

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

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, JANUARY 5, 2023

The City Council met in Regular Session Thursday, January 5, 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 Boldn, Martha Crossen, Curtis DeBaun IV, O. Earl Elliott, Neil Garrison, Cheryl Loudermilk, Todd Nation

Public Comment on Items Not on the Agenda

- a. Donald Hyde concerning City Council and the upcoming year.
- b. Kevin Southwood concerning abortions.

**No Corrections to the Journal of the Preceding Meeting
No Communication from the Mayor
No Reports from City Officials
No Reports from Board of Public Works and Safety
No Reports from Standing Committees
No Reports from Non-Standing Committees**

Items Previously Tabled

SPECIAL ORDINANCE 44, 2022 – Vacating of an East-West Public Alley located south of properties located at 2425 1st Avenue (Lot 217) through 920 North 25th Street <Garrison>

SPECIAL ORDINANCE 44, 2022, previously tabled on December 8, 2022, was read by digest. Ordinance was defeated due to lack of motion.

SPECIAL ORDINANCE NO. 44, 2022

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDERED by the Common Council of the City of Terre Haute, Indiana.

SECTION 1. Pursuant to the provisions of I.e. 36-7-3-12, it is desired and deemed necessary to vacate a portion of a public alley located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

Beginning at the Southeast corner of Lot 211 in Locust Street Subdivision as part of the Southwest Quarter (SW ¼) of Section 14, Township 12 North, Range 9 West, as per the recorded plat of the same, in Plat Record 6A, Page 79, recorded in the Office of the Recorder of Vigo County, Indiana; thence West along the South line of Lots 211, 212, 213, 214, 215, 216, and 217 in Locust Street Subdivision to the Southwest corner of Lot 217 in Locust Street Subdivision; thence due South 15' more or less to the Northwest corner of Lot 260 in Locust Street Subdivision; thence East along

the North line of Lots 260, 261, 262, 263, 264, 265, and 266 to the Northeast corner of Lot 266; thence North to the Southeast corner of Lot 211, being the place of beginning.

SECTION 2. Be it further ordained that said portion of said alley in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

SECTION 3. Be it further ordained that the City Clerk be, and she is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

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.

Presented by Council Member, Neil Garrison, Councilperson

This instrument prepared by Richard J. Shagley, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

Defeated due to lack of motion

SPECIAL ORDINANCE 45, 2022 – Rezoning of properties located at 2425-2431 1st Avenue, 2428-2442 Locust Street, part of 920 North 25th Street and a vacated East-Well Public Alley located south of properties located at 2425 1st Avenue (Lot 217) through 920 North 25th Street <Garrison>

SPECIAL ORDINANCE 45, 2022, previously tabled on December 8, 2022, was read by digest. Motion was made by Councilperson Auler and seconded by Councilperson Nation to table until February 2, 2023 SPECIAL ORDINANCE 45, 2022. Motion carried.

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

**ITEMS ON FIRST READING
General Ordinances**

GENERAL ORDINANCE 1, 2023 - Amending City Code, Section 9-112, Leak Adjustment <Loudermilk>

GENERAL ORDINANCE 1, 2023 was read by digest. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to take action on GENERAL ORDINANCE 1, 2023. Motion carried unanimously. Motion was made by Councilperson Azar and seconded by Councilperson Loudermilk to pass GENERAL ORDINANCE 1, 2023. Motion carried.

GENERAL ORDINANCE NO. 1, 2023

AN ORDINANCE MODIFYING THE PROCESS FOR OBTAINING LEAK ADJUSTMENTS FROM THE CITY'S SEWAGE BILLING DEPARTMENT.

WHEREAS, the City of Terre Haute, Indiana (hereinafter "City") owns and operates the local wastewater treatment facility; and

WHEREAS, the Common Council desires to offer users of the City's sanitary system a method from which an adjustment to his/her sewer bill may be obtained in the event of a water leak.

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 shall be modified with the insertion of the underlined text as follows:

Sec. 9-112 Leak Adjustment.

a. Upon notification or receipt from water service provider of a water leak adjustment, City will credit sewer account in an amount equal to the total units credited by the water service provider. (Gen. Ord. NO. 6, 2015, 5-14-15)

b. Any person subject to this Article may apply for a leak adjustment of the charges assessed against him if each of the following conditions is met:

1. Current account holder (or titled property owner) shall submit written notification to the City Controller's Office within sixty (60) days of the billing date when an excessive water use is posted of the need for a leak adjustment. City Controller shall document the account to reference the leak adjustment notification. (Gen. Ord. No. 6, 2015, 5-14-15)

2. Current account holder (or titled property owner) shall submit written documentation to the City Controller within one hundred eighty (180) days of the billing date when the excessive use was posted; (Gen. Ord. No. 3, 2015, As Amended, 2-12-15)

3. Such written documentation must contain a detailed description of how and where the leak occurred and be accompanied by a copy of the repair invoice;

4. No leak adjustment shall be considered until the leak has been identified and repaired;

5. No more than one (1) leak adjustment shall be granted per meter during any twelve (12) month period;

6. Current account holder must have at least six (6) months of normal/typical sewage account usage prior to evidence of leak usage at the specified location upon which to calculate an average billing statement demonstrate normal/typical sewage account usage within six (6) months of the leak event at the location where the leak occurred. Normal/typical usage may be calculated using months prior to and after the leak event at the discretion of the sewage billing department and said normal/typical usage will be used to calculate an average billing statement; and

7. Only the highest single month of usage charge during the excess water usage shall be considered for adjustment. However, one (1) contiguous month to the highest single month may also be considered for an adjustment of up to fifty percent (50%) of the highest single month adjustment but in no case shall the contiguous month be adjusted lower than the average billing statement as determined by the sewage billing department pursuant to Section 9-112(b)(6) of the previous six (6) months usage excluding the highest single month originally sought for adjustment. (Gen. Ord. No. 3, 2015, As Amended, 2-12-15; Gen. Ord. No. 8, 2017, 8-10-17)

c. If it is determined that the excess water did enter the City's sewage system, no leak adjustment may be granted

d. Upon determination that all conditions of Subsection a. above have been satisfied, the City shall determine the amount of the leak adjustment and apply a credit to the sewer account. No refunds shall be issued by the City. (Gen. Ord. No. 3, 2011, 2-10-11; Gen. Ord. No. 3, 2015, As Amended, 2-12-15; Gen. Ord. No. 6, 2015, 5-14-15)

Introduced by: Cheryl Loudermilk, Councilperson
Passed in open Council this 5th day of January, 2023.

Curtis DeBaun IV, President

ATTEST: Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 6th day of January, 2023.

Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 6th day of January, 2023.
Duke A. Bennett, Mayor
ATTEST: Michelle L. Edwards, City Clerk

Special Ordinances

SPECIAL ORDINANCE 51, 2022 – Rezoning of property located at 1361-1365 Poplar Street <Crossen>

SPECIAL ORDINANCE 51, 2022 was read by digest. Motion was made by Councilperson Auler and seconded by Councilperson Loudermilk to take action on GENERAL ORDINANCE 1, 2023. Motion was defeated with Councilperson Nation voting no.

Resolutions

RESOLUTION 1, 2023 – Authorizing the submission of the 2023 Annual Consolidated Plan <DeBaun>

RESOLUTION 1, 2023 was read by digest. Motion was made by Councilperson Crossen and seconded by Councilperson Auler to pass RESOLUTION 1, 2023. Motion carried.

Resolution No. 1, 2023

BE IT RESOLVED by the Common Council of the City of Terre Haute, Indiana:

WHEREAS, each year since 1975 the City of Terre Haute has received Federal Community Development Block Grant Funds; and

WHEREAS, under this program the City of Terre Haute will be entitled to receive approximately \$1,380,000 in Community Development Block Grant and \$400,000 in HOME Funds for fiscal year 2022; and

WHEREAS, these funds are identified in the City's HUD Annual Consolidated Plan summary attached to this Resolution and are to be used for Community Development activities in designated eligible areas of the City; and

WHEREAS, it is the intention of the Terre Haute City Council to use all means at their disposal to bring about substantial and lasting improvements in community facilities and housing in the City of Terre Haute, especially for low and moderate income families and individuals and for the elderly; and

WHEREAS, the Terre Haute City Council will take all other necessary steps to see that the Community Development Program brings all the benefits possible to our citizens.

BE IT THEREFORE RESOLVED that the Terre Haute City Council authorizes the Mayor to submit the 2023 Consolidated Annual Plan for the anticipated Grants and all understandings and assurances contained therein to the U.S. Department of Housing and Urban Development. The City Council also authorizes the Mayor to act in connection with the submission of the grant applications and to provide such additional information as may be required by HUD.

Presented: Curtis Debaun IV, Councilman
Passed in open Council this 5th day of January, 2023.
Curtis DeBaun IV, President
ATTEST: Michelle L. Edwards, City Clerk
Presented by me to the Mayor this 6th day of January, 2023.
Michelle L. Edwards, City Clerk
Approved by me, the Mayor, this 6th day of January, 2023.
Duke A. Bennett, Mayor
ATTEST: Michelle L. Edwards, City Clerk

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

Kelley Duggins
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk