

# City of Bedford

## City Council Hearing

June 18, 2024

7:00 P.M.

### *Minutes*

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*Prayer: Judy Carlisle*

*Pledge of Allegiance: Brad Bough*

*Call to Order: Mayor Sam Craig*

The Common Council of the City of Bedford, Indiana met for a Regular City Council Meeting on June 18, 2024, at 7:00 P M at Stonegate Arts & Education Center. Mayor Craig presided and called the meeting to order.

### ***Members in attendance:***

- Judy Carlisle
- Ryan Griffith
- Kathy Blackburn
- Brad Bough
- Larry Hardman
- Dan Bortner
- Heath Hawkins

### **Reading/Approval of Minutes:**

May 21, 2024 –Regular Meeting

- Ryan Griffith made the motion to approve the minutes,
- Larry Hardman seconded the motion,
- ***All votes were in favor of the motion. No One Opposed, Passed***

### **New Business**

**1. Compliance with Statement of Benefits (CF-1)-Lee Cuba-Real Estate Improvements-Lee Cuba**

- Lee Cuba addressed the council and stated he was in compliance with his Real Property.

**2. Compliance With Statement of Benefits (SB-1)-Nanlee Properties LLC-Real Estate Improvements-Lee Cuba**

- Lee Cuba stated that real estate is the same as on the CF-1.
- Dan Bortner made the motion to approve the CF-1 for Lee Cuba and CF-1 for Nanlee Properties,Ryan Griffith seconded the motion,  
*All votes in favor of the motion, no one opposed, passed.*

**3. Ordinance 12-2024-Police Seizure Fund and Seizures Department of Justice /Federal Fund-Billie Tumey**

- Billie Tumey stated that the ordinance is needed to create two funds, one for local and state seizure funds and one for federal seizure funds.
- We have funds that need to be receipted into one of the funds and ask for a third and final passage of the ordinance.
- Ryan Griffith made the motion for first passage of Ordinance 12-2024
- seconded the motion,
- Judy Carlisle made the motion for second passage of Ordinance 12-2024
- Heath Hawkins seconded the motion.
- Heath Hawkins made the motion to suspend the rules and go to the third and final passage of Ordinance 12-2024
- Judy Carlisle seconded the motion.
- Brad Bough made the motion to approve the third & final Passage of Ordinance 12-2024
- Ryan Griffith seconded the motion,
- *The Third and Final Passage of Ordinance 12-2024, All votes in favor of motion, No one opposed, passed.*

**4. Request for Funds-Owner -Occupied Housing Rehabilitation Program-Ashlyne Bender**

- Ashlynnne Bender addressed the council and stated that the city is applying for an OCRA Grant for owner occupied home repairs in the amount of \$250,000. The city is required to commit to a 10% match, which is the minimum.
- In 2022 the city applied for the grant and committed to a \$27,000 match and did not receive the grant.
- The city has received several calls from homeowners asking for the program
- Brad Bough made the motion to approve \$30,000 for the grant,
- Judy Carlisle seconded the motion,  
*All votes in favor of the motion, no one opposed, passed.*

**5. Ordinance 13-2024-Amending Zone Map-Kerns Property Management, LLC-820 R Street-From R-# to B-3 -Brandon Woodward**

- Brandon Woodward addressed the council and stated that on May 14<sup>th</sup> a preliminary hearing was held for Alyssa Kerns/Kerns Property Management LLC for the rezone of the property located at 820 R Street from R-3 Medium Density Residential District to B-3 Planned Business District. Alyssa wishes to rezone this property to commercial property to construct a new building for her insurance business. Alyssa addressed the planning commission about her request. After hearing this information, the planning commission then approved the request to be sent to a public hearing.
- On May 28<sup>th</sup> a public hearing was held with the Board of Zoning and Appeals for a variance request for the proposed new building. Public notices were sent out and there was no one present at the meeting to speak for or against the request. Alyssa provided a site plan to the board that had variance issues on all four sides of the property. The Board members reviewed each side separately and took into consideration for the neighbors, traffic safety and best use of the property. The board then allowed for variances to be approved to make the request work.
- On June 11<sup>th</sup> a public hearing was held for the rezone request. The Planning Commission heard from the adjoining neighbor and others concerned about the rezone. After hearing all the concerns, issues, as well as seeing and hearing what the Board of Zoning and Appeals approved the Planning Commission then discussed and applied all the rules and regulations of the zoning code and approved the rezone request be moved to the City Council for final approval.
- Brandon asks that the Council give the final approval for the rezone of 820 R Street from R-3 Medium Density Residential District to B-3 Planned Business District but did not ask for third and final passage. Alyssa Kern was in attendance.

- Dan Bortner stated that with the shortage of single-family homes .
- Ryan Griffith made the motion for first passage of Ordinance 13-2024
- Heath Hawkins seconded the motion,
- Larry Hardman made the motion for second passage of Ordinance 13-2024
- Ryan Griffith seconded the motion.
- *The Third Final Passage of Ordinance 8-2024, Will be at the July 16, 2024 meeting.*

**6. Request Approval and Acceptance of Bubbas Pizzas, LLC Statement of Benefits SB-1 Tax Abatement-Personal Property-2717 John Williams Blvd., and approving Resolution 15-2024 For Establishing Deduction for Personal Property Tax Abatement-Greg Pittman**

- Discussed in # 7.

**7. Request Approval and Acceptance of Greyson Real Estate, LLC Statement of Benefits SB-1 Tax Abatement-Real Estate Improvements-2717 John Williams Blvd; and Approving Resolution 16-2024 For Establishing Deduction for Real Estate Improvement Tax Abatement-Greg Pittman**

- Attorney Greg Pittman recommended his legal opinion for the Personal Property and Real Property abatements should be denied based on the statute that applies, and he explained each abatement.
- On number 6. the Personal Property abatement, that abatement only applies to manufacturing equipment. A restaurant does not have manufacturing equipment, that is straightforward that it does not qualify by statute.
- On the Real Estate abatement, that is a little more complicated. Normally a food and beverage service business does not qualify for a real property tax abatement. However, if it is located in an Economic Target area it would qualify, and Bubba Pizza is located in a Target Area. However, there is another area in that statute that another type of facility is prohibited from an abatement if it is a package liquor store that holds a dealers permit or IC 7.1-3-2 or any other entity that is required to operate under license issued under IC 7.
- Because there is alcohol sold at the restaurant, they are required to operate under IC 7. This clearly makes it not qualify , why the legislators worded it that way, is not known. It makes any establishment that sells alcohol to not qualify, that is clear. And it is his legal opinion that it does not qualify.

- Mr. Pittman spoke with Mr. King about this and Shance Sizemore. Shance spoke with the DLGF and ask if there was any clarification in the statute and they did not help with an answer and said it would be up to your local counsel.
  - Dan Bortner stated that #6, personal property is clear that it does not qualify. But in #7 real property, who would be the enforcement? DLGF says it is our decision; if we do this, who will come back and say you can't?
  - Mr. Pittman stated that the county could, the assessor. The RDC did not approve the abatements, but I made it clear that it was a council decision.
  - Shance Sizemore ran through the project, and he calculated an estimated-on savings for an investment of \$150,000 for personal property over 10 years would be \$6,000. The bigger one, the grey area one, real property. He discussed the target areas. With an investment of \$700,000 with an estimated assessed value of \$275,000 the savings would be \$21,000 for a 5-year abatement or \$34,000 for a 10-year abatement.
  - Corey King stated that they would employ around 25 people that would start around \$17 an hour. He added that this was a huge investment, and they hired local contractors. He stated that he didn't want to go against Mr. Pittman but if it was in the shades of a grey area is hard for him to think about.
  - Judy Carlilse stated that as much as she loves and everyone is excited that they are coming, it doesn't qualify, then every business in town will request one.
  - Dan Bortner stated that he agrees about #6 it says manufacturing, but the grey area with #7. You said grey area.
  - Mr. Pittman stated that it is a weird way for the legislature to word it but it says "any other entity" I never said it was a grey area. I don't think it's a grey area. I just don't know why they worded it the way it is. Some pause originally that is why it was researched the way it was.
  - Mayor Craig stated that if this is approved, any business can come and ask for an abatement from the council. If that is what the council wants, it opening a really wide door for businesses in the City of Bedford.
  - After a bit more discussion a motion was made.
- Dan Bortner made the motion to deny the request for abatement on the Personal Property SB-1 due to not meeting the requirements of manufacturing equipment, and to table the request for the Real Estate SB-1 so the council can review the statue further.
  - Brad Bough seconded the motion,
  - *All votes in favor of the motion, no one opposed, passed.*

## 8. Discussion

- Judy Carlilse thanked everyone for the work on the water main rupture.
- Mayor Craig stated that RDC and BOW both approved emergency resolution for the water main repairs. RDC approved 2 million dollars for the project. Working with INDOT to get more information. Not sure at this time how much damage there is or the timeline for the repairs. Hope to start next week with a new 12-inch line and a 4-inch

main residential line, both will be replaced. Working with INDOT to streamline the permits and the signage.

**9. Adjourn**

- Judy Carlisle made the motion adjourn.
- Ryan Griffith seconded the motion,
- *All votes in favor of the motion, No one opposed, meeting adjourned.*

*Bedford City Council 2024*

- *Judy Carlisle, President* \_\_\_\_\_
- *Kathy Blackburn* \_\_\_\_\_
- *Ryan Griffith* \_\_\_\_\_
- *Heath Hawkins* \_\_\_\_\_
- *Dan Bortner* \_\_\_\_\_
- *Larry Hardman* \_\_\_\_\_
- *Brad Bough* \_\_\_\_\_

*Attest: Billie Turney*  
*Clerk-Treasurer* \_\_\_\_\_