

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



FEBRUARY 6, 2022

PUBLIC HEARING: 6:45 P.M., 1st Floor City Hall Auditorium.

ORD. 3-23 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (MUNCIE POLICE DEPARTMENT).

Comments made by Rick Yencer.

REGULAR MEETING: 7:00 P.M., 1st Floor City Hall Auditorium.

PLEDGE OF ALLEGIANCE: Led by Earl Shreves.

INVOCATION: A moments of silence in memory of Marta Moody.

CITIZEN RECOGNITION: Continued to next month with Councilman Garrett presenting.

ROLL CALL:	PRESENT	ABSENT
Aaron Clark	X	
Ro Selvey	X	
Troy Ingram	X	
Jeff Green	X	
Jeff Robinson	X	
Brandon Garrett	X	
Isaac Miller	X	
Jerry Dishman	X	
Roger Overbey	X	

APPROVAL OF THE MINUTES: A motion was made by Selvey and seconded by Overbey to Approve the Minutes from January 9, 2023. A roll call vote showed 9 yeas and 0 nays. MINUTES APPROVED.

COMMITTEE REPORTS: President Robinson informs he just sent an email out this afternoon with the 2023 Standing Committees. The list takes into account the newly appointed councilmember Isaac Miller. The list was also sent to the Clerk's Office to be public posted on the website.

APPOINTMENTS TO BOARD AND COMMISSIONS:

BEECH GROVE CEMETERY

A motion was made by Robinson and seconded by Overbey to appoint Denise King. A motion was made by Miller and seconded by Clark to appoint Dale Basham. Miller notes that Mr. Basham is here tonight willing to address the Council. No further nominations.

Dale Basham ensures he is a property owner at Beech Grove Cemetery and reads his plot number located on the southwest corner. He is more than happy to serve on Beech Grove Board of Trustees and mentions attending meetings in the past. He is more than honored by the nomination and offers his resume to the councilmembers that would like one. In closing, he encourages the Council for their vote.

A roll call vote showed 4 votes for Denise King (Garrett, Ingram, Overbey, Robinson) and 5 votes for Dale Basham (Clark, Green, Selvey, Dishman, Miller). Miller's MOTION CARRIED. Dale Basham is declared appointed to the Beech Grove Cemetery Board of Trustees.

President Robinson informs they will have another appointment to make next month to the Beech Grove Cemetery Board with the resignation of the former Board Chair, Sally Jo Vasicko, which came after their last meeting. He wants to put notice out to the community that there is another appointment to be made that will be done at the March meeting.

POLICE MERIT COMMISSION

A motion was made by Selvey and seconded by Miller to appoint Dee Orick. Selvey supplied a forwarded email to the rest of the Council that included her resume. She does qualify, being a Republican and living in the City of Muncie owning her home for the last five years. Robinson clarifies this being a politically imbalanced board and the member they are replacing is a Republican appointment and another stipulation is being that they are residents within the city limits for at least two years. No further nominations. An all-in-favor vote showed 9 yeas and 0 nays. MOTION CARRIED. Dee Orick is declared appointed to the Muncie Police Merit Commission.

BLACK HISTORY MONTH ESSAY WINNERS: Yvonne Thompson states they appreciate the Council for having set aside time for these wonderful individuals of our City. These young people worked hard and brought forth some really good insight as to what is going on in this world with the topic of unity in our community. The theme of the Black History Month kick-off is continuing the March and examining the legacy of the March on Washington. As it is known, we are celebrating the 60th year of the March on Washington. The first place winner of the essay contest for the elementary division is a fifth grader named Faizan Reshtya from Westview Elementary. He approaches the podium and introduces himself further explaining how he his family came to Muncie a little over a year ago from Afghanistan. They have received tremendous support from the people here and they love this beautiful community. He thanks the City of Muncie for the warm welcome and for everything that has been done for him and his family. He also wants to thank the Martin Luther King Dream Team, the Muncie Community Schools leadership, his teacher Miss Hardin, and principal Mr. Ambler, and the Muncie City Council for inviting him here to share his essay on unity.

Unity

Unity is one of the most important qualities in any society. It is the glue that holds many different groups of people together and it allows all people to live in harmony with one another. Common Sense author Thomas Paine had this to say about unity, "Tis not in numbers but in unity that our great strength lies." Unity means being off one mind with all others but it is very difficult to achieve. To realize unity, people need to listen to others respect all people groups and to close themselves with love. Whether we are in school or in our neighborhood, we need to really listen to one another. We need to get to know our neighbors and the other students in our classrooms. We don't need to always agree and we really don't need to agree on anything to be kind to each other. We need to listen to others in a way that helps them

understand that we think their ideas are important and valid. They also need to know that we feel their ideas are equal to or better than our own ideas. Everyone has good ideas and we benefit when we listen to others and work as a team. Helen Keller once said, "Alone we can do so little, together we can do so much." We would be wise to follow this advice. Respecting other people is a stepping-stone on the path to unity. Respect is a feeling of deep admiration for someone else's abilities, qualities or achievements. Everyone is deserving of our approval. Respect at school is demonstrated by celebrating the achievements of others and lifting them up. It is shown by helping those who need help and never making fun of anyone. Respect for our neighbors means not letting our dog go to the bathroom in their yard or making a lot of noise late at night. It means not cutting across their lawn and always speaking to them when they're out. When our respect for others breaks down, chaos results. People quarrel and fight to get their own ways. Division and relationships follow. Eventually society crumbles. Martin Luther King Jr said, "We must learn to live as brothers and sisters or perish as fools." He was right and respecting others is a step in the right direction toward unity. If you want to be strongly unified with others there is something else we must be willing to do. We need to close ourselves with love. We need to treat others the way we want to be treated. We must love others as much as we love ourselves. We need to put others needs before our own. We need to stop judging others and love them instead. Mother Teresa once said, "If you judge people, you have no time to love them." We need to love all of our classmates and all of our neighbors. If we truly love them, we can forgive and overlook their faults. There is no unity without love. It would be so wonderful to live in a world where everyone listens to others, respected others and deeply loved others. We would have unity. Bahá'u'lláh, founder of the Bahá'í Faith said this, "So powerful is the light of unity that it can illuminate the whole earth." Let us all be the light of unity and set our world ablaze.

President Robinson asks Faizan how old he is. He answers twelve (12) years old. Robinson informs him that his message is a message that everyone should listen to two or three times. He did a very good job. Faizan's family joins him at the podium. Robinson assures they are all very proud of him, thanking them and relaying that they are all glad that they are here. In closing, he tells Faizan to keep up the good work. Well done.

Yvonne Thompson forgot to mention that the different grade schools had different essay prompts to follow. The prompt for the elementary school division was, "what does the word unity mean and what does it look like in your school or neighborhood?" They will now have their middle school winner come up, Tionna Canady who is a sixth grader from Southside Middle School. The middle school division prompt was "select and research a person who participated in the 1963 march on Washington."

Miss Mahalia Jackson

Mahalia Jackson was born on October 26, 1911 in New Orleans, Louisiana. She was a gospel singer and has been since she was a child. Jackson started singing at the Mount Moriah Baptist Church when she was a little girl. She was also known for singing and being a civil rights activist. She dedicated her life to unity and justice and participated in the March on Washington. What Mahalia was known for: Mahalia Jackson was known for being a gospel singer and she is also known as the "Queen of Gospel." As a child, she was forced to do a lot of singing in the Mount Moriah Baptist Church. She was also recognized in the 1930's when she participated in the cross-country tour. In the 1950's, she started singing on radios and television and was a big hit. When she sang her own version of "Silent Night" and became the all-time best-selling record in Denmark. How Mahalia participated on the March on Washington: Mahalia was also an activist between the years between 1950 and 1960. She also sang two

songs at the March on Washington that will always be memorable. The songs she sang were "I've Been 'Buked and I've Been Scorned" and "How I Got Over." The March had over 200,000 people there. Dr. King, himself, asked if she could sing those songs because they were very close friends. Her life was dedicated to humanity and justice. Being a famous gospel singer in the 1960's, people were so touched by her singing in the March, she sang different songs that had real meanings to them and songs that were dedicated to the March. For example, she sang those songs because it dedicates to the purpose of the March. When Dr. King died, he made a final request for Jackson to sing at his funeral and that is what she did. The song was "Precious Lord." In conclusion, since she was a little girl, Mahalia did many great things. She will forever be a legend as long as she is still remembered. Mahalia later died on January 27, 1972 in Evergreen Park, Illinois. She encouraged Dr. King to give his famous speech and said "tell them about the dream, Martin." And, without her, we wouldn't have the life we have now.

Robinson informs Tionna that she did a wonderful job. Her mother and godfather join her at the podium and introduce themselves. Robinson acknowledges they both must be very proud, in which they both agree. The Council thanks Tionna and commends her for a job well done.

Yvonne Thompson wants to say thank you to the parents and Muncie Community Schools for giving these young people the push to participate. There usually is a high school winner as well but they did not receive sufficient amount of essays from Central High School this year. That being said, it is the MLK Dream Teams job to push a little harder and make sure those students create and put down on paper what their hopes and dreams are concerning the Black History Month Celebration. They appreciate all that the Council has done and wish to thank Northwest Bank (as the students were awarded with cash prizes), Muncie Community Schools, City of Muncie and Mayor Ridenour, Minnetrista Museum & Gardens, Ball State's Department of Theatre and Dance, Muncie Public Library and their successful silent auction. She definitely wants to thank the Martin Luther King Dream Team and WaTasha Barnes Griffin who is the President. Thompson is Vice President and her job is to make sure things keep going. She thanks them again.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 1-23 AN ORDINANCE OF APPROVAL TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE REGARDING FENCING MATERIALS.

A motion was made by Green and seconded by Ingram to Adopt.

Lorey Stinton, Planning Commission, reminds everyone since there has been some discussion that if they should make any amendments, the amendment would be taken back to the Planning Commission who would need to review it and give it its blessing before filing a report with the Council or they may make an additional amendment and have to come back.

David Nelson informs he is not familiar with the ordinance other than what was printed in the newspaper. He had some questions regarding if the definitions between "fence" and "screen" are covered in the ordinance along with the exact definition of a "fence" and material definitions. It seemed to say that recycled wood shouldn't be used but seems like all wood is recycled since it used to be a tree at one time. It seems like it came down to aesthetics and who the aesthetics police are going to be, what is considered a beautiful fence, what is a fair fence and what is a fence that people can or cannot live with. He just wanted to make sure that the Council is aware that some people's version of a fence is objectionable and some might consider it an art piece.

President Robinson refers to Councilman Clark having some questions last month as it related to materials being used. Stinton doesn't believe that the zoning ordinance has a definition specifically for "fence" or "screen". They do use those but "screening" is usually more vague as in it could be a hedgerow, fence, wall, berm or anything else that creates a screen. "Fencing," typically, has something that has posts that is suspending materials between it.

Councilman Clark explains he didn't even think of the definition and that is something that should be addressed. His concern was the recyclable materials and if just plain sheet metal or if corrugated metal could be included when it talked about sheet metal. He stopped at both Lowe's and Menards which both sell corrugated plastic and corrugated metal for fencing purposes, a little 2x6 or 2x8 foot piece. In just driving around town, he sees several fences that use that type of material. He is looking at the provisions here and it doesn't necessarily say yes or no to one of those.

President Robinson reads the ordinance, "all fences shall be constructed of materials customary used as common fence materials, plywood, broken board, wood pallets, chicken wire, scrap lumber, discarded construction materials, sheet metal, wire mess, tarps, cloth, canvas and other similar materials are prohibited in all zoning districts." Secondly, "the finished side of the fence shall face out toward adjacent property and public right of ways." That is what is listed in the ordinance.

Councilwoman Selvey has a couple questions. She asks if the Planning Commission has an attorney (for when consulting with legal issues). Stinton confirms the Planning Commission does have an attorney. Selvey questions if this ordinance can be taken back and have their counsel bring forth definitions. She is worried about the recycled material since we promote recycling all the time and then turn around and inform people that they can't have it. That becomes a problem. Her opinion and what she would like to see is those definitions be defined and given an example of what is and what is not and for them to come back to the Council so she (personally) can make a better decision. She would love to see more recycling going on therefore couldn't (in good faith) support something that says recycled materials are not appropriate and apologizes. Stinton informs the other option would be to make an amendment to remove the recycled material provision within what is prohibited and suggests asking the Council Attorney how they would need to handle this. Dan Gibson, Council Attorney, informs if they are going to make amendments they are not prepared to make tonight, his suggestion would be to Table it and have the Planning Commission and one of the Standing Committees in which it fits appropriately work together to come to some sort of agreement and bring an amendment back. They would have six months to bring it back off the Table.

Robinson believes the most appropriate committee would be the Land & Traffic Committee, which does cover all zoning throughout the City as well as obviously land and traffic. If it would please the Council to Send to the Committee and Table, that would be the committee he would recommend.

Councilman Ingram informs he was approached by someone concerning the recycled material because he recalls they use recycled barn wood a lot of times to do projects. It is decorative and has that old patina look to it. He, too, would recommend sending this to the Land & Traffic Committee.

Councilman Overbey mentions the recycled material is a good point because that is a pretty vague definition. There is a lot of recycled material that has been brought up as being used to put in fences on common fence material. He agrees in defining that and bringing it back later but a lot of this is as he mentioned before was brought up because people aren't using recycled material but are using whatever junk material they can to throw together to make a fence. That was a lot of the problem and complaints that was being brought forth. He would be happy to Table it so a redefinition could be established.

Robinson certainly understands and explains in situations like this, because so much of this is subjective, that they can find themselves in analysis paralysis and that is what he wants to avoid.

Clark wishes for an explanation on the process. Let's say he wants to put a fence in his yard. Would he have to go to the Building Commissioner to ask that permission? He also wonders if they could put a provision in it for those using recycled materials to include a picture, drawing or mockup of what they would be looking at or constructing. Robinson believes (and refers to Councilman Garrett to confirm from his time working in the Building Commissioners office) that anytime a so-called permanent structure is installed then you need to get a building permit. A fence, as soon as you put concrete around those fence posts (or 4x4's) now becomes a permanent structure that you have to get a permit from the Building Commissioner's Office. Councilman Garrett adds that before that, you have to get your land surveyed to make sure that you are not approaching on any of your neighbor's properties. They could put it in there where it would basically be like another building permit. It would be the same thing where you would have to provide detailed drawings of where your fence is going to go and what materials you are going to use. Robinson responds that seems pretty laborious and makes him worry that people would then chose not to get a permit in favor of just putting a fence up.

Councilman Miller expresses his only concern with them Tabling and waiting longer to rewrite and add to this is that they are going to get to a point where they are over legislating something that should be relatively simple. At the end of the day, with the majority of ordinances they pass, they trust that the City Department Heads are doing their jobs, due diligence and research and not going overboard. He expresses he doesn't want the paper copy to end up being a multipage page ordinance describing every nail and piece of material. He just doesn't want them to get into over legislation. He trusts our City Department Heads that they do their due diligence and research as well as take into consideration of people's situations, status of the neighborhood and look of the fence or property.

Councilman Dishman informs he is a member of that Committee and they talked about being grandfathered in if you currently have a fence. If less than 50% needs replaced then you can use the same materials but if more than 50% of it was due for replacement then you would have to have a new fence constructed. There are many fences around town that look really horrible and are made out of just anything. He refers to sheet metal, materials torn off a house or a barn and that wooden pallets is most common one they see. Dishman makes the comment he just doesn't think that is appropriate. The vote at the Metropolitan Planning Commission meeting was 5-0 in favor and 4 absent. It got a favorable recommendation. Robinson thanks him.

Dustin Clark, representing the Granville Neighborhood Association, mentions they have talked about if there is a process or how to go about it getting something amended. What about when you go apply and inform you are interested in putting a fence up but your neighbor doesn't like your art style. Would you be able to take it before a Board and have a judgement set forth? (For example, yes, a specific fence idea is acceptable yet your neighbor just doesn't like it). Is there a process that even if it is turned down that it could go back before and be reviewed and shown additional plans or drawings. Robinson answers yes and explains anyone that is filing for a permit can file for a variance that will go before a Board. There is a situation that could occur where someone trying to use materials outside of what is listed here could receive that variance from the Metropolitan Planning Commission. Stinton confirms.

Clark asks Dan Gibson, Council Attorney, if it is in a neighborhood and there are neighborhood covenants then would these covenants (if stricter than our Code) supersede the Muncie Code. Gibson answers they would, it would just be up to that Neighborhood Association to enforce it. It would not be something the City would be enforcing. Clark thanks him. Questions called.

A motion is made by Robinson and seconded by Selvey to Table and send to the Land & Traffic Committee for further review and working with the Metropolitan Planning Commission to iron out some

of these details. A roll call vote showed 7 yeas and 2 nays (Miller and Dishman). TABLED. Sent to the Land & Traffic Committee for review.

ORD. 2-23 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (MOTOR VEHICLE HIGHWAY).

A motion was made by Miller and seconded by Garrett to Adopt. Questions called. A roll call vote showed 9 yeas and 0 nays. ADOPTED.

NEW ORDINANCES:

ORD. 3-23 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (MUNCIE POLICE DEPARTMENT).

A motion was made by Ingram and seconded by Miller to Introduce.

Chris Deegan, Deputy Police Chief, MPD, apologizes for being down to a surgery to repair ligaments in his shoulder but assures his recovery is going well. He explains this is just an appropriation. MPD did well on their budget last year with some leftover funding they wanted to appropriate into cash so they can continue to tackle some of the problems he has numerously expressed to the Council. That consists of radios, computers and cars. This will allow them to get the money into Fund #106 and whatever hasn't been used at the end of the year would then go back into the cash balance.

Councilman Dishman asks who prepared the MPD budget last year for 2023. Deputy Chief informs he did. Dishman confirms that there wasn't extra set aside for this. Deegan explains this was already in their cash balance and he likes to operate on the budget they put forward. If they do a well enough job throughout the year ending up with extra cash that he likes to try to use that for projects they need to tackle such as cars, radios, Tasers, anything that is a capital expense. Dishman understands that but just wanted to understand why a few departments are coming back for appropriations that weren't in their budgets.

President Robinson asks if there has been any thought to make Capital Equipment a non-reverting fund. Deegan states no but he is willing to entertain that idea. Robinson explains it seems to him that Capital Equipment is an investment for the future of the Department. He would think that it could be covered as a non-reverting fund so that they don't have to keep coming back and making additional appropriations. If they spend wisely throughout the year and have money left over, it can rollover and budgeting decisions can be made to cover that. By the time the Council gets to the budget season, they are 60% budgeted at that point in time so it would be something he would be willing to discuss in the future (although mentioning he is only one councilmember). Deegan informs he would be more than happy to meet with anyone that wants to discuss it and try to figure it out. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 4-23 AN ORDINANCE OF THE CITY OF MUNCIE AMENDING SECTION 152.16 OF THE CITY OF MUNCIE CODE OF ORDINANCES.

A motion was made by Garrett and seconded by Selvey to Introduce.

Council Attorney Dan Gibson states this is only up for Introduction tonight so will be brief on it. Recalling to last year, the Council adopted Sec. 152.16 of the Code of Ordinances that created a Vacant and Abandoned Property Registration and set some maintenance standards for those properties. That ordinance allowed the Building Commissioner's Office to force properties that were deemed both vacant and abandoned to register as that type of property. Since that time, the Building Commissioner's Office

has expressed some concern that there are some properties that don't meet the definition of "abandoned" but do meet the definition of "vacant" that are still a concern due to fire hazards and squatters. They were wanting to be able to change everything from "vacant and abandoned" to "vacant and/or abandoned." Gibson believes the concern there was structurally sound properties are just made to be temporarily unoccupied and whether or not they want to bring those into a forced registration. This amendment makes that change that the Building Commissioner's Office wanted to make it "vacant and/or abandoned" but adds a line to the definition of vacant that states "not adequately secured against unlawful entry." It is really targeting those properties that the Building Commissioner's Office believes they need to address. Aware there has been some comments, referring to Councilwoman Selvey who has had some people reach out to her, so, he believes there will be some further discussions over the next month. Again, this is just for introduction and they have a full month to address any concerns. However, that is what this amendment does. He also believes a representative from the Building Commissioner's Office, if not here tonight, will be here next month to address the need. Councilwoman Selvey adds that she and Councilman Garrett are involved in this and will be meeting with some constituents as well. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 5-23 AN ORDINANCE AMENDING CHAPTER 95 SECTION 95.08, SECTION 95.09, SECTION 95.17 OF THE CITY OF MUNCIE CODE OF ORDINANCES ENTITLED "PARKS AND RECREATION."
(FILED 1/25/23)

President Robinson explains that this ordinance was filed after the deadline. The Council has a statutory guideline of two weeks prior to the meeting for things to be filed to make the Agenda although they have the authority to suspend their own rules and exceptions and consider ordinances. Since it is only up for Introduction, they would need simple majority, which is five (5) votes to consider. A motion was made by Ingram and seconded by Garrett to Suspend the Rules to Consider for Introduction. A roll call vote showed 8 yeas and 1 nay (Dishman). MOTION CARRIED. Rules Suspended. A motion was made by Ingram and seconded by Miller to Introduce.

Dustin Clark, Prairie Creek Superintendent, first thanks the Council for allowing them to bring this forth. They have been going on a long road to work with the patrons and those that utilize the area at Prairie Creek to come up with a cohesive set of rules that meets the needs of campers and dock holders but also the public. Some concerns were brought up and to address those concerns, he believes this amendment is needed. It more or less differentiates between privately leased areas and public spaces. A lot of the same rules that have been in since ordinance 95 such as no drinking in public and no sleeping on park benches, should all stay in place for public areas, shelters and beaches. There should be an exception made for those who are doing long-term leases, dock holders and campsite holders. Those spaces have been treated differently in the past and should be continued to be viewed as a more private space. Those are long-term leases with the City, Parks Department and Prairie Creek Reservoir. This outlines the major concerns and the other major thing he wishes to point attention to is it allows the Parks Board to adopt rules that would be applicable to the leased spaces. Any individual that has a comment, question or concern about their specific leased space could go before the Parks Board. The Parks Board, nonpartisan, would then be able to explore it to make their own judgment or ruling and that would be the official ruling going forward. The big ones are allowing alcohol and the ability to play cards (such as euchre or uno). Councilman Ingram mentions not to forget fortune-telling. Robinson jokes that Ingram has a stand prepared and ready to go to start tarot card readings. Questions called.

President Robinson questions, and it may be silly, why there isn't an ordinance just governing Prairie Creek. The needs and things about Prairie Creek Reservoir are so different from what they are for Canan Commons or Westside Park. D. Clark informs there has been discussion and believes the City Attorney, Mark Irvin, has been going through a review of lots of ordinances and their options will be re-brought up. In the meantime, these people need answers. Camping season and opening season is approaching and they would love to have this closer to being buttoned-up so they know what guidelines and rules to follow. The public should also know as well because there are public spaces out there. His team would appreciate entertaining that separate ordinance where Prairie Creek is more independent but until that time, he thinks this is a great compromise that allows all sides to be heard which is what they are after.

Councilman Ingram just wants to say that he knows they (along with the Parks Board President) have been working their tails off on this for a while. D. Clark believes February 2021 is when the first emails started going back and forth on how to proceed with this. However, it is not just the Department Heads, it is also the friends of the reservoir, a lot of Facebook groups and individuals that have come in to speak to them and staff (previous and current). Comments about things they tried back in the 1980's would come up that didn't work so well and they would take that into consideration. It has been a process with a lot of people. Ingram wants to add that as he understands, D. Clark has had a lot of input and discussion about this. He is very supportive of this and things this does exactly what everybody was asking for. He thanks them for listening.

Robinson advises he has one more question and asks what the penalties are for some of these violations. If someone is caught sleeping at a park or someone is caught violating any of the rules then what would be the consequences. D. Clark informs the standard consequences are if it is unmoral, unethical, illegal or flat stupid is immediate removal. If somebody is causing a fight or there was a domestic disturbance, the police would be called. Anything else that would be considered more of a misdemeanor is a three-strike rule. They will send a note and letter reminding what the rule is. They would send a second letter saying this is the second violation and they would really appreciate if the person didn't do this anymore. The third one could put one in the possibility of not having their long-term lease renewed. Robinson states this is why he assumes that having a stand-alone ordinance to govern Prairie Creek would be beneficial because what are the penalties for someone that gets caught doing these things at Canan Commons or Westside Park because there are no lease fees. It is a rhetorical question because he assumes that D. Clark probably doesn't have an answer. His second question (and this may be for legal counsel) is if that is something they should look to include in the ordinance to more clearly define penalties for any rule violations.

Council Attorney Dan Gibson states that section currently cross references the general penalty provision in Sec. 10 of the Code of Ordinances which simply allows for up to a \$2,500 fine. That is not what would be imposed but ultimately would be an ordinance violation action that would need to be filed in Muncie City Court and then be up to the City Court Judge to determine what the penalty would be based upon the way it is written now. The Council could certainly make a more specific penalty provision if they like. Robinson reminds everyone this is just for Introduction so they have a little more time to digest this. Questions called.

Councilman Garrett adds that he agrees with President Robinson with Prairie Creek needing its own governing ordinance it because it is quite different from any other City Park. He commends him for bringing that up and thinks that is a very good comment that they should try to work on. D. Clark thanks them and mentions if there is still public comment or suggestions (they got a good suggestion just tonight on wording) to email them at PrairieCreek@cityofmuncie.com or stop by their new office at 6400 E. 575

S. County Road, Selma. This is their new office and not the Boat Launch office which is closed for winter. They also have a 24-hour drop box for anyone that wants to make it completely anonymous. They are open and willing to hear any comments or suggestions. Robinson thanks him and also extends that invitation as it relates to this ordinance or any ordinance of the future governing Prairie Creek that the Council, of course, is welcoming to any emails or suggestions. He knows the people out at Prairie Creek, in particular, are very engaged in this process and he appreciates them all. Email addresses can be found on the City Website and the Council welcomes any suggestions as well. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

RESOLUTIONS:

RES. 2-23 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA TO PARTICIPATE IN THE MEIJER OPIOID SETTLEMENT.

(FILED 1/30/23)

Finding themselves with the same situations as ord. 5-23 with this resolution, being filed after the filing deadline (Jan. 23rd) on January 30th. Again, a simple majority is needed. A motion was made by Selvey and seconded by Miller to Suspend the Rules to Consider for Adoption. A roll call vote showed 8 yeas and 1 nay (Dishman). MOTION CARRIED. Rules Suspended.

A motion was made by Miller and seconded by Green to Adopt.

Ben Freeman, City Attorney, first apologizes for the late filing. It could not be helped as this was presented to him after the Council filing deadline so he put together this resolution for their consideration. Thinking back to (he believes the majority of it was early last year) the other national opioid settlements that the City was taking part in. This is relating to, although not the exact same settlement, but a much smaller one in terms of scope but it is one they have both state and national counsel representing us through and making recommendations as a part of that process. That is the reason the resolution is before them tonight is because there has been a settlement reached and it is the recommendation of the Indianapolis and National Counsel that the City of Muncie participate in that settlement agreement. For reference, the information was relayed the last day or two of January and they are requiring that we either opt in or out by this coming Friday, Feb. 10th. Again, he apologizes for the short notice but that's the reason. Robinson is relieved they had a Council meeting set for between those dates. Freeman assures he would have shuttered to ask for a Special Meeting but guesses that is where they would have been. Robinson makes the comment of how short of a period of time that is. Questions called. A roll call vote showed 8 yeas and 1 nay (Dishman). ADOPTED.

OTHER BUSINESS:

Rick Yencer, author and former newsman, is glad to see government starting to acknowledge that there are millions of dollars out there to help the addicted. He remembers last year when the Council opted in on others. He states he got a release last month from the Attorney General and there is about \$500 million in national settlement that is to go to the addicted. If you don't think that there's a problem this community then you should have just been outside with him. There was a boy crying for help. Yencer doesn't know what the police did with him but there are plenty of people in this community that need help. He is wondering what happened to the \$2 million a year ago that went to IU Health for an addiction treatment center, a crisis center in south Muncie that hasn't happened. He has heard the monies come back but again he hasn't heard a thing on this latest settlement. The Attorney General put out notice to every county. The share on that settlement for Delaware County and

Muncie was over \$6 million but he has not heard anything from the hospital or the government either on that. What he is asking the Council is what are they going to do about the addiction problem in this community and how are they going to spend that money. Are they going to spend it with the Biggins or what he calls some of these others that are helping now? Our shelters are slammed here whether it's the Y or the mission. There's three other programs that take people in, feed them and give them a shower. The Hub that started a couple years down here by Bridges that's run by the mission now that has laundry and showers. There's a new place, the old paint shop on Madison, called the New Norm that takes people in too for food, shelter and help. Then, there is the Recovery Cafe which Yencer himself helps with. That is a West Coast operation that helps a variety of people whether it's those who are addicted or homeless and hungry. There's a lot of other smaller groups out there other than the hospital and some other medical service agencies that could use this money to help people on the street. He really hopes they will think about that when they spend money because last year when they spent money on the American Rescue Plan or the "stemi money" as he calls it, it went to bailout government. He thinks there was a million dollars that went to neighborhoods too. He recalls being at a meeting gathering a week or two ago and guess who he found out which neighborhood got one of the first stimulus money handouts. It was a gated community built about 20 years ago out by Westminster Village. He is not even sure that the streets there are public. Nevertheless, if they are going to put money into private gated communities, again, he wants them to think about just how they spend their money.

Jason Donati, Stormwater and Recycling Educator for the Muncie Sanitary District, recalls a few months ago when he came up and provided an update about their recycling program update and he just wanted to come up and give some more updates to hopefully clear up any confusion that might be out there related to the program update. It is a big change. They are transitioning away from the blue bag recycling program to 96-gallon blue toters. There is going to be a transition period for that so it is not going to be something that happens quickly overnight. They did receive a large grant from the Indiana Department of Environmental Management to help offset the cost of some new recycling trucks and toters so they are on pace to get some of those grant funds here soon. They are hoping to start this program and get it rolled out in the spring (potentially May) but it just depends on when those trucks arrive and when they are all set up to get going. However, Donati did want to announce to the Council and the public that starting Wednesday, February 8th they will have the sign-up for the toters on their webpage at is www.muncie-sanitary.org/departments/recycling and you'll see a sign up form that is the recycling pledge which will be there on the recycling homepage. He explains a lot of what they're doing is educating people about how to properly recycle. You take a small pledge, sign up with your name and contact info and it'll be stored in a safe and secure database so when they start that roll out they'll have those sign ups. If you don't make the first phase, don't worry. They are going to continue to roll this out, continuously seeking more grant funds to make sure that they make this recycling program accessible to everybody in Muncie that wants to do it. The 7,000 number was picked because of the grant funds that were allocated and the sign-up begins Wednesday. That doesn't mean you're going to get a toter next week. That doesn't mean you're going to get your toter in two weeks. Honestly, they are not sure when you're going to get your toter but by putting your contact info in, they will let you know how this program is going to roll out keep moving from there. He just wanted to update everyone and feel free to contact him with any questions that might come up. Look for the sign-up on the website on Wednesday and the phone number to his office is 765-213-6450 in case anybody has any questions.

Audie Barber comments it is a short meeting tonight so things are looking up. His concerns are still with the former County building next door. Driving by it today, he noticed there is still plywood and plastic hanging up in the windows and that the project is not done. He has heard that after January 31, 2023, there will be a \$10,000 a month fine imposed because it's not done. The taxpayers of Muncie have spent roughly (with the leases and stuff) \$1.4 million so far that can be found. He just wants to make sure that the taxpayers of Muncie are not continuing to pay the utility bills on this project since we've went past our deadline. Hopefully, as elected and appointed officials, the Council will look into this. Try to get some answers from the Mayor and his office on if we are going to continue to pay the utility bills on this building or not; how long we're planning on paying these utility bills if

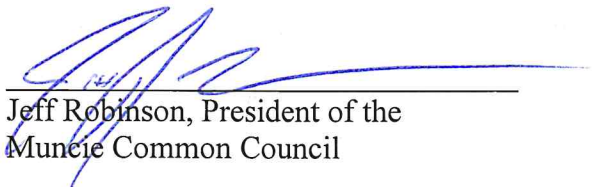
they are going to continue and when the \$10,000 a month fines are going to start being paid back. This is a big project. As he said last month, it has been kind of pushed under the table and hid from everybody until it was found. He still hasn't found who approved the paying of the utility bills. There's been a lot of discussion on it and nowhere in any minutes on any meetings (BOW, Council, MRC meetings and stuff like that) has anybody approved the utility bills to be paid but us taxpayers are still paying them because the Mayor is allowing it. Once again, as elected and appointed officials, he hopes they look into this and find the bleeding stops next door and let the contractor finish the business (because he is going to be the one to make the money off of it) without the taxpayers funding it anymore.

Brian Shaw expresses how he likes to look back in history and past performance to help guide future performance. He asked how it is tracked when the City Council approves various packages brought forward by any department. If he wanted to go look up the history of proposals, such as a tax abatement, and ask what the net income was after ten years. Say he wanted to look way back in history, like two or three administrations ago and see how well did investment in downtown pay off, what are the assessed values now that we have tax dollars coming in? He is curious if any of the councilmembers know or could point him in the right direction to do this kind of research. President Robinson states any ordinance and resolution as well as the minutes from each Council meeting going back a couple decades can be found online. Council Secretary confirms online records go as far back as the 1980's. Robinson suggests going to the City website and access through the City Council page a website called Municode. There, you can search for any ordinance, any resolution, with numerous ways to search for it. That is how you can look up any old ordinance, resolution, minutes, any business the Council has done. If you want to compare some of those things, the net revenue, tax revenue, things from then to now then Shaw would probably have to go through the Auditor's Office at the County building. He is sure they could provide information but he is unsure how far their records go back but assumes they are very much the same way going back at least a couple of decades. There is some cross-referencing there that would need to be done but those are certainly two resources he suggests looking to first.

Councilman Overbey extends condolences to Troy Watters, Beech Grove Superintendent, who lost his father-in-law yesterday. The Council offers their condolences.

ADJOURNED:

A motion was made by Ingram and seconded by Overbey to Adjourn. A vote by acclamation showed 7 yeas and 2 nays (Robinson and Selvey). ADJOURNED.



Jeff Robinson, President of the
Muncie Common Council



Belinda Munson, Muncie City Clerk
of the Muncie Common Council