

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



JULY 1, 2024

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

PLEDGE OF ALLEGIANCE: Led by Council President Dishman.

INVOCATION: Given by Councilperson Green followed by a Moment of Silence to honor City Employee Robert Deringer who passed away last week. Everyone called him by his nickname, “Radar.” He retired from Beech Grove Cemetery last June after being a fulltime employee for 44 years. Before becoming fulltime, he began working at Beech Grove in the summers when he was 13 years old. That would make it 57 years working there. Radar was a dependable employee and had a heart for his job. A large rock was engraved and dedicated to him for his more than 44 years of employment with the City of Muncie at Beech Grove Cemetery. He will be buried in front of his rock on Wednesday July 3, 2024. Calling will be July 2 from 5:00 to 8:00 PM at Parsons Mortuary and 10:00 AM prior to the services Wednesday at 11:00 AM.

CITIZEN RECOGNITION: President Dishman chose to recognize Thomas L. Carey for the July Citizen of the Month Award. Thomas is not feeling well tonight so his daughter, Kat, is going to accept on his behalf. Thomas L. Carey was born in Edmond, Oklahoma on January 4, 1941 to Bernice and Thomas Carey Jr. He along with his mother and sister Dorothy relocated to Muncie in 1955. He graduated from Muncie Central High School in 1959 then attending and graduating from Butler Barber College located in Tyler, Texas in 1961. Thomas moved back to Muncie and ever since has owned and operated Carey’s Barber Shop located on the corner of Willard and Hackley for 59 years. Thomas was employed by Ball State University Physical Plant Department where he later became a supervisor for 29 years, retiring in 1996. Thomas has been married to his wife Julia for 55 years having wed on April 12, 1969 in Muncie. Their union produced two daughters, Kathy and Yolanda, grandchildren, Dominyse, Chelsea, Jayla, Michael, and greatgrandchildren Camryn, Carter and Tommy. Thomas has been a faithful and devoted member of the Trinity United Methodist Church for 59 years also attending Union Missionary Baptist Church for 4 years. During Thomas's younger years he was active in basketball, softball, and bowling having received several achievement awards while serving his community. He received a lifetime achievement award from the NAACP Chapter 3063 in 2019. He was also the recipient of the Delaware County Black Chamber of Commerce Business Legend award and the Juneteenth Muncie Trail Blazer Award in 2022. On June 1, 2024, Thomas officially packed away his hair clippers and straight razor for the last time. Now retired from the shop, he spends a lot more time playing casino games online and watching various sports and political shows. Thomas has been a true and devoted leader in this community for 59 years. His customers and people in the community speak highly of him and his true heart and willingness to serve the community. If someone was going through it financially and just needed a haircut, he would provide the haircut for free. Thomas’ passion and love is known by all. Kat Carey accepted the award on her father’s behalf and requests everyone to please keep him in their prayers for a fast and speedy recovery. Next month will be Councilperson Mason presenting the award.

ROLL CALL:

PRESENT

ABSENT

At-Large 1 – Dale Basham	X
At-Large 2 – Ro Selvey	X
At-Large 3 – William McIntosh	X
District #1 – Jeff Green	X
District #2 – Nora Powell	X
District #3 – Brandon Garrett	X
District #4 – Sara Gullion	X
District #5 – Jerry D. Dishman	X
District #6 – Harold Mason	X

APPROVAL OF THE MINUTES: A motion was made by Green and seconded by Powell to Approve the Minutes from the June 3, 2024 Regular Meeting. A roll call vote showed 9 yeas. MINUTES APPROVED.

COMMITTEE REPORTS:

ETHICS ADVISORY COMMITTEE

Dr. Chip Taylor was unable to attend to speak behalf of the Ethics Advisory Committee having requested the Council pass on information about the next meeting which will be on July 18 at 7:30 PM at Marion Hunt Library. Any feedback about either of the drafts posted to the website/Facebook should be to the made to the Ethics Advisory Committee at or before that July 18 meeting. The public is welcome to attend.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 11-24 AN ORDINANCE TO VACATE A PORTION OF A CERTAIN RIGHT OF WAY IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA.

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

Nick Tokar, DeFur Voran LLP, recalled Kathy Vannice from Ashton Land Surveyors attending last month to provide an overview of the project and speak on the Introduction. This is to vacate a block of Dill Street just south of the Village Promenade to help facilitate a housing development which is part of a larger Village Redevelopment project. Other representatives from the development are here in case there are any questions.

Councilperson Selvey requests details about the timeline and how information could be disseminated to the public (and councilmembers as well) about future street closures and construction notices.

Adam Branscomb, Fairmount Properties, answers the timeline of the development and specifically for the 25 or so proposed homes has infrastructure work expected to begin toward the end of 2024. The vertical construction of the homes would probably happen at the conclusion of this upcoming winter so theoretically spring of 2025 would be when construction would commence of the homes themselves. Selvey then questions how they plan to share that information about street closures and issues with construction to the public and councilmembers as well. Branscomb assures they are working on a webpage now. Additionally, they have had good ongoing dialogue with Councilperson Powell and a number of slide decks have been prepared and provided. They also host periodic/quarterly community meetings with Riverside Normal City and others who are interested in attending such as West Ridge and Old West End. The last meeting held had the best turnout

yet with close to 40 people in attendance. Selvey suggests they share that information with every councilmember because it doesn't matter what neighborhood association or location the councilmembers serve, people will still ask them questions about it and it will help keep everyone informed. Branscomb replies absolutely.

Councilperson Basham clarifies there are no structures in this section of Dill Street so traffic will not be affected at all by this street vacation. Tokar confirms.

Councilperson Powell reached out to both the Police Chief and Fire Chief to see if this would interrupt any public services and they both answered no. Basham thanks her.

Kylene Swackhamer, Planning Commission, recalls being here last month and wanted to remind the Council the Planning Commission submitted a letter of support in the vacation and of the project. A second letter as also submitted stating they did not foresee any negative effects on traffic flow which included a map of showing this not being a high traffic flow area. Questions called. A roll call vote showed 9 yeas.

