

In the Council Chambers of the Showers City Hall on Wednesday, April 20, 2005 at 7:30 pm with Council President Andy Ruff presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
April 20, 2005

Roll Call: Banach (arrived at 8:50 pm), Diekhoff, Ruff, Gaal, Rollo, Sturbaum, Volan, Sabbagh, Mayer

ROLL CALL

Council President Ruff gave the Agenda Summation

AGENDA SUMMATION

The memorandum of the April 12, 2005 Executive Session was approved.

APPROVAL OF MINUTES

Chris Gaal announced a rally to promote the protection of social security.

REPORTS:

- COUNCILMEMBERS

Chris Sturbaum provided details for the "conceptual" unveiling of a Hoagy Carmichael statue. He included information on an event to occur at Tutto Bene to raise money for the statue. Sturbaum also spoke about the Bloomington Advocacy Fair at Harmony School and said that the focus of the event would be on civil liberties. He concluded by announcing that Amy Goodman, host of Democracy Now radio show, would be visiting Bloomington.

Steve Volan announced that he planned to interview Randy Carmichael on WFHB and speak about his upcoming performance. He also acknowledged Reggie Miller's last game for the Indiana Pacers.

David Sabbagh spoke about the recent Bloomington Economic Development Corporation meeting and complimented the Purdue presentation and the Discovery Park being implemented in West Lafayette and Tippecanoe County.

Dave Rollo provided a website for events occurring in Bloomington to recognize Earth Day, www.bloomingtreetree.org.

There was no report.

- MAYOR and CITY OFFICES
- COUNCIL COMMITTEES
- PUBLIC INPUT

There were no reports from council committees.

There was no public comment.

Andy Ruff announced current vacancies on city boards and commissions and encouraged citizens to apply.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that Ordinance 05-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 5-0-2. It was moved and seconded that Ordinance 05-11 be adopted.

LEGISLATION FOR SECOND
READING

Ordinance 05-11 To Amend Title 9 of the Bloomington Municipal Code Entitled "Water" (Rate Adjustment)

Patrick Murphy, director of utilities, outlined the proposed ordinance and anticipated expenses that would necessitate a rate increase in water costs. He reported that on March 21, 2005 the Utility Service Board approved this proposal 5-0. He explained that the aforementioned ordinance contained four elements, three of which were capital projects. He said that the fourth element was for operations and maintenance costs, which would address the increased costs of salaries, FICA, pension, and PERF.

Sabbagh asked about the irrigation rate and generated revenues, to which Murphy gave the figure of \$301,000.

Sabbagh noted that if the current irrigation rate was not in place then users would pay the normal applicable rates.

Sturbaum asked for an explanation of the unexpected repairs. Murphy provided information on recent improvements to the water treatment plant. He also added that the terrorists' attacks on September 11th, 2001 increased governmental concerns over protecting community water sources.

Volan asked for an estimate of the volume of water required to irrigate city parks. Murphy did not that information readily available but noted that the Parks and Recreation Department was a water customer.

Rollo asked for clarification about the water main that would be moved along the 45/46 Bypass in order to accommodate the Indiana Department of Transportation's improvement of the road, specifically asking if a new main would take its place or if the existing one would simply be moved. Murphy responded that the pipe would be new since the current one has been in place since 1956.

Public comment:

R.D. Jones spoke as representation council of eleven customers of City of Bloomington Utilities (CBU). He referred to his appearance at the council committee meeting the week prior and requested that his documents be made a part of the official record. Jones expressed that the position of his clients was that the rate increase was not applied uniformly, justly, and non-discriminatorily because it applied only to 250-300 people who have separate meters dedicated to irrigation. He stated that his hope was to address not only the application of the irrigation rate but the validity of the rate itself. Jones said that he and his clients were promised an open ear by the CBU when the issues of rate increases were to be discussed. He said that neither he nor his clients were contacted to make good on that promise. Reading from a report, he called to question the non-discriminatory fashion of the distribution of the rate categories and expressed his hope that the council would imbue themselves with the details of the report to glean a full picture of the information before voting on this rate increase proposal.

James McNamara, deputy mayor, reminded the council that the ordinance being addressed was not to establish the irrigation rate, as that ordinance was passed in December 2001, but rather a rate increase for all the rates that are applicable to CBU water service. He offered details on the procedure known as "cost of service" studies which help to determine water rates.

Volan asked the deputy mayor about what incentives a builder would have for installing an irrigation meter at a new construction site. McNamara confirmed that service in this situation is a choice and that most people opt to install an irrigation meter to avoid paying an additional wastewater charge.

Rollo asked, hypothetically, that if the court case was ruled in favor of the plaintiffs, if those costs would be incorporated into the proposed rate increase. McNamara said no.

Rollo further asked if the anticipation of losing the litigation and being forced to pay would have played into the making of this proposed rate increase. McNamara emphasized that the priorities of the CBU were clearly linked to the proposed rate increase and that preparing for the possibility of losing the litigation was not a factor.

Rollo asked if the planned CBU capital improvements would be fiscally

effected by a court ruling in the plaintiffs favor. McNamara responded that he was uncertain at this time what the outcome would be.

Ord 05-11 (cont'd)

Public comment:

Michael Kaczorowski, resident and horticulturist, offered his personal experience with landscaping and irrigation. He stated that the ability and technology exists to maintain a healthy stand of grass without using a large volume of water.

Sturbaum commented on the importance of the city's role to provide water.

Volan described his experience with Prairie Park, a natural grassland park. He expressed his interest in discovering more sustainable solutions to the city's water needs.

Rollo expressed his support for the ordinance and the reasons given by the CBU for the rate increase.

Sabbagh expressed his support and voiced his uneasiness with the irrigation rate.

Mayer reiterated his comments from the previous week and noted that the quality of product delivered from the CBU is very high.

Ruff relayed his experience touring the water treatment plant. He added his agreement with Councilpersons Sturbaum and Sabbagh.

Ordinance 05-11 received a roll call vote of Ayes: 8, Nays: 0. (Banach had not yet arrived at the meeting.)

It was moved and seconded that Ordinance 05-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-0. It was moved and seconded that Ordinance 05-12 be adopted. Council member Banach said he would refrain from voting on this ordinance because he was not present at the Committee discussion of the item.

Rollo asked for a timeframe on the bonds.

Dennis Ottman, an attorney with Summer & Barnard Law Offices, stated that the timeframe was dependent upon how soon the Indiana Utility Regulatory Commission (IURC) would approve the rate increase and the financing. He estimated the timeframe to be approximately 8-9 months.

Banach explained that he would abstain from voting due to his absence during the council discussion.

Ordinance 05-12 received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Banach).

It was moved and seconded that Ordinance 05-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 1-1-5. It was moved and seconded that Ordinance 05-13 be adopted. Nancy Hiestand of the Housing and Neighborhood Development Department spoke about the ordinance and noted that every two years an update is produced listing Monroe County properties that are on the National Registry. She referred to a map outlining historic properties and provided details about the properties.

Ordinance 05-12 An Ordinance Concerning the Construction of Additions, Extensions and Improvements to the Waterworks of the City of Bloomington, Indiana, the Issuance of Revenue Bonds to Provide the Cost Thereof, the Collection, Segregation and Distribution of the Revenues of said Waterworks, the Safeguarding of the Interests of the Owners of said Revenue Bonds, Other Matters Connected Therewith, Including the Issuance of Notes in Anticipation of Bonds, and Repealing Ordinances Inconsistent Herewith

Ordinance 05-13 To Amend Title 8 of the Bloomington Municipal Code, Entitled "Historic Preservation and Protection" to Establish a Historic District - Re: "The Home Laundry Building at 300 East 3rd Street (Bloomington Historic Preservation Commission, Petitioner)

Banach asked for details on the abstention from a prior vote of the Historic Preservation Commission. Hiestand explained that one of the commissioners did not want to support a designation against the wishes of a property owner.

Rollo asked for more details on the Banneker Center. Hiestand responded that the Banneker Center originally educated children on issues such as segregation.

Sabbagh asked Hiestand to define the meaning of a property being placed on the National Registry. Hiestand explained that if a property is listed on the National Registry it is not guaranteed protection from demolition. She said that a property listed on the Registry may qualify for incentives for rehabilitation.

Mayer asked for details on the demolition of a building after it has been designated historic but proved to be not feasible for reconstruction. Hiestand gave details of a Certificate of Appropriateness.

Rollo asked about potential tax benefits from the National Historic Registry with respect to the city's CREED district. Patricia Bernens, city attorney, responded that the area is designated by the state on recommendation from the city. She informed the council that the designation allows for a 25 percent tax credit for certain qualifying investments, including non-residential development.

Mayer asked if grants or other programs existed that could help address environmental issues of the property. Bernens responded that while she is familiar with some programs that exist she did not have specific details.

Sabbagh asked for clarification on resources for help with hardships. Hiestand responded that an individual who needed to declare a hardship could apply for a Certificate of Appropriateness for demolition and then make the case. She continued that if the Historic Preservation Commission denied that request, then there is another provision that allows the property to be placed for sale, at fair market value, for 9 months. She informed the council that if the property was not sold, then a demolition permit could be issued.

Diekhoff asked if any hardships were known to have been filed. Hiestand reported no hardships have ever been filed.

Michael Flory, assistant city attorney, relayed details regarding a hardship application. He informed the council that a property owner must demonstrate that they have made a good faith effort to sell the property. He stated that presentations must be made to the Historic Preservation Commission.

Banach asked Flory about the review process and parties involved. Flory read from the language of the ordinance on the matter and clarified that the Monroe County Building Department and the Planning Department would be involved members if a Certificate of Appropriateness was not approved.

Sturbaum described his recent tour of the buildings.

Public comment;

John West, commercial broker, stated his approval of historical preservation, but urged the council to explore more thoughtful preservation.

Jan Sorby, resident and neighbor of the property in question, offered her support for placing the property on the National Historic Registry.

Ord 05-13 (cont'd)

Carol Krause, editor of the Herald Times's Home section and member of the Historic Preservation Commission, described examples throughout the city of structures that once gave the impression of being without hope, but have been infused with new life and serve as interesting and functioning structures.

Ron Burchart offered his support for the designation of the Home Laundry building.

Deb Backus, neighbor of property in question, spoke in favor of its preservation and against its demolition.

Jeannine Butler, member of the Historic Preservation Commission, offered her support for the historic designation of the property.

Rebecca Burchart, member of the Historic Preservation Commission, offered her willingness to trust the council's actions on this proposed ordinance.

Jeff Fish suggested the dedication of community resources for historical preservation.

Steve Wyatt of Bloomington Restorations explained the tax credits in further detail.

Ron Burchart spoke about tax credits and conjectured about the involvement of Indiana University.

Rollo responded to Fish's comments by explaining the work done by the council to establish downtown economic developments and other community endeavors that benefit property owners of the community. He said that this property was located in a prime area for tax credits and voiced his verbal support for this ordinance.

Gaal reiterated that the architectural significance of structure was at the heart of the issue. He expressed his concern over the potential economic hardship for the property owner but stated his belief that the best course of action for the council was to not consider the economic hardship to the owner but rather the architectural significance to the community.

Mayer voiced his verbal support but expressed concern over the environmental and structural issues that could be costly for the current or future owners to resolve.

Diekhoff thanked John West for his comments and expressed support for the ordinance. He said he agreed with Gaal's comments, noting that he believed the building had a chance.

Volan expressed his opinion that the possibilities for the property are endless and noted its value to the downtown area.

Sabbagh expressed his belief that downtown properties have increased in value because property owners have invested in their properties. He stated his concern for the land use of the property and said that he believes the land would be better served by redevelopment.

Sturbaum said that the tour of the property provided him with great insight into the property's full potential.

Banach stated that an owner's wishes should be an important factor in deciding a designation of this sort, but are not always the sole deciding factor. He addressed comments that he considered to be misconceptions regarding other rehabilitation projects and said that deep pockets and tax payer money were required to take on many local projects that were referred to earlier. He noted that the people involved with this property were unsure of the monetary value required and urged the council to consider the economic realities. He said that his support would lie with the property owner.

Ord 05-13 (cont'd)

Ruff expressed his support for the ordinance. He shared his vision that this property could have a lasting impact on the historic themes of the downtown community. He stated that he had a keen interest in the exploration of ideas, like tax abatements, that the city could offer as a way to help with these endeavors.

Ordinance 05-13 received a roll call vote of Ayes: 7, Nays: 2 (Sabbagh, Banach)

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 05-14 To Amend Chapter 15 of the Bloomington Municipal Code Entitled "Vehicles and Traffic" (Amending Chapter 15.26 "Neighborhood Traffic Safety Program" in Order to Authorize Traffic Calming Devices on East Azalea Lane between Wylie Farm Road and Highland Avenue)

Ordinance 05-14

Ordinance 05-15 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" (Adopting Section 2.12.100 entitled "Bloomington Commission on Sustainability")

Ordinance 05-15

There was no public comment.

PUBLIC INPUT

The meeting was adjourned at 10:37pm

ADJOURNMENT

APPROVE:

ATTEST:



DAVE Rolfs - vicepres
Chris Sturbaum, PRESIDENT
Bloomington Common Council



Regina Moore, CLERK
City of Bloomington