

MINUTES
ENVIRONMENTAL IMPACT COMMITTEE
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE, INDIANA 47305

TUESDAY, NOVEMBER 12, 2019

SPECIAL MEETING: 5:00 P.M., 1ST FLOOR CITY HALL AUDITORIUM.

PLEDGE OF ALLEGIANCE: Led by Councilperson Anderson.

ROLL CALL:	PRESENT	ABSENT
John Hampton	X	
Julius Anderson	X	
Dan Ridenour	X	

APPROVAL OF THE MINUTES:

A motion is made by Anderson and seconded by Ridenour to approve the minutes from November 12, 2019. A roll call vote showed 3 yeas and 0 nays. MINUTES APPROVED.

TOPIC OF DISCUSSION:

Environmental Impact Committee Chairman John Hampton states he is glad to see everybody here and the primary thing he wanted to talk about tonight is this new ordinance that was put together, ordinance 49-19. As can be seen on the Agenda, it is an ordinance concerning requiring an environmental impact statement as part of a prerequisite of certain actions by the Common Council for the city of Muncie. Hampton does his best (suffering from a sinus infection) and reads "whereas, certain actions by the Common Council may have impact on environmental concern and whereas, the City of Muncie has established an Environmental Impact Committee to address concerns that the City of Muncie and its residents may have on certain proposed projects, and whereas, preparation of an environmental impact statement prior to consideration of certain matters by the Common Council will be beneficial to the council and the Environmental Committee. Now, therefore, be it ordained by the Common Council, the City of Muncie Indiana as follows. 1. Along with any ordinance or resolution requesting approval of any tax abatement for a period in excess of six years on real estate or any type of issuance of any revenue bonds pursuant to Indiana code 36-7-11.9-1, Indiana Code 36-7-12-1 (Economic Development and Pollution Control or 36-7-13-1 (Industrial Development) in the City of Muncie there shall be filed with the city clerk an Environmental Impact Statement which describes the proposed impact on the property and surrounding properties air quality, ground water impact and waterway quality impact. 2. The Environmental Impact Statement should contain substantially the same information supplied to the Indiana Department of

Environmental Management and the Environmental Protection Agency in the application for any permit. 3. The Environmental Impact Statement must be compiled," and this is where we're amending this tonight when we do the first reading, "compiled by an independent professional engineer licensed by Indiana State Board of registration for Professional Engineers. The cost for that be born by the person or entity seeking the tax abatement or bond financing. 4. The Environmental Impact Committee may consult with local academic, medical or industry experts to help interpret technical data provided by the engineer. 5. This ordinance shall be in full force and effect upon passage by the Common Council and signature of the Mayor or override of his veto." Hampton explains tonight will be the first reading and there will be a second reading next month, hopefully and what we're really here doing tonight is letting you folks say what you think about that. If anyone has anything that they think the committee is missing step on up to the podium and express what you think.

Michael Goodman, 2120 S. Grant St., Muncie, Indiana, states the citizens have had a great deal here with a battery place and it has impacted some of the communities and some of the people. Actually, some kids in the area were born with birth defects while others have received cancer. Goodman once lived next to abandoned battery place for about a year but one of his family members lived at that house for several years and had developed situations like dementia, forgetfulness. None of that has ever been investigated to find out that was ever the cause of her sickness that led to her death. Goodman did notice if he went out to the garage and would sweep the floor, he would get the taste of battery acid. It was over a condemned battery place that has been torn down nor used in years. It used to be Stouts Batteries over on 8th St. As far as Goodman is concerned there is still lead contamination on those properties, to what effect, he has not a clue. Goodman knows there has been a clean-up ordinance, to go in there and take samples of the soil, which the soil be removed from that area and new soil be brought in for the new residents that are living in that surrounding area. So, that's one of his concerns about the environment policies. Goodman asks what is being done about the environmental places that has been torn down or shut down and is still hold a threat to this community, not counting the ones that want to come up in here and bring new environmental threats to our city and our citizens. Goodman's other concern is being in good statue with the law and being held accountable to the laws of not only environmental but also in our counselor seats and our commissioners. Goodman directs his comment to Hampton and states with him being chairman of this commission or board, he would like to ask Hampton, personally, to step down because he is in said violation of the said laws. Hampton requests that Goodman stay on the environmental topic and that can be when he can speak to. Goodman states it is because Hampton should not be sitting in that seat hearing this and that he is a convicted felon. Hampton replies not any longer. Goodman continues it has been dropped to a class A misdemeanor and anybody in his statue should not be holding position. To Goodman, Hampton is stealing from each and every one of us taxpayers, the city of Muncie and he came in here under the pretense of a lie. This is all Goodman has to say. Hampton explains he is not commenting on this matter at all. Hampton redirects the conversation back to the brownfields

and asks when that Stouts Battery business closed down. Goodman replies in the early 80s mid-70s. Someone from the audience explains it was a state clean-up. Goodman agrees. Hampton asks if it wasn't successful. Goodman answers no and it still hasn't been successful and Goodman knows because he previously lived in a house 12 years ago. Since then, he has been told he has cancer so this is one of the reasons he has no fear to face Hampton or anybody else concerning the matters of how you sit. Goodman believes, possibly that's the cancer he may have is or could be linked to that property so with his concern, he thinks the city owes those residents (not Goodman - they don't owe him anything) a soil sample test all throughout the perimeter of that property and if there is any said contamination, then he demands the city remove that soil or gets a State Rep of people here and remove every bit of that contaminated soil and replace it with soil that no other family member is going to have to go through the possibility of getting at the least cancer or dementia. Hampton explains that is part of why this committee exists, going in the future obviously Hampton won't be here for whatever reason (mainly his term ends the first of January and none of them are going to be on this committee after that) but this is something that the community needs to stay on because we got brownfields need to be dealt with. There's ways to do that but Hampton is not the expert on that but this is the place where people can bring these concerns. Hampton is not going to say he can make miracles happen between now and January 1st but he feels for Goodman and feels for his family. They have worked together in the past and Goodman is a good man that doesn't deserve this. Goodman asks Hampton is he has ever found him to be a liar. Hampton explains he has never known him to lie to him but they have only been in a working situation. Goodman explains and Hampton looks him in the eye, that Goodman is a truthful member of this society. Hampton has no reason not to believe that and that believe that brownfield is a problem. Hampton wishes he could wave a wand and fix it but people will have to keep voicing their opinions on these things. Goodman states if Hampton wants to be just as honest as Goodman standing here, looking him in the eye, he believes that Hampton should pay back every taxpayer dollar that he received. Hampton states we are have a right to our beliefs. Goodman states that is what he is asking. Hampton informs him that it is not going to happen.

Wayne Meyer, 4808 N. Lavern Way, Muncie, Indiana, wanted to commend the Environmental Impact Committee and thank them for their prompt action in bringing forward this new ordinance. He thinks this proposed ordinance is a fine idea in a badly-needed measure. He thinks it represents some needed shift in priorities for the city of Muncie, and for that matter the state of Indiana and the nation, as well. Slowing down the approval process for more thorough investigation of all so-called economic growth or economic development proposals is a fine idea. This was demonstrated, of course, by the recent Waelz Sustainable case. Meyer thinks that protection of the environment and the public health should be considered among the very highest priorities of city government and he also thinks that in the long-term this will result in economic benefit as well as environmental justice from all Muncie citizens in all sectors of the city. Meyer thinks it's common knowledge that IDEM, the Indiana Department of Environmental Management is underfunded and understaffed these days and therefore simply

cannot be counted upon to take full responsibility for protection of the environment and public health in our city. He thinks that calling upon the relevant expertise of Ball State University faculty and IU Ball Memorial Hospital medical staff is a special valuable resource here in Muncie, as once again demonstrated by the Waelz case. Meyer thinks that kind of local resource should be utilized in a regular procedural way. He thinks that by means of this new ordinance the city of Muncie and its Common Council could show real leadership and what 21st local city government should be about. He thanks the committee very much for this opportunity.

