

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

MONDAY, JUNE 1, 2020

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

PLEDGE OF ALLEGIANCE: Led by Councilman Dudley.

INVOCATION: Given by Shemeka Gordon, member of the Urban Light Community Church.

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	

APPROVAL OF THE MINUTES: A motion is made by Robinson and seconded by Ivy to Approve the Minutes from the March 2nd Regular Meeting, the March 23rd Special Meeting, the April 6th Regular Meeting and the May 18th Regular Meeting. A roll call vote showed 9 yeas and 0 nays. MINUTES APPROVED.

COMMITTEE REPORTS:

Council Attorney, Dan Gibson explains it is that time of year again where the annual tax abatement compliance filings are coming in. Typically, they come in by May 15th but the deadline has been extended until June 15th. He spoke with Councilman Ivy earlier and it has been decided that they will get together within the next couple of weeks and review those filings. If there are any entities that are not hitting the marks

that they are expected to keep their abatement, there will be a Special Meeting scheduled at the end of the month to address it.

REPORTS OF CITY OFFICERS:

Mayor, Dan Ridenour states his assistant, Mikah, provided a new list of city departments and their respected months to present information to the council. In the two previous months, due to COVID-19, the meetings were limited to videoconference and only heard essential, emergency-related items. Therefore, the department heads were not able to keep up on their reports to council. Instead of having six different departments reporting tonight (at the first physical meeting back), he decided to just move everything down meaning they would start with what would have been the March meeting which is the Parks and Police Departments. Everyone will be moved down a month, going forward, so that each department gets heard and the council is getting impelled time to meet. Although, before they get into that, the Mayor wishes to make a statement to the council. He has been really pleased with the communication of the council, the requests and the guidance and wants to ask each member to make sure they hold him, his departments and the police and fire departments accountable to make sure there is no racism in the City of Muncie. He goes on to say he was so pleased for the two events that were held this weekend were safe, vocal, committed to their cause and their words were heard. The City is here and is going to make sure that they do not (at any step-in time) accept racism in the City of Muncie. Mayor Ridenour states he was able to attend he event on Monday and meet with the youth that put the group together and it was a thrill to see the excitement in their eyes as cars would go by and people continued to show up. That is the type of spirit we have here in Muncie. Mayor Ridenour is 100% confident that what they will do, as a city, together, in this town, and make sure that is what they will do. He asks to please, hold them all accountable, he will hold his departments accountable and it will not be tolerated in our city. In closing, he thanks the council for allowing him to speak.

PARKS DEPARTMENT:

Carl Malone, Parks Superintendent, has a copy of the Parks year-to-date statement and passes it out to the council. He is willing to answer any questions anyone may have regarding the budget and things they are doing in their programs. A quick overview of the Parks Department, itself, is busy playing catch-up from being out putting the piers in at Prairie Creek Reservoir. They are a little behind on the parks but

trying to move quickly and as fast as they can to address some of the areas in the community that have had tall grass. Mr. Malone states he spoke with a couple council members about certain areas and they tried to address it within the next day or two to take care of those issues. They currently have some improvements going on at McCullough Park, specifically, cabin #6 which is having new floor put in and then completed. There was also some roof work done. The basketball court is under refurbishing with new backboards and rims just put in. They are hoping to get to painting the court lines and once that is completed, it is really going to look nice and serve the youth of that community. The baseball diamond season is scheduled to start June 15th and they are currently working to get it ready for season, as well as Thomas Park. Something else that is currently going on in the City is the Mayor's Summer Youth Program which consists of 70 youths that signed up to work for eight weeks. They get paid \$50 on Friday. Implementation of the social distancing guidelines for the safety of the entire group during those eight weeks will be practiced. If there are any questions about that program, feel free to contact the Park office. As far as the year-to-date statement, Mr. Malone states everything looks okay and numbers seems to be in line with the year ending. He does not see anything that sticks out other than the line item 41014 being a little high but that is just due to vacation time and things of that nature. Mr. Malone continues that Tuhey Pool is scheduled to open June 15th but there are a few things that need taken care of before then. Right now, everything is on target and they are hoping to not have any setbacks from the Governor.

Councilman Ingram mentions Tuhey Pool and the collaboration with the YMCA. Mr. Malone explains the department is in the process of signing an operating agreement with the YMCA which has agreed to partner with the City of Muncie to handle the water aquatics part of the pool. He thinks that partnership, going forward, will be something big and nice for the city to have those two entities working together, that have a lot of experience in water aquatics. There are some other organizations that have partnered with the Y, that are also going to partner with the City (pool), so, they are moving forward there and building that relationship. Mr. Malone thinks they are at a good spot to be able to open on the 15th. He continues that they would be in charge of handling the early morning swimming and evening requirements for special swimming opportunities. Then, the Parks Department would handle the admissions coming in and out, concession stand and overall operation of Tuhey's itself. Councilman Ingram thinks its great to see a Department Head reach out to help brings things together and recalls there being issues with the aquatics and not being sure if the pool was able to be open. He applauds Mr. Malone, the YMCA and all that was able to help make it possible. Mr. Malone thanks him and adds that the Y had some of the certification requirements that

were needed so it made sense going forward. He knows people are excited and ready to get out there to swim and they are looking forward to it.

