

MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE INDIANA

NOVEMBER 2, 2015

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

ORD. 32-15 AN ORDINANCE AMENDING THE 2015 BUDGET AS APPROVED BY THE COMMON COUNCIL WITH RESPECT TO GENERAL FUND.
No comment.

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Julius J. Anderson

INVOCATION: Given by Minister Del Mendenhall from High Street United Methodist Street.

CITIZEN RECOGNITION: Councilperson Julius J. Anderson recognizes Shihan Carl Jackson Sr. for the citizen of the month for November. Anderson states Jackson has been volunteering and teaching karate for the past 25 years. Jackson started his career in 1979 and received his yellow belt. On February 3, 1981 Shihan Jackson received his Blue Belt on December 15th in the same year he was promoted to his green belt. In August of 1984 he received his Purple Belt and tested and received his 3rd class Brown Belt in November of 1984. In 1988 Shihan Jackson tested and received his 1st class Brown Belt on May 29, 1989. He tested and received his Shodan 1st Degree Black Belt. In May of 1990 Shihan Jackson opened his Karate School at the Buley Center with two individuals. On August 1, 1993 Shihan Jackson was promoted to Sandan 3rd Degree Black Belt. It was during the summer of 1993 the class attendance grew to 50 students both children and adult classes. On April 15, 1995 Shihan Jackson was promoted to Yondan 4th Degree Black Belt. December 19, 1998 he was promoted to Godan 5th Degree Black Belt. On August 6, 2001 Shodan Jackson was promoted to Rokudan 6th Degree Black Belt with the title of Rehn-She. Shodan Jackson has received numerous awards such as in 2003 inducted into the world's Martial Art Hall of Fame. In 2007 he received the Bronze Lifetime Achievement Award. In 2011 Congressman Mike Pence honored Shihan with a letter of appreciation and a flag flown over the Nation's Capital for 25 years of service for volunteering. Over 30 Black Belts have been earned under his teaching. Five of them have opened their own training places. Shihan Jackson is currently employed at IU Ball Memorial Hospital. Ball State University and the Muncie Community Schools have called upon him for self-defense presentations. Shihan Jackson has affected thousands of lives around the world.

The long running program at the Buley Center is all because of Jackson. Rehn-She Temple a 6th Degree Black Belt Instructor was asked how he would describe Jackson in one word and Temple stated seasoned. Temple recalled Jackson purchasing uniforms for other students out of his own pocket. He would counsel troubled youth through discipline through the art. He would help students with their homework. Anderson asks everyone that has been affected by Shihan Jackson to stand and be recognized. Anderson presents Carl Jackson Sr. the Citizenship Award for the month of November. Anderson also notes that their Attorney Joseph Hunter is a product of this as well. Anderson thanks everyone that came out.

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

APPROVAL OF MINUTES: A motion was made by Polk and seconded by Dishman to approve minutes from October 5, 2015. A roll call vote showed 8 yeas and 0 nays. **MINUTES APPROVED.**

NEW ORDINANCES:

ORD. 32-15 AN ORDINANCE AMENDING THE 2015 BUDGET AS APPROVED BY THE COMMON COUNCIL WITH RESPECT TO THE GENERAL FUND.

A motion was made by Powell and seconded by Marshall to Introduce. Controller Audrey Jones states the reason she is asking to move these funds from the Board of Works to the Animal Shelter budget is they did not use the insurance this year because they didn't have any big claims. Jones states she forgot to add the \$10.10 raise for the part-time staff. That is why it wasn't as high as it was. Jones asks Director of Animal Care and Services Phil Peckinpaugh to come up and discuss the institutional and medical fees. Jones states they can't anticipate what those are going to cost. Director of Animal Care and Services Phil Peckinpaugh states institutional and medical fees are vaccines, microchipping, spay and neutering along with anything that goes above and beyond. It's a difficult thing to anticipate as to the amount they will spend or not spend. Question called. A vote by acclamation showed 8 yeas and 0 nays. **INTRODUCED.**

ORD. 33-15 AN ORDINANCE OF THE CITY OF MUNCIE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE ADULT PROBATION SERVICE FEE FUND.

Councilperson Doug Marshall states he would like to withdraw the ordinance.

RESOLUTION:

RES. 21-15 A RESOLUTION MAKING TRANSFERS WITHIN BEECH GROVE DEPARTMENT.

A motion was made by Powell and seconded by Marshall to Adopt. Controller Audrey Jones states the Beech Grove Superintendent Tom Schnuck came to her and explained that he needed to do a couple of transfers within his budget. She will also be bringing some transfers before the council next month, which is housekeeping at the end of the year. Jones states the money is in his within his budget it is just going from one line item to another. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

RES. 22-15 A RESOLUTION MAKING TRANSFERS WITHIN MUNCIE CITY COURT BUDGET.

A motion was made by Marshall and seconded by Polk to suspend the rules to consider. A roll call vote showed 8 yeas and 0 nays. MOTION CARRIED.

A motion was made by Powell and seconded by Marshall to Adopt. Muncie City Court Judge Amanda Dunnuck states she made requests in the budget and it was cut and it was clear there will be no new money. Since that time she didn't want to make any requests until she understood how everything worked because she has been in her position since July. It has become apparent that some changes needed to take place. When the request was cutting the budget she thought outside the box and enlisted the help of a handful of people and found a way to accomplish the need of the court without any new money. There is roughly \$31,000 left in her line item because the Judge wasn't paid the first half of the year. Judge Dunnuck is requesting with the \$31,000 that \$19,200 be transferred. The transfer for Secretary would be \$5,200, Supplies \$2,000 and Computers and Software \$12,000. In 2014 there were a total of 2,992 criminal misdemeanors filed in Muncie City Court. As of today there are 4,298. They have exceeded by almost by half and almost doubling the number of misdemeanors. In 2014 there were a total of 5,333 infractions filed. As of today at noon there were a total of 16,538 infractions filed and does not include the 300 that were in the cue from the electronic filing from the Indiana State Police or the paper filings that have not been created a file and yet been put into the computer. This is the number of cases processed by the City Clerk and the City Court.

Additional staff is necessary to process this so the community we serve does not be harmed by something entered falsely or improperly. Warrants not being vacated in a timely fashion and warrants issued on the right people, when someone enters into a plea agreement when there license should be reinstated that is done in a timely fashion. Two office staff cannot continue processing the cases efficiently and effectively and without air. They just can't do it. Judge Dunnuck is asking to transfer the money for an additional staff person through the end of the year. She has plans to come back before council to fund the position using adult probation user fees and she understands the council's hesitancy when she states they have this number of cases and they don't see the revenue stream yet. She believes wholeheartedly that it will be there. She is

offering to fund this position with adult user fees in 2016 to prove with the right number of people they can process this and be a self-sustaining court and provide adequate services to the community. As far as the office supplies, a lot of their forms are outdated and they need to order new forms to conform to the new laws. Judge Dunnuck states they will run 90 to 100 cases through on a Monday morning and Monday afternoon, 90-140 cases through on a Tuesday if it isn't a trial day. On infraction Wednesday's they will have anywhere from 30 ordinance violations or 75 to 100 infraction trials. Every case that comes through the court has to enter into the computer and it is Wednesday before they ever make an entry. When her staff goes to make an entry it shuts down or locks up and it takes 15-17 minutes to come back up. When you're looking at a stack of five piles of files it just adds to the frustration. They are required by law to record the trials and guilty plea hearings and she has to hold onto those for ten years. They are recording via audio cassette tapes and they are running out of vendors because nobody is making them anymore. Not only is she finding a hard time locating them, they have to find a place to store them. There is no way to time stamp the hearings. She has been working with BIS Digital, who handles the digital recording for the county courts. The quote she has comes with four mics and a portable USB mic so she can record video conferencing from her chambers. She does not have a laptop or computer on the bench yet. They are trying to see if they can tweak the quote where when there are inmate hearings they do not have to bring them over and expose everyone to that type of liability and taking officers off the street and having offenders charged with felonies walking across the street to court.

Judge Dunnuck states City Court can be self-sufficient with the proper staff and proper equipment to provide the service to the community. The city receives \$17.50 out of every court cost that is ordered and paid. If you take \$17.50 times 13,000 and that is only the infractions and it is well over \$200,000. She asks for the council support. Polk asks how many employees' does she want to hire? Judge Dunnuck she only has the space for one and she hesitant to strap the adult probation user fee fund at this point without having a clear idea of how much they are bringing in monthly into that fund. Judge Dunnuck states that account is there for a reason. Gregory states she mentioned she needed new forms. Gregory asks if she has looked to see if they can be generated from her computer so they are not paying for printing all the time. Judge Dunnuck states the forms they typically use are only with pro se litigants who don't have an attorney. They have notices when the court resets something and it is a duplicate form. She writes on one side and the other side is for the defendant and the other goes into the file, which is the duplicate copy. They have forms for ordinance violations and infractions where when they have the trial there is a duplicate copy and she can tear it apart and give the defendant a duplicate copy, which has their fine and costs on it. If they're printed off the computer the accuracy creates a bigger issue down the line. She has been talking with different vendors to get a good price.

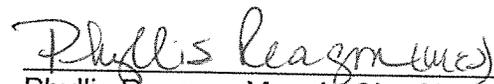
Anderson asks Judge Dunnuck about holding on to recordings for ten years and if she has looked into details of which she needs to have. Anderson states they have a recording system and asks if it is adequate. Judge Dunnuck states BIS Digital has been here and evaluated the system they have. They understand the duo purpose of the

room and assured her that what he has to offer is going to work. Judge Dunnuck states it's a computer system that you click a button and the recording starts. There will be four mics and when you play back you can single out mics you want to hear from and it will time stamp on the docket entry when the state rests and defense starts. She states she has four tapes sitting on her desk because she is trying to find a cassette recorder to play back because she doesn't know if the hearing was recorded prior to her taking the bench. There is an entry that is taken under advisement and no further entry and they can't find the file. She has to listen to the tapes entirety to see if it was even recorded. That is where the digital recording brings them forward and gives them the opportunity to effectively utilize their time. Anderson states he can see where the council can benefit from it also. Judge Dunnuck states he does offer council programs as well. Question called. A roll call vote showed 8 yeas and 0 nays. ADOPTED.

A motion was made by Marshall and seconded by Powell to Adjourn. Motion carried by voice vote.



Mary Jo Barton, President of the
Muncie Common Council



Phyllis Reagon, Muncie City Clerk
of the Muncie Common Council