



## Packet Related Material

### Memo

### Agenda

### Calendar

### Notices and Agendas:

**Council Sidewalk Committee** in the McCloskey Room on Wednesday, January 19, 2005 at noon

### Legislation for Final Action:

**App Ord 05-01** To Specially Appropriate from the General Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Parking Enforcement Fund, Parks & Recreation Fund, Police – Wireless Emergency Fund, Risk Management Fund, and Sanitation Fund Expenditures Not Otherwise Appropriated (Appropriating Funds from the General Fund – Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Controller's Office, Employee Services, Engineering, Fire, Housing & Neighborhood Development, Information & Technology Services, Legal, Mayor's Office, Planning, Police, Public Works Departments, and from Fleet Maintenance, Parking Enforcement, Parks & Recreation, Police - Wireless Emergency, Risk Management, Sanitation, Street and Traffic for Non-Union Salary Increases; Increases for Firefighters; Increases to Health Insurance Trust Fund Allocations; to Fund New Positions in the Office of the Mayor, Planning Department and Animal Care and Control Division, and to Fund Various Priorities of the Administration Which Include Restorations to the 2005 Budget)

*(Please see the Weekly Packet distributed for the meetings on January 3<sup>rd</sup> for the legislation, summaries and background material.)*

- Page of links to websites from or about sustainable communities
- Note: Councilmember Sabbagh is contemplating an amendment that would remove funds for the Sustainable City/Community Events Coordinator

Contact: Susan Clark at 349-3416 or [clarks@bloomington.in.gov](mailto:clarks@bloomington.in.gov)

**Ord 05-03** To Amend the Ordinance which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (Ordinance 04-19) - Re: Positions in the Animal Control Division, Mayor's Office, and Planning Department

*(Please see the Weekly Packet distributed for the meetings on January 3<sup>rd</sup> for the legislation, summaries and background material.)*

- Am 01 – combining part-time Business Advocate position with Sustainable City Coordinator duties in order to create an Assistant Director of Economic Development position in the Mayor’s Office
- Note: Councilmember Sabbagh is contemplating an amendment that would remove the Sustainable City/Community Events Coordinator position

*Contact: Daniel Grundmann at 349-3578 or grundmad@bloomington.in.gov*

**Ord 05-01** To Amend Title 20 “Zoning Ordinance” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures; To Delete Surface Parking Lots as a Permitted Principal Use in the General Commercial (CG) and Arterial Commercial (CA) Zoning Districts; And, to Prohibit Use of any Lot of Record Solely as a Parking Lot in the General Commercial (CG), Arterial Commercial (CA), And Downtown Commercial (CD) Zoning Districts

*(Please see the Weekly Packet distributed for the meetings on January 3<sup>rd</sup> for the legislation, summaries and background material.)*

- Memo from the Mayor; Memo from Tricia Bernens, City Attorney
- Note: Councilmember Sabbagh is contemplating amendments relating to the many of the concerns addressed in the foregoing memos as well as the lack of a time limit for Council action on designations

*Contact: Tom Micuda at 349-3459 or micudat@bloomington.in.gov*

*Tricia Bernens at 349-355 or bernenst@bloomington.in.gov*

**Ord 05-02** To Amend Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures

*(Please see the Weekly Packet distributed for the meetings on January 3<sup>rd</sup> for the legislation, summaries and background material.)*

- Please see the memo from the Mayor and City Attorney, Tricia Bernens, for a response to the issues raised at the last meeting. Note that Councilmember Sabbagh may want to introduce amendments to address some of them.

*Contact: Tricia Bernens at 349-3556 or bernenst@bloomington.in.gov*

**Legislation and Background Material for First Reading:**

*None*

**Minutes from Regular Sessions and Organizational Meeting:**

June 2, 2004

October 6, 2004

December 1, 2004

January 3, 2005

## Memo

### **Four Items Ready for Final Action and No Items Ready for Introduction at the Regular Session on Wednesday, January 19<sup>th</sup>**

The Council is scheduled to finish the first legislative cycle of the year by taking final action on four items at the January 19<sup>th</sup> Regular Session and to begin the second legislative cycle by introducing no new ordinances. Please note that there will be a resolution coming forward at the Committee of the Whole on January 26<sup>th</sup>.

Two of the items ready for final action (**App Ord 05-01** and **Ord 05-03**) deal with budget restorations and new initiatives, and the other two (**Ord 05-01** and **Ord 05-02**) deal with demolition review and surface parking regulations. This packet includes responses to many of the concerns regarding these items that were raised at the last meeting. The following paragraphs briefly identify these issues and summarize the responses.

#### **Budget Restorations and New Initiatives**

**Item One - App Ord 05-01** Amending the Civil City Budget for 2005 in order to restore appropriations and pursue new initiatives

**Item Two - Ord 05-03** Amending the Civil City Salary Ordinance for 2005 in order to add positions in the Animal Control department, Mayor's Office, and Planning department

These two pieces of legislation proposed, in part, to create and fund a Sustainable City/Community Events Coordinator in the Mayor's Office.

**Links to Sustainable City Websites.** Some council members wanted to know more about the concept of "sustainable communities" and how it might be applied here. Councilmember Rollo has provided numerous links to websites of cities and organizations which have embraced this concept (*which can be found in this packet*).

**Sustainable City/Community Events Coordinator.** A few council members asked whether some of these duties might be accomplished by existing staff within the City's various departments.

**Am 01** - As a result, Mayor has rethought how his Administration will pursue Sustainable City initiatives. There is an amendment (Am 01) which combines the Sustainable City Coordinator functions with the existing, but unfilled, half-time Business Advocate position (both at Grade 7) to create the full-time position of Assistant Director of Economic Development (Grade 9). Along with this change, the Mayor intends to shift the community events functions to two program assistants in the Community and Family Resources Department and bring them from three-quarter to full-time.

**Another Possible Amendment** Councilmember Sabbagh has concerns about the need for the position of Sustainable City/Community Events Coordinator and was considering an amendment to remove the position from the salary ordinance and the funds from the appropriation ordinance. He may have an amendment for next week's meeting.

### **Demolition Review and Surface Parking Regulations**

**Item Three – Ord 05-01**

Amending Title 20 (Zoning) in order to establish demolition review procedures for certain buildings and structures on the City's Historic Survey and to extend the prohibition against surface parking to CG and CA zones

**Item Four – Ord 05-02**

Amending Title 8 (Historic Preservation and Protection) and Title 17 (Construction Regulations) to further implement the foregoing policies

This legislation would delay the demolition of those buildings and structures on the Historic Survey which are classified as either outstanding, notable, or contributing. It would also extend the prohibition against surface parking as the principal use of land to Commercial General (CG) and Commercial Arterial (CA) zones and establish that a parking lot becomes a principal use when it occupies at least 50% of the recorded parcel of land in CD, CG, and CA zones.

The Mayor and City Attorney have provided memos, which are included in this packet and address the issues raised at the last meeting. All but the last paragraph of this memo offer a rather simple overview of the issues and responses as covered in the attached memos. The last paragraph deals with whether you want to impose a time limit on your consideration of historic designations. Please note that

Councilmember Sabbagh has indicated a desire to sponsor amendments regarding many of these issues.

**Partial Demolition.** Is the phrase “partial demolition of the exterior portions of buildings and structures” too broad because it would encompass construction activities that no one intends to result in delay and review?

No. The County only requires permits for changes to the structure of a building and changes to the mechanical, electrical, and plumbing systems. Residing, reroofing, and replacing windows do not require permits. Once a permit application arrives at the City, staff will make a determination whether the changes are substantial enough to warrant further review.

**Individual Notice.** Should the City individually notify each property owner affected by this regulation before they go into effect?

No. There is no legal requirement to do so and the City has alerted the public of these changes by putting the Historic Survey online, holding many public hearings on the proposal, and placing an ad in the H-T. Any additional notice would impose administrative and financial burdens upon the City.

**Fines.** Should the City wait until new fine provisions are ready before going forward with these regulations?

No. While administering fines for acts of irreparable harm (i.e. demolishing a historic structure) pose conceptual difficulties for the City and property owners, the issue is not unique to buildings and has been adequately dealt with in the past (i.e. removal of trees). Better approaches no doubt exist and can be introduced in the future.

**Exception for Emergency Demolitions.** Does the exception where the Manager of Engineering may grant the demolition of buildings by declaring an emergency undermine the effectiveness of the ordinance by allowing “demolition through neglect?”

No. The City has an interest in preventing injury and has sufficient experience in preventing the neglect of buildings.

**Surface Parking.** Should the surface parking regulations be severed because they unduly burden development, have unintended consequences on existing properties, and are only marginally related to demolition review regulations?

No. These regulations remove parking as a permitted use in CG and CA zones and, therefore, allow the City to decide whether or not allow this use by requiring property owners to seek a variance. They would not unduly hamper development because most projects would require other variances. They may create non-conforming uses and the Plan Department will be reporting the extent of non-conformities to the Plan Commission in February. These regulations are being brought forward now because surface parking offers an attractive interim use after a building has been demolished.

**Lack of Limit on Time for Council Action.** Along with the above issues and, as noted in the packet for the January 3<sup>rd</sup> meeting, the Plan Commission recommended that the Council consider imposing a time limit on its review of historic designations. The possible approaches to this question were set forth in the previous noted packet. Councilmember Sabbagh has indicated that he may want to introduce an amendment which would treat inaction by the Council on a designation after some period of time as a denial.

**NOTICE AND AGENDA FOR  
COMMON COUNCIL, REGULAR SESSION  
7:30 P.M., WEDNESDAY, JANUARY 19, 2005  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 NORTH MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:**

**Regular Sessions:  
June 2, 2004  
October 6, 2004  
December 1, 2004**

**Organizational Meeting:  
January 3, 2005**

**IV. REPORTS FROM:**

- 1. Council Members**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING**

1. Appropriation Ordinance 05-01 To Specially Appropriate from the General Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Parking Enforcement Fund, Parks & Recreation Fund, Police – Wireless Emergency Fund, Risk Management Fund, and Sanitation Fund Expenditures not Otherwise Appropriated. (Appropriating Funds from the General Fund – Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Controller's Office, Employee Services, Engineering, Fire, Housing & Neighborhood Development, Information & Technology Services, Legal, Mayor's Office, Planning, Police, Public Works Departments, and from Fleet Maintenance, Parking Enforcement, Parks & Recreation, Police - Wireless Emergency, Risk Management, Sanitation, Street and Traffic for Non-Union Salary Increases; Increases for Firefighters; Increases to Health Insurance Trust Fund Allocations; to Fund New Positions in the Office of the Mayor, Planning Department and Animal Care and Control Division, and to Fund Various Priorities of the Administration Which Include Restorations to the 2005 Budget).

Committee Recommendation:            Do Pass                            3 – 0 – 4

2. Ordinance 05-03 To Amend the Ordinance Which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (Ordinance 04-19)

Committee Recommendation:            Do Pass                            5 – 0 – 1

Amendment 1

3. Ordinance 05-01 To Amend Title 20 “Zoning Ordinance” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures; to Delete Surface Parking Lots as a Permitted Principal Use in the General Commercial (CG) and Arterial Commercial (CA) Zoning Districts; and, to Prohibit Use of any Lot of Record Solely as a Parking Lot in the General Commercial (CG), Arterial Commercial (CA), and Downtown Commercial (CD) Zoning Districts

Committee Recommendation:            Do Pass                            5– 1 – 1

4. Ordinance 05-02 To Amend Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures

Committee Recommendation:            Do Pass                            5– 1– 1

**VII. PRIVILEGE OF THE FLOOR** (This section of the *Agenda* is limited to a maximum of 25 minutes. Each speaker is allotted 5 minutes.)

**VIII. ADJOURNMENT**

City of  
Bloomington  
Indiana

City Hall  
401 N. Morton St.  
Post Office Box 100  
Bloomington, Indiana 47402



**Office of the Common Council**  
(812) 349-3409  
Fax: (812) 349-3570  
e-mail: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

To: Council Members  
From: Council Office  
Re: Calendar for the Week of January 17-21, 2005  
Date: January 14, 2005

**Monday, January 17, 2005**

*City Holiday: Martin Luther King, Jr. Day*

7:30 pm Martin Luther King, Jr. Commission, Community Wide Birthday Celebration!  
Buskirk-Chumley Theater, 114 E. Kirkwood

*Please see [www.bloomington.in.gov](http://www.bloomington.in.gov) for MLK Day volunteer service projects.*

**Tuesday, January 18, 2005**

12:00 pm Industrial Development Advisory Commission, Hooker Room  
4:00 pm Board of Public Safety, Police, 1220 E. 3rd  
6:30 pm Animal Control Commission, McCloskey

**Wednesday, January 19, 2005**

9:30 am Tree Commission, Rose Hill  
12:00 pm Council Sidewalk Committee, McCloskey  
2:00 pm Hearing Officer, Kelly  
7:00 pm Council of Neighborhood Associations, Hooker Room  
7:30 pm Common Council Regular Session, Council Chambers

**Thursday, January 20, 2005**

7:30 am Domestic Violence Taskforce, Hooker Room  
8:00 am Housing Authority, Housing Authority Community Room, 1007 N. Summit  
12:00 pm Martin Luther King, Jr. Birthday Commission, McCloskey  
3:30 pm Municipal Facilities Corporation, Hooker Room  
5:30 pm Board of Zoning Appeals, Council Chambers  
7:00 pm Environmental Commission, McCloskey  
7:00 pm Prospect Hill Neighborhood Plan, Hooker Room

**Friday, January 21, 2005**

*There are no meetings scheduled for today.*





City of Bloomington  
Office of the Common Council

# MEETING NOTICE

## Common Council Sidewalk Committee

The Common Council Sidewalk Committee will meet at 12:00 p.m. on Wednesday, January 19, 2005 in the McCloskey Room (Room 135 - 401 North Morton Street). The purpose of the meeting is to discuss sidewalk projects and procedures for 2005. Because a quorum of the Council may be present, this meeting would also constitute a meeting of the Council as well as of this committee under the Indiana Open Door Law. For that reason, this statement is providing notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted and Distributed: January 14, 2005

# Sustainability Sites

· Economic, social and environmental health ·

## What is sustainability?

- **Sustainable Communities Network**  
<http://www.sustainable.org/>

## How have other municipalities implemented sustainability?

- **Portland, Oregon**  
Portland has taken the lead in implementing sustainability, including the development of a Commission on Sustainable Development.  
<http://www.sustainableportland.org/>
- **Chicago, Illinois**  
Chicago has the goal of becoming "America's greenest city."
  - An article describing the Chicago initiative:  
<http://www.newtopiamagazine.net/content/issue17/features/greencity.php>
  - The Chicago Center for Green Technology:  
<http://www.cityofchicago.org/Environment/GreenTech/>
  - A recent trade show on furniture in Chicago:  
<http://www.cfdainfo.org/Sustainable/>
- **San Francisco, California**  
<http://www.sustainable-city.org/>
- **San Jose, California** (implemented in 1994!)  
<http://www.sanjoseca.gov/esd/sustainablecity.htm>
- **Vancouver, B.C.**  
<http://www.city.vancouver.bc.ca/sustainability/initiatives.htm>
- **Austin, Texas**  
<http://www.ci.austin.tx.us/sustainable/sustdev.htm>
- **Palo Alto**  
<http://www.pafd.org/sustainability/basics.html>

## Sustainability as Economic Development

- **Sustainable Business**  
<http://www.sustainablebusiness.com/>
- **Berkeley Green Business Alliance**  
<http://www.ci.berkeley.ca.us/manager/news/sbaintro.html>

**\*\*\* Amendment Form \*\*\***

**Ordinance #:** 05-03  
**Amendment #:** 01  
**Submitted By:** James McNamara, Deputy Mayor  
**Date:** January 14, 2005

**Proposed Amendment:**

1. Ordinance 05-03 shall be amended by substituting the second “whereas” clause with the following:

WHEREAS, the Mayor’s Office would like to delete its position of Business Advocate (Grade 7) and create a position of Assistant Director of Economic Development (Grade 9), which would include duties of the former position and duties relating to a Sustainable City initiative; and,

2. Ordinance 05-03 shall be further amended by inserting another line in Section I, which would delete the position of Business Advocate (Grade 7) from Ordinance 04-19. The new line (deletion) shall read as follows:

<u>Department</u>	<u>Job Title</u>	<u>Grade</u>
Mayor	Business Advocate	7

3. Ordinance 05-03 shall be further amended by deleting the line in Section II, which would have added a Sustainable City/Community Events Coordinator (Grade 7) in the Mayor’s Office and replacing it with one that would create an Assistant Director of Economic Development (Grade 9), which reads as follows:

<u>Department</u>	<u>Job Title</u>	<u>Grade</u>
Mayor	Assistant Director of Economic Development	9

4. Ordinance 05-03 shall be further amended by replacing the words “a sustainable City/Community Events Coordinator (grade 7)” with “Assistant Director of Economic Development (Grade 9)” so that the synopsis now reads:

SYNOPSIS

This ordinance amends the City of Bloomington Civil City Salary Ordinance for the year 2005 (Ordinance 04-19) by adding two Kennel Workers (grade 103) in the Animal Control Division of Public Works, Assistant Director of Economic Development (grade 9) in the Mayor’s Office, and an Assistant Director (grade 9) in the Planning Department.

## Synopsis

This ordinance initially proposed a new position in the Mayor's Office entitled "Sustainable City/Community Events Coordinator" with a Job Grade of 7. This amendment would combine the Sustainable City Coordinator functions with the existing, but unfilled, Business Advocate position (Grade 7) and create a new Assistant Director of Economic Development position at Grade 9. The community events functions of the sustainable city initiative will be carried out by two Program Assistant positions in the Community and Family Resources department, which will increase from three-quarter time to full-time.

<b>1/3/05 Committee Action:</b>	None
<b>1/19/05 Regular Session Action:</b>	Pending

(January 14, 2005)



**MARK KRUZAN  
MAYOR**

CITY OF BLOOMINGTON

OFFICE OF THE MAYOR

401 N Morton St  
Post Office Box 100  
Bloomington IN 47402

p 812.349.3406  
f 812.349.3455  
mayor@bloomington.in.gov

TO: Common Councilmembers

FROM: Mark Kruzan

DATE: January 13, 2005

SUBJ: Demolition Review Legislation

When the demolition review ordinances were discussed at your meeting of January 3, 2005, several of you expressed concern about issues raised by various speakers. The purpose of this memo is to address those concerns. I am also attaching a copy of a memo City Attorney Patricia Bernens prepared for me which has more detail. You will see that I borrowed frequently from Tricia's memo.

I believe there were four main issues raised at the January 3 meeting:

### **1. Penalties – Demolition Review**

Some were concerned about which penalty provisions would apply to violations of the presented ordinances. The answer is none because the ordinances create no new violations or penalties. The scenarios discussed at the council meeting involving

- demolition while under interim protection approved by the HPC
- demolition after receiving local designation approval and protection from the City Council
- demolition without a valid approved demolition permit AND
- demolition by neglect

are all covered by current provisions of Indiana statute and/or the Bloomington Municipal Code. These demolition scenarios are not created or facilitated or mitigated by this legislation. They are unrelated.

The much broader topic of demolitions in violation of either Indiana or Bloomington Municipal Code does raise the interesting issue of "per day" penalties for violations that are, in a sense, eternal, such as the demolition of a historic structure. The City Legal Department is already researching a similar situation with regard to fines for the illegal removal of mature trees. We plan to address such penalties, at the latest, in the context of the zoning ordinance update. But, again, this has nothing to do with the legislation at hand.



## 2. Surface Parking

Discussion of the surface parking component of the demolition review legislation seemed focused on three areas:

- Some suggested that the surface parking provisions were not germane to the rest of the ordinance. I strongly disagree. The simple fact is that potential economic gain from surface parking scenarios can provide an incentive for demolition. At the Council meeting you were presented with the photo and discussion of what has actually happened at 807 N Walnut Street. This is, I believe, a compelling example of exactly what can happen under current Municipal Code.
- We are not talking about a *prohibition* of surface parking, although some wish that we would. We are talking about the opportunity for community input at a public hearing before a citizen body — the Board of Zoning Appeals (BZA) — before more structures are demolished for parking lots. I disagree with the suggestion that obtaining a zoning variance is overly complicated or rare. 47 such cases were heard in 2004 alone.
- There was also discussion of potentially problematic aggregated lot configurations for developers. First, staff tells me that aggregated platted lot configurations are much less common than single lot developments. Second, new infill developments usually require a *package* of variances from the BZA. Unless it's a stand-alone surface parking lot, it is unlikely that a variance would be requested from the BZA for surface parking alone. The legislation before you only asks that we allow the BZA to give the same degree of consideration to parking lots that we currently give, for example, to building setbacks.

## 3. Partial demolitions

If the alteration of a structure in the historic survey does not require a building permit, then the proposed legislation does not apply. If the alteration requires a building, but not a demolition, permit then there are scenarios where I think the review process should still be triggered, such as a proposal to tear the porch off an inventoried structure.

But unless the alteration of an inventoried structure involves such a “significant removal of existing features” (quoting Tricia’s memo to me,) demolition delay would not be triggered. I have no desire to place any undue burden on any property owner and staff resources will always be such that they must focus on any clear cases where the property owners seeks to “strip a building of its historic character.”

#### **4. Demolition by neglect**

This is another case where the issue, while important, has nothing to do with the legislation before you now. Tricia describes how such scenarios are already covered by current unsafe building and property maintenance codes. The likelihood of demolition by neglect is unaffected by whether the ordinances before you are approved or not.

#### **Finally!**

You've already heard how many people, including several Councilmembers, have invested much effort over a long period of time bringing the proposed legislation to the point where it is today. Discussions have been frequent and public, including extensive consideration and approval by both the Plan Commission and the Historic Preservation Commission. There has been good debate about all the provisions of this ordinance and a healthy dose of give and take. And if there are any provisions that prove to be particularly problematic, we can always address those in the future.

I believe the ordinances before you now will serve to benefit the preservation and enhancement of our community's character. I urge you to approve them as submitted.



**INTERDEPARTMENTAL MEMO**  
**CITY OF BLOOMINGTON LEGAL DEPARTMENT**

TO: Mayor Mark Kruzan

FROM: Patricia S. Bernens, City Attorney

RE: Ordinance 05-01 and Ordinance 05-02,  
Demolition Delay and Surface Parking

DATE: January 7, 2005

When the above-referenced ordinances were discussed at the meeting of January 3, 2005, several Councilmembers expressed concern about issues raised by various speakers. The purpose of this memorandum is to respond to those concerns.

**I. Demolition Delay.** Four issues were raised that I believe need to be addressed. I would note that three of those four issues are not unique to these ordinances, but rather are issues that are ongoing or that recur as legislative changes and enforcement activities of all kinds take place.

A. Partial Demolition of Exterior Portions of Inventoried Structures. This is the only issue of the four discussed herein that arises from and is unique to the demolition delay ordinances in question. The expressed concerns were that including partial demolition in the delay provisions would be burdensome to property owners, and that the ordinance is insufficiently specific about what activities would constitute “partial demolition.”

- Partial demolition is included in order to prevent piecemeal changes to the exterior of inventoried structures without the delay period to allow HPC consideration and community input. Such changes, over time, could strip a building of its historic character and ultimately preclude designation at a later time.
- The phrase “partial demolition of any exterior portion” describes significant exterior change. For example, removing and replacing a porch, or a wing, would constitute “partial demolition.” An addition that did not require significant removal of existing features would not constitute “partial demolition.” With reasonable administrative interpretation the provision as drafted will serve its intended purpose without unduly burdening well-intentioned owners.



- Activities that do not require a building permit will not be subjected to the delay provision because they will not come through the Planning Department at all. Minor exterior work below the building permit threshold will not be affected by the partial demolition provision.

B. Individual Notice to Affected Property Owners.

- There is no statutory, and in my legal opinion no non-statutory requirement, that property owners be individually notified of their inventoried status or of these ordinances.
- The question of notice to affected property owners arises in many, if not most of the legislative initiatives that affect any subset of the community. Individual notice where it is not a legal requirement poses a significant administrative and financial burden.
- In this case, sufficient publicity has occurred, including the advertisement placed by the City alerting property owners to the location of the Inventory.

C. Penalty Provisions. Concern was expressed about the adequacy of existing penalty provisions for unlawful demolition, specifically, the adequacy of fining authority because demolition cannot be completely “undone” and truly restored to status quo.

- Current penalty provisions in both the zoning and historic preservation ordinances allow fines up to a stated maximum (which varies by type of offense and ranges from \$25 to \$2500) for each violation, and provide that each day a violation continues constitutes a separate offense. Authority to seek all other lawful remedies, including but not limited to injunctive relief, is also provided. Please note that any maximum fine of less than \$2500 per offense (i.e. per day) is a purely local limitation that may be increased, by ordinance, to the statutory maximum of \$2500 per offense (per day.)
- Indiana law provides a maximum penalty of \$2500 for an ordinance violation, but allows that amount to accrue daily for continuing violations. We have no choice but to work within these constraints in crafting penalty provisions and attempting to arrive at fine amounts sufficient to deter the prohibited conduct.
- Demolition is not the only violation which cannot be completely remedied by restoration to status quo (removal of mature trees is another such violation, among others.) While application of current penalty provisions in such situations is not straightforward, we have successfully enforced against such violations under the current provisions and will continue to do so pending revisions to strengthen and clarify them. Such revisions are not included in these ordinances and concerns about them are not created by or unique to these ordinances.

D. Concern that allowing the City Engineer to permit immediate demolition in the interests of public safety may result in “demolition by neglect”.

- Again, this is not an issue that is unique to or arises from these ordinances. The same theoretical problem already exists with respect to structures that are actually designated historic, as Title 8 does not subject designated structures to any higher maintenance standard than other buildings.
- However, both inventoried and designated structures are subject to the same maintenance provisions as all other structures, including the unsafe building law and, for residential rentals, the property maintenance code.
- Vigilant enforcement of those existing maintenance standards will avoid the “demolition by neglect” scenario for inventoried structures.

**II. Surface Parking Restrictions.** Issues raised about the surface parking provisions in Ordinance 05-01 were: whether these provisions should be severed from demolition delay; and whether the aggregate lot provisions are workable. Concerns about the aggregate lot provisions include: potential for undesirable configurations of building/parking to be allowed as of right whereas desirable configurations might require variance; and, creation of nonconformities, both actual, identifiable cases and cases that can be hypothesized.

- We firmly believe the connection between permitted surface parking as an incentive to demolition and the need for demolition delay is compelling and requires that the provisions not be severed. For example, a building located at 807 North Walnut Street within a surveyed historic district was demolished in 2004 to create a 12-space surface parking lot. This parking lot was installed after the City Board of Zoning Appeals denied a variance for an 18-space parking lot. The fact that the property owner still went forward with a reduced surface parking lot proposal indicates that the incentive to demolish is there.
- Aggregate platted lot configurations are the exception rather than the norm in commercial developments. Moreover, most aggregate lot situations occur in or near the downtown commercial district, which is the area of greatest concern for demolition. To the extent such situations will face more variance requirements as a result of the regulations, it is a price worth paying to insure the public welfare through careful scrutiny of development in our most sensitive commercial areas.
- Very few commercial developments – particularly infill developments in the downtown or nearby areas - are able to proceed without any variances, so

the need for variance from the aggregate lot provision will seldom be the only reason a development has to go to BZA.

- In 2004, BZA and Hearing Officer together handled a total of 47 variance cases. In only 3 of those cases would the proposed aggregate lot provisions have required an additional variance. Planning Director Tom Micuda opines that in none of those three cases would the staff recommendation or the outcome (1 denial, 2 approvals) have been changed due to the additional variance requirement.

In conclusion, the ordinances have received a great deal of public and staff scrutiny and have been drafted with full attention to the issues mentioned herein. We believe they are more than adequate to warrant passage at this time. Should experience reveal that some aspects of the ordinances are problematic, we are well situated to act upon that experience as we move forward with revision of the entire zoning ordinance, including penalty provisions, in the coming year.

Please don't hesitate to contact me, or Tom Micuda, if you have further questions or concerns.

In the Council Chambers of the Showers City Hall on Wednesday, June 2, 2004 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
June 2, 2004

Roll Call: Banach, Diekhoff, Ruff, Rollo, Sturbaum, Volan, Sabbagh, Mayer  
Absent: Gaal

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Tim Mayer gave a cicada report saying that 4<sup>th</sup> and Bryan Streets was, indeed, the epicenter of the invasion this year. He also announced that he and his wife, Sue, were celebrating their 42<sup>nd</sup> wedding anniversary that week.

MESSAGES FROM  
COUNCILMEMBERS

Daniel Grundmann, Director of Employee Services, introduced Jean Joque, Director of Training and Organizational Development who updated the council on activities within her purview. She reported on the department's design, development, and delivery of training programs in the area of general business skills, management training and certification programs, and IDEM Continuing Education Credits. Joque reported costs of training produced and delivered in-house as compared to that provided by outside vendors with a considerable savings to the city (\$95,000 in training alone).

MESSAGE FROM THE MAYOR

Joque explained her organizational development program work with city departments to help with revision of departmental organization with a look to more efficiency in departmental operations. Grundmann thanked the council for its support in approving this position within the budget several years ago, and added that it was an essential element in professionalizing the city workforce, increasing employees' skills and abilities, reducing liabilities and delivery of convenient and cost effective training.

Banach asked if the budgets for different departments would be reduced by the amount above. Grundmann said that this training was not offered frequently enough or did not exist before the city created it, and therefore a resource was added, not supplanted. He said most departments were not budgeting for this type of training.

There were no committee reports at this meeting.

COMMITTEE REPORTS

There was no public comment at this time.

PUBLIC INPUT

There were no appointments to any board or commission.

BOARD AND COMMISSION  
APPOINTMENTS

It was moved and seconded that Resolution 04-09 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation and that Public comment on this item shall serve as the legally advertised public hearing on this legislation. It was moved and seconded that Resolution 04-09 be adopted.

LEGISLATION FOR SECOND  
READING

Resolution 04-09 To Confirm  
Resolution 04-08 Which Designated  
an Economic Revitalization Area,  
Approved a Statement of Benefits,  
Authorized a Period of Tax  
Abatement, and Declared Intent to  
Waive Certain Statutory Requirements  
– Re: 1300 S. Patterson Drive (Cook  
Pharmica, LLC, Petitioner)

Ron Walker, Director of Economic Development, said that Cook Pharmica, LLC was seeking a ten year tax abatement on real estate improvements and manufacturing equipment. He added that their investment in the property was \$19M for real estate improvements and \$17.3M for machinery and research and development equipment. He said this would create about 200 new jobs over the next five years with

an estimated 2008 payroll of \$9.4M for an average hourly wage of \$22.73 excluding benefits.

Resolution 04-09 (cont'd)

There were no questions from either the council or public on this legislation.

Mr. Arthur, representative of the petitioner, said he very much appreciated working with the city and council on this project and thanked them for their support.

Resolution 04-09 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Resolution 04-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee Do Pass Recommendation of 9-0. It was moved and seconded that Resolution 04-11 be adopted.

Resolution 04-11 To Amend  
Resolution 03-26 To Revise the Map  
for a Community Revitalization  
Enhancement District (CREED) for  
the Downtown Area

Ron Walker, Director of Economic Development, reviewed the history of the Community Revitalization Enhancement District (CREED) noting that in 2003 the state general assembly passed legislation that allowed municipalities with a CREED district the authority to create an additional district. He said that this would allow the city to capture incremental sales and income taxes generated in the district up to \$750,000 per year. Permitted uses for captured revenues would include capital improvements, actions to offset obstacles to development, infrastructure improvements, site improvements, environmental mediation, and renovation of buildings. He added that it could also assist private businesses making improvements to property. Walker reminded council that expenditures from this fund required approval of city council based on the recommendation of the Bloomington Industrial Advisory Commission (BIDAC), created by statute for that purpose. Walker said the second facet of this legislation would include a 25% state and local tax credit for businesses that make an investment into the redevelopment of property in the district.

Walker outlined the procedure for the CREED application saying that the mayor would receive authorization from the council to ask the BIDAC for a resolution supporting an application to the State Budget Agency. State Budget Committee would make a decision along with this agency. Walker said the state was not in favor of the last submission of the Downtown CREED proposal because the boundaries were very large, there were so many businesses located in the proposed district that it would be difficult to administer, and the possibility of a larger erosion of state revenues through income and sales taxes. Walker said that since the new administration had taken office in January, he had visited with authorities in the State Budget Agency, attended their meetings and worked with them to insure balance with the needs of the city and state requirements.

Walker said the purpose of the Downtown CREED was to create and maintain jobs and help the downtown area compete for job growth in the high tech industry. He said that this legislation could help attract development which would trigger growth in sales and income tax which would then financially support the development of new infrastructure.

Rollo asked when the decision would be made and when it would be effective. Walker said the BIDAC would meet June 8, 2004, the State Budget Committee would meet on June 18 after which the recommendation would be forwarded to the State Budget Agency Director. Walker said he expected to hear about the outcome soon after that, although it could take up to sixty days for a response to the application.

Walker said upon approval, the base year would be set at June 30, 2003, the end of the state's fiscal year. The burden of administrating the district would be shared by the city and the Indiana Department of Revenue. The city would contact businesses in the district with a form to be sent to the state so that they could calculate the base figures and determine the incremental growth. He was uncertain, after that, when monies would be disbursed.

Resolution 04-11 (cont'd)

Sabbagh asked about benefits to an existing business regarding creating new jobs. Walker said the main incentive is for reinvestment into public infrastructure and improvements in property. In answer to another of Sabbagh's questions, Walker said the CREED would not compete with the certified technology park planned for the downtown.

There was no public comment on this legislation.

Mayer thanked Walker for working with the state in getting this ready for approval.

Sturbaum said the downtown needed as many tools in the toolbox as possible and thanked Walker for his work.

Diekhoff said that a lot of work was put into this project in its earlier version, and thanked Walker for recognizing its benefits to the community and his work in readapting it to the present form.

Resolution 04-11 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 04-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee Do Pass Recommendation 4-0-5 as amended. It was moved and seconded that Ordinance 04-11 be adopted.

Ordinance 04-11 To Amend Title 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" – Re: Certain Stop and Signalized Intersections, Speed Zones, and Parking Regulations

Justin Wykoff, Manager of Engineering Services, asked if there were questions to the entire ordinance. There were no questions for the non-controversial portions of the ordinance.

*Note: 5/26/04 Committee Action on Amendment #1 to Ordinance 04-11 was a Do-Pass Recommendation of Ayes: 9, Nays: 0.*

- Amendment #1 to Ordinance 04-11 This amendment is proposed by the Traffic Commission and would authorize a multi-way stop at the intersection of Euclid Avenue and Howe Street.

Justin Wykoff, Manager of Engineering Services, said he had, at the committee meeting, presented warrants regarding this intersection saying that none of the warrants were satisfied, the criteria was not met and the traffic control department did not recommend a multi-way stop at this intersection, however it was proposed and approved by the Traffic Commission.

Mayer read from the traffic reports quoting drivers who had accidents at this intersection. He wanted the record to indicate that none of the traffic warrants were met; however, drivers were not obeying the traffic signs at the intersection.

Sturbaum said from an engineering standpoint, since no warrants were met, it might be an easy call to not create a multi-way stop at this intersection. He added, however, that neighborhood associations and the Traffic Commission served as a human interpretation of this data. He said that sometimes stop signs do slow traffic and that he believed this was one of those situations. He said that neighbors in the area have emailed him were unanimous in their decision and would like the council, despite the warrants, to make an exception in this case and allow the multi-way stop.

Rollo noted that the Traffic Commission was known to be very conservative in their recommendations for stop signs, and he respects their evaluation and recommendation on this amendment.

Amendment #1 to Ordinance 04-11  
(cont'd)

Amendment #1 to Ordinance 04-11 received a roll call vote of Ayes: 8, Nays: 0.

*Note: 5/26/04 Committee Action on Amendment #2 to Ordinance 04-11 was a Do-Pass Recommendation of Ayes: 4 (Banach, Gaal, Rollo, Sturbaum), Nays: 2 (Mayer, Volan), Abstain: 3 (Diekhoff, Ruff, Sabbagh).*

- Amendment #2 to Ordinance 04-11  
This amendment is proposed by the Traffic Commission and would authorize a multi-way stop at the intersection of Dunn Street and Smith Avenue.

Justin Wykoff, Director of Engineering Services, said that this request was brought to the Traffic Commission by a citizen and that the traffic counts were completed in March reviewing numbers and speeds indicating that there were many more cars traveling on Dunn Street than on Smith Avenue. He said the warrants were not met, however, with the number of accidents at the intersection, mainly caused by poor visibility, moving the striping of the intersection back another car length would make the area safer.

Sabbagh asked if the sight lines could be improved so that the situation could be improved. Wykoff said that was correct.

Sturbaum asked what number of accidents would warrant a multi-way stop. Wykoff said that five accidents in a twelve month period that happened due to a circumstance that could be corrected by a multi-way stop would meet the warrant. Sturbaum noted that there were twice as many accidents as needed to meet the warrant. Wykoff replied that almost all of the accident reports quoted the driver as saying that visibility was the main reason for the accidents. Sturbaum said an area apartment owner said drivers did not respect the yellow curb and tended to park there and clog the intersection. He wanted assurance that the problem would be corrected simply by painting the curb. Wykoff said that signs would also emphasize the no parking area, and that signs also would delineate the area in times of snow. He added that since the yellow curb had been repainted there had been no accidents. Sturbaum asked if both additional painting of the curb along with the added stop sign would make the intersection safer. Wykoff said this would be adding a stop sign that wasn't warranted and would create a false sense of security and disrespect for stop signs. Sturbaum suggested that the stop sign be added.

Sabbagh asked if this was in the zone patrolled by the Parking Enforcement Office. Wykoff said this was true and had resulted in an increased number of citations being written for parking too close to the intersection.

Mayer asked if the city would consider painting a line in the street with cross hatching to delineate the no parking area. He very strongly suggested that the area be marked, patrolled and there be little mercy given to violators of this regulation. He asked what the negatives would be if additional stop signs were put up. Wykoff repeated his previous statement regarding warrants and stop signs. He said he would rather use striping, additional curb area painted yellow, cross hatching in the street along with additional enforcement to correct the problem.

Sturbaum asked why the Traffic Commission would have looked at these same corrections and yet still advised the use of stop signs in the area. Wykoff said there were members of the Traffic Commission present to address that.

Amendment #2 to Ordinance 04-11  
(cont'd)

Diekhoff compared this intersection with the one previously discussed saying that sight issues on Smith and Dunn were a result of illegally parked cars rather than sight issues of a hill on Howe Street, and that the volume of traffic at Smith and Dunn was much heavier than Howe Street which would mean many more drivers would be disobeying the stop sign.

Bill Hayden, Traffic Commissioner, noted that since the curbs had been freshly painted there were no cars parked on yellow in this intersection. He said a stop sign might serve as traffic calming, but urged council to consider something to control speed at this intersection if there is no stop sign approved as cars traveling on Dunn tend to speed through the area.

Jim Rosenbarger said he was concerned about approach speeds especially considering the sight problems of this intersection. He said this was the second time a stop sign had been recommended for this intersection and urged the council to adopt the multi-way stops and not revisit the issue again.

Volan said he would like to put up a sign that says 'no parking here to corner' to see if it would solve the problem. He said it would be best to turn down this amendment for the time being.

Sturbaum said the Traffic Commission should be respected, and that they didn't take the disagreement with the engineer lightly. He said if the stop signs were turned down at this hearing, the issue would be back again in the future.

Banach said his comment was to enforce the yellow curbs that exist.

Mayer said he wanted the record to indicate the driver's statement from a traffic accident report of 1-21-0 was "I was not paying attention, talking with my friend. My friend tried to tell me about the stop sign, but it was too late." He said this was reflective of how folks drove through this intersection.

He said citizens have told him how much they dislike stop signs. He said that people are greatly offended by the number of stop signs in the community, and that it shows by the fact that they are not obeyed. He said he was opposed to the multi-stop at the intersection because there were better ways of dealing with the problem.

Diekhoff said driver inattention was a major problem at this intersection and that the city should first try to improve the sight lines at the intersection along with an increase in enforcement.

Rollo said he was concerned with the heavy pedestrian traffic in the area with the 'off ramp' mode of traveling down Dunn Street. He said he would respect the Traffic Commission's recommendation.

Amendment #2 to Ordinance 04-11 received a roll call vote of Ayes: 3 (Banach, Sturbaum, Rollo), Nays: 5 (Ruff, Diekhoff, Mayer, Sabbagh, Volan) and thus failed.

*Note: 5/26/04 Committee Action on Amendment #3 to Ordinance 04-11 was a Do-Pass Recommendation of Ayes: 4 (Ruff, Rollo, Volan, Sturbaum), Nays: 0, Abstain: 4 (Banach, Diekhoff, Mayer, Sabbagh, Gaal)*

Justin Wykoff, Director of Engineering Services, reviewed warrants from April 2003 when the Traffic Commission first approved this change. He said the warrants met at that time included pedestrian

- Amendment #3 to Ordinance 04-11 This amendment is proposed by the Traffic Commission and would authorize a signal at the intersection of Henderson Street and Atwater Avenue. It was revised on May 22<sup>nd</sup> to reflect the recommendation of the Traffic Commission to prohibit a right turn on a red light at this intersection.



volume and crash experience adding that this intersection had the second highest number of crashes per year in the city.

Amendment #3 to Ordinance 04-11  
(discussion continued)

Wykoff said after that meeting, the engineering department was asked to develop some alternatives to a signal at this intersection. He said that after studying the accident reports and working with Don Porter, COB Traffic Control Specialist, the following changes were made to the approaches to the intersection:

- Increased the size of stop signs from 24" to 36"
- Added two additional "stop ahead" signs
- Added two "cross traffic does not stop" signs
- Replaced pavement markings
- Added directional arrows to make turning options more visible
- Added reflective pavement markers on Atwater approach
- Added reflective curb markers
- Added reflective 36" tall delineators on Atwater
- Replaced a faded speed limit sign
- Added two "curve ahead" signs
- Added two signs advising lower speed around the curve.

Wykoff said a separate turn lane for Henderson's northbound traffic to turn east on Atwater is proposed. He had drawings that indicated a flashing light (red on Henderson, yellow on Atwater) would be appropriate and that this would include all the infrastructure needed to add a future signal if necessary.

Sturbaum asked if any thought was given to the suggestion of eliminating the curve and eliminating the island to discourage jaywalkers. His emails have indicated citizens want a safe place to cross and this would align paths with the stop rather than having folks cross where there is no light to stop traffic. Wykoff said it would solve some problems but not all.

In answering Sturbaum's question regarding the extent of the council approval process, Wykoff said that if the council voted to approve this signal, the intersection would be designed with the expertise of the Public Works Department with concern for bicycles, pedestrians and motor vehicles alike. He said the 'no right turn on red' stipulation would depend on how far traffic might become stacked behind the signal.

Sturbaum asked about the stipulation being a part of the amendment, and part of the Traffic Commission recommendation to which Wykoff said it would be done.

Mayer asked if the Traffic Commission considered financial costs in their deliberations. Wykoff said they did not. Mayer asked if the 2004 budget had enough money to improve this intersection. Julio Alonso, Director of Public Works, said there was no budget for signaling this intersection this year, but that it could be discussed in the deliberation of the 2005 budget. He said stop signs were in inventory and could be installed, however a signal would take more time and money.

Rollo asked about the cost of the two plans, to which Wykoff said that conduit could be installed with the flasher light so that if the signal were needed, the infrastructure would be in place.

Diekhoff commented that pedestrians and motorists alike were crossing each other's paths at this intersection with little regard for each others presence and safety.

Sabbagh asked if there was a sidewalk on the west side of Atwater that ran to Third Street. Wykoff said there was an intersection just west of

this one that was signalized and would allow pedestrians to cross Third Street at a light.

Mayer said that the island's sidewalk encouraged pedestrians to walk through the middle of the roadway and asked if this was a good design. Wykoff said this wasn't a safe crossing point.

Sturbaum asked if pedestrians were walking away from the intersection in fear of safety, to which Wykoff said they were, and that the flasher choice would help with this.

Diekhoff asked if the Third Street signals at Woodlawn and Hawthorne had been developed with pedestrian counts indicating that pedestrians crossed anywhere along the road, not at the signals. Wykoff agreed.

Diekhoff made the point that the warrants were present some of the time, but not always, so there would be a necessity to do something about this intersection in the future.

Alonso said that the administration did not support a traffic signal at this intersection at the present time, but did support safety improvements including a flashing light and lighted crosswalk. He added that this solution would put the infrastructure in place for a full signal while other solutions to the intersection safety could be attempted. He said they would be willing to work toward other options, but were asking for the chance to work through this proposal first.

Diekhoff called for public comment on this amendment and Jim Rosenbarger, a member of both the Bicycle and Pedestrian Safety Commission and Traffic Commission, said that the Traffic Commission had unanimous support for a signal at this intersection and that the commission included a representative from the police department and engineering department. He said the island successfully served as a large pedestrian refuge while the intersection that Sabbagh referred to earlier was confusing to pedestrians and motorists alike. Lastly he said that the "no turn on red" stipulation was a good one for the safety of pedestrians.

Jim Opiat, Bryan Park resident, said traffic traveling north on Henderson would be encouraged and increased by improvements to the intersection. He said that this could be dangerous for families and children crossing Henderson to Bryan Park. He wanted to make the council aware that the neighborhood association would probably be coming to the council for improvements to the crossings into the park from the west.

Nancy Harms, a member of the Traffic Commission, said she supported a traffic signal at this intersection because the warrants had been met for both pedestrians and cars, because the alternatives presented were just as costly as a traffic signal, and the intersection was an abomination for pedestrians. She said the safety of the intersection for pedestrians would encourage walking as alternate transportation. She added that she didn't understand the administration's opposition to the signal and asked that this be explained so that everyone understood just why the proposed signal was opposed.

Mitch Rice, Chair of the Bicycle and Pedestrian Safety Commission, said this was a busy pedestrian intersection and said that they needed the right cues and signs to safely cross the intersection. He said this would be in the form of a light. He said he valued encouraging people to walk or ride bikes, and the light would indicate this value. He said if lights were going to be installed at the intersection that it should be a full traffic light rather than just flashers.

Amendment #3 to Ordinance 04-11  
(discussion continued)

Rob Fischman, board member of the Elm Heights Neighborhood Association, said anxiety in crossing Atwater at this intersection was shared by both pedestrians and motorists. He said that the Association had passed a resolution in support of the Traffic Commission's recommendation of a full signal at the intersection. He said a light at this intersection would benefit pedestrians that cross further east of the intersection by creating a platooning that would create breaks in traffic. He added that citizens crossing west of the intersection would be safer to walk to the light rather than take chances crossing at the area where Dunn Street veers off from Atwater where pedestrians were unsure of motorists' intentions. He said the widening of Henderson would encourage reckless driving along this residential and park area.

Bill Hayden, Bryan Park Neighborhood Association, spoke in favor of the traffic signal. He said the traffic signal with no right turn was the recommendation of the Traffic Commission, not the redesigning of the intersection. He said \$25,000 would be spent messing around with the area, when the light should just be put in. He said he had observed the pedestrian and motorist behavior at the intersection, and said a safe crossing at Henderson should be a major consideration.

Cynthia Bretheim, said it was difficult to cross at the intersection and said the plan with a little island would be scary for pedestrians. She said traffic passing this intersection was coming from a Dunn Street green light and a Third Street green light, resulting in almost a steady stream of cars which increased the frustration and anxiety of pedestrians and motorists who try to cross Atwater.

Diekhoff called for council comments.

Rollo said that citizen Harms had a succinct summation of the situation and said that the signal would be needed eventually. He said that without a signal he feared crashes would occur. He said folks who were not able to scurry across this intersection deserved consideration in their need to walk and cross this intersection. He said the neighbors in districts 4, 5 and 6 have an interest in this improvement, and said he, Sabbagh and Volan had been contacted by constituents pleading for this light. He concluded by saying the light would be a great demonstration of tax dollars at work.

Volan apologized in advance for his long statement. He called for the more formal address of citizens and council members in the public meeting process, not to be more official, but to foster mutual respect in the deliberation process. He said that by addressing each other by first name in such a public forum was too casual and was a disrespect, however nominally, to persons watching and participating in the proceedings.

He noted that in the committee hearing on this amendment, he had stated that the city's plan for the intersection showed contempt for pedestrians. He explained that he did not mean to disrespect any individual and especially did not mean Wykoff, manager of engineering services and presenter of the city's plan, was contemptuous of pedestrians. He addressed Wykoff by apologizing for being thoughtless in the implication of disdain for pedestrians.

Volan said the country was centered on the automobile and was hostile to pedestrians. He likened the Atwater, Third and Dunn area as a roundabout and then noted a meeting held earlier in the evening concerning a proposed roundabout on Moore's Pike. He said that the design engineers had shocked him in their presentation by stating that a pedestrian crossing could be considered a traffic calming device. He said he was concerned that traffic was considered motor traffic and did not include trips by pedestrians. He added that until this was included in

the definition of traffic, Bloomington would continue to grow in a suburban rather than an urban manner, and would be a poorer place for it. He said traffic should be considered all forms of traffic with pedestrians considered equally with motorized forms of transportation. He said he supported a traffic signal at this intersection and that it should be synchronized with other lights in the corridor so that pedestrians could cross safely. He said crosswalks should be created for all four sides of this intersection and that there should be no right turn on red. He suggested a redesign study for this area, and said in this study, the very word "traffic" should be redefined.

Banach said he was very familiar with this intersection as his office is located there and drives the area about 10 times a day. He said he originally thought that the signal was a good idea, and that he could verify Rosenbarger's statement. He said since the committee hearing he had looked at the area again, and related an experience of a near collision in Atwater's left lane which would lead traffic North to Henderson. He looked at the three traffic lights in the area and said it was probably not possible to coordinate all three traffic lights in the area as they were all directing traffic in different directions. He said pedestrians look for the easiest way to get across both Atwater and Third Streets but was not convinced that a traffic light would be the best solution here. He said he was open to other alternatives, including new ideas for the area with one way streets and left and right turns.

Sturbaum said he was even more strongly in favor of a stop light after hearing the comments and committee discussions. He said that in Columbus Indiana, mid-street crosswalks are painted red and that in Boston Massachusetts they are painted green with penalties for not yielding to pedestrians. He said that putting a signal in place would probably be less expensive than doing all the preparations of limiting lanes and making other curbing changes. He said he didn't really understand the opposition to this signal, and noted that there had been a pedestrian killed crossing Atwater.

Ruff said he had not heard from the administration that the light wouldn't work, just that the administration wanted to try something else first. He said lots of emails and comments from citizens, the unanimous support from the Traffic Commission and the absence of a report from engineering saying that a signal would not work at this intersection led him to emphatically support this amendment.

Mayer noted the administration wanted to work with all involved to solve the problem and that the money did not exist in the 2004 budget for this signal. He noted two sidewalk projects that could be put on hold while the allotted monies are used for this signal and added that needs should be balanced. He added that without a clear plan for this intersection, including all who travel through there with whatever means they use, a more dangerous situation could occur than already exists. He also asked if the council passed this amendment that required the change to a signal, but the city could not, for some reason, put one in, what legal position would that put the city in at that time. He said there was good reason to determine true costs to do the job right, said that the signal and 'no right turn on red' didn't solve the problem, and that we should go back to the drawing board for a solution that could be funded in the 2005 budget.

Sabbagh said the vote was on a signal and 'no right turn on red.' He said that putting a light in now would not solve the problem, and might create other problems, and the city might end up spending more money. He added that he was made aware that the administration was not in

favor of this amendment several weeks ago, and mused that his position in the minority on the council might help communications with the administration. He noted he had heard from citizens in the Bryan Park area who did not want the light, and said it needed study for a long term solution.

He ended by saying that buses were just as important as pedestrians, bicycles and motorists, and was dismayed that the park and ride discussion last year indicated that bus traffic was needed on Henderson rather than Woodlawn, but now bus traffic on Henderson was not wanted. He said the park and ride problem and the Henderson/Atwater intersection problem should be solved at the same time.

Sturbaum moved, and it was seconded, to postpone the matter for two weeks so that more time could be given to deliberation and solving the problem. Dan Sherman, Council Attorney/Administrator, said the implication would be to postpone not only the amendment, but the entire ordinance and said the motion was subject to limited debate.

Rollo said he was in favor of this postponement because he thought there might be an alternative and was in favor of a little longer review of the matter.

Volan said additional areas of concern should be outlined as this was not just about one intersection.

Mayer said postponing this item would be prolonging the ability to go forward to address the issue in a meaningful way. He added that not enough information could be gathered in two weeks, and it would be difficult to bring together the persons from the Traffic Commission, Engineering, Public Works, community, and council to get anything meaningful done. He reiterated that there was not enough money in the 2004 budget to do anything at this intersection until next year. He advised a vote on the amendment without postponement.

Banach agreed that putting off a decision might not be a bad idea, but that two weeks is not enough time to do the task.

Sturbaum said he would consider a friendly amendment to change the time span to one month. He said there had been a lot of work to get to this point, and reminded the council of the unanimous support of the Traffic Commission.

Ruff said two weeks was not enough time to make relevant changes, but would be enough time to garner support from council members for the amendment.

Diekhoff said he was not in favor of postponing action as even a month was not enough time. He noted a citizen comment that the whole corridor needed study and said that was a good assessment of the problem. He added that he didn't like either plan proposed, and said it would be irresponsible to use either band-aid fix for a much larger problem. He advocated a study for the entire area.

Mayer said the longer the delay, the longer it would take to get the stop sign at Euclid and Howe (amendment #1).

The motion to postpone action for two weeks received a roll call vote of Ayes: 3 (Sturbaum, Rollo, Ruff), Nays: 5 (Banach, Diekhoff, Mayer, Sabbagh, and Volan) and thus failed.

Amendment #3 to Ordinance 04-11  
(discussion continued)

Motion to postpone action for two weeks

Vote on postponement of action

Note: 5/26/04 Committee Action on Ordinance 04-11 as amended by Amendment #1 was a Do-Pass Recommendation of Ayes: 4, Nays: 0, and Abstain: 5

Ordinance 04-11 as amended by Amendment #1.

Diekhoff called for comments on the entire ordinance as amended.

Volan said he supported amendment #3 and that he supported a study on the entire corridor and asked that it begin immediately.

Rollo said he would like to see money for capital improvements from the downtown CREED district fund to specifically be targeted to pedestrian and bicycle safety and access to the downtown area. He said he regarded this intersection as a priority in that regard.

Mayer said he was looking forward to the conversation with Alonso about getting this issue figured out. Alonso said he would happily give a commitment to do that and offered to call a meeting within the next two weeks.

Sturbaum asked if it would be appropriate to send amendment #3 back to the Traffic Commission. Alonso said he had no problem including members of the Traffic Commission in the discussion.

Diekhoff strongly urged the administration to do what was necessary to bring all parties together to review the entire corridor for vehicle and pedestrian, bike and bus traffic issues. He said there was a lot of support and willingness for this work.

Ordinance 04-11 as amended received a roll call vote of Ayes: 6, Nays: 2 (Ruff and Rollo).

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 04-12 Ordinance Authorizing Issuance of Lease Rental Refunding Bonds by the Monroe County Redevelopment Authority

Ordinance 04-12

There was no public comment at this time.

PUBLIC INPUT

Dan Sherman noted that the county needed quick action on the ordinance just introduced, and said that the council could consider it for final action at the Special Session on June 9, 2004.

OTHER BUSINESS

This action received a roll call vote of Ayes: 8, Nays: 0.

The meeting was adjourned at 10:05 pm

ADJOURNMENT

APPROVE:

ATTEST:

Michael Diekhoff, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington



In the Council Chambers of the Showers City Hall on Wednesday, October 6, 2004 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
October 6, 2004

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

The minutes of June 16, 2004 were approved by a voice vote.

APPROVAL OF MINUTES

Tim Mayer thanked Ron Walker, Director of Economic Development, for his work on the Bloomington technology park application. He wished the city good luck as the State of Indiana reviews the application and said he looks forward to the park.

MESSAGES FROM  
COUNCILMEMBERS

Maren McGrane of the Mayor's Office introduced Kriste Lindberg, Education Specialist for Parks and Recreation and Utilities. Lindberg gave a presentation on the city's storm drain marking program, where storm drains are marked with a "Dump No Waste, Drains to Stream" message. For more information on this program, visit [www.bloomington.in.gov/utilities](http://www.bloomington.in.gov/utilities).

MESSAGE FROM THE  
MAYOR

McGrane introduced Ron Walker who provided an update on the status of Bloomington's certified technology park application to the State of Indiana. He noted that the Redevelopment Commission unanimously approved a resolution supporting the city's application. Walker explained that a certified technology park is a district designation assigned by the Indiana Department of Commerce. This designation would allow the city to capture the incremental growth in payroll taxes and sales taxes. In addition, \$4 million will be available in grant funds over the 15 year life of the park. Walker said that grant funds may be used for capital expenses, administration expenses associated with running an incubator or other similar facility. Walker talked about partners in the project, including Information In Place Incorporated, Indiana University Research Park, Indiana University Research and Technology Corporation, and Bloomington Business Incubator. Walker spoke about unique characteristics and quality of life that should make Bloomington an excellent applicant. He noted that if the application is approved, the city council will need to approve and sign an agreement with the Indiana Department of Commerce.

Chris Sturbaum asked if this action taken by the city would qualify Bloomington as 'business friendly'. Walker confirmed that this action was extremely business friendly. He listed and discussed several economic development tools that assist businesses in Bloomington, including the proposed technology park, the downtown Community Revitalization Enhancement District (CREED), the Tax Increment Finance (TIF) district, and the Urban Enterprise Association Zone.

Dave Rollo asked how the \$4 million in possible grant funding could be utilized. Walker explained that \$2 million could be used for capital expenses to make economic development improvements within the district. In addition, \$2 million could be used for administrative expenses, such as expenses incurred by the city or Redevelopment Commission that might result from the management of a technology park. Walker confirmed that these funds are limited to the geographic boundary of the proposed technology park.

Steve Volan asked for confirmation that businesses in the proposed district would pay the same level of taxes and that those funds would



stay in the community and be earmarked for improvements within the district. In addition, he asked what the benefits would be for an entrepreneur to locate within this district as opposed to elsewhere. Walker noted that some selling points would be the resources available to new businesses from the business incubator, Indiana University and the technology park. In addition, facilities with types of infrastructure that might be useful to a business, such as broadband and lab space, would be grouped together. Walker said that partnerships with the university, Bloomington Economic Development Corporation and other organizations would help market the district and work together to provide affordable and attractive resources to businesses.

Volan asked if entrepreneurs were being recruited to locate within this area. Walker said that the city would welcome businesses that fit the profile from within Bloomington and out of town. He added that this economic development tool is geared to small, start-up companies.

Volan asked who an entrepreneur interested in the technology park should contact for more information. Walker suggested Brian Kleber, director of Inventure be contacted.

Andy Ruff asked what type of site improvement resources might be available for a business located within the technology park district. Walker noted that the city might be able to help with infrastructure modifications. Ruff pointed out that TIF districts are able to spend funds outside of their territory and asked Walker if this was the case with technology parks as well. Walker said he believed there was some leniency that would allow a technology park to allocate funding outside of the district if it were for services that would directly assist the district. Ruff asked if technology park revenues could be spent on downtown amenities that would help attract and retain businesses in the district specifically mentioning the McDoel switchyard trail corridor. Walker confirmed that funding could be spent on that type of public facility that serves the technology park. Ruff asked if the city's application contained any negative attributes. Walker noted that the proposed technology park would be 87 acres located downtown. He said some cities use undeveloped property, or 'greenfields' outside of the core city. He said he believed Bloomington had a good chance of success.

Chris Sturbaum asked if the technology park would provide any resources to businesses for preservation of a historic façade or building. Walker said that state statute allowed localities to control the distribution of funds.

Rollo asked Walker if he could foresee the types of business that could locate within the technology park. Walker said there was interest from companies ranging from software to medical instruments.

There were no council committee reports.

COMMITTEE REPORTS

Mark Haggarty said he was speaking on behalf of his Crestmont neighborhood. He said that his neighborhood had heavy pedestrian traffic but did not have a grocery store, laundromat, indoor basketball court or indoor swimming pool within walking distance. In addition, he pointed out that there was no trade education available within walking distance of the neighborhood. Haggarty added that young men in this part of town were the most at-risk to drop out of high school. He recently learned that the McDonalds restaurants were granting funding to the Salvation Army, and said this had initiated discussion about a new community center on the west side of Bloomington. He said this was a good opportunity for the city to become involved in the west side neighborhood in a positive way without using taxpayers money. He

PUBLIC INPUT

noted how many activities in Bloomington are disbursed throughout the city, such as basketball, ice skating, the library, performance arts, daycare, and food establishments and encouraged the city to become involved in a project to build a community center within the Crestmont area.

Public Input (cont'd)

Jane Goodman said she was present to speak about the condition of sidewalks in her neighborhood specifically the sidewalks on Maple Street between West 11<sup>th</sup> and West 17<sup>th</sup> Streets, an area that includes stretches where there are no sidewalks. Noting that she broke her foot while walking in the area, she said that people walking in this area have to either walk in the street or in the grass, the latter of which has several areas with uneven ground, ruts and steep slopes. She suggested that since Maple Street is heavily traveled from 11<sup>th</sup> to 17<sup>th</sup> streets that there should be sidewalks on both sides, and encouraged the council to consider this area in the next round of sidewalk funding. In addition, she said it made sense for the city to extend sidewalks on Maple to reach the new McDoel pedestrian path and also the 9<sup>th</sup> Street Park. Goodman pointed out that this area also deserves attention if it is going to boarder the proposed technology park.

It was recommended that Eric Ost be appointed to the Telecommunications Council and that Jacqui Bauer be appointed to the Utility Service Board. Both appointments were approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 04-29 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0. It was moved and seconded that Ordinance 04-29 be adopted.

LEGISLATION FOR SECOND READING

Pete Giordano, Director of Community and Family Resources, reported that the purpose of this ordinance was to amend the municipal code to more accurately reflect the practices of the city with respect to the community development block grant process. He noted that this was a housekeeping exercise to keep the ordinance consistent with practice.

Ordinance 04-29 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Amending Chapter 2.23 Entitled "Community and Family Resources Department" by Removing Section 2.23.040 (Community and Family Resources Forum) and Modifying Section 2.23.050 (Community and Family Resources Commission))

There was no public comment on this ordinance.

Ordinance 04-29 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 04-28 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation (as amended by amendment 1) of 6-1-1. It was moved and seconded that Ordinance 04-28 be adopted.

Ordinance 04-28 To Amend the Text of Title 20 of the Bloomington Municipal Code Entitled "Zoning" (Revising the Definitions Along with the Permitted and Conditional Use Allowances for Hospitals and Outpatient Care Facilities)

Tom Micuda, Director of Planning, presented a summary of the ordinance. Noting that the ordinance would establish definitions for hospitals and outpatient care facilities, he pointed out that there was currently no definition in the zoning ordinance for outpatient care facility and that it was important to have as many land uses defined in the ordinance as possible. Micuda said this ordinance would eliminate hospitals as a permitted use in the business park zoning district. In addition, hospitals and outpatient facilities would be designated as conditional uses in the medical district. In summary, Micuda suggested that hospital and outpatient care facility were land uses that should have some public discussion and public processes associated with their approval, on top of simply meeting site requirements. The plan commission had two public hearings on this amendment in which no objections were heard. In addition, the city worked with Bloomington Hospital and asked for comment on the amendment. No objections were offered.

Mayer introduced an amendment to Ordinance 04-28. He described this as a housekeeping amendment to correct an error written in the proposed ordinance.

There was no public comment on the amendment.

Amendment #1 to Ordinance 04-28 received a roll call vote of Ayes: 9, Nays: 0.

Volan asked for clarification of a medical zoning district and inquired why it would not be advantageous for a new medical facility to locate wherever it sees fit. Micuda said that Bloomington has a medical zoning district that encompasses the hospital and properties on all four sides of the hospital. The strategy is that medical facilities that are related to the hospital tend to cluster around the hospital.

Rollo asked if a medical facility, including the Bloomington Hospital, would have to go through the rezoning process if it wished to expand to an area zoned general business. Micuda confirmed that this was correct.

Mayer asked if the ordinance was written in any way that would exclude or limit the ability of a not-for-profit or for-profit health care facility from locating in Bloomington. Micuda said the ordinance would amend zoning to make the review process more of a public process than just a site plan review process. He noted that the ordinance treats for-profit and not-for-profit facilities the same. Mayer asked for confirmation that Mayor Mark Kruzan supports this ordinance. Micuda confirmed that the administration supported the ordinance.

Sturbaum asked Micuda if he had any knowledge of Monroe County implementing similar provisions. Micuda said he believed the county was moving forward on similar legislation but was not familiar with their timeframe.

Milton Fisk spoke in favor of this rezoning amendment. He said he supported the increased public participation and public processes that this ordinance would implement. Fisk spoke to the Bloomington Hospital's performance of accepting a large number of uninsured patients and noted that it would be difficult for any competition to do the same. If the hospital had competition, Fisk said that it would be difficult for the standard of care for the uninsured to remain at its current level since some well-insured patients would seek care at the alternate facility. Fisk summarized the findings of a report that found the cost of an overnight stay at for-profit hospital facilities to be nineteen percent higher than non-profits, which adds up to \$6 billion a year. In addition, he reported that administrative costs are higher at for-profit hospitals and somehow, death rates are higher. He summarized by stating the importance of taking a good look at any new hospital facility in the community and supported giving the council discretion in such decisions.

Frank Vilaro spoke in favor of the ordinance as amended and applauded the council for taking the initiative that he hopes every council in the country could adopt. Vilaro noted that while competition has helped make America great, he believes that hospitals and healthcare are an exception. He said that duplication of services results in higher costs and that there are currently too many hospital

Amendment #1 to Ordinance 04-28. This amendment is intended to be minor and merely correct the syntax in the opening paragraph of Part (b) of Section 20.07.14.02, which concerns the Purpose, Permitted Uses, and Conditional Uses in the MEDICAL (M) District. The changes, in particular, remove the word "hospital" from the first line and convert the words "hospital uses" from the plural to singular form in the third line.

Ordinance 04-28 as Amended by Amendment #1.

beds, not too few providers. Vilardo stated that any new hospital facility that wished to locate in the community should have to demonstrate the need for it. He said that this initiative by the council would go a long way in allowing for public input and he was very supportive.

Ordinance 04-28 as Amended by Amendment #1 (cont'd)

Mark Crane of Bloomington Hospital thanked the planning staff and council members for discussing this important issue for the community. He said the hospital supported the ordinance as amended and believed it would serve the community well in the future.

Dave Rollo said he supported the code amendment. He said this action illustrated the need for communities to be proactive in anticipating healthcare needs. Rollo noted that similar action needed to be taken by county government. He said he regretted the council did not take this action several years ago.

Sturbaum thanked the public for their comments, which he said helped firm up his conviction that the council was doing the right thing.

Ruff said there was no disputing the important role that Bloomington Hospital played in the community. That said, he reiterated his concerns from previous meetings that this action would give the council more discretion to help protect the hospital's position and status. Ruff noted that even though the hospital was non-profit, it wielded a lot of political clout and worked very hard to protect its interests. He added that this amendment helped create a partnership between the community and hospital. Ruff asked the hospital to try to develop ways to further involve the community in decision-making and governance of the hospital. He suggested allowing citizen access to hospital board meetings as one way to open communications with the community.

Mayer thanked Mayor Kruzan, Tom Micuda and the Plan Commission for working on this code change. He said this ordinance as amended would preserve the right of the public to discuss a very important issue.

Volan reported that he was disappointed in previous meetings that all evidence offered in support of the hospital came from someone involved with the hospital, with the exception of Mr. Fisk. He echoed Ruff's comments and noted that the hospital was reticent in its means of governance. Volan announced that he would very reluctantly support this proposal. He said he agreed that a conversation should be had if a new hospital facility proposed to locate in the community, but he remained skeptical and asked others to be skeptical of the intent of actions such as this amendment.

Sabbagh reported that the hospital board had approximately fifteen members. He noted that the county commissioners appoint three members and the local council of women had at least one appointee. Sabbagh said it appeared to him that government was involved with appointing members to the hospital board. He announced that he was supportive of the medical community and explained that all this amendment did was ask for public input on a serious healthcare issue. Sabbagh said he was very happy to support the amendment and described it as "in the best tradition of democracy".

Gaal thanked members of the public Milton Fisk and Frank Vilardo for caring enough about this issue to speak to the council. He explained that all this amendment would do would be to remove 'hospital' as an automatically permitted use in the zoning category where it is currently allowed by right. Gaal described the amendment as a procedural change that would allow for public discussion and debate. He said he agreed with Volan that the federal government should be addressing this issue

and that they were not controlling health care costs or access. In addition, he noted that the county should act on this important community issue.

Ordinance 04-28 as Amended by Amendment #1 (cont'd)

Ordinance 04-28 as amended received a roll call vote of Ayes: 9, Nays: 0.

There was no legislation for first reading.

LEGISLATION FOR FIRST READING

It was moved and seconded to suspend the rules to consider an item not on the agenda. The motion received a roll call vote of Ayes: 9, Nays: 0.

MOTION TO SUSPEND THE RULES

It was moved and seconded that the meeting for October 13, 2004 not be held due to lack of legislation on which to deliberate. The motion was approved by a voice vote.

CANCELLATION OF MEETING FOR October 13, 2004.

There was no public input.

PUBLIC INPUT

The meeting was adjourned at 8:53 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Michael Diekhoff, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

Unapproved

In the Council Chambers of the Showers City Hall on Wednesday, December 1, 2004 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL  
REGULAR SESSION  
December 1 2004

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Chris Sturbaum noted the beauty of the courthouse this time of year and added that it was almost destroyed for a new building a few years ago. He said that currently, only a three day wait was required for a demolition permit, and that wasn't often enough time for community input. He mentioned the Demolition Delay Ordinance that would be deliberated at the Plan Commission on December 6<sup>th</sup>, and that it would allow a period of 90 days for community input. He urged those who felt this extra time for an Historic Commission review was important to support it at the Plan Commission.

MESSAGES FROM  
COUNCILMEMBERS

Chris Gaal added his voice to second the importance of Sturbaum's comment.

Gaal noted that Friday, December 10, 2004 was designated to be Human Rights Day, and announced a rally sponsored by Amnesty International and the Bloomington Peace Action Coalition. He noted that this day was in celebration of the adoption of The Universal Declaration of Human Rights by the United Nations in 1948. Gaal read a portion of the document that realizes "recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

Gaal noted the importance of this celebration in a world that seems to be guided by a "might makes right" principle, and laments that despite all the recent talk of morality, we as a society have lost our moral compass, and are moving away from the vision outlined in the Universal Declaration of Human Rights. He closed with the following quote from Eleanor Roosevelt, Chairperson of the UN Commission on Human Rights:

"Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Andy Ruff thanked both Sturbaum and Gaal for their comments.

Volan cheered the IU Basketball team with the words: "Go Hoosiers, Beat Tarheels."

David Sabbagh noted the importance of Crane to this community. He said it represented much of the economy of the surrounding counties. He said we should do all we can to make sure that Crane stayed off the governmental list for base closures, and that in this effort, the city should support the Southern Indiana Business Alliance (SIBA). He added that he was pleased that the city was coming forth with support for this effort.

Sabbagh noted that at the last Bloomington Economic Development Corporation (BEDC) meeting, the group noted that in 2004, public sector unrestricted funds totaled \$119,100 (\$45,000 from the county, \$74,000 from the city). He said that the 2005 public sector unrestricted funds totaled \$30,000, all from the county. He said he was disappointed that the city was not contributing to this organization as it had done in the past, and called on the administration to revisit this.

Sabbagh said that \$90,000 - \$95,000 was included in the Mayor's 2005 budget line for "Mayor's promotion of Business. He said he asked during the budget hearings about the nature of this expenditure, and related that he was told nothing specific about the expense with nothing specific to the funding of the BEDC. He said this unspecific information was a concern of his, and was a part of his reason for voting against the budget. He added that since he has now seen that the city was not going to be contributing to the unrestricted BEDC fund, he was more concerned. He would like to have a report from the administration on how the money in this line would be used.

Dave Rollo welcomed Rick Dietz to the city in his new capacity as Director of Information and Technology Services. He thanked him also for his service to the Bloomington Digital Underground Advisory board and the Environmental Commission. He said he served these two commissions well.

Tim Mayer thanked those responsible for the lights in the downtown, saying that they are a welcome and spectacular display. He also welcomed the Boy Scout Troup to the council chambers. Mayer noted his concern about the election results in Kiev, and said he had trouble with our current national administration and their position on the elections there.

Mayor Mark Kruzan reported that he was extremely surprised at Sabbagh's comments about the BEDC. He wondered about Sabbagh's voting against the city's \$50M budget over a \$50,000 to \$90,000 portion of it. What's more, Kruzan expressed his surprise that a Republican council member would favor giving unrestricted tax dollars to any entity. He said the administration had committed to giving \$50,000 to the BEDC, but like any organization, including social services that receive funding from the city, the BEDC will be restricted in the sense that the city has an expectation that tax payers' dollars will be used in a beneficial and efficient manner. Kruzan pointed out that the \$50,000 that has been discussed for the BEDC, which will have a written agreement, will be dedicated to life sciences. He said that the BEDC put this amount into life sciences in the past year, and the City of Bloomington will subsidize that \$50,000 this year from the "Mayor's Promotion of Business" fund. As other organizations will receive support from this fund, Kruzan emphasized that the city will not treat one organization differently from another. He said the city will subsidize funding for Crane in a way that has a written memo of understanding. In addition, he noted that there will be written memos of understanding with the Downtown Bloomington Commission and the Small Business Development Center. The shift in allocation of funding to support small business development in the community, which the city believes is a primary job creator, has decreased the amount of funding for the BEDC by a small amount. Kruzan reiterated that to ensure accountability of taxpayer dollars, written memos of understanding will be arranged with these organizations so that the funding is utilized effectively and as intended.

Andy Ruff asked the executive director of the Hoosier Environmental Council (HEC) to come forth to present an award. Executive Director Tim Maloney said the HEC was a statewide non

MESSAGES FROM COUNCIL MEMBERS *(Cont'd)*

MESSAGE FROM THE MAYOR

COMMITTEE REPORTS

## COMMITTEE REPORTS (cont'd)

profit environmental advocate for a healthier environment across the state of Indiana that recognizes deserving organizations, individual and entities of government, in protecting Indiana's environment. He said that during 21 years, they have had experience with all levels of government and said that the best government is one that reflects its community. He said HEC perceived that the common council has a real commitment to the democratic process and public participation, a true interest in what the citizens think, an interest and commitment in taking the time to hear them, and an overall commitment to building a better community, not just a bigger one. He said the HEC was honoring the Bloomington Common Council with the 2004 "Excellence in Government Award," for its work in preserving Bloomington's quality of life and Southern Indiana's natural amenities by opposing the I-69 highway route 3-C through Bloomington.

Marc Haggerty spoke about what he considered to be problems surrounding the recent elections. He said we could do something about the voting machines used in Monroe County not having a paper trail, and voiced concern over control over the programming of the machines. He suggested finding a better way to verify votes. He reported people were turned away on election day because their name was not on the poll list and suspected that registrations for these persons were not turned in, possibly on purpose. He said neighbors should be able to vouch for these citizens so that they could vote on election day. He mentioned his own arrest in trying to write in votes before they were allowed in Indiana. He said legislation change would not come from elected officials or party activists and officials as they are the ones that manipulate the electoral process.

Gretchen Clearwater of the Committee for the Preservation of Democracy, a sub committee of the Bloomington Peace Action Coalition, spoke about problems she sees with the electoral system in the United States. She stated that every vote must count and every vote must be counted. Clearwater noted inconsistencies with exit polls compared to the actual vote and drew parallels between the recent electoral crisis in the Ukraine and the election in our country. She said that the organization is calling for uniformity across the country so that there is a transparent way to determine that all votes count. Clearwater called for a resolution from the city council calling for fair and transparent elections and said that they are taking the issue to federal representatives as well.

David Keppel, member of the Committee For The Preservation Of Democracy, said democracy begins locally, at the city council. He hoped the council would adopt a resolution, not to take a position on the election outcome, but to give persons the confidence that the election is fair and transparent. He talked about partisan secretaries of states, opposition to minority group votes, and voting machines with no paper trails. Keppel said it was a mistake to give up on the verification of the 2004 election noting that there should be a recount using scientific methods. He added the statement that democracy would be embodied by the council working with people to ensure this.

Linda Zambanini, citizen, registered nurse and member of the Committee For The Preservation Of Democracy, stated that the group was present to demand a voting process with transparency, uniformity and voting machines with paper trails and a non proprietary code—a system that will allow every vote to be counted. She said that the committee had many concerns about the mounting evidence of voting irregularities in the November presidential election. She noted Ohio's reports of voter intimidation, problems with electronic voting machines, and told of instances that gave a candidate more votes than actual

PUBLIC INPUT



registered voters in a precinct. She called for the Common Council to create and pass a resolution for fair, transparent and democratic elections. She said this sentiment was not a mere internet furor with baseless and irrelevant information, and noted computer security experts have voiced concerns, also.

PUBLIC INPUT (cont'd)

Stephen Hockema, scientist at Indiana University, said he shared concerns about the election. He said US officials were certain about voter fraud in the recent election in the Ukraine because of voter suppression and intimidation and exit poll information. He said that these same things have happened in our recent presidential election, and noted also that scientists have said the odds of the exit poll shifts actually happening are astronomical. He said this phenomenon warrants an inquiry and asked the council to pass a resolution to call for an investigation. He said the council derives its legitimacy from the very same electoral process, and asked the integrity of our voting system be validated.

Rollo asked any member of the committee to leave contact information with the council office.

There were no appointments at this meeting.

BOARD AND COMMISSION APPOINTMENTS  
LEGISLATION FOR SECOND READING

It was moved and seconded that Resolution 04-22 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. She noted that the public comment portion of the deliberation on this item would serve as the legally advertised public hearing. It was moved and seconded that Resolution 04-22 be adopted.

Resolution 04-22 To Confirm Resolution 04-21 Which Designated an Economic Revitalization Area, Approved a Statement of Benefits, Authorized a Period of Tax Abatement, and Declared Intent to Waive Certain Statutory Requirements - Re: 1500 S. Patterson Drive (Schulte Corporation, Petitioner)

Ron Walker, Director of Economic Development, said that this was the final approval for the Shulte Corporations request for tax abatement on property and improvements to real estate in their manufacturing and distribution facility. He said the corporation would create 223 jobs over the next five years as a result of the benefits they'll receive with this action. He said David Woods, Manager of Manufacturing, was present to answer questions.

Mayer thanked Schulte for their interest in the community.

Resolution 04-22 received a roll call vote of Ayes: 8, Nays: 0 (Rollo out of room).

It was moved and seconded that Resolution 04-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 04-23 be adopted.

Resolution 04-23 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

Lisa Parsley, Financial Manager of the Bloomington Housing Authority, was present for questions. When asked if this was a routine action, she said that it was requested each year because the Housing Authority provided trash removal for the area and therefore the city didn't have to provide for that service.

Mayer thanked her for the work done in the community.

Resolution 04-23 received a roll call vote of Ayes: 8, Nays: 0 (Sturbaum out of room).

It was moved and seconded that Resolution 04-37 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do Pass Recommendation of 5-0-4. It was moved and seconded that Resolution 04-37 be adopted.

Daniel Grundmann, Director of Employee Services, briefly reviewed the changes in titles and grades of the positions for both entities, and said he would answer any questions.

Ruff asked if the Blucher Poole Solids Handling Specialist was converted into Public Affairs Specialist and half time Administrative Assistant due to the new mechanization of the work.

Grundmann said there had been a miscommunication due to his discussion of a bell press operations that involved solids handling. He said both the solids handling specialist and the bell press operators were two jobs involve handling solids but are quite different. He said the position of solids handling specialist position had been vacant for longer than a year and was not related to the two new positions.

Ruff asked if it was possible for Grundmann to send a note to the council administrator in the future when confusing reporting from the news reports occur that might misinform council members. Grundmann said he would be happy to do that.

Mayer, council representative on the Utilities Services Board, said that the labor management team had reported on safety training and good operating practices and had no comment on staffing levels at that time.

Resolution 04-37 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Appropriation Ordinance 04-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Do Pass Recommendation of 4-0-5. It was moved and seconded that Appropriation Ordinance 04-08 be adopted.

Susan Clark, Controller, said the year end appropriation ordinance was mainly one of a housekeeping nature. She said the Clerk's office would like to transfer funds to the temporary salary line for a temporary employee to be retained through the end of the year. She said the second part was related to overtime in the Fire Department which had been severely impacted by long term illness and injury. She said four employees were on leave and that 623.5 illness/injury days been logged this year, a 79% increase from (348) 2003 which had not been anticipated. She noted the amount involved was \$68,000 which was needed to maintain staffing levels and allow other firefighters to take their regular leave time. She said half of the appropriation would replace budget cuts from this year's overtime budget.

Clark said the overall fire department budget had pledged savings this year of over \$100,000 in budget categories 2, 3 and 4, and these general fund reversions would more than cover this appropriation.

Clark said the police department had been awarded a DUI grant which includes the pass through of funds to the Monroe County Sheriff and the Indiana University Police Department. She explained the appropriations from this segment would enable that pass through of funds.

Clark explained the next segment of the ordinance by saying that the State Board of Accounts had requested that the city repay the expenses of the remodeling of the animal shelter from the special non-reverting fund in 2004 instead of 2005 as planned.

Clark also explained the last \$63,000 as requested by the Public Works department to be appropriated from the parking fund to install safety measures in the Register Garage and also for new parking meters along Morton Street.

Ordinance 04-37 To Amend Ordinances Which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (Ordinance 04-19) and of the Utilities Department for the Year 2005 (Ordinance 04-21) and 2004 (Ordinance 03-21).

Appropriation Ordinance 04-08 To Specially Appropriate From the General Fund, Parking Enforcement Fund and Cumulative Capital Improvement – Rate Fund Expenditures not Otherwise Appropriated. (Appropriating a Transfer of Funds within the General Fund – Clerk's Office; Appropriating Funds from the General Fund – Fire Department for Overtime; Appropriating a Grant in the General Fund – Police Department; Appropriating Funds from the Parking Enforcement Fund for Security Equipment; and Appropriating Funds from the Cumulative Capital Improvement – Rate Fund to Repay an Inter-Fund Loan).

Banach asked what “pledged savings” meant. Clark said that city departments had come up with \$659,929 from general funds that they “pledged” to not to use in order to overcome the unanticipated revenue shortfalls of this year. She said the Fire Department had pledged \$114,590 at that time.

Appropriation Ordinance 04-08  
(cont'd)

Rollo asked if Chief Barlow was invited to attend this meeting. Clark said she did not speak to him about coming, apologized if the council thought he would be present, and said that she and Grundmann might be able to answer questions. Rollo said there were matters raised at the committee meeting that the chief would be best in answering the personnel related questions.

Diekhoff asked what the standard staffing levels were for the fire department locations. Clark said she did not have those, but said there was policy for maintaining staffing for safety, and that overtime cost for a shift is \$540. Diekhoff asked about sick days in other departments in the city, to which Clark said that (Paid Time Off) is taken by non union employees, and that Police and Fire personnel have unlimited sick time. Diekhoff said his intention was to determine if any other department had so much sick time that there needed to be an additional appropriation of over \$60,000. He asked about national standards for staffing trucks. Clark said that from her conversations with Chief Barlow, she understood there were 31-33 persons on a shift at one time.

Appropriation Ordinance 04-08 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Ordinance 04-36 To Amend Ordinance 04-18 Which Fixed the Salaries of All Elected City Officials for the City of Bloomington for the Year 2005

Ordinance 04-36

Ordinance 04-38 To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” (Regulations Regarding Stop, Yield, and Signalized Intersections, One Way Streets, Various Parking Zones, and Pedestrian Crossings)

Ordinance 04-38

Ordinance 04-39 To Amend Ordinance 04-20 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2005 (Reflecting the Collective Bargaining Agreement with Bloomington Metropolitan Firefighters, Local 586)

Ordinance 04-39

Dave Rollo had contact information about the Committee for the Preservation of Democracy, and said they met at 7 pm on Tuesday evenings at the Encore Café and gave a website for contact.

PUBLIC INPUT

The meeting was adjourned at 8:48 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

Michael Diekhoff, President  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington

In the Council Chambers of the Showers City Hall on Wednesday, January 3, 2005 at 7:30 pm with Council President Mike Diekhoff presiding over the annual Organizational Meeting of the Common Council.

COMMON COUNCIL  
ORGANIZATIONAL MEETING  
January 3, 2005

Roll Call: Banach, Diekhoff, Ruff, Rollo, Sturbaum, Sabbagh, Mayer  
Absent: Gaal, Volan

ROLL CALL

Council President Diekhoff gave the Agenda Summation

AGENDA SUMMATION

The minutes of November 10, 2004 were approved by a voice vote with one minor correction suggested by the City Clerk.

APPROVAL OF MINUTES

Jason Banach wished everyone a Happy and Prosperous New Year.

REPORTS:

▪ COUNCILMEMBERS

Chris Sturbaum thanked the community for its support with his and his wife's recent kidney surgeries. He thanked everyone for their cards, prayers, thoughts, good wishes, and snow clearing and said that Barb came home on Christmas Eve and was doing well. He wished everyone a Happy New Year from both Barb and himself.

Andy Ruff acknowledged and commended Mayor Kruzan for his leadership in the face of a difficult year budget-wise saying that he was able to balance the needs for services for the community, compensation of city employees and a vision for the future. He said that "Plan Kruzan" had proved successful in steering the community this year and said that we are in good hands and this next year will be even better.

David Sabbagh wished everyone a Happy and Prosperous New Year, welcomed Sturbaum back, and said that while 2004 was not such a great year, 2005 would be better.

Dave Rollo welcomed Sturbaum back and said he was glad that his wife, Barb, was doing well after the surgery.

Tim Mayer said he remembered that Sabbagh had made a New Year's Resolution that had been published in the newspaper and would hold him to losing 25-30 more pounds and running in a marathon. He asked citizens to help those less fortunate than us and noted recent tragedies that would necessitate that.

Diekhoff said that there were openings on boards and commissions and invited the public to contact the city clerk in seeking application to the vacancies.

Mayor Kruzan, after wishing everyone a Happy New Year, wished the Sturbaums well, and announced that a new baby was coming to the Ron Walker household.

▪ MAYOR and CITY  
OFFICES

In referring to the recent 18 inch snowfall, Kruzan said that over 2600 tons of salt/molasses mixture had been used on the city streets during that time. He said that the pretreatment with this mixture was more expensive, but with the positive reports from police, fire and emergency vehicle drivers, it was an expense the city was committed to. He noted salt with molasses cost \$53 per ton and sand cost \$4 per ton. He thanked staff who worked long hours in removing the recent snow and particularly mentioned the employees of the Utilities Department who worked to clear city properties and parking lots so that the street department could devote its time to city streets.

Kruzan said that despite the recent snow removal ordinance the city did not issue tickets during this last big snow. He said that warnings were given to some property owners based on complaints and that some were in the downtown area.

Kruzan noted that the city flags were flying at half staff at the request of President Bush, to honor those thousands of victims of the recent tsunami in the Indian Ocean.

Lastly, Mayor Kruzan said that he looked forward to healthy debate with the council and added that debate helps produce better results for the community in the long run and thanked the council for the opportunity to join them in this service.

There were no council committee reports.

Jordan Shifriss addressed the council to thank them in advance for agreeing to help his Youth Participation in Government Group with a shadowing program with the common council. He said the program would begin with the January 19<sup>th</sup> Council Meeting. Sturbaum and Sabbagh thanked Shifriss for proposing the project.

It was moved (Rollo) and seconded (Banach) that the following officers be nominated for the following offices for 2003.

President	Andy Ruff
Vice President	Chris Sturbaum
Parliamentarian	Timothy Mayer

The nominations were approved by a voice vote.

Council Members exchanged seats in accordance with their new positions. Newly elected President Ruff then assigned council members seats for the year. He then presented outgoing president Mike Diekhoff with an engraved gavel to commemorate his year's service as council president and thanked him for a job well done in leading the council during 2004. Diekhoff thanked Ruff and the council.

It was moved and seconded that the following appointments to various Council Positions be considered:

Citizens Advisory Committee (Community Development Block Grants)	
-Social Services	Chris Gaal
-Physical Improvements	Timothy Mayer
Commission for Bloomington Downtown	Michael Diekhoff
Economic Development Commission (City)	Chris Sturbaum
Economic Development Commission (County)	Regina Moore
Environmental Resource Advisory Committee	Chris Gaal
Metropolitan Planning Organization	Andy Ruff
Plan Commission	Chris Gaal
Solid Waste Management District	Stephen Volan
Urban Enterprise Association Board	Chris Sturbaum
Utilities Services Board	Timothy Mayer
Bloomington Economic Development Corporation	Andy Ruff

The nominations were approved by a voice vote.

President Ruff said that he would like to take until January 19<sup>th</sup> to announce his assignments for the Council Social Services Funding Committee and the Council Sidewalk Committee.

- COUNCIL COMMITTEES
- PUBLIC

ELECTION OF OFFICERS

APPOINTMENTS TO BOARDS AND COMMISSIONS

Ruff asked for and received a request for the composition of the council interview committees for citizen appointments to boards and commissions to remain as they were in 2004. Parliamentarian Mayer took this opportunity to explain the functions of these committees in reviewing applications for those seeking to fill vacant seats.

APPOINTMENTS TO BOARDS AND COMMISSIONS (cont'd)

This being the first meeting of the new year, there was no legislation for final action.

LEGISLATION FOR FINAL ACTION

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

LEGISLATION FOR FIRST READING

Appropriation Ordinance 05-01 To Specially Appropriate from the General Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Parking Enforcement Fund, Parks & Recreation Fund, Police – Wireless Emergency Fund, Risk Management Fund, and Sanitation Fund Expenditures not Otherwise Appropriated. (Appropriating Funds from the General Fund – Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Controller's Office, Employee Services, Engineering, Fire, Housing & Neighborhood Development, Information & Technology Services, Legal, Mayor's Office, Planning, Police, Public Works Departments, and from Fleet Maintenance, Parking Enforcement, Parks & Recreation, Police - Wireless Emergency, Risk Management, Sanitation, Street and Traffic for Non-Union Salary Increases; Increases for Firefighters; Increases to Health Insurance Trust Fund Allocations; to Fund New Positions in the Office of the Mayor, Planning Department and Animal Care and Control Division, and to Fund Various Priorities of the Administration Which Include Restorations to the 2005 Budget).

Appropriation Ordinance 05-01

Ordinance 05-01 To Amend Title 20 “Zoning Ordinance” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures; to Delete Surface Parking Lots as a Permitted Principal Use in the General Commercial (CG) and Arterial Commercial (CA) Zoning Districts; and, to Prohibit Use of any Lot of Record Solely as a Parking Lot in the General Commercial (CG), Arterial Commercial (CA), and Downtown Commercial (CD) Zoning Districts

Ordinance 05-01

Ordinance 05-02 To Amend Title 8 “Historic Preservation and Protection” and Title 17 “Construction Regulations” of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures

Ordinance 05-02

Ordinance 05-03 To Amend the Ordinance Which Fixed the Salaries of Appointed Officers and Employees of the Civil City for the Year 2005 (ordinance 04-19)

Ordinance 05-03

There was no public input at the end of this meeting.

PUBLIC INPUT

The meeting was adjourned at 8:12 p.m.

ADJOURNMENT

APPROVE:

ATTEST:

Andy Ruff, PRESIDENT  
Bloomington Common Council

Regina Moore, CLERK  
City of Bloomington