

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

MONDAY, JANUARY 6, 2020

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

ORD. 1-20 AN ORDINANCE FOR ADDITIONAL APPROPRIATION FOR MUNCIE PUBLIC TRANSPORTATION CORPORATION.

Mike White, 1001 W. North Street, is a member and the current President of the MITS Board. On this appropriation, White explains that their process to buy new busses (which is what this is related to) takes two years. This is the local share of that and they received the word on Friday, January 3, 2020 that their 2020 budget has been approved, including this local share amount. White goes on and states when this gets to the formal part of the meeting, they are going to ask that it be Withdrawn because MITS is not going to need it.

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

PLEDGE OF ALLEGIANCE: Led by Councilman Ingram.

ROLL CALL:	PRESENT	ABSENT
Aaron Clark	X	
Richard Ivy	X	
Troy Ingram	X	
Ralph Smith	X	
Jeff Robinson	X	
Ray Dudley	X	
Brad Polk	X	
Jerry Dishman	X	
Anitra Davis	X	

INVOCATION: Given by Bob Ball, Founding Executive Director, Inside Out Community Development Corporation and Founding Ambassador, Blood-N-Fire Ministries.

2020 REORGANIZATION:

PRESIDENT: A motion is made by Clark and seconded by Ingram to nominate Brad Polk as Council President. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Brad Polk is declared as President.

VICE-PRESIDENT: A motion is made by Clark and seconded by Robinson to nominate Richard Ivy as Council Vice-President. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Richard Ivy is declared as Vice-President.

READING SECRETARY: A motion is made by Clark and seconded by Davis to nominate Jeff Robinson as Reading Secretary of the Council. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Jeff Robinson is declared as Reading Secretary.

LEGAL COUNSEL: A motion is made by Smith and seconded by Dudley to nominate Delk McNally, LLP for City Council Attorney. A motion is made by Ivy and seconded by Clark to nominate Dennis, Wenger & Abrell for City Council Attorney. President Polk requests that a representative from each firm comes up to address the council on why they should be considered for appointment.

Jason Delk, a finding partner in Delk McNally, LLP. and Dan Gibson, also a partner, explains that if they were chosen to serve as legal counsel, they would be the two primary attorneys who would be serving the council. On behalf of him, Mr. Gibson and the firm, they are very humbled and honored to even be standing here before council. Mr. Delk wishes to provide some information about who they are as a law firm. Much like each and every one of the people that made the decision to take time away from their family to come and serve the city of Muncie but also, most importantly, the citizens of the city of Muncie. That primarily is why Delk McNally has decided, as a firm, to put their proverbial hat in the ring to likewise help serve the city of Muncie. Mr. Delk goes on to explain that no, he didn't have the gumption to run for an elected position, like all nine of the council members did but he sees his talents as well as all of their firms' talents in different weights and being able to serve the city council. They as a firm, have been in existence for a little over nine years. Their other partner, Mike McNally, worked for a large law firm in Indianapolis for several years until they decided to move back to their hometown of Muncie about nine years ago. They have had the honor of representing literally the entire gamut of the legal community, whether be from a mom-and-pop shop, a locally owned business that needs legal guidance, all the way to representing Fortune 100 corporations throughout the United States that are literally based right here in Muncie, Indiana. When Mr. Delk first came back to Muncie from the firm he was with in Indianapolis, he was fortunate enough to also serve as city attorney to the then Mayor Sharon McShurley. When Mr. Delk was asked to serve, he approached it not from a traditional governmental political perspective but rather looked at it from a business corporate perspective. That is precisely the type of law that he would say he is an expert in, business corporate law. That is exactly what the councils position is and what newly elected Mayor Ridenours' position is, as well. It is to serve the citizens of Muncie but also, looking at what they are, the fiscal body, the legislative body of the city of Muncie that oversees a multimillion-dollar budget, for which, the public has elected the council to be responsible for and oversee. When he provides legal guidance to any client, whether it be a governmental entity, a Fortune 100 corporation or whether it be Tom

Smith, whomever needs assistance, they provide the exact same legal guidance and that's what they have transcended into their governmental role. Going specifically directly into their governmental background, there is basically not any issue that they did not oversee or handle as legal counsel, under Mayor McShurleys' administration. They attended most, if not all, City Council meetings and assisted with drafting and preparing resolutions and ordinances. Mr. Delk was personally responsible for negotiating the contract between the city of Muncie and Center Township to consolidate fire services when it was just silly to have two different fire services running in the same town. Literally, it runs the gamut of providing legal advice to the Mayor but also overseeing what the city council was doing. Like Mr. Delk said, there wasn't any facet of their representation that they didn't handle on behalf of the city. Mr. Delk believes they provided everyone here with a bullet point list of exactly what that experience entails but between he and his partner, they basically have had city experience within the city of Muncie for at least four years but also, they do governmental work as it relates to TIF district's or tax issues, for example they helped create a TIF district for the city of Rushville and has also has provided legal guidance to the town of Selma, as well, in addition to the city of Muncie. Again, Mr. Delk states the council has two great law firms before them tonight. Delk McNally is more than humbled and honored to have the opportunity to even be here and share about what their firm is about but also, regardless of who the council goes with, Mr. Delk is just glad he was here to answer any questions and provide some information about their firm. He is happy to answer any questions because, obviously, this is an important decision for all of the council members to make and this is probably the best form to do so.

Councilwoman Davis thanks them for taking the time to be here. Mr. Delk thanks her in response and is very honored and humbled to be here.

Jennifer Abrell, managing partner of the law firm of Dennis, Wenger & Abrell and on behalf of them, she would like to thank the council for the opportunity for their firm to be considered as the legal counsel for the Muncie Common Council. Like Delk McNally, they are too honored and humbled, it is a big honor to even be considered for this. Ms. Abrell explains they are an established law firm and have proudly served Delaware County, Muncie and the surrounding communities for more than forty years. She is sure many know the attorneys in their office and these attorneys would also be assisting her if they were chosen to represent the Muncie City Council; David Karnes, Tara Smalstig, Michael Foley Sam Beasley and Tony Oliveira. Mr. Karnes and Ms. Smalstig are here with her this evening. They think their firm is more than qualified to serve as legal counsel to the Muncie City Council for several reasons. First and foremost, they have had the opportunity to work with local government for more than thirty years since 1989. Ms. Abrell has worked with the Muncie Sanitary District, not as their legal counsel (that for many years was Tom Cannon Sr.) but even when Tom Cannon Sr. was serving as their Council, she did many special projects for the Muncie Sanitary District and performed in that function from 1989 to 2008. She served as assistant city attorney under Mayor Dave Dominic from 1992 to 1996. Like Mr. Delk, she had an opportunity to serve in many different roles as assistant city attorney under Dave Dominick including Human Resources, Merit Commission, Human Rights

Commission, Board of Works, budgets, drafting ordinances, attending council meetings, you name it, they did it. After that concluded, even though they weren't city attorneys under Mayor Dan Cannon, she did continue to do special projects for Mr. Cannon and that included all his employment and labor work, including the collective bargaining for both fire and police, also for AFSCME. Ms. Abrell believes it was under Dave Dominic that she negotiated the first AFSCME contract for the city of Muncie and continued to negotiate that for the city for several more years. She has had the opportunity to work with the Delaware County Commissioners on special projects and negotiated the Teamster's contract as well as other special projects. She also negotiated the first EMS contract for the county and served as the attorney for the Center Township Trustee, working closely with Dick Shirey in all facets for four years while during his term and attended all Center Township board meetings. In addition to all of these things, Ms. Abrell has had the opportunity and pleasure to serve for twelve years on the Muncie Community School Board of Trustees from 1998 to 2010. Of course, during that twelve-year span, she had the opportunity to hold several board positions and gained a lot of experience in dealing with large budgets, bond issues, tax abatements and other similar items like those that are going to come before the Muncie City Council. She has spent many, many nights sitting up on the same bench when she served on the Muncie Parks Board. Being here brings back some memories for her. In closing, they appreciate the consideration and the opportunity to serve the council. They do consider it a great honor, as they do want to give back to the community. They value Muncie and want to make Muncie better. She hopes they were able to provide sufficient information to give the council the confidence in the services their firm can provide to the Muncie City Council. Ms. Abrell is happy to answer any questions anyone may have and if they were selected this evening, they are prepared to act on behalf of the city council tonight, if necessary.

Councilman Ingram states both resumes from each law firm are very impressive and thanks them both for coming and going in on some of that information. He feels like the council would be well represented with either one and thanks them both.

Councilman Robinson is assuming by the absence of the previous counsel attorney that they are going to need a council attorney to act this evening and asks if both firms are prepared to do so. Both law firms confirm yes, they are prepared.

A roll call vote showed 6 votes for Delk McNally, LLP (Dishman, Smith, Robinson, Dudley, Davis and Ingram) and 3 votes for Dennis, Wenger & Abrell (Clark, Ivy and Polk). MOTION CARRIED. Delk McNally, LLP is declared as Legal Counsel.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

President Polk states he is currently preparing the Standing Committees which will be posted by the 13th of January. Councilman Robinson asks if it is possible to table nominations to boards and commissions until next month so that the council can get the information out to the public. Polk explains there are a couple boards that have to meet that they need to appoint members to tonight. He was going to suggest that basically the few here are just council appointments to

the boards and there is at least one that needs to be appointed because they have a meeting on January 16th, which is before the February council meeting. Typically, they only meet once a year so they need to get that one done. The rest (the ones Polk is looking at) are the appointments that are from city council.

INDUSTRIAL REVOLVING LOAN FUND

A motion is made by Smith and seconded by Ingram to nominate Aaron Clark. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Aaron Clark is appointed to the Industrial Revolving Loan Fund.

911 COMMUNICATIONS BOARD

President Polk explains that because the Muncie Mayor is now a Republican, this appointment must be a Democrat. It is the same way with the county since Commissioners are Republican, it has to be a Democrat councilperson as well. A motion is made by Smith and seconded by Robinson to nominate Ray Dudley to the 911 Board. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Ray Dudley is appointed to the 911 Communications Board.

DELAWARE-MUNCIE METROPOLITAN PLANNING COMMISSION

A motion is made by Ingram and seconded by Clark to nominate Ralph Smith to the Planning Commission. A motion is made by Dudley and seconded by Davis to nominate Jerry Dishman to the Planning Commission. Before the roll call vote, Councilman Smith would like to make a comment. He states that he appreciates the nomination but to appoint him to that position would be possibly a disservice to the public because Jerry Dishman has twelve years of corporate knowledge and experience on that board. Smith understands to the victor go the spoils and that the Republicans are a minority but up here (council chambers) they are not Republicans nor Democrats and they can best serve the public by selecting Jerry Dishman to serve in that capacity. Smith then withdraws himself as a nominee.

A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Jerry Dishman is reappointed to the Planning Commission.

TAX ABATEMENT COMMITTEE

A motion is made by Smith and seconded by Dudley to nominate Richard Ivy to the Tax Abatement Committee.

A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Richard Ivy is appointed to the Tax Abatement Committee.

BOARD OF ZONING

A motion is made by Dudley and seconded by Robinson to nominate Troy Ingram to the Board of Zoning. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Troy Ingram is appointed to the Board of Zoning.

EDIT BOARD

Polk explains there are three appointments that need to be made to the EDIT Board tonight. A motion is made by Ingram and seconded by Clark to nominate Brad Polk, Richard Ivy and Ralph Smith to the EDIT Board. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Brad Polk, Richard Ivy and Ralph Smith have been appointed to the EDIT Board.

EDIT BUILDING COMMISSION

Polk explains there are three appointments that need to be made to the EDIT Building Commission tonight. One appointee, has to be a city council representative and the other two have to be a Republican and a Democrat, from the general public. A motion is made by Ingram and seconded by Robinson to nominate Aaron Clark. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Aaron Clark is appointed to the Muncie EDIT Building Commission.

Robinson asks if the remaining two appointments can wait. Polk answers no, there are three members that need to be appointed and they are meeting on January 16th and he was asked if the council can fill those appointments. Councilwoman Davis states she was not aware they were making these appointments because she could have gotten nominees and she is not excited about this. Polk goes on to state that they need a Democrat nominee and a Republic nominee. A motion is made by Dishman and seconded by Robinson to nominate Jason Donati to the Muncie EDIT Building Commission. A motion is made by Clark and seconded by Ivy to nominate Rachel Hunt to the Muncie EDIT Building Commission. A roll call vote showed 6 votes for Rachel Hunt (Clark, Smith, Ingram, Ivy, Polk and Robinson) and 4 votes for Jason Donati (Dudley, Dishman and Davis). MOTION CARRIED. Rachel Hunt is appointed to the Muncie EDIT Building Commission.

A motion is made by Ingram and seconded by Ivy to nominate Victor Whitehead to the Muncie EDIT Building Commission. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Victor Whitehead is appointed to the Muncie EDIT Building Commission.

A motion is made by Robinson and seconded by Clark to Table any further Appointments to Boards and Commissions until the February City Council meeting. He would like to be able to get that information out to the public and allow the public to send letters of interest so the council can make sure they are getting the right people on the right boards. A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Appointments to Boards and Commissions Tabled until February.

APPROVAL OF THE MINUTES: A motion is made by Ingram and seconded by Ivy to Approve the Minutes from the December 2, 2019 meeting. A roll call vote showed 9 yeas and 0 nays. MINUTES APPROVED.

COMMITTEE REPORTS:

Mayor Dan Ridenour wants to congratulate the council on elections and states that their service is much appreciated. Also, the new council attorneys and their service is also appreciated. The new Mayor just wants to introduce those who could be here tonight from the team that has been appointed and then give some recognition. He asks members of his team to please to come up and stand so that people can get a chance to see everybody. In no particular order, Mayor Ridenour starts with Jase Crehan, who is the Public Access and Communications person, David Smith, the new director of the Muncie Redevelopment Commission, Nancy Larson, Human Resources Director, Steve Selvey, the new Building Commissioner, Trent Conway, the new City Controller, Gretchen Cheeseman, the Community Development Director, Ethan Browning, the Animal Control Director, Brian Stevens Hotopp, the new City Engineer and Street Department Supervisor, Nathan Sloan as Police Chief, Melissa Pease as Assistant Police Chief, David Miller as Fire Chief, Alan Richards as Assistant Fire Chief, and Carl Malone as Park Superintendent. This is the administration. Mayor Ridenour explains it was really impressive looking at the seniority list of the city employees. There are dozens and dozens of people who have served this city for twenty plus years. Mayor Ridenour wishes to recognize two of them tonight that have the two longest tenures in our city organization. Secretary at the Street Department, Linda Hayes, is presented with a framed illustration of Muncie landmarks. Linda has forty-four years serving all of this city and has the second-longest tenure of any city employee. Clares Burke, who knows everything about the finances of this city and is in the Controller's office, is the longest tenured employee in the city of Muncie. On January 25th, Clares hits forty-five years as a city of Muncie employee. She, too, is presented with a framed illustration of Muncie landmarks. Mayor Ridenour closes by thanking the council for their time.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 49-19 AN ORDINANCE CONCERNING REQUIRING AN ENVIRONMENTAL IMPACT STATEMENT AS A PREREQUISITE FOR CERTAIN ACTIONS BY THE COMMON COUNCIL OF THE CITY OF MUNCIE.

