

MINUTES OF THE MEETING  
OF THE COMMON COUNCIL  
VALPARAISO, INDIANA

November 26, 2007

The Common Council of the City of Valparaiso, Indiana, met on Monday, November 26, 2007 at 7:00 p.m. in City Hall. Mayor Costas called the meeting to order. The Pledge of Allegiance was said. Clerk-Treasurer Swihart called roll. Present were Councilmembers Larr, Howe, McCasland, Dick, Eisenmenger, Bowker and Williams.

**MINUTES**

Councilmember McCasland moved to approve minutes of the November 12, 2007 meeting. Councilmember Bowker seconded the motion. Upon voice vote the motion to adopt the minutes passed 7-0.

**PRESENTATION**

Ethan Lowe, attorney for the Historic Preservation Commission addressed the Council. The purpose of the Historic Preservation Commission is to preserve the historic and architectural character of homes within a historic district. The only district in Valparaiso is the Banta District. There are a few single site districts. The tool given to the Commission by the Indiana State Legislature is the Certificate of Appropriateness. This is required when a homeowner wants to make an exterior change to the home which is viewable by the public. He further explained the Commission has adopted guidelines and to obtain a Certificate, a homeowner must come before the Commission.

Councilmember McCasland asked how many of the Commission members live in the Banta District. Ethan replied at this time one member of the five member board lives in the District.

Councilmember Howe asked how many requests relate to painting a home. About one-third was the answer from Ethan. Most the requests this past year have been roof repairs.

Discussion followed regarding the procedure followed and time frame involved for homeowners who want to make a change or repair to their home.

Councilmember Larr asked if grants were available for homeowners who couldn't afford repairs. He also asked if the Commission has the authority to mandate changes. Ethan said the Commission does not have the authority to mandate changes.

Councilmember McCasland asked about acceptable colors. He was told that the historic grade of the house determines what would be deemed appropriate. The Commission works with the homeowners to make decisions.

A resident asked for the definition of historic home and questioned that she could not paint her home without permission from the Commission. She asked what happens if the homeowner proceeds without Commission approval. Ethan answered if the person is aware they are in the District and proceeds without approval, they will be fined.

**RESOLUTION NO. 23, 2007**

Councilmember Eisenmenger moved that Resolution No. 23, 2007 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Resolution. Councilmember Dick moved to adopt Resolution No. 23, 2007. Councilmember Bowker seconded the motion. Councilmember Larr stated he received the paperwork on this Resolution tonight. He asked if all the Councilmembers have had adequate time to look at the Resolution.

Stu Summers addressed the Council. He explained the TIF District for Memorial Hospital. TIFs are used to attract new employers, promote gainful employment and improve the quality of life in the community. This is a two phase project. Phase one is 325,000 square feet of health related facilities. The private investment is expected to be \$115 Million. Memorial expects to create 900 new jobs. Phase two is almost double of Phase one. The City will facilitate this

through new public improvements. In phase one, half the proceeds will be used for off site improvements. The other half will be used for on site improvements. Phase two will be similarly split. The parking garage in phase two will be public and private financing. TIF revenue will only come from real, not personal, property.

Mayor Costas asked for public comment. Rod Garden, Superintendent of East Porter County Schools, addressed the Council. He pointed out differences in the versions of the Resolution. His main concern is the City financing the parking garage. He asked the Council to make sure they knew and understood every item of the Resolution. He also asked that the TIF life be limited to the time needed to pay for the project.

Mr. Martin addressed the Council. He also has a concern over the financing of a parking garage. He would like to see the language changed from "may" to "shall" in regard to the life of the TIF district. This Resolution affects three townships, the City of Valparaiso, and involves millions of dollars. He hopes the Councilmembers have read and understand the entire document.

Jean Jessie expressed her concerns regarding the parking garage. This money would be better spent helping the students in this area.

