

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

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, SEPTEMBER 12, 2024

The City Council met in Regular Session Thursday, September 12, 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 by Lindley and Lainey Richardson from Student Council at Riley Elementary

Calling Of the Roll

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

ABSENT: George Azar

Public Comment on Items Not on the Agenda

- a. Donald Hyde commented on Police and Fire training.
- b. Kevin Southwood commented on having a zip line at Fairbanks Park

No Corrections to the Journal of the Preceding Meeting

Communication from the Mayor

- a. Mayor Brandon Sakbun commented on the safety issue recently with our local schools, police task forces, detectives in schools, fire at a condemned house, and the Parks Master Plan.

Reports from City Officials

- a. Report from Terre Haute Sustainability Committee
- b. Councilperson Todd Nation thanked the committee and commented on the report. He asked where to locate the information on the committee

No Reports from Board of Public Works and Safety

No Reports from Standing Committees

No Reports from Non-Standing Committees

Items Previously Tabled

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, previously tabled on September 5, 2024, was read by digest. Motion was made by Councilperson Dinkel and seconded by Councilperson Loudermilk to amend GENERAL ORDINANCE 12, 2024. Motion carried with one (1) no vote by Councilperson Thompson and one (1) abstention by Councilperson Hinton. Motion was made by Councilperson Dinkel and seconded by Councilperson Loudermilk to pass GENERAL ORDINANCE 12, 2024 AS AMENDED. Motion carried with one (1) no vote by Councilperson Thompson and one (1) abstention by Councilperson Hinton.

GENERAL ORDINANCE 12, 2024
AS AMENDED

AN ORDINANCE AMENDING THE *TERRE HAUTE CITY CODE* CHAPTER 4, ARTICLE 22, SPECIAL EVENT PERMITS.

WHEREAS, I.C. § 36-8-2-4 authorizes the City of Terre Haute to regulate the conduct, use or possession of property which might endanger health, public safety, or the welfare of its citizens; and

WHEREAS, I.C. § 36-8-2-9 authorizes the City of Terre Haute to regulate public gatherings to ensure the health, safety, and welfare of its citizens; and

WHEREAS, in order to protect the public health, safety, and welfare of its citizens, it is essential that provisions be implemented to regulate certain public activities or events that may occur within the corporate limits; and

THEREFORE, BE IT ORDAINED by the Common Council for the City of Terre Haute, Indiana, that *Terre Haute City Code* Chapter 4, is hereby amended by the insertion of the underlined text and removal of the stricken text as follows:

ARTICLE 22. SPECIAL EVENT PERMIT.

...

Sec. 4-310 Permit Required.

It shall be unlawful for any person to hold any special event, or to own, operate or allow the operation of any building or premises in the City where dancing is indulged in or permitted, and where music is performed live or reproduced by any type of electronic or mechanical device, without first obtaining a special event permit from the Board of Public Works and Safety. ~~Whenever a special event requiring a permit is held on premises not owned or leased for a term of one (1) year or more by the person holding the special event, the owner and lessee of the property along with the person holding the special event must jointly obtain a special event permit.~~

Sec. 4-311 Activities Exempted from this Article.

The permit required by this Article shall not be required under the following circumstances:

a. For a special event held by a fraternal, educational, governmental, charitable or religious organization or a bona fide club, ~~as long as the special event is not open to the general public and admission to the special event is limited to members and invited guests,~~ and the special event is controlled exclusively by the fraternal, educational, governmental, charitable, or religious organization or bona fide club, and provided that, after payment of expenses, all of the proceeds collected go directly to charitable or welfare purposes or directly into the treasury of such institutions, organizations, or schools. For the purpose of this exemption, the terms fraternal organization and bona fide club shall mean an association with more than ~~fifty (50)~~ fifteen (15) members. The association shall own, maintain, or operate club quarters within the City and be authorized and incorporated to operate as a nonprofit club under the laws of the state and have been continuously incorporated and operating for a period of not less than one (1) year. The association shall have had during such period of one-year a membership with regular meetings conducted at least once each month, and the membership shall be and shall have been actively engaged in carrying out the objects of the association. Membership dues shall be payable monthly, quarterly, or annually, and shall be recorded by the secretary of the association. It is the intent of this definition that any exemption from this Article shall apply only to an association that has not been primarily formed or activated to evade the provisions of this Article. Any organization officially recognized by an institution of higher learning in Vigo County shall be qualified as a fraternal organization and exempt under this provision. The only obligation of an exempt organization under this section is to notify the City of Terre Haute of the date and time of the event, at least fourteen (14) days prior to the event, in order to verify its status as exempt from the ordinance and any associated fees. The exemption confirmation shall be processed through the Board of Public Works Office at Terre Haute City Hall, 17 Harding Ave., Terre Haute, IN 47807 and shall be confirmed or denied as exempt within forty-eight business hours of submission.

...

Sec. 4-312 Application for Permit.

All applications for a permit required by this Article shall be submitted by the applicant in person, be in writing on a form supplied by the Board of Public Works & Safety, and shall include the following and be signed by the applicant(s):

a. The name, mailing address, telephone number and copy of driver's license or other state issued photo identification of the owner of the premises where the special event will be held, applicant(s) holding the event, and the names and addresses of all partners (if a partnership), all officers if a corporation, and all other persons who will be associated in the operation of the business, including, but not limited to, the name, date of birth, mailing address, and telephone number of the person or persons who will be present for the duration of the special event and who will be responsible for managing the special event;

b. The applicant's retail merchant certificate number, federal tax identification number, and alcoholic beverage permit number, if the premises is licensed for the sale of alcoholic beverages;

c. The date and specific hours when, and address where, the special event will be held;

d. Whether the special event will be open to the public, and whether there will be an admission charge, or any age or other restrictions on who may be admitted;

e. ~~Whether the premises on which the special event will be held is owned or leased for a term of one (1) year or more by the applicant;~~

f. Whether the applicant, including partners in a partnership and officers of a corporation, and any person responsible for managing the special event, has ever been convicted of a felony or misdemeanor;

~~f.g.~~ A detailed security plan that shall include, but is not limited to, the projected number of attendees, the number of dedicated security officers, and emergency/evacuation procedures; and

~~g.h.~~ Any other information required by the *City Code* or deemed appropriate by the Board of Public Works & Safety.

Sec. 4-313 Liability Insurance.

a. The applicant shall procure, and maintain throughout the term of the permit, a policy of general premises liability insurance that names the City of Terre Haute as an "additional insured" party, and that would protect the permittee and the City from any claims that may arise out of or result from the operation of the permitted special event. The applicant shall file a certificate of insurance with the Board of Public Works & Safety before a permit can be issued.

b. ~~The limits of liability upon any insurance required by this Section may be Seven Hundred Thousand Dollars (\$700,000.00) per occurrence for injury or death of any one person and not less than One Million Dollars (\$1,000,000.00) in any one incident for any special event~~ The limits of liability upon any insurance required by this Article shall be One Million Dollars (\$1,000,000.00) per occurrence for injury or death of any one person and not less than Two Million Dollars (\$2,000,000.00) in any one incident for any special event.

Sec. 4-314 Denial; Grounds.

...

(5) The applicant has failed to provide all necessary and/or adequate information required by this Article or has falsely provided such information; ~~or~~

(6) The applicant has failed to provide a sufficient security plan; or

(7) The applicant has committed a violation of this Article during a previous event with which applicant was involved, or committed an offense in another jurisdiction, which has a similar special permit/special event/dance party ordinance.

...

Sec. 4-317 Scope of Permit; Hours of Operation.

...

c. From October 1st – 31st, no part of a permitted special event can be held between the hours of 1:00 a.m. and 6:00 a.m.

d. For all other times, no part of a permitted special event can be held between the hours of 2:00 a.m. and 6:00 a.m.

ed. ~~Under~~ At any time, under no circumstance may any part of a permitted special event be held between the hours of midnight and 6:00 a.m. if entry is not limited to persons eighteen (18) years of age or older.

...

Sec. 4-319 Permit Fee.

From October 1st – 31st, a special event permit fee in the amount of Two Hundred and Fifty (\$250.00) shall be paid for each permit issued pursuant to this Article unless otherwise waived by any provision in this Article.

...

SECTION 2. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: Cheryl Loudermilk, Councilperson

Passed in open Council this 12th day of September, 2024.

Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 13th day of September, 2024 at 2:01pm o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 13th day of September, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

No Tax Abatements for Confirmation

No Items on Second Reading

ITEMS ON FIRST READING

Appropriations

APPROPRIATION 35, 2024 - \$42,913.84 from Police/General #0101-0017 to Police/Overtime #0101-0017-01-412129 <Loudermilk>

APPROPRIATION 35, 2024 was read by digest. Motion was made by Councilperson Loudermilk and seconded by Councilperson Chalos to take action on APPROPRIATION 35, 2024. Motion carried unanimously. Motion was made by Councilperson Loudermilk and seconded by Councilperson Chalos to pass APPROPRIATION 35, 2024. Motion carried.

APPROPRIATION NO. 35, 2024

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2024.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	Police/General Fund #0101-0017	\$42,913.84	\$42,913.84
TO:	Police/Overtime #0101-0017-01-412129	\$42,913.84	\$42,913.84
	TOTAL	\$42,913.84	\$42,913.84

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 12th day of September, 2024.
Tammy Boland, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 13th day of September, 2024 at 2:01pm o'clock.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 13th day of September, 2024.
Brandon C. Sakbun, Mayor
ATTEST: Michelle L. Edwards, City Clerk

APPROPRIATION 36, 2024 - \$100,000.00 from ARPA #0199 to Generators #0199-0006-04-450627 <Loudermilk>

APPROPRIATION 36, 2024 was read by digest. Motion was made by Councilperson Dinkel and seconded by Councilperson Chalos to take action on APPROPRIATION 36, 2024. Motion carried unanimously. Motion was made by Councilperson Dinkel and seconded by Councilperson Chalos to pass APPROPRIATION 36, 2024. Motion carried.

APPROPRIATION NO. 36, 2024

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2024.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	ARPA #0199	\$100,000.00	\$100,000.00
TO:	Generators #0199-0006-04-450627	\$100,000.00	\$100,000.00
	TOTAL	\$100,000.00	\$100,000.00

Introduced by: Cheryl Loudermilk, Councilperson

Passed in open Council this 12th day of September, 2024.

Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 13th day of September, 2024 at 2:01pm o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 13th day of September, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

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

Kelley Duggins
Chief Deputy City Clerk

Tammy Boland, President

Michelle L. Edwards, City Clerk