

CITY COUNCIL MEETING

Monday February 9, 2009 at 7:00P.M.

The Common Council of the City of Crawfordsville, Indiana, met in regular session, 7:00 PM., February 2, 2009. 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, Dennis Cook and Ray Kirtley.

Other officials in attendance were Assistant Fire Chief Todd Barton, Director of Planning & Community Development Brandy Allen, Wastewater Manager Tom Mitchell, Park and Recreation Director Roger Neal, Street Commissioner Rodney Jenkins, and Police Chief Kurt Knecht.

The Press was also present.

Chairman Coons called the meeting to order. Councilman Parker 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. Councilwoman Perkins was not present for roll call.

Councilman Cook moved to approve the minutes from January 12, 2009 City Council meeting. Seconded by Councilman Rockenbaugh. The minutes were approved with a unanimous vote.

The roll was called for the purpose of any additions to the agenda. There was one addition to the agenda, by Councilman Taylor.

PUBLIC HEARING

Councilwoman Thompson opened the Public Hearing for an additional appropriation from Riverboat Revenue Sharing to the Crawfordsville Storm Water Department. Chairwoman Thompson called the meeting to order at 7:05 P.M. and asked for any comments or questions from the Council or the public. Hearing none the Public Hearing was closed at 7:07 P. M.

FISCAL AFFAIRS

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

The first item presented was an ordinance approving an additional appropriation from Riverboat Revenue Sharing to the Crawfordsville Storm Water Department. This ordinance comes from the Fiscal Affairs Committee with no recommendation.

Chairwoman Thompson moved to approve this ordinance and place on first reading. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Offering comments from the Council were members Perkins, Thompson, Taylor, Parker and Cook. Also offering comments were Wastewater Director Tom Mitchell and Attorney Peebles. After hearing comments Chairman Coons called for the vote. The ordinance passed on first reading with a unanimous vote.

AMOUNT	FROM	TO
\$35,000.00	Riverboat Revenue Sharing Fund (Unappropriated)	Riverboat Revenue Sharing Fund (Appropriated; Acct #310) Stormwater Consulting & Engineering Fees
\$40,000.00	Riverboat Revenue Sharing Fund (Unappropriated)	Riverboat Revenue Sharing Fund (Appropriated; Acct#310) MS4 Program Operating Expenses

FIRST READING

The second item presented was a resolution approving the continuation of a tax abatement for Random House. Chairwoman Thompson moved to approve this resolution. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and the public. Hearing none Chairman Coons called for the vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 2-2009

A RESOLUTION FINDING THAT RANDOM
HOUSE, INC. IS IN SUBSTANTIAL COMPLIANCE
FOR TAX ABATEMENT PURPOSES

WHEREAS, the Common Council of the City of Crawfordsville, Indiana has been requested by Random House, 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 City of Crawfordsville Common Council Resolution #26-2002; and

WHEREAS, the statement of benefits in question was approved by City of Crawfordsville Common Council Resolution #28-2002,

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 statement of benefits form and has found that the above 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 10th day of February, 2009.

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

ATTEST:

Signed///Terri Gadd

Terri Gadd, Clerk-Treasurer

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

ORDINANCE AND PETITIONS

Chairman Coons called on Councilman Cook to present the business of the Ordinance and Petitions committee.

The first item presented was the third reading of an ordinance amending Title VII, Chapter 73 of the city code of Crawfordsville Indiana concerning licensing mopeds and scooters. Chairman Cook moved to place this ordinance on third reading and so adopt with the amendments as noted. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. After hearing no comments Chairman Coons called for the vote on the amendments to the ordinance. The amendments passed with a unanimous vote.

Chairman Cook moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Taylor. Chairman Coons called for comments. Hearing none Chairman Coons called for the vote. The ordinance passed on third and final reading with a unanimous vote.

ORDINANCE NO. 1-2009

AN ORDINANCE AMENDING TITLE VII, CHAPTER 73 OF THE CITY CODE OF CRAWFORDSVILLE, INDIANA, CONCERNING REGISTERING MOTORIZED BICYCLES AND MOTOR SCOOTERS

WHEREAS, motorized bicycles and motor scooters, although required to be registered in Indiana, often are not registered but are operated on the streets of the City; subsequently there is no ready means available to identify the owners of said non-registered vehicles;

WHEREAS, from time to time motorized bicycles and/or motor scooters violate city ordinances, including but not limited to parking in marked parking spaces beyond the prescribed time limits set by ordinance;

WHEREAS, because the owner(s) of non-registered motorized bicycles and/or motor scooters cannot be identified, it is difficult to locate and cite the owners for violating ordinances of the City,

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, that:

SECTION 1. Title VII, Chapter 73, Bicycles and Skateboards, of the Municipal Code of the City of Crawfordsville is hereby amended to delete the following provisions in ~~strikethrough~~ and to add the following provisions in **bold** typeface:
73.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BICYCLE. Every device propelled by human power upon which any person may ride, having any tandem wheels over 18 inches in diameter with tires inflated.

MOTORIZED BICYCLE. A 2 or 3 wheeled, one-person vehicle powered by an electric motor or engine with a rating of more than 2 HP (horsepower) and of not more than 50 cc (cubic centiliters), with an automatic transmission, and intended by design not to exceed 25 miles per hour.

MOTOR SCOOTER. A 2 wheeled, one-person vehicle powered by an engine or motor with a seat and not a saddle for the driver and a floorpad for the driver's feet.

SKATEBOARD. Any device propelled by human power upon which one or more persons may stand or sit, having wheels less than eight inches in diameter.

73.35 **REGISTRATION REQUIRED; APPLICATION.**

(A) No person, who resides within this city, shall ride or propel a bicycle on any street, sidewalk, park or other public place or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been ~~licensed~~ **registered** and a ~~license-plate~~ **registration sticker** is attached thereto as provided herein.

(B) Application for a bicycle ~~license~~ **registration** and ~~license-plate~~ **registration sticker** shall be made upon a form provided by the City and shall be made to the Chief of Police. A ~~license~~ **registration** fee of ~~\$.50~~ **\$5.00** shall be paid to the City before each bicycle ~~license~~ **registration** is granted.

(C) No person shall operate or park a motorized bicycle or motor scooter on any public street in the City of Crawfordsville unless such motorized bicycle or motor scooter has been licensed by the Indiana Bureau of Motor Vehicles or a comparable motor vehicle licensing department of any other state or registered by the City of Crawfordsville, and either a valid registration plate or registration sticker is attached thereto as provided herein.

(D) If so required, application for a motorized bicycle or motor scooter registration sticker shall be made using a form provided by the City and shall be made to the Chief of Police. A registration fee of \$10.00 shall be paid to the City before each motorized bicycle or motor scooter registration is granted.

73.36 **INSPECTION OF BICYCLES, MOTORIZED BICYCLES AND MOTOR SCOOTERS; ISSUANCE OF LICENSE REGISTRATION.**

(A) The Chief of Police, upon receiving a proper application therefore is authorized to issue a ~~bicycle license~~ registration for a bicycle, a motorized bicycle or a motor scooter.

(B) The Chief of Police shall not issue a ~~license~~ **registration** for any bicycle, **motorized bicycle or motor scooter** when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle, **motorized bicycle or motor scooter**.

(C) The Chief of Police shall keep a record of the number of each ~~license~~ **registration**, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle **or the serial number of the motorized bicycle or motor scooter** for which issued, and a record of all bicycle, **motorized bicycle and motor scooter** ~~license~~ **registration** fees collected ~~by him~~.

(D) The Chief of Police, or a police officer assigned such responsibility, ~~shall~~ **is authorized to inspect each bicycle, motorized bicycle or motor scooter before licensing registering the same and shall may refuse a license registration for any bicycle, motorized bicycle or motor scooter which he that officer determines is in unsafe mechanical condition.**

73.37 ~~LICENSE PLATE~~ **REGISTRATION STICKER.**

(A) The Chief of Police upon issuing a bicycle, **motorized bicycle or motor scooter license registration** shall also issue a ~~license plate registration sticker~~ **license registration sticker** bearing the **license registration** number assigned to the bicycle, **motorized bicycle or motor scooter**, and the name of the City.

(B) Such ~~license plate registration sticker~~ shall be firmly attached to the rear mudguard or frame of the bicycle, **motorized bicycle or motor scooter** for which issued in such a position as to be plainly visible from the rear.

(C) A **license registration** shall be valid as long as the bicycle, **motorized bicycle or motor scooter** remains with the ~~original~~ **owner who so registered it**. Upon resale or other transfer of the bicycle, **motorized bicycle or motor scooter**, a new registration and ~~plate sticker~~ **plate sticker** must be obtained by the transferee. Payment of the same fee as upon an original application will be charged the new owner.

73.38 TRANSFER OF OWNERSHIP.

Upon the sale or other transfer of a ~~licensed~~ **registered bicycle, motorized bicycle or motor scooter**, the ~~licensee registrant~~ shall **notify the Chief of Police of the sale or transfer and provide the name and address of the buyer or transferee, if known, so that the affixed sticker may be voided in the Police Department records remove the license plate and shall either surrender the same to the Chief of Police, or and may, upon proper application, but without payment of any additional fee and payment of the appropriate fee, have the plate a new registration assigned to another bicycle, motorized bicycle or motor scooter owned by the applicant registrant.**

73.39 RENTAL AGENCIES.

A rental agency shall not rent or offer any bicycle, **motorized bicycle or motor scooter** for rent unless the bicycle, **motorized bicycle or motor scooter** is ~~licensed~~ **registered** and a ~~license plate registration sticker~~ **license plate registration sticker** is attached thereto as provided herein and such bicycle, **motorized bicycle or motor scooter** is equipped with the lamps and other equipment required ~~in this chapter~~ by law.

73.99 PENALTY.

(A) Every person found guilty of violation of this chapter shall be fined ~~in a~~ **the sum of not to exceed \$50.00 per for the first violation and \$100.00 for each violation thereafter. Owners or operators of non-registered motorized bicycles or motor scooters who violate the parking or other ordinances of the City are also subject to having said motorized bicycle or motor scooter impounded. If impoundment occurs, the owner of the motorized bicycle or motor scooter shall be liable to pay the fees associated therewith, in addition to any other fines or penalties set forth under the penalty provisions of the ordinance(s) violated.**

(B) However, the penalty for any person under 18 years of age as it applies to bicycles and skateboards shall be as follows:

(a) First Offense. ~~Letter of reprimand mailed to parent~~ **Traffic officer shall obtain the minor's name and address and issue a warning.**

(b) Second Offense. The traffic officer shall seize the bicycle or skateboard ~~and the child and his parent or guardian will be required to appear at the Police Station for a~~

conference with ~~the traffic officer~~, and the bicycle or skateboard will be released **only** to the **minor's** parent or guardian.

(c) Third Offense. The traffic officer shall seize the bicycle or skateboard, which may be forfeited if ordered by the court in any proceeding under this chapter, in addition to a fine ~~not to exceed \$50.00~~ **of \$20.00 and \$50.00 for each violation thereafter.**

SECTION 2. All provisions of existing ordinances in conflict with this ordinance are hereby repealed. In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

SECTION 3. This ordinance shall be effective upon passage **and any required publication.**

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA AND APPROVED BY ME, THIS 9th DAY OF FEBRUARY, 2009.

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

ATTEST:
Signed///Terri Gadd
Terri Gadd, Clerk-Treasurer

The second item presented was an ordinance amending Title V, Chapter 51 of the city code of Crawfordsville, Indiana concerning the collection of municipal waste. Chairman Cook moved to place this ordinance on first reading. Seconded by Councilwoman Perkins. Chairman Coons called for questions and concerns from the Council and public. Offering comments from the Council were members, Thompson, Cook, Taylor, Rockenbaugh, Perkins, and Parker also offering comments was Attorney Peebles, Mayor Coons and Tom Mitchell. William Richardson and Doug Cullings also offered comments. Hearing no further comments Chairman Coons called for a vote. The ordinance passed on first reading with a 5 to 2 vote, Councilman Parker and Councilman Taylor voting nay.

FIRST READING

The third item presented was an ordinance approving amendments to the zoning code of the City of Crawfordsville, Indiana. Chairman Cook moved to place this ordinance on first reading. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and public, hearing none the roll was called for a vote. The ordinance passed on first reading with a unanimous vote.

FIRST READING

The fourth item presented was an ordinance approving amendments to the subdivision control ordinance of the City of Crawfordsville. Chairman Cook moved to place this ordinance on first reading. Seconded by Councilman Kirtley. Chairman Coons called for comments from the Council and public, hearing none the roll was called for a vote. The ordinance passed on first reading with a unanimous vote.

FIRST READING

The fifth item presented was an ordinance vacating certain alleys and streets in the City of Crawfordsville, Indiana for the Wabash College baseball field. Chairman Cook moved to place this ordinance on first reading. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public, hearing none the roll was called for a vote. The ordinance passed on first reading with a 6 to 1 vote. With Councilwoman Perkins abstaining.

FIRST READING

Completing the business of the Ordinance and Petitions committee Chairman Cook turned the meeting over to Chairman Coons.

TRAFFIC, PARKING & SAFETY

ANNEXATION

MISCELLANEOUS

Mayor Coons called for nominations for the County 911 Board 1 year appointment. Councilman Cook nominated Councilman Parker. Seconded by Councilwoman Perkins. Councilman Cook moved to close the nominations. Chairman Coons called for a voice vote. The vote was unanimous.

Mayor Coons called for nominations to the Montgomery County Economic Development Board a 1-year appointment. Councilman Parker nominated Councilwoman Perkins. Seconded by Councilwoman Thompson. Councilman Cook moved to close the nominations. Hearing no further nominations Chairman Coons called for a voice vote. The vote was unanimous.

Councilman Taylor thanked the Street Department and Street Commissioner Rod Jenkins for the excellent job done with snow removal during the last snow.

ADJOURNMENT

There being no further business, Chairman Coons moved to adjourn seconded by Councilwoman Perkins the meeting was adjourned at 8:25 PM.

Signed by me this 9th day of March, 2009

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

ATTEST:
Signed///Terri Gadd
Terri Gadd, Clerk Treasurer
City of Crawfordsville