

In the Council Chambers of the Showers City Hall on Wednesday, November 3, 2004 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
November 3, 2004

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

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Jason Banach thanked all candidates who ran for election (held November 2, 2004) and said it was a time consuming process with rewards. He congratulated all on good turnout.

MESSAGES FROM  
COUNCILMEMBERS

Chris Sturbaum, said he saw new graffiti today that said "Voting Didn't Change Much." He said that locally things did change and hoped that young people would understand that both winning and losing are parts of the process, and not be discouraged from voting.

Andy Ruff said it should give us confidence and faith in democracy that the election came off without widespread disenfranchisements and legal problems. He said this gives us hope in the integrity of the system. He said, however it was a concern, that though the process worked, the outcome may have been based on voters making decisions on false information. He cited that a survey showed that some voters had specific false factual information they believed was true. He added that injecting this into a good electoral process confounded the results, and we need to address this as a community and a nation.

Steve Volan briefly noted to citizens that he wore a hat in the council chambers because his eyes were greatly affected by the strong fluorescent overhead lights. He thanked those who ran for the election. Volan noted his brother, Gregory, was leaving his position as Director of Information Technology for the City of Bloomington. Using their native Greek language, he wished him well.

David Sabbagh noted this election was won by the process and not in the courts, and congratulated winners. He said there were now community problems that city and county elected officials should work together on and that he was confident we would approach these problems together.

Dave Rollo said he did not have such positive feelings about the electoral process when there was such a corrupting influence of money in the process. He noted that over \$80 per voter was spent on a senate race in Montana for a total expense of \$30 million dollars. He recalled working in a Springfield, Ohio working class neighborhood where people indicated that their needs and voices were not being heard above the din of campaign attack ads and negative campaigning. He added that journalism had hit an all time low; correct and accurate information was hard to come by, and quoted Thomas Jefferson by stating "Democracy depends on a well informed electorate." He said democracy is at risk with media taking on the role of stenographers, offering a pundit class with little information, and being concerned about the 'entertainment value' of its news broadcasts. He said the outcome of this election was nothing to be optimistic about, adding that it is now incumbent on citizens to take ownership of government and airwaves and demand higher standards for the information we receive.

Tim Mayer said that while he could speak volumes about the election, he chose not to as most people are weary of the topic and anxious to move on. He reported that his brand new twin grandchildren, Reagan Camille and Timothy Joseph were doing well.

There was no message from the mayor.

There were no committee reports.

There was no public input at this time.

It was moved and seconded to appoint Alex B. Cartwright to the Public Transit Board. The appointment was approved by a voice vote.

It was moved and seconded that Appropriation Ordinance 04-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Appropriation Ordinance 04-07 be adopted.

Susan Clark, Controller, reviewed the three main components for appropriations covered in this ordinance, noting that there had been a discussion of these items in committee.

Volan asked how much money was needed to purchase equipment to archive public meetings, to which Clark said the total for that section was \$15,000 for both hardware and software.

Sturbaum asked what the consultant would be producing. Greg Volan, Director of ITS, said that a strategic plan for dealing with the city's fiber optic resources for the next five years would be produced. Sturbaum said that sounded sensible.

No member of the public offered comment on the ordinance.

Appropriation Ordinance 04-07 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 04-33 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Ordinance 04-33 be adopted.

Nancy Hiestand, staff member with the Historic Preservation Commission, showed pictures of hitching posts and explained that by designating them historic they would be protected and hopefully any repair of future damage to them would be eligible for funding. She noted one other historic project in the public right of way, an original fieldstone sidewalk located in front of 209 South Dunn.

Volan said he had seen several stone street markers in his neighborhood and wondered if they would fall under this type of historic designation. Hiestand said the two hitching posts were specifically noted in this ordinance, but that there might be cause for designating other milestones and survey markers around town in a future ordinance.

There was no public comment offered on this ordinance.

Ordinance 04-33 received a roll call vote of Ayes: 8, Nays: 0.

## MESSAGES FROM COUNCILMEMBERS (cont'd)

### MESSAGE FROM THE MAYOR COMMITTEE REPORTS

### PUBLIC INPUT

### BOARD AND COMMISSION APPOINTMENTS

### LEGISLATION FOR SECOND READING

Appropriation Ordinance 04-07  
To Specially Appropriate from the General Fund, Sanitation Fund and Telecommunications Non-Reverting Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund – Animal Care and Control Department for Medical Supplies; Appropriating Funds from the Sanitation Fund for Landfill Fees; and Appropriating Funds from the Telecommunications Non-Reverting Fund for a Grant, to Hire a Consultant, to Install Fiber Optic Cable between the Animal Shelter and the Sanitation Building, and to Transfer Funds to the General Fund).

Ordinance 04-33 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: Hitching Posts at 416 East Fourth Street and 615 West Sixth Street (Bloomington Historic Preservation Commission, Petitioner).

It was moved and seconded that Ordinance 04-30 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-1. She also noted that the public comment portion of this deliberation would serve as the legally advertise meeting for public input. It was moved and seconded that Ordinance 04-30 be adopted.

Lynn Friedmeyer, Zoning and Enforcement Manager in the Planning Department, said this property was the south quarter of the block near an existing substation. She added the purpose for the vacation of right-of-way was that utility needed the area for additional power to the city and university. She briefly outlined sidewalk improvements that the petitioner would make to the property.

Sturbaum asked about the sidewalk provision. Friedmeyer said that according to the Growth Policies Plan, when utilities are upgraded and land use changes, properties should be brought into compliance and one way to do that is by putting in sidewalks and landscaping. She said that sidewalks are in the area, but the Dunn Street and 13<sup>th</sup> Street sides of these properties do not presently have sidewalks. Sturbaum asked Friedmeyer to speak about the public good related to this vacation of land. She stated that pedestrian traffic is very heavy in this area and the sidewalks are important for safety as pedestrians are currently walking in the roadway.

There were no comments from the public at this time.

Mayer pointed out an old limestone sidewalk exists in the vicinity of Indiana and 13<sup>th</sup> Streets.

Ordinance 04-30 received a roll call vote of Ayes: 8, Nays: 0

Jason Banach asked the council to accept a conflict of interest statement. He stated that while he would derive no financial benefit from the passage of Ordinance 04-31, he was an employee of Indiana University, who is the petitioner in the case, and he wished to avoid the appearance of impropriety. The acceptance of the Conflict of Interest Statement received a roll call vote of Ayes: 7, Nays: 0 (Banach, while present, did not vote on this action).

Ordinance 04-30 To Vacate a Public Parcel - Re: A 12-Foot Wide Right-of-Way Between Dunn Street and Indiana Avenue Running North of Thirteenth Street for 132 Feet (PSI Energy, Inc, and a Wholly Owned Subsidiary Known as South Construction Company, Petitioners).

ACCEPTANCE OF A  
CONFLICT OF INTEREST  
FORM FROM JASON BANACH

It was moved and seconded that Ordinance 04-31 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 6-1-1. She also noted that the public comment portion of this deliberation would serve as the legally advertise meeting for public input. It was moved and seconded that Ordinance 04-31 be adopted.

Lynn Friedmeyer, Zoning and Enforcement Manager in the Planning Department, reviewed the location of the alley in question. She said the vacation of this land would allow the university to create a learning center in the back of the property. She said the Annex to the Wylie House Museum would probably be demolished to restore the area's landscaping and outbuildings to their 1800's forms. She said the university was amenable to moving utilities if needed. She said that one person who owns property adjacent to this vacation had been in contact with the Museum staff and are supportive of the vacation of the alley right of way.

Sturbaum said that some issue of public good would be that the Wylie House Museum would be a benefit to school children, and this was a good way for the city and university to work together on an important

Ordinance 04-31 To Vacate a Public Parcel - Re: A 12-Foot Wide Improved Alley Running Between 307 and 317 East Second Street from East Second Street to the First Alley North of the Street (The Trustees of Indiana University, Petitioner).

project.

Ordinance 04-31 (cont'd)

Mayer thanked and commended the university for taking this step, and said he looked forward to this action starting general redevelopment in the area.

Volan said that an issue that arose during a committee meeting was deemed not relevant by a couple of council members. His statement:

The petitioner is Indiana University who is asking to have an alley right-of-way vacated to improve a property. This petitioner, to my knowledge alone among those who come before this council, actually exercises authority over rights of way, over portions of named and numbered streets, which are otherwise governed by the city. I believe that to question the petitioner's vacation of the right of way on 7<sup>th</sup> Street is a legitimate question and legitimate link to the petition at hand. Comes now this petitioner asking for a vacation of a right of way of an area that is not overseen by their jurisdiction directly.

What will be next?

The petitioner, over a period of decades, can be demonstrated as having slowly changed the fabric of the city, piece by piece, by taking away a right of way here, an alley there, to build the building that it sees fit to build.

Let me be clear about this. There is no question about the quality of this project. There is no question about the quality of the petitioner. There is a question for me about the unintended consequences of this petitioner's habitual erosion of the city grid.

That is my only intent in bringing up this matter. I have no opposition to this project. While I voted no last week in recommendation, I will be voting yes this week. But I believe that it is high time for Indiana University and the City of Bloomington to begin an extended conversation about the nature of what it is to be a city, the nature of what it is to be a municipality. I know the university has a master plan for expansion, the city is working on its own set of plans and these things need to be harmonized. This may be a minor thing now, but I firmly believe that this is a reasonable objection to make, to bring in the behavior over time of this petitioner. Once again, I plan to vote for it.

Diekhoff said this was an excellent project for the area, and applauded the university. He said he would vote for the project.

Ordinance 04-31 received a roll call vote of Ayes: 7, Nays: 0 (Banach did not deliberate on this item).

It was moved and seconded that Ordinance 04-32 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-1. It was moved and seconded that Ordinance 04-32 be adopted.

Jim Roach, Senior Zoning Planner with the Planning Department, reviewed the location and present uses of this PUD. He said that three property units were being brought together to unify future development and that the Growth Policies Plan (GPP) indicates that the planned use is correctly categorized as 'community activity center'. He said that rezoning of the land from residential to PUD was not exactly what was called for in the GPP but that the combining of these three parcels did achieve a goal of encouraging the land to be developed in a unified manner.

He showed plans for the overall area and highlighted connections to surrounding roads, properties, uses, environmental issues and access issues on the south portion of the property. He added that there would be more open greenspace than the law requires, and that the petitioner would landscape accordingly.

Roach reported a Plan Commission unanimous approval for this project with several conditions of approval.

Ordinance 04-32 To Amend the Bloomington Zoning Maps from PUD and RM7 to PUD and to Amend the Preliminary Plan for the Century Village 2 Planned Unit Development (PUD) - Re: 300 S. State Road 446 (Bill C. Brown, Petitioner).

Ordinance 04-32 (cont'd)

Dan Neubecker spoke for the petitioner. He reviewed some concerns from the committee hearing saying that lighting would not overpower the area, but would be pedestrian in scale, more amber and muted with visors for down lighting. He showed pictures he had taken of both Day Mortuary and Century Village at night to show the difference in lights.

He related Volan's concerns about a sense of place and announced a sculpture at the entrance to the location and also naming the entrance way "Century Village Boulevard."

Sturbaum asked Neubecker to review what buildings would be built, where on the property they would be placed, and what the uses of each building would be. Neubecker showed preliminary plans and said that each building would come before the Plan Commission for approval. Sturbaum noted that a sense of history might be better served by naming the street something other than Century Village Boulevard and noted local citizens who might be so honored.

In projecting uses of the new buildings, Neubecker said uses might include a brew pub, sit down restaurant, small service shops that would serve the local neighborhoods, with office space and second story residential units with townhouses on the second and third stories. He said these would be integrated into the new hotel and operated by the current management.

Sabbagh asked Neubecker about the buffer between this development and the Knightridge Apartments. Neubecker said the buffer would be heavily landscaped with native trees to reestablish a tree canopy.

Sturbaum asked about landscaping to screen the current parking lot. Neubecker said the area immediately adjacent to the property was a water basin to filter storm water.

There was no public comment on this ordinance.

Ruff thanked the petitioner for addressing the lighting issue and for photos that were shown.

Sturbaum said this was an example of the Plan Commission doing its job well, and would support the project.

Banach said the Century Suites, often used by his family, was a very nice place and was supportive of the project.

Volan, said he suggested naming the road, and public artwork in the common green area. He suggested a companion piece of art closer to 446. He suggested Father Time and Baby New Year as the concepts relate to 'Century Suites'.

Rollo reiterated his comments from the committee meeting saying that this project was preferable to more student apartments in the area. He added that the design elements work into the existing scheme and applauds the use of native vegetation and lighting elements.

Mayer thanked Rollo for working with the petitioner and suggesting native species, and the petitioner for agreeing to this. He said when streets are named for people the designation "Way" is used instead of Boulevard or Street. He gave a bit of history for that tradition.

Ordinance 04-32 received a roll call vote of Ayes: 8, Nays: 0

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST  
READING

Ordinance 04-34 To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" (Amending Chapter 7.48 Entitled "Adopted Animals" in Order to Codify Adoption Fees and Increase Fees Related to a New Spay/Neuter Service Conducted by the Animal Shelter)

Ordinance 04-34

Ordinance 04-35 To Amend Title 12 of the Bloomington Municipal Code Entitled "Streets, Sidewalks And Storm Sewers" and To Amend Title 2 Entitled "Administration And Personnel" (Modifying the Duties, Fines, and Citation and Collection Procedures Related to the Shoveling of Snow from Sidewalks within the City's Right-of-Way)

Ordinance 04-35

There was no public comment at this time in the meeting.

PUBLIC INPUT

The meeting was adjourned at 8:48 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Michael Diekhoff, President  
Bloomington Common Council



Regina Moore, CLERK  
City of Bloomington