

In the Council Chambers of the Showers City Hall on Wednesday, June 6, 2007 at 7:30 pm with Council President Dave Rollo presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JUNE 6, 2007

Roll Call: Wisler, Ruff, Sandberg, Rollo, Sturbaum, Volan, Sabbagh, Mayer
Absent: Diekhoff

ROLL CALL

Council President Rollo gave the Agenda Summation

AGENDA SUMMATION

The minutes of May 16, 2007 were approved by a voice vote.

APPROVAL OF MINUTES

Brad Wisler commented on the announcement that Finelight was going to move from downtown to the west side of the city by saying that we should pay attention to this. He asked what businesses would do when faced with obstacles such as parking or height issues in locating or developing downtown. He said that if locating downtown is the difficult option, locating outside of town would be the easy option, and that would create sprawl and even more use of cars with more parking lots. He said he was disappointed, and hoped that in future situations, we would have a better understanding of options and consequences.

REPORTS:
COUNCILMEMBERS

David Sabbagh reminded all that this date in history, June 6, 1944 was D-Day. He noted that we should remember what went on during that day and with the "Greatest Generation" and asked all to remember them on this day.

Steve Volan said he was putting together a report on the 15th Annual Conference on New Urbanism that he and Council member Sturbaum had recently attended in Philadelphia. He said he was anxious to share the ideas and information with the other council members.

Andy Ruff said that the New York Times had recently reported Maryland to be the first state to require a Living Wage. He read sections of the article that said the state was the first to "honor work and fight poverty." He noted that Bloomington was one of the 145 cities mentioned in the article that require a living wage. Ruff said he appreciated Wisler's comments about sprawl, however he but noted that Finelight was moving to an existing building within city limits in a heavily developed area with existing parking lots within the city limits and not to a green space that was not already developed. He said that we need to think about ways to make other areas of our urbanized community more livable and more like our downtown that provides services, work and residential opportunities.

Susan Sandberg said she would reserve her parking comments for a later meeting after all proposals were reserved. She did, however, note that the June 30th Picnic at the Pops outdoor concert would be a wonderful evening for families and invited all to get tickets. She also said that she was singing in the chorus at this event.

Chris Sturbaum said that Finelight was not gone forever, and that they are still interested in staying downtown and the city was still trying to get them parking, and was trying to take time to find the best solution to their parking problem. He said that a New Urbanist recently visited Bloomington to give a talk and said that Bloomington didn't have to be a beggar city, one that will do anything to get folks to come there. He noted that mutual respect and talks could keep Finelight downtown. Sturbaum reported on a talk by the Congress for New Urbanism founder Andres Duany who designed Seaside, Florida. He said that the group

examined walkable communities and real estate and now is looking at a sustainable lifestyle for the world. He said this was a world wide movement looking for ways for people to live without dependence on cars. He noted that the Congress addressed problems after Hurricane Katrina by helping towns build new types of residences called Katrina Cottages that would withstand flooding as alternatives to the \$75,000 trailers sent to the area that were unsatisfactory. He shared other snippets of new urban concepts with the council that included street sizes, speed limits and traffic planning, contextual architecture, naturally occurring retirement communities, work units in the home, mixed uses, and the science of how we live in communities. He thanked the council for sponsoring his and council member Volan's trip.

Councilmember Comments (cont'd)

Tim Mayer said his observation was that Seaside, Florida homes were for the rich and famous but wasn't exciting in architecture. He then announced that he and his wife, Sue, celebrated their 45th wedding anniversary on June 1st, and thanked his wife for her love and being by his side.

Sturbaum said he had found a couple more things to add to his report, saying that so much of our income goes to maintenance of cars, that we could put more money into houses if we didn't use cars as much. He said any free time gained by an 8-hour work day, was depleted by the commute to work that people have to make. He also noted that a LEED (Leadership in Energy and Environmental Design) certified house located far away from work was not the best holistic sense of sustainability.

Rollo noted it was great news from Maryland about their Living Wage Ordinance and thanked Andy Ruff for his leadership in the passage of Bloomington's Living Wage Ordinance.

Assistant Deputy Mayor Sara Ollis reported on Be Safe Bloomington's June activities starting with the Mayor's State of the City Address. She noted that public safety, sun safety and pet safety programs as well as fire station tours would take place during the month.

MAYOR and CITY OFFICES

There were no reports at this meeting.

COUNCIL COMMITTEES

Dewey Prior with Crossroads (a division of New Leaf, New Life), a non profit committee of formerly incarcerated people with some others, said his group was working to reduce recidivism in the justice system. He said they met monthly for this end, trying to create a halfway house, privately owned work release center and a homeless center for veterans. He explained some of the program and stated that anyone who needed their help could come to their meetings at 6:30 on Thursdays at the Trinity Episcopal Church.

PUBLIC INPUT

Lucille Bertuccio stood with Earth Elder friends Ria Colvey, Marty Crouch, Betsy Caulfield, Ann Kreilkamp, and Carol Polsgrove to speak to the council about global climate change, peak oil, extinction of species and habitat destruction. She asked that the council consider seven generations into the future with all of their decisions, taking note of the environmental stresses on children today.

It was moved and seconded that Lynn Schwartzberg and Jooi Byrd be appointed to the Bloomington Community Arts Commission. It was also moved and seconded that Mike Cagle be reappointed to that commission. All appointments were approved by a voice vote.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Ordinance 07-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that the committee recommendation was to forward this item to this meeting with a recommendation of 8-0-0. It was moved and seconded that Ordinance 07-10 be adopted.

LEGISLATION FOR SECOND
READING
Ordinance 07-10 An Ordinance
Concerning the Annexation of
Adjacent and Contiguous Territory
(2501 South Leonard Springs Road)

Controller Susan Clark said that the owners of this property approached the city asking that their property be annexed into the city limits. She noted that during the public hearing two weeks earlier the fiscal plan for this project was adopted by the council. She noted that the annexation would go into effect on July 10, 2007, thirty days after publication and upon filing. She noted that Ted Najam, one of the property owners, was present for questions.

Najam said he was present as a property owner, not in any other legal capacity. He noted that the actual size of the property, .86 acre or .52 acre, was questioned at the previous meeting, and said that the difference was that right of way sections had been taken by INDOT for the upgrade of the intersection.

President Rollo noted that there had been a lengthy question period at the last meeting.

Diana Igo said that she lived on Hickory Drive in Highland Village and used this intersection daily to avoid the even more heavily traveled intersections to the east. She opposed the annexation saying that the new use would bring more traffic and congestion to the intersection and would decrease safety. She alluded to previous concerns about the property's access with regards to proximity to the intersection. Rollo thanked Igo for both her statement and a letter she had sent to the council regarding her concerns.

Sandberg noted that Richard Martin had presented many issues at the committee meeting and asked Micuda if Mr. Martin's concerns regarding access to the property had been considered. Micuda said he would prefer to address that in the zoning portion of the discussion.

Referring to the proposed use of this property after annexation being a liquor store, Sturbaum asked if Wal-Mart sold the same types of liquors that Big Red Liquors sold, and if these two properties would be in direct competition. Wade Shanower, president of Big Red Liquors was present and said that there were some competitive elements, with the chief differences being BRL selling cold beer and about 2000 additional products.

Volan asked what would happen if the parcel was annexed and yet the change in zoning was not approved. Mayer and Council Attorney Dan Sherman noted that at the time properties are annexed into the city they are given zoning designation; otherwise the property would be unregulated.

Volan asked for a comment on the current status of the intersection and the likelihood that safety improvements would be made. Micuda said the intersection was upgraded by the State of Indiana in 1995, that lane capacity was added at that time, and therefore he did not anticipate that the state would do an additional upgrade any time soon. He said the intersection was heavily congested and had been upgraded to deal with the number of vehicles. He also added that intersections with more use would naturally have a greater number of accidents, but that didn't mean that the intersection was not able to handle traffic needs.

Volan asked if the city would ever need to 'calm' traffic there. Micuda said that the intersection was the jurisdiction of the state of Indiana, and they would not be likely to do this. Volan asked about other intersections as examples of heavily traveled areas; Micuda noted that they were all within the city jurisdiction.

Ruff asked if controlling ingress and egress would be considered an intersection improvement. Micuda said that after the council committee discussion on this matter it was decided that there should be a plan for ingress/egress control on the property. He said that these early discussions have indicated a good plan was to have a right in/right out access control on State Route 45 with left turn restrictions from Leonard Springs Road onto the property.

Mayer noted that under county zoning, this property was zoned as commercial. Micuda said that the city would also propose the commercial zoning for the annexed property. Discussion ensued about different types of commercial use and the number of trips they might generate. Micuda said that the liquor store use would probably fall in the middle of this spectrum.

Ordinance 07-10 received a roll call vote of Ayes: 8, Nays: 0.

It was moved and seconded that Ordinance 07-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that the committee recommendation had been to forward this item to this meeting with a recommendation of 8-0-0. It was moved and seconded that Ordinance 07-10 be adopted.

Planning Director Tom Micuda noted that this ordinance was being presented so that there would be no lapse in zoning designations on the property as it was annexed into the city and that the property would be developed under city zoning standards. He said that Commercial General was the middle of the three tiers of commercial zoning. He noted that the Plan Commission had unanimously approved this designation.

Micuda presented visuals that showed land uses in the area of the property in question as well as a plan for the ingress/egress to the property, emphasizing that this was just conceptually reviewed by the city engineer, and was not a firm proposal or site plan at this point. Najam thanked Micuda, Trisha Bernens, and Susan Clark for their help in this process. He said that the property had four entrances when it was purchased, but that was before INDOT upgraded the road and left the property with only two entrances. He said it was his intention to work with the planning staff to find an acceptable solution to the ingress/egress issue. His other comments alluded to the size of his lot in relation to the Wal-Mart lot, the local ownership of both Small Town Properties and Big Red Liquors, and the trip generation for this liquor store was in the mid range of traffic. He showed a visual with a 'concept' of the building appearance without commitment to any materials or colors.

Wisler asked about the direction of traffic to the property. Micuda said his opinion was that the most dominant traffic movement to the property would move west on State Road 45 turning left on Leonard Springs Road. Najam said he and Big Red Liquors were discussing access from Leonard Springs Road, as it was very important to the site use. Micuda said that corner lots that are less than an acre at intersections were very hard to plan access for.

Wisler asked about further modes of access, to which Micuda and Mayer speculated about various routes to access the property.

Ordinance 07-08 To Amend the Bloomington Zoning Maps and Zone Property Currently in the Monroe County Planning Jurisdiction to Commercial General (CG) in Anticipation of Annexation – Re: 2501 South Leonard Springs Road (Small Town Properties, Petitioner)

Sturbaum asked why there could not be some connectivity through the Wal-Mart property. While reiterating that the access points to the property were currently conceptual, Micuda said the steep terrain and large trees made access from the south to the property difficult. Sturbaum asked if the city could force access from that direction, to which Micuda replied that the idea had not yet come up, and that he had no answer at this time.

Volan and Micuda discussed the wording of possible signage that would address the access to the property. Najam said he understood the development plan for this property would be made for the highest traffic times, and noted that it might be possible to restrict turning movements during certain hours of the day. He said he wanted to explore this option with the engineers for the entrance on Leonard Springs Road.

Wisler asked if the final approval of the plan for the property was at the staff level plan review. Micuda said the only way it would need to be a public review would be if a zoning variance was requested.

Rollo said that fast food restaurant or gas station/convenience store uses would generate more trips to this site. He asked Micuda what he thought of access to this property being determined by time of day according to traffic patterns. Micuda said that it would be a discussion for the city engineers, but he would be open to that discussion.

Sturbaum noted a scenario where a shopper wanting to go to three different stores in the area would need to use the highway three different times to do so, saying that it was a strange way to control traffic.

Diana Igo used her experiences in traveling through this intersection on a daily basis as a foundation for suppositions of traffic patterns after the liquor store is built. She expressed concern for safety in traffic flow in what she called an incredibly busy area at all times of the day.

Cliff Meadows asked how often the petitioner would anticipate needing police service. Najam said that in a prior meeting it was established that liquor stores need them infrequently. Shanower said that in the eleven properties that Big Red operates in the city, there were about three police calls to their stores for public disturbances within the last year.

Nick Ivey said that left turns from the nearby property at the southwest corner of the intersection should not be allowed.

Rollo asked if Micuda could clarify any of the points made by the public commenter. Micuda noted that traffic counts in the area are close to 30,000 vehicles per day on State Route 45, and the access control decisions were difficult but important for businesses in busy intersections. He noted that access decisions were made on a case by case basis while talking to all parties involved. He clarified that the decision would be made at the staff level, and would not be reviewed at the Plan Commission.

Sturbaum asked if there was an accident report summary for the intersection, to which Micuda said that information would be obtained before a decision of access would be made for the property.

Volan asked how jurisdictional control over intersections was determined. Micuda said that when one or two state highways comprise an intersection, that intersection is within the state's jurisdiction.

Wisler pointed out that the question was on the rezone and that the staff would make the decision about the traffic pattern. He added that the action of rezoning would not contribute to the traffic problem.

Volan said that was true but that the discussion of the zoning was appropriate. He asked Micuda about different zoning designations and their effect on the property access. Micuda said that a different zoning designation would not have much effect on access, but would reduce the range of land uses that would be permitted on the property, many of which would generate lower traffic rates.

Sturbaum said he believed that staff would make a good decision on the access for this property, and since this action would expand the tax base and support local businesses he was going to vote for it.

Rollo noted that there were concerns that warranted discussion on the rezone. He said that he appreciated the citizens concerns and the fact that they spoke in specifics regarding the ingress/egress issues, and also indicated that he would defer to the planning and engineering staff to work through the difficulties.

Ordinance 07-10 received a roll call vote of Ayes: 8, 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 07-04 Authorizing the City of Bloomington, Indiana to Issue Its "Economic Development Revenue Bonds, Series 2007 (Jill's House, Inc. Project)" and Approving Other Actions in Respect Thereto

Ordinance 07-04

There were no comments at this point in the meeting.

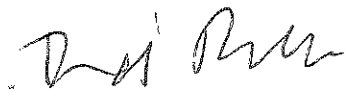
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The meeting was adjourned at 9:25 p.m.

ADJOURNMENT

APPROVE:

ATTEST:



Dave Rollo, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington