

CITY COUNCIL MEETING

April 11, 2005

The Common Council of the City of Crawfordsville, Indiana, met in a regular session At 7:00 PM, March 14, 2005. Present were Mayor John Zumer, who chaired the meeting, City Attorney David Peebles, and Clerk-Treasurer Nellie Thompson. Also present were Council members Steve Frees, Dennis Cook, Roger Rockenbaugh, Charlie Coons, Charles Fiedler and Les Hearson. Other officials in attendance were Police Chief Kurt Knecht, Fire Chief Todd Barton, Street Commissioner Rod Jenkins, Wastewater Treatment Plant Manager Tom Mitchell, Program Director Park & Recreation Cheryl Keim , and Planning Director Jacob Hurt. The press was also present.

Chairman Zumer called the meeting to order and Councilman Fiedler led the pledge to the flag. Councilman Rockenbaugh offered invocation.

Clerk-Treasurer Nellie Thompson called the roll to determine that a quorum was present. Councilman Rutledge was not present.

The minutes of the March 14, 2005 regular City Council meeting were accepted as printed.

The roll was called for the purpose of any additions to the agenda. There were none.

Chairman Zumer called on Father Alexis-Miller who gave a presentation on the desired No-smoking Cessation Policy throughout the City of Crawfordsville. After the presentation Gary D. Nelson, Roger Hamilton, Carolyn Synder, Belinda Debrowsky, John Arthur, Michael Lowe and Harlin Busenbark came forward with comments.

FISCAL AFFAIRS

Chairman Zumer called on Chairman Hearson to present the business of the Fiscal Affairs Committee. The first item presented was A Preliminary Resolution authorizing the Common Council of the City of Crawfordsville, Indiana Authorizing The Demolition Of The Old Culver Union Hospital And Borrowing For That Demolition Project. Chairman Hearson moved for approval of the resolution, seconded by Councilman Cook. Following discussion among Council members, the roll was called for the vote. The resolution was approved unanimously.

RESOLUTION NO 10-2005

A PRELIMINARY RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA AUTHORIZING THE DEMOLITION

**OF THE OLD CULVER UNION HOSPITAL
AND BORROWING FOR THAT DEMOLITION PROJECT**

WHEREAS, On December 13, 2004, pursuant to Indiana Code 36-7-14-15(a), the Redevelopment Commission of the City of Crawfordsville, Indiana (“the Commission”) found by resolution that the Old Culver Hospital, including its parking lots and outbuildings, with a general address of 306 Binford Street (“Old Culver Hospital”), is blighted, as that term is defined by law; and

WHEREAS, on December 17, 2004, the Commission found by resolution that the Old Culver Hospital is a menace to the social and economic interest of the City of Crawfordsville and its inhabitants as defined by law; and

WHEREAS, the Commission and other City officials have toured the Old Culver Hospital, had environmental testing and a building decommission assessment performed, and continue to find that the Old Culver Hospital is a blighted area and a menace; and

WHEREAS, on March 18, 2005, the Commission found by resolution that demolition of the Old Culver Hospital is in the best interest of the City of Crawfordsville and its citizens, regardless of whether the property is acquired by the City and redeveloped under state redevelopment laws or the property is razed under the state unsafe building laws; and

WHEREAS, on June 10, 2004, the Crawfordsville Board of Public Works and Safety issued an Unsafe Building Order for the Old Culver Hospital, and this order has not been complied with; and

WHEREAS, in light of the foregoing findings and the threat posed by the premises to the safety and welfare of the people and property of the City of Crawfordsville, it is the desired of the common Council of the City of Crawfordsville that the Old Culver Hospital be demolished by the City and its agents pursuant to any and all requirements of law, including all applicable environmental and construction regulations;
And

WHEREAS, it is presently estimated that it will be necessary to appropriate up to \$1,950,000 in public funds to demolish the Old Culver Hospital because there are insufficient municipal funds on hand, in an unsafe building fund or otherwise, with which to demolish the Old Culver Hospital, and therefore it will be necessary to use the general obligation borrowing power of the City to demolish the Old Culver Hospital.

WHEREAS, it is the intent of the Council, through this preliminary resolution, to make known its desire for demolition of the Old Culver Hospital by the City and to make known its willingness for the City of Crawfordsville to borrow up to \$1,950,000 for this purpose; and

WHEREAS, the City of Crawfordsville also owns property located at 802 Covington Street, known as the “the old slaughterhouse;” and

WHEREAS, the City's engineers have discovered that there are environmental and structural dangers associated with the old slaughterhouse; and

WHEREAS, it is necessary for the City of Crawfordsville to demolish or otherwise dispose of the old slaughterhouse it owns; and

WHEREAS, in the event that funds remain from the foregoing borrowing, after the Old Culver Hospital demolition project is funded, and the City still owns the old slaughterhouse, then those remaining funds should be applied to the demolition of the old slaughterhouse

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA THAT:

1. The Mayor of the City of Crawfordsville and all other pertinent city officials, boards, and commissions and their agents are hereby authorized and directed by the Common Council to undertake all steps necessary to demolish the Old Culver Hospital and, funding permitting, the old slaughterhouse, and
2. The Mayor of the City of Crawfordsville and all other pertinent city officials, boards and commission and their agents are further authorized and directed by the Common Council initiate the general obligation borrowing process on behalf of the City of Crawfordsville, in order to raise the funds necessary to demolish the Old Culver hospital and, if possible, the old slaughterhouse, with this borrowing for these projects not to exceed \$1,950,000.
3. This Resolution is effective upon passage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE
THIS 11TH DAY OF APRIL, 2005

PRESENTED AND APPROVED BY ME THIS 11TH DAY OF APRIL, 20005

Signed///John P Zumer

John Zumer, Mayor and Presiding Officer of Common Council

ATTEST: Nellie Thompson

Nellie Thompson, Clerk Treasurer

The second item presented by Chairman Hearson was a Resolution of the Common Council Of The City of Crawfordsville, Indiana Authorizing The Sale of Certain Real Estate,(Old Slaughter House). Chairman Hearson moved for approval of the resolution, seconded by Councilman Fiedler. Following discussion from the Council members, the roll was called for the vote. The resolution was approved unanimously.

RESOLUTION NO 11-2005

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
CRAWFORDSVILLE, INDIANA AUTHORIZING
THE SALE OF CERTAIN REAL ESTATE**

WHEREAS, the City of Crawfordsville, Indiana, owns real property at 802 Covington Street in Crawfordsville, consisting of a long-abandoned slaughterhouse (“the old slaughterhouse”); and

WHEREAS, because of identified environmental issues and the condition of the structure, there are costs and liabilities associated with continued ownership of this property by the City; and

WHEREAS, Indiana Code 36-1-11-3(c) requires the fiscal body of a city to approve sales of real property having an appraised value of \$50,000 or more; and

WHEREAS, the value of the old slaughterhouse property is not yet known, but the Common Council would like to expedite its sale pursuant to statute by authorizing disposition of the property at this time by this resolution, regardless of whether the actual value of the property is \$50,000 or more; and

WHEREAS, the Common Council is the fiscal body of the City of Crawfordsville and this Resolution is made to comply with I.C. 36-1-11-3(c),

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA THAT:

The sale of real property located at 802 Covington Street pursuant to the requirements of I.C. 36-1-11 and any other applicable laws and agreements, is hereby approved and authorized.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE
THIS 11TH DAY OF APRIL, 2005

PRESENTED AND APPROVED BY ME THIS 11TH DAY OF APRIL, 2005

Signed///John P. Zumer

John Zumer, Mayor and Presiding Officer of Common Council

ATTEST: Nellie Thompson

Nellie Thompson, Clerk Treasurer

The third item presented by Chairman Hearson was a Resolution Of The Common Council Of The City Of Crawfordsville, Indiana Authorizing The Purchase Of Certain Real Estate (Stwalley Property). Chairman Hearson moved for approval of the resolution, seconded by Councilman Cook. Following discussion from the Council members, the roll was called for the vote.

The Resolution was passed with a 4-2 vote, with Councilman Frees and Councilman Coons casting the dissenting votes.

RESOLUTION NO 12-2005

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
CRAWFORDSVILLE, INDIANA AUTHORIZING
THE PURCHASE OF CERTAIN REAL ESTATE**

WHEREAS, the City of Crawfordsville, Indiana is developing a business park, known as the “Crawfordsville Commerce Park;”

WHEREAS, in order to develop the Park, it is necessary for the City to acquire title to certain undeveloped real estate, which real estate is more fully described below (“the Stwalley property”);

WHEREAS, Indiana Code 36-1-10.5-5(a) requires the fiscal body of a city to “pass a resolution to the effect that it is interested in making a purchase of specified land or a structure;”

WHEREAS, the Common Council is the fiscal body of the City of Crawfordsville;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA THAT:

The purchase of the following real property:

See attached Exhibit A

Pursuant to the requirements of I.C. 36-1-10.5 and any other applicable laws and agreements, is hereby approved and authorized.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE
THIS 11TH DAY OF APRIL, 2005

PRESENTED AND APPROVED BY ME THIS 11TH DAY OF APRIL, 2005

Signed///John P. Zumer

John Zumer, Mayor and Presiding Officer of Common Council

ATTEST: Signed///Nellie Thompson

Nellie Thompson, Clerk Treasurer

The fourth item presented by Chairman Hearson was an Ordinance Repealing Sprinkler Wastewater Rates (Section 52.090(E) of Municipal Code). Chairman Hearson moved to approve this ordinance on first reading, seconded by Councilman Fiedler. The ordinance was passed on first reading by unanimous vote. Chairman Hearson moved to suspend the rules in order to place this ordinance on second and third readings. This motion was seconded by Councilman Coons. The roll was called, and the vote was unanimous in favor of suspending the rules. Chairman Hearson moved to place this ordinance on second reading, seconded by Councilman Fiedler. The ordinance was passed on second reading by unanimous vote. Chairman Hearson moved to place the ordinance on third and final reading, seconded by Councilman Frees. The roll was called for the vote and the ordinance was passed on third and final reading, and so adopted.

ORDINANCE NO. 9-2005

**AN ORDINANCE REPEALING
SPRINKLER WASTEWATER RATES
(SECTION 52.090(E) OF MUNICIPAL CODE)**

WHEREAS, in 2004 the City of Crawfordsville enacted a new wastewater rate ordinance, Ordinance #13-2004, which amended Section 52 of Title 5 of the Crawfordsville Municipal Code; and

WHEREAS, it was the intent of Ordinance #13-2004 to repeal any rates or rate structures contained in Ordinance #6-1998 that would conflict with Ordinance #13-2004; and

WHEREAS, a question has arisen over whether Section 52.090(E) of the Municipal Code, imposing special wastewater rates for users of sprinklers, was thereby repealed; and

WHEREAS, it was and is the intent of the Common Council and Mayor of the City of Crawfordsville that Ordinance #13-2004 repeal Section 52.090(E) of the Municipal Code, and that sprinkler rates no longer be in effect, for the reason that the rates enacted in 2004 imposed a maximum cap and thereby eliminated the need for special sprinkler rates.

IT IS HEREBY ESTABLISHED AND ORDAINED by the Common Council of the City of Crawfordsville, Indiana, that:

Section 1. Section 52.090(E) of Title 5, Chapter 52 of the Municipal Code of the City of Crawfordsville, is hereby repealed.

Section 2. This ordinance shall be in full force and effect from its passage, provided that nothing herein shall imply that Section 52.090(E) of Title 5, Chapter 52 of the Municipal Code of the City of Crawfordsville was not also previously repealed by enactment of Ordinance #13-2004.