A motion is made by Robinson and seconded by Ingram to Adopt.

Audie Barber, 610 W. 11th Street, believes this is regarding the ordinance that made the environmental group that former Councilman Hampton voted on (5-4). Mr. Barber believes this should be removed and the process should start over because he received a judgement from a court hearing stating that Mr. Hampton was not allowed to be on the city council at the time he was so his vote should be stricken from the record. All of his votes should be removed from the record. Barber has handouts that he would like to distribute but President Polk asks that he gives them to the Clerk to distribute. Barber continues, there is a couple numbered-lines on the court ruling that is important, like number 14, which requests for repayment of any salary or compensation paid to the defendant... Polk cuts him off and states the council is not speaking on that matter right now and that they are speaking on Ord. 49-19 regarding environmental impact.

A motion is made by Davis and seconded by Ivy to Table.

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

Robinson asks that in light of the judges' ruling on Councilman Hampton in December, if it is possible for the new council attorneys to take a look at that and advise the current council if there is anything that needs to be thrown out or re-voted on and the legitimacy of the Environmental Impact Committee. Councilman Ingram adds that he would also like them to look into if the city can reclaim the money that was paid to him illegally. The legal counsel advises that they can do that. Ivy jokingly tells them that is their first assignment.

ORD. 50-19 AN ORDINANCE AMENDING ORD. 30-19 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 2020.

A motion is made by Robinson and seconded by Ivy to Adopt.

Mayor Dan Ridenour, 300 North High Street, Muncie, explains this was an employee moving from one department to another and it was really more of cleanup. She is a civilian employee and she moved from one department in to another so that that's what this ordinance was. The Mayor just wanted to remind them of what it was, for the new people. It was a similar role, but she just moved from one department to another. It is asked which department. The Mayor explains she went to the police department in an administrative role.

Nathan Sloan, Muncie Police Chief, states he has not had a chance to review it but he believes that this was the detective secretary. They actually left her in that heading for a long time but she was actually doing the other job. She is moving from the detective secretary position to an administrative assistant in the Chief's office. That job duty she has been doing for a number of years anyway.

Councilman Ingram asks if Chief Sloan has any idea of what her pay was before. Chief Sloan states he didn't know this was coming up tonight and asked for the information at an earlier time but did not yet get it, as they are still in transition. He does not remember it being that much and can remember when it was introduced last year but doesn't have that figure.

Councilman Ivy explains that he is familiar with the position and the staff and thinks the pay is in line with the responsibilities associated with that job, from his experience as City of Muncie Human Resources Director. Councilman Smith asks if he has seen a job description on that. Ivy responds he has not looked at it recently.

Councilwoman Davis asks if this is in line with the 2019 budget. It is declared in line. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

ORD. 51-19 AN ADDITIONAL APPROPRIATION ORDINANCE (MFD).

A motion is made by Robinson and seconded by Dudley to Adopt.

Elizabeth Edgell, PO Box 4104, has one question. By passing an additional appropriation here does that mean that the council would be condoning them as appropriation of funds?

David Miller, Muncie Fire Chief, 300 N. High Street, Muncie, explains this ordinance lists two financial figures that must be addressed. The first figure is over \$1.5 million dollars meant to be appropriated toward the purchase of new fire trucks. These fire trucks were already purchased under the previous administration in 2019, before the council even had time to properly adopt

this type of funding. This is the action in which the department will not tolerate in this new administration. They will not be spending money and will not then be asking for forgiveness after the fact that the previous administration has. Secondly, on the ordinance is a figure over \$712,000. This fund is intended to go towards the purchase of new PPE bunker gear for the firefighters. However, after further analysis, Chief Miller has a much lower figure that he would like to present to the council, if he could. He asks that the second figure be amended to state \$379,610 (and not \$712,910).

A motion is made by Ivy and seconded by Robinson to Amend to remove line item 104-21-444056 and to also amend line item 104-21-444056 Equipment from \$712,910 to \$379,610. Councilman Ivy confirms that he did research the minutes and it is the same number reflected in the minutes from November.

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

Councilwoman Davis asks about the ramifications if they were not to approve the appropriations for the \$1.5 million. Jason Delk, Legal Counsel, explains that that amount is not before the council any longer because they just amended it to remove that line. To answer the question if it would not have been amended and was still in there, for the current council as it sits this evening, he would echo Chief Millers sentiments. It would not necessarily encourage any action that would be taken to condone what was otherwise a violation of 36-4-8-12(b) which prohibits a city department officer or employee from obligating the city to any amount beyond the money appropriated for the department officer or employee. An obligation made in violation is void. In his view, to take action at this point in time but the council condoning what was in other wise improper expenditure would not be the most recommended course of action. Audie Barber, 610 W. 11th Street, Muncie, reiterates that the city has already paid for the fire trucks but is not going to appropriate the money to pay for it so does that mean that these fire trucks just sit there. Chief Miller answers no, that fire truck is in service and currently being used at this time.

Linda Gregory, 4501 N. Wheeling, Muncie, does not know whether it is a rumor or whether it was true but they had heard before the December council meeting that the turnout gear had already been ordered. If it has been ordered and delivered, that also circumvents the appropriation process so she might suggest that they explore that. The other thing that she needs to remind the council is that they have an amended ordinance that they need to present an adoption motion before they vote. Chief Miller explains that they just have a quote here and have not taken possession of any turnout gear at this time. Questions called.

A motion is made by Smith and seconded by Ingram to Adopt as Amended.

Councilman Robinson explains he is interested in what Ms. Gregory mentioned about the turnout gear and before voting on this, should they find out if that turnout gear has already been ordered or purchased. President Polk confirms that Chief Miller just stated this is a quote. Robinson then apologizes.

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

NEW ORDINANCES:

ORD. 1-20 AN ORDINANCE FOR ADDITIONAL APPROPRIATION FOR MUNCIE PUBLIC TRANSPORTATION CORPORATION.

A motion is made by Robinson and seconded by Ingram to Introduce.

Mike White, 1001 W. North St, Muncie, President of the Muncie Indiana Transit System (MITS) Board of Trustees explains that when they proposed the appropriation ordinance, part of their purchase of buses, this is the local match. They were informed on Friday that the State Board of Accounts (SBOA) which is the agency that has to approve their budget, approved their budget and inside that was \$195,000 for the local match. Their appropriation of press was for \$205,000 and they will come back later to make up that difference. Right now, they would like to have the appropriation ordinance Withdrawn. It wasn't expected that the \$195,000 would get approved but it did.

As sponsoring councilperson, Dishman moves to Withdraw Ord. 1-20. WITHDRAWN.

ORD. 2-20 AN ORDINANCE TO AMEND THE DEPOSIT RECIPIENT ACCOUNTS FOR ORD. 44-19 OF THE CITY OF MUNCIE CODE.

A motion is made by Robinson and seconded by Davis to Introduce.

Mayor Dan Ridenour explains he wrote this while he was still a city council member in December. The previous council had discussed that they wanted half of the money from the EMS to go into the Center Township Fund 104 and the other half to go into the General Fund 101. They did neglect that. Things went rather quickly at that November meeting and they did not get that accomplished. This was to correct that so that half of those funds will go into the General Fund in half will go into Fund 104. Mayor Ridenour asks that the council consider this for introduction.

Councilman Ingram asks why the city would be splitting that money between Center Township Fund and the General Fund and not putting it all go into the General Fund. Mayor Ridenour states the council has the right to do that. Ingram asks if there was a reason for doing that in which the Mayor responds, no, a part of it is to help fund EMS and to show those dollars that are going in for EMS which they have started seeing but the council has the ability to do that. However, he would encourage the council to consider doing 50/50 and taking, maybe, six months to see where the numbers are and then making a determination if they want to change it further or to all 104 or all 101. Ingram asks if there is someone from the fire department that would like to answer that, as to why the city is splitting that.

Mike Whited, President of the Muncie Firefighters Local 1348, first off wants to congratulate the new elected council and thanks them for stepping up and doing what they are doing. To answer the question, Mr. Whited is not here to speak in favor or against this motion, he just wishes to bring up a few points. The money that's generated from these fees for the ambulance service is not free money, it's money that's generated from making these runs. There is still overhead cost for the fire department, either wear and tear on the vehicles, the overtime is generated to backfill these ambulances and supplies. He wants to echo what Mayor Ridenour has said. If they do this, they may have to readdress it in six months because taking 50% and putting it into the General Fund may be too much. They may need to keep more of it in the fire department budget or line item to pay for the demand power or supplies because they will be replacing ambulances now instead of just fire trucks. That money has got to come from

somewhere, if not, the Fire Chief is going to be coming back asking for additional appropriations for the fire department. That is something to think about, this isn't just extra money that's coming in, it's got to be going to something. Ingram clarifies that the things that Mr. Whited mentioned aren't covered in the budget that they approved previously. Mr. Whited answers no. The proposed 2020 budget did not get approved so it reverted back to the 2019 budget. This happened late in the year and was something that was added on so that the money that it is generating is for these additional costs. This happens all around the state and other fire departments that do fire-based EMS. The money generated usually goes back into the fire department budget or goes into the non-reverting fund to pay for expenses for operating the EMS. Ingram asks how long the city has been operating fire-based EMS. Mr. Whited answers since about October/November. Ingram asks if they should have some kind of an idea of what is actually being brought in. Mr. Whited states they did not approve for the fire department to be able to collect anything until, he believes, November so they're probably just now starting to see the money coming in.

Councilman Smith refers to the Mayor making the comment that he saw money coming in and asks where it is going. Mayor Ridenour answers it is not being split right now and it is all going into the EMS. Smith clarifies that fund is Fund 104. Mayor Ridenour states he believes so but does not know the account number but it said "EMS" and that is all he knows. Smith clarifies that the General Fund is not getting any of this money, right now. Mayor Ridenour answers no, that is why he was trying to address this. The General Fund gets nothing and the fire department budget has part from the General Fund and part from 104 and part from the Safety. Smith refers to the 50% and clarifies there is no standard formula, no other guidelines and they could have done 80%. Mayor Ridenour confirms and goes on to add they could do 80-20%, 0-100%, 100-0%, whatever they want. It is just they, as the council, as everyone looks at these numbers and works on budgets in the future, they will want to account for as some of those expenses, if it all goes into the General Fund, they need to make sure to increase that General Fund budget for the fire department, to cover those expenses. At least, Mayor Ridenour would encourage the council to do so. Again, the previous council had just talked about doing 50/50, the fire department at that point had said they were fine with it. Referring to the minutes, that can be seen. The previous council neglected to do that at that time. Smith refers to the fire department agreeing on 50/50, at that time. Mayor Ridenour states the department said that whatever was approved, they would do.

Councilman Ivy clarifies that the Mayor's recommendation was to collect for six months, revisit it and make adjustments if necessary. Mayor Ridenour confirms.

Councilwoman Davis would like for the council to, at least, allow the six months because this EMS service is in the 6th district and it is a good thing for her constituents. They are happy with it and she would like for them to, at least, give it an opportunity. She hopes the 50/50 is considered.

Councilman Dishman asks Mayor Ridenour if the city is going to continue the fire-based EMS, service. The Mayor confirms. Dishman continues to ask that this does not mean they are going to do away with it in six months. The Mayor answers absolutely not, they are going to look at it in six months and see if there are any adjustments they need to make. Dishman clarifies that the Mayor is going to continue the service. The Mayor replies absolutely.

Josh Arthur, 1523 S, Jefferson St, Muncie, states last year in the fall, he and some others had the opportunity to sit down with the previous Fire Chief, previous Mayor, Deputy Chief and the person running the new ambulance EMS service and if the plan is correct (the business plan that was provided) he wishes and encourages them all to obtain a copy of it. If that is correct, and again, there's lots of factors but there is a substantial amount of money that it could generate. It looks like, from the documents given, that it would pay for itself. Mr. Arthur is not here to advocate whether it would or wouldn't but is asking that because this is a public health issue that involves health insurance, billing and involves the city council, as well as the Mayor's office and fire department, if they possibly appoint a special committee to investigate to make sure they are getting all the facts before making decisions. Also, to make sure that the revenue from the (potentially) good service that it is providing is put in the right spots. It would be a great beginning move for everyone to work together, especially if it is a public health issue. President Polk reminds everyone this is just for Introduction tonight and they will not be voting on the adoption until February, that is, if it is introduced.

Andrew Popp, 4000 N. Piper, Muncie, wanted to address something quickly that was said by one of the previous speakers but he cannot recall if it was the Mayor or the President of the Fire Union. According to what Mr. Popp has from the November meeting in reviewing this ordinance, he believes right now, 100% is actually going into Fund 101 and nothing is going in Fund 104. That is how he has it written down and how he has reviewed it over the past week. He thinks the council needs to make sure they know where the money's going before they move anything. Again, Mr. Popp has it down to show that everything is going into Fund 101, from the November meeting and in researching this document. He reiterates, it needs to be made sure that everything is in line before they move money around. President Polk asks if the Controller can, between now and the next meeting, look into that and see where that money is actually going to and present that to the council.

Audie Barber, 610 W. 11th St, states evidently, this is a pretty big issue because now, they are fighting over money and where it is going to. He understands but just wants to find out for sure that this is a money-making business for the City of Muncie. If that is correct, the community was misled by the previous council. If this has been making money for the last three months and now they are up there deciding where the money is going to go, it sounds like a pretty money-making outfit. In closing, Mr. Barber wishes congratulations to fire-based EMS.

Councilman Ingram asks if this could be something they could send to the Public Services Committee to take a look at. Councilman Smith makes the comment to Table it until they can get six months of data. Questions called.

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

ORD. 3-20 AN ORDINANCE TO AMEND THE BIDDING PRACTICES FOR PURCHASES ADDRESSED IN SECTION 38.06 OF THE CITY OF MUNCIE CODE.

A motion is made by Robinson and seconded by Ivy to Introduce.

Mayor Dan Ridenour, 300 North High St, Muncie, explains this is something he would like to see the council have better confidence that procedures will be followed. This is similar to what was tried in 2016, basically what it requires is that departments will be able to (if the council introduces and approves it) require that departments can purchase \$5,000 on their own. If it's \$5,000.01 up to \$20,000, they can still purchase it on their own but at least 24 hours before the

purchase they will have to send an email to the Controller. Mayor Ridenour feels like that 24-hour notice will make sure that those purchases are done with the citizen taxpayer in mind. They can still do it up to \$20,000. If it is \$20,000.01 higher, it has to go through a full bidding process that requires three different bids and at least seven days before. It needs to be made sure that the city is spending the citizens money on areas that it needs to spend it on and it will have to be signed off on by the Controller or the Mayor. It's just to tighten the ship a little bit and make sure that spending and handling of the city's business is in a proper way.

Councilman Smith appreciates Mayor Ridenour for putting this in and starting to get control over this crazy, out-of-control spending that has taken place over the last several years. Secondly, Smith knows the Mayor used to sit up here and jokingly asks if he ever looked at the chairs. Ridenour jokingly explains that earlier today, he had actually switched the chairs because the arms were so worn down and he was embarrassed for the City Clerk or Council Secretary to sit in it so he moved it to the legal counsel table. He lightheartedly apologizes to them, but, he does understand what Smith is saying. Smith replies that he seriously appreciates Mayor Ridenour for doing this.

