

In the Council Chambers of the Municipal Building held on Wednesday, November 2, 1994 with Council President Sherman presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
NOVEMBER 2, 1994

Roll Call: Service, Bonnell, Pizzo, Sherman, Hopkins, Cole, White, Kiesling. Swain arrived at 8:05 P.M.

ROLL CALL

Sherman gave the agenda summation.
The minutes of October 5, 1994 were approved by a voice vote.

AGENDA SUMMATION
APPROVAL OF MINUTES

Service urged everyone to vote on November 8, 1994.
Hopkins announced a Poseltega Benefit Concert on November 4 at the Waldron Art Center.

MESSAGES FROM
COUNCILMEMBERS

White commented on a recent police related shooting and the importance of maintaining a well trained, top notch police force. Because our department is well trained, the gunman was not gunned down, in other words there was not an overreaction.

Kiesling said that telephone books can now be recycled at curbside and urged people to compost their leaves.

Sherman acknowledged the hard work of councilmembers for the last few weeks and itemized just a few of the various meetings that have taken place.

Mayor Allison commended the Critical Instant Response Team and said they were well coordinated with our regular police shift and were able to evacuate people, safely, from the immediate area involved in the shooting. A new group, called the Elfin Society is a volunteer arm of GE and over 60 GE employees refurbished and painted five Crestmont apartments. She, along with Chris Spiek and Shirley Calvert pledged to work to resolve the closing and relocation of the Vermilya Trailer Court residents for both their short and long term needs. Gene Stokes as well as the commissioners are involved with this.

MAYORAL MESSAGES

Sherman said he visited the Westplex housing project that the council recently approved and it was incredible to see just what pride all the residents had in their homes.

It was moved and seconded that Appropriation Ordinance 94-7 be introduced and read by title only. Clerk Williams read the ordinance by title only.
It was moved and seconded that Appropriation Ordinance 94-7 be adopted. The synopsis and committee recommendation of 6-0 was given.

LEGISLATION FOR
SECOND READING/VOTE
APP. ORD. 94-7

Chuck Ruckman explained the details of the ordinance synopsis.
Steve Sharp said that the money is for OWI patrols as well as a Seat Belt grant. It will be used at certain times of the year, holidays for example, and for extra officers on the street. This does not include funding for the use of road block patrols.

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

It was moved and seconded that Resolution 94-52 be introduced and read by title only. Clerk Williams read the resolution by title only.
It was moved and seconded that Resolution 94-52 be adopted. The synopsis was given.

RESOLUTION 94-52

Chris Spiek explained that this is the confirming resolution for Res.94-32 for the Bloomington Business Incubator project.

Bonnell asked who made up the project partnership. David Miller asked if the council vote depended on who the investors are. Bonnell said he wanted to know - and felt that when an entity is asking for public monies, even as a closely held corporation, the council has a right to know who is asking for monies. Miller provided a list of corporation members for the councils' perusal.

The resolution received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Resolution 94-49 be introduced and read by title only. Clerk Williams read the resolution by title only. RESOLUTION 94-49

It was moved and seconded that Resolution 94-49 be adopted. The synopsis and committee recommendation of 5-0-3 was given.

Chris Spiek explained the request for this \$100,000 Industrial Incentive Loan for the expansion of Wilma Marples daycare facility. Ms. Marple currently has an outstanding loan from this very same program that was used to put the operation in place. The intent is to secure a second loan and use part of it to pay off the original loan (Balance of \$48,095). So, in essence, it is a \$52,000 loan for this 6,000 sqft addition for about 125 additional children, 18-20 new employees. Spiek said there is about \$120,000 in the fund at the present time.

Wilma Marple was available for questions and said this loan would allow them to add infant care facilities to meet the increasing need. She also said that about 35% of the children are getting some type of public aid in the form of Title 20 block grant money.

Cole said that she had talked with Pete Dunn regarding a more landscaping for the site and commended Marple for making this an attractive facility.

