

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

AUGUST 5, 2019

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

ORD. 28-19 AN ORDINANCE TO VACATE WAID AVE. IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA. (MUNCIE SANITARY DISTRICT)

Mark McKinney, Attorney for Muncie Sanitary District, states this pertains to a very small section of Waid Ave. off of Martin Luther King Jr. Blvd. to the west. He has provided a map with the description of the area to be vacated, which is where the new maintenance facility is going to go. In the petition, a few other property owners were listed in the area but now the Muncie Sanitary District does own all the property surrounding Waid Ave.

Rick Yencer, 3100 N. 500 West, Muncie, has business interests here and wants to remind the council and this audience that the maintenance and headquarters facility amounts to a \$17 million bond that will likely raise sewer rates in Muncie.

A motion is made by Moore and seconded by Gregory to Adjourn the Public Hearing. MEETING ADJOURNED.

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Polk.

INVOCATION: Given by Ella Slaughter from The Ambassador of Christ Church.

President Marshall makes the comment that there is a lot of people in attendance tonight and it would help if people remain quiet so that everyone can hear the discussion. He believes the microphones are up as loud as they can go but the chit-chat in the lobby is making it hard for people to hear in the front. They plan to do their best to make sure everyone can hear.

CITIZEN RECOGNITION: Councilperson Anderson recognizes Dr. Robert Hunter. In the early 1970's, a young intern came to Muncie who rolled up his sleeves and worked with volunteers to help that of the Muncie Pal Club. Young men such as Jimmy Robertson and Gary Guiden who both were gifted and talented amateur fighters that tested their professionalism on that level. Also, there was a special nurse, Sue Biddell, who worked with Dr. Hunter for many years.

Dr. Robert Hunter was born in Indiana, attended a small country school which only had 27 students in its graduating class. He graduated from Indiana State University, did his under-grad studies at IU Med School and his three-year residency and family meds at Ball Memorial Hospital. Dr.

Hunter worked his way through college and medical school and recalls having at least 26 part-times jobs. Dr. Hunter began his residency in Muncie, became involved with the Muncie Pal Club, which is the Police Athletic League, under the direction of John Conn. Mr. Conn was a wonderful Irish policeman who has now deceased. Dr. Hunter has practiced medicine for over 47 years, retired in 2017 and now lives in Portland, Oregon with his three children and grandchildren. We need more Dr. Hunters in today's world. Anderson thanks him for giving so much of himself and his life in the life of others. On behalf of the Muncie City Council, the August 2019 Citizen of Muncie Award is presented to Dr. Robert Hunter.

Dr. Hunter thanks Anderson and goes on to express how he moved to Portland, Oregon, two years ago to be with his three children. Oregon is a lovely state with west-coast ocean, mountains, Columbia River gorge, forests, desert and skiing. The city of Portland, Oregon, not so much. To say they are liberal out there is a vast understatement. He is honored to be here tonight to accept this and thanks everyone. It is good to be home. Home is where you're comfortable, where you know people, they know you and you have their trust, in return, you trust them. Dr. Hunter came here in 1972 and spent his entire professional career here. In 1972, John Conn, the quint-essential Irish cop, with jaw of iron, will of steel and a heart of gold, asked if Hunter would help him out. Dr. Hunter answered, sure, and is so very glad that he did. John was a great mentor to many people. They loved him, he loved boxing and the boys and was helped by Chris McIntosh who was big and sort of slow and didn't really take good care of himself, but he loved boxing. Most dramatically for Hunter, it was interesting to see that if you gave him a pencil and piece of paper, he wrote beautiful, articulate, elegant poetry. It made people ask if he really wrote it. Both of those gentlemen are gone now. Sunny Burkes was also an enthusiastic man that encouraged all of them. Hunter often told him the best things about him were the two wonderful women he had, his wife Ella (who knocked Hunters socks off the first time he saw her, she was so beautiful) and daughter Eva, who was just a lovely person inside and out. The friends that he has made here and boys he has come into contact with, were great people. Garry, Jimmy Robertson and of course Anderson, were all excellent boxers who told him at one time or another how important he was in their life and he felt very privileged for that. What he does not think they knew where how important they were in his life, as well. To see them struggle against odds, committed, diligently working hard to achieve their goals and to actually achieve those goals, was a building experience for him that he just hopes everyone can have. It was a wonderful time of his life. He takes the time to thank his nurse, Sue, along with Cindy Dourghty, Peggy Myers, Jody Sorrell, and his friends in church. He was so gratified to hear a prayer and that would not have happened in Portland. He thanks God for Muncie, and everyone for this night.

President Marshall makes a statement regarding the start of Citizen Recognition Award in 2012 and states he did it to show-off the great people that this community has. Whether Marshall is here or not, he hopes this is an award that the council can continue long after he is gone. There has been so many great people recognized that most people do not get to know or go unaware of. Also, Marshall asks that everyone please silent all phones.

ROLL CALL:

PRESENT

ABSENT

Denise Moore	X
Nora Powell	X
Brad Polk	x
Julius Anderson	X
Jerry Dishman	X
Doug Marshall	X
Lynn Peters	X
Dan Ridenour	X
Linda Gregory	X

APPROVAL OF THE MINUTES: A motion is made by Gregory and seconded by Moore to Approve the Minutes from the July 1, 2019 Meeting.

A roll call vote showed 8 yeas, 0 nays and 1 abstain (Anderson). MINUTES APPROVED.

COMMITTEE REPORTS: Marshall introduces organizers of the Muncie Homecoming Festival or Back to Muncie. George Foley, accompanied by John Beatty, state that the Back to Muncie event was held this previous weekend at McCullough Park and congratulates those organizers. Big thanks goes to the city of Muncie Mayor Tyler for being the sponsor for the great event, along with the Muncie Police Department, Chief Winkle for security and Harvey Wright with the Parks Department for keeping the park clean and helping set-up. It was a great event that was drama-free, with 12,000 to 14,000 people that came to this city, spent money and participated in a big family reunion. It was great to see everybody love one another. They continue to thank some city council members who came to some of the events and the parade and thank the city for the support. They are very appreciative of this.

Powell introduces Dr. Charles ‘Chip’ Taylor, Managing Director of Bowen Center of Public Affairs at Ball State University. In addition to overseeing the Bowen Center, he is a member of the Ball State Political Science Faculty and she requests that he briefly address council and talk about a workshop being hosted through collaborative effort of the Shaffer Leadership academy and the Bowen Center for Public Affairs.

Dr. Taylor states on Saturday, September 14th, the Bowen Center for Public Affairs, Shaffer Leadership Academy and Muncie Action Plan, in collaboration with Ivy Tech, will host a citizen summit focused on transparency and government. The overall purpose of the summit is to explore solutions and opportunities to foster transparency in local government. The specific goals of the summit are to provide citizens with tools for identifying transparent local government, share examples of transparency in local government and to facilitate a public conversation regarding transparency. He stresses this a solution focused event, interested in facilitating a discussion of ways to enhance transparency in local government. They are not trying to host a half-day gripe session about local government short-comings, whether real or perceived. The program will be finalizing within the next few days and will feature large and small group discussions about how to enhance government transparency and break-out sessions where they can learn from experts in government transparency and ethics. All candidates for local office will receive an invitation and they will be able to set up a

able to interact with the people attending and share their goals for government transparency. They will also be provided a very brief opportunity to address the group during lunch. Registration information will be distributed via social media and other channels soon, once they finalize the agenda. Candidate invitations will be mailed out in the near future, also. This is a free event for citizen participants and only a modest fee for candidates which will run from 9:00 AM to 3:00 PM on Saturday, September 14th. It will be hosted at the Ivy Tech Fishers building with lunch and refreshments that will be provided. They hope everyone will mark their calendars and plan to register, attend and participate.

Powell also wanted to give a Finance Committee report from their two meetings last June in hopes of getting a better understanding of the financial impact of both the implementation and ongoing sustainability of city-run EMS. The committee asked questions of members of the administration as well as the EMS Director, Jason Rogers and 911 Director, Paul Singleton. As she hoped to be able to present a comprehensive report to the body as a whole detailing the financial impact of the July meeting and most certainly this evening's meeting, unfortunately, Powell is unable to do so. The administration announced its intention to undertake this program due to areas of our community which they report to be underserved. Underserved areas within our community should be a concern, not only for this council, but to our community as a whole. Along with the overall financial impact, identifying these underserved areas and what criteria makes them underserved was one of the compelling factors which necessitated the meetings in the first place. The Finance Committee addressed this issue by posing questions to Mayor Tyler and Fire Chief Bell, based on run-times and geographical barriers. Although, the administration reaffirmed the statement that they are underserved areas, mentioning things such as railroad tracks and bridges, no specific data was provided during the meeting to support this and nothing was provided later, upon request. Conversely, the current EMS provider was asked the same questions during the follow-up meeting and provided data of run-times, alternative routes and historical data that was geographically relevant. So, while there may, indeed, be underserved areas, the Finance Committee was not able to substantiate any specific area or neighborhood or geographical location that was consistently left underserved in regards to emergency medical services. However, Powell does want to note that providing the most proficient and effective EMS response will always be a concern. This is an ongoing responsibility of not only the administration but also of the city council and, of course, all service providers. In the packet that Powell distributed, there are letters sent to each individual, questions asked by the committee members, questions submitted by other council persons and submitted by the public, department of local government finance form 1782 which certifies the city of Muncie budget, the cross-run report showing current finance of fund 104, (otherwise known as the Center Township fund) and an e-mail sent to attendees with follow-up questions and responses. Also, in the packet, is a letter of correspondence between Dan Gibson and City Attorney, John Quirk. The minutes are unavailable at this time and will be provided soon in an e-mail follow-up. In regards to adequate funding, both the implementation and long-term sustainability, there were some significant concerns. Responses triggered concerns regarding the amount of overtime that will be required in the implementation of this program, as well as the cost of equipment, maintenance

agreements and other expenses that are not listed or budgeted in the business plan that was provided to the council last February. Chief Bell expressed he will utilize fund 104 for numerous expenses, including overtime, vehicle leases, replacing equipment, restocking medications, medical director fees and additional things. The current balance of fund 104 is \$539,000 and the city receives only \$400,000 a year in appropriations through that fund. Recent expenditures by this administration creates a concerning environment for future budget developments. Part of the confusion is the contradictory announcements from the administration that are inconsistent with answers previously given in regards to the bread and scope of the program itself. At the June meetings, both Chief Bell and Mayor Tyler reported that the ambulances would run city-wide, if needed. However, in a recent news article, Chief Bell stated the ambulances would only run in these three specific areas. Both of these responses contradict what City Attorney, John Quirk stated on behalf of the administration and the response that is in the packet dated February 21st to Attorney, Dan Gibson, when he said the program will not change and the amount of care will not change, the only difference will be quicker transport and the type of vehicle used. This is not a separate ambulance service. Ultimately, there hasn't been enough information provided to determine with certainty the impact of the city's financial resources, both for the upcoming year and long-term. Based on the limited and contradictory information within the program itself, the uncertainty of financing and the inability of the administration to assess fees for service without a city ordinance adopted by the legislative body, the Finance Committee is unable to support this program, as presented, at this present time. In the packets, Jason Rogers (with his responses) were so overwhelming that she wanted to spare trees and will be forwarding those e-mails to the rest of the council. This is the follow-up and the majority of the Finance Committee and is willing to answer any further questions.

Powell also announces that the City Council Finance Committee will hold its annual budget meetings beginning next week. The meetings will be held on Monday, August 12th, Tuesday, August 13th and Wednesday, August 14th in the City Hall Auditorium. All meetings will begin at 5:00 PM. These meetings will allow the committee to review each departments purposed 2020 budget and ask questions. A notice of the meeting, including the schedule of departments to appear will be posted in compliance with Indiana's Open-Door Law and the clerk or their designee will be in attendance to take the minutes. While these meetings are open to the public to observe, questions will be asked only be members of the committee because questions should be asked to the council as a whole. The public will have ample opportunity to ask questions regarding the purposed budgets at both the Public Hearing and during the meetings in which the budget ordinance is heard.

City Clerk, Melissa Peckinpaugh informs of a scheduling issue with the Special Meeting regarding Tax Abatement compliance with Keihin Aircon North America and Navient. Attorney, Joseph Hunter, explains that Tax Abatement Hearing will not take that long wand asked if the clerk's office has already sent out notice of that meeting, in which they had. Attorney Hunter states there is time within the Open-Door Law to amend the notice of that meeting and make it for 5:30 PM for the Finance Committee meetings. Powell negotiates with the other members of the committee, Marshall and Moore, whom do not have a scheduling conflict. It is decided that on

Monday, August 12th, budget hearings will start at 5:30 PM and on Tuesday, August 13th and Wednesday, August 14th at 5:00 PM.

ORDINANCES PREVIOUSLY INTRODUCED:

A motion is made by Peters and seconded by Powell to Bring Ord. 17-19 Off the Table.

A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED.

ORD. 17-19 AN ORDINANCE TO VACATE A PORTION OF A CERTAIN PUBLIC ALLEY IN THE WILLIAM HARRIS SUBDIVISION, AN ADDITION TO THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA. (MUNCIE MISSION MINISTRIES)

A motion is made by Moore and seconded by Anderson to Adopt.

Maura Hoff, DeFur Voran, 400 S. Walnut St, thanks the council for bringing this off the table for final consideration. She is here on behalf of Muncie Mission Ministries, as discussed before, this is for a new greenhouse facility that the mission is looking to bring in which will provide additional work opportunities for the mission residents, fresh food for the mission itself and the opportunity to sell that excess food to provide another stream of income for the mission. In order to take advantage of south-facing light, the plans call for it to go across a portion of an alley so they are asking to vacate a half-block of a 10-ft alley so they can move forward with that development.

Frank Baldwin, Chief Executive Officer of the Muncie Mission, is willing to answer any questions. He is aware there had been concerns expressed by a neighbor and he has spoke with that neighbor by telephone and offered an invitation to the mission to review the plans and address any concerns he might have. As an update, that meeting has not taken place but is open based on the neighbor's schedule.

Audie Barber, 610 W. 11th St, states the greenhouse being discussed is going to be a 30,000-gallon fish aquarium holding anywhere from 800 to 1,200 lbs. of fish. The area is right over by the post office and railroad tracks and he believes that will put off quite a bit of smell. When the developers say "greenhouse" it is not actually a greenhouse, but an agricultural fish farm. Barber would like to see the council vote no against this because the city of Muncie does not need a fish farm within city limits. City residents can not have horses, pigs or chickens so the residents do not need fish. If it is going to be anything like the river where it lets off an odor, that could become quite a problem.

Attorney Hoff expresses that the filtration grow-bed area will be approximately 24,000 gallons, 5,600 of tanks would have a maximum of 1,200 lbs. of fish, mostly would be ran on 800 lbs. They have looked into multiple different forums for this type of an aquaponics grow site. People have these in their homes, in their basements and in their bedrooms but obviously in a smaller size than what is being discussed here. When it comes to smell, the only time that there is a smell is if these products are ignored, fish are dying, the ammonia levels are not kept level and Muncie Mission is not going to ignore this system. They will take good care of it and it will be a benefit to the community. An important fact here is that the water is not dumped at any point. It is recirculated, topped off, due to evaporation or actual use by the plants but is continually circulated within an enclosed greenhouse. Further, this is a use that would already be approved in the industrial zoning of the site. While she understands concerns about the use, they have met all the standards for the vacation of the street

and that is specifically all that is being voted on tonight. If they need any kind of variance of use going forward, they would have to come back before council.

Gregory asks if this is a functioning alley now. Mr. Baldwin answers it is not and Muncie Mission owns both sides of the alley. Any residents that were in the vicinity got notices several months ago and the mission never received any feedback or comment. Gregory reiterates that the mission owns all of the surrounding property. Hoff answers yes and the parcel to the north all still have access to their property and were given additional notice per Councilperson Anderson's request a few months ago.

Questions called. A roll call vote showed 7 yeas and 2 nays (Marshall and Dishman). ADOPTED.

ORD. 21-19 AN ORDINANCE TO VACATE A CERTAIN PUBLIC ALLEY IN THE WESTSIDE ADDITION TO THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA.

A motion is made by Moore and seconded by Powell to Adopt.

Maura Hoff, DeFur Voran, 400 S. Walnut St, states this ordinance and ordinance 24-19 are sister ordinances. Ord. 21-19 is on its second reading and is to vacate the alley on that block. Ord. 24-19 is to re-zone the entire block so that it is a consistent use for development.

Marshall asks if this has anything to do with what is going on for the Mission pertaining to the aquaponics greenhouse. Hoff answers it is also slated to be a greenhouse but she does not know if a determination has been made as to how they will fertilize the greenhouse. There is potential for it to be aquaponic, as well.

Gregory asks, again, if this is a functioning alley. Hoff answers no, it is a dirt path. This block is used for semi-trailer storage at the moment with one small building. It is owned by the Ball Memorial Hospital Foundation, whom Hoff is representing. The foundation has been saving this for a future development. This greenhouse, in addition, would have a restaurant, indoor seating and a drive-through to pick up fresh groceries.

Audie Barber, 610 W. 11th St, spoke to Bob Scott who informed him that this is agricultural. Mr. Scott states it was a vegetated greenhouse where the fish are in five circulating tanks at one end with water circulating through a large growing bin. This is opening it up for agricultural purposes. If the book is open to a fish farm, then in not too long it will be opened for a pig farm, dairy farm. Gregory interjects calling order, stating that this is relative to the prior ordinance. Barber states it is being opening up to bring farms within the city limits. He goes on to use chicken farms as an example and the brand Tyson eventually coming to Muncie to put in a grow house for chickens.

Hoff explains that city ordinance already prevents all those types of animals that Barber referred to. The greenhouse falls under the type of zoning.

Questions called. A roll call vote showed 7 yeas and 2 nays (Marshall and Dishman). ADOPTED.

ORD. 22-19 AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF CITY OF MUNCIE, INDIANA, ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS IN A MAXIMUM AGGRAGATE PRINCIPAL AMOUNT NOT TO EXCEED NINE MILLION DOLLARS (\$9,000,000) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

A motion is made by Moore and seconded by Gregory to Adopt.

Phil Tevis, FlatLand Resources, states this was introduced at the last council meeting and at that meeting, it was asked to organize a neighborhood meeting with contextual explanation of the

project. That meeting was held on August 30th at the Convention Center with a panel of speakers to answer questions. About 70 people came to view the two-hour presentation. At that meeting, Councilperson Gregory requested some economic development information and there has been pamphlets handed out today regarding that. Council should have been forwarded the Economic Development Agreement after the Muncie Redevelopment Commission meeting last week. The council confirms, aside from Gregory, who states she must have left her copy at home. In short, Mr. Tevis explains the estimated total project cost is \$12.7 million. It is noted the ordinance was introduced at \$9 million, the actual bond request based on the council's portion of the project is \$6.695 million so it is reduced (from 9 to 6.695). This is paying for the public portions of the project which include the river walk, the public plaza, utility relocations, street improvements, parking, street lighting, building demolitions, some land acquisition and public space design and engineering. A quick reminder is that the development purposed is 55 units, expected to have about 77 residents new to the downtown area. Once the building is substantially occupied, in that pamphlet that was handed out, it states there is an estimated increase projection of \$187,000 annually to be spent in the downtown area. The project will see an immediate economic impact by the spending of the dollars of the construction workers. If anyone has been downtown and noticed the upcoming Ivy Tech building that was just built, those are the same type of people and professions there. The developer is bringing to the project \$6,040,000 in construction of the building itself. These funds are tied to an opportunity zone and opportunity zone funding requirements obligates the developer to have these dollars committed by October of this year or they are unable to be used. That could impact the ability of the project to move forward. Also, in order to met that obligation, the project needs to be under construction before winter in order to meet the construction loads tied to the project. A small note to make is the developer will begin to pay taxes upon completion of the buildout after the first assessment of the building. There is no tax abatement tied to this project. It is currently estimated that the annual taxes are going to be around \$90,000 a year. If there are any questions of the developer or the people who put the bonding package together, they are here to answer those questions. Prior to that, President Mearns would like to speak a little bit about the project itself.

Geoff Mearns, 2200 W. Irwin Rd, President of Ball State University, states Dr. Byrd and himself serve as conveners of a group of community partners called Next Muncie. Mr. Mearns understands Dr. Byrd was before council last month representing Next Muncie and affirming their support for this project. However, Mearns is here this evening to communicate, once again, that their group supports, enthusiastically and unanimously, this project. They know that all of the people in the community has been working hard to transform downtown Muncie and they know that will benefit the entire community. They think this project will support the work that has already been done to begin that transformation project. Also, as President of Ball State University, he encourages the faculty and staff, both current and new, to live within the community. They believe this downtown partner project will be a very attractive option for their faculty and staff to serve as residents in the city of Muncie. In closing, Mr. Mearns thanks the council for their service to the city.

Councilperson Peters wants to clarify that the original paperwork the council had states the EDIT promised yearly was \$215,000 and has now been increased to \$225,000 yearly. Mr. Tevis states that is correct.

Councilperson Anderson states the downtown area is growing and this is the kind of project that would take it to the next level. With Ivy Tech being built and everything else that is going on, it could be very beneficial. Anderson remembered during his tenure at Ball State, being asked about housing being available but was either sold out or specifically student housing. This is what Muncie needs in order to bring, lift and allow the downtown area to continue to grow.

Councilperson Powell agrees with Anderson and states it is exciting and loves to see downtown developing. She grew up a few blocks from there and her late step-father was involved with the project discussed by Mr. Tevis along with Mary Fits Green and Sue Leonard. Powell has concerns with just approving a \$22 million bond last month that the city is over expending their bond commitments. She is concerned that the city is committing 7% of annual EDIT appropriations to a project that is not going to create any jobs or use organized labor to build the structure. She just has concerns about those things but is really excited about the project and it looks beautiful. As pointed out, it is conceptualized, it is not anything in writing yet and her fear is that it will mirror what happened in the Village where the council saw something wonderful but now physically, see empty storefronts. Powell thinks the project is wonderful but is concerned with the fact of committed EDIT dollars to a project that does not create jobs and, of course, the bonding.

Tom Pittman, Attorney with Barns & Thornburg, states in terms of the way the money is to be spent, there will be a trust indenture which will require the city to sign off on every single expenditure so that the project can be monitored. As far as the EDIT pledge goes, it is in the nature of a back-up pledge and hopefully won't have to be accessed. It is not as if that is a definitive certain contribution that will have to be made. In fact, he believes the plan of finances such that is reasonably expected so that it won't have to be taped. He just wanted to comment on those points. It will be tightly monitored, both in terms of the monitoring of repayment sources in conjunction with the bigger picture that the council is required to deal with each year for the budget.

Councilperson Gregory states this bond that is being voted on tonight, as Mr. Tevis resided earlier, does not include the building of the apartments, per say. It is for the infrastructure for the canal development and river walk, and not for apartments. Mr. Pittman does believe it is very significant, that people are willing to risk \$6 million of their own money. That is a lot of money to risk and people that have that much money are usually pretty good at figuring out how not to lose it. Powell replies it is an exciting project and going to be beautiful. Gregory thinks, like Anderson said, the infrastructure type of bonding is what the city needs to be doing. It does not favor any particular company and allows us to grow. She uses the example of "field of dreams" where if it is built, people will come. Mr. Pittman states it really is just a classic private partnership.

Jane McDowell, 2005 N. Tillotson, apologizes for the fact she is even bringing this up but requests that those people that build the apartments be cautioned or even banned from them being listed on websites, such as Airbnb. When the Village Promenade came in, Muncie taxpayers paid to build the garage and paid the infrastructure to encourage people to come. Friday, when she checked the Airbnb website, she found 21 listings for the Muncie area, out of that, there were 6 whole apartment rentals in the Village. The way that Airbnb website works is say someone does not know the address of where they would like to go, until they rent the apartment and are then informed of the address. Part of that reason is so that someone else cannot go on Airbnb and discover how many properties aren't paying sales tax or innkeepers tax or business personal property tax or being inspected by the health department. The thing is that at least two of those listings she saw on Friday,

were renting apartments for, in essence, \$167 a night. What that means is that instead of Airbnb being a place where you rent your spare bedroom so that you can get a little extra spending money, entrepreneurs buy or rent whole apartments and then rent them out by the night. McDowell realizes that Muncie is not a tourist mecca, yet. In communities that do have a lot of tourism, the number of apartments that are available to rent by the month for people that want to work and live in those cities has been tremendously affected by Airbnb. What she sees, is at least a couple of places that she thinks may very well be Village Promenade that are being rented by Airbnb instead of being rented by professionals. By doing the math, if an apartment rents for \$1,000 a month, one would only need 6 months, if charged at the \$167 a night, to cover the rent. By looking at the room rate for the Courtyard by Marriot, it is more like \$199 for one room where as if you rent an entire luxury apartment, one would expect that be charged more and actually probably have to rent it even fewer nights. The thing is, if this is a partnership, this may be one place where we can stop Airbnb from coming in. In other words, you may not feel like you can because you may not be paying the contractors to nail the nails in but if this is a partnership, it is one thing where one bad apple in an apartment with 70 units in it may be enough. If these people pay rent to feel very secure in a luxurious apartment hear parties going on, even if it is only once or twice a month, if they see strange faces in their common areas, this is going to make these desirable properties less desirable. McDowell urges that at some point in time to give some thought on how to ask these developers to write the leases so that they cannot be sublet by the night. That might be a good first step in making sure that this investment that the city makes, of all the infrastructure and other stuff, is actually going not to compete against the lodging providers that obey the rules but to provide accommodations for the people that the city wants to build them for.

Audie Barber, 610 W. 11th St, thanks Councilperson Powell for her concern about the prevailing wage, the organized labor that is not going to be used on that project, as far as Ivy Tech, they are being used by organized labor, or Union. Council members are doing their work.

Phil Tevis readdresses the comment on the design effort and notes there is an Overlay District (Ord. 18-18) that has been established in this area. All final design has to go through that review committee to satisfy the end result of the design. He also emphasizes this is intended to be market-based housing, it is not focused toward student rentals, like the Village. Powell states it is not that she is against this project, she just feels that at this point, with this administration having a few months left and their decision here would commit 7% of the EDIT dollars to the project. Mr. Tevis fully appreciates it and states it would be a shame if the developer has an obligation to commit that total would have to leave town.

Andy Shears, owner of the Muncie Map Company at 111 E. Main St, has a PHD in geography from Kent State University and a Masters from Ball State University in geography. As a geographer, location matters. The project is a good idea because Muncie does need upper level apartments and apartments downtown, however, the location sucks. He states this is a bad location and continues to explain why. If the city wants people to live in the downtown area, where there are high-rent apartments, then there has to be urban density. As it sits, downtown Muncie does not have urban density. The largest land use in downtown Muncie currently is street level parking. That is by most planning considerations the least efficient and least useful land use in any urban area. It also has significant downsides in terms of livability. One of the reasons that people would want in an apartment complex like this is the walking distance to downtown. As it currently lays out, the plans

have a complex which requires approximately three to three and a half blocks of walking past parking lots, which is basically killer to pedestrian traffic, in order to get to anything downtown. Mr. Shears also adds that any consensus that has been broadcasted from downtown merchants is absolutely false on this one. There are a lot of merchants that say this is kind of silly because it is essentially opening up a second front to fight the downtown war. The plan would be to put in a development that is distant from what is succeeding in downtown and not giving any way to really connect it to the things that are succeeding. He can point out many lots that would be perfect for a high-end luxury building that could charge so much in rent. These lots are not it.

Troy Tackett, 200 N. Hodson, asks Gregory for confirmation if the discussion is infrastructure or apartments. Gregory answers this bond is for infrastructure. Tackett states these conversations are running together and getting confusing. He goes on to thank Councilperson Powell for stating the bond limits. He requests that the entire council take into consideration the fact that the downtown jail is getting ready to be moved out to the old Wilson Middle School, taking many offices and downtown departments with it. He questions what that will bring to it and what kind of position is that going to put the council in. Mr. Tackett also comments on the \$17 million Muncie Sanitary District bond that is getting ready to come about.

Questions called. A roll call vote showed 7 yeas and 2 nays (Powell and Peters). ADOPTED.

