

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



**SEPTEMBER 11, 2023**

**PUBLIC HEARING:** 6:45 P.M., 1<sup>st</sup> Floor City Hall Auditorium.

**ORD. 13-23** AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (MITS 2024 BUDGET).

Rick Yencer urges when spending nearly \$10 million on public transportation that it should serve the public, having noticing many empty buses outside of running kids back and forth to school. The big corporation that runs (or has run) public transportation over the last 40 years, North American Transit, needs to overhaul what they're doing and provide Sunday service for people that need it. Yencer helps with the homeless and the addicted and can say the underlying problem outside of not having a job or house is that they do not have transportation. Several other cities in Indiana seem to afford Sunday service, not referring to regular service but express routes from here to there, especially in the morning and the afternoon (to Walmart or other retailers). It seems to be ignored but is not ignored for the many people that need a ride. This is what public transportation is about, everybody.

Amanda Price Clark, General Manager at MITS, is here in case any questions come up later.

**ORD. 14-23** AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (MSD 2024 BUDGET).

No public comment.

**ORD. 15-23** AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (CITY 2024 BUDGET).

James Turner, Muncie Animal Care and Services Board President, provides documents to the Council, thanking them for their indulgence. Because they are working with budgetary issues this evening, he wants to present the 2023 budget the Animal Care Board worked very hard to draw for what they felt would work toward the best care for the abandoned, abused and stray animals in our community. He, as then Vice-President and Dr. Mike Brown, previous Board President until three (3) months passed felt they were most conservative in the figures and knowing the ravages of inflation, these proposed amounts would still be inadequate. Costs for basic services have increased some 30% this year alone. The Interlocal Agreement to which the City and County agreed to and are bound to states in paragraph 9 the budget for the Animal Care & Services Department shall be approved by the Board and Superintendent and submitted to the City Council and Delaware County Council no later than June 30th of each year. Turner knows this was done although is not sure that each councilmember has before seen this proposed budget. His purpose for coming before them this evening is that in their considering this budget to keep in mind that as each line item is considered, they tried to meet the minimal cost of the operation of the facility to avoid deterioration of each which would serve an adequate and inferior care of the animals that land in their care. In the bible, Proverbs 12:10 states a righteous man regards the life of his animals. Hundreds of Muncie citizens make caring donations to both our community Animal Care Facility and ARF. Some donations are small and some are large but all are important and express the desire that the animals being adequately cared for. It is important that these donations be used as donations as the donators intend and not be converted into general operating expenses but are over and above the annual budget insuring additional resources for the betterment of these animals' lives. In closing, Turner thanks them for granting him the opportunity to address this budget this evening.



Rick Yencer sees the levy's going up in the City budget and last week heard talk that the County needs more money and talking about increasing income taxes, which only the City can do. Now, it seems ensured they wouldn't raise taxes in an election year but next year he is wondering whether they'll be enough pressure put on government to raise income taxes and it should be a strong no. Our property taxes have gone up drastically in the last few years while government gets millions in federal dollars, American Rescue Plan, infrastructure, and other monies and it still never seems to be enough. Many people did not even know that the state gasoline tax went up this summer. That did not get a lot of attention but Indiana is still among the highest as far as gasoline tax, not only in the Midwest but the nation. Again, he thinks property tax relief should be considered by this government and others instead of constantly raising taxes, spending more, and still saying there is not enough money. One other thing he wanted to point out; the Mayor earlier this month mentioned that he wants to give \$5,000 raises to Public Safety and that didn't trickle or down to a lot of taxpayers he knows because they asked what he means \$5,000. Yencer was told, again, it helps with recruitment and retention but wants to remind everyone our neighboring Mayor in Anderson is offering \$4,000 in raises. This is just going to bump up more pay for more people and still not solve the problems here of being unable to retain or recruit people. There are a couple other things in this budget that is not really clear on redevelopment and other projects. Frankly, many people do not think government needs to be in the housing business and doesn't know what kind of economy it creates because not a lot of local suppliers or local labor is used on these housing projects. Frankly, we need more good paying jobs outside of Health Care and higher education to keep people here. When you consider this spending, he hopes they don't fall in the trap as the County did last year giving big raises and then having to raise taxes the next year.

Audie Barber has concerns with the local income tax. He feels the Mayor and Department Heads are forcing for members of the Council to raise the local income tax next year. He hope they consider that when voting on the budget because it is a big deal. No further comments. PUBLIC HEARING  
ADJOURNED.

**REGULAR MEETING:** 7:00 P.M., 1<sup>st</sup> Floor City Hall Auditorium.

**PLEDGE OF ALLEGIANCE:** Led by Jason Chafin.

**INVOCATION:** A Moment of Silence in remembrance of September 11, 2001.

**CITIZEN RECOGNITION:** Councilman Ingram states it wasn't hard for him to choose the Citizen of the Month for September. When making these decisions, his thought went directly to this wonderful woman, Liz Wilcox. Liz has worked at the Delaware County Veterans Administration since 2021 and for the first six months, she volunteered that time. She did an amazing job and was eventually offered a paid position. Liz has a deep love for those who have volunteered to put their lives at risk to preserve the liberties and freedoms that we all enjoy as Americans. Her mother, brother and several other family members are veterans so she knows firsthand the sacrifices that these brave men and women make in the service of their country. However, Liz took her love to helping veterans to the next level when she and her Veteran Service Officer were discussing the fact that Delaware County is fourth in the state in number of homeless veterans. From that discussion, Dog Tags & Go Bags was born. In Ingram's eyes, it is one of the fastest growing non-for-profits locally and is already making a huge difference in our veteran community.

Liz thanks everyone for this recognition and how much of an honor it is to serve those who have served. Everything she has done would have been impossible without the Dog Tags & Go Bags team:

Cathy, Matt, Ryan, Cole, Troy, Nate, and Nick and the veterans themselves. They all work so hard every day to make a meaningful difference in the veteran community. Veterans are some of the most beautiful people you will ever meet. They have experienced some of the scariest and most painful things that us civilians will hopefully never even have to imagine. Yet, the majority of veterans choose every day to keep their hearts tender. Dog Tags & Go Bags was created to help the homeless veterans in the community. How that is done is by creating go-bags with those daily essentials but it also helps them connect with the person. She claims they would not be able to do it without the support of our community. Together, several thousand dollars have been raised to help those people. If you would like to help support this cause, feel free to attend their upcoming golf outing on September 30<sup>th</sup> and their refreshment both at the IRONMAN for anyone that would like to volunteer. Both events have information on their Facebook, Dog Tags & Go Bags. In closing, she thanks Councilman Ingram for the recognition here tonight but would like to thank him even more for taking the time to think about those who made this meeting here tonight possible.

<b>ROLL CALL:</b>	<b>PRESENT</b>	<b>ABSENT</b>
Aaron Clark	X	
Ro Selvey	X	
Troy Ingram	X	
Jeff Green	X	
Jeff Robinson	X	
Brandon Garrett	X	
Brad Marshall	X	
Jerry Dishman	X	
Roger Overbey	X	

**APPROVAL OF THE MINUTES:** A motion was made by Ingram and seconded by Garrett to approve the Minutes from the August 7, 2023 Meeting as presented. A roll call vote showed 9 yeas. MINUTES APPROVED.

#### **COMMITTEE REPORTS:**

#### **APPOINTMENTS TO BOARD AND COMMISSIONS:**

##### **ETHICS ADVISORY COMMITTEE**

Due to resolution 12-23 before them this evening which could potentially change one of the appointments to be made tonight, Council Legal Counsel has recommended that they wait until after adoption of the resolution. Therefore, the appointment will then be made next month.

There is one more appointment to make to the Ethics Advisory Committee due to a vacancy with an Attorney licensed to practice in the state of Indiana. Nominations are declared open. A motion is made by Robinson and seconded by Selvey to nominate Chief Deputy Prosecutor Zach Craig. No further nominations. An all-in-favor vote showed 9 yeas. MOTION CARRIED. Zach Craig is declared appointed to the Ethics Advisory Committee in the attorney affiliation.

##### **BEECH GROVE CEMETERY**

Due to another vacancy, there is an opening on the Beech Grove Cemetery Board of Trustees. Nominations are declared open. A motion is made by Robinson and seconded by Garrett to nominate Judith Hill. A motion is made by Dishman and seconded by Marshall to nominate David Hall. No further nominations. A roll call vote showed 4 votes for Judith Hill (Selvey, Garrett, Ingram, Robinson) and 5 votes for David Hall (Dishman, Marshall, Clark, Overbey, Green). Dishman's MOTION CARRIED. David Hall is declared appointed to the Beech Grove Cemetery Board of Trustees. President Robinson thanks them both for willing to serve and explains this Board require them to be a landowner at Beech Grove Cemetery. He hopes Ms. Hill will consider in the future when another position becomes available.

President Robinson recalls an email he received from Lorey Stinton with the Muncie Delaware County Metropolitan Planning Commission on a Village Review Committee, which is an especially appointed Committee that was established for the purpose of reviewing and approving all development plans in the University Village Overlay District. That Overlay District is included in the City of Muncie comprehensive zoning ordinance so City Council has an appointment to this this Village Review Committee. Members of that Committee shall have a degree and/or professional experience in the fields of architecture, urban planning, landscape architecture, urban design, historic preservation, real estate or other similar fields. The Council will make that appointment at the October City Council Meeting and entertain nominations then. It is important that they fill that position because Ball State University is planning a lot of development in the Village area over the next couple of years and they want to make sure that the that the standards are upheld as well as getting through that process in working with Ball State.

#### **ORDINANCES PREVIOUSLY INTRODUCED:**

ORD. 12-23 AN ORDINANCE DECLARING AN ECONOMIC DEVELOPMENT TARGET AREA FOR JRF MANAGEMENT LLC. (1250 N. Elm Street)

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

#### **NEW ORDINANCES:**

ORD. 13-23 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (MITS 2024 BUDGET).

A motion was made by Selvey and seconded by Ingram to Introduce. Questions called. An all-in-favor vote showed 9 yeas. INTRODUCED.

ORD. 14-23 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (MSD 2024 BUDGET).

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

Deana Cox, Muncie Sanitary District Financial Manager, is here to answer any questions at this time regarding the MSD budget. Questions called. An all-in-favor vote showed 9 yeas. INTRODUCED.

ORD. 15-23 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (CITY 2024 BUDGET).

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

President Robinson requests to the rest of the Council that they hold off on any discussion on the budget this evening, as they did last year, prior to the Finance Committee Meetings. He sent councilmembers an email today with some dates for two (2) Finance Committee Meetings to review and a



Special Meeting of the Common Council to vote to adopt the budget before the statutory deadline of November 1<sup>st</sup>. There will be plenty of opportunities to discuss this budget, as there was last year, during those Finance Committee Meetings including each Department's individual budget. Those Finance Committee Meetings will be held on Tuesday, September 26<sup>th</sup> at 6:00 PM in the City Hall Auditorium. The second will be Tuesday, October 10<sup>th</sup> at 6:00 PM in the auditorium and the Special Meeting of Council will be hosted Monday, October 16<sup>th</sup> at 7:00 PM to finalize anything they hadn't had the chance to cover in the previous two meetings and to vote on the 2024 budget. Those meetings will be live-streamed on the City of Muncie Facebook page and open to the public to witness in person as they dive through each Department's budget during those meetings. He will send an email out to all the other councilmembers by the end of the week with the schedule and include the City Council Secretary in that email so they can get the Agenda and the public notice put together. He will also include Craig Wright, the City Controller, to provide the invitations to Department Heads for their scheduled meetings. In no objections to delaying the discussions, Robinson would move for a vote to introduce but for anyone who has come this evening to specifically talk about the budget, he wants to provide the opportunity. He will allow them to do that but just keep in mind the Council is not discussing the budget this evening.

Audie Barber refers to the statement he made earlier and still wishes to make the Council aware that he feels if they raise too much on this budget that it is going to raise the local income tax and put it on the next Council next year. He thinks raising the lit tax would be one of the last options to take before trying to find the money somewhere else for this budget. Please, be aware that it is on the table. There have been statements made by County Council, which is made up of one party, and the City of Muncie Mayor on this being an option they are going to have to take. He wants them to remember that when they go to vote on the budget because they are going to put this off on somebody else next year or the following year that is going to be sitting in their Council seats (if not reelected). Again, keep that in mind when they go to vote.

Wayne Scaife request the dates again. Robinson repeats the two (2) Finance Committee Meetings will be Tuesday, September 26<sup>th</sup> at 6:00 PM; Tuesday, October 10<sup>th</sup> at 6:00 PM; and the Special Meeting will be on Monday, October 16<sup>th</sup> at 7:00 PM.

Ryan Webb, Delaware County Councilman, wishes to make a brief statement and recalls going through the whole budget process last week for the County Council so fully understand what they are up against as far as splitting hairs and finding dollars here and there. What he is concerned about, the same thing he is concerned about with his own County Council, is that they are not living in the moment with the money that they have available right now. As Mr. Barber and others have said, there has been rumors about consideration for a local income tax increase. He is fundamentally opposed to that and hopes that each and every one on Council is as well as any candidates that are running for open seats. He would love if each of them go on the record and publicly state they are not open to raising the local income tax. Everybody understands how it works, it is not necessarily up to one Council or the other, it is a collaborative effort so every vote counts. He just wanted to lobby and implore them to consider when discussing the budget to consider it with the dollars that are available this year without any consideration whatsoever with what dollars may be there if somebody pulls that mechanism to trigger a local income tax increase. He urges them to really think it through and wishes them luck with the budget, hopefully they come up with something that is good for the citizens of Muncie.

Rick Yencer mentions something about putting the brakes on funding income tax funding for economic development. Over the last couple years we have seen income tax money spent on everything from bailing out failing charities to concerts and other things that don't really bring an increase to economy or development to this community. That money specifically should be used for economic

development. Now, some people have different ideas about what that means but in past Administrations and past years that was always used to create jobs and to build out our community. He doesn't know what the Council could do but they should start putting some brakes on EDIT spending by the Administration. President Robinson expresses unfortunately the control of the EDIT spending is out of Council hands. Questions called. An all-in-favor vote showed 9 yeas. INTRODUCED.

## RESOLUTIONS:

### RES. 12-23 A RESOLUTION AMENDING RES. 6-23 ESTABLISHING AN ETHICS ADVISORY COMMITTEE.

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

Councilman Green explains this amends the ordinance establishing the Ethics Advisory Committee because they are having and have had difficulty trying to find a public accountant willing to serve on the Ethics Board. It was decided to put forth an amendment to this in, which they can pick a member of the clergy that would serve. He does not think they could find anybody with better ethics and a minister. Questions called. A roll call vote showed 5 yeas (Ingram, Green, Marshall, Clark, Selvey) and 4 nays (Garrett, Overbey, Dishman, Robinson). Motion carried. ADOPTED.

President Robinson notes they will make that appointment at the October Regular Meeting.

### RES. 13-23 A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH THE MUNCIE FIREFIGHTERS LOCAL #1348 I.A.F.F.-A.F.L./C.I.O., C.I.C.

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

Craig Wright, City Controller, states this was an agreement between the City on a contract with the firefighters. They were able to complete the funding for it, came to an agreement and request the Council approve it so they can all move forward. He is willing to answer any questions.

Jason Chafin, President of Local #1348 Muncie Firefighters, wishes to talk a little bit about the process. His members love what they do in serving the citizens of Muncie. Union Leaders negotiate contracts and this is a one-year contract that they negotiate with the City. This is specifically for the year 2024. The next Administration will be tasked with negotiating past 2024. One thing they pride themselves in and have for many years is their preparations leading in to those negotiations and being fair stewards to the citizens of Muncie and the budgetary process. For instance, on this budget process they looked at the assessment levels for all 56 neighborhoods and compared that to aim (the lobbyist group for the municipalities) and their statistics. They looked at it from a Muncie Community School districts as well. That was all divided that by how much of the general fund is actually for firefighters. They then only ask for their portion of that higher amount, with high assessment levels meaning more tax money coming in for the next year. They responsibly only ask for their portion and showed for everything they ask for exactly why it was affordable and how they can afford it under the current budgetary process. He is happy to answer any questions and thanks them.

Council Attorney Brandon Murphy did wish to bring one item to attention that was in the legal memorandum he submitted. There is an ordinance 35.54 and in res. 15-23 and refers to 35.84 that requires that if no member of the City Council is appointed to the City's bargaining, in then these sorts of negotiations it should be the responsibility of the Chief Spokesman of the bargaining team to update the Chairman of the City Council Finance Committee on the status of negotiations within 48 hours after any negotiating session of the Union. That is true with both the Firefighters Union and the Police Union. He just wants to inform the Council that there were three (3) such sessions in which they did not receive that notice. Those occurred on July 6<sup>th</sup>, July 7<sup>th</sup>, and July 20<sup>th</sup> so there was noncompliance there with ordinance

35.54 and 35.84. It is up to the members of the Council what they wish to do with that information and they may vote up or down on the merits of these resolutions, true with both resolutions 13-23 and 15-23.

Councilwoman Selvey refers to the past and asks if there was such representation. Attorney Murphy cannot speak to that, as it is known he has been in this position of a matter of months. He does not know how prior Councils have handled it but is aware there being City Council representatives on these negotiating sessions in the past.

President Robinson can speak to that; in 2020 now Deputy Mayor Richard Ivy was formerly on the City Council and was the Council representative.