Rick Fines, 1713 W. 13th St. Muncie, Indiana, thinks this idea is a very good start but does see one potential flaw. He would point out he spent many or several decades in the battery industry and the lead industry in engineering and executive capacity. When it comes to organizations producing environmental impact statement (an outside organization), there is a tendency for rubber stamps to suddenly come out, depending on who's paying the bill. Fines knows that when he was director of material utilization for a predecessor organization as Exide, the knowledge of the insidious, poisonous nature of that material was not even well-known at the executive corporate level where he was. He had to go find out on his own, which he did and as he stands here, he is paying the debt with far more bone lead in him as the average person based on a very recent test at Purdue. This stuff is a poison that nobody really understands because it's not like strychnine or cyanide, you don't take and fall over. If you see it floating through the air it actually has a pleasant, sweet taste. The Romans used to sweeten wine. It is an insidious poison that causes arrested development in children and particularly, in older people, causes accelerated effects of aging that, for the most part, are not understood. Fines spoke with a physician today who tells him that he has learned more from his patients about lead than he had ever learned in medical school, which he finds disturbing but not surprising. Exide's predecessor used to have a full-time physician on staff and he remembers his name, Dr. William Markley, whose job was to go around the country and tell people there was really no big problem here, it won't bother you. Now when you see these nice orange or yellow fumes coming out of Exide over here that look essentially harmless but they're not, that's lead oxide. It is an insidious, deadly poison. it's not a nuisance, it's not like it smells bad, it's not like it's unsightly, it's poison and we need to do something about that. As he said the environmental impact studies are great and he thinks they should be done but we have resources far beyond the rubber stamp category (people here from Ball State with experience in those industries who are willing to share the information). Hampton asks what exactly he thinks should be done to remedy the situation. Fines explains they need to, at the very least, bring their facility up to state-of-the-art standards. Several years ago, EPA said they needed to spend \$20 million to do so and they said "no," so a true response from IDEM and EPA was "okay." That facility is obsolete, it's old, a 24/7 very intensive, high- temperature operation. It has a variable quality of feedstock, which means it has a variable quality and quantity of output and when they have a malfunction, that's when the pump the acid and the oxide into the air, into the water and onto the ground. The place needs to be toured by people who know what they're doing, know what

they are looking at because he has seen a lot of their "write-ups" with IDEM and it's like a high school debate, well it isn't quite as bad as you say it is, well we think it is, well write us a check, okay fine, meanwhile all the little fumes go out. It stinks, it's poison. It's deadly, insidious poison. Fines pleads to the committee, please, give this their deepest thoughts. There are people willing and able to help out in this community, including himself. He thanks the committee.

Bruce Frankel, jokingly entertains any questions and answers right away and always appreciates a little interaction. His general view of this is that it is a poorly crafted ordinance. The answer to the previous question of what they should do he feels he provided that answer in the Sunday Star Press in terms of my guest column and it was to shut them down. There were conditions for shutting them down so if any of the committee members follow that guest column. Hampton has to apologize but was not able to due to his schedule but thanks Frankel for throwing it out there and he will read it. Frankel wishes to ask the question and any member of the committee can join, of course, he was struck by the following of the city not subsidizing any projects. That is a condition for triggering this ordinance. Is it correct to provide a TIF or a bond for a particular project? Hampton states that is right. Frankel continues so if the company doesn't need to subsidy, which, by the way, Waelz didn't need a subsidy, if you haven't noticed. They kept on mentioning how big their organization was and that they're going to give some money back, \$150,000 a year. So, the amount of money that was given to them, although substantial to the city would not be substantial to them, they're going to make a lot more profit on this. But, let's say they didn't need a subsidy, do you relinquish your control over environmental and public health? Hampton would say that's a no and that he has done some research on this and knows there is other communities, as Frankel has said before, that enforce stricter environmental laws and standards that the state does. Hampton continues he has had a problem putting his finger on how they do that. He thinks some people could answer better than he could but that is right, there are ways. Frankel asks why not craft a more comprehensive ordinance to not allow that to happen because we would still have the same environmental consequences but without the condition that we subsidize these people. The city would be a little more richer and the public would be a little bit poorer, if you look at it in a health sense. They would still have the environmental consequences but the city wouldn't have to subsidize it. Frankel does now know if Hampton or the committee has an answer to that question. Hampton thinks his answer is, maybe, not as strong as Frankel would like it. He sees this as a framework or a step in the right direction, something that the next council is going to have to examine, expand on and find a way that legally, they can do this. Frankel asks why they don't just go out and come up with those answers. Do more homework. There are plenty of people that can help you that are probably in this audience right now. Frankel, himself, would help for nothing by the way. Why don't the committee craft the correct ordinance instead of just going piecemeal and saying we are going to have to amend this and amend this down the road. There's no particular pressure on the committee right now to do so. There might be pressure on them to take action on Exide but there is no pressure on them to craft this

particular ordinance. Frankel continues, what's the purpose of a rapid environmental assessment, you have an environmental impact statement that probably cost six figures if it's done correctly (200 pages of narrative, 200 pages of support scientific information) it's a rather involved document that probably takes six months to complete, if it is a serious issue. Frankel does not think that they have identified serious issues, either, only those that receive a subsidy so technically, there could be things far afield from an environmental hazard that receives a subsidy by the city the be required. Hampton explains the way this is crafted, it is specifically for the tax abatement, it does not include things like Habitat for Humanity homes. Frankel asks where it says excluding Habitat for Humanity. Hampton replies it says it has to be in excess of six years. They get five-year abatements. Frankel states again we come back to it doesn't cover many of the things except the things that are subsidized. Frankel then asks about performance and maintenance bonds and why shouldn't they be posted. Frankel will explain if the committee is unaware. Frankel continues, performance bonds are where you say you are going to do what you say you're going to do and it will have the impact that you say it's going to have. A bonding company has to come in to underwrite those bonds and they are going to do risk management and if they find out that there's a high risk and they are not going to do what they say they're going to do, they won't give him the bonds or they'll give it to them at such an inflated rate that they won't be able to be cost-effective and they won't be able to take the bonds. There is a lot you can learn from the private underwriting of a particular project, in terms of risk management. A maintenance bond says you are going to upkeep, say for example, if it says you put in air pollution control devices surrounding your plant and if it exceeds 'X' level, you have to shut the operation down, if that's what the bond says. The maintenance bond would say take that for the next 20, 30, 40 years. What good is performance on the day that it opens if there's not maintenance throughout the day that it closes? To Frankel, that's irrational. The committee hasn't really sunk their teeth into it. He believes a private industry is going to be smart enough to outsmart them on this one and recommends that he wouldn't do it. He wouldn't do it until they got their homework together. A follow-up to that, there has to be in the ordinance how do you calculate what is a sufficient bond as well. It has to have a language like that. Frankel continues, if you're going to duplicate IDEM and EPA permitting standards, then why duplicate? Hampton does not see it as duplication. Frankel asks why they don't just, say if you have a permit to build this from EPA or IDEM then that's efficient for us. That's what the committee is saying here, just that they duplicating the operation. Hampton is saying they are saying you can't tell them one thing and then us something different. That's the way he reads that. Frankel asks if Hampton trusts EPA. Hampton states not really. Frankel then asks what about IDEM. Hampton states not really. Frankel adds that he doesn't either. He listens to the media and reads the newspapers and knows what's happening at EPA, at the federal level and that we do not need to go into that. He does not trust it and thinks we have testimony that we've heard time and time again about the violations that the Exide plant has done over 30 years and then pay \$60,000, \$70,000 worth of fines each year as a means of doing business. They don't alter their operation, they don't close their plant down, institute proper equipment, It is a joke, except that it's killing people. That's the only thing that isn't a joke. Frankel explains

the committee will have to get much smarter on this one to refrain from being outsmarted. Hamptons asks Frankel's thoughts of this retention pond. He has had a lot of people mention the Exide retention pond being... Frankel cuts him off and states where they dump their waste. Hampton states yes and asks if it is containing that waste. Frenkel states how much you want to bet it contains pollution. Here is what the current administration promised to do and as far as Frankel is concerned sees no evidence that it was completed and again he was put on a committee to oversee this but as it is known, he refused to sign a non-disclosure agreement. He considers that an insult, to him, and he would never do something like that. He would lose my credibility because he thinks that is corrupt as well too. So, they were supposed to do testing. They had an independent firm from Indianapolis come in. They've used them before and they were supposed to do testing where we indicated we thought the testing should be done. He doesn't know if they're any results of that but maybe a Freedom of Information Act request or maybe the people that actually sit in government to your left and right here would ask for that information, demand it would be a proper word instead of asking for it, and see what results we're done and how much the city spent on this consulting firm. He asks that they please do so since this is a transition period, in-term transition period.

Sandy Aul, 3401 S. Hoyt Ave, Muncie, Indiana, does not believe that testing ever happened. She recalls meeting with the city and then receiving the non-disclosure forms they were supposed to sign. She does not believe it went anywhere after that and I maybe she wrong, maybe this firm they met with actually did some testing. She doesn't believe that happened though and as far as the retention pond, that is not Exide's retention pond. That is the retention pond for the industry center entirely. Originally, it was built for the Delco battery as their retention pond but it's now draining over 1,100 acres and that is what is flooding those homes down on South Hoyt. When it rains, that's the water and the runoff from all those roads out there from all the ditches that's going into this retention pond and that's the situation. Hampton asks about the responsibility of the retention pond belonging to the Sanitary District. Aul replies that nobody seems to want to take responsibility for it at all. She has tried to nail that down but gets told it is not 'purple' on the GIS. It actually was, she believes, privately owned but it went back in a tax sale so she would assume maybe the County's responsibility. She does not know whose responsibility but nobody wants to assume responsibility but it's a problem. There's an open drain pipe back there that could suck a grown man down it, when it's flooded like that, she recalls seeing it. There's an underground pipe with a manhole in the middle of two driveways has runs in between two of the homes out there and when it overflows, its flowing through that pipe out into the field under Culvert on Hoyt but then their surface water that looks like a regular creek running between those two houses. The last time it rained, the people on this side were out there digging a ditch, trying to get the water to run into the creek. They're in their backyard in rubber boots digging a ditch so they can make a trench for this water to run down into the creek going out into the field. It is a problem, it's a serious problem and they have some serious problems out there. Aul is glad to share any information she has because she has done a lot of study on the issue.

Robin Taylor, 5304 S. Breezewood Dr. Muncie, Indiana, has more of a personal story that she hopes to see the new committee take some action on. They have lived out there for over 30 years and were there before Exide came to town. In the 1990s, they came around and tested anybody's blood that wanted to have their blood tested and we have our blood tested. At the time, her children were young and she was at home most of the time while her husband worked at a shop outside of Muncie. Her blood level was higher than his. Here we are in 2019, her neighbor to the left has had cancer, her neighbor across the street had cancer and now she, herself, has cancer. She would like to see some more active testing of the residents that live around Exide. Testing should be done on the residents, their water and their soil because of the overflow. Taylor recalls herself and Ms. Aul Sandy drive by to witness children playing in that overflow. It is filthy water and from those factories. She just hopes that there's some action done for these people. Her second comment is that she missed the very beginning about exactly who is all this new committee but I assume Dr. Byrd and Mr. Mearns are on it. Hampton explains he actually reached out to Dr. Byrd to see if he would come in and talk about this but he didn't get a response from him. They do not have a set committee in place. Also, Mr. Preston provided a great resource list with lots of people who have the expertise and Hampton plans to pass that list on to our new mayor and whoever sits in this chair come January 1st. We do have the resources in this community to attack these things but it has to do with the will of the people and it has to do with the receptiveness of this committee and Hampton hopes whoever is here next is receptive. They should be, this is a serious threat to the future, not just the people that are living here now, we're talking about the kids and future of our community. He is confident in the new administration that they are going to do everything they can to remedy situations like this. Taylor was asking about Dr. Byrd and Mr. Mearns because if the committee was contacting them, she was wondering what action they took during the WSP. Hampton states he does not know as he was not yet on the council. Taylor did not see that they took any action and was just curious. Hampton explains they had this discussion last meeting and it was more on the lines of throwing out suggestions, it wasn't something they were carving in stone. Especially since Mr. Preston provided him with a list of the people who were involved in Waelz. Hampton states there are resources available and they have to utilize those resources. Anderson was touched with the fact that so many people in that area has come down with cancer and asks who authorized her to take that blood test. Taylor replies it was the Muncie Delaware County Health Department that reached out and there's a church in Drum Edition and that's where they all went to have blood test taken. Anderson confirms it was 30 years ago and asks if anything has come about that since then. Taylor states nobody has publicly offered it but she has personally done it on her own. Anderson brings up that at least two other people that have discussed the fact that cancer is and in fact we are battling with it and who knows how many others have not been tested. This is a serious matter. Taylor states unfortunately a lot of people that live around don't think it is. Anderson states last month, Ms. Aul brought it to their attention concerning that lead-acid-battery how devastating it was until I think Mr. Fines came up this evening and talked about how severe this is. This is a very bad thing. Anderson was

wondering how we can get someone from that company to come here and then face the people. Taylor states besides the blood test there was a public community meeting with Exide officials and anybody who wanted to attend could do so. Ridenour asks when that was. Taylor answers it was back in the 90s. From what Hampton understands from reading the local ordinances and all, the City Council is allowed to investigate things and they have subpoena power. He has not heard of it being utilized but he thinks this is the kind of thing where you want to be proactive, you need to call people down and questions them about what is being done to our environment. Hampton strongly suggests that the next text council address just that. Anderson knows we going to meet again in December and asks why the committee can't contact someone from Exide now and have them come and address us with this. He refers to Mr. Fines being an engineer there. Anderson can't get over how awful this is.

Bruce Frankel, again, states no matter how many guest columns he writes or how much testimony he presents, it will not as powerful as the previous speaker. That is the one the committee should listen to.

Kristopher Bilbrey approaches the podium. Hampton asks for his address. Bilbrey states we're not really following rules here tonight so neither is he. Hampton state yes we are and he is either going to state his address to sit down. Bilbrey exclaims no and for Hampton to step down off the council he will state his address. Hampton informs him to state his address from where he is at or he is not going to be recognized. Bilbrey states Winchester, Indiana. Hampton knows he lives in Winchester, and is questions is what he is doing over here. Bilbrey asks Hampton the same thing, what are you doing here and to answer that. Hampton states he doesn't have to answer Bilbray's question, as he doesn't care about his opinion, he doesn't care about what Bilbrey says. Hampton asks if Bilbrey is here to talk about environmental issues. Bilbrey states yes. Hampton tells him to state his address then. Bilbrey continues to talk resulting in Hampton banging the gavel several times calling order. Hampton informs Bilbrey that he is not recognized. Bilbrey asks if Hampton is going to have him arrested. Hampton answers he may have Bilbrey ejected from the room. He does not recall there being anything he can be arrested for but he is not going to listen to him because he does see where he has anything to say. Bilbrey continues to talk but Hampton bangs the gavel, again. Bilbrey finally states his address of 318 N. Meridian St, Winchester, Indiana, asks if the Environmental Impact Committee has consulted with their own or the environmental regulatory entities at any point when this committee was started, which lets point out, was only voted on in a 5-4 vote, in which, Hampton voted on illegally. So, this is a good idea but the problem is the committee members aren't doctors, the people who will be up here next time aren't doctors, the people who wanted this and that talked to the counselors to organize something wanted doctors and people in the community that knew people from the Board of Health so that's something that they might want to take a look at going forward. When he addresses the only person up there that will be here which is Mayor elect Ridenour. When talking with the council moving forward, you might want to disband this committee and look at bringing something else up. But, Bilbrey

