

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



**MARCH 6, 2023**

**PUBLIC HEARING:**

ORD. 6-23 ORDINANCE TO VACATE A PORTION OF A CERTAIN RIGHT OF WAY IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA.

No public comments made.

RES. 5-23 COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA RESOLUTION CONFIRMING THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA AND APPROVING THE DEDUCTION FROM ASSESSED VALUE OF NEW REAL PROPERTY IMPROVEMENTS (Michaels Place Apartments, LP).

No public comments made.

**REGULAR MEETING:** 7:00 P.M., 1<sup>st</sup> Floor City Hall Auditorium.

**PLEDGE OF ALLEGIANCE:** Led by Andrew Popp.

**INVOCATION:** Moment of silence.

**CITIZEN RECOGNITION:**

Councilman Garrett acknowledges all the councilmembers as being public servants. The public will come out to see them once a month and otherwise will contact them if something is ever needed. This individual has ran the Muncie Pal Club for the past 17 years and is that individual for multiple young men and young women; providing the boxing ring, the wrestling mats, the gym, etc. Garrett called this individual this morning to discuss what was going to say when he presented him with this award tonight. What he was informed really hit him hard. The recipient said he didn't want to drag anybody else talking about his family because he doesn't know what someone else might go through. He said, "I am here when they need me." Our youth is the most important thing in this City to Councilman Garrett, same as how this individual is to the Pal Club. Over many years, many children and many men and woman have come out of there being a better person because of Jeff "Bo" Shopher. He is a live time member of Muncie. Garret has known Bo his whole life and ever since he lost his own father around 10 years ago, he recalls him being more than a father figure to him. Anything insight or advice he needed to know that his dad would have told him, Bo did. He knows Bo has done this for multiple kids and adults over the past 17 years. Tonight, he is here with his family.

Mr. Shopher wants to say thanks. He wasn't expecting this and claims he hasn't won anything before in his life. He thanks Councilman Garrett, his family and God for blessing him with his family. He just prays that we can all get along and continues to gives thanks for everything.

President Robinson thanks them both and announces next month with be Councilman Miller presenting Citizen of the Month.

<b>ROLL CALL:</b>	<b>PRESENT</b>	<b>ABSENT</b>
Aaron Clark	X	
Ro Selvey	(Via Zoom) X	
Troy Ingram	X	
Jeff Green	X	
Jeff Robinson	X	
Brandon Garrett	X	
Isaac Miller	X	
Jerry Dishman	X	
Roger Overbey	X	

**APPROVAL OF THE MINUTES:** A motion was made by Overbey and seconded by Ingram to Approve the Minutes from February 6, 2022. A roll call vote showed 9 yeas. MINUTES APPROVED.

**COMMITTEE REPORTS:** Councilman Clark has a report over the Tax Abatement Committee Meeting earlier at 6:00 PM over res. 5-23. He requests to share the information when that resolution comes up on the Agenda. President Robinson assures that is fine. No other Committee Reports.

#### **APPOINTMENTS TO BOARD AND COMMISSIONS:**

##### **BEECH GROVE CEMETERY**

A motion was made by Robinson and seconded by Garrett to nominate Denise King. No further nominations. Denise King previously provided her experience and expertise last month during nominations but she is here this evening as well to answer any questions.

Denise King is a resident of Muncie's Historic Old West End Neighborhood and within the boundaries of their neighborhood is Beech Grove Cemetery. They are very proud of that. If asked, anyone that knows her would say that Beech Grove is very special to her. For the last nine or so years, she has been organizing and planning the Beech Grove Cemetery Tour that happens annually every October on the second Saturday. The tours are designed to respectfully highlight the beautiful grounds and architecture of Beech Grove while also celebrating the many Muncieonians who are interred there and have had an impact on our local and national history. That is also a fundraiser for Beech Grove and that neighborhood. She informs she owns a plot out there and cannot think of a better place to take her last vacation. As she said, Beech Grove is also in her neighborhood's boundaries and she is a very avid and vocal advocate for her neighborhood. That includes Beech Grove. She has also served on the Old West End Neighborhood Association Board over the last 12 years and is the Vice-President of the Neighborhood Redevelopment Corporation. Those two organizations have two different purposes but one thing (of the many) that they have in common is that they want to protect the historicity of the neighborhood and Beech Grove is an integral part of that. She wants Beech Grove to have the resources, attention and stewardship it deserves. Speaking of stewardship, she just wants to commend all the work that has been going on there. She pays a lot of attention and it has been incredible to see the different maintenance that has happened along with the improvements made over the last several months. It shows there is an active Board and that all the hard work that Troy Waters has been doing as Superintendent along with his crew hasn't gone unnoticed. What she wants to do is help keep that momentum going. In closing, she thanks them for their time and hopes they will strongly consider appointing her to the Beech Grove Cemetery Board. A roll call vote showed 9 yeas. MOTION CARRIED. Denise King is declared appointed to the Beech Grove Board of Directors.

**POLICE MERIT COMMISSION**

Dan Gibson, City Council Attorney, wanted to raise an issue in which he emailed the councilmembers about today. Briefly, while on topic of Boards and Commissions, last month the Council made an appointment to the Muncie Police Merit Commission with the understanding that their current appointment to that Board was going to be vacating his seat. Gibson received a call late last week from Mark Irvin, City Attorney, and was informed that the Council appointee, in fact, is not vacating his seat. Now, they technically have two people appointed to the Merit Commission when the statute only provides for one appointment from the City Council. In his view, they have a couple options. The general rule would be that an appointment to fill a vacancy that is not vacant is, in fact, void but at the same time under Title 36, which the Muncie Police Merit Commission is now fully under, Council can remove anybody (as they serve at their pleasure). Therefore, the way he sees it, they have two options, one to just accept the general rule and inform Ms. Orick that her appointment is void and it was simply a misunderstanding on our part or the Council can vote to reconfirm her appointment while at the same time removing the current appointment who was appointed back in 2020. It is Phil Miller and his term ends at the end of 2023. He believes the Council could simply say she would take his seat when that expires in 2023 but (as it is known) we are in the middle of an election year and it will be a new City Council next year and he doesn't want to saddle that new Council with an appointment that this Council makes.

President Robinson makes the comment this Board has to be politically balanced. This was a republican appointment so decides to yield his discretions to councilmembers that are of the republican affiliation. Understanding correctly, this is not a decision they would need to make tonight but will need to be made by the April meeting. He is open to any conversation anyone wants to have now but it is certainly not something that has to be decided right now. Attorney Gibson confirms.

Councilman Clark refers to a conversation he had with Chief Deputy Deegan who provided the accurate rules for the appointee. It requires three primary voting histories and Ms. Orick does not have that. He called the Clerk's office to confirm and she has two; maybe a single in the democrat, a gap and then a single republican primary so she may be ineligible based on that.

Councilwoman Selvey informs she contacted the Voter Registration's office who said that she did qualify even with that voting history and spoke specifically with Josh Taulbee.

Councilman Miller makes it aware that the previous appointee they are referring to is his father, Phil Miller and claims he is ready to be off the Board due to some work obligations. The records that the Police Department provided said that his term ended in 2022 and the records in the Clerk's office said that his term ended in 2023. Councilman Miller was told by staff in the Clerk's office that they should go by the Police Department records not the Clerk's office records on that. Attorney Gibson informs they are 4-year terms. He is not sure exactly when Mr. Miller was appointed but believes it was in 2020 because he recalls this Council making that appointment to the Merit Commission. According to City Attorney Mark Irvin, his term expires at the end of 2023. Councilman Miller asks Councilwoman Selvey how she wishes to proceed with her appointee. He just knows his father as the current appointee holder of that Board, he is happy to stay on or go. President Robinson suggests they speak between now and the April meeting.

City Clerk Belinda Munson explains for record keeping purposes and since the Clerk's office is in the middle of this, whenever someone vacates an appointment, the Clerk's office needs an official letter or email. She explains the office just follows what they are told and instructed. Therefore, for record keeping purposes she would like to have formal resignations submitted to refrain from getting caught up in this again. Though, Councilman Miller is not sure that his father resigned. Attorney Gibson agrees. Clerk Munson assures that is what she means. The Clerk's office should have a resignation otherwise, it was just assumed based on the meeting that he had resigned. She would like official resignations, like when a City Council elective resigns and submits a formal resignation letter.



Councilwoman Selvey agrees to let her and Councilman Miller talk and they will come to the rest of the Council with a resolution. She is somewhat disappointed because they appointed someone but had to call her back and tell her. She had been sworn-in too so that is now an issue as well. She assures they will get back with the other councilmembers after talking about it and finding a good solution for everyone.

Chris Deegan, Deputy Police Chief, can try to answer what questions he can. The Merit Commission is separate from the Police Department but obviously impacts their operations. He believes there was a clerical issue with term expiration whether it was 2022 or 2023 and can speak enough to the Code to know that it's the City Council appointment because this was a new thing that was started at the inception of this City Council in 2020. It used to be three mayoral appointments, two from the department under a hybrid version. They then switched to Title 36 in (what he believes) was December of 2019 or January of 2020 which then afforded the Council with an appointee. Under the code, it is just a four-year term so the term for Mr. Miller would have been ending in December of 2023. Certainly, it is the City Council appointment and Deputy Chief Deegan just asks that whatever solution they come up with be done so quickly because it impacts MPD operations. President Robinson checks that Mr. Miller is still currently serving in his capacity of the Police Merit Commission. Deegan confirms. Robinson believes that Ms. Orick had indicated to the Council Attorney that she was patient and willing to wait. Robinson believes the best course of action would be for the republican councilmembers to get together and figure out what they want to do about this. Whether they want to use this as an opportunity if Mr. Miller is indifferent to whether he continues to serve or resigns as Councilman Miller stated, maybe it is something that the two appointments can figure out. Again, he will support whatever they want to do with it as it is a republican appointment but as long as it is resolved by the April meeting. Deputy Chief Deegan agrees that is the request of the Police Department as well because they have to have quorums and it is a five commission board so three members are needed for a quorum and four is needed on certain matters such as promotional, hiring and disciplinary stuff so having that member is super important.

## **ORDINANCES PREVIOUSLY INTRODUCED:**

### **ORD. 3-23 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (MUNCIE POLICE DEPARTMENT).**

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

Chris Deegan, Deputy Police Chief, recalls speaking briefly at the last meeting on this appropriation and there was some previous discussion on it being a non-reverting fund. It technically is a non-reverting fund, consisting of the cash they have and if appropriated that goes back into the cash balance. The department then comes back and seeks Council approval for it back. It is all within the Local Income Tax Fund for the Police Department. In looking at ways to spend it, they have about 20% left of a radio project that is going to come in at right around \$115,000 - \$120,000 mark. There are also more vehicles needing to be purchased. Order banks are going to be opening soon as well. As he get everything a little more laid out, as far as the budget is concerned this year with this appropriation, he will be able to better relay where they intend to spend this money. Questions called. A roll call vote showed 9 yeas. **ADOPTED.**

### **ORD. 4-23 AN ORDINANCE OF THE CITY OF MUNCIE AMENDING SECTION 152.16 OF THE CITY OF MUNCIE CODE OF ORDINANCES.**

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

Dan Gibson, Council Attorney, reminds the Council this is a quick amendment to the vacant and abandoned property registration ordinance. The biggest change is that currently only those properties that are deemed vacant and abandoned are going to be required to register. This change will make it so that



properties that are vacant “and/or” abandoned will be required to register. To address the concerns of the Building Commissioner’s office, the change was made to the definition of vacant property to only include those properties that are unsecured. There is a representative of the Building Commissioner’s office here tonight to answer any questions and this was something that they and Attorney Gibson worked with Aubrey Crist with the City Attorney’s office to get this done.

Councilman Garrett wants some elaboration on how this ordinance is going to help the office. Becky Moon, Building Commissioner’s office, explains that by putting the “and/or” in there, it specifies whether the property is vacant and/or abandoned or vacant or just abandoned. They can then clarify through the letters they have to send to the property owner to let them know how they need to proceed.

Councilman Clark recalls speaking earlier about it with Moon. If a potential buyer of a property acquires one and then say a contractor can’t come on site for 45 or 60 days, he asks if purchasing the permit would offset the need to register this. Moon answers yes, that and to vocally let them know what is going on with it when they receive their letters. She assures they will work with anybody. Questions called. A roll call vote showed 9 yeas. ADOPTED.

ORD. 5-23 AN ORDINANCE AMENDING CHAPTER 95 SECTION 95.08, SECTION 95.09, SECTION 95.17 OF THE CITY OF MUNCIE CODE OF ORDINANCES ENTITLED “PARKS AND RECREATION.”

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

Claretta Jolly expresses she is not too sure what this ordinance is and consists of. President Robinson states the Parks Board President as well as the Prairie Creek Superintendent are here to explain a little bit about this but generally, this is changing some of the rules as it relates to the parks bringing some more uniformity in terms of those rules. The Parks Board has been somewhat investigating this for about five or six months. It is not a new ordinance, only amending the current ordinance to include some new things. Jolly questions if that includes improvement, such as new equipment, in the parks. Robinson answers no and informs this is covering general rules. Just as an example, the storage of personal belongings. If someone leaves their belongings in a park for an extended period of time, it gives the Parks Department the City’s authority to be able to remove those belongings and hold them for 30 days until either someone collects them or they can be donated. It also has something about intoxicating beverages, no person shall introduce any intoxicating beverages into any public park either for his own use or for sale or use, sell or give away the same except within leased spaces at Prairie Creek Reservoir. Jolly thanks him for the clarification.

Brad Marshall, Parks Board President, along with Dustin Clark, Superintendent at Prairie Creek, approach the podium. Marshall explains the Parks Board has been working on a comprehensive set of rules for Prairie Creek. One of the things identified is that there are rules that apply to the parks in the City proper that are not as applicable to things out at Prairie Creek but are brought into this rule by Sec. 95. They are asking to make some changes here and the Parks Board is in full support of it. Seeking Council approval, he and Dustin Clark are willing to answer any questions they may have.

Councilman Green has a couple questions. He asks why Prairie Creek should be exempt yet is still property of the City of Muncie and considered a city park. Why should they get preferential treatment there but not in the rest of the parks? Marshall explains this was a request from the campers primarily as well as the dock holders. It is something that they wanted to work with the campers and dock holders before bringing it to the Council. It is out of the Board’s control being that they are a part of the City ordinances. It was a public request. Dustin Clark mentions he might be able to try to clarify that and explains they are doing the same thing that internal City parks would if someone was to rent a cabin. If you rent a cabin, you can hire a caterer or do all kinds of stuff because you have lease that space. The same thing would apply for an RV owner who has leased a space out at Prairie Creek for a season (or a dock-holder). They are no longer in the public/open area such as the beach area, picnic area or kite-flying

area. They are in their private area that they have leased. Green questions if a person leases a cabin for a day in one of the City parks, that they can have alcohol inside the cabin. He further assumes that when campers go out to Prairie Creek, they have to keep that inside their campers. D. Clark states that is correct. If somebody was holding an event and the event came before the Parks Board and they wanted to lease a shelter for a day and told the Parks Board that they are going to have music and everybody older than 21 will wear a wristband. Since they rented that space for the day, with the Parks Board approval, they could have adult beverages. Green clarifies the alcohol and gambling is acceptable inside their leased spaces. D. Clark answers it would be up to the Parks Board to make those rules and determination.

Councilman Garrett refers to the leased spots out at Prairie Creek. Let's assume you're out there at your spot and want to play some euchre. He questions if that is defined to your RV or your leased spot. For example, could you be at your campsite but out at your outdoor picnic table? D. Clark confirms that your "spot" isn't your RV. Your "spot" is your leased space.

President Robinson states Canan Commons is not included in this, although he knows there are a lot of community events that take place there that include intoxicating beverages. In the case of some of these, it is executed by Downtown Development partnership and he assumes that Downtown Development partnership would have to get a permit, just like everyone else, to use that park. Parks Board President Brad Marshall answers yes and explains Canan Commons, as Robinson had mentioned, is managed by Downtown Development so it is actually carved out and in separate control and management of the other parks. Robinson confirms that Canan Commons is not necessarily included in the overall Parks ordinance. Marshall confirms.

Kristopher Bilbrey wants the Council to really take this into consideration. This question here shows us how serious this can be interpreted or abused and misused. For anyone that has been listening to city government, whether it's the Board of Works or the Parks Board, the last couple months it seems like we're heading into a 'Footloose' type of situation where the BOW is considering (not allowing or) having an issue with folks that want to come before the BOW and ask to have a party at their house or what not. If you have property at Prairie Creek that you are paying for and renting the space and you're of age, drink if you want to drink. If you don't want to drink, don't drink. There are police out there that are already in action and they have laws so if you're breaking the law, the police can deal with you. We shouldn't be trying to put in place more laws to tamp down on people's free time when they're doing things with their space that they rent. If they're not breaking the law, leave them alone. He just doesn't understand. The morality side of this is if you don't want to drink, don't drink. If you do want to drink and you're of age, have at it.

Wayne Scaife wants some clarification. He asks when someone rents a space at Prairie Creek if they are automatically permitted to drink. Robinson refers to the ordinance itself in Sec. 95.09 and reads, "no person shall introduce any intoxicating beverages into any public park either for his own use or for sale or use, sell or give away the same except within leased spaces at Prairie Creek Reservoir." So, if you're leasing that space you can have alcoholic beverages within your lease space. Scaife thought he heard that if you're going to lease the space in the parks, (like a cabin) you would have to get permission. He asks why you would need to get permission if it is already okay for Prairie Creek. Why can't it be automatic if you lease the space? When you apply to rent a cabin, do you have to ask if you can drink or is it automatically assumed that you would be able to? Robinson states that is a good question and isn't sure if there was a distinction made when Dustin Clark was speaking about that and maybe Parks President Brad Marshall could answer that as well. Robinson uses himself as an example and let's say he goes out, rents a cabin at Heekin Park and wants to have alcohol beverages at that cabin for whatever he is leasing the space for. Would he have to get permission from the Parks Board before he could have alcohol there? Or, is that considered a "leased space" and because it is a leased space, could have alcohol beverages there? Scaife adds why would he need to ask permission if it is already a leased space. Marshall explains the way this is written is "except within the leased spaces at Prairie Creek Reservoir."



