

AGENDA
COMMON COUNCIL REGULAR SESSION
7:30 PM, WEDNESDAY, APRIL 19, 1989
COUNCIL CHAMBERS

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR APRIL 5, 1989

VI. REPORTS FROM:

1. Councilmembers
2. The Mayor and City Offices
3. Council Committees

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 89-6 To Confirm Resolution 89-5 Which Designated the Property located at 1120-1122 E. Miller Drive Described in the Application as an "Economic Revitalization Area" (Kenneth R. Craig and Jeanne M. Walters, Petitioners). (PUBLIC HEARING FOR RESOLUTION 89-6)
2. Resolution 89-8 To Express Common Council Support for an Adjustment to the Plan Commission Fee Schedule. (This Resolution must be removed from the table.)
3. Resolution 89-16 To Express Common Council Support for Renovation of the former City Hall building by the Bloomington Area Arts Council for use as a Community Arts Center. (This Resolution must be removed from the table.)
4. Resolution 89-18 To Approve an Interlocal Cooperation Agreement for Household Hazardous Waste Collection Program.
5. Ordinance 89-14 To Amend Titles 2, 10 and 15 of the Bloomington Municipal Code.
6. Appropriation Ordinance 89-2 To Specially Appropriate from the Local Road & Street Fund and the Cumulative Capital Development Fund Expenditures Not Otherwise Appropriated. (Controller requests that this Appropriation Ordinance be taken off the table.)
7. Ordinance 89-15 To Amend the Zoning Maps from RL to RL/PUD and Grant Outline Plan Approval re: 708 Cory Lane (Shady Acres Development, Petitioner).

VII. LEGISLATION FOR FIRST READING

1. Ordinance 89-16 An Ordinance to Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" to Add Two New Subsections to Section 15.08.060: Services and Fees.
2. Ordinance 89-17 To Amend the 1989 Salary Ordinance for Utilities Employees of the City of Bloomington.

VIII. PRIVILEGE OF THE FLOOR (This section of the Agenda will be limited to 45 minutes maximum, with each speaker limited to five (5) minutes.

IX. ADJOURNMENT

In the Council Chambers of the Municipal Building held on Wednesday, April 19, 1989, at 7:30 P.M. with Council President Regester presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
APRIL 19, 1989

Roll Call: Kiesling, Gardner, Regester, Young, Service, Fernandez, White. Absent: Hogan, Olcott.

ROLL CALL

Regester gave the agenda summation.

AGENDA SUMMATION

The minutes of April 5, 1989 were approved by a voice vote with the name of Kent Moore added in the Petitions and Communications section of the meeting and Lin Gardner corrected the spelling of a visiting Boy Scout being honored for reaching the rank of Eagle Scout.

APPROVAL OF
MINUTES

Kiesling gave the weekly recycling schedule for the Saturday pick-up and congratulated the new Bloomington Police Officer Donna Knox.

MESSAGE FROM
COUNCILMEMBERS

Gardner invited everyone to attend the grand opening of Middle Way House on Friday, April 21 from 4-7 P.M.

She also invited everyone to the Pancake Breakfast at Binford Elementary School on Saturday, April 22 to help fund the Children's Advocacy Center.

Service announced the annual Tox Away Day scheduled for April 29 from 8-3 P.M.

White congratulated Brent Kidwell, new IUSA president and hoped everyone would enjoy Little 500 in a productive manner.

Regester announced that the LIGHT IS ON ! at Winslow Road and Henderson Street.

Mayor Allison read a thank you letter from Ken Gros Louis, I.U. Vice-President, thanking the Bloomington Fire Fighters for the wonderful job they did at the emergency at the I.U. Power Plant on April 5, 1989. David DeGroot, from the ambulance service also sent a letter of appreciation for the quick and efficient protocol that saved a power plant worker's life. The Mayor introduced Chief Fleener and all the men involved in the incident and thanked them for a job very well done.

MESSAGES FROM
THE MAYOR

Mike Phillip and Jeff Underwood gave a slide presentation of the new treatment plant, improvements that are being made and a general update of utilities functions. White suggested a tour of facilities for interested councilmembers.

REPORTS FROM
CITY OFFICES

Regester reported on a recent Tax Abatement committee meeting noting that the Redevelopment Commission will review councilmembers' suggestions and a resolution will be sent back to the Council for their approval.

It was moved and seconded and approved by a voice vote that Cheryl Underwood be appointed to the Historic Building and Study Commission for a two year term.

APPOINTMENT TO
HISTORIC STUDY
COMMITTEE

It was moved and seconded that Resolution 89-6 be introduced and read by title only. Clerk Williams read the resolution.

It was moved and seconded that Resolution 89-6 be adopted.

LEGISLATION FOR
SECOND READING/
VOTE
RESOLUTION 89-6
CONFIRMING 89-5

This resolution confirms Resolution 89-5 for tax abatement for 1120-1122 E. Miller Drive (Jeanne Walters the petitioner).

ERA FOR 1120 E.
MILLER DR.

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

It was moved and seconded that Resolution 89-8 be introduced and read by title only. Clerk Williams read the resolution. By motion and a voice vote this resolution was removed from the table.

RESOLUTION 89-8
PLAN COMMISSION
FEE SCHEDULE

This resolution deals with Council support of fee increases for the planning department.

Tim Mueller said that time/staff rough estimates suggested \$54,006 were expended in 1988 for various petitions submitted by developers and property owners. The high cost cases involve rezoning and outline plan changes in allowed density.

He suggested that petitions that increase the density might be more costly and the more modest plans that utilize current zoning be less costly. Development proposed by major developers would be relatively on point on the high side because of the high yields; he suggested that the industrial development fee be adjusted because of the discrepancy in tract sizes versus development costs. The Planning Department has suggested an incremental increase. As far as large developments are concerned, he cited Bill Brown's recent project involving 40 areas of commercial development. Brown would have paid (with the new fee structure) \$2500 on the high end and \$1100 on the low end.

Gardner said she was in favor of the increases especially since this is the first increase since 1979. She said that the increased fees should improve and expand the services of the department.

Kiesling said that there was concensus that supported the higher range and that we should look at the cost of doing business and meet that cost. This also might make petitioners more careful about their proposals. Kiesling also said that the Plan Commission would like a resolution stating that fees be reviewed annually and that they be increased incrementally.

Mueller suggested that instead of looking at fees, Councilmembers look at the cost of running the department, decide what proportion should be borne by developers and provide some indication of how the Council would like the Plan Commission to proceed.

David Schleibaum said that the entire city benefits from developments. He suggested that if additional funds are needed, it should be deleted from the Plan Department budget. He said that most costs occur in the two mile fringe and the city should have a more aggressive annexation policy.

Kiesling said that if this were approved it would expand the functions within the Plan Department and it would certainly help facilitate developers and

property owners with their petitions.

Service said the new money is balanced by new service costs to taxpayers and for developmental costs. If we can target the monies to increased services in the Plan Department especially long range

planning, tax payers will be relieved.

White said he agreed with the user fee concept, but that the high end of the fee increases seemed too high. Not everyone has deep pockets and not all costs are passed on to homeowners. He said he leaned toward an adjusted cost on the low end and eventually bring all the costs into a more equitable situation and we need to continue looking at annexation procedures.

Young also agreed that there should be an increase and that there is a big difference between \$35 and \$100 but she did remind people that this is not Carmel, IN. or Indianapolis and their fee schedule/costs are not necessarily ours. She felt that we needed to be in the lower end of the proposed changes.

Fernandez said that the relevant point is the cost of services and he hoped that the Plan Commission would look at the cost/fee ratio.

Gardner thought it would be helpful to know when other cities that we were using as a comparison last increased their fees and that a review formula is needed for the annual increases. Mueller said the Indianapolis figures are new and W. Lafayette has asked us for a copy of our proposed changes.

Regester asked that the minutes reflect Councilmembers' particular opinions about the changes:

Gardner stated that she favored the higher fee increases.

Regester stated that he wanted to see a separate industrial category with the fees at the low end and a regular review with an inflationary adjustment. Young also called for the lower fee increases and an annual review.

Service agreed with the annual review and fees fairly close to the high end.

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

It was moved and seconded that Resolution 89-16 be introduced and read by title only. Clerk Williams read the resolution.

It was moved and seconded that Resolution 89-16 be adopted.

Donna Robinson thanked the Mayor and the Common

RESOLUTION 89-16
CITY HALL/ARTS
CENTER

Council for listening to the presentations two weeks ago and again this evening.

Rosemary Miller said that Bloomington Restorations, Incorporated (BRI) is very supportive of the Arts Center. She suggested various ways to raise funds with state and federal grants for historic buildings.

Miller said we, as a community, saw what saving the Courthouse meant to us and this center would give the arts great prestige. She thought the December time limit to raise the funds would be very difficult to comply with and the various state organizations thought it would be at least two years before we could complete the project.

Dale Staten hoped the council would vote to give the arts center a chance.

David Reidy, an attorney in Bloomington, said that the artists in our community need an art center/complex and the rest of us need the arts. He spoke of his enjoyment visiting other cities with art museums/centers but that in Bloomington most of the activity has revolved around the university not the city.

Frank Ragan said every city is different and he has just returned from a seminar in Indianapolis and everyone has a positive, complimentary feeling about Bloomington...it's uniqueness is recognized by everyone. But there is a void: a forum and showcase for our artists. He suggested the Council look at the City Hall not as a give away but as an investment. The city invests without a risk and an opportunity, a chance is provided.

Hank Davis said that how we go about raising the monies to make it happen is a crucial piece to make it all go.

Joe LaMantia wanted an opportunity to teach in his own community. He now teaches Illustration at Ivy Tech in Columbus. He said this was an opportunity to collaborate with other artists right now that is not possible in Bloomington.

Paul Smedberg, Executive Director of Turnstile said that there are more artists per capita in Bloomington than in any other community in the state.

Dale Enochs, a sculpturer, said that an art center made good economic sense. Artists are forced to show their work in other cities.

Bob Hamontree, a local businessman, said to HURRY...we are running out of downtown space and there isn't a better location in all of Bloomington for a center..."this is an ideal opportunity".

Ron Dye, President of Bloomington Playrights said that historically artists have always relied on patronage and we are the center for arts in the entire state.

Rob Shakespeare said that the building is not a panacea for all the arts, but it is a hub and very much a necessity for our community.

Service said we all support activities, some only because they support the common community good. She said, for example, that despite loathing softball and ice skating she has always supported the Parks Budget.

Young said she would support the resolution and wished the Arts Council well.

Fernandez said this was an opportunity and a challenge with a result that we could all be proud of.

Gardner said this was a very ambitious project and we must not make it difficult or impossible for the project to succeed.

White said he had some initial concerns and that he was certainly not anti-art, but only trying to be a responsible councilmember. With 6 million needed

for capital improvements he hoped that the arts council would be supportive of our bonding needs.

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

It was moved and seconded that Resolution 89-18 be introduced and read by title only. Clerk Williams read the resolution.

It was moved and seconded that Resolution 89-18 be adopted.

RESOLUTION 89-18
INTERLOCAL FOR
TOX-AWAY DAY

Jane St. John, Tox Away Day Coordinator, said that 180 people participated last year in the program.

Kiesling asked about GSX (the contracted hauler) and the concerns the Human Rights Commission had with the company's affirmative action plan, or lack of a plan. She said that they were the only bidder this year and that they were told that next year they would not be awarded the contract if an affirmative action plan is not in place and in effect.

Gardner asked about aerosol cans and was told they would take them this year. Gardner also asked where the collectibles were taken and St. John said to landfills in Tennessee and North Carolina and that some of it is incinerated.

White expressed thanks to the County for their support of this project and help in making it

possible.

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

It was moved and seconded that Ordinance 89-14 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 89-14

It was moved and seconded that Ordinance 89-14 be adopted. Susan Montgomery, of the Legal Department went through the ordinance section by section. An amendment was suggested for Section II addressing the problem of district representatives on the Traffic Commission.

Service said the districts were effective, especially having someone who lived in the district addressing particular district concerns but that it just is very difficult to comply with and that is why the practice was changed several years ago.

Fernandez said the district arrangement was still the best way to go but understood the problem of finding specific district representatives.

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

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

It was moved and seconded that Appropriation Ordinance 89-2 be introduced and read by title only. Clerk Williams read the ordinance.

APPROPRIATION
ORDINANCE 89-2

It was moved and seconded that Appropriation Ordinance 89-2 be adopted.

Chuck Ruckman said these are basically reimbursement grants and asked Tim Mueller to explain the Planning Department's role in this ordinance.

Mueller said that we have a Metropolitan Planning Organization for transportation and planning and all MPO activities are federally reimbursed. This year there are 4 permanent tracking stations being placed here in Bloomington and the federal share is \$17,000 and the city share is \$3,000. The Topo Map appropriation is for \$5,000 from the federal govt. and \$900 in local money. The stations would be located at Indiana between 3rd and 5th, on High St. south of Maxwell, on Winslow east of Henderson and Third Street.

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

It was moved and seconded that Ordinance 89-15 be introduced and read by title only. Clerk Williams read the ordinance.

ORDINANCE 89-15

It was moved and seconded that Ordinance 89-15 be

adopted.

Tim Mueller said that this PUD would consist of private roads, lots leased to the homeowners with ownership retained by the developer, with double wide manufactured homes on on-site foundations. The roads would be 24 feet with curbs and sidewalks, owned and maintained by the petitioner. There would be a ten foot setback for the front of the lot and a 20 ft rear yard setback. Phase I was approved as a mobile home park and in Phase II the petitioner is asking for a PUD designation. The first phase has been very very successful.

Kiesling asked about trees and the creation of green space.

Tom Bunker representing the petitioner said that in Phase I there is an acre dedicated to open green space.

The ordinance received a roll call vote of 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 Bloomington Common Council

Ordinance 89-16 An Ordinance to Amend Title 15 of the BMC Entitled Vehicles and Traffic and to add two new Subsections to Section 15.08.060.

Ordinance 89-17 To Amend the 1989 Salary Ordinance for Utilities Employees of the City of Bloomington.

There were no petitions or communications.

The meeting was adjourned at 10:40 P.M.

LEGISLATION FOR
FIRST READING

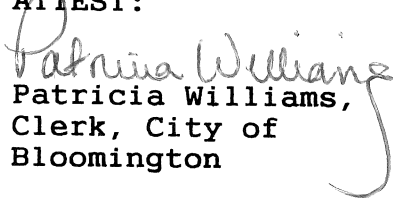
PRIVILEGE OF
THE FLOOR

ADJOURNMENT

APPROVE:


James C. Regester, President
Bloomington Common Council

ATTEST:


Patricia Williams,
Clerk, City of
Bloomington