

**REGULAR MEETING OF THE TERRE HAUTE CITY COUNCIL**  
**6:00 PM, THURSDAY, OCTOBER 11, 2018**  
**CITY HALL COURTROOM**  
**AGENDA**

**Meetings of the Terre Haute City Council are recorded and broadcast on Time Warner Cable Television. City Council meeting videos may also be available for viewing on the City's website. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice. By remaining in the room, you are giving your permission to be recorded and televised.**

- 1. Moment Of Silence And Pledge Of Allegiance To The Flag**
- 2. Calling Of The Roll**
- 3. Thirty (30) Minutes Of Time For Public To Comment On Items Not On The Agenda**
  - a. Clifford Stevens concerning the invitation to the AmVets dinner and the war equipment to be displayed. Mr. Stevens responded to Councilpersons Crossen and Morris's questions.
  - b. Councilperson Martha Crossen asked Mr. Stevens what the equipment was used for.
  - c. Councilperson Don Morris asked how quickly the equipment would be displayed.
  - d. Donald Hyde concerning the election, new jail, new school superintendent and budgets.
- 4. Correcting The Journal Of The Preceding Meeting If Needed - NONE**
- 5. Communication From The Mayor - NONE**
- 6. Reports From City Officials**
  - a. Council President Curtis DeBaun IV commented on the invitation to Mike Wright, County Attorney to speak to the City Council and his communication that he would not be attending. He also asked Councilperson Todd Nation when the resolution would be filed.
  - b. Councilperson Todd Nation commented on his disappointment that Mr. Wright would not be attending the meeting. He also stated he would be filing a resolution concerning the proposed new jail and its location and that Councilperson Martha Crossen would also be introducing it.
  - c. Councilperson Karrum Nasser asked Mayor Duke Bennett who would be selecting an attorney for an opinion concerning the County Commissioners' submission of a variance with the Board of Zoning Appeals. He also asked who would pay the attorney fees and when the information would be available. He responded to Councilperson Amy Auler's question that the meeting would be the 14<sup>th</sup> of November. Councilperson Nasser asked Mayor Bennett if a building permit would be issued without the property being rezoned for the jail.
  - d. Mayor Duke Bennett commented that the County Commissioner would be hiring the attorney and paying their fees. He stated he also had questions concerning this process of the zoning appeals petition. He responded to Councilperson Nasser's question that a building permit could not be issued until building plans were presented. He responded to Mr. Bunnnett's question that the Commissioners would hire the attorney, not the City.

Mayor Bennett responded to Mr. Murray's question that he wants the jail located in the City limits as close to the Courthouse as possible.

e. Councilperson Martha Crossen commented that she would like to hear the opinion of the outside legal counsel as well but she has concerns on the attorney being biased. She also stated the City Code has a current classification concerning penitentiaries and that is what the jail would be located in.

f. Councilperson Amy Auler asked when the Board of Zoning Appeals would be meeting to discuss the Commissioners' petition. She also stated the City would have reached out to the County if the City had plans for a project in the County but the County is not doing that.

g. Eddie Felling, City Attorney, commented the Board of Zoning Appeals would be meeting on the 14<sup>th</sup> of November. He responded to Councilperson Neil Garrison's question that the rate would be hourly most likely. Mr. Felling also stated the City should not hire an attorney to render an opinion for the Commissioners petition. He responded to Councilperson Azar's question that it is very early in the process to be making statements. He further stated there is a process in place and those steps should be followed. Mr. Felling responded to Mr. Goodwin's question that he spoke with Mr. Wright prior to the petition being filed but had no actual knowledge of what was being filed. He also stated there is not enough information at this time to make a determination. Mr. Felling responded to Ms. Spence's question that he would need building plans to be submitted then a decision could be made. He further stated typically there is no notice needed for approving building permits and if he did offer an opinion he would consider making an exception and releasing it to the public.

h. Dave Taylor, reporter with Tribune newspaper, commented the meeting would be November 14<sup>th</sup>.