This omission only applies to Prairie Creek. He assures they have had events where they rented out space and that becomes a question to the Parks Board and they have permitted or not permitted those events and/or the alcohol associated at those events. However, the way this ordinance is presented refers to just the leased spaces at Prairie Creek Reservoir. Robinson questions if someone wants to hold an event at one of the cabins and want to have alcohol at that cabin then they need to get special permission from the Parks Board to have that alcohol. Marshall answers yes, the way this is written, that is correct. Robinson asks if that is the preference of the Parks Board or is that just an oversight when the ordinance was written and if they should they amend it to include “any” leases spaces within the Parks. Marshall states he would leave that to the Council. The request to make changes to this ordinance were specifically for and geared toward Prairie Creek because of the requests made to the Parks Board. Council Attorney Dan Gibson wishes to note that would be a fairly significant change from what has been presented, now allowing it in leased spaces of all parks. He recommends they consider just what is before them and then going to the Parks Board to maybe have further discussion before talking about all leased spaces in the public parks.

Councilman Miller agrees with Attorney Gibson that amending it now seems a little rash. He thinks public parks within city limits are a completely different animal than Prairie Creek. Prairie Creek having its own mantra with so much more going on there than at your typical City Park. If they were to amend that to make this a little more broad, he just doesn’t think that is very wise. He feels they should treat it like its own thing and is sure that D. Clark can speak to the different forms of management that take place at Prairie Creek verses an average City Park. Robinson is not suggesting or making that motion to amend but just facilitating the conversation.

Audie Barber states the City of Muncie was incorporated in 1865. We have been drinking here for a long time. If people get drunk and belligerent or have problems, they go to jail. It is that simple. That is a state law. He doesn’t know if they need rules and regulations. He knows Prairie Creek has been out there since about 1956, give or take a few years, and there has been drinking out there all these years. There has been all kinds of fights out there and when that happens, people go to jail. Do they not? That is what happens. Leave it alone and let it be.

Councilman Overbey is not proposing an amendment but does want to clarify some things. He knows Prairie Creek is a different animal. They have the park and campground out there and people have been known to drink and have parties out there for years. What Overbey doesn’t want to see is someone come up and say, “hey, I want to rent this cabin and were going to have some alcoholic beverages” and city government responds, “hmm, I don’t know if we’re going to allow that.” Then, somebody else comes along that just so happens to have a little better presentation and gets told, “okay, we’ll let you do it.” That is what Overbey does not want to see happen. Really, it is not clarified there so that rather worries him.

President Robinson has an example. It is Saturday afternoon and him and a couple of his friends go jump on a boat to go out and do some fishing. Let’s say he brings a six-pack of beer. Is he outside of the ordinance because he is drinking a beer outside of a leased space? D. Clark answers no because he would then be in purview of the water which is controlled by the Department of Natural Resources (DNR). They have always been under that purview. If you are driving while intoxicated, a DNR officer has every right to pull you over. It would be no different than if you launched your boat that day from your dock. Once you are on the water, that is American Water space, ergo, DNR space, ergo, you’re under their provisions. Robinson then uses the example of him bank fishing. D. Clark questions where he would be bank fishing from because if he was bank fishing from his leased space then that would be considered his leased space. If he were out in the open public – in the park where they don’t allow gambling, prostitution and card playing, then yeah, you wouldn’t be allowed to drink your six-pack of beers on the edge of a bridge. Again, to clarify, everyone is getting hung up on the alcohol which is totally understandable but this also gives the provision for the Parks Board to determine the rules. This is



not asking for all City Parks. This is asking for Prairie Creek Reservoir. It is up to the Parks Board to determine the rules people will follow. The Parks Board rules. It won't be this person should get it and this person shouldn't. It is a collection of a counsel, much like this group of City Council, that will go through and do open space areas that will apply to all parks. Robinson asks if there is any concern regarding the Parks Board in ten to twenty years. Would this give too much authority to a board that changes semi-regularly? It could be ten years from now that the sensitivities and mindset may be much different than it is now, whereas if it is part of City Code – it's City Code. D. Clark answers, to that point, it is the will of the people how people should govern. If the will of the people changes along with the Council or Parks Board, that would be how things need to be and rules would need to be enforced. Specifically about that, what they are trying to do is give officers a firm footing if there is an issue inside or out because right now it is super vague. It says there is no alcohol consumption at Prairie Creek because it is a Park. So, they run into a situation where an officer is there hearing "I've been here since 1991 and we've always been able to have a drink." They may have never caused a problem before but now an officer needs to go tell them to remove themselves. D. Clark thinks they are trying to give law enforcement and police officers a basic foundation and leaving it up to the Parks Board to decide nuances of the rules. However, at some point in time, you have to determine where that foundation is or a basic set of rules to start with. He thinks this a good path forward to get that basic set of rules.

Councilman Green asks the Council Attorney where the liability stands if they pass this. Say someone is standing on a dock that has been drinking throughout the day and ends up falling in the lake and drowning. Where does that stand for the City because the Council has passed this and allowed that to take place? Attorney Gibson explains it is always going to depend on the circumstances of the situation. There is a lot of immunity provisions in state law for what happens. He thinks a lot of it would depend on if they had noticed there was an issue but at the same time, that is also why you have insurance. The Council is not able to limit liability for everything that a City could be held liable for.

Councilman Garrett requests the input of Deputy Chief Deegan due to the alcohol involvement and this being able to give the Police Department a footprint. Deputy Chief Deegan states he was not prepared for this but being frank, he does not know what the current ordinance states and has not read through what they are looking at right now. He will say that there is the enforcement arm when it comes to the Police Department as well as the DNR and the Delaware County Sheriff's office. Anyone of them can respond out there, so, there is a lot that goes into this. Lastly, there is a governing Alcohol & Tobacco Commission for the State of Indiana. Without having anything in front of him and not really being prepared, he would have to say that he would defer to that because there is a specific alcohol statute of codes, as far as enforcement and legalities. He would touch on that as maybe something they may want to consider further but he does not know if he can offer a great opinion right now as it stands because he isn't quite educated enough on what is being discussed.

Andrew Popp refers to leased spaces at Heekin Park and questions where those funds go when a person pays to lease one of those spaces. Robinson assumes it goes to the Parks Department but believes that rolls into the General Fund. Craig Wright, City Controller, nods his head from his seat in the audience. Robinson relays that goes back into the General Fund as do most fees associated with things in the City. Popp then refers to Parks projects that are being done and confirms whether they are approved financially by the Parks Board or by the City Council. Robinson explains the appropriation of the funds to do those Parks projects is here. What projects they decide to do and the manner in which they do them is up to the Parks Board. Popp goes on to state his answer to this question within leased space, he sees Councilman Overbey's logic as well as the question Mr. Scaife presented in having a lot of merit. When somebody leases a space, they are paying funds that go into the General Fund, which ultimately is controlled by the elected body, being the City Council. He expresses how he wants to see the elected officials being in control over this since all the funds are controlled by Council. It gives incentive to lease those spaces. Aware the point is not to amend and agreeing there should be due process in this but states

that he would like to, as always, see this done right the first time and not brought up again and again. He thinks there are real questions here but ultimately agrees the decision should be made not by an appointed member (not that they are not qualified) but by the elected body. That is what he would like to see done, whether it is done tonight or at a meeting in the future.

Johnna Oliver states it somewhat scares her when a lawyer goes, "oh, insurance will take care of it" and asks if that is really the message we want to send. Responsible drinking would be the best. If people want to drink in their camper, not everybody else would know. Why are we allowing it and only for a specific area? To her, that sounds very difficult and seems like this group of people are different from that group of people. She understands it is a little bit more of a party environment out there but you're going to have kids out there too. She thinks it is a horrible precedent to set and the liability scares her. President Robinson certainly agrees that the message should always be to drink responsibly. He recalls the question their legal counsel was answering being directly relating to the liability if someone were under the influence and fell in. It was an appropriate answer to the question but Oliver is absolutely right, the message should be from all of us that people should drink responsibly no matter where they are.

Jeff Hager refers to the mentioning earlier of Canan Commons and questions if that is considered a Park. Robinson believes the Parks Board President Brad Marshall indicated that space is actually managed by Downtown Development and is not part of the Parks overall inventory. Hager disagrees with that because it is mowed by the City Parks Department. Now, you can't treat one Park the same and treat another one different because the Council has a preference because that's where they hold downtown events. A Park is a Park especially if it is mowed by the City.

Craig Wright, City Controller, wishes to clarify some things as it relates to discussion of the funds. The cabin rentals go into the Parks General Fund, not in line items for other departments (such as the Mayor's office or Controller's office) to utilize. Robinson understands and adds the Parks budget is a lot like Beech Grove Cemetery where they are their own part of the overall tax levy. That makes a lot of sense. Wright informs it is Fund #201. Councilman Garrett wishes to clarify the same would be for the leased spots out at the reservoir. D. Clark explains Prairie Creek is different because they do not receive tax dollars. Their financial body is the Parks Board. Council handles ordinances but does not necessarily control the funds out there. Prairie Creek generates its own revenue. He would venture to say (off the top of his head) that 75% or 80% of their revenue is generated from leased spaces, both docks and campsites. Those people have stepped up and stated that they needed some clarification. D. Clark further explains they don't have a unified set of rules and are self-funded through people and patrons that come out and use that service. Roughly 80% of their funds is coming from those two major suppliers. The ability to have this exception and go before the Parks Board and have rules amended and enforced would be a significant change from what Mr. Popp was earlier saying. D. Clark just wanted to make sure that is clear that Prairie Creek is not receiving City funds. They are self-funded and primarily self-funded mostly through those two major groups. That is how they are able to keep that Park open.

Ella Piche and Jocelyn Roberson both serve as lifeguards at local pools in the community and can speak to the fact that alcoholic beverages increase the risk of drowning almost tenfold. This kind of plays into the liability thing that was earlier discussed since there is not a lot of lifeguards at Camp Prairie Creek. They inquire if this means they would need to get lifeguards at Camp Prairie Creek or just accepting the fact that risk of drowning now increases significantly at Camp Prairie Creek. D. Clark explains Camp Prairie Creek is separate from Prairie Creek Reservoir. The public beach would then be enforced by this ordinance that says no alcohol. The exception would be in leased space, which is mostly the Northshore Campground and private docks. It has little to nothing to do and actually protects the beach because then law enforcement can come in and say, "nope, the ordinance says no alcohol in the public park." Ergo, no alcohol on the public beach so therefore they would not be able to consume alcohol or would have to leave the premises.

Councilman Overbey refers to the leased space D. Clark is talking about and questions what would happen to the revenue if they were to say there is absolutely zero tolerance for alcohol on the campground and piers. D. Clark states that is a very good point and they would probably fail to meet basic payroll. They fund their own employees so would have to lay off City employees and close the park into mothball status until they could find a way to generate that missing revenue. He assumes there would be a mass exodus because it is a big part of enjoying the culture out there. To be able to go out and play cards with your family or have a drink on your boat after a long day being at the campground is permissible. If they were to take that away from them, again, he thinks there would be a pretty big mass exodus that the Park would struggle financially to recover from. Overbey confirms the Park would be decimated. D. Clark responds that is a fantastic phrase for it.

President Robinson believes they could dive deep into this all night long but at the end of the day, it is really up to enforcement and subjective nature of that person who is in forcing these rules. He is sure if somebody were to play cards or a game of dominos at Cooley Park or something that as long as long as they weren't being disruptive, he doubts very seriously that the Parks Police will be coming in and enforcing that. He does understand there has to be some general rules (in case there is a problem) that they can enforce. His only issue is thinking that these decisions should be being made by the Council and not necessarily the Parks Board but he does understand why that discretion is needed because there are a lot of requests for these types of activates that are taking place in those lease spaces so that need is understandable. Questions called. A roll call vote showed 8 yeas and 1 nay (Green). ADOPTED.

#### **NEW ORDINANCES:**

##### ORD. 6-23 ORDINANCE TO VACATE A PORTION OF A CERTAIN RIGHT OF WAY IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA.

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

Nicholas Tokar, Attorney for the YMCA who is a co-petitioner along with Muncie Community Schools with respect to this petition to vacate the portion of Walnut Street north of Wysor and south of Columbus running alongside the Fieldhouse. There is a 120-foot right-of-way there that is really wide. To put it in context, it is probably wider than the right-of-way for I69. The history on this, at the best he can tell, dates back to the early 1920s. There is an instrument that dedicated 80 feet of right-of-way to the City and it's listed as 80 feet west of the center line, so, that's how you get 120 feet (40 feet on the east side and 80 feet on the west side of the center line). It is just that portion between Wysor and Columbus so once you get north of Columbus its back to a more standard width. This was discovered in doing due diligence for part of a project for the new YMCA. To put some more context on it, the 120 feet encroaches pretty far into the Muncie Central parking lot. The request is for 40 feet of right-of-way to be vacated there off the west side. That doesn't include any of the presently constructed Walnut Street or the sidewalk. Actually, it still leaves a lot of room comparing it to Tillotson which (depending where you are looking at) is somewhere between 60 feet and 80 feet of right-of-way so there is room there for expansion if ever needed. That is the general background, history and request here. He is very happy to answer any questions along with Chad Zoucha with YMCA and Jim Lowe, Muncie Community Schools Board member. There are four things the Council needs to consider or make a finding for and those consist of: 1.) The vacation wont hinder the public access to any church, school or public building 2.) The vacation will not make access to lands of any person difficult or inconvenient 3.) It will not hinder the use of any public way by the neighborhood in which it is located 4.) The vacation will not hinder the growth or development of the neighborhood or of the City of Muncie generally. This will actually help stimulate the development in order for growth of the neighborhood and the City. Questions called. An all-in-favor vote showed 9 yeas. INTRODUCED.



**ORD. 7-23 AN ORDINANCE CREATING CHAPTER 123 OF THE MUNCIE CITY CODE TO BE ENTITLED "REGISTRATION OF FORECLOSURE MORTGAGE PROPERTIES."**

A motion was made by Clark and seconded by Miller to Introduce.

Mayor Dan Ridenour states this is an ordinance that should work in conjunction with the vacant and abandoned ordinance and collaborations between Community Development as well as the Building Commissioner's office have transpired. The challenge we face is a number of properties become foreclosed upon and many of those times it is because the servicing is not held locally, being held by national companies. This particular ordinance requires a registration from these national foreclosed property management companies so that the City is then able to make sure they are providing the proper maintenance, look and feel of the property while it is being foreclosed and then ultimately sold. That is essentially how it works. Mayor Ridenour apologizes for the email challenges recently as the City of Muncie was one of the 1,012 companies that were part of the Microsoft email exchange problems. The company had offered to be here at either meeting and Mayor Ridenour sent an email requesting that they come to the first one to answer questions but recently found out when they were unable to make travel arrangements that the email went into their junk mailbox. So, they have since authorized the new *muncie.ind.gov* email addresses to show up because their internal controls had figured that to be a bogus email address. That is why they are not here tonight although he had expected that they would be up until just a couple of days ago. Essentially what will happen with these registrations is they (the company) will collect the fee and retain a portion of it while the rest will be returned to the City of Muncie. Again, it is designed to work with the abandoned and vacant property ordinance (and it is even referenced in there to do so).

Councilwoman Selvey has a question regarding how they keep track of the foreclosures and how to figure out if people did not register. Where is the accountability and how will we keep track? Mayor Ridenour states that is an excellent question. The company will be maintaining that. They are all listed as public record so when a foreclosure comes through (it is often in the paper) it is always part of the public notice and they track those. It is to their advantage because they receive a fee to make sure that those are being tracked. Therefore, he does not anticipate that they will miss any. Selvey thanks him.

President Robinson refers to the foreclosed homes and asks that they don't fall under the vacant and/or abandoned structure ordinance that currently exists (the one they amended tonight) and confirms these homes aren't considered abandoned or vacant. Mayor Ridenour thinks that they probably will and that is why there is a reference that it works along that system. They (company) have a lot of experience in dealing with the national mortgage companies who like to operate this way because they are going to try to sell those properties. That is very different from poor landlords. This is a situation where the banks want to get the properties sold so they are very happy to work with the City and this type of registration program. Robinson asks what percentage of the money brought in (the revenue) does the City hold versus how much revenue goes to company. Mayor Ridenour explains they are anticipating the fee be \$500 with the company keeping \$125 and sending the City \$375. There's also a late fee provision and that one is listed as 20% but he doesn't remember the late fee amount off the top of his head. Robinson questions if this is calling for inspections of those properties every 30 days. Mayor Ridenour answers yes, there is quite a bit of effort that those national lenders will have to go through. Robinson questions if those inspections are done by a certified business or would fall under the Building Commissioner's office to do those 30-day inspections. Mayor Ridenour answers part of that will fall under the Building Commissioner's office.

Councilman Garrett refers to the purchasing of these properties and let's say the previous owner had it tagged for vacant and abandoned, deemed unsafe, inadequate windows, doors, roof, etc.; would the City ordinance and City tags still stay with that property to make sure that goes up or would it go away when they buy it. Mayor Ridenour answer no, these are not banks that are buying the properties, these are the lenders. If a person owns the property but can't make their payment, the lender forecloses. They are

not buying any of the properties. These are the banks that actually own the properties and are enforcing their legal right to take the property back. There shouldn't be any purchases by this particular company, either the one the City is dealing with or the banks that will be involved. Questions called. An all-in-favor vote showed 9 yeas. INTRODUCED.

## RESOLUTIONS:

### RES. 3-23 RESOLUTION OF APPROVAL FOR THE 2022 CHANGES TO THE OFFICIAL ZONE MAPS FOR THE CITY OF MUNCIE, INDIANA.

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

Lorey Stinton, Planning Commission, explains this a yearly activity they do to verify that the zone changes the Council approved are accurately depicted in the maps. Questions called. A roll call vote showed 9 yeas. ADOPTED.

### RES. 4-23 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA TO CREATE A Council of Accessible Food for Everyone (C.A.F.E.) THAT WOULD SERVE AS AN ADVISORY BODY TO THE CITY COUNCIL CONCERNING THE NEED TO IMPROVE THE AVAILABILITY OF SAFE, NUTRITIOUS, LOCALLY AND SUSTAINABLY-GROWN FOOD AT REASONABLE PRICES FOR ALL RESIDENTS, PARTICULARLY THOSE IN NEED, BY COORDINATING THE RELEVANT ACTIVITIES OF CITY GOVERNMENT, AS WELL AS NON-PROFIT ORGANIZATIONS, FOOD AND FARMING BUSINESSES, AND NEIGHBORHOOD ASSOCIATIONS.

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

Mrs. Snider and her AP Government class from Muncie Central over the last few years have been coming before the Council and tonight they are going to present a resolution that they hope will pass. They have been working really hard on it and researching a lot of really interesting things that have to do with food sustainability so they are going to come up and present it. The students are as follows: Amya Kate, Logan Grady, Norah Quirk, Ella Piche, Tanner Townsend, Jocelyn Roberson, Michael Dunn, Heath Logan, Israel Wallen, Titus Waters, James Jefris and Jordan White. (Councilman Garrett takes a quick moment to tell Titus Waters how proud they are of his accomplishments. He won semi state and qualified for the IHSA state wrestling tournament with a 47-1 record.)

Amya begins with an introduction of how they came up with C.A.F.E. and explain when working on ideas for their resolution, the class split into a couple different groups and had a different ideas on how to restore and rejuvenate the Muncie Community to what it once was. There were many different conversations of beautification, cleanups and improvements of the community as well as food accessibility and more peer involvement into the education system. However, they decided to choose an issue that was more prevalent today and that could be easily accessible and implemented into society. They all came to a consensus that those in poor neighborhoods and the homeless didn't have the affordability and accessibility to have their own organic foods like the downtown and northern areas. They wanted to expand on Jocelyn's ReFREEerator program that she and other students implemented in Blood 'n' Fire a few years ago with the Shafer Leadership Academy. That is how C.A.F.E. was born.

Amya explains the Council of Accessible Food for Everyone exists to advise the City Council, as well as other non-profit organizations, on how to provide ways to improve and enhance the availability of safe, nutritious, locally, and sustainably grown food at reasonable prices for all residents in Muncie. The C.A.F.E. will 1.) Explore creating community gardens around the City of Muncie. 2.) Review the availability of produce from grocery stores and restaurants to limit food waste. 3.) Explore creating a connection between the Muncie Sanitary District and Muncie Central High School on a compost area on campus. 4.) Explore the feasibility of ReFREEerators around town to have free accessible food for any

and all residents. 5.) Serve as a conduit between the City Council and nonprofit organizations to meet the food needs of all citizens of Muncie. 6.) Will provide information about fresh food particularly how to understand “sell by”, “use by” and “best by” labels, how to grow food in home gardens, and how to compost at home.

Logan states the citizens of Muncie deserve to have access to fresh food no matter on their location within the city. The C.A.F.E acronym will be made up of 3 – 5 appointees. It will be an unpaid position, non-partisan, and preferably include people from relevant organizations and nonprofits.”

Norah informs community gardens provide nutritious foods produced with less carbon and contribute to food security within the community. C.A.F.E. communicates and collaborates with similar organizations such as Second Harvest, Salvation Army, Church Food Drives, Blood ‘n’ Fire, and others.

Ella enlightens these organizations help to provide nutritious food to the 18,000 (36.1%), as of 2020, of Muncie residents that are in poverty and cannot afford nutritious food. C.A.F.E. and these organizations will collaborate to tackle the food deserts in Muncie, which are to be described as urban areas where there is difficult to buy fresh and affordable food.

Tanner advises C.A.F.E. will work in those food desert areas identified as North East, South West and South East areas of Muncie.

Jocelyn instructs 12.2% of Muncie residents living in low-income households are without vehicles and more than 0.5 miles from supermarkets. Neighborhood Associations play a major role in feeding the citizens of Muncie, C.A.F.E. will include them in all activities and events. Feeding America, a non-profit organization, has also stated 20.2% of Delaware County children lived in food insecurity and nearly 98% of Muncie Community Schools’ students are eligible for free meals. Currently, \$8,238,000 is required to meet the county's food needs.

Michael mentions that roughly 30% of food in American grocery stores is thrown away, cited from an article by RTS.

Heath explains that U.S. retail stores general 16 billion pounds of food waste every year.

Israel states 35 million Americans had food insecurity before COVID-19 and that number increased by 50 million in 2022 due to the employment drop.

Titus refers to Americans discard more food than any other country, nearly 40 million tons (or 30% – 40% of the entire US food supply due to misunderstanding “sell by”, “use by” and “best buy” labels.

James indicates the U.S. spends \$218 billion each year to grow, handle, deliver and dispose of uneaten food. 119 pounds of food is wasted in the U.S. each year, equating to 130 billion meals and more than \$408 billion dollars worth of food wasted each year.

Jordan states corporations do not donate produce past its sell date by date due to fear of liability if someone gets sick from their donated food.

Amya concludes this being a resolution of the Common Council to create a Council of Accessible Food for Everyone that would serve as an advisory body to the City Council concerning the need to improve the availability of safe, nutritious, locally, and sustainably-grown food at reasonable prices for all residents, particularly those in need, by coordinating the relevant activities of City government, as well as non-profit organizations, and food and farming business. She is open to any questions.

President Robinson praises them all a job well-done and the students receive an applause from the audience. He mentions he received a text message earlier this afternoon from a representative of Second Harvest Food Bank regarding this resolution and said that they would be happy to be a part of it as they represent 12 schools, including those targeted zones, and have 29 partner pantries and organizations covering this area. Therefore, there is already a partner in Second Harvest Food Bank for this resolution and he wanted to make sure to relay that message. Councilman Ingram mentions that was going to be a question from him, if they contacted any of the partners listed and what kind of response they received back. Amya states no, they have no but she and her classmates are very open to doing that and being the



liaison between those groups. However, she wanted to leave it up to the Council to implement this and work with those organizations (that is why it was mentioned for organizers to think about working within this Council in the body of the resolution).

Councilman Garrett praises wow. Many of these target areas are in his District and they all put their heads together to come up with this. This is fantastic and they are going to help many people with this so they should all be very proud. Questions called.

Robinson ends making the statement that it is this generation right here that is going to save us all. The empathy and compassion that these young people in our country have today is simply amazing. He is always thankful to see it on full display when they come every year. He is very familiar with the reFREEerator as it was born out of a Youth Leadership Council that Shafer Leadership Academy leads. It is a great program and idea. Again, well done to every one of them. A roll call vote showed 9 yeas.

ADOPTED.

**RES. 5-23 COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA RESOLUTION CONFIRMING THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA AND APPROVING THE DEDUCTION FROM ASSESSED VALUE OF NEW REAL PROPERTY IMPROVEMENTS (Michaels Place Apartments, LP).**

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

Councilman Clark, Chair of the Tax Abatement Committee, informs they met earlier this evening at 6:00 PM. The Committee consists of himself, Councilman Garrett and Councilwoman Selvey. They discussed res. 5-23 and it essentially seeks to confirm the designation of an economic revitalization area and approve a deduction from assessed value of new real property improvements for Michaels Place. This is based on the application for tax abatement from Horizon Companies, LLC. They are proposing a new 276 unit multi-family affordable housing community located at 2901 W. Memorial Dr. surveyed at 17.16 acres offering a leasing office, pavilion, pool, large playground, fire pits and opened area/park space. It has estimated 200 jobs during construction, four jobs noted to be permanent with the salary range of 40,000 to \$60,000. This property was last assessed at \$175,100 with a real property tax of \$1,959.85. Horizon is asking for a 5-year deduction with 100% at year 1, 80% at year 2, 60% at year 3, 40% at year 4 and ending with a 20% deduction at year 5. Keep in mind, this deduction is on the improvements of and not the current assessed value. The Committee held a round robin session of questions asking a variety and mentions that two other councilmembers were in attendance, Councilman Overbey and Councilman Dishman. He thanks them for attending. There was discussion about where this was located and it is in a TIF District and Indiana Code requires that a legislative body for the TIF also adopts a resolution so that would be the MRC. They have not adopted one yet but he assumes after Council approval that would be the next step. Going in to depth of the questions he asked, the first one being what the percentages of units for low-income/moderate-income individuals would be here at this housing. Horizon Companies responded with 100% availability. He asked the locations of their other investments, which are Tennessee, Georgia, Florida, Louisiana and Alabama. He asked about the how many have been developed and sold in less than 10 years. The answer he got was 47 developed but didn't get a clear answer on how many were sold but the goal is to stay for a minimum of 10 years of ownership. Councilwoman Selvey asked about utilities and there will be separate utilities for the units (water and electricity will be paid by the tenants and the sewage will be paid by the Developers themselves). There has been no decision on the price or the numbers of the rent cost as of yet. Councilman Garrett asked if there was a property management company and Horizon responded that there will be a third party property management developer yet unnamed. Another request Clark had was for an explanation the role on the four permanent jobs. The response was that they are not sure if those would be the third party property management company or four permanent staff members that would stay on. The last question he asked was in regards to Mr. Preston Byrd who is the company's founder. A quick google search showed

that in 2016 there was a federal conviction of this man, 3 counts of wire fraud, 3 counts of money laundering. He was sentenced and ordered to pay restitution, however, Mr. Spicer provided a very honest answer in which Clark appreciated. HE will also have Spicer speak more to that. There was also questions about material quality, which they had reviewed in January, he believes, when Councilman Green asked about it. Mr. Valluri gave a synopsis of what kind of build it will be such as the internal components like appliances, countertops and flooring, which were noted in the B+ range in housing.

