

In the Council Chambers of the Showers City Hall on Wednesday, OCTOBER 4 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
OCTOBER 4, 2006

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

ROLL CALL

Council President Sturbaum gave the Agenda Summation

AGENDA SUMMATION

There were no minutes approved at this meeting.

APPROVAL OF MINUTES

Brad Wisler was elected by a caucus to fill Jason Banach's seat for the remainder of his Council term ending 12/31/07. Council members thanked Banach for his years of service, and welcomed Wisler to the Council.

REPORTS:
COUNCILMEMBERS

Andy Ruff-Took a moment to read an editorial from the Indianapolis Star on Indiana's future interstate I-69. Ruff stated that the Indianapolis Star was a Republican driven paper. He referenced Tom Tokarski of Citizens for Appropriate Roads, who said that unless state officials came to a meeting of the minds with him, the taxpayers and the landscape will haul a huge excess load.

Tim Mayer-Announced two events: Bloomington's annual international Lotus Festival and the Red Cross Book Fair. Finally, Mayer welcomed ProCure to Bloomington which is a Bloomington based operation that would teach people how to use proton therapy.

Dave Rollo-Expressed a note of gratitude to Cook which committed \$600,000 for a free healthcare clinic that is scheduled to open next summer in Bloomington.

Rollo read statistics from two stories on climate change. The first was from an independent newspaper in the United Kingdom called the new Scientist Magazine dated September 27, 2006. The article reported that according to new predictions from Britan Scientist, 1/3 of the planet will be desert by the year 2100 because of rising temperatures around the world. Eight agencies and many development specialists believe poor countries will be the worst hit, and will be a death sentence for millions of people. Migration will occur off the land at levels we have not seen before and poor countries will not be able to deal with the devastating effects.

The second article is described in the New Scientist which describes another decade of business as usual on carbon admissions. At the rate we are going it will be too late to prevent climate change in the Eco systems of the north. NASA Scientists, one of the most prestigious scientific journals in the world, reinforces a series of recent findings on accelerating environmental disruption in Siberia, Northern Canada, and Alaska. These areas are pivotal to climate change. Earlier this month, NASA Scientist reported that climate change is speeding up the melting of artic sea ice. Further, global warming of one degree defines a critical threshold, and earth will be a different plant then the one we know. The title of the article is Climate Change, One Degree and We are Done For. Still federal governments such as our own are in denial of this problem and have chosen to downplay these reports.

Councilmember Rollo commends the Council for adopting the resolution for Kyoto Protocol and our Mayor Mark Kruzan for signing the U.S. Mayors Climate Protection Agreement. The City's Environmental Commission has been working on an action plan for the community to cut our atmosphere carbon admissions. It is a dangerous game being played by the federal government and ignoring the problem

and leaving it to future generations to sort out is wrong. The current administration is also ignoring the account deficits that we are leaving to the next generation with enormous debt. They have not taken our energy crisis seriously and having devoted essentially pocket change to renewable energy and nothing to conservation. We also have a health crisis in this country where tens of millions go under or uninsured risking financial ruin and terrible suffering. The degree of disconnect this administration has with reality is staggering. All major cities in the Midwest could have rail infrastructure and the capital cost would be a mere 7 billion dollars which is less than a month of the Iraq war and does not consist of killing anyone.

Chris Gaal-Commended Dr. Haddawi for creating the free healthcare clinic in Bloomington. He commended Lotus Fest, the volunteers, and the Lotus Board which helps puts Bloomington on the Map as a tourist and recreational destination.

Brad Wisler- Thanked everyone for their kind words and support at the swearing in ceremony conducted earlier in the day. He thanked Jason Banach for making the transition easy. He also wanted everyone in his district to know that they could now feel free to call him with any concerns and is eager to help.

Tim Mayer- Commended Volunteers of Medicine. Their target population are folks who are working but can't afford health insurance. He noted that a family of four making \$40,000 or under would be eligible for this program.

Chris Sturbaum-Thanked the people involved with Volunteers of Medicine and is impressed with the sincerity of the physicians involved in the process. He is amazed people can step up and solve a problem like this here in our local community. He also reminded the public that October 10, 2006 was the last day to register to vote.

Regina Moore –Welcomed the new Deputy Clerk, Cara Huddleston. She also introduced Justin Tate who is the new intern to the Clerk's Office.

Maria Heslin- Shared highlights from the *Be-Bloomington Campaign* and gave a sneak peak of what is to come from the campaign this year. *Be Bloomington* is a campaign that Mayor Mark Kruzan launched in the spring of 2006. *Be Bloomington* was designed to have activities each month to celebrate, preserve, and enhance Bloomington's unique character.

MAYOR and CITY OFFICES

Police Chief Barlow- Talked about fire prevention week starting on Sunday, October 10, 2006. The Theme this year is "Prevent Cooking Fires, Watch What You Heat." According to National Fire Protection statistics, cooking fires are the number one cause for home fires and injuries. The leading cause of cooking fires occurs from unattended cooking. He encouraged folks to read the Mayors proclamation on Fire Prevention Week, and thanked everyone for their support.

There were no specific reports from council committees.

COUNCIL COMMITTEES

Kevin Enright, Monroe County Surveyor, said he was a part of the welcoming committee for Governor Daniels when he came to Bloomington. He said There was 1.12 million dollars in grant money for communities to plan for I-69. He added that there is a lot of controversy on the toll road and there was a chance for people to express their opinions at the meeting at Bloomington North High school on October 26th.

PUBLIC INPUT

It was moved and seconded that the following people be appointed to boards and commissions:

Hans Huffman	Community and Family Resources
Brad Wilhelm	Community and Family Resources
Phaedra Pezzulo	Environmental Commission

The appointments were approved by a voice vote.

It was moved and seconded that Ordinance 06-17 be introduced and read by title and synopsis. Deputy Clerk Huddleston read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-0-3. It was moved and seconded that Ordinance 06-17 be adopted.

Tom Micuda- Planning Director for the City of Bloomington was sitting in for Eric Greulich. Micuda gave a history of the PUD. The Petitioner, Bryan Rentals, had a significant number of meetings with the Park Ridge neighborhood in regards to developing this site. The developer worked with the neighborhood throughout the process to develop the site plan for this location. The Planning Commission then had two hearings, and voted unanimously with positive recommendations to approve this proposal.

Council Questions:

Rollo- Stated that this development is termed as a community activities center, and asked Micuda if he could discuss what he meant by a community activities center because the plan looked like a standard strip mall.

Micuda – Community activities center is essentially the middle ground, anchored by grocery stores and serves a one mile radius. It gets a combination of local foot traffic trips, multi family housing near-by, and has a combination of vehicle trips from a particular sector of town. It is predominantly retail service, but has a mixture of office services and higher density residential development. This is a typical community activities center.

Rollo- Said when he thinks of a series of shops or businesses that are placed one beside the other with parking in the front that it begins to resemble a strip mall. Strip malls are uninviting to the public and when he thinks of a community activity center he thinks of a gathering place.

Micuda- Said it is not a true community activity center but it is a modified version to fit the circumstances with legitimate neighborhood concerns.

Rollo-Wanted to know if there is a neighborhood association in Park Ridge, and were the meetings well attended?

Micuda-The neighbors had extensive discussions and are very satisfied with the product that was created in this location.

Rollo- Asked what was the value added to the land by this new use?

Micuda- Stated the property had sat vacant for years and the neighborhood was cooperative in the process. He stated that the value was in the process that occurred.

Rollo- Asked Micuda if he went on the assumption that land has no value unless it is developed?

Micuda-Said he saw value in undeveloped land for green space purposes.

BOARD AND COMMISSION APPOINTMENTS

LEGISLATION FOR SECOND READING

Ordinance 06-17 To Amend the Preliminary Plan for the Kingston Planned Unit Development to Allow Office and Retail Land Uses – Re: 123 S. Kingston Dr (Bryan Rental, Petitioner)

Volan- Asked if he had any study or figure projecting the number of people who would be arriving in motor transportation other than a four wheel motorized vehicle?

Micuda-Said there are no specific studies and he did not know the percentage. However, he added that there were many people that live in and around this location.

Volan- Asked Micuda if he had an idea of pedestrians that would use this new development?

Micuda- Stated he did not know the exact number of people that would be using this new development.

Ruff- Stated that this was a strip mall, not a community activity center. What is your opinion when neighborhood preferences conflict with community vision? We have concluded that we don't want any more one story suburban style sprawl, but this is what is going up at the Kingston location.

Rollo- Stated there was certain inertia of planning and these developments look the same as past developments. He was disappointed that we can't overcome this inertia. Rollo asked if there were similar structures nearby that resemble this development?

Micuda- Yes, there are several that resemble this project around the location. Our role in planning is to put forth positive suggestions and serve the entire public which is neighborhoods, developers, and the wide array of people planning deals with.

Diekhoff- Wanted to know if Micuda was aware of how many meetings were held with the neighborhood association and the developer.

Micuda- Said he thought there were nine meetings held with the neighborhood associations and developer.

Volan- Stated that Micuda had previously addressed the issue of the neighborhood having concern of high density, multi-family housing, and wanted to know if he could be more specific.

Micuda- Stated there was a subsidized housing project north of Longview which had complaints dealing with noise and crime.

Wisler- Wanted to know if Micuda could touch briefly on traffic patterns?

Micuda- Said that the petitioners created three access points into the PUD at the north, central, and the southern points. Planning decided it was better to come off the Marsh rather than Longview.

Sturbaum- Asked for him to explain the PUD regarding design. He wanted to know the extent of commitment to the kind of buildings we will see in the future. He also wanted to know if a separate review would be done by the planning commission if the site developed over time.

Micuda- Stated when the building would come in for final approval there would be a specific building elevation that Planning judges the product on. This is part of the petitioner's submittal which is part of the commitment to the PUD. We will have quality construction for these office buildings. The last question is on the unified development ordinance (UDO), and with this ordinance, any property that is within 300 feet of an arterial street, will be governed under a set of review

Ordinance 06-17 (cont'd)

requirements. These buildings are not within 300 feet but the buildings along East Third Street are.

Sturbaum- Asked if the regional activity center, community activity and neighborhood activity center language disappear in the UDO?

Micuda- Stated the language in the growth polices plan is language that is always used to guide new development.

Mayer- Stated that once the PUD is approved; it has 18 months of opportunity, and theoretically it could be called back in and revert to the current zoning. Mayer asked Micuda if this was an accurate statement?

Micuda- Stated that 18 months is the standard in which preliminary plans can be acted upon before they become expired. There would be three years under the proposed UDO rather than 18 months. He said that when a PUD expired, Planning typically asked the developer for a new proposal.

Steve Smith spoke for the developer. He noted the PUD's long history. "We talked to the land owner about what could go there, it was essential we included the neighbors in this process. We had many meetings with the neighbors and tried to find a project that met all the criteria of the original PUD while meeting the needs of the neighbors. The buildings all provide housing on one side and the parking on the other. We discussed having two stories on this site; however, the problem with this is the second floor of the apartments would be looking down at the houses next door."

Smith stated that this project was about the transition between Marsh, a commercial site, and the single family neighborhood. He said this plan was the attempt to achieve that transition and to please neighbors who want to be able to walk to the activity center, but don't want people cutting in on their driveways and yards.

Smith concluded by saying that the neighbors supported this project so this is why they are not here; if they thought there would be a problem they would have been here.

Volan- Stated he did not know why the neighbors assumed the council would be a rubber stamp. He said he did not know who would have led them to believe that. "You say this is a unique plan but how is it unique; it looks like a strip mall."

Smith- It's unique in the fact that it provides the buffer, protection for existing neighborhoods, and provides pedestrian access.

Rollo- said he believed that a lot of these questions could be avoided if we had an asset value of the land before and after.

Deikoff- Acknowledged that Smith had been involved in this piece of property for years, and Marsh put in some services that they really did not want in order to help the neighborhood out when they took over the property. Diekhoff stated that there were a lot of discussions about this development and that he took offense to comments regarding the neighbors because he said they thought this was a slam dunk.

Smith- said the neighbors watched the meetings very carefully. He noted that the committee Do Pass recommendation was 5-0-3, and because of that the neighbors thought there was not a reason to come tonight.

Rollo- Stated he appreciated Smith's willingness to meet with the neighbors. He disagreed with the idea of probing the question of value because there was cost to the city involved with the infrastructure, traffic, road improvements, and storm water. However, Rollo said his major problem with this development was the shoehorning of a strip mall and defining it as an activity center.

Chris Gaal- He thought what stood out with this project is that the neighborhood was a part of the process. He gave thanks to other council members for looking to the GPP and the new urbanism vision. He acknowledged the fact we could have done this more creatively, and felt we should keep this vision in mind in the future.

Dickoff- Stated Smith contacted everyone involved when this project was first proposed. The neighborhood has always had to deal with cut-through traffic and has always dealt with crime in the area. He knows from experience that people in the apartments go to Park Ridge to commit crimes because there have been a number of arrests made. Park Ridge residents did not want more apartments in that area due to crime. Park Ridge residents have a park in that area where they can gather; they do not need another gathering place. These residents had a lot of concerns and cared a lot about what was built on this piece of property. He commended Steve Smith, planning, and the neighborhood for getting together and compromising on this development. He was disappointed the council spent so much time on a project that should have been very easy to approve.