i. Councilperson Neil Garrison asked what the costs for the attorney would be. He also asked if the City could pay part of the attorney fees.

j. Councilperson George Azar asked what remedies were available if the City Council did not like the opinion issued by the attorney the Commissioners hire.

k. Pat Goodwin commented that things are not clear on this process for a variance. He asked if the City and the County administration spoke about this matter before the petition was filed for a variance. Mr. Goodwin asked the administration to make a comment on if the IP property needs rezoned or not.

l. Michelle Taylor commented on her appreciation for Mr. Goodwin and Councilperson Todd Nation questioning the steps the Commissioners are taking. She also asked why Mayor Bennett was not doing more to help the inmates.

m. Lisa Spence asked Mr. Felling what additional information is needed for him to offer his opinion on the rezoning of the IP property. She asked how the citizens would know if a building permit had been requested. Ms. Spence asked Mr. Felling if the engineering department asked for an opinion if that would be released to the public.

n. Bryan Bunnett asked why there was a need for a third party opinion when the City Code is quite clear. He asked Mayor Bennett if it was his idea to hire outside legal representation.

o. Bob Murray asked Mayor Bennett if he was in favor of the jail on the IP property.

p. Councilperson Neil Garrison commented that a petitioner for a rezoning hires their own legal representation and presents an ordinance to the Council but that does not seem to be the situation with the jail.

q. Councilperson O. Earl Elliott commented that all the Council can do is wait for a legal opinion and if that legal opinion is not what the Council believes, the Council can hire their own attorney for an opinion.

**7. Reports From Board Of Public Works And Safety - NONE**

**8. Reports From Standing Committees - NONE**

**9. Reports From Non-Standing Committees - NONE**

**10. Items Previously Tabled - NONE**

**11. TAX ABATEMENTS FOR CONFIRMATION - NONE**

**12. ITEMS ON SECOND READING**

**a. Appropriations**

**1). APPROPRIATION 9, 2018 – The 2019 City of Terre Haute Budget  
<Elliott> - PASSED AS AMENDED**

**2) APPROPRIATION 10, 2018 – The 2019 City Of Terre Haute Sanitary  
Budget <Elliott> - PASSED**

**b. General Ordinances - NONE**

**c. Special Ordinances**

**1) SPECIAL ORDINANCE 32, 2018 - Vacating a portion of a North-South  
Public Alley and an East-West Public Alley all located between Beech Street to  
the North, 8<sup>th</sup> Avenue to the South, 9<sup>th</sup> Street to the East and 8<sup>th</sup> Street to the West  
<Garrison> - PASSED**

**2). SPECIAL ORDINANCE 33, 2018 – Rezoning of property located at 2102  
and 2118 Chestnut Street <Garrison> - PASSED AS AMENDED**

**d. Resolutions - NONE**

**13. ITEMS ON FIRST READING**

**a. Appropriations - NONE**

**b. General Ordinances**

**1) GENERAL ORDINANCE 7, 2018 – Amending City Code, Chapter 2,  
Article 4, Section 2-29, Departments Under the Control Of Board Of Public  
Works <Auler> - PASSED**

