

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



NOVEMBER 13, 2023

PUBLIC HEARING: 6:45 P.M., 1ST FLOOR CITY HALL AUDITORIUM.

ORD. 25-23 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (BEECH GROVE CEMETERY).

No public comment.

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

PLEDGE OF ALLEGIANCE: Led by Steve Craig.

INVOCATION: Moment of Silence.

CITIZEN RECOGNITION: Continued to December with Councilman Garrett presenting.

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

APPROVAL OF THE MINUTES: A motion was made by Ingram and seconded by Selvey to Approve the Minutes from the October 2, 2023 Regular Meeting. A roll call vote showed 9 yeas. MINUTES APPROVED. A motion was made by Ingram and seconded by Overbey to Approve the Minutes from the September 26, 2023 and October 10, 2023 Finance Committee Meetings regarding the 2024 budget. A roll call vote showed 9 yeas. MINUTES APPROVED.

COMMITTEE REPORTS: Councilwoman Selvey, Chair of the Public Works Committee, has a report for the rest of Council. The Public Works Committee met on October 23, 2023 at 6:00 PM here in the City Hall Auditorium regarding res. 17-23. Some of the topics that were discussed were Firefighter and EMT safety, safety of residents, Firefighter and EMT living conditions, bidding process, and advantages and disadvantages of a BOT agreement. Through the discussion, some questions were still unanswered so

she and Councilman Overbey decided to that it would be beneficial to schedule another Public Works Committee Meeting in the future. Councilman Overbey concurs.

APPOINTMENTS TO BOARD AND COMMISSIONS:

HUMAN RIGHTS COMMISSION

President Robinson declares nominations open. A motion was made by Selvey and seconded by Robinson to nominate Kim Miller. Selvey provided her resume to the Council but apologizes as Councilman Green was not attached in that email. President Robinson confirms the affiliation has to be a female business owner. Selvey responds business owner. A motion was made by Garrett and seconded by Ingram to nominate Elizabeth Edgell. He stated she provided him a recommendation that she would like to serve. Both nominations are here this evening and welcome to say a few words.

Kim Miller shares a little bit about herself. In 2016, she purchased and moved Tribune Show Print to Muncie. Before that, she ran another business doing design work and t-shirts, wrapping it all into one. She also taught in various schools for seven years as well. She is very compassionate about working in the community, running a couple different festivals and serving on a couple different boards. It is very important to her as a woman business owner to help and support people that do not always have a voice and needs that help. She finds herself to be a very passionate and empathetic person and would really like to find ways to improve herself and the City as a whole. That is why she wants to do this, to further educate herself and help others as well.

Elizabeth Edgell runs several businesses here and currently owns three. Most know that she runs the Delaware County Community Awareness Facebook page for the past six years, making it a legal corporation, Delcocom Inc. She runs the Manifest Destiny Reporter, had Electric Legit Promotions (a digital media company) since 2012 and was a previous owner of Docs (a downtown bar). Right now, there are 27,000 local members in her Facebook group. She has been involved in many things going on in our City since she came here six years ago but would like to learn more. Compassion is one thing but you also have to know the direction the turns are taking. She has been trying to get more involved since moving here (claiming she has been here since 1989 and then moved to Anderson to be a bail agent there). She has worked in most of the shutdown factories here in town and believes her take and pulse on people is pretty well known so will let that stand for itself. However, she would like an opportunity to be able to do this so she can learn more, even about running her Facebook group and making sure they are finding the best way to serve the community. Councilwoman Selvey refers to a lot of confidentiality with the Human Rights Commission and cases that come to them that they are not allowed to speak on in public about because Director Yvonne Thompson is the sole person who speaks for them. Aware of her running a Facebook group, she asks if she separate the two. Edgell responds she is a journalist so the key to being a good journalist is to know when to talk and when not to. Selvey says that is a good answer. Councilman Overbey confirms she said she owned Docs. Edgell states yes, before Mike Martin did, from 1998 to 2000. She had a catering business, Something Different Catering, out of there as well. No further nominations. A roll call vote showed 5 votes for Kim Miller (Marshall, Selvey, Clark, Green, Robinson) and 4 votes for Elizabeth Edgell (Dishman, Overbey, Garrett, Ingram). Selvey's MOTION CARRIED. Kim Miller is declared appointed to the Human Rights Commission.

