

MINUTES OF THE SPECIAL MEETING OF INDIANA BOROUGH COUNCIL
HELD TUESDAY, MAY 25, 2010, AT 6:30 PM, IN THE COUNCIL CHAMBERS OF
THE MUNICIPAL BUILDING.

PRESENT: President Gallo, Presiding; D. Peffer, Recording; Council Members Bricklemeyer, Hartman, Jobe, Jones, Kravetsky, Shively, Simmons, Thompson and Thorell; Borough Manager Gabler; Solicitor Kablack; Mayor Hood; Betsy Lauber, Downtown Indiana; Randy Wells, Indiana Gazette; Celeste Gossman, Renda Broadcasting; and approximately thirty (30) visitors.

President Gallo called the meeting to order.

Mayor Hood asked everyone to keep Councilman Petrosky in their thoughts and prayers. Petrosky just underwent a kidney transplant this afternoon, and will be recuperating at his daughter's home in Pittsburgh.

Following a moment of silent reflection, Mayor Hood led the Pledge of Allegiance.

Pres. Gallo stated the purpose of the meeting was to revisit the proposed amendment to the open container ordinance, which would allow outdoor dining with alcohol. At the last meeting, the vote ended in a tie and Mayor Hood exercised his right to wait ten days to break the tie. Gallo explained that Section 103 of the Borough Code requires Council to call another meeting and vote on the issue again. If it is still a tie, the Mayor will then cast his vote.

Pres. Gallo asked for a Roll Call. All Council members were in attendance, with the exception of Councilmen Geesey and Petrosky.

The following action occurred during Public Participation:

- ◇ Vernon Blystone, 664 Stuchell Road, started out by saying how much he appreciates everyone volunteering their time to serve on Council. He then proceeded to voice his opposition to the proposed amendment. Blystone feels Council should respect and show consideration for those members of the community that find drinking offensive. He feels that you only have to look at the police statistics to see the problems that alcohol can cause.
- ◇ Patti Simmons, 291 Locust Street, stated instruction on the proper use of alcohol begins at home. Alcohol was available at her house, but it never had to be locked up from her children or their friends. Her children are now grown, with children of their own, and they understand about the proper use of alcohol.
- ◇ Glenn Propst, 1374 Trim Tree Road, feels very strongly that this would be a detriment to our community. Props feels it will lead to more fighting on the streets, urinating on the sidewalks, loud boisterous confrontations and more juvenile delinquency. Props explained that he came from a home where alcohol was abused, and he learned first-hand what alcohol in excess can do to a family.

- ◇ Rich Augustine, 19 Coates Road, also voiced his opposition to the proposal. While there may be a lot of responsible parents in Indiana, Augustine serves as a lay chaplain at the Indiana County Jail and he has seen many young people sent there for being drunk and disorderly. Augustine doesn't want to walk down Philadelphia Street with his grandchildren and have them exposed to the abusive language outside that you know is going on inside the bar.
- ◇ Tom Irvin, 617 South Sixth Street, is extremely in favor of this proposed amendment. Irvin stated this really isn't about college kids. Irvin stated this is for people that want to have a glass of beer or wine with their dinner. He doubts that college kids will spend \$20 to sit outside and get drunk all night. Irvin urged Council to vote in favor of this amendment.
- ◇ Kevin Patrick, 747 Croyland Avenue, stated drinking is a problem in a college town but this isn't the issue. He has seen many towns the size of Indiana that have outdoor dining and drinking available. Patrick stated requirements will be in place to prevent the types of problems that some people are worried about. Patrick stated the idea should be focused on what this thing is, rather than what it isn't.
- ◇ Betsy Lauber, 301 South Third Street, stated she has three children of her own and they are exposed to educational programs about alcohol at an early age in school. Lauber stated the restaurants will not want to risk the huge fine and/or the loss of their liquor license by serving to minors. Lauber stressed that there are guidelines in place, such as requiring food to be served with a drink and an early cut-off time to help prevent a lot of potential problems.
- ◇ Pastor Joseph Smith, of the Wesleyan Methodist Church located at 12th and Church Streets, feels the amendment should be opposed on a moral and spiritual perspective. Smith is concerned about the community's young people. The deterioration of any culture is incremental, and it is done step by step.
- ◇ Tim Johnson, 55 South 14th Street, stated each member of Council took an oath of office that says you are here as a public servant to promote the general welfare of Indiana Borough. Johnson doesn't feel this amendment is in the best interest of public welfare. Johnson stated the sidewalks are a public trust, and not for the profit of establishments. Johnston urged Council to oppose this amendment.
- ◇ Councilman Simmons, who serves as Chairman of the Community Development Committee, stated they are aware of how expensive things are getting, and it is really important for the downtown restaurants to do well and make money. Simmons feels the committee wants to work with businesses as a partner, and stated it is going to be well policed from the owner's point of view. This is only a permit for a one year period. Council has the ability to take that permit away from a restaurant or restaurants at any time.
- ◇ Patti Simmons asked how many restaurants would be interested in doing this. In response, Betsy Lauber stated there would only be about eight or nine dining establishments in the downtown interested in applying to the borough and to the PLCB for permission to extend their liquor sales outdoors with meals. Some of those establishments, because of sidewalk space limitations, would only have two to four tables outside, and a few of the establishments already have tables on the sidewalks for dining.

- ◇ Nick Karas, of Nap's Cucina Mia in the 1000 block of Philadelphia Street, urged the passage of the amendment. Karas stated Police Chief Sutton has worked hard to create this ordinance with the proper regulations to control it. Karas stated this isn't about him making more money, but rather about his customers coming in and requesting the opportunity to sit outside and have a drink with their dinner. Karas feels it will add character and style to the downtown. Karas also stated that when he left the last meeting, he was very frustrated that there was no dialogue from the people that voted against this. If someone has a problem, he would appreciate knowing what it is, so that we could attempt to resolve it.

The following action occurred during Unfinished Business:

- ◇ There was a motion by Jones, second by Kravetsky, to bring the outdoor dining with alcohol ordinance back on the table. During the discussion period, Councilman Hartman voiced his strong objection to the proposed amendment. Hartman feels the proposal to sell drinks with outdoor meals is an income-maker for the businesses using public property. Hartman is concerned about the extra work this will mean for the Police Department and what it will teach the community children. As a teacher, Hartman knows that kids mimic what they see and a family activity is not what this is. After telling the story of a former, promising student, who was killed by a drunk driver, Hartman stated he will never vote yes for the public display of alcohol on the public right-of-way. Councilman Simmons stated this is about having the ability to have a drink with your dinner. This isn't about alcohol and college students. We are talking about two different groups of people. Simmons stressed that Chief Sutton would not have written these regulations if he thought it would tax his men. This amendment is merely to allow our businesses to expand their services, not to promote drinking. Councilman Thorell explained that he voted against it previously because he didn't feel the ordinance and/or resolution recognized the reality that we are a university community and not a tourist community. Thorell also has a problem with the cut-off time. Councilman Simmons stated some of the suggested changes could be made to the resolution regulations. For example, the cut-off time could be 10:00 PM, rather than 11:00 PM. The hours for Sunday could be moved back from 11:00 AM until 2:00 PM, after church services would be over. Simmons also stated that this could be prohibited during IUP Homecoming weekend and any other time there is going to be a large group of people. Mayor Hood thanked everyone for their input tonight and wanted to emphasize the fact that this ordinance and resolution was not the Police Department's idea, except that Chief Sutton did put some work into it. Hood stated he feels this debate has been going on too long, and it is time to vote. Councilman Kravetsky stated he is prepared to cast a yes vote, and he encouraged his fellow Council members to do as well. Kravetsky said this isn't something that is written in stone, and Council can also revisit it and make changes. Kravetsky views this as a positive step for Indiana Borough. President Gallo, who abstained from voting before, then read a prepared statement. After much prayer and hearing from many in this community about the issue, Gallo

can honestly say that the majority in the community does not think this is a bad thing. As far as the minority that does, Gallo respects their convictions and would ask that they do the same with those who support it. Gallo decided it is his duty as an elected official to vote, and he is prepared to vote in favor of the proposed amendment. A Roll Call Vote was held, and the result was as follows: 6 yes, 4 no, 2 absent. Council members Gallo, Jones, Kravetsky, Shively, Simmons and Bricklemyer voted yes; Council members Hartman, Jobe, Thompson and Thorell voted no; and Councilmen Geesey and Petrosky were absent. Motion Carried.

- ◇ There was a motion by Kravetsky, second by Shively, to bring the resolution adopting regulations for outdoor dining with alcohol to the floor. There was a motion by Simmons, second by Jones, to offer the following friendly amendments: (1) that the cut-off time is changed to 10:00 PM, rather than 11:00 PM; (2) the Sunday time would not start until 2:00 PM; (3) to specify not to allow outside dining during IUP Homecoming weekend or any time where large crowds are anticipated. Roll Call Vote: 6 yes, 4 no, 2 absent. Council members Gallo, Jones, Kravetsky, Shively, Simmons and Bricklemyer voted yes; Council members Hartman, Jobe, Thompson and Thorell voted no; and Councilmen Geesey and Petrosky were absent. Motion Carried.
- ◇ Solicitor Kablack stated the ordinance is not effective until it is properly signed. Even though Council technically approved it, it doesn't go into effect until it is signed by Mayor Hood. Hood could return it to Council at the next meeting and voice his objections. Council can override a Mayor's veto, but it would require a two-thirds majority vote.

The meeting was adjourned at 7:45 PM, upon a motion by Kravetsky and a second by Thorell.