

## CITY COUNCIL MEETING

**Monday September 21, 2009 at 7:00P.M.**

The Common Council of the City of Crawfordsville, Indiana, met in regular session, 7:00 PM., September 21, 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, Wastewater Director Tom Mitchell, Storm Water Director Gary Weliver, and Detective Rick Wilson.

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.

Councilman Cook moved to approve the minutes as corrected from the August 10, 2009 City Council meeting. Seconded by Councilwoman Perkins. The minutes were approved as corrected with a unanimous vote.

Councilwoman Perkins moved to approve the minutes from the September 8, 2009 public hearing. Seconded by Councilwoman Thompson. The minutes were approved as presented with a unanimous vote.

Councilwoman Thompson moved to approve the minutes from the September 8, 2009 Special 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. Mayor Coons had one addition.

---

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

### **FISCAL AFFAIRS**

The first item presented was the second reading of an ordinance adopting the 2010 budget for the City of Crawfordsville. Chairwoman Thompson 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 Chairman Coons called for the vote.

The ordinance passed on second reading with a five to two vote. Council members Perkins and Cook voted nay.

### **SECOND READING**

Councilwoman Thompson moved to place the ordinance on third and final and so adopt. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Offering comments from the Council were members Taylor and Thompson. Also offering comments were Clerk Treasurer Terri Gadd, and City Attorney David Peebles. Hearing no further comments Chairman Coons called for the vote.

The ordinance passed on third and final reading with a five to two vote. Council members Perkins and Cook voted nay.

### **ORDINANCE 19-2009**

***See Attached Copy Insert***

The second item presented was the second reading of an ordinance setting the 2010 salaries for of appointed officers. Chairwoman Thompson 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 Chairman Coons called for the vote.

The ordinance passed on second reading with a five to two vote. Council members Perkins and Cook voted nay.

### **SECOND READING**

Chairwoman Thompson 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 public. Hearing no comments Chairman Coons called for the vote.

The ordinance passed on third and final reading with a five to two vote. Council members Perkins and Cook voted nay.

### **ORDINANCE NO. 20-2009**

#### **AN ORDINANCE FIXING THE SALARIES OF APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF CRAWFORDSVILLE, INDIANA, FOR THE YEAR 2010**

WHEREAS, the Common Council of the City of Crawfordsville, Indiana (“Council”) has reviewed, modified and approved the salary budgets for the various departments of the City of Crawfordsville for the year 2010; and

WHEREAS, said 2010 salary budgets contain, either in the worksheets attached thereto or in the “personal services” sections thereof, the designations and classifications of employees and the hourly wages each employee is to receive, as well as the bi-weekly salary amount to be received by each appointed officer; and

WHEREAS, said worksheets or the "personal services" section of each department's salary budget are attached hereto and made a part of this Ordinance by reference; and

WHEREAS, the hourly wage or bi-weekly salary for each appointed officer and employee has been designated in these 2010 salary budgets and the attachments thereto, so that proper provisions may be made for overtime for each and all of these officers and employees; and

WHEREAS, the Mayor of the City hereby fixes the compensation of each city employee and appointed officers as set out in the respective department salary budgets, as modified, adjusted and approved by the Council; and

WHEREAS, the total of all such salaries and wages to be paid by the City for the year 2010 for appointed officers and employees, regular employees, and members of the Police and Fire Departments, as shown by the respective salary budgets, is as set forth in the attachments to this Ordinance.

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

Section 1. All bi-weekly salaries, wages, and hourly rates of pay for the year 2010, as shown in the salary budgets of the respective departments of the City, which are attached hereto and made a part hereof, as heretofore submitted to, and amended by, this Council.

Section 2. All vacations and sick leave for employees is paid under the authority of and in accordance with Ordinance No. 14-2000. All regular annual salaries shall be paid to all appointed officers and employees including Police Officers and Fire Fighters in 26 installments during the calendar year 2010.

Section 3. This Ordinance shall be effective upon passage, provided that all salaries set herein shall be effective January 1, 2010 and pending any other approvals required by law.

Adopted and passed by the Common Council of the City of Crawfordsville, Indiana, this 21st day of September, 2009.

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

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,  
INDIANA, THIS 21st DAY OF September, 2009.

