

**MINUTES OF THE PROCEEDINGS
OF THE
COMMON COUNCIL**

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, FEBRUARY 2, 2023

The City Council met in Regular Session Thursday, February 2, 2023 at 6:00 P.M. in the City Hall Courtroom with Mr. DeBaun presiding and Michelle L. Edwards in the City Clerk's desk.

**Moment of Silence and Pledge of Allegiance to the Flag
Calling Of the Roll**

PRESENT: Amy Auler, George Azar, Tammy Boland, Martha Crossen, Curtis DeBaun IV, O. Earl Elliott, Neil Garrison, Cheryl Loudermilk, Todd Nation

Council President DeBaun presents a plaque to Councilperson George Azar, Councilperson Earl Elliott and Councilperson Cheryl Loudermilk for serving as president.

Council President DeBaun opens the floor for appointments to Boards and Commissions

Appointment to Fire Merit Board

Councilperson Nation nominates David McCarty. Council President DeBaun closes nominations. David McCarty appointed

Appointment to Information Technology Advisory Board

3 Councilperson Nation nominates Christopher Garner. Councilperson Crossen nominates Stephen Chenoweth. Council President DeBaun closes nominations. Stephen Chenoweth and Christopher Garner appointed

Appointment to Redevelopment Commission

Councilperson Crossen nominates Ann Ryan. Councilperson Azar nominates Karrum Nasser. Councilperson Boland nominates Aaron Atterson. Councilperson Garrison nominates Jennifer Hanley. Council President DeBaun closes nominations. Ballot vote by Council with the following results: Aaron Atterson received four votes from Councilpersons Boland, Crossen, Nation and DeBaun. Jennifer Hanley received five votes from Councilpersons Auler, Azar, Garrison, Loudermilk, and Nation. Karrum Nasser received six votes from Councilpersons Auler, Azar, Elliott, Garrison, Loudermilk and DeBaun. Ann Ryan received three votes from Councilpersons Boland, Crossen and Elliott. Jennifer Hanley and Karrum Nasser appointed

Appointment to Tree Advisory Board

Councilperson Garrison nominates Brandon Henman. Council President DeBaun closes nominations. Brandon Henman appointed.

Public Comment on Items Not on the Agenda

- a. Donald Hyde concerning police actions in Tennessee
- b. Matt Larimer concerning access to police body cam footage
- c. Darrell Felling, City Attorney, concerning the steps necessary to provide police body cam footage to the public
- d. Richard Shagley II concerning the St. Patrick Day Parade, 5K Run and the party on March 11, 2023.
- e. Amy Sanghari, Human Relations Director, introduces herself.
- f. Councilperson Earl Elliott asks for a special meeting to discuss this project

g. Councilperson Amy Auler also asked for a special meeting for discussion between Mayor Bennett and the Council.

h. Councilperson Tammy Boland asks who the other members of the committee were

i. Mayor Duke Bennett responded to Councilperson Boland's question on membership.

**No Corrections to the Journal of the Preceding Meeting
Communication from the Mayor**

a. Mayor Duke Bennett gives update on the ARPA Committee findings

b. Councilperson Martha Crossen requested copies of documents from committee

c. Councilperson Neil Garrison asked if any trails would be added

d. Councilperson Earl Elliott requested a special meeting to discuss these findings

e. Councilperson Amy Auler also requested a special meeting for discussion

No Reports from City Officials

No Reports from Board of Public Works and Safety

No Reports from Standing Committees

No Reports from Non-Standing Committees

Items Previously Tabled

RESOLUTION 7, 2022 – A confirming resolution designating an area as an Economic Revitalization Area and approving a waiver of non-compliance for property located at 1800 South 3rd Street <Loudermilk>

RESOLUTION 7, 2022, previously tabled on November 7, 2022, was read by digest. Motion was made by Councilperson Loudermilk and seconded by Councilperson Auler to table until 6-1-2023 RESOLUTION 7, 2022. Motion carries with six (6) yes votes and three (3) no votes with Councilpersons voting yes and Councilpersons voting no with Councilpersons Auler, Azar, Boland, Garrison, Loudermilk and DeBaun voting yes and Councilpersons Crossen, Elliott and Nation voting no.

RESOLUTION 8, 2022 – Designating an area commonly identified as 1800 3rd Street as an Economic Revitalization Area for the purpose of a ten (10) year Real Property Tax Abatement (KP Properties, LLC) <Loudermilk> <For Adoption>

RESOLUTION 8, 2022, previously tabled on November 7, 2022, was read by digest. Motion was made by Councilperson Loudermilk and seconded by Councilperson Auler to table until 6-1-2023 RESOLUTION 8, 2022. Motion carries with six (6) yes votes and three (3) no votes with Councilpersons voting yes and Councilpersons voting no with Councilpersons Auler, Azar, Boland, Garrison, Loudermilk and DeBaun voting yes and Councilpersons Crossen, Elliott and Nation voting no.

SPECIAL ORDINANCE 45, 2022 – Rezoning of properties located at 2425-2431 1st Avenue, 2428-2442 Locust Street, part of 920 North 25th Street and a vacated East-Well Public Alley located south of properties located at 2425 1st Avenue (Lot 217) through 920 North 25th Street <Garrison>

SPECIAL ORDINANCE 45, 2022, tabled on January 5, 2023, was read by digest. Area Plan Commission certified this ordinance to the Council on February 1, 2023 with a Favorable With Conditions Recommendation. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to amend SPECIAL ORDINANCE 45, 2022. Motion carried. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to pass SPECIAL ORDINANCE 45, 2022 AS AMENDED. Motion carried.

AMENDED SPECIAL ORDINANCE NO. 45, 2022

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as “The Comprehensive Zoning Ordinance for Terre Haute” of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots 214, 215, 216, 217, 218, 219, 220, 221, 260, 261, 262, 263, and the West half of Lot 264 in Locust Street Subdivision, a part of the Southwest Quarter (SW ¼) of Section Fourteen (14), Township Twelve (12) North, Range Nine (9) West, Vigo County, Indiana, as per recorded plat o the same recorded in the Recorder’s Office of Vigo County, Indiana, in Plat Record 6A, Page 79.

Commonly known as: Part of 920 N. 25th Street, Terre Haute IN 47807
2431 1st Avenue, Terre Haute, Indiana
2425 1st Avenue, Terre Haute, Indiana
2428 Locust Street, Terre Haute, Indiana
2442 Locust Street, Terre Haute, Indiana

Parcel Nos.: 84-06-14-383-005.000-002; 84-06-14-383-010.000-002;
84-06-14-383-007.000-002; 84-06-14-383-018.000-002; and
84-06-14-383-020.000-002

be and the same is, hereby established as a C-6 Strip Business District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.”

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Amended Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, Neil Garrison, Councilperson

Passed in open Council this 2nd day of February, 2023.

Curtis DeBaun IV, President

ATTEST: Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 3rd day of February, 2023.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 3rd day of February, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Richard J. Shagley II, #23135-84

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

**No Tax Abatements for Confirmation
No Items on Second Reading**

ITEMS ON FIRST READING

General Ordinances

GENERAL ORDINANCE 2, 2023 – Amending City Code, Chapter 10, Special Use Criteria and Definitions of Family and Persons Requiring Additional Consideration <Garrison>

GENERAL ORDINANCE 2, 2023 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to take action on GENERAL ORDINANCE 2, 2023. Motion carried unanimously. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to table until 4-6-2023 GENERAL ORDINANCE 2, 2023. Motion carried.

GENERAL ORDINANCE 3, 2023 - Amending City Code, Chapter 8, Article 1, Division IV, Sec. 8-21, Specific One-Way Street Designations, 34th Street from South 34th Street to Brown Avenue <Elliott>

GENERAL ORDINANCE 3, 2023 was read by digest. No action was taken.

Special Ordinances

SPECIAL ORDINANCE 1, 2023 – Rezoning of property located at 430 South 7th Street <Nation>

SPECIAL ORDINANCE 1, 2023 was read by digest. Area Plan Commission certified this ordinance to the City Council on February 1, 2023 with a Favorable With Conditions Recommendation. Motion was made by Councilperson Nation and seconded by Councilperson Crossen to take action on SPECIAL ORDINANCE 1, 2023. Motion carried unanimously. Motion was made by Councilperson Nation and seconded by Councilperson Garrison to pass SPECIAL ORDINANCE 1, 2023. Motion carried.

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 1, 2023**

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as “Comprehensive Zoning Ordinance for Terre Haute Indiana.”

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the “Comprehensive Zoning Ordinance for Terre Haute” and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

The South Half of Lot Numbered (15) in Aaron B. Fountaine’s Addition to the Town, now City of Terre Haute, Indiana, as shown on the recorded plat thereof recorded in Deed Record 7, Page 185, records of the Vigo County Recorder’s Office.

Parcel No. 84-06-27-103-005.000-002

Commonly known as: 430 S. 7th St., Terre Haute 47807.

Be and the same is hereby established as a C-3 Regional Commerce District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.”

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Todd Nation, Councilperson

Passed in open Council this 2nd day of February, 2023.

Curtis DeBaun IV, President

ATTEST: Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 3rd day of February, 2023.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 3rd day of February, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807

Resolutions

RESOLUTION 2, 2023 - Reestablishing the boundaries of the City of Terre Haute Municipal Riverfront Development Project <Nation>

RESOLUTION 2, 2023 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Garrison to pass RESOLUTION 2, 2023. Motion carried.

RESOLUTION NO. 2, 2023

A RESOLUTION REESTABLISHING THE BOUNDARIES OF THE CITY OF TERRE HAUTE MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT.

WHEREAS, Executive Order dated October 14, 2003, declared an area within the City of Terre Haute a Municipal Riverfront Development Project; and

WHEREAS, the Common Council previously passed Resolution 17, 2008, on August 14, 2008, which established the boundaries of the of the municipal riverfront development project; and

WHEREAS, the Common Council previously passed Resolution 6, 2020, on July 9, 2020, which reestablished the boundaries of the municipal riverfront development project; and

WHEREAS, future development is planned along the Wabash River that would benefit from the expansion of the municipal riverfront development project; and

WHEREAS, the Common Council finds that the expansion of the municipal riverfront development project will benefit commerce within the City and encourage future positive development in the area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Terre Haute, Indiana that the Municipal Riverfront Development Project boundaries are now expanded to include all of the following boundaries:

The point of the beginning shall be the intersection of the Wabash River and 2nd Avenue (extended); thence east along 2nd Avenue to the intersection of Third Street; thence south along Third Street to the intersection of Cherry Street; thence east along Cherry Street to the railroad track just east of 9 ½ Street; thence south along the

railroad tracks to the intersection of Walnut Street; thence West along Walnut Street to the intersection of Third Street; thence south along Third Street to the intersection of Hulman Street; thence west along Hulman Street to the intersection of Prairieton Road; thence southwest along Prairieton Road to the westbound lane of Interstate 70; thence northwest to the Wabash River.

BE IT FURTHER RESOLVED the area of the Municipal Riverfront Development Project shall include the businesses on both sides of the above described boundary lines.

Introduced by: Todd Nation, Councilperson

Passed in open Council 2nd day of February, 2023..

Curtis DeBaun, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor 3rd day of February, 2023..

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, 3rd day of February, 2023..

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

Motion was made by Councilperson Azar and seconded by Councilperson Auler that the meeting be adjourned. Motion carried.

Kelley Duggins
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk