

In the Council Chambers of the Showers City Hall on Wednesday, January 19, 2005 at 7:30 pm with Council President Diekhoff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
January 19, 2005

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

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The minutes of Regular Sessions June 2, 2004, October 6, 2004, December 1, 2004, and the organizational meeting of January 3, 2005 were approved by a voice vote.

APPROVAL OF MINUTES

Steve Volan spoke about the new Bloomington Paint and Wallpaper building and the K&S Market whose change in ownership was reported in the newspaper. He made some supporting comments regarding new urbanism and said he will address the topic at a later date.

REPORTS:

- COUNCILMEMBERS

Tim Mayer welcomed high school teacher Jordan Schiffris and his students to the council chambers. Mayer thanked the teacher and students for participating in local government through a class. He also extended gratitude to city employees who work outdoors, especially those on snow removal duty. In closing, Mayer noted the passing of Rick Gudal and former council member Patricia Cole's mother. He offered condolences to their families.

Jason Banach complimented the city street department and mayor for not using sand to treat the streets after the recent snowfall.

Diekhoff said he attended the Indiana Educators Music Association state music convention in Indianapolis. He recognized five students from Bloomington's St. Charles School that participated and thanked their teacher. Diekhoff also extended his condolences to the Gudal family.

Chris Gaal reported on the annual Dr. Martin Luther King community celebration at the Buskirk-Chumley Theatre. He thanked everyone that was involved with the planning process and those who participated in the event.

Chris Sturbaum reported that both he and his wife are doing well after their recent kidney transplant. Sturbaum spoke about Rick Gudal as his neighbor. He noted Gudal's strong commitment to the Prospect Hill neighborhood and greater community. Sturbaum said Gudal left the world better than he found it.

Mayer noted that he remembers his first meeting with Banach in which the "salt versus sand" debate erupted. Ruff added that the city is now using a salt/molasses formula to treat the streets.

City Council liaison Maren McGrane introduced Craig Brenner of the Community and Family Resources Department.

- MAYOR and CITY OFFICES

Brenner gave a report on the Martin Luther King celebration. He noted that Mayor Kruzan presented the annual Martin Luther King Legacy Award to the Banneker History Project. Past award winners have included Bloomington United, Monroe County Branch of the NAACP, Guy and Connie Loftman, Rev. Ernest Butler, Rev. Michael Anderson, and the Monroe County Racial Justice Task Force.

Lynn Boyle Baise, who nominated the Banneker History Project,

thanked the city and the mayor for the award. She also thanked the Parks and Recreation Department and encouraged council members to view the exhibit.

MAYOR and CITY OFFICES
(cont'd)

Sturbaum commended the project and noted that he was happy to see young people participate in the project.

Ruff complimented the project and asked how much of the research was computer or internet based verses personal experience. It was noted that the students took several field trips to participate in hands-on research.

Ruff reported that the Metropolitan Planning Organization (MPO) elected a representative from their Citizens Advisory Committee as a voting member of their Policy Committee. He thanked Mayor Kruzan and County Council President Mark Stoops for supporting that. Ruff said that it is important to keep citizens involved in the policy-making process.

▪ COUNCIL
COMMITTEES

Cynthia Roberts Hall extended an open invitation to the signing of an agreement between Indiana University and the Universidad Central De Las Villas in Bloomington's sister city of Santa Clara, Cuba. The celebration will be held in February at the International Center at 111 South Jordan from 6:30-10:00pm.

▪ PUBLIC INPUT

Mark Haggerty condemned the Herald Times for an editorial which he described as a personal attack on elected officials, specifically City Council President Andy Ruff and County Council President Mark Stoops. He said it represented poor journalism to accuse the two elected officials of being hostile to the public when in fact it was the Herald Times newspaper who was acting hostile. Haggerty suggested that the editorial continued a political agenda against progressive people in the community. Haggerty also spoke about the investigation into the death of James Borden. He noted that crisis intervention training for criminal justice employees of the city may be offered by the City of Fort Wayne. He said he hopes the City of Bloomington takes advantage of the opportunity which could lead to a decrease in the jail population and more responsible treatment of impaired prisoners.

Ruff appointed the following council representatives to the Jack Hopkins Social Service Funding Committee: Chris Gaal, Tim Mayer, Andy Ruff, Dave Rollo, and David Sabbagh. Ruff then appointed the following council representatives to the Sidewalk Committee: Steve Volan, Tim Mayer, Dave Rollo, and Chris Sturbaum.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that Appropriation Ordinance 05-01 be introduced and read by title and synopsis. Clerk Weber read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 3-0-4. It was moved and seconded that Appropriation Ordinance 05-01 be adopted.

LEGISLATION FOR SECOND
READING

Mayor Mark Kruzan announced that he loves being mayor of Bloomington. He said he loves that local government opens its arms to Cuba as opposed to the state government that has continued to turn its back on Cuba. He said he loves that Bloomington welcomes community activists that attend council meetings. He said he loves the fact that the mayor declares when trick or treat hours are on Halloween. Another favorite aspect of being mayor, Kruzan noted, was seeing all of the people present at the meeting to take part in a discussion of the city budget. He complimented citizens who attended in order to talk about what is important to them. He asked that the council view the appropriation ordinance before them as an investment and an opportunity. Kruzan said the appropriation would help create

Appropriation Ordinance 05-01 To Specially Appropriate from the General Fund, Fleet Maintenance Fund, Motor Vehicle Highway Fund, Parking Enforcement Fund, Parks & Recreation Fund, Police – Wireless Emergency Fund, Risk Management Fund, and Sanitation Fund Expenditures not Otherwise Appropriated. (Appropriating Funds from the General Fund – Animal Care & Control, Clerk's Office, Common Council, Community & Family Resources, Controller's Office, Employee Services,

opportunity for improved economic vitality in the community. In addition, he summarized that the administration has a proposal to address sustainability.

Kruzan noted that the city supported the Buskirk-Chumley Theatre by continuing the city's subsidy of it last year. He noted that in addition to creating a high quality of life, the arts furthered the economic vitality of the community. Kruzan said he hoped the city would begin to invest in the arts in a more aggressive way in coming budgets.

Kruzan also stressed that non-profit organizations and social services are an important and often overlooked component of the local economy. He pointed out that these organizations employ 10 percent of the local workforce. Kruzan reiterated that the quality of life investments are not just "feel good issues", but are important economic development investments.

Kruzan addressed the need for an assistant planning director. He discussed the importance of the city having the capacity to develop a quality downtown plan and Growth Policies Plan zoning ordinances.

Kruzan briefly discussed the investment into funding kennel worker positions. He described this as a worthwhile investment that reflects how the people of Bloomington show compassion for living creatures. He said that the animal welfare crisis in the area is due to human mistakes and deserves a humane solution.

Kruzan suggested that Bloomington underestimates and takes for granted Bloomington's Parks and Recreation Department. He congratulated Mick Renniesen for managing a nationally recognized organization that contributes greatly to our quality of life.

Kruzan said Appropriation Ordinance 05-01 sets the stage for a better year in 2005 and exciting budget for 2006.

Kruzan made mention of city support for alternative programming for youth, including Rhinos, which he commended for providing services for over ten years.

Kruzan announced that the administration is asking the council to consolidate the business advocate position with the sustainability coordinator position, establishing one full time assistant economic development director position. In addition, the mayor proposed that the new half time community events position in Community and Family Resources be divided into two quarters to bring two three-quarter time employees up to full time employees. This consolidation of positions, Kruzan said, benefits two existing employees and will create support staff for community events.

Sabbagh referred to budget cuts this last year and asked what portion of those cuts will be restored by this appropriation. Kruzan briefly listed a few services included in the appropriation and said that the appropriation was not near enough money to restore all of the cuts. He noted that the appropriation before the council was geared to invest in city employees and the community to help move the city forward. Kruzan said the appropriation will help set the stage for the upcoming budget.

Sabbagh asked how much new money has been received. Through the levy appeal combined with monies that have reverted at the end of the year, \$138,000 was put into reserves that are not being spent in the budget restoration proposal. City Controller Susan Clark said the excess

Engineering, Fire, Housing & Neighborhood Development, Information & Technology Services, Legal, Mayor's Office, Planning, Police, Public Works Departments, and from Fleet Maintenance, Parking Enforcement, Parks & Recreation, Police - Wireless Emergency, Risk Management, Sanitation, Street and Traffic for Non-Union Salary Increases; Increases for Firefighters; Increases to Health Insurance Trust Fund Allocations; to Fund New Positions in the Office of the Mayor, Planning Department and Animal Care and Control Division, and to Fund Various Priorities of the Administration Which Include Restorations to the 2005 Budget).

levy appeal will provide about \$840,000. She noted that the city is also estimating a minimum of \$400,000 in additional savings in the 2004 budget.

Appropriation Ordinance 05-01
(cont'd)

Sabbagh asked how much the appropriation ordinance proposes to spend. Clark said the entire appropriation ordinance is \$1,075,630.

Gaal inquired about the Parks Department's non-reverting fund and asked if city is still relying on the non-reverting fund. Kruzan said the city tapped in to that and a couple other reserve funds to make ends meet. Kruzan reiterated that this was a budget restoration, not a budget bill and if there was a sufficient amount of money to restore all reserve funds, the city would do exactly that.

Public Comment:

Sally Gaskill of Bloomington Area Arts Council urged approval of the ordinance. She advocated for the arts as business funds and the funding of grants for community events. She thanked the mayor for his vision for arts and cultural development and asked for the council's support.

Paul Schneller of Indiana University spoke in favor of sustainability initiatives. Schneller is teaching a new course titled The Sustainable City in the School of Public and Environmental Affairs. He said the course was a result of work to establish a city commission on sustainability and a sustainability coordinator. Schneller noted that his students will work with city officials and community members to develop sustainability indicators, which will be submitted to the city at the end of the semester. He urged approval of the ordinance.

Talisha Coppock of the Downtown Commission spoke in favor of the ordinance and described it as a "dream package" from a downtown perspective.

Erica Knutsen, animal shelter volunteer, spoke in support of the appropriation to add animal shelter staff. While impressed with the professionalism of animal shelter staff, she said they are stretched and the shelter is understaffed.

Gert Fisher spoke in favor of an appropriation for parks and recreation. She specifically noted deterioration of the Winslow Park tennis courts. Fisher discussed the benefits and enjoyment that her family, friends and neighbors have derived from the tennis courts. She asked that adequate funding be allocated in order to maintain the courts for safety and recreation purposes.

Rob Spencer spoke in favor of appropriating funding for upkeep of the Winslow Park tennis courts. He noted that the present condition of the courts prevents tournament play. Spencer also discussed several reasons why the facility should be renovated and maintained given its geographical advantages over similar area facilities.

Valerie Pena, director of the Bloomington Visitors and Convention Bureau and president of the Animal Control Commission, discussed the important of city leaders recognizing the economic importance of tourism. Pena spoke in favor of the appropriation ordinance which will reinstate investment and support for tourism.

Mary Catherine Carmichael, parks board member, thanked everyone who attended the council meeting in support of the appropriation ordinance. Carmichael specifically asked that \$10,000 be allocated restore and upgrade the pumps in the fountain in front of city hall.

Brad Wilhelm, director of Rhinos youth center, voiced support for an appropriation to restore the concerts in People's Park. He noted that programming is essential in order to maintain a successful park.

Appropriation Ordinance 05-01
(cont'd)

Brian Kleber, director of the Small Business Development Center, Inventure, and SEED Corp., thanked the city for considering the appropriation ordinance. Kleber asked the council to support funding for an assistant director of economic development for business advocacy.

John Rose spoke in favor of the appropriation ordinance, specifically the funding for an assistant director of economic development. He noted the city's support of the arts as economic development and said this appropriation and future investments will help create a vibrant community and economy.

Mike Steinhoff, Indiana University masters student, voiced support for a commission on sustainability and a sustainability coordinator. He thanked the city on behalf of his class, who enjoyed the civic engagement.

Sandra Clothier, historic preservation commission, supported additional funding for the commission to expand outreach and education services.

Council Comments:

Banach said that there were portions of the ordinance which he likes and parts in which he dislikes. He noted that the city went through a lean budget year, which he supported because he believed the new mayor deserved a chance to make a budget work. Despite some concerns, Banach said he would support the ordinance.

Gaal said city had a difficult job working through the 2004 budget. Gaal noted that the city has a little more breathing room for the new budget complimented the mayor for his priority setting. Every priority, Gaal noted, fits into the mayor's economic development and quality of life strategy. He mentioned that he looks forward to the 2006 budget, which will allow additional opportunity to shape quality of life in Bloomington.

Sturbaum announced that he is supportive of the ordinance and noted that the budget is still lean and will use resources carefully. He said he looks forward to next year where the city might be able to further enhance quality of life in Bloomington.

Mayer said that the appropriation ordinance addresses many needs that the community faces and will benefit all citizens. He commended the mayor for offering the budget with priorities such as economic development, arts, recreation, public safety, preservation, animal care, planning, neighborhoods and sustainability. Mayer said he was pleased to see the budget address the needs of city employees, including as pay raises and the health insurance trust fund.

Diekhoff noted that he asked for additional information at the previous council meeting on sustainability and thanked Rollo for providing what as requested. He also said he better understands the issue after hearing Mayor Kruzan and Rollo speak on sustainability at Indiana University. Diekhoff said he hoped this would encourage the development of more economic development ideas.

Volan discussed the several contexts of the word sustainability. In addition to striving to produce goods locally, he noted that Bloomington also exports tourism as a product. Arts and culture are additional

examples of economic exports that are important to the local economy Volan pointed out. He added that social services are good for the local economy and emphasized that quality of life is good for local businesses and the local economy. Volan noted that the appropriation ordinance represents the services and amenities that the people of Bloomington want and the wide range of cultural and social interests that the people of Bloomington have. He said he heartily supports the ordinance.

Sabbagh said he was very pleased and surprised that in just three months, the city is able to support an additional \$1 million in spending. He noted that there are aspects of the ordinance that he likes and others that he dislikes. His main reason for supporting the ordinance, Sabbagh said, was to grant city employees a raise and insurance benefits.

Rollo thanked Mayor Kruzan for proposing a sound budget that ensured city employees raises and benefits while balancing priorities such as quality of life and economic development. Rollo spoke about the sustainability commission and its purpose. He emphasized that the local economy will be more resilient if the community supports a strong mix of small, locally-owned businesses as opposed to a heavy reliance on fewer, large corporations.

Ruff noted that the council's discussion illustrates how far the city has come in the last couple of years, especially since the start of Mayor Kruzan's term. Ruff described that an expanded concept of economic development has been incorporated into local discussions and is part of the budget. He said that the purpose of the proposed budget was to improve the human condition of citizens in the community. Ruff said what is good for the citizens and the community is, in turn, good for business. He thanked Mayor Kruzan for proposing a budget that establishes a healthy balance between services and investments.

Appropriation Ordinance 05-01 received a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Ordinance 05-03 be introduced and read by title and synopsis. Clerk Weber read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-0-1. It was moved and seconded that Ordinance 05-03 be adopted.

Mayer introduced Amendment 1 to Ordinance 05-03 and it was moved and seconded for adoption.

Mayer briefly reported that the administration coordinated with the council to reposition staff in order to address economic development and sustainability through the newly established position of an assistant director of economic development. Mayer thanked the administration for working with the council on this initiative and said he thought the community would benefit from the decision.

Amendment 1 to Ordinance 05-03 received a roll call vote of Ayes: 8, Nays: 0 (Volan out of room).

Ordinance 05-03 as amended received a roll call vote of Ayes: 8, Nays: 0 (Volan out of room).

It was moved and seconded that Ordinance 05-01 be introduced and read by title and synopsis. Clerk Weber read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-1-1. It was moved and seconded that Ordinance 05-01 be adopted.

Tom Micuda, Director of Planning, noted that there have been lengthy

Appropriation Ordinance 05-01
(cont'd)

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

Amendment 1 to Ordinance 05-03 Amends the City of Bloomington civil city salary ordinance for the year 2005 (Ordinance 04-19) by adding two kennel workers, grade 103, in the Animal Control Division of Public Works, assistant director of economic development, grade 9, in the Mayor's Office, and an assistant director, grade 9, in the Planning Department.

Ordinance 05-01 To Amend Title 20 "Zoning Ordinance" of the Bloomington Municipal Code to Implement Demolition Delay for Certain Structures; to Delete Surface Parking Lots as a Permitted

discussions regarding the ordinance, including the demolition delay surface parking lot components, and said he would be brief and save his speaking time for answering questions. He introduced city attorney Trisha Bernens and Historic Preservation Commission liaison Nancy Hiestand.

Sabbagh asked for clarification on previously identified parking lot issues in the ordinance.

Micuda discussed a portion of the ordinance that deals with aggregate parking lots and explained how aggregated properties are regulated by the city. He reiterated that the city was not trying to restrict the ability of surface parking lot development in association with typical developments.

Sabbagh asked if this legislation would add an additional level of approval for certain developments. Micuda noted that his research revealed that a very small number of projects would be affected by this legislation. He said that this legislation may require a small number of developments to request an additional variance to their proposal. Micuda added that the Planning Department and Board of Zoning Appeals is capable of working with the public to distinguish the projects that deserve variance versus those that do not.

Sturbaum asked Micuda if he perceived the Bloomington Paint and Wallpaper project to be a better project as a result of the city's review process. Micuda answered affirmatively and said he does not see the variance process as a detriment to development projects.

Sturbaum asked Micuda to explain when demolition review pertains to partial demolition. Micuda noted that there will likely be circumstances when an individual wanting to build an addition on to their home may need to demolish something in order to complete the addition. He said planning staff will use good judgment when reviewing minor and major demolition projects.

Banach asked Bernens what part of Indiana statute or Bloomington Municipal Code addressed penalties for demolition after receiving local designation. Bernens said that Title 8 of the municipal code addresses the penalties for offenses.

Banach asked if the ordinance would allow for demolition in severe situations, for example, an abandoned home that was recommended for leveling by a structural engineer. Bernens responded that there is a public safety provision which allows a city engineer to recommend demolition as long as the structure was not on the historic designation inventory. If locally designated, the project would fall under provisions that require the owner to show certain criteria and evidence of no possible economic return. She noted that this is a lengthy process that provides the community an opportunity for input.

Mayer asked Bernens how often the city is forced to take action against a property owner of an owner-occupied dwelling. Bernens noted that the State of Indiana Unsafe Building Law which allows the city to take action when public safety is threatened. She added that the city does have an ordinance enacted under the enabling legislation (Unsafe Building Law).

Sturbaum suggested that the scenario described by Bernens is an exception as opposed to a likely issue. Sturbaum asked Nancy Hiestand to discuss the timeframe for the council to enact designation when a recommendation is received from the Historic Preservation

Principal Use in the General Commercial (CG) and Arterial Commercial (CA) Zoning Districts; and, to Prohibit Use of any Lot of Record Solely as a Parking Lot in the General Commercial (CG), Arterial Commercial (CA), and Downtown Commercial (CD) Zoning Districts

Commission. Hiestand said that in recent experience, the council takes more than 60 days to enact historic designation.

Ordinance 05-01 (cont'd)

Public Comment:

Peter Gould, small business owner, spoke about the parking surface provision and argued that the proposed change could work against attracting small businesses.

John Byers, architect, expressed concerns regarding public notification of the proposed change in legislation. He suggested that while there should be a demolition delay when razing an entire structure, this proposed change could trigger extra steps for a homeowner interested in building an addition on to their home.

Elizabeth Cox Ash, President of Bloomington Restorations, urged the council to pass demolition delay. She suggested that many homeowners are requesting demolition permits in anticipation of demolition delay action by the council. She urged approval of the ordinance, and in addition, suggested that pending permits also be required to adhere to the new review process.

Patrick Murray spoke in favor of the proposed ordinance and read a resolution passed by the Prospect Hill Neighborhood Organization in favor of the ordinance. Murray discussed the urban fabric of the community and noted that property values have doubled in the ten to twelve years he has lived in Bloomington. He said a little protection will go a long way in preserving the community.

Joe LaMantia spoke in favor of the ordinance and discussed an empty lot that is the result of building demolition on the corner of Second Street and Rogers Street.

Tom Klekner, Western Regional Office for Historic Landmarks Foundation of Indiana, commended the council for considering the proposed ordinance. He said that Bloomington is fortunate to have retained much of its historic and cultural fabric and urged approval of the ordinance.

Angie Cahoon, Executive Director of the Council for Neighborhood Associations (CONA), voiced support from CONA for the demolition delay ordinance. She noted that decisions which affect the character and fabric of the community should not be rushed.

Sandy Clothier, Historic Preservation Commission member, urged approval of the ordinance on behalf of the commission. She reported that demolition delay has been urgently needed to allow the community a reasonable way in which to review proposed building demolitions.

Lois Sabo-Skelton, Historic Preservation Commission member, voiced concern and strong support of demolition review. She said that the ordinance would encourage citizens to take pride in the community and that everyone would benefit, including builders, homeowners, renters, students, and retired residents.

Danielle Bachant-Bell, resident of McDoel Gardens neighborhood and program assistant for Bloomington Restorations, noted that she moved to Bloomington from Savannah, GA. She suggested that one of the reasons why Savannah is successful as a city is because of a strong historic preservation ordinance and demolition delay. Bachant-Bell said that historic preservation and demolition delay are important tools in building a successful city and urged the council to support the proposal.

Council Comments:

Mayer reported that after a demolition delay amendment to the Growth Policies Plan failed, council members Diekhoff, Mayer, and Sturbaum convened a committee to discuss demolition delay and weigh the possibility of proposing an ordinance. He noted that drafts were forwarded to the previous administration's mayor's office but nothing developed and the committee did not make any formal recommendations. Mayer shared the concerns of those who oppose the ordinance but voiced support of the ordinance.

Ordinance 05-01 (cont'd)

Sturbaum spoke about partial demolition in terms of worst case scenario. He added that the proposed ordinance contains necessary language that protects historic structures. He said that without partial demolition regulations, a downtown historic building could be essentially destroyed with the removal of its façade. Sturbaum added that historic structures are considered valuable resources by state and national criteria and would like the community to always err on the safe side when dealing with demolition.

Gaal reiterated Mayer's comment that this ordinance involving demolition delay was a long time coming. He emphasized that a lot of discussion and time went into the ordinance and that it is a necessary step for the city to take. He said he is very satisfied by the ordinance and is glad the city is considering the proposal because he believes it will be very good for Bloomington's future.

Rollo thanked the Historic Preservation Commission and council colleagues, especially Sturbaum, for the hard work put into preserving the historic integrity of Bloomington.

Sabbagh said he was concerned with the discussion and similar previous discussions that implies the city is afraid of anything new. He noted that new is not bad and cited examples of new buildings that improve the quality of downtown. Sabbagh suggested that a vibrant, dynamic city utilizes new investment and does not fear mixing old and new development. He said that while he likes the concept of demolition delay, he has several concerns and fears that the ordinance is taken to the extreme and that the city can do better.

Volan reported that he looks forward to introducing a similar ordinance which would prevent trees in core neighborhoods from being unnecessarily uprooted. In response to comments from Sabbagh, Volan noted that an asphalt parking lot where a decent home once stood is also new, but it is not necessarily good. He said the "triplet" houses on North College are out of place partly because they are located across the street from the justice building, which he described as one of the most hideous buildings in Bloomington. Volan added that bad architecture should not be rewarded by replicating it. He briefly summarized a couple worst case scenarios that could arise from the proposed ordinance and noted that those are not enough to reverse his support of a long overdue ordinance.

Ruff said he appreciated the administration's efforts on the ordinance. Ruff continued to make comments which he described as more general. Ruff commented on an article titled "Let's Not Forget People" which appeared in the *Bloomington Business Network* published by the Bloomington Chamber of Commerce. In the article, Ruff noted that Chamber of Commerce President Steve Howard is commendably concerned about low income citizens, but builds a contradictory argument against the impact of public policy on poverty. Ruff elaborated and said that actions taken by the City of Bloomington, such

as historic preservation, benefit all citizens including low and high wage earners. Furthermore, Ruff noted that when the city creates public policy to increase the quality of life, such as new urbanism, all citizens benefit from quality affordable housing, higher property values and an overall increase in quality of life. By implementing well-directed economic development initiatives, Ruff predicted that Bloomington can remain a beautiful city that is welcoming and accommodating to all, especially the neediest in the community.

Ordinance 05-01 (cont'd)

Ordinance 05-01 received a roll call vote of Ayes: 7 (Diekhoff, Gaal, Sturbaum, Ruff, Mayer, Rollo, and Volan), Nays: 2 (Banach and Sabbagh).

It was moved and seconded that Ordinance 05-02 be introduced and read by title and synopsis. Clerk Weber read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-1-1. It was moved and seconded that Ordinance 05-02 be adopted.

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

Sabbagh introduced Amendment 1 to Ordinance 05-02 which would require the council to act within 60 days of receiving reports regarding historic preservation designation from the Historic Preservation Commission. Sabbagh proposed that a designation ordinance not passed by the council within 60 days would be deemed denied.

Amendment 1 to Ordinance 05-02 To give the council 60 days after the Historic Preservation Commission submitted the map and report regarding a historic designation in order to pass the associated designation ordinance.

Mayer asked Sabbagh if he could recall the last time the council had delayed a decision.

Sabbagh noted that his amendment was not necessarily responding to the current council or their previous actions. He stated that the public deserves to know that the council acts expeditiously and responsibly in carrying out the people's business.

Mayer asked for clarification about historic preservation procedures under the current ordinance.

Bernens stated that the demolition delay provision starts when there is an application for a demolition permit or when there is an initial meeting with the planning department regarding a proposed development that will involve demolition.

Mayer followed by asking that once a decision is made by the Historic Preservation Commission and is forwarded to the council, when does the clock start ticking?

Bernens responded that the Historic Preservation Commission places interim protection on the property until the council acts. If the Historic Preservation Commission decides against preservation, then the demolition delay period ends.

Volan asked if he understood correctly that Sabbagh's amendment would allow the council only 60 days to act on a Historic Preservation Commission recommendation.

Sabbagh confirmed that council action would need to occur within 60 days or the designation would be deemed denied.

Sturbaum questioned if there could be unintended consequences to a limitation on time for the council to act on a recommendation from the Historic Preservation Commission. He pointed out that a designation of brick streets typically takes more than 60 days. He noted that a 60 day time limit could potentially cause the council to not take a careful and responsible look at all projects. In addition, Sturbaum noted that in

recent memory, the council has never decided in opposition of a Historic Ordinance 05-02 (cont'd) Preservation Commission recommendation.

As a point of order, Banach noted that the council has voted against a recommendation from the Historic Preservation Commission.

Sabbagh noted that the Historic Preservation Commission has up to 120 days to decide on demolition delay recommendation and argued that a person has the right to know the disposition of the council within a reasonable amount of time.

Public Comment:

Duncan Campbell reported that in his experience, the Historic Preservation Commission addresses their agenda and demolition delays as fast as they can. Campbell pointed out that a worst case scenario should require the council to take some time with their decision and that the process should not be rushed if the decision is complicated.

Steve White, Director of Bloomington Restorations, suggested that if the council decides to impose a time limit by approving the amendment then such limits should be considered for other commissions.

Council Comments:

Sabbagh pointed out that there are time limits for decisions before the city council and plan commission and that this amendment was not singling out historic preservation.

Sturbaum pointed out that if the council does not act on a recommendation from the plan commission within 90 days, it automatically becomes law rather than fails. He said that if the amendment intent was similar, he would support it, and that he could not support the amendment as is.

Rollo reported that he is willing to wait when problems and difficult issues arise so that they may be dealt with. He said he is not convinced a time limit is necessary and will not support the amendment.

Banach thanked Sabbagh for bringing the amendment forward. While he believes that the council will act on all matters brought before them in a prompt manner, Banach said he does not see the danger in codifying the amendment requiring action within 60 days. He described the amendment as reasonable and noted that he would support it.

Mayer said that he did not see the advantage of a 60 day limit and pointed out that there may times when the council has a lot on the agenda and may require more than 60 days to act on a recommendation from the Historic Preservation Commission.

Volan said that even though he feels that a 60 day limit is too short a period of time, he would support the amendment and believed it was the right thing to do.

Ruff thanked Sabbagh for bringing the amendment forward and said he agrees with Mayer's comments and planned to vote against the amendment.

Amendment 1 to Ordinance 05-02 received a roll call vote of Ayes: 3 (Banach, Sabbagh, Volan), Nays: 6 (Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Mayer).

Ordinance 05-02 received a roll call vote of Ayes: 7, Nays: 2 (Banach, Sabbagh)

There was no legislation for first reading at this meeting.

There was no public input at this time.

The meeting was adjourned at 11:30p.m.

Ordinance 05-02 FINAL VOTE
AS AMENDED

LEGISLATION FOR FIRST
READING

PUBLIC INPUT

ADJOURNMENT

APPROVE:



Andy Ruff, PRESIDENT
Bloomington Common Council

ATTEST:



Matt Weber, DEPUTY CLERK
City of Bloomington