Ruff- Said we want to give Bloomington the kind of character and feel that makes Bloomington a special place and is the key to Bloomington's long term economic vitality. He said it was like global warming, a lot of people are in denial but it is an established research fact that developing land cost more than it would generate in tax revenues and noted that this had been studied and researched by public policy institutes around the country. Ruff stated that we need to be asking questions about economics because a part of what we are trying to do is balance the public interest with the intent of the private property owner. He did not believe he was elected to generate more of this type of standard, uninspiring suburban sprawl. However, a lot has gone into this project and respected the efforts made so was going to vote for it.

Volan- He would like to see the developer make more money off this project than less because it would appeal to more people than just the surrounding neighbors. He stated his fellow council members don't get him because they don't get new urbanism. As a resident and a representative of the center of the city he does not want to see any more of the city turned into suburbia.

Mayer- Believed the most important part of this project is the collaboration of the parties involved in this project. He sees this as a win for the neighborhood, and his whole political career has been based on supporting neighborhoods.

Sabbagh- This meeting took over an hour and a half and was disappointed at the neighborhood bashing at the meeting. He feels it is the council's job to support neighborhoods and believed this ordinance to be a good development.

Wisler- Believed this is an improvement over the current situation, and will help avert some of the traffic flow. He warned that the Council had to be careful in defining value because there is value to the neighborhoods, and to the people who work and shop at this site.

Sturbaum- Felt this project had not deserved this kind of treatment because at this time we are building for 2006 not 2025. However, he wants Council to start working on moving in that direction.

Ordinance 06-17 (cont'd)

Ordinance 06-17 received a roll call vote of Ayes: 7, Nays: 2 (Rollo, Volan).

It was moved and seconded that the Ordinance 06-22 be introduced and read by title and synopsis. Deputy Clerk Huddleston read the legislation and synopsis, giving the Do-Pass Recommendation of 8-0-0. It was moved and seconded that Ordinance 06-22 be adopted.

ORDINANCE 06-22 TO VACATE A PUBLIC PARCEL -
Re: An Alley Running East/West Between 320 and 326 South Dunn which is Approximately 10 Feet Wide and 178 Feet Long(John S., Myra, John P., Mark, and Christopher S. Burnham, Petitioners

Micuda- Stated there is a right-of-way which is splitting properties owned by the petitioner. The petitioner was interested in building a multi-family housing at this location. There is good alley and street utilization at this location so it is not necessary to approve this right-of-way for vehicle, pedestrian, or bicycle use. The decision tonight is to decide whether or not the property should be vacated. We don't see any reason for not approving this ordinance and letting the petitioners take ownership of the property.

Rollo- Stated he did not find value in the alley and that there was enough of a pedestrian and biking grid work to offer means of getting around in this area.

Volan- Noted that this was his district and wanted to thank Mr. Burnham for the project he built on the corner of Dunn. He said that Mr. Burnham gets the new urbanism concept and he is happy to support this ordinance.

Ordinance 06-22 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 06-19 To Amend the Bloomington Zoning Maps from Residential Estate (RE 2.5) and Planned Unit Development (PUD) to PUD and to Adopt the Preliminary Plan for the Meadowood/Jill's House PUD - Re: 2520 North Dunn Street (Meadowood Retirement Community/Jill's House, Petitioner)

Ordinance 06-19

Ordinance 06-20 To Amend the Bloomington Zoning Maps from Q to PUD and to Adopt the Preliminary Plan for the Southern Indiana Health Sciences Park Planned Unit Development - Re: 2401 West Tapp Road (Southern Indiana Medical Park II, LLC, Petitioner)

Ordinance 06-20

There were no comments in this part of the meeting

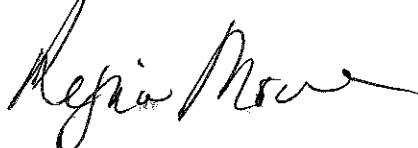
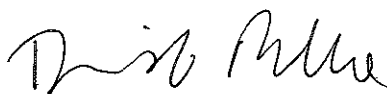
PUBLIC INPUT

The meeting was adjourned at 10:20 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Dave Rollo
Chris Sturbaum, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington