

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

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, NOVEMBER 2, 2023

The City Council met in Regular Session Thursday, November 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

Public Comment on Items Not on the Agenda

a. Donald Hyde commented on next year being a big year.

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

Reports from City Officials

a. Councilperson Todd Nation commented on a project in Tippecanoe County for industrial park that will require more water than is available in their community. He stated they are considered piping in water and other counties have passed bans on this idea.

b. Appointment to THRIVE Steering Committee

1. Council President Curtis DeBaun opened the floor for nominations to the THRIVE Steering Committee.
2. Councilperson George Azar nominated Natalie Green.
3. Councilperson Tammy Boland nominated Ardell Sanders
4. Council President Curtis DeBaun closed nominations.
5. Vote was taken by ballot vote with Natalie Green receiving five (5) votes from Councilpersons Auler, Azar, Elliott, Garrison and Loudermilk, Ardell Sanders receiving three (3) votes from Councilpersons Boland, Crossen and Nation and Council President Curtis DeBaun abstaining.
6. Natalie Green is appointed to the THRIVE Steering Committee.

No Reports from Board of Public Works and Safety

No Reports from Standing Committees

No Reports from Non-Standing Committees

No Items Previously Tabled

No Tax Abatements for Confirmation

No Items on Second Reading

ITEMS ON FIRST READING

Special Ordinance

SPECIAL ORDINANCE 38, 2023 – Rezoning of property located at 3018 Fenwood <Loudermilk>

SPECIAL ORDINANCE 38, 2023 was read by digest. Area Plan Commission certified this ordinance to the Council with a Favorable Recommendation on November 1, 2023. Motion was made by Councilperson Loudermilk and seconded by Councilperson Boland to take action on SPECIAL ORDINANCE 38, 2023. Motion carried unanimously. Motion was made by Councilperson Loudermilk and seconded by Councilperson Nation to pass SPECIAL ORDINANCE 38, 2023. Motion carried.

SPECIAL ORDINANCE NO. 38, 2023

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:

Lot 175 and 5 feet off the West side of Lot 176 in Schaal’s Second Subdivision of part of the North Half of the North East Quarter of Section 23, Township 12 North, Range 9 West as per recorded plat of the same recorded in Plat Record 10, Page 30 of the Recorder’s Office of Vigo County, Indiana.

Commonly known as 3018 Fenwood, Terre Haute, IN 47803.

be and the same is, hereby established as a R-1 PLANNED DEVELOPMENT, 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 except as specifically authorized under the terms of this ordinance.

That the real estate described shall be a Planned Development in an R-1 Planned Development as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to terms and conditions set forth herein.

- (A) That the real estate be used for two dwelling units
- (B) Petitioner is requesting zero set back requirements
- (C) Petitioner is requesting zero off street parking requirements
- (D) That a hardship does exist due to the improvements on the land
- (E) The Planned Development will not adversely affect surrounding property values
- (F) The Planned Development will not adversely affect public health, safety, and the general public welfare
- (G) In the event the Planned Development does not materialize within six (6) months of approval, said Planned Development will become void
- (H) The Planned Development is transferrable
- (I) The Planned Development shall be recorded in the Vigo County’s Recorder’s Office within ninety (90) days of approval.
- (J) The owners have met all of the criteria determined by the Area Planning Commission except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist and that a Planned Development as set forth herein is hereby approved and will be in the public’s interest and in the interest of the neighborhood.

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 the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member, Cheryl Loudermilk, Councilperson

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

Curtis DeBaun IV, President

ATTEST: Michelle L. Edwards, City Clerk

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

Michelle L. Edwards, City Clerk

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

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

This instrument prepared by Jean Foster, 100 Harbor View Dr, Unit 1204, Baltimore, MD 21230

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.

Jean Foster

SPECIAL ORDINANCE 40, 2023 – Rezoning of property located at 3919 Hulman Street <Elliott>

SPECIAL ORDINANCE 40, 2023 was read by digest. Area Plan Commission certified this ordinance to the Council with a Favorable with Conditions Recommendation on November 1, 2023. Motion was made by Councilperson Garrison and seconded by Councilperson Loudermilk to take action on SPECIAL ORDINANCE 40, 2023. Motion carried unanimously. Motion was made by Councilperson Garrison and seconded by Councilperson Elliott to pass SPECIAL ORDINANCE 40, 2023. Motion carried.

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 40, 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:

Commencing at a point 2023.1 feet East ofrd the North West corner of the North West Quarter of Section 36, Township 12 North, Range 9 West and running thence East 621.2 feet; thence South 980.2 feet; thence West 621.1 feet; thence North 984.5 feet to the place of beginning.

Parcel No.: 84-06-36-126-007.000-002

Commonly Known as 3919 Hulman Street, Terre Haute, IN 47803

Be and the same is hereby established as an R-3 Multifamily Residential 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, Earl Elliott, Councilperson

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

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 3rd day of November, 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 was 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.

Council President Curtis DeBaun announced there would not be a meeting 11-9-2023.

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

Kelley Duggins
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk