



City of Bloomington Common Council

Legislative Packet

Regular Session

01 August 2007

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

- **Notice of August Recess** (from August 2nd until September 5th)

Legislation for Final Action:

- **Ord 07-15** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish A Historic District - Re: 2102 West Vernal Pike (Vivian Galligan, John Galligan Jr. and John Galligan III, Petitioners)
Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov
Note: Ordinance was revised after distributed in the Legislative Packet and introduced on July 18th to provide a more accurate legal description of the property.
- **Ord 07-16** To Amend Title 14 of the Bloomington Municipal Code, Entitled “Peace and Safety” (Providing a Comprehensive Revision of Chapter 14.09, entitled “Noise Control”)
Contact: Margie Rice at 349-3555 or ricem@bloomington.in.gov
 - *Amendment(s) may be forthcoming*

Please see the Legislative Packet issued for the [18 July 2007](#) Committee of the Whole for the legislation, summary, and background material.

- **Res 07-07** To Terminate Tax Deduction for Improvements to Real Estate and Remove the Economic Revitalization Area (ERA) Designation Authorized By Resolution 01-30 and Resolution 02-01 - Re: 318 South Washington Street (Middle Way House, Current Owner)
 - Memo from Danise Alano, Director of Economic Development; Map of Site; Res 02-01; Statement of Benefits; Summary of Application; Letter to Owner of Property*Contact: Danise Alano at 349-3406 or alanod@bloomington.in.gov*

Legislation and Background Material for First Reading:

None

Minutes from Regular and Special Sessions:

May 23, 2007 Special Session

July 18, 2007 Regular Session

Memo

**Two Ordinances and One Resolution Ready for Final Action at the Regular Session
on August 1st
After which the Council Enters Its August Recess**

The Council will hold a Regular Session next Wednesday to take final action on two ordinances and a resolution and then take a Recess until it meets for a Regular Session and Committee of the Whole on September 5th. The two ordinances and background material can be found in the 18 July 2007 Legislative Packet and the resolution and related material are enclosed herein.

**Item Two - Ord 07-16 – Noise Control
– Amendment(s)?**

Council members expressed interest in adding harsher penalties for persons who repeatedly violated the noise ordinance. Please contact the Council Office if you want an amendment prepared for Wednesday night.

New Item for Final Action

**Res 07-07 Rescinding Res 01-30 and Res 02-01 and Terminating the Tax Deduction
and Economic Revitalization Area Designation
– Re: 318 South Washington Street (Middle Way House, Inc., Current Owner)**

Res 07-07 comes forward as a result of a motion adopted by the Council at the end of the presentation of the Annual Tax Abatement Report on June 20th. It proposes the termination of a tax abatement and the removal of the Economic Revitalization Area (ERA) designation for 318 South Washington which Evergreen Place Apartments, LLP obtained in 2002 for a senior housing project. That project did not go forward and the property was subsequently acquired by Middle Way House, Inc. which is a non-profit organization serving women suffering from domestic violence. Middle Way House is using the property to house its headquarters and a number of its programs.

The following paragraphs review the procedure for terminating a tax abatement and provide a brief summary of the reasons for terminating this one in particular.

Procedure for Terminating Tax Deduction and Rescinding the Economic Revitalization Area

I.C. 6-1.1-12.1-5.9 sets forth the procedure for terminating a tax abatement. Under its provisions, the Council must:

- Initially determine that the owner of the property has not substantially complied with the Statement of Benefits and that failure to comply was not due to factors beyond the control of the property owner;
 - *The Council took this step by adopting a motion to that effect during consideration of the Annual Tax Abatement Report on June 20th.*
- Mail notice of that determination, the reasons for it, and the date, time, and place of the public hearing which must be held by the Council to further consider this matter;
 - *The Council Administrator/Attorney sent a letter to the property owner (Please see a copy of the letter in this packet and please note that the property owner does not oppose this action).*
- Hold a public hearing to further consider the owner's compliance with the Statement of Benefits;
 - *The public comment for Res 07-07 will serve as the public hearing.*
- Determine again whether the property owner has made reasonable efforts to comply with the Statement of Benefits and whether any failure to substantially comply was due to factors beyond the owner's control;
- Adopt a resolution terminating the tax deduction if the Council finds that the owner has not made reasonable efforts to comply with the Statement of Benefits and that their failure to substantially comply was not due to factors beyond their control;
 - *This resolution recites the history of the project, makes those findings, and terminates the ERA designation, and the deduction which was for a period of 10 years.*
- Send a certified copy of the resolution to property owners and the County Auditor;
 - *This resolution directs the City Clerk to perform this duty.*

Danise Alano, Director of Economic Development, has provided a memo regarding this tax abatement, which is included in this packet.

Substantial Non-Compliance – Project Did Not Go Forward

According to Res 02-01, the accompanying Statement of Benefits, and the Summary of the Application, which are all part of this packet, Evergreen Place Apartments, LLP obtained a tax abatement for the old Coca Cola Bottling Plant in order to renovate this historic building and construct a new one next door. The project would have included 37 affordable housing units, 9 units of shared housing, and 8,500 s.f. of retail and commercial space and had an estimated value of \$3.3 million.

Unfortunately, this project did not go forward and the property was sold to Middle Way House in 2005 which now uses the site for its headquarter offices, crisis shelter and transitional living facilities for victims of domestic violence, and entrepreneurial enterprises. Middle Way House has been notified of the proposed rescission and Danise Alano informs me that they do not oppose this action.

Again, please note the resolution both terminates the tax deduction and removes the ERA designation.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, AUGUST 1, 2007
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: May 23, 2007 (Special Session)
July 18, 2007 (Regular Session)

IV. REPORTS FROM:

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 07-15 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: 2102 West Vernal Pike (Vivian Galligan, John Galligan Jr. and John Galligan III, Petitioners)

Committee Recommendation: Do Pass 9 – 0 – 0

2. Ordinance 07-16 To Amend Title 14 of the Bloomington Municipal Code, Entitled “Peace and Safety” (Providing a Comprehensive Revision of Chapter 14.09, entitled “Noise Control”)

Committee Recommendation: Do Pass 8 – 0 – 1

3. Resolution 07-07 To Terminate Tax Deduction for Improvements to Real Estate and Remove the Economic Revitalization Area (ERA) Designation Authorized by Resolution 01-30 and Resolution 02-01 - Re: 318 South Washington Street (Middle Way House, Current Owner)

Action at Regular Session on June 20, 2007:	Motion to Consider Rescinding Tax Abatement	9 – 0 - 0
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VII. LEGISLATION FOR FIRST READING

None

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT

*Please note that the Common Council will be in Recess following the adjournment of this meeting.
Recess will end on Wednesday, September 5, 2007 at 7:30 pm when the Council meets for a
Regular Session immediately followed by a Committee of the Whole*

City of
Bloomington
Indiana

City Hall
401 N. Morton St.
Post Office Box 100
Bloomington, Indiana 47402



Office of the Common Council
(p:) 812.349.3409
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www.bloomington.in.gov/council

To: Council Members
From: Council Office
Re: Calendar for the Week of July 30-August 4, 2007

Monday, July 30, 2007

5:00 pm Environmental Commission Green Building Committee, McCloskey

Tuesday, July 31, 2007

5:00 pm Solid Waste Advisory Council, McCloskey

Wednesday, August 1, 2007

12:00 pm Bloomington Urban Enterprise Association, McCloskey
7:30 pm Common Council Regular Session, Council Chambers

Thursday, August 2, 2007

11:30 am Solid Waste Management District Board, Monroe County Courthouse, Judge Nat U. Hill, III Room
4:00 pm Digital Underground Advisory Committee, McCloskey
5:30 pm Commission on the Status of Women, McCloskey

Common Council Recess Begins. The Council will be in Recess until September 5, 2007 when it will meet for a Regular Session followed by a Committee of the Whole discussion.

Friday, August 3, 2007

2:00 pm Utilities Service Board, Engineering Subcommittee meeting to discuss Black & Veatch's *Water Supply Evaluation Final Report*, 600 E. Miller Drive

Saturday, August 4, 2007

8:00 am Bloomington Community Farmers' Market, Showers Common
2:30 pm Community Health Fair – Free screenings for heart disease, cancer, diabetes, HIV/AIDS and stroke; information on tuberculosis and asthma; and immunizations needed for school, Showers Plaza, City Hall



**City of Bloomington
Office of the Common Council**

NOTICE OF RECESS

**THE COMMON COUNCIL WILL BE IN RECESS
FOLLOWING THE REGULAR SESSION ON
01 AUGUST 2007.**

**RECESS WILL END ON
WEDNESDAY, 05 SEPTEMBER 2007, 7:30 PM
WHEN THE COUNCIL MEETS FOR A REGULAR
SESSION IMMEDIATELY FOLLOWED BY A
COMMITTEE OF THE WHOLE DISCUSSION.**

LEGISLATION

RESOLUTION 07-07

**TO TERMINATE TAX DEDUCTION FOR IMPROVEMENTS TO REAL ESTATE AND
REMOVE THE ECONOMIC REVITALIZATION AREA (ERA) DESIGNATION
AUTHORIZED BY RESOLUTION 01-30 AND RESOLUTION 02-01
- Re: 318 South Washington Street
(Middle Way House, Current Owner)**

- WHEREAS, in 2002 the Common Council adopted Resolution 02-01, which affirmed Resolution 01-30, by designating the property at 318 South Washington Street as an Economic Revitalization Area (ERA), approving a Statement of Benefits, and granting a 10-year tax abatement for the improvement of real estate for the purpose of creating low-income senior housing (Project); and
- WHEREAS, the decision to grant the tax abatement in 2001 was based upon the Application for tax abatement, the Statement of Benefits form, and other material submitted to the Council by the Petitioner, Evergreen Place Apartments, L.P.; and
- WHEREAS, according to Indiana Code 6-1.1-12.1-5.1, the property owner wishing to keep the abatement on real estate must file a CF-1 form annually before May 15th indicating what progress has been made in meeting the commitments set forth in the Statement of Benefits; and
- WHEREAS, the Common Council then reviews the form to determine whether the owner of the property has substantially complied with the terms of the resolution and the Statement of Benefits, and if the Council determines that the property owner has failed to make reasonable efforts to comply with the terms of the abatement and has not been prevented by factors beyond his or her control, then the Council may rescind the tax abatement and terminate the tax deduction; and
- WHEREAS, on June 20, 2007, the Director of Economic Development, Danise Alano, presented an Annual Tax Abatement Report to the Common Council indicating that the project had changed ownership and that the new owner, Middle Way House, Inc., is now using the site for its headquarter offices, crisis shelter and transitional living facilities for victims of domestic violence, and entrepreneurial enterprises and recommended finding that the Project was not in substantial compliance with the terms of the tax abatement; and
- WHEREAS, based upon that recommendation, the Council adopted a motion that evening pursuant to Indiana Code 6-1.1-12.1-5.9 which:
- Determined that the current owner had not substantially complied with the Statement of Benefits regarding the Project and that the failure to do so was not caused by factors beyond their control;
 - Announced that the Common Council would hold a hearing at the Regular Session on August 1, 2007, to further consider this owner's compliance with the Statement of Benefits in the context of a resolution terminating the tax abatement; and
 - Directed the Council Attorney to mail the statutorily-required written notice to the property owner; and
- WHEREAS, pursuant to I.C. 6-1.1-12.1-5.9, the Council Attorney mailed notice of the hearing to the property owners within 30 days of its occurrence and on August 1, 2007, the Common Council held the hearing and determined that the owners of the improvements to real estate were not in substantial compliance with the statement of benefits and the failure to comply was not the result of factors beyond their control; and
- WHEREAS, the Common Council is not persuaded that the property continues to be eligible for designation as an Economic Revitalization Area (ERA);

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Resolution 01-30 and Resolution 02-01 shall be rescinded and the Economic Revitalization Area (ERA) designation for the real estate at 318 South Washington Street shall be removed and the tax deduction for the Project be terminated.

SECTION 2. The Clerk of the City is directed to mail a certified copy of this resolution to the property owner and the Auditor of Monroe County.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2007.

DAVE ROLLO, President
Bloomington Common Council

SIGNED and APPROVED by me upon this _____ day of _____, 2007.

MARK KRUZAN, Mayor
City of Bloomington

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

SYNOPSIS

This resolution rescinds Common Council Resolution 01-30 and Resolution 02-01 and, thereby, terminates the tax abatement as well as removes the ERA designation for a low-income senior housing project which has not gone forward at 318 South Washington Street.

E 3RD ST

CD (Downtown)

301

309

112

116

306

Multitenant
Commercial

310

312

314

316

200
202
204
303 1/2
305
307

220

Bltn Police
Department

3rd St
Park

Multitenant
Commercial

321

323

325

325 1/2

327

Coca
Cola Bldg

318

warehouses

S WASHINGTON ST

Master
Rental

340

349

E SMITH AVE

401

118

403

405 1/2

222

400

20/SP-42-98
Location/Zoning Map

by: micudat
7 Aug 98

100 0 100 200 300

N

City of Bloomington



Scale: 1" = 100'

From reference only. Map information not warranted.

21



Memorandum

To: City of Bloomington Common Council
From: Danise Alano, Director of Economic Development
Date: July 24, 2007
Re: **Resolution 07-07 – Rescinding Tax Abatement for 318 S. Washington St.**

This resolution formalizes the discussion held during the June 20, 2007 Annual Tax Abatement Program Activity Report. Among the properties reported to you was 318 S. Washington St., now owned by Middle Way House, Inc, a 501(c)3 not-for-profit entity.

In 2001, when the real estate abatement was authorized for this address the intended use as indicated by the Statement of Benefits filed by the property owner, Evergreen Place Apartments, LLC (Evergreen), was to restore the historic Coca-Cola building and construct an additional building in order to provide downtown housing for low-income seniors. The proposed investment by Evergreen did not occur, and this intended use for the property did not come to fruition. Thus, the abatement was never utilized by Evergreen.

In 2005, Middle Way House, Inc. (Middle Way) purchased the property. The domestic violence shelter organization is successfully undertaking the historic renovation of the property for its use as headquarter offices, crisis shelter and transitional living facilities for victims of domestic violence, and use by its entrepreneurial enterprises and more. The City of Bloomington is proud to have supported this Middle Way project with a Business Investment Incentive Fund grant in September 2005. Middle Way projects completion of its renovations in late summer 2008.

As Middle Way holds no tax liability, the property owner is unable to benefit from the tax abatement program. Prior to presenting the annual report on property tax abatement activity to you in June, I spoke with Toby Strout, executive director of Middle Way, to discuss the status of the dormant tax abatement. Ms. Strout confirmed Middle Way's non-profit status and also that the organization would not be impacted if the abatement were terminated.

Because of the reasons outlined above, on June 20 you adopted a motion announcing your intent to rescind this abatement. The Mayor's Office of Economic Development supports Resolution 07-07 and the termination of the real estate abatement for 318 S. Washington Street.

RESOLUTION 02-01

TO CONFIRM RESOLUTION 01-30 WHICH DESIGNATED AN
ECONOMIC REVITALIZATION AREA (ERA)

Re: 318 South Washington Street
(Evergreen Place Apartments, L.P., Petitioner)

- WHEREAS, Petitioners have filed an application for designation of the property located at 318 South Washington Street as an "Economic Revitalization Area"; and
- WHEREAS, the application has been reviewed by the Planning Department, and the Economic Development Commission has passed a resolution recommending to the Common Council the approval of the "Economic Revitalization Area" designation for said property and for said term of years; and
- WHEREAS, petitioners seeking designation for their property as an Economic Revitalization Area must complete a Statement of Benefits and must, prior to March 1st of each year, provide the county Auditor and the Common Council with information showing the extent to which there has been compliance with the Statement of Benefits; and
- WHEREAS, the Common Council has investigated the area and reviewed the Application and Statement of Benefits, which are attached and made a part of Resolution 01-30, and found the following:
- A. the estimate of the value of the redevelopment or rehabilitation is reasonable;
 - B. the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
 - C. the estimate of the annual salaries of these individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;
 - D. the redevelopment or rehabilitation has received approval from the Planning Department, is consistent with the Growth Policies Plan, is expected to be developed and used in a manner that complies with local code, and provides housing in the downtown area; and
 - E. the totality of benefits is sufficient to justify the deduction; and
- WHEREAS, the property described above is part of the Downtown Subarea B, as defined in the Housing and Neighborhood Development Department's Community Development and Housing Plan, and has experienced a cessation of growth;
- WHEREAS, the Common Council adopted Resolution 01-30 on December 12, 2001 which designated the above property as an "Economic Revitalization Area," and the City Clerk published a notice of the passage of that resolution, which requested that persons having objections or remonstrances to the designation appear before the Common Council at its Organizational Meeting on January 7, 2002; and
- WHEREAS, the Common Council has reviewed and heard all such objections and remonstrances to such designation;

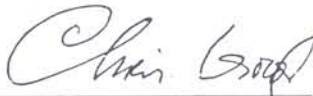
NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The Common council hereby affirms its determination made in Resolution 01-30 that the area described above is an "Economic Revitalization Area" as set forth in Indiana Code 6-1.1-12.1-1 et. seq.; the Common Council further finds and determines that the owner of the property shall be entitled to a deduction from the assessed value of the property for a period of ten (10) years if the property is rehabilitated or redeveloped pursuant to I.C. 6-1.1-12.1-3.

SECTION II. In granting this designation and deduction the Council is also expressly exercising the power set forth in I.C. 6-1.1-12.1-2(I)(5) to impose reasonable conditions on the rehabilitation or redevelopment. Failure of the property owner to make reasonable efforts to comply with these following conditions are additional reasons for the Council to rescind this designation and deduction:

- a. the improvements described in the application shall be commenced (defined as obtaining a building permit and actual start of installation) within twelve months of the date of this designation; and
- b. the land and improvements will be developed and used in a manner that complies with local laws and regulations.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of January, 2002.



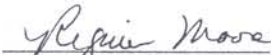
CHRIS GAAL, President
Bloomington Common Council

ATTEST:



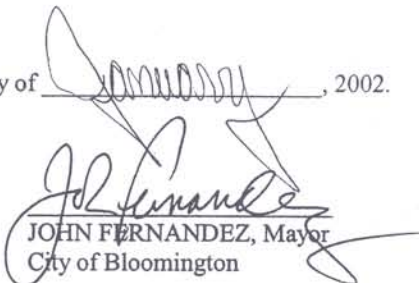
REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8th day of January, 2002.



REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 8 day of January, 2002.



JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This resolution affirms the determination of the Common Council expressed in Resolution 01-30, which designated the property located at 318 South Washington Street as an "Economic Revitalization Area" for a period of ten (10) years. Before it may adopt the resolution, state law requires that the Common Council hold a legally advertised public hearing for the purpose of receiving public comment on this legislation.

ed Copies to:

Ec Dev
Controller

legal (5)

HAND

Petitioner

ML Auditor

ML Treasurer

ML Recorder

ML Auditor



STATEMENT OF BENEFIT

State Form 27167 (R6 / 4-00)

Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989

FORM
SB - 1

- CTIONS:**
- statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires in
 - from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submi.
 - to the designating body BEFORE a person installs the new manufacturing equipment and / or research and development equipment, or BEFORE the
 - redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987 and
 - areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
 - Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitat
 - or prior to installation of the new manufacturing equipment and / or research and development equipment, BEFORE a deduction may be approved.
 - To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PPME and / or 322 ERA / PPR & DE, must be filed with the county
 - auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property
 - assessment is received from the township assessor. Form 322 ERA / PPME and / or 322 ERA PPR & DE must be filed between March 1 and May 15 of the
 - assessment year in which new manufacturing equipment and / or research and development equipment becomes assessable, unless a filing extension has
 - been obtained. A person who obtains a filing extension must file the form between March 1 and June 14 of that year.
 - Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF - 1 annually to show compliance with the Statement
 - of Benefits. (IC 6-1.1-12.1-5.6)
 - The schedules established under IC 6-1.1-12.1-4(d) and IC 6-1.1-12.1-4.5 (e) effective July 1, 2000 apply to any statement of benefits filed on or after
 - July 1, 2000.
 - The schedules effective prior to July 1, 2000 shall continue to apply to those statement of benefits filed before July 1, 2000.

SECTION 1

TAXPAYER INFORMATION

Name of taxpayer EVERGREEN PLACE APTS. L.P.

Address of taxpayer (street and number, city, state and ZIP code) 501 NORTH MORTON #210, BLOOMINGTON, IN. 47404

Name of contact person PHILIP B. STAFFORD Telephone number (812) 855-2163

SECTION 2

LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body _____ Resolution number _____

Location of property 318 S. WASHINGTON ST, BLOOMINGTON County MONROE Taxing district _____

Description of real property improvements and / or new manufacturing equipment and / or
research and development equipment (use additional sheets if necessary)

	ESTIMATED	
	Start Date	Completion Date
Real Estate	<u>JAN. 1, 02</u>	<u>DEC. 02</u>
New Mfg Equipment		
R & DE		

RESTORATION OF 12,500 SQ. FT. HISTORIC BUILDING

CONSTRUCTION OF 30,000 SQ. FT. 3 STORY APT. BLDG.

ADDITION OF COMMERCIAL SPACE - 8,500 SQ. FT.

SECTION 3

ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>2.5+</u>	<u>\$6.00 - \$12.00/hr</u>

SECTION 4

ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the
COST of the property is confidential.

	Real Estate Improvements		Machinery		Research and Development Equipment	
	Cost	Assessed Value	Cost	Assessed Value	Cost	Assessed Value
Current values	<u>\$625,000</u>	<u>\$74,260</u>				
Plus estimated values of proposed project	<u>\$4.9 million</u>	<u>\$4.9 million</u>				
Less values of any property being replaced						
Net estimated values upon completion of project	<u>\$4.9 m.</u>	<u>\$4.9 m.</u>				

SECTION 5

WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____ Estimated hazardous waste converted (pounds) _____

Other benefits: Housing for lower income elders. Neighborhood revitalization.
Consumers for downtown business.
Possible new service jobs

SECTION 6

TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative

Philip B. Stafford

Title

Exec. Director
Brand President

Date signed (month, day, year)

10/25/01

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
- | | | |
|---|------------------------------|-----------------------------|
| 1. Redevelopment or rehabilitation of real estate improvements; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Residentially distressed areas | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- C. The amount of deduction applicable for redevelopment or rehabilitation is limited to \$ _____ cost with an assessed value of \$ _____.
- D. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- E. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- F. Other limitations or conditions (specify) THOSE SPECIFIED IN RES 01-30 & RES 02-01

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)	Telephone number ()	Date signed (month, day, year)
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5

Tax Abatement Applicant Summary

Date: November 21, 2001

EDC Resolution: 01-08

Applicant: Evergreen Place Apartments, L.P.

Project Address: 318 South Washington Street

Phone: (812) 856-5526

Applicant Contact: Philip Stafford

Contact Office: Philip Stafford
Evergreen Place Apartments, L.P.
501 North Morton #210
Bloomington, IN 47404

Tax Abatement Information:

Purpose: Applicant seeks tax abatments for the renovation of an historic building and construction of a new building. Total project will include 37 affordable senior housing units, 9 units for group shared housing, and 8500 sf of retail/commercial space(see attached application).

Real Estate Improvement Value: \$3,300,000 (see attached application)

Current Zoning: CD

Existing Site: 6/10th acre site. The Coca-Cola Bottling plant and a metal warehouse sit on the site.

Proposed Improvements: Contruction of a new building for affordable senior housing and commercial space and renovation of the Coca-Cola building for additional group shared housing

Length of Tax Abatement Requested: 10 years

RECOMMENDATION:

Resolution 01-08 recommending the property in question be designated as an ERA should be forwarded to the City Council for its approval based on the following rationale:

The proposed project is located within a Council designated area (Downtown Subarea B) identified in the *Program Guidelines* as an area that has suffered slow growth and deterioration or improvements. Council guidelines state that tax abatement will be primarily awarded in these designated areas when such action addresses the revitalization needs of the area. These identified needs include the retention of existing businesses, historic renovations, creation of new housing opportunities, and expansion of economic development activities within the downtown. The *Guidelines* allow for an increase in the length of the tax abatement based on factors such as creation of new housing and expansion of economic development activities within the downtown.

