

In the Council Chambers of the Showers City Hall on Wednesday, January 20, 2010 at 7:30 pm with Council President Isabel Piedmont-Smith presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 20, 2010

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: none

ROLL CALL

Council President Piedmont-Smith gave the Agenda Summation

AGENDA SUMMATION

The minutes of April 15, 2009 (Regular Session), April 29, 2009 (Special Session), and September 9, 2009 (Special Session) were approved by a voice vote.

APPROVAL OF MINUTES

Susan Sandberg noted that a poverty simulation would be held by the Community and Family Resources Department and the South Central Community Action Program on Monday, January 25, 2010 at the Banneker Community Center. She said this was an important virtual exercise to raise awareness of the issue.

REPORTS:
COUNCILMEMBERS

Sandberg noted that the Waldron Study Group would hold a public meeting on Tuesday, January 26, 2010 to hear statements on appropriate uses of the center and suggestions for realizing those visions.

Andy Ruff noted that a Campus/Community Forum and Call To Action would be held in Alumni Hall on the IU campus on January 21, 2010. He said that the event concerned the earthquake in Haiti and would plan to raise awareness and funds for the issue.

Tim Mayer said there were many ways to help with the relief efforts regarding the earthquake. He added that the Bloomington Firefighters had been working with the Red Cross.

Mayer thanked the Utilities workers for their work on three main breaks since the first of the year and said that the excavation, cleaning and examination of those breaks were extensive. He announced a Utilities number where citizens could report water in the streets at any time of day.

Mayer concluded by wishing citizens a Happy New Year.

Michael Simmons, Chair of the One Book, One Bloomington Committee, announced the book *The Amazing Adventures of Kavalier and Clay* by Michael Chabon as the 2010 selection for community reading and discussions. He presented copies of the book to council members and urged them to read the book and pass it on to others.

MAYOR and CITY OFFICES

Danny Lopez, Communications Director for the City of Bloomington, announced that the city website had just developed a page that would give extensive information on Haiti relief resources.

Andy Ruff and Josh Desmond, Director of the MPO, gave a report on the City of Bloomington's Metropolitan Planning Organization's award for the Outstanding MPO Planning Project for the City's Complete Streets Program. The award had been given at a recent Indiana MPO conference, and Desmond elaborated on the concept of the Complete Streets Program.

COUNCIL COMMITTEES

- MPO
- Uniform Conflict of Interest Disclosure Statement

It was moved and seconded that the Uniform Conflict of Interest Disclosure Statement presented by Council Attorney/Council Administrator Dan Sherman be accepted.
The Motion received approval by voice vote.

Isabel Piedmont-Smith, Chair of the Council Sidewalk Committee gave the report for 2010. She explained the total funding available with details as to where the funds originated. She said that the recommendations were sidewalks on Marilyn Drive, the north side of East Third Street (east of Bryan to Jefferson and Jefferson to Roosevelt, with eventual extension to Clark) and stormwater improvements for Southdowns Drive (from Jordan to Mitchell). Piedmont-Smith gave some details on the history and proposal for each of the recommendations.

COUNCIL COMMITTEES (cont'd)
• Sidewalk Committee

Sturbaum said there were many sidewalk projects to be done, and the Planning Department was helping to prioritize the projects with a use analysis. He said that the city was playing catch-up from the time when sidewalks were not required in the city.

Mayer made the distinction between Bryan Street and Bryan Avenue (where this sidewalk project is proposed) and thanked the committee for their work. He said that citizens walked in the street on Third Street because of the inferior, below the roadway sidewalk that might be underwater. He said the north side sidewalk would really help with general safety in this area and would help connect the neighborhood to grocery shopping in the area.

Rollo said that there were so many places that had stormwater problems stemming back to development in the 50's and 60's that it would take a while to deal with all those problems. He said he appreciated the attention given to two projects within his district.

Piedmont-Smith noted that sidewalks were funded in different ways, and said that in 2009 the city's new sidewalk construction consisted of 52% from private developers, 14% from the Sidewalk Committee, and 34% from Public Works Capital Fund. She wanted to thank the developers for doing that work, and noted that it was now a universally accepted practice to have them do that work.

It was moved and seconded that the Sidewalk Committee Report be accepted. The motion received a roll call vote of Ayes: 9, Nays: 0.

David R. Grubb talked about being an environmentalist.

PUBLIC INPUT

Gabe Rivera played his guitar and sang a song entitled "The Pretenders."

There were no appointments to boards or commissions at this meeting.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 10-02 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Ordinance 10-02 be adopted.

LEGISLATION FOR SECOND READING

Mike Trexler, Controller, spoke to both this bonding ordinance and the next one on the agenda together. He said that due to low interest rates, the new issue of bonds would pay off the old ones and would lower payments throughout the life of the new bonds. He likened this action to a refinance of a home. He gave particulars regarding bond issuance, net present value savings, real dollars savings, and dates of maturity.

Ordinance 10-02 An Ordinance of the Common Council of the City of Bloomington, Indiana, Approving Issuance and Sale of Special Taxing District Refunding Bonds by the City For and On Behalf of the Bloomington Park and Recreation District to Provide a Savings to the Park District

Sturbaum asked if we were refinancing and saving real dollars. Trexler said yes.

There were no public comments or council final council member comments on this ordinance.

Ordinance 10-02 (cont'd)

Ordinance 10-02 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 10-03 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-1. It was moved and seconded that Ordinance 10-03 be adopted.

Mike Trexler, Controller, summarized the ordinance and said that the bond counsels were present to answer any questions about the bond issue. He detailed the projects connected with the current bonds, noted the maturity dates, original interest and net present value savings and real dollar savings.

Piedmont-Smith asked if there was a cap on the City's tax exempt obligations for the year. Trexler said he believed this was true. Piedmont-Smith asked if the City of Bloomington Utilities obligations were part of that limit. Dennis Otten, bond counsel with Bose, McKinney and Evans, said there was a \$30M limit and it related to 'bank qualification' which would mean the overall interest rates would drop. David Wimmer, bond underwriter with Hilliard Lyons, said that the designation of 'bank qualified' would result in lower interest rates. He said it would be beneficial to stay below the limit. Otten verified Piedmont-Smith's statement that the limit was for new issues within a calendar year, not the total bond obligation, and that refinancing would count towards that limit. He said bond issues over the limit could still be done but that the 'bank qualified' status would not apply to them.

There were no public comments on this ordinance.

Piedmont-Smith said that the city had nine other sewage bonds and that it was a lot to keep track of.

Ordinance 10-03 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 10-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 2-2-4. It was moved and seconded that Ordinance 10-01 be adopted.

Jim Roach, Senior Zoning Planner, and Tom Micuda, Planning Director, gave an overview of the PUD for Patterson Pointe including location, acreage, present zoning designations, present and historic use of the site, present condition of the site, and vision of the Growth Policies Plan for this site. He said this ordinance called for consolidation of the three current zoning districts into one, and creation of a new Planned Unit Development, unification of the development requirements and development strategy for the properties, creation of a new District Ordinance and approval of a preliminary plan for site development. He showed the various areas of the PUD and explained the different uses of those areas. He highlighted the fact that this development was on a blighted industrial property, that it called for the restoration of the creek corridor, that the mixed use buildings on Third Street were a focus in the PUD, that the New Tech High School was incorporated into the plan, that the petitioners were committed to providing affordable housing, that they would be installing a new traffic signal at the intersection of Patterson Drive and old Third Street, that the roads, parking, tree plots and sidewalks were of high quality, that there was vehicular and pedestrian connectivity to the south of the PUD, that there would be transit access on Third Street and a creek-side path. He said the

Ordinance 10-03 An Ordinance Concerning the Current Refunding by the City of Bloomington, Indiana, of Its Sewage Works Revenue Bonds of 1999, Series A; Authorizing the Issuance of Sewage Works Refunding Revenue Bonds for Such Purpose; Providing for the Collection, Segregation and Distribution of the Revenues of the Sewage Works and the Safeguarding of the Interests of the Owners of Said Sewage Works Refunding Revenue Bonds; Other Matters Connected Therewith; and Repealing Ordinances Inconsistent Herewith

Ordinance 10-01 To Amend the Bloomington Zoning Maps from Commercial General (CG), Industrial General (IG) and Planned Unit Development (PUD) to a Planned Unit Development (PUD) and Adopt the District Ordinance and Preliminary Plan for the 18.32 Acre Patterson Pointe PUD – Re: 420 S. Patterson Drive (Patterson Pointe LLC, Petitioner)

developer also had committed to providing recycling services for tenants. He said the Plan Commission vote on this PUD was 9-1.

Micuda noted that Lisa Abbott, Director of the Housing and Neighborhood Development Department and Susie Johnson, Director of Public Works were present to answer questions.

Mark Figg spoke for the petitioner and noted that since the last hearings on this item they had been working on parking and connectivity issues.

Rollo asked the planners to discuss the pedestrian path along the creek and potential for linkages outside of the site, and the potential public use of this amenity. Figg said that the creek corridor would be a private amenity, and that there would be an opportunity to expand the path to the west.

Micuda said there had been general discussions on the linkages between this PUD and the Prospect Hill neighborhood mostly targeted to bicyclists.

Sturbaum asked that the design commitments and plans for design review be stated for the record.

Roach said the design commitments were in two parts. He said the written ordinance applied to one property and was called the PUD District Ordinance, while anything above and beyond the standard UDO ordinance was spelled out. Roof types, numbers of stories and allowable materials would be presented with schematic elevations. The final plan would be reviewed by the Plan Commission and would be a firm building plan with building elevations, building floor plans and fully engineered site drawings. He said they were reviewed for compliance with stated requirements and compliance with the renderings. Sturbaum asked Roach to illustrate the statement with the drawings that could be projected for all to see.

Ruff asked for the perspective of the HAND Department on the issue of on-site vs. off-site affordable housing. Lisa Abbott said that the developer had not submitted any plans at that point, but that the department would be interested in either option. Ruff asked if there was no preference because there was no solid proposal at this time. Abbott said yes. Ruff asked if affordable housing could serve a needed demographic at this site. Abbott said it could be incorporated into this site. Ruff said that the developer had proposed a site on Beech Tree Lane and asked if Abbott thought that was an adequate area for affordable housing. Abbott said it could work, but that public transportation was not as close to that area as she might like.

Mayer asked that Roach show the off-site property that had been proposed for affordable housing. Roach provided a map and said that it was not in the city limits although adjacent to it, but was in the city's planning jurisdiction.

Sandberg said the site was one third mile away from a bus stop and was heavily wooded. She asked what a development would look like there.

Figg said he would like to talk more about it in the future, but he envisioned a mixed residential use site, and although not in the city it could be annexed. He said that there was a road stub that came into the property, and a private park bordered the property on one side. He said that there were developments near the property that would complement any residential use on it.

Sandberg said she understood that the petitioner was willing to have a

Ordinance 10-01 (cont'd)

ten year affordability period with no assistance from the city. She asked if there was a mechanism for extending that affordability beyond that period. Abbott said that new construction rental property with assistance from HAND extended to 20 years, and that the city did not deal with ten year periods of affordability. Abbott said that she understood that the petitioner would allow residents a 100% median income bracket, a demographic that was not served within the city.

It was moved and seconded that Reasonable Condition #1 be considered.

Volan explained his proposal that would connect the southernmost road in the PUD to Patterson and his thinking in making this proposal to the petitioner. He said the proposal increased connectivity and gave alternative routes through the PUD.

Piedmont-Smith asked for elaboration from Planning staff. Micuda said that the staff supported the Reasonable Condition because it allowed a more extensive public street network in the project, because it did a better job of completing the 'grid,' because Public Works had accepted the bus pull-off on Patterson and that the parking change was minor in nature.

Figg was asked to comment and said that the petitioner was in favor of this change as they had actually designed it after the suggestions were made. He said the school corporation was supportive.

It was moved and seconded that Reasonable Condition #1 be adopted.

Mayer asked who would pay for the modifications to the school's parking lot and green space. Micuda said that when the school was approved to locate on the property, there was not a complete site development improvement plan. Figg said that the costs would be borne by the property owner, but that costs of public streets might be part of a future TIF conversation. Micuda said that the school corporation would develop the bus lane.

Sturbaum asked if an unintended consequence was a large increase in green space. Figg said that the school buses did not have to circulate on the site and that helped free up more space. Sturbaum said he approved of that.

Sandberg asked if the school corporation had approved changes with regards to students who would be parking on city streets rather than in a dedicated student parking lot. Figg said that the principal had not had the opportunity to speak with the petitioner's legal contact, but now is on board with the changes. Volan said he had met with the principal to hear his concerns.

Satterfield noted that public funds would be used through the school corporation, just not city funds. He said he was clarifying terms.

Piedmont-Smith asked Johnson if she supported the modification, her feelings on the streets being taken into the public inventory and the location of the bus pull-off. Johnson said the bus pull-off was similar to the project at Templeton school which separated the busses from other traffic. She said taking the streets into the public inventory was appropriate.

Piedmont-Smith asked Micuda if he had had conversations with the MCCSC regarding the newest modification. Micuda said he had not.

Reasonable Condition #1 sponsored by Councilmember Volan provides better connectivity for this PUD via Area C (New Tech High School). The Reasonable Condition approves a revised site plan submitted by the petitioner which locates an access road with on-street parking south of the school, locates a bus pull-off directly next and parallel to Patterson Drive, and converts some of the internal streets from private to public streets.

Buff Brown said he liked the addition of through streets and said he thought one street should be stubbed so that the public could purchase the right-of-way and make it connect to the south of the project. He encouraged on-street parking on both sides of the new streets, adding that on street parking would take one third the land than that off street parking.

Larry Jacobs, represented the Chamber of Commerce with his statement. He said the Chamber had looked at the issue and said the Reasonable Condition was a good one with cooperation from all parties involved. He urged support by the council.

Sarah Ryterband said she was pleased with Volan's addressing the issue of connectivity, and had been concerned that there were dead ends. She, however, said she was dismayed to think that persons who wanted to avoid traffic on Third Street would zip through the development. She supported parking on both sides of the streets as an asset to the development and added that it would also slow traffic.

Eve Corrigan supported the idea of on-street parking. She said it was a wise choice as a buffer between cars in transit and pedestrians, and it would also cut down on the amount of asphalt used.

Piedmont-Smith noted that the plan called for all the internal streets of the development to have parking on both sides of the street.

Council comments included:

Volan said the issue was not so much parking as the internal streets were intended to have on-street parallel parking, but the question was whether they would be internal roads to an apartment complex or not. He said that the New Tech parking lot could make that connection. He said a gridded set of streets promotes a flow of traffic. He urged support.

ACTION: Reasonable Condition #1 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Reasonable Condition #2 be considered.

Sturbaum said that Reasonable Condition #2 was simple and reasonable. He said that "Old" Third Street referred to the one way part of Third Street that bordered the donut shop. He said that this proposal eliminated one lane. Sturbaum referred to crossing points for pedestrians and Micuda said that this was addressed in Reasonable Condition #5, and gave some history and perspective for crosswalk treatments in that Reasonable Condition. Sturbaum said he would like to add raised crosswalks with special paver treatments to this reasonable condition.

Reasonable Condition #2 sponsored by Councilmember Sturbaum reduces the width of the east side of the new, signalized intersection at "Old" West 3rd Street and Patterson Drive from four to three lanes. It is supported by the Planning Staff and the petitioner and is intended to reduce pedestrian crossing distance.

Steve Smith, Civil Engineer with Smith Neubecker and Associates, said the situation for this crossing was standard and didn't need anything extra as was indicated in Reasonable Condition #5. Sturbaum noted that he understood and did not follow through with his intent to add raised crosswalks with special paver treatments.

It was moved and seconded that Reasonable Condition #2 be adopted.

Micuda noted that the staff supported this change. Piedmont-Smith asked if the petitioner supported this, to which the response was that they did.

Buff Brown said the only reason for a left turn lane was when a lot of through traffic would prohibit left turns from the cars driving in the opposite direction. He said this intersection would be fine with two lanes. He said a turn lane increased the distance needed for pedestrians to cross that street and was unneeded.

Sarah Knight said she lived on "Old" Third Street and said she would like for the council to provide some guidelines to safeguard that her street would not carry the burden of being the driveway for the residents of this project. She hoped that this traffic would be routed to more appropriate streets.

Volan asked if there was concern that residents of the proposed Patterson Pointe complex would make their way east through the Prospect Hill neighborhood. Upon looking at maps of the area, Volan realized that Old Third Street was two way for a short distance before it became one way going west.

Smith said traffic studies were conducted and that preferable routes for most drivers would be Patterson to Second Street or Third Street which was the most direct route. He said it was expected that some westbound traffic would use Old Third Street.

Sturbaum wondered how a bicycle connection could work on the side of Old Third Street. He said that the Prospect Hill neighborhood was experiencing increased traffic and traffic speeds in his neighborhood. He asked council to help find a way to help the neighborhood deal with these issues.

ACTION: Reasonable Condition #2 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Reasonable Condition #4 be considered. (Note, there was no RC #3 introduced.)

Piedmont-Smith asked Volan to present this change.

Sturbaum said that if Reasonable Condition #5 were introduced first, it would allow a full discussion on Reasonable Condition #4 as well. He said that should Reasonable Condition #4 pass first, it would preclude any discussion of Reasonable Condition #5, which he wanted to hear.

Piedmont-Smith said that the way to have a discussion on both reasonable conditions was to introduce Reasonable Condition #5 before a vote on Reasonable Condition #4. Volan said the chair and parliamentarian had discussed the procedure regarding these two amendments. Satterfield, speaking as parliamentarian, said that the agreement was to introduce Reasonable Condition #5 first, but now that Reasonable Condition #4 was introduced, the council should proceed with it first.

Volan explained the proposal which would call for parking for the front of the project to be placed directly on Third Street within the right of way given by the petitioner. He likened this angled parking to that of the current downtown courthouse square arrangement noting that this would slow traffic on Third Street. He mentioned that this scenario was dependent on the installation of a median on the street. Volan said this plan would also allow the petitioner to widen the sidewalk in front of the project and allow for a deepening of the retail space in the buildings planned. He said that the actual proposal in this reasonable condition did not specify angled, parallel, back in or back out parking.

Reasonable Condition #4 sponsored by Councilmembers Volan and Piedmont-Smith would authorize approval of a revised site plan submitted by the petitioner. This revised site plan would allow on-street parking along West 3rd Street and Patterson Drive with approval of the subsequent final plan contingent upon the inclusion of a dividing median proposed by staff after a design process that addresses: cost, funding support, maintenance, input from affected property owners, and the possibility of extending the median east and west and along Patterson Drive. Among other goals, this proposal would: create a more walkable, pedestrian friendly streetscape, increase the commercial space by increasing the building depth, and slow traffic in front of this attractive new destination.

Piedmont-Smith spoke as co-sponsor. She alluded to the MPO's Complete Streets Award that was mentioned earlier in the evening saying that this proposal implemented the Complete Streets philosophy for this portion of Third Street and Patterson Drive. She said it would slow speeds, take back the street for pedestrians and bicyclists from the feeling of a tunnel from one side of town to the other, and apply the MPO Complete Streets policy.

It was moved and seconded that Reasonable Condition #4 be adopted.

Micuda said that the staff recommended the adoption of Reasonable Condition #4 and added that Reasonable Condition #5 would be recommended also. He said that the staff liked both as alternatives to the preliminary plan. He said the South Dunn Street project, the Indiana Enterprise Center, the Stonebelt site on Adams, West Kirkwood Avenue and the downtown square were all instances that on street parking was successfully used. He said a parking buffer and median were important to the proposal and gave reasons for each.

Petitioner Figg said this was a viable option and could be effective and safe.

Rollo asked if one or the other reasonable conditions was preferable in view of utility access. Micuda said that in Reasonable Condition #5, the use of a few parking spaces might be disrupted if utility work needed to be done but would not affect parking access for the other spaces. He said the placement of utilities might affect either reasonable condition.

Piedmont-Smith asked where the utilities would be placed in respect to Reasonable Condition #4. Micuda said he didn't know at this time but the engineers would coordinate with utilities in either design option.

Rollo asked about safety issues with parking on the street. Micuda said that the combination of the parking buffer and the dividing median allowed staff to believe this was a safe and viable alternative.

Mayer asked who would pay for the median. Micuda said that the commitment was made that the developer would pay for the median on the frontage of his development project on Third Street and Patterson if necessary. He said additional median work could be paid out of general funds or the Adams Crossing TIF or the entire median could be paid out of the TIF. Mayer asked if the developer would apply for TIF funds. Micuda said that as the developer assessed costs and potential proposals that might deserve TIF funds he would apply for them. He said this would be evaluated by public benefits and the fund balance.

Danny Lopez, Communications Director for the City, clarified that any TIF fund request would be taken to the Redevelopment Commission for approval. Sandberg asked about the timeline on the RDC proposal evaluation process and wondered about committing funds before the application was actually submitted. Lisa Abbott said the proposals were taken up as applications came in, and that there was no application for this project. Micuda said that when the median issue came up it was discussed that cost estimates, funding sufficiency, extent of the median, and business outreach would have to be worked through. He said if approval was granted for this reasonable condition, those concerns would be part of the design process.

Figg noted that the petitioner had committed to paying for the median, but did not want to give the illusion that they did not need help for the whole project based on the public good of his project, and added that that was a separate conversation.

Sturbaum asked about the traffic volume on West Third Street. Micuda said that it was 21,000 cars per day on all lanes. Sturbaum asked if he believed this volume would increase after the street improvements. Micuda said it would naturally, but also because the street would have added capacity. Sturbaum asked about the lane width; Micuda answered 12 feet in each lane. Sturbaum asked the design speed, but Micuda said he would pass that question to an engineer. Sturbaum noted that cars traveled 30 mph on Old Third Street in his neighborhood and thought that the Third Street speed would be above that, to which Micuda agreed. Sturbaum asked if there was a relationship between speed and safety and their interaction with parking backing out into travel lanes. Micuda said he could not quantify anything more than a relationship.

Volan asked the petitioner about the increase in traffic volume due to the proposed project. He also asked about traffic counts on College and Walnut at the courthouse square. Micuda said he did not bring data on the downtown counts to the meeting. Marc Cornett, project architect, gave counts for 2008 as 13,556 southbound, 13,518 northbound near the square. Volan asked for the current average speed on West Third Street, to which Micuda said he didn't know what the posted speed limit was, and did not have a current average speed.

Volan asked what the TIF was used for and if traffic projects were an accepted use for the TIF. Micuda said transportation and utility related improvements that would benefit the TIF or areas adjacent to the TIF district were the most common uses. He said these could be in the form of signals or pavement.

Satterfield asked the petitioner if the TIF fund issue was a make or break issue. Figg said it was.

Satterfield asked Susie Johnson to address other costs of improving the area on either side of this proposed development. He also asked if there were other projects competing for the TIF money. Micuda said design (and then right of way acquisition and construction) for improving sidepath connections around the Twin Lakes area on West Second Street would be a competitor for these funds. He added that the design for a project that would improve access to Twin Lakes Recreation Center and Weimer Road with signalization would contend also. He added that the RDC considered the balance in the fund, replenishment of funds, timing of projects, and the balance between stated public projects and private projects that meet public goals. Figg stated that he estimated that Patterson Pointe would also be paying about \$350,000 a year in taxes into the TIF and he looked at this request for TIF money as "self funding." He added that this was a premature discussion. Lopez said that he understood the questions, but that without a formal proposal it was not possible to project costs and TIF funding.

Satterfield said he was asking about general improvements outside the Patterson Pointe PUD. Micuda replied that the current phased Third Street improvements were fully funded. Satterfield wondered about reducing speed in areas that approached this area on either side of Patterson Pointe. Micuda said staff would look at whether the median should extend east or west of the project median, and that it was too early to tell what additional bike facilities would be needed or if other private development might affect the need for changes in the approaches to Patterson Pointe.

Ruff asked if the design would reduce the ability of Third Street to carry traffic at a reasonable speed. Volan said he had worked up a demonstration on how the reduction of speed would reduce the flow of traffic on this street.

Volan showed a formula that would help calculate the carrying capacity per lane. He showed that it changed with the speed of the road, and showed that the capacity increased as the speed decreased, therefore increasing the capacity of the road if traffic was slowed. He said this also increased safety for pedestrians and bicyclists with slower speeds. Ruff asked for concurrence from staff. Micuda said he could not comment on Volan's presentation. He noted that the petitioner's consultant had done a study with regards to on street parking and concluded that it would not divert vehicles or cause street failure. Steve Smith speaking for the petitioner, said the control was the signalized intersection and that it was different from traffic flow on a highway without signals.

Cornett said the numbers that he quoted earlier were for two lanes, and that comparisons should be done lane for lane, and also should take into consideration that the numbers he quoted were for areas with parking on both sides of the street. He said that counts changed block to block and that between 7th and 8th on Walnut was 15,300 cars.

Piedmont-Smith asked about the current balance of the TIF fund. Micuda said that the balance at the end of 2009 was \$1.1M and that it was anticipated that \$600,000 was projected to be deposited into the fund in 2010.

Volan said he asked for the fund balance and was provided a balance of \$1.5M. Micuda said his information was based on verbal statements given to him that day. Sherman said the information that he provided to Volan was based on information received last fall regarding expansion of the TIF.

Sandberg asked about practical perceptions vs. engineering and mathematical theory regarding the flow of traffic in this area. She wanted to know what to tell citizens who were concerned about the on street parking proposal. Smith said that the buffer lane would allow the cars to back out but not into the through traffic lane, and then join traffic. He said a heavy white line would delineate the buffer for a scenario like the downtown, and in this project a two foot concrete gutter would delineate the buffer lane and through lane. He added that carrying capacity would be slowed slightly with this arrangement, but not as much as if parked cars were backing out into the lane of traffic.

Volan asked if the signalized intersection at Old Third Street and Patterson would cost as much as \$100,000-120,000. Micuda said that was a safe assumption. Volan asked if a median from Kirkwood to Landmark would cost about the same amount. Micuda said a rough estimate was half that much for a median bordering just at the Patterson Pointe project.

Volan asked the number of linear feet of frontage from Building A1 to A4 in the original proposal. Cornett said it was estimated to be 1200 feet. He asked how wide the lane was in the original proposal to which Cornett said it was 15 ft. Volan calculated that this meant that 18,000 square feet would be covered with asphalt. Volan asked about the depth of the original buildings to which Cornett answered 61 feet. Volan asked how much closer the façade would be to the street in the Reasonable Condition #4 proposal. Cornett said the building was 20 feet closer to the street. Volan asked how many more square feet of rentable space was returned to the development. Cornett said the original proposal was 34,000 square feet and Reasonable Condition #4 had 51,000 square feet. Volan noted that there was a 50% increase in rentable square footage with this reasonable condition.

Micuda, answering an earlier question, said that there would be an additional 3200 trips per day on Third and Patterson as a result of the Patterson Pointe project.

Ruff asked about bicycle amenities in the project and the surrounding area. Micuda said that from Landmark on West Third Street to SR 37 there would be bike lanes, but from Landmark to the east there were no bike lanes although there was the lane space to put in bike lanes with or without the construction of a median. He noted a bike path in the development but added that development patterns precluded any connection between Second and Third streets. Ruff asked if the Bike and Pedestrian Safety Commission had comments on the project; Micuda said that there was no comment at this point.

Sturbaum asked if there would be drainage inlets in the gutter, to which Susie Johnson said that there was no actual design for the gutter buffer. Sturbaum asked about snow removal. Johnson said that if there were no cars parked there the snow would be plowed to the sidewalk in a manner similar to the downtown. Sturbaum asked about Third Street road lanes being painted with sharrows. The MUTCD manual on traffic provided information that sharrows were best used in situation of parallel parking, not back out parking areas. They discussed where bikes would best travel in this area.

Mayer noted that Patterson had become an effective bypass to the southern part of the city despite its original design for factory use that is no longer needed. He asked if commercial vehicles were still using Patterson and Allen Streets. He asked about the impact a median would have on trucks' turning radius in navigating the corner. Johnson said that the truck route designation would be taken into consideration when this area was designed. She said that an additional 40 semi trucks per day would be using Patterson to access Cook Pharmica with their plant addition.

Ruff asked how wide the sidewalk would be in the area where the snow would be plowed, to which Micuda said it would be 25 feet.

Ruff asked the developers if and why they liked or didn't like the reasonable condition being discussed from their perspective as developers and their perspective as members of the community.

Mark Figg said increased building depth was optimal for retail space. He said he didn't know which parking plan actually would be better, but liked the on street parking personally. He noted that either way, he would just like the project to move along.

It was moved and seconded that Reasonable Condition #4 be amended by substituting Reasonable Condition #5 by substitution.

Satterfield said that the introduction by substitution would allow the council to fully discuss Reasonable Condition #5 before voting on Reasonable Condition #4. Piedmont-Smith noted that these two reasonable conditions might be mutually exclusive and therefore this procedure was needed. Sherman explained the procedures for discussion.

Sturbaum summarized Reasonable Condition #5. He said that this plan added a green buffer between faster traffic and the parking area and would also add to the size of the retail buildings. He said that it was an alternative version 'Complete Streets' and also a version of New Urbanism. He said he had consulted the Institute of Transportation Engineers revised manual on the interaction of back out traffic and

Reasonable Condition #5 sponsored by Councilmember Sturbaum authorizes approval of a revised site plan submitted by the petitioner that straightens the internal parking lane currently proposed for Area A1 and A2, along West 3rd Street an Patterson Drive. This proposal may or may not include a median along the public thoroughfare(s). Among other goals, the change would: create a more walkable, pedestrian-friendly, urban feel to this streetscape and increase the viability of the project by increasing the retail space by adding to the building depth.

design speed for these ideas. He said his instincts were that this plan would work with what he called the best of both worlds and a nice compromise. He called this a simple, clean way to approach this issue.

Micuda said staff supported both Reasonable Conditions. He reviewed the two reasonable conditions with respect to building size, plaza size, bike interaction with traffic and the interaction of through traffic with parked vehicles.

It was moved and seconded that Reasonable Condition #5 be adopted as a substitute for Reasonable Condition #4.

Mayer asked if Reasonable Condition #5 would have more points of access to the development for motorized vehicles. A discussion ensued regarding options for drivers in maneuvering between the site and the street.

Volan asked about the size and layout of the buildings, parking and traveling lanes with the design in Reasonable Condition #5. Marc Cornett gave specifics and Volan summarized that the building front would be 10 feet closer to the street, the depth of the building was 6 feet greater, the sidewalk would be 5 feet greater and the square footage would be 5500 greater in Reasonable Condition #4 than in Reasonable Condition #5 or the original Plan Commission approved project.

Ruff asked about bike and vehicle interaction with the Reasonable Condition #5 arrangement. Micuda said the bike speed would probably be slower with parking inside the development rather than biking on Third Street. Ruff noted that vehicle speed might also be higher since there was no calming effect of parked cars.

Ruff asked sponsor Sturbaum if the ITE manual didn't actually recommend parallel parking on urban avenues and if Sturbaum would, using that same source of authority he had cited earlier, agree to support parallel on street parking or back in angled parking.

Sturbaum said he was supporting the petitioner's design and they didn't suggest parallel parking. He said that back in parking might not be a good idea as it still causes interaction with moving vehicles.

Figg said that either option could be explored and noted that he really did not want the council to pick one design at this meeting, but let the process of gathering data and the resulting design work.

Satterfield asked Figg which plan was his preference. Figg said he didn't have a preference at this point. He said he felt the boulevard would work and that his consultants felt that the on street parking would work, but he would like to explore all plans further.

Satterfield asked Figg to talk about the clients' and tenants' experiences in sitting outside the retail spaces in the different scenarios. Figg said that he wanted to provide parking in the front of the retail space and that all plans had that concept. He said both designs would function well but that he had some questions about unintended consequences in the on street version. He said he had worked with the boulevard plan longer and had not considered the on street parking version because of what he perceived as a lack of option and political will to reclaim the right of way to use for the complete street.

Sturbaum asked Figg if he would be satisfied and most comfortable with a motion to do either option. Figg affirmed this.

Piedmont-Smith asked if the ITE manual suggestion took into account the buffer lane. Sturbaum said it was not addressed.

Piedmont-Smith called for public comment on Reasonable Condition #4 and its amendment Reasonable Condition #5.

Michelle Cole said that both #4 and #5 provided significant improvements over the original design. She said she originally was against on-street parking but was convinced otherwise with the addition of the buffer. She added that she was still concerned about bike traffic safety. She said she liked the greenspace buffer in #5. She recommended that the petitioner be allowed to continue to explore both options with the incorporation of greater sidewalk depth, greater building depth and building forward design, but not dictate particulars at this time.

Larry Jacobs, Chamber of Commerce, agreed with Cole. He said both plans looked good and the petitioner should be allowed to pick between the two. He said that specifics and costs were still to be figured and that would have influence in one design over the other.

Eve Corrigan said she could see advantages to either plan and wondered if it was fair to lock the petitioner into one over the other. She said the stories in the paper did not fully explain the on street parking plans with the addition of the buffer. She said she believed parallel parking would be safer. She said she had a slight preference for Reasonable Condition #4.

Sarah Ryterband encouraged the council not to tell the petitioner which option to build. She said she favored Reasonable Condition #4 over Reasonable Condition #5 because of the calming of traffic in that section of Third Street. She said that back in angled parking should be considered as one of the options, and that she appreciated the bit of greenspace that would break up the massive amount of pavement. She expressed concern about the pedestrian walkway all the way down Third Street and noted that Complete Streets should be considered in a complete way.

Michael Korus, principal broker of Maxim Real Estate, said he like both plans. He said that the parking could be closer to the business so that customers would not have to cross the boulevard, said the buffer lane was great, and liked the idea of back in parking.

Micuda addressed the concept of parking stalls closer to the retail buildings within the project. He said that arrangement would not allow vehicles to stack at the entrances and exits to the development.

Figg asked Cornett to make a statement. Cornett said that this process was worth noting. He said that if the developer originally thought that on street parking was a viable discussion with the city, the boulevard option would have not been developed. He said he realized that the process and conversations have evolved. He said Reasonable Condition #4 would have been preferable from the start. He said that on street parking had an advantage as was evidenced by on street parking on Hillside with the Dunn Street project. He noted that on street parking would allow many spots to access the retail spaces, whereas if a customer missed the first entrance (with boulevard parking) they didn't have as many options to access the retail spaces. He noted the interactions of the functions of the planned development with the parking, and concluded by saying that the on street parking worked best for this project.

Council comments on Reasonable Condition #5 brought forth the following statements:

Reasonable Condition #5 to
Ordinance 10-01 (cont'd)

Wisler said that Reasonable Condition #5 had merit, but that the motion on the floor was to make it the only option for the project and that he could not support that. He said that the plan was slightly inferior to the other and that he would like to give the developer both options. He said he hoped that the council could find a way to do that. He commented on the awkwardness and difficulty of the motions in bringing these two reasonable conditions to discussion.

Sturbaum said that voting no on this Reasonable Condition by substitution was a way to clear the table and allow a motion to adopt both conditions so that the petitioner could have the option of choosing what he wanted to do.

Ruff said he appreciated the willingness of the developer to work through the issues and plans, but it was unprecedented to give the petitioner the right to choose between two plans. He said he preferred to give more structure to the recommendations and wanted an up or down vote on each plan. He said that passing option 5 as most expedient was not responsible leadership. He said that he was willing to say that if Reasonable Condition #4 could not be done, that Reasonable Condition #5 could be worked out.

Ruff said he had a communication from Melissa Henige, chair of the Bike and Pedestrian Safety Commission, in favor of on street parking with regards to this project. He said that Keith Vogelsang, the Advocacy Chair of the Bloomington Bicycle Club, had also communicated to Ruff his favor of on street parking. Ruff said that the Bike and Ped commission members had weighed in in favor of that option and noted his own preference for this option. He said bike safety was increased with parallel parking and back in parking on the street. He noted that speed was a great factor in accidents and that Reasonable Condition #4 was the best option for this as noted in the ITE manual. He said the parking buffer was actually the compromise between those who wanted on street parking with those who didn't. He said he would like an up or down vote on Reasonable Condition #4 to determine the preference of the council with possibly a contingency backup for the condition that failed.

Satterfield said that the process had been difficult and that the approach to the discussion was that of having to discuss two separate plans without them being entwined. He said one of the options was to present both as viable options and allow the developer to choose. This would mean voting down Reasonable Condition #5 with the understanding that then a motion be offered to amend Reasonable Condition #4 so that both options are available to the developer. He said that there was validity in an up or down vote, and added that he was not keen on providing both options for the developer. He said consideration needed to be given to the Plan Commission process and the impact of any precedent in that process that might be set with this vote. He said he was not comfortable leaving a lot of questions unanswered considering that the roadway in question was a main arterial to the city, considering the hospital and schools interpretation of this decision. He said a roundabout could be considered, as well as other projects that might be affected because of resources dedicated to this project.

Sandberg said that since both options were considered Complete Streets design she favored Reasonable Condition #5 and said it was also a reflection of what she had heard from constituents. She said that Reasonable Condition #4 had not been vetted well at this point.

Sturbaum said he would prefer Reasonable Condition #5 over #4.

Volan said the rules had allowed a discussion of both options and proceeded to present the merits of Reasonable Condition #5 vs. #4. He said he had read the ITE manual and felt that its recommendations were up to interpretation. He noted there was greater adherence to the tenets of New Urbanism and that increased building size, location of the building closer to the street and wider sidewalks would be accomplished with Reasonable Condition #4. He noted that the developer had said that on street parking would have been his first choice in the development plan had he known early on that it could have been considered a viable option. He said that Reasonable Condition #5 was better than the original plan approved, but did not go far enough. He said the PUD was a legislative tool designed to overcome the limits of ordinance, and the idea that it be sent back for another Plan Commission review process was abdicating the council responsibility to make the decision.

Piedmont-Smith said she preferred Reasonable Condition #4, and it was better for the community for reasons outlined by Ruff and Volan.

The motion to adopt Reasonable Condition #4 amended by Substituting Reasonable Condition #5 received a roll call vote of Ayes: 4 (Sandberg, Satterfield, Sturbaum, Mayer), Nays: 5 (Rollo, Wisler, Ruff, Piedmont-Smith, Volan) and was defeated.

It was moved and seconded that Reasonable Condition #4 be amended by approval of Reasonable Condition #4 and Reasonable Condition #5 as alternatives that the Petitioner may pursue with the Plan Commission.

Motion to Approve RC#4 and RC#5 as alternatives that the Petitioner may pursue with the Plan Commission.

Sturbaum, sponsor of this amendment, said that the developer wanted this choice, and the majority of the public comments were in favor of allowing the developer more time to work out the details. He said that therefore, the council should allow both options. He said that should complications arise in the development of plans, they could make monetary decisions to do either of the plans. He concluded by saying that this option was respectful of the petitioner and the council which was clearly divided on the issue.

Micuda said that motion was consistent with the city's position that both plans were viable and that they could support either option.

Figg stated that they would be fine with that flexibility and noted that they were committed to doing the project in a responsible manner.

Ruff asked if there was anything that said that Reasonable Condition #5 would be considered if there was only a genuine hurdle to implementing the median in Reasonable Condition #4. It was determined that there was not.

Rollo asked staff about the process involved in this amendment with regards to the forces that would be working out the final project. He said he was not convinced that it would be ultimately up to the petitioner to make the decision.

Micuda said that the process was a cooperative one, with the developer, city administration, council and Plan Commission. He said that step by step would be more difficult to outline at this time, but he said it was not a sole decision of one of those entities. He reiterated it was a cooperative process to develop a plan, with the Plan Commission being the approving entity with the understanding of the council preference.

Rollo asked if it was disingenuous to even say that the decision was up to the developer since there would be many more entities involved. Micuda said that was correct.

Motion to Approve RC#4 and RC#5
as alternatives (cont'd)

Sturbaum noted that if the council chose one plan at this point, the petitioner would still have to go through the cooperative process Micuda outlined.

Volan said that there was doubt about whether the median could get built and that it was a crucial aspect of Reasonable Condition #4. He asked what other doubts could cause that option to no longer be viable. Micuda said there was a likelihood that a median would be feasible, but there could be other issues that would arise from the process. Volan asked if Micuda knew of any other instance of a reasonable condition applied by the council that had this much doubt attached where there was contingency of a second option if the first one failed. Micuda said that this discussion was breaking new ground regarding the scope of the council's involvement in the development and multiple proposals.

Ruff pointed out that there was no prioritization of the two options. He asked Micuda about the fact that both proposals had to be studied. Micuda said that all participants in the discussion on the median issue as well as the engineering work.

Ruff said he would like to have the fact that there were four council members in favor of Reasonable Condition #4 reflected in the motion. Wisler noted that the motion on the table was to add Reasonable Condition #5 to Reasonable Condition #4. He said that if that motion failed, the remaining motion on the table would be Reasonable Condition #4 by itself.

Volan asked what would happen if during the development process of adding a median to a street it was determined that the median could not be installed. Micuda said he was not aware of any instance where a median plan was abolished. Volan asked how many businesses in the area of this PUD would be affected by the establishment of a median there. Micuda said there were two, the Red Cross and Monroe Farm Bureau Insurance, immediately north of the PUD, and more if the median was established all the way to Landmark Avenue.

Volan asked Micuda if the council determined that the median was appropriate in this area, he believed there was any reason to believe that it would not become a reality, despite the number of curb cuts or length of process. Micuda said he felt it was likely, but could not say with 100% certainty.

Sturbaum asked Figg what he liked about the proposal. Figg said he had originally made this proposal and added that he believed on street parking works, and it was hard not to take that position. He said he had time constraints and would have to go back to the Plan Commission with a final plan. He said he could do Reasonable Condition #5 but would like to have a council directive to the developer or Plan Commission regarding the on street parking. Sturbaum said that what was literally on the table was a "you pick" option. Figg said he didn't like that. Sturbaum asked if he wanted more guidance. Figg said he could make it work either way, but wasn't absolutely satisfied that on street parking would be approved in the final outcome. Sturbaum asked Figg again if he didn't want to make the decision on the alternatives. Figg said he was okay with that.

Piedmont-Smith asked for a clarification and Sturbaum reread his motion. She said that the Plan Commission approved the boulevard

with parking lane, and asked if the Plan Commission would approve something so radically different from what was approved the first time, referring to on street parking. Micuda said he expected the petitioners to fully examine both options and in conjunction with others bring one proposal to the Plan Commission. He said the petitioner and staff, and plan commissioners would be involved in the discussion and the support of the ultimate project decision. He said it would not proceed to that point if it were not approvable. Piedmont-Smith asked if the ultimate project would look more like Reasonable Condition #4 or #5. Micuda said he couldn't say because it was part of the design process.

Motion to Approve RC#4 and RC#5
as alternatives (*cont'd*)

Piedmont-Smith called for public comment.

Larry Jacobs, Chamber of Commerce, said the Chamber stood behind the decision to allow the petitioner to have both options, noting that he stated the same thing two hours beforehand.

Michelle Cole said that the frame of abdication of duty mentioned in this discussion was not the way she viewed the action of allowing the developer either option. She said it was a clear message that the council wanted to see more Complete Streets and that both options do that and that the time to study these two options should allowed. She said the impact of the on street parking on Third Street should be thoroughly understood. She encouraged a favorable vote on this amendment.

Wisler said he preferred Reasonable Condition #4. He said he appreciated the statements regarding leadership, but that leadership did not mean ramming something through. He said that public doubt and hesitation about on street parking was an opportunity for the council to convince the community and the plan commission that it was the best option. He said that to force a new plan through without public discussion was not leadership, and stated that he planned to be at the Plan Commission to tout the merits of on street parking in the part of town in question and to work with the petitioner. He said that procedurally there were things that could stop Reasonable Condition #4 and that it would be unjust to the project to die because of a technicality like the funding of the median. He said this project would change the town for the better and it should be allowed to go forward. He said he would vote yes on the amendment.

Volan said the whole evening was about doubts especially about on street parking, and back in parking. He showed slides of back in angle parking in other cities that illustrated the position of bicyclists with reference to the parked cars. He said staff and the petitioner were ambivalent and that it was up to the council to make a decision. He said the decision was about policy and went beyond the specific decision of the PUD. He urged a no vote on this and a vote yes on Reasonable Condition #4 to send a clear message.

Ruff showed a picture of the roadway at the PUD site and said that any plan presented by the petitioner would be better than what existed. He said the precedent that he was worried about was for the next PUD that might have multiple options for the developer, and wondered why other developers wouldn't ask for the same treatment. He didn't say it was wrong, but that it was a precedent. He said he appreciated the excellent and professional job of the staff. He said that Reasonable Condition #5 got an up or down vote and was defeated, but it was probably going to have equal footing with Reasonable Condition #4, even though the majority of council preferred #4 and that that the on street parking option be exhausted before turning to the parking boulevard option. He added that the latter was a great alternative, but not preferred by the majority of council members.

Mayer said that Patterson was named for Pat Patterson who was the Public Works Director under Mayors Frank McCloskey and Tomi Allison. He said Pat was a dedicated civil servant. Mayer said he appreciated the passion for Reasonable Condition #4 which started sometime in late December and continued with two meetings in January. He said there were recently three articles in the local newspaper. He said that he had heard from the same handful of people that Ruff had heard from, but from listening to them he had become aware that the public didn't understand the project, were skeptical of back out parking, and that the public hadn't been brought along with the development of the project alternate plans. He said it made more sense to give the developer options, especially if they employed market surveys in insuring the success of their project. He said to do otherwise would be to cut them off at the knees.

Sturbaum said everything he had seen from the development team made him very comfortable with leaving the decision in their hands. He noted that they were creative, smart and open to new ideas.

Sandberg said she was comfortable with the project overall. She said that she was fully prepared to be in the minority and disputed the statement that she should in any way feel ashamed of her position. She alluded to a flexible philosophy that would allow diversity of opinions to help form a better plan than any one person could develop. She said she was comfortable with allowing the developer to have the choice.

Volan said he had asked about the on street parking in November 2009 after the developer was told during preliminary discussions between petitioners and staff in July 2009 that on street parking was not acceptable. He said that it was the council's fault that the petitioner wasn't able to fully develop the on street parking plans from the beginning because they weren't involved in discussions at that time. He contended that the public was not brought along with the process because the council members were not involved in the discussions in July. He asked for a no vote on this amendment.

Ruff addressed the aforementioned concern about the affect of this PUD on the hospital. He said that if the hospital would use circumstances surrounding the redevelopment of this ugly brownfield space as an excuse to leave their current location, they were already lost to the downtown. He noted that Patterson Drive was known to patrons of the former Bud's Sandwich Shop near the RCA factory as "Juarez Boulevard" to symbolize the loss their jobs.

Piedmont-Smith said that the decision was a difficult one for her and that she deeply appreciated the time and effort of the petitioner and staff in regards to this matter. She noted that she was on the Plan Commission when the original petition came forward, and that she voted for it. She said she should have been more involved in the petition much earlier in order to encourage a more complete street design. She said she didn't want to compound her mistake by leaving an option open that was not as good as another option. She said Reasonable Condition #4 was the best design for the community. She said Ruff's comments regarding that option were eloquent, and that it was the only option that would tame this street and take it back for the community. She added that she was tired of having streets close to downtown being traffic tunnels and that they needed to be livable and welcoming to pedestrians, residents, bicyclists and all modes of transportation. She said that it could only be done with slowing the traffic, which could only be done with on street parking. She concluded by announcing her vote would be no on this amendment.

Motion to Approve RC#4 and RC#5 as alternatives that the Petitioner may pursue with the Plan Commission received a roll call vote of Ayes: 5 (Wisler, Sandberg, Satterfield, Sturbaum and Mayer), Nays: 4 (Rollo, Ruff, Piedmont-Smith and Volan).

VOTE: Motion to Approve RC#4 and RC#5 as alternatives

Reasonable Condition #4 amended by approval of Reasonable Condition #4 and Reasonable Condition #5 as alternatives that the Petitioner may pursue with the Plan Commission received a roll call vote of Ayes: 6 (Rollo, Wisler, Sandberg, Satterfield, Sturbaum and Mayer), Nays: 3 (Ruff, Piedmont-Smith and Volan).

VOTE: Reasonable Condition #4 as amended by approval of both Reasonable Condition #4 and Reasonable Condition #5.

Rollo thanked the public and petitioner for their patience in this process and complimented his council colleagues for doing its work until 2 am. He noted that it couldn't be said that the council didn't do its diligence. He thanked the staff for an incredible job.

Wisler said making the case for on street parking was the most important thing done at this meeting and was concerned that because of what he called the council's own lack of control of the process that folks watching wouldn't have a clear picture of this even after six hours of deliberation. He said he had a detailed argument prepared for on street parking but would save it for another meeting. He said this would be a transformative project on that side of town.

Volan commented on the length of the meeting and said the process was clearly broken and urged the council to rethink the way it handled PUD requests.

Ruff said it was a necessary, complicated process that he was not embarrassed or ashamed of.

Piedmont-Smith thanked the petitioners who would transform an eyesore into a high quality development. She thanked the staff for guidance and patience.

Ordinance 10-01 as amended with Reasonable Conditions #1, 2, and #4 (with its amendment) received a roll call vote of Ayes: 9, Nays: 0.

Final Vote on Ordinance 10-01 as amended.

It was moved and seconded that the Clerk read Ordinance 10-04 by title and synopsis only. Piedmont-Smith called for a roll call vote for this first reading to proceed.

LEGISLATION FOR FIRST READING

Ordinance 10-04

The first reading of the following ordinance was approved by a roll call vote of Ayes: 8, Nays: 1 (Sturbaum).

Ordinance 10-04 To Amend Chapter 15.26 of the Bloomington Municipal Code Entitled "Neighborhood Traffic Safety Program" (Amending Schedule J-1 in Order to Identify Traffic Calming to be Installed at the Intersection of South Mitchell Street, Southdowns Drive and Circle Drive)

The meeting was adjourned at 1:58 am on January 21, 2010.

ADJOURNMENT

APPROVE:

ATTEST:

Isabel Piedmont-Smith PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington