

MINUTES OF THE SPECIAL MEETING OF THE INDIANA BOROUGH COUNCIL HELD TUESDAY, MAY 18, 2010, AT 7:00 PM, IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING.

PRESENT: President Gallo, Presiding; D. Pepper, Recording; Council Members Brickley, Geesey, Hartman, Jobe, Kravetsky, Petrosky, Simmons, Thompson and Thorell; Borough Manager Gabler; Chief Sutton; Mayor Hood; Wayne Kablack, Esquire; Code & Zoning Director Kirk; Randy Wells, Indiana Gazette; Betsy Lauber, Downtown Indiana; and approximately fifteen (15) visitors. (Councilwoman Jones arrived at 7:40 PM.)

President Gallo called the meeting to order, at 7:00 PM.

Pres. Gallo announced an Executive Session would be held after the Work Session, which will immediately follow the Special Meeting.

Following a moment of silent reflection, Chief Sutton led the Pledge of Allegiance.

Pres. Gallo asked for a Roll Call. All Council members were in attendance with the exception of Councilwoman Jones and Councilman Shively; however, Jones arrived later at 7:40 PM.

The following action occurred during Public Participation:

- ◇ Timothy Johnson, 55 South 14th Street, expressed concern about the proposed amendment to the open container ordinance, which would allow outdoor dining with alcohol. Johnson feels it is not a family friendly amendment. Johnson stated that even though it looks innocent, it is the law of unintended consequences that he is worried about. Johnson read emails from the Director of MADD, as well as SADD, who are very opposed to the idea of allowing drinking outdoors. Johnson doesn't feel the youth and children of the community should be exposed to that. Johnson then displayed some posters that students in his class had made in opposition to the amendment.
- ◇ Ari VanWieren, 1450 Klondyke Avenue, is one of Mr. Johnson's students, and he read a statement that he had written expressing his concern about being able to walk downtown with his family. VanWieren isn't sure it will be safe to do that anymore, and he feels this will make the sidewalks too crowded.
- ◇ Dan Mock, of Hunters Lane in White Township, stated other towns offer this feature, and it doesn't cause a problem. It will create more of an ambiance, and Mock doesn't see the difference between children being exposed to people drinking inside a restaurant as compared to outside.
- ◇ Joe Kinter, Church Street, has a real interest in seeing the downtown community thrive, and he feels this would be a nice feature to attract young professional people and encourage them to participate in the downtown environment. Kinter feels the amendment requirements which include seating and time restrictions will address some of the concerns that others might have. Kinter wanted to voice his support of the amendment, and he encouraged Council to approve it.
- ◇ Hastie Kinter, owns the Lucy Rae store and is very involved with Downtown Indiana. Kinter stated the last thing they want is to do something that is disrespectful to families, but she feels this could be done in a way to invite people into the community without

creating problems. Kinter feels this could be another step in creating an atmosphere for visitors to enjoy, as well as our own community members.

- ◇ Tony DeLoretto, owner of Spaghetti Benders, doesn't feel this is going to add any problems. DeLoretto stated it is up to the parent to educate the child and teach them the rights and wrongs of alcohol, and it is up to the restaurant owner and his employees to make sure it is done the right way.
- ◇ Jeff Cavalancia, of White Township, stated he appreciates Mr. Johnson's concerns and he is also against underage drinking and drunk driving, but alcohol can be a part of family life. Cavalancia said his immigrant grandparents served a glass of wine with every meal, and doing it responsibly is very important. Cavalancia feels rules can be put in place to have it done in a responsible manner, and he would like to see this approved. If there are unintended consequences, it could be repealed at that point.
- ◇ Frank Kinter, 549 Chestnut Street, stated alcohol has been part of society forever. Kinter stated the passage of this amendment could be beneficial to business owners in town, and he feels Council should want to support that.

A motion was then made by Simmons, second by Geesey, to approve the amendment to Chapter 184 of the Code of the Borough of Indiana to permit a waiver of the prohibition pertaining to the possession of an open container containing an alcoholic beverage in the Borough of Indiana. During the discussion period, Simmons read the proposed ordinance to Council, as well as the proposed resolution establishing regulations for approving licenses and controlling use. Councilman Kravetsky stated he would like to see the ending time changed to 10:00 PM, as opposed to the currently recommended 11:00 PM, and he was prepared to make an amendment to the earlier motion. Solicitor Kablack explained that the time restriction is part of the regulations, not the actual ordinance, so an amendment to the motion on the floor would not be appropriate. A Roll Call Vote was held, and the result was: 5 yes, 5 no, 1 abstained and 1 absent. Council members Geesey, Jones, Kravetsky, Simmons and Bricklemyer voted yes; Council members Hartman, Jobe, Petrosky, Thompson and Thorell voted no; Councilman Gallo abstained; and Councilman Shively was absent. Pres. Gallo stated this resulted in a tie vote, and it would be up to Mayor Hood to break the tie. Mayor Hood then cited Section 174 of the Borough Code, which gives him 10 days to break a tie. Hood stated he was going to exercise that right and would inform Council of the date when he would render a decision.

As the next order of business, Council unanimously approved a Housing and Redevelopment Grant in the amount of \$500,000 for the Streetscape Project.

There was a motion by Thorell, second by Geesey, to approve a Housing and Redevelopment Grant in the amount of \$250,000 for Elm Street. Motion Carried.

There was a motion by Simmons, second by Geesey, to approve a New Communities/Main Street Grant in the amount of \$30,000 for the facade program. Motion Carried.

Hearing no other business, Pres. Gallo stated Council would adjourn into the scheduled Work Session, followed by an Executive Session.

The meeting was adjourned at 7:55 PM, upon a motion by Kravetsky and a second by Geesey.

