

In the Council Chambers of the Showers City Hall on Wednesday, October 18, 2006 at 7:30 pm with Council President Chris Sturbaum presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
October 18, 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 to be approved.

APPROVAL OF MINUTES
REPORTS:
COUNCILMEMBERS

Brad Wisler-Recognized the Fuse Business Awards which is a ceremony for small businesses in Bloomington that are innovative in the way they produce goods, services, and impact our community. He also praised the Indiana University President for going before the Indiana State Legislature to talk about Life Science Initiatives which will bring quality high paying jobs to our community.

Chris Gaal-Reported that he attended a Chamber of Commerce meeting recently where one of the topics of discussion was the high percentage of high school dropouts in the state of Indiana and learned that Bloomington's high school drop out rate is higher than the rest of the state. He feels it is important the community addresses these problems. The Franklin Initiative recently received a large grant to deal with high school dropout issues in our community. This money will go to programs aimed at finding solutions to fight high school dropout rates and provide services for these students.

Dave Rollo- Encouraged community residents to attend two upcoming forums which would be sponsored by the Bloomington Commission on Sustainability and the Bloomington Environmental Commission. One of the forums will be addressing global greenhouse gasses. The purpose will be to provide information on changes to everyday activities that benefits the planet and the individual. The second forum will be for home and business owners, concerning renewable energy resources appropriate for the southern Indiana region which include solar, wind, and geothermal energy.

Steve Volan-noted that almost 100 citizens were at this Council meeting. He wanted to personally welcome the community members in attendance and thanked everyone for taking a part in their city's government.

David Sabbagh- He wanted to follow up on a previous comment made by Wisler on Life Sciences. At the BEDC meeting earlier in the day four Life Science companies gave presentations: Bio Convergence, Cook Pharmacia, ProCure, and Baxter Pharmaceutical. He said it was really exciting to see what is happening with Life Sciences in our community.

Andy Ruff-Made an announcement about a discussion that will happen Friday morning at the Communities United Organization. The Former Mayor Tomi Allison and her husband, Jim, would be discussing "Verify the Vote Indiana." He said that this was a nonpartisan organization which promoting transparent, observable, and audited elections.

Tim Mayer- Was saddened to hear that people are finding KKK literature in their driveways and yards. He asked citizens to contact the Mayor's office if they found any of this literature. Mayer reported on the Higher Potential Program which was designed and established in Bloomington which helps people with disabilities

find employment. He noted that people with disabilities tend to be excellent employees and encouraged folks to talk to employer about hiring people with disabilities.

Mayer concluded his comments by noting that the Sycamore Land Trust held meeting recently and announced they had acquired more land to be put aside for protection. They also go to schools and educate children on conservation and environmental issues.

Chris Sturbaum-Regreted missing the small business luncheon but he was working at his small business. He also mentioned the fact that most folks in Bloomington embrace diversity, and encouraged folks not to make too much of a few sad people who promote hate with KKK literature.

Daniel Grundmann-Director of Employee Services for the City of Bloomington. His purpose at the meeting was to inform the Council that they month of October was dedicated to National Disability Employment Awareness Month. He expressed the significance of this month and the hurdles people with disabilities face with employers. He addressed the stereotypes employers have about hiring people with disabilities. The purpose of this month is to break barriers and educate the community on the importance of hiring those with disabilities.

MAYOR and CITY OFFICES

There were not reports at this meeting

COUNCIL COMMITTEES

Cindy Lott- Is one of the founding board members from Vounteers in Medicine (VIM) for Monroe County. She is a lawyer and she came with Dr. Haddawi, whom is Chairman of VIM for Monroe County. The goal of VIM is to provide accessible affordable healthcare to people in Monroe and Owen County whom can't afford health insurance. The clinic will benefit the 21,000 uninsured Monroe and Owen county residents; it will be a new, no-cost health care clinic. The Volunteers in Medicine clinic will provide treatment for both acute and chronic problems, as well as educational programming about healthy living. The clinic will serve residents of Monroe and Owen counties who are without any form of health insurance and whose income falls at or double the amount of the federal poverty line. This year, patients making less than \$19,600 for a single adult and \$40,000 for a family of four annually will qualify. The Volunteers in Medicine clinic will replace the Community Health Access Program, the low-cost clinic run by Bloomington Hospital. The new clinic will have more than four times the capacity of the CHAP clinic.

PUBLIC INPUT

Lott stated that many people forgo preventative care and instead use emergency room services for otherwise routine medical needs. Lack of progress of the state and national level has created a problem that Bloomington can't handle on its own. Community leaders have founded Volunteers in Medicine of Monroe County based on a national model that is proved successful in many other communities. 46 million Americans are without health insurance and the vast majority would have it if they could afford it. Half of all bankruptcies are related to healthcare problems. The fundamental tenet for the VIM model is that it is a community owned, operated, and supported clinic. VIM will succeed if it has support from three entities in our community which are the Bloomington Hospital, Medical Volunteers, and the community at large. VIM is looking for 200-300 volunteers and operating funds from the community at large. They have already raised \$8.5 million through in-kind donations, yet they still need \$1.5 million for operating expenses. This is a community driven project which hopes to enhance the quality of life to the thousands of uninsured people in our community. Dr. Haddawi hopes the city will donate resources and money to this worthy public service.

Volan- He would like to know how many patients VIM will see per year, versus the number of patients the CHAP Clinic saw in the previous year.

Dr. Haddawi- Stated last year the Chap clinic saw between 3500-3700 patients. VIM, in its first year alone, is expected to treat about 14,000 people. Dr. Haddawi expects they will have a central location in town (in 10 years) and that the clinic will be large enough to accommodate the 20,000 people that will come through for visits. VIM will expand its services and programs in the future.

Sabbagh- Stated the CHAP clinic is limited to the services it can provide while VIM will provide a number of services.

Wisler- Asked if they could state the requirements for the clinic so that people know who will qualify for these services.

Dr. Haddawi- Stated people have to be residents of Monroe or Owen County, have no insurance of any kind, and must prove to VIM that they fall below the federal poverty line.

Gabe Rivera- Said it was nice to see people bringing free healthcare to Bloomington, however, he came to talk about Monroe County Jail. He feels the City of Bloomington is participating in violations against human rights in the Monroe County Jail.

There were no appointments to Boards or Commissions.

BOARD AND COMMISSION APPOINTMENTS

It was moved and seconded that Resolution 06-11 be introduced and read by title and synopsis. Deputy Clerk Huddleston read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Resolution 06-11 be adopted.

LEGISLATION FOR SECOND READING
Resolution 06-11 To Approve the Interlocal Agreement between Monroe County and the City of Bloomington for Animal Shelter Operation for the Year 2007

Laurie Rinqvist, Director of Animal Care and Control, explained that Resolution 06-11 was the annual agreement that comes before the Council that governs our relationship with the County. Last year, 50% of the animals arriving at the Animal Shelter came from the County and we apply that 50% to the cities portion of the budget for the Animal Shelter resulting in \$218,711 to be paid by the County to the City.

Rollo- Asked if more animals were coming from the county than the city?

Rinqvist- Said approximately 50% comes from the County, 35-37% comes from inside the city limits, and 13-15% comes from surrounding counties. These were the same percentages we had last year.

Wisler- Asked how the Animal Shelter tracks which animals come from the city and which come from the county?

Rinqvist- Said they track all the animals by where they are picked up. However, some of the animals are given to Animal Control by the owner, and some of the animals have tags on them which allow Animal Control to tell where the animals are from.

Sturbaum- Thanked the Animal Shelter for all they do for animals in the City and County.

Ordinance 06-11 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 06-19 be introduced and read by title and synopsis. Deputy Clerk Huddleston read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 9-0-0. It was moved and seconded that Ordinance 06-19 be adopted.

Tom Micuda, Planning Director, explained the ordinance. He said that one of the big issues with this site is its location. He said the Plan Commission voted unanimously to approve this site for the following reasons: It is environmentally friendly; it incorporates good construction elements, ample water quality mitigation, and has a detailed onsite management plan. He said that most importantly the Plan Commission determined this PUD approval did not change an established policy by the commission or council which is to discourage development in the Lake Griffy watershed. This PUD works because it meets all community needs.

Dave Rollo- Asked if the final site plan required a Plan Commission hearing?

Micuda- Stated the site plan for the Meadowood portion, both the condos and the assisted living care faculty, will both go to the Plan Commission for final review. The Jill's House portion which was more detailed will go to staff review.

Rollo- Stated he enjoyed hearing about this project and Jill's House will be an enormous asset to our community. However, what we are considering with this Ordinance is a land use petition so the context of the site is an important part of this decision. We have environmentally sensitive features to this site which are very important to us because this is a natural area that has already been heavily impacted by other developments to the area. Rollo was very happy with the tremendous effort that has been made with 50% of this site being undisturbed, having a partial green roof, planting of native plant species, and the redundant water quality and erosion control which is all a part of this petition. He found that this is a good plan environmentally and would like to thank the petitioner planning staff, and environmental commission for their hard work.

Gaal- Stated this development was by the Griffy watershed so it did receive a high degree of scrutiny because Griffy had been impacted by development in the past. He was happy to have made adequate environmental protections with this project which strikes a balance between the needs of the community and the environment.

Sabbagh- Stated that Jill's House is a symbol of renewal and hope and is very happy to support the project.

Mayer- Stated this project gives people with disease a chance to heal in a loving environment, and serves as a living memory for Jill Berhman.

Volan- Said the dispute was not the worthiness of Jill's House and Meadowood but concern for Griffy Reservoir and the threat to the environment.

Sturbaum- Thanked everyone for coming to the meeting. The Council had a lot to balance with the neighbors, environment, and the needs of the community.

Ordinance 06-19 received a roll call vote of Ayes: 9, Nays: 0.

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, Petitione-^

It was moved and seconded that Ordinance 06-20 be introduced and read by title and synopsis. Deputy Clerk Huddleston read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 0-3-6. It was moved and seconded that Ordinance 06-20 be adopted.

Sturbaum noted that at this time they would entertain an alternate motion.

Rollo-Said he would like to make a motion regarding the development of the 101 acre parcel at 2401 West Tapp Road: The Common Council would favorably consider the PUD proposal for the 101 acre parcel at 2401 West Tapp Road which includes development north of the creek (currently known as Phase I) in the manner proposed in Ordinance 06-20 including all the relevant conditions of approval; and the preservation in perpetuity of the area south of the creek (which is an environmentally sensitive area currently known as Phase II) with dedication of right-of-way for future frontage road.

Sturbaum- Stated this has been moved and seconded which means that the Council has made a motion to send a message that there is an alternate proposal to this position that the Council is suggesting they would view favorably in the future. The Council will address Ordinance 06-20 after this motion has been discussed.

Sabbagh- Asked if the Council was instituting a new procedure to petitions that come before the Council?

Volan- Stated the Council can bring about any motion it sees fit.

Sturbaum- Said that the discussion of the alternate motion would give light to the discussion of Ordinance 06-20 and this motion is not binding. He said they are bound to either approve or deny these positions but wanted to give clear guidance from the Council.

Wisler- Asked if the city wants to build the road, under what circumstances could construction on the road be without Council approval?

Micuda- Said there are three basic mechanisms when the city decides to build a road. One is creating a Tax Increment Finance District, another mechanism is where the city builds roads through bonding, and the last process is a Metropolitan Planning Organization process (MPO).

Sturbaum- Stated that another reason for this motion is to send a message to the Plan Commission and give it a recommendation.

Dan Sherman- Agreed with Councilmember Sturbaum stating a motion sends a message to planning and the petitioner and outlines what you would favorably consider in the future.

Steve Smith spoke for the petitioner. He stated it is a long process to get here and it's good to get direction and see who votes which way so we have some direction. He would much prefer that the Council approve this petition as it is presented. He believes the community is much better served by having the road in this location. He appreciates the feedback but stated the project will survive either way. He thinks it is best for the Council to approve the project, and let the developer pay for the road.

Mike Litwin represented the Environmental Commission. He stated that one of the Environmental Commissions jobs is to review development petitions. The site south of the creek is where the Environmental Commission has constantly recommended that the area be preserved

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)

because there are too many environmental constraints to develop this piece of land.

Dave Rollo- Stated that in the Comprehensive Greenspace report in 2002 that this area was identified as one of the most environmentally sensitive areas left within the city's jurisdiction.

Litwin - Said that this is one of the few areas of this size with this many environmental features relatively undisturbed remaining in the planning jurisdiction.

Bill Brown, developer of the property, said he learned over the years that developers come and go but traffic stays. He remembered sitting on committees throughout the BEDC over the years and recalled years ago when they wanted a frontage route for this location. The Council has the opportunity to make the developer build the road now, and believes the Council must take advantage and build this road now. He pleaded with the Council to follow what Steve Smith suggested which is to connect Tapp Road and Fullerton Pike.

Duncan Campbell- Stated he owned the property to the east of this proposal. He needed some clarification because the message he wants the Council to promote is to protect the land. He believes advocating for some future right-of-way does not protect this land. He was confused because it is his hope that a road never go through this area.

Wisler- Said he was going to abstain from voting on Ordinance 06-20 because it sends the message that we want to build a road in the future.

Rollo- Said he respectfully disagrees with council member Wisler because the council has decisions to make that are broader than the Plan Commission. He stated this was an unusual situation because it stems from a conflict in the growth policy's plan. He believes having this motion provides direction for the Plan Commission, planning staff, and the petitioner. Rollo stated this road was conceived at a time when little attention was given to the impact of environmental integrity. He said this site has a variety of environmental features and councilmember Wisler did not have the advantage of seeing this petition come before us at an earlier date. He urged colleagues to vote in affirmative on the motion.

Sabbagh- He said he had a problem a new motion. He said that if you don't like the petition then vote "no" on the project. He did not see why we needed an extra motion and feels the Council's job is not the job of the Plan Commission. He stated he was going to vote no.

Gaal- Stated that by the time the PUD gets to the Council it has already been through a long process. However, he said the Council is not a rubber stamp for the Plan Commission and that the environmental aspects of the site should dictate prudence on the Council's part. He also said that Steve Smith made good arguments because the developer is doing what the GPP stated. He noted that the issue of a right-of-way did not come up at the Plan Commission but it is our responsibility to give a recommendation. He feels it is better to give direction with a motion.

Ruff- Said he disagreed with a previous statement that this sends a message that the Council wants a road in this area in the future. He respects Mr. Brown and said he has been a good businessman. However, he disagrees with the statement made by him that business will be conducted in the same manner as it has been in the last 30-40 years. The way we interact with the environment will change because the levels of consumption we currently use is not sustainable for the next 30-40

years. In the future, the ways we do business will be dramatically different due to the environment.

Ordinance 06-20 (cont'd)

Volan- Stated that we do not need this road because it is a conflict with the city's environmental issues. He believes this proposal would harm the environment and people in cars will find a way to get to where they need to go without building this road. He wants the Plan Commission to know that any construction on this site and even the attempt to preserve the right-of-way should be abandoned.

Mayer- He stated that both the Environmental Commission and Mr. Campbell have it right, and if we want to preserve these woods the Council should not approve the right-of-way dedication.

Sturbaum- He stated that there is not need for this road to be built.

The motion regarding future development on the 101 Acre Parcel at 2401 West Tapp Road received a roll call vote of Ayes: 7, Nays: 1 (Sabbagh), Abstained: 1 (Wisler).

Motion regarding development on parcel

Ordinance 06-20 received a roll call vote of Ayes: 2 (Wisler, Sabbagh), Nays: 7 and thus failed.

Final Vote on Ordinance 06-20

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

LEGISLATION FOR FIRST READING

Ordinance 06-21 To Amend the Title 7 of the Bloomington Municipal Code Entitled "Animals" - Re: To Permit Small Flocks of Chickens by Waiver

Ordinance 06-21

There was no public comment in this section of the meeting.

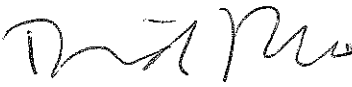
PUBLIC INPUT


The meeting was adjourned at 10:10 pm.

ADJOURNMENT

APPROVE:

ATTEST:


DAVE ROLLO
~~Chris Sturbaum~~, PRESIDENT
Bloomington Common Council


Regina Moore, CLERK
City of Bloomington