

ORDINANCE NO. 2008 - OR - 20

**AN ORDINANCE AMENDING THE CITY'S CAPITAL IMPROVEMENT PLAN
OF THE CITY OF CHARLESTOWN INDIANA**

WHEREAS, pursuant to IC 6-15-7 (hereinafter the "Act"), an *Economic Development Income Tax* (the "EDIT") has been imposed in Clark County, Indiana (the "County") through action of the Clark County Council;

WHEREAS, the imposition of EDIT makes available to the City of Charlestown, Indiana (the "City") a share of the EDIT revenues collected in Clark County (Charlestown's "Distributive Share"), which share is payable to the City in semiannual installments each year, in May and November, provided the City has adopted a capital improvement plan that specifies the uses for which the City proposes to spend at least seventy five percent (75%) of the Distributive Share for the entire term of the capital improvement plan;

WHEREAS, the Mayor of the City, has previously approved a capital improvement plan ("Capital Improvement Plan"), as also approved by the Charlestown City Council, which specified certain uses for the Distributive Share; and

WHEREAS, the Capital Improvement Plan was previously amended to include the deposit of EDIT Deposit to the payment of a portion of the interest on certain Bonds until Tax Increment is sufficient to pay debt service.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Charlestown that:

Section 1. Reaffirmation

The previous amendment of the Capital Improvement Plan to include the Project and the deposit of EDIT Deposit for the payment of a portion of the interest on the Bonds until Tax Increment is sufficient to pay debt service is hereby reaffirmed.

Section 2. Continued Funding

The Previously approved projects listed in the City's Capital Improvement Plan will continue to be funded from proceeds of Bonds of the

Commission and investment earnings thereon, and the City will deposit the EDIT Deposit in a trust account for the payment of a portion of the interest on the Bonds until Tax Increment is sufficient to pay debt service on the Bonds.

Section 3. Details of Amended Capital Improvement Plan

Attached hereto, marked as "Exhibit A", and incorporated by reference herein is a copy of the City's *Amended Capital Improvement Plan*.

Section 4. Savings Clause

If any section of this Ordinance shall be deemed unenforceable and/or not in compliance with any applicable statute or case law by a court of competent jurisdiction, then to the extent permissible all other sections of this Ordinance shall remain in full force and effect.

Section 5. Repealing Clause

All sections of any previous Ordinances and/or Resolutions that are inconsistent and/or contradictory to the above provisions of this Ordinance are hereby modified and/or repealed.

Section 6. Effective Date

This Ordinance shall be in full force and effect upon and after its passage by the Charlestown City Council or as otherwise mandated by statute and/or rule.

ADOPTED by the City Council of Charlestown, this 1st day of December, 2008.

	Voted In Favor	Voted Against	Abstained	Absent
_____ Jeff Aaron, Council President	_____	_____	_____	_____ ✓
_____ <i>Terry Pierce</i> Terry Pierce	_____ ✓	_____	_____	_____
_____ <i>Mark Gopplett</i> Mark Gopplett	_____ ✓	_____	_____	_____
_____ <i>Scott McKechnie</i> Scott McKechnie	_____ ✓	_____	_____	_____
_____ <i>Dan Roberts</i> Dan Roberts	_____ ✓	_____	_____	_____

Presented to Mayor G. Robert Hall on the 1st ^{December} day of ~~November~~ 2008.

Donna S Coomer
Donna Coomer
City Clerk/Treasurer

SEEN AND APPROVED BY ME THIS 1st DAY OF ^{December} ~~NOVEMBER~~ 2008, BY:

A Robert Hall
Mayor G. Robert Hall

ATTEST:

12-01-08
Date

Donna S Coomer
Donna Coomer
City Clerk/Treasurer

**DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER**

JAN 23 2009

Kidwell
AUDITOR CLARK COUNTY

EXHIBIT A

AMENDED CAPITAL IMPROVEMENT PLAN

This document is the Amended Capital Improvement Plan ("Plan") for the City of Charlestown, Indiana. It is intended for adoption by the Charlestown Common Council in conformance with IC 6-3.5-7.

Term: The term of the Plan is 10 years from date of its adoption.

Objective: IC 6-3.5-7 requires the adoption of the Plan by the Charlestown Common Council before the City may receive its certified distribution of revenues from the Economic Development Income Tax (EDIT). The plan must specify the uses for which the City proposes to use the EDIT revenues.

Project #1: Waterworks Initiative

General Description: Central Charlestown Economic Development Area Waterworks Improvement Project

Estimated Total Cost: Maximum \$35,000.00 per year

Sources of Funding: Waterworks Utility Revenues / TIF Funds / EDIT Revenues

Project #2: Quality of Life Initiatives

General Description: Upgrade of City Public Attractions

Sources of Funding: EDIT funding

Planning Development and Construction Schedule:

Incremental improvements will be made through December 2018

In its continuing effort to make the City more attractive to individuals, families, employers, and other businesses, the City will engage in the design and construction of additional capital improvement projects in the nature of park facilities, including but not limited to construction of a skate park, as an attraction to youth and adults. The City Board of Public Works and Safety will enter into contracts for the purchase of materials and services to further this objective. It is anticipated that the cost of a skate park project in fiscal year 2009 will be \$135,000.00, to be paid out of the EDIT funds. It is anticipated that the cost of improving sidewalks, trails, benches and street lighting in fiscal year 2009 will be up to \$500,000.00 to be paid out of TIF funds. Varying amounts, depending on need, will be appropriated each year for similar improvements

Project #3: Technical Development Initiative

General Description: Upgrade of City Technical Facilities/Capabilities

Sources of Funding: EDIT funding, TIF Funding, General Fund

Planning Development and Construction Schedule: Continue incremental Development and Construction, through December 2018

In its continuing effort to make the City more attractive to individuals, families, employers, and other businesses, and to further short term and long term economic development, the City will engage in the design and construction of additional capital improvement projects in the nature of broadcast and connectivity facilities, and will engage experts to help accomplish the following goals: install wireless internet hubs, develop internet television broadcasting

facilities/capabilities, provide infrastructure and technical support for community web sites, install additional computer and other technical hardware and computer software, and engage technical support contractors to provide assistance in facilitating these technical objectives. This initiative will cost \$160,000.00 in fiscal year 2009.

Project #4: Water Quality Improvement Initiative

General Description: Upgrade of City Waterworks Facilities/Capabilities
Sources of Funding: EDIT funding, Utility Revenues, TIF revenues
Planning Development and Construction Schedule: Continue incremental Development and Construction, through December 2018

The City has and will continue to seek and develop the natural resources owned by the City, including but not limited to potable well water. Water quality issues have dictated it is prudent to investigate and correct certain impurities within the City's water wells. Experts have/will be engaged to advise the City Water Utility on obtaining more and purer water from the City's existing well fields. It is anticipated that the expenditure for this initiative will cost \$50,000.00 in 2008/2009.

Project #5: Building Improvement Initiative

General Description: Upgrade of City Buildings and Meeting facilities
Sources of Funding: EDIT funding, TIF Funding, General Fund
Planning Development and Construction Schedule: Continue incremental Development and Construction, through December 2018

The City has and will continue to seek to improve and construct new buildings owned by the City, including but not limited to A Storage/Concession building in Greenway Park, Improvements to the Arts and Enrichment Center (lighting, electrical, sound and video, renovation of structure), Construction of a new police station, renovation of the old police station into a museum/attraction. It is anticipated that the expenditure for this initiative will cost \$50,000.00 in 2008/2009.

Proposes of Projects: We hereby find that the Projects outlined above are economic development projects because these improvements will provide important upgrades in the City's infrastructure to support economic growth.

Seventy-five Percent (75%) Test: In accordance with IC 6-3.5-7-15, the Plan incorporates the cost of which is at least seventy-five percent (75%) of the certified EDIT distribution the City expects to receive during the term of the Plan, as follows:

Expenditures for the term of the plan:

Project #1: Maximum \$35,000.00 per year
Project #2: \$635,000.00 per year
Project #3: \$169,000.00 per year
Project #4: \$50,000.00 first year.
Project #5: Up to \$50,000.00

City Estimated Certified EDIT Distribution for the term of the Plan:

2008: \$214,245.00
2009: \$380,000.00