Councilman Garrett adds that construction would be very open and conserved for local based companies. He recalls being asked by his constituents a couple different times about that so just wanted to put that on the record that they did say that our union workers and local contractors would be kind of first dips for the job, if it passes.

Councilwoman Selvey hopes that not just the labor but also the purchase of materials for appliances (or whatever else) is done locally too. She has mentioned the importance of that at previous Council meetings.

Clark asks Council Attorney Dan Gibson if they are able to ask a certain percentage of labor be local and require that as part of this resolution as an amendment. Attorney Gibson believes that is something that could be done if it were a part of the Council ordinance currently. He thinks doing it on a project-by-project basis is a little more problematic. Everything he has seen has just been in the local cities actual ordinance. Clark thanks him for clarifying that. All in all, the Tax Abatement Committee deliberated and a favorable recommendation for the 5-year tax abatement was decided, by 3-0 vote.

Mayor Dan Ridenour refers to the 9-page illustration booklet he provided the councilmembers. Page 1 consists of the GIS purchase of this property by the Developer paying \$574,014 for those 17 acres, which has been closed. Page 2 is a photo of the current site at 12<sup>th</sup> and Tillotson. As you can see, there is a lot of trash, debris and challenges that occur to the local neighbors because of some of the activities that go on in that area. Page 3 is a second photo of that. The Mayor explains he has tried to do some due diligence because they also came across the items that have been addressed but assumes it will be questioned again by the Council with what was found with the principal owner of this company. He has paid his debt to society and is trying to live a better life. Mayor Ridenour admits that caused him great concern so he has done some additional due diligence (which he will talk about) but also wanted to point out that we are a Second Chance City. We've taken steps to make sure that's the way we view people. He doesn't think there's one person in this room that could say that they're perfect. Not everyone has had the same challenges as Mr. Byrd but he, certainly, wanted to find out what he could about some of these facilities and this particular company. That is why this wasn't brought to the Council last month. Mayor Ridenour personally visited Louisville, Kentucky, where they have a property as well as Memphis, Tennessee where they have two different completed properties and one that is under construction. Page 4 is Autumn Woods Apartments, which has more of a downtown-ish look. It is a four-story building and the second page shows their staff. One of the employees there in that photograph with Mayor Ridenour is a 7-year employee so through these challenges that Mr. Byrd faced, he is still employed and still does work at that facility. It is a 117-unit complex. He can't say that the rents will be the same but recalls asking the same questions that were asked in the Tax Abatement Committee meeting. He asked what the rents of these units will be and knows (in particular) the 3-bedroom is \$690 because it is a 100% middle to low-income availability as well. There's no market rent in that one even though it is very near to downtown Memphis and probably could get much more. In fact, he asked what the market rents would be and was told they could be up to \$1,800 but because of the way this is set up as a low-income/middle-income project, they are able to have this particular housing have some type of lower rents. He does not know what they'll be here locally but would assume that Memphis is similar to us. That is what is entailed on page 4 and 5. Moving on to page 6 showing the Harmony Woods Apartments, the Mayor explains these are very similar in appearance to what they would be building here at our particular community. Many of these are 3-story buildings, some of them were 2-story but separate buildings. It's

in more of a suburban-type location, not quite downtown, but very similar to this particular location they picked in Muncie. The 2-bedrooms on that are renting for \$680 and the 3-bedrooms are going for \$700. Again, that is the Memphis building. He knows because he specifically asked the same questions that were asked at the Tax Abatement Committee meeting because he was trying to do his due diligence on this and make a decision. He reiterates he has no vote tonight but wanted to provide the Council with those details, being why he made those trips. That particular property, Harmony Woods, has 80 units in it and is 100% affordable housing, as well. Again, very similar to ours. The third property is the new Kirby Pointe Apartments. He mentions he is unsure of the acreage on the site but, again, it is very similar to what is going to be at Memorial and Tillotson because it has the gas station convenience store on the corner and the development goes all around it. They were about 2 – 3 weeks in on the excavation work that is being done at this time so he included two photographs showing that. A chain has been put up around it. Additionally, what they have done there with a fence around it is better than what the City has done with the current site. It is much safer for the residents than what is there currently. Number one, he appreciates them going through and buying that particular lot and the next step is to work with the Council. The last two pages show one site will be 16 units so a little smaller than our particular project/housing situation. It will have 20 2-story buildings that will be 1, 2, 3 and 4-bedrooms but won't have a pool. Mayor Ridenour explains what is being proposed here is enchanting all of that site by putting in affordable housing. It is also going to be a gated community, which he felt was very important for that neighborhood. To have this type of quality facility on the south side of Muncie with a pool and gated community was very important to help spark some continued work on the south side. Currently, that site is generating, as Councilman Clark said, \$1,950 a year. The first year of the abatement where it is proposed to offer 100% of their taxes free, the City will lose \$1,950. Year 2, when it goes to 80%, roughly \$106,000 in revenue should be generated so it is made up by year 2. When you look at year 5, when the tax abatement is done, the City will have generated \$1.1 million dollars while the company will have received about \$1.6 million in abatements. If they don't build it, they don't get the abatement so he thinks they're committed to building it if the Council gives the approval and they'll start taking the other steps. The other important thing that Mayor Ridenour has noticed about this particular company is they hired a local engineering firm, RMA, a surveying and engineering firm to come in and give them guidance without his prompting. They also hired a local architect and who is here tonight. He also had conversations with Huntsville, Alabama (with a Councilmember and the Mayor's office) and was told that that the development there is going very, very well. However, he hasn't seen it and hasn't been there so can't supply any photographs. It was also built after Preston Byrd's challenges. As a person who is a big promoter and supporter of second chances, he urges the Council to take the due diligence he had done along with the due diligence they themselves have done, the questions that they get answered, and hopes they make a favorable recommendation. It won't cost anything today if they build and assessed it, there would then be a tax abatement losing the City \$1,950 that first year. However, he thinks its well worth it for what they are planning to put in there.

Councilman Overbey refers to local labor being brought up a lot and the possibility of having a percentage clarified as far as local labor being used in these projects. He asks the Mayor if this is part of what he knows as the Responsible Bidder Ordinance and if that has been in play on some of these projects. Mayor Ridenour would have to defer to the City Council Attorney and asks if he is referring to putting that in this ordinance. Overbey explains no, and questions if the Responsible Bidder Ordinance has been in play on projects going on and future projects including this one here. Mayor Ridenour thinks they use that in most of the projects, at least any that the City is financing. However, private companies are allowed to do their own thing. This is not something the City is going to bid out and are not at risk on this. The Council and the tax abatement applies if they build the project. Overbey has a question for the Developers and asks how much they plan to prioritize or basically enforce local labor. Terry Spicer, Horizon Companies Affordable Housing Division President, states he is a big advocate in keeping the



dollar in the city that they're in. It is an advantage for them to do that for themselves. He has shared with Councilman Garrett, that the management company he talking to is a little premature but they would like to keep that in the City. This is his second physical visit and second tour of the City and thinks it is a beautiful town with beautiful people. His objective is to keep the dollar here and keep it circulating. Being upfront, he states he doesn't make that final decision but he is the guy that is pushing that cause. He also tries to get out in the community and be the face of the community. They are not developers that come in and buy up property, build it and become absent. They hire a management company to manage it and want to make sure that the tenants and surrounding community are happy. If there are any issues, they will just cut them off and change the management company. Spicer wishes to thank Mary Stilts, Audie Barber and Troy Waters for being inquiring and asking questions. The company also met with some local trades today and got potential names for possible trades. Aware that is a big topic and to be quite honest, every city they go to says the same thing. People want their tradesman to get the jobs and that is also what he wants. Overbey informs it just makes sense. He he has been around a day or two and the problem is sometimes we get high hopes for some of these projects and then the next thing you know (and nothing against the Amish or their religion but they don't pay taxes) the Amish are working on them, which is not being put back into our tax base. It is our local labor who is putting in to the tax base. It just makes perfect sense to make sure that is priority. Spicer agrees and informs that is his priority. Overbey wishes him to clarify. Spicer explains that since they are paying attention, taking notes and he is being recorded, he doesn't want to be making up stuff. Again, his objective is to push for that and he will not leave here today without talking to citizens to figure out names and tradesmen. His job is to say that he wants "Joe's Plumbing" or "Larrys Electric" in Muncie to get those jobs. Quite honestly, this is the problem that can occur and any well-groomed or well-minded person would rather come to this conclusion. If a local trade says they will do at job and decided to charge \$100,000 when the job really costs \$75,000, they cannot go that route, obviously. As long as it's Apples to Apples and they're really close, they are going to stay local, even if it's just \$1,000 or \$2,000 more. Of course, they are going to stay local adding this is a topic in every city they go to. Before Huntsville, Alabama, was ranked the #1 City in America, the company model said they needed to buy there. They went there, bought and brought in local talent to do most of those constructions. Spicer recalls being asked in January after the last meeting that Muncie is on an up-hill trajectory and where that information is coming from. Spicer indicates that is what their stats are saying. They said the same thing before they bought the land in Memphis. Blue Oval City, about 35 minutes outside of Memphis, is building \$5.2 billion facility there.

Councilman Garrett questions if they can amend it and put in that there is a percentage of local businesses that will be involved. Council Attorney Dan Gibson goes back and explains if the Council had a resolution passed that adopted guidelines and standards then they could impose conditions related to those standards. Gibson states those standards are not in place yet, in fact, he previously talked with Councilman Clark before this meeting and that is something they are going to work on together.

Councilman Clark noticed on the company website that they are asking for investors. They have projects, the percentage of investment that they are looking for and questions if Muncie is going to be one of those and if that will delay groundbreaking for this project. Spicer states he does not foresee that being a delay. They have other things that he is not at liberty to say where their funds are coming from but yes, if someone wants to invest they don't say no. However, they do have some other mechanisms to keep them going and the other avenues they are going are looking very promising. Spicer also wants to take a moment and address the founder, Preston Byrd. Spicer assures Mr. Byrd can tell his story much better than he can but yes, he has some issues. In fact, he recommends everyone to google Preston Byrd. The name of the company before these issues was Horizon Companies. The name of the company now is still Horizon Company. Forbes wrote a detailed article about what actually happened to Mr. Byrd. Spicer does not take the time to go into detail about what actually happened to Mr. Byrd because there is two sides to every story but he is actively appealing that right now because he was really shafted. He even

wrote a book about it and you can find all this online. Spicer assures that Mr. Byrd can speak better on what happened. He is now not giving 100% of himself but giving 200% of himself. Whenever there is a cause, especially in the community they are in, Mr. Byrd is the first one there. As an example, they have property in Florida they plan to develop but haven't started yet and notes there were some hurricanes that happened last year. The company went down and assisted 780 families with a new arm that created for that purpose of helping people in need. That came because of Mr. Byrd's commitment to go 200% for development and for the people of the communities that they build in. He also adds, with the Council's permission and approval with this project, they want to buy more land and do the same thing again and keep that dollar circulating in the community seven times or more. That is how a community gets wealthy. Spicer assures they get it and that is what they want.

Councilman Clark refers to the Mayor mentioning it being a gated community but looking at the layout sees bus stops planned for certain areas. How is that going to work with public transit and allowing them into the gated community? Raj Valluri, Vice President of Development, states there are devices that public buses have to access, much like a police vehicle would, to be able to go into a community such as this. The term "gated community" usually means something different and is a little more upscale. This effort of putting up a gate is really to control vehicular access onto the premises, as being restricted only to those that belong there. There are devices that allow access onto the property by buses, police vehicles and other emergency vehicles. Clark mentions seeing how this could potentially be 100% low to moderate-income housing, he assures they will work with the local public transit to ensure that those stops will be made there. Valluri answers absolutely and explains what is presented now is a side plan that shows the building locations such as the clubhouse and they will eventually get to a much more detailed level that shows bus stops. It was showed as a conceptual issue. They are leaning more toward them being stops for school buses rather than public transit, which would probably stay outside of the development. That is the intent right now.

Councilman Garrett mentions the previous conversations regarding Tillpond going on for three years or so now and asks when he expects that proposed park will be done. If the Council passes this tonight, is the park going to immediately be done or is it put on the back burner or go together with this proposed development? Mayor Ridenour explains when this is passed he will expect they will be done roughly at the same time but Tillpond will be first. They are still waiting for the approval for the federal grant. It is a matching grant and if received (which the Mayor believes to be true) then the full park will get done. If the grant doesn't come then the project will have to be scaled back for what the City has put aside. Garrett sees the pictures of what it is now and it rubs him the wrong way because he has called numerous times about getting this cleaned up, claiming he wasn't the only one that has called about it. Before this development proposal came up, nothing was cleaned up and he could not get anyone out there. Although, proud he was able to get some police officers from the Neighborhood Association to sit there for a speed trap. He also called about his neighbors cars getting broken into over in that area. However, nothing really seemed to push until this Developer came in to do this. That was just something he wanted to address. Everybody has been calling trying to get that cleaned up. He just didn't want to have a bad eye with his neighborhood or the people that live there because they've been trying. Clark makes the comment that the owner is now in the room.

President Robinson refers to now having somebody that can be held accountable and responsible for that site, being the Developers. He also has a question and mentions how it was stated at the January meeting that only a percentage of this development was to be low-income, thinking 20% to 30%. Spicer states he does not know where that number came from but they are 100%. Robinson heard it several times before this meeting and thought he heard 30%. Spicer refers to talking with Audie Barber and believes that someone had said it was at least 20% and that is where that number came from. However, the number is actually 100% affordable housing.

Ben Freeman, City Attorney's Office, explains the 20% number is a statutory figure and it is a statutory floor for the number of units within the multi-family edition have to be low-income or moderate-income residents. The company has indicated that it is their practice to do 100%. However, that figure is there because that is the baseline that they have to keep at that level in order to qualify for the tax abatement under state law. That is where that figure came from. It is not meant to bind them in any way other than being a minimum requirement that they have to do.

Audie Barber wishes to state that since it was brought up by Mr. Freeman and also mentioned in the Minutes from January that it "contains at least 20%" but nowhere have they said 100% until tonight. The students that were previously up here said that 98% of the students at MCS are eligible for free or reduced lunches. Robinson comments that is a little high and thinks the number is closer to 50% to 53% but is still way too much. Barber claims we need more business brought in to this town. They've already bought the property and are already going to put their apartments in. There is a lot of low-income housing in Muncie. If we keep building low-income housing, we are going to keep filling them up and won't bring the industry to this town that we need to bring us out of the property level and make our property values go up. As well as lowering the percentage of these kids that is on free and reduced lunch at school down because their parents are able to go out and get a good job in this town and make money. Parks aren't doing it either. The parks in this City are not making people money. We are dumping money into parks when kids would rather sit at home on their PlayStations than to go out and get some exercise in the parks.

President Robinson explains for the purpose of this conversation he wants to focus solely on this this property and the tax abatement before them. He does wish to make that distinction that whatever decision the Council decides tonight is deciding on the tax abatement, not if the project will move forward or not. The decision for the project to move forward is solely the Developers/owners of that property. They have come to the Council asking for an abatement. For those who might not know what an abatement is, it is essentially a discount on their taxes. He is glad to hear that they have purchased the property, with the official date being January 5, 2023 for \$574,000. Spicer confirms. Robinson, hypothetically speaking, questions what happens with that property if they don't get the tax abatement this evening. Spicer sighs and states they hope they do not have to think about that and that the Council votes yes. Robinson mentions the total projected cost and estimation they received from the Mayor in January was \$52,440,000. Spicer answers yes, that is still a rough estimate. Robinson continues, \$574,000 for the property, a total cost of \$52.4 million and with the 5-year abatement they are talking \$1.6 million, roughly about 14% of the overall costs of the project. There is an additional \$900,000 from the MRC through infrastructure grants. He asks if that amount is still firm or has gone up. Mayor Ridenour states it is \$2.5 million total. Robinson assures the market, as Mr. Spicer reported to the Council in January is favorable for this type of development. Spicer states that is correct. Robinson assures the market is stable and again, the company has already purchased the property. Spicer answers yes. Robinson reassures this is located inside the consolidated TIF District. Mayor Ridenour states that is correct. Robinson explains that any revenue the City brings in actually goes to the MRC and not necessarily the General Fund. Mayor Ridenour states that is correct.

Johnna Oliver questions where we are right now with local employment or contracts since it was mentioned that isn't in place yet. Robinson thinks what she is referring to was the possibility of the Council passing an ordinance that would then require that and as of right now, they are nowhere with it. Oliver assures that there is nothing in place right now. Robinson explains there is, it is not fair to say that they don't, however, it does not include any provisions that would require a certain percentage of local labor as a requirement for that tax abatement. That is something they can do, however, because of the discussions, it is certainly top of the mind right now and perhaps there may be a councilmember bring that forward in the future. She confirms there is nothing in place for local labor on any contracts the City does. Attorney Dan Gibson informs her that he was just referring to tax abatements but does not know



about any other contracts the City has. That would be up to them in their private negotiations. Oliver just wanted to present it and hope that they can do something along those lines. We have all this low-income because we do not have jobs so have to start somewhere and figure out how to fill out that circle.

Charlize Jamison has heard about this project for months, maybe longer. Every time, there is a question that comes up that has to do with the monthly rent amount, we've never yet gotten an answer on that question. She now knows what it is in Memphis and Huntsville but still wonders what it is going to be in Muncie. A cornerstone of a successful project are the people that rent there and if you have a beautiful facility... She has seen the pictures and they look great. She loves this idea and wants to see that property developed. Anything would be better than what is there now but how much is it going to cost for people to live there? Here we are ready to pass a resolution on tax abatement and it seems to her that is a reasonable question to ask; how much is it going to cost and if people can afford it.