BEECH GROVE CEMETERY

President Robinson was made aware from Zac Bow, the President of the Beech Grove Cemetery Board of Trustees, after the October Meeting that there is a longstanding appointment due for

reappointment. Linda Barton has been there for many years. Her term actually expired in May and she would like to continue to serve being recommended for reappointment by both the Board and Beech Grove Superintendent. Typically, what they have done in the past is make the announcement of the board appointment and then make the actual appointment the following month. Because this is a reappointment and it does come with a recommendation from the Board of Trustees as well as the Superintendent, he is happy to entertain a nomination this evening for her reappointment. Or, they could follow past procedures if they don't want to do that, making the announcement tonight and the actual appointment next month. Whatever pleases the Council. Councilman Dishman asks Troy Watters, Beech Grove Cemetery Superintendent, to come up and talk a little bit about Ms. Barton.

Troy Watters, Beech Grove Cemetery Superintendent, clarifies that Ms. Barton's appointment actually expired in March but nobody caught it until recent. She iterated to Mr. Watters that she wanted to remain on the Board. She has been serving since 1983, being aware of all that is going on in the Cemetery and her whole family is buried there. It is her wish to continue serving. Unfortunately, she is in the hospital this evening and Watters told her it might not happen tonight. She said she would try to be here next month if it didn't. Again, he highly recommends her reappointment. Many things that have happened in the past years and whenever there is a question, she is the one to answer it. President Robinson notes he is normally somebody that likes fresh eyes and thinks board service should be rotating but when you have somebody that's been serving on a Board for 40 years, especially the historic cemetery... Robinson got the opportunity to know her when they, as a Council, were retooling the Board (taking it from five to seven members including 6/7 being new). Linda Barton is the only one that remains of the Board of Trustees since before this Council. Again, 40 years of service. If she wants to continue serving on that Board (with all the other fresh eyes) then that continuity is a good thing. He is happy to entertain a motion or wait until next month. A motion was made by Selvey and seconded by Garrett to nominate Linda Barton for reappointment to the Beech Grove Cemetery Board of Trustees. A roll call vote showed 9 yeas. MOTION CARRIED. Linda Barton is declared reappointed to the Beech Grove Cemetery Board of Trustees.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 16-23 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE TO THE R-4A RESIDENCE ZONE ON PREMISES LOCATED AT 1620 N. NEW YORK AVE. MUNCIE, INDIANA.

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

Eric Nolting, Nolting Investments LLC, is back after speaking on the introduction in October. He recalls a few questions from last month and mentions he received an email back from the Building Commissioner today. He does not agree with the assessment of two separate buildings could not be built on an R4-A lot. He thinks there is some ambiguity in the language but it is also not a hill he necessarily wants to die on. As previously mentioned, he had no intention of ever demolishing the current building at this address and simply wanted to add another unit on the backside to redevelop. He believes the better avenue for this property would be to apply for a variance sometime in the future. With all that being said, Mr. Nolting is requesting this ordinance be withdrawn. President Robinson assured all that is needed is Councilman Dishman stating he wanted to withdraw. Attorney Murphy advised that can be done.

After the discussion and vote of ord. 17-23 Council Attorney Brandon Murphy goes back to ord. 16-23 when Robinson asked if Dishman's approval is all that is needed to formally withdraw the ordinance. He explains there is an exception to the type of ordinance that can be withdrawn by the

applicant and sponsoring councilperson and that is an ordinance to amend the comprehensive zoning ordinance. The only way that can be withdrawn is with a consent of a majority of the members of Council present. If the Council wishes to take up that issue then they may but it can only be withdrawn by majority vote. An all-in-favor vote withdrawing ord. 16-23 as recommended by the sponsoring councilperson showed 9 yeas and 0 nays. WITHDRAWN.

ORD. 17-23 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE TO THE R-4A RESIDENCE ZONE ON PREMISES LOCATED AT 1700 BLK N. NEW YORK AVE. MUNCIE, INDIANA.

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

Eric Nolting, Nolting Investments LLC, would like to move forward on this one. It is currently an empty lot and it did receive a neutral recommendation from the Zoning Commission as to whether or not allowed to proceed. He thinks it would be beneficial in that area to cost effectively add more 1-bedrooms and 2-bedroom units available for rent.

Councilman Clark refers to the hearings and asks if there was any push back from neighbors, as Mr. Nolting was required to reach out to the people in the surrounding area. Nolting states yes and believes some of those neighbors are here this evening to talk. Some of the issues brought forth were parking and how that would be accommodated. He notes he is bound by the zoning ordinance and what can/cannot be put in and how it must be done with every intention of following that and getting approval from the Building Commissioner as well. Concerning parties and so on and so forth, he has been at landlord for 17, going on 18 years now and has never really had an issue. He was a Ball State graduate himself so is well aware students like to have fun. At the same time, he is putting in quite an investment so he has an interest in protecting his property as well as the property of the neighbors to both make it an attractive place for students and non-students alike to live. There are stipulations in the lease and he holds them to account. The lease specifically states no parties and goes on to define what a party entails which usually involves a certain number of people in the house that do not live there. He tries to be a good member of the community (not being physically there) and not to disrupt.

Councilwoman Selvey states her only worry about this ordinance is if Mr. Nolting does this and then decides to sell it. He is a responsible landowner and that is what worries her. Maybe the next person that buys that property is not as responsible as he is. What happens with the neighbors? Nolting responds he has zero intention of selling it prior to building anything on it. He is 41 years old so still relatively young and is going to be holding on to these properties for a while. Beyond that, we all won't be here. Selvey just wanted to be frank and transparent of her worries. Nolting agrees that being a concern of the Zoning Board as well with regard to the new ordinances due to be introduced this evening. As it was mentioned, this was the one property that received a neutral recommendation; it was not a negative recommendation. He believes that the negative recommendations on a lot of the others were for that exact reason. You can go from an R4 to an R4-A without actually being shown building plans whereas a variance (of some sort) does require a showing of what is doing to be done. That variance/plan has to be approved and is attached to that; you cannot go away from that plan and still have the variance. It does provide some protection there and has thought about it a lot more during the weeks since the last meeting. With this one, being the double-length lot it is, he is leaning more toward trying to get that third unit, even though it is going to be a 1-bedroom. As said, not a huge addition.

Councilman Green confirms Mr. Nolting intends to build three different units on this property. Nolting answers in one dwelling, yes; it would be a triplex. Green asks if he has renderings. Nolting provided them last month and they may be with a different filing. Green questions who the contractor

will be. Nolting informs he hasn't bid any of that stuff out yet, just has preliminary renderings and they're not full architectural plans yet. He assures it would be somebody local. Green then confirms the Building Commissioner has approved this. Nolting answers no, nothing has been approved yet and his understanding is that is done further down the line. He needs to get the zoning in order before he could even build. Green states he was just trying to see how far along.

Councilman Marshall asks the timeline or plan on development. Nolting responds ideally, five years ago, however, it depends on what happens with some of the other ordinances he is looking to introduce tonight. Within the next few years.

Councilman Ingram refers to the possibility of this zoning ordinance not passing and questions what would happen to this property. Nolting advises he doesn't know yet but there are some other contingency plans. He could build a single unit there but would have to look at the financial feasibility and if that were something he would even want to do. It is in a good location relative to campus so if he ultimately does not think it is financially what he wants to do with a single unit then he is sure he could tell it to someone who does want to do that and is not opposed either. He just thinks there is an opportunity to provide additional smaller units in that area.

Selvey verifies with Dishman that the changing in the zoning is going to affect everything in that area so that anybody can come in and take a house and turn it into apartments. The Council corrects her by stating no, just his (Nolting's) lot. Councilman Garrett mentions it opens the door. President Robinson advises his ultimate concern is that they are setting a precedent here. This is the first one he has seen from the Metropolitan Planning Commission that has had neither a favorable or unfavorable recommendation. The first one they received was withdrawn at Mr. Noltings recommendation and had an unfavorable recommendation which is a concern. This neighborhood is on the brink of being overtaken by Ball State students and student rentals. We appreciate the students rentals as they are needed. This is part of Robinson's own District and he has gotten to know many people that live in this neighborhood that are still holding on. They're doing everything they can to maintain the integrity of the neighborhood and at the same time coexisting among students and student rentals. Robinson has real concern because once they open the door, that is it and when the next person comes along wanting to do something similar, how can the Council say no since it has been allowed to happen already. In a City where our neighborhoods are crumbling and the integrity of those neighborhoods is always at question, he, personally, wants to maintain the integrity of neighborhoods and make sure that the residents invested there long-term are protected. It goes on to say in the Metropolitan Planning Commission recommendation that the "Planning Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each District, the most desirable use for which the land in each District is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development." Concern is for the property owners that currently reside there and their values. President Robinson opens it up in case there are representatives of the neighborhood present and wish to comment.

Mr. Nolting wishes to address the comment about it opening the door and states with all due respect that the door is already open. There are two lots in the neighborhood that are already zoned R4-A so Nolting questions how it would be closed for someone else. If the integrity of the neighborhood is only having single-family units there then why has there been apartment buildings approved along Bethel Avenue, which is part of that neighborhood. Apartment buildings owned by developers from out of state that did not go to Ball State. He understands what is being said but at the same time, he is not looking to build a three-story apartment building (of which does exist in that neighborhood). He is looking to build one building that has five bedrooms total. Robinson questions how many stories. Nolting responds one

and a half. The renderings that are in the next ordinances looking at the introduce display what he is looking to do.

Jane Brimhall, N. Janney Ave, attended one of the Planning Commission meetings and wasn't prepared to talk about her concerns for the rezoning request so apologizes for being disorganized. She wasn't aware of the magnitude of change that these requests would make to her neighborhood but has since had a chance to consider her thoughts. She was five (5) years old in 1947 when her dad built the house on Janney that she now lives in. He and her mother raised three (3) children there. She moved to Florida for a few years but has been at her home here in Muncie ever since. She is also a landlord with rentals in the neighborhood and proud to offer properties that are clean and affordable for single families and Ball State students too. In addition, she understands the housing market retiring from working 36 years at a local housing community for retired people. In this neighborhood, they all know one another and are friendly and helpful to each other. They like living here. Many share the same feelings about the proposal change but they can't be here tonight due to obligations with work and family. She is concerned this rezoning will change the neighborhood, not for the better she fears. Big housing like the ones described by the developer will bring more transit people to the neighborhood who are in and out for a year or nine months with classes at Ball State. These developments will take away valuable green space and trees in the neighborhood, adding more concrete as well, all of which is bad for the environment. In addition, many students choose to get a pet during the time they are living on campus, even those that sign no pet leases. Many of these pets don't go home with them when it is time to move on after graduation. She knows this because she takes care of at least 20 cats' years after year, paying for their food and medical care until they can be rehomed. Please, do not think that ARF, the local Animal Shelter or other agencies can take care of all the animals that people abandon. They cannot handle all the demand. She is also concerned about safety in the neighborhood, with increased traffic for the additional people living there. Many children play in the neighborhood yards and we know what happens when a ball rolls into the street, there have been some narrow escapes when cars almost hit a child and she doesn't think any of us want to see anything worse happen. Moving on, there are so many 'for rent' signs. They put the rent signs out early to start preparing for next season but they keep them out all the time. A colleague of hers checked and was able to confirm there were at least 40 rental properties all with 'for rent' signs in the yard. You can tell many rentals are sitting empty. Ball State just built and opened a new residential hall in addition to several others in recent years. She was told at the last meeting that they weren't adding to the rentals, just tearing old ones down. If Ball State isn't putting up more buildings for students, you can be certain Muncie doesn't need more student housing. Our community is over-leased right now where there are more rentals available than demand calls for. She is also concerned that this change in zoning will encourage more big building in the neighborhood. Long-term, this doesn't seem wise or necessary based on earlier thoughts. She wants her neighborhood to stay the way it is, even after she is gone. In conclusion, she requests the Council vote no to the zoning proposal on Janney and New York. Brimhall will now read a few letters from individuals unable to be here tonight.

Steven Perry, N. Janney Ave, says all the houses on this block are single-family homes and we want to keep it that way. We do not want multiple family homes here or increased traffic. Please help us keep our neighborhood simple.

Nancy Baker has been connected to the neighborhood since the early 1970's since moving in on W. Cohen Dr. with her young son. They were renters for several years until she purchased their home and still owns it as a landlord. In fact, she has a rental on her side while Ms. Brimhall has her own rental on her side. It is a nice quiet neighborhood bound by major streets in the City. It has changed a bit from mostly-owned residents to a fair mix of owners occupied and renters. The parking is more of a problem

and sometimes the trash. It is mostly single-story family owned and university student rentals. She is definitely not opposed to new structures in the area, after all, neighborhoods need to grow and change to be actively involved in the community. However, the current zoning change request for five narrow lots in the neighborhood is somewhat of a puzzle. As she understands, the owner of these five lots spanned across the neighborhood plans to build rental structures on each of the lots. One of them even on the back of a lot with an existing house sitting in front with parking between the structures. As it was understood, the structures will be no more than two stories for apartments or less on each of the lots. This seems a bit excessive (to her) giving the structure already in the neighborhood. Also, she understands that if the zoning was changed then the next owner will have opportunity to again increase the sizes of the building. Why if there is no intent to reduce high-rise large structures within the neighborhood is there a need to change the zoning of these lots? Why must this neighborhood be riddled with multiple resident structures which do not fit the current community feeling within the neighborhood? Brimhall appreciates the Council for listening to her and allowing her to read the letters from other neighbors.

Matthew Jones, resident and Anthony Northside Neighborhood Board Member, does not think he necessarily shares the same views as many of the other people in the neighborhood. He rather sees both sides of it. If somebody is willing to be a solid landlord and build a property where they want that looks nice and brings the overall quality of life up in the neighborhood then they should be able to do that. For instance, his landlord is phenomenal and takes great care of the place typically renting out to college students and does a tremendous job. The people in the neighborhood are absolutely wonderful. There are a lot of family homes and people that have grown up and lived there their whole lives. Regarding personal preference, he would love to see more family homes but you can't deny the fact that the neighborhood already has these kinds of properties already. Some of the apartments look great and some are there that do not look so great. The real problem is actually Middletown Properties, aka BSU Rentals, which has poisoned the rental game in Muncie. They do not take care of the properties. One currently sits two doors down from his residence and the people that lived there just did not take care of it. If somebody is willing to do that and put in the work to follow all of the things and be held accountable for what they said are going to do for the properties then they should be able to do that. Again, he definitely sees both sides and if it were up to his personal preference, he would love to have more family homes and not necessarily students. He believes students get a bad rap. Obviously, a huge turnover occurs every August so there is always trash on the side of the road. Yes, there might be more cars but if we want Muncie to grow then there is going to be more cars. We need to get over ourselves a little bit and stop with the "not in my backyard" type of attitude. We should grow. If we all love Muncie as much as we claim we do then we should allow it to grow. We just have to decide what is the best way to grow, more family homes? Or more opportunities for students outside of campus housing?

Cheryl Bryant, Weber Dr., with the same three points she made last month, one of them being that their neighborhood does not need to increase the concentration of students. There are already vacancies with houses for sale and others that are available for students to live in already. The neighbors are looking for more families. Family dwellings do not look like houses that have been turned into 4-bedroom or 6-bedroom houses. You are probably not going to get a family that could afford that and if they could afford a house that size they are not going to pay the money in that neighborhood. You are just not going to have someone needing five or six bedrooms looking in their neighborhood. Also, most of their lots are only 50 feet wide. Parking, especially on New York, is frequently in the front yard. It has since been graveled in. And they do the same thing on Waid Ave. Residents put gravel in the front yard and that is where they are parking. That is not conducive to raising values in the neighborhood. Again, the zoning goes with the property. Mr. Nolting might say he is going to do such and such and may not

start for a few years but what if meanwhile someone gives him a good offer that he just can't refuse and the properties no longer belong to him. Those are her concerns and she is obviously not in favor of either change for New York or Janney Ave.

Joe Barker is a property owner on N. Janney, directly across from the property where Mr. Nolting is thinking about constructing a triplex. He has owned this property for twenty-something years and his biggest concern, of course, is the parking and how congested it is there now. He recalls his kids living there while going to school. Trash is another problem when the students move out. He is really not against the guy for trying to make money but it's just like what Councilwoman Selvey said, rezoning this will open it up. Barker has two lots there and once this is rezoned, he has the opportunity on his side to get a rezoning to do exactly what Mr. Nolting is getting ready to do. However, he doesn't want to do that because he likes the neighborhood the way it is. He wishes the Council would really consider what to do here because it will affect the neighborhood. Again, his property is directly across the street from this. If Mr. Nolting wants to build a single unit, that is fine, but not a triplex. And he is saying he's going to do this now but what if, somebody comes one, two, or three years down the road offering money which would make it a completely different ball game then. That person is going to do what he wants to do because the zoning has already been approved. He hopes they don't rezone it but if it passes then he will seriously consider trying to get his property rezoned. It is going to be a big mistake. Questions called. A roll call vote showed 0 yeas and 9 nays (Clark, Overbey, Marshall, Ingram, Selvey, Green, Garrett, Dishman, Robinson). DENIED.

NEW ORDINANCES:

ORD. 18-23 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE TO THE R-4A RESIDENCE ZONE ON PREMISES LOCATED AT 1701 N. JANNEY AVE., MUNCIE, INDIANA.

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

Eric Nolting, Nolting Investments LLC, is not sure how this one is going to go either... There are two more ordinances after this and he mentions he was looking to withdraw those. They are also empty lots and thinks it would be better to pursue the variance to do a duplex versus going for three units. Initially, he also wanted to try to keep ord. 18-23 for consideration. He knows it received a negative recommendation but the reason he wanted to continue to pursue this one is that it currently does have a house on the property. However, it is structurally sound, clean and habitable but just not *great*. It's profitable so he is currently in a state of limbo where it doesn't make financial sense to remove that to pursue a duplex but it might make more financial sense to remove it to build a triplex. It is just one of these houses that just doesn't look great and doesn't add any character to the neighborhood, just your basic housing. There also was some support from at least one member of the community advising he doesn't want the rezoning but if that's what it takes to get rid of this house then he would support it.

Joe Barker lives across the street on N. Janney. He is very aware of this property because he looks at it all the time. The one beside it is probably in more worse of a shape than Nolting's property. Therefore, even if he builds a triplex there, there is still going to be the one in worse shape. It opens a Pandora's Box here if the rezoning is approved. That is what is getting to these people. Once it is rezoned, Mr. Nolting may do what he says he is going to do but for how long? If it is rezoned then Barker claims he will be up here at some point in time rezoning his two lots. As it was said, how can they refuse him if they already rezoned Nolting's property? The issue is with parking and trash. Barker understands Nolting has a lease with the tenants and stuff but you do not always know about that. That goes from year

to year and kids will be kids. Barker states he is not for this and thinks the Council should not approve the zoning part. If Nolting wants to build something there under the zoning that it has now, he doesn't have any problem with that and wishes that be the avenue he takes instead as it would help the addition quite a bit. He just does not approve the rezoning.

Councilwoman Selvey would like to make a statement regarding all these ordinances on rezoning. First, she really appreciates all the work that MAP has been doing. Muncie has taken a great direction. Many people at Ball State and community people are working on their communities and strengthening neighborhoods. She is sure every councilperson here is proud of all the work. Sometimes, actions speak louder than words and as a councilperson, it is hard for her to be agreeable to rezoning because what would they be saying back as a Council to the neighbors and Neighborhood Associations. Just something she would like everyone on this Council to think about.

President Robinson reminds everyone this is just for introduction and a second reading will occur at the December meeting. He believes the Anthony Northside Neighborhood Association has a meeting scheduled this Thursday. He, personally, is in favor of introduction and would recommend engagement with the neighborhood at the Neighborhood Association meeting this Thursday to see if there could be some kind of compromise. It is worth a discussion. Again, this is just for introduction and the final vote will not be taken until next month. Robinson is someone that believes when there is a will, there is a way and if people can sit down and talk then maybe a compromise can be had. He is only one of nine votes but if that compromise cannot be had and the same concerns are still shared by the neighbors then he will side with the residents on this. He does think, however, it is worth the opportunity and conversation for Mr. Nolting to have with the Neighborhood Association. Questions called. An all-in-favor vote showed 7 yeas and 2 nays (Overbey and Clark). INTRODUCED.

ORD. 19-23 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE TO THE R-4A RESIDENCE ZONE ON PREMISES LOCATED AT 2113 N. JANNEY AVE., MUNCIE, INDIANA.

President Robinson confirms that Mr. Nolting was requesting ord. 19-23 and ord. 20-23 be withdrawn. Eric Nolting, Nolting Investments LLC, state that is correct. He wanted to make a comment earlier about the trash and agreed it does get bad every August. However, the Muncie Sanitary District does a fantastic job every year in August. He doesn't know how many times he and his wife have come here to turn houses and her commentary, from living in Indianapolis her whole life, is that they do a fantastic job and he appreciates that. Robinson adds they do. Back to the withdrawing, he confirms with Attorney Murphy that a voice vote will suffice. Attorney Murphy answers yes. An all-in-favor vote to Withdraw showed 9 yeas and 0 nays. WITHDRAWN.

ORD. 20-23 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE TO THE R-4A RESIDENCE ZONE ON PREMISES LOCATED AT 2200 BLK N. JANNEY AVE., MUNCIE, INDIANA.

An all-in-favor vote to Withdraw showed 9 yeas and 0 nays. WITHDRAWN.

ORD. 21-23 AN ORDINANCE FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE POLICE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2024.

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

Craig Wright, City Controller, states this is just for introduction of the salary ordinance for the Police Department which aligns with the budget that was passed and contracts that were signed. Questions called. A roll call vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 22-23 AN ORDINANCE FIXING THE MAXIMUM SALARIES OF EACH AND EVERY MEMBER OF THE MUNCIE FIRE DEPARTMENT OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2024.

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

Craig Wright, City Controller, states this is for introduction of the salary ordinance for the Fire Department and is in accordance with the budget that was previously passed as well as the Union agreement. Questions called. A roll call vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 23-23 AN ORDINANCE FIXING THE MAXIMUM SALARIES FOR ALL ELECTED OFFICIALS OF THE CITY OF MUNCIE, INDIANA, FOR THE YEAR 2024.

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

Craig Wright, City Controller, states this is for introduction of the salary ordinance for elected officials. This is also within the budget that was introduced with the exception of the non-raises that were put in for the members of the City Council in which they voted to amend during the budgeting meetings and process. Questions called.

Audie Barber has concerns with the Council making the amendment to take away the raise from the new elected City Council and making them pay for their own training. He is not in agreement with that. It is an issue and claims it has always been paid for by the Administration. To make it where the new Council members coming in will not get a pay raise and everybody is saying 'it is only \$70 and doesn't affect me either way.' Well, no. It is \$700 and not right for this Council to sit up here and spend someone else's money. That is his opinion. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 24-23 AN ORDINANCE AMENDING ORD. 44-22 FIXING THE MAXIMUM SALARIES OF EACH AND EVERY APPOINTED OFFICER, EMPLOYEE, DEPUTY, ASSISTANT, DEPARTMENTAL AND INSTITUTIONAL HEAD OF THE CITY OF MUNCIE, INDIANA, INCLUDED HEREIN FOR THE YEAR 2023.

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

Craig Wright, City Controller, explains this is the same salary ordinance for the current year. Obviously, by not yet coming to an agreement with AFSCME contract, State Board of Accounts has insisted they introduce the same salary ordinance already in place for next year and if they do not come to an agreement then make the foreseeable amendments when the agreement has been accepted by both parties.

Audie Barber states this is very concerning because the AFSCME employees are being taken advantage of being asked to take a 5% raise when everybody else is being given a 10% raise. There is a clause in the Union contract called 'you get what we get' so if the other members of the unions get a 10%, the AFSCME employees should be getting a 10% raise. Aware this is just for introduction tonight, he hopes next month that this Administration can come to an agreement with AFSCME and get this contract straightened out before going into a new year. He would like to see the current Council hold the current Administration responsible for making sure that happens.

Councilman Marshall has a clarification and asks if this is the 5% proposed in the budget or last year's numbers. Mr. Wright informs it is our current year, 2023. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

ORD. 25-23 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (BEECH GROVE CEMETERY).

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

Troy Watters, Beech Grove Superintendent, accompanied by Craig Wright, City Controller, states they are asking for some additional appropriations in some line items due to increase and money having to be spent. It is from retirement, additional salaries and part-time for cleanup. Beech Grove does have the cash in their account for this and there is currently \$242,635.18 in which they are asking for \$28,751.

Councilman Ingram asks what line item the \$200,000-some is located in. Watters states that is their cash reserve. He refers to last year when his pay increase was approved after the budget was passed so wasn't on last year's budget. It is not that they went over budget, confirming that only occurred in Overtime. A lot of that is just them getting busy and needing things to keep the cemetery going. That is why he added more Part-time in this year's budget as well. He is learning more and more of what is needed out there. Another factor is retirement of a Groundskeeper with benefits and such so had to make up for the employee that transferred over. The old employee leaves on Friday and the new employee starts Monday but the old one is still being paid out so that is what had to be made up. Heavy Equipment Operator B comes out to be \$940 and Watters will further elaborate on this. Beech Grove Cemetery is the only City Department that just had two Operator B's. The employee here was in that position years ago before being affected by City layoff. The way it was explained to Watters is that this employee was laid off and brought back but still had department seniority so it was decided to keep the other operator as well. Both operators were kept as Operator B's. This operator here done everything that Operator A should be doing and both operators were agreeable on this. That led to Watters coming before Council to request approval to move this employee into the Operator A position which increased his pay rate leaving them short that \$941.

Councilman Overbey compliments Mr. Watters and the Beech Grove Cemetery. He was out there for Veterans Day and the Cemetery, Veterans area and the graveyard part is especially better than he has seen it in a long time. His compliments to all the work that is being done out there which was echoed by many other people attending the event. Watters thanks him advising they are going to keep on keeping on. He isn't going to break Beech Grove but they have got to see just what all is needed to keep it operating sufficiently. Instead of running three or four employees on part-time all summer long, it is going to take eight or nine. If not, then the Cemetery is going to regress back to what it was before. They are now down to two part-time employees on the grounds and are able to keep up during this time of year. When summertime comes around, they definitely need the help out there. Questions called. An all-in-favor vote showed 9 yeas and 0 nays. INTRODUCED.

RESOLUTIONS:RES. 18-23 COMMON COUNCIL OF THE CITY OF MUNCIE, INDIANA PRELIMINARY ECONOMIC REVITALIZATION AREA RESOLUTION REAL ESTATE TAX ABATEMENT (JRF MANAGEMENT LLC).

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

Due to no representation being at the meeting to answer any questions, Councilman Ingram states he believes this is from a company that came to them in August and September regarding a lot that is in bad condition. He has driven by and seen it quite a bit. The company actually plans to use local contractors to do a lot of the work and plan to employ four to eight people. Councilman Garrett adds decently waged, too. Councilwoman Selvey informs a representative sent her a text at some point during their communication and they that it is going to be an Amazon Redistribution Center or something like that. That rather interested her; it is when you return Amazon stuff. Ingram comments after seeing that lot, no matter what they do there it is going to be an improvement. Selvey agreed and just wanted to go

on record to say that was what she was informed. She wished there was someone from the company present tonight to talk about it. Garrett goes back to the wages and reads starting \$14, average \$16, and the highest wage will be \$20. President Robinson comments he is happy to table until a representative is present to speak on it. Selvey says she does not want to table it. A motion was made by Robinson and seconded by Overbey to Table. A roll call vote showed 7 yeas and 2 nays (Selvey and Ingram).

TABLED.

OTHER BUSINESS:

Rick Yencer, newsman and author, is thinking about many things after listening to tonight's meeting. One is being fair and equitable, as in giving everybody the same. He directs his comment stating Councilwoman Selvey should know that, as the Chairman of the Human Rights Commission, and is sure Councilman Marshall knows that, being President of the Muncie Park Board. He has never seen one group of employees given more than another group of employees over all the years. That is a bad precedent to set. He didn't hear any numbers tonight because a lot of people he talked to didn't know that this Administration gave \$3,000 bonuses to Public Safety out of stimulus money. They don't know either that Police and Fire are getting \$5,000 raises while Parks, Street and others are waiting. He hopes the Council believes in being fair and equitable because, again, if there is any leftover money from the American Rescue Plan it needs to go to the people, income earners and property owners. The state and federal government did that and here locally it was just handed out summarily to other tax districts, neighborhoods, not-for-profit, and small businesses. Nevertheless, large business did not get any. In addition, the people who pay for this government and the schools did not get any either. Those are some things to think about. There will be five new people here in January and he hopes they will listen to what the people have to say.


Chip Taylor, Ethics Advisory Committee, wishes to give a brief update on the Committee. Back a few months ago when the appointments were being made someone mentioned while speaking under 'Other Business' that they hoped the members came back to let the Council know what is going on. Therefore, they have had two meetings, one in October and another just this past Thursday (11/9/23). October was mainly organizational between setting the schedule and electing the Chair, Vice Chair, and Secretary. The plan is to meet monthly between now and next September and bring the final work product back to the Council in October to meet the deadline in the resolution in time. If the Council chose, it could be introduced in November and acted on in December. The next meeting is December 14 at 7:30 at the Marion Hunt Library and topics include setting the rest of the schedule, at least the first 6 months, once the library opens up the first half of next year for scheduling the meeting room. They plan to meet on the second or third Thursday of each month, depending on availability. He would like to encourage members of the public, elected officials, City employees, Department Heads and anybody who has an interest in this to come to the meetings. This one way or another ultimately affects everybody in Muncie. They are interested in input and were fortunate at last week's meeting to have Councilwoman Selvey and Mikah Wilson the City HR Director in attendance. They reached out the Wilson about some of the ethics training materials and ethics rules that she has been training City employees in and shared that information at the meeting. They had a really good discussion about that and are starting to discuss specific elements that would go in the ethics standards. They have been trying to promote it on some of the local Facebook sites that cover current events and are working to put together a Facebook page to put out the information. They hope to go live on that soon. That is where they are at and are off to good start

being productive. They would be glad to have all the public input that they can get. President Robinson thanks Dr. Taylor for his leadership on that Committee. It is really appreciated and he knows he has a wealth of knowledge in this area, which is why this Council selected him to be a part of it. Taylor responds they have a good Committee with a wide range of experience and knowledge about these issues and have had really good discussions on some of those issues just the other night. They look forward to getting their work done.

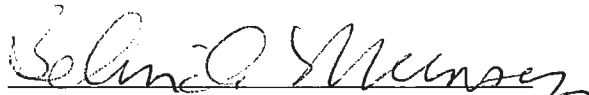
Audie Barber wants to make sure that all Committees and Council meetings are being livestreamed from this point on. He wants to challenge some of the people staying on Council and the new councilmembers to write an ordinance where the meetings have to be streamed. We pay for that and want it streamed. He would also like to challenge them to draft an ordinance requesting all ordinances and resolutions be read in the complete form instead of the shorthand. He claims the public is being sold short because many of these ordinances aren't being read out. Some of these ordinances have some hidden information in it that the public is just not seeing. Robinson asks Barber to clarify. Barber states yes, he believes they should be read aloud. If they are going to draw it up then they should take the time. It is what it is. Whether someone does anything about it is a different story but to just read the headlines and not let people know what is going on inside the packet is a little irresponsible. At least by reading it all aloud then it will be on the record and in the live-stream. Lastly, he wants Councilman Ingram to remember 5-4.

ADJOURNED:

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



Jeff Robinson, President of the
Muncie Common Council



Belinda Munson, Muncie City Clerk
of the Muncie Common Council

