

In the Council Chambers of the Showers City Hall on Wednesday, May 19, 2004 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
May 19, 2004

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Gaal announced a conference to be held in Bloomington regarding Iraq. He also read the following letter sent to state legislators and the congressional delegation regarding gay marriage:

MESSAGES FROM
COUNCILMEMBERS

We the undersigned members of the Common Council of the City of Bloomington are opposed to an amendment to either the state or federal constitution that would define marriage exclusively as a relationship between a man and a woman. We believe that constitutions should extend, not limit, the rights of our citizens, and that current patterns and practices against some of our citizens based on their sexual orientation would only be exacerbated by such amendments.

We also endorse the efforts of Indiana Equality to add both sexual orientation and gender identity to the list of protected categories included in Indiana's civil rights law.

Since 1993, Bloomington's human rights ordinance has included sexual orientation. Pursuant to the ordinance, the Bloomington Human Rights Commission (BHRC) accepts cases alleging discrimination on the basis of sexual orientation. The BHRC tries to mediate resolutions of these cases whenever possible. But the commission does not have the legal authority to compel cooperation with its investigations of such complaints. Most respondents have cooperated with our voluntary investigations, but the BHRC has had people decide not to file a complaint alleging discrimination on the basis of sexual orientation because of the weakness of the ordinance in this area. What Bloomington, and other communities, need is the power to investigate these complaints with the same authority that cities have to investigate complaints alleging discrimination on the basis of sex, race, religion, color, national origin, disability or ancestry. Bloomington will have this legal power only when Indiana's civil rights law is amended to include sexual orientation.

Although Bloomington's ordinance does not include gender identity, the BHRC also has heard of complaints alleging this type of discrimination. We believe this issue deserves serious legislative consideration as well. Thank you for your consideration.

He ended by saying that the city would include links on the website for resources for gay couples.

Andy Ruff announced the Harmony School Extravaganza fund raiser. He noted a recent business survey by the Kelley School of Business.

Steve Volan announced a Monroe County Solid Waste District Board meeting to discuss raising the solid waste management fee. He said the landfill was hanging by a thread with an Agreed Order pending, adding that if the board didn't sign by the end of May, Indiana Department of Environmental Management would be forced to accept a commissioner's order (unilateral) to finance the remediation of the landfill. He requests that people with concerns please contact him, County Councilman Jeff Ellington, all three Monroe County Commissioners, Mayor Mark Kruzan, and Ellettsville Town Councilman Pat Stouffers by e-mail or otherwise. He said all ideas would be entertained.

Dave Rollo announced a ceremony to dedicate the Woodbridge Branch of the United States Post Office as the Frances X. McCloskey Building on Tuesday June 1st at 10:30 am. He said the public was invited.

Tim Mayer commended Volan for his work with the Solid Waste Management District. He said it was important for citizens to understand the issues, even if they don't get involved in the discussion. He noted the opening of the new Animal Shelter noting the enormous improvement over previous conditions for animals, volunteers and city employees. He thanked Bobby Chestnut and the Street Department crew he'd recently observed paving at Third and Atwater. He also noted activities coming that weekend including the Council and Administration Budget Retreat, celebrations surrounding the Banneker History Project, and the Community Foundation House Tour of the Canada House.

Mike Diekhoff announced vacancies on the Environmental Commission, Community and Family Resource Commission, and the Telecommunications council.

Ron Walker, Director of Economic Development from the Office of the Mayor, reported on four tax abatements that were not included in an earlier report.

He first showed a map of active tax abatement projects indicating the location of real estate improvements (with historic property and affordable housing), real estate with machinery and equipment, and housing projects.

Walker reported that PrintPack Inc had a tax abatement approved in 1999, there were new owners who he had recently helped through the compliance forms. He reported that the estimates for benefits had been exceeded with more investment, job creation and higher salaries than originally planned. He stated the project was complete and that they are in compliance with the statement of benefits.

Walker reported on the abatement for Habitat for Humanity of Monroe County saying that the abatement was for the construction of three 1200 sq ft homes, that this investment was exceeded, the project complete and that they are in compliance with the statement of benefits.

