

In the Council Chambers of the Showers City Hall on Wednesday, December 17, 1997 with Council President Pizzo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
DECEMBER 17, 1997

Roll Call: Young, Pizzo, Cole, Mayer, Service, Sabbagh, Sherman, Pierce.
Absent: Banach.

ROLL CALL

Council President Pizzo gave the Agenda Summation.

AGENDA SUMMATION

There were no minutes for approval.

MINUTES FOR
APPROVAL
MESSAGES FROM
COUNCILMEMBERS

Mayer wished everyone a Happy Holiday, thanked city employees for all their good work and efforts on behalf of the city this past year and also asked people to remember those who are in need this Christmas season. Our community is particularly beautiful this holiday and he commended everyone who works to address those needs.

Young also extended holiday greetings, urged people to volunteer now and throughout the year and thanked Mike Farmer who is leaving the Utilities Department after years of service. Mike's repair "techniques" on sewer/water lines are legendary.

Cole also wished the best for everyone and then congratulated the IU Soccer Team for a wonderful season, their 23 wins and then a "sudden death kick" in the playoff games that ended it all.

Service also offered best wishes, noted that we only have three years until the millennium and hoped that we would take the time to prepare and do it right.

Sabbagh talked about a Palo Alto, CA fiber optic infrastructure project and how it will affect the prosperity and growth of that community. He said he hoped we could pursue just this type of community project.

Sherman offered happy greetings to almost everyone. He commented on an HT letter that was full of misinformation regarding upcoming annexations. He responded to the particular charges, saying that our ordinances are drafted and enacted according to Indiana Code.

Pierce followed up on the Palo Alto comments and said that the city government was pro active with the businesses and industries in bringing the project to completion. He too, seconded that call for some action on the part of our city to come up with these same kind of initiatives.

Pizzo thanked everyone for their support, his council colleagues, Dan Sherman and Pat Williams and the mayor and his administration for their leadership and a job well done. He said he was disappointed that the affordable housing and health care issues were not solved but many other good things have happened this past year.

Mayor Fernandez also thanked the council for all their good efforts this year and he wished everyone a happy, healthy and safe holiday season.

MESSAGES FROM THE
MAYOR

Service talked about a meeting for input on the plans for the People's Park proposed improvements that took place yesterday. It was a good meeting and there will be more to follow. She urged people to attend.

COUNCIL COMMITTEE
MESSAGES

It was moved and seconded that Ordinance 97-35 be introduced and read by title only. Clerk Williams read the legislation by title only.
It was moved and seconded that Ordinance 97-35 be adopted. The

LEGISLATION FOR
SECOND READING/VOTE
ORDINANCE 97-35

synopsis, short history of past motions to reconsider (11/5 , 11/19) a no action vote of Ayes: 4, Nays:4 (11/5) and an earlier committee recommendation of Do-Pass 2-2-3 was given.

Lynne Friedmeyer, Planning Department, gave the overview of the 2.22 ac in-fill tract of land to be used for mini warehouses. She said that there have been many discussions and in this small parcel, warehouse use could be used to lower the traffic volumes on Moores Pike, there is a high esthetic quality to the plan, landscaping, and drainage help for the Jackson Creek area.

Don Hastings, Planning Director, discussed Growth Policy Plan issues as they relate to this particular plan; the many changes that have already taken place since 1991, and the significant changes have taken place in this area, namely the amount of multi-family (Holiday Retirement & University Commons) that was relocated west of the originally intended location at Moores Pike & Smith Rd. That shifting of density to the west changed the area above and beyond what was expected and was done within the parameters of the GPP. The location of this particular site created a situation where we had a parcel surrounded by higher density uses thereby changing conditions enough to warrant reconsideration of this parcel's use and the two factors that made this petition acceptable from a planning point of view were the aesthetics (how it appears from the road) and also traffic, this mini warehouse being the type of use that the literature and planning have measured to have a far less traffic impact than residential development.

Young asked what the density of the retirement project would be and Hastings said it is 24 units/acre. Young asked what the density could be with this tract being between commercial and high density residential. Hastings said it was difficult to say because of all the issues surrounding development on Moores Pike.

Pierce asked if under the current zoning of RD 3.5/PRO6 the highest density was 6 units/acre and Hastings said the size of the tract, and necessary buffering would make it difficult to get the 6 units/acre.

Judith Benckart, representing Mrs. Dorothy Grubb, said the council may have already made up their mind about this petition but they have not considered the impact that all the area changes have had on Mrs. Grubb's quality of life. Noise, traffic, lights, all associated with commercial and high density residential have made life a nightmare for her. This 2.5 ac of land will never be developed as a SF residential. This transitional use is the best use for this tract and that is how this mini storage plan resulted.

Karen Hanson, a Bittner Woods resident, spoke against the petition and was sympathetic to many of the issues raised by Ms. Benckart. They too are impacted by earlier decisions, but this is not transitional development, it is commercial development and that is the reason for the opposition. She said that additional housing would hopefully result in better road planning.

Pierce urged the council to consider only the land use questions and not the various other issues that are being raised. The issues are not the economic impacts, but what the best land use is for that tract. He continued by again pointing out that this is a PUD that it is under 3 acres, it is commercial and is contrary to the GPP.

Banach said while he voted yes at the committee meeting and that it is a good, quality project, the strong sentiments expressed this evening are not to be taken lightly. He said that while he could not vote against this project

in good conscience, he would abstain.

Service said this plan is in the best interests of the community and neighborhood and that this low density PUD would only be used for what we approve this evening.

Sherman apologized for not being in town when the second reading took place resulting in a 4-4 no action vote. He thought that the points raised on both side were very good. Briefly, he said this is a PUD and this is a request for a use change from residential to commercial, not just an increase in density. He thought the zoning should remain PRO6 with a PUD and that would give us everything we want to see and not impact the traffic in a detrimental way.

Sabbagh said the Moores Pike neighbors are telling us we have terrible problems and we created those problems by not allowing access other than Moores Pike. Those problems are not going to be alleviated whether we approve this or not.

Mayer said that the plight of the property owner is not just the result of what the city has done and he disagreed with that comment. The ownership of all these properties have requested these rezonings over the years and it is citizens working with the city that have created the landscape we now see. The zoning for this tract is following the GPP.

Young thought it was ludicrous that this property is zoned RS 3.5 with all the high density zoning surrounding it. Hastings thought it was unusual for an infill tract to be zoned this way and then stay that way. Staff must consider the impacts of zoning densities. Young thought if done properly it would help the neighborhood and eventually improve the traffic concerns in the area. The parcel should have been commercial and included with all the other commercial development and that was Mrs. Grubb's decision at the time. She is now caught and in between everything.

Cole said the main issue is creeping commercialism into residential areas and that was a strong, clear line that the GPP made. It is strictly a land use issue and she did hear the concerns that Mrs. Grubb raised. Traffic has to be taken into consideration but it is not the only concern that we have.

The ordinance received a roll call vote of Ayes: 3 (Sabbagh, Service, Young), Nays:5, Abstain: 1 (Banach).

It was moved and seconded that Ordinance 97-51 be introduced and read by title only. Clerk Williams read the legislation by title only. ORDINANCE 97-51

It was moved and seconded that Ordinance 97-51 be adopted. The synopsis and committee recommendation of Do-Pass 6-1-1 was given. There is also an amendment to be considered.

Jane Fleig went through the ordinance section by section and discussed the various changes due to annexations, codification corrections, changes as a result of Patterson and Thomson Park Drive, the Monroe County Library handicapped spaces and 30 minute spaces. She also discussed Lincoln St & 4th St. and four new parking spaces created in that area.

It was moved and seconded that the ordinance be amended to correct the location of a Handicapped space (correct location will be 4th St --the first space west of Dunn St on the south side.

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

Cole asked about the library fire lane designation and Fleig said that the emergency lanes are necessary to allow access to the building. This is a building with a high usage level that requires the emergency designation. Fleig said that two spaces will be lost to the special parking. Cole said so many spaces are being lost to special parking designations and she was concerned about some of the yellow curbing on one way streets and how we could accommodate one or two more spaces at corners without creating any traffic hazards. Fleig said we need to apply some common sense on some of the one-way streets.

The ordinance received a roll call vote of Ayes:8, Nays:0 (Mayer was out of chambers).

It was moved and seconded that Resolution 97-28 be introduced and read by title only. Clerk Williams read the resolution by title only. RESOLUTION 97-28

It was moved and seconded that Resolution 97-28 be adopted. The synopsis and committee recommendation of Do-Pass 8-0 was given.

Maureen Friel, Arts Commissioner, discussed the goals and missions of the Arts Commission and the Percentage for the Arts Program. The purpose of the resolution is to approve the guidelines for how the program is administered.

It was moved and seconded that the resolution be amended to propose two changes; in the manner that discretionary projects are selected in two places in the guidelines, not the actual text of the resolution.

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

Cole thanked everyone responsible for the entire process and bringing the entire program to fruition, especially Joanne Alexander Brown, Dan Sherman, the mayor's office and Friel.

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

It was moved and seconded that Ordinance 97-55 be introduced and read by title only. Clerk Williams read the legislation by title only. ORDINANCE 97-55

It was moved and seconded that Ordinance 97-55 be adopted. The synopsis and committee recommendation of Do-Pass 8-0 was given.

Mayor Fernandez spoke in support of the ordinance and noted the important advantages in this new agreement; the ability to annex, create a TIF district to provide for the essential transportation needs, and also this new agreement was negotiated for an additional ten years. The payment schedule is also changed as well as the amount of monies paid to the city (from \$150,000 per year to \$200,000 and \$250,000 incrementally at 5 and 10 year points). Most important are the non industrial annexation possibilities. After council approval the industries will need to ratify the agreement by January 15, 1998. Fernandez said it is difficult to predict the fiscal impact of the agreement in a precise way.

Pierce asked about the maximum time for agreements such as this. Michael Flory said there is a 15 year limitation according to Indiana Code. Pierce asked if we were modifying and extending the current agreement and Flory said that this is a 15 years period whether or not it is an extension or something new.

Young asked what areas are precluded from annexing now. Flory said the contiguous properties surrounding the industries are currently excluded from annexation at the present time.

Fernandez said that is what makes this new agreement better than the current one. He said there are in essence, zones around the industries that are not industrial but could establish contiguity for purposes of future annexations. The new agreement links those areas to the properties that are zoned industrial.

Young continued with comments about how long the city intends to continue with this in lieu of process, that people should pay their fair share, that they have had a pretty good deal and now we are tacking on ten more years.

Service said she hoped that the fact that we are foregoing a fair amount of tax revenues, she hoped those industries would respond more favorably in terms of the community.

Sherman thought it was a good deal for both the city and the industries; predictability and the TIF revenues are real pluses. He was surprised that absolutely no one from the industries has ever come to a meeting.

Cole spoke in support of the agreement and the predictability it provides for the city as well as the industries.

Young simply felt that 33 years is a long time for these companies to have this kind of corporate welfare that is not available to other companies. We need a long range policy of how long we are going to continue this.

Sabbagh thought that we need to talk to the state people and urge a review of how taxes are structured at the state level and not have everything weighing on the local taxing jurisdictions.

The ordinance received a roll call vote of Ayes:8, Nays:1 (Young).

It was moved and seconded that Ordinance 97-43 and Resolution 97-19 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 97-43
RESOLUTION 97-19

It was moved and seconded that Ordinance 97-43 and Resolution 97-19 be adopted. The synopsis and committee recommendation of Do-Pass 7-0 and the motion to postpone a Do-Pass recommendation of 6-0-2 was given.

It was moved and seconded that the amendment changing the effective dates in both the ordinance and resolution to March 3, 1998 be considered.

Banach asked the purpose of the amendment and Sherman said that the council had just approved a loan to BioPharm to help them get on their feet and he was not aware of what kind of contract they are under and now it has been determined that they are responsible for the new taxes and it didn't make sense to provide the loan and then annex. As a matter of fairness this extends it out for a couple of years.

Sabbagh said that they will be taxed on 1.7million dollars of personal property very very soon. We just spent over an hour talking about helping out the big industries and now we have a small start up business that we are throwing predictability out the window. He did not understand the rush to annex.

Young was also not in favor of annexing them at this time.

Cole asked how much we are talking about in terms of taxes and Jeff Underwood said \$4-5,000 per year approximately.

The amendment received a roll call vote of Ayes:8, Nays: 1 (Service).

Fernandez said there is significant policy distinction between the last ordinance and this one. This property is clearly contiguous and that is a big difference with the west side industries and this site.

Mayer said that while this company did understand that annexation would occur, it was just the immediacy of it that was unexpected by the company.

Young thought that \$4-5,000 was a lot in taxes for a small company and once again these people should have been aware of the city's policy in regards to annexation.

Fernandez said that there may be an interest in abatement for equipment at a later time and the company was aware of all the options available to them.

Bob Shaw, owner of the property, said that in order to get to this property the city is annexing two vacant lots and the previously stated policy of this council has been not to annex until build out is completed. He said his was the only developing industrial site that is being annexed and he believed that to be very unfair. He also then talked about lift station costs he has incurred over the years for this site. He asked the council to delay the annexation for another year or two in the interest of fairness.

Underwood said that with the amendment to this ordinance, they will not be assessed until 1999 with taxes payable in the year 2000.

Shaw continued by saying that this could be delayed for three years if the council chose to do so.

The ordinance and resolution received a roll call vote of Ayes:6, Nays:3 (Banach, Young, Sabbagh).

Bob Shaw thought there should be a policy so there were clear cut guidelines.

PUBLIC INPUT

Pizzo announced and moved that the council would meet again on Monday, January 5, 1998 for the annual election of officers followed by a Committee of the Whole meeting.

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

Young thanked Pizzo for the good job he has done as council president for the past year.

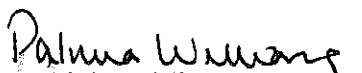
The meeting was adjourned at 11:12 PM.

ADJOURNMENT

APPROVE:

ATTEST:


Timothy Mayer, President


Patricia Williams, CLERK
City of Bloomington

Bloomington Common Council