

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

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, FEBRUARY 6, 2025

The City Council met in Regular Session Thursday, February 6, 2025 at 6:00 P.M. in the City Hall Courtroom with Mr. Nation 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: George Azar, Tammy Boland, James Chalos, Curtis DeBaun IV, Anthony Dinkel, Cheryl Loudermilk, Todd Nation, Amanda Thompson

ABSENT: Kandace Hinton

Public Comment on Items Not on the Agenda

- a. Susan Edmonson commented on sewer lines repairs being expensive for homeowners.
- b. THRIVE presentation
- c. Councilperson Tammy Boland asked questions concerning rehabilitation of homes and not for profit organizations involvement.
- d. Council President Todd Nation asked if there was a method to track the progress of these project.

No Corrections to the Journal of the Preceding Meeting

Communication from the Mayor

- a. Mayor Brandon Sakbun commented on the Trash Task Force, the Chamber Community and Workforce Project, the status of the right-of-way inspections and testifying before the General Assembly.
- b. Councilperson Tammy Boland thanked Mayor Sakbun for the updates and for testifying before the General Assembly.

Reports from City Officials

- a. Fire Chief Darrick Scott commented on the Fire Ops 101
- b. Councilperson Amanda Thompson asked if they could bring a plus one.

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 16, 2024 – Amending City Code, Chapter 4, Article 24, Sections 4-360 through 4-362 and Section 4-365, Drug and Tobacco Paraphernalia/Accessories Establishments <Loudermilk>

GENERAL ORDINANCE 16, 2024, previously tabled on January 9, 2025, was read by digest. Motion was made by Councilperson Thompson and seconded by Councilperson Dinkel to amend GENERAL ORDINANCE 16, 2024. Motion carried. Motion was made by Councilperson Boland and seconded by Councilperson Loudermilk to amend GENERAL ORDINANCE 16, 2024 AS AMENDED. Motion carried. Motion was made by Councilperson Azar

and seconded by Councilperson Loudermilk to pass GENERAL ORDINANCE 16, 2024 AS AMENDED. Motion carried.

GENERAL ORDINANCE 16, 2024
AS AMENDED

AN ORDINANCE AMENDING THE *TERRE HAUTE CITY CODE* CHAPTER 4, ARTICLE 24, DRUG AND TOBACCO PARAPHERNALIA/ACCESSORIES ESTABLISHMENTS.

WHEREAS, I.C. § 36-8-2-4 authorizes the City of Terre Haute to regulate the conduct, use or possession of property which might endanger health, public safety, or the welfare of its citizens; and

WHEREAS, in order to protect the public health, safety, and welfare of its citizens, it is essential that provisions be implemented to regulate certain public activities or events that may occur within the corporate limits; and

THEREFORE, BE IT ORDAINED by the Common Council for the City of Terre Haute, Indiana, that *Terre Haute City Code* Chapter 4, Article 24, is hereby amended as follows:

SECTION 1. *Terre Haute City Code*, Chapter 4 is hereby amended by inserting the underlined text and removing the stricken text as follows:

ARTICLE 24. DRUG AND TOBACCO PARAPHERNALIA/ACCESSORIES ESTABLISHMENTS.

Sec. 4-360 Purpose and Intent.

a. The Common Council finds that establishments which offer for sale drug and tobacco related paraphernalia and/or accessories represent an age-restrictive business in that paraphernalia and/or accessories used for, with or to aide in the ingestion of drugs is illegal under I.C. § 35-48-4 et seq. and paraphernalia used for, with, or to aide in the ingestion of tobacco is restricted to persons of age ~~eighteen (18)~~ twenty-one (21) years or older.

b. It is the intent of this Article to regulate this type of age-restrictive business to promote the health, safety, and general welfare of the citizens of the City.

c. The Common Council finds that regulation of this type of business is within its authority and is a reasonable, legal, and legitimate use of its police powers to minimize adverse effects while not unreasonably denying access by adults to age-restricted products or the distribution of such products. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

Sec. 4-361 Definitions. For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

a. Drug and Tobacco Paraphernalia/Accessories shall mean:

(1) Any device designed primarily for use by individuals for the smoking or ingestion of tobacco, marijuana, synthetic cannabinoids or other drug, hashish, hashish oil, cocaine, methamphetamine or any other “controlled substance” as defined by Indiana I.C. § 35-48-2 et seq.;

(2) Any device designed primarily for the smoking or ingestion of those items set forth in subsection (1) above, or any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of tobacco, marijuana, synthetic cannabinoids or other drug, hashish, hashish oil, cocaine, methamphetamine or any other “controlled substance,” and is peculiarly adapted to that purpose by virtue of a distinctive feature or combination of features associated with tobacco

or drug paraphernalia and/or accessories, notwithstanding that it might also be possible to use the device for some other purpose;

(3) Drug and tobacco paraphernalia/accessories shall include, but not be limited to the following described items:

(A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens or filters, permanent or otherwise, heads of punctured metal bowls; 4-92

(B) A device constructed so as to prevent the escape of smoke into the air and to channel smoke into a chamber where it may be accumulated to permit inhalation or ingestion of larger quantities of smoke that would otherwise be possible, whether the device is commonly known as a “bong” or otherwise;

~~(C)~~ A smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested.

(D) A smokable pipe that contains a heating unit, whether the device is known as an “electric pipe,” or otherwise;

(E) A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a “buzz bomb,” or otherwise;

(F) A device constructed so as to permit the inhalation and/or ingestion of nitrous oxide (N₂O), whether known as “whippets,” or otherwise;

(G) A canister, container or other device with a tube, nozzle or other similar arrangement attached and so constructed as to permit the forcing of accumulated smoke into the user’s lungs under pressure;

(H) A device for holding burning material, such as a cigarette that has become too small or too short to be held in hand, whether the device is known as a “roach clip,” or otherwise;

(I) Lighters and matches are specifically excluded from the definition of tobacco and drug paraphernalia/accessories.

~~(J) A device commonly known as an e-cigarette, “vape pen,” “vape stick,” or any other vaporizing device, which is reloadable/refillable, defined as a device used to simulate the experience of smoking, having a cartridge and heater or cooler that causes or assists in vaporizing or atomizing liquid nicotine or any illicit liquid substance (Gen. Ord. No. 8, 2015, 10-9-15). “Electronic cigarette” means a device capable of providing an inhalable dose of nicotine by delivering a vaporized solution, including its components and cartridges, as defined in Ind. Code §§ 24-3-7-4 (2023).~~

b. Drug and Tobacco Paraphernalia/Accessories Establishment. Any establishment where Drug and Tobacco Paraphernalia and/or Accessories are sold, offered for sale, displayed for sale, or delivered.

c. Absolute Age-Restrictive Business. Any Drug and Tobacco Paraphernalia/Accessories Establishment, which sells, offers for sale or displays for sale Drug and Tobacco Paraphernalia and/or Accessories, which refuses entry into its establishment by, and does not conduct business with, patrons under the age of ~~eighteen (18)~~ twenty-one (21).

d. Non-Absolute Age-Restrictive Business. Any Drug and Tobacco Paraphernalia/Accessories Establishment, which sells, offers for sale or displays for sale Drug and Tobacco Paraphernalia and/or Accessories, which allows entry into its establishment by, and conducts business with, patrons under the age of ~~eighteen (18)~~ twenty-one (21), for the purpose of conducting sales of non-age restrictive products.

e. Synthetic Drugs. Any item defined by I.C. § 35-31.5-2-321 or any product, herbal or powdered in form, which is sold, offered for sale, or displayed for sale by weight, which is labeled, marked, or marketed as “Incense”, “Spice”,

“K2”, or any other trade name, or which is specifically labeled or marked to indicate that the product does not contain synthetic drugs as defined by Indiana I.C. § 35-31.5-2-321 by specific chemical compound name. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

Sec. 4-362 Permit Required; Fee; Regulation.

a. Any business that offers for sale drug and tobacco related paraphernalia and/or accessories shall be required to obtain an annual permit through the Terre Haute Controller’s Office.

b. Fee. Upon the making of an application for the permit described herein, the applicant shall pay to the City Controller an annual fee in the sum of Eighty Dollars (\$80.00). This permit fee may be pro-rated using a monthly calculation. Permits shall be valid from January 1 through December 31 of the year in which they are purchased.

c. Proximity Restrictions. No new establishment which has a primary use of vape or tobacco retailer shall be established within five-thousand (5,000) feet of any existing establishment which has a primary use of vape or tobacco retailer, or within one-thousand (1,000) feet of any church, community center or community park in the City of Terre Haute. The distance shall be measured from the closest property line of the existing retailer or other relevant property to the closest property line of the proposed retailer or other relevant property. Existing retailers that were established prior to the enactment of this ordinance shall be considered legal nonconformities and permitted to continue operation. However, they may not expand their business or relocate within the prohibited proximity area.

d. Permit Application. All applications for such permit shall be submitted via the online permitting portal on the City of Terre Haute website and shall include the following information:

- (1) The full name and address of business;
- (2) The full name, business address and home address of business owner and business manager;
- (3) A telephone number at which the City of Terre Haute can reach the manager and/or owner during business hours of operation.
- (4) Statement of the manager and or owner that the business is in full compliance with all federal, state and local laws, including zoning regulations.
- (5) Copy of approved tobacco sales certificate from the Indiana Alcohol and Tobacco Commission.
- (6) Authorization for the City, its agents and employees to seek information and to conduct an investigation into the truth of the statements set forth in the application.
- (7) Authorization for the City, its agents, and employees to enter the business during any normal business hours to conduct an inspection of the premises to determine compliance with all applicable regulations.

~~d. e.~~ e. Change of Information. Business shall promptly notify the City of Terre Haute by updating the permit information in the online permitting portal of any change of information contained in the application form.

~~e. f.~~ f. Permit Non-transferable. Permit shall be for the specific business location and is not transferable to another business or business location.

~~f. g.~~ g. Violation To Operate without a Permit. It shall be a violation of this Article to operate, or permit to operate said business unless a permit has been obtained therefore from the City of Terre Haute.

g. h. Denial of Permit. A permit to operate such business may be denied based on any of the following:

- (1) Applicant omitted required information on application;
- (2) Applicant made any materially false statement on his application for permit;
- (3) The premises sought to be permitted fails to comply in any manner with any applicable laws or ordinances, including zoning laws or ordinances;
- (4) Applicant has been previously denied a permit for violation of federal, state or local laws; or
- (5) A permit has been previously suspended or revoked from the business owner and or manager for violations of federal, state or local laws. (Gen. Ord. No. 14, 2013, Effective: 4-01-14)

Sec. 4-365 Sale of Tobacco and/or Drug and Tobacco Paraphernalia and/or Accessories.

a. All Drug and Tobacco Paraphernalia/Accessories Establishments permitted by the under this Article, which sells, offers for sale or displays for sale, any Drug or Tobacco Paraphernalia and/or Accessories shall require the purchaser of said items be at least ~~eighteen (18)~~ twenty-one (21) years of age and shall require the purchaser to provide valid government issued photo identification prior to conducting said transaction.

b. Any Drug and Tobacco Paraphernalia/Accessories Establishment permitted under this Article, which is a Non-Absolute Age-Restrictive Business as defined in Sec. 4-361 d. of this Article, shall not display or offer for sale, any tobacco or tobacco paraphernalia and/or accessories in any manner or location which may be readily accessible to a minor under the age of ~~eighteen (18)~~ twenty-one (21).

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: Cheryl Loudermilk, Councilperson
Passed in open Council this 6th day of February, 2025.
Todd Nation, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 6th day of February, 2025,
At 7:50pm o'clock.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 6th day of February, 2025.
Brandon C. Sakbun, Mayor
ATTEST: Michelle L. Edwards, City Clerk

**No Tax Abatements for Confirmation
No Items on Second Reading**

**ITEMS ON FIRST READING
Special Ordinances**

SPECIAL ORDINANCE 2, 2025 – Authorizing the issuance of Economic Development Revenue Bonds (Terminal Hotel Partners LLC) <Loudermilk>

SPECIAL ORDINANCE 2, 2025 was read by digest. No action taken.

Resolutions

RESOLUTION 4, 2025 – Amending the 2020 Consolidated Economic Development Area and Plan <Loudermilk>

RESOLUTION 4, 2025 was read by digest. Motion was made by Councilperson Chalos and seconded by Councilperson Loudermilk to pass RESOLUTION 4, 2025. Motion carried.

RESOLUTION NO. 4, 2025

A RESOLUTION OF THE COMMON COUNCIL OF

THE CITY OF TERRE HAUTE, INDIANA APPROVING CERTAIN MATTERS IN CONNECTION WITH AN AMENDMENT TO THE DECLARATORY RESOLUTION FOR THE 2020 CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND THE ECONOMIC DEVELOPMENT PLAN FOR SAID AREA

WHEREAS, the City of Terre Haute Redevelopment Commission (the "Redevelopment Commission") previously adopted and amended resolutions (as amended, the "Declaratory Resolution") establishing and expanding an economic development area known as the "2020 Consolidated Economic Development Area" (the "Area") and approving an economic development plan for the Area (as subsequently amended, the "Plan"), pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, the Redevelopment Commission, on January 15, 2025, approved and adopted its Resolution No. 3-2025 (the "Resolution") further amending the Declaratory Resolution by (i) removing the area described on Exhibit A attached to the Resolution from the 2020 Consolidation Allocation Area, (ii) designating the area described on Exhibit A attached to the Resolution as an allocation area pursuant to Section 39 of the Act to be known as the Downtown Hotels Allocation Area (the "Downtown Hotels Allocation Area"), and (ii) amending the Plan as described in Exhibit B attached to the Resolution (the "Plan Amendment"); and

WHEREAS, on February 5, 2025, the Vigo County Area Plan Commission approved and adopted a resolution (the "Approving Order") approving the Resolution and the Plan Amendment, and determining that the Resolution and the Plan Amendment conform to the plan of development for the City of Terre Haute, Indiana (the "City"), and has submitted the Approving Order to the Common Council of the City (the "Council"); and

WHEREAS, pursuant to Section 16(b) of the Act, the Redevelopment Commission has submitted the Resolution and the Plan Amendment to this Council.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Terre Haute, Indiana, as follows:

1. Pursuant to Section 16(b) of the Act, the Council hereby approves in all respects the Resolution and the Plan Amendment, and the Approving Order.
2. This Resolution shall be in full force and effect immediately from and after its passage and in accordance with Indiana law.

Introduced by: Cheryl Loudermilk, Councilmember

Passed in open Council this 6th day of February, 2025.

Todd Nation, City Council President

ATTEST: Michelle Edwards, City Clerk

Presented by me to the Mayor this 6th day of February, 2025, at 7:50 p.m.

Michelle Edwards, City Clerk

Approved by me, the Mayor, this 6th day of February, 2025.

Brandon Sakbun, Mayor

ATTEST: Michelle Edwards, City Clerk

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RESOLUTION NO. 3, 2025

**RESOLUTION OF THE CITY OF TERRE HAUTE REDEVELOPMENT COMMISSION
AMENDING THE DECLARATORY RESOLUTION FOR THE 2020 CONSOLIDATED
ECONOMIC DEVELOPMENT AREA AND APPROVING AN AMENDMENT TO THE
ECONOMIC DEVELOPMENT PLAN FOR SAID AREA**

WHEREAS, the City of Terre Haute Redevelopment Commission (the "Commission"), governing body of the City of Terre Haute Department of Redevelopment (the "Department"), previously adopted and amended resolutions (collectively, the "Declaratory Resolution") establishing and expanding an economic development area known as the "2020 Consolidated Economic Development Area" (the "Area"), designating certain portions of the Area as "allocation areas" for purposes of Section 39 of the Act, including the 2020 Consolidated Allocation Area (collectively, the "Allocation Areas"), and approving an economic development plan for the Area (as subsequently amended, the "Plan"), pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, the Commission now desires to further amend the Declaratory Resolution, pursuant to Sections 15-17.5 of the Act, to (i) remove the area described on Exhibit A attached hereto from the 2020 Consolidated Allocation Area, (ii) designate the area described on Exhibit A attached hereto as an allocation area pursuant to Section 39 of the Act to be known as the Downtown Hotel Allocation Area (the "Downtown Hotel Allocation Area"), and (iii) amend the Plan as described in Exhibit B attached hereto (the "Plan Amendment") (collectively, the "Amendments"); and

WHEREAS, the Commission has thoroughly studied that portion of the City of Terre Haute, Indiana (the "City") described on Exhibit A attached hereto; and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Downtown Hotel Allocation Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the Downtown Hotel Allocation Area, the parts of the Downtown Hotel Allocation Area to be devoted to public ways, levees, sewerage, and other public purposes under the Plan as amended herein, and lists of the owners of any parcels proposed to be acquired, together with an estimate of the cost of acquisition and redevelopment; and

WHEREAS, the Amendments and supporting data were reviewed and considered at this meeting; and

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of "economic development areas" and to provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation and expansion of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said Section; and

WHEREAS, this Commission deems it advisable to apply the provisions of said Sections 15-17.5, 39, 41, and 43 of the Act to the Amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TERRE HAUTE, INDIANA REDEVELOPMENT COMMISSION AS FOLLOWS:

1. The Amendments promote significant opportunities for the gainful employment of its citizens, attract major new business enterprises to the City, retain and expand significant business enterprises existing in the boundaries of the City, and meet other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well-being of the City and the State of Indiana (the "State"), and serving to protect and increase property values in the City and the State.

2. The Amendments cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, existence of conditions that lower the value of the land below that of nearby land, lack of development, age, and other similar conditions, including without limitation the cost of the projects contemplated by the Amendments.

3. The public health and welfare will be benefited by accomplishment of the Amendments, and it will be of public utility and benefit to amend the Declaratory Resolution and the Plan as set forth herein.

4. The accomplishment of the Amendments will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Plan Amendment conforms to the plan of development for the City.

6. The Plan Amendment does not contemplate the acquisition of property as a part of the economic development strategy, and the Department does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Downtown Hotel Allocation Area. If in the future, the Department proposes to acquire specific parcels of land, the required procedures under the Act will be followed.

7. The Commission finds that no residents of the Area will be displaced by any project resulting from the Plan Amendment, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

8. The Commission hereby adopts the specific findings set forth in the Plan Amendment, and the Plan Amendment is hereby in all respects approved. The secretary of this Commission is hereby directed to file a copy of the Plan Amendment with the minutes of this meeting.

9. The Declaratory Resolution is hereby amended to hereby designate the area described in Exhibit A hereto as an "allocation area" pursuant to Section 39 of the Act, to be known as the "Downtown Hotel Allocation Area," for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any taxes imposed under IC 6-1.1 on real property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for the Downtown Hotel Allocation Area hereby designated as the "Downtown Hotel Allocation Fund" and may be used by the redevelopment district to do one or more of the things specified in Section 39(b)(3) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before June 15 of each year, the Commission shall take the actions set forth in Section 39(b)(4) of the Act.

11. The allocation provisions in Section 10 hereof shall apply to all of the Downtown Hotel Allocation Area. The Commission hereby finds that the adoption of this allocation provision will result in new property taxes in the Downtown Hotel Allocation Area that would not have been generated but for the adoption of the allocation provision, as specifically evidenced by the findings set forth in Exhibit B hereto. The base assessment date for the Downtown Hotel Allocation Area is January 1, 2025.

12. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto, and subject to the Act, the allocation provisions herein shall expire on the date that is twenty-five (25) years from the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues derived from the Downtown Hotel Allocation Area.

13. The Commission hereby finds and determines that the foregoing Amendments to the Declaratory Resolution and the Plan (as described in Sections 1-12 above) are reasonable and appropriate when considered in relation to the original Declaratory Resolution and Plan and the purposes of the Act, and that the Declaratory Resolution and Plan, with the proposed Amendments, conform to the comprehensive plan for the City.

14. Except as set forth above, the terms of the Declaratory Resolution remain in full force and effect.

15. This Resolution, together with any supporting data and together with the Plan Amendment, shall be submitted to the Vigo County Area Plan Commission (the "Plan Commission") and the Common Council of the City of Terre Haute, Indiana (the "Common Council") as provided in the Act, and if


approved by the Plan Commission and the Common Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

16. The officers of the Commission are hereby authorized to publish notice of such meetings and hearings as are necessary to carry out the purposes of this Resolution and the Plan, and to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.


17. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

Adopted the 15th day of January, 2025.


