

CITY COUNCIL MEETING

May 9, 2005

The Common Council of the City of Crawfordsville, Indiana, met in a regular session At 7:00 PM, May 9, 2005. Present were Mayor John Zumer, who chaired the meeting, City Attorney David Peebles, and Clerk-Treasurer Nellie Thompson. Also present were Council members Loran Rutledge, Steve Frees, Dennis Cook, Roger Rockenbaugh, Charles Fiedler, Charlie Coons, 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, and Park & Recreation Program Director Cheryl Keim. The press was also present.

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

Clerk-Treasurer Nellie Thompson called the roll to determine that a quorum was present. The minutes of the April 11, 2005 regular City Council meeting were accepted as printed. The minutes of the April 25, 2005 special City Council meeting were accepted as printed.

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

FISCAL AFFAIRS

Chairman Zumer called on Chairman Hearson to present the business of the Fiscal Affairs Committee. The first item presented was an Ordinance Creating a Downtown Sidewalk and Streetscape Fund for the City of Crawfordsville. Chairman Hearson moved to place this ordinance on first reading, seconded by Councilman Rutledge. There was no discussion from the council, or from the audience, and the roll was called for the vote. The ordinance was passed on first reading by unanimous vote.

FIRST READING

The second item presented by Chairman Hearson was a Declaratory Resolution for the Designation of an Economic Revitalization Area and Approval of Tax Abatement for Alcoa Closure Systems International, Inc. 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 15-2005

COMMON COUNCIL OF CITY OF CRAWFORDSVILLE, INDIANA

**DECLARATORY RESOLUTION FOR THE DESIGNATION OF AN
ECONOMIC REVITALIZATION AREA AND APPROVAL OF TAX
ABATEMENT FOR ALCOA CLOSURE SYSTEMS INTERNATIONAL, INC.**

WHEREAS, the Common Council of the City of Crawfordsville, Indiana (the “Council”) has been requested by Alcoa Closure Systems International, Inc., (the “Applicant”) to designate the area described in Exhibit A (the “Area”) as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1 (the “Act”);

WHEREAS, the Council has prepared a simplified description of the Area or maps and plans that identify the Area, attached as Exhibit A;

WHEREAS, the Area is located within the jurisdiction of the Council for the purposes set forth in I.C. 6-1.1-12.1-2;

WHEREAS, the Applicant plans to construct, as described in an Application and a related Statement of Benefits submitted by the Applicant to the Council (collectively, the “Application”), to purchase and install a total of \$6 to \$8 million in closure and packaging equipment at its two facilities located at 1604 Elmore Street and at 1241 Concord road in Crawfordsville (the “Project”);

WHEREAS, the Project will consist of the installation of tangible personal property to be acquired by the Applicant, as its owner, for use in the direct production, manufacture, fabrication, assembly, processing, refining or finishing of other tangible personal property, and never before used by its owner for any purpose in Indiana (the “Equipment”);

WHEREAS, the improvement of the Area described in the Application will be of public utility and will be to the benefit and welfare of all citizens and taxpayers of the City of Crawfordsville, Indiana (the “City”);

WHEREAS, the Applicant has requested that the Council approve personal property tax abatement related to the Project for a period of ten (10) years; and

WHEREAS, the Council has reviewed the Application,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby finds that (i) the Area is within the City and (ii) the Area contains a facility that is technologically, economically, or energy obsolete and such obsolescence may lead to decline in employment and tax revenues and has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevented a normal development of property and use of property.

BE IT ALSO RESOLVED that, based on the information in the Application describing the Project, the Council makes the following findings:

- (1) The estimate of the cost of the Equipment is reasonable for equipment of that type.
- (2) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the Equipment.
- (3) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of the Equipment.
- (4) The other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of the equipment.
- (5) The total benefits are sufficient to justify the granting of personal property tax deductions to the Applicant pursuant to I.C. 6-1.1-12-4.5.

BE IT ALSO RESOLVED by the Council, that the Area is hereby reaffirmed as and declared to be an “economic revitalization area” pursuant to the Act, for a limited period of ten (10) calendar years for the date of the adoption of this Resolution.

BE IT ALSO RESOLVED that the period for personal property tax deductions under I.C. 6-1.1-12.1-4.5 for new manufacturing equipment installed in the area shall be ten (10) years.

BE IT ALSO RESOLVED that the Council hereby incorporates the provisions of I.C. 6-1.1-12.1-12, concerning the Applicant’s conditional repayment obligations, for the Area.

BE IT ALSO RESOVLED that, based on the information in the Application and the foregoing findings, the Council, pursuant to I.C. 6-1.1-12.1, hererby approves and allows the Applicants’ personal property tax deductions for ten (10) years for the property located in the Area as part of the Project.

BE IT ALSO RESOVLED that pursuant to I.C. 6-1.1-12.1-2.5 there shall be published notice (the “Notice”) of the adoption and substance of this Resolution in accordance with I.C. 5-3-1, which Notice shall name a date for the public hearing on this matter (the “Public Hearing”) and that at the conclusion of the Public Hearing, the Council may take final action on the proposed designation, and further that a copy of this Resolution shall be filed with the office of the Montgomery County Assessor, where it shall be available for public inspection.

BE IT ALSO RESOLVED that pursuant to I.C. 6-1.1-12.1-2.5, the Clerk-Treasurer shall file a copy of the Notice and the Application with each taxing unit that has authority to levy property taxes in the geographic area where the Area is located; such information shall be filed with officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under I.C. 6-1.1-17-5 at least ten (10) days prior to the date of the Public Hearing.

The foregoing was passed by the Common Council of the City of Crawfordsville, Indiana, this 9th day of May, 2005, at 8:30 o’clock p.m.

ATTEST

Signed/// Nellie Thompson
Clerk-Treasurer

Signed///Mayor John P. Zumer
Presiding Officer

Presented by the Clerk-Treasurer of the City of Crawfordsville, Indiana, to the Mayor of the City of Crawfordsville, Indiana, this 9th day of May, 2005, at 8:30 o'clock p.m.

Signed///Nellie Thompson
Clerk-Treasurer

Approved and signed by the Mayor of the City of Crawfordsville Indiana, this 9th day of May, 2005, at 8:30 o'clock p.m.

Signed/// John P. Zumer
Mayor

ORDINANCES AND PETITIONS

Chairman Zumer called on Chairman 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 amended ordinance on third reading, seconded by Councilman Hearson. Comments from the audience were offered by:

Dick Munro
John Surber
Russ Stath

Owner, Merle Norman Cosmetics
Owner, Surb's Tire
Crawfordsville Resident

Further discussion ensued among council members and Attorney Peebles, at which time Chairman Fiedler withdrew his motion to place this amended ordinance on third reading, seconded by Councilman Rutledge.

TABLED

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 place this ordinance on second reading, seconded by Councilman Frees. There were no comments from the council or from the audience, and the roll was called for the vote. The ordinance was passed by unanimous vote on second reading. Chairman Fiedler moved to place the ordinance on third and final reading, seconded by Councilman Hearson. There were no comments from the council or from the audience. The roll was called, and the ordinance was passed by unanimous vote on third and final reading, and so adopted.

ORDINANCE NO. 10-2005

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE
CRAWFORDSVILLE CITY CODE**

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2004 supplement to the Code of Ordinances of the City of Crawfordsville, which supplement contains all ordinances of a general nature enacted since the prior supplement to the Code of Ordinances of this municipality; and

WHEREAS, said American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make references to sections of the Indiana Code; and

WHEREAS, it is the intent of Council to accept these updated sections in accordance with the changes of the law of the State of Indiana;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Crawfordsville, State of Indiana that:

Section 1. The 2004 Supplement to the Code of Ordinances of the City of Crawfordsville, Indiana, as submitted by American Legal Publishing Corporation of Cincinnati, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. That this ordinance shall take effect and be in force from and after its date of passage.

ADOPTED BY THE COMMON COUNCIL of the City of Crawfordsville, Indiana, this 9th day of May, 2005.

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

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 9th DAY OF May, 2005.

Signed///Nellie Thompson
Nellie Thompson, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 9th DAY OF May, 2005.

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

ATTEST:

Signed///Nellie Thompson
Nellie Thompson, Clerk Treasurer
City of Crawfordsville

The third item presented by Chairman Fiedler was an Ordinance Amending Ordinance No. 4-1999, the Sewer Use Procedures of the City of Crawfordsville (Setting Ammonia Discharge Limits for the Wastewater Dept.). Chairman Fiedler moved to place this ordinance on second reading, seconded by Councilman Hearson. There were no comments from the council or from the audience, and the roll was called for the vote. The ordinance was approved on second reading by unanimous vote.

SECOND READING

The fourth item presented by Chairman Fiedler was an Ordinance Prohibiting Smoking in Public Places and Places of Employment Within the City of Crawfordsville. Chairman Fiedler moved to place this ordinance on first reading, seconded by Councilman Frees. Discussion ensued among council members and Attorney Peebles. Councilman Cook moved to refer this ordinance back to committee, seconded by Councilman Coons, and the roll was called for the vote. The vote signified three votes in favor of the motion to table, and four votes in opposition of the motion. Dissenting votes were cast by Councilman Fiedler, Councilman Frees, Councilman Rutledge and Councilman Hearson. Comments were offered by the following audience members:

Dawn Stephens
Kelly J Gail
Patrick Taylor
Grover Long, American Legion

Julie Brown
Dr. Scott Douglas
Jay Abbott
Heather Perkins

Belinda Williams, Eagles
Sam Smith
Devon Davis
Carol Bowles
Candy Royer
John Arthur
Charles Cloncs, Eagles
Pat Barker

Lucy Hutchison
Roy Hurt
Father Alexis Miller
Mary Ann Meadows
Roger Hamilton
Lawrence Houston
Russ Stath

There were no further comments, and the roll was called for the vote. The ordinance was passed on first reading with four votes in favor and three opposing votes. Those casting dissenting votes were Roger Rockenbaugh, Dennis Cook and Charlie Coons.

FIRST READING

ANNEXATION

Chairman Zumer called on Chairman Rockenbaugh to present the business of the Annexation Committee. Chairman Rockenbaugh presented an Ordinance Annexing Contiguous Territory to the Corporate Boundaries of the City of Crawfordsville, Indiana (Crawfordsville Commerce Park). Chairman Rockenbaugh moved to place this ordinance on third and final reading, seconded by Councilman Hearson. Chairman Rockenbaugh moved to amend the ordinance to annex two tracts; thereby removing Tract Three – 1249 Concord Road (James and Joyce Anderson), and Tracts Four(1) and Four(2) – 100 East Concord Road and 1489 Concord Road, respectively (Raymond and Ruth Perelman Judaica Foundation). Councilman Hearson seconded the motion for amendment. The roll was called, and the vote was unanimous in favor of the amendment. The roll was called for the third and final reading of the ordinance, as amended. The vote was unanimous in favor, and the ordinance was adopted.

ORDINANCE NO. 11-2005

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CORPORATE BOUNDARIES OF THE CITY OF CRAWFORDSVILLE, INDIANA

WHEREAS, the Common Council of the City of Crawfordsville, Indiana, conducted a public hearing, pursuant to notice as required by law, to consider the annexation to the corporate boundaries of said City of certain territory as hereinafter described; and,

WHEREAS, the owners of that territory have requested that the City annex their property; and

WHEREAS, the Common Council has determined it is in the best interests of the City and the owners of said territory that it be annexed; and

WHEREAS, an appropriate fiscal plan for the territory to be annexed has been prepared; and

WHEREAS, the City is capable of extending all municipal services to the subject territory within a reasonable time,

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED, that there is hereby annexed to and within the corporate boundaries of the City of Crawfordsville, Montgomery County, Indiana, the following described real estate, to-wit:

Section 1(a) Legal Descriptions.

Tract One. Concord Road, owners: Carl A. Jolley & Bedford R. Jolley; 46.77 acres, more or less. Pt NH S20 T19 R4, Assessor Parcel #020-10025-01, see attached legal description, which description is hereby incorporated into this ordinance as if fully set forth herein.

Tract Two. 100 East/Concord Road, owner: Heritage Products, Inc.; 12.85 acres, more or less. Pt WH SWQ S20 T19 R4, Assessor Parcel #020-04039-00, see attached legal description, which description is hereby incorporated into this ordinance as if fully set forth herein.

(hereafter all known as “the territory”).

(b).Highways and Rights-of-way. Included in the territory are the following public highways and rights-of-way:

1. Concord Road
2. County Road 100 East
3. Interstate 74

(c) Acreage. The territory is comprised of 59.62 acres, more or less.

(d) Special Terms and Conditions. The following special terms and conditions are in effect for the territory: None, except for planned Crawfordsville Commerce Park covenants and design standards.

(e) Real Property Tax Abatements. The following real property tax abatements are in effect for the territory: Heritage Products, Resolution #12-2001.

Section 2: Within one (1) year from the effective date of this annexation, the City of Crawfordsville shall extend to the territory all planned services of a noncapital nature including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries. Within three (3) years from the effective date of this annexation, the City of Crawfordsville shall extend to the territory all services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and provided in a manner equivalent in standard and scope to those

services provided to areas within the corporate boundaries of the City regardless of similar topography, patterns of land use and population density.

Section 3. The territory shall be included in Ward 1, Precinct 2 of the City of Crawfordsville, Indiana.

Section 4: The Clerk-Treasurer is hereby directed to publish this Ordinance one (1) time in the Crawfordsville Journal Review.

Section 5: If no remonstrance to this annexation is filed within ninety (90) days following the publication of this Ordinance, the Clerk-Treasurer shall comply with the requirements of IC 36-4-3-22.

Section 6: This Ordinance shall be in full force and effect as of July 18, 2005; however, the annexation shall become effective not less than ninety (90) days after the publication hereof and after the Clerk-Treasurer having complied with IC 36-4-3-22.

Introduced pursuant to Indiana Code 36-4-3, this 8th day of November, 2004.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 9th DAY OF May, 2005.

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

ATTEST:

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

PRESENTED by me to the Mayor of the City of Crawfordsville, Indiana, this 9th day of May, 2005, at 8:30 p .m.

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

APPROVED by me as Mayor of the City of Crawfordsville, Indiana, this 9th day of May, 2005, at 8:30 p .m.

Signed///John P. Zumer
John P. Zumer, Mayor
City of Crawfordsville, Indiana

ATTEST:

Signed//Nellie Thompson

Nellie Thompson, Clerk-Treasurer

TRAFFIC, PARKING AND SAFETY

Chairman Zumer called on Chairman Coons to present the business of the Traffic, Parking and Safety Committee. Chairman Coons presented an ordinance Authorizing Placement of Caution Signs Near Wilson School, and moved to place the ordinance on first reading, seconded by Councilman Cook. There was no discussion from the council or from the audience, and the roll was called for the vote. The ordinance was passed on first reading by unanimous vote. Chairman Coons moved to suspend the rules in order to place the ordinance on second and third readings, seconded by Councilman Cook. The roll was called, and the vote was unanimous in favor of suspending the rules. Chairman Coons moved to place the ordinance on second reading, seconded by Councilman Fiedler. There were no comments from the council or the audience. The roll was called, and the ordinance was passed on second reading by unanimous vote. Chairman Coons moved to place the ordinance on third and final reading, seconded by Councilman Frees. There were no comments from the council or from the audience, and the roll was called for the vote. The ordinance was passed on third and final reading by unanimous vote and so adopted.

ORDINANCE NO. 12-2005

**AN ORDINANCE AUTHORIZING PLACEMENT OF
CAUTION SIGNS NEAR WILLSON SCHOOL**

WHEREAS, the Common Council of the City of Crawfordsville, Indiana, wishes to protect the safety of children coming and going from Willson School, located at the intersection of Wallace and Jefferson Streets, in Crawfordsville,

NOW, THEREFORE BE IT ESTABLISHED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, THAT:

Section 1. A total of up to six (6) "Caution Children" or similar signs shall be placed at such locations on Wallace Street, Jefferson Street and Wabash Avenue near Willson School as the Street Commissioner, in consultation with officials of the Crawfordsville Community School Corporation, shall deem advisable.

Section 2. The Street Commissioner is hereby authorized and directed to acquire and install that signage on City rights of way, with the cost of such signage to be paid by the City.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 9th DAY OF May, 2005.

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

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 9th DAY OF May, 2005.

Signed///Nellie Thompson
Nellie Thompson, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 9th DAY OF May, 2005.

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

ATTEST:

Signed///Nellie Thompson
Nellie Thompson, Clerk Treasurer
City of Crawfordsville

MISCELLANEOUS

Chairman Zumer called on Counselor Peebles to present information concerning figures proposed in conjunction with the commerce park and potential bonding for demolition of the old Culver Hospital. Following the presentation, Chairman Zumer announced a Special Council Meeting to be held on Thursday, May 12, 2005 at 7:00 pm. to consider this proposal

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

Signed by me this _____ day of _____, 2005.

John Zumer, Mayor

ATTEST: _____
Nellie Thompson, Clerk/Treasurer