Councilman Robinson adds that a couple weeks ago, he received some calls from people in the neighborhood over on Riverside in relation to Emerson Dog Park. The grass was a little tall and he understands the Parks Department has been trying to catch-up with a lot of work. Councilman Robinson recalls calling Mr. Malone and they immediately met at the park. Tall grass, especially for dogs can attract fleas and ticks and things of that nature. It was in within sixteen hours after their meeting that Mr. Malone had his employees come in and cut down some dead trees, all of the tall grass, the weeds, got the water hooked up and had taken care of all the trash. He thanks Mr. Malone for that and he knows the dogs also thank Mr. Malone and the Parks Department, as well. Mr. Malone returns the gesture and appreciates Councilman Robinson's call for bringing it to his attention to address it. He adds that was why he wanted to meet him there to see for himself what kind of shape it was in. After the clean-up, Mr. Malone rode by to check and make sure it got done and did recall seeing a lot of visitors out there. It does look a lot better than it did. Councilman Robinson comments it is a very popular park. Mr. Malone adds that anyone else on council that has concerns within their district is welcome to get in touch with the Park office to bring it to their attention. They plan to meet with all the Neighborhood Associations to discuss issues concerning parks but have not been able to do that due to COVID-19. Any issues though, feel free to call them in. Mr. Malone then recalls Councilwoman Davis calling a few times regarding trash. After the neighborhood discussion, they are hopeful to get a plan together in moving forward to adjust all needs as it relates to the parks.

Councilman Dishman asks if there are currently any employees laid-off. Mr. Malone states they have one individual off (still), that had extended time (sick leave). He also states there is one person that is part-time, off and due to have surgery on his hip. Councilman Dishman was just wondering because he has noticed that around the piers at Prairie Creek had a lot of clouted grass and if there is someone specifically that attends to the area. Mr. Malone explains early on when first experiencing COVID-19, there were a lot of people off work (about six or seven full-time workers). The department was in the process of hiring seasonal help so they started out behind the 8-ball, as it relates to the pier. They just got behind is all. Councilman Dishman continues he was just wondering if they had issues with the piers out at Prairie Creek. Mr. Malone replies yes, when they get behind two weeks, they get behind three weeks, even though they get caught up just enough, they are still behind with maintenance and care. Councilman Dishman adds he wasn't sure if they had anybody laid-off due to COVID-19. Mr. Malone clarifies one part-time employee and one full-time employee that they

currently have off in their department, at this time. Councilman Dishman asks if they are getting back to normal. Mr. Malone states they are getting there, it is just a matter of time catching up and going forward.

Councilman Smith wishes to express his appreciation for allowing him to come and meet with the entire Parks Department and express to them how he feels about their tremendous workload. He appreciates Mr. Malone, the entire department and wants to personally thank him for the attention given to the Cooley Park. Councilman Smith explains there were two dead trees in the back of that park that a neighbor had been calling about to get cut down for the past seven years and within two weeks, they were cut down. Councilman Smith gives a huge kudos to Kelly and Chris for getting that taken care of. Mr. Malone thanks him. Councilman Smith then asks for a little bit of an overview on what Cooley Park is going to look like in three years. Mr. Malone states as it relates to neighborhood parks, Cooley Park, Thomas Park, or those parks that have neighborhoods or young people, playgrounds, things of that nature, are due for upgrades. There was conversation with the Mayor and his vision for those parks lead them to sit down and talk about what they could do going forward and what it would look like. Where they are at right now is the possibility of a splash house waterpark at Cooley. They also talked about upgrading the playground equipment, making it handicap accessible and things of that nature. Mr. Malone believes they have a grant that has already been in the works to have the bathrooms remodeled, as well as the outdoor basketball court with the possibility of having it resurfaced along with some new basketball rims and goals. There are a lot of kids in that neighborhood so he has always believed in having opportunities to serve kids that live close to city parks. Cooley Park is one of those parks they hope to have done in the next couple years. He believes it will be a safe park for kids to go to and that everyone will be proud of. Councilman Smith refers to the plans Mr. Malone and the Mayor showed him that by the end of the next three years, Cooley Park will be the showcase of neighborhood parks in Muncie. Mr. Malone thanks him and also thanks the Mayor, his vision and also for being able to put a game plan together going forward. He explains it is a lot of work and money doesn't just come up, that they have to apply for certain things. It takes time to be able to do what they need to do but he believes they can get it done within the time frame that they have set forth.

POLICE DEPARTMENT:

Nathan Sloan, Muncie Police Chief, passes out the Police Department budget, year-to-date, to members of the council. As it can be seen, there is quite a bit to look over. The overall account balance for the General Fund #101 is at about 38%. That is typically

where the department is at this time of year. In Fund #106, they are at about 43%. Chief Sloan states if the council wants to go ahead and look through the budget and if anyone ultimately has any questions to let him know but, in the meantime, he is going to continue on with his departmental report. Currently, MPD has 88 officers on the street or assigned to a desk somewhere. It is no where near enough. They are working through some issues and right now have eight officers that are hurt (or otherwise off), nine officers that are transitioning into retirement and still on the books for a total of 105 police officers on the active roster. They would like to get those officers replaced as they come in off the books as quickly as possible, in working with the Merit Commission on getting some of that done. The department just verified a new hiring list and will be hiring from that as soon as they can. They are working with the Merit Commission to get some of the hiring rules changed and resolved so they can streamline that process. The department contracted with a new company in Indianapolis to perform the testing procedures for both promotional and hiring. The company has the gold standard as it is considered to law enforcement hiring and trusted throughout the state. The action in that was so that everyone would be ensured a fair process moving forward. To that end, the department does have an application deadline for new hires of June 26th so please, anybody that has an idea of somebody that would want to be a Muncie Police Officer, in town or not, June 26th is when the department needs applications by. It is available online or here, in person, at City Hall. Chief Sloan continues that the department is currently reviewing and re-writing all of the City of Muncie Police Department policy because it is antiquated and hasn't been looked at since 2013, some of which, will be completely tossed out. Other parts, they are taking bits and pieces that they like and that are current with law and police practice. The department has completely restructured CID (the Criminal Investigation Division) with six full-time Detectives. There are two Supervisors, three Detectives assigned to SMART, one Domestic Violence Detective and one Captain. They are all overseen by Deputy Chief, Melissa Pease, who is also in attendance tonight. As far as COVID-19 is concerned, they are dealing with it just like everyone else is and currently, there are no positive exposures. They have re-worked their policy and directives due to COVID-19 to account for that and so the officers know what to do. Something that is particularly important to them is that their police presence is holding out, for now, thanks to the public. Many people approached officers on the department and gave them supplies and even made them masks. Citizens want to make sure that first-responders are properly protected and that is greatly appreciated. Chief Sloan continues, that the department has applied for many grants, many of which were submitted for reimbursement of COVID-19 related expenses and that process has moved along quite well. The Chief also just submitted

the departments 2021 budget to the Mayor and discussion on that will be continued until a further time. It is particular to note that they have completely overhauled their training division to include a new Training Sergeant, who is doing a fantastic job. There is also a new full-time Trainer that does nothing except pluck people off a shift, day-to-day (when COVID-19 is not interfering), to be able to train them in hands-on tactics such as driving or shooting. Whatever it is, they have really ramped up the training on it. The Trainer will go and pluck a couple of instructors and get three or four people out there to really get some good quality one on-one training. The department has a new Immersive Program to train in such areas such as de-escalation, child abuse, racism, endangered adults, SIDS, autism, human trafficking, domestic violence and several other areas. They just finished training the entire department in all these areas, which is no small fee (it is not easy with 12-hour shifts and already short on manpower in replacing those people on the streets so they could participate in training). The Chief recalls having to even cancel the training at one point and it has taken an entire month to get the department where they are at now. In closing, Chief Sloan just wants to say that what we saw in Minneapolis was horrible. We are all dealing with it, them as a department, out on the street, and the entire community is dealing with it. He assures everyone that racism has no place in the City of Muncie and it has no place in the Muncie Police Department. He is willing to answer any questions anyone may have.

Councilwoman Davis asks if they will be able to see the changes that were made in the department policy, referring to what they decided to re-write or remove completely. Chief Sloan states it is still being gone through and he does not want to speak for the Commission as they move along. Until they are all finished, he doesn't want to go into a lot of that and the reason is it has to do with timing. He will, however, present that at a later time. Councilwoman Davis agrees and continues that she has been asked by citizens if police officers are required to wear a mask when arresting someone. Chief Sloan answers they leave it at upon the officer's discretion. Generally, the officers are wearing masks when they feel that they need to, just like everyone in attendance for tonight's meeting. In the Chief's office, they work so closely together that (unfortunately) if someone is going to get it, it is going to be in his office and will be contained there but nobody can wear these masks twenty-four-seven. They are doing the best they can but yes, the officers are given the opportunity to make that decision upon themselves and he sees a lot of them wearing one when they feel it's appropriate.

Councilman Ivy refers to the budgets that are near exhaustion and asks if there is a plan in place to re-appropriate money to those necessary line items. Chief Sloan replies there are several areas within the budget where they can move money from one area to another without having to involve anyone else because those areas are within

the same general grouping. He uses the example of the line item for Lieutenants, Sergeants and Investigators and states that is particularly well-funded and they would be able to move that to Captains. There are several additional areas too, such as the Ammo budget. There, the department spent quite a bit of money upfront because they foresaw what was going to happen with the prices skyrocketing, therefore, stocked up and it is all being held downstairs, locked up in the property room. Spending that upfront saved them a lot of money on the backend. They also have other line items to cover Training and things like that so they don't have to worry about it.

Councilman Clark comments about training and mentions the FOP stating he has had a couple constituents ask him about late night target practice. He asks if there are certain hours which that is allowed. Chief Sloan clarifies Councilman Clark means citizens being angry about the gunfire and explains that the officers are required (by federal case law) to be able to shoot at night and shoot in the environment that they will be shooting in. It can not be expected for people to shoot accurately at night when they are under pressure or under stress when all they do is shoot during the day. Officers are going to have to be able to hit the targets they are aiming at with the police lights on, sometimes with the siren on and sometimes at night. That is a requirement that the department is held to so, unfortunately, unless the council wishes to buy suppressors for all their guns, which he does not believe they do, there is not too much to help the gunfire at night. They do try not to do it very much but it is, unfortunately, a necessity sometimes.

Councilman Ivy asks about the possibility of one of them attending one of those training sessions. Chief Sloan states he is sure they could make that happen. Ivy responds that he can hear them from where he lives and would like to be a little closer. Chief Sloan states they get shots fired reports that are actually other officers training on the range and citizens will call in stating they hear gunfire; it's the Muncie Police Department. He does totally understand where the citizens are coming from but, unfortunately, it is one of those unnecessary evils of the job.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 9-20 AN ORDINANCE OF THE CITY OF MUNCIE AMENDING SECTION 32.33 OF THE CITY OF MUNCIE CODE OF ORDINANCES. (AMENDED)

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

Councilman Robinson reminds everyone (since it has been a while since this was last discussed) that this ordinance is to change the regular time of the City Council meeting from 7:30 PM to 7:00 PM. President Polk clarifies that was amended to reflect

7:00 PM because the original filing had the time 6:30 PM. Councilman Robinson adds that Public Hearings will then be at 6:30 PM, if needed. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED AS AMENDED.

ORD. 12-20 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (PARKS DEPARTMENT - \$305,362).

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

Trent Conway, City Controller, explains that as they have looked into these bids that were received for these Parks vehicles and the source in which they received them, the city was originally under the assumption that they were done via Indiana statutes. It is through a government entity out of Minneapolis and Indiana statute allows us to purchase from other governmental agencies if it will take advantage of any negotiating funds or bids that they have received. However, we would have to be able to prove that they are abiding by Indiana statute or purchasing requirements. As they have dug into this and had legal counsel look into it, it was found out that these bids were not following Indiana statute, mainly that they are sending out notice to bids in the frequency that they need to be. On behalf of the Parks Department and City Administration, he is asking that this be Tabled so they can go through the appropriate bidding process. Mr. Conway believes they can have a bid opening either June 24th or July 1st (so before the next council meeting).

Councilman Robinson asks if they are anticipating the price to be higher or lower. Mr. Conway responds no, they are not anticipating any change in the price and if the council wants to appropriate now, they could. Councilman Robinson continues that would be his expectation to, rather than Table, vote this evening but that is just his hope and desire.

Councilman Ivy agrees with Robinson, that although they are going to go back and make sure that all the steps are done, according to the statute, the money could be in place for when the time comes to proceed. Mr. Conway appreciates that.

Councilman Smith adds the comment that is if it passes.

Councilman Robinson clarifies that the approved bid will go before the Board of Works, for approval and that is where the bids will be opened. Mr. Conway confirms. Councilman Ivy asks if Mr. Conway can make that process available to the council members via e-mail. Mr. Conway says absolutely and adds that the City's legal counsel has that prepared and condensed into an easily readable format that he will send to everyone.

Councilman Ingram has some concerns with going ahead and voting on this and would like to be sure of what the money is being spent on and what kind of equipment

is purchased, although we know in this case it would be trucks. He would still like to see the bids and follow through, just like everything else. His concerns are if they go ahead and pass it then becomes an “out of sight, out of mind” sort of thing.

Councilman Dishman would like to reiterate that we buy local and doing so stimulates business here in Muncie. There are two main trucking dealers, General Truck Sales and Selking International and he is sure could supply those same vehicles the Parks Department is looking to purchase. Councilman Dishman just believes in buying local goods to help our local economy.

Councilman Smith states if they pass this tonight, they are saying that they already know what those bids are. Councilman Ivy states no, that is not what they are saying. Smith asks if they are going to come back with the same exact amount. Ivy states no, not necessarily. Smith reiterates that was what was just said. Ivy states no. Mr. Conway states no and explains when they put it out there to bid, anybody can bid on it, including the bids already received from the vendors. Councilman Ingram clarifies that the bids already received will have to be resubmitted. Mr. Conway states that is absolutely correct.

Councilwoman Davis asks if these types of trucks vary in price range very much. Mr. Conway states yes, depending on the manufacturer and parts that they’re using so they will have to send out a spec list in the invitation to bid and then depending on the manufacturers and what the cost is to them, it could change. These are very specialized vehicles. Davis continues, wondering if that because they are specialized vehicles then they would be roughly around the same price range, give or take a \$10,000 difference. If they allocated the money for it, she would still want to see the bids but the dollars are there. She reiterates that the department really needs these vehicles. Councilman Smith asks fellow council members if they plan to approve the money when they don’t know what they are approving it for. Ivy states they do know what they are approving it for. Smith interjects that no, they don’t and states it is because they haven’t seen the notice for bids. Ivy states they do know what the scope of the work consists of and they know what they need. Smith states they don’t know until they see the request for bids that is advertised. Ivy confirms that the scope of work is what Councilman Smith is speaking on. Smith explains it is not work, it is equipment. Ivy adds that it is the scope of the purpose.

Councilman Robinson (to Councilman Smith and Councilman Ingram) states he is willing to entertain any motion that anyone would put forth. If they want to Table it, he is so inclined to do that. Obviously, with the bids not happening yet, there is no rush on the money and his guess would be that if they were to hear this ordinance again on July 6th, they would be able to vote on it. He would entertain a motion to Table if anyone

was to so move. Councilman Ingram states he would feel more comfortable to Table (until they see some of the bids) and Smith states he would second. Council Attorney, Dan Gibson, reminds them that there is a pending motion on the floor to Adopt. Councilman Robinson withdraws his previous motion to Adopt.

A motion is made by Ingram and seconded by Smith to Table until July 6th 2020.

Mayor Dan Ridenour has a legal question. He explains that the Administration wants it Tabled and would do with it whatever the council purposed. However, he wonders if it has to be Tabled by the sponsoring councilperson. Attorney Gibson states he does not believe so, no. If it was to be Withdrawn, it would have to be by the sponsoring councilperson. Mayor Ridenour thanks him for clearing that up. A roll call vote showed 6 yeas (Ingram, Robinson, Dishman, Smith, Polk and Dudley) and 3 nays (Davis, Clark and Ivy). TABLED (until July 6th).

ORD. 13-20 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (POLICE DEPARTMENT - \$289,556).

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

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

ORD. 14-20 AN ORDINANCE FOR TRANSFER OF APPROPRIATIONS (GENERAL FUND – CURRENT: \$24,845,429. PROPOSED: \$24,840,461. NET CHANGES: \$4,968).

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

Trent Conway, City Controller, refers to the question asked by Councilman Ivy to the Police Chief Sloan earlier about exhausted line items and explains this ordinance and the last ordinance that was just passed should fix any of the budget issues that can be seen in the year-to-date budget provided earlier during Reports of City Officers. Also, he is willing to answer any additional questions anyone may have. Councilman Ivy refers to the \$4,968 being in double brackets showing a reduction and asks for clarification because it reads net changes. President Polk states it actually is on the ordinance, down at the bottom.

Councilman Ingram asks about the Animal Shelter with the Assistant Director position being defunded and if there has been thought about the strain that is going to put on the staff there. Mr. Conway states that Ethan Browning, the Director, would love for the position to be funded. Ingram explains he met with Mr. Browning last week and that was one of the reasons he was asking because he is quite overwhelmed out there and understaffed at this point. He wasn't sure if that was the only place that they found to be able to squeeze money out of or what. Mr. Conway explains that given the overall change that was needed to add to the Animal Shelter department, it was kind of hard to

add those things, but they are open to any suggestions and he is sure that Director Browning would love that.

Councilman Ivy asks if that is going to be revisited (to possibly staff that position) when planning the budget for 2021. Mr. Conway states yes, he believes everyone is revisiting what the staffing situations are for every department. Ivy implies within the next five months, that department may have that position available to hire. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:

ORD. 15-20 AN ORDINANCE OF THE CITY OF MUNCIE AMENDING ORD. 32-19 FIXING THE SALARY FOR THE CITY JUDGE OF THE CITY OF MUNCIE, INDIANA FOR THE YEAR 2020.

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

Amanda Dunnuck, City Court Judge, provides a list to the council members of what the court cases are. Anyone who has attended council meetings can tell the amount of people that cannot fit into this auditorium moving forward. As it can be seen, the seats have been marked with orange tags that are the only places she is allowing anyone to sit, being limited to defendants only. Monday mornings, the court runs anywhere from 85 to 120 cases at a 9:00 session, as well as 85 to 120 cases for a 1:00 session. Tuesday afternoons consist of 75 to 120 cases set for 1:00. Infractions would be on Wednesday consisting of usually about 40 a month. The number of ordinances set would vary depending on the departments represented. There are currently pending at the end of the first quarter 20... 25,253 (she rephrases) misdemeanors pending, 11,004 infractions pending, 2,157 ordinances pending for a total of 18,414 total cases pending in Muncie City Court. There is no way to run the number of cases that they have to run weekly, monthly and annually to stay on top of the statutory requirements. That is the request she is asking because she is going to have to add days to the court schedule. The request she has put in is for an additional \$12,502.62 that oh which will not require any additional appropriations out of her budget. The money is there and is going to cost the general fund nothing more than what is already there. That would start July 1st because that is the soonest she can add time to the courts calendar as well as her own private calendar with her private law firm. Judge Dunnuck continues that she does not feel right ordering people to come into this courtroom when she can't come in here safely. That is basically what she said to the council when she requested the security. She states she is not going to be able to

set for than 50 cases a session so she is going to have to add days to the City Court schedule.

Councilman Ingram asks if she has a plan on what days she is going to be adding. Judge Dunnuck replies that between now and the end of the year, she is adding every Wednesday afternoon. They are typically resetting any pro se cases (un-represented) because she is going to work with fellow attorneys. She explains that Monday is a pro se day when people are un-represented and Tuesday is an attorney day. The plan is to use Mondays and Wednesdays now for pro se's and she is going to work with attorneys to try and stagger some scheduling of their cases. Some of the things they handle in court, like Title 12 (treatment and moved prosecution on DUI's) is now being done electronically and not physically in the courtroom. Judge Dunnuck continues she is trying to think outside the box to cure as much of it as she can and that is why she is starting small by adding just one day (half day) a week. Hopefully, that gets it but it is trial and error. Today was the first actual court day since COVID-19 started. When asked how it went, Judge Dunnuck states it was actually smooth but June 1st was the first re-set day, as well, so March dates got re-set to June. There was only about 35 to 40 people that showed up per session and that is about as much as they could do with having to social distance and keeping everyone safe. It went smooth today but there were 75 defendant that had shown up, she wouldn't have known how to handle it. People that are here (pre COVID-19) could inform just how many people come through on Mondays at the 9:00 and 1:00 sessions by witnessing the defendants clogging the hallways and atrium.

Councilman Ingram asks how the court is notifying people of their new court dates and that they're back open. Judge Dunnuck states notices have been sent out of their new court dates and it is on them to provide their current address. Defendants can call in and check and also access their case at mycase.in.gov. The Judge continues that when COVID-19 started, she put a hold on executing City Court warrants and holding people in jail over City Court cases and she is not planning on taking that back until (probably) July 1st. The Supreme Court just issued out another Rule 17 Order extending some deadlines to August 14th. Therefore, she is not making permanent decisions but rather will be re-accessing it on July 1st and will see if we are safe enough to start enforcing warrants and things of that nature for the cases that are heard in Muncie City Court. The serious types of crimes heard consist of Battery with Injury and Domestic Battery. In discussion with the Prosecutor's staff, she informed them that if there is a case that needs heard, the Judge has made herself and her staff available to the defense and to the state throughout this entire pandemic. Unless she hears from one side or the other, she is not going to put any more people at risk than she has to.

Councilman Ingram states there seems to be a lot of leftover money in certain budgets to be moved around and he would hope that when the budget process begins, they start reeling that in a little bit. There are more budgets to have more money to move around and it is really tight, where there is not a lot of extra money to begin with. Judge Dunnuck aggress and states she submitted a budget last year that incorporated probation user fees and things of that nature and the one she is working off of is not the one she presented. She appreciates his position and agrees whole-heartedly.

Councilman Smith clarifies that the money is already appropriated in the budget and that she (the Judge) is requesting no additional money. Judge Dunnuck states that is correct.

Councilman Robinson has a procedural question to the Judge requesting this to start July 1st but the council meets to vote to pass on July 6th; will they be able to do retroactive to July 1st. He states that may be a question for Dan Gibson, Council Attorney. Mr. Gibson states that Mr. Conway (City Controller) may be able to explain to a little better but he believes that would only matter when the first paycheck gets distributed, where the increased amount would be. If that is not before July 6th or there is money there in the budget already, it shouldn't be a problem at all. He does not believe it needs to be made retroactive but rather than just vote to approve on July 6th. President Polk believes the pay date is on July 2nd. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 16-20 AN ORDINANCE OF THE CITY OF MUNCIE AMENDING CHAPTER 90 OF THE CITY OF MUNCIE CODE OF ORDINANCES. (LIVESTOCK)

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

Councilman Clark explains this ordinance allows urban chickens within city limits. He would propose that during the introduction, they move it to committee for proper public hearing and public input. Also, he would like to ask that counsel connects with Marta Moody and the Zoning Commission to petition them to change their zoning ordinance to match Ord. 16-20 so they are introduced concurrently.

Audie Barber explains they spoke about this in August/September of last year when the previous council agreed to have the fish aquatics greenhouse passed. He recalls mentioning back then that it was more of a joke but that if the City opens it up to fish, they open it up to chickens, cows and everything else. It is his belief that Muncie has enough dogs and cats running around freely and there isn't even enough money to fund the Animal Shelter properly. Introducing chickens to our city limits would cost the City a lot more money for Animal Control. There has to be a place to store the chickens when people get tired of raising them. Not to mention, they are dirty. Mr. Barber just

feels it would make our property values go even lower than what they are right now. By the time you buy chickens and cracked corn to feed them, you can go out here to one of the small-town farmers and buy (fresh) eggs a lot cheaper than raising chickens for eggs. He feels that the council needs to leave the animals that are allowed in town the way it is because the citizens do not need any more animals in town, not being able to afford the ones that are in town now. Plus, allowing this will bring in more varmints and things like that to get to those chickens.

President Polk requests everyone to limit their speaking to three minutes and to try to not be repetitive. He reminds everyone that the plan is to send this to committee so there will be at least two more meetings for discussion on this before they vote to adopt.

Kimberly Ferguson states she resides on an acre behind Robinwood Dr. which is well inside city limits. She is married with two small children, owns a business, a commercial building and as well as 30 properties, all here in Muncie. Allowing urban chickens, for her, is about personal responsibility, sustainability and securing local food sources. It is about making Muncie the type of community that she wants to live and raise children in. She firmly believes there are two types of people; people who complain about Muncie and people who work to make Muncie a better place. She believes urban chickens is working to make Muncie a better place to live and to raise children. As far as security goes, there are many examples of government asking citizens to keep chickens (and Mrs. Ferguson presents a 1918 advertisement from the Department of Agriculture asking to keep chickens). Just yesterday, The Star Press talked about food security and rising food prices in Muncie, which is our very own community. Mrs. Ferguson would first like to discuss the argument that everyone just heard (from Mr. Barber) and mentions she is so glad that he spoke first. Her husband is a realtor, she is a licensed realtor and when you are a realtor, you can pull data from NAR (National Association of Realtors). She encourages everyone to ask any realtor to do this. If you look at communities with housing prices like Broad Ripple, Carmel or Indianapolis, where housing prices are rising, they also have urban chickens. Now, she can stand here and lie and say getting urban chickens would raise our housing prices but that is a false correlation. They are not correlated. When you look at correlation and causation, they don't actually relate, just like chickens would not cause lower housing prices. Chickens will also not cause our housing prices to rise, like Broad Ripple. We don't want to look at false correlates when we are looking at data. She encourages everyone, again, to reach out to any realtor in the community and ask them to pull data. Chickens are not going to impact her housing prices as she owns 30 properties and claims it would bankrupt her if her housing prices took that huge plummet. That is the

last thing she would want in our community and just like stating that having chickens will lower housing prices is fear mongering, neither is factual. The truth is, chickens will not impact our housing prices one way or another. Correlation does not equal causation. False correlates are often used in politics to prove a point but the beautiful thing about this chicken ordinance, if you look at the 230 signatures and comments that was sent to council earlier today, they are democrat, republican, black, white, old, young, live on the northside of town, live on the southside. Mrs. Ferguson states this has been a beautiful blessing for her, whether they win or lose, to see people that she does not agree with on anything (ex. Politics, the President, public education) but yet, somehow, all ended up on the same side of a chicken ordinance. The last thing she is going to say is close your eyes and imagine yourself driving down College Ave. in Indianapolis, maybe you're checking out the Red Line, salsa dancing at The Jazz Kitchen or even grabbing some good food. Did you run into or see a chicken, pig or cow? The truth is no, you didn't. The last time you drove through Indianapolis, Carmel, Forrest Hills or Broad Ripple, all of which allow twelve chickens and a rooster, you did not run into any of those animals. Because small amounts of urban agriculture don't harm the community, in fact, they enliven and brighten the community. They are not a problem, either, or the last time your drove down College Ave. you would have ran into a chicken but you didn't. Urban chickens in Indianapolis has created boutique business like The Grand and Nap Town Chickens and she believes that we could use additional businesses like that in Muncie. Finally, she makes the comment about how much this has blessed her, being able to be a part of it. In this device of time, she claims working with republicans, democrats and people of all socioeconomic statuses has been a blessing, whether this ordinance goes forward or not.

Paula Shockley, N. Milton St. is a proponent for chickens in town. She points to her daughter in the audience and explains they were chicken keepers when they were out in the country. Her daughter has a huge heart for raising these chickens and continues explaining that chickens are not dirty and you clean up after them. Yes, there is pestilence problems but just like you use flea and tick medicine for your dogs and cats, you do the same thing for chickens. They actually have personalities and all of their chickens were like pets, each with their own names. Her daughter has told her that she wants to go rogue and get some but Mrs. Shockley has said no and that she must be the proponent to do it the correct way. Her property backs up to the Cardinal Greenway and they have a lot of room out there. A small coop with a dozen chickens, she believes, would enlighten their community. If this ordinance passes, she already knows they will be able to and plan to give away eggs. There is a huge difference between the eggs that are laid from chickens that you keep to chickens that you buy.

They do not use them for meat (and jokingly says it is because her daughter does not allow her to). In closing, she expresses that the previous speaker did a great job. Keeping chickens, especially a dozen of them in your own backyard, is not going to cause a chicken to run away down the street.

Jeanette Merrill moved here last summer with her husband, Jeremy, an assistant professor at Ball State University. They feel strongly about helping people build up the communities where he is employed so they bought a house in Muncie, enrolled three children in Muncie Community Schools and she got to work along Erin and Kimberly for this ordinance. The ordinances forbidding chicken keeping are outdated ideas from the post WWII time when people had these ideas of what was cosmopolitan and what was classy. Peoples ideas regarding chickens in urban agriculture are changing, especially for many people in the young professional generation. We all have different views on the idea. She and her husband have kept urban chickens ever since they were married, when they were students at Kansas State University, when her husband was employed at Texas A&M University and at the University of Nebraska in Lincoln. These are all vibrant communities that allow urban chicken keeping as a part of their towns and communities. There is nothing better than walking out to her backyard and harvesting some kale or Swiss chard from her garden and grabbing a couple eggs from the coop to bring inside and whip up some breakfast frittata, right from her backyard. Mrs. Merrill continues, chickens are friendly animals and her and her family have enjoyed watching them scratch around the ground. They eat ticks and insect larva from our backyard, as well as kitchen scraps like stale bread, wilted lettuce and vegetable peels. That turns that wasted money back into healthy, usable food of high quality for a family. Humans have safely lived side by side with chickens for at least 7,000 years. Small children safely raise chickens through 4H clubs all over the nation. Space, also, isn't an issue. In town, three chickens can easily live in a doghouse-sized container/unit and in the fenced-in kennel that a dog would live in someone's backyard. The CDC simply reminds us to wash our hands and not prepare or eat our food near the animals living quarters and we should avoid most illnesses associated with chickens, or any animals for that matter. She, herself, doesn't believe chickens will place a burden on animal control because the number of households within the animal controls jurisdiction is not increasing. She thinks that the people currently taking appropriate care of their cats and dogs will be the same people who will take appropriate care of their chickens. It is possible that there are households that even some already have issues with keeping humane care for their cats and dogs and could have issues caring for chickens, as well, but that is not increasing the number of households within the jurisdiction of animal control. It is the individuals and those households that are having the issues. It is not what animal we do

or don't allow those households to have. Another reason that chickens won't produce the same burden on animal control is that chickens do not have the same tendency to create feral communities like cats and dogs do. Chickens are prey animals and will be quickly eaten by cats and dogs or other predators. These predators are not invited by chickens because they eat rabbits and squirrels and other things so chickens are not inviting new vermin into our communities.

Shelly Fruitt, Meeker Ave. is shocked at how many people are actually interested and wanting chickens in Muncie. She reached out to several Facebook groups and really listened and heard both sides of the story. From her experience, those that had concerns were happy with what they found out after speaking with her and her friends (Mrs. Ferguson and Mrs. Merrill). Most people were concerned with roosters but it was clarified that it wasn't roosters they were wanting. Other issues that some speakers previously brought up were concerns for some constituents, as well. People are so concerned with how chickens will affect the city but would be shocked to know just how many chickens there are, already, in city limits. They are everywhere. Mrs. Fruitt claims she can even hear a rooster from her house. The fact they are not causing a problem now proves that they won't cause problems when this is in effect. They are not going to be out running around and filling up the Animal Shelter. She thanks the Land and Traffic Committee Chair, Councilman Robinson, or scheduling two meetings to get public input and claims she will be better prepared then. Questions called.

A motion is made by Robinson and seconded by Ingram to send to the Land and Traffic Committee (for public input). A roll call vote showed 9 yeas and 0 nays. SENT TO THE LAND AND TRAFFIC COMMITTEE.

Councilman Robinson states in anticipation of this occurring, he has already gone through the Clerk's office and Council Secretary to select two dates, based off the amount of emails he and fellow council members have received both in favor and against. Under the current circumstances with the pandemic and limitations on attendance, he wanted to offer two opportunities to make public comment on Tuesday, June 23rd and Thursday, June 25th both at 7:00 PM here in the City Hall auditorium. The ordinance 16-20 can be viewed on the City of Muncie web site on the City Council page. He will also post the full ordinance on his 'Jeff Robinson City Council' Facebook page to make sure that everybody has the information that is contained so that way, they have a well-structured dialog on the 23rd and 25th to be able to move this forward.

President Polk does like to remind everyone that they have until the August meeting to address Ord. 2-20 and 4-20 which are both Tabled. Discussion on those will be needed next month, as far as if a council member wants to send them to committee or obtain

any input from the administration about moving forward. When August gets here, the Tabled ordinances will then expire due to exceeding the time limit of being on the Table.

RESOLUTIONS:

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.

As the Sponsoring Councilperson, President Polk moves to Withdraw Res. 2-20 explaining that there is plan to go back and look at some different things. He is aware this resolution pertained to decorum and conduct of the meeting. This allows some citizen input and the possibility of bringing it back up again in a few months.

OTHER BUSINESS:

Audie Barber just wants to remind everyone to get out and vote tomorrow as it is election day. Republican, democrat, whatever you are, just get out and vote. That way, you have a say in this community.

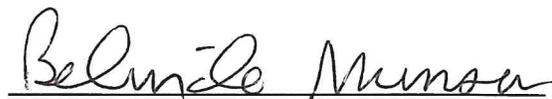
President Polk condones thoughts and prayers with Councilwoman Davis on the loss of her father-in-law, Mr. Sonny Davis.

ADJOURNMENT:

A motion was made by Ingram and seconded by Dudley to Adjourn. A vote by acclamation showed 8 yeas and 1 nays (Robinson). ADJOURNED.



Brad Polk, President of
the Muncie Common Council



Belinda Munson, Muncie City Clerk of
the Muncie Common Council