The proposed project will address Bloomington's need for income-based senior housing. It will occupy the renovated historic Coca-Cola Building and a new attached 3-story compatible structure. As is indicated in the *Statement of Benefits* the construction will cost approximately \$3,300,000. I recommend a 10-year abatement due to the extensive nature of the proposed project. A healthy and vibrant downtown is essential to the long-term economic viability of our community. The proposed project will add much needed housing of an affordable nature to the current downtown mix. This project meets or exceeds other similar projects in the downtown area that have received a 10-year abatement. This project serves significant public and private goals warranting a 10-year abatement.



City of Bloomington
Office of the Common Council

July 13, 2007

Ms. Toby Strout
Middle Way House
318 South Washington Street
Bloomington, IN 47403

Dear Ms. Strout,

This letter is to notify you that the Common Council will be holding a hearing on Wednesday, August 1, 2007 at 7:30 p.m. in the Council Chambers (401 North Morton Street) to consider Resolution 07-07, which would rescind previous resolutions and terminate the tax abatement for 318 South Washington obtained by Evergreen Place Apartments in 2002 for a low-income senior housing project.

The property record card in the Monroe County Assessor's Office indicates that Middle Way House, Inc. now owns this site. The Common Council records indicate that a 10-year period of abatement was granted for the project on conditions that were set forth in Resolution 01-30 and Resolution 02-01. Those conditions, in part, tied the tax abatement to the creation of a low-income senior housing project. (Please see the attached Resolution 02-01 and Statement of Benefits for further information regarding this abatement.)

Each year the property owner wishing to keep a tax abatement is required to file a CF-1 form with the Council indicating what progress has been made in meeting those commitments. The Common Council then reviews the form to determine whether the owner of the property has substantially complied with its terms. If the Council determines that the property owner has not met his commitments and has not been prevented by factors beyond his control, the Council may terminate the tax abatement.

On June 20, 2007, the Director of Economic Development, Danise Alano, presented the Annual Tax Abatement Report to the Common Council and reported that this site was not being used in a manner that complied the conditions imposed on this tax abatement. In particular, she stated that the site had been acquired by Middle Way House, Inc. which is a non-profit entity serving women suffering from domestic violence. Upon learning this information, the Council adopted a motion that night announcing its intent to rescind this tax abatement.

In accordance with Indiana Code 6-1.1-12.1-5.9, the Common Council is notifying you that it will hold the hearing (noted in the first paragraph of this letter) to consider a resolution that would terminate the tax abatement on this real estate. In order to adopt the resolution, the Council must find that you have not substantially complied with the Statement of Benefits and that this was not because of factors beyond your control.

You are invited to attend and comment on the proposed action. If you have any questions, please feel free to contact me at the Council Office (349-3562).

Sincerely,

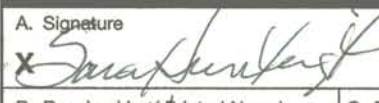
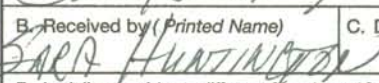


Daniel Sherman, Administrator/Attorney
City of Bloomington
Common Council

Attach: Res 02-01; Summary of Application; Statement of Benefits

cc: Res 07-07 Backup

\\council\common\cc\o&r\o&r2007\res07-07 - notice of intent to rescind res 01-30 and res 02-01.doc

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Toby Strout Middleway House 316 S. WASHINGTON ST BLOOMINGTON, IN 47401</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p>7001 2510 0003 6259 3329</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

MINUTES FOR APPROVAL

In the Council Chambers of the Showers City Hall on Wednesday, May 23, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
May 23, 2007

Roll Call: Wisler, Diekhoff, Ruff, Sandberg, Rollo, Sturbaum, Sabbagh, Mayer
Absent: Volan

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

There were no appointments at this meeting.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST
READING

Ordinance 07-08 To Amend the Bloomington Zoning Maps and Zone Property Currently in the Monroe County Planning Jurisdiction to Commercial General (CG) in Anticipation of Annexation – Re: 2501 South Leonard Springs Road (Small Town Properties, Petitioner)

Ordinance 07-08

It was moved and seconded that Ordinance 07-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 07-10 be adopted. Timothy Mayer, Parliamentarian, noted that the public comment portion of this discussion would serve as a public hearing for this item, and that instead of voting on it at the end of the discussion, he would move to forward it to the June 6th meeting for final action.

LEGISLATION FOR SECOND
READING

Ordinance 07-10 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (2501 South Leonard Springs Road)

City Attorney Tricia Bernens noted that the property owner came to the city wanting to be annexed so that the property could be developed into a package liquor store. She noted that the roadways and intersection were annexed into the city in the 1960s and that city services (except police, fire, and animal control) were already provided to the area. She said that the property owner understood that if annexed, the development of the property would be done to city zoning specifications. She said that this property is not within the interlocal agreement within the county, so initial zoning legislation would be needed. If approved, the annexation would take affect on July 10th, different from the regular annexation process because this action was prompted by 100% of the property owners being in favor of this annexation.

President Dave Rollo asked petitioner and property owner Ted Najam if he wished to make a statement. He said he had reviewed the council packet, spoke to both Bernens and Plan Director Tom Micuda, and was present to answer questions the council members might have.

Mayer asked if the city jurisdiction stopped at State Road 37. Micuda said the western boundary of the city was at the western edge of the *old* Wal-Mart site. He added that on the north side of State Road 45, it was Mayfield's Cafeteria property.

Mayer asked if bus service extended that far, and Bernens said that there was bus service to that area along city roads.

Mayer then asked if sanitation service would be extended there, to which Bernens replied that the city does not serve commercial properties with this service, but if it were actually a residence, the service would extend to the new annexed areas.

Sturbaum asked if the city could annex just a road under today's annexation laws. Bernens said sections of road could not be annexed today as in the

1960's. She said the only instance in which this could possibly be done would be if the contiguity standards were met and the property was at least 150 feet wide.

Sturbaum asked about the relocation of a billboard that sat on the property currently. Bernens said that it would be relocated to another location in the county as per county laws. If the property were to come under city jurisdiction before the billboard was relocated, it would not be able to be relocated. She said that the owner was working with the billboard company to remove it before the annexation deadline.

Sturbaum asked about the administration and planning department's position on the annexation. Bernens said that they were supportive. Sturbaum asked what advantage this annexation was to the city. Bernens said there was no great advantage, but there was no great disadvantage, either. She said it was good to add to the tax base as it would spread tax costs out. In this case, costs are small, the process is voluntary, and there would be few new services.

Sturbaum asked about quotas of liquor licenses -- who imposes the regulations, how many were used and how many were available. Bernens said she was not that familiar with these regulations but said that liquor licenses were relegated to incorporated municipal limits. She said that Big Red Liquors had one in reserve and that it planned to use it for this property. Sturbaum asked that more information be provided for the next meeting.

Najam said that Big Red Liquors had one license for a package liquor store, and that according to a recent newspaper article there were 11 allowed in the city and this was the last one. He said it could be used for a store on this property but only if the property was annexed into the city.

Ruff questioned Bernens about this set of circumstances and asked if the county was losing anything. Bernens said they were not losing tax revenue, but was not aware of any other issues except that the county would no longer have control over zoning of this property. Ruff asked if there was any downside to this annexation, to which Bernens said there was nothing that she could think of.

Public Comment:

It was noted once again by Council Attorney Dan Sherman that this segment would serve as the public hearing on the annexation.

Richard Martin, former city Plan Commission member and a present member of the county Plan Commission said he believed there was no downside for either the county or city for this annexation. He said, however, if it would hasten the annexation of Wal-Mart into the city, then City Police instead of the Monroe County Sheriff's deputies could deal with the many police calls from that property. He noted that the bus stop for the area was in the city right-of-way on Leonard Springs Road so Bloomington Transit could legitimately service that stop on city property, while technically not servicing Wal-Mart, which lies outside city limits. He noted that the property in question for annexation was totally surrounded by county property, most of which has been developed. He noted that all residential areas were within county area serviced by City of Bloomington Utilities for sanitary sewer. He noted that the county had a PUD approval on the northwest side of this property, and that there were plans for a gas station on the west side of the road, which he would discuss later.

Martin noted that sometimes Fire Protection District issues slow down annexation timetables, but it was established that this was not a factor in this annexation.

Council comments: There were no additional comments at this time.

It was moved and seconded to forward Ordinance 07-10 to the Regular Motion to Forward to Regular Session on June 6, 2007 for Final Action Session meeting of June 6, 2007 for final action.

Motion to Forward to Regular Session on June 6, 2007 for Final Action

The motion to forward Ordinance 07-10 to June 6, 2007 received a roll call vote of Ayes: 8, Nays: 0.

VOTE

It was moved and seconded that Resolution 07-05 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 07-05 be adopted.

Resolution 07-05 To Adopt a Written Fiscal Plan and to Establish a Policy for the Provision of City Services to an Annexed Area (2501 South Leonard Springs Road)

City Controller Susan Clark presented the timeline and related activities for the Leonard Springs annexation, noting that the timeline was shortened because this was a voluntary annexation and it was covered under a separate section of Indiana Code. Clark said that there were no one time costs for signs, recycle bins, street resurfacing or capital infrastructure. She noted that the estimate of tax revenue would exceed the cost of police, fire and animal control services by about \$200 for the first full year after the annexation. She noted that the streets had been in the city limits for many years, and that the resurfacing had been done by the city.

Mayer asked which governmental entity did the recent improvements to the intersection. Justin Wykoff, Manager of Engineering Services, said that the state maintains State Road 45.

Sturbaum asked Planning Director Tom Micuda if there were any sidewalk issues to discuss. He said that there would be sidewalk requirements whether this property was developed under city or county jurisdiction. Sturbaum asked about signage, referring to the store awning at a Big Red Liquors store at the corner of 2nd Street and Walnut. He asked if the entire awning was considered a sign, or only the lettered parts. Micuda described the awning and said that the lettering and logo portion of the awning were counted as the sign, even though the color of the awning helps to identify the business. He said that the ordinance would need to be changed to do otherwise. He noted a case that came to the Board of Zoning Appeals that agreed with this interpretation of the city sign ordinance.

Wisler asked if the \$504 was a tax revenue estimate and not the whole tax bill for the property. Clark noted that the city tax rate was added on to the county tax rate.

Ruff asked about the calculation of the Fire and Police services. Clark said that the statistics on police calls to liquor stores do not exist, so she used acreage to estimate these costs. She noted that city police calls average about 3.83 calls per acre per year, so she estimated that there would be 4 calls per year to this property. When asked, council member and Police Captain Mike Diekhoff noted that there are not very many calls to liquor stores in Bloomington.

To answer questions regarding the actual acreage of this property, Najam noted that property lines run to the middle of the road, and the state also took part of the property to improve the intersection and therefore, the lot is now sized at .52 acres. There was no public comment on this item.

Resolution 07-05 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 07-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Ordinance 07-08 be adopted.

Parliamentarian Mayer noted after the discussion of this item, it too would be forwarded to the meeting on June 6th for a final vote.

Planning Director Tom Micuda said that the intent of this ordinance was to make sure zoning was in place for the Leonard Springs property when its annexation took effect. Micuda used an aerial view and photos to point out the site location, condition and surrounding uses. He noted that this was currently zoned by the county as CA, Commercial. He said that based on surrounding uses, previous use and county zoning, the property owner, staff and the plan commission had settled on the CG zoning.

In reviewing site plan issues, Micuda said that new construction would be addressed with a staff-level site plan review and noted several segments of development that would be examined. He also noted that the access cuts to the property would probably need to be relocated for safety reasons.

Najam noted that the development plan was in progress, and that they were proposing a WYE access control on State Road 45.

Rollo asked if the impervious surface area on the lot would increase. Micuda said it probably would actually decrease 15% as more natural landscaping would be added.

Rollo asked about drainage on the property. Micuda said it would drain to the Northwest, in the opposite direction from Wal-Mart.

Sturbaum asked if there were issues with old underground gas tanks on the property. Najam said that when the intersection was upgraded, the old gas tanks were removed with IDEM approved closure on the site.

Public:

Richard Martin, County Plan Commission member, noted that the drainage on this property was part of an area draining into a karst area and said he was glad that the pervious surface on the property would increase with this development. He gave an overview of the other three corners of the intersection involved in this issue, noting the county Plan Commission's work on requests for other rezones and developments planned for the area. He noted that entrances to the properties on those corners have been moved away from the intersection so that it can function better. He noted that this was one of the most heavily traveled intersections in the entire county.

Martin agreed with the Commercial zoning designation of this property, but wanted to alert the council that after they decided the zoning issue, the position of the driveway and access to the property would be reviewed at the staff level, without council input or deliberation by a public body.

Martin explained that Wal-Mart was required to have 'right in, right out' accesses on Leonard Springs Road and State Road 45. He noted that these driveways were further away from the intersection in question and asked the council to make sure that the same 'right in, right out' access was made a condition of the zoning for the property's rezone. He said the ideal situation would be to allow traffic to turn into the property from the south lane of Leonard Springs Road with no ability to exit the property from that driveway. He noted that this would be the safest plan and the one that would allow the main intersection to function safely for all. He said that the county had worked hard to move ingress and egress away from that intersection and would like to keep it as safe as possible.

Ordinance 07-08 To Amend the
Bloomington Zoning Maps and
Zone Property Currently in the
Monroe County Planning
Jurisdiction to Commercial General
(CG) in Anticipation of Annexation
– Re: 2501 South Leonard Springs
Road (Small Town Properties,
Petitioner)

Ordinance 07-08 (cont'd)

Rollo asked Micuda to comment. Micuda noted that the job at hand was zoning designation and that he would not recommend conditioning the zoning designation on site plan review for traffic engineering. He recommended letting the Engineering Department and Planning Department evaluate the proposal to determine what access plan should work with the site. He added that what they were looking at was a conceptual proposal that still needed to go through site plan evaluation and that the traffic review on the proposal of engineering had not yet been done. He said that the staff was well aware of the issue but had not yet determined how it would be addressed.

Sturbaum asked if Micuda and staff might come to the same conclusion as Mr. Martin. Micuda said it was a possibility and that while the access control review was always done, the site itself, its use and the traffic background would be taken into consideration in determining the amount and type of access to the property.

Mayer asked about access control regarding a utility pole on the property. Micuda said there were overhead power lines on the entire site, and that pole limits how far south access points could be, but it was a very preliminary judgment.

Council comments:

Ruff noted that this decision would be simple except for Mr. Martin's concerns and comments. Ruff said he held Martin in high regard and considered him a selfless dedicated citizen with a mastery of understanding planning in the county and the city. He added that Martin's remarks concerned him as one who looked out for the health, safety and well being of citizens, but understood that there was a procedure for city staff to come to the same conclusion.

Sturbaum said he was content to leave further decisions in the staff's hands and was confident that they would take the comments seriously and would make the best decision for the community.

Rollo said he appreciated Martin's comments, and there would be another crack at this in July. He said there would be an opportunity to discuss this with the staff further before the final vote.

The motion to forward Ordinance 07-08 to June 6, 2007 received a roll call vote of Ayes: 8, Nays: 0.

Motion to Forward to Regular Session on June 6, 2007 for Final Action

It was moved and seconded that Ordinance 07-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee Do Pass Recommendation of 2-0-3. It was moved and seconded that Ordinance 07-11 be adopted.

Ordinance 07-11 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" - Re: Parking Near Sixth and Madison Streets

Manager of Engineering Services Justin Wykoff summarized the changes that were proposed for the area using maps and diagrams. He noted that a change from parallel to angle parking would add 5 spaces to the 6th Street area in front of the new Bloomingfoods Market. He noted that parking on Madison Street next to the new market was not presently according to code. He explained that changes would convert all of those spaces to two loading zone spaces in front of two adjacent businesses on Madison, changing the west side of the street to 16 angle parking spaces (with one handicapped accessible) from parallel parking to add 6 spaces to that side of the street with no parking on the east side of that street. He noted islands, curbs, tree plots, sidewalks and new landscaping that were proposed. He noted that Bloomington Glass owners were willing to work with the city to maintain pedestrian sidewalk clearance in front of their business.

Mayer asked for clarification on the Bloomingfoods delivery area, and Wykoff outlined the loading zone area, and noted that large trucks could park at the side of the building while allowing the required 12 foot access in the road for cars to back out of their parking spaces on the west side of the street. George Huntington, General Manager of Bloomingfoods, said that large trucks could be unloaded in anywhere between 4-14 minutes. He noted that the street was not as well traveled as Walnut where such deliveries also take place. Wykoff noted, too, that double parking was not an issue on this spot as it was on Walnut. Mayer asked if there were improvements planned north of the area in terms of curbing and sidewalk. Wykoff noted there were none planned at this time.

Ruff asked if Huntington had an agreement with Bloomington Glass to share a loading zone. This question was answered fully after the next question.

Wisler asked about visibility while large trucks were unloading in the area. Wykoff noted that the intersection was a four way stop and should allow drivers to assess the roadway before they pull around the corner. Wisler asked about the width of the roadway and Wykoff said that while the street would be narrowed by approving the angle parking on the west side of Madison, it actually would be a better use of the roadway. Wisler asked if the road would have a center line, Wykoff said it probably would not. Wisler asked if new sidewalk and landscaping would be constructed in the area. Wykoff said it would be and indicated the footage needed for the 5 foot wide sidewalks, planters and landscaped area. Wisler said that he was concerned about the narrowness of Madison with the possibility of parked delivery trucks and the sidewalks, planters and landscaped area. Wykoff said that the dimensions of the sidewalk and green structures were weighed against the frequency of deliveries. Concerned about the turning radius for trucks at the corner of 6th and Madison, Wisler asked about the height and construction of the planter there, fearing that trucks would damage the planter in turning.

Sturbaum asked about the plan for the remainder of 6th Street as it intersects with the B-Line Trail. Wykoff said all that was being worked on so that mature trees and sidewalks would enhance the area.

Wykoff noted that other angle parking was being discussed with businesses in the area. Rollo reiterated that Bloomington Glass would be able to pull their trucks into their garage without blocking the sidewalk. He also verified that the loading zone was for all the businesses in the area.

There was no public comment at this time.

Sturbaum said it was a smart way to arrange the parking which he said had been messy for a long time. He said the east side of the street would be better for pedestrians and added that all modes of transportation were considered in the plan.

Mayer thanked Bloomingfoods for bringing this forward. He said it had taken him two city administrations to get this parking situation taken care of and he was grateful they helped.

Ordinance 07-11 received a roll call vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 9:20 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, July 18, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 18, 2007

Roll Call: Wisler, Diekhoff, Ruff, Sandberg, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES
REPORTS:
COUNCILMEMBERS

David Sabbagh reported on Jazz concerts he had recently attended. He recommended citizens take advantage of these activities next year adding that the venue and the performer, David Baker, were the best.

At the request of a constituent, Steve Volan announced a benefit event for the Bloomington North High School Bands entitled Jazz Under the Stars to be held on August 18, 2007 at Deer Park Manor.

Susan Sandberg reported the “Summer Night at Lotus” event she attended and noted the upcoming Lotus Festival. She also encouraged citizens to support the Girls, Inc. luncheon on July 24, 2007 at Outback Steakhouse.

Chris Sturbaum noted that US Post Office officials attended the last council meeting and sought citizen input regarding the relocation of the downtown post office. Sturbaum said that the post office officials indicated they needed 5 acres of land to relocate the facility. But he encouraged citizens to contact their council representatives, the council office, the post office officials, the congressman’s office, the Chamber of Commerce and Downtown Bloomington, Inc., to lobby those making the relocation decision to keep the post office downtown with a smaller property.

Tim Mayer agreed with Sturbaum and encouraged citizens to contact their legislators. He said that on his way into the meeting, a citizen, Jimmy Thomas, gave him promotional CD copies of his original work “Bloomington, My Hometown.” Mayer noted the appropriateness of this title and encouraged his fellow council members to listen to the work.

Dave Rollo encouraged citizens to contact the post office officials to encourage them to stay downtown. He also noted that citizens should be aware that the city budget hearings would be taking place at 6:00 pm on Monday, Tuesday, Wednesday and Thursday of the next week and encouraged them to attend these important sessions or to watch them on Public Access TV.

Assistant Director of Economic Development for the Arts Miah Michaelson reported on the July events that the city is sponsoring for “Be Playful Bloomington” Month. She noted recent successful events and encouraged citizens to join in the fun at several upcoming events.

MAYOR and CITY OFFICES

There were no committee reports at this meeting.

COUNCIL COMMITTEES

Cindy Hoffman said she would like to hear weekly council comments about the climate crisis, how the city would address that crisis, ideas for citizens to address the crisis or bits of information about how other cities are trying to solve the crisis. Hoffman, a member of Verify the Vote, spoke of paper ballots in early voting. She noted the Monroe County Board of Elections was meeting

PUBLIC INPUT

on Tuesday, July 24, 2007 at 5 pm in the Justice Building to decide what type of ballots would be used for early voting in the November 2007 election. She said the Direct Record Electronic Machines were used in the past, but favored a Paper Ballot Optical Scan system for accuracy in recording votes and ease in recounting votes. She said that she had 130 signatures on a petition for the board to encourage them to allow voters the choice of using a paper ballot in addition to the electronic machines. Hoffman said paper ballots were easier for voting as with electronic machines there could be long lines in elections, noting the next presidential election as one that would bring out many voters. She said there would be less pressure on poll workers, too. She noted that she would ask the commissioners to review this as an alternative to the Direct Record Electronic Machines. She noted that too often the only information that those who purchase machines get are from the vendors, but that computer information security specialists say that paper ballots with optical scanning counted in precincts is the best method. She added that this method was inexpensive and actually used less energy.

Cliff Meadows, candidate for City Council, read a statement on the Post Office relocation which called for the post office to relocate to the area north of City Hall on land presently owned by Indiana University. He said this would keep the Post Office in the downtown area, destroy no green space, guard against urban sprawl, fit the stated goal of the use for the area and would create no problems with acquiring property from private owners.

There were no boards or commission appointments at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 07-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-1-0. It was moved and seconded that Ordinance 07-13 be adopted.

LEGISLATION FOR SECOND READING

Development Review Manager Patrick Shay reviewed the changes in the PUD that would add 6 acres to the development, change the zoning on those 6 acres, change the location of the Assisted Care Living Facility to a less environmentally sensitive area, and increase the amount of conservancy easement on the property. He noted that neighbors and the University were satisfied with the a compromise on the flow of construction traffic by allowing smaller trips and vehicles to use the Dunn Street entrance while large trucks would use the Milo B. Sampson Lane.

Ordinance 07-13 To Amend the Bloomington Zoning Maps From RE To Planned Unit Development (PUD) and to Amend The Preliminary Plan for the Meadowood/Jill's House PUD – Re: 800 E. Tamarack Trail (Meadowood Retirement Community)

Sandberg noted some neighbors were concerned about flooding and asked if any would be negatively affected by this change. Shay noted that this property drained to the east, and would have negligible effects on those neighbors. He noted that previous problems in the area had been solved.

Steve Peters represented Bynum Fanyo Engineering and Meadowood at this meeting and said he was available for questions.

Susan Bookout, Executive Director of Meadowood Retirement Community, commended the council for their attentiveness at the late meeting last week. She said that the new location would be much more conducive for the quality of life of the residents and added that they would be diligent in adhering to the environmental standards and guidelines that they had committed to. She noted that as Jill's House was progressing, she looked forward to developing collaborative relations with them as their project progressed

Sturbaum apologized for the long Committee meeting the week before and thanked the Meadowood folks for their patience.

Ordinance 07-13 (cont'd)

Mayer thanked the University officials, staff and neighbors for working out a compromise on the construction traffic flow. He lauded the developers for strongly addressing environmental issues in the design of the building and said it would be a model for future development. He thanked them for leading the way.

Volan said that he had issues with the old plan the previous week, but wanted to make a point that he preferred a building forward design.

Rollo said the attempt to receive Silver LEED qualifications was exceptional and visionary and would lead the community in its ideas of acceptable development.

Ordinance 07-13 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST
READING

Ordinance 07-15 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: 2102 West Vernal Pike (Vivian Galligan, John Galligan Jr. and John Galligan III, Petitioners)

Ordinance 07-15

Ordinance 07-16 To Amend Title 14 of the Bloomington Municipal Code, Entitled “Peace and Safety” (Providing a Comprehensive Revision of Chapter 14.09, entitled “Noise Control”)

Ordinance 07-16

There was no public input at this point in the meeting.

PUBLIC INPUT

The meeting was adjourned at 8:20 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington