

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

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, JUNE 1, 2023

The City Council met in Regular Session Thursday, June 1, 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: George Azar, Tammy Boland, Martha Crossen, Curtis DeBaun IV, O. Earl Elliott, Neil Garrison, Cheryl Loudermilk, Todd Nation

ABSENT: Amy Auler

Public Comment on Items Not on the Agenda

- a. Donald Hyde concerning the need for shade, the amount of trees in the City and the City's parks.
- b. Tess Brooks Stephens concerning her request for ARPA funds and the plans previously submitted. She commented on the need for the funds for minority citizens in the City.
- c. Kevin Southwood commented on his disappoint on the mayor spending all of the ARPA funds.

**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**

RESOLUTION 7, 2022 – A confirming resolution designating an area as an Economic Revitalization Area and approving a waiver of non-compliance for property located at 1800 South 3rd Street <Loudermilk>

RESOLUTION 7, 2022, previously tabled on February 2, 2023, was read by digest. Motion was made by Councilperson and seconded by Councilperson to withdraw RESOLUTION 7, 2022. Motion carried.

RESOLUTION 7 2022

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" and approving a waiver of non-compliance under IC 6-1.1-12 for property commonly known as 1800 3rd Street, Terre Haute, Indiana 47802

WHEREAS, said project will create 20 full-time, permanent jobs for a total additional annual payroll of \$1,200,000.00, with the average additional annual job salary being \$60,000.00 and

WHEREAS, the total project cost is \$2,300,000 and

WHEREAS, IC 6-1.1-12.1-11.3 permits non-compliance events such as the untimely filing of an application, statement of benefits, or another document required to be filed under IC 6-1.1-12.1; and

WHEREAS, the Common Council acknowledges that KP Properties LLC has requested a waiver of non-compliance, which the Common Council has the power and authority to approve under IC 6-1.1-12.1-11.3; and

WHEREAS, Common Council finds that KP Properties LLC did not comply with IC 6-1.1-12.1 by
 (a) failing to provide the completed statement of benefits forms to the Common Council before the public hearing.
 (b) failing to submit the completed statement of benefits form to the Common Council before initiation of redevelopment or rehabilitation,
 (c) failing to file a petition, property tax application and final action.

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with IC 6-1.1-12.1-11.3(c) and IC 5-3-1, and a public hearing has been conducted on said Resolution and waiver

WHEREAS, a representative of KP Properties LLC was in attendance and presented testimony on why a waiver should be granted, and

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

SECTION 1. That Common Council hereby adopts a waiver of non-compliance under IC 6-1.1-12.1-11.3 regarding:

(a) failure to provide the completed statement of benefits forms to the common council before the public hearing.

(b) failure to submit the completed statement of benefits form to the common council before initiation of redevelopment or rehabilitation, and for which KP Properties LLC desires to claim an Economic Revitalization Area deduction.

(c) failure to provide a property tax application, Petition, Resolution and Final action before initiation of redevelopment or rehabilitation, and for which KP Properties LLC desires to claim an Economic Revitalization Area deduction.

SECTION 3. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to IC 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on after ten (10) years.

SECTION 4. That said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to both a deduction of the assessed value of real estate improvements made between June 1, 2021, and March 31, 2022.

SECTION 5. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals, and the estimate of redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the described renovations.

SECTION 7. That, pursuant to IC 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 8. The deduction schedule from the assessed value of the real property pursuant to IC 6-1.1-12.1-17 shall look like this.

	Abatement Tax Percentage	Property Taxes	Circuit Breaker Tax Credit	Net Property Taxes	Property Taxes	Circuit Breaker Tax Credit	Net Property Taxes	Estimated Abatement Savings
Year 1	100%	\$ 0.00	\$ 0.00	\$ 0.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$69,000.00

Year 2	95%	\$ 5,169.00	\$ 0.00	\$ 5169.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$63,831.00
Year 3	80%	\$ 20,677.00	\$ 0.00	\$20,677.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$48,323.00
Year 4	65%	\$ 36,185.00	\$ 0.00	\$36,185.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$32,815.00
Year 5	50%	\$ 51,693.00	\$ 0.00	\$51,693.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$17,307.00
Year 6	40%	\$ 62,031.00	\$ 0.00	\$62,031.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 6,969.00
Year 7	30%	\$ 72,370.00	(\$ 3,370.00)	\$69,000.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 0.00
Year 8	20%	\$ 82,708.00	(\$13,708.00)	\$69,000.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 0.00
Year 9	10%	\$ 93,047.00	(\$24,047.00)	\$69,000.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 0.00
Year 10	5%	\$ 98,216.00	(\$29,216.00)	\$69,000.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 0.00
Totals		\$522,096.00	(\$70,341.00)	\$451,755.00	\$1,033,850.00	(\$343,850.00)	\$690,000.00	\$238,245.00

SECTION 9. That the benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 10. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Common Council at the time of filing. This report must be submitted to the Vigo County’s Auditor’s Office and City of Terre Haute’s Clerk’s Office and must be included in the deduction application. For subsequent years, the performance report must be updated each year for which the deduction applies.

SECTION 11. That the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Vigo County, Indiana.

SECTION 12. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Presented by: Cheryl Loudermilk, Councilperson
Withdrawn

This instrument was prepared by Richard J. Shagley II, Attorney, WRIGHT, SHAGLEY & LOWERY, 500 Ohio Street, Terre Haute, Indiana 47807

RESOLUTION 8, 2022 – Designating an area commonly identified as 1800 3rd Street as an Economic Revitalization Area for the purpose of a ten (10) year Real Property Tax Abatement (KP Properties, LLC) <Loudermilk> <For Adoption>

RESOLUTION 8, 2022, previously tabled on February 2, 2023, was read by digest. Motion was made by Councilperson and seconded by Councilperson to withdraw RESOLUTION 8, 2022. Motion carried.

TERRE HAUTE CITY COUNCIL
STATE OF INDIANA
RESOLUTION NO.8, 2022

A Resolution of the Common Council of the City of Terre Haute, Indiana, Designating an Area Within Terre Haute, Indiana commonly identified as 1800 3rd Street, Terre Haute, Indiana as an Economic Revitalization Area for the Purpose of a Ten (10) Year Real Property Tax Abatement for KP Properties, LLC.

WHEREAS, a Petition for a ten (10) year real property tax abatement has been filed with the Common Council of the City of Terre Haute, Indiana requesting that the real property described therein be designated an Economic Revitalization Area for purposes of real property tax abatement; and

WHEREAS, the petitioner has submitted an Application and Statement of Benefits and provided all information and documentation necessary for the Common Council of the City of Terre

Haute, Indiana to make an informed decision, said information including a legal description of the aforesaid property as set forth in attached Exhibit A (which is hereby made a part hereof), and a site plan in attached Exhibit B; and

WHEREAS, petitioner has estimated that its investment in the construction of the building and amenities located on said real estate (the "Project") will create twenty two (22) new full time jobs with the management and operation of this dental office after completion of the Project, and the associated payroll for the employees of the proposed new facility;

WHEREAS, in addition to the employment benefits, the Project offers important development to the City of Terre Haute as a means to better serve the needs of the community by increasing the amount of quality services in Terre Haute, which has been proven to drive economic revitalization. The redevelopment of this property will be a significant economic catalyst for continued development of the City of Terre Haute's 3rd street corridor.

WHEREAS, the Common Council of the City of Terre Haute, Indiana is authorized under the provisions of I. C. 6-1.1-12.1-1 et. seq. to designate areas of Terre Haute, Indiana as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has considered the Application, Petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has found the subject property to be an area within the boundaries of the City of Terre Haute, Indiana, which area has become undesirable for, or impossible of, normal development and occupancy as it has existed, as a commercial area because of a lack of development, cessation of growth, and deterioration of improvements which have impaired values or prevented a normal development of property or use of property, and such is an area declining in tax revenues;

WHEREAS, the real property abatement is a declining percentage of the increase in assessed value of the improvement based on the following time period and percentages as determined by the City Council:

	With Abatement				Without Abatement			
	Abatement Percentage	Property Taxes	Circuit Breaker Taxes	Net Property	Property Taxes	Circuit Breaker Taxes	Net Property	Estimated Property Tax
		Tax Credit	Taxes	Property	Tax Credit	Taxes	Abatement	
					Savings			
Year 1	100%	\$ 0.00	\$ 0.00	\$ 0.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$69,000.00
Year 2	95%	\$ 5,169.00	\$ 0.00	\$ 5,169.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$63,831.00
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Year4	65%	\$ 36,185.00	\$ 0.00	\$36,185.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$32,815.00
Year 5	50%	\$ 51,693.00	\$ 0.00	\$51,693.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$17,307.00
Year 6	40%	\$ 62,031.00	\$ 0.00	\$62,031.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 6,969.00
Year 7	30%	\$ 72,370.00	(\$ 3,370.00)	\$69,000.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 0.00
Year 8	20%	\$ 82,708.00	(\$13,708.00)	\$69,000.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 0.00
Year 9	10%	\$ 93,047.00	(\$24,047.00)	\$69,000.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 0.00
Year 10	5%	\$ 98,216.00	(\$29,216.00)	\$69,000.00	\$103,385.00	(\$34,385.00)	\$69,000.00	\$ 0.00
Totals		\$522,096.00	(\$70,341.00)	\$451,755.00	\$1,033,850.00	(\$343,850.00)	\$690,000.00	\$238,245.00

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Common Council of the

City of Terre Haute, Indiana that:

1. The petitioner's estimate of the value of the Project to be constructed on the subject real property is reasonable for projects of that nature in order to maintain, expand, update and improve services to the community.
2. The petitioner's estimate of the number of individuals who will be employed and retained, and the benefits thereby, can reasonably be expected to result from the Project.
3. The petitioner's estimate of the annual salaries or wages of the individuals who will be employed, and the benefits thereby, can reasonably be expected to result from the Project.
4. The totality of the benefits of the Project are sufficient to justify a ten (10) year property tax deduction from assessed valuation to result therefrom under Indiana statutes, and each and all of such deductions should be, and they are hereby, allowed pursuant to the schedule set out herein above.
5. The Petition for designating the subject property as an Economic Revitalization Area for the purposes of ten (10) year real property 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. e. 6-1.1-12.1-1 et. seq.
6. A copy of this Resolution, following its passage, shall be filed with the Vigo County Assessor as required by I.C. 6-1.1-12.1-2.5{c}.

Presented by: Cheryl Loudermilk, Councilperson
WITHDRAWN

This instrument was prepared by Richard J. Shagley II, Attorney, WRIGHT, SHAGLEY & LOWERY, 500 Ohio Street, Terre Haute, Indiana 47807

EXHIBIT A

LAND DESCRIPTION

Tract I - The North One-Half (1/2) of Lot Number Seven (7) of Block Number One (1) in John D. Chestnut's Addition to Terre Haute, being a part of the Northeast Quarter of Section Thirtythree (33), Township Twelve (12) North, Range Nine (9) West, as shown by the recorded plat in Plat Record 1, Page 267, dated May 11, 1870 and recorded July 30, 1870 records of Recorder's Office of Vigo County, Indiana.

Tract 11- The South Half (1/2) of Lot Number (7) in Block Number One (1) in John D. Chestnut's Addition to the City of Terre Haute, Indiana, being a part of the North East X Section 33, Township 12 North, Range Nine (9) West, as shown by the recorded plat in Plat Record 1, Page 267, dated May 11, 1870 and recorded July 30, 1870 records of Recorder's Office of Vigo County, Indiana.

Tract 111- Lot Number Forty-nine (49) in Herman Hulman's Addition of twenty two and two tenths (22.2) acres lying in the Northeast Quarter of Section 33, in Township 12 North, of Range 9 West, as shown by the recorded Plat Record 5, Page 65, recorded August 31, 1891, records of Recorder's Office of Vi go County, Indiana.

Tract IV - Lot Number Fifty (50) in Herman Hulman's Addition of 21.2 acres lying in Northeast Quarter of Section 33, Township 12 North, Range 9 West adjoining Terre Haute, Indiana, as shown by the recorded plat in Plat Record 5, Page 65, recorded August 31, 1891 records of Recorder's Office of Vi go County, Indiana.

Tract V - Lot Number 8 in Block Number 1 in John D. Chestnut's Addition to the City of Terre Haute, Indiana, as shown by the recorded plat in Plat Record 1, Page 267, dated May 11, 1870 and recorded July 30, 1870 records of Recorder's Office of Vigo County, Indiana.

Parcel No.: 84-06-33-207-001.000-002, 84-06-33-207-002.000-002, 84-06-33-207-003.000-002, 84-06-33-207-004.000-002 & 84-06-33-207-005.000-002

Commonly known as 1800 3rd Street, Terre Haute, IN 47807.

SPECIAL ORDINANCE 11, 2023 – Rezoning of property located at 4355 East Wabash Avenue <Elliott> - **TABLED UNTIL 7-13-2023 with one (1) abstention**

SPECIAL ORDINANCE 11, 2023 was read by digest. Motion was made by Councilperson and seconded by Councilperson to table until July 13, 2023 SPECIAL ORDINANCE 11, 2023. Motion carried with one (1) abstention with Councilperson Curtis DeBaun abstaining.

No Tax Abatements for Confirmation
No Items on Second Reading

ITEMS ON FIRST READING

Appropriations

APPROPRIATION 5, 2023- \$1,000,000.00 from Community Crossings Grand Fund #0492-0000 to CCG-Paving, #0492-0000-03-432105 <Elliott>

APPROPRIATION 5, 2023 was read by digest. Motion was made by Councilperson Crossen and seconded by Councilperson Garrison to take action on APPROPRIATION 5, 2023. Motion carried unanimously. Motion was made by Councilperson and seconded by Councilperson to pass APPROPRIATION 5, 2023. Motion carried.

Review of CF1 Filings

Review of Enjet Aero RS 3, 2013 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Enjet Aero RS 3, 2013 in substantial compliance. Motion carried.

Review of Enjet Aero RS 10, 2018 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Enjet Aero RS 10, 2018 in substantial compliance. Motion carried.

Review of Fitesa RS 2, 2018 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Fitesa RS 2, 2018 in substantial compliance. Motion carried.

Review of Fitesa RS 2, 2018 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Fitesa RS 2, 2018 in substantial compliance. Motion carried.

Review of Fitesa RS 7, 2021 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Fitesa RS 7, 2021 in substantial compliance. Motion carried.

Review of Fitesa RS 8, 2021 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Fitesa RS 8, 2021 in substantial compliance. Motion carried.

Review of Fox Hotel RS 12, 2015 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Fox Hotel RS 12, 2015 in substantial compliance. Motion carried.

Review of Gartland Foundry RS 2, 2015 CF1 Form (Real and Personal Combined)

Motion was made by Councilperson and seconded by Councilperson to find Gartland Foundry RS 2, 2015 in substantial compliance. Motion carried.

Review of Highland Retina RS 8, 2020 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Highland Retina RS 8, 2020 in substantial compliance. Motion carried.

Review of Historic Walnut Square RS 3, 2020 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Historic Walnut Square RS 3, 2020 in substantial compliance. Motion carried.

Review of Hydrate RS 2, 2022 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Hydrite RS 2, 2022 in substantial compliance. Motion carried.

Review of Hydrite RS 3, 2022 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Enjet Aero RS 3, 2013 in substantial compliance. Motion carried.

Review of Miller Parrott Lofts LP RS 17, 2017 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Miller Parrott Lofts LP RS 17, 2017 in substantial compliance. Motion carried.

Review of NMP RS 21, 2014 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find NMP RS 21, 2014 in substantial compliance. Motion carried.

Review of Revolution RS 35, 2017 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Revolution RS 35, 2017 in substantial compliance. Motion carried.

Review of Revolution RS 5, 2015 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Revolution RS 5, 2015 in substantial compliance. Motion carried.

Review of Tierra Alta (Highland Retina) RS 9, 2020 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Tierra Alta (Highland Retina) RS 9, 2020 in substantial compliance. Motion carried.

Review of Warren Village RS 13, 2012 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Warren Village RS 13, 2012 in substantial compliance. Motion carried.

Review of Warren Village RS 14, 2016 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Warren Village RS 14, 2016 in substantial compliance. Motion carried.

Review of Welltower RS 22, 2012 CF1 Form

Motion was made by Councilperson and seconded by Councilperson to find Welltower RS 22, 2012 in substantial compliance. Motion carried.

Council President DeBaun announced the meetings scheduled for June 8, 2023 and July 6, 2023 have been cancelled

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

Kelley Duggins
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk