

In the Council Chambers of the Showers City Hall on Wednesday, November 10, 2004 at 7:30 pm with Council President Diekhoff presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
November 10, 2004

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

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

Octavia Matthews, President of the Delta Sigma Theta Sorority thanked the council and city clerk for participating in a reception for their members that had been held immediately before the council meeting. She outlined the mission of the Bloomington Chapter and likened their issues to those which are dealt with by the council. She called for more role models for young African American women, especially in the area of education. She offered their chapter and the Dr. Betty Shabazz Delta Academy for Girls as resources to the council.

PRESENTATIONS

Isabel Piedmont, board member of the South Central Community Action Program, presented information to the council. Included were details about an upcoming fundraiser and holiday cards made by Head Start children.

PUBLIC HEARINGS ON
PROPOSED ANNEXATIONS

It was moved and seconded that Ordinance 04-25 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. She noted that the public comment portion of the deliberation would serve as the legally advertised public hearing on the annexation. It was moved and seconded that Ordinance 04-25 be forwarded to the December 15, 2004 meeting for adoption.

Ordinance 04-25 An Ordinance
Concerning the Annexation of
Adjacent and Contiguous Territory
(Hoadley Quarries Area)

Susan Clark, Controller, announced that the public comment portion of the deliberations on the three annexation ordinances would serve as an advertised public hearing. She proceeded to review the timeline for all three annexations outlining the legal notification, publication dates, and remonstrance periods. She said that since each of the annexations were located in the Perry Clear Creek Fire Protection District, another taxing body, the ordinances would take effect on January 1, 2006, city tax rates would begin with the assessment of March 2006, and the tax revenue would not be forwarded to the city until June of 2007.

Clark also mentioned that the Hoadley Quarries was included in the Areas Intended for Annexation, and gave the summary of costs for the annexation. Clark noted there would be two persons affected by this annexation.

Rollo asked if there had been a site inspection to determine if there had been any dumping in the abandoned quarry. Clark said she would check into it, but that there was no inspection process connected to the annexation process.

Public Comment included a statement by Duncan Campbell, resident at 2300 Tapp Road, one of the two persons who would be annexed into the city with this ordinance. He said he was very surprised by the proposal. He said a noticeable disadvantage of this annexation for him would be an additional \$400 in taxes. He said that with the exception of city police and fire protection he provides most of the services that come with annexation himself.

Campbell said that for years he had been complaining of storm water drainage from city property flooding his property and added that the probable first year cost of annexation for the city (\$300) would not solve this problem. He said the area is virtually unpopulated and that he lives in a historic house which was grandfathered in as residential. He asked what benefit the city expected in annexing his property, adding that he could think of none except for filling in what might look like a gap in the maps. He said this issue that had been neglected by the city had been causing him grief for years; he hoped that the annexation would be beneficial for him in regards to a resolution of his stormwater problem. He called for a dialogue with the city regarding the problem, but asked if it couldn't be resolved, for the city to leave him in the county.

Ordinance 04-25 (cont'd)

David R. Grubb said that the waste problem and sewer problems were causing a failure of septic systems. He said the city should manage this problem before it added to its growth. He said human waste and gasses were blowing into the city, causing health problems, and that common sense dictated the need for this to be back under county control. He said the waste system was overloaded and the waste treatment plant was in the wrong spot, and should be to the northeast of the city. Mr. Grubb noted as he was leaving the podium, that he hadn't really accomplished anything with this admonition to the council.

Sturbaum asked what could be done about the stormwater problem. Rollo said that the runoff originates up stream and comes off the parking lot at the Southern Indiana Medical Park. Rollo said this should be looked at as a problem that could be solved.

Volan said the only person who would be annexed had just stated that the costs involved in this annexation were not sufficient for solving problems in that area. He said he was reluctant to approve this annexation if it meant that the city could expect a lawsuit in the future. He said he had been influenced by Mr. Campbell's statements and now wasn't sure what to do in this case.

Banach responded to Volan by saying that the financial considerations were not the driving force behind annexations to the city. He said he understood the point of Mr. Campbell, but would support the ordinance.

Sabbagh said the stormwater utility only dealt with issues within city limits and therefore annexation actually would help solve the problem. He said that the annexation would take effect in January of 2006, and that would start Mr. Campbell's city services.

Clark said that the city was required to provide non-capital services within one year of the effective date while capital services would be provided within three years from that date. She said this might be a maintenance issue, and would talk to the utilities department about it.

Sabbagh said, again, the best way for Campbell to have his problem solved would be annexation.

Mayer noted that the problem originated when the State of Indiana upgraded State Route 37 and the problem was exacerbated with the Sudbury development.

The motion to forward Ordinance 04-25 to December 15, 2004 for final action received a roll call vote of Ayes: 7, Nays: 1 (Volan).

It was moved and seconded that Ordinance 04-26 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. She noted that the public comment portion of the deliberation would serve as

Ordinance 04-26 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (Rhorer/Gordon Area)

the legally advertised public hearing on the annexation. It was moved and seconded that Ordinance 04-25 be forwarded to the December 15, 2004 meeting for adoption.

Ordinance 04-26 (cont'd)

Susan Clark, Controller, described the area of the proposed annexation. She said the five year plan for annexation was agreed upon with the county and the city and specified the areas over which the city held planning jurisdiction. She said the county had expressed concern over rights of the citizens in the Areas Intended for Annexation (AIFA) and had initiated this agreement. Clark noted the importance of the city's planning oversight in areas that were adjacent to the city boundaries.

Clark reviewed services that needed to be furnished to the area in the first year after the effective annexation date of January 1, 2006. She said there were two rental properties in the area which would need to be registered with the Housing and Neighborhood Development Department for inspection. She reiterated services that would be provided to this area adding that property owners with functioning septic systems would not be forced to hook onto city sewers, but owners who may wish to hook on will do so at their expense.

Rollo asked about institutional zoning in the area, to which Clark responded that it was probably left over from the Winston Thomas plant that was near this area. Clark noted that there were thirteen property parcels and eleven owners involved. She said most of the area was zoned commercial/arterial but the three residences were zoned institutional.

Public comment included a statement from Ginny Farrow who attended with her husband Gary. She said they moved into one of the three homes on Gordon Pike in March and had no knowledge of the intended annexation until they got the certified letter from the city in September. She said there would be no changes in the services that they and their two neighbors (also included in the proposed annexation) were currently receiving. She noted that the road couldn't be left with half of it unplowed just because the residents across the street didn't live in the city. She added that these homes were not "industrial," but rather residential regardless of their proximity to businesses and industrial land. She said there would be no benefit for her or her neighbors to be annexed, and she asked that the annexation be denied.

Volan said his relative lack of understanding of the annexation process was reason for him to abstain on the ordinances. He said because this ordinance was part of an ongoing process which included several pieces of legislation, he felt the best thing for him to do at this point was to abstain from voting until he had visited the areas and better understood advantages and disadvantages of annexations for both residents and the city.

Ruff thanked the residents of the area for speaking to the annexations and noted that the votes tonight were to forward the legislation to the December 15th meeting. He said that the action would allow more time to investigate their comments and gather information.

Sturbaum echoed Ruff's comments and said it was important for the residents to know that they are being listened to.

Mayer said that it was important to remember that we don't live in a vacuum, and that when citizens drive on city streets, use city parks, they're using services that the city has to offer. He said it's good to be reminded that these are costs borne by the city. He added that the negotiations between the city and county had been going on for several

years and that now, finally, we'd come to this part of the annexation plan.

The motion to forward Ordinance 04-26 to December 15, 2004 for final action received a roll call vote of Ayes: 6, Nays: 0, Abstain: 2 (Rollo, Volan).

It was moved and seconded that Ordinance 04-27 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. She noted that the public comment portion of the deliberation would serve as the legally advertised public hearing on the annexation. It was moved and seconded that Ordinance 04-25 be forwarded to the December 15, 2004 meeting for adoption.

Susan Clark, Controller, described the area under consideration, giving particulars about the residences and roads in the area. She reviewed city services to be provided to the area, adding that capital services would be provided within three years. She also noted that there is one rental unit in the area and that the landlord should list his property with the Housing and Neighborhood Development Department for inspection. She said there would be no change in status in the area for water and sewer, and added that any streetlights in the area would be paid for by Public Works within one year. She said there were still houses under construction in the area. She added that there were presently 31 homes (population: 78) in the area, but with the area fully built out there would be about 65 homes (population: 148).

Banach asked if the area was totally surrounded by city property. Clark said that the area was bordered by city limits on the north and west side and would be 57% contiguous.

Rollo asked which areas were in the city's planning jurisdiction. Clark responded that the Rolling Hills area along Smith Road was included.

Mayer asked if an entire road was included in the annexation if an the annexed area was delineated by a road. Clark said that since 1998, the city was required to take any adjacent right of way into the city also and was required to maintain the entire road and clear it of snow. Mayer noted that this was not germane to this particular annexation, but it was to the previous annexation (Ord. 04-26).

Clark, to Sabbagh's question, said that the current streets in the area had been accepted by the Highway County Roads Departments, and had been found to be suitable for annexation. She said that the undeveloped area would be accepted by the Highway department and then would be accepted into the city at that time. Mayer noted the purpose of this procedure.

There was no public comment at this time.

The motion to forward Ordinance 04-27 to December 15, 2004 for final action received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Volan).

Dan Sherman, Council Attorney/Administrator, noted that the proposed annual calendar had been circulated in the last two packets. He explained the deadlines for prospective legislation and exceptions to the rule that the council meets the first four Wednesdays of the month by adding the Budget related meetings and the statutorily required first meeting of the year.

Ordinance 04-26 (cont'd)

Ordinance 04-27 An Ordinance Concerning the Annexation of Adjacent and Contiguous Territory (St. James/ East Wingfield/ Rollin Hills Area)

APPROVAL OF COMMON COUNCIL ANNUAL SCHEDULE FOR 2005

Banach asked what required the council to meet more than once a month. Sherman replied that council procedures were prescribed by local code. Banach noted that the local code was much more stringent than state law which required one meeting per month. Mayer asked Sherman to clarify if it were a statute or custom. Sherman said it was included in Title 2 of the Bloomington Municipal Code.

APPROVAL OF COMMON
COUNCIL ANNUAL SCHEDULE
FOR 2005 (Cont'd)

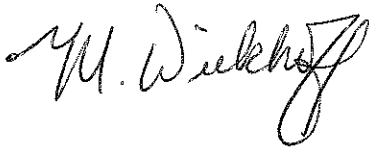
It was moved and seconded to adopt a schedule for the council activities for the year 2005. The motion received a roll call vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 8:43 pm.


ADJOURNMENT

APPROVE:

ATTEST:



Michael Diekhoff, President
Bloomington Common Council



Regina Moore, CLERK
City of Bloomington