Signed///Terri Gadd  
Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 21st DAY OF  
September, 2009.

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

ATTEST:

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

The third item presented was a TIF replacement resolution for Crawfordsville Square/Dry Branch TIF District (from Redevelopment Commission). Chairwoman Thompson moved to approve the resolution. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The resolution passed with a unanimous vote.

**RESOLUTION #16-2009**

**A RESOLUTION RESCINDING  
THE TAX INCREMENT REPLACEMENT LEVY AND RATE FOR 2010  
FOR THE CITY OF CRAWFORDSVILLE**

WHEREAS, Indiana Code 6-1.1-21.2 imposes an automatic tax levy to replace tax increment revenue lost to tax increment finance (TIF) districts due to a 2002 change in the TIF laws; and

WHEREAS, if a legislative body with jurisdiction over a TIF district does not wish to enact this tax, it must rescind that tax levy and so notify the Department of Local Government Finance; and

WHEREAS, the Crawfordsville Redevelopment Commission, which is the administrative body with jurisdiction over the TIF districts in the City of Crawfordsville, has determined that it presently has sufficient funds from its TIF districts in reserve for 2010, and there is no need for a tax levy to replace any lost revenue for 2010; and

WHEREAS, because there is no need for the tax levy in 2010, the Common Council does not wish to adopt an automatic tax levy to replace lost tax increment revenue,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Crawfordsville, as the fiscal and legislative body of the City, that:

- a. The Tax Increment Replacement Levy is hereby rescinded for 2010,
- b. This resolution shall be in full force and effect from and after its passage, and
- c. The Clerk-Treasurer is directed to send a copy of this Resolution to the Indiana Department of Local Government Finance.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE THIS  
21st DAY OF SEPTEMBER, 2009.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

ATTEST: Signed///Terri Gadd

Terri Gadd, Clerk Treasurer

The fourth item presented was a resolution for declaring FUND #708 "INCASA Grant" dormant and renaming FUND #708 "JAG Police Grant". Chairwoman Thompson moved to approve the resolution. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. Hearing no comments Chairman Coons called for the vote. The resolution passed with a unanimous vote.

**RESOLUTION NO. 17 -2009**

**A RESOLUTION OF THE CRAWFORDSVILLE COMMON COUNCIL  
RESTRUCTURING GRANT FUND #708**

WHEREAS, the City of Crawfordsville maintains a stand-alone fund, Fund #708, that was created for an "INCASA Grant;" and

WHEREAS, all of the INCASA Grant's monies have been duly spent and accounted for, and administration of that grant has been closed out; and

WHEREAS, the City has recently obtained a "JAG Police Grant" for certain equipment which will require its own fund to account for receipts and expenditures; and

WHEREAS, in the interest of efficiency, since Fund #708 already exists in the software and records of the City, the Clerk-Treasurer suggests restructuring Fund #708 in order to administer this new grant, all as set forth in this resolution,

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

Section 1.

Fund #708, the "INCASA Grant Fund," is hereby declared dormant.

Section 2.

Fund #708 is hereby renamed the "JAG Police Grant Fund" and this Fund is hereby authorized for use in administration of the JAG Police Grant pursuant to Indiana law and the requirements of said grant program.

Section 3.

This resolution shall be in full force and effect from and after its passage. Adopted and passed by the Common Council of the City of Crawfordsville, Indiana, this 21st day of September, 2009.

Signed///Charles E. Coons

Charles E. Coons, Mayor & Presiding Officer

ATTEST:

Signed///Terri Gadd

Terri Gadd, Clerk Treasurer

The fifth item presented was the first reading of an ordinance adopting a new schedule of rates and charges for services rendered by Crawfordsville Electric Light & Power. Chairwoman Thompson moved place the ordinance on first reading. Seconded by Councilman Rockenbaugh. Chairman Coons called for comments from the Council and public. Offering comments from the Council were members Taylor, Thompson and Perkins. Also offering comments were City Attorney Peebles and Roy Kaser of CEL&P. Hearing no further comments Chairman Coons called for the vote.

The ordinance passed on first reading with a five to two vote. Council members Perkins and Cook voting nay.

**FIRST READING**

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 amending the ordinances of the City of Crawfordsville concerning the possession of alcoholic beverages at the municipal golf course.

Councilman Taylor moved to amend the ordinance. Seconded by Councilwoman Thompson. Chairman Coons called for comments from the Council and public. Hearing none Chairman Coons called for the vote. The amendment to the ordinance passed with a unanimous vote.

Chairman Cook moved to place this ordinance as amended on third and final reading and so adopt. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. Offering comments from the Council were members Rockenbaugh, Kirtley, Thompson and Taylor. Also commenting was Tom Mitchell of the Golf Course Board. Hearing no further comments the roll was called for a vote. The ordinance passed as amended on third and final reading with a four to three vote, with Council members Kirtley, Rockenbaugh and Thompson voting nay.

### **ORDINANCE NO. 21 - 2009**

#### **MAYOR COONS VETOED ORDINANCE ON OCTOBER 3, 2009**

#### **AN ORDINANCE AMENDING THE ORDINANCES OF THE CITY OF CRAWFORDSVILLE CONCERNING THE POSSESSION AND SALE OF ALCOHOLIC BEVERAGES AT THE MUNICIPAL GOLF COURSE**

**WHEREAS**, it is presently the general policy of the City of Crawfordsville to ban the sale, use and/or possession of alcoholic beverages on all City property other than at certain Lew Wallace Study events, and §97.09(G) of the Crawfordsville Municipal Code specifically prohibits same with respect to parks;

**WHEREAS**, the Crawfordsville Municipal Golf Course is City-owned property subject to that prohibition;

**WHEREAS**, on May 18, 2009, the Crawfordsville Municipal Golf Course Authority determined, by resolution, that allowing the sale and possession of alcoholic beverages at the Municipal Golf Course would generate significant additional revenues for the Course;

**WHEREAS**, to generate additional revenue, the Crawfordsville Municipal Golf Course Authority, as the governmental body responsible by ordinance for the operation and management of the Course, would like to apply for an Indiana Alcoholic Beverage Permit allowing wine and beer sales at the Course;

**WHEREAS**, to allow that to happen, the Crawfordsville Municipal Golf Course Authority has requested that the Crawfordsville Common Council repeal all ordinances and parts of ordinances prohibiting the sale or possession of alcoholic beverages at the Crawfordsville Municipal Golf Course;

**WHEREAS**, the Common Council of the City of Crawfordsville believes that the request of the Authority is reasonable and that the policy of the City banning the use of alcoholic beverages on all City property and §97.09(G) of the Crawfordsville Municipal Code should be amended to allow the possession, use and sale of alcoholic beverages at the Crawfordsville Municipal Golf Course; and

**WHEREAS**, in accordance with the foregoing, the general policy of the City banning the use of alcoholic beverages on City property and §97.09(G) of the Crawfordsville Municipal Code concerning alcoholic beverages at the Crawfordsville Municipal Golf Course should be amended accordingly.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Crawfordsville, Indiana, that §97.09(G) of the Crawfordsville Municipal Code is hereby amended to add a new subsection and additional provisions (in **bold**), as follows:

§97.09(G)(1). No person or persons under the influence of alcohol or drugs shall be permitted within any public park.

§97.09(G)(2). (i) No person shall introduce any intoxicating beverages or drugs into any public park **or golf course**, either for his **or her** own use or for sale, **or** sell or give away the same, except as specifically allowed by ordinance **and lawful permit**.

(ii) **Nothwithstanding any other provision of this Chapter, no bars, taverns, nightclubs, or cocktail lounges shall be operated on any public park or golf course owned by the City of Crawfordsville or any of its departments.**

§97.09(G)(3). A person may sell or consume alcoholic beverages on the premises of the General Lew Wallace Study & Museum, provided that:

- (a) all alcoholic beverages must be served by a caterer licensed by the State of Indiana to serve alcohol and in compliance with all applicable laws,
- (b) alcoholic beverages may be served only if food is also served at the event,
- (c) alcoholic beverages may be served only after the museum closes to the general public, and
- (d) an off-duty police officer must be present during the event, at the expense of the event host.

**§97.09(G)(4)(a). A person may possess and/or consume alcoholic beverages on the premises of the Crawfordsville Municipal Golf Course, provided that said possession and/or consumption is:**

- (1) **not permitted during any school-sanctioned event,**
- (2) **subject to any and all rules and regulations that the Crawfordsville Municipal Golf Course Authority may from time to time promulgate, and**
- (3) **subject to all applicable liquor laws of the State of Indiana.**

(b) **The Crawfordsville Municipal Golf Course Authority, by its designated lawful agent(s), is hereby authorized to sell alcoholic beverages on the premises of the Crawfordsville Municipal Golf Course, subject to all applicable permit requirements and liquor laws of the State of Indiana, so**

**long as said alcoholic beverage sales occur in a room separate from the public area where only those who are old enough to purchase, consume or possess alcoholic beverages may enter.**

Section 2. (a) All other provisions of the City Code not in conflict with this Ordinance shall remain in full force and effect. (b) The subsequent 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.

Section 3. This Ordinance shall be in full force and effect upon adoption.

Section 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Ordinance.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
CRAWFORDSVILLE, INDIANA, THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2009.

---

Charles E. Coons, Mayor & Presiding Officer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF  
CRAWFORDSVILLE, INDIANA, THIS \_\_\_\_\_ DAY OF SEPTEMBER, 2009.

---

Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS \_\_\_\_\_ DAY  
OF SEPTEMBER, 2009.

---

Charles E. Coons, Mayor

ATTEST:

---

Terri Gadd, Clerk Treasurer  
9/22/09 final as adopted

**MAYOR COONS VETOED ORDINANCE ON OCTOBER 3, 2009**

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 altering the speed limit of Sycamore Hills Addition including Sycamore Drive, Thornwood Road and Sugar Tree Road in Crawfordsville. 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 none the roll was called for a vote. The ordinance was 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 none the roll was called for a vote. The ordinance was passed on third and final reading with a unanimous vote.

### **ORDINANCE NO. 22-2009**

#### AN ORDINANCE ALTERING THE SPEED LIMIT OF SYCAMORE HILLS ADDITION INCLUDING SYCAMORE DRIVE, THORNWOOD ROAD AND SUGAR TREE ROAD IN CRAWFORDSVILLE, INDIANA

WHEREAS, the Common Council of the City of Crawfordsville, Indiana, has determined that in light of the foregoing, there exists a safety hazard to pedestrians, bicyclists, and traffic on Sycamore Drive, Thornwood Road and Sugar Tree Road and the speed limits on these roads within the Sycamore Hills Addition should be changed; and,

WHEREAS, the Street Commissioner, Chief of Police, and Fire Chief concur in this assessment; and,

WHEREAS, the Common Council finds that Sycamore Drive, Thornwood Road and Sugar Tree Road, Crawfordsville, Indiana, should have a speed limit of 20 miles per hour.

NOW, THEREFORE BE IT ESTABLISHED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, THAT:

Section 1. The speed limit for all motorized traffic in Sycamore Hills Addition on Sycamore Drive, Thornwood Road and Sugar Tree Road, Crawfordsville, Indiana, is hereby altered, and shall hereafter be designated to have a maximum speed of 20 miles per hour.

Section 2. The Street Commissioner is hereby authorized and directed to secure an adequate number of signs to notify the public of the altered speed limit and to post the same within the designated area as other speed limit signs are posted within the City.

Section 3. This Ordinance shall be in full force and effect from and after its passage; however, the same shall not be enforced until thirty (30) days have elapsed after the publication hereof.

Section 4. The City Clerk-Treasurer is hereby authorized and directed to publish this Ordinance one (1) time in both local newspapers of record.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE,  
INDIANA, THIS 21st DAY OF SEPTEMBER, 2009.

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

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,  
INDIANA, THIS 21st DAY OF  
SEPTEMBER, 2009.

Signed///Terri Gadd  
Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 21st DAY OF SEPTEMBER, 2009.

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

ATTEST:

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

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

### **ANNEXATION**

### **MISCELLANEOUS**

Mayor Coons moved to change the October 12, 2009 meeting to October 19, 2009. The change was made with a unanimous voice vote.

### **ADJOURNMENT**

There being no further business, Chairman Coons moved to adjourn seconded by Councilwoman Perkins the meeting was adjourned at 7:40 PM.

Signed by me this 19<sup>th</sup> day of October, 2009

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

ATTEST:

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