Walker reported on the People's State Bank Abatement, which was for a project approved in 1996 for Renaissance Rentals on Hopewell and West 6th Street for real estate improvements but the entire project was not finished due to ownership change, bankruptcy, foreclosure, and nearby properties had serious environmental contamination problems. He said attempts have been made by the bank to sell these off to a developer, and that the bank has been working with the city to amend the PUD to allow for rental housing. Walker said that he could not determine that they were in compliance with the statement of benefits, that there were circumstances beyond their control and suggested giving this abatement another year to try to develop these affordable units.

Walker reported on the PTS Corporation abatement saying there was a CF-1 Form submitted in April, but there were questions about their investment equipment. He said it was discovered that they hadn't filled out the CF-1 Form correctly because they had used figures from the entire company rather than just the Curry Pike facility alone. He stated PTS had made an addendum to their original statement of benefits with the proper figures for the appropriate property. He said they had exceeded their proposed investments and determined that they were in substantial compliance with the statement of benefits.

It was moved and seconded that given that the project on West 6th Street has met with difficulties beyond the control of the current owner, the council declares its willingness to re-evaluate the terms of the tax

MESSAGES FROM
COUNCILMEMBERS (cont'd)

MESSAGE FROM THE MAYOR

- Supplemental Tax Abatement Report

- Motion to Express Willingness to Re-Evaluate Terms of Tax Abatement

abatement prior to the next year's annual tax abatement report. Before the vote, Mayer noted that the city had worked in the area to improve the infrastructure, recognized the importance of working with the investor to make this affordable housing, and needs a shot in the arm.

The motion received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the Council accept the tax abatement summary (as amended by the previous motion of the Council).

The motion received a roll call vote of Ayes: 9, Nays: 0.

There were no committee reports at this meeting.

Pamela Warren, council appointment to the Tree Commission told of the recent Tree City USA honor. She said that the sign at the Millers/Showers Park proclaiming Bloomington as a Tree City will soon be replaced.

It was moved and seconded that Nancy Brinegar be reappointed to the Housing Trust Fund Board (moved and seconded), and that Rebecca Buchart be appointed to the Historic Preservation Commission as an Advisory Member (moved and seconded). The appointments were approved by a voice vote with no dissenting voices.

It was moved and seconded that Resolution 04-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 8-0. It was moved and seconded that Resolution 04-08 be adopted.

Ron Walker, Director of Economic Development explained the request from Cook Pharmica, LLC for a ten year tax abatement. He said the petitioner intended to spend \$45,000,000 renovating a building at the former RCA site and purchasing equipment for research, development and manufacture. He said two-hundred jobs would be created in the next five years, and outlined benefits connected to these jobs.

Mr. Arthur, a representative of Cook Pharmica, stated that the real goal was focused on the development side of the research and development in order to develop the processing platform to allow companies that have invented a drug to bring it over to this facility and get it developed up through clinical trials.

Banach asked the amount of total salary line for this facility to which Arthur stated it was just under \$10M per year.

There was no public comment on this item.

Banach stated that he had asked about the salary role because when tax abatements are granted there was a two-fold benefit, for both the business and the community because of county income tax. He added that overall it is both a business friendly investment and community friendly action.

Mayer stated the celebration of Cook Pharmica's initiative and their success was partly because they were going to make a silk purse out of a sow's ear. He said their plans would really revitalize that part of town. He urged Cook to use local companies for everything from staples to landscape maintenance as this was another part of economic development that would have a positive effect on the entire community.

Motion to Express Willingness to Re-Evaluate Terms of Tax Abatement
(cont'd)

- Motion to Accept Tax Abatement Report

COMMITTEE REPORTS

PUBLIC INPUT

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Resolution 04-08 To Designate an Economic Revitalization Area, Approve a Statement of Benefits, Authorize a Period of Tax Abatement, and Declare Intent to Waive Certain Statutory Requirements – Re: 1300 S. Patterson Drive (Cook Pharmica, LLC, Petitioner)

Rollo agreed, saying that this endeavor represented, along with Baxter and other technology growth industries in our economy, keeping educated Hoosiers in the state and would offer a chance for citizens to receive training about technology without needing an advance degree.

Resolution 04-08 (cont'd)

Sabbagh thanked Cook for investing in Bloomington again. He said we often lament the loss of manufacturing jobs, but said these are the Bloomington manufacturing jobs of the future.

Diekhoff agreed with Mayer, saying that our community suffered from the loss of jobs at this manufacturing site.

Resolution 04-08 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 04-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis saying that there was no committee recommendation on this item. It was moved and seconded that Resolution 04-10 be adopted.

Resolution 04-10 To Rescind Resolution 02-13 and Resolution 02-14 and Terminate Tax Deduction for Improvements to Real Estate – Re: 2305 West Rockport Road (Winterwood Properties, LLC, Spring Lake Development, and Mr. and Mrs. Joseph Hartman, Owners)

Ron Walker, Director of Economic Development, reviewed the original intent and terms of this tax abatement that was originally granted to Buyer's Only Real Estate for the development of affordable, owner occupied homes. He said the original owners could not complete the project and were no longer involved. He said the project had financial difficulties of being over budget and behind schedule. He said the new owners were not aware of a tax abatement on the property and therefore had not filed the proper forms for this year. He added that the new owners do not object to this motion to rescind the resolutions and termination of the tax abatement.

Ruff questioned Walker about an owner realizing a tax abatement without knowledge of its existence. Walker said that the new owners would have to file forms to receive the abatement, and they didn't.

Resolution 04-10 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 04-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis giving the Committee Do-Pass Recommendation of 3-1-4. It was moved and seconded that Ordinance 04-09 be postponed to a Special Session on June 9, 2004 in order to further consider the roundabout and related traffic and infrastructure issues.

Ordinance 04-09 To Amend the Bloomington Zoning Maps from RS 3.5/PRO6 to PUD and to amend the Preliminary Plan for the Renwick Planned Unit Development (PUD) – Re: 2410 East Moores Pike (Ramsey Land Development, Petitioner)

Mayer, as parliamentarian said that this motion was subject to limited debate.

The Petitioner, Eric Stolberg, was permitted to make a comment on this postponement. He said he was proud of the design of this development and noted that it meets the terms set forth in the Growth Policies Plan. He also noted that 70 meetings and 17 hours of public hearings had been held on this project. He said he didn't object to council members having additional time to examine issues, however would like a specific date for a hearing. He said, however, if a date after June 9th would be considered, that he be allow to make a statement presently as to the hardships that would create for him.

Sabbagh asked for the purpose of the postponement, asking if it were possible to have a hearing on June 9th that would send this back to the plan commission to remove the provision for a roundabout.

Mayer said that members have raised concerns about the proposal and

wanted more time for information, and that it was a possibility that just might happen.

Ordinance 04-09 (cont'd)

Rollo said that the potential magnitude of the effects of this project, especially the roundabout, are considerable and deserve close scrutiny. He said he was in favor of this postponement because it would allow as much information out as possible to come to light.

Sabbagh said he felt this proposal had been put through the wringer.

Sturbaum and Gaal both stated that it was prudent to allow time for the roundabout to be studied more carefully and make sure the outcome was a sensible one.

Banach cited a recent study done by the Kelley School of Business regarding the unfriendly business atmosphere of Bloomington. He said this postponement would be construed as such, was not fair that this curve ball be thrown in at the last minute. He said this was a thoughtful proposal by a model corporate citizen who had done business in the community for 20 years. He didn't see what was gained by a delay, and wouldn't be in favor of it.

Ruff thanked the developer for the collaborative and positive statements he had just made regarding the validity of the council's concerns in the interest of the whole community.

Mayer said "be careful, you may get what you wish for." He asked for continual communication and said it was important that the council have more time to think about this.

The motion to postpone action on Ordinance 04-09 received a roll call vote of Ayes: 7, Nays: 2 (Banach, Sabbagh).

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 04-11 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Certain Stop and Signalized Intersections, Speed Zones, and Parking Regulations

Ordinance 04-11

There was no public input at this time.

PUBLIC INPUT

The meeting was adjourned at 9:05 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Michael Diekhoff, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington