

In the Council Chambers of the Showers City Hall on Wednesday, October 6, 2004 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
October 6, 2004

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

The minutes of June 16, 2004 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer thanked Ron Walker, Director of Economic Development, for his work on the Bloomington technology park application. He wished the city good luck as the State of Indiana reviews the application and said he looks forward to the park.

MESSAGES FROM
COUNCILMEMBERS

Maren McGrane of the Mayor's Office introduced Kriste Lindberg, Education Specialist for Parks and Recreation and Utilities. Lindberg gave a presentation on the city's storm drain marking program, where storm drains are marked with a "Dump No Waste, Drains to Stream" message. For more information on this program, visit www.bloomington.in.gov/utilities.

MESSAGE FROM THE
MAYOR

McGrane introduced Ron Walker who provided an update on the status of Bloomington's certified technology park application to the State of Indiana. He noted that the Redevelopment Commission unanimously approved a resolution supporting the city's application. Walker explained that a certified technology park is a district designation assigned by the Indiana Department of Commerce. This designation would allow the city to capture the incremental growth in payroll taxes and sales taxes. In addition, \$4 million will be available in grant funds over the 15 year life of the park. Walker said that grant funds may be used for capital expenses, administration expenses associated with running an incubator or other similar facility. Walker talked about partners in the project, including Information In Place Incorporated, Indiana University Research Park, Indiana University Research and Technology Corporation, and Bloomington Business Incubator. Walker spoke about unique characteristics and quality of life that should make Bloomington an excellent applicant. He noted that if the application is approved, the city council will need to approve and sign an agreement with the Indiana Department of Commerce.

Chris Sturbaum asked if this action taken by the city would qualify Bloomington as 'business friendly'. Walker confirmed that this action was extremely business friendly. He listed and discussed several economic development tools that assist businesses in Bloomington, including the proposed technology park, the downtown Community Revitalization Enhancement District (CREED), the Tax Increment Finance (TIF) district, and the Urban Enterprise Association Zone.

Dave Rollo asked how the \$4 million in possible grant funding could be utilized. Walker explained that \$2 million could be used for capital expenses to make economic development improvements within the district. In addition, \$2 million could be used for administrative expenses, such as expenses incurred by the city or Redevelopment Commission that might result from the management of a technology park. Walker confirmed that these funds are limited to the geographic boundary of the proposed technology park.

Steve Volan asked for confirmation that businesses in the proposed district would pay the same level of taxes and that those funds would

stay in the community and be earmarked for improvements within the district. In addition, he asked what the benefits would be for an entrepreneur to locate within this district as opposed to elsewhere. Walker noted that some selling points would be the resources available to new businesses from the business incubator, Indiana University and the technology park. In addition, facilities with types of infrastructure that might be useful to a business, such as broadband and lab space, would be grouped together. Walker said that partnerships with the university, Bloomington Economic Development Corporation and other organizations would help market the district and work together to provide affordable and attractive resources to businesses.

Volan asked if entrepreneurs were being recruited to locate within this area. Walker said that the city would welcome businesses that fit the profile from within Bloomington and out of town. He added that this economic development tool is geared to small, start-up companies.

Volan asked who an entrepreneur interested in the technology park should contact for more information. Walker suggested Brian Kleber, director of Inventure be contacted.

Andy Ruff asked what type of site improvement resources might be available for a business located within the technology park district. Walker noted that the city might be able to help with infrastructure modifications. Ruff pointed out that TIF districts are able to spend funds outside of their territory and asked Walker if this was the case with technology parks as well. Walker said he believed there was some leniency that would allow a technology park to allocate funding outside of the district if it were for services that would directly assist the district. Ruff asked if technology park revenues could be spent on downtown amenities that would help attract and retain businesses in the district specifically mentioning the McDoel switchyard trail corridor. Walker confirmed that funding could be spent on that type of public facility that serves the technology park. Ruff asked if the city's application contained any negative attributes. Walker noted that the proposed technology park would be 87 acres located downtown. He said some cities use undeveloped property, or 'greenfields' outside of the core city. He said he believed Bloomington had a good chance of success.

Chris Sturbaum asked if the technology park would provide any resources to businesses for preservation of a historic façade or building. Walker said that state statute allowed localities to control the distribution of funds.

Rollo asked Walker if he could foresee the types of business that could locate within the technology park. Walker said there was interest from companies ranging from software to medical instruments.

There were no council committee reports.

COMMITTEE REPORTS

Mark Haggarty said he was speaking on behalf of his Crestmont neighborhood. He said that his neighborhood had heavy pedestrian traffic but did not have a grocery store, laundromat, indoor basketball court or indoor swimming pool within walking distance. In addition, he pointed out that there was no trade education available within walking distance of the neighborhood. Haggarty added that young men in this part of town were the most at-risk to drop out of high school. He recently learned that the McDonalds restaurants were granting funding to the Salvation Army, and said this had initiated discussion about a new community center on the west side of Bloomington. He said this was a good opportunity for the city to become involved in the west side neighborhood in a positive way without using taxpayers money. He

PUBLIC INPUT

noted how many activities in Bloomington are disbursed throughout the city, such as basketball, ice skating, the library, performance arts, daycare, and food establishments and encouraged the city to become involved in a project to build a community center within the Crestmont area.

Jane Goodman said she was present to speak about the condition of sidewalks in her neighborhood specifically the sidewalks on Maple Street between West 11th and West 17th Streets, an area that includes stretches where there are no sidewalks. Noting that she broke her foot while walking in the area, she said that people walking in this area have to either walk in the street or in the grass, the latter of which has several areas with uneven ground, ruts and steep slopes. She suggested that since Maple Street is heavily traveled from 11th to 17th streets that there should be sidewalks on both sides, and encouraged the council to consider this area in the next round of sidewalk funding. In addition, she said it made sense for the city to extend sidewalks on Maple to reach the new McDoel pedestrian path and also the 9th Street Park. Goodman pointed out that this area also deserves attention if it is going to border the proposed technology park.

It was recommended that Eric Ost be appointed to the Telecommunications Council and that Jacqui Bauer be appointed to the Utility Service Board. Both appointments were approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 04-29 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0. It was moved and seconded that Ordinance 04-29 be adopted.

LEGISLATION FOR SECOND READING

Pete Giordano, Director of Community and Family Resources, reported that the purpose of this ordinance was to amend the municipal code to more accurately reflect the practices of the city with respect to the community development block grant process. He noted that this was a housekeeping exercise to keep the ordinance consistent with practice.

Ordinance 04-29 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Amending Chapter 2.23 Entitled "Community and Family Resources Department" by Removing Section 2.23.040 (Community and Family Resources Forum) and Modifying Section 2.23.050 (Community and Family Resources Commission))

There was no public comment on this ordinance.

Ordinance 04-29 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 04-28 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation (as amended by amendment 1) of 6-1-1. It was moved and seconded that Ordinance 04-28 be adopted.

Ordinance 04-28 To Amend the Text of Title 20 of the Bloomington Municipal Code Entitled "Zoning" (Revising the Definitions Along with the Permitted and Conditional Use Allowances for Hospitals and Outpatient Care Facilities)

Tom Micuda, Director of Planning, presented a summary of the ordinance. Noting that the ordinance would establish definitions for hospitals and outpatient care facilities, he pointed out that there was currently no definition in the zoning ordinance for outpatient care facility and that it was important to have as many land uses defined in the ordinance as possible. Micuda said this ordinance would eliminate hospitals as a permitted use in the business park zoning district. In addition, hospitals and outpatient facilities would be designated as conditional uses in the medical district. In summary, Micuda suggested that hospital and outpatient care facility were land uses that should have some public discussion and public processes associated with their approval, on top of simply meeting site requirements. The plan commission had two public hearings on this amendment in which no objections were heard. In addition, the city worked with Bloomington Hospital and asked for comment on the amendment. No objections were offered.

Mayer introduced an amendment to Ordinance 04-28. He described this as a housekeeping amendment to correct an error written in the proposed ordinance.

There was no public comment on the amendment.

Amendment #1 to Ordinance 04-28 received a roll call vote of Ayes: 9, Nays: 0.

Volan asked for clarification of a medical zoning district and inquired why it would not be advantageous for a new medical facility to locate wherever it sees fit. Micuda said that Bloomington has a medical zoning district that encompasses the hospital and properties on all four sides of the hospital. The strategy is that medical facilities that are related to the hospital tend to cluster around the hospital.

Rollo asked if a medical facility, including the Bloomington Hospital, would have to go through the rezoning process if it wished to expand to an area zoned general business. Micuda confirmed that this was correct.

Mayer asked if the ordinance was written in any way that would exclude or limit the ability of a not-for-profit or for-profit health care facility from locating in Bloomington. Micuda said the ordinance would amend zoning to make the review process more of a public process than just a site plan review process. He noted that the ordinance treats for-profit and not-for-profit facilities the same. Mayer asked for confirmation that Mayor Mark Kruzan supports this ordinance. Micuda confirmed that the administration supported the ordinance.

Sturbaum asked Micuda if he had any knowledge of Monroe County implementing similar provisions. Micuda said he believed the county was moving forward on similar legislation but was not familiar with their timeframe.

Milton Fisk spoke in favor of this rezoning amendment. He said he supported the increased public participation and public processes that this ordinance would implement. Fisk spoke to the Bloomington Hospital's performance of accepting a large number of uninsured patients and noted that it would be difficult for any competition to do the same. If the hospital had competition, Fisk said that it would be difficult for the standard of care for the uninsured to remain at its current level since some well-insured patients would seek care at the alternate facility. Fisk summarized the findings of a report that found the cost of an overnight stay at for-profit hospital facilities to be nineteen percent higher than non-profits, which adds up to \$6 billion a year. In addition, he reported that administrative costs are higher at for-profit hospitals and somehow, death rates are higher. He summarized by stating the importance of taking a good look at any new hospital facility in the community and supported giving the council discretion in such decisions.

Frank Vilardo spoke in favor of the ordinance as amended and applauded the council for taking the initiative that he hopes every council in the country could adopt. Vilardo noted that while competition has helped make America great, he believes that hospitals and healthcare are an exception. He said that duplication of services results in higher costs and that there are currently too many hospital

Amendment #1 to Ordinance 04-28. This amendment is intended to be minor and merely correct the syntax in the opening paragraph of Part (b) of Section 20.07.14.02, which concerns the Purpose, Permitted Uses, and Conditional Uses in the MEDICAL (M) District. The changes, in particular, remove the word "hospital" from the first line and convert the words "hospital uses" from the plural to singular form in the third line.

Ordinance 04-28 as Amended by Amendment #1.

beds, not too few providers. Vilardo stated that any new hospital facility that wished to locate in the community should have to demonstrate the need for it. He said that this initiative by the council would go a long way in allowing for public input and he was very supportive.

Ordinance 04-28 as Amended by
Amendment #1 (*cont'd*)

Mark Crane of Bloomington Hospital thanked the planning staff and council members for discussing this important issue for the community. He said the hospital supported the ordinance as amended and believed it would serve the community well in the future.

Dave Rollo said he supported the code amendment. He said this action illustrated the need for communities to be proactive in anticipating healthcare needs. Rollo noted that similar action needed to be taken by county government. He said he regretted the council did not take this action several years ago.

Sturbaum thanked the public for their comments, which he said helped firm up his conviction that the council was doing the right thing.

Ruff said there was no disputing the important role that Bloomington Hospital played in the community. That said, he reiterated his concerns from previous meetings that this action would give the council more discretion to help protect the hospital's position and status. Ruff noted that even though the hospital was non-profit, it wielded a lot of political clout and worked very hard to protect its interests. He added that this amendment helped create a partnership between the community and hospital. Ruff asked the hospital to try to develop ways to further involve the community in decision-making and governance of the hospital. He suggested allowing citizen access to hospital board meetings as one way to open communications with the community.

Mayer thanked Mayor Kruzan, Tom Micuda and the Plan Commission for working on this code change. He said this ordinance as amended would preserve the right of the public to discuss a very important issue.

Volan reported that he was disappointed in previous meetings that all evidence offered in support of the hospital came from someone involved with the hospital, with the exception of Mr. Fisk. He echoed Ruff's comments and noted that the hospital was reticent in its means of governance. Volan announced that he would very reluctantly support this proposal. He said he agreed that a conversation should be had if a new hospital facility proposed to locate in the community, but he remained skeptical and asked others to be skeptical of the intent of actions such as this amendment.

Sabbagh reported that the hospital board had approximately fifteen members. He noted that the county commissioners appoint three members and the local council of women had at least one appointee. Sabbagh said it appeared to him that government was involved with appointing members to the hospital board. He announced that he was supportive of the medical community and explained that all this amendment did was ask for public input on a serious healthcare issue. Sabbagh said he was very happy to support the amendment and described it as "in the best tradition of democracy".

Gaal thanked members of the public Milton Fisk and Frank Vilardo for caring enough about this issue to speak to the council. He explained that all this amendment would do would be to remove 'hospital' as an automatically permitted use in the zoning category where it is currently allowed by right. Gaal described the amendment as a procedural change that would allow for public discussion and debate. He said he agreed with Volan that the federal government should be addressing this issue

and that they were not controlling health care costs or access. In addition, he noted that the county should act on this important community issue.

Ordinance 04-28 as amended received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation for first reading.

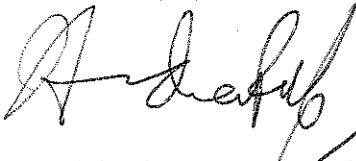
It was moved and seconded to suspend the rules to consider an item not on the agenda. The motion received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the meeting for October 13, 2004 not be held due to lack of legislation on which to deliberate. The motion was approved by a voice vote.

There was no public input.

The meeting was adjourned at 8:53 pm.

APPROVE:



Michael Diekhoff, President
Bloomington Common Council

ATTEST:



Matt Weber
~~Regina Moore~~, CLERK
City of Bloomington

Ordinance 04-28 as Amended by
Amendment #1 (*cont'd*)

LEGISLATION FOR FIRST
READING

MOTION TO SUSPEND THE
RULES

CANCELLATION OF
MEETING FOR October 13,
2004.

PUBLIC INPUT

ADJOURNMENT