

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE INDIANA

APRIL 6, 2015

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

ORD. 8-15 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS.

Controller Audrey Jones is available to discuss any questions when this is introduced.

City Council Attorney Joseph Hunter states there was a resolution that was published for a public hearing on an abatement that was passed last month. It was Resolution 3-15. The abatement required a confirmatory resolution which was not filed. There will have to a public hearing on it next month.

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

PLEDGE OF ALLEGIANCE: Led by the Muncie Delaware County Pride Team.

INVOCATION: Given by Elder Marwin Strong from New Hope Holiness Tabernacle. A moment of silence was given for Councilperson Mary Jo Barton who lost her brother and for Human Rights Director Yvonne Thompson as she recuperates.

CITIZEN RECOGNITION: Councilperson Nora Powell presents the Citizenship Award this month. The April recipient of the citizenship award can be described with one word and that is Passionate. He is an amazing activist, advocate, educator, father and friend. He is so humble that she didn't tell him she was presenting him with the award. The first she met him was at a neighborhood association meeting several years ago when he was seeking a tiller to start a neighborhood garden. He spoke with such genuine enthusiasm she found herself ready to jump in and till the land by hand to get the project under way. The Citizenship Award will go to Jason Donati. Donati is engaged to Sasha Roberts and they have an amazing family together. All the children are amazing in their own right. Jason and Sasha get their children involved with different community events that go on. Donati joined AmeriCorps shortly after graduating from Delta and he spent time in the north east building and planting and he brought that knowledge back to Muncie and has been involved with improving the community from inside and out ever since. He is the storm water recycling educator with the storm water management at Muncie Sanitary District for several years. He tirelessly educates the youth of the community by traveling to area schools, community centers and different events to teach about rain gardens. He teaches with gummy worms and different things when he goes to the schools. She used to ask him questions about composting because they are neighbors and he would come over and give advice. Donati has been recognized as one of the twenty under forty in our community for the work he has done

to improve and educate others on their environment. Donati hosts an annual week long free youth environmental day camp at the reservoir. He serves on numerous boards within the community the Muncie Clean and Beautiful, Downtown cleanups, Roy C. Buley Center Board, Slow Food ECI Board member. Donati is a member of the Urban Forestry Committee, Cardinal Greenway Board Member, and Member of the Delaware County Community Corrections Board, Muncie Urban Gardening Initiative, and Mounds Lake Referendum Movement. One of the things that inspired her to choose Donati is his involvement with RACE, which is Reconciliation Achieved Community Engagement.

Donati has started spearheading these meetings along with Yvonne Thompson to get the community talking because it is such an important step. It is an important step to learn about each other and see we have so many more similarities and differences. Their differences are acceptable and they make us who we are and make our community as strong as it is. Donati gives 110% when he is on a board. He does it with joy whether he is working on a community garden on North Street installing over 75 rain gardens in the community or just being the guru of rain barrels. Donati states he is honored and surprised. He grew up here and lived on the east coast in Buffalo and when he returned he wanted to get involved and take some of the knowledge he learned along the way and give back to his community. His family has always taught him about giving back and he is living that out and wants Muncie to move forward.

ROLL CALL:	PRESENT	ABSENT
Doug Marshall	X	
Mark Conatser	X	
Mary Jo Barton		X
Brad Polk	X	
Jerry D. Dishman	X	
Julius J. Anderson	X	
Alison Quirk	X	
Linda Gregory	X	
Nora Powell	X	

APPROVAL OF MINUTES: A motion was made by Marshall and seconded by Polk to approve minutes from March 2, 2015. A roll call vote showed 8 yeas and 0 nays.
MINUTES APPROVED.

Vice-President Anderson asks Terry Murphy to come forward and speak. Vice-President of Economic Development Terry Murphy states he has with him Peter Massey who is Assistant Vice-President for development for Trilogy. They have a project looking at the Morrison Woods. It's a \$3.3 million dollar project looking to creating 10 to 15 new jobs. There was a problem on the public hearing notice. He is present and wants to speak so he doesn't have to make the trip from Louisville next month.

Peter Massey states they own operate and manage the Morrison Woods Health Campus. They are looking to do an expansion to the current facility at the back that will supply independent living services for the community of Muncie. They are building 16

total units with 2 bedrooms and 2 baths. They will be a duplex home for seniors in the area for 55 year-old plus. They are asking for tax abatement with a \$3.3 million dollar project. It will provide 5 to 10 new jobs and additional 5-10 from employees going from part-time to full-time. They will provide over 100 temporary jobs for the construction while it is being built. Quirk states after the paperwork was filed her daughter had the opportunity to visit Morrison Woods. She was surprised all the new things they are offering.

Don Finnegan states he is here to represent the Indiana Run for the fallen. They will have a 144 mile physical run starting May 15th from Allen County war memorial coliseum to the war memorial in Indianapolis May 17th. The 144 mile run will be done by current and former military stopping every mile. It is well over 200 of their Hoosiers. He states the last mile will be run for Viet Nam. This is the 50th Anniversary of the ramps up to the Viet Nam War. The unique part is he doesn't know how lucky they got when they put the route together they will come on the streets of Muncie. He states they will come in on old Highway 3 headed down Broadway, Dr. Martin Luther King Jr. Blvd., Wysor, Walnut Street and headed south. This is 8 ½ minute mile with a 90 second stop to honor the heroes and lay a flag. It is a big undertaking. The whole deal is the awareness of what has been done for them. This allows them to do what they are tonight. He invites all the young ones that can run an 8 ½ minute mile through Muncie.

Vice-President Julius J. Anderson changes the agenda and brings up Res. 5-15.

RES. 5-15 A RESOLUTION COMMENDING THE DELAWARE COUNTY PRIDE TEAM.

A motion was made by Powell and seconded by Polk to Adopt. Quirk asks if the resolution can be read. Powell reads the resolution through its entirety. Quirk invites a spokesperson to speak on behalf of the pride team. Quirk has had an opportunity to work with the Pride Team. They do a great job. They are very moving and passionate. Having children in school her kids get very excited to see them when they come to the schools. They are doing a great service to our community. Their message is diverse. Sometimes they may talk about teen violence. They are serving their community well and that's why they wanted to take the opportunity to acknowledge and congratulate them.

Katy Merkle states they are a group of 38 high school students from eight Delaware County High Schools and in their performance group they sing, dance and drama. They go around to different elementary schools and different community events. They have reached over 5,000 kids this year through all the events they do. Their mission is to promote a drug and alcohol and substance free life. This is what they do and they love it.

Pat Hart states they appreciate the City Council for having them. They are proud and there a lot of the parents present tonight to support the young people. The kids give her energy and they are excited to reach the younger kids. When they go into the schools the young kids now know when the pride kids are coming they act like there are 38

American Idols walking in the door. They are so pumped for the kids to come. There are so many negative things out there to reach their young people. These kids are a part of the event coming up called Living Proof on Wednesday and Thursday at Muncie Central from 6:30-8:30p.m. It is free and it's a reenactment of a crash with underage drinking. Many people play a part and she invites the council out to see it. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 6-15 AN ORDINANCE AMENDING CHAPTER 74, DIVISION 1 OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

A motion was made by Powell and seconded by Gregory to Adopt. Delaware County GIS Coordinator and chair of the Muncie Bicycle Pedestrian Bicycle committee Kyle Johnson states their committee was formed last year and they want to make Muncie a more bicycle and pedestrian friendly community. Mayor Tyler is an avid bicyclist and has been a driving force behind their committee and helping guide them to make Muncie a better bicycle friendly community. Their first task was to update the bicycle code and it is outdated and they need to bring it up to a modern day ordinance. They had sections on how to operate both bicycles and vehicles in their new bike lanes because there were no sections before. The committee and city attorney worked hard on this code. They looked at other cities of their size across the United States to pick out those sections of code that were the most common sense and applicable to their city.

Muncie has two great multi-use trails in the Cardinal Greenway and White River Greenway. Most communities of their size are jealous they have such great trails they have had for over a decade. Now what they need to do is connect the community to those trails. The committee will be working on education outreach so that people will understand the new code. They will have education on the benefits of cycling and walking as a healthy lifestyle. Quirk asks Johnson to list the members of the committee. Johnson states he doesn't have the list but asks everyone present that is on the committee to stand. Anderson states you can see the improvement even downtown with the bike lanes and they are headed in the right direction. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

ORD. 7-15 AN ORDINANCE OF THE CITY OF MUNCIE, INDIANA, CONSENTING TO THE ISSUANCE BY THE DELAWARE COUNTY REDEVELOPMENT COMMISSION OF CERTAIN TAX INCREMENT REVENUE BONDS.

A motion was made by Powell and seconded by Marshall to Adopt. Director of the Delaware County Redevelopment Commission Brad Bookout states he is representing the Redevelopment Commission as well as the commission made up by Marta Moody, Aaron Kidder, Jeff Huff, Jason Brooks, James King and Rickie Sipe made up the committee that recommended the sidewalk improvements on Morrison Road. Brian and Nathan are present from the Engineering Company if there are specific questions. Bookout appreciates their support. Gregory asks the actual action they are taking don't refer to a specific dollar amount. In the Whereas it states a \$7.125 million

bond although the county changed it to \$6 million. She asks if they have to amend anything or do they need to change it. Council Attorney Joseph Hunter states no and the actual revenue amount will depend on the bid. Question called. A roll call vote showed 7 yeas and 1 nay. (Polk). ADOPTED.

NEW ORDINANCES:

ORD. 8-15 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS.

A motion was made by Powell and seconded by Marshall to Introduce. Controller Audrey Jones states the paper she passed out was the original ordinances that were filed with DLGF. In the fall when she came before the council when they discussed the budget and the levies and attached is the changes the finance committee changed. In the packet she passed out it states there was no adopted levy amount for the general fund but in the hearing there was an adopted budget. It also happened with the MITS Bus and the Sanitary District. The DLGF accepted that for MITS and the Sanitary District but not for the General Fund and that is why she is asking for an additional appropriation but it isn't an additional appropriation but the amount that was adopted by council last November. Question called. A vote by acclamation showed 8 yeas and 0 nays. INTRODUCED.

ORD. 9-15 AN ORDINANCE AMENDING CHAPTER 34, DIVISION 5 OF THE CODE OF ORDINANCES OF THE CITY OF MUNCIE, INDIANA.

A motion was made by Quirk and seconded by Marshall to consider ordinance due to the filing date. Council Attorney Joe Hunter states the council will have to make a motion to consider and they would have to make a motion to introduce. A motion need to be made to suspend the rules to adopt if they wish to do so. A roll call vote showed 8 yeas and 0 nays. MOTION CARRIED. A motion was made by Powell and seconded by Marshall to Introduce. City Attorney and Vice-President of the Muncie Human Rights Commission John Quirk states this is an amendment to the Human Rights Commission code and chapter of the Muncie City Code of Ordinances. This adds several entities to the protective class which would be sex, sexual orientation, gender identity, disability and United States Military Service Veteran Status. This came forward from Senate Bill 101 that was passed March 26, 2015 and the amendment that was passed last week. This is a request they are making to the Muncie Human Rights Commission to modify or increase in the definition section those individuals or entities he named. This affects ten sections of the Muncie Human Rights Commission code Chapter 34 Division 5.

State Representative Sue Errington thanks the Mayor and Muncie City Council for bringing forward this ordinance and expediting it largely because of the state legislature dropped the ball. The original RFRA would have put even the ordinance in Muncie in jeopardy. The fix which was the amendment that was passed last week would keep the RFRA from superseding the ordinances in the 12 or so communities that have them. The rest of the state would be unprotected and that would include Muncie. They saw the fallout and it was a horrible reception their state got over this bill that was signed into law and it was obvious they had to fix it. Not everyone was in agreement of how that fix should look, but if you have a super minority of one party they get to decide. They had

a press conference before the fix was adopted. Many business leaders were there. It isn't just about our human rights but our economic future in our state. Business leaders state they consider this a first step and the second step they want to see is an amendment to the state civil rights code to do what they are proposing to do. There was a lot of publicity about the companies they can think of that said this is a horrible thing. Angie's list stated they were not going to expand their business. Others weren't going to allow their employees to travel to Indiana. Others that were saying they are boycotting. They don't realize how deep that resentment that was done went until you get a letter like one they all received from Red Gold. The CEO Brian Rickard states in a letter to Senator Errington that the bill in the way it was signed and defended is a public relations nightmare for Indiana. Great damage has been done on a national scale. All of them that do business in Indiana are harmed by firestorm that took place over the airwaves. Their social media sites have taken hits from people who say they will boycott their products in the supermarkets because their company is in a state that endorses discrimination.

Quirk states Mayor Tyler was already in the process of updating the local ordinance but considering public conversation they knew it was time to move this forward now. She is excited and knows the other council members are excited also. They want to make a statement that Muncie does not discriminate. Quirk believes that making the changes in their Human Rights Ordinance is the right thing to do to change the definitions of protected classes and appreciates the work of the Mayor for stepping up to do this and giving the council an opportunity to let people know they will not discriminate in Muncie. Gregory states yesterday her minister spoke about a staff meeting they had last week in which the music director was discriminated against because of his sexual identity at a restaurant and furniture store. She finds it unforgiveable and for that reason she will be supporting this. She doesn't like to suspend rules and slam through things all in one night but the public has the right and an obligation to know what they are doing and to be transparent. This is such urgency that she will be supportive of this.

Marshall states this is a shout out to the country that they as City Council took action against House Joint Resolution 3 and now they are having to do this again and he wants to let everyone know in the state and country how proud he is to be from Muncie right now and making these great steps they have made and continue to make. Conatser states he was raised here and his family business has been here for over forty years and he is also a law enforcement officer here. It's very important that he makes it know from him and his family standpoint that they do not discriminate anyone for any reason. They never have and never will. He doesn't think the bill was offered to support discrimination but doesn't see why they as a city can't clarify that and they are welcoming to everyone. Polk states he is in agreement with everyone else. He states this community is welcoming to all individuals no matter what their beliefs are going forward from that. He has also spoken to a lot of constituents in his district that voted for him to give them a voice. They have spoken very clearly of how they want him to vote and therefore he is supporting this. He too doesn't like to push things through in a meeting but he is in support if that is the chosen way they go tonight. Powell states the administration and city council work very well together that have pushed some

ordinances that have really sinuated the quality of place and quality of life. There are a lot of people in her life that would be affected and it would hurt her if they were discriminated against. She is glad the council is doing the right thing and sending a message regardless of what happened at the state level but in Muncie they are a very inclusive and loving community and they welcome all. Dishman states he supports this ordinance because it's not only the thing they should do but it's the right thing to do. Dishman states Muncie shouldn't discriminate against anyone and he has no room in his life for discrimination. He loves everybody he comes encounter with we should step out and say we welcome everybody.

Mayor Dennis Tyler states they have never put through an ordinance like this before, but this is unprecedented times. It certainly wasn't because it was something they wanted to do but they were left no choice to do it the way they did. Everything the council has said is exactly what Muncie, Indiana is. They are a diverse community with a great University with great diverse people from all over country and all over the world. They are welcoming and they don't discriminate however their Human Rights ordinance left room for discrimination the way the bill was crafted and passed. As the bill was amended it still left discrimination opportunities if they didn't do something with it. Mayor Tyler states he and his wife were at the hospital all day Wednesday with her father. Most of them have worked on this for a week to be prepared for tonight.

Mayor Tyler and his wife went to Tai Smiles for dinner and he gets a tap on the shoulder. There are two older ladies and one of them tapped him on the shoulder and thanked him for having the courage for standing up for their freedom. He told his wife that is exactly what this is all about. They want everyone to feel welcome. Twenty minutes later two young gentlemen that went to school with his son came in. One of them does philanthropy projects all over the United States about how we love each other and how we want to make our country and community a better place. Mayor Tyler states a businessman called him this morning and said if we don't fix this they will not consider Muncie. He states the athletes that participate in the ironman triathlon that say they will not come to Muncie if they don't fix this. This is urgent and the right thing to do. They want everybody to know if you come to Muncie and you play by the rules and a law abiding citizen then you are welcome here. They now have the laws in place that will protect you of discrimination of any sort and that is precedent. He commends the council for doing something unprecedented tonight by suspending the rules.

James Bragg 1606 East 17th Street states he was born and raised in Muncie. He had been very involved at a younger age in this community. Bragg states he doesn't feel this bill is a discrimination bill. He feels it is an opportunity of people of faith to stand up for their faith. He has a son who is gay. He has a granddaughter that is married to a woman. He loves them and they have the right to think the way they want to. If you ask him if a group came and wanted to have a hate rally and use his field. He would tell them no. He states if a group of women from Ball State came to him and asks if they could use his field because they are going to have a carnival and the proceeds will be given to Planned Parenthood and they are going to use the money to give information about the availability of abortions and safeguards. Lets' say a group of homosexual and

women came to him and asks if they can use his field to have a concert. They will use the money to give athletic equipment to the Boy Scouts, Girl Scouts, Boys and Girls Club and YMCA. He had to decide that he would say to the extremist group that doesn't set well with him and it goes against his moral ethical of things he believes in like his faith. He loves it they are getting a fine education but what they are doing he doesn't think he wants to. He talked about this at his church and they don't think this is something he should do. This group of homosexual men and women want to do this good thing and he would let them use his field. He states you have to live your life according to your conscious and according to your faith. RFRA gives people an opportunity of faith to do so. Nobody wants to discriminate against anyone but you have the right to stand up for what you believe.

Rick Yencer 3100 N. 500 West states his faith tells him he has a choice. They are all free men and women. Government will not oppose any law that discriminates or tells them what to do outside. He is glad that Gregory brought up the church because Bishop Conyers sent out an email last week talking to the Indiana Methodist Council saying that there were some politicians use this as a fear. They are all children of God and should be treated equally. Their freedom will not be controlled by government. Question called. A vote by acclamation showed 8 yeas and 0 nays. INTRODUCED. A motion was made by Quirk and seconded by Marshall to suspend the rules. A roll call vote showed 8 yeas and 0 nays. MOTION CARRIED. A motion was made by Quirk and seconded by Marshall to Adopt. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

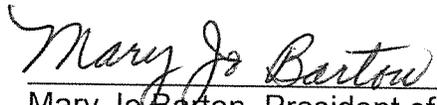
RES. 6-15 A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA IN OPPOSITION TO THE GENERAL ASSEMBLY'S PASSAGE OF THE RELIGIOUS FREEDOM RESTORATION ACT, ALSO KNOWN AS SENATE ENROLLED ACT 101.

A motion was made by Powell and seconded by Marshall to Adopt. City Attorney Meghan Quirk states this is an act that was passed on March 26, 2015 with an amendment April 2, 2015. Within that Religious Freedom Restoration Act it will allow businesses to discriminate. It will make it more difficult to protect victims of domestic violence, prosecute child abusers and insure public safety and equal access for all citizens. Local businesses, national businesses, organizations and faith groups large and small and Muncie residents oppose RFRA as it makes Indiana less welcoming and less competitive in recruiting and retaining talented employees. For example major conventions and employers may leave Muncie or the State of Indiana which creates a substantial negative impact on the City of Muncie and within the State. For those reasons that is why the special resolution in opposition to the passage of the Religious Freedom Restoration Act has been submitted to the council for approval today. Question called. A roll call vote showed 8 yeas and 0 nays. (Polk states if the State ever gets this right then as a council whether or not if they are still on there or not that they can take a look at this and revise this resolution at that time. He reiterates that discrimination has no place in Muncie, Indiana. ADOPTED.

OTHER BUSINESS:

Pat Smith 8304 W. Thorntree states she remembers coming to Muncie downtown to Ball Stores and eating Pizza King at Clare's. Muncie was a great place to visit then and it's a wonderful community to come to today. She is proud to be a member of Muncie today. Smith invites the council to an event she has planned called deconstruction which is a plan for removal of abandoned homes. It will be April 29th from 5:30p.m. To 6:30 p.m. at the Downtown Business Connector and it will be an educational discussion for the community for about how Muncie's abundance of abandoned homes can become a valuable resource for the revitalization and growth of their community if they don't send them all the landfill.

A motion was made by Anderson and seconded by Marshall to adjourn. A vote by acclamation showed 8 yeas and 0 nays. MEETING ADJOURNED.



Mary Jo Barton, President of the
Muncie Common Council



Phyllis Reagon, Muncie City Clerk
of the Muncie Common Council