Earl Shreves just wants to say as much as he appreciates what everybody is wanting to do here with development (and being from the south side he understand what is needed over there). Landlords are an inherently extractive business so what these guys are going to be doing, whatever the cost is, is going to be taking away our taxes that we should be getting from them so they can extract money directly from us and take it out of this community. He does not know where Horizon Companies is located and doesn't know much about them as a company. This is mostly the first that he is hearing about it but for the next five years, we will not be making that money. The company clearly has an infrastructure that can provide those taxes to us that go nationwide and they are obviously very clearly pointing out that they are going after low-income areas all around the country, from Memphis to Muncie all around the Rust Belt and low-income areas of this country. They're taking advantage of us. He urges the Council not to vote for this tax abatement because they can cover the costs and we need that.

Spicer would love to exchange contact information with everybody that has spoken tonight so that he can offer information because he understands they don't have the answers in which he wishes to help provide. Some answers he does not have yet and would be doing a disservice by just blurting out random numbers. He recalls attending a Housing Conference in Nashville, Tennessee and speaking with a gentlemen that was the Chairman of the Board who was real good friends with the Mayor of Chattanooga. He was saying that in Chattanooga, a beautiful and sprawling City, they are experiencing a challenge that the workers and servers (like at fast food restaurants) have to drive, in some instances an hour, to get the work due to there being no affordable housing. Before he got into the business, he had that same train of thought. He explains the company finds cities that are blossoming that need workers to support the City that when those trades and industries come in they need these folks to be living within a 35, 40 or 45-minute drive. They come in and develop beautiful facilities that are affordable. That affordability is based on the city's medium income which he doesn't have that calculation but assures would not give out bad information. They go in and support the cities that need affordable housing because the workers of the city sometimes, in Chattanooga for example, drive in an hour just to work and they just can't do that. The Mayor of Chattanooga was suggesting that the reason they are having problems getting servers in restaurants is because they can't find folks who want to take those jobs. They come in and provide infrastructures to help the city. It is just an engine. He thanks everyone for allowing him to share information and for all the comments made tonight. He takes everything that people say, especially if they don't know the answers, not as if they are mad, just as if they just don't know. Questions called.

Councilman Clark thinks there is still a lot of information out there that they still want to know. They need to disseminate as a Council and Clark questions if they can Table a resolution. Gibson answers yes. A motion was made by Clark and seconded by Garrett to Table. A roll call vote showed 6 yeas (Clark, Selvey, Overbey, Green, Ingram, Garrett) and 3 nays (Miller, Dishman, Robinson).

TABLED.

President Robinson informs it can be on the table for six months before dying on that table. At any time at any month, any councilmember can make a motion to take it off the table and they will see if that happens in the future.

### **OTHER BUSINESS:**

President Robinson wishes to say thank you to those who organized and attended the City's IDEA Conference over the weekend for Neighborhood Associations. It was a weekend full of education and networking and was a wonderful event so congratulations to all of those who were involved.

Becky Moon asks if there will be any discussion on currently Tabled ord. 1-23. Robinson answers it is still tabled. He is working on a meeting with Ms. Stinton to speak about that ordinance and informs Moon he will include her if she wishes to be part of that conversation in terms of fencing requirements. He sent an email to her today to try to get something scheduled so will loop her in.

Audie Barber hates the fact that everybody, including the Administration, is leaving during public comment. Robinson requests Barber keep it on point. Barber refers to the issues with conflict of interests and things that the Council needs to be aware of and keep an eye on. Recalling five or six years ago, we had some people in the City offices that did some insider trading and stuff and he just wants to make sure the Council is aware that stuff is illegal. He knows a gentlemen that took advantage of his sick father at the time that cost the City/MSD an extra \$250,000. That stuff goes on and he believes it is still going on. He knows the FBI found the man that was involved, who did his time and was ordered to pay back restitution but it's still a crime. Barber just want to make sure that the Council is keeping an eye on things like that. He is not saying anything is being done wrong but we need to keep an eye on it to make sure nothing shady is going on.

Brian Shaw questions the Council to take a look at the municipal code section on electrical. He was looking through there just to see if there is anything for him, as a property owner, to be able to do anything electrical at his own house. According to the code, there is not. He would have to get a permit and electrician to do it. Robinson states it is very limited and recalls having this conversation with a person last year and they ended up meeting with the Building Commissioner to speak about it. It has been over a year ago so he doesn't quite recall but encourages Shaw to call the Building Commissioner's office and speak with them directly and see what kind of wiggle room there is. The complainant he earlier facilitated the meeting with had that very exact same concern. If I want to do some work on my own home, am I allowed to work on my own home? Robinson doesn't know that he wants to say what the Building Commissioners response was in a public setting but definitely encourages him to reach out to them and find some wiggle room. Shaw indicates he has had conversations with them in the past didn't find any "wiggle room." However, he did call the Delaware County Building Commissioner's office to see if he were to move out of the City then what could he do. There are options there. He doesn't see any reason why there can't be the same options for the City. In looking at other cities, like Indianapolis, you don't have to pull a permit to do some of the basic things a home owner can do. Granted, people still have to get and pass their inspections to make sure it is safe. He would just like to see something changed there. It seems ridiculous that you can go to Lowes and purchase just about any and everything. Watching the people that shop there, you just know they are going to go home and do it and odds are they are not pulling permits. Shaw would rather pay his permit fee, pay the inspection fee, come out and see what he can do and if he can pass a certification or whatnot without getting an electrician's license, great. There needs to be something there because people do that. Moving on to the tabled resolution, he wants

them to think of the math involved. \$1,900 a year for 10 or 20 years sitting there undeveloped versus the money that could come in otherwise. Follow the math.

Councilman Garrett mentions when he worked in the Building Commissioner's office that he was an Inspector and dealt with the electrical and plumbing. He agrees the code could use some changes but thinks as to why this code is the way it is because he recalls seeing twice where someone wired their panel box wrong and the back half of the house burnt down. He, as an Inspector, then walked the damage with State Farm who asked the homeowner if there was any work done lately. He told them yes, that he wired the panel box. Well, he ended up not getting anything from the insurance company because it was in his contract that a licensed professional had to do any electrical or plumbing work. The insurance companies have guidelines in place too. Shaw understands and mentions he has had to deal with them before too.

Claretta Jolly was wanting to see what can be done for the children in her community. The only place they have to go is the Buley Center, which will only hold about 15 people. She wants to know how she can get help for their children to have a community center and even swimming pool. Her grandson has a bad experience at Tuhey and was called a racial slur. The police ended up getting called and they were asked to leave. They need some place they can go to let out their energy. President Robinson confirms she lives in the Whitely neighborhood. Jolly responds yes, Industry. He encourages her to engage with the Whitely Community Council. Jolly scoffs. Robinson knows this is something that they talk about often. He also knows that the City is currently undertaking a project in Riverview Park. Jolly refers to that new project being three little things where kids can run through water after taking down the basketball goals and swings. It is a splash pad, which is just sprinklers. Robinson states this Council really has no authority when it comes to the development of things. They can only appropriate the dollars for those things. He encourages her to reach out, certainly with complaints about treatment at Tuhey or when it comes to finding things for kids outside of the Buley Center to Mr. Carl Malone who is the Parks Superintendent. If she doesn't have any luck there or needs to take it to somebody else, he encourages her to reach out to directly to the Parks Board and the Parks Board President can let her know when they meet. Robinson assures her that she is doing the right thing here, taking that first step and getting involved. He recommends reaching out to Carl Malone, Brad Marshall or Dustin Clark about finding some additional things for the kids to do in those parks and that acceptable area.

Councilman Garrett adds that the way her family was treated at Tuhey is totally unacceptable. They all apologize for that and if she ever has any problems like that again, Yvonne Thompson, the Human Rights Director, is phenomenal at human rights. He suggests talking with her because no one should be treated that way in Muncie.

Councilman Clark remembers as a youth having summer rec at all of the elementary schools. They were open in the summertime so maybe that is something they could look at doing again. Jolly believes that would be a good idea.

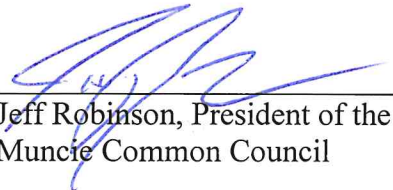
Jeff Hager isn't sure the Council is aware but he went to a transportation meeting with the bus company and they are wanting to reduce. Robinson confirms they got it in their mailbox today. Hager make sure they are aware of what is going on. Unfortunately, he thinks what this Administration is attempting to do is to limit people. We've talked about people of needing food and housing but they also need transportation. This transportation is vital for people to go to jobs. Fort Wayne runs until midnight and they are trying to reduce the bus hours to 7:00. He went in November to give the Board a list of things he sees they need to try to approve on. He asks if the Council knew that over in the transfer station for over 5 years there was no working bathrooms. Would the Council stand for that if there was a sign out there on the bathroom that says you cannot use it for over 5 years? Especially if we have a long meeting. There is bus stops that are in disrepair, one at Jackson and one at Willard, in poor



neighborhoods and senior housing lights do not work. They have electricity running to them but have been busted and broken out for a long time.

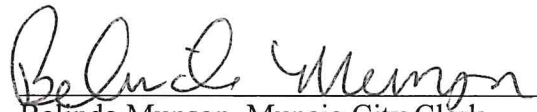
**ADJOURNED:**

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



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Jeff Robinson, President of the  
Muncie Common Council



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Belinda Munson, Muncie City Clerk  
of the Muncie Common Council

