

In the Council Chamber of the Municipal Building held on Wednesday, July 19, 1995 at 7:30 P.M. with Council President Kiesling presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JULY 19, 1995

Roll Call: Sherman, Service, Swain, Pizzo, Kiesling, Cole, Hopkins, White, Bonnell.

ROLL CALL

Kiesling gave the agenda summation.

AGENDA SUMMATION

The minutes of April 5, 1995 were approved by a voice vote.

APPROVAL OF
MINUTES

Sherman invited people in District 4 to contact him regarding district needs as he meets with the City Engineer and Public Works Director and tours the district.

MESSAGES FROM
COUNCILMEMBERS

Service announced the upcoming Sister City visitors from LuChou. The rope jumpers are back! and they will perform three times on Thursday right here in Bloomington. She also defended the city's broad spectrum of boards and commissions that was recently criticized in a letter to the editor, saying they provide valuable citizen input that is vital and important.

Swain noted that boards and commission also provide an entre to city government for many people. He also commented on the recent Positive Progress letter that attacked the Environmental Commission, saying that the commission would be responding in the very near future. Cole also asked for sidewalk requests in District 1.

Hopkins scanned a list of just a few of the various city boards and commissions and said that this city literally runs on volunteer help and he thanked them all. He said that he and Tony Pizzo were early members of the Posoltega Sister City Committee here in Bloomington and the committee will be receiving an award for their Youth Exchange Program at the International Meeting in Indianapolis next week.

White reminded everyone about the upcoming county fair that starts next week.

Cheryl Damron, Affordable Housing Task Force Chair, gave a brief overview of the Task Forces purposes and goals and update of strategies and activities of the group. A copy of said statement is attached to the original minutes of this meeting. Also included in the task force's recommendations of the accessory apartments issue noting that the question is really a land use issue and is not an affordable housing issue.

REPORT FROM THE
AFFORDABLE HOUSING
TASK FORCE

The recommendations for cooperative housing are as follows: 1) a conditional use category of limited equity co-op housing should be established 2) conditional use will provide a point of control for compliance as well as a legal base 3) should not be subject to the normal zoning occupancy limit 4) the concept of limited equity is essential minimizing the exploitation of the measure 5) the criteria must serve the target population 6) adequate parking, but consistent with the co-op household. This program will be fleshed out with the support and encouragement of the council. Kiesling thanked the entire board for their commitment to the process and the need.

Swain asked what the council's next step could be.

Damron said city staff needs to be involved since there is no co-op housing legislation in Indiana and language may have to be drafted to address this need. Hopkins thanked the task force, and thanked them for addressing the accessory apartment concept even if it did not work out.

Bonnell moved to accept this report and asked that they continue to explore co-op housing and land use issues and Swain asked that the resolution include the council's request for legal and planning to be involved in whatever manner needed.

Tim Mueller thought the council should digest the details of the report first and then deliberate the points outlined and then decide what is to be drafted and presented for public consideration.

Swain withdrew his friendly amendment to Bonnell's motion, noting that his statement is implied in the task forces report. The motion was approved by a voice vote.

Tim Sutherlin said that hearings are the 2nd and 4th Thursday of each month at 3 P.M. in the Council Chambers. The public, input and resources are welcome.

Jeff Brantley, Positive Progress, reminded the council that a resolution was passed by the council stating that the proceeds from the sale of the Municipal Building would be directed to reducing the cost of the new city hall. Recent suggestions of the possible use of this structure by other agencies is not what was agreed to by the council.

REPORTS FROM
PUBLIC

Tim Mayer mentioned the need for sidewalks in the Green Acres Neighborhood area and he voiced his support for the city's board and commission process that is really the voice of the people and how important that citizen input is. Regarding the Affordable Housing Task Force report, he thanked them for all their diligence and hard work. Occupancy levels will be a major issue that must be explored and he expressed concern that enforcement might become very overbearing. This has to be carefully considered. He noted that there is no representative from neighborhood associations on the task force.

It was moved and seconded that Resolution 95-18 be introduced and read by title only. Clerk Williams read the resolution by title only. It was moved and seconded that Resolution 95-18 be adopted. The synopsis and committee recommendation of Do-Pass 8-0 was given.

RESOLUTION 95-18

Chris Spiek presented the details of the tax abatement request as outlined in the resolution synopsis. The company wishes to purchase this equipment to upgrade their operations, provide 5 new jobs positions in the \$10 salary range with a full benefit package. This abatement would save approximately \$26,000 in taxes over a 5 year period. This is a local business and we are happy to encourage a local business that is located in the enterprise zone.

Larry Davis, CPA for the petitioner, was available for questions.

Hopkins said that this abatement request is the very kind we should be enthusiastically supporting with the right kind of jobs and benefits and perhaps the council should consider future legislation that outlines the kinds of specifics the council will accept regarding tax abatement requests.

The resolution received a roll call vote of Ayes:8, Nays:0 (Bonnell was out of chamber).

It was moved and seconded that Ordinance 95-31 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 95-31

It was moved and seconded that Ordinance 95-31 be adopted. The synopsis and committee recommendation of Do-Pass 4-1-4 was given.

Tim Mueller said that this 3 lot rezone request from SF to Medical currently occupied by 3 offices. The petitioner would like to use the sites for his medical office facility. The map shows the existing district line and it was determined that the plan did support the use of this corner property. At the council committee level there was some confusion. The Plan is a guide and it does not obligate us to the suggested zone. The Zoning Ordinance chose to implement certain aspects of the plan and in other cases wait for a petition to utilize the plan for guidance. He showed an exhibit showing the actual zoning designated areas and then the Growth Policy Plan references.

Cole asked about the number of offices that would be located there. Mueller said it was going to be owner occupied. She wanted to be sure that MED does not seep beyond that dividing alley and if a memo attached to the Growth Policy Plan would take care of that, she did not see the value or need to "amend the plan".

Mueller said that he would reluctant to amend the plan; as that would simply open it up to more requests for public revisions. The zoning ordinance will be reviewed every 4 years starting 3 years after the adoption and that would be the appropriate time to do this.

David Walter, architect for the petitioner, presented renderings on the proposed building plan that is compatible with the surrounding development that is taking place. All 3 houses were sold as a block, with a variety of code related problems that make would make continuing occupancy difficult. The building will be sited to act as a buffer for surrounding residents. The alley to the north is not developed resulting in approximately a 22' setback. Walters said that the south side of the building will be landscaped and present an attractive face to the street, in response to Cole's concerns about the current obvious "side of building" look.

Service agreed that this is not the time to reopen the master plan, the idea of an ongoing list of what needs to be done should be maintained. Service said she would not support the medical zoning that leads to not having medical facilities in all areas of the city.

Sherman reminded himself and the council as well that our vote is about land use, not architectural details and whether we like it or not is not relevant. He apologized to the petitioner for the inordinately long process that had nothing to do with their proposal. It has not been an example of our finest moment of planning.

Cole said she did not suggest that she would not vote for the petition based on the architecture and she was simply responding to questions from neighborhood residents.

Pizzo disagreed with Services' comments and said that medical specialists in this community need the accessibility of the hospital nearby and other specialist expertise that grouping together provides. Dreams of neighborhood doctors is just that...a dream.

White also thanked the Walkers for their patience, that the rezone is appropriate for the area and it is compatible with the neighborhood.

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

It was moved and seconded that Ordinance 95-30 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 95-30

It was moved and seconded that Ordinance 95-30 be adopted. The synopsis and committee recommendation of Do-Pass 9-0 was given.

Tim Mueller gave a brief description of the petition fronting on Weimer Rd abutting Thomson and Thomson Community Park. The plan is a mixed use combining residential and commercial as well as a 5 ac buffer area. Environmental concerns are floodplain and sinkholes and those have been carefully addressed. Adams St realignment clips the corner of the park and a corner of the track will be dedicated to parkland. He corrected the actual number of units for a total of 209 acres and 870 residential units or if the commercial were to be developed residentially the number would be 1,032 units. The synopsis of the ordinance will be corrected. The petitioner originally came in with lots numbers "under" the zoning designation allowance and staff urged him to increase the number of units. The Plan Commission approved the final correct numbers of units/acre. The density level was never part of the Plan Commission discussion.

Service asked about a quarry. Mueller pointed out a part of the tract that will be retained by the petitioner and is not part of the PUD request.

Mike Probst, representing the petitioner, said he promised the Sudburys to keep it brief and not give away the farm. The Sudburys, themselves, intend to develop this entire tract carefully.

Swain asked about restaurants: it was determined that restaurants would be allowed, including a drive through facility, up to a maximum of three. No outlots will be permitted.

Kiesling said that one person had called about 2nd Street traffic counts.

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

It was moved and seconded that the following ordinances be introduced and read by title only. Clerk Williams read the legislation by title only for First Reading before the Common Council.

LEGISLATION FOR
FIRST READING

1. Appropriation Ordinance 95-3 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility

APP.ORDINANCE 95-03


Departments of the City of Bloomington, Monroe County, Indiana for the year 1996.

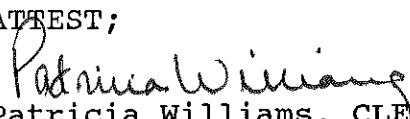
2. Appropriation Ordinance 95-4 An Ordinance for Appropriations and Tax Rates (1996 Civil City Budget for the City of Bloomington). APP. ORDINANCE 95-04
3. Appropriation Ordinance 95-5 To Specially Appropriate from the General Fund, Park General Fund and Motor Vehicle Highway Fund Expenditures Not Otherwise Appropriated. APP. ORDINANCE 95-05
4. Ordinance 95-33 An Ordinance Fixing the Salaries of Appointed Officers and Employees of the Utilities Department of the City of Bloomington, Monroe County, Indiana for the year 1996. ORDINANCE 95-33
5. Ordinance 95-35 To Establish a Special Reserve Fund. ORDINANCE 95-35
6. Ordinance 95-36 To Fix the Salaries of the Elected City Officials for the year 1996 for the City of Bloomington. ORDINANCE 95-36
7. Ordinance 95-37 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments of the City of Bloomington, Monroe County, Indiana for the year 1996. ORDINANCE 95-37
8. Ordinance 95-38 An Ordinance Fixing the Salaries of Appointed Officers and Employees of the City of Bloomington, Monroe County, Indiana for 1996. ORDINANCE 95-38
9. Ordinance 95-39 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation. ORDINANCE 95-39

It was announced that the Council will meet next week, July 26, 1995 in a Special Session to approve the final budget ordinances and legislation. It was moved, seconded and approved by a voice vote that the council would not meet as the Committee of the Whole next week.

There was no public input.
The meeting was adjourned at 9:20 P.M.

ADJOURNMENT

APPROVE;

Iris Kiesling, President
Bloomington Common Council

ATTEST;

Patricia Williams, CLERK
City of Bloomington

July 13, 1995

The Affordable Housing Task Force supports a zoning code amendment to facilitate the development of limited equity co-operative housing. With the understanding that co-operative housing ownership is already permitted subject to the code's occupancy limits, the Task Force recommends the following:

1. A Conditional Use category of Limited Equity Co-Operative Housing should be established.
2. Conditional Use will provide a point of control for compliance, and a legal basis for enforceable commitments to bind the applicant to the specifics of the proposal.
3. The Conditional Use should not be subject to the normal zoning occupancy limits. The Task Force did not resolve the maximum occupancy; the adequacy of the space for the proposed occupancy should be a criterion.
4. The concept of limited equity is essential. The code amendment must ensure meaningful constraints on the amount of appreciation realized by a shareholder when a share is sold to ensure continued affordability and minimize the exploitation of the measure.
5. The criteria should specify that the co-operative must serve the target population with ties to income level and affordability, and long term occupancy.
6. Adequate parking should be a criterion, but the Board should have flexibility to require parking consistent with the needs of the co-operative household.
7. Adopted only after consideration for the administration and enforcement of the measure have been addressed.

If the Council wishes to incorporate such provisions, then the Task Force would be pleased to continue its deliberations to flesh out this concept.

RECOMMENDATION OF THE AFFORDABLE HOUSING TASK FORCE ACCESSORY APARTMENTS

After careful consideration, the Task Force has concluded that the accessory apartment measure, in the absence of specific controls of rent and income eligibility, will not have a significant effect on the supply of affordable rental units.

This conclusion was based on the observation that the owner/landlord will be motivated to maximize his return by charging what the rental market will bear. Further, the relatively small number of such apartments will not have enough impact on supply side economics to generate rent reductions.

If the Council prefers to continue consideration of accessory apartments without rent/income control, the Task Force views this as a land use issue, without affordability implications, which should be referred to the Plan Commission.

If the Council wishes to pursue the concept as an affordability measure, the Task Force recommends that accessory apartments be:

1. Subject to income limitation and affordable rent guidelines according to HUD guidelines
2. Limited to eligible tenants based upon income. Accessory apartments might be also considered for family members and care givers, although this would not be an affordability issue.
3. Adopted only after consideration for the administration and enforcement of the measure have been addressed.

If the Council wishes to incorporate such provisions, then the Task Force would be pleased to continue its deliberations to flesh out this concept.