Councilman Ingram asks how they go about anything \$150,000 and over. The Mayor responds that would have special rules and it is in a different section of the code so there is a certain process that's to be used. He continues, what he is finding is departments are buying a lot of \$25,000 vehicles. Originally, when he tried this in 2016, he had it at \$25,000 but has lowered it down to \$20,000. Also, he doesn't want to stop departments but he wants them to think before they buy and that's why he wanted the 24-hour notice on anything over \$5,000 up to \$20,000. His thinking is, as long as people are consciously making the best decision for the citizens of Muncie then everyone is going to be in great shape.

Councilman Ivy refers to the bidding process and asks who will be evaluating those bids. Mayor Ridenour answers if it's \$20,000 or less, they get to do it themselves. He just wants the administration to be notified to make sure that they don't go run amok, that's what it's about. He continues, if it's over \$20,000, it looks like it's going to be analyzed by the Controller or the Mayor. Ivy clarifies it is \$19,999 and they get three bids, where do the bids land once the purchase is made. Do those bids go in with the invoice to the controller to be paid? Mayor Ridenour answers yes and if they do not use the lowest bid, it was put in there that they have to explain why they used a higher bid, and there are good reasons as to why they would. Mayor Ridenour refers to last year when the council approved the parks department to purchase some new mowers that were not the lowest bid, because it was so much more efficient and they could accomplish so much more work in the parks by doing the middle bid. Department heads will still be able to make that decision. Ivy is just wondering in case State Board of Accounts comes in and reviews that purchase, have to pull that file and it will show the red tape behind the decision. In narrative, not the lowest bid. Mayor Ridenour confirms, yes and that they have to have the name, address, phone number of each supplier who provided a price, the price provided by each supplier, the supplier chosen and the reason for the choice (if the supplier did not provide the lowest bid) and that will all be in the file. That is precisely what Ivy was asking. Councilman Clark asks if these mirror rules for purchases above \$20,000 to, just ensure the vendors are the vendors of what they say they are, for example buying mowers from a mower shop. Mayor Ridenour asks for clarification. Clark asks if there is a vendor list. Mayor Ridenour answers he does not know if there is a preferred vendor list at this particular time. He adds that

he has only been Mayor for four days, technically six if you include the weekend which he did come in on Saturday and Sunday. He does not know if there is a preferred vendor list in each department but that is a good question. Ivy jokingly says he would think in six days, Mayor Ridenour would be able to provide that information. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 4-20 AN ORDINANCE TO AMEND SEC. 50.01 OF CHAPTER 50 FOR THE MUNCIE CITY CODE ENTITLED "SANITARY DISTRICT ESTABLISHED."

A motion is made by Robinson and seconded by Ingram to Introduce. Mayor Dan Ridenour, 300 North High St, wishes to introduce this ordinance to the council for consideration. He continues to explain this is quite a simple ordinance that expands the Muncie Sanitary District from three to five individuals. This expansion is allowed under state law and the city has every right to do this. The reason for this ordinance is as simple as the proposal itself is. Mayor Ridenour continues, first of all, it's no surprise to any of the members on the council or most of the residents of the city of Muncie that his campaign was built around the process to move direction and put light on situations, in other words transparency. What they are finding is there have been a number of what he is going to call illicit activities that have happened in the Sanitary District and he believes the public is frustrated, as well as probably most on the council. Mayor Ridenour reads some of these actions; one employee who served since 2013 was indicted by the FBI on charges of wire fraud, conspiracy to commit wire fraud, making false statements and falsifying documents. A district superintendent of sewer maintenance was indicted on charges of conspiracy to commit wire fraud, falsification of documents and witness tampering. A local contractor is accused of paying kickbacks to MSD officials, resulting in two counts of wire fraud, conspiracy to commit wire fraud and making false statements. Another local company, contractor he will call it, was arrested after having an infrastructure contract steered toward their company by the Muncie Sanitary District. A property owner who made a dubious land sale to the Muncie Sanitary District was arrested on charges of bank fraud and lying to the FBI. The reality is that he believes in the old adage that you need to put light on situations and light brings results. Mayor Ridenour thinks this departments needs to be cleansed and one of the things he wants to do is to raise the number of board members from three to five. This will have more eyes and more controls in place at the Sanitary District meetings. The Mayor does not believe that having 2 extra people on the Sanitary District board will, in itself, solve the problems. In his short time already as Mayor, there are many, many problems that have to be addressed in the Sanitary District and this is just going to be the very first step that this council is going to be asked to do to cleanse that department and put light on the situation, going forward. He asks that the council introduce this ordinance increasing the Muncie Sanitary District Commissioners from three to five and also for their positive affirmation of that, as representatives of this city were all elected to do the right things and this is what he believes is the right thing. Councilman Robinson confirms these are paid board positions. Mayor Ridenour agrees. Robinson continues, asking the pay of each board member. Mayor Ridenour replies roughly \$20,000. Robinson asks if by adding the 2 board members comes to \$40,000 and asks if that comes off the ratepayers or taxpayers, it all seems a little confusing. He just wants to know where this money coming out of. Mayor Ridenour answers it is going to come out of their

budget and that it is actually quite secretive right now. At the end of 2019, the cash situation in that department is tens of millions of dollars so he does not think it is going to be a problem to pay \$40,000 in order to get the oversight needed in this department. But, the Mayor can't tell the council exactly where it's coming from, at this point. Robinson adds that it was just out of his curiosity. He does plan to support this but did want to ask that question. He also wanted to ask when the three current members terms are up and were and up at the end of this year. Mayor Ridenour replies, one is at the end of 2020, the second one is up at the end of 2021 and the third one is up at the end of 2022. Robinson confirms if they were to go to 5, that would be in this case 3 Republican and 2 Democrat and asks it is a bipartisan board. Mayor Ridenour confirms, that is correct and states that it is required to be bipartisan, whether it's three or five. Councilman Smith asks if it is bipartisan now. Mayor Ridenour confirms, it is 2-1. Smith states okay and reads, "enlarging the existing Board of Sanitary Commissioners from three to five members will provide better oversight and accountability for the Sanitary District" and asks the Mayor if that is fact or merely his opinion. Mayor Ridenour states that is his opinion and that it is not working now. Smith asks if there is any evidence. Mayor Ridenour clarifies that Smith is asking for evidence that it is not working now. Smith states no, that it will improve accountability. Mayor Ridenour states no, he does not and he can't speculate that that is a future statement but what he does know is that this will provide better accountability and it will provide more eyes which mean more questions. He will put people with the most questions possible on that board. Smith gives the Mayor kudos for legislation like this to get control of where the spending is most out of control. He appreciates this. Audie Barber, 610 W. 11th St, Muncie, just wants to say that there has been one conviction on that, the other people have just been indicted and they're innocent until proven guilty. He wants everybody to be aware that, also. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 5-20 AN ORDINANCE OF THE CITY OF MUNCIE, INDIANA ESTABLISHING SEPARATE POLICE AND FIRE MERIT COMMISSION LINE ITEMS WITHIN THE GENERAL FUND.

A motion is made by Robinson and seconded by Davis to Introduce.

Dale Basham, 2305 West Sherman Ave, President of the Muncie Fire Merit Commission, explains there was a common safety Merit Commission prior to 2003 but that year, a Fire Commission and a Police Commission was established, however, it was neglected to separate the line items in the budget. He is here to advocate for this ordinance and to rectify that oversight. They have separate budgetary needs and they'd like to advocate for two line items for both fire and police merit.

Denise Moore, 3414 North Virginia Ave, states this was on the agenda in December to come forward before the end of the year so this budget split could happen at the start of 2020. Basically, the testing for both bodies comes out of this one fund. On the Fire Merit Commission, they've been able to do three hire lists and only two promotion lists in the last 8 years because funds get drawn and there's no money left. So, they would like to have the two budgets split a separate line item for police and fire.

Councilwoman Davis asks how much testing is. Moore asks for which, hiring or promotion. Davis replies either. Moore states for hiring, it is \$1500 for the first thirty and then \$25 per

applicant after that. For promotion, it is \$1500 per candidate. That is for the testing. For the oral interview, for the first twenty applicants, it's \$1,400 and \$25 for every applicant after that. Their last higher list that was completed in 2018 was \$3,605. Now, promotion testing is \$1,500 per rank and then there's also an additional fee for the interview. Moore would also like to ask the council to Suspend the Rules to go ahead and vote on this since it is now 2020 and can have separate budget items.

Councilman Clark believes the new merit law requires they be separate line items and asks if Mr. Delk can look into that. Mr. Delk states in order for the rules to be suspended, it has to be unanimous.

Linda Gregory, 4501 North Wheeling, explains that in the past with the creation of new line items, not necessarily like this one but just new, in the ordinance it would also specify the exact line item numbers. She was going to suggest that since the council had another month to look at this, that they amend the ordinance to include the exact line items (that is going to be required for a resolution that is on the agenda later). The other thing is that even if they create the line items, because they're new line items there's no appropriation in the 2019 budget, which, what the council has now is 2020. She doesn't know that there is any need to suspend the rules because until there is money in those accounts, they can't do anything with them anyway. So, it's going to be another month before the council sees an appropriation.

Trent Conway, City Controller, states he does not currently know the line numbers but can get that to the council. He also confirms that his office is prepared if this gets approved next month to create the new line numbers.

Councilman Robinson states if there is no line item and there is no money allocated can they actually move forward with this. President Polk addresses it is just for introduction. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

RESOLUTIONS:

RES. 1-20 A RESOLUTION REQUIRING AN ASSIGNED ETHICS TRAINING FOR ALL ELECTED OFFICIALS, DEPARTMENT APPOINTEES, ALL SUPERVISORS AND EMPLOYEES OF THE CITY OF MUNCIE.

A motion is made by Robinson and seconded by Ivy to Adopt.

Mayor Dan Ridenour is wanting to make sure that every city employee understands the value of doing it right, rather than obviously doing it wrong. He wants all of his appointed officials, along with all supervisors within the city to go to a multipower training about ethics and doing it right. It states elected officials but the he cannot actually make elected officials do anything. The Mayor is in the process of following his own procedures from the ordinance earlier, about how many bids. He states they have one bid in but are waiting on bids from two other companies and will then decide on what program the will use. Mayor Ridenour also wanted to put together an online program that will be about an hour long that every city employee will have to pass each year or per his recommendation. He just thinks that doing it right, being ethical in our approach and understanding who we work for which are the citizens of Muncie is the way

to go. Going off of his interviews with most of the employees, he has no doubts that they will do what is right. But, he wants to make sure that each and every year, the administration is talking to their employees about doing things properly, legally, following proper procedures and doing things correctly. That's what this is about and the Mayor was told he actually does not even need to have this in place, in front of the council, but he wanted the council to be a part of it.

Councilman Ivy knows someone (or himself) may amend this, and he is not making that motion to amend right now, the Mayor or department heads, etc. It would not govern that. The council does not want to govern how the administration manages the city other than the fiscal responsibility that they have. With respect to that, Ivy asks if the council members would be allowed to participate in the training. Mayor Ridenour answers absolutely.

Councilman Ingram confirms that the Mayor has already received one bid. Mayor Ridenour states yes. Ingram asks if he would mind disclosing how much that bid was for. The Mayor states it was about \$11,400. Ingram asks where that money is going to be pulled from within the budget. The Mayor explains it is important to him so it would probably come from the EDIT funds.

Councilman Ivy states when he was HR for the City of Muncie, he reached out to its insurance provider and workman's comp which, they provided that training for the police and fire. They provided it as part of the contract so the new administration may want to look into some pro bono work they would do as part of their contract with the city that's already being paid for. Ivy can't remember the exact training but recalls it being sensitivity training, when the city started hiring women on the fire department. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

RES. 2-20 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE ESTABLISHING POLICIES AND PROCEDURES TO PROTECT DECORUM AND FOSTER THE EFFECTIVE ADMINISTRATION OF PUBLIC MEETINGS.

A motion is made by Robinson and seconded by Smith to Adopt.

Sarah Vitale, 1005 N. Bittersweet Lane, has a few concerns with the resolution as written and requests that the council not approve it tonight or table it so it can be amended. Her three concerns are with 1B, 1I and 1J. 1B does not guarantee a public comment period but rather states that the council "may provide for a public comment period." She suggests that the language be amended to state the council "shall provide for a public comment period." 1I states "comments which are duplicative or repetitive will be deemed out of order and the speaker will be asked to stop." The language here is unclear as to what 'duplicative' or 'repetitive' refers to. If it refers to a previous speaker, then the following problem arises. What if several speakers agree with each other and make slightly different points or new honest points that the council deems duplicative or repetitive. Who makes that decision? Also, Ms. Vitale believes 1J is a problem and a serious one at that. This is the one that deals with decorum which is the heart of the resolution. It states that "any speaker who is discourteous, argumentative, accusatory, or insulting will be deemed out of order and asked to stop." She understands that this point is

meant to deal with unacceptable or disruptive speech. First of all, such speech is intended to make an argument which is thus, argumentative, like her speech right now. She is arguing that this resolution be amended. Second, sometimes accusations are appropriate, well-supported and relate to city business. Finally, though we use criteria like 'discourteous' and 'impolite' to determine what speech is acceptable and what isn't, we are more likely for our implicit biases to impact our judgement. Criteria such as 'discourteous' can be used to police speech that isn't considered "white" or "middle-class." If decorum rules are in place, she would suggest rather using language that has been seen in the Bloomington City Council use for public comment area. They simply ask that speakers refrain from obscenities and personal attacks against private individuals, unrelated to the obligation of the city. That seems simple enough to deal with the concerns that she feels is the heart of this resolution.

Councilman Robinson acknowledges that their legal counsel is brand new but asks if they have had the opportunity to look over this. It is noted that this was sponsored by previous council attorney, Joe Hunter.

Ari Hurwitz, 4200 E. Bluegrass Dr, Muncie, hope this does not pass, as is, as it will duplicate some of the procedures already in place. He is engaging with the council, communicating his concerns about this resolution because while he understands decorum sheds light on situations, referring to the end of 2019, he feels as if some of the cornerstones of democracy of free speech are at risk with the way the resolution is currently written, especially given the openness, integrity, public trust and accountability and all of those things that everyone heard at election time in November. He wishes to explain how important it is that the resolution text is very clear, crystal clear, that the public may speak only at the digression of the council and has no right to do so. Mr. Hurwitz actually believes it states that twice in the entirety of the resolution. This is generally undemocratic and goes against all of those campaign promises people made, as free speech and the ability of the public to address their publicly elected body is probably the hallmark of democracy, the second element to voting itself. It is also very foot-to-foot forward, in regards to the council, that they address that in the first meeting to make it clear that the public does not have a right to speak at meetings. Mr. Hurwitz strongly urges the council to withdraw this resolution and to continue to establish decorum credentials but also codify that, in fact, the public does have a right to speak at the meeting of its elected representatives and thereby, the council would lay down the rules for speaking. He also has an issue with 1I about duplicative comments and asks not only who will be making that decision but when will they be making that decision. If someone were to speak generally similarly to someone else for three seconds, sixty seconds, or eighty seconds, would that be duplicative? It might be after that time they address a different point or have different evidence. Also, one reason that the public's voice is so important is so council members can understand the strength behind the statement, as well as encouraging engagement and enfranchisement with the citizenry. Even if people do not mix the specific points of evidence, if this auditorium is packed with people who say be unison, then it is each of their right to have their voices heard so the council can better understand this unity and voice. He thinks back on this last year with discussion of the Waelz Sustainable Products development and there was a lot of people saying

the same thing. He believes it was very vital for the council to hear what a lot of the people were saying which was the same thing. They understood the unity and power of the voice of the community on that issue. That unity and power is one of the reasons that development did not end up coming to Muncie. Unbeknownst to this, to make it a much better step forward. Mr. Hurwitz thinks there could be decorum rules that codify the right of the public to speak at City Council meetings.

Kristopher Bilbrey, Winchester, Indiana, states the first two speakers that spoke said a lot of wonderful things. He does want to say that he does not believe the council is trying to cut out public concerns, at least, that's not what he has taken from this. Over the last two years, he has spoken with the Public Access Counselor and many employees of that office on multiple times and knows the Public Access Handbook inside and out. It is right in saying that at public meetings, the board/council/whoever is meeting, does not have to offer a public concerns section. The Indiana Handbook does say that. Maybe we need to talk to our legislators but it does say that. However, Mr. Bilbrey does not feel like that is what this city council is trying to do, although, he understands a need for decorum. Continuing, Mr. Bilbrey welcomes the new council and states he is excited to see everyone up there. He believes with everything that he has, that this council is going to do some wonderful things and can't wait to see what the future holds for not only the council but also the Mayor's administration and everyone else. Pertaining to this resolution, decorum is needed, by citizens, by the council, elected officials, appointed officials and city employees. That being said, passing this resolution is kind of a non-issue, to him. He has read it several times and to be honest, there's nothing really new in the resolution because the Public Assess Councilor Handbook has stated all of this before. Five years ago, last year, the council didn't have to allow concerns. There is a catch-22 there, because as the supremacy clause to the Constitution of the United States, Article 6, Clause 2, establishes that the Constitution and federal laws made pursuant to it are the supreme law of the land and thus take priority over any conflicting state law, essentially stating that state law, county, city, or town ordinances or resolutions simply cannot supersede the Constitution. So, while the Public Access Counselor states that the governing body doesn't have to express concerns or comments or what not, there is a catch-22 because they can't also regulate free speech. Anyone can YouTube, Google or find many, many council meetings where people are chanting in the back and the council continues to do business. Some are vulgar language, which Mr. Bilbrey definitely does not agree with. It is important for him to say to either pass the resolution or don't pass the resolution but he stands by anything that happened in the last several meetings of last year. He acknowledges that things could have been handled differently but a lot of that fell on the council. There was a fracture between what was being looked at and the fracture was wrongly looking at whether action should be taken on an issue (Hampton) or whether it shouldn't. That wasn't the issue, though. The issue was the council sitting together in the past should have called it to a vote and then let the vote dictate how it was. They finally did that in the last meeting but then it was pulled back and the meeting was adjourned. So, again, Mr. Bilbrey stands by any action that he done in the past but because the new council is mostly just that, a new council, he does not have any issues. He sees good things and feels like it'll

continue, however, he also wants to caution them and say if a time comes when he feels that he must stand before them and voice his opinion, resolution or no resolution, he is going to do that. Then with no hard feelings, the council will do what they need to do and people who are way smarter will dictate whether they had the right to do that or not. Those people usually wear robes and it is in a courtroom, though, referring to judges. He recommends taking it into consideration, listening to the rest of the speakers and all be ready for decorum, just be careful in trying to limit people speaking.

Elizabeth Edgell, representing the Delaware County Community Awareness Facebook group and states today, they were having a discussion in the group and her members had a question. They wanted to know if that rule was going to apply to the council as well, because (and she will address this because no one has yet) the public was flipped off by one of the previous council members at the last meeting. That is atrocious. She would highly suggest that instead of ordinances, everyone obtain a dose of manners. She suggests trying Roberts Rules of Order referring to everyone, the council and the public, and use it as a partnership. Instead of telling the public what they can't do, what is the council going to do differently? If they are coming at it from that direction, it is coming wrong. It is starting that partnership off on the wrong foot. Her members want to know if the council would have to follow those rules too.

President Polk states the council actually passed a resolution, Res. 9-08, 12 years ago, that basically says the meeting procedures for the Common Council and how they are to act. It does particularly talk about the respect that they, as a council, are supposed to show the public. Ms. Edgell will make sure that she gets that and they are actually discussing how members of the public are to act and she thinks it is important to educate themselves.

Audie Barber, 610 W. 11th St, states he knows this resolution was drawn up regarding him. Councilman Ingram comments that it wasn't just Mr. Barber. Barber continues stating that he felt the city business was always handled first. He also wanted to discuss 1M and 1N, as well. 1M states "the council are authorized, and have sole discretion, to request any person deemed out of order leave the meeting," which Mr. Barber asks if this is referring to one, two, or a majority or unanimous vote. He has the same question with 1N that states, "in extreme cases, if a person refuses to leave the meeting after being asked to do so and that person continues to disrupt the proceedings in a way that is obviously hostile to the purpose of the meeting, the council may order that the person be removed by the members of the Muncie Police Department and be subject to the provisions of Indiana Criminal Code Sections 35-45-1-3(a) and 35-33-1-1(a)(4)." Mr. Barber asks if the President is going to have that control or would it have to be President, Vice-President and Reading Secretary or would it have to be the whole council. This is open to a lot of interpretation and thinks it should be voted down.

Linda Gregory, 4501 N. Wheeling Ave, states there are two or three things that she would recommend. One is to Table this and have the new legal counsel, perhaps a sub-committee, take another crack at it. She thinks there are some issues, some of which are housekeeping. The rules have some subject-verb agreement errors and as a former English teacher, that bugs her. In another case, it is asking for county of residence, which is different from what they have done in the past with requiring the person speaking state their street address. Ms. Gregory also

wonders about the people who are sponsoring, like a department head, builder for Habitat for Humanity, tax abatement, etc, being limited to the three-minute time frame. If not, that sets up an economy for people who are opposed to it. They would get three minutes and the “good guy” gets unlimited, which would be a problem. She thinks the council may also have a problem with the mechanics involved with all the sign-ups. Is this going to be a matrix where they have the address and name all that down one side and across the top the various items on the agenda where if someone wants to talk on all of the ordinances, (like she has tonight) that she has to select all the ordinances? And, does she have to have her name down before the meeting start or can she get up and do it during the meeting? Maybe someone stating an opposition triggers an idea for her but darn it, she did not sign up to speak on that particular one. In that case, the council would not hear her brilliant three-minute idea. Those are some of the things she wishes the council will consider if they ultimately decide to Table and take another look at it.

President Polk answers her question about the sign-up being just for the public comment section, at the end of the meeting. She states that would then need to be addressed in the resolution. Polk states the way it was written was just that they would be allowed to speak three minutes, like in the past, and then they would need to fill out the form before the meeting. Ms. Gregory took the interpretation that anytime someone got up to speak, they were to pre-register and only got three minutes to speak. Polk states, as the author of this resolution, it was not to handcuff anybody but it to be clear that this is a new council that has a great opportunity in front of them with seven new members, that will need to conduct city business so there's going to be quite a bit of city business, as seen tonight with the Mayor coming up at least four or five times and that is expected over the next sixth months to a year to ultimately the next four years. They have to be able to conduct business and not get off track. So, after hearing some questions, Polk does plan to Table this tonight and send it to a committee to study.

Councilman Robinson was actually going to make that motion but wanted to first send this to the Government Administration Committee and the people that came tonight to speak on this can come to the Government Administration Committee Meeting and speak at that to help shape this and make sure it gets done right. He agrees with President Polk that they have got to have rules established so that they can conduct city business.

A motion is made by Robinson and seconded by Smith to Table. A roll call vote showed 9 yeas and 0 nays. TABLED.

A motion is made by Polk and seconded by Clark to send this to the Government Administration Committee to study, as well as their city council legal counsel. The committee meeting date and time will be determined because this resolution is now Tabled so it won't come back up until someone makes the motion to Bring it off the Table. It remains Tabled for six months before being automatically withdrawn.

A roll call vote showed 9 yeas and 0 nays. MOTION CARRIED. Resolution 2-20 is sent to the Government Administration Committee for further review.

President Polk advises once he has the council members assigned to their Standing Committees, they will have a meeting that will be open to the public with minutes taken. He also mentions that the meeting time will be after 5:00 PM because that is when he gets off work. A motion is made by Robinson and seconded by Ivy to take a five-minute Recess.

RES. 3-20 A RESOLUTION MAKING TRANSFERS WITHIN THE GENERAL FUND (PARK).

A motion is made by Robinson and seconded by Ingram to Adopt.

Matt Walker, Working Foreman with the Muncie Parks Department, states this was on the December agenda. All it is a clerical error. When they wrote their purposed budget last year, that got voted down, they made changes in the electric. At Prairie Creek, the department added some new trailers to help create more revenue, but, they never had the chance to upgrade the money for the electric bill. Therefore, all the money that is being moved, is actually coming in as camper revenue. This is to get the budget changed in order to reflect that. It is moving money from the capital equipment line item to cover the electric bill.

Councilman Clark asks for some data to back up what Mr. Walker is stating. Walker informs him that he had it at the last meeting but not right now. Clark states \$50,000 seems like a large amount for campers. Mr. Walker replies the previous superintendent there had about sixteen campers and later added nine more and it just never got adjusted. Like he earlier stated, when they did their proposed budget for 2020, that all was changed to show the accurate numbers, but it was voted down by council. This exact same problem will resurface eight or nine months down the road if they do not get this fixed now. Clark asks if this pays for the meter base setup for the campers that are out there or is this the actual electric bill that is paid monthly. Mr. Walker responds it is a bill they pay monthly but they generate all that money in revenue. The campers are there and they are taking money in, it just hasn't been budgeted properly.

Councilman Ingram confirms that this is not new money that the Parks is asking for. Mr. Walker states no, it is not new money, it is money they had from last year and they are just asking council give the permission to move it to be in line with State Board of Accounts at the end of the year.

Councilman Smith asks if Mr. Walker is the superintendent out there. Mr. Walker answers no, he is the Working Foreman for the Muncie Parks Department and the Parks Superintendent left, essentially, at the end of last year and he is familiar with this. Smith asks if the Prairie Creek Superintendent reports to the Parks Superintendent and if that is the organizational structure. Mr. Walker states there is no Superintendent at Prairie Creek anymore. Its run by the Working Foreman so, essentially, he is doing some of those job duties but it's all overseen by the Parks Department. Smith asks if the Working Foreman reports to the Parks Department Superintendent. Mr. Walker confirms that he does.

Councilman Ingram states he is a big opponent of Prairie Creek Reservoir and thinks it is a great amenity to have for our residents to use and enjoy so he just wants to say great job to the people taking care of it all out there and to let it be known that he is definitely going to vote yes on this. Mr. Walker appreciates that and wants to put it out there just so everyone knows that they did ask for a little extra money last year to make some capital improvements but other than that, everything runs and operates on everything that is brought in. They rarely come to

council to ask for money but did so last year so they could build a new bathhouse and a few amenities but once that is done, they will start generating the revenue.

Councilman Clark asks if the Controller would like to speak on this, in which, he does not.

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

RES. 4-20 A RESOLUTION MAKING TRANSFERS WITHIN THE GENERAL FUND (POLICE/FIRE MERIT).

A motion is made by Robinson and seconded by Ivy to Adopt.

A motion is made by Polk and seconded by Robinson to Withdraw Res. 4-20. Since Polk was not the sponsoring councilperson, the motion and roll call vote is needed. He states he had received a request that it be withdrawn. A roll call vote showed 9 yeas and 0 nays.

WITHDRAWN.

OTHER BUSINESS:

Forrest Bowers, 1205 N. Brentwood Lane, congratulates the council upon their election and would like to thank members of the past council for their efforts these last few years. As for the incoming administration, please do your due diligence in serving the citizenry of Muncie with responsible governance in the coming years. As you all know, the citizens have spoken, now we need the council and administration to respond to increase the public trust to finally get Muncie moving in the right direction for the future of our children. Also, he would personally, like to thank Linda Gregory for her due diligence in many areas while serving on the city council.

Audie Barber, 610 W. 11th St. explains that over the last six months, he has had an issue with people driving by and spotlighting his house because he has to give his name and address here at city council meetings. That is a privacy issue, if someone gets really mad at him or whatever. They could possibly shoot up his house or set it on fire. He would like to see that procedure changed for the privacy of the citizens, just like the privacy of the council members. Secondly, everybody knows that he had filed a lawsuit against John Hampton, a previous council member, to have him removed from council. He was removed and Councilman Ingram actually brought up earlier looking into having him pay back his pays. He was paid illegally, and Mr. Barber has provided the ruling from the judge. Lines 14 and 15 are the lines pertaining to the money. "Repayment of any salary or compensation paid to the defendant, John P. Hampton, shall be reserved to the city of Muncie." They would not let Mr. Barber do that. He was, however, allowed to file to have him removed. It would then be up to the council and the city to recover the funds from Mr. Hampton. Mr. Barber believes it is right around \$4,200, not much but then again, it is quite a bit. Councilman Ingram confirms that Mr. Barber provided a copy of that ruling to the legal counsel. Mr. Barber advises he did and that they do have a copy. The ruling also states that "the invalidation of any votes casted by John P. Hampton shall be reserved to the city of Muncie." There was one ordinance in particular that Mr. Barber recalls Mr. Hampton voted on an ordinance that came to a 5-4 vote. Mr. Barber believes all the records need to go

back to reflect that Mr. Hampton was not legally allowed to serve on council according to a judge and that all his votes and anything mentioning him in the records need to be struck from the record. In closing, Mr. Barber congratulates everyone and expresses how excited he is to work with everyone and to have a good next four years.

Emma Elizabeth Edgell, PO Box 4104, brought this previously to Councilman Ingram, when he was running for office. In Anderson, they do something called the Citizen Review Board. It is a very useful tool that the city council utilizes there. Each citizen is picked by a council member and they vote on who is going to lead it. You can set parameters for what they are allowed to deal with, like for example, they do not deal with any hiring or firing any city employees through the Citizen Review Board. It would be another layer and gesture of good will to the citizens to have a part in this. It is a place for regular citizens to go before they bring it to the actual city council. They can bring it to the Review Board and they can do the investigation and then ultimately bring it to the council. It is just another layer where, maybe, the citizens can handle some matters and leave the bigger things free, like the ordinances and resolutions for the council to handle. It is just something that she knows has a few different ways to do it and they can do their own research on that if they wish. She has information if anyone is interested and she would be very interested in seeing something like this be implemented. She thinks it would be a really good gesture of good will to the community to be a part of what is going on here. It would also free the council members up so they can do more of what they were actually elected to do. Councilman Ingram knows Ms. Edgell is very busy but asks if she would be willing to prepare some kind of a packet of information and provide to the council next meeting. Ms. Edgell states sure, she would love to do that.

Andrew Popp, 4000 N. Piper, Muncie, just wants to congratulate everyone on elections, starting off with Mayor Dan Ridenour, along with his appointments. Mr. Popp believes the Mayor has made some good choices and he wants to wish everyone a great four years. He worked closely on a few of the council members campaigns and, again, is looking forward to the next four years.

ADJOURNMENT:

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



Brad Polk, President of
the Muncie Common Council



Belinda Munson, Muncie City Clerk of
the Muncie Common Council