Pizzo was concerned about the size and number of children that the facility serves. Marple said that children are grouped together according to age and are not one total group and they have the correct state required number of adults per child as well as the appropriate curriculum.

Bonnell had questions and concerns about a loan that is being used to repay a loan as well as rent versus owning the property. Spiek responded and said that a majority of loans are for owner occupied or expansion projects.

White passed at committee because of the rent/lease status rather than owner owned project, but that the urgent need for child care is so great that he will support.

The resolution received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Ordinance 94-66 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 94-66

It was moved and seconded that Ordinance 94-66 be adopted. The synopsis and committee recommendation of 8-0 was given.

Cole read the ordinance whereas' and pertinent parts in their entirety and provided a history and background to the origins of the ordinance. This ordinance sets up a process in which artists can be involved in some of the decision making for prospective projects. This is a step toward improving our public environment. This ordinance is not designed to "add icing to a project" and not just for buying a piece of sculpture that will be part of a project but to bring in new ideas in terms of perhaps, landscape concepts or land reclamation. She stressed the fact that this is really a very modest proposal, that money is not being given away, but invested in the community. Art reflects who we are, as a community, long after we are gone and she thanked everyone involved in this long, long process. This is a first in the state and once again, Bloomington is proving itself to be a cultural leader.

Service commented on the discussion point that art stimulates in the community and how long range the effect really is compared to the many other decisions and

projects that are debated and completed. People just always seem to have an opinion on visual impacts of things we look at and that is good.

Pizzo said that when the South Central Mental Health facility was built a percentage of that project was devoted to art and he invited everyone to stop by and view the difference that the art makes. What would Rome be without its' fountains, he pondered.

Swain also supported the ordinance and commended Cole for steering this through.

It was moved and seconded that Amendment A be considered adding the Parks Board Commissioners to the list of bodies that approve proposals, as well as joint submission of an annual public arts projects plan to the appropriate board and, also add Patricia Cole as sponsoring councilmember in the synopsis of the ordinance.

Mike Davis, Deputy Mayor, said the city has already made a commitment to public art and that this is perhaps the largest project the city has ever done, that namely the Showers project. He said the administration was pleased and supportive of the amendments to this ordinance. He outlined the extensive list of Park Department projects and why they would like to be involved in the approval process rather than simply recommending to the council just what the art related projects would be.

Les Coyne, President of the Parks Board, stated their approval of the public art concept and process. He said that he was pleased with the amendments and noted for the record, that they, the Parks Board, came late to this discussion project and wanted that point clarified so that it was understandable why this was being considered at this late point.

Service and Cole also supported the amendment and was sorry that the Parks Dept. had just become involved at this date.

The amendment received a roll call vote of Ayes:8, Nays:0 (Bonnell was out of chamber). No other amendments were proposed.

Jeff Brantly, representing Positive Progress, said that group was opposed to the ordinance, when tax payers monies are needed for far greater vital services and said that they would be willing to help the city seek out corporations and foundations for donations for public art.

Joanne Alexander Brown, Chair of the Bloomington Arts Commission thanked the council for their support and also read a letter of support and thanks from Frank Young, Director of the Waldron Art Center. She noted that this ordinance is not about funding art for public places, but for planning art for public places.

Mayor Allison expressed her support for the ordinance while admittedly being "very tight " (with money, that is). Bloomington is always acknowledged state wide for its contribution to the arts and that the real contribution is our people. It has an economic return that is incalculable. Over the last two years there has been an organization giving Bloomington a very negative image and in spite of that we are still an attractive and talented community and the arts make Bloomington stand out.

Les Coyne said that except for IU, the Parks Department is the biggest player in the field of public art in this community. He said that he also knows how controversial art can be and he thought that the boards' approval would force consensus before it reached the Common Council. The current ordinance also

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puts the Parks Board in the awkward position in the event that there is a disagreement on what should be funded. He said the board is in support of the arts and would never want to be considered "spoilers" for a project.

Dale Enochs, a local sculptor, spoke in support of the ordinance.

Chris Mathews, a local architect, also spoke in support of the ordinance.

Swain supported the ordinance because art is just as important as our sports and recreational amenities and was thoroughly tired of naysaying just for the sake of naysaying. There are benefits that art provides and act as an encouragement to all of us as a community.

Hopkins thanked Positive Progress for their offer to supplement public art in Bloomington, noting that this is the first positive thing they have done. He suggested that their billboards that damn public officials that are trying to do their job do nothing for public art, and he said he wanted to live in a community that lifts peoples spirits and imaginations.

Leo Hickman said that his company, Hoosier Outdoor Advertising, spends a quarter of a million dollars each year supporting artists. He said he is also proud of Bloomington and it is unfortunate that their officials have problems with one of the free speech mechanisms that points out taxpayers concerns. He said it would not stop and he hoped everyone would listen when someone stands up a speaks out about abuse.

Pizzo said that none of the councilmembers will be forcing their idea of art upon the community.

Sherman said there are some positions that have been stated that seem to say that everything in life can be measured in jobs, dollars and new developments. Rewards come in other ways and people have to find their own way and that everything is not measured in dollars. That we should privatize funding for arts, where is all the private money for economic development and industrial development coming from. We would never say that tax payer should not be burdened with those expenses and we have never heard artists say that either and there is more to life than what you are suggesting.

The ordinance, as amended, received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Resolution 94-54 be introduced and read by title only. Clerk Williams read the resolution by title only.

RESOLUTION 94-54

It was moved and seconded that Resolution 94-54 be adopted. The synopsis and committee recommendation of 7-0-1 was given.

Bob Stubbings, Indiana Coordinator for Physicians for a National Health Program thanked the council for their support and said that outside of California, Bloomington and Chicago are the only communities doing anything like this resolution. He discussed the California referendum in detail.

Speaking in support of the Single Payer resolution:

Sarah Campbell, a United Church of Christ minister, discussed her own medical experiences and problems with health insurance coverage.

Barbara Lentz, President of the AFL-CIO representing IU clerical employees, discussed IU personnel health care coverage problems.

David Campbell, Union carpenter, said this is extremely important legislation.

Judith Klein, a medical doctor with Planned Parenthood, said the system we have today does not work and the coming corporatization of health care that is currently being proposed is also not going to work.

Service supported the resolution and suggested that "managed" care has somehow come to mean, helping people who really don't need the help, namely, the insurance companies. Every other developed country takes this kind of health care coverage/philosophy.

Pizzo reiterated the fundamental question: is health care a fundamental right or privilege and do we have to stand for a two tiered system where the wealthy get care and others don't. He also spoke about the corporatization of medical care as local practices are bought out by larger hospitals. Medicine used to be a profession that dealt with human needs with a patient/doctor relationship. Now we have profit motive interfering with this human relationship and when that happens, ethics disappear. This is the most fundamental serious problem we face today and what we are doing today is going to be disastrous.

Swain said that while he still feels that this sort of resolution is within our local purview and is unable to support it in principle but he does support the single payer health care plan. He thought this might be the time for the council to forward to the legislature a non-binding and ultimately binding referendum system for our own state.

Hopkins thanked Pizzo for his comments and stated his enthusiastic support for the resolution. He disagreed with Swain, that it really is a grass roots issue. The country can do better.

Cole assured the public that the council is not neglecting all the other important issues it is supposed to do. Single payer simply says that all the money goes into one place and it is then redistributed. She was pleased and proud that the council was addressing this and was glad that so many union representatives were coming forward in support of this plan.

White echoed Swain's comments and thought that yes we have problems with our system but that it needs to be acted upon at the state and national level in a grass roots manner. He felt that his constituents elected him to solve city government issues.

Pizzo said this is a local issue. There are 5-10,000 persons in our community without health care insurance.

White said if we were proposing a city government program to handle health care then we should be having this discussion, it is a local issue, but it is not a city government management issue.

Service suggested that if the federal government had done their job, we would not be here tonight discussing this.

Sherman said he was encouraged by the diversity of support for this resolution and said that, yes, we need to make sure our legislators know that we think it is their responsibility to do something about the problem.

The resolution received a roll call vote of Ayes:6, Nays:0, Abstain:2 (Swain, White).

It was moved and seconded that Ordinance 94-65 be introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 94-65 be adopted. The synopsis and committee recommendation of 1-0-7 was given.

Tim Mueller gave a brief overview of the petition. He said this is a rather narrow focus of a larger issue. The Convention Center would like to develop a parking lot around and behind Hi-Speed Retreads and across the railroad tracks. The site is bisected by a public alley between Madison St. and Morton St. The conventional issues that are generally considered for vacation have been met. The broader issues that were discussed last week have to do with things other than the alley vacation. The parking lot is a permitted use in a BG zone and the city has no basis or authority to deny the use of the Madison St. entrance or place limitations on its use.

Sherman said that as councilmembers they understand this and have worked very hard to forge some kind of understanding about this petition.

Dan Sherman said that the council has the authority to approve or deny the ordinance. If the proceedings are terminated, it can not come forward again for 2 years.

Mueller said that the Board of Public Works has authorized Convention Center parking on the unused portion of the Morton St. right-of-way.

White suggested that in a regular BG zoning decision, the council would not normally consider stipulations about traffic patterns. Mueller said that is generally taken care of at staff level discussions and they try to limit the number of cuts from a new development, taking into consideration that some accesses are more desirable, but the bottom line is that access has to be provided.

Bill Finch, representing the Convention Center Building Corporation, said that the recent land acquisition will provide about 222 additional parking spaces. There is an agreement with the railroad that the crossing will remain a private crossing as opposed to a public crossing and that is revocable by the railroad at any time. There isn't much bargaining with the railroad. He said that the alley vacation as defined on our maps probably makes sense to everyone involved. The alley goes nowhere in and of itself and will not be used. The Building Corporation passed a motion that states: during the first 6 months after completion of the parking lot the Madison St. exit will not be used except for purposes of public safety. The obvious question is what happens after 6 months and he stated that decision would be up to who manages the parking lot. He suggested that the Commission for Bloomington Downtown who manages the convention center would reasonably be expected to manage the parking lot.

Talisha Coppock, CBD Director, spoke in favor of the vacation and said the convention center and its growth is important for the downtown and said that the statement by Finch is also supported by the CBD.

Bonnell asked about a guard positioned at the exit so that traffic does not turn left into Madison and Finch said they would look at the feasibility of it. Finch reminded the council that this would be an overflow lot and the private crossing agreement with the railroad requires them to have someone there when it is being used and also requires it to be blocked off when it is not in use, so the crossing does have to be controlled. There will have to be a locked gate and someone there to direct traffic when the lot is in use.

Sherman said that it has been expressed that it is everyone's hope that the College St. exits would be adequate for cars to egress and that this exit use would not be used all that often. Coppock said the current plan would be to use the existing parking lot first and the property under discussion only if necessary. The idea is just to provide quick exit from the lots rather than have people waiting to

leave. Sherman suggested that once the hotel is built, people will be staying overnight at the hotel rather than leaving the site and that should be part of the planning. Perhaps hotel guests could park in that west lot.

Natalie Wrubel, a Madison St. resident, felt that there were a lot of unanswered questions about who is responsible for making this exit process work.

John McQuiggen, representing neighbors in the area asked for a postponement of this decision for a two week period until some stronger agreement could be worked out. He recapped a meeting between the neighbors and the Building Corporation and their disappointment in the outcome.

Chris Sturbaum said they were looking for some kind of assurances that the neighbors were being taken seriously, they have always been supportive of the convention center and wanted it to succeed and all they are asking for is that they be part of the decision for the use of the parking lot.

John Fernandez, a neighbor and CBD member, said that he felt that neighborhood concerns have been considered and the understanding has been reached that this lot would only be used in emergency situations, that the issue would be reviewed on a regular basis at public and regular CBD meetings and that adding additional criteria and restrictions is probably going too far.

Bonnell asked about these specific things: 1) first 6 months emergency use only 2) traffic director when the lot would be used 3) right-only exit 4) locked gate 5) right turn only exit sign. He asked Fernandez if he would introduce a resolution to the CBD board in support of these things? Fernandez said he would be willing to discuss all of those options.

Lee Marchant spoke in support of making this as safe a project as possible and he committed to the points as stated by Bonnell. Service asked when the 6 month trial period would start and Marchant said 6 months after the lot is open.

Deb Bowman wondered why the building corporation did not agree to the points at this afternoons meeting if those points are fine now. The particular points have changed throughout the process and she hoped that the council would understand their rights as citizens and postpone it until these agreements can be approved in writing as stated.

Bill Sturbaum said that there really was not a good faith effort to reach an agreement at today's CBD meeting.

Mike Connors said they have come forward with citizen participation and he asked the council to support that effort.

John McQuiggen spoke again about zoning issues, and asked that people take their concerns seriously.

Bill Finch suggested that basically the discussion is centered around an exit point that is 350 ft long and goes past 5 houses on Madison St. He did not believe the neighborhood would be harmed or destroyed in any way. He thought this entire discussion was unprecedented; enormous accommodations have been made and to depict it otherwise is unfair and untrue.

Sherman suggested that the council move ahead, he did not think this was the best deal, but it was never intended that an aye or nay vote be intended as "as hammer".

Cole asked why an agreement could not be determined to use the exit only when there is really a need and that the neighbors do have a right to be heard.

Service said the downtown is important but it is also important to understand that the neighborhoods that are adjacent to the downtown are important too. She suggested a motion to postpone stating that if it is not postponed, she would vote against the vacation realizing that is silly because she did not really care about the alley.

Hopkins thought it was amazing that two long evenings have been spent discussing this issue and he said he fully understood why people lose trust and patience with government. After all these efforts by the neighborhood and on a simple matter of process no further assurances have been made to the neighbors.

Swain said there has been compromise on this issue, the proper zoning is in place and if this were a private developer, this discussion would not be taking place. The exit is already in the plan and this vacation has nothing to do with this. He did not believe that there were any further trade offs due this neighborhood and he fully supported the vacation because there has been a compromise and he is in favor of the convention center.

White did not favor postponement, there has been plenty of opportunity to debate these concerns and he expressed the legal point/concern that the council should publicly admit that they are tying this list of additional concerns. He also thought this sends a bad signal and precarious edge to the things that we have tried to do to get a hotel here. And lastly, everyone is working here in good faith and volunteering their time and a postponement is not going to give us a better decision.

Cole supported the convention center and the downtown in general, but could not understand why they will not commit and agree to the points raised earlier.

Bonnell did not support the motion to postpone and did not believe that the council could impose legal conditions on the vacation. He felt that the neighborhood have gotten everything they have requested.

Pizzo felt that we have to operate in a climate of trust and the promise to negotiate has been given and postponing will not change anything.

Sherman said he thought we had a better chance of working this issue out if we view this as a reasonable alley vacation and then keep working to make the conditions agreeable for everyone.

It was moved and seconded that the ordinance be postponed for two weeks.

The motion failed by a vote of Ayes:3 (Service, Hopkins, Cole), Nays:6.

Mayor Allison said that there is access to Madison St. either way and that the CBD is interested in getting along with their neighbors in every sphere of their various activities.

Kiesling asked Bonnell as an ex-officio member of the CBD to keep the council informed.

The ordinance received a roll call vote of Ayes:6, Nays:3 (Service, Hopkins, Cole).

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There was no legislation for first reading.
There were no communications from the public.
The meeting was adjourned at 11:40 P.M.

FIRST READING
PUBLIC INPUT
ADJOURNMENT

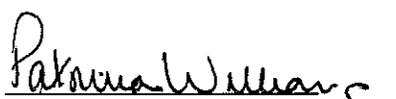
APPROVE;

ATTEST;



Jim Sherman

Jim Sherman, President
Bloomington Common Council



Patricia Williams

Patricia Williams, CLERK
City of Bloomington