

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

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, JULY 11, 2024

The City Council met in Regular Session Thursday, July 11, 2024 at 6:00 P.M. in the City Hall Courtroom with Mrs. Boland presiding and Michelle L. Edwards in the City Clerk's desk.

**Moment of Silence and Pledge of Allegiance to the Flag by Councilperson George Azar
Calling Of the Roll**

PRESENT: George Azar, Tammy Boland, Curtis DeBaun IV, Anthony Dinkel, Cheryl Loudermilk, Todd Nation, Amanda Thompson

ABSENT: James Chalos, Kandace Hinton

Council President Tammy Boland commented that Councilperson Kandace Hinton is out of town and Councilperson James Chalos had a family emergency.

Public Comment on Items Not on the Agenda

- a. Kevin Southwood commented on the new City flag and a contest for neighborhoods.
- b. Donald Hyde commented on Democratic party, Vice President and America.
- c. Bill Hein commented on the City creating an ordinance to allow golf carts and other off-road vehicles on City streets.
- d. Councilperson Curtis DeBaun responded to Mr. Hein's comments and stated an ordinance is being prepared.

**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, presented an update.
- b. Fire Union presented an update on the Fire Department and responded to Council questions.
- c. Councilperson Anthony Dinkel commented on the different types of Fire responses, equipment used, and the numbers needed.
- d. Councilperson Curtis DeBaun thanked the Fire Department for their prompt response to his vehicle accident earlier this year.
- e. Councilperson Todd Nation commented the need for more ambulances, need for ladder truck responding to all types of calls and staffing needs.
- f. Councilperson George Azar commented on the fourth ambulance being ready but questioned if there is staff to operate it.
- g. Councilperson Cheryl Loudermilk asked where the fourth ambulance would be located.
- h. Council President Tammy Boland asked Michelle Edwards, City Clerk, about opening application process for the Human Relations Commission appointment.

i. Michelle Edwards, City Clerk, commented on the process for opening, the dates involved and that notifications would be sent.

j. Councilperson Anthony Dinkel commented on extending the deadlines to allow ample time for applications and that he would like previous applicants notified.

No Reports from Board of Public Works and Safety

No Reports from Standing Committees

No Reports from Non-Standing Committees

Items Previously Tabled

GENERAL ORDINANCE 8, 2024 - Amending City Code, Chapter 8, Section 8-110, Penalty- Parking Violations <DeBaun>

GENERAL ORDINANCE 8, 2024, previously tabled on June 6, 2024, was read by digest. Motion was made by Councilperson Dinkel and seconded by Councilperson Azar to withdraw GENERAL ORDINANCE 8, 2024. Motion carried.

GENERAL ORDINANCE NO. 8, 2024

AN ORDINANCE AMENDING CHAPTER 8, TRAFFIC AND PARKING REGULATIONS, OF THE TERRE HAUTE CITY CODE.

SECTION 1. Terre Haute City Code Chapter 8, Section 8-110 is hereby amended by the deletion of the stricken text and addition of the underlined text as follows:

Sec. 8-110 Penalty - Parking Violation.

a. Any person who receives a traffic violation notice, either delivered personally by a police officer or by means of attachment to his motor vehicle, for violation of any of the provisions of the parking provisions of this Chapter, may, within five (5) business days after receiving such notice, report to the Terre Haute Police Department and pay the sum of Ten Dollars (\$10.00) Twenty-Five Dollars (\$25.00) as penalty for and in full satisfaction of such traffic violation. The failure of any person to make such payment within five (5) ten (10) business days shall render such person subject to the penalty in the amount of Fifteen Dollars (\$15.00) Thirty-Five Dollars (\$35.00).

Introduced by: Curtis DeBaun IV, Councilperson
Withdrawn

Tax Abatements for Confirmation

RESOLUTION 16, 2024 - Designating an area commonly identified 4400 Maple Avenue, Terre Haute, Indiana as an Economic Revitalization Area for the purpose of a ten (10) year Real Property Abatement (GATX Corporation) <For Confirmation> <Loudermilk>

RESOLUTION 16, 2024, adopted on June 6, 2024, was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to confirm RESOLUTION 16, 2024. Motion carried.

**FINAL ACTION BY COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA
REGARDING RESOLUTION NO. 16, 2024**

WHEREAS, the Common Council of the City of Terre Haute adopted Resolution 16, 2024, on the 6th day of June, 2024 and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area, known as 4400 Maple Avenue, Terre Haute, IN 47804 and legally described as:

Beginning at an iron pipe at the Southeast Corner of the Northeast Quarter of Section 13; thence along the East line of said Section 13; North 0 degrees 06 minutes 10 seconds West 2644.13 feet to a stone monument in the centerline of Maple Avenue, said point being the Northeast Corner of said Section 13, and the Southeast corner of Section 12, both in Township 12 North, Range 9 West; thence along the East line of Section 12, North 0 degrees 07 minutes 20 seconds West 940.4 feet; thence North 45 degrees 0 minutes 0 seconds West 900.0 feet to an iron pipe; thence North 25 degrees 06 minutes 30 seconds West 821.60 feet to an iron pipe; thence due South 1208.95 feet; thence North 47 degrees 14 minutes 0 seconds West 226.9 feet to an iron pipe; thence South 0 degrees 0 minutes 40 seconds East 1232.04 feet to an iron pipe on the centerline of Maple Avenue, said point being on the South line of and 185.09 feet East of the stone monument at the Southwest Corner of the Southeast Quarter of the Southeast Quarter of said Section 12, and the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 13; thence continuing due South 2645.95 feet to an iron pipe on the South line of the Northeast Quarter of said Section 13; thence South 88 degrees 25 minutes 10 seconds East 1158.55 feet to the point of beginning.

Parcel No.: 84-06-13-200-007.000-002

Commonly known as: 4400 Maple Avenue, Terre Haute, IN 47804,

and notice that a description of the affected area is available for inspection in the office of the Vigo County Assessor and further stating a date on which the Common Council of the City of Terre Haute would receive and hear remonstrances and objections; and

WHEREAS, the Common Council has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as a revitalization area or to approval of the Application and the Statement of Benefits heretofore filed; and

WHEREAS, said matter is before the Common Council for final action pursuant to Indiana law; and

WHEREAS, the Common Council has received and examined, prior to such hearing, an Application on the form prescribed by the City of Terre Haute, a Statement of Benefits on the form prescribed by the State Board of Tax Commissioners, a petition for designation, and the submitted Agreement with the Board of Public Works for the City of Terre Haute, and has heard all appropriate evidence concerning the proposed project and has found and does find:

1. That the area 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 or prevent a normal development of property or use of property.
2. That the estimate of the cost of the redevelopment and rehabilitation is reasonable for projects of that type.
3. That the estimate of individuals who will be employed or whose employment will be retained as a result of the redevelopment and rehabilitation can reasonably be expected to result from the proposed project.
4. The estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment and rehabilitation and the project.
5. That the benefits can reasonably be expected to result from the proposed redevelopment and rehabilitation and the project.
6. That the totality of benefits of the Project are sufficient to justify a ten (10) year real property tax deduction from assessed valuation to result therefrom under Indiana statutes, and each and all of such deductions should be, and are hereby, allowed.
7. That the real property is located within an Economic Revitalization Area as required by Indiana Code 6-1.1-12.1-2 for the type of facility proposed by Petitioner.
8. That all qualifications for establishing an economic revitalization area have been met.

9. That the Petition for designating the subject property as an Economic Revitalization Area for the purposes of a ten (10) year real property improvement tax abatement and the Statement of Benefits (copies of which were submitted with the Petition) are hereby approved and the real estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq.

NOW, THEREFORE, for final action on Resolution 16, 2024, the Common Council of the City of Terre Haute, Indiana, RESOLVES, FINDS AND DETERMINES that:

1. All of the requirements for designation of the real estate described in Resolution 16, 2024, as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.

2. Resolution 16, 2024, is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed project and the redevelopment and rehabilitation are sufficient to justify a ten year real property tax abatement under Indiana statutes for the proposed redevelopment and rehabilitation described in the petitioner's Statement of Benefits and the deduction for the proposed project and redevelopment and rehabilitation and the statements of benefits submitted are approved and the Council authorizes and directs the endorsement of said Statement of Benefits to show such approval and that the real estate described in Resolution 16, 2024, is declared an economic revitalization area for the purposes of a ten year real property tax abatement and the said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq. and petitioner is entitled to the ten year real property tax abatement as provided therein in connection with the proposed development and the project.

3. That all real property improvements added as of August 01, 2024, and through December 31, 2027, are eligible for a ten (10) year real property tax abatement, regardless of when it was improved during that period. The real property improvements subject to the Petitioner's request may receive different percentages of abatement as of the same assessment date, depending on when the property was first subject to abatement, but all real property improvements subject to abatement pursuant to this resolution shall be entitled to receive the benefit of ten (10) years of abatement.

4. Said Resolution supplements any other designation of the real estate as a Revitalization Area or similar designation.

5. That this Final Action, findings and confirmation of Resolution 16, 2024, shall be incorporated in and be a part of Resolution 16, 2024.

Introduced by: Cheryl Loudermilk, Councilmember

Passed in open Council this 11th day of July, 2024.

Tammy Boland, City Council President

ATTEST: Michelle Edwards, City Clerk

Presented by me to the Mayor this 25th day of July, 2024, at 12:44 p.m.

Michelle Edwards, City Clerk

Approved by me, the Mayor, this 25th day of July, 2024.

Brandon Sakbun, Mayor

ATTEST: Michelle Edwards, City Clerk

This instrument prepared by Darrell E. Felling II, Lind & Felling Law Firm, 400 Ohio Street, Terre Haute, IN 47807 (812) 234-5463.

RESOLUTION 17, 2024 - Designating an area commonly identified 4400 Maple Avenue, Terre Haute, Indiana as an Economic Revitalization Area for the purpose of a ten (10) year Personal Property Abatement (GATX Corporation) <For Confirmation> <Loudermilk>

RESOLUTION 17, 2024, adopted on June 6, 2024, was read by digest. Motion was made by Councilperson Loudermilk and seconded by Councilperson Dinkel to confirm RESOLUTION 17, 2024. Motion carried.

FINAL ACTION BY COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA
REGARDING RESOLUTION NO. 17, 2024

WHEREAS, the Common Council of the City of Terre Haute adopted Resolution 17, 2024, on the 11th day of June, 2024, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area, known as 4400 Maple Avenue, Terre Haute, IN 47804, and legally described as:

Beginning at an iron pipe at the Southeast Corner of the Northeast Quarter of Section 13; thence along the East line of said Section 13; North 0 degrees 06 minutes 10 seconds West 2644.13 feet to a stone monument in the centerline of Maple Avenue, said point being the Northeast Corner of said Section 13, and the Southeast corner of Section 12, both in Township 12 North, Range 9 West; thence along the East line of Section 12, North 0 degrees 07 minutes 20 seconds West 940.4 feet; thence North 45 degrees 0 minutes 0 seconds West 900.0 feet to an iron pipe; thence North 25 degrees 06 minutes 30 seconds West 821.60 feet to an iron pipe; thence due South 1208.95 feet; thence North 47 degrees 14 minutes 0 seconds West 226.9 feet to an iron pipe; thence South 0 degrees 0 minutes 40 seconds East 1232.04 feet to an iron pipe on the centerline of Maple Avenue, said point being on the South line of and 185.09 feet East of the stone monument at the Southwest Corner of the Southeast Quarter of the Southeast Quarter of said Section 12, and the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 13; thence continuing due South 2645.95 feet to an iron pipe on the South line of the Northeast Quarter of said Section 13; thence South 88 degrees 25 minutes 10 seconds East 1158.55 feet to the point of beginning.

Parcel No.: 84-06-13-200-007.000-002

Commonly known as: 4400 Maple Avenue, Terre Haute, IN 47804,

and notice that a description of the affected area is available for inspection in the office of the Vigo County Assessor and further stating a date on which the Common Council of the City of Terre Haute would receive and hear remonstrances and objections; and

WHEREAS, the Common Council has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as a revitalization area or to approval of the Application and the Statement of Benefits heretofore filed; and

WHEREAS, said matter is before the Common Council for final action pursuant to Indiana law; and

WHEREAS, the Common Council has received and examined, prior to such hearing, an Application on the form prescribed by the City of Terre Haute, a Statement of Benefits on the form prescribed by the State Board of Tax Commissioners, a petition for designation, and the submitted Agreement with the Board of Public Works for the City of Terre Haute, and has heard all appropriate evidence concerning the proposed project and has found and does find:

1. That the area 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 or prevent a normal development of property or use of property.
2. That the estimate of the cost of the redevelopment and rehabilitation is reasonable for projects of that type.
3. That the estimate of individuals who will be employed or whose employment will be retained as a result of the redevelopment and rehabilitation can reasonably be expected to result from the proposed project.
4. The estimate of annual salaries of those individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed redevelopment and rehabilitation and the project.
5. That the benefits can reasonably be expected to result from the proposed redevelopment and rehabilitation and the project.
6. That the totality of benefits of the Project are sufficient to justify a ten (10) year personal property tax deduction from assessed valuation to result therefrom under Indiana statutes, and each and all of such deductions should be, and are hereby, allowed.

7. That the personal property is located within an Economic Revitalization Area as required by Indiana Code 6-1.1-12.1-2 for the type of facility proposed by Petitioner.

8. That all qualifications for establishing an economic revitalization area have been met.

9. That the Petition for designating the subject property as an Economic Revitalization Area for the purposes of a ten (10) year personal property tax abatement and the Statement of Benefits on new, or new to Indiana, equipment (copies of which were submitted with the Petition) are hereby approved and the real estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq.

NOW, THEREFORE, for final action on Resolution 17, 2024, the Common Council of the City of Terre Haute, Indiana, RESOLVES, FINDS AND DETERMINES that:

1. All of the requirements for designation of the real estate described in Resolution 17, 2024, as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.

2. Resolution 17, 2024, is in all respects confirmed and approved (as modified to incorporate therein this final action) and that the benefits of the proposed project and the redevelopment and rehabilitation are sufficient to justify a ten year personal property tax abatement under Indiana statutes for the proposed redevelopment and rehabilitation described in the petitioner's Statement of Benefits and the deduction for the proposed project and redevelopment and rehabilitation and the statements of benefits submitted are approved and the Council authorizes and directs the endorsement of said Statement of Benefits to show such approval and that the real estate described in Resolution 9, 2017, is declared an economic revitalization area for the purposes of a ten year personal property tax abatement and the said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq. and petitioner is entitled to the ten year personal property tax abatement as provided therein in connection with the proposed development and the project.

3. That all tangible personal property added or installed as of August 01, 2024, and through December 31, 2027, is eligible for a ten (10) year personal property tax abatement, regardless of when it was added or installed during that period. The personal property subject to the Petitioner's request may receive different percentages of abatement as of the same assessment date, depending on when the property was first subject to abatement, but that all personal property subject to abatement under the proposed resolution shall be entitled to receive the benefit of ten (10) years of abatement.

4. Said Resolution supplements any other designation of the real estate as a Revitalization Area or similar designation.

5. That this Final Action, findings and confirmation of Resolution 17, 2024, shall be incorporated in and be a part of Resolution 17, 2024.

Introduced by: Cheryl Loudermilk, Councilmember

Passed in open Council this 11th day of July, 2024.

Tammy Boland, City Council President

ATTEST: Michelle Edwards, City Clerk

Presented by me to the Mayor this 25th day of July, 2024, at 12:44 p.m.

Michelle Edwards, City Clerk

Approved by me, the Mayor, this 25th day of July, 2024.

Brandon Sakbun, Mayor

ATTEST: Michelle Edwards, City Clerk

This instrument prepared by Darrell E. Felling II, Lind & Felling Law Firm, 400 Ohio Street, Terre Haute, IN 47807 (812) 234-5463.

No Items on Second Reading

ITEMS ON FIRST READING

Appropriations

APPROPRIATION 30, 2024 - \$104,000.00 from ARPA #0199 to Mapping Software, #0199-0006-04-450626 <Loudermilk>

APPROPRIATION 30, 2024 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson DeBaun to take action on APPROPRIATION 30, 2024. Motion carried unanimously. Motion was made by Councilperson Nation and seconded by Councilperson DeBaun to pass APPROPRIATION 30, 2024. Motion carried.

APPROPRIATION NO. 30, 2024

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2024.

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:	ARPA #0199	\$104,000.00	\$104,000.00
TO:	Mapping Software #0199-0006-04-450626	\$104,000.00	\$104,000.00
	TOTAL	\$104,000.00	\$104,000.00

APPROPRIATION 31, 2024 - \$1,700,000.00 from Wastewater Utility #0620 to Honey Creek Mall Lift Station, #0620-0061-04-445090 for \$1,300,000.00 and to Park Ave. Lift Station Design, #0620-0061-04-445061 <Loudermilk>

APPROPRIATION 31, 2024 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Dinkel to take action on APPROPRIATION 31, 2024. Motion carried unanimously. Motion was made by Councilperson Nation and seconded by Councilperson Dinkel to pass APPROPRIATION 31, 2024. Motion carried.

APPROPRIATION NO. 31, 2024

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2024.

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: Wastewater Utility #0620	\$1,700,000.00	\$1,700,000.00
TO: Honey Creek Mall Lift Station #0620-0061-04-445090	\$1,300,000.00	\$1,300,000.00
Park Ave. Lift Station Design #0620-0061-04-445061	\$ 400,000.00	\$ 400,000.00
TOTAL	\$1,700,000.00	\$1,700,000.00

Introduced by: Cheryl Loudermilk, Councilperson
 Passed in open Council this 11th day of July, 2024.
 Tammy Boland, President
 ATTEST: Michelle L. Edwards, City Clerk
 Presented by me to the Mayor this 25th day of July, 2024 at 12:44 p.m. o'clock.
 Michelle L. Edwards, City Clerk
 Approved by me, the Mayor, this 25th day of July, 2024.
 Brandon C. Sakbun, Mayor
 ATTEST: Michelle L. Edwards, City Clerk

APPROPRIATION 32, 2024 - \$211,000.00 from ARPA #0199 to Sidewalk Improvements, #0199-0006-03-436043 <Loudermilk>

APPROPRIATION 32, 2024 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson DeBaun to take action on APPROPRIATION 32, 2024. Motion carried unanimously. Motion was made by Councilperson Azar and seconded by Councilperson DeBaun to pass APPROPRIATION 32, 2024. Motion carried.

APPROPRIATION NO. 32, 2024

AN ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF MONEY FOR EXPENSES INCURRED DURING THE YEAR 2024.

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: ARPA #0199	\$211,000.00	\$211,000.00
TO: Sidewalk Improvements #0199-0006-03-436043	\$211,000.00	\$211,000.00

TOTAL \$211,000.00 \$211,000.00

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 11th day of July, 2024.
Tammy Boland, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 25th day of July, 2024 at 12:44 p.m. o'clock.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 25th day of July, 2024.
Brandon C. Sakbun, Mayor
ATTEST: Michelle L. Edwards, City Clerk

General Ordinances

GENERAL ORDINANCE 10, 2024 - Amending City Code, Chapter 8, Article 5, Section 8-121 Permit for Work Within the Right-of-Way, Section 8-122 Fees, Section 8-123-1 Utility Maintenance and Line Pollution and Section 8-124 Penalty <Dinkel>

GENERAL ORDINANCE 10, 2024 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson DeBaun to take action on GENERAL ORDINANCE 10, 2024. Motion carried unanimously. Motion was made by Councilperson Nation and seconded by Councilperson DeBaun to amend GENERAL ORDINANCE 10, 2024. Motion carried. Motion was made by Councilperson Nation and seconded by Councilperson DeBaun to pass GENERAL ORDINANCE 10, 2024 AS AMENDED. Motion carried.

GENERAL ORDINANCE NO. 10, 2024
AS AMENDED

AN ORDINANCE AMENDING THE *TERRE HAUTE CITY CODE*, CHAPTER 8, ARTICLE 5.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute that the *Terre Haute City Code* shall be modified as follows:

SECTION 1. *Terre Haute City Code*, Chapter 8, Article 8 is hereby amended by inserting the underlined text as follows:

Sec. 8-121 Permit for Work Within the Right-of-Way.

a. No person or entity shall dig up, cut into, improve, repair, obstruct, or remove any portion of the City right-of-way, for any purpose whatsoever, except in cases of emergency, unless application is made to the Department of Engineering for permission therefore at least seven (7) days prior to planned work. All applications shall state the full name and address of the applicant, shall verify a valid license issued under Sec. 8-120, shall designate the place, extent, and purpose of such work, and shall be accompanied by a fee as hereinafter provided. At the request of the Department of Engineering, applicant shall additionally submit complete plans and specifications for the proposed work within the right-of-way, including a summary of the restoration estimate quantities.

(1) Right-of-way permits shall be in effect for a period of one (1) year or until closed by permittee. Permits requiring more than one (1) year must be renewed with the Department of Engineering. Each renewal shall be effective for a period of one (1) year.

(2) Right-of-way permits which include traffic restrictions on a major thoroughfare, or road closures of a minor street exceeding ten (10) days shall submit a traffic control plan to the Department of Engineering for approval.

b. No person or entity shall install new, or perform maintenance on existing, aerial facilities within the City right-of-way, for any purpose whatsoever, except in cases of emergency, unless application is made to the Department of Engineering for permission therefore at least seven (7) days prior to planned work. All applications shall state the full name and address of the applicant, shall verify a valid license issued under Sec. 8-120, shall designate the place, extent, and purpose of such work, and shall be accompanied by a fee as hereinafter provided. If the installation or maintenance is being performed on an existing utility pole not owned by the Applicant, Applicant shall provide written consent from the owner of the utility pole granting permission for Applicant to perform proposed work. At the request of the Department of Engineering, applicant shall additionally submit complete plans and specifications for the proposed work within the right-of-way, including a summary of the restoration estimate quantities.

(1) Right-of-way permits shall be in effect for a period of one (1) year or until closed by permittee. Permits requiring more than one (1) year must be renewed with the Department of Engineering. Each renewal shall be effective for a period of one (1) year.

(2) Right-of-way permits which include traffic restrictions on a major thoroughfare, or road closures of a minor street exceeding ten (10) days shall submit a traffic control plan to the Department of Engineering for approval.

c. Each utility shall identify its presence an existing pole in the City right-of-way. Such identification must be placed on the utility pole at a location visible at ground level upon installation of new utilities or significant maintenance or repair of existing utilities.

d. Upon proper application, payment of fee, and verification of license, the Department of Engineering shall issue a permit authorizing the applicant to work within the specified right-of-way for the specified purpose. Such permit shall designate the extent of such work and the length of time for which permission is granted. A copy of such permit shall be retained by the Department of Engineering as a part of its records. (Gen. Ord. No. 29, 2000, 12-14-00)

Sec. 8-122 Fees.

a. For each permit to engage in ~~working in~~ work within a right-of-way of this City as described in Sec. 8-121(a) above, in addition to making application to the Department of Engineering, the person or entity shall pay the City of Terre Haute a base fee in the amount of Three Hundred Dollars (\$300.00) and additional amounts as described in Sections 8-122(a)(1)-(2), all of which shall be referred to as the base fee.

(1) The fee for excavations or other disturbed surfaces shall be twenty-five cents (25¢) per square foot for every square foot of surface area disturbed.

(2) The fee for directional drilling, other types of underground boring, or aerial lines shall be fifteen cents (15¢) per linear foot of line.

b. Fees indicated below shall be in addition to the base fee:

(1) Any work which requires the closing of a street to vehicular traffic, flagging or lane restrictions, will have an additional charge of Fifteen Dollars (\$15.00) per lane, per day of roadway restriction. Partial lane restrictions shall be considered as a single lane restriction.

(2) Any work taking place on, over or under the road surface of a street designated as a major thoroughfare, or any street within the Downtown C-8 or C-9 zoning districts, will have an additional charge equal to fifty percent (50%) of the sum of the base fee and the road closure fee. A list of the affected streets shall be on file in the Department of Engineering.

(3) This subsection does not apply to permits for only aerial line installation or maintenance. Any work taking place on, over or under a street will incur an additional charge based on the latest pavement rating inspection conducted per block. In the event that a project includes multiple blocks, the ratings of each block will be used to determine an average rating for the entire permit area. A list of the pavement rating shall be on file in the Department of Engineering. The additional fees associated with pavement ratings shall be based on a percentage of the base fee:

- (A) A street rated 1 – 1.99 will incur an additional fee of one hundred percent (100%) of the base fee.
- (B) A street rated 2 – 2.99 will incur an additional fee of fifty percent (50%) of the base fee.
- (C) A street rated 3 – 3.99 will incur an additional fee of twenty-five percent (25%) of the base fee.
- (D) A street rated 4 – 5 will not incur an additional fee.

(4) For permits exceeding a one year timeframe, the cost to renew a permit shall be One Hundred Twenty-Five Dollars (\$125.00).

c. Two Hundred Twenty-Five Dollars (\$225.00) of each permit base fee collected shall be deposited into into the Engineering Non-Reverting Fund and the remainder of fees collected shall be deposited into MVH Restricted.

...

Sec. 8-123-1 Utility Maintenance and Line Pollution.

a. This section applies to the initial installation as authorized by the permit issued to the permittee and the service provider in regard to on-going maintenance of their facilities located in the City's right-of-way.

b. Cables and conduit installation, placement and storage are required to follow all federal, state, and local guidelines. The City for the purpose of this Article has adopted the guidelines and best practices of the National Electrical Safety Code as it may be amended from time to time.

c. Aerial cables are to be properly secured overhead and are not to hang loose or be placed at ground level. Cables that are abandoned or inactive are to be removed and cables are to be properly disposed of.

d. Cables transitioning from overhead to underground are to be secured within the proper utility pole riser guards. Cables shall not be permitted to hang loose.

e. Conduits rising out of the ground at a utility pole are to be fastened to the bottom of the utility pole and not dangling or swaying.

f. Conduit rising out of the ground that is not secured at a utility pole or in a structure is not to lay loose on the ground. Proper barriers must be placed around the conduit to prevent potential hazards. Permittee and/or service provider must schedule conduit to be placed in proper facilities within fourteen (14) days of installation.

g. Buried hand hole and vault structures are to be installed at grade. Structures are to be in working condition. Structures must include identification of the operator visible from the surface. Damaged structures are a safety hazard and can potentially cause harm. Damaged structures must be repaired or replaced immediately. Upon receiving notification, the permittee and/or service provider is to secure the structure and place proper barriers around the structure to prevent harm to the public. Permittee and/or service provider must schedule structure to be replaced or removed within fourteen (14) days from the date of notice.

h. Vertical structures including but not limited to pedestals, cable housing units and cabinets that are damaged and inoperable must be replaced or removed. Permittee and/or service provider is to secure the structure and place proper barriers around the structure to prevent harm to the public. Permittee and/or service provider must schedule structure to be replaced or removed within fourteen (14) days.

i. Damaged or hazardous utility poles and appurtenances must be repaired immediately.

j. Utility poles that are no longer in use must be removed from the right-of-way within fourteen (14) days of removal of utilities.

k. A line pollution violation is classified as non-compliance with any of the above requirements in this section or any damaged, abandoned, loose, improperly secured cables, conduit, and utility structures within the City right-of-way.

l. Line pollution violations will be issued to the permittee if the violation is associated with work included in their open permit. Violations identified where there are no open permits will be issued to the service provider.

Sec. 8-124 Penalty.

a. All provisions of this Article shall be enforced by the Department of Engineering. Unless otherwise provided, any person violating any provision of this Article shall be financially responsible for any necessary repairs and other costs associated with the proper restoration of the public right-of-way or facility. All licensees found to be in violation of the provisions herein shall also be subject to revocation or non-renewal by the Board of Public Works and Safety of the City license to engage in such work. In addition, said person or entity shall be subject to the fines as indicated below:

(1) Violations of the provisions found in Sec. 8-121 through 8-123 shall be fined not more than Three Hundred Dollars (\$300.00) per violation, per day.

(2) Violations of the provisions found in Sec. 8-123-1 shall be fined not more than Five Hundred Dollars (\$500.00) per violation, per day.

Each day's continued violation shall constitute a separate offense.

SECTION 2. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: Anthony Dinkel, Councilperson

Passed in open Council this 11th day of July, 2024.

Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 25th day of July, 2024 at 12:44 p.m. o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 25th day of July, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

Special Ordinances

Motion was made by Councilperson DeBaun and seconded by Councilperson Loudermilk to take action on SPECIAL ORDINANCES 11 and 13, 2024. Motion carried unanimously.

SPECIAL ORDINANCE 11, 2024 – Rezoning of property located at 2904 Fenwood Avenue <Loudermilk>

SPECIAL ORDINANCE 11, 2024 was read by digest. Area Plan Commission certified this ordinance to the Council with a Favorable with Conditions Recommendation on July 3, 2024. Motion was made by Councilperson DeBaun and seconded by Councilperson Loudermilk to pass SPECIAL ORDINANCE 11, 2024. Motion carried.

SPECIAL ORDINANCE NO. 11, 2024

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled “An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations”.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as “The Comprehensive Zoning Ordinance for Terre Haute” of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots Numbers 165 and 166 in Schaal’s Second Subdivision of a part of the North ½ of the North East ¼ of Section 23, Township 12 North, Range 9 West, as per recorded plat thereof, recorded November 18, 1909, in Plat Record 10, Page 30, records of the Recorder’s Office of Vigo County, Indiana.

Commonly known as 2904 Fenwood Avenue, Terre Haute, IN 47803

be and the same is, hereby established as a R-1 Single Family Residence 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 except as specifically authorized under the terms of this ordinance.

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 the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member,

Cheryl Loudermilk, Councilperson

Passed in open Council this 11th day of July, 2024.

Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 25th day of July, 2024 at 12:44 p.m. o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 25th day of July, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

This instrument prepared by Jerdina N Whitaker, 2904 Fenwood Ave, Terre Haute, Indiana 47803

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.

Jerdina N Whitaker

SPECIAL ORDINANCE 13, 2024 – Rezoning of property located at 2924 Fenwood Avenue <Loudermilk>

SPECIAL ORDINANCE 13, 2024 was read by digest. Area Plan Commission certified this ordinance to the Council with a Favorable with Conditions Recommendation on July 3, 2024. Motion was made by Councilperson Loudermilk and seconded by Councilperson DeBaun to pass SPECIAL ORDINANCE 13, 2024. Motion carried.

SPECIAL ORDINANCE NO. 13, 2024

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled “An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations”.

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as “The Comprehensive Zoning Ordinance for Terre Haute” of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Number 168 in Schaal’s Second Subdivision of a part of North ½ of the North East ¼ of Section 23-12-9 as per recorded plat of the same recorded in the Recorder’s office of Vigo County, Ind., in Plat Record 10, Page 30.

Commonly known as 2924 Fenwood Avenue, Terre Haute, Indiana 47803

be and the same is, hereby established as a R-1 Single Family Residence 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 except as specifically authorized under the terms of this ordinance.

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 the City of Terre Haute, and its

approval by the Mayor and publications as by law provided.

Presented by Council Member,

Cheryl Loudermilk, Councilperson

Passed in open Council this 11th day of July, 2024.

Tammy Boland, President

ATTEST: Michelle L. Edwards, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 25th day of July, 2024 at 12:44 p.m. o'clock.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 25th day of July, 2024.

Brandon C. Sakbun, Mayor

ATTEST: Michelle L. Edwards, City Clerk

This instrument prepared by Sondra S. Gray, 2924 Fenwood Ave, Terre Haute, Indiana 47803

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.

Sondra S. Gray

SPECIAL ORDINANCE 17, 2024 – Rezoning of property located at 3010 South 7th Street <Hinton>

SPECIAL ORDINANCE 17, 2024 was read by digest. Motion was made by Councilperson Dinkel and seconded by Councilperson Loudermilk to take action on SPECIAL ORDINANCE 17, 2024. Motion carried unanimously. Motion was made by Councilperson Dinkel and seconded by Councilperson Loudermilk to pass SPECIAL ORDINANCE 17, 2024. Motion carried.

SPECIAL ORDINANCE NO. 17, 2024

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

SECTION 1. 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:

Lot Number one (1) in plat of Davis Gardens, a subdivision of all that part of the West half of the North West ¼ of Section 3, Township 11 North, Range 9 West lying south and west of the E. and I. Branch of the E. and T.H.R.R. containing 54.14 acres.

Also, that part of the East half of the North West ¼ of section 3, Township 11 North, Range 9 West described as follows: Beginning 655 feet north of stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971-1000) acres.

All located in Honey Creek Township, Vigo County, State of Indiana.

SUBJECT to Right of Way Grant as described in Deed Record 440, page 1013 dated February 27, 1995, all records Vigo County Recorder's Office.

ALSO

Lot Number two (2) and three (3) in a plat of Davis Gardens a subdivision of all that part of the west half of the northwest ¼ of Section 3 Township 11 North, Range 9 West lying south and west of the E. and I. and T.H.R.R containing 54.14 acres.

Also, that part of the east half of the north west ¼ of section 3, township 11, north range 9 west described as follows:

Beginning 655 feet north of a stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above-described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

ALSO

Lot Number Four (4) in a plat of Davis Gardens, a subdivision of all that part of the west half of the north west ¼ of section 3 township 11 north, range 9 west lying south and west of the E. and I. Branch of the E. and T.H.R.R, containing 54.14 acres. Also that part of the east half of the north west¼ of section 3 township 11 north range 9 west described as follows: Beginning 655 feet north of a stone at the south east corner of the south west ¼ of the north west ¼ section 3 township 11 north range 9 west thence east 50 and 2-10 feet thence with a curve to the right, the radius of which is 463 3-10 feet to an intersection with the right of way line of the E. and I. Branch of the Evansville and Terre Haute R.R. thence northwestwardly along the line of the right of way of said railroad to the intersection of the east line of the above described tract of land, thence south to the place of beginning, containing 971 thousandths of one acre (971/1000 acres).

All located in Honey Creek Township, Vigo County, State of Indiana.

PARCEL# 84-09-03-108-001.000-005

PARCEL# 84-09-03-108-002.000-005

PARCEL# 84-09-03-108-003.000-005

Commonly known as: 3000, 3002 and 3010 S. 7th Street, Terre Haute, Indiana 47802.

be and the same is, hereby established as C-3 Regional Commerce 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 by law provided.

Introduced by Council Member, Kandace Hinton, Councilperson

Passed in open Council this 11th day of July, 2024.

Tammy Boland, President

ATTEST: Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this 25th day of July, 2024, at 12:14 p .m.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 25th day of July, 2024.

Brandon Sakbun, Mayor

ATTEST: Michelle Edwards, City Clerk

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.

Darrell E. Felling II

This instrument prepared by Darrell E. Felling II, Lind & Felling Law Offices, 400 Ohio Street, Terre Haute, Indiana 47807.

**Review of Compliance of Benefit Form Filings
Ampacet CF1 RS 5, 2017**

Review of Ampacet Compliance of Benefits Form for Resolution 5, 2017 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Azar to find Ampacet In Substantial Compliance. Motion carried.

Ampacet CF1 RS 9, 2023- Found In Substantial Compliance

Review of Ampacet Compliance of Benefits Form for Resolution 9, 2023 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Dinkel to find Ampacet In Substantial Compliance. Motion carried.

Ampacet CF1 RS 10, 2023- Found In Substantial Compliance

Review of Ampacet Compliance of Benefits Form for Resolution 10, 2023 was read by digest. Motion was made by Councilperson Nation and seconded by Councilperson Dinkel to find Ampacet In Substantial Compliance. Motion carried.

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

Kelley Duggins
Chief Deputy City Clerk

Tammy Boland, President

Michelle L. Edwards, City Clerk