ADOPTED.

ORD. 12-24 AN ORDINANCE AMENDING ORD. 24-23 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY APPOINTED OFFICER, EMPLOYEE, DEPUTY, ASSISTANT, DEPARTMENTAL AND INSTITUTIONAL HEAD OF THE CITY OF MUNCIE, INDIANA, INCLUDED HEREIN FOR THE YEAR 2024.

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

Craig Wright, City Controller, referred to the Indiana Code 36-4-7-3 which states the Executive may increase or decrease during the budget year for which it is fixed as far as the salaries and felt to go ahead and institute the salary increases to the employees.

Councilperson Selvey is aware it was confirmed last month via the minutes that the employees have been receiving this increase since May 1. Wright confirms. Selvey clarifies that they plan to continue paying the increase for the rest of the year. Wright hopes so, yes.

Councilperson Basham questions the circumstance if Council does not approve this ordinance and how would it impact the pay that has been received since May 1. Would the City employees have to reimburse the City the money they have received? Matt Wagley, Deputy Controller, responds no and insists they have no plans to callback that money. If the Council doesn't approve the amended salary ordinance, State Board of Accounts (SBOA) will issue a finding that the City will then have a chance to respond to. He indicates their response to that finding would be that the City Council refused to amend the salary ordinance. Wagley continues that they believe the City workers deserve these raises. With inflation and the cost of living going up, all you have to do is go to the grocery store to see it. They believe it's the right thing to do and gave a 10% raise to Police and Fire Unions in large part to improve recruitment and retention of police and fire employees. It is no different for civil employees. They believe that the employees deserve to be compensated for their hard work and if the contract had been approved, they would have already had this salary ordinance in place. But it hasn't and here we are.

Councilperson Gullion acknowledges asking before but to reiterate confirms the 10% raises were given to Police and Fire at the beginning of the year. Wright and Wagley both state yes. She confirms the raises for AFSCME and civil employees started the first pay in May and asks if approved if they plan to backpay to January. Wagley mentions discussions about that with the Union in the last negotiation and said if they saw the expected 10% increase of the June settlement then they would issue backpay but that is not the case. It was roughly 1% increase over last year spring settlement. Wright adds they are continuing talks with AFSCME as far as dealing with everything on July 9.

Councilperson Powell clarifies Wagley just stated that the property tax settlement came in 1% over 2023. Wagley states yes, the spring settlement. She continues by stating with that, he is saying that in order to

give these employees what has been given to other employees they will not be able to do. Wagley clarifies no, Police and Fire is what they gave the 10% raises to at the start of the year. Powell's question is that he is saying because of that news (in regards to the 1% increase in the spring settlement) they are unable to backpay to January 1 to Civil employees aside from Police and Fire. Wagley states that is correct. Powell asks if that would put the City into a financial... Wagley finishes her sentence with the word 'crisis' and explains that is the language/situation needed in order to adjust salaries regardless of a contract. Powell asks for clarification that roughly \$65,000 would put us into a financial crisis. Both standing at the podium, Wright answers yes while Wagley answers they believe so. Powell make the comment that being very interesting and thanks them. Wagley further explains they felt comfortable doing that considering it was May and they still hadn't had a contract.

Councilperson McIntosh asks more about \$65,000 putting the City into a crisis. Wagley insists he does not know that the exact number is \$65,000 but will take their word for it. McIntosh has noticed that the City has recently come up with numerous assistant and deputy positions in departments here and there and asks where the funding for those jobs came through – if there is not any money. Wagley explains those jobs are already in place and not just created in May of this year. They budget based on projected revenues and you will never know what the revenue is going to be because people may not pay their property taxes. He previously held the title of Chief Deputy Treasurer for 10 years and can say that during an inflationary period about the first thing people stop paying is their property taxes because they know it takes more than 12 months of back taxes in order to get into a tax sale.

Powell asks how it was decided that these employees would be the ones that *didn't* get the 10% raise for the entire year. Wagley answers these were the employees they were still attempting to negotiate a contract with and were advised not to do anything in the middle of contract negotiation because that could be seen as trying to manipulate the contract. At the time they did it, it seemed to the City that they were at what's called an impasse which has a little more flexibility. Powell wishes for some clarification on all those details Wagley just relayed; there were meetings going on when they announced the raise so they were still under negotiations, correct? Wagley insists that the contract was technically over December 31 and they were attempting to negotiate in good faith and didn't want to upset the apple cart by doing something in the middle of a contract negotiation.

Councilperson Green asks if the 10% raises being given now would in any way affect negotiations and contracts. Wright states they will continue negotiations July 9 at their next meeting.

Gullion insists that being the point she was going to make; that the City is still in negotiations as there was a June 12 meeting and now a July 9 meeting scheduled. Wagley assures they were attempting to negotiate the 2024 contract however the upcoming meeting on July 9 will look towards 2025 because the employees have received a 10% raise with no concessions. The only thing the employees could expect for 2024 would be to make concessions for the 10% raise they were given. Police and Fire both gave concessions during their negotiations.

Powell goes back to the issue of the City not having the financing, if it's going to send us into a financial crisis to payout the \$65,000 (10% from January to May of this year), will they even have the money next year? Wagley states they believe so because there are more taxable properties coming online for 2024 payable 2025.

Basham asks if they could estimate how many City employees this will impact. Wagley responds it is a little over 100 total for the bargaining and non-bargaining unit. For the bargaining unit, he believes there are 63 positions but unsure if all those positions are filled. That would be the employees covered under AFSCME.

Gullion wants to remind everyone that the reason they are talking about this is not that they don't believe the employees deserve the 10% raises; the issue is this was not brought to the Council as it should've been under City ordinance. Wagley understands and states, again, if the contract had been settled the Council

would've had a new salary ordinance but the Administration didn't wish to project what the end result would be and doing an amendment salary ordinance and having to come back and do another amended salary ordinance. The Mayor has spoken with State Board of Accounts who advised as long as the salary ordinance is amended before the end of the year they will issue no finding. Powell advises that being true but it is still outside City ordinance and the Administration spent money that wasn't appropriated. Wagley insists the money was appropriated and they are well within the appropriated money. It is just the salary ordinance. Powell responds money has been spent that is beyond the maximum amount for hourly rate for salaries. The maximum salary ordinance for 24-23 shows 'X' amount but the City has now spent 'Z' which has been established for the past 2 or 3 months. Wagley states SBOA has no issue with that as long as the salary ordinance is amended by the end of the year. Powell continues because if it is not then the finding will be that the Administration spent money without being appropriated, approved by the fiscal body. The first part of the Indiana Code that Mr. Wright hasn't read is that it has to be approved by the fiscal body. It says with the fiscal body's approval, the Executive can increase the salaries. Wagley doesn't believe that is what it states and holds up a paper with the I.C. on it. Powell mentions they can argue that at another time and she will make an appointment to come into the Controller's office to talk about it because she doesn't want to delay the meeting. She isn't expecting information about what happened in the negotiation meeting but does want to point out that Mayor Ridenour at the State of the City Address praised AFSCME employees having them stand to be recognized and said things like "these are the people that are getting it done," and "it'll be expensive to have a contractor come and mill those streets but our guys can do it." Wagley responds absolutely and the Mayor gave them a 10% raise. Powell reiterates he gave all the civilian employees a 10% raise... in May. Wagley asks if Powell is saying that non-AFSCME employees aren't worth the 10% raise. Powell assures she is just saying that they cannot ask for praise on the work of someone and not reward their work. Wagley responds they were given a 10% raise. Powell adds with regard to the contract. Wagley wants her to find a company or another government unit that has provided a 10% raise and argues to not tell him that is not appreciation, with no concessions. Powell is sure those other government units went in front of their Council and asked to increase the salary. She is not going to go back and forth with him about those things and was just saying these employees were praised at the State of the City Address. Wagley agrees absolutely and deservingly so. Powell agrees and adds they deserve a full contract. Wagley, again, states they provided a 10% raise with no concessions. He claims her wording was that the City is spending money that has not been appropriated but he assures they are not. Powell takes it back and clarifies that money is being spent that hasn't been approved by the fiscal body. Wagley claims the money has been approved by the fiscal body, it is the salary ordinance that is at issue. They had no expectation that giving the employees a 10% raise would be so (controversial). Powell doesn't think *that* is what is being considered controversial and what *is* being considered controversial is they have done it before coming to the Council which is following the chain of commands. They circumvented Council. Wagley insists the state statute says, "the compensation fixed under this section may be increased or decreased by the Executive during the year for which it is fixed," and admits that being after it talks about the Council approving the salary ordinance. Powell declares exactly, *after*. Wagley is under the impression it has been fixed and then during the year the Executive can increase and insists that is the way the code reads. Powell states that being the portion he was given. Wagley claps back he was the one who found it having read the entirety of I.C. 36-4-7, Section 3 and all the other sections. It states that Council fixes it and then the Executive has the authority to increase or decrease it during the year for which it is fixed under the salary ordinance. Gullion reiterates that the salary was fixed at a certain limit and they can only go within that limit. What this Administration did was go above that limit prior to Council approval. Wagley is adamant that when it is fixed that sets the limit and the I.C. says the Executive may increase or decrease during the budget year for which it is fixed.

Councilperson Green requests advice from Legal. Dan Gibson, Council Attorney, is appearing phonetically this evening and clarifies that the state statute is not really the relevant question at this point. The question being asked of Council is if they are going to amend the salary ordinance. Putting aside the statute, City Council last year passed an ordinance that said the City would only pay employees up to a certain level, they have now exceeded that and are now asking Council to amend it. Whether they believe that is proper or not is really not the relevant question tonight. It is whether the Council is going to amend the ordinance or not.

Nate Burgess, AFSCME #3656 President, is here tonight to (again) ask the Council Table this. He refers to the negotiations meeting previously held on June 12 and thought that meeting went amazing believing they really made some leeway. He didn't hear anything from the City for a while so reached out via email and received an email back last Friday regressing pretty much everything he felt good about. Confirmation just came through this morning for the next meeting July 9 (July 10) but as far as he is concerned it is to pick an arbitrator and not to continue negotiations. They have been at this since July of last year and he and his team are tired of dragging the dead weight around.

Selvey asks how it will affect them if the Council chooses to Table this. Burgess assures they are definitely in it for the long haul. They need a contract. It was pretty simple, provide a 2024 contract and they will sign off on it but were told that they didn't need a contract for this year. He has several grievances out, employees fired and needs a contract so he has a leg to stand on and to move forward. Without a contract, he keeps getting the same message back every time he files something. And as far as being at an impasse, it was the City that gave the impasses, the final and best offer. Burgess claims they never called that but are calling it now, one year of dragging them through the mud.

Gullion requests clarification on what Burgess meant when he stated that 2024 was pretty much done. Burgess explained their contract has an evergreen clause in it that was signed off for 2023. The evergreen clause pretty much says that from every year (from this year after) the City is saying the Union doesn't have a contract in 2024 so every grievance he files says they don't have a contract. He has 2 people laid off while Supervisors are taking overtime. It is a mess and will continue being a mess if they don't establish a 2024 contract. It has been 6 months' worth of mess already and they don't need to go another year. The City wants to negotiate for 2025 and before they negotiate for 2025, 2024 has to be fixed. That is the Union stance.

Powell asks when negotiations began for 2024. Burgess answers it was July of last year so a year ago. Powell knows he can't be specific but questions if AFSCME came in and offered concessions. Burgess responds most definitely.

Audie Barber claims they are only reading part of the law and part of the rules and regulations. These men and women have been working nonstop continuously without contract and he thinks the only way the Council should ever think about passing this ordinance tonight is make it retroactive to January 1. No questions about it. Those people deserve their raise just like anybody else. If they wanted to be police officers they would have been police officers. If they wanted to be firemen they would have been fireman. He goes on to praise both the Police and Fire Department. However, these people take care of our streets and everything else that goes along with it and are being treated like something on the bottom of your shoe. This is ridiculous. This is called union busting at its best which is what they are trying to do here. The Administration in office at this time is trying to break this AFSCME Union up and he hopes and prays that the Council (who received contributions from some of the Unions) remember the unions that supported them. These folks are still part of that. He encourages if the Council chooses to pass this regulation tonight to try to make it effective January 1.

Questions called. A motion was made by McIntosh and seconded by Garrett to Table. A roll call vote showed 7 yeas (Powell, Selvey, Gullion, Garrett, McIntosh, Mason, Dishman) and 2 nays (Basham, Green). TABLED.

ORD. 13-24 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE F FARMING ZONE AND II INTENSE INDUSTRIAL ZONE TO THE MHP MOBILE HOME PARK ZONE ON PREMISES LOCATED AS 2800 W. MEMORIAL DR., MUNCIE, INDIANA.

A motion was made by Powell and seconded by Garrett to Adopt. Due to no representation being at the meeting to discuss the action of the ordinance, Dishman requests a motion to Table. A motion was made by Selvey and seconded by Gullion to Table. A roll call vote showed 9 yeas. TABLED.

NEW ORDINANCES:

ORD. 14-24 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R4 RESIDENCE ZONE TO THE BC COMMUNITY BUSINESS ZONE ON PREMISES LOCATED AT 1300 S. LIBERTY ST., MUNCIE, INDIANA.

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

Kylene Swackhamer, Planning Commission, informs the applicant, being Muncie Missions Ministries Inc. located at 1300 S. Liberty Street, wants to change this from an R4 Residence Zone to a BC Community Business Zone for development of a multifamily dwelling. This has gone before the Planning Commission with a favorable recommendation 6-0 with 1 person abstaining due to connection to the case. Property is currently going through the replating process now so this will not end up being a split zone. It is (kind of) a true mixed-use area with other Community Businesses directly across the street to the south. There is also other Residence Zone in there as well as Variety Business so it will not create any spot zoning.

Councilperson Basham questions what elementary school this used to be. Maura Hoff, DeFur Voran, informed it used to be the Harrison School. He asked if any property tax has been collected on this in recent years and is informed it has been owned by Full Gospel Church since the 1970's. Basham confirms before that it was a school.

Maura Hoff, DeFur Voran, representing Muncie Mission Ministries, wanted to point out though they are here representing the applicant, this is actually part of the Together to House Muncie Project. There are many different agencies locally that are part of this alliance including the YW, Better Way, Christian Ministries, Meridian Health, Open Door, the Center Township Trustee and the City of Muncie Community Development Office. This is a very large project they are very excited about. She is happy to provide further details but as Ms. Swackhamer covered, they went through the detailed analysis of the rezoning with the Planning Commission who unanimously recommended rezone of the parcel.

President Dishman asked at the Planning Commission meeting but wanted to ask again in front of Council if they informed the people that live around that area. Hoff assured everyone within the 2-parcel distance (required by the Planning Commission) was given notice of that meeting and no one contacted her nor did anyone appear to remonstrate that night. There have also been community forums and Brian Ayres with Open Door just met with some individuals at Ross Community Center just last week. Dishman confirms they were notified. Hoff responds yes.

Audie Barber claims this is more housing, apartments, and multi-family apartments. There is an apartment project at 26th and Walnut Streets that was supposed to have already started and work has started in striping the top layer of dirt off but no one has touched it for months. Another project is going in on Kilgore. How many apartment buildings can this City afford? It is not affordable housing because once people get into them, they cannot afford them. Maybe we need to concentrate on some businesses because if we could get businesses like we are apartment buildings, shoot, the sky would be the limit. It is being done in Central Indiana; just look at Westfield, one of the busiest growing cities in the United States located just 40 miles

away. We're getting a lot of apartment buildings while houses built 3 years ago are still sitting empty due to people being unable to afford them. All you have to do is drive around the Muncie communities and you'll see the brand-new empty apartments that the City helped fund. He encourages the Council to give some thought when considering to rezone this. Questions called. An all-in-favor vote showed 9 yeas.

INTRODUCED.

Hoff requests a special request to consider suspending the rules to consider adopting this tonight because they are part of the IHEDA's program for tax credit financing; the application is due at the end of July and the site is to be under control and properly zoned before the application is considered. A motion was made by Selvey and seconded by Green to Suspend the Rules. A unanimous vote is required. A roll call vote indicated 1 no so no consideration to Suspend the Rules. MOTION DENIED.

ORD. 15-24 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R4 RESIDENCE ZONE TO THE R5 RESIDENCE ZONE FOR LOTS 10 AND 11 IN BLOCK 9 AND LOT 12 IN BLOCK 10 OF HENRY C. MARTIN'S ADDITION TO THE CITY OF MUNCIE.

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

Kylene Swackhamer, Planning Commission, informs the applicant in this case is Cardinal Properties Inc. and these are the townhomes mentioned in the project previously discussed in relation to vacating Dill Street. For some reason, as it sits now, lot #10, #11, and #12 are zoned different than the others. This is just to create an equal zoning area here and change those 3 lots to match the rest of the area. The request is to change it from an R4 Residence Zone to an R5 Residence Zone. It will clean up the spot zoning in that area and also received a favorable recommendation by the Planning Commission 7-0. She reminds everyone that the ordinances tonight for these requests are simply about the rezoning of the areas, nothing to do with the project, construction, or use of the land.

Nick Tokar, DeFur Voran, reiterates this coming before Council last month for the townhome project owner occupied homes just outside of the Village Promenade. This will help clean up the mix-match zoning there to make it all R5. President Dishman questions if they sent out letters notifying the residents and property owners. Tokar responds yes. Questions called. An all-in-favor vote showed 9 yeas.

INTRODUCED.

Due to receiving a favorable recommendation from the Planning Commission and because it goes hand-in-hand with Ord. 11-24, Councilperson Powell follows up on an email received last week and respectfully asks the Council to Suspend the Rules so they can get started on this project as soon as possible. A motion was made by Powell and seconded by Selvey to Suspend the Rules. A roll call vote showed 9 yeas. MOTION CARRIED. A motion was made by Powell and seconded by Selvey to Adopt. A roll call vote showed 9 yeas. ADOPTED.

