city and consists of what has been marked as "abandoned and vacant." Selvey applauds them and mentions that being a great number. Questions called. A roll call vote showed 8 yeas and 1 nay (Robinson). ADOPTED.

ORD. 42-22 AN ORDINANCE AMENDING ORD. 37-22 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE POLICE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2023.

A motion was made by Ingram and seconded by Miller to Adopt.

President Robinson takes a moment to welcome their newest councilmember, Isaac Miller. There was a lot they had to do at the beginning of the meeting with reorganization and board appointments so he is just now getting to welcome him. They are happy to have him here and look forward to serving with him.

Craig Wright, City Controller, states this ordinance is just fixing the salaries for the Police Department for the raises that were given out for this fiscal year. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 43-22 AN ORDINANCE OF THE CITY OF MUNCIE AMENDING THE TRAFFIC SCHEDULES SET FORTH IN CHAPTER 80 OF THE CITY OF MUNCIE CODE OF ORDINANCES.

A motion was made by Garrett and seconded by Ingram to Adopt.

President Robinson reminds everyone this ordinance is for a change in the speed limit in the Kenmore and Gatewood Neighborhoods on University Ave. to be a little more consistent with University through the school and past the hospital. That speed limit actually increases from 20 mph past the hospital until you enter the neighborhood. Then, it actually goes up to 30 mph. The only way to take it back down to 20 mph is through a traffic study. Robinson talked with the City Engineer and was informed they could change that unilaterally to 25 mph. The City Engineer and both neighborhoods have approved that so that is what this ordinance involves. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 44-22 AN ORDINANCE AMENDING ORDINANCE 39-22 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 2023.

A motion was made by Green and seconded by Garrett to Adopt.

Sally Jo Vasicko, President of the Beech Grove Cemetery Board of Trustees, states this deals with the increase in salary of Superintendent Troy Watters who has done an incredible job since he assumed the position in July of this year. She hopes for the support in this and informs the Board is in favor unanimously of this and really like to see him get the raise that he so richly deserves and has earned through long hard hours.

Troy Watters, Beech Grove Superintendent, just wants to thank the Council for considering this and for the approval (ahead of time). He appreciates it.

Councilman Miller adds that as a new councilmember, Watters was the first Department Head to reach out to him and has done so consistently over the last few weeks. He has only been on Council for a month but recalls the many conversations they have had and he knows he works very hard. Reiterating what Dr. Vasicko said, Watters really does deserve this and he is very much in favor of it. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:

ORD. 1-23 AN ORDINANCE OF APPROVAL TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE REGARDING FENCING MATERIALS.

A motion was made by Overbey and seconded by Ingram to Introduce.

Lorey Stinton, Planning Commission, explains they have just forwarded this new ordinance on for approval and that was passed 5-0. She is happy to answer any questions.

Alley Wiseley, President of the Metropolitan Planning Commission, relays they had two people in the audience at this hearing (Councilman Overbey was one of them). One other concern that was brought up from other people who weren't at the meeting was in regard to smaller fences, for example, smaller fences within their yards for animals or gardens or things of that nature does not apply to this. This is specifically for fences on the perimeter edge of the property that are facing outwards. President Robinson thanks him for the clarification.

Councilman Overbey agrees he was at that meeting and in not long of being on Council, he has had people in his District explain how they spent good money and put up a nice privacy fence when other people have just put up junk for a fence. They are eyesores. He and Councilman Dishman have both taken pictures of some of them. Code Enforcement really didn't have the teeth to enforce some of that and as long as it was higher than 42-inches then they could put up whatever they wanted (even a junky mattress). Many of those people were upset because they try to take care of their property and somebody puts up something like that beside them. All this does is change the wording to include the use of common construction materials for fences that way they don't throw up some corrugated tin, some old mattresses or pallets. This would give the Building Commissioner/Code Enforcement the teeth to enforce that the use of common materials for your fence.

President Robinson questions if it is safe to assume that any current existing fence that may not be within this ordinance are (for lack of a better term) grandfathered in. If they pass this then no one is going to go enforcing on any fences that might not comply. Wiseley informs that is correct and adds one amendment that was added at their hearing was the section that states if 50% or more of a non-conforming fence is destroyed then the entire non-conforming fence has to be removed and brought up to code. Robinson thanks him for that clarification. Overbey adds that this will help beautify the city a little bit.

Councilman Clark reads the fencing materials listed which consist of plywood, broken boards, wood pallets, chicken wire, scrap lumber, discarded construction material, sheet metal, wire mesh, tarps, cloth, canvas and other similar materials. He, personally, has no problem with most of the material but can see wood pallets and sheet metal possibly being a concern, especially in this day and age of reusing. That would be his only drawback on it. It also mentions that a finished face should be toward adjacent properties. Robinson states he saw that mentioning as well. Clark adds he is not sure what can be deemed as a finished fence face side. Robinson believes that would be the flat side. Overbey explains when people put up a privacy fence, the finished side of that fence is facing outside like to the street. The inside is where you have the binding materials such as 2x4's. He has seen fences not just in the east side of town but on the west side as well that are just the opposite. They may have it turned around to where what is considered the inside of the fence is facing outward and he doesn't think it looks that good. Clark argues that it might look good to the homeowner who is making the investment. Overbey understands. Clark refers to a block where a lot of times they may turn the split face out and put some sort of finish on the inside that 'you' think looks good that 'you' would be looking at every day. He questions if that would be deemed a finish side not out. Overbey states that is a good question. Clark assures he is not trying to muddy it, but, when they get into specifically naming certain items if they would lose the teeth they have in upholding this from a standpoint of Code Enforcement. The list could go on and on. Robinson believes that would be up to the determination of City Court and maybe the discretion of whomever the Code Enforcement Officer is on the site that is reporting. He thinks it is probably going to be loosely interpreted. Whether a fence looks good or not is subjective. The good news is this is just for introduction. Clark assures they will discuss over the next month. He was just thinking more in of terms of personal property rights and at the same time thinking of neighbors and what they think is acceptable. Overbey adds they are right, it could be interpreted different ways like that so they will do more

discussing after they introduce it. Clark agrees. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 2-23 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (MOTOR VEHICLE HIGHWAY).

A motion was made by Garrett and seconded by Selvey to Introduce.

Craig Wright, City Controller, explains this is an ordinance that is increasing the appropriations in three (3) line items, Road & Salt, Paint & Sign Material and Capital Equipment. Referring back to the budgeting process in the fall, this wasn't included in the budget but what was mentioned that they will bring it back for additional appropriations. The money is there and it is just increasing the appropriations for that.

Councilman Ingram refers to Capital Equipment on the budget copy he has and noticed the Council approved an appropriation for \$260,000. He questions if this would add the \$130,000 to that. Wright answers yes and reads the totals would be \$150,000 for Road Salt, \$120,000 for Paint & Sign Material and \$130,000 for Capital Equipment. Ingram confirms the \$130,000 is in addition to the \$260,000 they already approved. Wright answers yes. Ingram states it has been brought to his attention that there has been some restructuring of the Street Department and four positions were recently made Working Foreman. He asks if any of that money will be used to make up for the extra salaries those will be paid. Wright answers no, these are not salary based so as far as what the projects are on those, Adam Leach could go into more detail on that (which he will next month) but are not for salaries. Ingram goes back to the restructuring and questions if the four jobs were advertised or were internal promotions. Wright relays he cannot inform how those jobs came about or how the City Engineer went about them as far as advertising or if it was interdepartmental. Ingram adds it was also brought to his attention that those four positions will have take-home vehicles. Councilman Clark asks if this discussion is in regard to Ord. 2-23. President Robinson confirms. Wright relays if the City Engineer stated they would have the take-home vehicles then he would assume they would. However, that he cannot say. Those are (really) questions for Adam Leach. Ingram acknowledges he hoped Wright would've been able to answer them but if not, it is no problem for him to get with Mr. Leach and get his questions answered.

Councilman Dishman asks if there was a reason why that wasn't put in to the budget. Wright explains it was just omitted during the process as far as timing. The budget was already made out and submitted when Mr. Leach brought that to the Administration's attention. It was decided they would then need to bring these additional appropriations forward. It was just a timing issue. Dishman refers to Wright stating they would be coming back for additional appropriations and he also mentioned they would need appropriations on the Animal Shelter as well. He just didn't know why this wasn't put into the budget. Wright explains it was just a timing issue. Dishman is aware the Street Department has to have salt and road materials. Wright agrees. Dishman hopes next year, the amount needed would be included in the initial filing of the budget.

Councilman Green asks if Wright knows the breakdown on the Paint & Sign Material. Wright indicates he does not. He does not know what those projects include and mentions the City Engineer has certain projects mapped out for the year therefore he is the one that would be able to go into further detail about some of the appropriations. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

RESOLUTIONS:

RES. 1-23 COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION REAL PROPERTY TAX ABATEMENT (Michaels Place Apartments, LP).

A motion was made by Green and seconded by Garrett to Adopt.

Mayor Dan Ridneour explains Horizon Companies out of Atlanta, Georgia, is here tonight with a presentation. They have had an interest over the last several months in a property in our community at the corner of Memorial and Tillotson. Immediately upon having conversations, the Mayor brought Councilman Garrett in to get involved. He recalls telling him that they didn't have enough funds and refuse to borrow funds to do all of this with just cash for infrastructure. In addition, there is a considerable amount of infrastructure they are going to have to put in. This is going to be a 276-unit apartment complex taking all of the property that is not the future Tillpond site and is not property of the current Speedway and Dollar General store already in that location. It will be turned into a beautiful new apartment community for our southwest side. The company has a lot of experience. He provided copies of the slideshow presentation that Horizon put together (*which can be viewed online at the City of Muncie Facebook page, cityofmuncie.com or municode.com under Res. 1-23*).

President Robinson has a point of clarification that their legal counsel has asked them to confirm and questions if this area has already been designated an economic development target area. Ben Freeman, City Attorney's office, explains this specific property has not nor is that required under the code. If you look at the resolution itself, it is mentioned specifically that the plan is for at least 20% of the units to be made available to low and moderate income individuals. That language is important because under Indiana Code 6-1.1-12.1-3 subsection E(11)a there are several exceptions to tax abatements for residential property, one of which would be that specific 20% for low and moderate income housing. One of the other exceptions would be to designate it in the target area so it is the same type of exception. It is not necessary here.

Candice Spicer, Director of Planning and Urban Development along with Terry Spicer, Leader of Multi-Family Division, informs they had the pleasure today to take an extensive tour through Muncie and it is a jewel. He is even more proud to be an investor in this community and they look forward to future investments and serving the Muncie community. The third representative of Horizon Companies here tonight is Raj Valluri, Vice-President of Development of Development. Ms. Spicer thanks the Council for allowing them to come and share a little bit about the people at Horizon Companies and of their proposed development, Michael's Place. Through the course of this presentation, they will touch on a few topics to provide a sense of the values at Horizon Companies in addition to their experience, expertise, interest in Muncie and their plans moving forward. Horizon Companies was founded in 2004 and is headquartered in Lawrenceville, Georgia, just outside of Atlanta. They are a real estate development investment and property management company with expertise in apartment acquisition and renovation in the multi-family housing space. The goal at Horizon is to meet the growing needs for quality and safe multi-family housing. They are owner-developers and not flippers so they do not go into communities and develop properties and sell them. They have a vested interest in the communities they develop in so long-term sustainability is a top priority. They have definitely proven their capacity as a "best in class" developer in the real estate market delivering B+ quality products. The company is built around a team of seasoned real estate professionals, tech entrepreneurs and experienced consultants. Their motto, essentially at Horizon Companies, is "We Build Communities." To that point, Horizon just last year created the Horizon Charitable Foundation and helped approximately 780 families who were affected by hurricanes in the Tampa area. She shares that information just to relay how invested in the communities they are in along with communities abroad. A cumulative performance portfolio view of Horizon Companies to date shows they have \$1.6 billion total assets currently under management and developed approximately 6,000 units that covers about 47 properties. The next slide in the presentation shows a snapshot of some of their development expertise and some areas they have developed such as

Memphis, TN; Shreveport, LA; Little Rock, AR; Nashville, TN; and they certainly hope to add Muncie to the list. Ms. Spicer now wishes to express a little bit about multi-family housing in general and why this is still such a viable and relevant option for people. According to a couple demographics and statistics, millennials aged 25 to 40 made up the largest population in the U.S. in 2001. If you couple that with some of the proposed developments that the City is proposing; the company sees this as an opportunity for transformative investment. Urban migration means that people are on the move and choosing affordability. Communities and cities definitely want to position themselves to handle the increase in housing demand. Statistics show that rents are actually increasing although they are doing so at a much slower rate than the price of houses so it's still makes financial sense to rent in most circumstances. Also, people are waiting longer to buy homes and renting longer than they did maybe 40+ years ago. The truth is some people just may not be able to afford the down payment for a home or they may not feel like they have many options for quality housing so they see this as an opportunity to decrease housing and equities. The next slide shows an aerial view of the proposed development located at 2901 West Memorial Drive. It is a \$52 million investment planning to sit on approximately seventeen (17) acres. It is comprised of three-story buildings that will have a one, two, three and four-apartment mix. The amenities that will be present on site include energy star-rated appliances in the units that will help decrease utility cost for the residents. There will be a community-recycling center, pavilion, pool, communal fire pit, playground and an open area for parks recreation. Additionally, there will be twelve (12) electric vehicle-charging stations installed that will help reduce carbon emissions. The site is located just north of the new City Park development that will give residents access to the trail and pond. Moving on, the next slide shows a geographic look at the development in relation to some prominent Muncie sites. As it can be seen, they are about two miles from the IU Health Ball Memorial Hospital and less than three miles from the Muncie Riverfront District. The next topic is market info about multi-family housing but more specifically about the Muncie market. Rent here in Muncie is increasing at a rate of about 5.4% annually. Also, the vacancy rate in Muncie is below the 10-year average as of this quarter. She explains how extensively they looked at this and how they see a need for more multi-family housing here in Muncie at an affordable rate. She then goes to show a 3D animation video walkthrough of what Michael's Place Apartments will look like (*view full video on the City of Muncie Facebook page*). Wrapping up her presentation, Ms. Spicer thanks the Council for allowing her team the opportunity to speak today. They are very excited about this project and know that Council support will help position the company to be a valued add to the community and they look forward to being a partner.

Councilwoman Selvey refers to Ms. Spicer mentioning this is going to be more of a community development and questions how many or what percentage there are of apartments since it is going to be family orientated of three-bedrooms, two-bedrooms and one bedroom. Vice President of Development, Raj Valluri is who she recommends answer that question. Selvey adds that most families need more than two-bedroom. Mr. Valluri refers to a slide in the presentation that laid that information out. They will have a total of 276 units, 90 units of which are three-bedrooms and 72 units of which are four-bedrooms so it is quick sizeable and is where the demand is. It is the type of demographic that is looking for more home-like amenities that is why they have steered this more toward three and four-bedroom units. As far as two-bedrooms, they plan to have 84 units and 34 one-bedroom units.

Councilman Overbey had a question about the builders and wonders if they plan to have local people (as far as labor) in building these apartments. Mr. Valluri states the intent is always to try to use local labor. It breaks down separately at a general contractor or construction manager level and they might bring in some expertise with companies that have done this type of work before. They, in turn, rely on subcontractors who tent to be local or regional so a vast majority of the work is performed by the

subcontractors while management of activities on the construction site is done by somebody experienced in doing this before. All of that has yet to be determined. Overbey questions if they use building trade Unions for labor. Mr. Valluri explains they haven't gotten to that point yet in determining who exactly they are going to use. Effectively when there is Unions that are represented in the area, it's a sound decision for them to rely on Union labor and combination depending on Union and Non-Union. However, those are all decisions that are much further down the road. Horizon Companies is at a point right now where they have illustrated their conceptual design, still going through the design process and have yet to bid the job out. They are probably about six to eight months before they even break ground so there is still a fair amount of time before those decisions are made.

Councilman Garrett questions if Horizon Companies will be the property management of this property as well. Ms. Spicer answers they are the owners and once the property is developed they will hire a local property management company to manage the property. Garrett makes sure they plan to do their research on which property management company they are going to hire to make sure they are on top of things and up to point on fixing and maintaining properties.

Back to Councilwoman Selvey who has a question on the building materials. She explains there are businesses here in Muncie that would like to be a part of the bidding process (for appliances and such) for the things in the unit. She is aware of a certain business that was previously very sad that they were not included so wonders how Horizon Companies plan to notify every supply company of their bidding process. Mr. Valluri explains it behooves them to utilize local labor and local trades because it benefits the project. If they are local then it is very likely they are more affordable than someone coming out of state. That is something that needs to be evaluated but they are certainly open to looking at local companies that manufacture materials. Frankly, they need to do a lot of homework before they get to that point. As he mentioned, they are probably a good six to eight months away from completing design work. Already, they have retained a local civil engineering firm but are going to look for local talent whenever it is possible. It all has to be balanced out also with the economics for the project and they are not going to shy away from mentioning that but (he will say that) almost always whenever they've used local help, of any sort, it economically benefits them. Selvey explains she doesn't want that business to contact her and ask what happened and that the ball was dropped again. Her question was how they plan to notify those people like local supplies companies or building materials. Basically, what is the process the company will go through to provide everyone locally a chance to bid? Mr. Valluri answers they will put the project out to bid and it is in their best interest to cast a wide net and get as many interested parties expressing their opinions and interests in the project. This effort is not a short fuse to recruit contractors or suppliers. It takes a long time and if their design period is about six or seven months or so, about halfway through it is when they actually start (well before) they get to that point where they are awarding any of this work they have to start contacting. There are plan rooms and local subs who actually advise the company in return they rely on their advice on what things would benefit the project. They rely greatly on that local input they obtain. Selvey then asks if they would be willing to come back halfway through the project to present the Council specifically what local contractors they have chosen and the progress they have made. This will allow the public to know that yes, they are using taxpayer money but they want to see numbers and results. The public needs to know that too. Mr. Valluri expresses yes, they will come back and share numbers. It has to also be balanced out with the economics of the project so he is sure they would understand that. But, yes they will be happy to come back.

Councilman Green has a question referring to the first slide of the presentation of the possible look and façade of the building. He asks if they are planning to use brick and siding or complete siding in addition to the interior finishes of each apartment. Will they have stain grade material or is it going to be

press wood? Is it going to be excreted plastic? What will the finish look like on the inside? Mr. Valluri answers it is a conceptual design and what they have in mind for the exterior of the building right now is to use a combination of both brick and siding. From their experience in doing brick façades, there is a lot more brick that is visible on the front of the buildings with a little less on the sides and even lesser on the back. That is (kind of) very formulaic in the industry and is their intent. You will see a lot of brick and the video shows a lot more of what the development is going to look like. Internally, there are a lot of luxury apartments that use a lot of fancy materials. They are affordable housing but that doesn't mean that their product is compromised in any way. The kitchen will have stainless steel energy star rated appliances. The countertop will be quartz, plastic laminate. The cabinets are plywood, not particleboard. One thing to keep in mind is that Horizon is going to own it for the long-term so it is in their best interest not to use cheaper materials because it will only costs them more in the long run and they don't want to have those types of headaches. The flooring is what is referred to as LVT, a luxury vinyl tile that is a versatile product. In any shape or form it doesn't feel like a compromised product. It is a very respectable B+ product. Yes, there are A level apartment complexes with a more market rate out there but Mr. Valluri claims Horizon puts out a very respectable product.

