

In the Council Chambers of the Showers Municipal Building held on Wednesday, September 18, 1996 at 7:30 PM with Council Vice President Cole presiding over a Regular Session of the Common Council.

COMMON COUNCIL
SEPTEMBER 18, 1996

Roll Call: Banach, Young, Kiesling, Cole, Pizzo, Service, Sabbagh, Pierce.
Absent: Sherman.

ROLL CALL

Vice President Cole gave the Agenda Summation.

AGENDA SUMMATION

The minutes of September 4, 1996 were approved by a voice vote.

APPROVAL OF
MINUTES

Banach reported on the IACT meeting in Merrillville, IN that is going on this week and how helpful some of the workshops were, especially the panel discussions related to property tax issues.

REPORTS FROM
COUNCILMEMBERS

Kiesling talked about a visit to the C-Span school bus that visited Bloomington today sponsored by TCI and she said that the 8th graders from Batchelor Middle School were a delight to interact with.

Young also enjoyed the IACT meetings and hoped to pass some of the information along.

Sabbagh gave the "5th District Report" highlighting Dan Maki for his NSF grant as well as Missy Schwen, Olympic silver medalist in the Atlanta Olympics and for the "Gold medal in life".

Service reminded the public about Much Ado About Nothing and that there are 3 more opportunities to see the performance. She also commented on a recent HT letter chastising her for her "liberal" positions on issues and the implication that everyone else in the same political party has the same positions that she has.

Cole announced a west side neighborhood clean up on September 20-21 and also that the near Westside is up for National Historic Designation and a recent newspaper article that was concerned about restrictions that would create for homeowners. She said that the national historic designation does not have the same restrictions that the local designation has. She thought it was a great thing for the neighborhood. She also attended the IACT meeting in Merrillville and thought it was a very worthwhile conference as well as an opportunity to share information with other elected officials from other communities.

Deputy Mayor McNamara thanked Tom Swafford, longtime Plan Commission member who is resigning, for his long years of service to the community as the president of the Plan Commission. He introduced Don Hastings, new Planning Director who spoke briefly about how pleased he was to be here in Bloomington. He thanked the department for the good job they are currently doing and said there is much to be done.

REPORTS FROM
THE MAYOR

Cole welcomed Hastings aboard and thanked Toni McClure for the fine job she has done in the Planning Department. McNamara also expressed his gratitude to McClure for all her hard work.

It was moved and seconded that Ordinance 96-29 be introduced and read by title only. Clerk Williams read the legislation by title only.

It was moved and seconded that Ordinance 96-29 be adopted. The synopsis and committee recommendation of Do-Pass 5-0-3 was given.

LEGISLATION FOR
SECOND READING/
VOTE
ORDINANCE 96-29

Tim Lawson, Acting City Engineer, was available for questions.

Young asked about more employee parking in the lot south of the municipal building, because the lot is never really full. Lawson said they would look at that. Pierce also agreed with using some of that lot for employee parking and he also thought there should be 3 spaces designated as free 30 minute parking close to the building.

Kiesling also thought the city vehicles should not "be displayed" in the public lot.

Service, while not keen about a number of things in this ordinance, was willing to hold off on micro managing downtown parking until the task force has made their recommendations. After all we have just approved housing units on Morton St with no parking required.

Cole also thought there should be some parking for council members who run in and out of the building frequently on city business.

Sabbagh said this ordinance is more than just housekeeping it is public policy. He thought we could have been more innovative and he just did not support private parking on public streets.

The ordinance received a roll call vote of Ayes: 6, Nays:2 (Young, Sabbagh).

It was moved and seconded that Ordinance 96-36 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 96-36

It was moved and seconded that Ordinance 96-36 be adopted. The synopsis and committee recommendation of Do-Pass 7-0-1 was given.

Young was not present for this discussion and vote.

It was moved, seconded and approved by a roll call vote that the various parts of the ordinance be adopted IN SERIATIM.

The motion received a roll call vote of Ayes:7, Nays:0.

Toni McClure explained briefly that these land parcels have inadvertently been left out of the previous master plan zoning ordinance. Each address will be followed by the roll call vote.

- 4021 - 4023 W. Third St. Ayes:7, Nays:0
- 480 Church Lane Ayes:7, Nays:0
- 2124 S. Smith Road (St.Remy) Ayes:7, Nays:0
- 4650 Chatham Drive Ayes:7, Nays:0
- 3300 S. Leonard Sp. Rd. (Cedar Chase) Ayes:7, Nays:0
- 3701 E. 10th St. (Tamarron & U School) Ayes:7, Nays:0

The ordinance, as a whole, received a roll call vote of Ayes:7, Nays:0.

It was moved and seconded that Ordinance 96-37 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 96-37

It was moved and seconded that Ordinance 96-37 be adopted. The synopsis and committee recommendation of Do-Pass 8-0-0 was given.

It was moved, seconded and approved by a roll call vote that the various parts of the ordinance be adopted IN SERIATIM.

The motion received a roll call vote of Ayes:8, Nays:0.

Again, Toni McClure explained briefly that these land parcels have inadvertently been left out of the previous master plan zoning ordinance. Each address will be

followed by the roll call vote.

3900- 3930 S.Old St.Rd. 37	Ayes:8, Nays:0
603 W. Allen	Ayes:8, Nays:0
515 S. Woodscrest Drive	Ayes:8, Nays:0
522 W. 2nd Street	Ayes:8, Nays:0
1219 E. Atwater	Ayes:8, Nays:0
2001-2017 S. Rogers	Ayes:8, Nays:0
1600 Sycamore Court	Ayes:8, Nays:0

The ordinance, as a whole, received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-38 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 96-38

It was moved and seconded that Ordinance 96-38 be adopted. The synopsis and committee recommendation of Do-Pass 8-0-0 was given.

It was moved and seconded that the ordinance title be amended to reflect corrections in addresses in the title of this ordinance.

The amendment received a roll call vote of Ayes:8, Nays:0.

Toni McClure said this area was zoned RL under the previous zoning ordinance and was developed under that designation. Then when the new zoning ordinance became effective it received a RS 4.5 designation. This created numerous non-conforming uses and that was not the intent of the planning ordinance at that time. So this rezones to RM 7 bringing the zoning into compliance with the rest of the area and provide reasonable usage of property by property owners.

The ordinance, as amended, received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-39 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 96-39

It was moved and seconded that Ordinance 96-39 be adopted. The synopsis and committee recommendation of Do-Pass 8-0-0 was given.

Toni McClure again said that this ordinance is intended to adjust changes made in the master plan zoning ordinance in order to more accurately reflect existing uses of these properties.

The ordinance received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-40 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 96-40

It was moved and seconded that Ordinance 96-40 be adopted. The synopsis and committee recommendation of Do-Pass 0-8 was given.

McClure said this ordinance comes forward from the Plan Commission with a negative recommendation. She explained briefly how the current owner purchased the property based on previous zoning in place prior to the adoption of the master plan zoning ordinance.

The ordinance was denied by a roll call vote of Ayes:0, Nays:8.

It was moved and seconded that Resolution 96-20 be introduced and read by title only. Clerk Williams read the legislation by title only.

RESOLUTION 96-20

It was moved and seconded that Resolution 96-20

be adopted. The synopsis and committee recommendation of Do-Pass 8-0-0 was given.

Professor Doug Hostettler spoke in favor of the resolution. He said he and his children have enjoyed the facility enormously and while they are not wedded to this facility in particular, they would like to see the skating rink or its replacement maintained as a sports facility in Bloomington.

Karen Muskovich also spoke in favor of the resolution. She thanked everyone, in particular David Sabbagh for their support. She looked forward to all the groups working together to come together with a plan.

Sabbagh thanked Karen and Doug for supporting the facility.

The resolution received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Appropriation Ordinance 96-4 be introduced and read by title only. Clerk Williams read the legislation by title only.

APP. ORD. 96-4

It was moved and seconded that Appropriation Ordinance 96-4 be adopted. The synopsis and committee recommendation of Do-Pass 8-0-0 was given.

Jeff Underwood, Controller, said that the feasibility study would be funded in the amount of \$3500.

The ordinance received a roll call vote of Ayes:8, Nays:0.

The council took a brief recess.

It was moved and seconded that Appropriation Ordinance 96-2 be introduced and read by title only. Clerk Williams read the legislation by title only.

APP. ORD. 96-2

It was moved and seconded that Appropriation Ordinance 96-2 be adopted. The synopsis and committee recommendation of Do-Pass 4-2-2 was given.

Mayor Fernandez presented the Civil City Budget for 1997 and praised the council for their patience with and input throughout the entire process. He believed that the budget contained all the items that were highlighted during the budget retreat and during the many meetings and discussions regarding the budget and revenues.

Kelly Franklin, President of AFSCME, supported the budget and spoke in favor of the appropriations.

Underwood explained, in response to a question from Sabbagh, that the various funding sources as well as debt service funding sources that are part of the overall tax levy. Other revenue sources are used but it is primarily property tax that funds that pays down debt unless other monies are pledged, for example the COIT monies might be used.

Sabbagh said he appreciated the administration's new stated position on Frank Sothens and that we are not going for the maximum levy. He did say that if people can keep more of their money is not bad. He thought the \$250,000 that is being considered for the Mayflower lot is really part of the budget even though it is not a direct line item in this budget and he thought we could use that money to pay down the Showers debt.

Young thanked Fernandez for the work that was done on the budget. Property taxes are not fair and the whole assessment process is not fair. He would have preferred that even more adjustments could have been made: and there are cuts that could have been made: hiring new police officer, raises for employees are important and yes, there are cuts that could have been made in there.

Kiesling also thanked the administration for their cooperation in the entire budget process, but was concerned that we continue to be involved in child care, as well as our permitting process be done properly, the increased social service line and

the number of police officers.

Pierce said not only is government trying to live within its means, but that the administration is trying to spend tax dollars wisely and efficiently in an innovative manner.

Pizzo agreed that property taxes are regressive, however property taxes are not evil, but an important investment in our community and contribute to the entire "health" of our community.

Cole said we don't operate with a whole lot of money in this city and a thorough evaluation has been done. This is a responsible government that is trying to trim down and be as efficient as possible. She appreciated the council's involvement in this budget process and she thanked the mayor for working "to make a good faith effort to make every dollar count and do a good job for the City of Bloomington".

Kiesling said that she passed at committee last week simply because there was new information given to council members the evening of the meeting and she wished to review it more closely before voting.

The ordinance received a roll call vote of Ayes:6, Nays:2 (Young, Banach).

It was moved and seconded that Ordinance 96-33 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 96-33

It was moved and seconded that Ordinance 96-33 be adopted. The synopsis and committee recommendation of Do-Pass 6-2-0 was given.

Keith Dayton, Personnel Director, said that this ordinance reflects all the salaries, contractual agreements as well as a market adjustment for different salaries.

Banach clarified some earlier comments about the salaries. He said he supported pay raises for city employees, not all, but most of them. A COLA increase is important but broadbanding would be a method of evaluating raises that should be considered.

Sabbagh was concerned about larger percentage increases to the higher paid workers and different levels of raises to different workers. He also thought we have added a few too many people at the upper level.

The ordinance received a roll call vote of Ayes:6, Nays:2 (Young, Banach).

It was moved and seconded that Appropriation Ordinance 96-3 be introduced and read by title only. Clerk Williams read the legislation by title only.

APP. ORD. 96-3

It was moved and seconded that Appropriation Ordinance 96-3 be adopted. The synopsis and committee recommendation of Do-Pass 7-1-0 was given.

Margaret DalaAvi was available for questions regarding the utilities budget.

Young asked if anything was done about the \$500 hook on fee for affordable housing and he expressed his concern and objections to the requirement.

Fernandez said he would be happy to work with Young and any others and see what adjustments might be worked out.

Cole hoped that the consumer would be remembered when rate increases are considered and its important to remember that we have plenty of water at a reasonable cost.

Banach asked what water costs. Underwood said it was about \$35/1m gallons.

Service said this would be her 17th NO vote on the Utilities budget and she was particularly concerned about talking about a rate increase for some people and then giving other people a bonus. It's a give a way that we should not be involved with when we have so many unmet needs.

Young thought the hook on fees were implemented to offset the rebate monies.

The ordinance received a roll call vote of Ayes:7, Nays:1 (Service).

It was moved and seconded that Ordinance 96-34 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 96-

It was moved and seconded that Ordinance 96-34 be adopted. The synopsis and committee recommendation of Do-Pass 8-0-0 was given.

It was moved, seconded and approved by a roll call vote that the ordinance be amended to reflect a job title correction as well as salary amount as a result of a reclassification.

The amendment received a roll call vote of Ayes:8, Nays:0.

The ordinance, as amended, received a roll call vote of Ayes:8, Nays:0.

It was moved and seconded that Ordinance 96-35 be introduced and read by title only. Clerk Williams read the legislation by title only.

ORDINANCE 96-35

It was moved and seconded that Ordinance 96-35 be adopted. The synopsis and committee recommendation of Do-Pass 7-0-1 was given.

Dave Gionet, Bloomington Transit Director, presented a budget with a property tax levy increase of about 5%, but because of the new assessed valuation the amount of the tax rate will actually decrease next year. He commended his staff, workers and riders who support BT.

A discussion regarding the Park N Ride program proceeded and Gionet said that perhaps the program has been a victim of its own success. He said he is looking for additional properties that might be used for shuttle parking.

Young urged the mayor to work closer with the university regarding parking, bicycles and student housing on campus.

The ordinance 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 only for First Reading. Clerk Williams read the legislation by title only.

LEGISLATION FOR
FIRST READING

Ordinance 96-27 has been withdrawn by the petitioner.

Ordinance 96-43 To Amend Title 15 of the BMC Entitled "Vehicles and Traffic" (Adjusting Towing and Storage Fees).

It was approved by a roll call vote of Ayes:7, Nays:1 (Sabbagh) that the council not meet next week for a Committee of the Whole meeting.

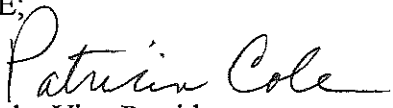
Gene Fritz commented on the location of a pawn shop on West 2nd Street and wondered how this ugly yellow building and sign could be constructed right in front of the apartment complex.

Young complimented Matt Pierce for participating in the Telecommunications Panel at the IACT workshop.

The meeting adjourned at 10:20 PM

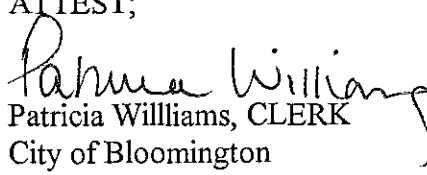
ADJOURNMENT

APPROVE:



Patricia Cole, Vice-President
Bloomington Common Council

ATTEST:



Patricia Williams, CLERK
City of Bloomington