

CITY COUNCIL MEETING

Monday June 8, 2009 at 7:00P.M.

The Common Council of the City of Crawfordsville, Indiana, met in regular session, 7:00 PM., June 8, 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, Dennis Cook, Ray Kirtley, Roger Rockenbaugh, and Patrick Taylor.

Other officials in attendance were Fire Chief Eric Small, Plan Director Brandy Allen, Street Commissioner Rodney Jenkins, Police Chief Kurt Knecht, Wastewater Director Tom Mitchell and Storm Water Director Gary Weliver.

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.

Councilman Cook moved to approve the minutes from the May 11, 2009 City Council meeting. Seconded by Councilwoman Perkins. The minutes were approved as presented with a unanimous vote.

The roll was called for the purpose of any additions to the agenda. There was one addition by Chairwoman Thompson.

PUBLIC HEARING

Chairman Coons opened the Public Hearing on the ordinance establishing storm water user fees at 7:05 PM.

Chairman Coons called for comments from the public and the Council. Offering comments from the public was Larry Smith. Also offering comments were Attorney David Peebles, Stormwater Director Gary Weliver and Chris Kaufman of BLN Engineering. Hearing no further comments Chairman Coons closed the public hearing at 7:15 PM.

PUBLIC HEARING

Chairman Coons turned the meeting over to Councilwoman Thompson. Chairwoman Thompson opened the Public Hearing on the ordinance re-establishing the CCD fund at 7:15 PM.

Chairwoman Thompson called for comments from the public and the Council. Offering comments from the public was Dale Petrie. Hearing no further comments Chairwoman Thompson closed the public hearing at 7:18 PM.

Chairwoman Thompson moved to adjourn the Common Council and move to the Committee of the Whole. Seconded by Councilman Cook. The Council was adjourned with a unanimous voice vote at 7:19 PM.

DISCUSSION OF THE COMMITTEE OF THE WHOLE

Chairwoman Thompson moved to adjourn the Committee of the Whole and reconvene as the Common Council. Seconded by Councilwoman Perkins. The Common Council was reconvened at 8:01 with a unanimous voice vote.

FISCAL AFFAIRS

The first item presented was a resolution approving the continuation of a tax abatement for Acuity Brands Lighting, Inc. Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. Offering comments were Planning Director Brandy Allen. Hearing no further comments the roll was called for a vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 6-2009

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 approves 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 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 the statement of benefits form.

ADOPTED AND PASSED BY THE common Council of the City of Crawfordsville, Indiana, this
9th day of June, 2009.

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

ATTEST:

Signed///Terri Gadd

Terri Gadd, Clerk- Treasurer

The second item presented was a declaratory resolution for a new tax abatement and designation of an economic revitalization area for CLB Development Corp c/o Closure Systems International. Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. Offering comments from the Council were Council members Perkins and Thompson, also offering comments was Fire Chief Eric Small and Street Commissioner Rodney Jenkins. Hearing no further comments the roll was called for a vote. The resolution passed with a five to two vote, with Council members Cook and Taylor voting nay.

RESOLUTION NO. 7-2009

COMMON COUNCIL OF CITY OF CRAWFORDSVILLE, INDIANA

DECLARATORY RESOLUTION FOR THE DESIGNATION OF AN
ECONOMIC REVITALIZATION AREA AND APPROVAL OF TAX
ABATEMENT FOR CLB DEVELOPMENT CORP.
C/O CLOSURE SYSTEMS INTERNATIONAL, INC.

WHEREAS, the Common Council of the City of Crawfordsville, Indiana (the "Council") has been requested by CLB Development Corp. (CLB), c/o Closure Systems International, Inc. (collectively, 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, CLB is the record owner of the real estate in the Area, but CSI is the manufacturer-tenant of the real estate with ultimate responsibility for payment of all property taxes thereon, and for that reason the Applicants have filed their request jointly;

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 "Applicant"), the Applicant plans to **install a rail spur and make building improvements to the manufacturing plant located at 1241 Concord Road in Crawfordsville, at an estimated cost of \$1,100,00.00** (the "Project");

WHEREAS, the Project will consist of the betterment and remodeling of real property owned by the Applicant CLB and occupied by the Applicant CSI for use in the direct production, manufacture, fabrication, assembly, processing, refining or finishing of tangible personal property, and never before used by its owner for any purpose in Indiana (the "Rehabilitation");

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;

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, per I.C. 6-1.1-12.1-3(b):

- (1) The estimate of the cost of the Rehabilitation *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 proposed described Rehabilitation.
- (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 described Rehabilitation.
- (4) The other benefits about which information was requested *are* benefits that can be reasonably expected to result from the proposed described Rehabilitation.
- (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 and adopts 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 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 8th day of June, 2009, at 7:00 o’clock p.m.

ATTEST:

Signed///Terri Gadd
Terri Gadd, Clerk – Treasurer

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

Presented by the Clerk-Treasurer of the City of Crawfordsville, Indiana, to the Mayor of the City of Crawfordsville, Indiana, this 8th day of June, 2009, at 7:00 o'clock p.m.

Signed///Terri Gadd
Terri Gadd, Clerk – Treasurer

Approved and signed by the Mayor of the City of Crawfordsville, Indiana, this 9th day of June, 2009, at 3:55 o'clock p.m.

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

Original to:
City Clerk-Treasurer

Copies to:
Applicant CLB/CSI
Mayor's Office
Department of Planning & Community Development
Montgomery County Economic Development
Montgomery County Assessor
Montgomery County Auditor

The third item presented was a resolution approving the continuation of a tax abatement for Closure Systems International, Inc. Chairwoman Thompson moved to approve the resolution. 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 resolution passed with a unanimous vote.

RESOLUTION NO. 8-2009

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 Closure Systems International, 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 approves 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 #15-2005; and

WHEREAS, the statement of benefits in question was approved by City of Crawfordsville Common Council Resolution #15-2005.

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 the statement of benefits form.

ADOPTED AND PASSED BY THE common Council of the City of Crawfordsville, Indiana, this 9th day of June, 2009.

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

ATTEST:

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

The fourth item presented was a resolution approving a tax abatement for Crawfordsville Community Housing, L.P. Chairwoman Thompson moved to approve the resolution. 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 resolution passed with a unanimous vote.

RESOLUTION NO.9-2009

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 Crawfordsville Community Housing, L.P., pursuant to I.c.6-1.1-12.1, to review and determine whether or not it has substantially complied with a submitted and approves 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 #12-1997 and 25-1997; and

WHEREAS, the statement of benefits in question was approved by City of Crawfordsville Common Council Resolution #12-1997 and 25-1997; and

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 the statement of benefits form.

ADOPTED AND PASSED BY THE common Council of the City of Crawfordsville, Indiana, this 9th day of June, 2009.

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

ATTEST:

Signed///Terri Gadd

Terri Gadd, Clerk- Treasurer

The fifth item presented was a resolution approving the continuation of a tax abatement for R.R. Donnelley, Inc. Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. Offering comments from the Council were Council members Thompson and Perkins and Planning Director Brandy Allen. Hearing no further comments the roll was called for a vote. The resolution passed with a unanimous vote.

RESOLUTION NO. 10-2009

**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 R.R. Donnelley and Sons, 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 approves 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 #11-2006,20-2007 and 21-2008; and

WHEREAS, the statement of benefits in question was approved by City of Crawfordsville Common Council Resolution #11-2006, 20-2007 and 21-2008.

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 the statement of benefits form.

ADOPTED AND PASSED BY THE common Council of the City of Crawfordsville, Indiana, this
9th day of June, 2009.

Signed///Charles E. Coons

Charles E. Coons, Mayor

ATTEST:

Signed///Terri Gadd

Terri Gadd, Clerk- Treasurer

The sixth item presented was a resolution approving the continuation of a tax abatement for Crawford Industries. Chairwoman Thompson moved to table the resolution. Seconded by Councilman Parker. The roll was called for a vote. The resolution was tabled six to one with nay vote from Councilman Taylor.

TABLED

The seventh item presented was a resolution approving the continuation of a tax abatement for Heritage Products, Inc. Chairwoman Thompson moved to table the resolution. Seconded by Councilman Kirtley. The roll was called for a vote. The resolution was tabled six to one with nay vote from Councilwoman Perkins.

TABLED

The eighth item presented was an ordinance re-establishing the Cumulative Capital Development Fund under Indiana Code 36-9-15-5. Chairwoman Thompson moved to place this ordinance on first reading. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and the public. Offering comments from the Council was Councilwoman Perkins. Hearing no further comments the roll was called for a vote. The ordinance passed on first reading with a unanimous vote.

FIRST READING

The ninth item presented was the second reading of an ordinance establishing storm water user fees to be collected by the City of Crawfordsville, Indiana from users and owners of property served by the Storm Water Utility Board of said city and others connected therewith. Chairwoman Thompson moved to amend the ordinance. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and the public. Offering comments from the Council were Council members Kirtley and Cook also offering comments was City Attorney David Peebles, Roy Kaser of CEL&P and Tom Mitchell Wastewater Director. Hearing no further comments the roll was called for a vote. The vote was unanimous to amend the ordinance.

Chairwoman Thompson moved to place the ordinance on second reading as amended. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and the public. Offering comments from the Council were Councilman Parker and Councilwoman Thompson, also offering comments was City Attorney David Peebles, Stormwater Director Gary Weliver, Street Commissioner Rodney Jenkins and Chris Kaufman of BLN Engineering. Hearing no further comments the roll was called for a vote. The ordinance passed on second reading with a six to one vote. Councilman Parker voted no.

Councilwoman Thompson moved to place the ordinance on third and final reading and so adopt. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and the public. Hearing no comments the roll was called for a vote. The ordinance passed on third and final reading with a six to one vote. Councilman Parker voted no.

ORDINANCE NO. 13-2009

AN ORDINANCE ESTABLISHING USER FEES TO BE COLLECTED BY THE CITY OF CRAWFORDSVILLE, INDIANA, FROM USERS AND OWNERS OF PROPERTY SERVED BY THE STORM WATER UTILITY OF SAID CITY AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the City of Crawfordsville, Indiana (“City”) has heretofore constructed and has in operation a stormwater collection system for the purpose of collecting and managing stormwater runoff; and

WHEREAS, the costs of collecting and managing stormwater are not presently being recovered from the properties generating that stormwater runoff and/or the properties served by that system; and

WHEREAS, a major part of the expense of stormwater management is compliance with the federal Clean Water Act concerning municipal separate stormwater sewer systems (“the MS4 mandate”), which requires a number of mandatory compliance measures by the City; and

WHEREAS, the City has caused a report to be completed by H. J. Umbaugh & Associates (“Report”), and based upon that Report, the City finds that a stormwater user fee should be enacted to pay for the costs of collecting and managing its storm water, including compliance with the MS4 mandate; and

WHEREAS, the City has calculated an average Equivalent Residential Unit (“ERU”) for parcels of real estate located within the City, which was derived by calculating an average residential parcel size and an average total impervious surface area, and based on those calculations, an ERU for the City shall be and is 3,960 square feet; this ERU allocates the demand that all such parcels in the City place on the stormwater utility of the City and their benefit from the stormwater management activities of the City; and

WHEREAS, the City intends to enact a stormwater user fee for the costs of collecting and managing its stormwater pursuant to IC 36-9-23-25, which authorizes the Common Council of the City (“Common Council”) to enact such a fee; and

WHEREAS, the Board of Directors of the Department of Storm Water Management of the City (“Board”) has recommended to the Common Council the enactment of a stormwater user fee at the rate set forth therein; and

WHEREAS, the Board has adopted a Policy Manual establishing the policies and procedures for assessment, billing, and administration of stormwater fees and charges, and recommends the adoption of that Manual, a copy of which is attached to this ordinance as an appendix, to the Common Council; and

WHEREAS the Common Council finds, based upon the Report and the recommendations of the Board, that a stormwater user fee should be enacted to pay for the costs of collecting and managing storm water pursuant to the provisions of IC 36-9-23, which storm water user fee should be charged, collected and administered pursuant to the provisions of the Policy Manual; and

WHEREAS, the Common Council finds that due notice and the appropriate public hearing have been given and conducted in accordance with IC 36-9-23;

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

1. There is hereby established a monthly stormwater utility fee to be charged to all owners of real estate within the City of Crawfordsville for the use of and services provided by the stormwater utility of the City.

2. For residential real estate, the stormwater utility fee shall be a flat residential customer charge of \$4.95, plus \$1.05 for the ERU, per month per residence, for a total monthly residential charge of \$6.00.

3. For non-residential real estate, the stormwater utility fee shall be determined by the square footage of impervious area of each non-residential parcel, using a classification system as follows:

	<u>Impervious Area</u> (Square Feet)	<u>Fee</u> Per Month
User Class 1	0 to 50,000	\$10.20
User Class 2	50,001 to 100,000	\$23.85
User Class 3	100,001 to 150,000	\$38.55
User Class 4	150,001 to 250,000	\$56.40
User Class 5	250,001 and up	\$155.10

4. Additional criteria concerning these classifications and other specific billing matters and procedures are contained in the Policy Manual adopted by the Board of Directors of the Crawfordsville Department of Storm Water Management, a copy of which is attached to this ordinance as an appendix and is hereby incorporated into this ordinance as if fully set forth herein. That Manual is hereby approved by the Common Council and made a part of this ordinance, enforceable as such.

5. If the monthly stormwater utility fee is not paid by the due date stated on the bill, a late charge of ten percent (10%) will be assessed, together with any and all costs of collection, if any, including reasonable attorney's fees and ~~costs of collection~~ **third party collection charges**. Delinquent charges for stormwater services, as well as applied penalties, recording fees, and service charges, constitute a lien upon the property and may be collected in accordance with the provisions of I.C. 36-9-25-11.

6. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

7. ~~The monthly stormwater utility fee as herein set forth shall become effective on and payable after the first full billing period occurring once a billing system for the foregoing stormwater utility fees is operational, but in no event shall the rates and fees set forth herein be effective earlier than _____ [insert date 45 days after date of Council passage].~~ **This ordinance shall be effective upon passage. However, the Board of Directors of the Department of Stormwater Management is hereby authorized and directed to establish billing procedures and timetables in consultation with its billing agent to implement the fees established by this ordinance.**

8. This ordinance shall be in full force and effect from and after its passage and any publication as required by law.

Adopted and passed by the Common Council of the City of Crawfordsville, Indiana, this 8TH day of June, 2009.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 8TH DAY OF June, 2009.

Signed///Terri Gadd
Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 9TH DAY OF
June, 2009.

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

ATTEST:

Signed///Terri Gadd
Terri Gadd, Clerk Treasurer
City of Crawfordsville
dsp 5/18/09 ver4

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

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

ORDINANCES AND PETITIONS

The first item presented was the third reading of an ordinance authorizing CEL&P to adopt a Net Metering Program for use by the electric utility customers. Chairman Cook moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and the public. Hearing no comments the roll was called for a vote. The ordinance passed on third and final reading with a unanimous vote.

ORDINANCE NO. 14-2009

NET ENERGY METERING FOR CRAWFORDSVILLE ELECTRIC LIGHT AND POWER

WHEREAS, the City of Crawfordsville, Indiana owns and operates its own electric utility under the supervision and control of the Utility Service Board under IC8-1.5-3-4, and the Utility Service Board has recommended to the Council that it adopt by Ordinance a Net Metering program for use by electric utility customers. Based upon the Utility Service Board's recommendation, and being duly advised, the Council has determined that the development of a Net Metering program in the City of Crawfordsville may encourage the use of renewable energy resources and renewable energy technologies as well as promote the wise use of Indiana's natural energy resources to meet growing electricity demand; and

WHEREAS, "Net Metering" is an arrangement of equipment for the production of electricity from the solar, wind, biomass, geothermal, or hydroelectric facilities that are owned and operated by residential, commercial or industrial customers of Crawfordsville Electric

Light & Power which allows a customer to offset its use of electricity by spinning the customer's electric meter backwards, effectively crediting the customer for electricity contributed to the grid; and

WHEREAS, under a Net Metering arrangement, in those instances when the Net Metering customer's facility is not producing sufficient electricity to meet the customer's needs, the customer- generator; purchases electricity from the utility under a typical retail service schedule or tariff. Conversely, any electricity produced by a customer in excess of the customer's needs is fed into the utility grid and offsets the customer's electric bill; and

WHEREAS, the Council believes development of a Net Metering program that encourages energy users to become more energy efficient reduces demand and potentially reduces energy bills, is an appropriate undertaking for the benefit of ratepayers and is in the public interest;

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

SECTION 1. The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and determinations of the Council.

SECTION 2. The City of Crawfordsville encourages interested citizens and businesses to invest in renewable electric energy generation systems and enter into a Net Metering arrangement with the municipal electric utility of the City of Crawfordsville.

SECTION 3. "Eligible Net Metering Customers" include residential, commercial and industrial customers in good standing that own and operate a solar, wind, biomass, geothermal, or hydroelectric generating facility that: (a) has a nameplate capacity less than or equal to ten (10) kilowatts (kW); (b) is located on the customer's premises and is operated by the customer; and (c) is used primarily to offset all or part of the customer's own electricity requirements.

SECTION 4. The Council authorizes the utility to offer Net Metering to Eligible Net Metering Customers on a first come, first served basis. The utility shall limit the aggregate amount of net metering facility nameplates capacity from all Eligible Net Metering Customers to one-tenth of one percent (0.1%) of the utility's most recent summer peak load.

SECTION 5. The Utility shall measure the difference between the amount of energy delivered by the Utility to the Eligible Net Metering Customer and the amount of energy generated by the Eligible Net Metering Customer and delivered to the Utility. If the Eligible Net Metering Customer generates more energy than it consumes in a month, the customer shall receive a bill credit from the utility for the amount of surplus energy generated. The utility shall not purchase or wheel power produced by an Eligible Net Metering Customer.

SECTION 6. The attached "Net Metering Tariff" shall be adopted as the terms and conditions under which the utility will offer Net Metering to Eligible Net Metering Customers. The attached Net Metering Tariff shall be filed with and become effective upon approval by the Indiana Utility Regulatory Commission.

SECTION 7. In accordance with the terms of the attached Net Metering Tariff, the utility shall enter into an interconnection agreement with the Eligible Net Metering Customer, which incorporates technical interconnection requirements and does not conflict with the Ordinance before the Net Metering facility may be interconnected with the utility's system.

Effective date. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Adopted this 9th day of June, 2009.

CITY OF CRAWFORDSVILLE
COMMON COUNCIL

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

ATTEST:

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

The second item presented was an ordinance that prohibits the sale or possession of alcohol at the municipal golf course and authorizing the sale and possession of same at that location. Chairman Cook moved to table this ordinance. Seconded by Councilman Taylor. The roll was called for a vote. The vote was unanimous to table.

TABLED

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

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

TRAFFIC, PARKING & SAFETY

The first item presented was the second reading of an ordinance vacating certain alleys in the City of Crawfordsville (various Parcels in the 300 block of West Market Street and Ward Avenue). Chairman Kirtley moved to place the ordinance on second reading. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and the public. Hearing no comments the roll was called for a vote. The ordinance passed on second reading with a unanimous vote.

SECOND READING

Chairman Kirtley moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and the public. Hearing no comments the roll was called for a vote. The ordinance passed on third and final reading with a unanimous vote.

ORDINANCE 15-2009

The second item presented was an ordinance approving a handicapped parking space in the 1000 block of Tuttle Avenue. Chairman Kirtley moved to place the ordinance on second reading. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and the public. Hearing no comments the roll was called for a vote. The ordinance passed on second reading with a unanimous vote.

Chairman Kirtley 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 the public. Hearing no comments the roll was called for a vote. The ordinance passed on third and final reading with a unanimous vote.

ORDINANCE 16-2009

Completing the business of the Traffic, Parking and Safety committee Chairman Kirtley turned the meeting over to Chairman Coons.

ANNEXATION

MISCELLANEOUS

The Council and public were reminded of the time change for the July 13, 2009 Council meeting; 6:00PM with 2010 Budget workshop to follow.

ADJOURNMENT

There being no further business, Chairman Coons moved to adjourn seconded by Councilwoman Perkins the meeting was adjourned at 8:45 PM.

Signed by me this _____ day of _____, 2009

Charles E. Coons, Mayor

ATTEST:

Terri Gadd, Clerk Treasurer
City of Crawfordsville