CITY OF TERRE HAUTE REDEVELOPMENT
COMMISSION



President

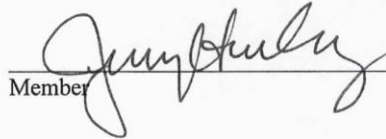


Vice President



Secretary

Member

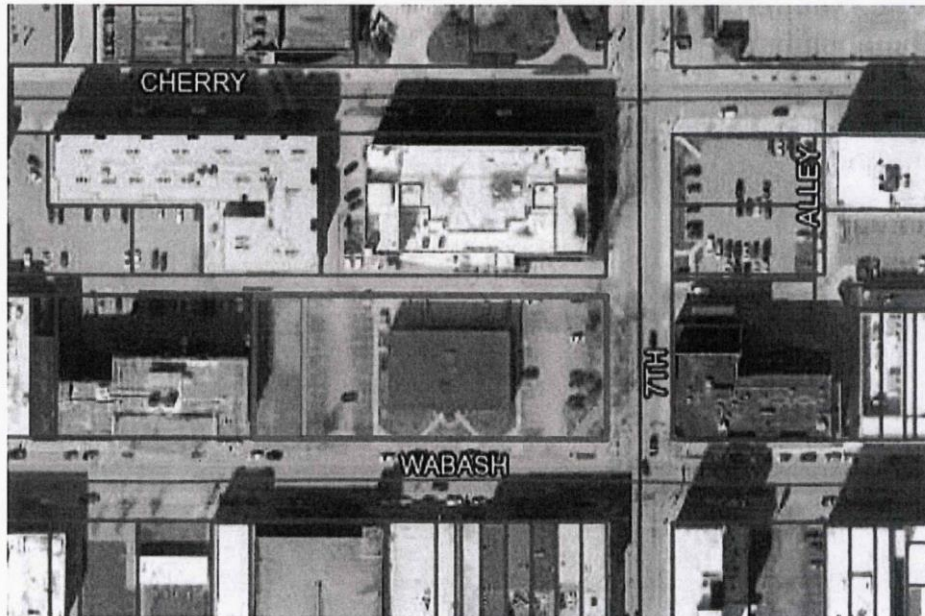


Member

EXHIBIT A

Area to be Removed from the 2020 Consolidated Allocation Area and Designated as the
Downtown Hotel Allocation Area

The area identified in red in the below map is to be removed from the 2020 Consolidated Allocation Area and designated as the Downtown Hotel Allocation Area.



Parcel No. 84-06-21-432-026.000-002
 84-06-21-432-025.000-002

EXHIBIT B

Plan Amendment

To foster economic development in the City, the City of Terre Haute, Indiana, the Terre Haute Economic Development Commission, the City of Terre Haute Redevelopment Commission, and, Terminal Hotel Partners, LLC (the "Developer") are contemplating a Project Agreement (the "Project Agreement"), with respect to the development of the Downtown Hotel Allocation Area. Pursuant to the Project Agreement, the Developer is expected to pay the costs of the acquisition, construction, renovation and equipping of a new 114-room hotel facility including parking facilities and a skybridge over 7th Street in the City as well as certain related facilities and amenities all to be located in the Downtown Hotel Allocation Area (the "Project"). The City and the Commission have agreed to assist the completion of the Project through the payment of certain costs of the Project from the proceeds of bonds payable from the tax increment revenues from the Downtown Hotel Allocation Area and other legally available revenues (the "Bonds"). Based on the findings below, the Amendments to the Plan provide for creation of the Downtown Hotel Allocation Area, the completion of the Project, and the issuance of the Bonds, all as further described in the Project Agreement.

Statutory Findings.

The Amendments meet the following required findings under the Act:

- (i) *The Amendments promote significant opportunities for the gainful employment of the citizens of the City, attract new business enterprise to the City, retain or expand a business enterprise existing in the City, or meet other purposes of Sections 2.5, 41 and 43 of the Act.*

The Amendments allow for the completion of one or more new hotel facilities, which will promote the overall vitality of the City's downtown business district by increasing the number of persons visiting downtown businesses and by attracting additional visitors to the City's existing convention center facility. The construction of new hotel facilities fills an important need for such facilities in the City's downtown business district which facilities have not existed previously due to a lack of development.

- (ii) *Amendments cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.*

The land in the Downtown Hotel Allocation Area is located in the downtown area of the City which has experienced inadequate levels of recent development due to multiple factors. This lack of development has itself become a headwind to future development. By facilitating the

Project under the proposed Project Agreement, the Amendments enable the use of land in the Downtown Hotel Allocation Area to begin to reverse this trend of inadequate development in the downtown area of the City.

- (iii) *The public health and welfare will be benefited by accomplishment of the Amendments.*

By providing required support of the Project, the Amendments create new opportunities for employment through new commercial development in the Project and enhanced traffic to businesses in the downtown business district through increased numbers of visitors to the area, and as a result will also benefit the public health and welfare for the citizens of the City.

- (iv) *The Amendments will be a public utility and benefit as measured by public benefits similar to the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base, or other similar public benefits.*

As described above, the Project contemplated by the Amendments will be of public utility and benefit by creating jobs through new commercial development and enhancement of the value of surrounding commercial development, and the new development created by the Project will increase the property tax base.

- (v) *The Plan, as amended by the Amendments conforms to other development and redevelopment plans for the City.*

The Plan, as amended by the Amendments, conforms with the intended development of the Area as prescribed by the Vigo County Area Plan Commission.

- (vi) *The Amendments are reasonable and appropriate when considered in relation to the original Declaratory Resolution and Plan and the purposes of the Act.*

The Amendments and the completion of the Project are consistent with the existing Plan which contemplates commercial development in the area of the Downtown Hotel Allocation Area and the use of tax increment allocation areas and bonds to finance infrastructure, real property acquisition, real property improvements, and equipment throughout the Economic Development Area.

- (vii) *The designation of the Downtown Hotel Allocation Area will result in new property taxes that would not have been generated but for the adoption of the allocation provision.*

The designation of the Downtown Hotel Allocation Area allows for the capture of tax increment revenues from the Project, and the use of those revenues to pay debt service on one or more series of Bonds, which finance portions of the Project. The Developer has expressed to the Commission that without such use of the tax increment revenues, the Project would not be completed and the additional tax revenue resulting from the Project would not be generated.

RESOLUTION NO. 3-25

**RESOLUTION OF THE VIGO COUNTY AREA PLAN COMMISSION APPROVING
AN AMENDMENT TO THE DECLARATORY RESOLUTION FOR THE 2020
CONSOLIDATED ECONOMIC DEVELOPMENT AREA AND THE ECONOMIC
DEVELOPMENT PLAN FOR SAID AREA**

WHEREAS, the Vigo County Area Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for Vigo County Area, Indiana (the "County") including the City of Terre Haute, Indiana (the "City"); and

WHEREAS, the City of Terre Haute Redevelopment Commission (the "Redevelopment Commission") previously adopted and amended resolutions (as amended, the "Declaratory Resolution") establishing and expanding an economic development area known as the "2020 Consolidated Economic Development Area" (the "Area") and approving an economic development plan for the Area (as subsequently amended, the "Plan"), pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, on January 15, 2025, the Redevelopment Commission approved and adopted its Resolution No. 3-2025 (the "Resolution") which further amended the Declaratory Resolution by (i) removing the area described on Exhibit A attached to the Resolution from the 2020 Consolidated Allocation Area, (ii) designating the area described on Exhibit A attached to the Resolution as an allocation area pursuant to Section 39 of the Act to be known as the Downtown Hotels Allocation Area (the "Downtown Hotels Allocation Area"), and (ii) amending the Plan as described in Exhibit B attached to the Resolution (the "Plan Amendment"); and

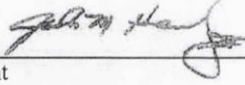
WHEREAS, the Redevelopment Commission has submitted the Resolution and the Plan Amendment to this Plan Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE VIGO COUNTY AREA PLAN COMMISSION, as follows:


1. The Resolution and the Plan Amendment conform to the plan of development for the County and the City.
2. This Plan Commission hereby approves the Resolution and the Plan Amendment. This resolution hereby constitutes the written order of the Plan Commission approving the Resolution and the Plan Amendment pursuant to I.C. § 36-7-14-16.
3. The Secretary of this Plan Commission is hereby directed to file a copy of the Resolution and the Plan Amendment with the minutes of this meeting.

SO RESOLVED BY THE VIGO COUNTY AREA PLAN COMMISSION this 5th day of February, 2025.

VIGO COUNTY AREA PLAN
COMMISSION



President

ATTEST:


Secretary

Appointment to Information Technology Advisory Board

President Todd Nation opened the floor for nominations to the Information Technology Advisory Board. Councilperson DeBaun nominated Harold Seifers. Councilperson Todd Nation closed nominations. Harold Seifers appointed by acclimation.

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

Kelley Duggins
Chief Deputy City Clerk

Todd Nation, President

Michelle L. Edwards, City Clerk