Councilman Garrett asks if that includes the AFSCME negotiations being reported as well. Attorney Murphy express it does not and there is not a like provision with regard to that particular Union.

Selvey asks if they, as a Council body, were made aware of those negotiations taking place. Robinson answers no. Attorney Murphy explains the City Council did not receive the required notifications under the ordinance.

Councilman Ingram asks who was responsible for notifying them of that information. Attorney Murphy refers to a letter that was received on July 28<sup>th</sup> from Mr. Ervin, City Attorney, who is the Chief Spokesman of the negotiating team. Ingram confirms he is the City Attorney. Attorney Murphy answers yes.

President Robinson explains unfortunately he did not receive that email then and just received it today after being forwarded from Attorney Murphy. They actually had Robinson's email wrong. It was after the press conference announcing the agreement on collective bargaining.

Selvey questions when the City Attorney send that email on July 28<sup>th</sup> if it was during negotiations or after. Attorney Murphy states that was after both agreements had been reached. Selvey then asks Robinson when he refers to them having his email wrong, what the date of that email was. Robinson states it was today as Attorney Murphy had forwarded that to him this morning when they were talking. After reading the legal memorandum that Attorney Murphy sent out last week, he had put the date of July 28<sup>th</sup> that the Council had received notification. Robinson then called him this morning to confirm that he had, in fact, not received that and verified what notification that was. At which time, it was discovered his email addressed was spelled incorrect so he never received it. That is when Attorney Murphy forwarded it to him this afternoon at about 2:00 PM.

Selvey asks Attorney Murphy what he recommends they do and the process regarding their next step. There are two bodies, two resolutions and obviously, an error was made that she assumes was unintentional. Attorney Murphy is not going to give a recommendations body on the merits of either of the resolutions. However, the process that is to be required when a union wishes to enter in to collective bargaining is that they send a notice. The Mayor then appointments members of the Cities bargaining team and designates a Chief Spokesman. It is the obligations then of that Chief Spokesman to provide notice to the City Finance Chair within 48 hours of that meeting taking place what the status of those negotiations. What he is telling the Council is that did not occur on those three occasions and they were only notified on July 28<sup>th</sup> and there was a mistake even in that.

Councilman Clark asks how Attorney Murphy was made aware of this. Attorney Murphy would be happy to present the Council a letter received addressed to the Council President in which he was cc'd on. Councilwoman Selvey expresses she would like a copy and confirms who is came from again. Attorney Murphy answers Mr. Mark Ervin, City Attorney.

Councilman Marshall asks if *that* notice was provided within the required period. Attorney Murphy responds it was not.

President Robinson explains it is obvious that the City Council is the fiscal body of the City of Muncie by state statute. This Council exists to be a fiscal and legislative checks and balances to the Administration. Their hands, as they have been in a number of times on issues particularly the past and current budget as well as collective bargaining this year have been tied. He expresses how surprised he was to receive notice of a press conference to announce that an agreement had been reached and was even more surprised to learn that both contracts had already been ratified by their respective bodies. This isn't the Police and Fires fault. This is not the Local #1348 this is not the FOP #87's fault. They should not be penalized for the fall to the Administration. In speaking with Attorney Murphy today, Robinson asked if they could vote to ultimately pass the contract this evening. He cannot recommend anything to the rest of them as he is one City Council member but as President of Council and as the Finance Committee Chair, he recommends they bring this to a vote. Again, this is not the fault of the FOP or Local #1348. The Council's hands have been tied and therefore the public safety's hands shouldn't be.

Councilman Marshall requests clarification on who should have provided this notice. Attorney Murphy states that Mr. Irvin in his capacity as the Spokesman for the negotiations should have provided notice. Marshall confirms it should have come from the Spokesman of the negotiating Committee. Attorney Murphy answers yes, and is only true if there is not a City Council appointment to the body which there was not. There was a required notice that Mr. Irvin should have given. Marshall confirms that he (Irvin) would not have expected this notice to come from the Mayor or his Administration. Attorney Murphy comments that it was unknown who was appointed as the Spokesman in that capacity. Nevertheless, whoever was appointed as the Spokesman of that body (and it is Mr. Irvin) should have provided the notice.

Councilman Overbey agrees with President Robinson on it being a miscommunication and not the fault of Police and Fire and does not feel right penalizing them for this.

Selvey is at a conflict here. She refers to the email where it states it is from the City of Muncie Attorney and reads: "though formal notification is not required by ordinance." However, Attorney Murphy is here saying otherwise. Attorney Murphy corrects that pertains to the AFSCME negotiations, which does not require notifications. That is the second part of the letter. Selvey then understands.

President Robinson continues, after the press conference on July 25<sup>th</sup>, he notified Deputy Mayor Ivy that the ordinance had been violated. He asked him if he read City ordinance pertaining to contract negotiations and collective bargaining and if he was aware that they violated this ordinance. Again, Robinson knew nothing about any of these until he received a press release that they were going to be announcing that agreements had been reached. It was learned at that press conference that those contracts already been ratified by the respected bodies. At that time, Robinson sent Deputy Mayor Ivy the ordinances 35.54 and 35.84 because in early 2020 (then) Councilman Ivy was the Council representative on that bargaining. Robinson had also been coming to Council meetings long enough before he was elected to know that that there were councilmembers part of the negotiations in 2019. Therefore, he was surprised to learn this. It is incredibly unfortunate. He has his own theories that he is not going to share but again does not want to penalize the FOP or Fire Union. They have been told they are getting 10% raises before it even came to the Council for approval. Far be it from him to penalize them for the Administration not following the laws that this Council passes. These are their ordinances. A motion was made by Ingram and seconded by Selvey to go ahead and consider.

Audie Barber questions if Mr. Irvin is appointed by the Administration. President Robinson explains he is an attorney with Beasley & Gilkinson which represent the City Administration. Barber comments that he was picked by the City of Muncie and thanks them for clarifying. Questions called. A roll call vote showed 9 yeas. ADOPTED.



RES. 14-23 APPROPRIATIONS REDUCTION RESOLUTION (CUMULATIVE CAPITAL IMPROVEMENTS).

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

Craig Wright, City Controller, explains this is reducing the appropriations for the Cumulative Capital Improvements per DLGF during the budget process. They either need to reduce it for this year or carry it over and reduce it next year, which will reduce the budget. The same process was done last year. It is just there was not enough funds received into that, the state tax. Questions called. A roll call vote showed 9 yeas. ADOPTED.

RES. 15-23 A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH THE GREGG WINTERS MEMORIAL FRATERNAL ORDER OF POLICE LODGE #87.

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

Craig Wright, City Controller, explains this is a one-year collective bargaining agreement with the Police and City. They were able to fund it and, as with the Firefighters, and are asking for approval.

President Robinson is aware they were not complete with the AFSCME agreement, who includes Street Department, Parks Department, Prairie Creek and Building Commissioner's office employees and asks how close they are with those negotiations. Wright answers they are trying to open it back up and refers to legal counsel as he does not want to get into the negotiations since it is not completed. Robinson clarifies Wright is a part of those negotiations. Wright informs he is. Robinson has more questions, aware he should probably be asking the City's legal counsel but glancing through the audience, he doesn't think any are in attendance this evening. He asks if the AFSCME contract has the parody clause or the so-called "Me Too" clause that would require that they receive the same raise that Police and Fire, other unions, receive. Wright explains there are clauses in the AFSCME contract and it is all negotiable. They are in the middle of negotiations. Robinson seeks confirmation they seem confident with the Local #1348 and FOP #87 contracts with the increase they are receiving that the City is able to financially cover the same raises.

Councilman Marshall interjects and states he is not sure this discussion applies to the resolution on the table. Councilman Clark agrees and both call point of order. President Robinson would disagree because in order to pass these resolutions, they need to make sure they can afford them. Right? Wright will say Police and Fire were provided a percentage and worked along the Administration. That is how the figures were established. Robinson comments he just had a few simple questions, especially because they also introduced the budget this evening and approving contracts that add a 10% to all the firefighters, police officers and there is one more union contract hanging around out there unsettled. He thinks he was asking very fair questions. Marshall mentions they all agreed to wait on budget discussions until the Finance Committee meetings as well. Robinson assures it was not any questions about the budget itself, more so questions generally about if they can afford the raises that are being afforded here but he will move on.

Brandon Qualls, President of Gregg Winters Memorial Fraternal Order of Police Lodge #87, takes a moment to thank the Council for considering this. They made some concessions in this being good stewards of the City and not just taking but also gave back. He thinks it is a good contract and a big step in the right direction. He recalls speaking with the Council on the situation where recruitment and retention is with public safety in this City. Most of them are aware that their last hiring process resulted in zero applicants that the City could hire. The several before that show a steady decrease in the number of people that could be hired. There is another hiring process going on right now and they are hoping to get some hires out of that. However, it is a problem not unique just to the City of Muncie. Less and less people want to be a police officer in this country. Police Departments all over the country are having problems hiring people and keeping people because it is a smaller pool of fish they are trying to get now

and applicants are going to departments where they do not have to work as hard and are paid more money. In addition, they're younger officers so they're not tied down to the City like other loyal people. Again, he thanks them and thinks this is a great step in the right direction. He is willing to answer any questions.

Audie Barber believes these Fire and Police Officers all deserve the raise they are getting and has no problem with that. They put their lives on the line every time they come in for duty, every time they are off duty and are called in and so on and so forth. They put their lives on line and he appreciates them 100,000%. However, with that being said, this is the second, third or fourth attempt at this Administration to circumvent the City Council on allowing the City Council to help make the decisions that they are supposed to be making. This Mayor and his Administration has no respect for this Council at this time or he would have invited somebody to the collective bargaining union negotiations. At some point, he hopes the Council puts their foot down to this Mayor and tell him, "no." He cannot do this anymore because this is wrong. It goes against our standards and it goes against the Council ordinances, the City's ordinances, and the Mayor's ordinances. He feels the Council should vote it in and give these employees the raise they deserve but they have got to stop the Mayor from doing this kind of stuff, cutting corners, not doing it the legal way, and spitting in the Council's face. Questions called. A roll call vote showed 9 yeas. ADOPTED.

#### **OTHER BUSINESS:**

Councilman Garrett has a quick question. Referring to the AFSCME negotiations still ongoing, he asks if it is possible to ensure they are contacted or able to sit in on those remaining discussions. Attorney Murphy will certainly make contact with the Administration on that point. He does note, however, that the provisions on that contract are not the same as they are with regard to the Police and Fire. Therefore, the City Council is not afforded the same notices. Murphy concludes the City was nice enough to update the City Council on the status of those negotiations in that letter and he suspects they will do the same in the future.

Councilman Dishman didn't get the chance to speak when the Police and Fire contracts were up but he just wants to commend them for the work they have done. Every morning at his job, he hears the sirens, firetrucks, EMT's and sees the police cars go by. It is near 24/7 and he appreciates everything they do. Many people depend on them getting there quick. If it is not a firetruck, or a police officer or EMT, then whoever gets there first is the one to most take care of the problem. He wants to know and has always asked how much a life is worth? They put their lives on the line and people depend on them saving other lives. He backs them 100%. President Robinson reiterates that goes without saying that the entire Council really appreciates the work of our public safety.

Troy Watters, Beech Grove Cemetery Superintendent, informs they will be collaborating with the Old West End Neighborhood Association on October 14<sup>th</sup> for the Historic Beech Grove Cemetery Tour from 3:30 PM to 7:30 PM. It is open to the public and everybody is invited. In addition, Veteran's Day is November 11<sup>th</sup> and they will be holding their Veteran's Day Ceremony beginning at 11:00 AM. Regarding the Board appointments, Watters expresses he really would have liked to hear both nominations speak this evening. He met Mr. Hall today for the first time while has yet to meet Ms. Hill. It would have been great to hear what they would have been able to offer, not just for him but also for any other Board. They may want to keep that in mind. President Robinson apologizes that being his error. He usually announces they are in attendance in case any of the councilmembers have any questions for them they are welcome to ask. In the future, he will be much more deliberate about inviting them up.

Watters was really impressed with Mr. Hall when he came in to talk with him about his history being a veteran. There are currently not any veterans serving on the Beech Grove Board and so that is great to have that representation.

Audie Barber explains he gets really passionate about things when they aren't done the right way. He has a concern with the sidewalk at Muncie Central. There is a construction fence covering up the sidewalk going to the school with enough room to move that fence back so that sidewalk can be accessible for the students walking to school. He knows because he works in the same kind of business. Councilman Clark confirms he is referring to the YMCA project. Barber answers yes. Barber continues they can move that fence back 6 to 8 ft. to give students access to the school via the sidewalk so they do not have to walk out in the street. We know kids are lazy and they are not going to cross the street in the dark to go to the other side to walk the sidewalk. Let's see if they can get something done so they don't have to walk through the street when it's dark in the morning. We need to get that sidewalk back opened up. He doesn't know who the genius was that closed it but was told that it was an Engineer. As a citizen and taxpayer of Muncie that pay for sidewalks, we want that sidewalk open for our children to walk safely the Muncie Central High School. He hopes that the Council talks with the Mayor and his Engineer to get that fence moved back where it needs to go. They will have to move back 6 to 8 ft. but it is no big deal because it's not affecting the project at all whatsoever. Please look at that and contact the Mayor if he will listen. Contact the Engineer that put the fence up to see if he will listen and have them move that fence back where it needs to be so our kids can walk safely down the streets of Muncie to get to school. Councilman Clark thinks that could just be resolved with a visit to the job trailer on site to make that ask and he doesn't mind doing that.

Wayne Scaife is particular about race, inequality and diversity that goes on in our City. He wants to talk about the shooting task force that was created by this Administration. According to the article, this was created after the July 30<sup>th</sup> shooting incident. For those that don't know, several other block parties occurred that night with no incident so this is an isolated incident. They said it was created to prevent violent episodes like the one at Willard and Hackley. However, the problem he has is there being many other violent episodes here in Muncie. Let's just use this Administration as an example. Since January 1, 2020, there has been many violent episodes such as shootings, stabbings, and fights, yet nothing has been created. He has a problem with the fact that they keep reliving this one isolated incident. Almost a year and a half ago at that same location next door, an 81 year old barber was robbed at knife point. He fought off his accuser to the fact that they went outside and fought on the concrete and it made the state news. Yet, no taskforce was created and no one looked into it. Scaife then recalls attending a Council meeting last year when two different citizens spoke about their loved ones that were murdered in Muncie and the crime hasn't been solved. Well, where's the task force? He has a problem with making that incident a spectacle because it is an isolated incident when we have had a lot of violent crime going on in this City and nothing has been done before. He thinks it is a political stunt and more like a dog and pony show, to be honest. It is ridiculous. He is not talking about the fact that it *was* created rather than *when* it was created. This should have been created a long time ago due to the excessive violent crime going on in Muncie! The other thing Scaife recalls speaking to Council about has been the Police and Fire Departments not being diverse with hiring. The other thing no one is talking about is the day before the meeting of that task force, something else made national news. Two Muncie City Police Officers were sentenced and nobody is talking about, especially the Mayor's Office. Jeremy Gibson's attorneys said "He's failed prey to a corrupt Police Department characterized by nepotism, a lack of training and



supervisors who turned a blind eye to unethical practices.” Chase Winkle said he benefited from nepotism and his defense attorney said, “He should have never been hired as a Police Officer.” Winkle said he “wished he would have been fired after the first allegation.” Now, Scaife is not referring to the entire Police Department but acknowledges a blind eye being turned to unethical stuff going on in the Police Department and yet to address the Fire Department. He thinks the Council, as a collective body, shouldn't just discuss stuff on the campaign trail but during these meetings.

Jeannetta Presley, alongside her service dog Bernard, explains it has come to her attention that the Muncie Mission will not be hosting a warming center at their facility this year. It was said that the Director called someone on the Council to see if Avondale Church would be interested in doing that but they are not. Therefore, Muncie will not have any place for anyone to get in to get warm at night this year for our homeless community. She is not taking that fight up this year. Her plans are to move out of the Muncie community to Tennessee. Her property will remain for now but will be moving in the upcoming months and has already has cut ties with her organizations here. She just wanted to bring that to the Council's attention about the Muncie Mission.

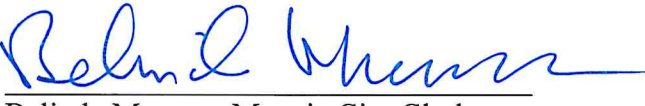
President Robinson thanks her and acknowledges losing her is a huge loss for our community from everything she has done for the homeless and people that need help the most. She was always there, providing meals and comfort and wherever she is going in Tennessee is lucky to have her. She explains she will not be working due to some medical issues. Robinson advises her to take care of herself.

Councilman Garrett thanks her and mentions if it wasn't for the work she put in with the Thomas Park Avondale, they wouldn't be where they are at with their Neighborhood Association. Her mark will be left behind. Presley is not staying gone but just taking a break. Garret confirms she is welcome back.

#### **ADJOURNED:**

A motion was made by Overbey and seconded by Ingram to Adjourn. A vote by acclamation showed 6 (Dishman, Overbey, Marshall, Clark, Garrett, Green) yeas and 3 nays (Robinson, Ingram, Selvey).

ADJOURNED.

  
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Jeff Robinson, President of the  
Muncie Common Council  
\_\_\_\_\_  
Belinda Munson, Muncie City Clerk  
of the Muncie Common Council