

## COMMON COUNCIL

Special Meeting

January 26, 2012

A special meeting of the Common Council of the City of Shelbyville, Indiana, was held in the Common Council Chambers of City Hall on Thursday, January 26, 2012, at 8:00 A.M. Councilman Hamilton opened with the Pledge of Allegiance and Councilman Nolley followed with a prayer. Mayor DeBaun presided and all Council members were present.

Mayor DeBaun said a special meeting was called today to hear and approve an ordinance concerning bath salts and synthetic drugs. Councilman Fero read Ordinance No. 12-2685, amending Section 130.10, on the sale and possession of cannabinoids, in the City Code of Ordinances. Councilman Fero moved to approve the ordinance on first reading, and Councilman Brown seconded. Opening this ordinance for discussion, Councilman Phares asked if we were pretty sure no one was purchasing this for any good cause? Mayor DeBaun said it was his thinking and others involved in preparing this ordinance, that there was no legitimate purpose for the drugs listed. Councilman Phares asked why we're fining and not arresting anyone? Mayor DeBaun said the City does not have any ability to criminalize these substances, and the only thing that can be done is to treat them as a nuisance or an infraction. Councilman Phares asked when this would become effective, and Mayor DeBaun said it would happen once it's published in the paper tomorrow. Councilman Phares asked what the Police Department plans on doing after this passes, and Mayor DeBaun said he and Police Chief Keith England met yesterday to discuss strategy, but he didn't want anything being said that would jeopardize their plans. Councilman Phares asked if we're giving sellers enough time to get rid of these drugs, and Mayor DeBaun said he felt there's been significant coverage of this in the news media. He said this shouldn't be a secret to anyone that this is happening. Councilman Nolley said he felt sellers know the selling of these substances is illegal, and they know what they're doing. Councilman Brown said it was his understanding that someone was selling out of the back of their house, and they were forced to get a retail spot because they were in a zoning violation. Mayor DeBaun said this happened in the last Administration, and that is what did happen. Councilman Fero said he's heard sellers of these drugs have been trying to change these substances to stay ahead of the law, and this ordinance will try to put a stop to what they're trying to do. Mayor DeBaun said he's met with several County officials about this ordinance, and he's passing out copies of this once it's been approved. Councilman Brown said a Rush County Councilman was also interested in seeing what we have done. Councilman Phares said he wasn't involved with any of this, but he felt whoever was involved, did very nice work. There being no further comments, Mayor DeBaun closed the public discussion. The motion was carried on a 7-0 voice vote on first reading. Councilman Brown moved to suspend the rules on second reading, and Councilman Asher seconded. The motion was carried on a 7-0 voice vote to suspend the rules. Councilman Carmony moved to approve this on second and final reading, and Councilman Nolley seconded. The motion was carried on a 7-0 voice vote on second and final reading. Mayor DeBaun wanted to thank everyone who helped put all of this together so quickly and make things happen.

There being no further business, Councilman Carmony moved to adjourn, and Councilman Nolley seconded.

---

Thomas DeBaun, Mayor

ATTEST:

---

Frank M. Zerr  
Clerk-Treasurer

