

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

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, SEPTEMBER 14, 2023

The City Council met in Regular Session Thursday, September 14, 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. Kevin Southwood commented on Seventh Street and removing tree rows because streets are too narrow.
- b. James Avales complimented Park employees for the work during the storm clean up. He also commented that Dobbs park's levee needs work as well as Fairbanks Park with its erosion problem.

No Corrections to the Journal of the Preceding Meeting

Communication from the Mayor

- a. Mayor Duke Bennett introduces Ryan Keller with THRIVE.
- b. Ryan Keller with THRIVE gives presentation
- c. Councilperson Earl Elliott commented on the THRIVE project and the impact it will have on the community
- d. Councilperson Todd Nation commented on the ARPA fund and new housing units.

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

No Items Previously Tabled

No Tax Abatements for Confirmation

No Items on Second Reading

ITEMS ON FIRST READING

Special Ordinances

SPECIAL ORDINANCE 33, 2023 – Vacating a North-South Public Alley commonly bound by Elizabeth Street to the north, 17th Street to east, Carl Avenue to the south then 16th Street and Lafayette Avenue to the west <Loudermilk>

SPECIAL ORDINANCE 33, 2023 was read by digest. No action was taken.

Resolutions

RESOLUTION 8, 2023 – Rescinding Resolution 19, 2017, Ten Year Personal Property Tax Abatement (Tri Aerospace Inc) <Loudermilk>

RESOLUTION 8, 2023 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to pass RESOLUTION 8, 2023. Motion carried.

RESOLUTION NO. 8, 2023

A RESOLUTION TO RESCIND THE TEN (10)-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR TRI AEROSPACE, LLC.

WHEREAS, by Resolution No. 19, 2017, the Common Council for the City of Terre Haute, Indiana, confirmed on October 12, 2017, a ten (10) year personal property tax abatement for Tri Aerospace, LLC (hereinafter "Petitioner"). Resolution No. 19, 2017, is attached hereto as Exhibit A; and

WHEREAS, at a special meeting of the Common Council held on August 3, 2023, to review compliance of approved tax abatements, it was determined that Petitioner was not in substantial compliance with the Statement of Benefits for failure to submit to the Common Council a Form CF-1/PP (Compliance with Statement of Benefits – Personal Property); and

WHEREAS, pursuant to I.C. § 6-1.1-12.1-5.9, by written notice dated July 17, 2023, Terre Haute City Clerk notified Petitioner that a determination had been made that Petitioner was not in substantial compliance with the Statement of Benefits. Such notice stated the reason for the determination of non-compliance and the date, time, and place for a hearing. Such notice is attached hereto as Exhibit B; and

WHEREAS, at the public hearing held on August 2, 2023, the Common Council determined that Petitioner had not made a reasonable effort to comply with the Statement of Benefits and therefore such tax deductions should be terminated.

THEREFORE, BE IT RESOLVED by the Common Council for the City of Terre Haute, Indiana, that tax deductions authorized for Petitioner provided in Resolution No. 19, 2017, are hereby terminated.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to provide a copy of this Resolution No. 8, 2023 to the Petitioner, Vigo County Auditor, and the appropriate township assessor.

BE IT FURTHER RESOLVED, that the Common Council requests that the County Auditor follow the provisions set forth at I.C. §6-1.1-12.1-5.9(d).

Introduced by: Cheryl Loudermilk, Councilman

Passed in open Council this 14th day of September, 2023.

Curtis DeBaun IV, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 15th day of September, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 15th day of September, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

RESOLUTION 9, 2023 - Designating an area commonly identified 3701 North Fruitridge, Terre Haute, Indiana as an Economic Revitalization Area for the purpose of a ten (10) year Personal Property Abatement (Ampacet Corporation) <For Adoption> <Loudermilk>

RESOLUTION 9, 2023 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to adopt RESOLUTION 9, 2023. Motion carried.

RESOLUTION NO. 9, 2023

A Resolution of the Common Council of the City of Terre Haute, Indiana, Designating an Area Within the City (commonly identified as 3701 N. Fruitridge Avenue, Terre Haute, Indiana) as an

Economic Revitalization Area for the Purpose of Ten (10) Year Personal Property Tax Abatement for Ampacet Corporation.

WHEREAS, a Petition for a ten (10) year personal property tax abatement has been filed with the Common Council of the City of Terre Haute, Indiana requesting that the real property described in Exhibit A (which is made a part hereof) be designated an Economic Revitalization Area for purposes of personal property tax abatement;

WHEREAS, Ampacet Corporation (hereinafter "Petitioner"), has submitted a Statement of Benefits and provided all information and documentation necessary for the Common Council of the City of Terre Haute, Indiana to make an informed decision, said information including a map of the aforesaid property as set forth in attached Exhibit B (which is made a part hereof); and

WHEREAS, Petitioner has estimated that, in connection with its investment in the described project and installation of new manufacturing equipment (the "Project"), Petitioner will not be required to lay off any of its one hundred sixty-five (165) employees, thus allowing Petitioner to retain all its existing permanent full-time positions with an annual payroll of approximately \$11,835,727.00, while it is also expected to allow Petitioner to add approximately twelve (12) new permanent full-time positions with an additional average annual salary of \$62,000.00 (\$744,000.00 in total annual salaries increase), plus benefits. Petitioner has further estimated that the cost of this Project will be approximately \$34,743,000.00 for new manufacturing equipment; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana is authorized under the provisions of I.C. 6-1.1-12.1-1 *et seq.* to designate areas of the City of Terre Haute, Indiana as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has considered the Petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has found the subject property to be an area within the boundaries of the City of Terre Haute, Indiana, where facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and

WHEREAS, the personal property abatement is a declining percentage of the assessed depreciable personal property value of the newly installed manufacturing equipment based upon the following time period and percentages as determined by the Common Council of Terre Haute, Indiana:

Year	Pool #2 Depr Table	Depreciable Pers'l Prop Cost	Assessed Value	Capped Tax Rate	Actual Tax Paid w/o Abatement	% Abated (10 Yr)	ABATED (Unpaid during Abatement)
1	40%	34,743,000	13,897,200	3.00%	\$416,916.00	100%	\$416,916.00
2	56%	34,743,000	19,456,080	3.00%	\$583,682.00	90%	\$525,314.00
3	42%	34,743,000	14,592,000	3.00%	\$437,760.00	80%	\$350,208.00
4	32%	34,743,000	11,117,760	3.00%	\$333,533.00	70%	\$233,473.00
5	24%	34,743,000	8,338,320	3.00%	\$250,150.00	60%	\$150,090.00
6	18%	34,743,000	6,253,740	3.00%	\$187,612.00	50%	\$ 93,806.00
7	15%	34,743,000	5,211,450	3.00%	\$156,344.00	40%	\$ 62,538.00
8	15%	34,743,000	5,211,450	3.00%	\$156,344.00	30%	\$ 46,903.00
9	15%	34,743,000	5,211,450	3.00%	\$156,344.00	20%	\$ 31,269.00
10	15%	34,743,000	5,211,450	3.00%	\$156,344.00	10%	\$ 15,634.00
Totals					\$2,835,027		\$1,926,151

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Common Council of the City of Terre Haute, Indiana that:

1. The Petitioner's estimate of the cost of the Project is reasonable for manufacturing equipment of that type in view of current technologies.
2. The Petitioner's estimate of the number of individuals who will be employed or whose employment will be retained, and the benefits realized thereby, can reasonably be expected to result from the Project.
3. The Petitioners' estimate of the annual salaries or wages of the individuals who will be employed and retained, and the benefits realized thereby, can reasonably be expected to result from the Project.
4. The other benefits about which information has been requested can be expected to result from the Project.
5. The totality of the benefits of the Project are sufficient to justify personal property tax abatement over a 10-year deduction period, and each such deduction should be, and they are collectively hereby, allowed.
6. The Petition for designating the subject property as an Economic Revitalization Area for the purposes of ten (10) year personal property tax abatement and the Statement of Benefits (copies of which were submitted with the Petition) are hereby approved and the real estate described herein is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 *et seq.* and Petitioner is entitled to personal property tax abatement over a 10-year deduction period as provided therein for the proposed acquisition of the new manufacturing equipment.
7. Notice of the adoption and substance of this Resolution shall be published according to I.C. 5-3-1 stating the adoption and substance hereof, stating a date for the public hearing at which the County Council will hear and receive remonstrances and objections, and take final action on the designation of the Real Estate as an economic Revitalization Area, the approval of the Statement of Benefits, and the consideration of the adoption of the waivers, and stating that a copy of the description of the affected area is available for inspection in the County Assessor's Office, all as required by law.

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 14th day of September, 2023.
Curtis DeBaun IV, President
Common Council of Terre Haute, Indiana
ATTEST: Michelle Edwards, City Clerk
Presented by me to the Mayor this 15th day of September, 2023.
Michelle Edwards, City Clerk
Approved by me, the Mayor, this 15th day of September, 2023.
Duke Bennett, Mayor
City of Terre Haute, Indiana
ATTEST: Michelle Edwards, City Clerk

This instrument prepared by Jeffrey A. Lewellyn, Attorney,
Wilkinson, Goeller, Modesitt, Wilkinson & Drummy LLP
333 Ohio Street, Terre Haute, IN 47807 (812) 232-4311

EXHIBIT A

Part of the Northwest Corner of the Southeast Quarter of Section 1, Township 12 North, Range 9 West, consisting of 29.30 acres more or less (3701 North Fruitridge Avenue), Vigo County, Indiana, Parcel No. 84-06-01-400-021.000-002, consisting of the following two parcels:

Parcel 1:

Part of the Southeast quarter of Section 1, Township 12 North, Range 9 West, 2d Principal Meridian more particularly described as follows:

From a bolt and washer in pavement at the Northwest corner of the Southeast quarter of said Section 1, said bolt and washer being also the point of intersection of the centerlines of Steelton Road and Fruitridge Avenue, thence running South 87° 42' 40" East, along the North line of said Southeast quarter, 715 feet to the place of beginning. Thence continuing on said line 495 feet; thence South, 813.2 feet to a point 10 feet off of the centerline of a railroad switch track; thence South 49° 54' West, and paralleling said track 202 feet; thence continuing along a line 10 feet off said tract, Southwesterly around a curve having a radius of 1077.96 feet, a distance of 245.65 feet; thence North 89° 53' West, 465 feet to a point on the East side of a roadway; thence North 0° 16' West, along the East side of said roadway, 179.2 feet; thence North 8° 28' West along said East side of roadway, 558.8 feet to a point on the North bank of a drainage ditch; thence Northeasterly along the North bank of said ditch, around a curve having a radius of 843.24 feet, a distance of 501.32 feet; thence North 99.4 feet to the place of beginning, containing 19.19 acres more or less.

ALSO

A permanent right of way to use those roads and streets immediately abutting the above described property, as well as access roads leading to and from Fruitridge Avenue.

ALSO

A license to use such railroad tracks and switch lines that may be available on the adjoining land owned by Grantor to allow railroad car shipments to and from the above described real estate.

ALSO

A license to use public utility lines that now exist or that may be installed over or on the land of Grantor to the above described real estate.

SUBJECT, HOWEVER, TO THE FOLLOWING RESERVATIONS:

Subject to any and all conditions, utility easements, rights of way and other restrictions and limitations of record affecting said real estate,

Reserving unto Grantor, its successors, and assigns, a perpetual easement and right of way to use and maintain the drainage ditch presently located in the Northwest corner of the above described real estate.

ALSO

Parcel 2:

Part of the Southeast quarter of Section 1, Township 12 North, Range 9 West, 2d Meridian, more particularly described as follows:

Commencing at the Northwest corner of the Southeast quarter of said Section 1, said corner being the point of intersection of the centerlines of Steelton Road and Fruitridge Avenue; thence South 87 degrees 42 minutes, 60 seconds east along the North line of said Southwest quarter, 715 feet; thence South 99.4 feet to a point on the North bank of a drainage ditch; thence Southwesterly along the North bank of said ditch, around a curve having a radius of 843.24 feet, a distance of 501.32 feet; thence South 8 degrees, 23 minutes East, along the East side of a roadway, 558.8 feet; thence South 0 degrees, 16 minutes East along said East side of roadway, 179.2 feet to the center of another drainage ditch, thence North 89 degrees, 01 minute, 10 seconds West, 377.4 feet more or less generally along the center line of said ditch and continuing to the centerline of Fruitridge Avenue; thence North 0 degrees, 06 minutes, 10 seconds West, 1111.0 feet to the place of beginning; and containing 10.1 acres more or less.

SUBJECT to an easement for Fruitridge Avenue off of the West side and for Steelton Road off of the North side thereof.

RESOLUTION 10, 2023 - Designating an area commonly identified 3701 North Fruitridge, Terre Haute, Indiana as an Economic Revitalization Area for the purpose of a ten (10) year Real Property Abatement (Ampacet Corporation) <For Adoption> <Loudermilk>

RESOLUTION 10, 2023 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to adopt RESOLUTION 10, 2023. Motion carried.

TERRE HAUTE CITY COUNCIL
STATE OF INDIANA
RESOLUTION NO. – 10, 2023

A Resolution of the Common Council of the City of Terre Haute, Indiana, Designating an Area Within Terre Haute, Indiana commonly identified as that area consisting of 3701 N. Fruitridge Avenue, Terre Haute, Indiana as an Economic Revitalization Area for the Purpose of a ten (10) year real property improvement tax abatement for Ampacet Corporation.

WHEREAS, a Petition for a ten (10) year real property improvement tax abatement has been filed with the Common Council of the City of Terre Haute, Indiana requesting that the real property described therein be designated an Economic Revitalization Area for purposes of real property improvement tax abatement; and

WHEREAS, the petitioner has submitted an Application and Statement of Benefits and provided all information and documentation necessary for the Common Council of the City of Terre Haute, Indiana to make an informed decision, said information including a legal description of the aforesaid property as set forth in attached Exhibit A (which is hereby made a part hereof), and a map designating the area for development and tax abatement consideration; and

WHEREAS, petitioner has estimated that its investment in the new construction (the "Project") to be located on said real estate will in conjunction with the addition of new manufacturing equipment will create an estimated twelve (12) new full-time positions with an additional average annual salary of \$62,000.00 (\$744,000.00 in total annual salaries increase) after completion of the Project, as well as retain the existing 165 positions representing a current annual local payroll of \$11,835,727.00;

WHEREAS, the Common Council of the City of Terre Haute, Indiana is authorized under the provisions of I.C. 6-1.1-12.1-1 et. seq. to designate areas of Terre Haute, Indiana as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has considered the Application, Petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has found the subject property to be an area within the boundaries of the City of Terre Haute, Indiana, which area has become undesirable for, or impossible of, normal development and occupancy as it has existed, as a residential neighborhood because of a lack of development, cessation of growth, and deterioration of improvements which have impaired values or prevented a normal development of property or use of property -- and such is an area declining in tax revenues;

WHEREAS, the real property abatement is a declining percentage of the increase in assessed value of the improvement based on the following time period and percentages as determined by the City Council:

SCHEDULE of ABATEMENT % YEAR		TAX ABATED	TAX PAID
1	100%	\$40,381.00	\$0
2	90%	\$36,343.00	\$4,038.00
3	80%	\$32,305.00	\$8,076.00

4	70%	\$28,267.00	\$12,114.00
5	60%	\$24,229.00	\$16,152.00
6	50%	\$20,191.00	\$20,191.00
7	40%	\$16,152.00	\$24,229.00
8	30%	\$12,114.00	\$28,267.00
9	20%	\$8,076.00	\$32,305.00
10	10%	\$4,038.00	\$36,343.00

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Common Council of the City of Terre Haute, Indiana that:

1. The petitioner's estimate of the value of the Project to be built on the subject real property is reasonable for projects of that nature in order to maintain, expand, update and improve the facility for the for the manufacture of plastic concentrates and additives products by the company.

2. The petitioner's estimate of the number of individuals who will be employed and retained, and the benefits thereby, can reasonably be expected to result from the Project.

3. The petitioner's estimate of the annual salaries or wages of the individuals who will be employed, and the benefits thereby, can reasonably be expected to result from the Project.

4. The totality of the benefits of the Project are sufficient to justify a ten (10) year real property improvement tax deduction from assessed valuation to result therefrom under Indiana statutes, and each and all of such deductions should be, and they are hereby, allowed.

5. The Petition for designating the subject property as an Economic Revitalization Area for the purposes of a ten (10) year real property improvement tax and the Statement of Benefits (copy of which was submitted with the Petition) are hereby approved and the real estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq.

6. A copy of this Resolution, following its passage, shall be filed with the Vigo County Assessor as required by I.C. 6-1.1-12.1-2.5(c).

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 14th day of September, 2023.

Curtis DeBaun IV, President
Common Council of Terre Haute, Indiana

ATTEST: Michelle Edwards, City Clerk
Presented by me to the Mayor this 15th day of September, 2023.

Michelle Edwards, City Clerk
Approved by me, the Mayor, this 15th day of September, 2023.

Duke Bennett, Mayor
City of Terre Haute, Indiana
ATTEST: Michelle Edwards, City Clerk

This instrument prepared by Jeffrey A. Lewellyn, Attorney,
Wilkinson, Goeller, Modesitt, Wilkinson & Drummy LLP
333 Ohio Street, Terre Haute, IN 47807 (812) 232-4311

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.

Jeffrey A. Lewellyn

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

Kelley Duggins
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk