

**BOARD OF PUBLIC WORKS AND SAFETY
MUNCIE, INDIANA**

1. Time & Place
2. Pledge of Allegiance
3. Members Present
4. Approval of the Minutes for August 16, 2023
5. Register of Claims
6. Cornerstone Wheelchair Lift
7. Noise Exemption Application Review
8. Street Closure & Parade Procession Application, Ball State Homecoming Steering Committee – Bed Race
9. Noise Exemption Authorization, Ball State Homecoming Steering Committee – Bed Race
10. Street Closure & Parade Procession Application, Ball State Homecoming Steering Committee – Homecoming Parade
11. Noise Exemption Authorization Application, Ball State Homecoming Steering Committee – Food Truck Festival
12. Street Closure & Parade Procession Application, Ball State Homecoming Steering Committee – Chase Charlie 5K Run/Walk
13. Street Closure & Parade Procession Application, C.E.P./Muncie Parks & Recreation – Memory Spiral Ribbon Cutting Ceremony
14. Street Closure & Parade Procession Application, Muncie Action Plan – Bridge Dinner
15. Public Comments – Rick Yencer
16. Adjournment

**BOARD OF PUBLIC WORKS AND SAFETY
CITY OF MUNCIE, STATE OF INDIANA
AUGUST 23, 2023 MINUTES**

1. **Board of Public Works and safety, City of Muncie, State of Indiana, met in City Hall Auditorium, at 9:00 A.M.**
2. **Pledge of Allegiance**
3. **Roll Call Members Present:** Ted Baker – Lola Mauer – Linda Gregory
4. **Approval of the Minutes for August 16, 2023:** President Ted Baker entertained a motion to approve. Lola Mauer moved to approve minutes from the August 16, 2023 meeting as printed. Linda Gregory provided a second. Motion passed by voice vote.
5. **Register of Claims:** Craig Wright, City Controller, wished to bring attention to a few claims:
 - ✓ Page 8 \$21,292.98 Tru-Building North ARP Crisis Center demo/electrical subcontractor.
 - ✓ Page 13 \$40,455 Lindco Equipment Sales MVH snow equipment.
 - ✓ Page 13 \$97,085 Lindco Equipment Sales MVH snow equipment.
 - ✓ Page 14 \$60,000 Blood-N-Fire EDIT roof replacement.
 - ✓ EFTS \$55,164.96 Delta Dental
 - ✓ EFTS \$107,374.55 UMR
 - ✓ EFT \$50,472.20 MIRLF loan

One claim he forgot to mention in the email was for \$84,700 going to Muncie Riverside Normal City Neighborhood Association from the Neighborhood ARP Assistance Program. President Baker asked for questions or comments. Linda Gregory had two (2) claims she believes are misclassified on Page 10 under Capital Equipment for concessions. Wright will follow up on that and assumes they were placed in the wrong category. President Baker entertained a motion. Linda Gregory made a motion to approve register of claims **217 Records** for a total amount of **\$1,155,097.17** as presented. Lola Mauer provided the second. Motion passed by voice vote. President Baker notes that over 50% of the claims this week were healthcare related.
6. **Cornerstone Wheelchair Lift:** Allen Wiseley, Office of Community Development, provides a contract with American Elevator out of Anderson for the amount of \$36,146.00 for replacement of the wheelchair lift at Cornerstone Center for the Arts. They were both the lowest bidder and able to start work early. They feel really good about going forward with them and this is a big need

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due to the current lift being down for quite some time. Unfortunately, that building is/was not built during a time when focus was handicap accessibility. This wheelchair ramp allows access from the entrance to the building to the elevator without going up stairs (which is currently required). Questions called. Lola Mauer moves to approve the contract with American Elevator and Cornerstone. Linda Gregory provided the second. Motion passed by voice vote.

7. **Noise Exemption Application Review:** President Baker has been working with the Police Chief on the noise exemption authorization application referring to the one presented last week but the Board would like to make a few further recommended changes. At first, President Baker recommended to include a note that multiple days will be denied but was ultimately stricken when Linda Gregory asked if that would require multiple applications for a two-day or multiple day event. The second change would be to include a note stating noise exemptions will not be permitted after midnight after "Time of Event." Linda Gregory explains if they are approving the exemption for two (2) days anyway then why make people do two singings. The rest of the Board agrees and President Baker adds that if it was to go after midnight that would actually be considered another day. It was then decided to change "Date:" to plural "Date(s):" in case there are multiple days. In addition to these clerical changes, the Board is now requesting the Police Chief approval before submission simply because they are the enforcers and need to know what is happening in advance to save many issues from occurring. Also being taken into consideration is where past problems or calls have been. This is not to limit or hinder anyone from doing this, just streamlining it to make sure it is done properly. Linda Gregory made a motion to approve the changes made to the noise exemption application form. Lola Mauer provided the second.

