

CITY COUNCIL MEETING

July 11, 2005

The Common Council of the City of Crawfordsville, Indiana, met in a regular session, 7:00 p.m., July 11, 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 Fire Chief Todd Barton, Street Commissioner Rod Jenkins, Wastewater Treatment Plant Manager Tom Mitchell, Park & Recreation Program Director Cheryl Keim, and Community Development Director Jacob Hurt. The press was also present.

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

Chairman Zumer asked Clerk-Treasurer Nellie Thompson to call the roll for the purpose of attendance, a quorum was present.

Councilman Hearson moved to approve the minutes for the June 13, 2005 with corrections, seconded by Councilman Rutledge. The minutes were approved as presented with corrections.

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

Mayor Zumer announced that after adjournment of the City Council meeting, the Council would reconvene for a second round of budget hearings.

FISCAL AFFAIRS

Chairman Zumer called on Chairman Les Hearson to present the business of the Fiscal Affairs Committee.

The first item presented by Chairman Hearson was a resolution authorizing transfer between funds for the year 2005 (Streetscape fund). The resolution came before the City Council with a favorable recommendation from the Fiscal Affairs Committee; it was moved by Chairman Hearson to approve the resolution, seconded by Councilman Fiedler. Hearing no discussion from the Council or from the audience; the roll was called for a vote. The Resolution passed with a unanimous vote.

Amount	From	To
\$7,500.00	Rehabilitation Loan Fund	Downtown Streetscape and Sidewalk Fund

RESOLUTION NO 19-2005

**A RESOLUTION AUTHORIZING TRANSFERS
BETWEEN CERTAIN FUNDS FOR THE YEAR 2005**

BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, MONTGOMERY COUNTY, INDIANA, that:

Section 1. Certain extraordinary conditions have developed since the adoption of the annual budget so that it is now necessary to transfer money that was appropriated in the annual budget between funds for the various functions of the City's government.

Section 2. To meet those extraordinary conditions and for the purposes herein set out, of the year ending December 31, 2005, there is hereby authorized a transfer of money between the following funds.

AMOUNT	FROM	TO
\$7,500.00	Rehabilitation Loan Fund	Downtown Streetscape and Sidewalk Fund

Section 3. This resolution shall be effective upon passage.

Adopted and passed by the Common council of the City of Crawfordsville this 11th day of July, 2005

Signed///John P. Zumer
John P. Zumer, Mayor and
Presiding Officer

ATTEST:

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

The second item presented was a declaratory resolution for the designation of an economic revitalization area and approval of tax abatement for Heritage Products, Inc. The declaratory resolution was sent to the Council with a favorable recommendation. Chairman Hearson moved to approve the resolution, seconded by Councilman Cook. Chairman Zumer called for comments from the public and Council. Hearing no comments the roll was called for a vote, the Resolution passed with a unanimous vote.

RESOLUTION NO. 20-2005 (repealed 8/12/2005)

COMMON COUNCIL OF CITY OF CRAWFORDSVILLE, INDIANA

DECLARATORY RESOLUTION FOR THE DESIGNATION OF AN
ECONOMIC REVITALIZATION AREA AND APPROVAL OF TAX
ABATEMENT FOR HERITAGE PRODUCTS, INC.

WHEREAS, the Common Council of the City of Crawfordsville, Indiana (the "Council") has been requested by Heritage Products, 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, as described in an Application and a related Statement of Benefits submitted by the Applicant to the Council (collectively, the "Application"), the Applicant plans to construct a 46,600 square foot building expansion for additional production and office space, and also to purchase and install approximately \$6 million in additional production equipment at its facility located at 2000 Smith Avenue in Crawfordsville (the "Project");

WHEREAS, the Project will consist of the construction of a building expansion in the Area on unimproved real estate (the "Redevelopment");

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 real and personal property tax abatements related to the Project for a period of ten (10) years; and

WHEREAS, the Council has reviewed the Application,

WHEREAS, pursuant to I.C. 6-1.1-12.1-2, on July 11, 2005, the Council passed a Declaratory Resolution, #__-2005, designating the Area an "economic revitalization area" within the meaning of I.C. 6-1.1-12.1-1(1), granting real property and personal property tax abatements in the Area for a period of ten (10) years, and approving real property and personal property tax deductions for the Applicant related to the Project; and

WHEREAS, pursuant to I.C. 6-1.1-12.1-2.5, the Council published notice (the "Notice") of the adoption and substance of the Declaratory Resolution in accordance with I.C. 5-3-1, and the City Attorney, on behalf of the Clerk-Treasurer, filed a copy of the Notice and Application with each taxing unit that has authority to levy property taxes in the geographic area where the Area is located; and

WHEREAS, at the public hearing held on the date hereof the Council received, heard and considered any remonstrances and objections from all interested persons; and

WHEREAS, pursuant to I.C. 6-1.1-12.1-2.5, the Council desires to modify the finding set forth in the Declaratory Resolution to clarify that such findings are based on the new employment resulting from the Project and desires to take final action confirming the Declaratory Resolution.

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, and the estimate of the value of the Redevelopment is reasonable for projects of that nature.
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 and the proposed Redevelopment.
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 and the proposed Redevelopment.
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 and the proposed Redevelopment.
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 and the granting of real property tax deductions to the Applicant pursuant to I.C. 6-1.1-12.1-3.

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 from the date of the adoption of this Resolution.

BE IT ALSO RESOLVED that the period of real property tax deductions under I.C. 6-1.1-12.1-3 for redevelopment or rehabilitation in the Area shall be ten (10) years.

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 RESOLVED that, based on the information in the Application and the foregoing findings, the Council, pursuant to I. C. 6-1.1-12.1, hereby approves and allows the Applicant's real property tax deductions for ten (10) years for the property located in the Area as part of the Project.

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

BE IT ALSO RESOLVED 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 11TH day of July, 2005, at 7:00 o'clock p.m.

ATTEST:

Signed///Nellie Thompson
Clerk – Treasurer

Signed/// 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 11th day of July, 2005, at 7:00 o'clock p.m.

Signed///Nellie Thompson
Clerk – Treasurer

Approved and signed by the Mayor of the City of Crawfordsville, Indiana, this 11th day of July, 2004, at 7:00 o'clock p.m.

John P. Zumer

Mayor

The final item presented was a second reading of an ordinance approving and granting a franchise agreement with Comcast. Chairman Hearson moved to table the ordinance, seconded by Councilman Frees. Chairman Zumer called for a voice vote, council approved unanimously.

TABLED

Completing the business of Fiscal Affairs, Chairman Hearson turned the meeting over to Chairman Zumer.

ORDINANCES AND PETITIONS

Chairman Zumer called on Chairman Fiedler to present the business of the Ordinances and Petitions Committee.

Chairman Fiedler presented the third and final reading of an ordinance prohibiting smoking in public places and places of employment within the City of Crawfordsville. Chairman Fiedler moved to approve the ordinance on third and final reading, seconded by Councilman Hearson. Chairman Zumer asked for comments from the audience; Chairman Zumer also asked everyone to keep comments to three minutes.

Offering comments from the public were:

Ryan Grable
Carolyn Snyder
Dr. Scott Douglas
Russ Stath

Dick Munro
Fr. Alexs Miller
John Surber

Roger Hamilton
Heather Perkins
Bill McCormick

After public comments Chairman Zumer called for comments and responses from the Council, offering a comment was Councilman Rockenbaugh. Hearing no further comments or discussion from the Council and audience, Chairman Zumer asked Clerk-Treasurer Nellie Thompson to call the roll for a vote. The Ordinance passed on third and final reading with a 4-3 vote. Councilmen, Rockenbaugh, Cook and Coons cast dissenting votes.

ORDINANCE NO 20-2005

Special Note: Ordinance No 20-2005 vetoed by Mayor Zumer, July 13, 2005. See attachment.

Completing the business of Ordinances and Petitions Committee, Chairman Fiedler turned the meeting over to Chairman Zumer.

TRAFFIC, PARKING & SAFETY

Chairman Zumer called upon Chairman Coons to present items related to Traffic, Parking & Safety Committee.

Chairman Coons presented for second reading an ordinance increasing the fines for stopped trains blocking city streets. Chairman Coons moved to place the ordinance on second reading, seconded by Councilman Frees. Chairman Zumer called for comments from the Council and public; hearing no discussion, the roll was called. The Ordinance passed on second reading with a unanimous vote.

Chairman Coons moved to place the ordinance on a third and final reading, and so adopt, seconded by Councilman Fiedler. Hearing no comments from the Council or audience. Chairman Zumer asked Clerk-Treasurer Nellie Thompson to call the roll. The Ordinance passed on the third and final reading with a unanimous vote.

ORDINANCE NO 21-2005

AN ORDINANCE AMENDING CHAPTER 74, RAILROADS, OF THE CRAWFORDSVILLE MUNICIPAL CODE OF THE CITY OF CRAWFORDSVILLE, INDIANA

BE IT HEREBY ESTABLISHED AND ORDAINED by the Common Council of the City of Crawfordsville, Indiana that the Crawfordsville Municipal Code concerning the fines for railroad ordinance violations is hereby amended as follow:

Section 1. Chapter 74, Section 74.99 of the Municipal Code of the City of Crawfordsville, Indiana, is hereby amended by deleting the words “not less than \$50 nor more than \$100” and inserting the words “not less than \$100 nor more than \$2, 500” instead.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed. This ordinance shall be in full force and effect from and after the date of its passage and publication.

ADOPTED BY THE COMMON COUNCIL, of the City of Crawfordsville, Indiana, this 11th day of July, 2005

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

Presented by me to the Mayor of the City of Crawfordsville, Indiana this 11th day of July, 2005.

Signed///Nellie Thompson

Nellie Thompson, Clerk-Treasurer

This Ordinance approved and signed by me this 11th day of July, 2005.

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

ATTEST:

Nellie Thompson
Nellie Thompson, Clerk-Treasurer

This instrument prepared by David S. Peebles, Attorney at Law
Harris, Harvey & Peebles, LLC
100 West Main Street
Crawfordsville, IN 47933

Concluding the business of Traffic, Parking & Safety Committee, Chairman Coons turned the meeting over to Chairman Zumer.

There being no further business, Councilman Hearson moved to adjourn, seconded by Councilman Frees. The meeting was adjourned at 7:40 p.m..

Signed by me this ____ day of _____, 2005.

John Zumer, Mayor

ATTEST: _____
Nellie Thompson, Clerk-Treasurer