

**MINUTES OF THE PROCEEDINGS
OF THE
COMMON COUNCIL**

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, AUGUST 8, 2024

The City Council met in Regular Session Thursday, August 8, 2024 at 6:00 P.M. in the City Hall Courtroom with Mrs. Boland presiding and Michelle L. Edwards in the City Clerk's desk.

**Moment of Silence and Pledge of Allegiance to the Flag
Calling Of the Roll**

PRESENT: George Azar, Tammy Boland, James Chalos, Curtis DeBaun IV, Anthony Dinkel, Kandace Hinton, Todd Nation, Amanda Thompson

ABSENT: Cheryl Loudermilk

Public Comment on Items Not on the Agenda

- a. Presentation by Trees Inc.
- b. Donald Hyde commented on City Council needs and his being ill.

No Corrections to the Journal of the Preceding Meeting

Communication from the Mayor

- a. Brandon Sakbun, Mayor, commented on the status of condemned homes and the process of demolition. He responded to Councilperson Nation's questions. He also responded to Mr. Hyde's question.
- b. Councilperson Todd Nation asked about using City employees to demolish homes and how the City would finance that. He also asked about the need to renegotiate union contracts for those employees.
- c. Donald Hyde asked about the history of condemned homes.

- No Reports from City Officials**
- No Reports from Board of Public Works and Safety**
- No Reports from Standing Committees**
- No Reports from Non-Standing Committees**
- No Items Previously Tabled**
- No Tax Abatements for Confirmation**

ITEMS ON SECOND READING

GENERAL ORDINANCES

GENERAL ORDINANCE 11, 2024 - Amending City Code, Chapter 7, Article 3, Fire Service Features, Sections 7-98, 7-101, and 7-101.1 <Loudermilk>

GENERAL ORDINANCE 11, 2024 was read by digest. Motion was made by Councilperson DeBaun and seconded by Councilperson Chalos to amend GENERAL ORDINANCE 11, 2024. Motion carried. Motion was made by Councilperson DeBaun and seconded by Councilperson Chalos to pass GENERAL ORDINANCE 11, 2024 AS AMENDED. Motion carried.

GENERAL ORDINANCE 11, 2024
AS AMENDED

AN ORDINANCE AMENDING TERRE HAUTE CITY CODE CHAPTER 7, ARTICLE 3. FIRE PREVENTION CODE.

WHEREAS, pursuant to Indiana Code § 36-8-2-3, the City of Terre Haute may establish, maintain, and operate a fire prevention system; and,

WHEREAS, pursuant to Indiana Code § 36-8-17-8 (b) the Fire Department shall conduct inspections within the jurisdiction of the City of Terre Haute for compliance with the fire safety laws; and,

WHEREAS, the City of Terre Haute wishes to promote the health, safety, and well being of its citizens through enforcement of the Fire Prevention Code; and,

WHEREAS, the Common Council of the City of Terre Haute wishes to amend Terre Haute City Code Chapter 7, Article 3 to support Terre Haute Fire Department in their promotion and protection of the health, safety and well-being of Terre Haute citizens through enforcement of the Fire Prevention Code.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute as follows:

Section 1. Terre Haute City Code Chapter 7, Article 3 is hereby amended by the deletion of the stricken text and addition of the underlined text as follows:

Division IV. Fire Service Features

Sec. 7-98 Reserved For Future Use. Public Safety Radio Building Amplification System.
Sec. 7-98.1 Reserved For Future Use.
Sec. 7-98.2 Key Boxes.
Sec. 7-98.3 Reserved For Future Use.
Sec. 7-98.4 Reserved For Future Use.

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Sec. 7-98 Public Safety Radio Building Amplification System.

(a) Except as otherwise provided, no person shall erect, construct, change the use of, renovate significantly, or provide an addition of more than twenty percent (20%) to, any multi-family, commercial, and/or industrial building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for the Hoosier SAF-T Radio Communications System, including but not limited to firefighters and police officers.

(b) For purposes of this section, adequate radio coverage shall include all of the following:

(1) A minimum signal strength that provides a DAQ 3.4, available in ninety five percent (95%) of the general use area of each floor of the building when transmitted from the closest Hoosier SAF-T Radio Communications System site;

(2) A minimum signal strength that provides a DAQ 3.4, available in ninety nine percent (99%) of the critical areas of each floor of the building when transmitted from the closest Hoosier SAF-T Radio Communications System site;

(3) The frequency range which must be supported shall be the current band of frequencies used by the Vigo County Emergency Response Agencies; and

(4) A one hundred percent (100%) reliability factor.

- (c) When measuring the performance of a bi-directional amplifier, signal strength measurements are based on one (1) input signal adequate to obtain a maximum continuous operating output level.
- (d) The minimum qualifications of the system designer and lead installation personnel shall include both of the following:
- (1) A valid FCC-issued general radio operator license.
 - (2) Certification of in-building system training issued by a nationally recognized organization, school or a certificate issued by the manufacturer of the equipment being installed.
 - (3) Installers must contact Indiana's Integrated Public Safety Commission and meet any permitting requirements set forth by IPSC.
- (e) Amplification systems allowed.
- (1) Buildings and structures which cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage:
 - (i) A radiating cable system; or
 - (ii) A distributed antenna system with Federal Communications Commission (FCC)-certified signal boosters, or other system approved by the fire code official in order to achieve the required adequate radio coverage.
 - (2) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least twelve (12) hours without external power input. The battery system shall automatically charge in the presence of an external power input.
 - (3) If used, bi-directional amplifiers shall include filters to reduce adjacent frequency interference. These filters shall be tuned so that they will be thirty-five (35) dbm below the Vigo County frequencies.
- (f) Testing procedures.
- (1) Acceptance test procedure. When an in-building radio system is required, and upon completion of installation, it will be the building owner's responsibility to have the radio system tested to ensure that two (2)-way coverage on each floor of the building is a minimum of ninety percent (95%) in general areas and (99%) in critical areas. Each floor of the building shall be divided into a grid of approximately twenty (20) equal areas. A maximum of two (2) non-adjacent areas will be allowed to fail the test. In the event that three (3) of the areas fail the test, in order to be more statistically accurate, the floor may be divided into forty (40) equal areas. A maximum of four (4) non-adjacent areas will be allowed to fail the test. After the forty (40)-area test, if the system continues to fail, it will be the building owner's responsibility to have the system altered to meet the ninety percent (95/99%) coverage requirement.
 - (2) The test shall be conducted using a Motorola APX6000, or equivalent, portable radio, talking through the Hoosier SAF-T Radio Communications System as specified by the authority having jurisdiction. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two (2)-way communications to and from the outside of the building through the Hoosier SAF-T Radio Communications System. Once the spot has been selected, prospecting for a better spot within the grid area will not be permitted.
 - (3) The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.
 - (4) As part of the installation, a spectrum analyzer or other suitable test equipment shall be utilized to insure that spurious oscillations are not being generated by the subject bi-directional amplifier (BDA) due to coupling (lack

of sufficient isolation) between the input and output systems. This test will be conducted at time of installation and subsequent annual inspections.

(5) Annual tests. When an in-building radio system is required, it shall be the building owner's responsibility to have all active components of the system, such as amplifiers and power supplies and backup batteries tested to a minimum of once every twelve (12) months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under load of a period of one (1) hour to verify that they will properly operate during an actual power outage. If within the one (1)-hour test period, and in the opinion of the testing technician, the battery exhibits symptoms of failure, the test shall be extended for additional one (1)-hour periods until the integrity of the battery can be determined. All other active components shall be checked to determine that they are operating within the manufacturers specifications for the intended purpose.

(6) Five year tests. In addition to the annual test, it shall be the building owner's responsibility to perform a radio coverage test a minimum of once every five (5) years to ensure that the radio system continues to meet the requirements of the original acceptance test.

(7) Qualifications of testing personnel. Personnel conducting radio system tests shall be qualified to perform the work. All tests shall be conducted, documented and signed by a person in possession of a current FCC license, or a current technician certification issued by the Associated Public-Safety Communications Officials International (APCO) or the Personal Communications Industry Association (PCIA). All test records shall be retained on the inspected premises by the building owner and a copy submitted to the Fire Department officials.

(g) Field testing. Police and Fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain that the required level of radio coverage is present. The THFD reserves the right to approve the use of new technologies that provide sufficient radio coverage and or amplification as measured by qualified third party testing company with 100% reliability. The THFD reserves the right to disapprove of the use technologies, which require the THFD to upgrade equipment or subscribe to additional technologies for effective radio communication coverage.

(h) Exemptions.

(1) This Section shall not apply to buildings less than five thousand (5,000) square feet.

(2) This Section shall not apply to single family residential dwellings.

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Sec. 7-101 Consumer Fireworks.

(a) The use of fireworks will be governed pursuant to I.C. § 22-11-14-10.5 and I.C. § 22-11-14-10.5(c)(3), and any amendments thereto.

(b) No person within the corporate boundaries of the City of Terre Haute shall use, ignite or discharge or permit to be used, ignited or discharged any type of consumer fireworks on any other day or time other than the dates and times as provided in I.C. § 22-11-14-10.5(c)(3), et. seq., which are as follows:

Between the Hours of 5:00 p.m. and two (2) hours after sunset of June 29, June 30, July 1, July 2, July 3, July 5, July 7, July 8, and July 9;

Between the Hours of 10:00 a.m. and 12:00 midnight on July 4; and

Between the Hours of 10:00 a.m. and December 31 and 1:00 a.m. on January 1.

Sec. 7-101.1 Fireworks Display.

(a) No person shall conduct a fireworks display without first obtaining a permit from the Indiana State Fire Marshal pursuant to I.C. § 22-11-14. The permit issued by the State Fire Marshall will not be effective until the Fire Chief has approved the operator of the display as qualified and has inspected the site of the display for safety.

(b) In accordance with I.C. § 22-11-14-3, a certificate of insurance conditioned for the payment of all damages and/or injuries caused by reason of the licensed display, and arising from any acts of the licensee, his agents, employees, or subcontractors must be provided to the Terre Haute Fire Department. The limits of liability required by this Section must be not less than One Hundred Thousand Dollars (\$100,000.00) per occurrence for injury or death of any one person and no less than One Hundred Thousand Dollars (\$100,000.00) per occurrence for damage to property.

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Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. This ordinance shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana, upon approval of the Mayor and, upon approval of the Indiana Department of Homeland Security Fire Prevention and Building Safety Commission, and upon publication as required by law.

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 8th day of August, 2024.

Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor 8th day of August, 2024 at 6:58 p.m. o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, 8th day of August, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

GENERAL ORDINANCE 12, 2024 - Amending City Code, Chapter 4, Article 22, Special Event Permit, Sections 4-310, Sections 4-312 through 4-314, Section 4-317, and Section 4-319 <Loudermilk>

GENERAL ORDINANCE 12, 2024 was read by digest. Motion was made by Councilperson Dinkel and seconded by Councilperson DeBaun to table until 9/5/2024 GENERAL ORDINANCE 12, 2024. Motion carried.

SPECIAL ORDINANCES

SPECIAL ORDINANCE 12, 2024 – Rezoning of property located at 2920 and 2930 Fenwood Avenue <Loudermilk>

SPECIAL ORDINANCE 12, 2024 was read by digest. Area Plan Commission certified this ordinance to the City Council on August 7, 2024 with a Favorable with Conditions Recommendation. Motion was made by Councilperson Nation and seconded by Councilperson Chalos to pass SPECIAL ORDINANCE 12, 2024. Motion carried.

SPECIAL ORDINANCE NO. 12, 2024

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled “An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending

Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations”.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as “The Comprehensive Zoning Ordinance for Terre Haute” of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Number One Hundred Sixty-seven (167) in Schaal’s Subdivision of a part of the North half (1/2) of the Northeast Quarter (1/4) of Section 23, Township 12 North of Range 9 West, as per recorded plat of the same recorded in the Recorder’s Office of Vigo County, Indiana, in Plat Record 10, Page 30.

Commonly known as 2920 Fenwood Avenue, Terre Haute, Indiana 47803

Lot Number 169 in Schaal’s Second Subdivision of a part of the North ½ of the North East ¼ of Section 23-12-9 as per recorded plat of the same recorded in the Recorder’s office of Vigo County, Ind., in Plat Record 10, Page 30.

Commonly known as 2930 Fenwood Avenue, Terre Haute, Indiana 47803

be and the same is, hereby established as a R-1 Single Family Residence District together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise except as specifically authorized under the terms of this ordinance.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member, Cheryl Loudermilk, Councilperson

Passed in open Council this 8th day of August, 2024.

Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 8th day of August, 2024 at 6:58 p.m. o’clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 8th day of August, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

This instrument prepared by Anita Webb, 1132 S Wild Rose Pl, West Terre Haute, Indiana 47885

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Anita Webb

ITEMS ON FIRST READING

RESOLUTION 19, 2024 – Transfer of \$5,000.00 in the Mayor’s Office Budget <Loudermilk>

RESOLUTION 19, 2024 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Chalos to pass RESOLUTION 19, 2024. Motion carried.

RESOLUTION 19, 2024

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the Mayor's Office (0101-0001) budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.

BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0101-0001-01-412012	Administrative Assistant	\$5,000.00
TO: #0101-0001-03-439186	Civic Promotions	\$5,000.00
TOTAL		\$5,000.00

Presented by Council Member, Cheryl Loudermilk, Councilperson
Passed in open Council this 8th day of August, 2024.
Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 8th day of August, 2024 at 6:58 p.m. o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 8th day of August, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

RESOLUTION 20, 2024 – Transfer of \$10,069.75 in the EMS N/R #0270-0027 Budget <Loudermilk>

RESOLUTION 20, 2024 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Hinton to pass RESOLUTION 20, 2024. Motion carried.

RESOLUTION 20, 2024

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the EMS N/R (0270-0027) budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.

BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0270-0027-04-444080	Purchase of Vehicles	\$10,069.75
TO: #0270-0027-03-437030	Vehicle Repair and Maintenance	\$10,069.75
TOTAL		\$10,069.75

Presented by Council Member, Cheryl Loudermilk, Councilperson
Passed in open Council this 8th day of August, 2024.

Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 8th day of August, 2024 at 6:58 p.m. o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 8th day of August, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

Review of applications for appointment to the Human Relations Commission

Applicant names were announced. Council President Tammy Boland opened the floor for nominations. Motion was made by Councilperson Anthony Dinkel and seconded by Councilperson James Chalos to nominate Deanna Reed. Council President closed nominations. Council President Tammy Boland announced Deanna Reed was selected by acclimation.

Motion was made by Councilperson Azar and seconded by Councilperson Nation that the meeting be adjourned. Motion carried.

Kelley Duggins
Chief Deputy City Clerk

Tammy Boland, President

Michelle L. Edwards, City Clerk