just wanted to make very clear the fact that Hampton should not be sitting here tonight. He should not have voted on this committee and Bilbrey doesn't know how the committee can take any action with Hampton sitting here tonight. He is a convicted felon. He was convicted of A misdemeanor in which he plead to two felonies. Hampton asks what Bilbrey plead to when they caught him stealing the stuff from Wal-Mart or the time he impersonated a police officer. Bilbrey exclaims that Hampton needs to be careful because he is slandering. Hampton states he is not slandering. Bilbrey states yes, he is, that last part is slander and he better be really careful. That first thing Hampton stated was fine but that second is way out of line and that is called slander so he be advised. Hampton was just stating what he has read. Bilbrey continues, here's the situation okay now we can get back to being calm, Hampton just slandered him on the open record. Hampton states he just stated what he has read from public record. Bilbrey claims he read nothing and here's the situation, this is any illegal situation and he is advising some of these council members up here to, in the council meeting that takes place after this, the council, under ordinance 32-06 has to remove this man from the council. They just have to, it takes a 2/3 vote and they are to be advised. Bilbrey has one last thing to read and he'll sit down, "the council shall have the power to expel any of its own members for violation of official duty and to declare the seat of any member vacant by reason of disability to perform the duties of his or her office. The council may adopt its own rules to govern such cases but a 2/3 vote shall be required to expel a member or vacate his seat under the section" and a 2/3 vote would be six of nine or five of eight, if (Hampton) doesn't have a vote and Bilbrey doesn't know that he should have a vote but since he's on the council until expelled then it would take six council members. Not doing so, Bilbrey thinks, put the entire council at liability. Bilbrey thanks the committee.

Audie Barber, asks Hampton his address. Hampton replies its none of his business and asks Barber what his address is. Barber replies Muncie, Indiana and that everyone knows his address. Hampton replies he doesn't know Barbers address. Barber replies 123 E. Main St. and states it has been brought to his attention that and he confirms he is going to be on the record here, that case number 53C03-97... Hampton interrupts that this is not an environmental impact issue. and we are not going to discuss legal matters here. Barber states it is a case number. Hampton replies it is not an environmental issue so sit down. Barber states he worked at Exide battery, this is a case number. Hampton replies he is sorry to hear that. Barber continues, 9709- DF-00573 where Hampton had pled guilty in open court to a felony for dealing marijuana. Hampton states Barber is out of order. Barber states the same. Hampton states this is not an environmental issue. Barber continues that Hampton admitted in open court that he was guilty of that. Hampton states at least he never burned a girlfriend's car. Barber doesn't know what Hampton is talking about. Barber states Hampton wants to make allegations and slander a gentleman. Hampton states, again, at least he never burned a girlfriend's car. Barber states neither did he. Barber continues, and states at this time, this meeting is illegal and Barber asks that Ridenour and Anderson (knowing they are there for a good cause to try to take care of this Exide battery and environmental issue but this meeting is illegal) to make a motion to

