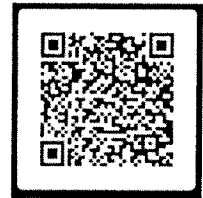


MINUTES
MUNCIE COMMON COUNCIL
300 NORTH HIGH STREET
MUNCIE, INDIANA 47305



OCTOBER 7, 2024

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

ORD. 25-24 AN ORDINANCE OF THE CITY OF MUNCIE ANNEXING CERTAIN UNIMPROVED REAL PROPERTY TO THE CITY OF MUNCIE PURSUANT TO THE PETITION OF THE OWNERS OF THE REAL PROPERTY.

Kathy Vanice, Ashton Land Surveyors Inc., is petitioning for a voluntary annexation consisting of 2 parcels; one owned by the Amy Ruth Etchinson Revocable Trust the other one owned by the V. Jeanine Souders Revocable Trust. These 2 parcels of land (218 feet) were annexed a few years ago into the City of Muncie but the west half of both parcels have not been annexed. The goal is now to put them all in one piece so that when they are possibly divided or divided in the future there won't be a landlocked parcel of land. They need to be in the same taxing unit which is why she is here tonight. No further comments. President Dishman declares the Public Hearing closed.

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

PLEDGE OF ALLEGIANCE: Led by Councilperson Gullion.

INVOCATION: Given by Lady Devin Mitchell, Associate Pastor of Deliverance Temple.

CITIZEN RECOGNITION: Councilperson Selvey recognizes Dorica -Young Watson who is an accomplished social worker, certified life coach, community advocate, and inspirational leader who has dedicated her life to empowering individuals and transforming communities. A native of Muncie, Indiana, Dorica's journey began as a non-traditional student at a local community college where she laid the foundation for her extensive education. Her passion for learning and personal growth propelled her to earn multiple degrees and professional certifications, enabling her to become a recognized speaker, trainer, and coach on both local and national stages. Dorica is the Director of Community Engagement at Open Door Health Services, a role in which she leads efforts to reduce healthcare disparities and provide holistic support to underserved populations in East central Indiana. She is also the owner of Own Your Change Coaching and Consulting, through which she helps individuals tap into their potential, overcome challenges, and embrace personal and professional empowerment. Her approach is deeply rooted in mindfulness, community engagement, and poverty alleviation, with a particular focus on the needs of marginalized groups. Known for her "relationship-first" approach, Dorica believes in building meaningful connections with the people and communities she serves. Her personal motto, "To not only take up space but to create it for other people," underscores her commitment to lifting others as she climbs. She emphasizes the importance of creating opportunities for people to see their value and actualize their potential, especially youth and families. Dorica's exceptional work has earned her numerous accolades including the Ivy Tech Alumnus of the Year Award, the Dr. Martin Luther King Jr. Dream Team Community Award, the NASW Region 5 Social Worker of the Year Award, and the ATHENA International Leadership Award. These honors reflect her significant contributions to social

work, leadership, and community service. Her passion for service extends to many leadership roles including serving as the Co-Chair of Juneteenth Muncie where she plays a pivotal role in celebrating the cultural heritage and achievements of the Black community. She is also the Director of Representation Matters, a literacy advocacy initiative aimed at empowering youth of color by helping them see themselves in roles of success and leadership. Additionally, Dorica has served as the Board President of Women In Business Unlimited (WIBU) and continues to be an influential member of several youth and family-focused boards and committees in Delaware County. Dorica’s faith is a cornerstone of her life and work. A devoted member of The Church of the Living God, she draws upon her spiritual beliefs to guide her efforts in serving others with compassion and integrity. Her faith is reflected in the many roles she takes on, always aiming to uplift those around her and bring a sense of hope and possibility to every encounter. Above all, Dorica is a devoted mother, grandmother, and wife. These roles are a source of constant inspiration for her, driving her to be the best version of herself daily. Her love for her family, combined with her commitment to creating positive change in her community, makes Dorica Young-Watson a true change agent and a beacon of leadership in Muncie and beyond.

Dorica expressed how humbling it is to listen to someone speak about you. Those words weren’t of her own so she thanks Councilperson Selvey for making her feel good today. She appreciates and provides thanks to both Selvey and the entire Council. The work she does is because she feels obligated to do it and some people will comment how she isn’t being paid for doing these things but she has been paid in more ways than anyone could ever imagine. Someone has poured into her so she is obligated to pour into others. She is very grateful for this honor and appreciation and thanks them again. Next month will be Councilperson McIntosh presenting the Citizen of the Month Award.

ROLL CALL:	PRESENT	ABSENT
Dale Basham (At-Large 1)	X	
Ro Selvey (At-Large 2)	X	
William McIntosh (At-Large 3)	X	
Jeff Green (District #1)	X	
Nora Powell (District #2)	X (attending via phone)	
Brandon Garrett (District #3)		X
Sara Gullion (District #4)	X	
Jerry Dishman (District #5)	X	
Harold Mason (District #6)	X	
Dan Gibson (Legal Counsel)	X (attending via phone)	

APPROVAL OF THE MINUTES: A motion was made by Selvey and seconded by Mason to Adopt the Minutes from the September 9, 2024 Regular Meeting. A roll call vote showed 8 yeas, 1 absent. MINUTES APPROVED.

COMMITTEE REPORTS: President Dishman requests Councilperson Basham provide further details about the State Board of Accounts exit meeting he sat in on the other day. How did it go and were there any problems? Councilperson Basham replies no, in fact, it was lengthy and in depth and we got high marks in every aspect of it. It was good for the City of Muncie. Dishman implies the rest of the councilmembers were unaware or had yet to receive a report on it so he just wanted to ask. Basham assured if he knew it was going to be requested then he would have been prepared for a report. He has volumes of information that was passed out and believes several councilmembers were invited but did not attend.

Councilperson Powell announced the Finance Committee will meet one last time to clarify anything that was discussed in September. The meeting will be open to the public and has been scheduled for Wednesday, October 16, 2024 at 6:00 PM at City Hall. It is a working session for the Committee to clarify anything they may need to go over regarding the Department Head Meetings said in regards to being able to cut from their budgets. This meeting is just to clarify that information.

ORDINANCES PREVIOUSLY INTRODUCED:

ORD. 17-24 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE TO THE MHR MOBILE HOME RESIDENCE ZONE FOR 701 & 703-711 W. 15th ST.; LOTS 1& 2 IN THE JOHN T. EASTBROOKS FIRST ADDITION; AND THE LOT FORMERLY ADDRESSED AS 801 W. 15th ST., MUNCIE, INDIANA. A motion was made by Powell and seconded by Selvey to Adopt.

Due to no representation being present to speak on behalf of the ordinance, a motion was made by Dishman and seconded by Selvey to Table. A roll call vote showed 8 yeas, 1 absent. TABLED.

ORD. 18-24 AN ORDINANCE TO AMEND THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE FROM THE R-4 RESIDENCE ZONE TO THE BV VARIETY BUSINESS ZONE FOR LOT 1 AND THE WEST ½ OF LOT 9 IN E.C. ANTHONY'S FIRST ADDITION TO THE CITY OF MUNCIE, INDIANA.

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

Chris Badger with Badger Engineering out of Carmel, Indiana is here to try and cleanup a zoning where his company is building a fellowship hall that will extend across the zoning line so are seeking rezone. He is willing to answer any questions.

Councilperson Selvey requests he clarify the extend of the cleanup and what exactly he means by that. Badger states it means there are 2 zonings. That can create an issue when there is a building spanning the different zonings. He holds up a map of the locations of Full Gospel where they have a parking lot that shows the 2 zonings. The fellowship hall would sit across them, one being BV and the other R-4. She thanks him for explaining that.

Audie Barber requests to take a look at the map Mr. Badger has and questions the street location. Badger responds High Street and 7th Street and they exchange a few words of discussion. Questions called. A roll call vote showed 8 yeas, 1 absent (Garrett). ADOPTED.

ORD. 19-24 AN ORDINANCE OF THE CITY OF MUNCIE AMENDING THE TRAFFIC SCHEDULES SET FORTH IN CHAPTER 80 OF THE CITY OF MUNCIE CODE OF ORDINANCES. A motion was made by Powell and seconded by Gullion to Adopt. Due to no representation being preset to speak on behalf of the ordinance, a motion was made by Dishman and seconded by Selvey to Table. A roll call vote showed 3 yeas (Selvey, Gullion, Dishman), 5 nays (Powell, McIntosh, Basham, Mason, Green), and 1 absent (Garrett). DENIED.

Councilperson Powell, via phone, explains she was the sponsoring councilperson for this ordinance as it affects her District lowering the speed limit around Westview School from 30 to 25 mph. it will also ensure that speed limits signs are placed on both Riley Road and Gilbert Street. She thinks delaying this by Tabling it for another month will potentially cause issues for the school children who are walking to school in that area. She respectfully requests they go ahead and act on this ordinance.

President Dishman claims she should know how he feels when it comes to taking action without having heard from the appropriate representation. She understands. Councilperson Selvey states sometimes they Table things if no one is there to speak on it and sometimes they do not. She thinks it should be a standard procedure out of respect for everyone’s time as well as the audience members. Whenever there is something like this and there is no representation then it should be Tabled. Councilperson Gullion doesn’t believe they can legally do that. Councilperson Basham recalls they just voted and it didn’t pass, so... Selvey was not meaning this one in particular but in the future.

Council Attorney Dan Gibson, via phone, explains there are some ordinances that don’t necessarily have representation from the public and it is not necessarily being sponsored or requested. In this case, it was requested by Councilperson Powell and she has spoken on it and encourages them to move forward with a vote.

Chris Deegan, Muncie Police Department Deputy Police Chief, informs they didn’t have any direct involvement in this but he would certainly echo the opinions of moving forward on this just for safety of enforcement purposes. It doesn't hurt to have extra speed limit signs posted, especially throughout neighborhoods and where kids get picked up at school bus stops. From the law enforcement side of things, he thinks this would be helpful.

Selvey wishes to clarify some things she earlier said. She understands what is going on now and thanks Councilperson Powell for sponsoring that because she agrees. It is very important. In re-wording what she earlier said, aside by being sponsored by a council person or able to be explained by the author, unless somebody from the public or whoever is requesting the proposal does not appear to represent or answer questions, it should be vitally important to Table it until they're here. She thinks if they do that a few times then people will understand they are serious.

Powell responds understanding Selvey’s reasoning but cannot account why a representative of the Neighborhood Association did not attend. She, herself, was the one that sponsored this and has done the research. She feels they shouldn’t penalize the school children just because a member of the Neighborhood Association did not attend the meeting. Questions called. A motion was made by Basham and seconded by Green to Adopt. A roll call vote showed 8 yeas, 1 absent (Garrett). ADOPTED.

ORD. 20-24 AN ORDINANCE FOR ADDITIONAL APPROPRIATIONS (MUNCIE POLICE DEPARTMENT).

A motion was made by Gullion and seconded by Mason to Adopt.

Chris Deegan, Deputy Police Chief, MPD, recalled the briefing he provided last month regarding this ordinance. He is just here to answer questions if there are any. Questions called. A vote by acclamation showed 8 yeas, 1 absent (Garrett). ADOPTED.

ORD. 21-24 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (PROPOSED 2025 MUNCIE PUBLIC TRANSPORTATION BUDGET)

Final action will be taken at the Special Meeting scheduled for Wednesday, October 23 at 5:30 PM.

ORD. 22-24 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (PROPOSED 2025 MUNCIE SANITARY DISTRICT BUDGET)

Final action will be taken at the Special Meeting scheduled for Wednesday, October 23 at 5:30 PM.

ORD. 23-24 AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES (PROPOSED 2025 MUNCIE CIVIL BUDGET)

Final action will be taken at the Special Meeting scheduled for Wednesday, October 23 at 5:30 PM.

Kristopher Bilbrey watched the Finance Committee meetings previously held and asked if the Council will be putting out a list of cuts they intended on making or if there is any way for the public to see those. If not before the 23rd then that leaves us with very short time to review it before talking about it. If they are going to take final action on the 23rd and make any changes to that budget whatsoever it would be helpful for the citizens to see or be aware of what they are looking/thinking about doing ahead of time. For example, the County works through those cuts live and on-stream during the meeting. There are multiple meetings throughout the process so he is just wondering if the cuts will be known before the 23rd meeting.

Councilperson Powell cannot comment on the budgets. Attorney Gibson refers to the final Finance Committee Meeting scheduled for October 16 at 6:00 PM and believes that discussion regarding cuts would be during that but obviously no decisions have been made yet on anything relating to the budget. He also noted Powell being unable to speak on this because it is an appropriation and with her appearing remotely, the state law regarding remote appearances has certain items that are carved out of that which is why she was unable to answer Bilbrey's question.

NEW ORDINANCES:

ORD. 24-24 AN ORDINANCE AMENDING CHAPTER 76 (ABANDONED VEHICLES) OF THE MUNCIE CODE OF ORDINANCES.

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

Chris Deegan, Deputy Police Chief, MPD, explains this will establish a local procedure within the monthly code of ordinances to deal with abandoned and junk vehicles. The Police Department currently operates under the state procedure but are allowed to have their own procedure locally so it can be run through the Muncie Code Enforcement Division. All this would do is get it into the codebook for operating with a procedure for Code Enforcement.

President Dishman notes if someone has a car they are working on as a hobby, he doesn't want to see those cars get touched. He can understand if it has vegetation growing all through and up around it but doesn't want to see people's hobby cars get taken away, especially until they figure out the entire story. Deegan assured the 3 full-time people assigned to that Division do a great job. As part of the procedural process, they always try to make initial contact with anybody that they may think there is a violation with which allows them to build their determination on what the best next steps are. That could be as far as defining it as a "junk vehicle" and the owner must complete steps X, Y, and Z to complete the process or determining this is a hobby car so the officers can properly note that in their system. This will give the procedural enforcement arm needed for the code enforcement process. Dishman acknowledges there are a lot of cars out there that need to be dealt with but would appreciate if they could work with the individuals who have project cars.

Councilperson Mason was the sponsoring councilperson for this ordinance and it pretty much spells out what is considered "junk." Vehicles belonging to individuals in active military service won't be touched. If it is on a car lot, etc... it is not going to be a random snatch and grab. It is pretty well-detailed. Deegan adds that is certainly not the intent of it, to be a snatch and grab. The intent is just to provide a procedure to be able to carry through the enforcement side of things if needed.

Councilperson Gullion refers to how it was mentioned this has been tweaked a little from the state and asks the basic differences. Deegan has a Code Enforcement Officer here with him this evening to refer to but it is much like the ordinance that was introduced by Councilperson Powell where the speed limit signs posted are now going to read 25 mph instead of 30 mph (which is the state code). In order to

operate procedurally in the City of Muncie Code of Ordinances, they have to vary slightly from what state code says. It is going to be in terms of towing times, fees, fines associated, it all has to vary from what the state says. She is just curious so requests he send that in an email when he can. He advises he will get that information for her.

Mason believes the timeline and with the way this has been amended expedites the process a little quicker than what the state requires. Gullion would like to know the difference. Dishman is aware a person could go on vacation and come back to their car being gone. Deegan assures that is certainly not what they want but obviously every situation is going to be different. Mason insists the people will be notified before. All Dishman asks is for them to be fair with everybody.

Councilperson Green clarifies we are currently operating under state code. Deegan states that is correct. Green assumes that funds for towing would go into state coffers, not city coffers, and asks if the passing of this ordinance would allow the City to collect these fees instead of them going to the state. Deegan responds procedurally, yes.

Jeremy Reese is not sure what the code currently states but if it is stricter that is great. He mentions a car just down the street on blocks, not in a garage or on a driveway but literally on the street obstructing traffic. They have called about it multiple times and it is still sitting there months later. Anything that can expediate that process is definitely important. Dishman assures it is a different story if it is on a public street. Mason recalled seeing that exact vehicle and r. Reese is referring to and reaffirms it has been reported. He knows the exact one because it is sitting up on a jack which is against the law.

Audie Barber wonders if they will need to turn out the bid process for the towing service or just use the towing service MPD currently uses. Dishman states it will be whoever the City uses.

Belinda Munson, City Clerk, referred to the Abandoned Vehicle Fund this would enact and questions where that money gets collected and who it gets paid to. The Clerk's Office collects other parking fees and fines so she is curious if these fines will go into the General Fund or a police fund. Deegan will have to verify where that goes claiming he is not entirely sure and asks if the Clerk's Office is collecting fees currently. Munson states no, since following the state code it isn't being enforced. This is adding more detail to the current. Deegan states correct. Munson explains that anything that goes through code enforcement is supposed to be handled via Violations Bureau which is actually the City Clerk's Office and she wasn't consulted on this. She understands what Mason is trying to do in cleanup junk cars but she, as former President of Munson Motors, can vouch that one man's treasure is another man's trash. For example, a 1965 Corvette frame needing a motor that is sitting in someone's backyard, according to this if it's valued less than \$1,000 which is the opinion of the officer, may look like it's less than \$1,000 but actually might be considered classic so a question she has is who would determine that value. She rents to a car guy and knows a few car guys and has questions, that is all. Mason says that is a good question. Munson informs she comes from a car family and, again, wasn't consulted on this. Her office is technically the Violations Bureau which is state code and she should have been consulted but had no idea about this until she saw it today.

Dishman comments the gentleman that has the car on a jack on the street is on City property so shouldn't they be able to have that removed at any time? Deegan confirms the procedure to enforce that would be under state code so yes but that is a whole different process. As far as the opinion of the officer valuing a vehicle at \$1,000; they see this in a couple different applications across law enforcement and he goes one to use a crash as an example. The crash threshold dollar amount has to be determined by the officer on scene on whether or not complete a state crash report so there's some discretionary aspects to that like there is with a lot of things they do in law enforcement. He is not saying that its always going to be the totality that circumstances and cannot speak to the fund that it is going to go in as he thought it was

originally outlined in the ordinance. He is certain they can have a meeting with the Clerk's Office to make a determination on best practices. He reminds the ordinance wasn't drafted by him and was put in by legal. Munson points out the line where it reads the money being collected will go into a fund but it doesn't say who collects the money or where the money gets allotted to. Deegan asks if that is not outlined in "Fees and proceeds of sale." Munson reads it and assures it doesn't specify if it is going into the General Fund or a police fund. Where does it get paid out to? Deegan advises he cannot answer that.

Attorney Gibson refers to Section 76.07 of the ordinances sets forth the fund saying it shall be a non-reverting fund and be used to facilitate the Abandoned Vehicle Program. Gullion reads, "it is hereby established in the City, the Abandoned Vehicle Fund, pursuant to I.C. 9-22-1-30. The Abandoned Vehicle Fund shall be a revolving fund, and all monies paid to the City for the cost of removal, storage and disposal of abandoned vehicles or parts shall be placed in the Fund. The Fund shall also have added to it such monies as may be appropriated by the Common Council and monies shall not revert, but shall remain in the Abandoned Vehicle Fund. The costs for removal, storage and disposal of any abandoned vehicle or parts not claimed by the person or entity who owns or hold a lien on the vehicle shall be paid from the Fund." Questions called. A vote by acclamation showed 8 yeas, 1 absent (Garrett).

INTRODUCED.

ORD. 25-24 AN ORDINANCE OF THE CITY OF MUNCIE ANNEXING CERTAIN UNIMPROVED REAL PROPERTY TO THE CITY OF MUNCIE PURSUANT TO THE PETITION OF THE OWNERS OF THE REAL PROPERTY.

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

Kathy Vannice, Ashton Land Surveyors Inc, wanted to thank the Council for hearing the need for this ordinance. This property is on the northwest corner of the intersection of Bethel and Morrison. Half of the property right now is within the City of Muncie and was annexed around the 2000's where they were trying to take the city limits north to take in Heron Point and only half of these parcels were annexed. We now have a parcel of land that she can't go forward with because half is in the county and half is in the city. The south half of the property is zoned Variety Business and the north parcel is zoned R-5. The problem is to redivide or divide these properties in any way; there is no longer the road frontage or the back piece on the northern becomes landlocked. The need is to be able to combine them into one big parcel with the north part staying R-5 as the ownership of Souders and the south part will be Ethison's property there in Variety Business. The whole goal is to make these so they can be staying in compliance but also to be able to make them so that they are one unit in taxing purposes.

President Dishman asks if she is aware what the property is going to be used for. Vannice states yes, the property on the south she believes is pending for a convenience store. The property on the south is still zoned R-5 which means to be able to move forward if going to do anything similar to a convenience store then she would have to give come back for a rezoning. They are doing things one step at a time. She adds the south part does have a pending offer that has already had one extension and she sent the Council an email asking if they would be willing to entertain considering it at one of the upcoming Special Meetings. The extension goes until the first week of November and there may be a little problem if they try to go for a second extension because the buyer is going to be out of the country leaving in the first week of November and will not be back until the end of January which means the seller's probably not going to agree to an extension. Therefore, she has 2 parts to her request tonight.

Councilperson Mason requests details about what she means when saying they want to combine the two and asks the acreage. Vannice explains right now there are 2 acres in the City of the south part

and 2.12 acre on the west side so that will be making it almost 4 acres there. The one north of it, she believes is going to be 1.93 on the west and her notes show just the total 4 acres to be combined. They have been deeded as straight parcels and the owners weren't even aware when she reached out to them to let them know there was a problem, being half in the City and half in the County.

Councilperson Basham clarifies her request is for them to Suspend the Rules to consider to approval tonight rather than just introducing. City Council Attorney Dan Gibson advises the state annexation statute states they cannot adopt until at least 14 days have passed since the Public Hearing, which was held tonight. He informs they could put it on the Agenda for the Special Meeting for October 23 and obviously amend the notice and consider it along with the budget items. Basham thanks him for clarifying. Questions called. A vote by acclamation showed 8 yeas, 1 absent (Garrett). INTRODUCED.

ORD. 26-24 AN ORDINANCE OF THE CITY OF MUNCIE ESTABLISHING DESIGNATED OUTDOOR REFRESHMENT AREAS.

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

Muncie Mayor Dan Ridenour recalled sharing this idea with the councilmembers and a couple of them took it and ran with it. This will establish 3 designated outdoor refreshment areas (DORA's). However, it's actually coming from the Council who thought it was a great idea and he did as well so he just wanted to make sure someone got up to speak on it. He isn't the expert and claims he doesn't even drink yet sees there could be some big advantages to this. The 3 areas consist of Downtown, McKinley Neighborhood (in and around a 2-block area by area), and the Village. He adds the fact this would be 3 opportunities to bring people here and make things fun. He appreciates Councilperson Gullion and Councilperson Selvey for sponsoring this but assures lot of people on the Council were interested.

Councilperson Selvey recalled discussing this idea with the Mayor and being all for it. She spoke with Legal Counsel and asked Gullion to join in on those meetings and co-sponsor this with her. She requests Attorney Dan Gibson provide clarification because he sat in on those meetings with the Mayor while Selvey, herself, was not present. She asks that he speak on how that happened to make sure the correct areas through downtown and right businesses were contacted. She, Gullion and Gibson all had to contact miscellaneous businesses to see if they were interested and the interest was huge. Selvey and Gibson met with Ball State. She and Gullion (at separate times) met with Bill Lett with the McKinley Neighborhood.

City Council Attorney Dan Gibson presented a designated outdoor refreshment area is essentially a zone where patrons can leave one establishment with an open container of alcohol and walk within the district to another establishment or to stay within that area. As the Mayor said, there are 3, the Village, Downtown, and the areas around Elm Street. This ordinance includes maps that show the exact boundaries of all these areas. Establishments within the DORA's, if adopted, will then need to apply to be a part of the program with the Board of public Works. In addition, there will be some signage and other requirements set forth in the ordinance but as Selvey mentioned, Gibson met with the Mayor and City Attorney and there were discussions with Ball State. Everybody worked together to put together these boundaries and put this ordinance together. If it is Introduced and ultimately Adopted, it will then go to the State Alcohol and Tobacco Commission for final approval. If approved there, the Mayor has stated that the City of Muncie Board of Public Works and Administration will work together to get the remaining details of the program put together.

Councilperson Basham wants clarification from the participants to understand why the Village and McKinley DORA are divided into bid squares but the Downtown one is divided into 2 pieces. Is there any reason for that? Councilperson Gullion corrects it as being contiguous but they tried to involve all the

possible businesses and those that have shown interest. Each municipality can have 7 so they wanted to try to limit it at first in case of future growth.

Selvey mentions they didn't have a chance to speak to all the businesses. Just because one business is not listed and they haven't had the chance, for the sake of time, one can always show interest and be part of it. Just because your business was not contacted does not mean you cannot be part of it. You just have to show interest and apply at the Board of Works.

Gibson clarifies on why that is – it is the state statute that allows them to put these DORA's in place which requires them to list all the establishments who will be eligible. At this point, obviously, it is only those establishments within each district that serve alcoholic beverages that will be eligible. The ordinance also makes it clear that any new establishments that come along will also be able to apply and get the permit through the Board of Works (as Selvey mentioned).

Audie Barber jokes that the first question from the Board of Works will be if any alcohol is involved. The answer here will be, "yes." He would like to see the wording changed from "refreshments" because refreshments could mean any type of beverage, not just alcohol. They should change it to read "adult beverages" or something of that nature. Selvey informs that being a state definition. Gibson adds that wording comes from the state and the state statute. Barber moves on and would like to know if the businesses involved will have proper security to enforce this so that the Police Department isn't continuously responding to calls. That is another big demand to the City, opening up these areas with people going in and out without having anyone actually watching them. Selvey refers to one of the questions she and Gibson made sure to ask was if the Ball State Police Department would be able to handle it and their response was that they already police the area anyway. Barber understands that but was meaning the City of Muncie in the Downtown area. Selvey claims was not present at the meeting with the Mayor so requests Gibson to address Barber's comments and speak to what the City can handle or if they'll need extra police officers. Gibson alludes to the Mayor but recalls discussing it and it being his understanding that the Mayor was going to speak to the Police Department. He doesn't want to speak out of term but doesn't believe there was a major concern there.

Mayor Ridenour wants to address a couple points that have been mentioned. Referring to Basham's comments about the configuration of the Downtown DORA, the Mayor explained the part on the south end is the former YMCA that has had some recent negotiations with every intent of a restaurant being placed there in that building. The restaurant, if it comes, will still have to apply but this way it is inside the district. It is the same thing with the area next to City Hall which is the vacant lot that is part of the READI 2.0 funding. There is already a restaurant signed to come there if the City receives the READI funds and, again, that way they are already in the district but will still have to apply and follow those normal channels. Basham knew there was a reason but wanted to ask. Then referring to Barber's comments about police, Mayor Ridenour claims the Police Department did not feel there would be any issue as they already feel that they do good monitoring, especially in the Downtown area. This does go right around, not including, City Hall. The Police Department didn't feel like this would be an issue.

Councilperson McIntosh confirms that MPD wouldn't need to hire more officers and are able to handle it with the workforce they have now. Mayor Ridenour states yes.

Mason questions what would qualify an area to be designated a DORA. Mayor Ridenour explains they could assign one but you would want to pick areas that already have at least one (maybe more than one) establishment serving alcoholic beverages. You don't want to necessarily pick a neighborhood... Mason uses the example of an outdoor event somewhere and questions if they would be able to obtain a DORA designation for just a period of time. The Mayor doesn't believe that is the purpose of it. It is to

create energy in certain areas and we have 4 more areas to consider down the road. Maybe as the City obtains growth, they can look at other areas.

Basham asks if it seems to be more event or festival related. Mayor Ridenour responds correct, it is. Basham continues those 3 DORA's are in areas where there are currently festivals or anticipate, as in the Village, there will be those kinds of events that will encompass those areas. Mayor Ridenour responds yes.

Selvey states Ball State was thrilled and very grateful they were included considering their new theater, hotel and restaurant. She requests Attorney Gibson elaborate more since he was there. Gibson doesn't really have anything to add other than the fact they were really excited and thought this could really bring some new energy to the Village.

Holly Juip has heard it mentioned several times that they have talked to a lot of businesses about how they feel about DORA's and is thinking particularly of the McKinley Neighborhood. She thinks there is (kind of) an expectation while understanding people live in the Ball State/Village and Downtown but McKinley Neighborhood is very much a residential neighborhood as opposed to a commercial neighborhood that people live in. She is curious if they have also spoken to the people that live in the neighborhoods as well as the businesses. To be clear, she is not saying this is a bad thing but doesn't live in McKinley so can't speak for them. She would love to see this Downtown. Selvey explains no they did not talk with the homeowners but made sure that they narrowed it down to where there are a couple houses but not that many. The people who are consuming those beverages can only go within these quarters and that beverage cannot leave these streets. She shows Juip the maps and states there will be proper signage indicating such. Juip questions how people leave. In thinking about if they put a DORA in the middle of her neighborhood even if there was empty space where there was a restaurant or bar that was selling adult beverages and attracting more people to that local bar, even if a block or 2 away from her house, she may be interested and have some feedback on what is happening a block or 2 away from her in a mostly residential area. Gullion can understand that and explains they tried to keep all of these really tight. That is actually why they have a third because there were discussions about having one Downtown. But no, they haven't spoken to anyone. Juip states that helps her because it is hard to sometimes look through all the documents as a city person which is why she comes to the meeting. She appreciates showing her the maps and explaining the thought process.

Councilperson Green has some concerns and notes he may be the only one with concerns about this. He wonders about the economic impact this will have on the Downtown of Muncie. You may ask why he would be concerned but this is going to bring alcohol in and even have people drunk all over the streets. It starts at 12:00 PM and goes to 12:00 AM each day. That allows people to walk out from the businesses, where alcohol was kept inside, and walk down the streets with alcohol at all times. He has talked with one business owner and a Ball State student concerning this. The Ball State student told him they will absolutely love to come Downtown because they could drink, run all over the place and do whatever they wanted in the evenings. It is his understanding that they would have the legal ability to be outside drinking like they would if inside a bar or pub and the police couldn't do anything to them because they have that open DORA. He wonders what that will do to the impact of families coming to Downtown. We have many different events that are hosted downtown that *were* family-friendly. If we do this, he thinks it will have an adverse effect upon Downtown Muncie on some of those events. Parents won't want to bring their children in and introduce them to a bunch of drunk people because we know that people are not just going to come and drink a little, they're going to be in excess. Most of the time it happens that way and he is concerned about that, wondering is if it would tie the hands of the Police Department as far as safety. Are they going to be everywhere at all times to make sure that men are

behaving themselves, young women to come from the campus are not in jeopardy? There's all sorts of things that happen when we open a can of worms like this. That is just his opinion though. He is concerned and wonders if it has been thought completely through. Not saying take away these liquor permits... It is one thing to have the businesses with indoor bars or outdoor patio areas to sit and drink at. But he has concerns to open it up to freely walk through our public streets from Noon to Midnight. Green would like to obtain the opinion of the Muncie Police Chief as well as the Ball State Police Chief, not just officers, but to have a one-on-one conversation with them to see how they feel about this.

Selvey wishes to respond and recalls meeting with Ball State and Ball State officials have already talked to their Police Chief and legal representation from both sides were present. They were ready and it is all figured out. She requests Attorney Gibson affirm what she is saying and trusts that Mayor Ridenour has talked with the Muncie Police Department here and they said they can handle it. Referring to Green's comment about these people running all over Downtown, that is not true. She tells him to look at the maps and that there will be signs at certain corners. The Police will know where they are and the alcoholic beverages will be in a see-through container with a specific sticker. You cannot just take any can of beer and walk around Downtown. The stickers on those beverages will be decided after further communication between the City and Downtown community members figure out what the stickers will look like. The packet mentions exactly how many signs they will put up and at what intersection. For example, one will be at the intersection of Columbus and Jefferson and another one will be at the intersection of Columbus and Elm Street.

President Dishman somewhat agrees with Councilman Green. Many people in this town deal with alcoholism and this seems to promote it which he has a problem with. He questions if the businesses need a license to sell this beer. Mayor Ridenour replies they do, that is part of the process. Dishman confirms it isn't extending from another bar. Ridenour explains you can't bring anything from outside the district in. Dishman, again, confirms they need their own license to sell it. Ridenour states correct, nothing can come from outside the district in. Attorney Gibson advises from a legal standpoint, the only thing that is changing is that they will be able to have an open container of alcohol in a designated cup when leaving one permitted property walking to another permitted property within the DORA. All other laws and rules that govern the conduct of individuals will still be in place. The only thing is they will be able to walk from one establishment to another with an open container. Dishman asks if there is an open container law in the City. Gibson informs that is governed by the state and that is what this does, exempts that open container law in these specified areas. The only people that will be able to sell the beverages are those already able to sell the beverages by having state permits.

Councilperson McIntosh recalls earlier asking the Mayor about the possibility of hiring more police officers. The thing he has a problem with is that even if they go by all the rules, the consumption itself can bring on other things such as fights and arguments. With that, he has a hard time seeing officers around town let alone designated to guard these areas. He understands what this is about as far as the economic part of it but it is also a great opportunity to add to the police force. Mayor Ridenour greatly appreciates his comments and understands all the concerns. He insists he would only be at risk if you couldn't carry open containers of coffee around because, again, he doesn't even drink. He reminds everyone this is just up for introduction tonight and will do his best with the assistance of the 2 councilmembers that put this forward. Maybe next month they can have the Ball State University Police Chief and Muncie Police Chief here at the meeting. Yorktown has already approved one. He assures they can have the appropriate Police Chiefs here to answer those questions. This is not final adoption and they do not want in any way shape or form to obtain a suspension of the rules.

Dishman questions if this would apply to only people over the age of 21. Mayor Ridenour responds yes. Dishman asks what would happen if someone brings kids in. Are kids allowed in these areas? The Mayor doesn't know how to answer that other than all the applicable rules still apply. If somebody is drunk, even if they have the proper container, they are not free from prosecution and can still be arrested. Dishman is just concerned with people bringing children into an atmosphere of intoxicated people.

Powell recalls attending an event in Cincinnati for a Reds game. There is a DORA around the ballpark stadium there and she recalls kids bring there. They even had facepainting for the kids. It was a fun, family atmosphere with law enforcement there and all laws that are normally applicable to drunk and disorderly or underage drinking were still enforced but it wasn't necessarily a 21-and-over event.

Gibson explains this isn't a special event type thing. This will be the rules moving forward and it simply means that you can leave (for example) CASA with an open beer in one of the designated cups and walk down the street to Lahody's and not be breaking any rules or laws for simply having an open container. All other rules that govern the age of drinking, conduct while drinking, etc. will still be in place and can be enforced by the police.

Audie Barber, again, wants to be clear. This can be passed by the Council but it still has to go before the Tobacco and Alcohol Commission for approval. He recalls a time when he obtained a liquor license and if wanting to set up an outside area, they had to designate it for a certain amount of time. Once this is passed by Council it has to go before the Alcohol State Commission which Attorney Gibson confirms.

Holly Juip, again, wanted to add that she really enjoys going to local events where they have alcohol vendors that have permits such as Fire Up Downtown and the Washington Street Festival. They all have permits and you can carry an open container within the confines of those events. There's families and kids and everybody has a good time and it doesn't seem like there is really any problems. As someone that can really speak on being a community member, she really enjoys having that convenience and it is something that she brings her children to in which she feels totally fine about. Questions called. A vote by acclamation showed 6 yeas, 2 nays (Green, Dishman), and 1 absent (Garrett). INTRODUCED.

RESOLUTIONS:

RES. 10-24 A RESOLUTION OF THE CITY OF MUNCIE ADOPTING THE FISCAL PLAN FOR THE VOLUNTARY ANNEXATION OF CERTAIN PROPERTY KNOWN AS THE VOLUNTARY ETCHISON/SOUDERS ANNEXATION.

A motion was made by Gullion and seconded by Mason to Adopt.

Dan Ridenour, Muncie Mayor, states this is for the voluntary annexation. He did not prepare the fiscal plan that was provided but did review it and it all seemed in order. It is a necessary component of this annexation.

Council Attorney Dan Gibson wishes to explain what the fiscal plan actually is. As the Mayor mentioned, this is a required component of any annexation and it was prepared by a financial consultant for the City. It essentially sets forth the plan for extending services to the annexed area by the City, how much it is going to cost, etc. It also shows the revenue that will be generated by the taxes. As the fiscal plan says, there is no cost right now to the City to extend services. He does not have the numbers in front of him but there is, obviously, going to be some sort of increase in revenue from taxes.

President Dishman asks Vice-President Powell if she has any problems with this being adopted since the City is currently in the middle of the process of adopting the 2025 fiscal budget. Councilperson

Powell requests Gibson clarify but she doesn't think this fiscal plan would affect the Muncie Civil City budget process. Attorney Gibson confirms no, it would not. It is a 4-acre area directly adjacent to current city limits so there wouldn't be any additional cost to the City as set forth in that plan annexing this specific 4 acres of currently unimproved property. Questions called. A roll call vote showed 8 yeas, 1 absent (Garrett).

RES. 11-24 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MUNCIE RATIFYING AND APPROVING A BOT AGREEMENT AND RELATED TRANSACTION DOCUMENTS TO PERMIT THE COMMENCEMENT OF CONSTRUCTION OF A REPLACEMENT FIRE STATION.

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

Greg Martz, GM Development, thanks the Council for having him again this month. The good news is this summer they were able to finish the design processes for Fire Station #6. We are almost exactly 3.5 years from the time they first started talking about this and he has since been before them several times. Res. 17-23 was adopted at the January Council Meeting which was the initial project. When design was complete, they would then complete the contract documents and essentially come back before Council to signal that process being done and they are now ready to start construction. He hopes this comes as good news as they have all been very supportive which he is very thankful for. The other note he had was a special thanks to the Fire Department. As you can imagine, there is quite a bit of communication going back and forth in designing a project and they have been almost immediately responsive every time there has been a question or concern. It has been a very pleasant experience working with them. If Council authorizes moving forward with the contract, the plan is to get going with construction as early as this month.

President Dishman recalls previous conversations and ensures the plan is to still use local labor. Martz responds yes, they have about 157 subcontractors on the bid list. If there are any out there that councilmembers want to ensure has made it to that list then feel free to reach out to him. The Union gentlemen have been very helpful providing their full list containing those 157. So yes, that is how they put the subcontractor list together.

Councilperson Selvey requests he send that list to all councilmembers. Martz affirms he will, that is a great idea. Selvey adds it will help keep them from bombarding him with those specific questions.

Councilperson Gullion noticed there wasn't really any language specifying the use of local labor. It will be nice to have that list as everything is being looked into but she is wondering if they could put something in the agreement that gives it a little more teeth. She isn't sure what that would look like as she hasn't written anything up but also understands they are not always able to find everything they need locally or union but advises she would like to try.

Councilman Mason questions if there are any cost changes at all with the relocation. Martz states no but that is a really great question. One thing that has happened since the last time he was before them was the current Fire Station #6 flooded, again. That happened shortly after the last resolution passed. That somewhat opened their eyes in which if they really want to construct the station in the same spot. One of the sites they had been looking at since the very beginning was at Highland about a quarter of a mile south (still at McCulloch Park). There is actually a floodway at the existing site in addition to the flood zone and this would get them away from that. In completing an analysis during that month thereafter it was found that it was almost equal. There were some savings from not having to bring in as much dirt because the prior site was in a flood zone that was pretty much offset exactly by the sanitary sewer line on the other side of the road there – so they are going to have to directional drill to get there but the costs were almost the exact same. It worked out really nice, putting them in a better spot and not

anticipating any additional costs. Mason confirmed there has been talk with the Fire Department that there wouldn't be any impact on the response times. Martz answered yes, in fact, it was quite the opposite. The Fire Chief noted that it would even help the response times towards the closest neighborhood. That is another good question and is something they looked into.

Councilperson Basham requests Mr. Martz be a little more specific about starting construction if this resolution is adopted. Martz states they would definitely start by the end of the month. He thinks they could actually start putting things out (like the trailer and those sorts of things) this week and anticipate starting construction as soon as they can thereafter. He is not in a position right now to sign any contracts just because he doesn't have a signed contract, of course, so they need to do that. However, he would think that they could essentially mobilize immediately and probably start construction in about 2 weeks. That is one reason, though, when talking about the language that adds the teeth, he was thinking what if he shared that list and ultimately see the reaction to it is. If they feel like everybody is included that would be then maybe they are okay. Or, if they don't and need more language, he is perfectly fine with that but the only thing that worries him is if that pushes them back time-wise. Gullion understands the timing and mentions the Council having a Special Meeting at the end of the month. She would personally like to amend it and figure out the best language to use and consider this at the upcoming Special Meeting. She seeks input from Counsel.

Council Attorney Dan Gibson informs they could have it in the contract or just make the approval of the agreement contingent upon certain language being added. That could simply be "contingent upon an inclusion of language placing a priority on the use of local labor." Basham confirms Attorney Gibson would assure them of that language and they could go ahead and pass this resolution tonight. Gibson states yes, they could make an amendment to the resolution saying their approval of the agreement is contingent or requires the inclusion of such language in the agreement. He isn't sure what language they are looking for but during that discussion something that popped into his mind immediately was "language that makes the use of local labor a priority in the bidding process." Basham clarifies there has been a motion and a second to pass as written and asks his recommendation. (Zoom call with Attorney Gibson loses connection.) Mr. Martz tries to make a comment but Gullion informs him they are without Legal Counsel at the moment. Basham mentions his question. Selvey calls questions. President Dishman gets Gibson back on the phone and refers back to Basham. Basham states he didn't have a question; there has been a motion and a second and they have had a call for questions. With Counsel or not, questions have been called and they need to take a vote. Dishman asks Gibson if Council can amend this later. Attorney Gibson responds yes, they could amend it later on but if questions have been called on the motion to adopt then they need to move forward with that. He didn't hear what happened as his zoom call lost connection.

Audie Barber states this is a very important decision they are making tonight, getting ready to spend a bunch of money when we still don't know the price tag on this. When it was passed in January/February it was said the money would be appropriated through the Council but they are bringing this up as a resolution tonight to start spending the money without telling Council exactly how much it's going to cost. That skips the process of ordinance approval by the Council to spend \$8.9 million or whatever it was. We don't have a price on this yet folks. The Council agreed at the meeting that they would approve the budget on this and in filing this as a resolution and sending it out as a BOT saying, "Go for it, build it," when the Council has not put any money value on this other than the \$8.9 million. He encourages them to think about that when they vote tonight because they said they would come back with the numbers and approve those figures before allowing this to be built under BOT.

Kristopher Bilbrey wants the Council to really consider what is going on because they have been discussing this and in the middle of discussions a couple councilors have had a couple different thoughts. In the middle of that, we have had the phone go down and Legal Counsel wasn't there to ask the question of. During that process, it seems like a couple councilors want to do it now. With that, he wants to make sure the rest of the Council is aware that if they are going to be forced to vote on this motion they can vote no and then one of them can then make another motion with what the amendment is and then another can second it. They can do it the right way. They don't have to force it down people's throats. It doesn't have to be done in this, "hurry and do this" way. It was either at the August or September meeting where towards the end Councilperson Gullion looked to ask a question about the BOT and asked if someone from the Administration was here which no one was since it was at the end of the meeting. He takes the moment to ask her if her question had been answered to her satisfaction by this time tonight. If so, is it okay or not okay? He tells her that she really needs to vote off that. They don't have to vote "yes" just because questions have been called. They could vote "no" and then immediately make another motion to amend it with that wording included. Let's get it right rather than vote on it and say fix it later because he can promise if they do that then it is never going to be fixed later. Do it right and be done with it.

Councilperson Basham agrees 100%. Let them vote and if it is desired to make the amendment then they restate the new resolution with said amendment and then vote. Well-stated. Bilbrey thanks him. Basham calls questions.

Jason Chafin, Muncie Fire Fighters Local #1348 President, wants to thank everyone for working on this over the past few years. They are really looking forward to not having to shovel water out of their basement/kitchen.

Powell would like clarification because her zoom communication line went down as well when Councilperson Gullion was talking about making an amendment. There was some discussion before she lost connection. She asked what questions have been called for, the amendment or to adopt as presented. Selvey states adopt as presented.

Jason Chafin, again, has one more clarification and states the appropriation ordinance was passed in May. They are not trying to slide this resolution in. Because of the way the ordinance was passed, Mr. Martz was supposed to come back all along and present the specs and details. The Council now has all that information. Gullion adds this resolution was for the BOT agreement which is the next step. Questions called. A roll call vote showed 4 yeas (Powell, Selvey, Mason, Dishman), 4 nays (Basham, McIntosh, Green, Gullion) and 1 absent (Garrett). NO ACTION.

Basham asks Council Attorney Dan Gibson if he could help with the new wording; if someone makes the motion to pass the current resolution with a list to be provided by Counsel, with whom they have full confidence, to represent the Council. At the advice of Counsel Attorney Gibson, a motion was made by Basham and seconded by Selvey to Adopt the BOT agreement As Amended as subject to the inclusion of language in the contract that places a priority on the use of local labor. A roll call vote showed 8 yeas, 1 absent (Garrett). ADOPTED AS AMENDED.

RES. 12-24 APPROPRIATIONS REDUCTION RESOLUTION (GENERAL FUND)

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

Craig Wright, City Controller, explains this is a resolution for the DLGF to reduce the reductions on the General Fund out of line #101-20-413025. They seem to do it every year. Questions called.

Attorney Dan Gibson makes note of earlier discussing the means in which Councilperson Powell was able to participate remotely. He misspoke when he said she was able to participate in appropriations,

the law does allow her to make votes and discussion regarding appropriations. It was the budget she was unable to participate in.

Councilperson Powell asks Controller Wright why they are reducing appropriations. Wright answers it is in the DLGF process of getting the budget ready for next year. The DLGF has determined they need to do this so they don't plan to spend the money. Powell has never heard of a Department, especially public safety, asking to have their current appropriations reduced. They want to be really careful about defunding Police and Fire, especially, as their overtime line item is 93% expended as of October 3rd and this amount being removed from Health Insurance could be used for Overtime between now and the end of the year. Again, she is not quite certain the rationale behind this. If it is not used by the end of the year it is surrendered to the General Fund regardless. She doesn't know why this is necessary and doesn't know this is prudent considering their Overtime line item is 93% expended as of October 3rd.

Controller Wright reviewed that with Deputy Chief Deegan just today and said he was good with it. He states, again, this was from the DLGF (Department of Local Government and Finance).

Powell clarifies they will need to amend this as it references 21, the Fire Department, instead of 20, the Police Department, in Section 1, third row. She asks Counsel because it is after the 'therefore' and 'whereas' in the operative language if they would need to amend it to reflect the appropriate department. Wright notices the error and confirms it is supposed to be 20. Attorney Gibson believes the Council should make that amendment.

A motion was made by Powell and seconded by Green to Amend to change the 21 to 20 making it for the appropriate department. A roll call vote showed 8 yeas, 1 absent (Garrett). AMENDED. A motion was made by McIntosh and seconded by Green to Adopt as Amended. A roll call vote showed 8 yeas, 1 nay (Powell), and 1 absent (Garett). ADOPTED AS AMENDED.

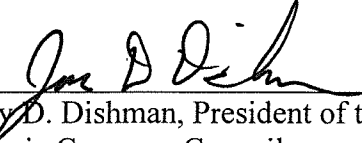
OTHER BUSINESS:

President Dishman announces October is Breast Cancer Awareness Month and he asked the Council to wear pink in support.

Audie Barber states we need to support our AFSCME Local employees because nothing has been brought up about it tonight about it and it has been 10 to 18 months or so. The Council continues to allow the Mayor to spend the money he wants and gives him everything he wants but he will not give these people what they want. He needs the Council to be a voice for AFSCME and stop giving this Mayor what he wants until he gets this taken care of. This is a big issue and these people are begging the Council. They have been here for months now. Most of them recently quit coming because the Council is turning their backs on them by not getting anything done. They are their elected officials and need to hold the Administration accountable for what's going on here. If this were the Police or Fire Department every last one of them would be stopping payment on everything and would not give the Mayor anything until these contracts are ratified. Please. The people are begging. There is only one representative here tonight because they aren't getting answers. He tells them to put a stop to public business until they get their contract. As he said, it would be different if it were Police or Fire but no, it is still a contract. You enjoy the streets you ride on as well as calling these folks in the middle of the night when there is a pothole to report... Get them their contract. Please.

ADJOURNED:

A motion was made by Mason and seconded by McIntosh to Adjourn. A vote by acclamation showed 9 yeas, 0 nays, 1 absent (Garrett). ADJOURNED.



Jerry D. Dishman, President of the
Muncie Common Council



Belinda Munson, Muncie City Clerk
of the Muncie Common Council