Councilman Ingram asks if they have any idea what the rent will be, not speaking on the low and moderate income. Ms. Spicer informs she does not have that information right now but can definitely get that information to them. Ingram would appreciate it. Mr. Valluri steps up and adds they are rent capped so they don't have the liberty to raise the rent so they have limitations they have to operate under because they fall under the broad banner of LIHTC (low-income housing tax credit). That is set at a state level.

Councilman Overbey refers to discussion of low to moderate income and asks if this will be set up for Section 8. Miss Spicer states no, it is not Section 8 housing. Overbey thinks he already knows why but explains he can see the logistics of why they chose this location. They are talking about casting a wide net of people to bring in the labor and he hopes they will look at minority businesses and open things up for anybody to be able to bid on this project. With that being said, he acknowledges the company will be making a profit on this business. Ms. Spicer confirms. Overbey explains the reason he is bring that up is because the company wants a significant tax abatement. That is just something he wanted to throw in there because they will be looking at the tax abatement as a Council.

Councilman Green refers to Tillpond being behind this project and questions if there is parking set aside for public parking off Tillotson to access the park. Ms. Spicer believes there are plans to add pedestrian gates. Mr. Valluri confirms he means visitors to the pond in which Green answers yes. Valluri continues there is parking planned in the City project for Tillpond visitors. There is no additional parking for Tillpond visitors to park in the complex. In fact, for security sake, they are actually thinking about having the property be gated, residents will have and need keycard access so it would exclude anybody from the outside coming in. It is just another effort to keep a very safe premises within the apartment complex. To clarify, Ms. Spicer adds that her comments were regarding their residents and not public parking.

President Robinson explains this is the preliminary approval of the tax abatement yet there are still multiple steps to be had before the actual tax abatement is approved and it would have to appear in front of the Tax Abatement Committee at a date to be yet determined. Belinda Munson, City Clerk, has a housekeeping question and confirms the presentation shown tonight is satisfactory to be posted as it is labeled "private & confidential." Ms. Spicer relays posting it would not be a problem.

Audie Barber states this is a big apartment complex with lots of units and little kids. We need to consider some kind of buffer between this pond and this building project because if you have 247 units with kids in most of them, three or four-bedrooms, that is a lot of liability on a City for a public park with

a pond. He would just like to make sure there is a buffer or some kind of fence down through there to where these little kids can't get over and in to that pond. He does not care how much money it is because Lord forbid if one kid drowns in that pond then that is a black eye for that area. That is just how he looks at it.

Seth Rawlings is a little worried about this. It is 276 units on the south side on 12th and Tillotson next to a neighborhood that already has a pretty high vacancy rate. The vacancy rate the company used was for the entire Muncie area which includes the Ball State areas which has always known to be a low vacancy rate area and that is kind of what their market study is looking at. What Rawlings foresees happening is the company coming in, bringing in a property management company and this kind of becomes a slum lord like deal within the next five years. We've seen it all around the City. He just wants the Council to think about it. It sounds great and looks great in the video but what is this going to look like in five or ten years? We have seen this happen in the past with certain properties and he thinks this happens a lot, especially on the south side where many times we get fake Investments come in and it's great in the beginning but turns horrible at the end. So, he just wants the Council to have some caution with what the company says.

Terry Spicer begins by stating he loves this community. To Mr. Barbers point, they are taking precautions and setting up for that. He also understands Mr. Rawlings point and explains they are owner/investors so they build, stay and serve. They do not buy, wait and flip. They are in it for the long term.

Troy Watters grew up in this neighborhood and has memories fishing in the Tillpond. It really excites him to see this. Right now, it is nothing but a grown up woods. He remembers when some local men tried to put a mobile home park in there that failed but the foundations were just left there. There are things going on there that shouldn't be going on. Before becoming Beech Grove Superintendent, he was employed at the Sanitary District and recalls going through there a few years ago at about 5:00 in the morning after cleaning the drains and underpasses and seeing a young woman (probably 18 to 20 years old) walking out of the area partially naked. She did not have a clue where she was at and the sanitation workers ended up following her down 12th Street so she wouldn't get hit by a car until the police arrived. That is the kind of stuff going on in that area now so this apartment complex would be beautiful there. Muncie needs more like this. This is close to his heart because he grew up there. The most attractive thing there right now is the Speedway. The housing edition next to that has been there for years and that field there used to be a farm field where they kept it nice. The pond was kept nice as well. He has never heard of anyone drowning but thinks Mr. Barber made a point and if this this is a gated community then that should be covered as far as the apartment part. Kids can wonder of and that type of accident can happen anywhere. In closing, he really wants the Council to consider this because he thinks it would be great for the south side of Muncie. In addition, he would love to see Tillpond Park established as well. He thinks it could up the value of the homes from Gilman Ave. to Philip Dr. There are retired police officers and people that have worked for the City that live back there and those neighbors take care of their homes and yards. The way it looks now, Watters states he wouldn't want to live there. But, after looking at these apartments, he almost wants to live in one of them just to get back on the south side of town. He has always wanted to see something better there.

Terry Spicer, again, asks if he could vote to give Mr. Watters a raise, which in fact, the Council ironically did by passing Ord. 44-22 this evening. After a quick laugh amongst themselves, Mr. Spicer just wanted to say thanks because they both see the same thing. The company is dedicated and committed to the community.

Councilman Ingram just wants to thank the Horizon representatives for their willingness to invest in our community. He knows the Mayor, Councilman Garrett and Councilman Clark have put a lot of work in this and he wants to thank them for all that. He thinks it is a great project and recalls growing up in the area as well. He swam in Tillpond when he was a kid and would float down Buck Creek when goes right by there so he is actually excited about seeing this development come along as well.

Councilman Garrett relays he is super excited. He has always referred to the area as “Shedtown” and would refer to himself as a “Shedtowner for life” now living in the Brookville Terrance neighborhood. They are now having issues with what is going on there with cars getting broke into and things being stolen out of yards so he just wants to thank them for their interest on the south side of town. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

OTHER BUSINESS:

Councilman Clark has two uniformed conflict of interest disclosure statements to share. One is for Ball State University in his role with the Division of Lifetime Learning. There is no current contract or transaction with the City of Muncie. He explains they do training and industry certification leadership programs. So, he is employed with the University and will be actively promoting Ball State’s Lifetime Learning Program to the municipality, City of Muncie, yet he does not receive commission for any of the classes that he sells so there will be no added profit or financial benefit from a transaction with the City of Muncie. The second one is for 3D company, GM Development, JG Case Construction and SC Case Construction. These are various construction related contracts, unknown terms and unknown dates. There is no financial interest on his part with any of these companies. These entities were created and are owned by a non-dependent relative, first or second cousin. Clark does not directly or indirectly have a financial benefit, profit or pecuniary interest from a contractor purchase from these companies. Although, he doesn't think either of these had to be submitted, he thought it was right to submit both and they will need to be accepted by this by this board. Robinson assumes they all accept that. Clark questions if they should vote on it. Attorney Dan Gibson advises they haven’t in the past so as long as it is presented on the record then they are fine.

Councilman Miller wants to thank all the councilmembers for welcoming him tonight. It has been really nice to shake hands and get to know them all. He really appreciates the warm welcome. Also, he is aware that it is Law Enforcement Appreciation Day and he wishes to shout out MPD for being out front keeping us safe.

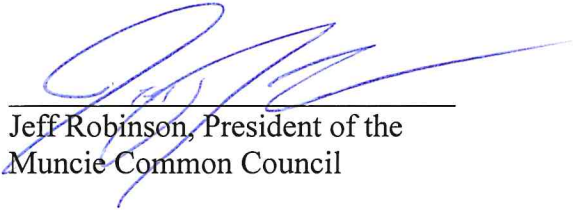
Audie Barber has a few things he wants to say. The project next door, the old Delaware County Jail/Justice Center, is a big issue with all the hiding of the funds and stuff. He is aware that if they don’t have the project completed by January 31, 2023 then they would have to back pay \$10,000 a month until complete. He wants to go on the record saying that when they went into this contract, there was supply shortage at the time. There still is a supply shortage and he would like to see that contract of them having to pay back the money (for every month they don’t have it open yet) to be applied and enforced. It is a big stickler. There is a lot of money that went into that building that citizens didn’t know was going into that building until (about last month). That is one of them timing issues, he guesses. Everything is a timing issue with the Mayor’s Administration, according to Mr. Bilbrey. He knows five members of this Council are appointed members. It is election time to just please make sure they get their people out there to vote. Elections will be here before you know it. Again, there are five members up here that are appointed, non-elected, and it is not just Republicans and not just Democrats. He hopes most of them feel

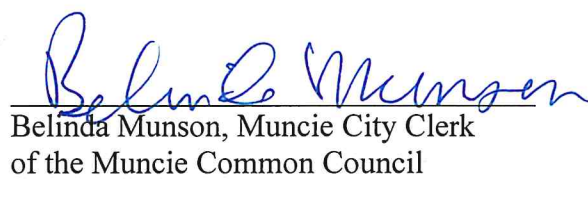
like running again. There is going to be some opposition out there and that is all part of an election. He ends by encouraging them to keep up the good work and wishes everybody a good evening.

Mary Stilts has an update on the Ohio and 32 East intersection. Mark Slusher (the employee behind the meetings broadcast) was almost hit the other day when somebody ran the stop sign again. They now have stop signs on both sides of the street and another one a block back. She refers to Councilman Ingram and states she really needs contact on who she can get ahold of because she will take a bunch of people with her. Alternatively, if she can just come to the meeting and speak with them to let her know. She really needs contacts. We need to fix this situation because somebody else is going to get killed. Ingram explains the Transportation Policy Committee would not be able to fix that and that Stilts would have to start by emailing Scott Alexander and State Representative Sue Errington. He encourages anybody else that has any issues going on with that to do the same. It's the squeaky wheel that gets the oil. He suggests anybody with an issue with that continue to send emails. Stilts states she watched two people die at that intersection this summer and has seen several other cars destroyed. This is a lot of money that these folks are losing and it is their livelihoods. We need to fix that intersection so need to get on the state somehow. She would appreciate any input that she can get such as names, phone numbers and emails. Ingram advises he has done everything he can do through the Transportation Policy Committee and Stilts appreciates that. He made the state aware of the issues and also emailed Sue Errington (he hasn't talked to Scott Alexander yet because he was just getting settled in the transition). He recommends anyone with concerns about that intersection to email them. Councilwoman Selvey comments a woman (name inaudible) was in the audience last time they talked about this, she would like more information on this matter and is very interested in helping. Stilts assures she will contact her immediately.

ADJOURNED:

A motion was made by Miller and seconded by Overbey to Adjourn. A vote by acclamation showed 7 yeas and 2 nays (Robinson and Ingram). ADJOURNED.



Jeff Robinson, President of the
Muncie Common Council

Belinda Munson, Muncie City Clerk
of the Muncie Common Council