

In the Council Chambers of the Municipal Building on Wednesday July 1, 1992 at 7:30 p.m. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 1, 1992

Roll Call: Sherman, Swain, Miller, Fernandez, Service, Kiesling, Hopkins
Absent: Cole, White

ROLL CALL

The agenda summation was given by Service.

AGENDA SUMMATION

Councilmember Sherman congratulated the recent graduates of both Bloomington High Schools North and South and encouraged them to register to vote.

MESSAGES FROM
COUNCILMEMBERS

Councilmember Miller informed the public of the recent letter the council received from Dan Hopkins, of EPA, concerning the PCB contamination in the Illinois and Corey Spring area. She also congratulated the Village Pantries on their recent change of exterior colors.

Councilmember Swain discussed the recent vacancies on the city's Board of Housing Quality Appeals and the Public Transportation Corporation.

Councilmember Service gave a summation of the duties of the BHQA and the PTC and gave the deadline of July 10, 1992. She also informed the public that the regular trash and recycling pick-ups on Friday will remain on Friday July 3, 1992. She gave a summation of the Plan Commission's recent vote of 7-1 approving the Miller Drive Neighborhood Plan as amended by the council. Information was also given for the public's benefit on the few remaining performances of Comedy of Errors.

There was not a report from the Mayor's office.

Councilmember Kiesling reported that the Solid Waste District Board approved the Solid Waste Management Plan for the next twenty years. She commented on all of the work that many individuals contributed to the plan.

It was moved and seconded that Resolution 92-14 be introduced and read by title only. Deputy Clerk Burris read the resolution by title only.

LEGISLATION FOR
SECOND READING/
VOTE

It was moved and seconded that Resolution 92-14 be adopted. Councilmember Swain read the synopsis and gave the committee recommendation of Do Pass: 5-0.

RES. 92-14

Linda Runkle discussed the collective bargaining that had been going on during the month of May with the participating parties being the city's management team and the Bloomington Firefighters Association. As in the two past years; the two parties negotiated a four year agreement. She noted a change from previous years being an educational pay incentive that will reward our firefighters for receiving their Master Firefighters Certification. Runkle also noted that the firefighters brought the educational pay incentive plan to the bargaining table. Runkle recommended approval of this resolution and noted that the Bloomington Firefighters Association supported this proposal. Councilmember Kiesling questioned Runkle as to the definition of a "city day".

Runkle responded that a "city day" has been in the contract for many years. In regular terms this would be called a personal day. It is one scheduled day off of tour of duty off that can be scheduled with shorter notice and in the Fire Department it is set up so that you would schedule one of your city days during each quarter. These days cannot be saved up as vacation days. Councilmember Kiesling noted that pregnancy leave was still being classified as medical disability leave and that in the future she hoped it could be classified in a more appropriate manner.

Runkle noted that this language was included four years ago so as to acknowledge that females could be firefighters.

Councilmember Sherman questioned Article 1 number 2 with reference to raising property taxes no less than 5% yearly.

Runkle noted that she had inherited all of the language from many contract

negotiations ago and that for understanding all of Article 1 would have to be read in context.

Jeff Ellington, President of the Bloomington Firefighters Association, came before the Council to report that this agreement was passed by a majority of the BFA members.

Councilmember Kiesling gave her appreciation to the BFA for bargaining in good faith and coming to a good agreement.

Councilmember Fernandez commended the administration's and the BFA's bargaining teams for agreeing on a solid workable agreement which will ensure that we will have an effective and professional delivery of fire protection in our community for the next four years. It is an obvious product of a contract that was bargained in the spirit of good faith. The contract includes a very reasonable raise over the next four years. The raise will be 4.41%. To put that in context of what is going on in our community, I feel this is very reasonable when comparing to the University and the County. This should be commended to the City for practicing fiscal stewardship which has put us into a position for offering raises to the city employees. On a personal note this is the second time around for contract approvals and I think for the most part all of the players have taken their roles as negotiators and representatives seriously and have always conducted themselves in the spirit of good faith. We have always rewarded that type of behavior with fair and reasonable contracts and I hope that the other bargaining units come forward with their contracts in that same spirit so that we can continue a policy of parity among our city employees.

The roll call vote for Resolution 92-14 was Ayes: 7 Nays:0

It was moved and seconded that Resolution 92-13 be introduced and read by the Clerk by title only. Deputy Clerk Burris read the resolution by title only. It was moved and seconded that Resolution 92-13 be adopted. Councilmember Swain read the synopsis and gave the committee recommendation of Do Pass 4-0-1.

RES. 92-13

Councilmember Service told the public that this resolution originated with the Council and then asked the council if anyone would like to provide any additional information concerning this resolution for the benefit of the public. Councilmember Fernandez offered an amendment to change under the "Therefore" clauses number three would be amended and changed to read:

3. The advisory committee should work with the City in formulating an overall program in implementing an overall Growth Policies Plan. The program should order the priorities, identify the resources and set the timetable necessary for successful implementation of this plan.

He went on to comment that he felt this amendment reflects the concerns of the Councilmembers and the public.

Paul Schneller of Quality Growth expressed his approval for Fernandez's amendment. Mr. Schneller made the following additional suggestions: oversee and supervise the committee, clarify the purpose of the committee, appoint impartial members, designate an impartial chairperson for the committee and lastly to take formal steps to bring city department heads onto the committee. He encouraged the Council to include an amendment that an impartial chair be appointed.

Councilmember Sherman agreed with Schneller's comments and the suggestion of the addition to the amendment.

Councilmember Service suggested that the concerns might be better addressed if there were two amendments.

Councilmember Fernandez went on to suggest that the proposed amendment under the "Therefore's" would remain number three and the current number three would become number four.

Councilmember Miller questioned if the old number three would become number four and where would the issue of an impartial chair be addressed.

Councilmember Fernandez responded that we should wait and see if anyone would be interested in offering any other amendments.

It was moved and seconded that the Amendment to Resolution 92-13 be adopted. The amendment to the resolution received a roll call vote of Ayes: 7 Nays:0.

Councilmember Service questioned the council for any other amendments to Resolution 92-13.

Councilmember Hopkins stated that he felt Paul Schneller made some very important points, but he did not feel it should be included in the resolution. But, that the council should keep a watchful eye over making sure these concerns are addressed.

Mayor Allison told the council that when a committee is formed within the City the member of that committee are generally responsible for picking their own chairperson.

Councilmember Kiesling asked Mayor Allison when the first meeting would be held.

The Mayor responded it would be July 16, 1992.

Councilmember Miller asked Mayor Allison if she would be expanding this commission?

Mayor Allison said she was making expansions due to the feelings of the council.

Councilmember Kiesling requested that the minutes from this meeting which reflect the discussion on Resolution 92-13 be attached to the resolution so as to reflect the feelings of the council to the Mayor.

Paul Schneller spoke in favor of having an impartial chair. He feels this is important because he does not feel the membership of the committee is sufficiently balanced.

Councilmember Miller questioned Schneller as to who he would suggest be responsible for appointing the chairperson.

Schneller responded that he felt the Council should make the appointment.

Councilmember Kiesling asked Schneller for the record if he could repeat the names for the record previously mentioned in the committee meeting.

Schneller repeated the following names; Barry Rubin, Linton Caldwell, and Dan Willard.

John Burnham is a member of the Citizens Property Rights Committee. This committee represents 350 property owners and citizens here in Bloomington. This committee was formed as the result of the recent attempt to downzone a number of parcels of properties in Bloomington. Burnham was not happy with the Mayor's choice of citizens to sit on the task force. Burnham also reported that due to the exclusion of certain bodies within the task force two local groups will not continued to work with the task force: they are Citizens Property Rights and Monroe County Apartment Owners Association. Burnham encouraged the Council to review this resolution and determine the ground rules for this task force.

Councilmember Fernandez questioned Mayor Allison as to whether she was willing to work with the council in appointing a chairperson.

Mayor Allison stated that she felt the committee would pick their own impartial chair.

Councilmember Sherman explained that he felt many different groups should come together and work on this task force. Sherman was a little dismayed about certain groups not participating in the task force. Sherman made reference to a letter from the Monroe County Apartment Association which expressed some displeasure with the appointment of members to the task force. Mayor Allison responded by explaining that there will be many public hearings for the benefit of the public. But, there also needs to be opportunities for the task force to meet without hearing from the public to get the work of the committee done.

Councilmember Service questioned the Mayor as to whether there could be a portion of the task force's agenda for public comment.

Mayor Allison responded that the committee must be given time for the task force to do their committee work. The Mayor suggested that if the Council

wanted to make sure the task force had public input to have the concerned citizens come and speak to the public input portion of the Council's agenda. Councilmember Service responded that since the public will be encouraged to attend these meetings they should be given the opportunity to speak during the public portion of the agenda.

Mayor Allison responded that she did not have any objections to Councilmember Service's suggestions.

Councilmember Fernandez responded to Burnham's comments that all of the meetings for the task force will be publicly advertised and that their decisions will be sent as recommendations to the Council.

John Burnham questioned whether there would be a portion of time for the public to express their concerns.

Mayor Allison expressed her previous thoughts of the amount of time that committee work can take and that she is not opposed to allowing a time limited portion into the agenda for public input.

Councilmember Miller asked if there would need to be an amendment for the Resolution which allows for time for public input.

John Burnham responded that he would agree to a small amount of time in each agenda for public input.

Councilmember Hopkins spoke in favor of having a formal amendment which allows for time in the task forces agenda for public input.

Councilmember Kiesling reported how difficult it can be to accomplish items on an agenda when there is not sufficient time set aside for the committee to talk among themselves without any disruptions. Kiesling agreed with having a portion of time set aside in the agenda for public input.

Councilmember Sherman spoke in favor of allowing the task force to determine their own agenda.

Councilmember Fernandez made a motion to Resolution 92-13 as amended be amended to add numbers five and six to the "Therefore's" section of the resolution:

5. The Common Council urges the Mayor to select an impartial chair to direct activities of the advisory committee; and
6. Any and all proceedings of the advisory committee shall be open to public participation as determined by the committee membership

Councilmember Swain added that he felt there was not a need to make additional amendments because he felt they were accomplishing the same by attaching the minutes as recommendations to the Mayor.

Councilmember Miller spoke in favor of the amendments to Resolution 92-13.

Councilmember Hopkins also spoke in favor of the amendments to Resolution 92-13.

Councilmember Service spoke in favor of the amendments to Resolution 92-13.

Paul Schneller stated that it is very important to distinguish between the difference the process functions that the committee will be carrying out and the substantive debates on particular issues.

It was moved and seconded for the clerk to take a roll call vote on the second amendments to Resolution 92-13. The roll call vote was Ayes: 6 Nays: 1

Councilmember Sherman questioned the Council Attorney, Dan Sherman, about the amount of power this Resolution can have towards developing this committee.

Dan Sherman responded that this Resolution, given to the Mayor, will represent what the council desires for this task force.

John Burnham informed the Council that the task force should reflect the wishes of the Council; in terms of establishing criteria for the implementation of the task force.

Resolution 92-13 as amended received a roll call vote. The final vote was Ayes: 7 Nays: 0.

It was moved and seconded that Ordinance 92-19 be introduced by the Clerk by title only. Deputy Clerk Burriss read Ordinance 92-19 by title only. Councilmember Swain read the synopsis and gave the Committee Recommendation of Do Pass: Ayes: 6 Nays: 0

ORD. 92-19

Tim Mueller, Planning Director, explained to the Council that the petitioner is petitioning for vacation of two alleys. There have been some suggestions made that one of the alleys was never officially recorded as being vacated and that the other alley may have been mistakingly not vacated on a plat map. This petition will allow both alleys to be formally recorded as being vacated. Councilmember Fernandez questioned the Council Attorney as to whether this would qualify as a sufficient public hearing for a petition for vacation. Dan Sherman, Council Attorney, responded that this meeting was advertised and would qualify.

A roll call vote was taken and the final vote for Ordinance 91-19 was Ayes: 6 Nays: 0

It was moved and seconded that Ordinance 92-22 be introduced and read by the Clerk by title only. Deputy Clerk Burriss read the ordinance by title only. It was moved and seconded that Ordinance 92-22 be adopted. The synopsis and committee recommendation of 4-1-1 was given.

ORD. 92-22

Tim Mueller, Planning Director explained to the Council that this petition requests an expansion to the existing Heatherwood Mobile Home Park. The portion of land in question is presently zoned RL. Mobile home developments are not permitted in RL zones. Thus, this petition is requesting the land be rezoned to PMP to allow for the expansion. In reference to the site plan, the plan commission has requested some modifications. Originally the plan proposed 130; units now it is 110. The scaling down has allowed for more open green space and these will encompass the areas affected with sinkhole problems. The sinkholes will be used for stormwater detention and they will be treated. The conditions for approval were for the developer to upgrade the existing utilities and passing blisters for development plan approval.

Dan Nubecker, Representative for Mr. Lumsden, stated that this proposed development exceeds the requirements for mobile home parks in virtually all the areas. He went on to state that this development has a great deal of open green space and the development will be adjacent to an existing park. And in conclusion the developer has met with the neighbors and as a result has made some changes in order to meet with their concerns.

Councilmember Kiesling spoke to the concern of sinkholes and about the fence for the cattle in the development.

Councilmember Fernandez questioned Nubecker as to whether he had received a letter from the Environmental Commission. He went on to comment on sinkhole number nine mentioned in the letter.

Nubecker responded that they were currently in the planning stage but they have been discussing the possibilities for this sinkhole in terms of surrounding it with vegetation.

Councilmember Service discussed the adjacent pasture to the development and mentioned the potential hazards for children.

Councilmember Kiesling discussed the recommendation from the Environmental Commission which was based on the information compiled by W&W Engineering be made part of the record.

Phil Chamber, the adjacent property owner, discussed the safety issues and was glad to hear the council address these issues. He spoke in favor of having a park for the children to play.

Councilmember Miller thanked Mr. Chambers for his comments and was encouraged to see him work with the developer through the whole process.

A roll call vote was taken for Ordinance 92-22. The final vote was Ayes: 7 Nays:0

It was moved and seconded that Ordinance 92-23 be introduced and read by

ORD. 92-23

the Clerk by title only. Deputy Clerk Burris read the ordinance by title only.

It was moved and seconded that Ordinance 92-23 be adopted. Councilmember Swain read the synopsis and gave the committee recommendation of Do Pass: 5-0-1.

Tim Mueller, City Planner, informed the Council that the site of this planned development was on the former site of the Y & W Drive-In Theater. Mueller explained that for the most part the corridor has Residential Estate Zoning with flood plain overlay. Mueller explained that the PUD would allow a fairly limited number of commercial uses with emphasis on keeping the traffic congestion down. In the proposed area the Master Plan currently calls for this area to be a scenic corridor. The site plan is consistent with the outline plan. The only consideration with the outline plan is to allow up to 6400 feet of accessory retail book sales. The landscape and architecture as proposed in the plan are pleasing. The Plan Commission recommended approval for this with the only constraint being that the retail sale of books as accessory sales only. Councilmember Swain asked for the Plan Commission vote.

Mueller responded that it was unanimous.

Councilmember Miller asked whether the plan calls for only strict retail in books on the site.

Councilmember Kiesling questioned the possibility of the land changing hands. Mueller responded that we were dealing with land use and that the outline plan carries a number of permitted uses. But, the buyer would have to comply with the conditions for approval and the site plan. The new user would not be able to sell books or any other form of retail commodity.

Councilmember Hopkins requested that Mueller repeat the agreement for the signage for this building.

Mueller responded that the Petitioner proposed a sign that 11 feet in height. There was some concern on the part of the Plan Commission about the scenic corridor objectives. He went on to explain that the sign was excluded from the commissions approval. So, this will have to be dealt with in the another visit to the Plan Commission by the Petitioner.

Mike Probst of Smith Quillman & Associates, representing the Petitioner, presented some overheads for some architectural landscaping and design for the building. Mr. Probst explained that he felt these attractive designs would add to the scenic corridor.

Councilmember Sherman commended the plan for being responsive to the planning commission and for coming to the council with a nice proposal.

Councilmember Swain discussed the present condition of the lot and he felt this building would add to this entrance to Bloomington.

A roll call vote was taken for Ordinance 92-23. The final vote was Ayes: 7 Nays:0.

It was moved and seconded that the following ordinances be introduced and read by title only by the Clerk for first reading before the Common Council. Deputy Clerk Burris read the legislation by title only.

FIRST READING

Ordinance 92-20 To Amend the Bloomington Zoning Maps from MQ and RE to RS - Re: 2300 Block of Rockport Road (City of Bloomington Redevelopment Department, Petitioner) ORD 92-20

Ordinance 92-21 To Grant PUD Designation and Outline Plan Approval - Re: 3000 Block of South Rogers (Willow Creek Residential Subdivision) (G & S Development, Corp.) ORD 92-21

Ordinance 92-24 To Amend the Bloomington Zoning Maps from RS to ML, Grant PCD Designation and Approve Outline Plan - Re: 3598 & 3650 St. Rd. 45 West (Public Investment Corp., Petitioner) ORD 92-24

Ordinance 92-25 To Amend Title II of the Bloomington Municipal Code - Re:
Regular Meetings (2.04.050) and Adjournment (2.04.420)

ORD 92-25

Ordinance 92-26 To Amend Title 15 of the Bloomington Municipal Code
Entitled, "Vehicles and Traffic"

ORD 92-26

There were no petitions from the public.

The meeting adjourned at 9:15 p.m.

APPROVE:

ATTEST:

Pam Service, Vice President
Pam Service, President
Bloomington Common Council

Jacqueline Burris, Deputy Clerk
Patricia Williams, Clerk
City of Bloomington