

## **CITY COUNCIL MEETING**

**Monday July 13, 2009 at 6:00P.M.**

The Common Council of the City of Crawfordsville, Indiana, met in regular session, 6:00 PM., July 13, 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, Park & Recreation Director Roger Neal, Wastewater Director Tom Mitchell and Storm Water Director Gary Weliver.

The Press was also present.

Chairman Coons called the meeting to order. Councilman Taylor 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 Thompson moved to approve the minutes from the June 8, 2009 City Council meeting. Seconded by Councilman Rockenbaugh. The minutes were approved as presented with a unanimous vote.

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

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### **PUBLIC HEARING**

Chairman Coons opened the Public Hearing on the confirmatory resolution approving a tax abatement and designation of an economic revitalization area for CLB Development Corp c/o Closure Systems International at 6:06 PM. Chairman Coons called for comments from the public and the Council. Hearing no comments Chairman Coons closed the public hearing at 6:07 PM.

### **PUBLIC HEARING**

Chairman Coons opened the Public Hearing for a resolution modifying the Local Option Income Tax apportionment between homestead and general property tax relief at 6:08 PM. Chairman Coons called for comments from the public and the Council. Hearing no comments Chairman Coons closed the public hearing at 6:09 PM.

Chairman Coons turned the meeting over to Councilwoman Thompson.

## FISCAL AFFAIRS

The first item presented was a confirmatory 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. Hearing no comments the roll was called for a vote. The resolution passed with a six to one vote, with Councilman Taylor voting nay.

### **RESOLUTION NO. 11-2009**

COMMON COUNCIL OF CITY OF CRAWFORDSVILLE, INDIANA

CONFIRMATORY 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;

WHEREAS, pursuant to I.C. 6-1.1-12.1-2, on June 8, 2009, the Council passed a Declaratory Resolution, # 7-2009, designating the Area an "economic revitalization area" within the meaning of I.C.6-1.1-12.1-1(1), granting real property tax abatement in the Area for a period of ten (10) years, and approving real property tax deductions for the Applicant related to the Project;

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 a public hearing held on July 13, 2009, prior to the adoption of this resolution, the Council received, heard and considered comments, remonstrances and objections from any and all interested persons;

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 real property tax deductions under I.C. 6-1.1-12.1-5 for rehabilitation of real property 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 the Council hereby confirms its earlier Declaratory Resolution, and that 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 13th day of July, 2009, at 6:00 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 13th day of July, 2009, at 6:00 o'clock p.m.

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

Approved and signed by the Mayor of the City of Crawfordsville, Indiana, this 13th day of July, 2009, at 6:00 o'clock p.m.

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

The second item presented was a resolution modifying the Local Option Income tax apportionment between homestead and general property tax relief. Chairwoman Thompson moved to approve the resolution. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. Offering comments from the Council were Council members Perkins, Cook, Parker and Thompson, also offering comments was Clerk Treasurer Terri Gadd. Hearing no further comments the roll was called for a vote. The resolution passed with a four to three vote, with Council members Kirtley, Rockenbaugh and Parker voting nay.

**RESOLUTION NO. 12-2009**

**A RESOLUTION OF THE COMMON COUNCIL OF THE  
CITY OF CRAWFORDSVILLE, INDIANA  
TO REALLOCATE THE MONTGOMERY COUNTY  
LOCAL OTION INCOME TAX REVENUE**

WHEREAS, Montgomery County has adopted a county-wide local option income tax (LOIT) at the rate of one percent (1%), with revenue from this tax being used for property tax relief in the form of additional homestead credits (80% of such revenue) and general property tax relief for all property owners (20% of such revenue);

WHERAS, since the adoption of that allocation ratio, major changes to property tax laws have been made by the Indiana General Assembly, including “circuit breaker” caps on maximum possible property taxes payable by various classes of property;

WHEREAS, while those changes reduce the property tax burden on all property in the State of Indiana, they reduce the property tax most for homestead residential property;

WHEREAS, as a result of those changes, the City of Crawfordsville is projected to lose significant property tax revenue in 2010 and beyond, especially with respect to non-homestead residential property such as apartments;

WHEREAS, to reduce the impact of that decrease on the City, and to allow non-homestead property to participate more in property tax relief, the Crawfordsville Common Council, as the City's fiscal body, would like to re-allocate the ratio of homestead credits (now 80% of LOIT revenue) and general property tax relief (now 20%);

WHEREAS, the LOIT revenue allocation ratio may be changed only by action of the Montgomery County Income Tax Council, composed of the County and various municipalities therein in proportion to their assessed valuations;

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

1. The revenue of the Montgomery County local option income tax (LOIT) should be re-allocated from its present ratio of homestead credits (now 80% of LOIT revenue) and general property tax relief (now 20%) to homestead credits receiving 70% of such revenue and general property tax relief receiving 30% of such revenue.
2. In light of the foregoing, the City of Crawfordsville casts its 4 votes *for* the proposed ordinance of the Montgomery County Income Tax Council, which ordinance is set forth as Exhibit 1 to this resolution and is hereby incorporated by reference into this resolution as if fully set forth herein.
3. The Clerk-Treasurer is directed to deliver a copy of this resolution to the Montgomery County Auditor for distribution to other members of the Tax Council pursuant to statute.
4. This resolution is effective upon passage.

RESOLVED this 13<sup>th</sup> day of July, 2009.

Signed//Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

ATTEST:

Signed///Terri Gadd

Terri Gadd, Clerk-Treasurer

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The third item presented was a resolution approving the continuation of a tax abatement for Heritage Products, Inc. Chairwoman Thompson moved to remove this resolution from table. Seconded by Councilman Cook. The roll was called for a vote. The vote was unanimous to remove from table.

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 members Cook, Perkins and Thompson, also offering comments was Dave Lancaster of Heritage Products, Inc. Hearing no further comments the roll was called for a vote. The resolution passed with a six to one vote, with Councilman Taylor voting nay.

### **RESOLUTION NO. 13-2009**

#### **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 Heritage Products, 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 #12-2001; and

WHEREAS, the statement of benefits in question was approved by City of Crawfordsville Common Council Resolution #12-2001 and #14-2003.

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  
13<sup>th</sup> day of July, 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 the continuation of a tax abatement for Crawford Industries. Chairwoman Thompson moved to remove this resolution from table. Seconded by Councilwoman Perkins. The roll was called for a vote. The vote was unanimous to remove from table.

Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Offering comments from the Council were members Taylor and Thompson, also offering comments was David Peebles, City Attorney, Greg Miller, Attorney for Crawford Industries and Todd Barton, Controller for Crawford Industries. Hearing no further comments the roll was called for a vote. The resolution passed with a six to one vote, with Councilman Taylor voting nay.

### **RESOLUTION NO. 14-2009**

#### **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 Crawford Industries, 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 #22-2002; and

WHEREAS, the statement of benefits in question was approved by City of Crawfordsville Common Council Resolution #22-2002.

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 the statement of benefits form.

ADOPTED AND PASSED BY THE common Council of the City of Crawfordsville, Indiana, this  
13<sup>th</sup> day of July, 2009.

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

ATTEST:

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

The fifth item presented was the second reading of an ordinance re-establishing the Cumulative Capital Development Fund under Indiana Code 36-9-15-5. Chairwoman Thompson moved to place this ordinance on second reading. 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 passed on second reading with a unanimous vote.

Chairwoman Thompson moved to place this ordinance on third and final reading and so adopt. 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 ordinance passed on third and final reading with a unanimous vote.

### **ORDINANCE NO. 17-2009**

#### **AN ORDINANCE RE-ESTABLISHING THE CUMULATIVE CAPITAL DEVELOPMENT FUND UNDER INDIANA CODE 36-9-15.5**

WHEREAS, Indiana Code 36-9-15.5 allows a municipality such as the City of Crawfordsville, located in Montgomery County, Indiana, to establish a cumulative capital development (CCD) fund and sets forth the requirements of such a fund; and

WHEREAS, the City already has a CCD fund, and that CCD fund and the tax rate imposed thereunder have been in effect for more than two (2) years;

WHEREAS, a county option income tax was in effect in Montgomery County on January 1, 2009 and several years prior thereto;

WHEREAS, the Mayor and Common Council of the City would like to amend the City's CCD tax rate and to clarify the purposes for which CCD funds can be spent, all in conformity with I.C. 36-9-15.5, including recent changes made by Public Law 146-2008;

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

SECTION 1. There is hereby re-established the Cumulative Capital Development Fund ("the CCD Fund") within the City of Crawfordsville.

SECTION 2. The purposes of the CCD Fund are each and every approved purpose set forth in I.C. 36-9-15.5, as it may be amended from time to time, and the City of Crawfordsville shall adhere to all the provisions of I.C. 36-9-15.5 with respect to expenditures from the CCD Fund. Therefore, pursuant to said statute, monies from the CCD Fund may be used for one or more of the following statutory purposes:

IC 8-16-3 (allows for certain bridge capital expenditures);

IC 8-22-3-25 (allows for certain airport capital expenditures);

IC 14-27-6-48 (concerns levees in Vanderburgh County);

IC 14-33-14 (concerns conservancy district channel improvements, levees,

and

water retarding or impoundment structures);

IC 16-23-1-40 (concerns city-owned hospitals);

IC 36-8-14 (allows for certain fire and police capital expenditures);

IC 36-9-4-48 (concerns public mass transportation);

IC 36-9-16-2 (which allows for the following expenditures:

for (1) To purchase, construct, equip, and maintain buildings public purposes.

(2) To acquire the land, and any improvements on it, that are necessary for the construction of public buildings.

(3) To demolish any improvements on land acquired under this section, and to level, grade, and prepare the land for the construction of a public building.

(4) To acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building.

(5) To improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building.)

IC 36-9-16-3 (which allows for the following expenditures:

(1) To acquire land or rights-of-way to be used for public ways or sidewalks.

(2) To construct and maintain public ways or sidewalks.

(3) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.

(4) To construct and maintain sanitary or storm sewers, or both.

(5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.

(6) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.

(7) To purchase or acquire land, with or without buildings, for park or recreation purposes.

(8) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of the police or fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses.

(9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.

(10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.

(11) In a county or a consolidated city, to purchase or lease equipment to be used to illuminate a public way or sidewalk.

(12) The fund may be used for any of the following purposes:

(A) To purchase, lease, upgrade, maintain, or repair one (1)

or

more of the following:

(i) Computer hardware.

(ii) Computer software.

(iii) Wiring and computer networks.

(iv) Communication access systems used to connect

with

computer networks or electronic gateways.

- (B) To pay for the services of full-time or part-time computer maintenance employees.
- (C) To conduct nonrecurring inservice technology training of unit employees.

IC 36-9-16.5 (which allows for the acquisition of rights-of-way for public ways or sidewalks or the construction or reconstruction of public ways or sidewalks);

IC 36-9-17 (which allows for the construction, repair, or improvement of streets, alleys, sidewalks, curbs, gutters, and sewers);

IC 36-9-26 (which allows for expenditures for storm and sanitary sewer systems);

IC 36-9-27-100 (which allows for expenditures for the construction, reconstruction, or maintenance of drains);

IC 36-10-3-21 (which allows for expenditures for building, remodeling, and repairing park and recreation facilities, or purchasing land for park and recreation purposes);

IC 36-10-4-36 (which allows for additional park capital expenditures); or

IC 36-9-15.5(8)(c) (which allows for certain emergency expenditures).

SECTION 3. The tax rate for the CCD Fund shall be and shall not exceed \$.05 per \$100 of assessed valuation and shall be levied beginning with taxes assessed in 2009 and due and payable in the year 2010, continuing until reduced or rescinded.

SECTION 4. (A) All provisions of existing ordinances in conflict with this ordinance are hereby repealed.

(B) 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 5. Proofs of publication of the notice of the required public hearing held on this ordinance, and a certified copy of this ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law.

SECTION 6. This ordinance shall be effective upon passage, subject to approval by the Department of Local Government Finance and any other requirements of law.

Adopted and passed by the Common Council of the City of Crawfordsville, Indiana, this 13<sup>th</sup> day of July, 2009.

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

PRESENTED TO ME BY THE MAYOR OF THE CITY OF  
CRAWFORDSVILLE, INDIANA, THIS 13th DAY OF July, 2009.

Signed//Terri Gadd  
Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 13th DAY OF July, 2009.

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

ATTEST:

Terri Gadd

Terri Gadd, Clerk Treasurer  
City of Crawfordsville

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FOR REFERENCE ONLY:

**IC 36-9-15.5**

Chapter 15.5. Municipal Cumulative Capital Development Fund

**IC 36-9-15.5-1**

**Application of chapter**

Sec. 1. This chapter applies to all municipalities.

*As added by P.L.44-1984, SEC.17.*

**IC 36-9-15.5-2**

**Authorization of fund; purpose**

Sec. 2. The legislative body of a municipality may establish a cumulative capital development fund under IC 6-1.1-41 to provide money for any purpose for which property taxes may be imposed within the municipality under the authority of:

IC 8-16-3;  
IC 8-22-3-25;  
IC 14-27-6-48;  
IC 14-33-14;  
IC 16-23-1-40;  
IC 36-8-14;  
IC 36-9-4-48;  
IC 36-9-16-2;  
IC 36-9-16-3;  
IC 36-9-16.5;  
IC 36-9-17;  
IC 36-9-26;  
IC 36-9-27-100;  
IC 36-10-3-21; or  
IC 36-10-4-36.

*As added by P.L.44-1984, SEC.17. Amended by P.L.2-1993, SEC.208; P.L.1-1995, SEC.87; P.L.17-1995, SEC.32.*

**IC 36-9-15.5-3**

**Repealed**

*(Repealed by P.L.17-1995, SEC.45.)*

**IC 36-9-15.5-4****Repealed**

*(Repealed by P.L.17-1995, SEC.45.)*

**IC 36-9-15.5-5****Repealed**

*(Repealed by P.L.17-1995, SEC.45.)*

**IC 36-9-15.5-6****Tax levy; rate of tax**

Sec. 6. (a) Except as provided in subsection (c), the municipal fiscal body may provide money for the cumulative capital development fund by levying a tax in compliance with IC 6-1.1-41 on the taxable property in the municipality.

(b) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a municipality that is either wholly or partially located in a county in which the county option income tax or the county adjusted gross income tax is in effect on January 1 of that year depends upon the number of years the municipality has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0167
1	\$0.0333
2 or more	\$0.05

(c) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a municipality that is wholly located in a county in which neither the county option income tax nor the county adjusted gross income tax is in effect on January 1 of that year depends upon the number of years the municipality has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.0133
1	\$0.0267
2 or more	\$0.04

*As added by P.L.44-1984, SEC.17. Amended by P.L.17-1995, SEC.33; P.L.146-2008, SEC.792.*

**IC 36-9-15.5-7****Repealed**

*(Repealed by P.L.17-1995, SEC.45.)*

**IC 36-9-15.5-8****Cumulative capital development fund; transfer between funds; expenditures**

Sec. 8. (a) The tax money collected under this chapter shall be held in a special fund to be known as the cumulative capital development fund.

(b) In a consolidated city, money may be transferred from the fund to the fund of a department of the consolidated city responsible for carrying out a purpose for which the

cumulative capital development fund was created. The department may not expend any money so transferred until an appropriation is made and the department may not expend any money so transferred for operating costs of the department.

(c) Money held in the cumulative capital development fund may be spent for purposes other than the purposes stated in section 2 of this chapter, if the purpose is to protect the public health, welfare, or safety in an emergency situation that demands immediate action or to make a contribution to an authority established under IC 36-7-23. Money may be spent under the authority of this subsection only after the executive of the municipality:

(1) issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the fund; or

(2) certifies in the minutes of the municipal legislative body that the contribution is made to the authority for capital development purposes.

*As added by P.L.44-1984, SEC.17. Amended by P.L.82-1985, SEC.6; P.L.346-1989(ss), SEC.9; P.L.17-1995, SEC.34.*

The sixth item presented was a resolution approving an airport terminal loan contract (converting a construction loan into a standard 30 year loan). Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Cook. 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. 15-2009**

#### **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA APPROVING BORROWING BYT THE CRAWFORDSVILLE BOARD OF AVIATION COMMISSIONERS**

WHEREAS, the Crawfordsville Board of Aviation Commissioners (“BOAC”) has constructed a new airport terminal building, using funds borrowed from Linden State Bank (now Hoosier Heartland State Bank) to do so;

WHEREAS, with construction complete and the exact amount of the project costs to be financed now know, the BOAC’s construction loan now be converted to a conventional thirty (30) year loan, to be repaid with revenue generated by the rental of airport hangars and not from property taxes, and secured by a mortgage on airport real property;

WHEREAS, Indiana Code 8-22-2-18.5(a)(1) requires the approval of any BOAC loan contract by the fiscal body of the City, insofar as the City established the BOAC;

WHEREAS, the BOAC requests that the Common Council, as the appropriate fiscal body, approve the attached loan contract as required by law;

WHEREAS, the loan contract and related documentation are attached to this Resolution and incorporated herein by reference;

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

1. Pursuant to I.C. 8-22-2-18.5(a)(1), the Crawfordsville Board of Aviation Commissioners is hereby authorized by the Common Council to enter into the loan contract attached hereto for the

necessary public purpose of financing the construction of the new airport terminal building, and said loan contract is hereby ratified.

2. This resolution shall be effective upon passage.

SO RESOLVED this 13<sup>th</sup> day of July, 2009.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

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.

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

### **ORDINANCES AND PETITIONS**

The first 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 remove this ordinance from table. Seconded by Councilwoman Perkins. The roll was called for a vote. The vote was unanimous to remove table.

Chairman Cook moved to place this ordinance on first reading. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. Offering comments from the Council were members Cook, Rockenbaugh, Perkins and Kirtley, also offering comments was Tom Mitchell, Marchetta Dixon, Steve Gollither, and Dave Lancaster. Hearing no further comments the roll was called for a vote. The ordinance passed on first reading with a four to three vote, with Council members Kirtley, Rockenbaugh and Thompson voting nay.

### **FIRST READING**

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 an ordinance regulating the use of golf carts on city streets. Chairman Kirtley moved to place the ordinance on first reading. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and the public. Offering comments from the Council were members Cook and Perkins, also offering comments was David Peebles, City Attorney. Hearing no further comments the roll was called for a vote. The ordinance passed on first reading with a unanimous vote.

### **FIRST READING**

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

### **ANNEXATION**

### **MISCELLANEOUS**

### **ADJOURNMENT**

There being no further business, Chairman Coons moved to adjourn seconded by Councilwoman Perkins the meeting was adjourned at 7:30 PM.

Signed by me this 10<sup>th</sup> day of August, 2009

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

ATTEST:

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