

**MINUTES OF THE PROCEEDINGS  
OF THE  
COMMON COUNCIL**

**CITY OF TERRE HAUTE, INDIANA**

**REGULAR SESSION, THURSDAY, DECEMBER 7, 2023**

**The City Council met in Regular Session Thursday, December 7, 2023 at 6:00 P.M. in the City Hall Courtroom with Mr. DeBaun presiding and Michelle L. Edwards in the City Clerk's desk.**

**Moment of Silence and Pledge of Allegiance to the Flag  
Calling Of the Roll**

PRESENT: Amy Auler, George Azar, Tammy Boland, Martha Crossen, Curtis DeBaun IV, O. Earl Elliott, Neil Garrison, Cheryl Loudermilk, Todd Nation

**Public Comment on Items Not on the Agenda**

- a. Herb Rooks commented on how disappointed he is in the Council and would like to have open meetings for discussion.
- b. Kevin Southwood commented on mental health and neighborhoods.
- c. Donald Hyde commented on the Council doing a good job and the need for a larger fire station.
- d. Mykayla Smith commented on the condition of memorial way street signs.

**No Corrections to the Journal of the Preceding Meeting  
No Communication from the Mayor  
Reports from City Officials**

- a. Anne-Therese Ryan, Human Relations Commission Director, introduced herself.
- b. Motion was made by Councilperson Azar and seconded by Councilperson Nation to schedule the 2024 meeting for the first and second Thursday of each month at 6:00 p.m. in City Hall Courtroom excluding July 4, 2024 and schedule the Reorganization Meeting will be held on January 4, 2024 at 5:45 p.m. in City Hall Courtroom. Motion carried

**No Reports from Board of Public Works and Safety  
No Reports from Standing Committees  
No Reports from Non-Standing Committees  
No Items Previously Tabled  
No Tax Abatements for Confirmation  
No Items on Second Reading**

**ITEMS ON FIRST READING**

**Appropriations**

**Motion was made by Councilperson Azar and seconded by Councilperson Garrison to take action on APPROPRIATIONS 19-25, 2023. Motion carried unanimously.**

**APPROPRIATION 19, 2023 - \$4,000.00 from Abandoned Vehicles N/R #0228-0024 to PS/LIT, Purchase of Vehicles, #0751-0017-04-444080 <Loudermilk>**

APPROPRIATION 19, 2023 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Boland to pass APPROPRIATION 19, 2023. Motion carried.

APPROPRIATION NO. 19, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	Abandoned Vehicles N/R #0228-0024	\$4,000.00	\$4,000.00
TO:	PS/LIT (Police) #0751-0017-04-444080	\$4,000.00	\$4,000.00
	TOTAL	\$4,000.00	\$4,000.00

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.

Curtis DeBaun, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

**APPROPRIATION 20, 2023 - \$32,662.00 from THPD Continuing Ed #0233-0025-00-334070 to PS/LIT, Services Contractual, #0751-0017-03-432010 for \$9,650.00 and to PS/LIT, Purchase of Equipment, #0751-0017-04-444010 for \$23,012.00 <Loudermilk>**

APPROPRIATION 20, 2023 was read by digest. Motion was made by Councilperson Crossen and seconded by Councilperson Nation to pass APPROPRIATION 20, 2023. Motion carried.

APPROPRIATION NO. 20, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	THPD Continuing Ed	\$32,662.00	\$32,662.00

#0233-0025-00-334070 (State Grants)

TO:	PS/LIT (Police, Services Contractual) #0751-0017-03-432010	\$ 9,650.00	\$ 9,650.00
TO:	PS/LIT (Police, Purch of Equip) #0751-0017-04-444010	\$23,012.00	\$23,012.00
	TOTAL	\$32,662.00	\$32,662.00

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.  
Curtis DeBaun, President  
ATTEST: Michelle L. Edwards, City Clerk  
Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
Michelle L. Edwards, City Clerk  
Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
Duke A. Bennett, Mayor  
ATTEST: Michelle L. Edwards, City Clerk

**APPROPRIATION 21, 2023 - \$28,536.06 from Police Department – General Fund #0101-0017 to Police Department Overtime, #0101-0017-01-412129 <Loudermilk>**

APPROPRIATION 21, 2023 was read by digest. Motion was made by Councilperson Garrison and seconded by Councilperson Auler to pass APPROPRIATION 21, 2023. Motion carried.

APPROPRIATION NO. 21, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		AMOUNT REQUESTED	AMOUNT APPROPRIATED
FROM:	General Fund (Police) #0101-0017	\$28,536.06	\$28,536.06
TO:	Overtime (Police) #0101-0017-01-412129	\$28,536.06	\$28,536.06
	TOTAL	\$28,536.06	\$28,536.06

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.  
Curtis DeBaun, President  
ATTEST: Michelle L. Edwards, City Clerk  
Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
Michelle L. Edwards, City Clerk  
Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.

Duke A. Bennett, Mayor  
ATTEST: Michelle L. Edwards, City Clerk

**APPROPRIATION 22, 2023 - \$579,000.00 from General Fund (Fire) #0101 to Overtime (Fire), #0101-0016-01-412129 <Loudermilk>**

APPROPRIATION 22, 2023 was read by digest. Motion was made by Councilperson Auler and seconded by Councilperson Azar to pass APPROPRIATION 22, 2023. Motion carried.

APPROPRIATION NO. 22, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	General Fund (Fire) #0101-0016	\$579,000.00	\$579,000.00
TO:	Overtime (Fire) #0101-0016-01-412129	\$579,000.00	\$579,000.00
	TOTAL	\$579,000.00	\$579,000.00

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.  
Curtis DeBaun, President  
ATTEST: Michelle L. Edwards, City Clerk  
Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
Michelle L. Edwards, City Clerk  
Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
Duke A. Bennett, Mayor  
ATTEST: Michelle L. Edwards, City Clerk

**APPROPRIATION 23, 2023 - \$130,000.00 from EMS FUND #0270-0027 to Gasoline (EMS), #0270-0027-02-422010 for \$12,000.000, to Diesel Fuel (EMS), #0270-0027-02-422020 for \$10,000.00, to Vehicle Repair & Maint (EMS), #0270-0027-03-437030 for \$38,000.00 and to Services Contractual (EMS), #0270-0027-03-432010 for \$70,000.00 <Loudermilk>**

APPROPRIATION 23, 2023 was read by digest. Motion was made by Councilperson Garrison and seconded by Councilperson Loudermilk to pass APPROPRIATION 23, 2023. Motion carried.

APPROPRIATION NO. 23, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	EMS #0270-0027	\$130,000.00	\$130,000.00
TO:	Gasoline (EMS) #0270-0027-02-422010	\$ 12,000.00	\$ 12,000.00
	Diesel Fuel (EMS) #0270-0027-02-422020	\$ 10,000.00	\$ 10,000.00
	Vehicle Repair & Maint (EMS) #0270-0027-03-437030	\$ 38,000.00	\$ 38,000.00
	Services Contractual (EMS) #0270-0027-03-432010	\$ 70,000.00	\$ 70,000.00
	TOTAL	\$130,000.00	\$130,000.00

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.  
Curtis DeBaun, President  
ATTEST: Michelle L. Edwards, City Clerk  
Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
Michelle L. Edwards, City Clerk  
Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
Duke A. Bennett, Mayor  
ATTEST: Michelle L. Edwards, City Clerk

**APPROPRIATION 24, 2023 - \$34,500.00 from THFD Contractual Services N/R #0271 to Overtime (Fire), #0271-0028-01-412129 for \$34,000.00 and to Employer Medicare (Fire), #0271-0028-01-413020 for \$500.00 <Loudermilk>**

APPROPRIATION 24, 2023 was read by digest. Motion was made by Councilperson Garrison and seconded by Councilperson Nation to pass APPROPRIATION 24, 2023. Motion carried.

APPROPRIATION NO. 24, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	THFD Contractual Services N/R #0271	\$34,500.00	\$34,500.00
TO:	Overtime (Fire) #0271-0028-01-412129	\$34,000.00	\$34,000.00
	Employer Medicare (Fire) #0271-0028-01-413020	\$ 500.00	\$ 500.00
	TOTAL	\$34,500.00	\$34,500.00

Introduced by: Cheryl Loudermilk, Councilman

Passed in open Council this 7<sup>th</sup> day of December, 2023.

Curtis DeBaun, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

**APPROPRIATION 25, 2023 - \$295,000.00 from General Fund #0101 to Workers Comp (Board of Public Works), #0101-0007-03-435010 for \$98,000.00 and to Electric Utility (Board of Public Works), #0101-0007-03-436010 for \$197,000.00 <Loudermilk>**

APPROPRIATION 25, 2023 was read by digest. Motion was made by Councilperson Auler and seconded by Councilperson Elliott to pass APPROPRIATION 25, 2023. Motion carried.

APPROPRIATION NO. 25, 2023

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2023.

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

BE IT ORDAINED by the Common Council of the City of Terre Haute, Vigo County, Indiana, that for the expenses of said municipal corporation the following additional sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purposes herein specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
FROM:	General Fund #0101	\$295,000.00	\$295,000.00
TO:	Workers Comp (Board of Public Works) #0101-0007-03-435010	\$ 98,000.00	\$ 98,000.00
	Electric Utility (Board of Public Works) #0101-0007-03-436010	\$197,000.00	\$197,000.00

TOTAL

\$295,000.00

\$295,000.00

Introduced by: Cheryl Loudermilk, Councilman

Passed in open Council this 7<sup>th</sup> day of December, 2023.

Curtis DeBaun, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

**Motion was made by Councilperson Azar and seconded by Councilperson Nation to take action on SPECIAL ORDINANCES 41, 42, 45 and 46, 2023. Motion carried unanimously.**

**SPECIAL ORDINANCE 41, 2023 – Rezoning of property located at 906 and 914 North Fruitridge Avenue <Loudermilk>**

SPECIAL ORDINANCE 41, 2023 was read by digest. Area Plan Commission certified this ordinance to the City Council with a Favorable with Conditions Recommendation on December 6, 2023. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to pass SPECIAL ORDINANCE 41, 2023. Motion carried.

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 41, 2023

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

LOTS 67, 68, 78, 79, 80 AND 81 IN FRUITRIDGE ACRES, SECT A, Being a Subdivision of Part of Section 13, Township 12 North, Range 9 West, as per recorded plat in Plat Record 15, Page 6, of the records in the Recorder' office of Vigo County, Indiana.

ALSO, the east one half of vacated 40<sup>th</sup> Street lying West of said Lots 67 and 68 as described in Miscellaneous Record 173, Page 71, of the records of the Recorder's Office of Vigo County, Indiana.

ALSO, the vacated alley lying between Lots 67, 68, 78, 79, 80 and 81 in Fruitridge Acres, Sect A, a described in Miscellaneous Record 202, Page 457, of the records in the Recorder's Office of Vigo County, Indiana.

EXCEPT that part thereof conveyed to the City of Terre Haute, as shown by instrument dated May 3<sup>rd</sup>, 1971 and recorded in Deed Record 353, Page 188 of the records of the Recorder's Office of Vigo County, Indiana.

ALSO EXCEPT that part thereof conveyed to the City of Terre Haute by deed dated May 20, 1971 and recorded May 25, 1971 in Deed Record 353, Page 335 of the records of the Recorder's Office of Vigo County, Indiana.

Parcel Numbers 84-06-13-179-005.000-002 & 84-06-13-179-002.000-002.

Commonly known as: 906 & 914 N Fruitridge Ave., Terre Haute, IN 47807

Be and the same is hereby established as a C4 Restricted Central Business District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Curtis DeBaun IV  
Passed in Open Council this 7<sup>th</sup> day of December, 2023.

Curtis DeBaun IV, President

ATTEST: Michelle Edwards, City Clerk

Presented by me to the Mayor, Duke A. Bennett, of the City of Terre Haute this 8<sup>th</sup> day of December, 2023.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the city of Terre Haute this 8<sup>th</sup> day of December, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle Edwards, City Clerk

This instrument prepared by: ERIC WUESTEFELD, 3834 LINDEN ST TERRE HAUTE, IN 47804 812-201-5176.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Eric Wuestefeld

**SPECIAL ORDINANCE 42, 2023 – Rezoning of property located at 1339 Poplar Street <Crossen>**

SPECIAL ORDINANCE 42, 2023 was read by digest. Area Plan Commission certified this ordinance to the City Council with a Favorable with Conditions Recommendation on December 6, 2023. Motion was made by Councilperson Azar and seconded by Councilperson Boland to pass SPECIAL ORDINANCE 42, 2023. Motion carried.

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 42, 2023**

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designating "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

**TRACT I**

LOT NUMBER THREE (3) AND TWO (2) FEET SIX (6) INCHES OFF THE WEST SIDE OF LOT NUMBER FOUR (4) ALL IN WILLIAM PADDOCK'S SUBDIVISION OF ONE HUNDRED SEVENTY-FIVE (175) OFF THE EAST SIDE OF LOT NUMBER ONE (1) of NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (½) OF THE NORTHEAST QUARTER (¼) WEST.

**TRACT II**

LOT NUMBER TWO (2) IN WM. PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, IN TOWNSHIP 12 NORTH, OF RANGE 9 WEST.



TRACT III

THIRTY-FIVE (35) FEET OFF THE EAST SIDE OF LOT NO. FOUR (4) IN WILLIAM PADDOCK'S SUBDIVISION OF 175 FEET OFF THE EAST SIDE OF LOT NO. ONE (1) IN NATHANIEL PRESTON'S SUBDIVISION OF THE WEST HALF (w ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 27, TOWNSHIP 12 NORTH, RANGE 9 WEST.

TRACT IV

A PART OF LOT NO. ONE (1) OF NATHANIEL PRESTON'S SUBDIVISION OF WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF SECTION TWENTY SEVEN (27) IN TOWNSHIP TWELVE (12) NORTH OF RANGE NINE (9) WEST, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THIRTEEN AND ONE HALF(13 ½) AND POPLAR STREETS AS NOW LOCATED AND ESTABLISHED THENCE RUNNING EAST ALONG THE SOUTH SIDE OF POPLAR STREET, ONE HUNDRED AND TWENTY-FIVE (125) FEET MORE OR LESS TO THE NORTHWEST CORNER OF LOT NO. ONE (1) OF WILLIAM PADDOCKS SUBDIVISION OF ONE HUNDRED AND SEVENTY-FIVE (175) FEET OFF EAST SIDE OF LOT NO. ONE (1) OF N. PRESTONS SUBDIVISION OF WEST ONE HALF (1/2) OF NORTH EAST ¼ OF SECTION 27 IN TOWNSHIP 12 NORTH RANGE 9 WEST; THENCE RUNNING SOUTH SIX HUNDRED (600) FEET MORE OR LESS TO THE NORTH LINE OF OAK STREET AS NOW LOCATED AND ESTABLISHED THENCE RUNNING WEST ALONG NORTH LINE OF OAK STREET ONE HUNDRED TWENTY-FIVE (125) FEET MORE OR LESS TO EAST LINE OF THIRTEENTH AND ONE HALF (13 ½) STREET; THENCE NORTH ALONG EAST LINE OF SAID LAST NAMED STREET TO THE PLACE OF BEGINNING IN CITY OF TERRE HAUTE, IND EXCEPT THAT PART THEREOF CONVEYED BY DEED RECORDS 69 PAGE 327, 204 PAGE 479, 206 PAGE 500, 227 PAGE 556, 227 PAGE 558, 244 PAGE 129, AND BY 283 PAGE 557, ALL RECORDS OF THER RECORDERS OFFICE VIGO COUNTY, INDIANA. SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.

Commonly known as: 1339 POPLAR STREET TERRE HAUTE, IN 47807

Be and the same is hereby established as a C5 GENERAL CENTRAL BUSINESS DISTRICT, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Curtis DeBaun IV  
Passed in Open Council this 7<sup>th</sup> day of December, 2023.

Curtis DeBaun IV, President

ATTEST: Michelle Edwards, City Clerk

Presented by me to the Mayor, Duke A. Bennett, of the City of Terre Haute this 8<sup>th</sup> day of December, 2023.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the city of Terre Haute this 8<sup>th</sup> day of December, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle Edwards, City Clerk

This instrument prepared by: ERIC WUESTEFELD, 3834 LINDEN ST TERRE HAUTE, IN 47804 812-201-5176.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Eric Wuestefeld

**SPECIAL ORDINANCE 45, 2023 – Rezoning of property located at 3518 Buckeye Street and 921 North 36<sup>th</sup> Street <Loudermilk>**

SPECIAL ORDINANCE 45, 2023 was read by digest. Area Plan Commission certified this ordinance to the City Council with an Unfavorable Recommendation on December 6, 2023. SPECIAL ORDINANCE 45, 2023 was defeated due to lack of motion.

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 45, 2023**

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as “Comprehensive Zoning Ordinance for Terre Haute Indiana.”

SECTION 1. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the “Comprehensive Zoning Ordinance for Terre Haute” and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

“That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

LOT 1, IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 9 WEST, AS PER RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDER’S OFFICE OF VIGO COUNTY, IN.

SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS, LEASES AND OTHER MATTERS OF RECORD AFFECTING TITLE TO THE SUBJECT REAL ESTATE.

LOT SEVEN (7) IN SECTION B, FRUITRIDGE ACRES, A SUBDIVISION IN THE WEST HALF OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) WEST, AS PER RECORDED PLAT IN PLAT RECORD 15, PAGE 20, OF THE RECORDS IN THE RECORDER’S OFFICE OF VIGO COUNTY, INDIANA.

Parcel Numbers: 84-03-13-105-001.000-002, 84-06-13-152-001.000-002

Commonly known as: 3518 Buckeye Street, 921 N 36<sup>th</sup> St, Terre Haute, IN 47803

Be and the same is hereby established as O-1 Agricultural, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.”

SECTION II, WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, Cheryl Loudermilk  
DEFEATED DUE TO LACK OF MOTION

**SPECIAL ORDINANCE 46, 2023 - Authorizing a Tax Anticipation Warrant Loan <Elliott>**

SPECIAL ORDINANCE 46, 2023 was read by digest. Motion was made by Councilperson Auler and seconded by Councilperson Loudermilk to pass SPECIAL ORDINANCE 46, 2023. Motion carried.

Indiana Bond Bank’s 2024 Advance Funding Program

**SPECIAL ORDINANCE 46, 2023**

AN ORDINANCE authorizing the City of Terre Haute, Indiana, to make temporary loans to meet current running expenses for the use of the General Fund of the Issuer,

in anticipation of and not in excess of current taxes levied in the year 2023, and collectable in the year 2024; authorizing the issuance of temporary loan tax anticipation warrants to evidence such loans and the sale of such warrants to the Indiana Bond Bank; and appropriating and pledging the taxes to be received in such funds to the punctual payment of such warrants including the interest thereon.

WHEREAS, the Common Council (the “Fiscal Body”) of the City of Terre Haute, Indiana (the “Issuer”), has determined that there will be an insufficient amount of money in the General Fund of the Issuer (the “Fund(s)”) to meet the current running expenses of the Issuer payable from such Funds during the fiscal year ending on the last day of December 2024, and prior to the respective June 2024 (that is, the first) and December 2024 (that is, the second and final) settlements and distribution of taxes levied for such Funds; and

WHEREAS, the Fiscal Body now finds that an emergency exists for the borrowing of money to pay current running expenses and that temporary loans for the Funds for such purposes should be made and that temporary loan tax anticipation warrants evidencing such loans should be issued and sold, subject to the terms and conditions set forth herein and in accordance with the provisions of Indiana law; and

WHEREAS, the Fiscal Body has determined to participate in the 2024 Advance Funding Program (the “Program”) established by the Indiana Bond Bank (the “Bond Bank”) whereby the Bond Bank will purchase the temporary loan tax anticipation warrants and/or temporary interim warrants of the Issuer; and

WHEREAS, in order to participate in the Program, the Fiscal Body may be required to issue and sell its temporary loan tax anticipation warrants to the Bond Bank prior to the final certification of the annual budget levy and tax rates for such Funds for fiscal year 2024 by the Indiana Department of Local Government Finance; and

WHEREAS, the levy proposed for collection for the Funds in 2024 is estimated to produce in the aggregate, with respect to such Funds, an amount equal to or in excess of the principal of and interest on the temporary loans for such Funds; and

WHEREAS, a necessity exists for the making of temporary loans evidenced by temporary loan tax anticipation warrants for the Funds in anticipation of the receipt of current tax revenues for such Funds levied for the year 2023 and in the course of collection in 2024 and the Fiscal Body desires to authorize the making of temporary loans to procure the amounts necessary, in combination with other available amounts, to meet such current running expenses for such Funds and to pay necessary costs incurred in connection with the issuance and sale of temporary loan tax anticipation warrants to evidence such temporary loans; and

WHEREAS, unless otherwise disclosed in writing to the Bond Bank, the Issuer has not previously issued temporary loan tax anticipation warrants payable from 2024 tax revenue with respect to the Funds; and

WHEREAS, the Fiscal Body desires to authorize the payment of interest on the temporary loan tax anticipation warrants from the Debt Service Fund of the Issuer as herein provided; and

WHEREAS, the Fiscal Body seeks to authorize the issuance of such temporary loan tax anticipation warrants and/or temporary interim warrants with respect to the Funds and the sale of such warrants to the Bond Bank pursuant to the provisions of Indiana Code 5-1.5, subject to and dependent upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA, AS FOLLOWS:

Section 1. It is hereby found and declared that an emergency exists for the borrowing of money and therefore the Issuer is hereby authorized to make temporary loans to meet current running expenses for the use and benefit of each of the Funds of the Issuer in anticipation of estimated current tax revenues levied for the year 2023 and in the course of collection for such Funds in 2024, which loans shall be evidenced by temporary loan tax anticipation warrants of the Issuer (the “Warrant(s)”) issued pursuant to the provisions of Indiana Code 36-4-6-20 as in effect on the date of their respective issuance. A separate Warrant or Warrants shall be issued for each Fund and each maturity date and all Warrants shall be dated as of the date of delivery thereof to the Bond Bank. Subject to the provisions of

Indiana Code 36-4-6-20 as in effect on the date of their respective issuance, the Issuer is authorized to issue Warrants maturing and payable on or before December 31, 2024, in aggregate amounts not to exceed the following for the respective identified funds:

General Fund: \$1,500,000.

The Warrants shall bear interest prior to maturity at a rate or rates per annum not to exceed a maximum of eight percent (8%). The exact rate or rates are to be determined under the terms of a warrant purchase agreement between the Bond Bank and the Issuer to be entered into prior to the sale of the Warrants to the Bond Bank (together with any supplements thereto, referred to as the "Warrant Purchase Agreement"), in accordance with the provisions of Indiana Code 5-1-5. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Interest on the Warrants may be payable from the Issuer's Debt Service Fund up to an amount not exceeding \$175,000.00.

Notwithstanding any provision in this Ordinance (or in the Warrant Purchase Agreement available to the Issuer as of the date of the adoption and approval of this Ordinance and incorporated by reference into this Ordinance), conforming changes may be made by the Issuer's officers to the form of any Warrant and the Warrant Purchase Agreement prior to the issuance of Warrants to provide the due date of the Warrants, which may be June 28, 2024, December 31, 2024, or a date fixed by reference to the Issuer's receipt of its settlement of the funds in anticipation of which any Warrant is issued, or any combination thereof.

The Issuer is authorized to make payments of principal of and interest on the Warrants by paying the amount due from funds that are available for immediate transfer or investment on or before 12:00 noon (Indianapolis time) on the due date to Bank of New York Mellon (or if Bank of New York Mellon is not selected or determined by the Bond Bank at the time of the issuance of the Indiana Bond Bank Advance Funding Program Notes, Series 2024, to serve as the Trustee, then to such other corporate trustee as may be specified as the Trustee in the Note Indenture), the Bond Bank's Trustee (the "Trustee") under the Note Indenture to be dated as of or about January 1, 2024. Subject to Section 11 hereof, the Warrants may not be prepaid prior to the Due Date (as defined in the Warrant Purchase Agreement and in each Warrant) without the express written consent of the Bond Bank. In the event that the principal of and interest on the Warrants are not paid in full on the Due Date, the total amount due and owing on such Due Date (equal to the unpaid principal and accrued interest thereon to such Due Date) shall thereafter bear interest at the per annum rate equal to the Reinvestment Rate (as defined in the Warrant Purchase Agreement) until paid. In addition, the Issuer shall be responsible for payment to the Bond Bank of its allocable portion of all fees and expenses attributable to a request for payment under the Credit Facility Agreement (as defined in the Warrant Purchase Agreement) resulting from a failure by the Issuer to pay in full the principal of and interest on the Warrants on their Due Date.

With the force and effect provided for in Indiana Code 5-1-5-9 and -10, the Qualified Entity (as defined in the Warrant Purchase Agreement) hereby irrevocably pledges and appropriates the proceeds of the Warrants, or other legally available monies as are required to provide for the payment of all outstanding warrants (including interest thereon) (including any temporary interim warrants issued pursuant to this Ordinance) with any maturity date on or before December 31, 2024, related to any Fund against which a Warrant is issued pursuant to this Ordinance, and covenants to so apply the proceeds thereof, on and as of the date of issuance of the Warrants, to their payment unless the Bond Bank has consented in writing to such warrants remaining outstanding after the issuance of the Warrants. Only with the written consent of the Bond Bank may the Qualified Entity (as defined in the Warrant Purchase Agreement) hereafter issue warrants on a parity with those Warrants to be issued pursuant to this Ordinance.

Section 2. With respect to each Fund and each maturity, the officers of the Issuer are authorized to deliver a principal amount of the Warrants up to or less than the maximum amount established for any such Fund and maturity date in Section 1 hereof in order to comply with all applicable laws and any requirements of the Bond Bank. The Warrants will be delivered on or about January 25, 2024, or otherwise as appropriate and in accordance with the terms of the Warrant Purchase Agreement. In the event that the Issuer anticipates incurring cash flow deficits after the issuance and sale of the Warrants to the Bond Bank, the Issuer is hereby authorized to issue and sell additional warrants to the Bond Bank as appropriate and in accordance with the terms of the Warrant Purchase Agreement (as supplemented from time to time) and consistent with the two (2) preceding sentences.

In the event that the Issuer anticipates incurring cash flow deficits prior to the issuance and sale of the Warrants to the Bond Bank, the Issuer is hereby authorized to issue and sell temporary interim warrants to the Bond Bank. The issuance and sale of the temporary interim warrants shall be on substantially the same terms as the issuance and sale of the Warrants to the Bond Bank, all as set forth in the Warrant Purchase Agreement. In the event that temporary interim warrants are issued, all or a portion of the proceeds of the Warrants may be used to repay the temporary interim warrants. Provisions of this Ordinance relating to the issuance of Warrants shall also relate to the issuance of temporary interim warrants to the extent applicable. The aggregate amount of any such temporary interim warrants shall not count against the amount limitation recited in Section 1 hereof and applicable to the Warrants.

Section 3. The principal of and interest on the Warrants shall be payable from tax revenues to be received in the respective Fund upon which such Warrant is issued. Interest on the Warrants may also be payable from amounts, if any, available for that purpose in the Debt Service Fund up to an amount not exceeding \$175,000.00. There is hereby appropriated and pledged to the payment of the Warrants issued with respect to each Fund, including interest and all necessary costs incurred in connection with the issuance and sale of the Warrants, a sufficient amount of the taxes, levied for 2023, and payable in 2024, for such Fund and in anticipation of which the Warrants are issued, for the punctual payment of the principal of and interest on the Warrants evidencing such temporary loans, together with such issuance costs, if any; provided, that the Issuer reserves the right to pay interest on any Warrant from amounts, if any, available for that purpose in the Debt Service Fund up to an amount not exceeding \$175,000.00. The principal amount of all Warrants maturing on any date shall be based on the 2024 annual budget levy for the Fund as estimated or certified by the Indiana Department of Local Government Finance in anticipation of which the Warrants are issued. For purposes of this Ordinance, fifty percent (50%) of the annual budget levy shall be deemed to equal the amount of taxes estimated by the County Auditor to be collected for and distributed to such Fund at each of the June 2024 (that is, the first) and December 2024 (that is, the second and final) settlement and distribution of such revenues.

Section 4. The Warrants issued hereunder with respect to the Funds shall be executed in the name of the Issuer by the manual or facsimile signature of the Mayor of the City of Terre Haute, Indiana, countersigned by the Controller of the City of Terre Haute, Indiana and attested by the Clerk of the City of Terre Haute, Indiana, or such other officers of the Issuer as may be permitted by law, provided at least one (1) of such signatures is manually affixed. In case any officer whose signature or facsimile signature appears on the Warrants shall cease to be such officer before the delivery of the Warrants, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. All Warrants shall be payable in lawful money of the United States of America at the principal corporate trust office of the Trustee. Further, the Warrants shall not be delivered and no payment shall be made therefor prior to the first day of January 2024.

Section 5. The Warrants with respect to each Fund shall be issued in substantially the following form (with all blanks, changes, additions and deletions, including the appropriate amounts, dates and other information to be properly completed prior to the execution and delivery thereof, with bracketed language set out below recognized to be alternative language depending upon any circumstances that vary due the applicable maturity, fund, or other similar facts, all as conclusively evidenced by the signatures of the officers of the Issuer affixed thereon):

[Form of Warrant]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF VIGO

CITY OF TERRE HAUTE, INDIANA  
TEMPORARY LOAN TAX ANTICIPATION WARRANT

Warrant Fund: \_\_\_\_\_ Fund  
Dated Date: \_\_\_\_\_, 2024  
Due Date: [June 28, 2024, provided that, if the First Semi-Annual Settlement occurs after June 28, 2024, then on the First Settlement Payment Due Date (as defined in the below referenced Agreement)][December 31, 2024]  
Principal Sum: \$ \_\_\_\_\_  
Interest Rate: \_\_\_\_ percent per annum

FOR VALUE RECEIVED, on or before the Due Date set forth above (the “Due Date”), the City of Terre Haute, Indiana (the “Issuer”), shall pay to the Indiana Bond Bank (the “Bond Bank”) the Principal Sum set forth above pursuant to a certain Warrant Purchase Agreement between the Bond Bank and the Issuer, dated as of December 1, 2023 (the “Agreement”). [This Warrant is issued in anticipation of the First Semi-Annual Settlement (as defined in the Agreement).]

In addition, the Issuer on the Due Date hereof shall pay to the Bond Bank interest at the per annum Interest Rate set forth above pursuant to the Agreement, with such interest to be computed on the basis of a 360-day year comprised of twelve 30-day months. In the event that the principal of and interest on this Warrant are not paid in full to the Bond Bank at the principal corporate trust office of the Trustee (as defined in the Agreement) in immediately available funds on or before 12:00 noon (Indianapolis time) on the Due Date, the total amount due and owing on the Due Date (the unpaid principal and accrued interest to the Due Date) shall thereafter bear interest at the per annum rate equal to the Reinvestment Rate (as defined in the Agreement) until paid. In addition, the Issuer shall pay to the Bond Bank its allocable portion of all fees and expenses attributable to a request for payment under the Credit Facility Agreement (as defined in the Agreement) resulting from a failure by the Issuer to pay in full the principal of and interest on this Warrant on the Due Date.

All payments of principal and interest to be made by the Issuer to the Bond Bank shall be made by paying the amount due in funds that are available for immediate transfer or investment on or before 12:00 noon (Indianapolis time) on the Due Date to the Trustee in Indianapolis, Indiana (or to such other place of payment as may be specified in notice given by the Trustee or Bond Bank). This Warrant may not be prepaid prior to the Due Date except as permitted by the Agreement.

This Warrant evidences a temporary loan to provide funds to meet current expenses of the Warrant Fund set forth above (the “Fund”) and has been authorized by an ordinance adopted and approved by the Common Council of the City of Terre Haute, Indiana, in accordance with Indiana Code 36-4-6-20 and all other acts amendatory thereof or supplemental thereto.

This Warrant is issued in anticipation of the tax levy which has been made for the Fund in the year 2023, which tax levy is now in the course of collection. There has been irrevocably appropriated and pledged to the payment in full of the principal of and interest on this Warrant a sufficient amount of the revenues to be derived from the Fund tax levy. The principal amount of all Warrants maturing on the Due Date and payable from the Fund does not exceed forty percent (40%) of the 2024 annual budget levy for the Fund as estimated or certified by the Indiana Department of Local Government Finance.

It is further hereby certified, recited, and declared that all acts, conditions, and things required by law precedent to the issuance and execution of this Warrant have been properly done, have happened, and have been performed in the manner required by the constitution and statutes of the State of Indiana relating thereto; that the Fund tax levy from which (together with other amounts in the Fund) this Warrant is payable is a valid and legal levy; and that the Issuer will reserve a sufficient amount of the proceeds of the Fund tax levy currently in the course of collection for the timely payment of the principal of and interest on this Warrant in accordance with its terms.

IN WITNESS WHEREOF, the City of Terre Haute, Indiana, has caused this Warrant to be executed in its corporate name by the Mayor of the City of Terre Haute, Indiana, countersigned by the Controller of the City of Terre Haute, Indiana, and attested by the Clerk of the City of Terre Haute, Indiana, all as of the Dated Date set forth above.

CITY OF TERRE HAUTE, INDIANA

By: \_\_\_\_\_  
Its Mayor

COUNTERSIGNED:

By: \_\_\_\_\_  
Its Controller

ATTEST:

\_\_\_\_\_  
Its City Clerk

[End of Form of Warrant]

Section 6. The fiscal officer of the Issuer (the “Fiscal Officer”) is hereby authorized and directed to have the Warrants prepared, and each of the executive officers of the Issuer, or such other officers as may be permitted by law, are hereby authorized and directed to execute the Warrants in the manner and substantially the form provided in this Ordinance, as conclusively evidenced by their execution thereof.

Section 7. The Fiscal Officer, on behalf of the Issuer, is authorized to sell to the Bond Bank the Warrants. The Warrant Purchase Agreement shall set forth the definitive terms and conditions for such sale. Warrants sold to the Bond Bank shall be accompanied by all documentation required by the Bond Bank pursuant to the provisions of Indiana Code 5-1.5 and the Warrant Purchase Agreement, including without limitation, an approving opinion of Bose McKinney & Evans LLP, specially designated qualified obligation bond counsel for the Warrants under the terms set forth in such firm’s letter to the Issuer; certification and guarantee of signatures (or if permitted by the Bond Bank, such other evidence of the authenticity of signatures); and certification as to no litigation pending as of the date of delivery of the Warrants to the Bond Bank challenging the validity or issuance of the Warrants. The entry by the Issuer into the Warrant Purchase Agreement and the execution of the Warrant Purchase Agreement, on behalf of the Issuer by any of the executive officers of the Issuer, or such other officers as may be permitted by law, in accordance with this Ordinance, are hereby authorized and approved. In case any officer whose signature or facsimile signature appears on the Warrant Purchase Agreement shall cease to be such officer before the delivery of the Warrants, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 8. The proper officers of the Issuer are hereby authorized to deliver the Warrants to the Bond Bank, upon receipt from the Bond Bank of the payment or otherwise as appropriate and in accordance with the terms of the Warrant Purchase Agreement.

Section 9. Each of the executive officers of the Issuer (including, without limitation, any Authorized Official as defined in the Warrant Purchase Agreement), or such other officers as may be permitted by law are hereby authorized and directed to make such filings and requests, deliver such certifications, execute and deliver such documents and instruments, and otherwise take such actions as are necessary or appropriate to carry out the terms and conditions of this Ordinance and the actions authorized hereby and thereby. In case any officer whose signature or facsimile signature appears on any documents or certificates executed pursuant to this Section 9 shall cease to be such officer before the delivery of the Warrants, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 10. The Issuer hereby covenants that the Issuer and its officers shall not take any action or fail to take any action with respect to the proceeds of any of the Warrants or any investment earnings thereon which would result in constituting any of the Warrants as “arbitrage bonds” under the Internal Revenue Code of 1986, as amended, and any and all final or proposed regulations or rulings applicable thereto, or which would otherwise cause the interest on any of the Warrants to cease to be excludable from gross income for purposes of federal income taxation; and the Fiscal Officer and all other appropriate officers are hereby authorized and directed to take any and all actions and to make and deliver any

and all reports, filings, and certifications as may be necessary or appropriate to evidence, establish, or ensure such continuing exclusion of the interest on the Warrants.

Section 11. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer may prepay all or a portion of the principal of and interest on the Warrants in the manner and at the times set forth in the Warrants and Section 3.6 of the Warrant Purchase Agreement.

Notwithstanding any other provision of this Ordinance or any Warrant, in the event any determination has been made by any court of proper jurisdiction whereby a finding or ruling is made to the effect that, absent application of this provision, the aggregate amount of any Warrant (whether as to its principal or interest amounts or both) exceeds the maximum amount that is permitted by law to be issued and outstanding for the maturity date stated therein (such excess over any such limitation referred to as the "Excess Amount") and such would otherwise cause a Warrant to be invalid, then the form of the Warrant that was issued shall be deemed to be modified from that stated on its face in such a manner to first deem the Excess Amount to be a separate additional Warrant identical in terms to the original except that it shall have as its "due date" June 28, 2024, and its "principal sum" an amount equal to the maximum remaining permitted amount for all warrants with such a due date (a "Replacement Warrant"), provided, however, if an Excess Amount exceeds the principal amount of such a Replacement Warrant, such remaining balance should be treated as a fee charged by the Bond Bank pursuant to Section 5.10 of its Warrant Purchase Agreement with the Qualified Entity and not treated as part of the principal sum of any Warrant or Replacement Warrant.

Section 12. This Ordinance shall be in full force and effect from and after the time it has been adopted and approved by the Fiscal Body. All resolutions and ordinances in conflict herewith are, to the extent of such conflict, hereby repealed. For the benefit of the Bond Bank, the Fiscal Body hereby finds and determines that the adoption and approval of this Ordinance is intended to be, and for all purposes shall be deemed to be, an ordinance authorizing the sale of obligations within the meaning of Indiana Code 36-4-6-20(c), and accordingly no action to contest the validity of any Warrants authorized herein, and hereafter issued, may be brought more than fifteen (15) days after the date set forth below.

ADOPTED AND APPROVED BY the Common Council of the City of Terre Haute, Indiana, this 7<sup>th</sup> day of December, 2023.

Introduced by: O. Earl Elliott, Councilperson

Passed in open Council this 7<sup>th</sup> day of December, 2023.

Curtis DeBaun IV, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

## **Resolutions**

### **RESOLUTION 11, 2023 – Transfer of \$18,491.00 in the PS/LIT (Police) budget <Loudermilk>**

RESOLUTION 11, 2023 was read by digest. Motion was made by Councilperson Garrison and seconded by Councilperson Boland to pass RESOLUTION 11, 2023. Motion carried.

RESOLUTION 11, 2023

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the General Fund budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.



BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0751-0017-02-422010	PS/LIT Gasoline (Police)	\$15,000.00
TO: #0751-0017-03-432010	PS/LIT Services Contractual (Police)	\$15,000.00
FROM: #0751-0017-04-444080	PS/LIT Purch of Vehicles (Police)	\$ 3,491.00
TO: #0751-0017-03-439178	PS/LIT Principal on Note (Police)	\$ 3,491.00
TOTAL		\$18,491.00

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.  
Curtis DeBaun, President  
ATTEST: Michelle L. Edwards, City Clerk  
Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
Michelle L. Edwards, City Clerk  
Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
Duke A. Bennett, Mayor  
ATTEST: Michelle L. Edwards, City Clerk

**RESOLUTION 12, 2023 – Transfer of \$13,500.00 in the City Clerk Budget <Loudermilk>**

RESOLUTION 12, 2023 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Garrison to pass RESOLUTION 12, 2023. Motion carried.

RESOLUTION 12, 2023

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the General Fund budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.

BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0101-0002-01-412015	Deputy City Clerks	\$6,000.00
TO: #0101-0002-03-434-010	Printing	\$6,000.00
FROM: #0101-0002-01-412015	Deputy City Clerks	\$4,500.00
TO: #0101-0002-04-444040	Purchase of Office Equipment	\$4,500.00
FROM: #0101-0002-01-412015	Deputy City Clerks	\$3,000.00
TO: #0101-0002-02-421010	Office Supplies	\$3,000.00
TOTAL		\$13,500.00

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.  
Curtis DeBaun, President  
ATTEST: Michelle L. Edwards, City Clerk  
Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
Duke A. Bennett, Mayor  
ATTEST: Michelle L. Edwards, City Clerk

**RESOLUTION 13, 2023 – Transfer of \$5,300.00 in the EPD Budget <Loudermilk>**

RESOLUTION 13, 2023 was read by digest. Motion was made by Councilperson Garrison and seconded by Councilperson Nation to pass RESOLUTION 13, 2023. Motion carried.

RESOLUTION 13, 2023

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the General Fund budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.

BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0101-0041-01-412105	Grass Mowing PT Seasonal (EPD)	\$5,300.00
TO: #0101-0041-02-422010	Gasoline (EPD)	\$5,300.00
TOTAL		\$5,300.00

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.  
Curtis DeBaun, President  
ATTEST: Michelle L. Edwards, City Clerk  
Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
Michelle L. Edwards, City Clerk  
Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
Duke A. Bennett, Mayor  
ATTEST: Michelle L. Edwards, City Clerk

**RESOLUTION 14, 2023 – Transfer of \$6,240.00 in the EPD Budget <Loudermilk>**

RESOLUTION 14, 2023 was read by digest. Motion was made by Councilperson Garrison and seconded by Councilperson Loudermilk to pass RESOLUTION 14, 2023. Motion carried.

RESOLUTION 14, 2023

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the General Fund budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.

BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0101-0041-01-412129	Overtime (EPD)	\$5,455.00
TO: #0101-0041-03-433020	Postage (EPD)	\$5,455.00
FROM: #0101-0041-01-412129	Overtime (EPD)	\$ 610.00
TO: #0101-0041-03-434010	Printing (EPD)	\$ 610.00
FROM: #0101-0041-01-412129	Overtime (EPD)	\$ 35.00
TO: #0101-0041-03-437010	Equipment Repair & Maint (EPD)	\$ 35.00
FROM: #0101-0041-01-412129	Overtime (EPD)	\$ 140.00
TO: #0101-0041-03-437030	Vehicle Repair & Maint (EPD)	\$ 140.00
TOTAL		\$6,240.00

Introduced by: Cheryl Loudermilk, Councilman  
 Passed in open Council this 7<sup>th</sup> day of December, 2023.  
 Curtis DeBaun, President  
 ATTEST: Michelle L. Edwards, City Clerk  
 Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
 Michelle L. Edwards, City Clerk  
 Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
 Duke A. Bennett, Mayor  
 ATTEST: Michelle L. Edwards, City Clerk

**RESOLUTION 15, 2023 – Approving the City Council expenditure for photographs <Loudermilk>**

RESOLUTION 15, 2023 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Boland to pass RESOLUTION 15, 2023. Motion carried.

RESOLUTION NO. 15, 2023

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, pursuant to City Council Rule Section I. J., any expenditure for a product or service paid to an individual and/or a vendor that exceeds \$250.00 in a calendar year must first be approved by a resolution passed by a majority of the members of the City Council; and,

WHEREAS, the City Council desired to have professional photographs taken in order to provide citizens with current and accurate depiction of each councilperson; and,

WHEREAS, the fee is up to Four Hundred and Fifty Dollars (\$450.00), to include any shipping or processing fee, resulting in a total maximum charge of Four Hundred and Fifty Dollars (\$450.00).

BE IT THEREFORE RESOLVED by the Common Council for the City of Terre Haute that the expenditure of funds for the professional photography for each councilperson not to exceed a maximum total payment of Four Hundred and Fifty Dollars (\$450.00).

Introduced by: Cheryl Loudermilk, Councilman  
 Passed in open Council this 7<sup>th</sup> day of December, 2023.  
 Curtis DeBaun, President  
 ATTEST: Michelle L. Edwards, City Clerk  
 Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
 Michelle L. Edwards, City Clerk  
 Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
 Duke A. Bennett, Mayor  
 ATTEST: Michelle L. Edwards, City Clerk

**RESOLUTION 16, 2023 – Transfer of \$4,000.00 in the City Council Budget <Loudermilk>**

RESOLUTION 16, 2023 was read by digest. Motion was made by Councilperson Garrison and seconded by Councilperson Azar to pass RESOLUTION 16, 2023. Motion carried.

RESOLUTION 16, 2023

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the General Fund budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.

BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0101-0004-03-432080	Legal Services (Council)	\$4,000.00
TO: #0101-0004-01-413030	Group Health Employer (Council)	\$4,000.00
<b>TOTAL</b>		<b>\$4,000.00</b>

Introduced by: Cheryl Loudermilk, Councilman  
Passed in open Council this 7<sup>th</sup> day of December, 2023.  
Curtis DeBaun, President  
ATTEST: Michelle L. Edwards, City Clerk  
Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.  
Michelle L. Edwards, City Clerk  
Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.  
Duke A. Bennett, Mayor  
ATTEST: Michelle L. Edwards, City Clerk

**RESOLUTION 17, 2023 - A resolution opposing the construction of a pipeline to divert water from Wabash River aquifer to LEAP Innovation District <Nation>**

RESOLUTION 17, 2023 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Boland to amend RESOLUTION 17, 2023. Motion carried. Motion was made by Councilperson Garrison and seconded by Councilperson Crossen to pass RESOLUTION 17, 2023 AS AMENDED. Motion carried.

RESOLUTION NO. 17, 2023  
AS AMENDED

RESOLUTION OPPOSING CONSTRUCTION OF A PIPELINE TO DIVERT WATER FROM WABASH RIVER AQUIFERS TO THE PLANNED LEAP INNOVATION DISTRICT IN BOONE COUNTY

WHEREAS, the Indiana Economic Development Corporation (IEDC) planned the LEAP (Limitless Exploration/Advanced Pace) Innovation District on 9,000 acres in Boone County without ensuring that there are sufficient water resources for the industries that they wish to recruit there; and,

WHEREAS, the IEDC has commenced construction planning for a pipeline that will transfer up to one hundred million (100,000,000) gallons of water each day from aquifers connected to the Wabash River in Tippecanoe County, upstream from Terre Haute, to the LEAP Innovation District in Boone County; and,

WHEREAS, many questions remain unanswered about the potential negative and unintended ecological and economic-development consequences Terre Haute may face if such large amounts of water are diverted from Wabash River aquifers; and,

WHEREAS, having the IEDC plan construction of a pipeline to remove such massive amounts of water from Wabash River aquifers without the knowledge or participation of communities downstream sets a troublesome precedent,

NOW, THEREFORE, be it resolved by the Common Council of the City of Terre Haute that we join the Cities of Lafayette, West Lafayette, Monticello, Battleground, Shadeland, Attica and Covington, along with Fountain County, White County and Tippecanoe County, in expressing our firm opposition to construction of the proposed pipeline and diversion of tens of millions of gallons of water each day from the Wabash River aquifer upstream of us to the LEAP Innovation District in Boone County.

BE IT FURTHER RESOLVED that we call for third-party independent studies, public hearings and legislation from the Indiana General Assembly addressing these issues to take place prior to any further LEAP Project planning.

This resolution shall become effective upon the date of passage.

Introduced by: Todd Nation, Councilperson

Passed in open Council this 7<sup>th</sup> day of December, 2023.

Curtis DeBaun, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 8<sup>th</sup> day of December, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 8<sup>th</sup> day of December, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle L. Edwards, City Clerk

**RESOLUTION 18, 2023 - Transfer of \$5,000.00 in the Human Relations budget <Loudermilk>**

RESOLUTION 18, 2023 was read by digest. Motion was made by Councilperson Auler and seconded by Councilperson Garrison to withdraw RESOLUTION 18, 2023. Motion carried.

RESOLUTION 18, 2023

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

WHEREAS, There are insufficient funds in a certain account(s) of the General Fund budget to meet current and anticipated expenditures within said Department, and;

WHEREAS, There are surplus funds in another account of the same budget, said Accounts being within the appropriation heretofore made for the use of said Department.

BE IT THEREFORE RESOLVED: That the following transfers be made in the Accounts heretofore appropriated for the use of said Department:

FROM: #0101-0015-03-432010	Services Contractual (Human Relations)	\$5,000.00
TO: #0101-0015-03-421010	Office Supplies (Human Relations)	\$5,000.00
TOTAL		\$5,000.00

Introduced by: Cheryl Loudermilk, Councilman

WITHDRAWN

**Council President Curtis DeBaun thanked Darrel “Eddie” Felling, City Attorney, for his assistance to the Council.**

**Council President Curtis DeBaun thanked Councilpersons Amy Auler, Martha Crossen, Earl Elliott and Neil Garrison for their service on the Council and presented awards.**

**Motion was made by Councilperson Azar and seconded by Councilperson Nation that the meeting be adjourned. Motion carried.**

Kelley Duggins  
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk