FILED
APR 22 2019
CITY CLERK

GENERAL ORDINANCE NO. 5, 2019

AN ORDINANCE ESTABLISHING THE TERRE HAUTE ARTS COMMISSION AND CERTIFICATION OF THE 41 | 40 TERRE HAUTE ARTS AND CULTURAL DISTRICT.

WHEREAS, the City of Terre Haute recognizes that arts and culture are important and integral to the economy of a community, and that development and conservation of the City's artistic and cultural resources is essential to the social, educational, and economic growth, the quality of life and the health and general welfare of the citizens of Terre Haute;

WHEREAS, the City recognizes the value of an active commitment to the arts and culture;

WHEREAS, this commitment may be most effectively carried out by a formally organized body;

WHEREAS, the Terre Haute Arts Commission should be established by the City as an official body to assume this role on behalf of the City;

WHEREAS, the Terre Haute Arts Commission should serve a variety of functions for the City: to inform the Common Council, boards and commissions and the City Administration on current arts issues; to provide policy recommendations related to the Arts; to adopt administrative rules and regulations that support conducting the Commission's business; and to encourage, support and develop arts and cultural projects and programs in collaboration with the City and arts entities that recognize and support the vital economic role the arts play in Terre Haute; to serve as the fiscal conduit for state dollars or any other funding designated for the arts;

WHEREAS, a cultural district may be designated to assist the district and community in developing public-private partnerships to support said district;

WHEREAS, the City of Terre Haute seeks to establish such cultural district and such district shall be identified as The 41 | 40 Terre Haute Arts Cultural District; and

WHEREAS, the Indiana Arts Commission formally recognized said cultural district as a Statewide Cultural District in December of 2018.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute as follows:

SECTION 1. *Terre Haute City Code* Chapter 2, Article 6, Sections 2-68 and 2-69 are hereby amended with the addition of the underlined text as follows:

Sec. 2-68 Arts Commission.

The City of Terre Haute recognizes that arts and culture are an important part of the culture and economy of the community, and that the City of Terre Haute has a responsibility to foster an environment conducive to the community's participation in arts and culture. The conservation and development of Terre Haute's artistic resources is essential to the social, educational, and economic growth of the City. Artists, works of art, and artistic institutions contribute to the quality of life and the general welfare of the citizens of Terre Haute.

a. **Definitions.**

(1) "Commission" means the Terre Haute Arts Commission as created in this section.

b. **Appointments.**

(1) The Commission shall consist of nine (9) members. Five (5) members shall be appointed by the Mayor and four (4) by the Common Council.

c. **Qualifications.**

(1) All members of the Commission shall have a demonstrated commitment to the arts; and

(2) To the extent possible, priority shall be given first to ensuring a broad representation of professional artists from the disciplines of the visual, performing and literary arts an to arts administrators and arts consumers and then to representatives from the education, economic development and business communities.

d. **Terms.**

(1) Members shall serve terms of three (3) years. This subsection shall not apply to Members that are appointed at the time the Commission is established as outlined in subsection (3).

(2) Members having served two (2) consecutive three (3) year terms may not be reappointed unless at least one (1) year has passed from the end of the second term.

(3) Initial appointments to the Commission at the time of its creation shall be staggered as follows:

(i) Two (2) initial appointments of the Mayor and one (1) initial appointment of the Common Council shall have their terms expire on December 31, 2020;

(ii) One (1) initial appointment of the Mayor and two (2) initial appointments of the Common Council shall have their terms expire on December 31, 2021; and

(iii) Two (2) initial appointments of the Mayor and one (1) initial appointment of the Common Council shall have their terms expire on December 31, 2022.

e. **Powers and Duties**. The Commission's powers and duties include, but are not limited to, the following:

(1) Develop and present to the City a plan for development of the arts, which is a list of potential initiatives to be coordinated by the Arts Commission and produced as a collaborative effort by the City and/or other arts entities;

(2) Ensure funded programs and projects achieve the Arts Commission's purpose;

(3) Inform the City Council, City Administration, and City boards and commissions on current arts issues, and offer policy recommendations and advice; and,

(4) Adopt administrative rules and regulations, adopt procedures, conduct activities and form committees, necessary to conduct the Commission's business.

Sec. 2-69. Arts and Culture District.

The City of Terre Haute hereby establishes a cultural district and said district shall be identified as The 41 | 40 Terre Haute Arts Cultural District.

a. **Purpose.**

(1) The 41 | 40 Terre Haute Arts Cultural District shall promote the exploration of and participation in the arts and humanities through cultural experiences unique to our community;

(2) The 41 | 40 Terre Haute Arts Cultural District shall endorse the goals of economic vitality and enhance community life through participation in the development and financial support of The 41 | 40 Terre Haute Arts Cultural District;

(3) The 41 | 40 Terre Haute Arts Cultural District shall encourage all residents of the City of Terre Haute, especially those who own property or businesses within said cultural district, to involve themselves and participate in the full development of The 41 | 40 Terre Haute Arts Cultural District;

(4) The 41 | 40 Terre Haute Arts Cultural District shall participate in the development of incentives to stimulate and encourage the vitality of said cultural district; and

(5) The Common Council for the City of Terre Haute encourages City staff to actively support and cooperate with the governing board to develop, maintain, and promote the economics of the arts and humanities in said cultural district.

b. **Boundaries.** The Terre Haute Arts Cultural District boundaries shall be defined as:

(1) Beginning at the southeast corner of 3rd Street and Poplar Street, go east on Poplar to 9 1/2 Street;

(2) From Poplar Street and 9 1/2 Street, go north on 9 1/2 to Ohio Street;

(3) From 9 1/2 Street and Ohio Street, go east on Ohio to CSX mainline tracks, then follow CSX mainline north to Cherry Street;

(4) From CSX mainline, go west on Cherry Street to 9th Street, then go north on 9th to Spruce Street;

(5) From 9th Street and Spruce Street, go west on Spruce to 7th Street, then go north on 7th to Tippecanoe Street;

(6) From 7th and Tippecanoe Street, go west on Tippecanoe to 3rd Street; and

(7) From 3rd Street and Tippecanoe Street, go south on 3rd to Poplar Street[1].

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.

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[1] Both sides of all of the boundary streets except 3rd Street shall be considered inside said District. The District's western boundary shall follow the east side of 3rd Street.

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: _____ Todd Nation, Councilperson

Passed in open Council this _____ day of _____, 2019.

_____ Martha Crossen, President

ATTEST: _____ Michelle L. Edwards, City Clerk

Presented by me to the Mayor this _____ day of _____, 2019.

_____ Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2019.

_____ Duke A. Bennett, Mayor

ATTEST: _____ Michelle L. Edwards, City Clerk