ORD. 23-19 AN ORDINANCE ADOPTING THE UPDATED STATUTORY AUTHORITY FOR THE POLICE MERIT SYSTEM TO THE CITY OF MUNCIE, INDIANA.

A motion is made by Moore and seconded by Powel to Adopt.

Chris Deegan, President of the Fraternal Order of Police (FOP) in Delaware County, 821 S. Butterfield Rd, made a presentation at the last council meeting for introduction, in which he does not have anything to add and is willing to answer any questions anyone may have.

Councilperson Moore questions if this is adopted, the current Merit Commission will remain in place and the council will not have an appointment immediately. Mr. Deegan states that is probably up to legal interpretation between the city and the city Merit Commission attorneys. They have a legal memo prepared from when the commissions were separated back in 2002. How they and their legal team takes this is that they separated the commissions under Title 36 and the rest of the city government is operating under Title 36, therefore, that would grant the council the immediate appointment because there is a vacancy to fill. That vacancy will be filled within statutory guidelines. Moore asks if there is currently five Merit Commission members. Deegan states not through procedure, as outlined. Under Title 19, the commission is to be compromised the five civilian members selected for high-standing community, but is urgently cut off by City Council Attorney, Joe Hunter.

Mr. Hunter states the way it would be structured is that the council would then have an appointment to the merit commission. The Mayor would have two and you (directing to the council) would have three. The current board as it sits right now, was appointed under the old statute and whatever members of those boards (whenever) the next appointment expires because the administration would have two appointments and the council would have their appointment. If this passes, the council would have the next appointment, no matter when it expires. The next open position, the mayor or administration would still have two on the board and the council would have one. Mr. Hunter's opinion is obviously, any open position, the next one that comes up, the council

would appoint. Marshall asks if there is a date on what that will occur. Mr. Hunter answers he does not have a date.

Mr. Deegan explains there were two vacancies that occurred earlier this year and for those to be appointed into position, the legal structure of that has to meet so many criteria. One of the criteria's in the Indiana administrative code, under Title 19, is that one experienced person from each of the following fields shall be appointed by the Mayor with the approval of the Common Council. To his knowledge, this council has not approved anyone for the Police Merit Commission. The council confirms no.

Marshall asks for clarification that is under Title 19. Mr. Deegan confirms. Marshall then asks if this gets approved, it will be a new title and there will still be a vacancy. Mr. Deegan confirms, that is correct.

Anitra Davis, 908 E. 9th St, is not familiar with the members of the Merit Commission and asks how many personnel law enforcement appointments there are and how many civilian appointments there are. Marshall requests Chief Winkle come up and answer the question, not that he doesn't trust Officer Deegan. Chief Winkle answers the FOP has two retired law enforcement officers as their representatives. There are no full-time law enforcement officers that represent the Merit Commission. Of the five, Mrs. Davis refers to two experts and three civilians. Mr. Deegan does not know if he would call it an "expert" or just a "civilian." It is just, there are five positions on the Merit Commission, three are city appointed and two are appointed by the majority membership of the police department. The police department does not have to appoint prior law enforcement but based on governing outlines of both Title 19 and Title 36, there can be up to two in prior law enforcement. Those are the positions that the FOP has chosen to fill.

Councilperson Powell questions if the city were to stay under the current merit law, Title 19, then the city would be out of compliance because the council has never approved the appointments. Deegan states that would be his understanding, if the council has not approved anybody. Powell continues, if this is adopted and the city goes to Title 36, then there would be an open position. Deegan confirms.

Chief Winkle states he is not opposed to either Title 19 or Title 36 but believes there is some disagreement on the appointments. In the twelve years he was here as a Police Chief, they never brought any Merit Commission appointments in front of this city council. He guesses that the fire department has not done that, either. If it was something they were supposed to do, they were not aware of it and it has never been done. This last appointment, was two appointments by the Mayor and they have both been appointed and are currently serving. The hiring list, that was a major concern, has already completed the physical agility and written testing and is set up next week to start Merit Commission interviews. The department will be hiring, hopefully, the eight positions that were shorted within the next month and a half.

Jason Chafin, President of Muncie Firefighters Local #1348, would not be opposed on being amended into this. He believes a lot of the firefighters are also governed under Title 36. Right now, there is a full board. They would have to go through the steps of starting Title 36, which is all spelled out in Title 36, and the second step being to reprimand of the membership. Basically, the fire department wouldn't mind being a part of this too.

Questions called. A roll call vote showed 8 yeas and 1 abstain (Moore). ADOPTED.

President Marshall declares the time is now 8:40 PM and the council is going to take a 5-minute intermission and return the meeting at 8:45 PM.

NEW ORDINANCES:

ORD. 24-19 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE TO THE BV VARIETY BUSINESS ZONE ON PREMISES LOCATED AT 2501 W. MAIN ST, MUNCIE, INDIANA.

A motion is made by Moore and seconded by Powell to Introduce.

Attorney Maura Hoff, DeFur Voran, reiterates this is the sister ordinance to the alley vacation that was passed earlier (Ord. 21-19) and they are requesting a rezoning, as half the block is R4 and the other half BV. They are requesting a change to have the entire block zoned BV so the development standards will be consistent for the entire project. This received a unanimous recommendation for approval from the Delaware Muncie Metropolitan Planning Commission at their July 11th meeting. They believe this is the best and most adequate use of these parcels.

An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 25-19 AN ORDINANCE APPROVING THE ISSUANCE AND SALE OF SPECIAL TAXING DISTRICT REFUNDING BONDS BY THE CITY FOR AND ON BEHALF OF THE CITY OF MUNCIE PARK AND RECREATION DISTRICT TO PROVIDE A SAVINGS TO THE PARK DISTRICT.

A motion is made by Moore and seconded by Powell to Introduce.

Lauren Mathis, Baker, Tilly & Umbaugh Associates, is present to answer any questions.

Councilperson Gregory states for the public's information, this pertains to Tuhey Pool. If it wasn't for this bond in 2011, the citizens of Muncie wouldn't have had Tuhey Pool for relief on those hot summer days a few weeks ago.

Councilperson Polk refers to Section 2, where it states the bonds would not exceed \$10 million. Attorney Mathis states that is about if the city issues less of \$10 million of all bonds this year, the bonds can be bank-qualified which allows banks to deduct the interest filing costs which saves about five basis points on the interest rates. That is just saying that if it qualifies, that would be the case. However, she believes there may have been more than \$10 million issued. The interest rate she estimated was assuming not being qualified.

An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 26-19 AN ORDINANCE AMENDING ORD. 4-19 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 2019. (MPD)

A motion is made by Moore and seconded by Powell to Introduce.

Chief Joe Winkle states the Domestic Violence grant is something they write every year that funds the Domestic Violence Coordinator, whose responsibilities are not only to train law enforcement, but also consists of being out in the community and talking, engaging with people about the problem with domestic violence. They also assist the full-time police officer with whatever duties she needs to fund that. Since it is a part-time position at 28 hours with no benefits, they wrote in the grant to raise

that to \$15.95. That is all grant money meaning nothing would come out of the general fund. The department was approved for that to bring it in front of council to get the okay. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 27-19 AN ORDINANCE 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 2019. (ACCOUNTING DIVISION)

A motion is made by Moore and seconded by Powell to Introduce.

Kevin Nemyer, City Controller states the current salary ordinance contains only part of the salary of the hourly rate paid to the people in these three positions. He does not know why it is like this but there is another portion of their salary that is paid by Muncie Sanitary District (MSD) that does not appear in our ordinance. It does, however, appear in the Sanitary Districts ordinance. He would like to amend that to include the Sanitary District portion, which is not paid by the Sanitary District but to the Sanitary District to the general fund and is then paid from the general fund.

Gregory questions on the first one, approving \$16.47 plus \$1.73. Nemyer answers yes, that is a total of \$18.20, but since he wrote this ordinance, he thought it would be better since he just stated the district money that is paid comes from the general fund, all of the rest of the money comes from the general fund. In his opinion, it would be a lot more easier and straight forward to combine them. It would save the Controller's Office several more steps of having to manually put in those tiny amounts each pay period. He would like to amend this to simply say the first position, \$18.20 per hour, the next two positions, \$17.92 per hour.

A motion is made by Gregory and seconded by Powell to Amend the three salaries listed to \$18.20, \$17.92 and \$17.92. A roll call vote showed 9 yeas and 0 nays. AMENDED.

A motion is made by Gregory and seconded by Powell to Introduce as Amended.

Councilperson Ridenour asks if these positions go from \$16.47 (which is in the general fund) and they then add the \$1.73 per hour, would they also need to increase the PERF and social security. Nemyer replies yes, but that is just small amount. There are other places in which the office can transfer that from for the remainder of this year and it would be included in next years budget. Ridenour then asks about the agreement in which the Sanitary District pays this amount for these three people. Nemyer has not seen an agreement but has seen the District's ordinance which says that they will just pay that for work performed.

Sarah Beach, Personnel Director for the City of Muncie, is not sure the question on the PERF because it is already included in the budget. They are already being paid this amount. Nemyer confirms. Beach continues the Controller's office does quite a bit of work for the Sanitary District, at least half of their load is work for them. The reason this happened was because a couple of years ago when the previous controller was employed, she made an agreement (in which Beach does not know if it is in writing or not) with the Muncie Sanitary District to supplement the controller employee's wages for the work that they are doing for them. This happened about three or four years ago. Ridenour is sure she is exaggerating but refers to the comment of half of the work that they do so shouldn't the Sanitary District be paying much more. Beach would think they should but that is the agreement that was worked out. Ridenour confirms that Nemyer send the council that information. Nemyer will do so.

Peters asks if this is paid yearly. Nemyer replies no, it is just added in to their hourly amount. Peters refers to being reimbursed by MSD. Nemyer says the district pays an annual payment to the general fund and it comes from there. It is also an annual payment for anything besides what the Controller's office would do.

Powell asks what line item that is in, as far as municipal income. Nemyer answers it is from anticipated revenue, he would have to look to see what specific line item but is the \$300,000 annual payment.

Ridenour states if it is \$300,000 then who are the other employees that are being paid. Nemyer has four employees plus himself. Ridenour confirms the amount. Nemyer states that is what MSD pays them.

Sarah Beach, again, says the \$300,000 of which this money is part of is in the budget under "PILOT" or Payment in Lieu of Taxes, so it is taken out of that to fund these positions.

Audie Barber, 610 W. 11th St, believes this brings light to some of the questions he was asking in May, when the council omitted a line for \$62,000 or \$63,000. Everybody should be aware of this, the fact that he brought this to everyone's attention in May. In the budget line, the Finance Committee omitted \$60-some-thousand from a line item to pay the meter maids. He recalls everyone remembers him bringing that up in May. He is glad he is finally getting an answer on this. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 28-19 AN ORDINANCE TO VACATE WADE AVE. IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA. (MUNCIE SANITARY DISTRICT)

A motion is made by Moore and seconded by Powell to Introduce.

Marshall asks if anyone is present to speak on ordinance 28-19. It seems as Mark McKinney, the attorney for MSD, is no longer present.

A motion is made by Gregory and seconded by Ridenour to Table (since no representative is present). A roll call vote showed 9 yeas and 0 nays. TABLED.

RESOLUTIONS:

RES. 13-19 A RESOLUTION MAKING TRANSFERS WITHIN THE MUNCIE CITY COURT BUDGET.

A motion is made by Moore and seconded by Polk to Adopt.

Amanda Dunnuck, Muncie City Court Judge, explains this is dealing with her Public Defender position. When she came into office, it was an employee and has tried to change some things up in order to figure out what works best. She found it works best to go back to an employee instead of an independent contractor and put it in her purposed 2020 budget at \$32,000. She has taken, from this year, now until the end of the year and prorated it out to this amount that is left in the contractual line item and moving it to the public defender employee line item with the FICA, Medicaid, Medicare, PERF and health insurance. Judge Dunnuck spoke with Claris in the Controller's Office and they worked out the health insurance and life insurance at the end of the year and that information was not necessarily needed for today. But, the full \$20,000 will zero out the contractual line item and the rest of the figures go with it. She planned \$1,340 on health insurance that would zero out the \$20,000.

Ridneour asks for that number again. Judge Dunnuck explains Health Insurance is \$1,340.55. Ridenour thanks her for breaking out the FICA, Medicare and PERF.

Sarah Beach, Personnel Director, comments that the council needs to make sure, before passing, that the amount that is being approved is in line with what the salary ordinance says or they would have to amend the salary ordinance. Judge Dunnuck states the contractual line item was \$40,000 and the plan is to drop that down to \$32,000 salary. She does not know what the salary ordinance says, therefore, does not know if it needs amended. The number she has would turn it into an employee position in the month of August. Beach just wants to make sure because there have been problems before about this when it gone undiscovered for like six months.

Powell states if it is lesser than the salary ordinance then they would be okay because as long as it doesn't exceed what the salary ordinance states, then they will be fine. Beach replies this would be an hourly rate employee, it is not a salary employee. As long as what is being paid to the person for the remainder of this year and next year does not exceed the hourly rate, otherwise, they would have to amend the salary ordinance.

Gregory would prefer to go ahead and pass this tonight and one or the other come back before council next month with another change, if needed, in the salary ordinance. She would think the salary ordinance would be for the \$15,700-figure. Judge Dunnuck explains for the rest of 2019, yes because that would be the \$32,000 prorated out for the month of August through the end of the year. Gregory confirms and asks to verify that this \$15,700 does not exceed what current salary ordinance has in place. If it does, bring forth a new salary ordinance.

Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

RES. 14-19 A RESOLUTION MAKING TRANSFERS WITHIN GENERAL FUND. (PARKS DEPARTMENT)
Marshall withdraws Res. 14-19. WITHDRAWN.

OTHER BUSINESS:

Marshall receives the sign-up sheet for members of the public that wish to speak. He declares it is now locked, and no further people can sign up to speak. Each person will have three minutes to speak. The council will not tolerate any attacks against individuals and kindly request everyone be courteous of one another. We can all work together.

Before the first person signed up comes up to speak, Councilperson Moore mentions she does have something she would like to ask and requests Muncie Fire Chief Eddie Bell to come up to the podium. Moore asks him if he is familiar with the paper referring to the contracted addendum request from the city that was given to the Muncie Fire Local #1348. Chief Bell asks what addendum she is talking about. Moore has him approach to show him. Chief Bell states this is something Moore has basically printed, but yes, he knows what she is now talking about. Moore asks if she is correct that the Union approved and accepted the listed contract addendum at their June 10th meeting. Chief Bell does not know that information, he states the president of the Union is here, and that would be a question for him. Moore asks if Mr. Chafin is still present, in which, she receives no response. Going forward, Moore clarifies that Chief Bell is uncertain whether this was passed by the Union or not. Chief Bell

states the Union did vote on it. Moore asks for the results of that vote. Chief Bell answers they voted to go along with it. Moore then asks Chief Bell if he is familiar with resolution 10-18 approving the Collective Bargaining Agreement with the Muncie Firefighters IAFFA Local #1348 which was passed July 2, 2018 by this council. Chief Bell states this is something that, in his opinion, needs to be passed and this is not something they are going to go forward with. Moore questions if that was none of what the Union agreed with. Chief Bell replies they are not going forward with the minimum staffing. Moore confirms this means keeping minimum staffing at 25. Chief Bell confirms, 24 plus 1 Battalion Chief. Moore then asks how they would run the ambulance with that amount of staffing. Chief Bell states it speaks to a minimum of 25 total firefighters for the day. The department is not breaking the contract if they stay above that. Basically, what will happen is they have a certain allotted money that will be spent on overtime. That money runs out, in which, they will be done with that. Moore refers to the document she is looking at currently that actually replaces terms in the contract. Chief Bell states that is not something that his name can be seen on and is something that the Union has agreed to. It has to be agreed by Chief Bell and the Union, in which, it has not been agreed to by himself. Moore adds it has not been approved by the council either. Chief Bell confirms. Moore asks if it is his intent to bring an addendum to the council. Chief Bell states the contract states they have a minimum standing of 24 men per day plus one Battalion Chief, which is 25. If they do not go below that number, then there is not a problem. Again, if they stay above that, they are fine. Moore then asks about adding the sentence that says that they will run with the exception of tower aspirates which will have two, instead of three, paid personnel. That is a change in the contract. Chief Bell replies no, the manpower is still the same. Moore questions how it is the same when it takes three to run a truck and he is now saying it is two. Chief Bell states there has to be 25 men a day. If there are 25 men per day, the department can run every truck in the city. Moore explains the contract says that the trucks will run with three employees. This is a violation of the contract if he would allow it to run with two employees. Chief Bell states this is a minimum staffing level. Moore is reading right from Res. 10-18, which had a copy of the contract in it. It states for the safety of the citizens of Muncie, as well as the safety of the members of the Muncie Fire Department, any truck placed in service shall have a minimum of three paid, full-time suppression personnel. Chief Bell states that is true. What the Union has agreed to is to drop that number by one. There will still be, at least, 25 people per day. Moore explains that contract addendum would have to come before council and asks if he is in agreement with that. Chief bell states yes, if they change the minimum staffing, then yes. Moore is confused because Bell has already agreed to this. Chief Bell asks where Moore sees his name on that document. Moore states it is a contract addendum request from the city. Chief Bell is telling her that the fire department has not agreed to this in its entirety. Under Article 38, it talks about contracting out and it changes that section for contracting out to say "in accordance with the addendum agreement between the Union and the City, established on June 10, 2019, the city has the authorization to hire an administrative EMS Chief from outside the guidelines further to find in Article 38.1." Chief Bell states that is still a position they have. There is a Battalion Chief spot that is open that has been vacated and are going to choose to put someone in that position to do that job. It is not asking for one more man. They have 110 people which is the maximum. Moore asks that this EMS Chief will count

toward the 110 staffing. Chief Bell confirms. Moore was under the understanding that Rachel Clark (EMS Director) will not be a member of the Union or per going forward, which would reduce the staffing to 109. Chief Bell states it will not. Moore questions the fact that this person would be considered fire-suppression personnel and they are not fighting fires. Chief Bell did not say she would be a fire-suppressant, she would be the Chief in charge of EMS operations. Moore asks if that position has been created by the council. Chief Bell answers no and it does not need to be. The position already exists, the only thing that they have done is change the job description. Moore states if Chief Bell brings addendums to the council and they are approved, would the department finally put a fire truck at No. 1 fire station, as promised in The Star Press November 1, 2017 article which stated that fixing the floor would allow a fire truck to make runs from the downtown station again. Chief Bell confirms, they do have a rescue truck at the No. 1 fire station. Moore mentions it is not a fire suppression truck. Chief Bell states the department has not asked for anything since 2012, the department has not asked for one dime from the council other than what was approved for their budget. Marshall interjects stating there has to be some stability added to this conversation and if Moore is going to ask questions, she needs to let Bell answer and vice versa. Chief Bell comments the council mentioning how there is not a need for this, in which, he disagrees whole-heartedly. Before this was made into a political football, what they tried to do was help people they thought they could make things better for in this city. That is what each and every one of the council members should be trying to do, also. Chief Bell continues, there has never been a meeting with the police department over anything. The council never had a hearing when it came to a point in time where they decided to give each and every policeman in this city a car. Chief Bell looks at Powell and comments about her asking him how much insurance would be for two ambulances or four ambulances but never heard her ask the police department what theirs was going to be. He never heard her ask what the fuel cost was going to be for 106 police cars, either. Chief Bell can answer that question though, \$268,000. Marshall requests that Bell speak on behalf of the fire department, and not the police department. They do their duties as he does his. Questions about the fire department can be answered by Chief Bell and questions about the police department can be answered by Chief Winkle. Chief Bell is not finished and addresses Marshall stating it is unfair to not allow him continue his remarks claiming that Powell has stood up there and thrown every piece of information out there which the truth is totally, absolutely not. What he is trying to tell the council is when the city spends \$268,000 for the police department, no question. When the city decided to give the officers 106 police cars to take home, no question. When talked about the insurance, no question. There was discussion done overtime as well which Bell claims was a big deal for Powell. Overtime for the Muncie Fire Department for the last three years comes up to \$409,000. Overtime for the Muncie Police Department for the last three years comes up to \$1.3 million, yet nothing is ever said. The council chastises the department. Chief Bell does not care if the city loses \$50,000, but the program they are trying to do will save lives. Moore refers to the November 17th article and quotes Bell, "an engine will join the rescue vehicle at the station when rehabilitation is complete." Chief Bell replies they would have liked to put in an engine in there but the department has not hired anybody over and above the number that they have. To do that, they would have to hire somebody. What the department did say

was they were going to put a truck back in there and that is the rescue truck they have since put in there. Moore confirms that was running out of the back of the station before. Bell confirms, but it wasn't on a truck room bay. Moore clarifies it was before the bay was fixed. Marshall asks if Moore has any more questions in which she does not.

Councilperson Peters makes sure she understands all this information due to it being the first time she has seen it. She asks about the other person that was just hired was hired even though they are not a firefighter but will be paid in the firefighter's budget for next year. Chief Bell states it is now a contract and they have contracted employees throughout the city so it is done on a regular basis. If the department hires her in a different way and get that position over to the fire department, yes, but right now she is a contract employee.

Councilperson Powell wants to address some things that were said. Last year, the police department had 54,000 calls compared to the fire departments 7,000. It is apples and oranges. Both are under the umbrella of public safety but with the services that the fire department provides are different in nature and different in importance. With that, they fund the departments as they are needed. Chief Bell states being the fiscal body, the council should look at all the departments and everything. Someone from the audience shouts the question if Powell is saying the police department is more important than the fire department. Marshall asks that order be brought back to the discussion and take turns asking and answering questions. Powell addresses the take-home cars were actually through an agreement through MRC which the fire department also received fire trucks from. Chief Bell confirms they did but it was only one truck. Powell states both departments received vehicles which allow them to provide services to Muncie residents through the MRC. The police department is paying \$80,000 in vehicle leases and Powell believes the fire department is paying \$9,000. Bell confirms. Powell's questions then go to what both Bell and Councilperson Moore said pertaining to a certain amount of overtime and when that is due, they are done. Her question is what that means and asks when the department is out of overtime if they will no longer provide those EMS calls. Chief Bell states they do have the Center Township budget and set money aside to use to back-up their overtime. While Chief Bell is here, he asks if anyone on the council knows the percentage is for police and fire of the general fund budget. It is between 80% and 85%. For the city to have two people that have huge conflicts of interest sitting on the Finance Committee and that is Nora Powell and Denise Moore. Gregory cuts Bell off with a point of order. Bell asks if he can finish his point in which Gregory responds No. Powell has one more question and that is how talk about the minimum staffing level will not be increased if that means the department does not have enough people to show up at work that day to provide 25 on fire suppression. Chief Bell states they will then call someone in and will be collecting revenues for running the ambulance service so that money has to be counted along with the money set aside in that budget.

Marshall makes the regard to move on with tonight's agenda to the list of speakers that have signed up to talk. A gentleman, that never states his name, approaches the podium and asks to make a comment. Marshall states sure. He states this exchange between the council and the leadership of the fire department exemplifies the problem the citizens of Muncie have. Marshall states that is why

they are moving forward. He requests Marshall let him finish. Marshall refers to the sign-up sheet if the gentleman signed up to talk and the fact that there are people that did sign-up before him (note: this gentleman did not sign-up at all to speak) and asks if that is fair to those individuals. The gentleman claims this is why Marshall is in trouble with the community. Marshall understands his concerns and anger. The gentleman states Marshall does not care because Marshall hasn't let the gentleman state those concerns. Marshall will give him the chance but there are people that have signed-up before him to speak. It is not fair for the gentleman to jump in before all those other people. Marshall apologizes but is moving on to the list of speakers that have signed-up. The gentleman states they all should be ashamed of themselves.

Marshall indicates everyone will be given three minutes to speak and Moore will keep time.

Kristopher Bilbrey, Winchester, Indiana, states the documents he has present to the council detail actions and behaviors that are absolutely outrageous, just like this gentleman saying. These actions, taken by a member of council, along with a select group of officers from the Muncie City Police Department are inexcusable. The allegations of Powell weaponizing a select group of officers to attack or silence political criticism is not okay. Mr. Bilbrey is here on behalf of himself and many of the councils voting constituents to ask the council to condemn these actions and behaviors. He knows that they are not police, prosecutors or judges and is not asking them to assign guilt or blame, that is somebody else's job. Rather, he is asking them as a council to condemn these nasty actions and behavior and help restore a bit of faith in the council within the hearts and minds of Muncie citizens. He is asking the council to utilize every function of their capability and capacity as a duly elected City Counselor, so governed by the laws of the state and the ordinances of Delaware county and city of Muncie to fully investigate this matter and present findings to the citizens at the next council meeting. He asks that they censure Councilperson Powell for her role in this and at the very least remove her from all Standing Committees. Civil this course and debate and disagreement along with supporting and not-supporting various candidates is called campaigning. It is the very staple of our political system, a system in which they are all a part of. It has been said that politics is not for the faint of heart but what has happened here is not politics, it is cheap and dirty tricks. The Mayor, the Police Chief and various current candidates running for their own council seats have come out and are condemning these actions and behaviors. While he is on the record, he would like to ask the other council member or candidates to do the same. He also asks (and turns to face the audience) all of those in attendance tonight to stand up and support if they agree with what he is saying when he asks that President Marshall and the other council members to publicly condemn these actions and behavior. On May 28, 2019, during an interview, Powell was quoted as saying "corruption is present where politics are present." What an insight. Lastly, she also said "just the perception of corruption damages our community" and Mr. Bilbrey is here to say that, in this fact, perception is reality. Referring to Powell and after seeing and hearing all of this, Mr. Bilbrey asks her if she would resign her seat on the Muncie City Council today. Powell replies no. Mr. Bilbrey then asks if the rest of the

council, Ridenour, Anderson, Polk, Moore, Marshall, Gregory, Dishman and Peters will and do their job and investigate the actions he has presented his evening.

Councilperson Ridenour states he condemns. He does not know all the details but condemns any public official who knowingly does anything wrong or against the law and they should be held accountable and it should be investigated by the authorities. Councilperson Polk states the same thing, if it is found, then yes. President Marshall also agrees with Ridenour and Polk. Mr. Bilbrey states with his last 11 seconds, he would like to say there is a statement where a police officer noted where he was informed that Powell had been attacked, threatened or had problems with himself, yet there is not a police report on file. Mr. Bilbrey would say that is slander.

Erin Kinsella, 721 E. Washington St, thanks the council for this opportunity to speak. She begins by her reasoning for speaking before them tonight, which has everything to do with her family's journey in choosing Muncie to settle in and raise their children. They are not the traditional family from the city. It all began 12 years ago when they first began their professional journey in search of their final stop to raise their family and commit to a town that they felt would provide support for them all. They have traveled from northern Kentucky to South Carolina and now, Indiana. This was not easy. They bought and sold two homes along the way, even waiting two years to purchase their current home to sell the one in South Carolina. They researched areas nearby Muncie, Yorktown, Noblesville, Fishers, however, their concern was that they really wanted to live near a town where one of them worked. They committed to being near their work in South Carolina so they could invest in the town and grow to love being connected both professionally and personally. This created their desire to find a similar situation on their final stop. They took a leap of faith and bought a house last October in the heart of the city's historical district. With all of the children and one on the way, they found their forever home. She is sure many people know what that has felt like in one way or another. That place is just home. Settling here was an investment in faith for their future and a commitment to support the town with their hard-earned money. They basically spent their professional lifetime, as they know it, to come here. This process of learning about this recycling facility has been short of shocking and lacking in proper notices. She would be glad to provide with the context in the EPA guidelines about proper notices and hearing before the public so they could all collaborate to make the best decision for the community. This is a democracy and the community has a voice too. They committed to this city and deserve that respect. She was only able to obtain one notice in The Star Press, though the company's president indicated two. On the application, there are missing dates for the notice to the municipality. This cannot be and asks to please allow an opportunity to collaborate with fellow neighbors such as herself. The consequence of having a company like this here opens the door to others to follow. She wants to support industry but not like this and asks if the council can honestly say, with the choice that were made to bring this industry, that they have read and investigated and provided notice to the public, allowed input and reviewed the history and background of this facility proposal. She continues to ask if the council can look at her five-month old daughter who was born right here in Ball Memorial Hospital, that when she is ready to start kindergarten, she will be safe; when she is in middle school and when she is ready to leave for college. Do they believe that the

council (in their hearts) can say this to her, a citizen who invested an entire journey and settled on Muncie as the last stop, that they will be safe? If not, she implores the council to reconsider and bring this back to the table. She and we deserve that.

Audie Barber, 610 W. 11th St, thanks Mrs. Kinsella for her comments and expresses all these constituents out here are lined up all the way to the bank next door. The Council researched the EMS project a heck of a lot more than the recycling plant. The council all, everyone of them, out to be ashamed of themselves for allowing this to happen in the city of Muncie. It is not a fish farm now, it is a mercury recycling plant. That is uncalled for. They might as well call them and say let's make Muncie a nuclear waste site because that is exactly what the council is doing, every last one of them. All nine members should have that on their mind every night they go to sleep from this point on. Another thing, Mr. Barber can applaud people when they are right. He is investigated by the Muncie Police Department for no reason, whatsoever, and was accused of making threats to council people during meetings. He has police reports and information to back that up. Something needs to be done. This is crazy. Now, there are other people that are doing the same thing, checking to see how many times they have been run by the Muncie Police Department. It is illegal. Mr. Barber received a letter from the Indiana State Police stating it is a criminal crime for them to be doing what they are doing to their citizens of Muncie, Indiana. Period. For the council members to allow this to go on and ask that it happened or be shown the information that was provided by IDACS, is a crime. He continues claiming that laughing and smiling about it is so wrong when these are their constituents out here and asks why else these people would be here tonight. It is not because it is a nice evening and the air conditioner is working in the building. It is because of this crazy stuff that is going on and not being transparent. If the council can not be transparent, nobody else can be. They should be held to that and that is the reason there will be tort claims filed, probably this week, against the City of Muncie, City Council and also against Nora Powell.

Troy Tackett, 200 N. Hodson, states he owns many houses in this town. There are a few points he would like to make. One point is police officers or public servants are hired to serve and protect, not bully and harass. The city pays them to do a job which the city is taking away from that. They need to realize that the taxpayers are the authorities, not the other way around. He also wanted to touch base on the fire-based EMS program but believes Moore took care of that with Chief Bell. He will just let that hang. Regarding the factory at BorgWarner, he cannot say it any better than Mrs. Kinsella did. He has a business just two businesses down from that location, so he has a huge concern for his and his customers health, along with all of his friends in Yorktown. The Yorktown Town Council is heavily investigating this from what he has been told. The Muncie City Council might want to reinvestigate this as well. Mr. Tackett definitely implores the council to please make the right decision and do the right thing.

Jim Rybarczyk, County Road 300 East, states on June 27th, a city official asked him to review the permit application for this smelter project. Immediately, it was evident that it was withered with

sloppy science and just plain wrong statements. Mr. Rybarczyk came up with almost 200 problems and questions in a quick review. Contrary to the statements in The Star Press, the ultimate priority is not economic development, it is to protect the health, welfare and safety of the citizens of Muncie. What the council has approved protects no one and will almost certainly put citizens in serious jeopardy. On July 1st, at the very first citizen meeting, company representatives carefully and deliberately committed to the citizens of Muncie not once but three separate times that they were to capture all emissions. They were going to capture all the dust on the site and make sure there were no emissions from the facility. Not a little pollution, not an IDEM or EPA amount, but zero emissions. These public promises supersede and permit from IDEM. If there are no emissions in any way shape or form, then there is no need for an IDEM permit. This is one of the dirtiest, most potentially harmful industrial processes. It does not belong at the western gateway of a heavenly urban area. The other four sister smelters are located in isolated South Korea, desolate Turkey Mountains, in dusk forest downwind of a tiny town in rural Alabama and Monterrey, Mexico. Monterrey is one of the most heavily industrialized and polluted cities in Mexico with little to no regulatory controls. Mr. Rybarczyk asks if anyone saw the PBS program last Monday, 'Point of View.' It highlighted 16-year-old's from Monterrey, Mexico, tackling major environmental programs at the International Science Fair. The students knew they couldn't stop the industry or the pollution that was so bad but they could creatively reduce it by painting their houses with a special paint. That is how dirt-poor bad it is down there. Why would they want Monterrey in Muncie? Despite four similar smelters running for years, there is no accurate or real data presented at the July 1st meeting nor in the IDEM application. The council was handed out some documents and on page 1 of the application, it is not even correct. It states this site is in Mount Pleasant Township and Mount Pleasant Township schools. They don't even know where it is at. At least three times, this community has been presented a PowerPoint infomercial, one to this body, one to the chambers and on one on July 1st to citizens. The only technical slide in that presentation, in which the council has a copy of, shows that the two products of the project claim 65% iron and 35% zinc. Yet, if one was to go to the Alabama smelter's website, they list the two products as 62% zinc and 39% iron, which is totally backwards.

Due to his three minutes expiring, Marshall thanks Mr. Rybarczyk for his comments. Someone from the audience shouts "let him talk!" as the entire audience follows to chant, "let him talk! Let him talk!" President Marshall then declares the meeting adjourned. The audience starts booing and shouting "no!" as many people start talking and yelling at once. Marshall and Gregory leave the auditorium under the impression of the adjourned meeting. There are several minutes that go by where there is inapplicable banter back and forth between the remaining present council members and the public.

Councilperson Powell slams the council gavel to bring order and requests everyone to have a seat. She is the Vice-President and is taking action to continue to hear the people that have signed up to speak. The council is going to ask that people adhere to the three-minute rule.

Attorney Joseph Hunter states the council rule is three minutes. If a person is not going to abide by it then he is going to advise the council to adjourn this meeting. Someone from the audience asks if this is will still be on the record and the council confirms. Hunter states if the citizens are not going to adhere to the council rules, then there would need to be a motion to adjourn the meeting. Powell states the rules are they allow people three minutes to talk and Moore is going to keep time.

Deborah King-Eichholz, 2006 Daly Ave, comes here tonight because the constituents see the community leaders, but the community leaders do not see the constituents, except during campaign season. As expected and feared, the campaign slogans the citizens have seen and heard for years are just that, slogans, not actions for and with the people of this beleaguered city. They have not worked together, except for a chosen few and that is often behind closed doors. The citizens voices have had no volume. The community simply provides the funding for certain decisions in which, they have had no real input nor impact; they did however, get the bills. Respectfully, much of the blame lies with the community, as voter turnout has been abysmally low. Thus, their voices should have translated into votes that have been lost. During the recent conversation with a young man who strongly voiced his opinion of politics and politicians, it occurred to her that his thoughts weren't all that different from older citizens that have lived here for many years and who have become (overtime) frustrated and demoralized. This is a city that has used it to its advantage and for that she looks at the council and holds them accountable. When good law-abiding citizens, who hope, expect and dream of a better local government lose that hope and begin to fear and lose their trust in their local government, this city suffers. It is suffering now. Those that instill that fear, will profit in various ways. For this, she holds them and the administration in pure and absolute contempt and is sure she is not alone in that regard. She hopes the shadows will lift and people will find their voices and use them in November. The citizens deserve better and the current council does not deserve the seats they now hold. To Gregory, Polk and Ridenour, thank you for hearing them and trying to serve the people they represent. Those three have kept their oath and word to the people, even as they were playing against a stacked deck, stacked not for the greater good of this city, but for personal ambition, greed and gain. They tried and she thanks them.

Joshua Arthur, 1520 S. Jefferson St, thanks the remaining council members for keeping to the rules even though it is a difficult evening. He is a Pastor at United Methodist Church and thinks everyone can come to the agreement of asking the remaining council members to admit that there was a mistake made. In his life, when he has made a mistake, he finds the sooner he takes responsibility for it, the sooner he apologizes, the better it goes for him and those he has harmed. Mr. Arthur is asking the council to do the same. Please recognize that the City Council meeting postings are inadequate and to please tell the community that they do not want Muncie to be the leader in the United States in airborne mercury emissions and near the top in lead. Mr. Arthur gets it. A green holding company selects one of our many brownfields to recycle industrial byproducts resulting in a saleable product. It is billed as a recycling project where the use of the railroad would come into play and that seems like a win-win. There are hundreds of people here tonight that Mr. Arthur invited through Facebook,

because they feel betrayed. It is unfortunate that council members have been responding to concerns personally, by telling constituents that the issue is done and out of their hands. Mr. Arthur does not believe that to be, according to the rules. There can be an ordinance to rescind and vote no. whether the codes of IDEM permit or do not permit certain levels of certain emissions, is irrelevant to our moral duty of protecting the people of the city of Muncie. Heritage Environmental invited him to their corporate offices this morning and they talked for two and a half hours. He also met with their Attorney, Chemists and a Public Relations Director. As conversation went on, they spoke more openly and frankly concerning the workforce in Muncie, the technical process that produces the emissions, human health standards and more. It was very humanizing for him and it was humanizing for them. There was a lot of respect in that room and it was good to be face to face. He told them that the community is scared to death and their facility could cause an exodus of those who are mobile. But, clean air, water, soil, rains and nervous systems are more important to us than a few jobs. The future of Muncie is not in hazardous waste. Can one imagine what potential Ball State students parents would do? Their son or daughter would come to Ball State for four years and be exposed to the highest levels of airborne mercury in the United States. Professors and medical doctors living here will move to surrounding counties. He hopes that the City Council does not complete the exodus of many to Hamilton County. Can one imagine when Yorktown finds out and how many houses will be for sale? Powell states that Mr. Arthur's three minutes are up. He finishes by asking the council to make a statement, at some point and on the record, regarding mercury and lead for the project.

Councilperson Moore asks that Chief Winkle approach the podium. Since it was brought up in previous comments, she asks if the Muncie Police Department conducted an investigation on the allegations that has been brought forth this evening by Mr. Bilbrey and Mr. Barber. Chief Winkle answers yes, they were made aware by John Carmen, who is the Indiana State Police coordinator for the NCIC IDACS which information is ran on a national level. Mr. Carmen advised that there were three or four occasions where those two names were ran and there was not a criminal investigation going on, which is a requirement. A criminal investigation could mean a traffic stop or anything along those lines. A couple of those searches were, in fact, on legitimate car stops but two or three of them were from people who ran their names to (he thinks) find out who they were and if there were warrants on them. That is a clear violation, which they have spoke to those individuals and sent out a training memo to the entire department on what they can and cannot do. That was pretty much the end of it. Moore asks in their investigation, was it found that Councilperson Powell was involved in any way shape or form. Chief Winkle states as far as running of the information, no, one of the persons involved was her son and assumes he did that because he felt there was an issue with Mr. Barber and her. Another was an officer that came to the City Council meeting, he believes it was last month or the month before, where Chief Winkle had asked one of his sergeants to stick around and he called for a car (almost as a precautionary action), that gentleman also ran their information. All the individuals involved have been advised what the IDACS requires, like he had earlier mentioned, everyone received a training memo to make sure they know when they can and can not run those individuals. Moore asks if Chief Winkle believes that Powell asked the officers to do this. Chief Winkle

responds, that is not what they were told so he can not answer that. Although, at no time was it ever mentioned to him that Powell asked them nor did Winkle ask them to run it. They did so (he believes) to find out more about them and that can not be done unless there is a criminal investigation. Moore asks if Winkle does not think Powell has had direct knowledge or directed them to do so. Chief Winkles states no, not that he was made aware of. Mr. Barber tries to ask Chief Winkle if Councilperson Powell had stated they he had threatened her. Chief Winkle states he was made aware that Powell went to an MPD investigator requesting to know if, in fact, she needed to or should have a protective order in place. She chose not to follow through with it and the last he heard of it.

A woman in the audience (name or address was never stated) shouts out inquiring if they will get the chance to hear, individually from the council, their input on the recycling plant (Waelz). Powell informs her that they are in the middle of the list of speakers that came up and signed-up to talk. They want to hear what everyone has to say, first.

Mary Stilts, 712 S. Burlington Dr, has been a voter in Muncie for 42 years. She has always tried to vote for the person that is the best fit, on both sides of the ticket, referring to many of the council members. She has supported several council members and cannot support anymore because of the falsehoods and accusations. The main issue Ms. Stilts has is with Councilperson Powell and she expresses how disappointed she is in her and how she busted her butt for her. Stilts talked so highly of Powell yet Powell is an embarrassment to the citizens of Muncie. Powell, as a person, is a sweet person, just not a good person, therefore, not a good candidate anymore. Powell requests that there be no personal attacks during these discussions. Stilts states she likes Powell, as a person and thinks she is a nice person but she is not a good city council member anymore. We need to do something and fix Muncie. If that means changing all the people that are on council, all the people on the administration, then so be it. Muncie is tired of being run around. Every person in this building is tired of the garbage that comes from the leadership and the corruption from the top all the way down. If the council members are stand-up and doing what they should be doing, they need to work hard with the rest of the voters here because otherwise, they are not going to be there when the citizens vote in November.

Kathy Bland, 6104 W. Bethel Ave, was told not to speak tonight but feels that since there is so many people here that she needs to say what she has on her mind. She also received, on August 2nd, a letter from the Indiana State Police that they had conducted research and basically reached out to agencies who inquired her information also. She feels that information was taken because of Powell, and the fact Bland spoke with three council members, along with the Mayor, about the corruption going on at the Muncie Animal Shelter since last January. Bland states she was the individual that made the call to the Mayor when an individual was let go. She has told him and all of the council members things that are going on and spoke with Gregory (who is no longer present) last week about the cat situation and basically said in her words, "I don't give a crap if all the cats die, we have children dying in this community." Bland was not trying to tell her the shelter needed more money, she was trying to tell

her that she needs to go look and see what the money from that budget is going to. She is aware the council members are not “policemen” and has informed them all that she has spoke to the FBI in which she has never tried to hide (they have all her information). She asks if the council has even discussed it amongst each other because she doesn’t believe they have. Each one she has contacted has not said a word to any of the other people. She knows that Chief Winkle was informed, officer Ron Locke was informed, and another detective was supposed to come talk to them and the Mayor stopped all that. She asks the people if they realize that the Mayor is in charge of everything. If someone wants to commit a crime and the Mayor does not want them prosecuted, it is not going to happen. Bland is so ashamed and disgusted and ashamed to even say that she lives in this city. She came to Powell because of her position on the Finance Committee and thought she would be most concerned. Bland claims she has proof that money is missing, proof and many witnesses that dead animals were taken out and thrown into the yard of a wife’s boyfriend. That is disgusting, should have never has happened and this person should be prosecuted. If it was any other person besides the godfather of the Mayor’s grandchildren, they would be convicted.

Forrest Bowers, 1209 N. Brentwood Ln, has been to many council meetings and had outwardly and covertly cheered with other members of this community. He thinks this council is one of the most disgusting City Councils’ to ever represent the city of Muncie. There are a few exceptions. What really disturbs him is not long ago, about nine months or so, he asked the city attorney why the council did not operate under Robert’s Rules of Order, who informed him that Muncie City Council had its own Rules of Order. One of his questions, recently, is why the council would not consider an ordinance or a motion so they can address a wrong that was made. The president of this council had stated in the paper publicly that he had everything in the world that bothered him and collected information on this new smelter plant. The two words that he left out were health and safety of the citizens of Muncie, Indiana. Mr. Bowers is an older person with grandchildren along with many other citizens that have children or grandchildren. Mr. Bowers has children that attend Ball State University. He is concerned for the future of this community and was only hoping that they would have a city council that had foresight to look in the future as to what it meant to serve the citizens of Muncie. Unfortunately, all the young people here think that they can change the city council, well good luck because most of them are running for office unopposed. How can they change anything, if they are not opposed? Mr. Bowers closes with a thank you and god bless.

Councilperson Polk, has a 22-year old son that just graduated from Ball State University in May of this year. He is now employed by Ontario Systems, in Muncie, and is wanting to continue to stay here in Muncie. Polk quotes a text from his son saying, “do whatever you can to pull the plug on this new facility. If I am going to start a career and family in Muncie, I can’t have that health risk.” A motion is made by Polk and seconded by Ridenour to send Ordinance 18-19 (Waelz Project) to the Government Administration Committee to study and go forward with. If they need to rescind the ordinance and write a new ordinance, then so be it. The committee is chaired by Moore along with

Peters and Powell. Polk expresses to have a meeting where they take public input and he would like to see as many people as present tonight to come back for that meeting.

A roll call vote showed 7 yeas, 1 abstain (Moore) and 2 absent (Marshall and Gregory). MOTION CARRIED.

During the vote, Jim Rybarczyk approaches the podium and comments since this is about science and technology, if the council could please have a scientist there to review it too and not just the three committee members. It has nothing against the council members but just to have someone there that knows what they are doing in looking at this. Powell informs him that the committee doesn't dive right into it, they just hold the meetings and can invite anyone that needs to speak to do so. He goes on to state that people of Franklin and Johnson County trusted IDEM and EPA and there are 79 pediatric cancer cases there. Powell states that will go to the committee.

Polk has one comment and something the council might look at is not only getting those professionals in there, but also Ball State President is looking at getting some specialists in which maybe the city can reach out to Ball State for their chemists and scientists to bring them here as well.

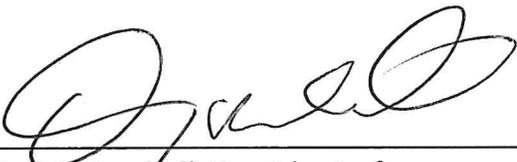
Powell declares having heard everyone speak, they will now adjourn the meeting. The chairman of the Government Administration Committee will get in touch with whomever needs to come and address that.

The same woman in the audience that yelled out before Mary Stilts spoke, does so again in questioning what the rest of the council thinks about the recycling plant. Councilperson Ridenour had expressed earlier on his Facebook page that he was going to do the same thing that Polk did tonight, and that was to make a motion to send it to committee, which is why he seconded the motion.

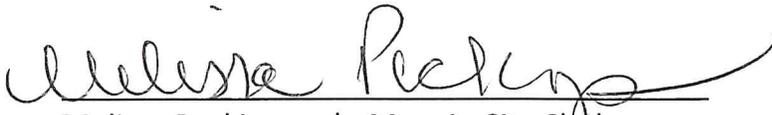
The same gentleman that tried to speak to President Marshall at the beginning of the public comment part of the meeting tries to address the council, again. Powell states if she lets him talk, she will have to start the process all over again. He did not, at all, sign-up to speak. He refers to her comment a few moments ago stating that everyone that wanted to speak, got to and that is not true. Powell disagrees and states what was said was that they were going to finish the list of speakers that have signed-up to talk. This gentleman never signed up to speak, yet, does not understand.

ADJOURNMENT:

A motion was made by Powell and seconded by Peters to Adjourn. ADJOURNED.



Doug Marshall, President of
The Muncie Common Council



Melissa Peckinpaugh, Muncie City Clerk
of the Muncie Common Council