

In the Council Chambers of the Showers Municipal Building held on Wednesday, December 18, 1996 at 7:30 PM with Council Vice President Cole presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
DECEMBER 18, 1996

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

ROLL CALL

Cole gave the agenda summation.

AGENDA SUMMATION

There were no minutes for approval.

MINUTES FOR
APPROVAL

Service bid Iris Kiesling farewell as she begins her term as a County Commissioner. She also congratulated Tim Mayer, newly elected council member, replacing Kiesling. She thanked everyone who came forward as candidates for the vacancy.

MESSAGES FROM
COUNCILMEMBERS

Sabbagh also wished Kiesling the best of luck.

Pizzo did not say goodbye but looked forward to working with Kiesling as a County Commissioner.

Young also wished Kiesling good luck as she "moves up the hill".

Kiesling thanked everyone for their good wishes and support and hoped that the county finishes the zoning ordinance so that everyone can move forward to closure on this issue. She also cited child care issues as an important concern. She congratulated Tim Mayer and wished him well.

Banach wished Kiesling the best, and looked forward to working with new Council member Mayer.

Cole also congratulated Mayer and thanked Kiesling for all her encouragement, advice and support. She offered a special thank you to the Music Director, Miss Galker (sp) at TriNorth and the people responsible for all the wonderful music that fills our community at this time. She encouraged more women to get involved with boards, commissions and perhaps run for elective office, as they bring a perspective to the process that is important. She thanked everyone for their support over the past year.

Mayor Fernandez wished everyone a good holiday season and expressed his gratitude and thanks to everyone who has really made our government work. In particular, the BCAT staff that covers local government, the many board and commission volunteers, and all the city employees, especially Jack Pedro at Sanitation who was hit by a car while working the recycling route, the City Management team for putting up with him, and Patricia Bookwalter. He then read an Encomium for Pat Bookwalter, Code Enforcement, who thought she was here to answer building and inspection questions and who is retiring after many years of service with the city. She thanked everyone for the good wishes and said she really didn't mean to stay so long.

Fernandez thanked Pat Williams, Dan Sherman and all the council members for the good year we have all had.

Fernandez also read an Encomium for Iris Kiesling, wishing her well as she begins her term as County Commissioner

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Kiesling took one last opportunity, as a council member, to remind homeowners and businesses to keep their sidewalks clear of snow.

Scott Wells addressed the council about a variety of issues; the cost of housing in Monroe County (2nd highest county in the state); the way it used to be in so many areas of our community and how we are getting bigger, but not necessarily better and we can't control what we already have.

Evelyn Powers addressed the council on behalf of the Middle Way Housing Project on S. Washington St and described a fundraising project that she is coordinating with the County Sheriff and MacGruff for Middle Way.

It was moved and seconded that Resolution 96-34 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Resolution 96-34 be adopted. The synopsis was given.

LEGISLATION FOR
SECOND
READING/VOTE
RESOLUTION 96-34

Pierce pointed out that the city cannot require TCI to provide specific programming but the level of community outrage warrants this resolution action by the council so that the city is on record opposing the change.

Banach thanked Pierce for sponsoring the resolution.

* Service, while indifferent to TV related issues, it is offensive that TCI did not bother to determine what the community wanted but what is the company's bottom line.

Kiesling said WGN is seen by 40 million viewers in the United States and Canada.

The resolution received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-47 be introduced and read by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 96-47 be adopted. The synopsis and committee recommendation of Do-Pass 4-0-2 was given.

ORDINANCE 96-47

Jeff Underwood discussed the parking permit and lease increases. Three years ago the council passed an ordinance allowing for a sliding scale increase and now it is time to do that once more. The increases are as follows:

Quarterly Permits would increase \$5

Annual Permits would increase \$15

Leased Spaces would increase \$70

Garage Leased Spaces would increase \$20.

Banach asked about the increase and how it compares with past increases. Underwood said it is the same as in the past.

Service asked if lease spaces are checked to see if they are used. Underwood said there was no requirement for how the space is used.

Kiesling was concerned about part time space usage for leased spaces.

Jack Davis, Parking Enforcement Manager, said that the Parking Task Force is discussing issues such as this and their report is due sometime mid January.

The ordinance received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Resolution 96-33 be introduced and read by title only. Clerk Williams read the resolution by title only. It was moved and seconded that Resolution 96-33 be adopted. The synopsis and committee recommendation of Do-Pass 6-0 was given. RESOLUTION 96-33

James McNamara, Deputy Mayor, said this has been a year long collaboration between the city and county and on behalf of the mayor, he thanked everyone who worked on this on this project.

Linda Runkle, Corporation Counsel, said there are only two key components: 1) related to planning and zoning jurisdiction and the county passage of a zoning ordinance that includes the 2 mile fringe and that the city and county has worked together to maintain areas intended for annexation to be excluded from the zoning changes at this present time. The county has also agreed to adopt all the city 2 mile fringe regulations that put implemented in our zoning ordinance, and 2) on January 1, 1997 the county will become a County Building Authority and will accept ALL building permit applications. The city and county will be sharing information and processes for a variety of services such as housing code, GIS, utility connections and stop work orders procedures to name a few. Fees will be collected by the county and then remitted back to us on a quarterly basis as well as reimbursing the city for planning and zoning compliance function that we will be performing on behalf of petitioners within the city boundaries.

