

CITY COUNCIL MEETING
July 14, 2008 at 7:00PM

The Common Council of the City of Crawfordsville, Indiana, met in a regular session, 7:00 PM., July 14, 2008. Present were Mayor Charles Coons, who chaired the meeting. City Attorney David Peebles and Clerk-Treasurer Terri Gadd. Also present were Council members, Heather Perkins, Nellie Thompson, George Parker, Patrick Taylor, Roger Rockenbaugh, and Dennis Cook. Councilman Kirtley was absent.

Other officials in attendance were Fire Chief Eric Small, Wastewater Treatment Plant Manager Tom Mitchell, Director of Planning & Community Development Brandy Allen, and Police Chief Kurt Knecht.

The press was also present.

Chairman Coons called the meeting to order. Councilwoman Thompson led the pledge to the flag.

Councilman Rockenbaugh said the prayer.

Chairman Coons asked Clerk-Treasurer Terri Gadd to call the roll for the purpose of attendance; all were present except for Councilman Kirtley.

Councilman Cook moved to approve the minutes from June 9, 2008, City Council meeting. Seconded by Councilman Rockenbaugh.

The roll was called for the purpose of any additions to the agenda. There were no additions.

ANNEXATION

Chairman Coons called on Councilman Rockenbaugh to present the business of the Annexation Committee.

The first item presented was a third reading of an ordinance annexing contiguous territory to the corporate boundaries of the City of Crawfordsville, Indiana (Country Club Road).

Chairman Rockenbaugh moved to table this ordinance seconded by Councilwoman Thompson. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for a vote. The ordinance was tabled with a unanimous vote.

TABLED

The second item presented was a third reading of an ordinance annexing contiguous territory to the corporate boundaries of the City of Crawfordsville, Indiana (Eastern Acres).

Chairman Rockenbaugh moved to table this ordinance seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for a vote. The ordinance was tabled with a unanimous vote.

TABLED

The third item presented was a third reading of an ordinance annexing contiguous territory to the corporate boundaries of the City of Crawfordsville, Indiana (Miscellaneous parcels).

Chairman Rockenbaugh moved to table this ordinance seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for a vote. The ordinance was tabled with a unanimous vote.

TABLED

Completing the business of the Annexation Committee Chairman Rockenbaugh turned the meeting over to Chairman Coons.

FISCAL AFFAIRS

Chairman Coons called on Councilwoman Thompson to present the business of the Fiscal Affairs Committee.

The first item presented was a confirmatory resolution approving a tax abatement for R.R. Donnelley. Councilwoman Thompson moved to approve the resolution as written. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. After hearing from Councilwoman Perkins, and Brandy Allen the roll was called for a vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 21-2008

COMMON COUNCIL OF CITY OF CRAWFORDSVILLE, INDIANA

CONFIRMATORY RESOLUTION FOR THE DESIGNATION OF AN
ECONOMIC REVITALIZATION AREA AND APPROVAL OF TAX
ABATEMENT FOR R.R. DONNELLEY & SONS, INC.

WHEREAS, the Common Council of the City of Crawfordsville, Indiana (the "Council") has been requested by R.R. Donnelley & Sons, 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 \$44,100,000 in manufacturing equipment and \$555,000 in information technology equipment for a total projected new investment of \$44,655,000 at its “South Plant” facility located on Indiana State Highway 32 West 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,

WHEREAS, pursuant to I.C. 6-1.1-12.1-2, on May 9, 2008, the Council has passed a Declaratory Resolution, #7-2008, designating the Area an “economic revitalization area” within the meaning of I.C. 6-1.1-12.1-1(1), granting personal property tax abatement in the Area for a period of ten (10) years, and approving 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 June 9, 2008 the Council received, heard and considered any remonstrances and objections from all interested persons (of which there were none); and

WHEREAS, pursuant to I.C. 6-1.1-12.1-2.5, the Council desires to modify the finding(s) 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; and

WHEREAS, after discussion the Applicant, the Council also desires to modify the amount of the Project investment stated in the Declaratory Resolution to separate the Applicant’s 2007 investment in a prior but related project from the 2008 Project stated herein, thereby reducing the stated investment from \$80,251,570 (2007 and 2008 investment) to \$44,655,000 (2008 investment only).

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 from 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 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 the Council hereby modifies and confirms the Declaratory Resolution and this action confirming the Declaratory Resolution is final, except for the limited rights of appeal provided under I. C. 6-1.1-12.1-2.5.

The foregoing was passed by the Common Council of the City of Crawfordsville, Indiana, this 11th day of August, 2008, at 7:00 o’clock p.m.

ATTEST:

Signed///Terri Gadd
Clerk – Treasurer

Signed///Charles E. Coons
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 August, 2008, at 7:00 o'clock p.m.

Signed///Terri Gadd
Clerk – Treasurer

Approved and signed by the Mayor of the City of Crawfordsville, Indiana, this 11th day of August, 2008, at 7:00 o'clock p.m.

Signed///Charles E. Coons
Charles E. Coons, Mayor/Presiding officer

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STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R 11-06)

Prescribed by the Department of Local Government Finance

INSTRUCTIONS:

- 1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)*
- 2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, BEFORE a deduction may be approved*
- 3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is sited. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.*
- 4. Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)*
- 5. The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001. For equipment installed prior to March 2, 2001, the schedules and statutes in effect at the time shall continue to apply. (IC 6-1.1-12.1-4.5(f) and (g))*

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (e) and (d).

Name of taxpayer RR Donnelley

Address of taxpayer (number and street, city, state, and ZIP code)

1009 Sloan Street, Crawfordsville, In_ 47933 Name of contact person

Anthony Cosenza

6.

Name of designating body

Cornman Council of the City of CrawfordSVille, Indiana

Loca1ion of property

County

State Road 32 West, Crawfordsville, Indiana

Montgomery

Description of manufacturing equipment and/or research and development equipment

and/or logistical distribution equipment andlor information technology equipment.

(use additional sheets if necessary)

Resolution number (s) 17-2007, 20-2007

DLGF taxing district number 54030

Purchase and install four web offset presses, one sheetfed press, equipment for a digital service center and other associated equipment

START DATE Manufacturing Equipment 03/01/2008

7.

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.



MANUFACTURING EQUIPMENT

COST ASSESSED

VALUE

LOGIST DIST EQUIPMENT

COST ASSESSED

VALUE

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
1,413	58,476,000.00	1,413	58,476,000.00	5	132,000.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					

Current values

Plus estimated values of proposed project Less values of any property being replaced

Net estimated values upon completion of project

67,290,758.00 44,617,000.00 34,438,000.00 77,469,7511.00

19,870,826.00 13,385,100.00 10,331,430.00 22,924,496,00

I hereby certify that the representations in this statement are true.

Title

Plant Finance Manager

Date signed (month, day, year)

| 07/01/2008

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A . The designated area has been limited to a period of time not to exceed

is _____

B . The type of deduction that is allowed in the designated area is limited to:

- 1. Installation of new manufacturing equipment;
- 2. Installation of new research and development equipment;
- 3. Installation of new logistical distribution equipment.
- 4. Installation of new information technology equipment;

[JYes ON o DYes ON o DYes ON o DYes ON o

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of

\$-----

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost

with an assessed value of \$ _____

E . The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of

\$-----

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of

\$-----

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or

SECTION 5	WASTE CONVERTED AND	BENEFITS PROMISED BY THE TAXPAYER
Estimated solid waste converted (pounds) _____	new	Estimated hazardous waste converted (pounds) _____

Other benefits:

SECTION 6 TAXPAYER CERTIFICATION

information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

- 01 year 06 years •• For ERA's established prior to July 1, 2000, QDJy a
- 02 years 07 years 5 or 10 year schedule may be deducted.
- 03 years 08 years
- 04 years 09 years

5 years •• 10 years ••

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member) <i>Charles Coons Mayor</i>
Attested by: <i>Jenni Gadd, Clerk Treasurer</i>

Designated body (J.C. - ~ \ . 1. JXt. - \ . WJ...)

Date
Aug

Date signed (month, day, year)

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• If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5

Completing the business of the Fiscal Affairs Committee Chairwoman Thompson turned the meeting over to Chairman Coons.

Ordinance and Petitions

Chairman Coons called on Councilwoman Perkins to present the business of the Ordinance and Petitions Committee.

The first item presented was the second reading of an ordinance amending the Stormwater Department ordinance to adjust the staggered terms for initial board members and assignments of appointed Directors to those terms. Chairwoman Perkins moved to place the ordinance on second reading. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for a vote. The vote was unanimous to place the ordinance on second reading.

SECOND READING

The second item presented was an ordinance approving the 2007 supplement to the city code. Chairwoman Perkins moved to place the ordinance on first reading. Seconded by

Councilwoman Thompson. Chairman Coons called for comments from the Council and public. Hearing none the roll was called for a vote. The vote was unanimous to place the ordinance on first reading.

Chairwoman Perkins moved to suspend the rules and place the ordinance on second reading. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing none the roll was called for a vote. The vote was unanimous to suspend the rules.

Chairwoman Perkins moved to place the ordinance on second reading. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing none the roll was called for a vote. The vote was unanimous to place the ordinance on second reading.

Chairwoman Perkins moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Hearing none the roll was called for a vote. The ordinance passed with a unanimous vote.

ORDINANCE NO. 14-2008
AN ORDINANCE ENACTING AND ADOPTING
THE 2007 SUPPLEMENT
TO THE CODE OF ORDINANCES OF THE
CITY OF CRAWFORDSVILLE, INDIANA

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2007 supplement to the Code of Ordinances of the City of Crawfordsville, Indiana, which supplement contains all ordinances of a general nature enacted by the Crawfordsville Common Council since the prior supplement to the Code of Ordinances of this municipality, through calendar year 2007; and

WHEREAS, American Legal Publishing Corporation has also 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 that have been changed or added by prior sessions of the Indiana General Assembly; and

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

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

Section 1. The 2007 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. 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 11th day of August, 2008.

Signed///Charles E. Coons
Charles E. Coons, Mayor & Presiding Officer

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,

INDIANA, THIS 11th DAY OF August, 2008.

Signed///Terri Gadd

Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 11th DAY OF

August, 2008.

Signed///Charles E. Coons

Charles E. Coons, Mayor

ATTEST: Terri Gadd

Terri Gadd, Clerk Treasurer

City of Crawfordsville

6/30/08 dsp ver1

Completing the business of the Ordinance and Petitions Committee Chairwoman Perkins turned the meeting over to Chairman Coons.

Traffic, Parking & Safety

Chairman Coons called on Councilman Cook to present the business of the Traffic, Parking and Safety Committee.

The first item presented was the second reading of an ordinance making the intersection of Vandalia Street and Meridian Street a four way stop.

Chairman Cook moved to place the ordinance on second reading. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. After hearing comments from Council members Perkins, Taylor and Cook and members of the public, Mark Hutchison and Joan Hutchison the roll was called for a vote. Council members Perkins, Thompson, Parker, Rockenbaugh, and Cook voted nay. Councilman Taylor voted yea. The ordinance was defeated.

The second item presented was discussion of a proposed protocol for requests from the public. Chairman Cook read the proposed protocol and asked for comments.

After hearing comments from Council members Perkins, Taylor, and City attorney Peebles and staff member Rod Jenkins the protocol was referred to the BOW and will return to the committee in August.

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

Miscellaneous

There being no further business, Chairman Coons moved to adjourn seconded by Councilwoman Perkins the meeting was adjourned at 7:50 PM.

Signed by me this 11th day of August, 2008.

Signed///Charles E. Coons
Charles E. Coons, Mayor

ATTEST:

Signed///Terri Gadd

Terri Gadd

Clerk Treasurer City of Crawfordsville