**c. Special Ordinances**

**1). SPECIAL ORDINANCE 14, 2018 - 2019 Salary Ordinance for City Hall Employees <Elliott> - PASSED**

**2) SPECIAL ORDINANCE 15, 2018 - 2019 Salary Ordinance for MVH (Street Department) <Elliott> - PASSED**

**3) SPECIAL ORDINANCE 16, 2018 - 2019 Salary Ordinance for Transit Department <Elliott> - PASSED**

**4) SPECIAL ORDINANCE 17, 2018 - 2019 Salary Ordinance for Parks Department <Elliott> - PASSED**

**5) SPECIAL ORDINANCE 18, 2018 - 2019 Salary Ordinance for Cemetery Department <Elliott> - PASSED**

**6) SPECIAL ORDINANCE 19, 2018 - 2019 Salary Ordinance for Wastewater Department <Elliott> - PASSED**

**7) SPECIAL ORDINANCE 20, 2018 - 2019 Salary Ordinance for Police Civilian Employees <Elliott> - PASSED**

**8) SPECIAL ORDINANCE 21, 2018 - 2019 Salary Ordinance for the Police Department <Elliott> - PASSED**

**9) SPECIAL ORDINANCE 22, 2018 - 2019 Salary Ordinance for Fire Department <Elliott> - PASSED**

**10) SPECIAL ORDINANCE 23, 2018 - 2019 Salary Ordinance for the Mayor <Elliott> - PASSED AS AMENDED**

**11) SPECIAL ORDINANCE 24, 2018 - 2019 Salary Ordinance for the City Council <Elliott> - PASSED AS AMENDED**

**12) SPECIAL ORDINANCE 25, 2018 - 2019 Salary Ordinance for the City Court Judge <Elliott> - PASSED AS AMENDED**

**13) SPECIAL ORDINANCE 26, 2018 - 2019 Salary Ordinance for the City Clerk <Elliott> - PASSED AS AMENDED**

**14) SPECIAL ORDINANCE 27, 2018 - 2019 Salary Ordinance for Redevelopment <Elliott> - PASSED**

**d. Resolutions - NONE**

Michelle L. Edwards, City Clerk

<b>ATTENDANCE</b>		
	Present	Absent
Auler	X	
Azar	X	
Crossen	X	
DeBaun	X	
Elliott	X	
Garrison	X	
Morris	X	
Nasser	X	
Nation	X	
<b>TOTAL:</b>	9	0

<b>AP 9, 2018</b>		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Amend: Azar</b>		
<b>Second: Nasser</b>		

<b>AP 9, 2018 AS AMENDED</b>		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Auler</b>		
<b>Second: Azar</b>		

<b>AP 10, 2018</b>		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Elliott</b>		

<b>SO 32, 2018</b>		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison	ABSTAIN	
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Azar</b>		

<b>SO 33, 2018</b>		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Amend: Garrison</b>		
<b>Second: Nasser</b>		

SO 33, 2018 AS AMENDED		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Garrison</b>		
<b>Second: Morris</b>		

GO 7, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Take Action: Garrison</b>		
<b>Second: Crossen</b>		

GO 7, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Garrison</b>		
<b>Second: Auler</b>		

SO 14, 2018 through SO 27, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Take Action: Garrison</b>		
<b>Second: Auler</b>		

SO 14, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Garrison</b>		
<b>Second: Auler</b>		

SO 15, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Auler</b>		
<b>Second: Nasser</b>		

SO 16, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Auler</b>		

SO 17, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Garrison</b>		

SO 18, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Garrison</b>		

SO 19, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Auler</b>		

SO 20, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Morris</b>		

SO 21, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Garrison</b>		

SO 22, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Garrison</b>		

SO 23, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Crossen</b>		

SO 23, 2018 AS AMENDED		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Nasser</b>		
<b>Second: Morris</b>		

SO 24, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Amend: Auler</b>		
<b>Second: Nasser</b>		

SO 24, 2018 AS AMENDED		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Auler</b>		
<b>Second: Morris</b>		

SO 25, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Amend: Crossen</b>		
<b>Second: Auler</b>		



SO 25, 2018 AS AMENDED		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Auler</b>		
<b>Second: Garrison</b>		

SO 26, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Amend: Auler</b>		
<b>Second: Garrison</b>		

SO 26, 2018 AS AMENDED		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Auler</b>		
<b>Second: Garrison</b>		

SO 27, 2018		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion To Pass: Auler</b>		
<b>Second: Garrison</b>		

	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>		
<b>Motion:</b>		
<b>Second:</b>		

ADJOURN		
	YES	NO
Auler		
Azar		
Crossen		
Elliott		
Garrison		
Morris		
Nation		
Nasser		
DeBaun		
<b>TOTAL:</b>	<b>VOICE</b>	
<b>Motion: Azar</b>		
<b>Second: Auler</b>		