Service wondered if approval of this ordinance/document should be delayed given the uncertainty of when the county will pass their ordinance. Runkle thought there were advantages to approval, the interlocal has been approved by the county and once we approve it there is a binding commitment that the county will pass the zoning ordinance.

Young asked about if property owners in the "excepted areas" were notified. Runkle said that a year ago many of those property owners wrote a letter asking that they remain in the city's jurisdiction. The others were not individually notified. What about the increased costs in terms of a permit and was any kind of analysis given to this process? Runkle said she did not understand what would increase the cost in this new process. The process now, is more streamline and cost efficient than it was before. Young was concerned that between the two jurisdictions some applications were going to get caught in the shuffle.

Scott Wells thought the agreement was a good one and he urged the council to make sure that the county provision is at least as restrictive or attentive as the city regulations are. He cited common space or open in space in PUDs as an example of differences between the city and county legislation.

Eugene Fritz, a Kensington resident, asked about the permit process and the question was addressed earlier and the answer was restated by the council and Linda Runkle.

Kevin Enright, County Surveyor, reminded the council of Richard Fish's problems with the manner in how the county handled the violations that occurred with the siting of the asphalt plant as well as difficulties encountered with telecommunication towers. There are a number of questionable loopholes in the ordinance with these issues

as well as others. He hoped the city would exercise some discretion and urge the county to make sound appointments to boards and commission that are responsible for zoning in the county.

Young said he would not be supporting this ordinance because we did not address the cost of housing, and we don't pay enough attention to the increased cost of housing and we are driving people out of the housing market.

Service said she does not trust the county in terms of erosion control and that is based on past performance, but this ordinance will give us more control over the areas we are giving up that we are concerned about.

Pizzo was optimistic about this opportunity, he does trust the county and we are there to help make it work with interdepartment communications and shared expertise.

Cole reminded the council of a Bill Riggert presentation regarding erosion control and how important it is.

The resolution received a roll call vote of Ayes:7, Nays:1 (Young).

It was moved and seconded that Ordinance 96-61 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-61 be adopted. The synopsis and committee recommendation of Do-Pass 6-0 was given. ORDINANCE 96-61

It was moved and seconded that the ordinance be amended:
Amendment #1 would add a minimum permit fee of \$30 for right of way cuts. The section would read .35 per lineal foot or \$30 minimum.

Amendment #2a received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that the ordinance be amended:
Amendment #2a removes the \$100 change in the Occupancy fee for single family. It would now be \$0.

Amendment #2a received a roll call vote of Ayes:8, Nays:0.

Scott Tibbs asked what the fees were previously. John Freeman said that they are basically staying the same, it is simply necessary to include them in the correct way..

The ordinance, as amended, received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-51 and Resolution 96-23 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-51 and Resolution 96-23 be adopted. The synopsis and committee recommendation of Do-Pass 6-0 was given. ORDINANCE 96-51
RESOLUTION 96-23
(MARSH WEST AND
BIG LOT AREA)

Jamie Brinegar thanked everyone who provided all the necessary information to create all the fiscal plans for these annexations. He then reviewed the fiscal plan as presented in the resolution.

The ordinance and resolution both received individual roll call votes of Ayes: 7, Nays:0. (Kiesling was out of chamber)

It was moved and seconded that Ordinance 96-52 and Resolution 96-24 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-52 and Resolution 96-24 be adopted. The synopsis and committee recommendation of Do-Pass 6-0 was given.

ORDINANCE 96-52
RESOLUTION 96-24
(KROGER & WEST
THIRD STREET
AREAS)

Jamie Brinegar presented the details of the fiscal plan.

It was moved and seconded that the ordinance/resolution be amended to correct the legal description by adding 8 acres that were inadvertently left out of the earlier legal description.

The amendment received a roll call vote of Ayes:8, Nays:0.

The ordinance, as amended, and the resolution received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that 96-53 and Resolution 96-25 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-52 and Resolution 96-25 be adopted. The synopsis and committee recommendation of Do-Pass 5-0 was given.

ORDINANCE 96-53
RESOLUTION 96-25
SHONEYS MOTEL

Jamie Brinegar presented the details of the fiscal plan.

The ordinance and resolution received roll call votes of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-54 and Resolution 96-26 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-54 and Resolution 96-26 be adopted. The synopsis and committee recommendation of Do-Pass 5-0 was given.

ORDINANCE 96-54
RESOLUTION 96-26
MOOSE LODGE AREA

Brinegar presented the fiscal plan details.

The ordinance and resolution received a roll call vote of Ayes:8, Nays:0

It was moved and seconded that Ordinance 96-55 and Resolution 96-26 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-55 and Resolution 96-26 be adopted. The synopsis and committee recommendation of Do-Pass 5-0 was given.

ORDINANCE 96-55
RESOLUTION 96-26
CAPSTONE
DEVELOPMENT

Brinegar presented the details of the fiscal plan.

Young asked about the revenues that these properties bring in and that it is what makes the cost of living in the city much more expensive for people. It is very lucrative for the city to annex higher density parcels and while it is good economic sense for the city to do this, it does cost more to live there.

Brinegar explained the revenues are used to benefit a lot of areas all over the city, not just the annexed area. Annexation monies are also helping to pay for the increased number of police officers.

Pierce said this tract alone with have almost 1,000 students living here and the impact extends to cut through in areas as far away as Covenanter. Annexations are not the "cash cows" that people think

they are.

The ordinance and resolution received roll call votes of Ayes:8,
Nays:0

It was moved and seconded that Ordinance 96-57 and Resolution 96-29 be introduced and read by title only. It was moved and seconded that Ordinance 96-57 and Resolution 96-29 be adopted. The synopsis and committee recommendation of Do-Pass 0-0-5 was given.

ORDINANCE 96-57
RESOLUTION 96-29
HEARTHSTONE
VILLAGE

Brinegar gave the details of the fiscal impact plans. There are 17 of 34 units completed in this development. Two permits were issued in 1995 and 15 were issued in 1996, 14 units are complete and 2 are framed at this time and 1 under construction. Proceeding with the annexation is recommended by the staff.

Young asked about the economic impact on a project that is still underway and if any consideration is given to the increased cost of the individual units to the potential buyer. Brinegar said that is taken into consideration and with the 2 year delay, people have time to understand and prepare for annexation.

Steve Rumble, builder of this tract, said there were discrepancies in acreage, there are 12 residents with 5 units under construction and the 8 units he hopes to sell are inclusive of what is the current inventory. At the end of 1997 he would not be at a 3/4 point of completion.

Brinegar said the acreage is higher because it includes two private residences outside the Hearthstone Village acreage.

Pierce said he would not support this ordinance, because when Gentry Honours asked to be excluded we afforded them that right. Jeff Underwood said the city had miscalculated the number of units. This is not the same situation.

Rumble said that he is not prepared to complete all the units in one year.

Young reminded people that just because the building permit is issued, it does not mean that there is an actual unit in place. He was concerned that we are getting the cart before the horse and that maybe we are slowing down the development.

An extensive discussion took place about the city's philosophy on bringing in properties for annexation before, during, or after full or partial build out.

It was moved and seconded that the ordinance be amended to change the effective date of annexation to January 1, 1999.

The amendment received a roll call vote of Ayes:5, Nays:3 (Pizzo, Sabbagh, Service).

It was then moved and seconded that the ordinance/resolution be tabled until the end of this council agenda so that an amendment can be drafted.

The tabling motion received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-58 and Resolution 96-30 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-58 and Resolution 96-30 be adopted. The synopsis and committee recommendation of Do-Pass 5-0 was given.

ORDINANCE 96-58
RESOLUTION 96-30
SILVER CREEK AREA

Jamie Brinegar gave the fiscal plan details.

Young asked how many homes were started and Brinegar said 2 were under construction.

The ordinance and resolution received roll call votes of Ayes:7, Nays:1 (Young).

It was moved and seconded that Ordinance 96-59 and Resolution 96-31 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-59 and Resolution 96-31 be adopted. The synopsis and committee recommendation of Do-Pass 5-0 was given.

ORDINANCE 96-59
RESOLUTION 96-31
SHERWOOD OAKS
CHURCH

Brinegar gave the details of the fiscal plan.

The ordinance and resolution received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-60 and Resolution 96-32 be introduced and read by title only. Clerk Williams read the legislation by title only. It was moved and seconded that Ordinance 96-60 and Resolution 96-32 be adopted. The synopsis and committee recommendation of Do-Pass 5-0 was given.

ORDINANCE 96-60
RESOLUTION 96-32
SARE RD
PARK/SCHOOL AREA

Brinegar gave the very last fiscal impact plan of the evening. A superb job!

The ordinance and resolution received roll call votes of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-57 and Resolution 96-29 be removed from the table.

ORDINANCE 96-57
RESOLUTION 96-29
HEARTHSTONE
VILLAGE (REMOVED
FROM TABLE)

The motion received a roll call vote of Ayes:8, Nays:0.

The ordinance, as amended, and resolution received a roll call vote of Ayes: 8, Nays:0.

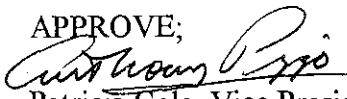
The agenda for this meeting notes that Ordinance 96-56 and Resolution 96-19 were withdrawn from the agenda.

Scott Tibbs commented a recent letter he had written to the newspaper.

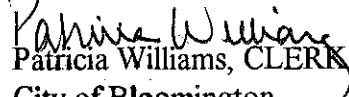
PUBLIC INPUT

The council adjourned for their annual Christmas Midnight snack at 10:50 PM.

APPROVE;


Patricia Cole, Vice President
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington