



**City of Bloomington
Office of the City Clerk**

CLERK'S CERTIFICATE

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

I, Nicole Bolden, being the duly elected, qualified and current Clerk of the City of Bloomington, Monroe County, Indiana, hereby do certify that I am the custodian of the records of the Bloomington City Council and the City of Bloomington, and that the attached copy of the minutes for the September 24, 2003 meeting of the Bloomington City Council is a full, true, and complete copy of drafts of the minutes of that meeting and which is kept in this office in the normal course of business.

I affirm under the penalties for perjury that the foregoing representations are true.

IN WITNESS WHEREOF, I hereunto set my signature as Clerk of the City of Bloomington on the date set forth below.

Nicole Bolden
City Clerk
City of Bloomington, Indiana

Date: _____

The attached copy of the minutes for the September 24, 2003 meeting of the Bloomington Common Council of the City of Bloomington, Indiana as presented by the City Clerk was approved on the _____ day of _____, 2024.

Isabel Piedmont-Smith
President, Common Council
City of Bloomington, Indiana

In the Council Chambers of the Showers City Hall on Wednesday, September 24, 2003 at 7:30 pm with Council President Gaal presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
September 24, 2003

Roll Call: Banach, Diekhoff, Ruff, Pizzo, Gaal, Rollo, Cole, Sabbagh, Mayer

ROLL CALL

Council President Gaal gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that Ordinance 03-26 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Ordinance 03-26 be adopted.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

Ordinance 03-26 To Amend Chapter 2.23 of the Bloomington Municipal Code Entitled "Community and Family Resources Department" in order to Reauthorize the Commission on the Status of Black Males

James McNamara, Deputy Mayor, reviewed the history of the Commission on the Status of Black Males saying that the legislation required an action by the council to continue the Commission beyond the three year period for which it was originally enabled. He said the administration believes that the commission has been doing good work and is grateful to those serving on the commission.

Sabbagh asked if the commission had been doing excellent work and McNamara replied that it had. Sabbagh asked if the sunset provision had hampered it from doing such and McNamara replied that it had not.

There were no public comments or council comments on this item.

Ordinance 03-26 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Appropriation Ordinance 03-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Appropriation Ordinance 03-09 be adopted.

Appropriation Ordinance 03-09 To Specially Appropriate from the Risk Management Fund and from the Cumulative Capital Improvements (Rate) Fund Expenditures not Otherwise Appropriated (Appropriating Monies For Worker's Compensation Expenses and for Insurance Premiums from the Risk Management Fund and Monies Received for Intersection Improvements at East Third Street and Clarizz Boulevard from the CCI (Rate) Fund)

Susan Clark, Budget and Research Manager, Controller's Office, said that the ordinance had two funds. She said \$59, 353 for additional casualty and liability premiums and \$10,237 for Inland Marine Coverage, \$100,000 for additional anticipated worker's compensation claims, \$58,000 for the Cum Cap fund. She said the Inland Marine coverage was a refund from the company that no longer is in that business, but the money needed to be appropriated for a policy with a different company. She added that the \$58,000 had been received from three different developers for the improvements on East Third Street and Clarizz Boulevard.

Appropriation Ordinance 03-09 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 03-26 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0. It was moved and seconded that Resolution 03-26 be adopted.

Resolution 03-26 To Authorize Application to the Bloomington Industrial Development Commission for Establishment of a Community Revitalization Enhancement District (CREED) for the Downtown Area

Mayor John Fernandez thanked the council for its preliminary support during the committee meeting for the CREED designation. He said it was well established that Downtown Bloomington is the heart and soul of our city, and that we all hope that we can maintain an environment that is vibrant with residential, employment, retail, and more. He said there are significant challenges to encouraging more investment in the downtown. He said the CREED designation will provide Bloomington

with a unique opportunity to encourage investment downtown. He added that Bloomington would be one of only three cities in the state to do this. He said it leveraged tax credits for the individual making investments, and the incremental revenue generation that the City could use for direct investments or creating business assistance programs to foster small business development.

He showed changes in the map of the CREED district which included changes brought forth by council concerns. He added that no residential areas were included in the proposed map, as promised.

It was moved and seconded that Amendment #1 be adopted.

Public comment consisted of a statement of support from Talisha Coppock with the Downtown Commission.

Amendment #1 received a roll call vote of Ayes: 9, Nays: 0.

Cole asked how Fernandez envisioned this working: how it would be housed, who would be making the decisions of how the money would be spent, and would it begin in 2004.

Fernandez said the Resolution directs the advisory committee, which is already in place, to formally submit an application to the state to approve the district. He added that the state Department of Commerce had 60 days to approve or disapprove the application, and the date for eligibility for tax credits is considered the date of the application.

Fernandez said the application would include the plan for the CREED which is essentially the Growth Policies Plan which calls for mixed uses, specific urban service investments – streetscapes, utilities and storm water, transit improvements, parking and cultural amenities. He added that the benchmarks for current gross payroll and retail taxes will be set at March of 2002 which corresponds the previous March of the year of the application. Each year the increment will be calculated and deposited into the Industrial Development Fund at which time the advisory commission will make recommendations for the funds use to the city council. He said uses have to be specifically appropriated by the city council.

Cole asked who currently sits on the board. Fernandez said that the statute sets forth the type of person that sits on the commission as a banker, a person from labor, and the economic development director from the mayor’s office works with BIDAC on projects.

Cole asked if this was the fund from which Industrial Incentive Loans came, to which Fernandez said it was a separate fund.

Cole asked what other things concerned BIDAC, to which Fernandez said the Commission was set up specifically for the CREED area.

Cole asked about how projects would be decided, and Fernandez said that this would be another potential source of revenue for projects. Cole asked if this would be included in a five year capital plan, and who would make the decision of the order of priority. Fernandez said he envisioned the administration making recommendations.

Resolution 03-26 (cont’d)

Amendment #1 This amendment adopts a revised map of the CREED district which is attached to the resolution and entitled "Exhibit A (Revised - submitted 9-24-03)." The revisions bring in other property at the borders of the district with Commercial General zoning or uses. These include areas at:

- 10th/Fairview/rail road tracks;
- 7th and Washington;
- the half-blocks on Walnut Street (on the east side) between 9th and 11th Street; and
- the half-blocks on Rogers Street (on the west side) between 3rd and Kirkwood.

Resolution 03-26 as amended.

Resolution 03-26 as amended (*cont'd*)

Rollo asked if there was a limitation in the size of a CREED area. Fernandez said legislatively there was not, but that practically it should not be too big. Rollo asked why residential areas were not included, and Fernandez said that it was anticipated that if these areas were included some folks would see that it would be an incentive to remove, for instance, Restaurant Row, for something bigger. Rollo asked about restaurants on 6th Street, to which Fernandez said if one bought the argument, it would, but it could also be done now if zoning was used. Rollo asked if stipulations could be made on future expenditures or would they be made on a case by case basis. Fernandez said he assumed it would be on a case by case basis, but it was actually up to the council.

Rollo asked if this was a separate fund from the Thompson CREED, to which Fernandez said it was separate. Rollo asked if it was possible to pay debt service with this fund, Fernandez said it was.

Sabbagh asked how a company qualified for the tax credits. Fernandez said an application would be submitted to the Department of Commerce to apply for credits, and the DOC would look back to the Advisory Council to give an indication as to whether the investments would be consistent with the City's plan for the downtown. Sabbagh asked if there was a limit on the number of companies asking for credits, to which Fernandez said no. Sabbagh said the maximum credit to the fund would be \$750,000 per year, and whatever was gathered beyond that would be distributed normally. Fernandez said that 75% of the increment goes into the fund until it reaches \$750,000.

Gaal said there were two things being determined. He outlined that there was up to \$750,000 in a CREED fund that would have expenditures allocated by council, and a 25% credit available for qualified expenditures for redevelopment of property in the CREED district following a plan approved by BIDAC and the Department of Commerce. He what plan BIDAC had consulted in creating this plan, asking if it was the Growth Policies Plan, the Alternative Transportation and Greenways plan. Fernandez said it would be the Growth Policies Plan, the Greenways Plan, or the Captial Plan to tie together all plans. Gaal said the council had input into the Plans involved as well as the expenditures for this plan.

There was no public comment on the plan as amended.

Sabbagh said he had no trouble supporting this new tool in the tool kit.

Mayer thought it would be interesting to get from where the downtown square was thirty years ago to where it is today. He noted the dilapidated conditions that were changed by private investment assisted with tax abatements, alley vacations, support for downtown commission. This would be another tool that will go a long way to fix sidewalks, streetscape and infrastructure that will encourage people to live and work downtown. He added that this was a community friendly project and that it encourages people who live in our community to invest in our community.

He thanked Fernandez for bringing forth this project.

Diekhoff thanked the mayor for going after this on the state level, and said we were one of a few cities attempting this project.

Rollo said he was supportive of this tool of redevelopment and infrastructure improvements, but was concerned with possibly incentivizing demolition of structures that we value. He said he was reminded by the council attorney that the GPP is explicit in stating its protection of Restaurant Row and wished it would be the same for 6th

Street. He said that the next council would be revising the zoning ordinance and that this should be revisited and should stipulate zoning ordinance revisions that protect these areas from demolition.

Resolution 03-26 as amended (*cont'd*)

Cole said she supported this creativity and that the mayor deserves credit for writing and carrying this legislation. She said we need jobs, and while the financial aspect of this project is creative and it needs to continue to be worked outside the box in a way that will truly find some new things downtown and not keep things going the way they have in the past. She stated that she hoped it helped new areas of the economy and quoted Richard Florida saying that we need to invest in things. She added that we needed to put money in arts and art related activities and see what happens. She said we need to take some chances here and encouraged folks to think outside the box.

Gaal said Bloomington was an exception in that its downtown is vibrant and that this was by design with private public partnerships working to create new residences and other investments. He said that the revenue from the CREED would be used for strategic investments. He said it was easy for businesses to build on greenfields at the edges of cities, but the GPP called for encouraged development downtown and this CREED would serve to be a key to a thriving downtown. He commended the mayor for being on top of this opportunity and bringing it reality in Bloomington.

Resolution 03-26 as amended received a roll call vote of Ayes: 9, Nays: 0

It was moved and seconded that Ordinance 03-24 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation from September 3, 2003 of 6-0-3. It was moved and seconded that Ordinance 03-24 be adopted.

Ordinance 03-24 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment for Wastewater and Storm Water Services)

John Langley, Assistant Director for Plant Operations for Utilities, said that Mike Phillips regretted not being present due to a previous family commitment.

Ordinance 03-24 received a roll call vote of Ayes: 8, Nays: 1 (Cole).

It was moved and seconded that Appropriation Ordinance 03-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation from September 3, 2003 of 6-0-3. It was moved and seconded that Appropriation Ordinance 03-08 be adopted.

Appropriation Ordinance 03-08 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Services and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2004

Appropriation Ordinance 03-08 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded to suspend the rules to consider an item that was not on the agenda. The motion received a roll call vote of Ayes:8, Nays:1 (Sabbagh).

MOTION TO SUSPENT THE RULES TO CONSIDER ITEM NOT ON AGENDA

It was moved and seconded that the October 1, 2003 meeting be rescheduled to precede the regularly scheduled committee of the whole meeting on October 8, 2003. The motion received a roll call vote of Ayes:7, Nays: 1 (Sabbagh), Cole out of room.

MOTION TO RESCHEDULE MEETING OF OCTOBER 1, 2003

The meeting was adjourned at 9:50 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Chris Gaal, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington