

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

1. Time & Place
2. Pledge of Allegiance
3. Members Present
4. Approval of the Minutes for September 20, 2023
5. Register of Claims
6. Street Closure Application, Downtown Development Arts Walk (10/5/23)
7. Street Closure Application with Application for Special Services, Downtown Development Costume Creature Crawl (10/28/23)
8. Noise Exemption Authorization, Phi Kappa Psi Ball State Registered Fraternity Party (9/28/23)
Travis Shamel
9. Adjournment

**BOARD OF PUBLIC WORKS AND SAFETY
CITY OF MUNCIE, STATE OF INDIANA
SEPTEMBER 27, 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 September 20, 2023:** President Ted Baker entertained a motion to approve. Lola Mauer moved to approve minutes from the September 20, 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 6 \$250,000 Delaware County Auditor 911 fees.
 - ✓ Page 7 \$20,000 All American Chevrolet Police vehicle purchase.
 - ✓ Page 11 \$45,734.65 Ed Martin Honda Police vehicle purchase.
 - ✓ Page 11 \$24,466.97 Tru-Building North ARP Crisis Ctr construction.
 - ✓ Page 11 \$22,589.38 YMCA Tuhey pool lifeguards.
 - ✓ Page 16 \$24,913.52 MVH Cole & Shady Ln paving.
 - ✓ Page 19 \$22,585.69 Delaware County Auditor August court cost.
 - ✓ EFT \$30,135.58 Star Bank Street loan.
 - ✓ EFTS \$258,779.24 UMR

President Baker asked for questions or comments. Chris Deegan, Deputy Police Chief, explains the vehicle purchases are from being awarded a state grant for a Licensed Social Worker and additional Police Officer. This is part of the equipment purchases for that program. He just received the last of the invoices needed to submit the equipment claim to get full reimbursement. Generally speaking, it is going to be in the 6-8 week range so soon. Good things are being done at the Police Department in receiving that grant and getting the money back. President Baker entertained a motion. Linda Gregory made a motion to approve register of claims **287 Records** for a total amount of **\$1,360,217.14**. as presented. Lola Mauer provided the second. Motion passed by voice vote.

6. **Street Closure Application, Downtown Development Arts Walk (10/5/23):** Cheryl Crowder was unable to be here this morning to speak on behalf of this and previously reached out to President Baker. He explains this and the next item on the Agenda are road closures for Downtown Development in which the Board has previously approved in years past. This event is for the Downtown Development Arts Walk on October 5th with the closure lasting from 3:00 PM to 9:00 PM from Walnut to Charles to the Roundabout. Ted Baker makes a motion to approve the street closure application. Linda Gregory provided the second. Motion passed by voice vote.
7. **Street Closure Application with Application for Special Services, Downtown Development Costume Creature Crawl (10/28/23):** President Baker continues and explains this closure is

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through Downtown Development as well and is for a Costume Creature Crawl on October 28th lasting from 12:00 PM to 12:30 PM from Walnut to Main to the Roundabout. This event will be open to the public. Linda Gregory moved to approve the street closure application. Lola Mauer provided the second. Motion passed by voice vote.

8. Noise Exemption Authorization, Phi Kappa Psi Ball State Registered Fraternity Party (9/28/23):

Travis Shamel thanks the Recording Secretary for her assistance in getting the paperwork organized for him. He recalls attending the August 30th meeting and since then Ball State and the IFC Board put an entire social pause on all IFC fraternities due to rush week. He is glad to say that Phi Kappa Psi was one of the four (4) out of eleven (11) fraternities that were not in trouble leading up to that social pause. This noise exemption application is actually for a party they are planning for tomorrow, September 28th and there will be twelve (12) sobers picked out. If the application is approved, they plan to talk further with University Police, Muncie Police, and the Office of Student Conduct to confirm further approval. Shamel explains there is an 8 x 6 ft. chain link fence that goes around the entire property and keeps everything enclosed. Anyone with alcohol is not allowed in and in attempting, are made to dump it out or throw it away. They also do not allow anyone in if they are under the age of 21. People get a wristband when coming in the event and those that are highly under the influence are sent away and not allowed entry. University Police Department, especially Officer Cooper, is who they work with to help assist them in those matters. Understanding that noise exemptions are not granted past midnight, the beginning time for the noise exemption will be 9:30 PM.

Linda Gregory comments that the application form she has obtained is the old form and wonders if he has completed a new form, the one with Police approval. The Recording Secretary confirms signed copies from the Police Chief were not been filed.

President Baker then advises he has a copy of the Police Chief's report and in the best interest of the community and enforcement, the Police Chief has denied the noise exemption request for safety sake. Shamel informs he spent an entire hour up at City Hall on Monday to try to talk with the Chief of Police and they actually had an entire binder, a 40-slide presentation and list of protocols all laid out to present to him but were weren't able to talk to him while here. He understands that. He advises he just gave the paperwork over and was informed the application will be signed accordingly.

Nate Sloan, Muncie Police Chief, doesn't recall when Shamel was waiting for him. In researching the call log for the Carson address in question Chief Sloan found eleven (11) calls for service between 2022 and 2023. At least seven (7) of those calls were noise related and two (2) mentioned having a permit. He has also received a complaint communication from the public regarding this address specifically and asked that no more exemptions be extended. Chief Sloan is not in favor of endorsing this. President Baker states that does not mean they cannot still hold their event. Shamel explains they are a small fraternity on campus with only about 40 members and do not have a house on Riverside. They only have the three (3) houses on Carson and Linden and that is the only way they can be socially active. He mentions, again, being one of the four fraternities out of eleven that did not previously get in any trouble, which the Office of Student Conduct can confirm. There is just no way for them to be social without these noise exemptions and they really try to work close with the City. Shamel has probably gotten twenty or so exemptions approved in his lifetime. He mentions the two noise exemptions that were approved at the end of August for August 31st and November 2nd were approved without Police Chief approval and with that being changed within the last month he was still able to try to accommodate the exemption. He reassures he was at City Hall on Monday in the Chief's office but was unable to talk to anyone and just gave the paperwork to someone who said it would be signed. It is hard for them in competing with other chapters on Riverside that are also socially trying to expand their chapters by numbers and get bigger members but they have a house that encloses them. The chapters on Riverside are the chapters that are getting in trouble resulting in partygoers having to go to the hospital due to alcohol poisoning. He admits they had that happen to them last September when they threw a three-way party, types of parties of which no longer occur and are no longer thrown. That is where their entire risk plan came about that they have been running for about two semesters ever since the student conduct risk and City process for noise exemptions have changed. That is why they throw the events there and it is especially hard to throw events if they do not have the proper exemption.

President Baker assures they understand that but are trying to establish protocols for now and into the future. The protocol for Muncie right now is safety. Shamel asks about having an off-duty University Police Department officer there. Chief Sloan clarifies if the fraternity has an officer from Ball State that is supposed to be there. Shamel answers not from Ball State, but a retired Police Officer. Chief Sloan states in his opinion, you will not find a Muncie Police

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Officer anywhere that is serving alcohol working in that capacity. He doesn't want to speak for the university but is pretty sure they feel the same. He doesn't know about the retired officer and what all is going on there, but, a Police Officer is a Police Officer and he doesn't think they are going to find one that is active right now. Shamel adds they don't serve alcohol either at their events nor is it brought in per IFC regulations. Given that they are Ball State students, they cannot trust if a person just says they are 21 or older, nor can they check ID's. IDC and Ball State does not pay them to check ID's nor are any of them trained to do so. When people come up with a cup, it is dumped out immediately and they do not come into the confines or construction fencing unless their drink is dumped out. Also not allowed in are cans or bottles. People come in dry. As he mentioned, if anything happens, they handle those situations as they go. It is hard for them to do stuff as a chapter and their job is to expand and get members. The goal is to teach those men their values and bring them up as gentlemen and thinks their chapter does that really well. Aware that parties are not the know all be all or the most important thing but on this campus they cannot run and build numbers. There are five (5) fraternities that just grew by 30 members because they're on Riverside and are protected by their houses. Phi Kappa Psi does not get protected and are struggling to get members because people see these big party houses and not any of the trouble they get in. They are on the other side of that spectrum where they get nabbed by the Police and City for not having these exemptions.

Questions called. Linda Gregory made a motion to deny the request for noise exemption. Lola Mauer provided the second. Linda Gregory commented this does not mean they cannot hold the event. In fact, she would almost encourage them to go ahead and do it to demonstrate they can keep the noise level and the associated problems that occurred in the past to a minimum. That would indicate they are able to conduct a responsible event, which the Board does not doubt. Shamel pleads without the exemption there is just no way he can get under 45 ft. from his distance. There is just no possible way nor does that kind of speaker exist. He explains it is hard to communicate the type of things they need. Less than a month ago, he was able to get a noise exemption approved without Police approval so that is what is frustrating on his side. He understands the protocols and seen Ball State trying to enforce them too. President Baker explains they were in the midst of a tumultuous time that is causing them to make sure they are looking at every area to ensure everything is right. Motion passed by voice vote. Denied.

9. **Adjournment:** There being no further business President Baker adjourned meeting at 9:17 a.m.

We will meet next Wednesday, October 4, 2023

Board of Public Works and Safety



Ted Baker, President



Lola Mauer, Vice-President



Linda Gregory, Secretary



Lacey Jones, Recording Secretary