RESOLUTIONS:

RES. 5-24 A RESOLUTION REAFFIRMING SUPPORT OF THE MUNCIE LAND BANK AND ENCOURAGING CITY FUNDING TO BE PROVIDED IN THE 2025 PROPOSED MUNICIPAL BUDGET.

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

Nate Howard, Muncie Land Bank, is here to answer any questions the Council may have. He comments that Muncie continues to struggle with the challenges of vacant, abandoned and deteriorating property. There are a lot of efforts going on across the City (such as the Building Commissioner, the MRC, lots of nonprofit organizations and also neighborhood groups) but the problem continues to persist. Land

Banks in other places across the Midwest, such as the Rust Belt, that have gone through growth from industry and then leaving have found Land Banks to be really great tools designed to deal with addressing this issue. The Muncie Land Bank (MLB) was created by city ordinance 30-17 in 2017 so there's a distinction between them and other non-profits as they were created by City Council. A short history, since 2019 the MLB has acquired a total of 94 properties, sold 69 back to the public (many of which were encumbered properties rejected by the market) and 62 out of the 69 were sold to local people. That's one of the things that the Land Bank really prioritizes, getting property back into the hands of local people. They are set up to vet people that bid on their properties and, again, a distinction from how a lot of property that has gone through text latency and been abandoned is handled. We vet here in Delaware County to make sure that the people wanting to receive this property are people that have the financial capacity and the know-how to do what they are proposing to do. The MLB was awarded 40 properties from the Delaware County Commissioners in April and all those properties are tied to multi-organizational partnerships, community-based or neighborhood based, and are tied to plans for housing development. There are a couple big projects in the Old West End and work has begun in the Industry and Whitely Neighborhood. They have an amazing Board that does a lot of the work that a staff would do. Up until now, the City and the MRC have supported the Land Bank with about \$150,000. They have also received 38 properties from the MRC and are grateful for that support. Howard has had a handful of conversations with the Mayor and the MRC Director since he started this job a couple years ago and is aware they are mindful of the Land Bank and creative in the way they think about funding the Land Bank. They think about sustainability and how to grab from different buckets which is highly appreciated. However, the reality is that they are just barely starting to realize what they could do if supported by the City and that is what this is about. They appreciate the potential for public as most of their funding is coming from local and generous foundations. The MLB is working for the collective good and needs to be supported by the City since they were created by the City. No Land Bank thrives without support from the local government entities it serves.

Councilperson Mason asks if there have been any ideas explored by the City (or the Land Bank) as far as funding. Howard refers to 2 agreements with the MRC totaling about \$30,000 a year that came to an end at the beginning of this year. There has been some conversation and he has heard different numbers and sources floating around believing those are currently still being talked about. Mason asks if it is possible that a percentage, or some amount of the delinquent tax money going to the Commissioners, could be used to help fund the Land Bank. Howard answers potentially, and claims this may be opening up a can of worms but one of the things they had been talking about with the County Commissioners is how to serve Delaware County. By statute, the MLB is only able to serve the City but are very interested in tying that to an interlocal agreement to receive property regularly. Up until now, the process has been going to a Commissioners Meeting and making an ask to be considered. They love the systematize of receiving a property and at the same time potentially making adjustments so the County can be served as well. He thinks there could be a real opportunity to also receive some funding from the County Redevelopment Commission.

Councilperson Basham refers to Section 2: "the Council hereby encourages the City of Muncie Administration to provide financial support..." but does not go on to indicate the specific support so clarifies it is referring to just a general concept of financial support. Howard confirms adding they have dollar amounts in mind. They know what they need to be able to really work, grow and flourish and are about maxed out now with the funding they do have. Foundations have mentioned the fact that continuing support is not a long-term solution.

Councilperson Gullion questions if Mr. Howard would be willing to share an amount in terms of what that kind of support would look like. Howard explains they are asking for operational funding and need to have that baseline so any monies that comes in from other grants or foundations can be used to focus on projects. They need to be able to pay for staff, (himself and some type of full-time employee, either a property

manager or urban planner supplemented with specialty services such as legal, accounting, etc.) to follow through on a lot of the different partnerships that have been developed. He feels like \$100,000 a year would get them to a place of strong standing and anything upwards of that they would certainly be very excited about. There have been discussions about \$150,000 but, again, understand they understand there are financial constraints. Although it is important to know that the return on investment in the Land Bank has an incredible economic argument to be made and would be happy to entertain that at another meeting. They talk about it as investment rather than just support and really feel like investing in the Land Bank is the best thing in growing the tax base, affordable housing stock, local ownership, and general home ownership in Muncie. The MLB is not the solution, rather a tool that could be used to really make a difference and they are just trying to be diligent and push forward to eventually trust that the City will want to support them in the way they are hoping.

Basham appreciates the work of the MLB but makes it clear they are not voting as a Council on a specific number and are just voting to show support. Howard informs that is correct.

Councilman Green questions what is done with the homes and how much is rehabbed when they receive them. What exactly is it that the Land Bank does? Howard explained when they receive properties with structures their goal is basically to secure them (board them up, sometimes complete major improvements to roof or foundation) and to seal a property so it doesn't further deteriorate. They insure and mow it but it isn't their job to actually *do* the rehabilitation. Their job is to *find* people to do the rehabilitation, which could be local individuals, nonprofits, or even local developers. The Land Bank basically stops the cycle of deterioration, holds it and becomes the responsive owner and then finds the people that have the willingness, know-how and financial ability to fall through on a project. Green requests he expound on the organizations they are using to take the properties and make them a viable option for people. Howard states they try to work with a neighborhood focus. For example, they have been focusing a lot in the Old West End area and have created partnerships there with PathStone Corporation, ecoREHAB, Old West End Neighborhood Economic Development Corporation (OWNER) and a developer out of Indianapolis called Intend Indiana on part of specific projects. In the Industry Neighborhood they are working with Urban Light CDC and Habitat for Humanity. An agreement was just signed with Habitat for Humanity; 6 of the properties the Land Bank is acquiring for the county in April are being held so that Habitat for Humanity can apply for funding. A lot of times one of the challenges for non-profits is how their funding ebbs and flows. The Land Bank can grab properties and hold them while the nonprofit has the opportunity to get their funding in line. In fact, there are plans to start doing a housing development next year on those 6 properties in the Industry Neighborhood. A lot of the nonprofits in Muncie had been doing in-house land banking for years. One of the impetuses for the ordinance in 2017 was the nonprofit community saying they are tired of doing this. The City needs an organization that is specifically working to grab property that these entities want to develop. As the Land Bank has really started getting its footing in the last couple of years, the foundations have stated they are not going to do that in-house land banking anymore and instead going to turn any future properties over to the MLB. That is just one of the sectors of Muncie that they serve and prioritize. Green follows up mentioning the 96 homes the Land Bank has had since 2017 and questions if support was received from the City of Muncie financially. If so, is the City continuing to issue financial support? Howard clarifies it was actually 94 properties and a small amount of those are actually properties with structures. Most of them were vacant lots. The properties with structures should be considered the Land Bank's "bread and butter" and assures they are working on that. A big part of the puzzle is building a trust and working on an agreement with the County to be able to go after those properties. He estimates there has been probably 15 properties with structures they have acquired and then turned over to someone local. But yes, the City has supported the Land Bank in terms of general funding amounting to about \$30,000 per year which are used in all of the processes that connect to getting those properties rehabbed. Green asks if all of the foundations support and grants received are

beginning to drop off. Howard responds no, not yet. He thinks the foundations are really invested in the Land Bank and recognize what it could be so haven't taken their foot off the pedal yet but have relayed that this is not a long-term solution. It is seen all over the Midwest where Land Banks thrive and grow and serve the cities that they're supported by local government. Green assures the profits being turned are put back into the business. Howard replies yes. Green is aware they aren't self-sustaining yet and questions if they anticipate it eventually. Howard thinks they could definitely get a lot closer.

Councilwoman Selvey wishes to thank everything the MLB does. She supports the Land Bank 100% and appreciates their mission and thanks Councilperson Gullion for including her as a sponsoring councilperson on this resolution. She just wants the public to know that they are working with empty lots that don't bring in a lot of tax funds. They aren't acquiring premium land, property or houses. This is land, property and houses that no other contractor, business, or developer wants. They are building communities and making peoples dreams come true with real affordable housing. She encourages the rest of Council to think about the opportunity if they were unable to afford a home; the dream of hope and opportunity. People want to be close to their family and stay within a certain neighborhood and have somewhere to live. She encourages support of the promise, an olive branch, as this isn't binding rather than just letting them know what they are doing for Muncie is appreciated.

Green does not want to come off and sound like he isn't supporting the Land Bank and claims he is 100% behind everything they do. He wishes they could provide more support and would love for them to be able to reach out to other contractors, especially retired individuals. Maybe those people could come on board and help offset some of those costs. A lot of people might take a year off and then decide they don't like retirement after having worked with their hands for so many years. He encourages them to reach out to those people to potentially help offset some costs and perhaps get them a little further down the road. Maybe they could do the rehab and turn the homes for a larger profit. He thanks them for what they do and wishes there were more individuals willing to do those things.

Gullion mentions certain things a Land Bank is set up to do that only Land Banks are allowed to do. The neighborhood building and dream of owning a home is great but requests a reminder of how many properties have been put back on the tax rolls. That is important for people to understand that they want to get people housed but also want to get these properties back into tax revenue. Howard replies there has been 69 properties that have come through the MLB that people are now paying taxes on. Those are properties that (in a lot of cases) had been sitting with no taxes being paid. It is not an astronomical number when compared to houses being built and the taxes being generated there but is pretty drastic in comparison to a negative balance. Again, the Land Bank hopes to contribute to the housing development in Muncie.

Selvey made the comment 96 houses being a decent sized neighborhood and thanked him. Howard appreciates that but wants to be clear that they have acquired 94 properties, sold 69 and more than two-thirds are vacant property. However, they are working with the aim to build swaths of housing in different parts of the city and are working with neighborhood organizations, other nonprofits and local developers to do that. Selvey believes they would be able to do that with the support.

Seth Rawlings has a story he would like to share to help people better understand what the Land Bank actually does. His mom grew up with her 5 siblings in a house located at 577 West Wilson Avenue. His grandmother passed away in 2004 so this house then basically became owned by his mom and her siblings being split equally among the 5 of them and actually ended up being a terrible situation. His family hated it because they wanted to keep the property from going into disarray but it just kept deteriorating worse and worse over the years. Around 10 years ago it got to the point where it was inhabitable but they kept having to pay property taxes and ensure that squatters weren't trying to break in. Rawlings himself was involved in the Land Bank a little bit so one day decided to reach out because he thought it was a house in which the MLB would be willing to take over. In addition to the other siblings, he offered a letter of support to transfer the

property over to the MLB. This property was deteriorating for years yet was handed over to a developer within (around) 3 months. If you were to go by it right now the lights are currently on. The house is gutted and a lot of the foundation work has already been complete so it is going to be livable at the end of next year. It is going to go from being worth \$15,000 just sitting there deteriorating to being worth the average on that block which is about \$100,000. He estimates that going from just \$150 in tax revenue a year to around \$1,000 (ballpark). Most importantly, somebody is going to live there; whether it be the developer himself or if he sells it to make some money back on it for all the hard work put into it. It is a real pathway to real housing development. There are more stories like this but this one is connected to him personally. \$100,000 is a very small investment and the Land Bank could actually be something that generates revenue for the City. It isn't going to happen overnight, like anything else, but is something that has already proven to be a real change of development here with just little input.

Adam Branscomb, Fairmount Properties, was originally here to speak on behalf of ordinance 11-24 but felt compelled to speak on this topic as well. He has a unique perspective because he is visiting here from Cleveland, Ohio and has seen first-hand what a well-funded, well-organized, well-run Land Bank can do in terms of creating pathways to home ownership, growing the tax base (as it was earlier mentioned), the eliminations of blight and the return on investment of \$100,000 annually would definitely be made back in spades. He has heard a lot of passion over the last few Council meetings about city revenues and public employees while the best way to enhance the position is to grow the tax base. When you take underutilized lots and put a homeowner there that starts paying their taxes, that is the path to growth. He encourages the Council to support the local Land Bank.

Holly Juip, local housing advocate, wants to add her voice in support of the MLB. We know that home ownership is one of the pathways not only to future success but ending generational poverty as well as providing kids and families with stability so that they can reach future success. In utilizing the tools we have in place, the Land Bank has proven itself over the past several years that this is a way we can be forward thinking for Muncie. She has said many times to quite a few councilmembers that Muncie has everything it needs to succeed right here; including our housing stock. We know it's poor, especially in our city's core, and the best way to lift our community is by giving our community tools and pathways to go forward.

John West, member of the Muncie Land Bank Board and Urban Planning Professor shares he has studied Land Banks all over the United States. What he wants to make really clear is that the work of transferring 94 properties is immense. He asks how many people have purchased a home, let alone how many have people have purchased a home with back taxes. We are talking about months of legal work and paperwork. The MLB obtains properties with liens and turn them over to people clean for development. Most of the times, liens are what stop someone from wanting to develop. What they are asking for is money for the administrative costs associated with the work they do. They have a partnership with a community development organization in Indianapolis that is bringing a bank to do community development/low-income housing development, having their own community development finance institution. They aren't looking for money for development rather than looking for money to support the work Nate Howard does, the administrative side of the Land Bank. Currently, Mr. Howard has transferred all those properties and holds a monthly meeting for the community to learn about what the Land Bank does. He holds meetings every month to make decisions about which properties they should acquire and how to dispose of those properties. Meetings are held every month with the local neighborhood organizations to learn about what they want to happen in their neighborhoods. West would say the administrative side of the Land Bank is the really important work; the side where you meet and talk to people, figure out their legal problems and figure out how to get the property ready for development. Anyone can go to the county tax lien sale and purchase a property on hope and prayer. They see how that works out when those properties end up back on the tax rolls. It takes administrative work along with time and talent to do that. He points out 3 interns working for the Land Bank

this summer who are trying to make this thing work. They lost one of their employees after getting hired out because they learned so much working for the Land Bank that they became a hot commodity somewhere else. That talent was lost and they need to be able to hire someone who can do the community development and administrative work, etc.

Jason Haney, CEO of ecoREHAB, echoes what everybody else has said and wouldn't look at the Land Bank as just a nice thing to do and throw support around but rather a very important economic development tool for the City and to be done at a very low cost. He goes on to provide an example much like Mr. Rawlings. They, as an organization, get a lot of redevelopment, new construction and rehab of properties from 12th Street all the way up to 15th on Jefferson Street. It is a great area through the 8twelve Coalition where a lot of work has been done. A park has gone in and he ventures on to say 8 or 9 homes have been rehabbed or built. They were working on Elm Street and there is new construction occurring on Madison. As they were trying to acquire a lot in order to save a home and to rebuild a new one, they searched Beacon to find out who owns it and it's a company out of Connecticut. When they actually started chasing down the address, they obtained a P.O. Box just outside of Manhattan. This is a company that came in and purchased 165 properties in the City of Muncie. This is an investor who has no ties to our community and could care less. When Haney finally found a phone number and made a call to that individual about purchasing the property the man on the other end immediately initiated a \$6,000 offer while he hadn't even told him which property he was interested in yet. The owner, annoyingly, asks which one Haney was referring to and still provided a \$6,000 price. Haney explained that they probably won't get anywhere near that, and the owner just said, "okay." However, that person has since contacted the Land Bank because they see them as a tool to sell on consignment and such. The City should back the Land Bank 100% because it helps spur future development. To a point Mr. West made and speaking as a nonprofit, Haney cannot contest to how expensive and time consuming it is to acquire these properties, do the title search and make sure it is clean. To know there is an organization that has discussed areas that are looking to invest and actively seeking those properties and brining them forward with a clean title, he cannot put a number on how valuable that is. By having Mr. Howard, his team and the work they are doing will only allow ecoREHAB serve more families here in Muncie with affordable housing. He challenges the City to look at this as a development tool to help inspire more development. Housing developers have found it being a lot easier to work with one entity, like the Land Bank, that has cleared all these properties and is working in the communities to find out what the needs are compared to any other option out there. These properties are professionally maintained as well. If talking to a potential homebuyer looking at vacant lots or maybe a house to renovate and might want to take that individual to the area; to know that the Land Bank has kept up on it by actively mowing and securing it makes it a little easier to sell than it just being an overgrown property for someone to look at. When a potential buyer has to 'vision' it, it can make it a lot tougher sale. Even though these are vacant lots, the fact that they are professionally maintained also looks good for our community.

Seth Rawlings just received a text from his aunt saying this is a no-brainer. If more of what was done for their family could be done for others across Muncie then it is worth it.

Jason Donati, Vice Chair of the Muncie Land Bank Board, joins the Land Bank parade. If the Council thinks about their role as elected officials and the tools in our community to address these issues such as blight, vacant structures, then what being done right now isn't working (outside the Land Bank and its efforts). Say you have an overgrown lot and someone in the neighborhood calls one of the councilmembers to complain about it. "Hey, people are illegal dumping on this lot, its abandoned, no one has mowed it for a couple seasons." What is the City's tool? The Building Commissioner's office will go out and tag it. That is a tool. They then provide so many days to address the issues as hand, but let's say it doesn't get mowed. Then what? The City will go out and put the labor in to mow the lot. Then, when they don't pay for that labor, the City further issues liens on it. It continues that snowball issue of blight and the impact on how hard

it is to acquire property. He is aware Mr. West uses a really good 'ripe banana' analogy to best describe it. Think about a vacant structure as that fresh batch of bananas you just bought from the grocery store and over time, they get a little browner and start to rot so you decide to throw them out. That is what we are doing here if we are not really addressing this issue. Structures with holes eventually have to be torn down. Yards will still need mowed. He wants to encourage the Council to think about how important of a tool the Land Bank is in the tool box. He hopes for their unanimous support in this resolution so that conversations can continue about how to sustainably fund a very important organization.

Green thanks Nate Howard for meeting with him and for further providing information in an email. He really appreciates that and it made it easy for him to make a decision.

Gullion refers to the open community luncheons that Mr. Howard puts on at 12:00 PM on the first Friday of every month at MADJAX with different speakers that talk about the progress of the Land Bank. It is open to the public to attend. Questions called. A roll call vote showed 9 yeas. ADOPTED.

OTHER BUSINESS:

Audie Barber thanks the Council for passing the previous resolution supporting funds to go to the Land Bank. He further challenges them to actually get a line item in the budget because it definitely is a big help for the City to have that tool. He discussed the property at 26th and Walnut Street where they have cleared the entrance but it's just sitting there with nothing going on and has been like that for about 3 or 4 months now. A lot of these projects that are still in limbo haven't had much done on them. He drives by the crisis center every day (pretty much) and not a whole lot is going on there anymore. It is looking pretty good but as far as finishing it, who knows? It is still in limbo as it sits. He has heard the new fire station is going to have to be moved because of soil issues at the corner of Centennial and Martin Luther King Jr. Blvd. He heard they were going to try and move it down to Highland but doesn't think the Administration has released that too many people yet. That is going to be an issue because quite a bit of money was spent to do soil samples there when come find out the soil samples came back with bad results. Moving the property could be an issue so he hopes they won't have to start all over. He mentions speaking to the Council privately about considering an ordinance stating City employees cannot be a City vendor. He challenges them to still consider drafting that up, an ordinance that has nothing to do with the one in place under the resolution. It needs to be an ordinance that has teeth. By making it an ordinance, the Council has a backbone to stand on to make stuff happen. They need to do their jobs when people approach requesting an ordinance be drafted; and do the best job they can by not making it a 1 night a month project. There is a lot going on in this City right now and he hopes everybody has their eyes open to see it.

Dishman informs him that the ordinance he is referring to is in the hands of the Council Attorney who is currently drafting it up. Barber thanks him.

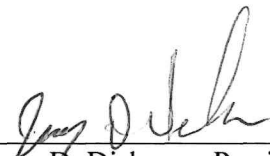
Kristopher Bilbrey declares this being the 183rd day this Council body has been in office. On January 1, he recalls sending out email and (obviously) has sent others since then. That means we are 182 days without a response from Councilperson Basham who, again, Bilbrey claims has refused to respond so he will address it every time until he does or until he is out of office. He thinks it is ridiculous, irresponsible and makes him look bad and reflects poorly on the rest of the council. He heard Councilperson Selvey ask someone at the beginning of the meeting to please notify all the councilors (reading the topic of what was being discussed) so is unsure if the emails work or don't, as there haven't been any updates on that recently. For example, he has been able to communicate with every single councilmember aside from Councilperson Basham so if his email is not working then that is a problem and he should consider looking into that. Moving on, Bilbrey wishes to give an update about the "Dan Camp" from last month. The Council talked at the last

Council meeting about whether it was open to the public or not; it was posted up here (City Hall) for weeks that it was an open meeting. It still hung up the night of the Council Meeting and he thought that somebody from the Administration would take it down the next day but it remained there for the remainder of that week. He came in on Friday and it was still up and since it was still hanging decided to go ahead and make his way to Angola. He was turned away from the meeting after Ridenour said they tried to go above and beyond and felt they were being transparent and apparently his version of transparency was kicking Bilbrey out of the meeting. The Mayor would not let him attend the Saturday meeting either so there goes transparency. Lastly, it is important because Council might know what's going on as far as the salary ordinance and the Administration might act like they know but this very important when talking about the Indiana Code 36-4-7-3. The Administration came up here and read, "*compensation fixed under this section may be increased or decreased by the Executive during the budget year for which it is fixed.*" That is section (C). It is important for the record to declare that the English language reads left to right, top to bottom and will generally go in alphabetical order, such as A, B, C, D. We don't jump around. Section (A) says, "*This section does not apply to compensation paid by a city to members of its police and fire Department.*" Section (B) says, "*Subject to the approval of the city Legislative body,*" which is the City Council, "*the city Executive shall fix the compensation of each appointed Officer, Deputy, and other employee of the city.... Compensation must be fixed under this section no later than November 1 of each year for the ensuing budget year.*" Section (C) is then what Mr. Wright and Mr. Wagley referenced and then Section (D) says, "*Notwithstanding subsection (B) the City Clerk may, with the approval of the legislative body, fix the salaries of Deputies and Employees, appointed I.C. 36-4-11-4.*" Bilbrey just wanted to put it on record that when the Administration refers to a state law and comes up here the law pulled up to read, they are reading it bottom to top and right to left. It is not in proper order. He thanks them for tabling that and continuing conversations.

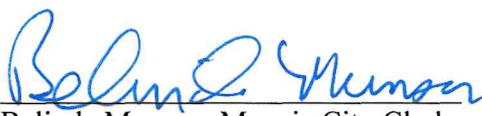
Councilperson Powell reminds everyone this weekend being the Fourth of July holiday, the Council received an email this morning informing that Wheeling Avenue, which is normally open for spectators for fireworks, will not be open this year. She is trying to help get that information out there so people won't try to set up on Wheeling to watch fireworks because it will still be open to traffic. Audience members are very concerned because that is a common spot a lot of people go to for the holiday and people are afraid others might try to make up their own road barricades. Powell directs questions and concerns to the Administration so anyone can contact the Mayor's Office on the matter.

ADJOURNED:

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



 Jerry D. Dishman, President of the
 Muncie Common Council



 Belinda Munson, Muncie City Clerk
 of the Muncie Common Council