

In the Council Chambers of the Municipal Building held on Wednesday, November 20, 1991, at 7:40 P.M. with Council President Fernandez presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
NOVEMBER 20, 1991

Roll Call: House, Foley, Kiesling, Fernandez, Regester, White. Service, Hogan. Absent: Olcott.

ROLL CALL

Fernandez gave the agenda summation.
The minutes of November 6, 1991 were approved by a voice vote.

AGENDA SUMMATION
APPROVAL OF MINUTES

The council will not meet next week before Thanksgiving.

Fernandez clarified several points regarding December meetings and an upcoming proposal (Covenantur Properties rezoning request on Moores Pike). He said it was a dead proposal, did not believe this council would support the request, nor would any future council support it, nevertheless there is concern that the remaining meetings for the council are reasonable in length and content. He said that during the Kinser Pk discussions, citizens and petitioners debating city business after midnight was a poor way to do the city's business and after some discussion there is a general consensus toward starting the meetings of December 11 and 18 at 5:30 rather than 7:30 P.M.

MESSAGES FROM
COUNCILMEMBERS

Hogan was in favor of the time change.
Service didn't think it was the best solution as people are used to tuning in at a certain time, it's hard for people who work to be here at 5:30 and a lot of people are out of town at that time of year. It isn't a great solution, but would agree if everyone else wants it.

White said the routine routing after Plan Commission should be continued and the early start-up time is a good compromise.

Regester agreed with the early start time.

Kiesling said that 5:30 is a busy hour for alot of people and we do have 90 days to consider any Plan Commission decision, she did not think the outcome would be any different and the council does have their own rules of no new business after 10:30 P.M. that can be enforced.

Foley thanked the president for the compromise agenda change and it is the job of the council to make these decisions and following the tradition of the council hearing should be conducted in a fair bipartisan manner.

House favored the solution.

Fernandez asked that the meeting time changes be advertised.

Service announced that Phaedra will be presented by the Monroe County Civic Theater

Kiesling reminded people that next week is National Education Week, hoped that the BHS South Panthers do well at the football state semifinals, and Brown County has started their recycling in cooperation with Monroe County, and the Festival of Trees benefiting Bloomington Hospital is this week.

House echoed Kiesling's remarks and also hoped that the IU-Purdue game goes well.

Mike Davis extended condolences to the Alpha Epsilon Phi fraternity for the fire that occurred at their residence this past weekend and commended the IU Halls of Residence for making room for all those men. He congratulated Vicki Mayes, the new Assistant Park Director.

MESSAGE FROM THE
MAYOR

UNICEF Christmas cards are available for sale.

Our Human Resources Department has been named coordinator for the STEP AHEAD program for the county and lastly, the 1993 Women's Softball Tournament will be here in Bloomington. The United Way campaign contributions among city employees have increased by 23% from last year for a total of \$14,207. He also wished BHSS Panthers football success as they go into the finals. The December 7th City Christmas party will be at the new Convention Center.

It was moved and seconded that Ordinance 91-56 dealing with Soil Erosion be discussed first and approved by a voice vote to do so.

LEGISLATION OR
SECOND READING/
VOTE

Regeester said that the committee that was formed to discuss the proposed ordinance in greater detail, especially the financial aspects and legal issues as well as some clarification that is needed particularly as it pertains single family home builders.

ORDINANCE 91-56

Engineering and Utility procedural drafts are also being formulated

(TABLED)

Service said there are base fundamental problems that need to be discussed and probably only when it comes before the council again as there are opposing views as to the necessity of this legislation. The committee discussed ways that people who were concerned about some of the points of the ordinance could be addressed in the ordinance without undercutting its basic intention. There just was not enough time to prepare all this information for tonight's meeting and so the proposal was to postpone until January of next year (First Reading on 1/6, Committee 1/8 and Final Action on 1/15)

Ben Beard, representing the Home Builders Associations, said that they appreciated the time extension so that details can be worked out. He said that the group had been involved in this issue long before it became an ordinance and just recently found out that the council would be discussing it at this time in this final form. He said they were not opposed to the ordinance, in general, just some of the details and mechanisms that would implement it.

It was moved and seconded and approved by a roll call vote of Ayes:8, Nays:0 to table this ordinance to the schedule as stated above in 1992.

White asked if Regeester would continue to work with this committee after he leaves the council in January and Regeester agreed to do so.

It was moved and seconded that Ordinance 91-57 be introduced and read by title only. Clerk Williams read the ordinance by title only.

ORDINANCE 91-57

It was moved and seconded that Ordinance 91-57 be adopted. The synopsis and committee recommendation of 7-0 was given.

Susan Failey discussed the proposal with the council and said that the EDTA was necessary to continue with the tax abatement proposal also on the agenda this evening. Details of the EDTA designation are in the ordinance. The petitioner was available for questions. Failey said that the Candol Wax building was the only building included in the EDTA district.

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

It was moved and seconded that Resolution 91-31 be

RESOLUTION 91-3

introduced and read by title only. Clerk Williams read the ordinance by title only.

It was moved and seconded that Resolution 91-31 be adopted. The synopsis and committee recommendation of 5-1-1 was given.

Nancy Brinegar, Redevelopment Department, said that the Bloomington Redevelopment Commission voted unanimously to approve this project for a 10 year tax abatement.

David Ferguson, petitioner, showed pictures of the site to be renovated for apartments. It has been vacant for several years after use as a furniture warehouse, is currently occupied by pigeons and will help satisfy the need for downtown housing. There are a few special considerations, like a front door that is 78" above the sidewalk and there are structural problems with it in its current condition. There has been a lot of support for this project. He gave a brief history of the building and noted the pink terra cotta building material on the structure. He stated that this building meets all the criteria established by various governmental entities. The building is in terrible shape and needs the abatement assistance to make the project work and no has wanted to use it since the early 1950's. It will be difficult to renovate and some of the improvements will be major ones.

Regester asked about the flooring and Ferguson said it would probably require a new wood floor. The elevator is one of the oldest operating elevators in the state.

Fernandez said the current abatement guidelines do not address this request, in other words, this petition does not fit any of them and he suggested that in light of the strong efforts to encourage downtown development, we might want the commission to revisit this guideline again and figure out how we want to move forward with these downtown housing projects. We need to find a way to make these projects fit into all the plans we have for housing. He hoped that housing opportunities would exist for everyone, because we have lost a tremendous amount of affordable housing downtown, being replaced with high market prices.

Nancy Brinegar said that she would present his suggestions to the Redevelopment Commission.

Hogan said he did not typically favor tax abatement in housing proposals, but that this was an exception. The building is an eyesore and the purpose of tax abatement is to encourage people to take a chance with a project of this type. The total amount of abatement will be about \$9,000 and the costs involved will be many times that amount. We should encourage builders to take dilapidated properties and make them beautiful again.

Kiesling expressed some concern about parking and infrastructure that would be needed in the area.

Hogan said that anything we do downtown is going to require additional parking and the city simply has to look at other parking opportunities. Incentives, such as tax abatement, cannot be self defeating; the city has to look to providing those parking opportunities.

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

It was moved and seconded that Ordinance 91-58 be

introduced and read by title only by the Clerk. Clerk ORDINANCE 91-58 Williams read the ordinance by title only. It was moved and seconded that Ordinance 91-58 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

Tim Mueller gave the brief description of the tract and surrounding areas. The initial petition (Furr) was for a ten acre site on the westerly part of the site. Between the Plan Commission's first and second hearing, Landgrebe, the adjacent property owner brought in and additional 2 acres and jointed the petitioner. Landgrebe has a use variance from the Board of Zoning Appeals for business trade shops there. This was something that planning staff had recommended against, as the area is viewed as residential. The petition calls for 75 units with a single entrance and even though the plan will be developed as a unified plan the properties will remain separate and developed by the respective owners. Furr's existing business will remain and does not have to be removed and can add accessory uses to the building (clubhouse or offices).

Kiesling asked about trees. Mueller said that middle of the site is free of trees. She asked about future 4 laning of Bloomfield Rd. Mueller said that the Commission reserved the right to require accel and decel lanes and the 50' dedication from the center line of the road and when we have a grading plan, that question will be addressed. Mueller said that the internal streets would be private streets because of the condominium layout. The general policy is if a road serves a unitary ownership it should remain private and when they serve a diversity of ownership or when we require them to serve abutting properties. Regester asked about curbside trash pick up. Mueller said it is available only on public streets, not private streets. Police and fire vehicles have adequate necessary access. Kiesling said that this is something people need to keep in mind when they buy a unit of this type that they do not get sanitation or street maintenance services. The trade off is realized in the cost of the units and this is made explicit in writing so that people later on do not wonder why we don't service them. Mueller said the streets are adequate for trash and recycling trucks in the future.

Regester asked if there has been any discussion of Bloomington Transit services and some modification could be taken into account now to accommodate that service in the future.

Jeff Fanyo was available for questions.

Fernandez asked if there were any plans to replant trees along the road in the Twin Lakes area and Fanyo said there is a revegetation plan for the entire park and roadway.

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

It was moved and seconded that Ordinance 91-59 be introduced and read by title only. Clerk Williams read the ordinance by title. It was moved and seconded that Ordinance 91-59 be adopted. The synopsis and committee recommendation of 6-0-1 was given.

ORDINANCE 91-59

Service thanked Riggert for replacing the NO LOADING

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ZONE on Kirkwood and listening to the people who live and do business in the area.

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

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

LEGISLATION FOR
FIRST READING
ORDINANCE 91-60
ORDINANCE 91-61

Ordinance 91-60 To Transfer Appropriations Within the General Fund.

Ordinance 91-61 To Amend the 1992 Salary Ordinance for Appointed Officers and Employees of the City of Bloomington.

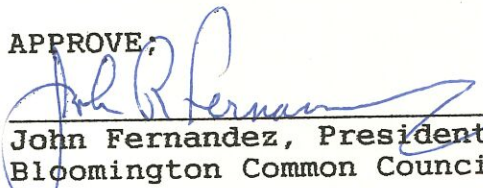
There were no petitions or communications.

PETITIONS

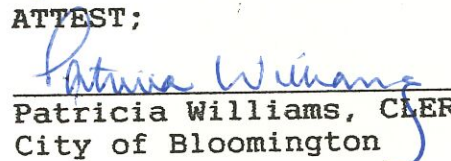
The meeting adjourned at 8:50 P.M.

ADJOURNMENT

APPROVE,


John Fernandez, President
Bloomington Common Council.

ATTEST;


Patricia Williams, CLERK
City of Bloomington