

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

CITY OF TERRE HAUTE, INDIANA

REGULAR SESSION, THURSDAY, MARCH 2, 2023

The City Council met in Regular Session Thursday, March 2, 2023 at 6:00 P.M. in the City Hall Courtroom with Mr. DeBaun presiding and Michelle L. Edwards in the City Clerk's desk.

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

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

ABSENT: O. Earl Elliott

Public Comment on Items Not on the Agenda

- a. Darrell Felling II, City Attorney, concerning posting Board of Zoning Appeals information on the City's website. He stated the board determines their own meeting dates and times per statute. Mr. Felling complicated the Information Technology department for their upgrades to the City and its website.
- b. Councilperson Todd Nation thanked Mr. Felling for his comments. He also mentioned there are other boards and commissions that should have their information on the City's website. He also commented that other boards and commissions should record and make available to citizens the video of their meetings.
- c. Donald Hyde commented on safety of our citizens especially from hazardous waste.
- d. Harold Rukes commented on condemned properties being left as vacant.
- e. Keri Yusef commented on General Ordinance 2, 2023 and drug rehabilitation centers.
- f. Presentation by Myra Wilkey and Andrea Kent concerning Mullen Flats Project.
- g. Councilperson Todd Nation commented on the presentation and 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

No Items Previously Tabled

No Tax Abatements for Confirmation

No Items on Second Reading

ITEMS ON FIRST READING

Special Ordinances

SPECIAL ORDINANCE 3, 2023 - Rezoning of properties located at 3015 and 3037 South 9th Street <Auler>

SPECIAL ORDINANCE 3, 2023 was read by digest. Area Plan Commission certified this document to the Council with a Favorable with Conditions Recommendation on March 1, 2023. Motion was made by Councilperson Auler and seconded by Councilperson Nation to take action on SPECIAL ORDINANCE 3, 2023. Motion carried

unanimously. Motion was made by Councilperson Auler and seconded by Councilperson Nation to pass SPECIAL ORDINANCE 3, 2023. Motion carried.

SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 3, 2023

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

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

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

Lots Number Ten (10), Eleven (11), Twelve (12), and Thirteen (13) in Ardmore, a subdivision of a part of the North half of the north-west Quarter of section Three (3), Township Eleven (11) North, Range Nine (9) West. Subject to all taxes commonly known as 3037 S 9th Terre Haute, IN.

Commonly known as: 3037 South 9th Street, Terre Haute, IN 47802

Lot Number Fourteen (14) in Ardmore, a Subdivision of a part of this North ½ of the North-West ¼ of section 3, Township 11 North Range 9 West, Vigo County, Indiana.

Parcel Number 84-09-03-102-011.000-005

Lot Number Fifteen (15), Sixteen (16), and Seventeen (17) in Ardmore, a Subdivision of a part of North half (1/2) of the Northwest Quarter (1/4) of Section Three (3), Township Eleven (11) North, Range Nine (9) West, Vigo County, IN.

Subject to all matters disclosed by the plate of Ardmore Subdivision.

Subject to covenants and other matters concerning Ardmore Subdivision.

Subject to assessment of Benefits made for the construction of a levy in Honey Creek Township, dated January 15, 1932 and recorded January 16, 1932 in Miscellaneous Record 63, Page 20, in the records in the Office in the Vigo County Recorder.

Subject to easements, covenants, and restrictions of record affecting title to the subject real estates.

Commonly known as 3015 S 9th Street Terre Haute IN 47802.

Be and the same is hereby established as a C-6 Strip Business District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.”

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

Presented by Council Member, Amy Auler
Passed in Open Council this 2nd day of March, 2023.
Curtis DeBaun IV-President
ATTEST: Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 6th day of March, 2023.

Michelle Edwards, City Clerk

Approved by me, the Duke A Bennett, this 6th day of March, 2023.

Duke A Bennet, Mayor

ATTEST: Michelle Edwards, City Clerk

This instrument prepared by: Debra L Hardas, 2407 Hulman Terre Haute, IN 47803 812-249-7531

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

Debra L Hardas

SPECIAL ORDINANCE 4, 2023 – Rezoning of properties located at 406, 410 and 430 North 14 ½ Street, and 1420, 1426 and 1428 Liberty Avenue <Garrison>

SPECIAL ORDINANCE 4, 2023 was read by digest. Area Plan Commission certified this document to the Council with a Favorable with Conditions Recommendation on March 1, 2023. Motion was made by Councilperson Garrison and seconded by Councilperson Loudermilk to take action on SPECIAL ORDINANCE 4, 2023. Motion carried unanimously. Motion was made by Councilperson Garrison and seconded by Councilperson Loudermilk to pass SPECIAL ORDINANCE 4, 2023. Motion carried.

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 4, 2023**

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

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

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

Parcel 1: 430 N. 14 ½ St., Terre Haute. Indiana 47807

Lot 1, 2, 3, and 4 in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision 100 acres off North side of Northeast Quarter of Section 22, Township 12 North, Range 9 West.

ALSO,

Lots 13, 14, 15, 16, 17, 18, and 19 in Biel and Frederick's Subdivision of Lots I I and 29 and 33 to 39 inclusive, in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision of 100 acres off North side of Northeast Quartet of Section 22, Township 12 North, Range 9 West.

ALSO,

That part of an alley vacated by Declaratory Resolution No. I of the Board of Public Works of the City of Terre Haute, Indiana, running North-South, North of Liberty Avenue in said City described as follows, to wit:

Beginning at a point 16 feet North of the South line of Lot 15 in Biel and Frederick's Subdivision and running thence North to the right of way of the Terre Haute and Indianapolis Railroad, thence

in an Easterly direction between said railroad and North line of Lot 13 said subdivision to the west line of 14 ½ Street. Adopted March 15, 1911. Confirmed April 6, 1911.

ALSO,

All of North 14 ½ Street lying North of the North line of Spruce Street and South of the right of way of the Pennsylvania Railroad Company and all of an alley 15.5 feet wide lying adjacent and parallel to said railroad right of way and immediately North of Lot 12 in Biel and Frederick's Subdivision, vacated by order of the Vigo Circuit Court, entered December 16, 1960, in Cause Number 42252, appearing in Order Book 128, page 112 ½ of said court.

Parcel 2: 410 N. 14 ½ St., Terre Haute. Indiana 47807

Lot Number 20 in Biel and Fredrick's Subdivision of Lots No. 11 to 29 and 33 to 39 inclusive of Baiersdorf's Subdivision of Lots No. II and 18 of Chase's Subdivision of 100 acres off the North end of the Northeast Quarter of Section 22, Township 12 North, Range 9 West, in Terre Haute, Indiana, as shown in the plat recorded August 16, 1888 at Plat Record 4, page 60, records of Recorder's Office of Vi go County, Indiana.
Special Ordinance 4, 2023

Parcel 3:
406 N. 14 ½ St., Terre Haute, Indiana 47807

Lot Number 21 in Biel and Fredrick's Subdivision in the city of Terre Haute and the County of Vigo, as shown in the plat recorded August 16, 1888 at Plat Record 4, page 60, Vigo County, Indiana.

Except that part described as follows: Commencing at the Southwest corner of Lot 21, thence North 21 feet, thence East 39.5 feet, thence South 21 feet, thence West 39.5 feet to the point of beginning in Biel and Fredrick's Subdivision of Section 22, Township 12 North; Range 9 West, as shown in the plat recorded August 16, 1888 at Plat Record 4, page 60, Vigo County, Indiana

Parcel 4: 1426 Liberty Ave, Terre Haute, Indiana 47807

Commencing at the Southeast corner of Lot 21, thence North 4.5 feet, thence West 90.5 feet, thence South 4.5 feet, thence East 90.5 feet to the point of beginning in Biel and Fredrick's Subdivision of Section 22, Township 12 North, Range 9 West, as shown in the plat recorded August 16, 1888 at Plat Record 4, page 60, Vigo County, Indiana,

Parcel 5: 1420 Liberty Ave., Terre Haute. Indiana 47807 (Parcel ID 84~6-22-252-012.000-002)

Commencing at the Southwest corner of Lot 21, thence North 21 feet, thence East 39.5 feet, thence South 21 feet, thence West 39.5 feet to the point of beginning 'in Biel and Fredrick's Subdivision of Section 22, Township 12 North, Range 9 West, as shown in the plat recorded August 16, 1888 at Plat Record 4, page 60, Vigo County, Indiana

Parcel 6: 1420 Liberty Ave, Terre Haute, Indiana 47807 (South Parcel)
(Parcel ID 84-06-22-252-013 .000-002)

Thirty-nine and One half feet off the West end of Lot 10 in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision of One Hundred acres off the North side of the Northeast Quarter of Section 22, Township 12 North, Range 9 West, as shown in the plat recorded July 13, 1877 at Plat Record 3, page 93, in the city of Terre Haute, and the County of Vigo in Indiana.

Parcel 7:
1428 Liberty Ave., Terre Haute, Indiana 47807

Lot Number 10 in Baiersdorf's Subdivision, as shown in the plat recorded July 13, 1877 at Plat Record 3, Page 93, in Vigo County, Indiana.

Except that part described as follows: Thirty-nine and One half feet off the West end of Lot 10 in Baiersdorf's Subdivision of Lots 11 and 18 in Chases Subdivision of One Hundred acres off the North side of the Northeast Quarter of Section 22, Township 12 North, Range 9 West, as shown in the plat recorded July 13, 1877 at Plat Record 3, page 93, in the city of Terre Haute and the County of Vigo in Indiana.

Commonly known as;

1. 430 N. 14 ½ St., Terre Haute, Indiana 47807
2. 410 N, 14 ½ St., Terre Haute, Indiana 47807
3. 406 N. 14 121 St., Terre Haute, Indiana 47807
4. 1426 Liberty Ave., Terre Haute, Indiana 47807
5. 1420 Liberty Ave., Terre Haute, Indiana 47807
6. 1428 Liberty Ave., Terre Haute, Indiana 47807

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

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

Presented by Council Member, Neil Garrison, Councilman

Passed in Open Council this 2nd day of March, 2023.

Curtis DeBaun IV – President

ATTEST: Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 6th day of March, 2023.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 6th day of March, 2023.

Duke A. Bennett, Mayor

ATTEST: Michelle Edwards, City Clerk

This instrument prepared by: Paul Carroll, 13 N. State St., Ste. 241, Greenfield, IN-46140. 317-460-2095

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.

Paul J. Carroll

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

Kelley Duggins
Chief Deputy City Clerk

Curtis DeBaun IV, President

Michelle L. Edwards, City Clerk