Adopted and passed by the Common Council of the City of Crawfordsville, Indiana, this

_____ day of _____, 2005.

John P. Zumer, Mayor

Presented by me to the Mayor of the City of Crawfordsville, Indiana, this _____ day of _____, 2005.

Nellie Thompson, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2005.

John P. Zumer, Mayor

ATTEST:

Nellie Thompson, Clerk-Treasurer

The fifth item presented by Chairman Hearson was a Resolution Finding That A Property Owner (Acuity Brands Lighting, Inc.) Is In Substantial Compliance For Tax Abatement Purposes. Chairman Hearson moved for approval of the resolution, seconded by Councilman Cook. There was no discussion from the council or from the audience, and the roll was called for the vote. The resolution was approved unanimously.

RESOLUTION NO 13-2005

**A RESOLUTION FINDING THAT A PROPERTY
OWNER IS IN SUBSTANTIAL COMPLIANCE
FOR TAX ABATEMENT PURPOSES**

WHEREAS, the Common Council of the City of Crawfordsville, Indiana has been requested by Acuity Brands Lighting, Inc., pursuant to I.C. 6-1.1-12.1, to review and determine whether or not it has substantially complied with a submitted and approved statement of Benefits (SB-1) form; and

WHEREAS, the property in question was designated an Economic Revitalization Area (ERA) by the City of Crawfordsville Common Council Resolution #10-2003; and

WHEREAS, the statement of benefits in question was approved by City of Crawfordsville Common Council Resolution #10-2003,

THEREFORE, BE IT RESOLVED by the Common Council of the City of Crawfordsville, that:

Section 1: The Crawfordsville Common Council has reviewed the attached compliance with state of benefits form and has found that the property owner IS in substantial compliance.

Section 2: The Mayor of the City of Crawfordsville is authorized to certify the City's approval on the compliance with statement of benefits form.

ADOPTED AND PASSED by the Common Council of the City of Crawfordsville, Indiana, this 11th day of April, 2005

Signed///John P. Zumer
John P. Zumer, Mayor

ATTEST:

Signed///Nellie Thompson
Nellie Thompson, Clerk-Treasurer

ORDINANCES AND PETITIONS

Chairman Zumer called on Councilman Fiedler to present the business of the Ordinances and Petitions Committee. The first item presented by Chairman Fiedler was an Ordinance Establishing Downtown Sidewalk and Streetscape Standards In The City Of Crawfordsville, Indiana. Chairman Fiedler moved to place this ordinance on second reading, seconded by Councilman Hearson. Chairman Fiedler moved to amend the ordinance as presented in written form, seconded by Councilman Hearson. Dick Monroe came forward to voice his concerns. Following discussion from Mayor Zumer, City Attorney Peebles and the Council, the amendment was approved by a unanimous vote. The roll was called for the vote on second reading of the amended ordinance. The amended ordinance was passed on second reading by unanimous vote.

SECOND READING

The second item presented by Chairman Fiedler was an Ordinance Enacting And Adopting A Supplement To The Code Of Ordinances Of The Crawfordsville City Code. Chairman Fiedler moved to approve this ordinance on first reading, seconded by Councilman Frees. There was no discussion from the council or the audience, and the roll was called for the vote. The ordinance was passed on first reading by unanimous vote.

FIRST READING

The third item presented by Chairman Fiedler was an Ordinance Amending Ordinance No. 4-1999, The Sewer Use Procedures Of The City Of Crawfordsville, Indiana. Chairman Fiedler moved to approve this ordinance on first reading, seconded by Councilman Hearson. Following discussion from the council, the roll was called for the vote. The ordinance was passed on first reading by unanimous vote.

FIRST READING

There being no further business, Councilman Hearson moved to adjourn, seconded by Councilman Frees. The meeting was adjourned at 8:40 PM.

Signed by me this _____ day of _____, 2005.

John Zumer, Mayor

ATTEST: _____
Nellie Thompson, Clerk-Treasurer