

In the Council Chamber of the Municipal Building held on Wednesday, September 16, 1992 at 7:30 P.M. with Council President Service presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
SEPTEMBER 16, 1992

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

ROLL CALL

The agenda summation was given by Service.

AGENDA SUMMATION

The minutes of September 2, 1992 were approved by a voice vote.

APPROVAL OF MINUTES

White informed the public of the upcoming HoosierFest.

MESSAGES FROM
COUNCILMEMBERS

Kiesling apologized for not attending the last council meeting. On Sunday September 20, 1992 the Eighth District Congressional Candidates will debate. Groundbreaking was held today for the improvements on the Curry Pike and St.Rd. 48 general area.

Miller congratulated the Chamber of Commerce on the recent Business Network activities.

Sherman stated that it was the last week for field registration of new voters but people have until October 5, 1992 to register in the Voter Registration Office. He discussed the importance of following the ordinances which prohibit placing political yard signs in public right-of-ways.

Service informed the public that Indiana has some of the strictest registration laws of all 50 states. The Ellettsville Fall festival will be this coming weekend.

Mike Davis, Executive Assistant to the Mayor, discussed recent legislation which will come before the U. S. Congress with the intent of providing additional monies for community development funding areas. He went on to mention the importance of the Community Development Block Grant for the social service programs in Bloomington. He called on the councilmembers to urge their Congressman and Senators to approve legislation which would expand funding in these areas. He also made a special note of the upcoming Rape Awareness Week in Bloomington. He also discussed the upcoming United Way fundraising campaign.

MESSAGE FROM MAYOR

Clerk Williams informed the public that there were vacancies on the Bloomington Arts Commission and the Board of Housing Quality Housing Appeal and the deadline for applying is Wednesday Sep. 23, 1992.

BOARDS & COMMISSIONS

It was moved and seconded that Ordinance 92-39 be introduced and read by the Clerk by title only. Clerk Williams read the ordinance by title only. It was moved and seconded that Ordinance 92-39 be adopted. The synopsis and committee recommendation of Do Pass: 7-0 was given.

LEGISLATION FOR
SECOND READING/VOTE
ORDINANCE 92-39

Chuck Ruckman, City Controller, explained to the Council that this resolution allows the city to refinance current bond debt. He went on to explain the restructuring process for the debt as a method of refinancing at a lower interest rate and in the process realize more working capital for projects we want to fund.

Linda Runkle, Corporate Counsel, explained that this process was one that has been used with other city projects when low interest rates make this an attractive option.

Kiesling asked for a clarification of the members of the Building Corporation. Runkle responded that the current members are Frona Powell, President, Tracy Clay Vice-President, LeAnn Merry Secretary-Treasurer, other board members are Bill Finch and Bill Tabor.

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

It was moved and seconded that Resolution 92-18 be introduced and read by RESOLUTION 92-18 title only. Clerk Williams read the resolution by title only.

It was moved and seconded that Resolution 92-18 be adopted. The synopsis and committee recommendation of Do Pass: 7-0 was given.

Susan Montgomery, Assistant City Attorney, explained the details of the contract.

Kiesling asked how the League of Management Committee was set up?

Montgomery responded that there are two representative appointed by the Mayor and the other two are appointed by the union.(FOP)

White asked if there was a change in the allowance for uniforms.

Montgomery responded that there were no major change, just a few minor ones.

Service questioned who the person will be in deciding disciplinary procedure for accreditation cases.

Montgomery responded that they are decided upon on an individual basis.

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

It was moved and seconded that Ordinance 92-37 be introduced and read by ORDINANCE 92-17 title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 92-37 be adopted. The synopsis and committee do-pass recommendation of 8-0-1 was given.

Tim Mueller gave a brief description of the site and the plan for an RE/PUD of 28 units on 9.25 ac on N side of Church Lane. Many iterations have occurred since this project started with 39 lots, different zoning designation possibilities as well as different plans for pedestrian easements on the north lot line that could be extended by public initiatives of private property that links up with S. Madison, thereby allowing pedestrian access to Clear Creek School.

Mike Probst, representing the petitioner, said that Farmers Home would no longer be an option for financing, and they are now looking at FHA and he stressed the need for affordable housing which this will be, and not just public housing in our community.

Jim Frank discussed the differences between FHA and FMHA. FHA allows a low down payment (there is a minimum), a loan limit of \$86,000 and the project must go through a qualification process with HUD, requiring all city utilities, an environmental study and archeology study. FMHA guarantees a VA loan and provides 100% of the required loan.

Mark Riggins spoke against the project, saying that when he moved in, it was understood that this would remain a quiet country area.

Bonnie Mahen addressed the need for fencing, felt that people were entitled to maintain their current property values and that this housing was not going to increase the value of their property.

Bob Steger said that a gate in the fence would not work and hoped that the density would be lowered.

Joel Grogan disagreed with an earlier statement that the petitioner had met with neighbors, he said that never happened.

Larry Brodeur, representing the petitioner, noted that the democratic process has certainly been utilized with continual and ongoing compromise on numerous points. It started with 39 units and now the number is reduced.

They have worked with the neighborhood association and it is no longer a FHMA project. There has been compromise on all sides and not everything for each side has been realized, but each side has gained/given something.

Kiesling asked how this would fit in with the Growth Policies Plan.

Mueller responded that the area and areas which surround it are designated as low density residential because the area is well served by infrastructure, the plan is a good example of a fairly compact urban form. He went on to discuss the area that "seems" to be the extension of S. Madison street. Kiesling stated

she did not like the fence and Mueller agreed that it was suggested by the petitioner and he too was not particularly happy with it.

Sherman hoped that this would be a mate to the Winding Brook subdivision of affordable homes and now it is out of the range of affordable. He wanted agreement and consensus on this project and hoped that something could be worked out and he didn't think it was a good idea of putting a development where neighbors are not accepting of it. He objected to the reduction of the density, thereby losing the opportunity for FMHA funding.

Cole asked if the Winding Brook homes were sold. Mr. Frank said they were sold, but not paid for or closed on. FHA is out of money for this fiscal year. She still did not think it was a good project and there is too much contention and problems that need to be worked out.

Hopkins said the Plan Commission has spent hours on this, actually 5 months. He said he did not think the council understood what everyone has gone through with this proposal. There has been give and take. He suggested Sherman was inconsistent with not wanting to support a development that the neighbors were unhappy with and then support a higher density/low income development. Hopkins thought it was a reasonable development.

White agreed with Hopkins noting that the plan was consistent with the master plan and that there has been every effort to satisfy all parties involved; it isn't a perfect plan and if we send it back to the Plan Commission, there is only so much that can be reconsidered. He felt this would work out well in the end.

Sherman said that inconsistencies occur because we have a different "animal" now. It is necessary for people to give a little to make things work.

Service said we could not make decisions based on whether neighbors are happy or unhappy with proposed changes. Change and density are always a source of concern and this is part of the master plan proposal.

Cole wondered if the petitioner considered moving or renovating the older house on the site.

Mueller said it was considered but that is where the entryway to the subdivision would go.

The ordinance received a roll call vote of Ayes:5, Nays:2 (Sherman,Cole).

It was moved and seconded that Ordinance 92-38 be introduced and read by title only. Clerk Williams read the ordinance by title only. ORDINANCE 92-38

It was moved and seconded that Ordinance 92-38 be adopted. The synopsis and committee recommendation of Do Pass: 7-0 was given.

Tim Mueller discussed the ordinance, noting that it is an interim amendment dealing with permitted uses and special exceptions and conditional uses. The list of uses is in the code and there is a list of corresponding criteria for the plan commission to use in making their decision. There are general as well as specific criteria exceptions and strangely the conditional use section to the code does not have any general criteria and so language has been added to read, criteria for the Board of Zoning Appeals and special exceptions. Language has been added in the following two areas external impact and health and safety to allow the board to address environmental problems. There is also a new line which brings in Master Plan compliance.

Kiesling questioned the wording and meaning of termination. The Board of Zoning Appeals presently has this existing regulations and it was not transferred to the Plan Commission.

Cole asked if this was a permanent amendment and Mueller said that this will be in our code until the new code is adopted and the conditional uses will probably continue. Sherman said it will change again in October with additional Plan Commission changes.

The ordinance received a roll call vote of Ayes: 6, Nays:0. Miller was out of chambers at roll call.

It was moved and seconded that Ordinance 92-36 be introduced and read by ORDINANCE 92-36 title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Ordinance 92-36 be adopted. The synopsis and committee recommendation of Do Pass: 7-0.

Tim Mueller described the tract and the requested petition. The area is of mixed zoning and was designated in the master plan for a higher density and the neighborhood master plan also identifies this area for duplexes. He described the units and said because the lot slope in the back there would be a berm if possible. The Plan Commission left that to the petitioner. There are trees at the bottom and in order to have an effective berm on a downward sloping area, it might consume a pretty wide swath on the plan.

White said it was good to see a plan that was compatible with the neighborhood and the city service center to the south.

Cole said she preferred to eliminate the half brick exterior, and noted that it was a personnel bias. Hopkins suggested that this is used all over.

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

It was moved and seconded that Resolution 92-11 be introduced and read by RESOLUTION 92-11 title only. Clerk Williams read the resolution by title only.

It was moved and seconded that Resolution 92-11 be adopted. The synopsis and committee recommendation of Do Pass: 1-1-5 was given.

Chris Spiek reviewed the general details of the company and the tax abatement request of 10 years abatement on the warehouse and 5 years on the machinery. The recommended areas for tax abatement are listed in a chart accompanying the packet. There is an additional form the state is requiring for cities to complete for tax abatements. He explained that the tax base will not be lost but stimulating increases in the overall base and deferring the increase over a ten year period.

Sherman stated that an abatement asked others to forego development for a set number of years.

Hopkins asked if Spiek would conduct a review of past tax abatement cases in order to fulfill the new state requirement.

Service asked if the business would be required to state how many jobs they intend to bring. Spiek replied that it would.

Cole questioned if K&W Products was in the Enterprise Zone? Spiek replied they were currently in the Enterprise Zone.

John Goode, Executive Vice President K&W Products and gave a brief overview of the history of K&W Products. He stated that their objective was to continue to grow through acquisitions and consolidations in Bloomington. He explained the employee benefits and stated that they constitute 36% of employee salary.

Sherman thanked him for attending the meeting. He stated that he would like to see the number of jobs which K&W Products will bring into Bloomington in writing. Service seconded Sherman.

Kiesling commended the K&W for the proposed improvements of the facility. She also commented on the materials which will be used to refurbish the building. Information on the materials which will be used will be necessary to determine if the project is being environmentally sound.

Bob Anderson, Bloomington Economic Corporation, spoke of the benefits K&W Products will bring to Bloomington.

Steve Smith worked with K&W Products in their process of location in

Bloomington. He spoke of the many improvements K&W Products will bring to the proposed area.

Tony Bruce works with K&W in Bloomington and spoke in favor of them.

Terri Simanton, Director of the Enterprise Zone, spoke in favor of K&W Products.

Tim Tilton, County Commissioner, spoke in favor of K&W Products highlighting the good salaries which will accompany the expansion.

Bob Yoakam, Roadway Express, spoke in favor of growth in the community which allows business' like K&W Products to enter Bloomington.

Tim Ellis, Bloomington Economic Development Corporation, informed the Council of the Corporations' part in getting K&W Products to enter Bloomington. He asked the Council to support Resolution 92-11.

Charlie Kellar also asked the Council to approve Resolution 92-11.

Jim Regester, Monroe County Urban Development Commission, urged the Council to approve Resolution 92-11 said this was an ideal tax abatement project.

Hopkins, as the only NO vote last week apologized for any misconceptions from last weeks meeting. He did commit to vote against tax abatement in general during the election campaign, that there is a lot of opposition to abatement and it points up the need to work these things out. Abatement is an exchange between a community and a company.

Sherman supported the abatement mentioning the large number of people who also supported the proposal in principal and in reality. He suggested a review of the criteria for abatement. The perception that we are tough on business, is not the perception he intends to leave and thoroughness should not be mistaken for anti-business.

White thanked everyone who came out to speak in favor and the K&W team.

He reminded folks how tough the competition is and how another economic development from a southern Indiana city was ready to have K&W move there. We may want to be careful and deliberative but we scare people to death when we send the wrong message. Plan Commission improvements will probably cost more than the tax abatements provide.

Cole, Miller and Service spoke but our tape did not pick it up.

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

It was moved and seconded that the following ordinances be read for first reading before the Common Council. Clerk Williams read the ordinances by title only. LEGISLATION FOR FIRST READING

1. Appropriation Ordinance 92-3 An ordinance for Appropriations and Tax Rated (1993 Civil City Budget for the City of Bloomington)

2. Appropriation Ordinance 92-4 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Waste Water Utility Departments of the City of Bloomington, Indiana for the year 1993.

3. Ordinance 92-32 Salary Ordinance of All Elected Officials for the City of Bloomington for 1993.

4. Ordinance 92-33 Salary Ordinance for Appointed Officers and Employees of the City of Bloomington for 1993.

5. Ordinance 92-34 Salary Ordinance for Appointed Utilities Officers and Employees for the City of Bloomington for 1993.

6. Ordinance 92-35 An Ordinance Reviewing and Modifying the Budget of the Bloomington Transportation Corporation

7. Ordinance 92-40 To Amend the 1992 Salary Ordinance for Appointed Officers and Employees of the City of Bloomington

8. Ordinance 92-41 To Amend Chapter 2.22 of the Municipal Code Entitled "Personnel Department" to Authorize Current Paid Benefit Time Granted to City Employees

9. Ordinance 92-42 To Vacate a Public Parcel - Re: Platted Alley Between 703 S. Anita and 614 Clifton Avenue (M.R. Buhls, Roland Hobart and Harold Jones, Petitioners) There were no petitions or communications from the public. The meeting adjourned at 11:00 P.M.

PETITIONS
ADJOURNMENT

APPROVE;

Pam Service
Pam Service, President
Bloomington Common Council

ATTEST;

Patricia Williams
Patricia Williams, CLERK
City of Bloomington