

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



APRIL 3, 2023

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

PLEDGE OF ALLEGIANCE: Led by Todd Smekens.

INVOCATION: Given by Phil Miller, Chaplin of Muncie Ministries.

CITIZEN RECOGNITION: Councilman Miller explains when the Council gets to choose the Citizen of the Month that they oftentimes have two possible paths to go down when picking that citizen. The first path is to pick someone that is out in front, typically leading an organization or well known in the community doing a lot of great work. That is an honorable and great thing when chosen. Other times, they get to pick citizens that maybe aren't out in front or leading an organization but are leading at home or the baseball field with their kids or their neighborhoods. That really embodies the spirit of the citizen that he chose for Citizen of the Month tonight. Claiming he doesn't know why he is here tonight or why all his friends showed up but the Citizen of the Month for April 2023 is his neighbor and friend, Phil Juskevics. Miller has been neighbors with Mr. Juskevics, his wife and four kids for the last couple of years and a few things stand about him and are why he deserves to be Citizen of the Month. Phil is a committed husband and father to his four kids and is constantly on the go with them. He is oftentimes seen volunteer coaching for all their sports. Miller thinks everybody can attest that if you play sports in life, you will always recall having that one special coach that really spoke to you, knowing that Phil is that for many citizens in the region and for many of their kids. Phil posted a while ago on Facebook that he was heartbroken he wouldn't get to coach necessarily some of the same kids he's coached before because kids move on and move up. He was very adamant that he still wanted to cheer those kids on and was wishing them luck from the sidelines. Many people left comments on his post and some of the comments read, "You truly are amazing with the kids," "everyone who has had you as their coach is lucky," "you are amazing with your kids therefore all the kids you've coached." Someone else says, "you are a really great coach and teach the kids the correct way to play sports, they love your enthusiasm." Another comment reads, "you're a great coach and a great dad, even if you are grumpy," and "so thankful for the time each of my boys have had with you, we heart Coach Phil." Additionally, when Councilman Miller purchased his home, he thought he was going to have the best decorated house for Christmas before realizing he moved in across the street from Phil, joking that his house can basically be seen from space which is amazing during Christmas time. Although the real reason is the fact that Phil and his wife open their front porch up every Christmas and invite all the neighborhood kids to come to their house to Santa. Kids get to meet Santa at their house every Christmas. A mailbox is even out front where kids in the neighborhood can write letters to Santa and get letters back. It is that little act of service that really makes their neighborhood special. Lastly, Phil is a small business owner here in Muncie. He owns The Chug, which for many is either famous or infamous for their time at Ball State. Phil has chosen to use his business to give back. In the month of April, they are having a large breast cancer awareness fundraiser. It is an issue that is very passionate and important to them and their family. Phil Juskevics is doing the important stuff. He is leading at home, leading his family and kids and other families and kids in our community. Miller is thankful for him, the fact that he is his neighbor and glad to present him as Citizen of the Month for April 2023.

Phil Juskevics mentions he had no clue why he was coming here tonight. He just walked in and noticed his friends sitting in the back. He thanks Councilman Miller for the award and that he truly appreciates it. Obviously, his family is very important to him but he considers all the kids he has coached

family to, coaching everything from baseball, soccer, basketball, football, you name it. It is something he really holds dear and thinks it is important. He has an 8-year-old, 5-year-old, and 2-year-old twin girls. It is something that he thinks is very significant, especially leading the youth and teaching them not just about sports but there is so many lessons that can be taught out on that field. He finds that very important. He acknowledges Miller hitting on the event that they are having this April 14, being their 9th annual event so follow them on Facebook for more details. All proceeds go to Susan G. Koman for breast cancer donations. That is something that is very important to him and his family and aware it is something that hits home for many people. In closing, he is not only impressed his wife was able to keep this from him but especially impressed that his 8-year-old son didn't mention anything when she told him this morning. He thanks everyone again.

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 Ingram and seconded by Overbey to Approve the Minutes from March 6, 2023 as presented. A roll call vote showed 9 yeas. MINUTES APPROVED.

COMMITTEE REPORTS:

Planet Muncie Committee

Jason Donati, Planet Muncie Committee Chair, wanted to provide an update on the Climate Action Plan. Some may remember back in 2021 when they unanimously passed resolution 9-21, a climate resiliency resolution. That resolution called for the Planet Muncie Committee to work with the Environmental Review Committee, the City of Muncie and other entities and citizens throughout Muncie to help put together a Resilient Muncie Climate Action Plan. Since then, they have been working extremely hard on that. He recalls presenting to the Environmental Review Committee (Standing Committee) on April 27, 2022 with an (almost) final draft completed then. It was a public meeting, information was provided online and they accepted feedback. They also done a community survey. After all that, they actually worked together to make it a smaller document because at that time they had reached around 175 pages. The idea was is that the document should be user friendly so the decision was made to go back to the drawing board and put together a matrix that lists out the strategies and the very beginning with the executive summary. It then goes on to talk more about the background information and the community survey information. Donati is here today to let the Council know that Planet Muncie has published a final copy for review on the Muncie Delaware Planning Commission website. It is up there now so if you were to Google Muncie Delaware County Metropolitan Planning Commission and go to their homepage you will see the *Resilient Muncie Climate Action Plan* links there where it is broken up into three pieces to view. The first piece is the executive summary, basically the introduction, the matrix and the strategies. The second piece is an appendix that is basically the community survey results. The third piece, Appendix B, is the background information that they have gathered from multiple different plans and all the information gathered upon this time. Within that resolution, it does say that

once the plan has been published on a public website (which will later be up on the City of Muncie website as well) that they would come back to City Council in no more than 90 days to ask for some sort of formal adoption. What that means is completely up to the Council. The Committees hope is that Council would formally adopt the plan and begin to implement the strategies listed in the plan. Some communities throughout Indiana that have written their own Climate Action Plans have created Sustainability Commissions or some sort of group that could work on helping with the implementation of these plans. Really, this is a guidebook for the Council to think about moving the City forward. How to be better environmental stewards, reducing our emissions and look to the future to address the issues that we are facing. He is willing to answer any questions. In the interest of trying to be environmentally friendly, Donati did not print any copies of the plan but instead sent an email to reference. The Council should all have links to review but Donati would be happy to provide a physical copy if requested. President Robinson thanks him on behalf of the Council and knows that was a lot of hard work. Donati wishes to thank Councilman Ingram for participating in the plan writing. It has really been a citizen-led effort and he is excited for the Council to look at it and provide feedback.

Run for the Fallen

Don Finnegan, Director Honor and Remember of Indiana, acknowledges May as Remembrance Month. This event will honor over 12,000 Hoosiers that have given all their all for our freedom since World War II. He holds up the Honor and Remember Flag that was adopted by the Indiana legislature back in 2020 signed by Governor Holcomb, House Bill 1045. It honors all branches of service from all times, for those who died while serving or because of that service. Twenty-six (26) states have now adopted this flag, Indiana being one of them. The red is the same color as American flag red and it stands for the blood spilled by our brave men and women throughout our military history. The white underneath stands for the purity of that sacrifice. The Blue Star, which originated in World War I, is for those serving in an active conflict. The blue stars can still be seen today somewhat but not as often. If that Blue Star turned gold, that hero was not returning home. Gold reflects the value of life. The folded American flag stands for the families at the memorial service that presented it all. Our country was built on one folded flag at a time. The Eternal Flame is for the spirit that has parted this life. It burns in the memory of all who knew and loved our fallen hero. We will always honor their selfless sacrifice and remember them individually by name. With that, the hope is that Muncie will fly this flag especially for May since it is Remembrance Month. One of the missions of Honor and Remember is to provide comfort to the families. Part of this comfort is the Run for the Fallen. This year marks the ninth annual event here. It is a 140-mile physical run from Fort Wayne to Indianapolis occurring on May 12th to May 14th. There are relay teams of four runners alternating a 9-minute mile run with a 2-minute stop to call out the names from the war on terror. This year, 556 names to date will be called out. 60-some of the families normally show up and some of them come from hours away for those two minutes to hear their son or daughter's name called out to let him know that they are not forgotten. They do this run for those that cannot because there are two ways of death. Obviously, the first is physical and the second is when nobody calls out that name and he or she is truly forgotten. On Saturday, May 13th, the event will be coming through Muncie. They hit the Delaware county line in Albany at 10:00 AM, on to Highway 3 Hardware at 12:00 PM, come down past the mall all the way down through Wysor and City Hall, stopping every proximate mile. There were three families of the fallen at the City Hall stop last year and remembers President Robinson being there. Finnegan always asks people to come out, introduce yourself and ask about their sons. They want to talk and to tell the story. The event will continue and they will head out through 32 and Yorktown, Daleville and head completely out of town at about 3:00 or so. Somewhere along that line is busy times and people have all sorts of stuff to do, however, there will be a live feed showing their location so you can show up on the Run for the Fallen route at any time. Find the route on [Indiana.USA.RunForTheFallen](https://www.indiana.usa/run-for-the-fallen). He asks to please

be somewhere on this route and watch America's colors go by, meet a family, see the runners, just be somewhere and make an impact and say thank you. Robinson refers to Mr. Finnegan coming to these Council meetings for years now and knows he puts a lot of work into this. He is very passionate and thanks him for the work he does. He knows that many of his fellow councilmembers were there last year as well and encourages anybody to come out. It is truly a humbling experience and he is absolutely right, the families want to talk about their sons or daughters. If available on May 13th Finnegan encourages you to come along. They will start in Albany, go down 67 and 28 past Delta, Hwy 3 South past Hamilton Township AMVETS and then dump down into the old Broadway down into Martin Luther King and then into Wysor. He knows that route very well.

APPOINTMENTS TO BOARDS AND COMMISSIONS: Although having none this evening, there was something unsettled from last month regarding the Police Merit Commission. President Robinson turned it over to the republican councilmembers since it was a republican appointment and opens up the floor to them.

Councilwoman Selvey explains since she made the nomination, she contacted Dee Orrick who was very gracious to say if Phil Miller's term is not finished then he finish that. She thanks her for her willingness to serve, as well as Phil Miller, and states that Dee Orrick would be open to serve on any other committee or board. Selvey thinks the right thing to do is have Mr. Miller finish his term. Attorney Gibson advises a motion is not needed simply because the appointment wasn't truly vacated that her appointment was considered invalid anyways. Robinson thanks them for getting it all worked out and to Ms. Orrick for her willingness to serve and for Mr. Miller's service.

They will not have any board appointments to make in May but will have several appointments to make at the June meeting. There are several appointments expiring in May, one (1) from the Human Rights Commission in the religious designation and two (2) from the Muncie Animal Care Board.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 6-23 ORDINANCE TO VACATE A PORTION OF A CERTAIN RIGHT OF WAY IN THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA.

President Robinson confirms that the other councilmembers received the amended version. There was a minor change in the map so this motion will be to adopt as amended.

A motion was made by Selvey and seconded by Miller to Adopt as Amended.

Nick Tokar, Counsel for YMCA (who is the Petitioner) along with the Muncie Community School Corporation is happy to answer any questions and recalls thoroughly going over everything last month. President Robinson wishes to publicly commend Attorney Tokar for this being probably the most thorough street vacation the City Council has seen. He appreciates his attention to detail and his openness to communicate between the meetings as well as at the meeting. Questions called. A roll call vote showed 9 yeas. ADOPTED AS AMENDED.

ORD. 7-23 AN ORDINANCE CREATING CHAPTER 123 OF THE MUNCIE CITY CODE TO BE ENTITLED "REGISTRATION OF FORECLOSURE MORTGAGE PROPERTIES."

WITHDRAWN.

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

Attorney Dan Gibson refers to an email he sent the councilmembers last week and explains since the meeting last month, he has had some discussions with the City Attorney's office. There are a few state statutes out there that significantly limit the Council's authority to regulate any conduct that is related to foreclosure activities. It is his understanding there was a private company involved that was going to manage this program. They have been contacted by the City Attorney's office and they all agree that, in its current form, it is not something that can be adopted and enforced by the City. We simply do not have the authority to

do it as currently written. He does not know what the next steps are and knows there is going to be some communication with the Administration to perhaps amend it. However, at this point, it is his best recommendation to either Withdraw it or Table it, encouraging the Council to certainly not approve it because they do not have the authority to do so. Councilman Green, being the sponsoring councilmember, asks if it makes a difference on which one. Attorney Gibson informs there is a pending motion to approve but Green can withdraw it at any time so thinks that would probably be the cleanest way to do it, noting any variation of this is going to be a significant amendment. Councilman Green moves to Withdraw. WITHDRAWN.

NEW ORDINANCES: No new ordinances.

RESOLUTIONS:

RES. 6-23 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE ESTABLISHING AN ETHICS ADVISORY COMMITTEE.

A motion was made by Robinson and seconded by Garrett to Approve.

President Robinson is the sponsor of this resolution and explains it is a resolution for establishment of an Ethics Advisory Committee that would be tasked with defining and recommending the composition, terms, methods of appointment, power and authority and jurisdiction of a potential City of Muncie Ethics Commission. The Committee is given eighteen (18) months to complete that work and when it is completed, they will then bring a framework for what an Ethics Commission could potentially look like to the City Council. It does not necessarily mean it is the final draft as the final iteration of whatever that recommendation will be will be made by the Council. Again, the Committee will have eighteen (18) months to bring those recommendations to the City Council for consideration of an ordinance for the establishment of the City of Muncie Ethics Commission. Obviously, public input is very important to this process and when it comes time for the Council to decide on whether or not they want to establish that Ethics Commission, based on the recommendations, the public will have plenty of opportunities to review those recommendations and offer their input. For those that maybe aren't familiar or new to Council meetings, a resolution can be passed in one meeting while ordinances (which are binding) are two readings so will actually take place over the course of two meetings with a month in between. This resolution outlines the makeup of this seven (7) member Ethics Advisory Committee to include: a professional in Human Resources, a certified public accountant, an attorney licensed to practice in the state of Indiana, a representative of the Bowen Center for public affairs at Ball State University, an ethics Professor from Ball State University, and two individual citizens from the City of Muncie. The Council will be responsible for making those appointments and if it passes this evening will do so at the May City Council meeting. Robinson felt like it was important to select subject matter experts as far as the appointment makeups to achieve the best outcome. He explains they are certainly not reinventing the wheel here and assures this is nothing new. There are over 20 different Indiana cities, towns and counties that have something very similar. A few examples include Indianapolis, Carmel, Fort Wayne and Allen County, Jeffersonville, Crown Point, East Chicago, Gary, Hobart, Lake Station, Portage, Valparaiso, Cedar Lake, Schererville, Merrillville and the list goes on. This is something other communities have and it is successful in those communities. With that, he is happy to entertain any questions whether it be from the Council or from the audience.

Councilman Ingram states that basically, this resolution is only to form a Committee that will develop a Code of Ethics and establish the actual enforcement procedure. Robinson states that is correct, this Committee is only tasked with looking into the possibility of an Ethics Commission for the City of Muncie that would offer (as an example) whistleblower protections, political activity and patronage, appointee attendance requirements, board appointments, publication of public contracts for goods and services, conflicts of interest statements published, disclosure and use of confidential information, the use of City property, training requirements. Ingram refers to "Section 2 – Additional Members: The Ethics Advisory Committee shall have the authority to add additional members of the Committee as it deems necessary to complete the

duties set forth herein” and thinks that statement might be a mistake. He does not think that a committee appointed by the Council should be able to appoint additional members and would like to see it amended to where members can appoint them only with an agreement from the City Council. A motion is made by Ingram and seconded by Robinson to Amend Sec. 2 to read “The Ethics Advisory Committee shall have the authority to add additional members of the Committee as it deems necessary *to be appointed by the City Council* to complete the duties set forth herein.” A roll call vote showed 8 yeas and 1 nay (Selvey). AMENDED.

Councilwoman Selvey states she likes the idea and is glad that we, as a City, are coming to this. The only thing that worries her about this is that she feels like it's one-sided and would rather this to be a City-wide thing. She would like the Administration involved along with the City Human Resources Director and feels with this they are giving away too much to other people. We all know private businesses are ran differently than municipalities and there are different rules and regulations for that. She feels like they would be giving everything to outsiders. Therefore, for her to be able to go forward with this, she would like to see Administration and whoever is the HR Personnel, under any Administration, to be part of the Committee because they are their first contact person when a violation or complaint comes in. Again, we need an Ethics Committee and that is long overdue. However, let's not give everything away to people in just education. In addition, it will effect many of the City employees and she is worried about that and their rights too. For example, what if a spouse of a City employee has a business and wants to do business with the City? Is that going to limit them? What if you have a son or daughter who has a business, how is that going to affect the children or spouse? A Human Resource person, under whatever Administration, should definitely be involved in it.

Robinson thanks her and understands her point. He has had many conversations over the course of the past couple of weeks and explains that there are seven (7) members of the Committee and only two (2) of those come from Ball State University. The reason being, the Bowen Center for Public Affairs are subject matter experts on every single level of government knowing all the ins and outs. The other is an Ethics Professor from the University, as they want to make sure they have also a subject matter expert in the area of ethics. In terms of the Human Resource person and desire to have someone from the City, that is certainly something they could do by nominating a HR person that is with the City and appointing them into the position of the professional of human resources.

Selvey would appreciate two human resources personnel and suggests one be the one from the City and the other from something that would be agreeable to her. Again, she would really like the human resource officer, under any Administration, be involved in this process. Robinson lets her know that if she would like to make that motion to amend to include that then that is something they can do (as it is not his decision solely). Selvey seeks guidance from Council Attorney Dan Gibson.

Attorney Gibson wishes to raise one issue. Obviously, they can make that amendment to add whomever they want but his only concern with adding somebody from Council or any part of government at this time (because this is a temporary Committee that is going to be setting up the rules that are going to govern long-term) is they are putting somebody on the Committee that is going to be setting the rules that they themselves are going to be governed by. This isn't the long-term Committee which may end up involving somebody from the City Administration but that is just a concern he thought would be worth pointing out.

Robinson assures he was very intentional with these appointments. He doesn't want any of them (Council) or the Administration involved and wants this as independent as possible. To Gibson's point, if the recommendations come to Council and this does for an Ethics Commission, then they do not want any say in what will be governing themselves as well as City employees and others.

Councilman Clark refers to the State Ethics Commission that consists of five (5) members bipartisan but they are all attorneys. He first notices in the resolution nothing that specifies individuals who have practiced law. Robinson and Selvey correct him in the fact that actually is defined in the resolution to include one attorney licensed to practice in the state of Indiana. Clark thinks if they lean more towards that, one or maybe two.

Robinson likes the odd number of members whenever dealing with a Committee so that they have a tiebreak. He would be agreeable to make the amendment adding two members, one more human resources personnel and one more attorney, if it pleases the Council. Clark assures doing that wouldn't take away the two individual citizens and Robinson replies no, it would just increase the number of members from seven (7) to nine (9).

Councilman Green refers to the things listed and questions if they are or aren't covered by the State Board of Accounts (SBOA). Attorney Gibson answers some of them may be. He is aware there is a state law on nepotism, as an example. However, the Council can be more strict than the state law and part of the problem with SBOA is it gets written up in an audit but there isn't much to happen after that. The enforcement mechanism at the local level is really an important piece of this. But yes, some of it is governed by the SBOA while some of it is not. Robinson makes the comment to Green that what is listed here are just examples for the Council benefit and citizens who are reviewing this resolution. Whatever the Ethics Advisory Committee decides is best, if it is going to be eighteen months from now, it's going to be a different City Council. So, whatever those recommendations are is what that Council will consider but these are some of the things that have been listed in particular in the Indianapolis Ethics Commission ordinance.

Councilman Overbey has two questions. He believes some time ago the City established an ethics code and asks if this will supersede that or do away with it. Will this Committee basically come up with another code? Robinson states what he thinks would happen would be that the Committee would take a look at anything that currently exists. He assumes there is probably a code (but doesn't have a handbook so can't say and is not a full-time city employee so doesn't know what is in the city handbook necessarily) and guesses there's some sort of framework, at least, of some ethical guidelines in that handbook. He guesses they would review that and maybe offer some revisions to update that in which case then, if it is codified, they would probably just recommend that the Council amend that ordinance for the Code of Ethics for the City. If they did that then that would, in fact, supersede the original ordinance establishing that. Overbey understands and mentions this is basically an Advisory Board. He then refers to "Section 6 – Duty to Establish Enforcement Procedure:" and asks what jurisdiction and how much enforcement can they bring to bear? Robinson (again because so much of this is still unknown and because they haven't put together the Advisory Committee yet to determine what the best course of action would be) states that this Commission would be a place for citizens, city employees and other elected officials to report complaints or anything else that they might have in terms of ethics for the City of Muncie. Assuming they cannot grant any Commission of the City any arresting powers or anything absurd like that, he looks at it very similarly to the example of the State Public Access Counselor. When someone files a complaint with the State Public Access Counselor, that Public Access Counselor then issues an advisory opinion and in that advisory opinion, they'll state whether or not a violation has occurred. In the case of the Ethics Commission, he imagines that being the case here, that the Ethics Commission would investigate any complaints or allegations made against anyone that works for the City of Muncie and then they would issue an advisory opinion and then that advisory opinion would then come to the Council. If it were a Department Head, City employee or elected official then the City Council has statutory rights given by the state of Indiana, including investigative powers. There are other things that they can use at their Council's disposal to be able to act accordingly or if it's not something the Council can act on then certainly a public advisory opinion against someone would go a long way in the court of public opinion.

Councilman Dishman asks how it is going to work here and refers to the Mayor mentioning a "second chance" to steal from the City. They may let one individual slide but doing this here, with a Committee, are they still going to let him slide after the Committee rules. Robinson thinks that is going to be up to the Committee entirely, disclosure requirements for entities that do business with the City of Muncie. Not wanting to give specific examples here but there are a couple that they have had in the last year that the hope would be that those disclosures would reveal to the Council and public anything that might raise a red flag. Then it is going to be up to that Council or that Mayor to decide if they want to move forward. He looks at this very much like an oversight board to make sure that they as elected officials are doing what they are supposed to do. And, as much as he would love for elected officials to be able to police themselves, honestly,

not making generalizations, he is sure most elected officials are very good people who really try to do their best. However, we all know there are rotten apples out there. He wishes they could say and trust that they could police themselves but they just can't. Dishman interrupts and explains when the Committee investigates and comes to the conclusion that there was wrongdoing, the excuse is to provide a second chance. That is what he is asking about. Robinson answers it is going to be entirely up to the Council (at that current time) making that decision.

Attorney Gibson knows there is a lot of questions to be answered. Maybe the term "Task Force" is a better word to use because that is what they are going to be doing. This is not going to be the Committee that is ultimately going to be enforcing the code. They are going to help establish the Committee that will enforce the code and then also create the code itself. There is a lot of things they will have to look into such as current City Code, current resolutions of which how those will all interact. This is just creating the framework to get that process started. Dishman asks what the City Code is that allows them to give a thief a second chance. Gibson isn't sure what Dishman is referencing. Councilman Clark also asks Dishman to clarify because he starting to get confused. Councilman Miller asks the example Dishman is referring to and Clark asks for point of order because this seems political. Robinson asks everyone to not talk all at once and believes Dishman is referring to the resolution that was brought forth a couple of years ago that was removing the question... Miller interrupts and requests a point of order on what Dishman explained his example is. Dishman responds his example is the Parks Department after getting investigated by the FBI (Miller makes the correction it was actually the Indiana State Police) and the Controller caught it before the check was cashed. But, instead of terminating the employee(s), the Mayor gave them a second chance. How is a situation like that going to work with this? Robinson checks to make sure that satisfied the questions in terms of the point of order. Miller answers yes. Robinson thinks he understands Dishman's point and speculates the Ethics Commission, if established eighteen (18) months from now, would look at that and give their opinion of what happened and offer their advisory opinion if any wrongdoing had taken place and then either the Administration or the Council could take necessary and appropriate action. This this is meant to be a safeguard to prevent any unethical behavior or quite frankly any illegal behavior from taking place at all. If there is a framework and guardrails in place then the hope is that helps people police themselves because they know what the perimeters are. Dishman makes the comment that maybe the "second chance" ought to be taken away. Robinson replies that would be something that would need to brought to Council to remove that resolution. Dishman is ready to move on.

Councilman Clark refers to the powers of Council that was earlier mentioned and states he thought they updated the Code that took away the investigative powers of the Muncie City Council. It was the state that done something so it was redefined. Attorney Gibson answers it minimized them but they still have some investigatory power. Clark confirms that essentially this Advisory Committee that is set up and eighteen (18) months from now will come back with an ordinance that creates this City Code of Ethics and for the City to follow it. And, within that, they are creating an actual Ethics Advisory Committee which has the powers, like the Human Rights Commission, to hear potential issues. Gibson confirms that is correct. Clark continues the Council would then have the power to further that investigation or give that to the Attorney General or State Ethics Commission, a body beyond them. Gibson explains it is not going to supersede the Council's powers they already have under state law and current ordinance setting forth their powers. Ultimately, what the enforcement procedure is going to look like is going to be in that ordinance that a Council will have to adopt. The question is it depends on what they come back with but there's a lot of possibilities out there as to what that would look like. Clark comments he appreciates the mention that it is going to be non-government related people so people that don't know insider knowledge of things that are going on. An outsider's perspective. Gibson states that is correct and recalls looking at the Indianapolis Code of Ethics and it's a pretty extensive one with an enforcement procedure and that's very much what their committee looks like is those that are on the outside looking in and is a truly independent body. Clark thanks him and states he is just trying to diffuse it, as it is an election year and things can get a little heated and elevated but doesn't think they can argue steps towards building a stronger ethics law within Muncie politics, especially.

President Robinson agrees and understands there are a lot of questions and concerns about what this might look like but explains what this resolution is currently and that is only putting a group of professionals together to simply look into the possibility of what an Ethics Commission might look like. That is all this resolution does. They are not establishing anything or setting rules for themselves nor for others. There is nothing about this that does that. This is just simply giving the Council a voice and that voice is saying that yes, we've had a problem in the past; no, we don't want to continue having these problems; yes, it is a good idea to have an independent body taking a look at it and provide information so that we can make an informed decision in the future. To be honest, Robinson assures he was very intentional about putting that eighteen (18) month timeline on this. This is a decision that the next Council will make and that others will have to abide by. A lot of them are running for reelection this year so a lot of them are going to have to abide by this. He is okay with that. It is something that is long overdue as Councilwoman Selvey pointed out earlier. He is from Muncie and references our nickname, "Little Chicago." It is not because of the railroads, it is because of the politics. Those that ran for office in 2019 made a commitment and they have to be able to follow through on that commitment.

Councilwoman Selvey asks if Attorney Gibson, as the Council representative, can work with the City Attorneys to come up with something. They are the lawyers and the ones that are paid by the City. Can they work together to come up with something instead of doing all this? Attorney Gibson answers yes. He thinks they could but there is many examples to look at. They (Council Attorney and City Attorney) obviously understand what the powers are of Council and the City. Gibson is not an expert in ethics in terms of government business but certainly has the capability to research it and draft a code.

Councilman Miller appreciates the effort to address ethics in our city. He does think the discussion tonight revealed there is a lot around this issue that is loosely defined. He reiterates Selvey's comments and thinks what she said was wise. Maybe if they take a step back before really going all in on this and let the attorneys take another dig at it then maybe they could really come up with something beneficial and isn't seen as partisan by anyone. Hopefully, it will address moving Muncie forward in a positive way. He believes they have done that already in the last four years but his hope is they will continue to do so. Robinson appreciates that and explains they could have very easily, instead of bringing a resolution today, just copied the Indianapolis ordinance. Miller makes the comment we are not Indy. Robinson continues that they could have brought Jeffersonville or any other number of cities here. The Committee that is laid out in this resolution has professional and subject matter experts but these are all citizens and people that care about the city. Robinson would prefer to have subject matter expert citizens guiding this discussion and decisions rather than those attorneys (and no offense to Attorney Gibson and certainly no offense to the law firm of Beasley Gilkinson). Although yes, they could provide a workable ordinance, these Attorneys are paid by us (the Council). They are connected and he wants to have a completely independent body making these decisions and the Council making the ultimate decision on what those recommendations are. Miller says that is fair but that was not the point he was making. He is not against any citizen input and claims he didn't say that. What he said was that he thinks it would be wise for them to take a step back because this is loosely defined. He is speaking from experience as a former department head in government, as someone who has higher education and how to ethically run government programs and government offices. Again, this is very loosely defined and if he was a Department Head in City/County/State government, this is going to be quite the challenge to fall under the guidelines of just because it is so loose. He thinks there are a lot of Council people, current Administration, and many other citizens in the City that would love to have input on this before putting it all down on paper. That is all he is saying.

President Robinson states that is a great point and is what this resolution is seeking to do. This resolution doesn't define anything and only establishes the Committee to make those definitions. Although he appreciates Miller's point, this resolution isn't defining anything. He thinks the process this resolution outlines and those that will be involved in that process will be the ones to define it. In which case then, when those people bring the recommendations to Council, then the Department Heads, next Council, and next Administration will have an input on it as it's presented as an ordinance.

Councilman Miller asks if the Administration or HR professionals have been consulted on this. He isn't sure who Robinson knows or doesn't know but wonders if anybody outside of them as a Council bubble has been consulted on this. President Robinson answers yes, he has spoken to many people. In fact, he first thought of this idea and presented the idea to the community in 2019 when he was running for Council. Since then, he has talked to a number of ethics professors at Ball State University, several people at the Bowen Center for Public Affairs and HR Representatives as well as a number of folks just asking their opinion. He most recently sat down with a member of Ball State's Philosophy Department who specializes in ethics and had this very conversation about three (3) weeks ago. His thought when offering this resolution is just that, to bring those folks to the table to let them drive the decisions rather than Council. Again, the only thing this is doing is really setting up the process to provide the best outcome and then allowing the Council as well as the Administration and the public to provide some input to be able to get the right thing going. Maybe that is a multiple month process. Maybe when that has been introduced, the Council decides they want to send this to the Government Affairs Committee who then opens it up for a public meeting and allows for public comment. Again, this is only setting up a Committee to look at the possibilities.

Councilman Clark refers to the amendment mentioned earlier and asks if they need to vote on that. Council confirms they already did. Clark asks about the amendment suggested by Selvey referring to the addition of another HR professional and second attorney. It has not yet been made. A motion was made by Clark and seconded by Miller to Amend Section 1 – Establishment of Committee: where it says, “the Ethics Advisory Committee shall consist of” and change the number from seven (7) to nine (9) bipartisan individuals by appointed by the Common Council. As well as where it lists the members, change it to read two attorneys and two HR professionals. Gibson confirms this amendment would add two members, an attorney and HR professional. Clark assures yes, they already have one of each and this amendment adds a another one of each making it two of each. Robinson reads, *The common Council hereby establishes an Ethics Advisory Committee consisting of nine (9) bipartisan individuals to be appointed by the Common Council the City of Muncie. The Ethics Advisory Committee shall consist of the following: two (2) professionals in Human Resources and two (2) attorneys licensed to practice in the state of Indiana.* A roll call vote showed 8 yeas and 1 nay (Dishman). AMENDED II.

Wayne Scaife comments this is long overdue. Speaking of ethics, what Dishman said was very unethical as a sitting City Councilman in a public forum about a private citizen, basically calling him a thief. Dishman asks who it was he called a thief. Scaife replies that Dishman said he stole and was given a chance to steal again, that is a thief. He just wanted to say that was very unethical. The second thing he wants to say is that this is just an Advisory Committee so all the hoopla about going back and looking at it again.... It is just an Advisory Committee. He doesn't understand having two attorneys sitting on the Committee and asks why couldn't the Advisory Committee have an attorney assigned to them instead of two members being attorneys. Also, for the Ethics Professional, it doesn't necessarily have to come from Ball State. He thinks it should be an Ethics Professional and the same with the HR Professional (from wherever). He would like to see it racially balanced because a lot of boards and appointments go on in this City when you have maybe one or zero black people. He has seen this a lot. Secondly, he requests the person they choose be a person that has not been appointed to boards over and over and over again. He would like to see a new person be on this Commission or Advisory Committee because so many times they keep using the same people that do not represent the majority of the black community but keep being selected for these boards. Scaife would like to see somebody new. Again, just to reiterate, he thinks two attorneys is uncalled for and doesn't think we should start putting titles on who is on this board. He can understand an attorney for the Committee and thinks it's needed but it needs to be part of the people. The Committee should be made up of the people and not just say, “let's get two attorneys” or “let's get somebody from Ball State.”

Todd Smekens states the Muncie Action Plan begged the City Council to conduct the same thing they are going right now a decade ago. What was informed, and this was before all the thievery, is we don't need ethics and it's time that Muncie says, yes, we need some ethics to oversee what we're doing in here. It needs to have some teeth. He agrees with Mr. Scaife that we do not need two attorneys, no offense to Attorney Gibson. He might be teasing around but goes on to state that attorneys are not the most ethical people in the world. He

believes the citizens of Muncie will be behind the Council 100% on this and those that aren't in support, well we'll just see what happens.

Audie Barber has one statement on this. The Council wants a bipartisan Committee but Barber thinks they still need to balance it out because if you get six (6) republicans and three (3) democrats or six (6) democrats and three (3) republicans and all the democrats and/or republicans decide they want to appoint their friends. He thinks it should be more balanced that way one dominant group does not get the choice of picking everybody on that board, leaving us screwed with a board that's partisan.

Andrew Popp confirms to when this Advisory Board comes back in eighteen (18) months that they are going to come back and say they need fourteen (14) people. These people are from different various parts of the city in different backgrounds, ethnicities, religious beliefs. The Council is then going to be the body that appoints those people that fits those demographics put forth, not the Advisory Committee. Robinson states that is correct. Popp continues he is hopeful for a nonpartisan Advisory Committee that the Council (at that time) will have the say, not said Advisory Committee resolved by this Council tonight. President Robinson answers that is correct. His second statement on this is that he appreciates everybody's opinion yet finds it staggering to believe that we're arguing about getting a second opinion about how we ethically act as a City. Nobody is passing anything that is holding anybody's feet to the fire tonight. We are going to get a second opinion, the same as you'd get if you go to the doctor and maybe don't like the result you were given the first time. This isn't something that is going to cost the City money. This isn't something that's going to do anything but get a second opinion on what historically (not just recently) has apparently not been a perfect item. He doesn't understand the argument and hopes this passes. Maybe in fourteen to eighteen months, they will have something and maybe they won't. He appreciates this being brought proposed as well as the conversations they had on it and looks forward to following for updates.

Mary Stilts states every person in this room and out on the street are the watchdogs. The siren callers. We voters try to hold every one of the candidates and office holders to standards that they should be in and if not, the voters speak out. In a roundabout way, this is kind of taking that away from the voters. They may say they are not but in a way they are. Also, just because this is a Committee to try and see what we can do about putting an Ethic Commission together, who is going to pay them? Most of those professionals are not going to do this voluntarily. If it's a go and we get this Commission set up, they're not going to answer their phone to this person or that person every time they call with a complaint against one of the councilmembers or the Street Department, for example. These things need to be thought about. She does not like that being taken away from her as a voter. Her daughter spoke this very same thing. We need more voters, not the professionals that are going to want big money. We need more voters involved. Every one of these voters and anyone that is registered to vote need to have a say so in this and not just a City Council (board) and Attorney (no offense to Attorney Gibson) because she appreciates and respects what he is doing. Gibson jokingly asks why everyone keeps saying that to him which brings out a small chuckled roar from the audience. Stilts continues saying we need our voters to be able to step in and say, "You're not doing your job." She encourages letting us make these decisions and make the elected officials stand to higher ethical standards than what a lot of them currently are. Again, who is going to pay these people because they're not going to do it for free. President Robinson adds there is certainly nothing in the budget that would provide for that but they are hopeful those professionals will volunteer out of their love for this community. He happens to think this will empower voters to give them all the information to make the most informed decision. This is certainly here to help the voter know what is happening.

Dewayne Richmond states they have touched on his concern that being the cost. He asks if they are going to make that part of the resolution that it is not to be a paid Commission or "task force," whatever they decide to end up calling this panel. He would like the public to know prior to the vote on this what the cost is going to be to the citizens, if any at all. President Robinson states there is zero cost and he didn't feel it necessary to include that in the resolution because there's no money currently budgeted for an endeavor like this. Therefore, no money budgeted no money out. On the record, this is not paid. They are asking people to volunteer their time to help make this community as good as it can possibly be. He happens to believe that we are going to find people that will volunteer their time to do this.

Elizabeth Edgell reminds the Council at their first City Council meeting on January 6, 2020 that she proposed starting a Civilian Review Board, which is very similar to this. Anderson has one and regarding how much it is going to cost or if it is going to cost at all, she explains usually it's only the leader of the Committee that gets any payment and the other members do not. They get served for the administration duties of it and it is a very small amount. There is a lot to be seen with that so she encourages them all to go back and check that out in their email. For those members that were not on Council then, she will resend it. However, she thought the City needed it then and that was when the last regime was leaving but is absolutely sure that we need it now. She thinks it empowers the citizens and expresses she would like to see more citizen involvement. She has been trying for that for years so appreciates the effort that has gone in to this. She supports it fully.

Jason Donati reiterates a few comments about the bipartisan language. If they are going to amend it to add it in to Section 1 then it may be beneficial to also put that no more than five (5) members be from one political party, if it's a nine (9) member board. Alternatively, he would recommend if not that then maybe consider doing that for the individual citizens, just to make sure it is politically balanced. It could include all parties, independent and all. It was just a recommendation he had. Councilman Clark asks for counsel insight. Attorney Gibson believes that would be fine and states it is pretty standard in a lot of the Committees, no more than simple majority. If making that motion, he recommends putting in a new sentence before, "the Ethics Advisory Committee shall consist of the following" that says *the Advisory Committee shall consist of no more than five (5) members from a single political party*. A motion was made by Clark and seconded by Robinson to Amend. A roll call vote showed 9 yeas. AMENDED III.

Cameron Grubbs just wanted to say he is encouraged by their bipartisanship working together right here. He is encouraged this is going to pass because we do need it. Ethics are not partisan, no matter what anybody says. For clarification, aware there is a lot of people thinking this may be just for elected officials but this has to do with people that work for the City and do business with the City as well as people that are appointed by the Mayor or Council. President Robinson informs he is correct, this covers board appointments, city employees, department heads, elected officials, businesses that do business with the City of Muncie, everyone. Grubbs confirms this is just setting the framework to set the framework. The Council answers yes.

Belinda Munson, City Clerk, acknowledges her elected position and that she would like to make a comment. Many people have spoken out and actually provided good suggestions. She asks if there is any way they can Table this to take comments from the public to see what they would like to see in it. Robinson thanks her and states he feels like they have done that through the course of a robust conversation. He appreciates all the input from every councilmember as well as the citizens here. After the eighteen (18) months when this comes to City Council, there will be plenty of opportunities for that Council to take this up. He notes he will not be a part of that Council but hopes that that Council will send this to a Committee, preferably the Government Affairs Committee and allow for a robust and public conversation to be able to receive that input once the recommendations are had. They can sit here and debate this all night long but then what they will find themselves in is an analysis paralysis. They are getting excessively far in to the weeds here. Again, as he has stated, this is only looking into the possibility of maybe having an Ethics Commission and what that might look like. Again, he appreciates the robust conversations, both from Council and citizens and knows there will be plenty of opportunities with the next Council to have these conversations and dive in a little deeper.

Councilwoman Selvey appreciates every one of her fellow councilmembers expresses how comfortable she feels sharing her feelings or concerns. She appreciates the respect, them listening to her and trying to understand where she is coming from. Robinson replies that is what it is all about, listening to each other and understanding that what they are discussing which is a different set of ideas is nothing personal, it is just simply a difference of ideas. Questions called. A roll call vote showed 8 yeas and 1 nay (Miller). ADOPTED AS AMENDED. (3 amendments made.)

TABLED ORDINANCES: President Robinson opens the floor in case anyone wishes to make a motion to remove any of the Tabled ordinance/resolutions. He will mention that he has a meeting scheduled with the Building Commissioner as well as Lorey Stinton with the Metropolitan Planning Commission to discuss ord.

1-23 regarding fencing materials. That has until August before any deadline so there is plenty of time. He just wanted to provide an update that they are working on that.

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

(INTRODUCED & TABLED: 2/6/2023, EXPIRES: 8/6/2023)

Remained Tabled.

RES. 5-23 COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA RESOLUTION CONFIRMING THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA AND APPROVING THE DEDUCTION FROM ASSESSED VALUE OF NEW REAL PROPERTY IMPROVEMENTS (Michaels Place Apartments, LP).

(TABLED: 3/6/2023, EXPIRES: 9/6/2023)

Remained Tabled.

OTHER BUSINESS:

Jeanetta Pressley, joined by her service dog Bernard, informs the Council that she has taken the Impact X class and they are going to have a program for that out at Ball State on April 18th from 5:00 PM to 8:00 PM where the people that took this class can present their businesses. She has put up for a non-profit food truck for here in Muncie. She would like to invite everyone to come out since it is open to the public. She also wanted to let everyone know that she is open for business at the Common Market as a Peer Recovery Coach. It is open and going well and she already has clients.

Rick Yencer, newsman and author, says let's change the tune a little bit and talk about something this Council is responsible for, the public's tax money. Him and many other thousands of taxpayers noticed their taxes went up when getting their bills this week. During holy week, of all the time. Again, when he looks at this Council he knows they are not the Council that was elected. They all left. Who knows what is going to happen next year, let alone the next four years even. In the meantime, he has noticed something else as our taxes go up and it is not just because of the people that appropriate but the people who assess. Assessments go up every year, anywhere from 2% to 5% and that is wrong. The dirt on the farm does not change. A lot of houses and businesses do not change. Nevertheless, the taxes still go up. Another sinister move by government in schools is that they are coveting the money. There are huge, millions of dollars of reserves, kind of like the state of Indiana, that is holding \$6 billion in reserves. For what!? This state isn't Illinois or Michigan. Its Conservatives (pointing to those that are on Council) that pocket the money and don't take care of the people. The people are hungry, poor and homeless. Schools have over \$30 million in surplus. County government, \$82 million. He couldn't believe it when he saw the legal ad last month. \$82 million when a few years ago they borrowed money. Yencer states he hasn't gotten the numbers from the City because he missed the legal and they haven't been open he doesn't think. In turning to look toward the general audience area where the City Administration is known to sit, he asks where they are tonight and notes that there is nobody here from the Administration. Anyway, that money needs to be spent on people who need it. Again, there are taxpayers out here that are very angry, not just him. Old Junior said this a long time ago, "Voice of the People." Take care of the poor and the homeless. They do not have authority over the schools but he recalls a long time ago when the Mayor did, in fact, appointed the School Board. It wasn't elected but there are some that want the School Board back in elected hands.

Audie Barber states he lives close to the old Chevy transmission factory over on 8th St. It has been brought to his attention tonight that the trees and grass there have not been trimmed. This is City property (he


believes). If a citizen's property gets overgrown like that, they would get a letter in the mail stating they have 30-days to address it. Barber would like to see the Council issue an ordinance violation to the City of Muncie to get this taken care of. Also, it was brought to his attention that the gate is down on Willard Street entrance side to the old Chevy plant. We all know that is contaminated with lead. There are two concrete barricades over there (called Jersey barriers) and anybody from the age of 3 to 99 can climb over those barriers into a lead contaminated property that is owned by the City of Muncie. He is asking the Council to put the Administration on notice to make sure that area is properly secured. When Chevy turned that property over, there were fence gates up there and people couldn't get into it. Now that they have allowed people in there to do research for solar projects and this and that and everything else, those gates are missing. Again, Barber would like the Council to put the Administration on notice to get that fixed immediately. It is contaminated with lead. Right now it is exposed to people that decide to just go in there and hang out or do whatever they want to do. He would appreciate the Council checking on that. Councilman Garrett assures he will look into that and get it taken care of. He thanks him for bringing that up. Jeanetta Pressley, again, makes note that they have had to run a lot of kids out of there. She recalls working with Plank Brothers at their garden and there was a bunch of kids over there this weekend and she went over there and ran them out. She told them they didn't need to be over here and there is nothing over here for them so Barber is right. They have had a lot of neighbor kids from both sides of town in there.

Brian Shaw recalls the last time he was up here, he was raising a concern that there was not a place in the City Code to allow property owners to do their own electrical work in their homes. He went over to the County to get the paperwork that would be necessary if he lived outside of the city limits and it is pretty easy actually. He was informed that he could help his mother out and take care of some things for her so is going to explore that process and document everything along the way. Once that process is complete, he will share his results and hopes to convince some of the Council to look into some changes so that residents in the City are able to do some of that. Robinson states they look forward to seeing him back.

Andrew Popp notes the last day to register to vote is today and early voting starts tomorrow at the county building. He appreciates everybody, of all parties and demographics, however you want to word it, getting out to vote. He also appreciates the Council passing the ordinance on the Advisory Committee for the ethics. He thinks it is something that is very much needed. Popp also wanted to take the moment and thank the Street Department crew for fixing all the potholes on Walnut from the roundabout to (he believes) the Walnut Street bridge. A lot of bad weather hit us this past week and he is glad those guys were able to get out and take care of that.

ADJOURNED:

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



Jeff Robinson, President of the
Muncie Common Council

Belinda Munson, Muncie City Clerk
of the Muncie Common Council