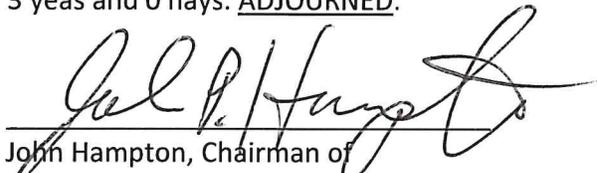
adjourn this meeting at this time. We are in the room with a convicted felon, reduced to a class A misdemeanor, who was a professor at Indiana University selling marijuana and drugs in Bloomington. Barber claims he has the proof on that. Hampton claims Barber is a liar. Barber states he has the proof and asks if Hampton has the proof of Barber burning his girlfriend's car. Hampton states he and Barber will engage in litigations anyways so he really has nothing further to say to him. Barber asks that Hampton please step down. Hampton answers no. Michael Goodman, from the audience, yells that Hampton will be held accountable. Hampton replies that he is not recognized. Barber states he will say if for him and that is Hampton is not recognized. Barber asks that Hampton adjourn this meeting because it is an illegal meeting that he called that he has no power to call. Hampton asks for any further comments and that Barber can sit down. Barber states he is not going to sit down. He states he is a citizen of this city and he pays taxes in this town. Hampton states that's good and he does too. Barber states that is exactly right. Hampton states Barber is out of order. Barber states no he isn't, out of order is when point of order is called. Barber continues, it's time for you to step down, referring to Hampton. Hampton replies to Barber to sit down. Hampton asks if anyone else has anything they want to say. Goodman, again, from the audience tells Hampton to step down. Barber states the same. Hampton replies that he has heard the babble and he is not going to listen to it. Barber asks if Hampton can explain his convictions. Hampton replies he does not have to, it is a legal matter. Barber asks if he can explain how his admitting and how he illegally signed the papers and is illegally allowed to hold that position. Hampton replies he doesn't have to explain anything to Barber. Barber responds that yes, Hampton does because Barber is a voter of the city of Muncie. Hampton states he does not care. Barber asks the same and explains that these fine folks are out here wanting something done on this environmental issue but they do not realize... Hampton and Barber are both talking at the same time. Barber informs Hampton that he has the floor at this time. Hampton states Barber is out of order and bangs his gavel. Barber tells him to hit it harder any maybe people will hear it. Barber continues, these people are here wasting their time because Hampton is not a legal member of the city council. Hampton states Barber is not a lawyer and to sit down. Goodman expresses some expletives from the audience. Barber asks Hampton, again, to step down off the board. Hampton states there is no need for language like that, referring to Goodman. Barber asks that Hampton's language is any worse. Barber thanks for his time and hopes Anderson and Ridenour take that in consideration.

Michael Goodman, from his seat, states Hampton is embezzling part of his tax money and that he has every right to voice his concerns. Hampton tells him that is he wants to talk at the podium, he is welcome to do so but if he is going sit there and yell from his seat, he needs to leave. Goodman then approaches the podium. Hampton asks if this is about an environmental issue. Goodman states Hampton's intimidation is not going to go anywhere with him. Hampton states he is not intimidating anybody. Goodman states Hampton is going to pay back in tax money that he sat there and embezzled the entire time he has sat there illegally. Hampton states Goodman is not talking about environmental issues; therefore, he is out of order too. Hampton asks if there is anyone else that would like to speak about an environmental issue.

Goodman thinks the people would like to hear the truth about how Hampton is stealing from each and every one of us voters. Goodman thinks that is what they are all here for. He thinks that everyone that wanted to speak on something environmental has already spoken and that the two remaining committee members need to adjourn this meeting.

ADJOURNMENT:

A motion was made by Hampton and seconded by Anderson to Adjourn. A roll call vote showed 3 yeas and 0 nays. ADJOURNED.



John Hampton, Chairman of
The Environmental Impact Committee
of the Muncie Common Council



Melissa Peckinpugh, Muncie City Clerk
of the Muncie Common Council