

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

MONDAY, SEPTEMBER 9, 2019

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

Marshall opens the floor for Reading Clerk nominations.

A motion is made by Ridneour and seconded to nominate Brad Polk as Reading Clerk.

A roll call vote showed 8 yeas, 1 abstain (Polk). MOTION CARRIED.

Brad Polk is declared reading Clerk.

ORD. 29-19 AN ADDITIONAL APPROPRIATION ORDINANCE. (PARKS DEPT)

Kevin Nemyer, City Controller, explains this is an additional appropriation by the Parks department to buy some mowers at \$75,000 total.

ORD. 30-19 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 2020.

Kevin Nemyer, City Controller, explains that is the civil employee salary ordinance for 2020.

ORD. 31-19 AN ORDINANCE FIXING THE SALARY FOR THE CITY CLERK OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

No public comment made.

ORD. 32-19 AN ORDINANCE FIXING THE SALARY FOR THE CITY JUDGE OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

No public comment made.

ORD. 33-19 AN ORDINANCE FIXING THE SALARY FOR ELECTED OFFICIALS OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

No public comment made.

ORD. 34-19 AN ORDINANCE FIXING THE SALARY FOR THE MAYOR OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

No public comment made.

ORD. 35-19 AN ORDINANCE FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE FIRE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

No public comment made.

ORD. 36-19 AN ORDINANCE AMENDING ORD. 8-19 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE POLICE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

No public comment made.

ORD. 37-19 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR THE YEAR 2020. (CITY OF MUNCIE BUDGET)

No public comment made.

ORD. 38-19 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR THE YEAR 2020. (MUNCIE SANITARY DISTRICT BUDGET)

No public comment made.

ORD. 39-19 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR THE YEAR 2020. (MITS BUDGET)

Rick Yencer, 3100 N. 500 West, has business interests in Muncie and is here (again) to ask the government to provide Sunday service for people in need and those that do not have a way. He has noticed lately that the bus system freely gives away rides but they are still not serving the poor and people that just do not have a way. You only have to look down the road to Bloomington (where they do have Sunday service) along with IndyGo. Again, looking at how much is being spent on public transportation, it wouldn't be that much to have a couple express routes on Sunday.

ORD. 41-19 AN ADDITIONAL APPROPRIATION ORDINANCE. (MPD)

Kevin Nemyer, City Controller, states this is an additional appropriation by the Muncie Police Department for vehicle repair.

Mike Sullivan, 2615 W. Purdue, makes a point of clarification because at times he thinks he can be an idiot. He is assuming all of these ordinances have been read by council,

understood, approved and are bring run through a formality of some kind. He feels stupid sitting here and going through all of these ordinances and him having no idea in what they are. He is putting his trust in the council that they have read all of them and they approve them. Marshall explains the public hearing is just a chance for the council to take public comment so the public can speak on ordinances. The council just listens to the concerns. Mr. Sullivan makes sure that nothing has yet been approved. The council confirms no, not yet. Marshall apologizes for the confusion.

A motion is made by Powell and seconded by Polk to close the Public Hearing. An all-in-favor vote showed 9 yeas and 0 nays. MEETING ADJOURNED.

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Polk.

INVOCATION: Given by Elder Michael Long of Halal Kingdom Ministries, Inc.

CITIZEN RECOGNITION: Councilperson Gregory states when President Marshall was elected to council, he started the tradition that all the members enjoy. She enjoys it for a number of reasons but first of all, they get to recognize people who you every day, humble, ordinary person that may live next door, down the street, or serves on a committee with you or goes to your church, that quietly does good things being a good citizen. The other part she likes about it, is when she can pull off a surprise and she managed to do that this time. It took some conniving, which she is pretty good at. The honoree came this evening because she asked him to come and bring his family because after the meeting last month when it was rather contentious, she felt like she needed the support of friends that she could look and see. Low and behold, Charlie Richmond and his family came.

Charles Richmond was working at Warner Gear in the early 1950's and it was quite common for workers then to be out of work for periods of time, so on one of those occasions, Mr. Richmond managed to find work at the City Parks Department. Gregory asks how many (are old enough to) remember when McCulloch and Heekin Parks had caged animals, bears, peacocks and the like. Well, his first assignment was caring for the monkeys, an unlikely beginning for a career in public service. Gregory doesn't want to say that there are still monkeys out there but there may be.

He joined the Muncie Police Department in 1958 as a parking meter enforcement officer. He was promoted through the ranks and became Deputy Chief of the uniform

division. After retiring from MPD, Mr. Richmond served as bailiff for Superior Court Judge Robert Barnett. His next appointment was by the Delaware County Prosecutor to head the family support division which was in charge of enforcement and collection of child support payments. He was credited with increasing the collections of delinquent child support four-fold and he initiated computerizing their files.

The Delaware County Commissioners named Charles director of Emergency Management Services where he modernized equipment, improved personnel qualifications and initiated the construction of the current EMS facility.

Charles was named director of the County's initial 911 Call Center where he hired new personnel, equipped the new center and coordinated the local, state and federal telecommunications agencies. In this position, he integrated all seven county law enforcement agencies, nine fire departments and five ambulance services with dispatch centers all under one umbrella. He coordinated with the telephone company to link calls and addresses of the callers to the center. Charles was tasked with obtaining radio frequencies from the federal government and coordinated the selection of a radio vendor to make 911 communications with all emergency agencies compatible.

When he retired in 1988, a letter to the editor appeared from DCEMS employees praising his leadership of the organization and for being their friend through difficult times. Mr. Richmond was called out of retirement to lead 911 a second time and resolve some personnel issues. After successfully accomplishing order, he permanently retired from public service. Gregory recognizes Charles E. Richmond for a lifetime of loyal public service. Normally, the honoree gets a plaque with their name and date on it but she will have to get it to him at a later time. He is, however, still being honored.

Mr. Richmond, with tears in his eyes, says the only thing he wants to say is that Muncie and Delaware County has been good to him.

Jeff Robinson, 1812 N. Riley Rd, is here on behalf of Muncie Bridge Dinner Planning Committee to invite everyone to come out next Thursday, September 19th from 5:30 to 7:30 PM. As it may be aware, they closed down the Washington Street Bridge that evening for a community get together. There are food trucks some local brewery's as well as some local vendors who sell Muncie Centric (t-shirts and artwork). He also asks the council invite their constituents out to join. This is a community-wide event and free to come, although, you will have to purchase your own food. They are thrilled to be able to host this event for the community and bring all these people together. He believes every year, they have about 700-800 people show up. It is really neat. Everyone is smiling, happy to see on another and making new friends. It really is what community is all about. He asks everyone to come and help spread the word as well as anyone in the

audience or watching the live-stream at home. Mr. Robertson closes by thanking the council for their time.

ROLL CALL:	PRESENT	ABSENT
John Hampton	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 Powell to Approve the Minutes from August 5, 2019.
A roll call vote showed 9 yeas and 0 nays. MINUTES APPROVED.

COMMITTEE REPORTS: Powell states the Finance Committee met today at 7:00 PM and received information from the Muncie Land Bank. They will be sending documents to all members of the council regarding the proposal that they have. The Finance Committee will also be planning their meetings to start getting into the 2020 proposed budget. In the future, they will alert people through the standard ways of letting the Clerk’s office know but also putting notice out of the city’s Facebook page and other social media sites, as well as contacting the newspaper. Information for those meetings will be going out shortly.

ORDINANCES PREVIOUSLY INTRODUCED:

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 Polk and seconded by Powell to Adopt.
Maura Hoff, DeFur Voran 400 S. Walnut St. Muncie, states this will be the 5th public meeting where discussion of this project has taken place so she believes most is familiar with it. Out of respect for Councilperson Hampton, who was not here for those first four, she will elaborate as much as he would like if he would just let her now what he

needs to know. Previously, the alley was vacated that ran through the center of the block being discussed that is planked by Jackson, Main, Celia and Cole. Past that block is zoned Business Variety and half that block is zoned R-4 (Residence). For the purposes of redeveloping the block, they would ask that it all be zoned Business Variety so they can have some consistent development standards across that block. Last meeting, it was asked if the people involved in the project could be here to potentially answer questions the council may have; Glen Barber, Balance Holdings, is here as well as Peter Florio, one of his main investors and Jennifer Dale, property manager for Ball Memorial Hospital, if any of the council members have questions.

Gregory comments on the article in the newspaper being very interesting and she thinks this operation has a lot of potential and could be the beginning of some rather neat things. Hoff states it could really be a landmark development copied nationwide.

Gregory asks how many employees the facility will have once it is up and running. Hoff answers 40 to 50.

Glen Barber, Balance Holdings, Inc. 3701 N. Briarwood, Muncie, is looking at employing about 40 to 50 people in the actual facility with 10- to 15 full-time and the remaining part-time (students at Ball State).

Audie Barber, who is no relation to the previous Glen Barber, states he does not have a problem with these aquaponics, or whatever they are calling them, or farmacies (as the newspaper stated) but he hopes the council has researched this well enough so that it is not going to be an issue like the other things brought up in the past that did become an issue. He would like to see this in action and being a graduate of Wapahani High School, it was brought to his attention there is one in Wapahani so he will have to go look at it. Basically, he is not against this but he wants the council to do their due diligence and research this to make sure this is a good fit for the city of Muncie. All of the other ordinances do not allow farming in Muncie but this is going to be a farm according to the exact newspaper article that Gregory quoted. Questions called.

A roll call vote showed 8 yeas and 1 nay (Marshall). ADOPTED.

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 Polk and seconded by Powell to Adopt.

Kevin Nemyer, City Controller, states this is the second reading of the ordinance to refinance the park bonds with a savings of about \$90,000.

Ridneour wants to confirm what was said last month and that is that it does not extend the term. Nemyer confirms, it does not extend the term and just cuts it right off at the interest. Questions called.

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

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 Polk and seconded by Powell to Adopt.

Kevin Nemyer, City Controller, states the person being paid by this is paid by a grant. The grant, however, changed its terms, slightly, cutting the hours down. She is being paid the same amount but since the hours are down, the per-hour rate went up and this is just making the salary ordinance correct. The position is Domestic Violence Coordinator.

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

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 Polk and seconded by Gregory to Adopt as Amended.

Kevin Nemyer, City Controller, explains this is the ordinance for his employee's salary increase.

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

NEW ORDINANCES:

ORD. 29-19 AN ADDITIONAL APPROPRIATION ORDINANCE. (PARKS DEPT)

A motion is made by Polk and seconded by Gregory to Introduce.

Kevin Nemyer, City Controller, states this is an additional appropriation for the Parks department. They need some new mowers at \$65,000 and received three bids and decided to go with the bid that matched their specs that was the lowest. They also need \$10,000 for repairs of existing equipment.

Gregory asks where this money will come from and why the council is appropriating it. It was not in the budget that was passed last October. Nemyer states the money will come from the cash accounts, corporate account. It will be added to the Parks 2019 budget.

Gregory confirms it is not new money coming in from some another source. Nemyer states no. Gregory then asks if it is General Fund monies. Nemyer states it could be, it is just in the cash account now but it will mean \$75,000 less in available cash.

Powell confirms this will be coming from the General Fund. Nemyer answers no, it will be coming out of the cash account but it is the Park Fund. It will not impact the General Fund. It will, however, effect the cash account. Questions called.

Jeff Robinson, 1812 N. Riley Rd. asks if the money is for new mowers of general equipment. He refers to the \$65,000 for new equipment and asks if that is new equipment mowers and is the \$10,000 for repairing existing mowers. Reason he asks with it being so late in the season, if it is possible to get away with fixing and repairing those mowers without purchasing new. Nemyer states that he cannot answer that and that is a question for the Parks Superintendent. Nemyer is just the only one that knows how to write an additional appropriation ordinance. Gregory asks if the Superintendent could be here at the next meeting since they will take action to adopt. Nemyer will make sure he is here. Questions called.

Anitra Davis, 908 E. 9th St., states that Heekin Park had some trees cut down maybe five or so years ago and those trees are still lying there. The dead trees are growing poison ivy, children are crawling on them and they just need to be moved. She is hoping that there is some funding available to remove it because it has been like five years.

Ridneour would appreciate if Nemyer could ask a few more questions as well and asks if there is any chance that they could look at a lease. He also would like to know how many pieces of equipment this is. Nemyer states the details he does not know. He had expected the Park Superintendent or Prairie Creek Supervisor to be here to answer these questions because he does not know.

Anderson recalls last time they made a large purchase like this, Small Engine Warehouse, where they got a lot of mowers and it does not seem like it was that long ago. He believes they should have had a six or seven-year warranty on them and wonders if some of those that are torn-up are still under warranty versus the new ones that are intended to be purchased. The question is, the Parks Superintendent has recently changed and the council needs to ask that new individual what the department specifically needs. Anderson agrees that it is too late in the season.

Andrew Popp, 2404 N. Highwood Ave. Muncie, has questions in line with Anderson regarding it being too late in the season. If the council pushes the vote for adoption to next meeting, that means the fund would not come out until early October. That would mean they are another month into the season and have probably cut the grass three times with \$65,000 worth of mowers and \$10,000 worth of mower repair. Popp asks if that is correct because does not understand buying \$65,000 worth of lawn mowers in

October. Once that money is approved, he asks what the timeline would be for actually purchasing those, assuming it is not same day purchase and delivery. Popp and asks how many times they would actually be used before the citizens of Muncie break out the snow shovels.

Peters (very quietly, almost inaudible) suggests to Table this ordinance and wait on some answers to find out exactly what is going on. Gregory states if the superintendent does not appear at the next meeting and they get satisfactorily, the council can Table it at that point. Peters (again very quietly) is okay with voting to Introduce tonight but along with everyone else, thinks it is late in the season and that is a lot of money. Marshall clarifies to the public that the council will get answers from the Superintendent before it gets passed.

Popp has another question about where the money is coming from. At one point, it was asked if Parks were or weren't a part of the budget and then there is a Corporate Fund along with a Cash Fund and Popp is not super educated on where that money is coming from. He asks if it is actually a part of the budget that was previously approved or if it is other money. Basically, he does not understand where the money is coming from.

Nemyer states as far as he knows, these are the cheapest prices to purchase these mowers for. The worst time to be buying mowers would be in the spring. Maybe this is the end of their fiscal year sale but he does not want to second guess somebody that does their job. The budget works like this, there is money in the bank account, cash, corporate, there are several accounts, with quite a bit of money. The city is not free to spend that money as it wants. Instead, a budget is put in place and submitted to tell the tax payers what is going to be done with that money. Now, there is a department that wants to spend extra money so this requires, not an appropriation, but an additional appropriation. This additional appropriation would be \$75,000 more that will come out of the cash. Questions called.

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

ORD. 30-19 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 2020.

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

Kevin Nemyer, City Controller, explains this is the salary ordinance for civil employees. It includes a 2% raise per contract.

Powell asks if Nemyer double checked all those figures to make sure that the 2% was the maximum that was put in the salary ordinance. Nemyer states he did. Powell thanks him.

Gregory believes the ones that were just authorized for 2019 do not jive with these salaries, the Investment Clerk, Payroll Administrator and Accounts Payable Clerk. Nemyer states he will double check that but he thinks they are correct because he recalls checking those several times. Gregory asks if it includes the 2%. Nemyer believes it does. Gregory states the council just approved \$18.20, \$17.90 and \$17.92 and in this ordinance, it states \$16.80 and \$16.51 so something doesn't line up. Nemyer clarifies that Gregory is talking about the actual verbiage of the ordinance. He did not combine the Sanitary District money with the city money. He told the council before that he thought it might be a better idea to do that but on the third thought, he thought he better not, therefore, he kept it separate. Gregory states it still does not match up with what the council just approved for 2019. Powell asks if the salary ordinance would include that Sanitary District money. Nemyer answers no. Powell asks if what is in the ordinance would include what the appropriate for the hourly minus the Sanitation District's contribution. Nemyer states that is right.

Gregory explains what the council just approved for the Investment Clerk was \$18.20 an hour including the \$1.73. Gregory states \$1.73 from \$18.20 is not \$16.80. Nemyer asks if they have the current salary ordinance. Gregory clarifies the one that was just modified 20 minutes ago. Nemyer states no, the 2019 ordinance. Gregory says it was just amended to \$18.20 which included \$1.73. Gregory restates \$1.73 from \$18.20 is not \$16.80. The confusion is the \$16.80 which is the 2% increase over the \$16.47. Gregory understands now. Nemyer adds that they added in the Sanitary District fund.

Ridneour wants to clarify because under Controller, it says bi-weekly plus \$3.60 hourly. Nemyer states that is the agreement as it stands now. Ridenour confirms Nemyers position is the one because earlier someone had asked if these all incorporated that, all but his salary. Ridneour continues Nemyers says plus \$3.60, none of the others say and pluses. Nemyer states his still says plus the Sanitary District money and he did say at the last meeting that those should be combined but he had second and third thoughts because it would be easier to separate them. The council may have received an updated document but that is Nemyer's fault.

Gregory asks if it adds up to 26 or 27 pays. Nemyer states 26. Gregory asks for all of them. Nemyer states yes, they only have 26 and he has double-checked that. Gregory is going to do the math and make sure. Questions called.

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

ORD. 31-19 AN ORDINANCE FIXING THE SALARY FOR THE CITY CLERK OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

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

Kevin Nemyer, City Controller, states this is the City Clerk salary with a 2% increase but the current City Clerk informed him that she does not want to accept that raise. He adds the comment that there hasn't been an election yet so he is not for sure if she will be the one taking the raise. The city can, however, pay less than that amount.

Attorney Hunter informs the council that it cannot be lower than the previous year.

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

ORD. 32-19 AN ORDINANCE FIXING THE SALARY FOR THE CITY JUDGE OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

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

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

ORD. 33-19 AN ORDINANCE FIXING THE SALARY FOR ELECTED OFFICIALS OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

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

Gregory explains that (so the public knows) there are no 2% raises in this salary for the council.

Anderson add that in fact, for the last nine years there has never been a raise on the City Council. Gregory and Polk both add the fact that it has actually been longer than that. Anderson jokes that he wants one now. Ridneour jokes back that he should have ran for office. Anderson finishes up by stating that they do take this seriously and if there is anyone that has to be frugal about the money, it would have to be the council. They have never had a raise.

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

ORD. 34-19 AN ORDINANCE FIXING THE SALARY FOR THE MAYOR OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

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

Polk asks if this includes the 2% raise. Nemyer confirms.

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

ORD. 35-19 AN ORDINANCE FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE FIRE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

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

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

ORD. 36-19 AN ORDINANCE AMENDING ORD. 8-19 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE POLICE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2020.

A motion is made by Polk (with no one seconded) to Introduce.

Andrew Popp, 2404 N. Highwood Ave. Muncie, understands this was through contract negotiations and all but asks what the raise was that was given to MPD this year. The council confirms it was 2%. Popp points out that the council just voted to introduce the passing of pay raises for several departments and he understands the city is operating on a deficit, as far as looking at the budget. He does express the importance with sees it every day, working the Delaware County Jail, new faces and people constantly inflowing and outflowing. The Muncie Police Department is a horribly paid department. They are very, very underpaid as a group and Popp understands there aren't enough tax dollars to go around for everyone. The department struggles with retention and gets used as a recruiting ground for other departments (for people who are getting their time and feet in law enforcement and then leaving). Popp wants to make it clear and will be at future meetings to make sure this gets pushed through that if the city is giving 2% raises to everybody else then, with how underpaid MPD is, they should be getting 5%, 6%, 7%, 8% to ration this training. They are horribly understaffed, horribly paid and being picked apart from other agencies that they can drive twenty minutes to and get a \$10,000 to \$20,000 pay raise. That needs to be very clear that they can drive thirty minutes and get a pay raise. A lot of police work is loving your community and wanting to do a better part and help the area. Muncie has its issues and so does everywhere else but Fishers isn't dealing with overdoses every single night and they are getting \$70,000 to \$80,000 a year as a starting base. That needs to be addressed. If we are going to give other departments 2% pay raises, we need to really look into hiking pay for MPD. Their retirement is horrible, in comparison, their pay is not good and Popp asks that the council please address this.

Sarah Beach, Personnel Director for the City of Muncie, addresses what the previous speaker, Popp, just said. The raises that are before council right now were negotiated in contracts at least two years ago. They have to be cautious because all of these different entities within the city have Collecting Bargaining Agreements that have to be honored. Part of the CBA state that when you give one entity a raise, you have to give the other entities the same raise. She understands what he is saying but if we give MPD a 5%, 6%,

7%, 8% raise, we are going to have to give it to everybody else. She is just making sure that is understood.

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

ORD. 37-19 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR THE YEAR 2020. (CITY OF MUNCIE BUDGET)

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

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

ORD. 38-19 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR THE YEAR 2020. (MUNCIE SANITARY DISTRICT BUDGET)

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

Ridneour refers to Salaries & Wages 411021, under Sanitary General 275-77 that gives a total figure and he was just curious how many employees that covers.

Deanna Cox, Financial Manager for the Muncie Sanitary District does not know that information off the top of her head and will have to look it up. Ridneour states that is something he would like to know. Also, there is \$350,000 for Repair & Maintenance of Equipment 421033 but it says Office Supplies under the Sub-Category. That seem like a large amount for Office Supplies, Repair & Maintenance of Equipment. This all under Category 8201. Cox replies it is because of the fund number, they all categorize Office Supplies but it has different line items. Ridenour would just like a clarification since it does say Office Supplies. There is a \$50,000 (422133), a \$15,000 (421025), a \$300,000 (422021), a \$55,000 (422023), a \$350,000 (421033) and a \$10,000 (421011) all under Office Supplies. Gregory jokes that is a lot of paper. Cox states it is just because the fund (inaudible) the whole thing is under 5. Ridenour just wants to know what the \$350,000 is. Cox states that is typically for Repair & Maintenance of the actual Sanitation equipment, vehicles. Ridneour confirms that is for vehicle repairs. Cox states yes.

Ridenour was also curious about Disposal Services 435051. He assumes there is a contract on that of \$2,597,500 and curious how often that contract comes up for bid. Cox would have to look that information up. Ridneour states that is a second question he was curious about. And then, under Other Services, on that second page, it says Other Services & Charges 439071 with an amount of \$294,000 and he is curious as to what that is. Cox states that is basically miscellaneous, anything that is Other Services & Charges that is not in regards to any line items that is on the document. Ridneour asks what an example of that would be. Cox would have to get that information for next month. Ridenour continues there are \$370,000 for Vehicles 44057 and he is curious if this is purchasing new vehicles or what vehicles. Cox states that would be a budget

purchasing new vehicles. He is curious as to what was spent last year, he knows he has it and can go back and look but if she could have that information ready for next meeting, that would be helpful. He wants to know if that is an increase or decrease. Cox states it is the same budget as last year. Ridneour responds that helps him. He then asks about the \$750,000 for Buildings 442011. Cox again, states that is the same as last year. Ridneour asks what it means "buildings." Cox would have to look it up. Ridneour did not know if it meant buying building or repair of buildings. Gregory comments that Capital is what would be repaired. Ridenour states there is one separate Salary & Wage 422021 coming up, the next one down below the \$370,000. He asks why this person (assuming it is one salary and he does not need to know who it is) not listed with the other salaries, the \$1.8 million. Cox states this is the same as last years budget but she can get the answer to that question for next meeting.

Gregory asks Attorney Hunter if the council can lower line items in this budget for the Sanitary District as they can their own or would they have to approve it in total. Hunter responds the legislature has given the council the power to review these budgets however given the situation, again, they have impowered the council to review these budgets, he would say that yes, they probably can reduce some of the line items. Gregory thanks him for answering her question.

Peters very quietly double checks to make sure the salary increase is only for 2%. Cox states their salary increase were at 3%. Peters than asks if the department is planning on increasing the sewage bill. Cox states no.

Powell states Peters asked the question she was going to ask, therefore, has no further questions.

Hampton asks how much the District spends on advertising. Cox does not know and would have to look that up.

Gregory states sometimes in the past, the council has asked about specific items like that and was told that part of it came out of fee collections. She asks if the revenue, which is not tax money, is the advertising and promotion in this budget or would it be the fee revenue stream, for clarification of what Hampton was asking. Cox is not sure what the question is. Gregory explains last year, it was brought up about legal fees and the council was told that those were not in this budget, that it basically came from people paying their sewage bill. Cox states yes, legal fees are not in the budget. Gregory knows but pertaining to Hamptons question about advertising, she asks if advertising is considered in this budget or is it out of the revenue stream. Gregory states if Cox could find that out for next time, it would be handy.

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

ORD. 39-19 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES FOR THE YEAR 2020. (MITS BUDGET)

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

Rebecca Meadows, Director of Finance for MITS, presents the 2020 budget to council at no increase from last year, at the same amount. She is willing to answer any questions anyone may have.

Gregory, jokingly, asked how she managed to do that. Meadows states it is just the budget and not expenses. It going to be a tight year but you got to do what you got to do. Ridenour appreciates her being here and how the MITS budget separates Administration 111 from Maintenance 112 to Transportation Administration 113 and Bus Operators 114. That is very helpful and council really likes the no increase for MITS. Anderson addresses the comment made during the Public Hearing regarding routes on Sunday and asks if there is a committee or something to research that. Meadows states they do have a committee and they had a market research study conducted just this year and recently got the report back. The committee was asked to look at that and came back and told the department that the public in Muncie does want weekend service, however, prefers Saturday service over Sunday. The market research study told them that the city of Muncie prefers extended Saturday hours over Sunday. Anderson just so happen to do that Walk Indiana 2019 over the weekend and had a chance to get on a MITS bus afterwards. There were a lot of employees from MITS that were there as well. He began to ask questions like what the vision for MITS in the future is. He comments that they just lost a very powerful employee who was offered \$25,000 more to go to Indianapolis to the extent. What is the vision in terms of keeping the bus going and how can the community incorporate not only the university but surrounding areas to make sure that MITS is available for the future to come. Marshall states she could probably answer the budget question but this council has three appointments to the MITS Board. Marshall is sure Meadows understands the financial end of it but the other stuff may be questions they want to direct to their appointments on the MITS Board. Meadows confirms but she can try to answer anything the council wants her to. Anderson asks that study be made public so the citizens can view it. Meadows will look into it. Marshall asks if everyone on the council has been receiving the monthly packets and commends MITS for getting the information to them. Powell asks for the cost of providing service on Sunday. Meadows will look into that and get back with her.

Rick Yencer, 3500 N. 500 West, adds on that he went to the meeting last week that was canceled because lack of forum so maybe the council should talk to some of the people

they appointed on that board to maybe have them be a little more responsible and open about what they are doing.

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

ORD. 40-19 AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF MUNCIE, INDIANA, ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS FOR THE PURPOSE OF FINANCING AND REFINANCING CERTAIN ECONOMIC DEVELOPMENT PROJECTS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO.

A motion is made by Polk to Introduce, which the Clerk catches there was not a seconded. The motion is then seconded by Anderson to Introduce.

A motion is made by Gregory and seconded by Powell to Table due to the absence of a person to speak in favor.

A roll call vote showed 9 yeas and 0 nays. TABLED.

ORD. 41-19 AN ADDITIONAL APPROPRIATION ORDINANCE. (MPD)

A motion is made by Polk and seconded by Anderson to Introduce.

Kevin Nemyer, City Controller, states this is an additional appropriation ordinance for the Muncie Police Department for vehicle repair. Each patrol officer has a take home vehicle and the force has increased from 90 to about 100 this past year so they have to get some of their older vehicles back in shape.

Powell confirms this is coming from LOIT Fund #106 and asks if there is enough money in that fund to cover that additional appropriation. Nemyer states yes, there is. Powell asks to receive the current balance of Fund #106 in an email. Nemyer will do so but believes he sent that balance just today of what he believes to be \$456,000-ish.

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

ORD. 42-19 AN AMENDMENT TO THE ORDINANCE OF THE CITY OF MUNCIE, INDIANA, ESTABLISHING AND DESIGNATING A FEE SCHEDULE FOR THE INTERLOCAL AGREEMENT WITH CENTER TOWNSHIP FOR FIRE PROTECTION SERVICES.

Marshall withdraws ordinance 42-19. WITHDRAWN.

RESOLUTIONS:

RES. 15-19 A RESOLUTION MAKING TRANSFERS WITHIN GENERAL FUND.

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

Kevin Nemyer, City Controller, explains the Finance Committee may remember this being the money offered by Sarah Beach, Director of Personnel Department, to the

Animal Shelter. The Shelter asked that money be placed evenly in Part-time 101-15-411046 and in Overtime 101-15-411160.

Powell commends Beach for releasing that money to another department. She thinks that is wonderful, especially when they are in need.

Anderson requests if someone from the Animal Shelter could come and give a report because a lot of things has transpired since the turnover there.

Sarah Beach, Personnel Director, addresses Powell thanking her and states really, it is the council. They did approve a large amount of money for her budget last year and it was the first time that they had opened that up. She was not sure on how much was going to be needed for this year and obviously, she did not need as much as was approved. The Animal Shelter is a consistently underfunded department within the city and she does appreciate considering moving money over to help them finish the year out.

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

RES. 16-19 A RESOLUTION APPROVING THE CREATION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE ENVIRONMENTAL IMPACT COMMITTEE TO STUDY PROPOSED LEGISLATION.

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

A motion is made by Powell and seconded by Anderson to Amend resolution 16-19 under sec. 1 where it says "Environmental Impact Committee" and have that "but shall be comprised of three members of the Common Council appointed by the President."

A roll call vote showed 9 yeas and 0 nays. AMENDED.

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

Debra Malitz, 723 E. Main St, is not in favor of this resolution as it stands and as she has read it because she does not think it is thorough enough to address some of the systemic, necessary reforms that we need to do. She is a little bit worried that the committee, as described, is not going to be in a position to address some of the issues she thinks are facing this city. A lot of people are asking how did the recent WSP project get so far along without raising red flags. Her observation is if we don't study our history, we are doomed to repeat it. Thirty years ago, almost to the day, today, the anniversary, cities of neighborhoods in south Muncie rose up to protest the effects of having a recycling smelter as a next-door neighbor. They expressed their raft to the state, city and county officials who allowed the facility to be built on their doorstep. A quote from the Muncie evening press article from August 1989, "Lead and sulfuric acid emissions from the company smoke stacks periodically create white clouds that drift through the area" and these are the cries of anger and desperation of Muncie neighbors

of that period. "You guys better go back and do your job and shut this place down. That place is not worth one life and it is probably taken more than that already. It is time that you people do something for us. The smell that comes out of that plant is so bad, you could not stand to be outside, you could taste it. It eats the paint off your car. We need jobs in Muncie but not at the expense of our children. We were here first and we don't want them here. We shouldn't have to put up with them. If you don't live out here, if you don't see it, you don't taste it, it doesn't burn your throat. Particulate matter coming from smoke stacks has eaten the paint of my new car, what is that doing to my lungs? What is that doing to my baby girl's lungs if I want to take her out to play in the yard? This facility is killing us. Would you have bought a house across the street from a plant like that? No, you wouldn't. We've got water in wells we can't drink the water out of. There has got to be something in it, it has changed." The sad truth is that the same problems that our neighbors protested about 30 years ago are still present today, although, most of us are not aware of it. This July, there was a lead dust release due to a power outage that resulted in a failure of negative pressure at this facility but no one knows the amount or extent of the release because there are no monitors that detect fugitive emissions. There were sulfuric acid clouds that were so severe that multiple 911 calls were made to emergency services on July 15th and 16th of this year. Clouds that engulf the neighborhoods near this facility and we were traced to that facility's smokestacks but no resident was notified to shut their windows or to stay indoors. To this day, we have not been able to get the results of the testing that was done that night by the Muncie Fire Department. If we don't address these systemic failures of our outdated planning and zoning laws, if we do not address the rapid use of non-disclosure forms that veil activity from public scrutiny, if we don't reform the way we approach economic development in our community that allows smelting activities to operate next door to residential neighborhoods, then we are doomed to repeating our history. If we do not acknowledge that we have a current operating facility that is allowed to dump over 500,000 lbs. of particulate over our neighborhoods every year, then we will continue to suffer the effects of heavy metal and other contaminants on our health and environment. We need to immediately begin studies to determine where the historic deposition of lead and other contaminants have occurred. These pollutants do not simply disappear. Other communities who have studied this have found historic deposition plumes as far as five miles from the source. Why is Muncie only one of two sites left in the United States where this facility operates? We need answers to that question. If you trust that the EPA and IDEM are going to protect you, the recent stories about East Chicago and Franklin tell a different tale. No one is coming to rescue us, we have to rescue ourselves and we don't want to see an Environmental Committee

created to just be window dressing or a public relations effort to calm the public down and make them think that everything is going to be okay because of this committee. It goes way beyond who is on that committee. We see the same names that are going to appear on this committee but no attempt to address the issues we have with the way we do economic development in this area or the way that we approach the simplest things like the contingency emergency plans for a facility that is already in our midst. We have been studying this thing for three years, at least, in great depth and welcome anybody to come and talk to them about the information that they have. It goes way beyond what was just said tonight. We have evidence of what happened in July, that this is still going on and we just ignore it.

Audie Barber, 610 W. 11th St, had the unpleasure of working at this factory for two weeks, many, many years ago. The amount of lead that is in that building, the dust, they make you take a shower before you go in, you must wear a respirator on your face, you cannot take it off and you have to shower before you leave and you can not take your clothes home with you. If they are making their employees do this, what is it doing to the southside of Muncie. It is bad. When you go in there and there is water standing on the floor, mixing in with this lead, there is a problem. Then, they are draining it right down into our sewer system.

Rose Mitchell, 609 W. Riverside Ave, wants to ask a question to the first speaker in response to this. If we don't have an Environmental Impact Committee, do you have any idea how we would want to address the issues here in Muncie? She does want those environmental issues addresses because we can't have things like the stuff describing happening in Muncie. It is not okay. If you want to make sure this doesn't happen, what are the alternatives to solving these issues. She is curious. A citizen in the audience inform her that the first speaker is no longer in the auditorium.

Bruce Frankel, 723 E. Main St. is opposing the resolution for two fundamental reasons. Number one, the first speaker was his wife. The second one, less substantial but still important, was lack of open government causes a debacle, like the one in early August and continued for several weeks and the lack of an open agenda reform for the Environmental Impact Committee will not advert another. It is not really an opposition to study this thing. It is the scope of the study and how serious this study would be. He concurs with her that it is window dressing at this point and wants to touch on a few other things that may be related in a fundamental way to the exploration. He does take exception to Gregory remarks that we have Dillon Ruled state and Muncie is governed by the Dillon Rule not the Home Rule. He takes that exception and when he was in the assembly and asked for legal opinion of the lawyers assigned to him and their opinion was that it is a Home Rule state. He concurs in that regard as he has studied the Indiana

code fairly well and Indiana does grant Home Rule on a condition of enabling legislation that we meet certain standards. Those standards pertain to land development controls in title 36, article 7, chapter 4 and a series of sections there after starting with 600. Also, to local health departments, in terms of their investigation of environmental hazards and public health hazards and broad powers in terms of stopping that and closing those facilities and having the perpetrator pay for the service of administering that series of powers themselves. One, he has investigated this and found that Muncie has met those conditions of enabling legislation and therefore has very broad powers to do things we have not done before like developer commitments and providing surety, in terms of the performance of various facilities that might be producing pollution. They can do so before offering a certificate of occupancy, they can do so after the facility is opened and they don't maintain those ridiculous standards. They can close those facilities down or force the owner to comply with that within a certain period of time. Those are fairly broad powers and he adds that he advocates Home Rule other than the rule of IDEM or EPA because he does not trust either agency. Frankel has cause not to do so and has not experienced IDEM denying a re-permit or permit of a particular facility, certainly not the one at the Exide plant itself. He believes everyone is familiar with the federal administration, VPA, that has been going on for the last three years. The second is that land development controls during July and before the enormous noise started emanating from this chamber at the August meeting, he contacted representative of the Planning Commission in the planning department. Not mentioning his or her name at this point but he unveiled what was at that time a plan to deny public hearing at the Planning Commission for the west facility. It was a fairly clever trick to do so. The trick worked this way, there were certain height standards and landscaping standards that would require a variance and it was attending to a property that was either joining a corridor which would have been Kilgore or joining a residential district which would have been across the street. So, they created a fairly narrow strip of ground on the extent of their property adjoining Kilgore Ave and said that the facility, although it didn't move at all backwards or away from the residential district or the street, was not adjoining either. Therefore, it did not need a variance and near fore, Mr. Lorrison, who is the Building Commissioner that could rule on these things would simply give them a permit to build, assumed attended to an IDEM permit that would have been issues. The public in Muncie did not have the opportunity to have a hearing and Mr. Frankel considers this unprofessional. He is a professional planner and was talking to one too yet could not believe that the public interest and public participation would have been round out in that particular fashion. With regard to article 24, sec. 2 of the zoning ordinance, he did not find that the (inaudible) would have been permitted and it

certainly had yet to meet performance standards under the following section 3. Those regard emissions discharged, sound and radiation (some of which IDEM has control of and others, they don't). This brings him back to the fact that we need to have Home Rule here and take this into our own hands. Our destiny is here. He adds one other thing for the record that Mr. Donati has said that the alternative to the kind of facility that we just rejected as a junkyard, that also is not permitted and expressly under the ordinance itself. That is some misinformation. He thanks the council for letting him make comment.

Sandy Aul, 3401 S. Hoyt Ave, actually lives in the lead nonattainment zone and is afraid to open her windows to get fresh air. She views the plume from her front window and is not in favor of the proposed resolution as it is written with the current seated council members nor the current city administration. The resolution that is written allows for appointment by the Mayor of the various stakeholders. Trust what the citizens of Muncie has been broken with what the City Council and the current city administration as a result of the WSP fiasco. Out of respect for the stakeholders of Muncie it should be recommended that this be Tabled until after the November 2019 election and commenced with a community meeting to address the concerns of the stakeholders. Her personal experience with the mayor has been disappointing to say the least. We went and protested for the lead nonattainment areas due to the neighborhoods which have now suffered for 30 years with lead leaks, sulfuric acid and other chemical releases. Concerns are about the lead and the children in Delaware County and the continued violations for this business continue to go unrecognized by the people in this community. A second meeting transpired followed by the city attorney sending an e-mail for them to sign a non-disclosure agreement and then all of a sudden, they were a committee of the city, no longer concerned individuals of the community trying to work to solve the issue of lead in children. The agreement was not signed and there was no testing completed to their knowledge. She also points out there was an additional sulfuric acid cloud that woke her up at midnight on the 3rd of July because she was smelling it inside her house. It had permeated her vents in the foundation. She walked outside and it was like a huge fog. This is when it was hot and humid and the atmosphere had all pressed down but this is a serious issue that no one seems to care about yet she does. She cares about these children and families in this neighborhood. They recognize the importance of economic development for the city of Muncie and Delaware County. Her research on the many brownfields and the manner in which they are currently being handled by the various economic development entities of the city and the county leave much to be desired along with the involvement of IDEM waiving restricted covenants for such brownfields. We should be moving into the future with

economic development, not replacing the sites with additional contamination for the community. The city of Muncie can be progressive and set a precedence on these issues through reform of local environmental standards that protect the public health and safety through stricter standards than the maximums set by IDEM and the EPA. To address the recent newspaper article regarding the city purchasing the property back from WSP, one needs to know that for the brownfield program identified as IC 13-11-2-19.3. A comfort letter/status letter is issued to a party that qualifies as a BPP (bonified perspective purchaser) for an applicable exemption to liability found in Indiana law or by IDEM policy. Incidentally, this appears to have been done by WSP on the Borg site, according to the IDEM virtual file cabinet records. There are no records of them doing that. Potentially, applicable liability exemptions, or IDEM policies for exemption include the stakeholder is a government entity exempt from under IC 13-25-4-8 Sec. E or IC 13-11-2-150 Sec. C or IC 13-11-2-151 Sec. B. Who really owns this site? Is this another shell corporation of economic development? All the more reason that all these documents should be made available to the public.

Powell clears up that this would be a Standing Committee, such as the Land and Traffic Committee, the Government Administration Committee, the Finance Committee or the Public Works Committee. This would be a Standing Committee comprised of City Council persons that would be appointed by the President of Council to carry over year to year. In January, as suggested, whoever the President of council would be the one appointing the members of that Standing Committee, as appointing the members of all the committees, so it would not be appointed by the executor, it would be appointed by the President of council. She just wanted to clear that up.

Anderson states the public does not see what the council sees on this ordinance. He asks for Sec. 3 to be read aloud so people can understand. Marshall understands that some members of the group speaking tonight do not want elected officials to be totally involved, they want a say-so, also. Gregory states that would be a different resolution that what is before them tonight. Polk comments that they need to focus on this resolution before another one.

Brian Preston, 300 W. 13th St, Muncie, is here to endorse many of the earlier comments and offer his tentative support to the resolution. He believes it is the first of many reforms that need implemented to address the concerns of Muncie and the surrounding residents that the Waelz debacle exposed. We need to create new institutions with teeth and new clear rules and norms for local government that

1. Cultivate transparency
2. Reform economic development
3. Address community, environmental and public health concerns
4. Demonstrate and reproduce participatory democracy.

The rest of what he will say will be comments or suggestions of how to provide more teeth to this

resolution or perhaps suggestions for the first actions of the proposed committee. First, the resolution rightly mentions Ball State and IU Health and other professional organizations but the committee needs to more firmly ensure that a team of experts is part of this committee itself, if possible. Along with a broader group of knowledgeable individuals are consulted regularly. The committee could, perhaps, draft procedures for how identifying and acquiring the help of nearby relevant experts. Second, while Standing Committees typically devote their meetings to pending local legislation, there is no reason why the committee cannot also act create a study committee or group that could independently review non-legislative or perhaps pre-legislative issues. For example, what if there is a problem with a current lead emitter within city boundaries? Anybody know of such organization? Let's say that lead emitter emitted 322 lbs of airborne lead into the air, just lead in 2017. Why couldn't a like-committee study the Exide problem and recommend possible legislative or other kinds of municipal action to address these problems. Third, a resolution could, but does not make a requirement of, neighborhood residents be involved in development. Notifying a Neighborhood Association President in the city is difficult as they are not even organized. It is not the same as holding a meeting in the neighborhood, for the neighborhood. It is a no brainer to require the development proposals be explained to the people who are the most impacted. This is not a radical or a new idea and he knows in certain projects that this is done. However, don't misunderstand the suggestion is simply promoting sort of a (inaudible). There is a necessary and complimentary piece to neighborhood involvement that would under cut this idea. Economic development agencies could work with neighborhoods to gather ideas and goals, as in finding out what the ideas and goals of the people in the neighborhoods actually are and it could be real work of economic development agencies to register those ideas and perhaps, connect these ideas to reality. Fourth, we are at a historical moment where the City Council should feel empowered to reform local economic development practice. For example, the Environmental Impact Committee could recommend moratorium on tax incentives or TIF incentives for development. Or, perhaps, that is a job for the City Council. They could recommend ways to reform the MRC, for example, requiring certain board composition or expertise, requirements and standards for the MRC.

Rick Fines, 1713 W.13th St, Muncie, states he is not here to throw rocks at anyone but he hopes they have learned an extensive lesson here with the Waelz fiasco. He points out that prior to that, Muncie was going to somehow build wind-turbines, that never got built, along with mobile power stations that somehow never got built (except the one that the city bought). The Waelz project was dumped following input by some experienced professionals and citizens who knew what they were dealing with. The

problem we had with these other projects is the people who investigated them and approved them behind closed doors had very little experience in manufacturing, engineering, marketing or sales, yet that expertise is available. They had no professional credentials in medicine, chemistry or environmental affairs. We must stop the closed-door sessions, non-disclosure agreements and other backroom moves that obligate tax payers for vast amounts of money that experienced people could never be conned into doing. This council must disclose all WSP related agreements, documents and communications that lead to this mess. Council must officially rescind the vote approving TIF funding for WSP. Fines does not believe the council should pursue other economic development projects until a major change in officers has been made. The Mayor has not shown that he can appoint competent people to do this job, based on past experiences. The next related item he wants to address is the Exide, secondary lead smelter, which our city administration refuses to face. For decades, they have been in EPA non-attainment status. A simpler term means they pump lead, lead compounds and sulfuric acid into our neighborhoods in unknown quantities. Lead causes severe developmental disabilities in children and accelerated aging, among many other problems, in adults. He had decades on engineering experience in the lead, battery and smelting industry, both as an engineer and an executive. He knows from experience that the industry works very hard to hide their issues with the great cooperation of IDEM (he points out). Exide ducks the issue and IDEM helps them do it. If we are going to do anything about this mess, we need to do it locally and with people who are experienced in the industry and in the issues we are facing. Fines would like for the council to take that into consideration.

Marion Cooley, 1400 N. Woodridge, has a fear for the children right now because the doctors are finding high levels of lead that can cause an awful lot of problems. She is a retired special education teacher that taught at Southview Elementary and worked with those kids who needed special help. They not only have ADD but they will have behavioral problems, maybe autistic and they all have trouble with school. When they get out of high school, if they can get a degree then that is fine but a lot of them won't and they will be citizens who are getting low-funded jobs and the community will end up helping them again. This does not help us have good citizens and it doesn't help anyone. This has been going on for so long, at least 30 to 40 years, that it is time we did something about it and get control of it.

Ridneour thinks the council should take their time and do this right. There are five Standing Committees now. The one that he was a part of, until he was added to another one in August, met one time in four years. He thinks the council should wait until the election and the new council should set up committees, taking into account what has

been mentioned tonight and what happened in July and August. They should take their time and do this right, there is no need to rush this through tonight and that is just his recommendation to the council members.

Anderson asks what about now. The council can always amend it and what he was trying to get Powell to go over was that the committee plans to use professionals at IU and Ball. He does not think the audience was aware of that. They can agree but always make amendment to it but there is nothing in place, as of right now. He thinks it was a good gesture after the crowd last month to, at least, do something that is better than nothing. He is willing to pass this and make amendments to it and it has had the blessings of the council attorney. He thinks they are moving in the right direction but can always make amendments when the new administration comes. He wishes he could be apart it. Ridenour reads what the Government Administration calls for which is the consideration of matters dealing with functions of city agencies (which would be MRC, among others), revision of city codes (which he thinks falls in to what many of the good citizens have been talking about tonight) and the liaison with other government units (which he would think is the county and he is aware of one county official being present tonight). He believes there is a committee already in place that should be handling this. He intends to vote no but, obviously, the other council members can do what they want. Peters understand that this is something to try to get everything in motion so that they are no so blind sighted by the situation. She also feels like it needs more set up with holding MRC and some of the administrations (now or what is to come) more responsible. She also feels like, after listening to everyone speak, this is totally not what they are wanting. She is not sure where they are headed with it and yes, she agrees that the city needs something now because they actually voted on what was presented to them, as a council. The council did not have anything to do with the project when it started up and came from MRC and the administration. The council voted on what was presented to them. There needs to be something set up to where everybody has some form of a committee to explore and ask these questions. She is just not sure what the answer to that is, right at this second.

Hampton agrees with Anderson. It is better to do something rather than nothing. This committee can be as proactive as the membership of the committee decides to be. Yes, things may totally change in four months. He intends to vote for this.

Polk thinks they have the Land & Traffic Committee which is consideration of all zoning matters, consideration of matters concerning regulation of use of public ways. This would be something that they could at least get up and running until the first of the year under the new administration. Obviously, there will be a few on City Council that will be also new. The members of the Land & Traffic Committee are Chairman Anderson and

Ridenour and Peters. He would like to see things moved to that committee because it is not just for traffic and not just for land, it is both.

Gregory does not personally have an objection to creating a new Standing Committee. She thinks they have a couple that could reasonably be expected to dive into the kinds of things that have been presented this evening. Perhaps, they need to think about it more and Table it and decide later. The key thing is, whether you have it in this new committee or one of the others, if the committees never meet and never get assigned any ordinances or resolutions to investigate, it is not going to make a bit of a difference. One of the things she thinks they should consider is changing the practice of assigning to a committee (except Finance) things as it gets to be an issue and maybe think about virtually every piece of ordinance or resolution coming first through committee with a pass or no pass recommendation that then the council looks at. The problem with that is yes, it would be a lot more conversation, more meetings and slow down the process. It could add at least a month to getting a development off the ground. That is just her take on it.

Dishman has listened to everybody's complaint tonight and basically it is that IDEM does not do anything. They need to beat on IDEM's front doors like everybody did at City Hall and get everybody motivated to go down to the State House and get the State Legislatures involved instead of having to shove it off on IDEM because IDEM is not going to do anything. That is the reason the city of Muncie is in the messes it is in today. Muncie has been a dumping ground for years. There was a company dumping batteries all over the city and another company contaminating on Highway 32 for many years. It is just a horrible thing that IDEM has not stepped in and dealt with those people. Now, the taxpayer has to clean all that up. To him, he is voting no on this because it is just getting another set of people involved. When a lot of people get involved, there is a lot of yes here, no there and back and forth that does not get anything done. He plans to vote no because he doesn't believe more people need to get involved. They need people down at the State House to get involved. They are supposed to do their jobs.

Anderson states being Chair of the Land & Traffic Committee, they have had issues with the railroad crossings (quiet zone) and others but this is a different avenue. This is not the same thing. There are people that came here for answers. Anderson wants to do something now. The council can always amend it. When he looks into the audience and sees professionals from IU Health and Ball States University, they need to implement those people tonight and do something now. They cannot wait four months, five months down the road. He plans to vote yes.

Powell states the motivation behind creating this committee was obviously what happened last month and in June and July. When Polk made the motion last month to

send that to committee to possibly rescind that ordinance, there was question as to what committee that should even go to. They were advised by their counsel that it should possibly go to the Finance Committee because it dealt with a bond while Ridneour suggested that it go to the Government Administration Committee. Now, they are finding out it could have gone to the Land & Traffic Committee. The idea behind the creation of an Environmental Impact Committee would be specifically something that patches those things which impacts the environment in regards to Economic Development. That was the motivation of the creation. It wasn't to create another layer, it wasn't to take the responsibility out of their hands, it was actually to give another opportunity to engage the public because just as other things, like with Land & Traffic and the railroad closing, the public came to the council and said that they want further exploration of this. It was then sent to committee. Like last month when Polk said this needs to go to committee. Sometimes that is generated by the public and sometimes it is generated by council but this would just give the specific Environmental Impact Committee to receive those things and information and report back to the council. It wasn't to create an additional layer of government or to duplicate another Standing Committee.

Marshall states he spoke to some people that voiced their concerns and they are definitely not in favor of this committee. They want more conversation. Like Polk said, for Land & Traffic which is all matters concerning regulation of use of public ways and to Marshall, that would include environmental issues. As Ridneour said, it would even go into Government Administration. They do not need more committee, they need people that do their jobs and they need to do better their selves. That is where it all boils down to. The council needs to do better research and with what they are elected to do is to do go out and seek these answers. Marshall apologizes, at first, he did not do that correctly but he did see the light in the end and that is the most important thing. Marshall plans to vote no for this, also.

Questions called. A roll call vote showed 5 yeas (Powell, Peters, Hampton, Anderson and Gregory) and 4 nays (Marshall, Dishman, Polk and Ridneour). ADOPTED.

RES. 17-19 A RESOLUTION APPROVING DEDUCTION FROM ASSESSED VALUE OF NEW MANUFACTURING EQUIPMENT IN AN ALREADY DECLARED ECONOMIC REVITALIZATION AREA. (PHILLIPS PATTERN & CASTING, INC.)

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

A motion is made by Gregory and seconded by Powell to Table due to the absence of a person to speak in favor.

A roll call vote showed 9 yeas and 0 nays. TABLED.

OTHER BUSINESS:

Polk thanks Mrs. Julie Snider, Government Teacher from Muncie Central High School for encouraging her class to come to City Council meetings and he recognizes the remaining students that are still here. It is getting late so some students that attended already left. Polk thanks Mrs. Snider and her students for taking an interest in the Muncie City Council.

Kristopher Bilbrey addresses the council (James Calvert, Ellen Corn and other personalities) and comes before them to speak about a political football. We have been talking about this for the last hour and here is another such thing, fire-based EMS. As a political observer, he can say when this first came about he was unsure and honestly more against it than for it. It is no secret that he has been outspoken against Mayor Tyler and his administration and members of the council on various issues but when he stepped away from the politics of this issue, removed personal and emotional crap that's balled down and started looking at facts and figures, talking to citizens, firemen, Delaware County EMS employees, he started to see a different picture. He is now in favor of this service and is asking the council to remove politics from this matter and to remove the fact that some of them are running for re-election or election to different seats and remove the personal and emotional issues. Look at the hard facts. It has become apparent in the last few months and through the last discussion that the council has dropped the ball on vetting issues thoroughly, even when given the opportunity to look closer at matters. As we have just talked along with the hard-copy proof of that, Bilbrey puts the question before you all to look at the sticky situation that the WSP facility has put us in. You (the council) have simply not lived up to your constituent's expectations, some have, most have not. Honestly, it feels as though fire-based EMS has been an issue that has not been fully and properly vetted. Yes, I know that a two-day-long pony show was put on by the Finance Committee of this council, I attended it. It was lead by Finance Chair Powell, but an investigation, or fact-finding mission, it was not. Powell acted as Judge, Jury and Executioner letting those people speak who were parodying back information that she wanted, while cutting off those who had information that didn't help inflate her already worked opinion of this issue. Her level of disrespect to the those that came before the committee was disgusting. I was initially wrong on this issue and so were a lot of others, including Powell and various others on the council. For that, I am sorry and I owe the Mayor, administration, Fire Department and the citizens of Muncie an apology, so does all of you (pointing to the audience) and

so does Powell. Citizens of Muncie may not fully agree on this issue but everybody can agree that the council has not been fully performing their duties, as elected officials. Whether it be for political reasons, personal reasons or what have you, all the people who live, work and play in the city deserve better from you. The government that Powell is leading you all in should not be tolerated at this point forward. Do the right thing on this and every other issue or understand you will be elected back to the private sector very shortly.

Lynn Thornburg, 714 E. Washington St, East Central Neighborhood, wishes she known she could have come up earlier. This weekend is the 43rd Annual Old Washington Street Festival and the second Annual Car Show (that she is in charge of). It is an amazing event lasting two-days with a core group of volunteers who, for lots of years, has put this on begging for money, door-prizes and got entertainment. They will have six houses on tour along with the trolley tour, car show and many other acts. It is free (except for the house tour and food and such). It is an amazing thing. This weekend, she went to Cumberland for the first time and she did not think it was as exciting as compared to the Washington Street Festival. There will be two full blocks with both sides of arts and crafts and another full block of food with stages at each end and then a small stage on the side. They work really hard to put on a party for Muncie and don't make much money because it all gets put back into what need, whether it be tents or into the entertainment budget. They showcase Muncie and improved the neighborhood by putting on a festival where people want to come and live. Now, there are lots of kids on scooters and riding their bicycles up and down the street. It is amazing and since she grew up there, she can remember those days and is very happy to see them back. Again, it is this weekend, Saturday from 11:00 am to 7:00 pm and Sunday 11:00 am to 5:00 pm. Please come!

Andrew Popp, 2404 N. Hollywood Ave, was initially going to take his time to speak on the ordinance he was (inaudible) as he had not yet had the opportunity to read the minutes, which he normally does. Since it was brought up he would like to know who negotiates the Collective Bargaining Agreement's for the individual city departments and when is that due to be done again. Miscellaneous chatter coming from the council answers the Mayor. Marshall states it is a three-year contract. Popp asks if they have one more year. Powell states yes. Popp asks who the members of the council are that negotiated it. Marshall states it is usually the President and Finance Chair. Popp reiterates again, understanding that there CBA's in place and he hopes it be corrected the next time they come through. A good friend of his, who is a Muncie Police Officer, is

leaving at the first of the year to go work in Fishers and take a \$25,000 pay raise. Again, he is leaving to take a \$25,000 pay raise. It is nearly a 60% increase. Popp wants them to look at higher pay potentially, as it would be awesome.

Audie Barber, 610 W. 11th St, plans to read some quotes from an e-mail that was made public, referring to last City Council meeting from Councilperson Gregory. "What a fiasco. I left, I felt unsafe. I can't believe Nora reconvened the meeting." It goes on to say that "Audie Barber ran for City Council and was defeated." It also says that "his father was involved with a sell of a flea market and other shady stuff. Wonderful bloodline." Quoted from Linda Gregory. Barber has attended City Council meetings for some time and is often told that personal attacks won't be tolerated, however, people need to understand that personal attacks by some council members were hurled toward him, his family and other critics of the city. He continues to read a quote from the newspaper on May 13th 2016. "One person who said he has talked to the FBI investigators more than once was Carl Barber, a local business man who owned a flea market on East Jackson before selling it to Jeff Burke for \$150,000. Jeff Burke turned around a month later and sold it to the Sanitary District for \$395,000." Audie's father was a victim in this and he is not sure why Gregory is slandering his now deceased father. He was not a shady person and some people on the council did know him personally. When he passed away, he was not in prison nor had he been charged for any criminal, shady positions in the city of Muncie. His father is not here to defend himself so anybody that wants to talk ill will of a deceased man is not in very good taste. He reads another quote from Gregory, "at this point, if I don't get re-elected, so be it. Let the newbies figure it out." Barber addresses Gregory and asks that since she has no respect for her constituents, since she clearly is unhappy with position on the City Council where things aren't going smoothly, then why doesn't she step down and let the newbies take care of it.

Erin Kinsella, 721 E. Washington St, wants to reiterate that they are having the festival this weekend and encourages everyone to come out, join and celebrate. She does, however, have a concern that she would like to bring up. Last year, about 30 days after closing on their new house (in the Old West End), there was a meeting with the Mayor and another individual that works for the city, in which they came to talk about possibly making East Washington a two-way street. There were quite a few neighbors that were involved, just about everybody she recalls, was there in representation. The neighborhood was not in favor of creating that. They actually question whether or not there was actually a traffic study done. That was the conversation, that it was done but

it wasn't actually a traffic study, it was just observation and looking at how to create better ways in between the streets that are one-ways and just having people able to get around easier. They are all for that and welcome that with visitors but still, they did not want that, at all. She noticed on her way in today, that there were some traffic lights installed that looks like it will be converted to a two-way. She doesn't recall having a conversation with the community about that or a follow-up in terms of that initial meeting held last year. She has some grave concerns because they do value the way the community has been developed and there are quite a few children on the street that ride their bikes up and down the road because it is a safe place. She would like some investigation to occur or at least some questions to be asked as to why those lights have been installed and what is happening. It was very clear last year that the community was not favor that transition. She is hoping they could get some clarity and the money that was spent on those lights possibly be reimbursed. That money could have gone somewhere else because she can say she is not in favor of it. She confirms a bunch of neighbors were also not in favor of it. She hopes the Land & Traffic Committee can look into that and see if they can stop it.

Marshall asks her to leave some contact information and he will make sure Street Superintendent Campbell or one of his assistants will get in touch with her.

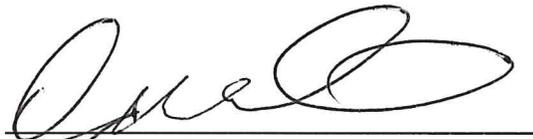
Linda McCaw, 4146 W. Woods Edge Ln, is here for the Muncie 9-12 Tea Party, to highlight Constitution Day, which is September 17th. They have, for each one of the council members, a booklet which contains words from our founding fathers, the Constitution, amendments to the Constitution and the Declaration of Independence.

Forrest Bowers, 1205 N. Brentwood Ln, would like to thank the members of the council that remained and concluded the meeting of August 5th and allowing the citizens input to summarize its displeasure and disapproval of the recycling project that was to be addressed at the old BorgWarner location. He would like to ask that the council, somehow, rescind what they had previously approved in some other resolution or amendment, so that there would be no repercussions. Although he understands everyone has backed out, had they done it officially by the council. Second, the Muncie Exchange Club wishes to invite all citizens to visit the Field of Flags of Honor being conducted on the grounds at the Minnetrista Center. They are honoring veterans, first responders and in honor and in memory of loved ones. The clothing ceremony will be held this Wednesday, September 11th at 6:30 PM at Minnetrista. Again, he thanks the city administration, the City Council and all of the citizens in Muncie who have been a part of the Flags of Honor. They appreciate it and he will share that with the purchase of

the ribbons and any funds that they receive, they then give back to the community. This particular year, they are honoring the Children's Clothing Center, Prevent Child Abuse and Amvets of Royerton.

ADJOURNMENT:

A motion was made by Powell and seconded by Polk to Adjourn.
A roll call vote by showed 9 yeas and 0 nays. ADJOURNED.



Doug Marshall, President of
The Muncie Common Council



Melissa Peckinpaugh, Muncie City Clerk
of the Muncie Common Council