Stu Summers responded to the comments. The difference in the dollar amount is having phase one and phase two, even though phase two is quite a way out. He explained the bond life and how they will be combined for phase one and two. When the bonds are paid off the Commission looks at what future needs are and then has the right to shut down the TIF. The TIF is 168 acres because it includes areas for public improvement, not just Memorial's property. Stu discussed the reason for and benefit of providing the parking garage.

Councilmember McCasland discussed the improvements to Burlington Beach Road. It was not widened when Harvest Homes was responsible and now we are using taxpayers' money to widen it. He asked Stu if Pratt bonds have been paid up. Stu said they are paid and the TIF is still open.

Councilmember Howe stated his opinion that it would be prudent for the Council to have more time to review the document.

Councilmember Dick asked Stu if it would be an imposition to delay voting on Resolution No. 23, 2007. He would like to see the issue voted on, rather than the fact this information was just handed out tonight. Mayor Costas pointed out these documents have been in existence since October 10<sup>th</sup>.

Councilmember Larr gave his opinion. He discussed the intentions in 1993 when the first TIF District was created. He also discussed the four guiding principals of the Redevelopment Commission. He does not feel these are being followed today. These projects involve City Departments which already have a full load. He discussed year end balances of the Redevelopment Commission and the City. He proposed denial of this Resolution until a time when the Commission is ready to come back to the Council and offer the disbanding of a substantial portion of the consolidated TIF district, give date specific life spans of the remaining districts and release the enhanced taxes and assessed valuation.

Councilmember Williams stated there is no way to avoid slum and blight in commercial areas without TIF money. He feels picking out TIF districts and shutting them down now would be detrimental. One reason is there is no way of knowing the assessed values. He does feel there should be a plan to close a TIF down when it is created.

Mayor Costas discussed the conservative bonding by the Redevelopment Commission and asked where the money would come from if no TIF money was available. This is an effective tool to create the right incentives to fix the old stuff and make the City stronger. Councilmember Larr replied he is not asking to disband the Redevelopment Commission or not allow expansion of TIFs. He does want the districts that have been completed released.

Councilmember Bowker stated this project is going to generate funds dollar for dollar. If the TIFs are given up, where will the money come from?

Councilmember Eisenmenger stated that last year citizens paid \$2.83 per month for all of these projects. If the City had to pay for it, it would be a lot higher.

Councilmember Howe discussed the “pay as you go” system. The smart thing to do is bond and get the work done economically. He also asked the Council to remember what they were able to accomplish by combining the TIF Districts. He is in favor of this project; however, he would like to read the document.

Councilmember Williams asked about the area being included in the proposed TIF. He discussed the expected assessed values and money generated. If a new property owner came in and needed different infrastructure, what process would be followed? Stu replied the Commission would hold a Public Hearing and amend the plan.

Councilmember Dick withdrew his motion to adopt Resolution No. 23, 2007. Councilmember Bowker withdrew his second. Councilmember McCasland moved to table Resolution No. 23, 2007 to the December 3, 2007 meeting. Councilmember Williams seconded the motion. Upon roll call vote the motion passed 7-0.

#### **ORDINANCE NO. 43, 2007**

##### **AN ORDINANCE AMENDING THE ZONING ORDINANCE ARTICLE VI REQUIREMENTS FOR STORM DRAINAGE AND FLOODPLAINS**

Councilmember Eisenmenger moved that Ordinance No. 43, 2007 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember McCasland moved to carry Ordinance No. 43, 2007 to the December 3, 2007 meeting. Councilmember Dick seconded the motion.

Craig Phillips addressed the council. This Ordinance takes the flood plain and drainage standards from the Zoning Ordinance and puts them in the City Code. This language is proposed by the State.

Councilmember Bowker discussed the language used to state that a structure is in violation rather than the property owner. He also asked that there be no gap in enforcement.

Upon voice vote the motion to carry Ordinance No. 43, 2007 to the December 3, 2007 meeting passed 7-0.

#### **ORDINANCE NO. 46, 2007**

##### **AN ORDINANCE ENACTING AND ADOPTING SUPPLEMENTS TO THE CODE OF ORDINANCES FOR THE CITY OF VALPARAISO, INDIANA**

Councilmember Eisenmenger moved that Ordinance No. 46, 2007 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 46, 2007. Councilmember Bowker seconded the motion.

Upon roll call vote the motion to adopt Ordinance No. 46, 2007 passed with a 7-0 vote.

#### **ORDINANCE NO. 47, 2007**

##### **AN ORDINANCE TRANSFERRING FUNDS IN THE GENERAL FUND**

Councilmember Eisenmenger moved that Ordinance No. 47, 2007 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 47, 2007. Councilmember Bowker seconded the motion.

Upon roll call vote the motion to adopt Ordinance No. 47, 2007 passed with a 7-0 vote.

#### **ORDINANCE NO. 48, 2007**

**AN ORDINANCE AUTHORIZING THE CITY OF VALPARAISO, INDIANA, TO MAKE TEMPORARY LOANS TO MEET CURRENT RUNNING EXPENSES FOR THE USE OF THE GENERAL FUND OF THE ISSUER, IN ANTICIPATION OF AND NOT IN EXCESS OF CURRENT TAXES LEVIED IN THE YEAR 2007, AND COLLECTABLE IN THE YEAR 2008 (INCLUDING PROPERTY TAX REPLACEMENT REVENUES), AUTHORIZING THE ISSUANCE OF TEMPORARY LOAN TAX ANTICIPATION WARRANTS TO EVIDENCE SUCH LOANS AND THE SALE OF SUCH WARRANTS TO THE INDIANA BOND BANK, AND APPROPRIATING AND PLEDGING THE TAXES TO BE RECEIVED IN SUCH FUNDS TO THE PUNCTUAL PAYMENT OF SUCH WARRANTS INCLUDING THE INTEREST THEREON**

Councilmember Eisenmenger moved that Ordinance No. 48, 2007 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Clerk-Treasurer Swihart requested suspension of the rules on Ordinance No. 48, 2007. Councilmember Dick moved to adopt on first reading. Councilmember Bowker seconded the motion. Upon roll call vote the motion passed 7-0.

Councilmember Eisenmenger moved to suspend the rules on Ordinance No. 48, 2007. Councilmember Dick seconded the motion. Upon roll call vote the motion passed 7-0. Councilmember Eisenmenger moved that Ordinance No. 48, 2007 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to adopt Ordinance No. 48, 2007 under suspension of the rules. Councilmember Bowker seconded the motion

Clerk-Treasurer Swihart explained this is the end of the year tax anticipation warrants for 2008 from the Indiana bond Bank. She is asking for suspension of the rules so she can get it to the Bond Counsel and the Bond Bank can process it.

Discussion followed regarding the status of tax bills from the County and the payment of interest. Shirley Patrick asked about deducting property tax payments on income tax filings and Robert Campbell discussed the higher amount that will be due on property taxes.

Upon roll call vote the motion to adopt Ordinance No. 48, 2007 under suspension of the rules passed 7-0.

**ORDINANCE NO. 49, 2007**

**AN ORDINANCE TRANSFERRING FUNDS IN THE EDIT FUND**

Councilmember Eisenmenger moved that Ordinance No. 49, 2007 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved to carry Ordinance No. 49, 2007 to the December 3, 2007 meeting. Councilmember McCasland seconded the motion.

Bill Hanna addressed the Council. He explained the transfer of funds.

Upon voice vote the motion to carry Ordinance No. 49, 2007 to the December 3, 2007 meeting passed 7-0.

**NEW BUSINESS**

Council meetings in December will be on the 3<sup>rd</sup> and 17<sup>th</sup>.

**AUDIENCE**

Rich Wheeler asked the Police Department to watch drivers rolling through stop signs instead of coming to a complete stop.

The meeting adjourned at 8:55 p.m.  
/s/ Sharon Swihart, Clerk-Treasurer