Rockie Jernigan confirmed this would change the form specification to where the noise exemption ends at midnight as well as having giving the authority to file for multiple days and times. The rain dates will still be included. President Baker answers yes and explains, again, that doesn't mean the event has to stop at midnight, it just means that they have to tone it down. Mr. Jernigan understands and states bad situations can occur anywhere, such as a bar or outside cookout. He hopes nothing ever occurs like what did a few weeks ago. He appreciates the Board and with them having the power and discretion to choose whether it be a bar or an event where people had problems in the past to make a decision to approve or disapprove it or set certain guidelines to it. He has had successful barbeques with music, being a DJ himself, with people forty (40) and older. The property is fenced in and controlled with security. Previously, the way his music was set up was facing the Millennium Place Apartments. There was one complaint so he turned it around to face the other direction. If officers came out, he provided his noise exemption and they went on about their business. There has never been any violence or issues and he just wants to provide something where older people can come out and enjoy themselves without being in fear. That is why they separate themselves from the younger people. Motion passed by voice vote.

8. **Street Closure & Parade Procession Application, Ball State Homecoming Steering Committee – Bed Race (10/20/23):** Michelle Johnson, Ball State, recalls the traditional annual Ball State Bed Race has taken place since 1980. Request is to shut down the street for three (3) hours but notes it usually goes quickly and is usually over within an hour. President Baker confirms Ball State Police will be around and everything will be contained within an enclosed areas on campus. Ms. Johnson answers yes. Lola Mauer moved to approve the street closure. Linda Gregory provided the second. Questions called. Motion passed by voice vote.
9. **Noise Exemption Authorization Application, Ball State Homecoming Steering Committee – Bed Race (10/20/23):** Continuing conversation, Michelle Johnson states the race used to be started by a starter gun but they no longer do that. Now, they use a flag. The radio station will be set up so there will be loud music with a loud speaker for the MC. Linda Gregory mentions it being a daytime event for two (2) hours and not nearly as concerned of the noise level and the complaints during daylight hours as the evening hours when it is more conducive for problems. Also, because it in the Ball State area they have their own police force assisting (or in charge of) any complaints that might occur and are in a better shape to avoid the problems such as last month. She does think it is important they look at every single application to see what the impact may be and whether they are creating a situation where they cannot control. Personally, she is in favor of granting this. Linda Gregory moved to approve the noise exemption. Lola Mauer provided the second. Questions called. President Baker acknowledges Police Chief Sloan being okay with Ball State Police taking care of enforcement and this probably does not even fall under the compliance of being required. Motion passed by voice vote.

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10. **Street Closure & Parade Procession Application, Ball State Homecoming Steering Committee – Homecoming Parade (10/21/23):** President Baker notes that a noise exemption was filed along with this but since the street closure & parade procession was filed, no noise exemption was needed and it all falls under the parade procession. Michelle Johnson explains it is going to be all hands on deck for the Ball State Homecoming Parade on October 21st beginning at 9:00 AM. BSU Police along with Muncie Police are expected to close down many streets for this event. The streets are lined with people and it has been going on for sixty-six (66) years. Lola Mauer moved to approve the street closure application. Linda Gregory provided the second. Questions called. Motion passed by voice vote.

11. **Noise Exemption Authorization Application, Ball State Homecoming Steering Committee – Food Truck Festival (10/16/23):** Michelle Johnson stated this has been going on for several years but will be moved this year to the new Brown Family Amphitheatre on Ball State campus next to Emmons Auditorium. The noise will simply be DJ and announcements running from 6:00 PM to 8:00 PM so the request will be for about three hours from 5:30 PM to 8:30 PM. President Baker notes it is still relatively daylight during those hours. The event will include about eight (8) food trucks and Ms. Johnson recalls it used to be in the Village but now being moved to campus to highlight the new venue (Amphitheatre) in an area that is actually made for food trucks and this sort of event. There is a big lawn and there will be games and inflatables for the students and community to enjoy. It is open to the public and a free event to purchase food from the food trucks, listen to live music and enjoy the games that will be offered. Linda Gregory notes this is not subject to the new form being just approved moments ago. However, she strongly recommends if they haven't already to include Ball State Police presence or involvement. Ms. Johnson responded yes, they will be. She also questioned alcohol anticipation and Ms. Johnson replied they do not foresee it. Linda Gregory moved to approve the noise exemption. Lola Mauer provided the second. Questions called. Motion passed by voice vote.

12. **Street Closure & Parade Procession Application, Ball State Homecoming Steering Committee – Chase Charlie 5K Run/Walk (10/21/23):** Michelle Johnson continues presenting and explains this 5K run will start fifteen (15) minutes earlier than the Homecoming Parade but will follow the same route. Additionally, there are some extra streets to be included to ensure the distance is met, going through the neighborhood to the west of Ball State. Linda Gregory asked of any notification to the residents in the area that these streets are going to be closed for two (2) hours. Ms. Johnson explains the Ball State Sports Administration Program puts it on and is promoted as part of Homecoming activities so she can make sure that they indeed do that. Linda Gregory recommends a reminder since this is not the first time it has taken place therefore it is not the first time this closure has been enacted. Ms. Johnson would guess if the residents have lived there over a year they anticipate it happening but agrees it is a good idea and suggests a note in their mailbox or something. Linda Gregory states residents deserve to know ahead of time that they are going to be impacted. Lola Mauer moved to approve the street closure application. Linda Gregory provided the second. Motion passed by voice vote.

13. **Street Closure & Parade Procession Application, C.E.P./Muncie Parks & Recreation – Memory Spiral Ribbon Cutting Ceremony (8/26/23):** Carl Malone, Parks Superintendent, explains the Rick Ziglar Foundation is having a grand opening of the Memory Spiral at Heekin Park and requesting street closures at 9th Street and Hackley along with Hackley and 12th Street from 11:00 AM to 5:00 PM this Saturday. It has been planned out and advertised and don't anticipate any problems, as far as crowd. The Police and Fire Departments have signed off and he is just here seeking support. Linda Gregory clarified any impact on the fire station there and if the exit is onto 12th Street or Hackley. Mr. Malone assures the Fire Department can still come out and go through the park right there between the old animal shelter going towards the Boys & Girls Club or to the right by Garfield School, if need be. Linda Gregory notes unless they are needing to go east and that is a bit out of the way. She just thought they might want to consider pulling it back beyond their exit. He assures they can still get out and use that 12th and Hackley intersection. President Baker affirms as long as access is available to 12th Street. Mr. Malone explains there will be lots of games and other partner organizations there as well. It will be a great time to introduce the Memory Spiral, talk about the history, and history of Heekin Park as well. The weather is expecting to be

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great but Cabin #3 and Cabin #5 will be open in case of high temperatures and need for shade. Linda Gregory moved to approve the street closure application. Lola Mauer provided the second. Motion passed by voice vote.

14. **Street Closure & Parade Procession Application, Muncie Action Plan – Bridge Dinner (9/21/23; rain date: 9/28/23):** Cheryl Crowder, Muncie Action Plan, explains this closure is for the Washington Street Bridge Dinner on September 21st with a rain date of September 28th. The closing would be Washington from Cherry to White River Blvd from 3:00 PM to 9:00 PM. The dinner itself is from 5:30 PM to 7:30 PM but the extra time allows for cleanup. She cannot recall exactly but believes it has been going on for at least seven (7) or eight (8) years now. A speaker once suggested bridges being a great way to bring neighborhoods together. This is beautiful scenery connects the Riverside Normal City Neighborhood to the Old West End while venturing further out brings in downtown and the BSU campus. There will be food trucks and live music. Although, the lines for the food trucks can get a little long so it is okay if you wanted to bring your own food. Lola Mauer moved to approve the street closure application. Linda Gregory provided the second. Motion passed by voice vote.
15. **Public Comments:** Rick Yencer wants to clarify that the only change made on the noise exemption form was to exclude anything after midnight as well as obtaining Police Chief approval. President Baker assures the police approval can come from the Police Chief or their designee. Lola Mauer references the street closure applications having a spot for the Police and Fire Chiefs to sign and this just adds the Police Chief line over to the noise exemption applications. Mr. Yencer recalls some of the questions came up today such as authority over Ball State and property. Besides the blowback from last week on the Oasis Bar & Grill noise exemption that was denied, he spoke to some other bar owners that suggest state law regulates them along with their activities because they are allowed to operate until 3:00 AM. They might want to consider what authority local government has over bars and restaurants because he does not know that they are going to take any action and that, in addition, they do not want intervention in their form of business from local government. In conclusion, he asks if there will be any further changes to the form. President Baker answers not at this time. Also, the Board doesn't government as the state does with bars, liquor licenses and such. They only deal with noise for the community enforceable by the police. It is a matter of a common courtesy to the neighbors and enforcement. They do not want to intrude on the bars who are governed by state laws. It just has to be toned down after a certain time.
16. **Adjournment:** There being no further business President Baker adjourned meeting at 9:30 a.m.

We will meet next Wednesday, August 30, 2023

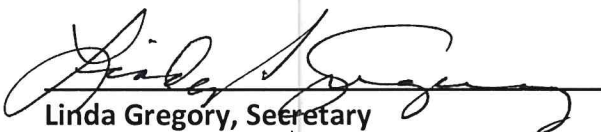
Board of Public Works and Safety



Ted Baker, President



Lola Mauer, Vice-President



Linda Gregory, Secretary



Lacey Jones, Recording Secretary